

# STATE OF NEW YORK

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4325

2021-2022 Regular Sessions

## IN ASSEMBLY

February 1, 2021

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

AN ACT to establish the bi-state Long Island sound commission, and  
providing for its powers and duties; and to amend chapter 690 of the  
laws of 1988, creating the bi-state Long Island sound marine resources  
committee, in relation to the powers of the bi-state Long Island sound  
commission

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

1 Section 1. Legislative intent. The legislature hereby finds that Long  
2 Island sound is a precious and sensitive natural resource providing the  
3 states of Connecticut and New York with a source of environmental beau-  
4 ty, marine resources, transportation, industry and recreation. These  
5 states share ownership and stewardship of Long Island sound. Decisions  
6 of one state may impact directly or indirectly on the residents of the  
7 other state. Significant projects may require approval from state or  
8 local agencies in both states. Proposed projects to address energy  
9 supply and energy demand of both states potentially affect Long Island  
10 sound. Cooperative planning to address such energy supply and demand  
11 would greatly reduce the impact of such proposed projects on Long Island  
12 sound. The waters and industrial uses of the lower Hudson River valley  
13 similarly affect the quality of Long Island sound.

14 § 2. Establishment of commission and membership thereof. There is  
15 hereby established a bi-state Long Island sound commission which shall  
16 consist of the governors of the states of Connecticut and New York, or  
17 their designees, and in addition, seven members who are residents of  
18 Connecticut and seven members who are residents of New York.

19 (a) The seven Connecticut members shall be appointed to two-year terms  
20 as follows:

21 (1) one appointed by the governor of the state of Connecticut;

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

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(2) one appointed by the president pro tempore of the senate of the state of Connecticut;

(3) one appointed by the majority leader of the senate of the state of Connecticut;

(4) one appointed by the minority leader of the senate of the state of Connecticut;

(5) one appointed by the speaker of the house of representatives of the state of Connecticut;

(6) one appointed by the majority leader of the house of representatives of the state of Connecticut; and

(7) one appointed by the minority leader of the house of representatives of the state of Connecticut.

(b) The seven New York members shall be appointed to two-year terms as follows:

(1) one appointed by the governor;

(2) two appointed by the temporary president of the senate;

(3) one appointed by the minority leader of the senate;

(4) two appointed by the speaker of the assembly; and

(5) one appointed by the minority leader of the assembly.

(c) The governors of the states of Connecticut and New York, or their designees, shall serve as co-chairpersons of said commission, ex-officio, unless the commission members select other chairpersons by majority vote. In no event shall the co-chairpersons be from the same state.

§ 3. Duties of the commission. The bi-state Long Island sound commission shall:

(a) review and consider major environmental, ecological and energy issues involving Long Island sound and the lower Hudson River valley, provided the commission's review and consideration of issues involving such valley shall be limited to issues in the valley that affect Long Island sound; (b) seek consensus on strategies and policies concerning such issues; and (c) make recommendations for administrative and legislative action to implement such strategies and policies. Said commission shall meet not later than October 1, 2022, and not less than quarterly thereafter, at a time, date and place to be determined by the co-chairpersons.

§ 4. Administration. The bi-state Long Island sound commission shall be within the Department of Environmental Protection of the state of Connecticut and the department of environmental conservation of New York for administrative purposes only, and the expenses for said commission shall be borne equally by the states of Connecticut and New York.

§ 5. Preemption. Nothing in this act shall be construed to supplant or supersede any statutory or regulatory authority of any state or municipal agency concerning projects, policies or activities of said commission.

§ 6. Section 3 of chapter 690 of the laws of 1988, creating the bi-state Long Island sound marine resources committee, as amended by chapter 33 of the laws of 2011, is amended to read as follows:

§ 3. Duties of committee; report. The committee may make such recommendations as may be necessary to effectuate the purposes of this act, except for any major environmental, ecological or energy issue involving Long Island sound and the lower Hudson River valley that is under review by the bi-state Long Island sound commission established pursuant to the chapter of the laws of 2021 that amended this section. In furtherance of its responsibilities under this act, the committee may coordinate and recommend standardization of all laws relative to Long Island sound including, but not limited to, standardization of jurisdiction of coas-

1 tal waters by harbor management commissions, municipal waterfront  
2 authorities, municipal conservation commissions, municipal port authori-  
3 ties and municipal shellfish commissions. The committee shall consider  
4 the adverse impact any action proposed in or for Long Island sound may  
5 have upon the public trust resources of said sound. The committee shall  
6 prepare and submit a report to the governors and the legislatures of the  
7 respective states on or before February fifteenth, annually. The report  
8 shall make recommendations for legislation regarding proposed industri-  
9 alization and private use of public trust resources of Long Island  
10 sound. In developing such recommendations, the committee shall seek to  
11 (1) avoid, (2) minimize, and (3) mitigate the impacts of such proposed  
12 industrialization and private use of public trust resources of said  
13 sound. For the purposes of this section, "public trust resources" shall  
14 include, but not be limited to, the historic and broad boating use of  
15 said sound by the public, the right of the public to enjoy and explore  
16 the natural beauty of said sound by boat, the rights of the public and  
17 commercial fishermen to harvest fish and shellfish from said sound, the  
18 protection of all natural resources of said sound that are held in trust  
19 by the state for the public, the stewardship and restoration of sites  
20 along the coast of said sound that contain important habitat or natural  
21 resources and the protection of sites that provide opportunities for  
22 public enjoyment of said sound.

23 § 7. This act shall take effect upon the enactment into law by the  
24 state of Connecticut of legislation having an identical effect with this  
25 act, but if the state of Connecticut has already enacted such legis-  
26 lation, this act shall take effect immediately; provided, however, that  
27 the secretary of state shall notify the legislative bill drafting  
28 commission upon the occurrence of the enactment into law by the state of  
29 Connecticut of legislation having an identical effect with this act in  
30 order that the commission may maintain an accurate and timely effective  
31 data base of the official text of the laws of the state of New York in  
32 furtherance of effecting the provisions of section 44 of the legislative  
33 law and section 70-b of the public officers law.