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

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I N A S S E M B L Y

February 29, 2012

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting high-volume hydraulic fracturing in reforestation areas

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

Section 1. Section 9-0101 of the environmental conservation law is amended by adding a new subdivision 6-a to read as follows:

6-A. "HIGH-VOLUME HYDRAULIC FRACTURING" MEANS THE FRACTURING BY MAN-MADE FLUID-DRIVEN FRACTURING TECHNIQUES THAT UTILIZE OVER EIGHTY THOUSAND GALLONS OF FRACTURING FLUID FOR THE PURPOSE OF STIMULATING NATURAL GAS OR OIL WELL PRODUCTION.

S 2. Section 9-0507 of the environmental conservation law is amended to read as follows:

S 9-0507. Leasing of oil and gas rights on reforestation areas.

Notwithstanding any provisions of [Article VII] ARTICLE SEVEN of the [Public Lands Law] PUBLIC LANDS LAW to the contrary, the department, with the approval of the state geologist, may, in any lands acquired by the state in accordance with section 9-0501 OF THIS TITLE, enter into leases for the purpose of aiding in discovering and removing any oil or gas upon such lands or storage of gas or oil thereon, under such terms as may be prescribed by the department, and upon such conditions that the exercise of such leasehold rights shall not interfere with the operation of such reforestation areas for the purposes for which they were acquired and as defined in [Section 3] SECTION THREE of article [XIV] FOURTEEN of the [Constitution] STATE CONSTITUTION, EXCEPT BY MEANS OF HIGH-VOLUME HYDRAULIC FRACTURING. Any lease made and entered into pursuant to this section shall be recorded in the [Office] OFFICE of [General Services] GENERAL SERVICES.

S 3. This act shall take effect immediately.

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

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