

# STATE OF NEW YORK

---

84

2019-2020 Regular Sessions

## IN SENATE

(Prefiled)

January 9, 2019

---

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting state authorizations related to certain offshore oil and natural gas production

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraphs a and b of subdivision 1 of section 23-1101 of  
2 the environmental conservation law, as added by chapter 722 of the laws  
3 of 1977, are amended to read as follows:

4 a. The exploration, development and production of gas in state-owned  
5 lands, except state park lands, the marine and coastal district as  
6 defined in section 13-0103 of this chapter, and the lands under the  
7 waters of Lake Ontario or along its shoreline; and

8 b. The exploration, development and production of oil in state-owned  
9 lands, except state park lands, the marine and coastal district as  
10 defined in section 13-0103 of this chapter, and the lands under the  
11 waters of Lake Erie and Lake Ontario or along their shorelines.

12 § 2. The environmental conservation law is amended by adding a new  
13 section 23-1105 to read as follows:

14 § 23-1105. Prohibition on state authorizations related to certain  
15 offshore oil and natural gas production.

16 1. Neither the department nor the office of general services shall  
17 enter into any new lease or other conveyance, lease renewal, extension  
18 or modification, that authorizes the exploration for, or the development  
19 and production of, oil or natural gas upon lands owned by the state in  
20 the marine and coastal district as defined in section 13-0103 of this  
21 chapter, that would result in the increase of oil or natural gas  
22 production from federal waters.

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

LBD05554-01-9

1     2. The department is authorized to establish such rules and regu-  
2     lations as it shall deem necessary to implement this section.

3     3. For the purposes of this section, the following terms have the  
4     following meanings:

5     a. "Development" means those activities taking place following the  
6     discovery of oil and natural gas, including geophysical activity, drill-  
7     ing, platform construction, pipeline construction, and operation of all  
8     onshore support facilities that are performed for the purposes of ulti-  
9     mately producing the resources discovered.

10    b. "Exploration" means the process of searching for oil and natural  
11    gas, including any drilling whether on or off known geological struc-  
12    tures, including the drilling of a well in which a discovery of oil or  
13    natural gas is made and the drilling of any additional delineation well  
14    after the discovery that is needed to delineate any reservoir and a  
15    lessee to determine whether to proceed with development and production.

16    c. "Federal waters" means those waters and submerged lands lying  
17    seaward to the state waters of New York that appertain to the United  
18    States and are subject to federal jurisdiction and control.

19    d. "New or additional exploration, development, or production of oil  
20    or natural gas" includes any activity undertaken to increase the capaci-  
21    ty of any pipeline or other infrastructure used to convey oil or natural  
22    gas from federal waters.

23    e. "Production" means those activities that take place after the  
24    successful completion of any means for the removal of oil and natural  
25    gas, including that removal, field operations, transfer or resources to  
26    shore, operation, monitoring, maintenance, and workover drilling.  
27    "Producing" means undertaking those activities.

28    § 3. Severability clause. If any clause, sentence, paragraph, subdivi-  
29    sion, section or part of this act shall be adjudged by any court of  
30    competent jurisdiction to be invalid, such judgment shall not affect,  
31    impair, or invalidate the remainder thereof, but shall be confined in  
32    its operation to the clause, sentence, paragraph, subdivision, section  
33    or part thereof directly involved in the controversy in which such  
34    judgment shall have been rendered. It is hereby declared to be in the  
35    intent of the legislature that this act would have been enacted even if  
36    such invalid provisions had not been included herein.

37    § 4. This act shall take effect immediately.