S T A T E O F N E W Y O R K

10641

I N A S S E M B L Y

&m0 0, 2010

Introduced by M. of A. ENGLEBRIGHT, HOYT, COLTON, GLICK, JACOBS, TITONE, CHRISTENSEN, BARRON, MILLMAN, CARROZZA -- Multi-Sponsored by -- M. of A. BRENNAN, DESTITO, GOTTFRIED, KOON, MAGEE -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the parks, recreation and historic preservation law, in relation to prohibiting fracturing and horizontal drilling to extract oil or natural gas from state park, recreation and historic lands

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The parks, recreation and historic preservation law is amended by adding a new section 13.31 to read as follows:

S 13.31 FRACTURING AND HORIZONTAL DRILLING PROHIBITED. 1. FRACTURING OF ANY TYPE, INCLUDING HYDRAULIC FRACTURING OR EXPLOSIVE FRACTURING, FOR THE EXTRACTION OF NATURAL GAS OR OIL SHALL BE PROHIBITED ON AND/OR UNDER ALL REAL PROPERTY OVER WHICH THE OFFICE EXERCISES JURISDICTION AND ON AND/OR UNDER ALL REAL PROPERTY WITHIN ONE MILE OF LAND OVER WHICH THE OFFICE EXERCISES JURISDICTION.

2. HORIZONTAL DRILLING SHALL BE PROHIBITED UNDER ALL REAL PROPERTY OVER WHICH THE OFFICE EXERCISES JURISDICTION WHERE THE STATE OWNS THE MINERAL RIGHTS ON OR UNDER SUCH LANDS.

3. FOR THE PURPOSES OF THIS SECTION:

(A) "HORIZONTAL DRILLING" SHALL MEAN A TECHNIQUE WHEREBY A CENTRAL VERTICAL WELLBORE IS TURNED UP TO NINETY DEGREES AND GENERALLY HORIZONTALLY DRILLS FOR THE PURPOSE OF NATURAL GAS OR OIL EXTRACTION.

(B) "HYDRAULIC FRACTURING" SHALL MEAN FRACTURING OF ROCK BY MAN-MADE FLUID-DRIVEN FRACTURING TECHNIQUES FOR THE PURPOSE OF STIMULATING NATURAL GAS OR OIL WELL PRODUCTION.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD16446-02-0