

STATE OF NEW YORK

2316

2019-2020 Regular Sessions

IN SENATE

January 24, 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 and the transportation corporations 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.

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

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

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

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

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

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

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

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

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

28 § 80. [~~Definition~~] Definitions. 1. A pipe line corporation is a
29 corporation organized to construct and operate for public use, wholly
30 within or partly without this state, except in the city of New York,
31 lines of pipe for conveying or transporting therein petroleum, gas,
32 liquids or any products or property, or, except in such city, to main-
33 tain and operate for public use for which such purposes lines of pipe
34 already constructed.

35 2. For the purposes of this article, the terms "exploration", "devel-
36 opment", "production", and "federal waters" shall be defined as in
37 section 23-1105 of the environmental conservation law.

38 3. "North Atlantic planning area" means an area of federal waters in
39 the outer continental shelf totaling ninety-two million three hundred
40 twenty thousand acres adjacent to the coastal waters of Maine, New Hamp-
41 shire, Massachusetts, Rhode Island, Connecticut, New York, and New
42 Jersey.

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

45 § 83. Condemnation of real property. In case such corporation is
46 unable to agree for the purchase of any real property required for the
47 purposes of its incorporation, and its route in the county in which such
48 real property is situated has been finally located, it shall have the
49 right to acquire title thereto by condemnation, but such corporation
50 shall not locate its route or construct any line of pipe through or
51 under any building, dooryard, lawn, garden or orchard, except by the
52 consent of the owner thereof in writing duly acknowledged, nor through
53 any cemetery or burial ground, nor within one hundred feet of any build-
54 ing except where such line is authorized by public officers to be laid
55 across or upon any public highway, and shall not construct any line of
56 pipe that supports facilities or infrastructure associated with explora-

1 tion, development, or production of oil or natural gas in federal waters
2 located in the north Atlantic planning area. No such corporation shall
3 lay or construct its line of pipe through or under a street in any city,
4 unless it shall first obtain the consent of a majority of the owners of
5 property abutting on that portion of the street in which its pipe line
6 is to be laid. Such pipe line shall be laid with reasonable care and
7 prudence.

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

10 § 89. Over state lands. The commissioner of general services shall
11 have power to grant to any pipe line corporation any lands belonging to
12 the people of this state which may be required for the purposes of its
13 incorporation on such terms as may be agreed, or such corporation may
14 acquire title thereto by condemnation, except that no corporation may
15 condemn any lands for the purposes of the construction of any line of
16 pipe that supports facilities or infrastructure associated with explora-
17 tion, development, or production of oil or natural gas in the north
18 Atlantic planning area, and further excepting that no pipe line corpo-
19 ration may condemn any canal lands abandoned pursuant to the provisions
20 of article four of the public lands law[~~, constituting chapter fifty of~~
21 ~~the laws of nineteen hundred nine, as amended,~~] until after they have
22 been sold and conveyed in the manner provided by the public lands law.
23 If any lands owned by any county, city or town be required by such
24 corporation for such purposes, the county, city or town officers having
25 charge of such lands may grant them to the corporation upon terms and
26 compensation agreed upon.

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

36 § 7. This act shall take effect immediately.