

# PROGRAM BILL # 25

Legislative Bill Drafting Commission  
12061-01-8

S. -----  
Senate  
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IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

----- A.  
Assembly  
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IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

\*ENVCONLA\*

(Relates to infrastructure and  
vessels associated with the  
production of oil and natural gas in  
the North Atlantic Planning Area)

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En Con L. oil and gas in Atlantic

AN ACT

to amend the environmental conserva-  
tion law, the transportation corpo-  
rations law, and the navigation law,  
in relation to infrastructure and  
vessels associated with the  
production of oil or natural gas in  
federal waters

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

## IN SENATE

### Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal:

s15 Addabbo	s03 Croci	s27 Hoylman	s25 Montgomery	s23 Savino
s52 Akshar	s50 DeFrancisco	s60 Jacobs	s40 Murphy	s41 Serino
s31 Alcantara	s18 Dilan	s09 Kaminsky	s58 O'Mara	s29 Serrano
s46 Amedore	s17 Felder	s26 Kavanagh	s62 Ortt	s51 Seward
s11 Avella	s02 Flanagan	s63 Kennedy	s21 Parker	s16 Stavisky
s36 Bailey	s55 Funke	s34 Klein	s13 Peralta	s35 Stewart-
s30 Benjamin	s59 Gallivan	s28 Krueger	s19 Persaud	Cousins
s42 Bonacic	s12 Gianaris	s24 Lanza	s07 Phillips	s49 Tedisco
s04 Boyle	s22 Golden	s39 Larkin	s61 Ranzenhofer	s53 Valesky
s44 Breslin	s47 Griffo	s01 LaValle	s48 Ritchie	s57 Young
s08 Brooks	s20 Hamilton	s45 Little	s33 Rivera	s32
s38 Carlucci	s06 Hannon	s05 Marcellino	s56 Robach	s37
s14 Comrie	s54 Helming	s43 Marchione	s10 Sanders	

## IN ASSEMBLY

### Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a034 DenDekker	a115 Jones	a132 Palmesano	a114 Stec
a092 Abinanti	a070 Dickens	a077 Joyner	a002 Palumbo	a110 Steek
a084 Arroyo	a054 Dilan	a040 Kim	a088 Paulin	a127 Stirpe
a035 Aubry	a081 Dinowitz	a131 Kolb	a009 Pellegrino	a071 Taylor
a120 Barclay	a147 DiPietro	a105 Lalor	a141 Peoples-	a001 Thiele
a030 Barnwell	a016 D'Urso	a013 Lavine	Stokes	a061 Titone
a106 Barrett	a004 Englebright	a134 Lawrence	a058 Perry	a031 Titus
a060 Barron	a133 Errigo	a050 Lentol	a023 Pheffer	a033 Vanel
a082 Benedetto	a109 Fahy	a125 Lifton	Amato	a055 Walker
a042 Bichotte	a126 Finch	a123 Lupardo	a086 Pichardo	a143 Wallace
a079 Blake	a008 Fitzpatrick	a121 Magee	a089 Pretlow	a112 Walsh
a117 Blankenbush	a124 Friend	a129 Magnarelli	a073 Quart	a146 Walter
a098 Brabenec	a095 Galef	a064 Malliotakis	a019 Ra	a041 Weinstein
a026 Braunstein	a137 Gantt	a090 Mayer	a012 Raia	a024 Weprin
a119 Brindisi	a007 Garbarino	a108 McDonald	a006 Ramos	a059 Williams
a138 Bronson	a148 Giglio	a014 McDonough	a043 Richardson	a113 Woerner
a093 Buchwald	a066 Glick	a101 Miller, B.	a078 Rivera	a056 Wright
a118 Butler	a150 Goodell	a038 Miller, M.G.	a068 Rodriguez	a096 Zebrowski
a094 Byrne	a075 Gottfried	a020 Miller, M.L.	a027 Rosenthal, D.	a005
a103 Cahill	a100 Gunther	a015 Montesano	a067 Rosenthal, L.	a010
a044 Carroll	a139 Hawley	a136 Morelle	a025 Rozic	a017
a062 Castorina	a083 Heastie	a145 Morinello	a149 Ryan	a039
a047 Colton	a028 Hevesi	a057 Mosley	a111 Santabarbara	a046
a032 Cook	a048 Hikind	a003 Murray	a140 Schimminger	a074
a085 Crespo	a018 Hooper	a065 Niou	a076 Seawright	a080
a122 Crouch	a128 Hunter	a037 Nolan	a087 Sepulveda	a102
a021 Curran	a029 Hyndman	a144 Norris	a052 Simon	a104
a063 Cusick	a097 Jaffee	a130 Oaks	a036 Simotas	a107
a045 Cymbrowitz	a011 Jean-Pierre	a069 O'Donnell	a104	a142
a053 Davila	a116 Jenne	a051 Ortiz	a099 Skoufis	
a072 De La Rosa	a135 Johns	a091 Otis	a022 Solages	

1) Single House Bill (introduced and printed separately in either or  
both houses). Uni-Bill (introduced simultaneously in both houses and printed  
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2  
signed copies of bill and 4 copies of memorandum in support (single house);  
or 4 signed copies of bill and 8 copies of memorandum  
in support (uni-bill).

LBDC 04/17/18

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 oil and  
15 natural gas production in federal waters.

16 1. Neither the department nor the office of general services shall  
17 enter into any new lease or other conveyance, or lease modification,  
18 that authorizes or enables the installation of pipelines or support  
19 facilities or infrastructure directly or indirectly associated with  
20 exploration, development or production of oil or natural gas located in  
21 the north Atlantic planning area.

22 2. For the purposes of this section, the following terms shall have  
23 the following meanings:

24 a. "Development" means those activities taking place following the  
25 discovery of commercially producible quantities of oil or natural gas,  
26 including, platform construction, pipeline construction, and operation  
27 of all onshore support facilities that are performed for the purposes of  
28 ultimately producing oil or natural gas.

1 b. "Exploration" means any activity associated with the search of oil  
2 or natural gas, including geophysical tests or the drilling of strati-  
3 graphic wells.

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

7 d. "North Atlantic planning area" means an area of federal waters in  
8 the outer continental shelf totaling ninety-two million three hundred  
9 twenty thousand acres adjacent to the coastal waters of Maine, New Hamp-  
10 shire, Massachusetts, Rhode Island, Connecticut, New York, and New  
11 Jersey.

12 e. "Production" means those activities that take place following the  
13 successful completion of a well or field necessary for the removal of  
14 oil or natural gas including field operations, transfer of resources to  
15 shore, operation, monitoring, maintenance, and workover drilling.

16 3. The department is authorized to establish such rules and requ-  
17 lations as it shall deem necessary to implement this section.

18 § 3. Section 80 of the transportation corporations law is amended to  
19 read as follows:

20 § 80. [Definition] Definitions. 1. A pipe line corporation is a  
21 corporation organized to construct and operate for public use, wholly  
22 within or partly without this state, except in the city of New York,  
23 lines of pipe for conveying or transporting therein petroleum, gas,  
24 liquids or any products or property, or, except in such city, to main-  
25 tain and operate for public use for which such purposes lines of pipe  
26 already constructed.

27 2. For the purposes of this article, the terms "exploration", "devel-  
28 opment", "production", "federal waters", and "north Atlantic planning

1 area" shall be defined as in section 23-1105 of the environmental  
2 conservation law.

3 § 4. Section 83 of the transportation corporations law is amended to  
4 read as follows:

5 § 83. Condemnation of real property. In case such corporation is  
6 unable to agree for the purchase of any real property required for the  
7 purposes of its incorporation, and its route in the county in which such  
8 real property is situated has been finally located, it shall have the  
9 right to acquire title thereto by condemnation, but such corporation  
10 shall not locate its route or construct any line of pipe through or  
11 under any building, dooryard, lawn, garden or orchard, except by the  
12 consent of the owner thereof in writing duly acknowledged, nor through  
13 any cemetery or burial ground, nor within one hundred feet of any build-  
14 ing except where such line is authorized by public officers to be laid  
15 across or upon any public highway, and shall not install pipelines that  
16 support facilities or infrastructure associated with exploration, devel-  
17 opment, or production of oil or natural gas in federal waters located in  
18 the north Atlantic planning area. No such corporation shall lay or  
19 construct its line of pipe through or under a street in any city, unless  
20 it shall first obtain the consent of a majority of the owners of proper-  
21 ty abutting on that portion of the street in which its pipe line is to  
22 be laid. Such pipe line shall be laid with reasonable care and prudence.

23 § 5. Section 89 of the transportation corporations law, as amended by  
24 chapter 60 of the laws of 1962, is amended to read as follows:

25 § 89. Over state lands. The commissioner of general services shall  
26 have power to grant to any pipe line corporation any lands belonging to  
27 the people of this state which may be required for the purposes of its  
28 incorporation on such terms as may be agreed, or such corporation may

1 acquire title thereto by condemnation, except that no corporation may  
2 condemn any lands for the purposes of the installation of pipelines or  
3 support facilities or infrastructure associated with exploration, devel-  
4 opment, or production of oil or natural gas in the north Atlantic plan-  
5 ning area, and further excepting that no pipe line corporation may  
6 condemn any canal lands abandoned pursuant to the provisions of article  
7 four of the public lands law[, constituting chapter fifty of the laws of  
8 nineteen hundred nine, as amended,] until after they have been sold and  
9 conveyed in the manner provided by the public lands law. If any lands  
10 owned by any county, city or town be required by such corporation for  
11 such purposes, the county, city or town officers having charge of such  
12 lands may grant them to the corporation upon terms and compensation  
13 agreed upon.

14 § 6. Section 70 of the navigation law is amended by adding a new  
15 subdivision 3 to read as follows:

16 3. No petroleum-bearing vessel transporting crude oil produced in the  
17 north Atlantic planning area may enter or move upon the navigable waters  
18 of the state or any tidewaters bordering on or lying within the bounda-  
19 ries of Nassau and Suffolk counties. For purposes of this subdivision,  
20 "north Atlantic planning area" shall be defined as in section 23-1105 of  
21 the environmental conservation law.

22 § 7. Section 174 of the navigation law is amended by adding a new  
23 subdivision 12 to read as follows:

24 12. (a) The department is prohibited from issuing or renewing any  
25 license for any major facility storing or transferring petroleum  
26 produced in the navigable waters of the state or any tidewaters border-  
27 ing on and lying within the boundaries of Nassau and Suffolk counties.

1     (b) The department is prohibited from issuing or renewing any license  
2 for any major facility intended to transfer or store crude oil from any  
3 vessel which holds petroleum transported directly from any pipeline,  
4 support facility, or infrastructure associated with the production of  
5 crude oil from the north Atlantic planning area. For purposes of this  
6 subdivision, "development", "federal waters", "north Atlantic planning  
7 area" and "production" shall be defined as in section 23-1105 of the  
8 environmental conservation law.

9     § 8. Severability clause. If any clause, sentence, paragraph, subdi-  
10 vision, section or part of this act shall be adjudged by any court of  
11 competent jurisdiction to be invalid, such judgment shall not affect,  
12 impair, or invalidate the remainder thereof, but shall be confined in  
13 its operation to the clause, sentence, paragraph, subdivision, section  
14 or part thereof directly involved in the controversy in which such  
15 judgement shall have been rendered. It is hereby declared to be in the  
16 intent of the legislature that this act would have been enacted even if  
17 such invalid provisions had not been included herein.

18     § 9. This act shall take effect immediately.