

STATE OF NEW YORK

5156--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 12, 2025

Introduced by M. of A. BURKE -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to creating the Great Lakes and State Waters Bill of Rights

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

1 Section 1. Article 17 of the environmental conservation law is amended
2 by adding a new title 23 to read as follows:

3 TITLE 23

4 GREAT LAKES AND STATE WATERS BILL OF RIGHTS

5 Section 17-2301. Declaration of rights.

6 17-2303. Violations.

7 § 17-2301. Declaration of rights.

8 1. Rights of the Great Lakes ecosystem. The Great Lakes, and the
9 watersheds that drain into the Great Lakes and their connecting chan-
10 nels, as well as the watersheds and ecosystems throughout the state of
11 New York, shall possess the unalienable and fundamental rights to exist,
12 persist, flourish, naturally evolve, regenerate and be restored by
13 culpable parties, free from human violations of these rights and unen-
14 cumbered by legal privileges vested in property, including corporate
15 property. The Great Lakes ecosystem, as well as the watersheds and
16 ecosystems throughout the state of New York, shall include all natural
17 water features, communities of organisms, soil, aquifers, as well as
18 terrestrial and aquatic sub ecosystems that are part of the Great Lakes
19 and their watersheds and connecting channels.

20 2. Right to a clean and healthy environment. The people and the
21 natural environment, including each ecosystem and watershed within the
22 state of New York shall possess the right to a clean and healthy envi-
23 ronment, which shall include the right to clean and healthy Great Lakes
24 and the Great Lakes ecosystem.

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

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1 3. Right to freedom from toxic trespass. The people of the state of
2 New York, as well as the Great Lakes ecosystem, and the watersheds that
3 drain into the Great Lakes and their connecting channels, as well as the
4 watersheds and ecosystems throughout the state of New York, shall
5 possess a fundamental and unalienable right to the integrity of their
6 bodies, ecosystems and physical aspects, and to be free from toxic tres-
7 pass upon or within them; therefore, the right to be free from toxic tres-
8 pass shall not be violated. As used herein, the term "toxic tres-
9 pass" shall mean the intentional, unwitting, involuntary or neglectful
10 deposition of toxic or potentially toxic substances within a human or
11 non-human body or ecosystem.

12 4. Right to freedom from monetization. The Great Lakes and the
13 watersheds and ecosystems throughout the state of New York shall possess
14 the unalienable and fundamental rights not be owned, privatized or mone-
15 tized. These rights shall include emancipation from all claims of vested
16 property rights to the extent that such rights purport to allow the
17 violation of the rights of the Great Lakes ecosystem, the watersheds and
18 ecosystems throughout the state of New York, or the people of the state
19 of New York. Prohibited monetization of the Great Lakes ecosystem shall
20 include but not be limited to, carbon trading, natural asset companies,
21 ecosystem services, and patenting of life forms.

22 5. Rights as self-executing. All rights secured by this title shall be
23 inherent, fundamental, and unalienable, and shall be self-executing and
24 enforceable against both private and public sectors.

25 § 17-2303. Violations.

26 1. It shall be unlawful for any person to violate the rights recog-
27 nized and secured by this title.

28 2. No permit, license, privilege, charter, or other authorization
29 issued to a person or business entity by any governmental entity that
30 would violate the prohibitions of this title or any rights secured by
31 this title shall be deemed valid within the state.

32 § 2. The environmental conservation law is amended by adding a new
33 section 71-1947 to read as follows:

34 § 71-1947. Enforcement of title 23 of article 17.

35 1. Any person, business entity or government agency that violates any
36 provision of title 23 of article 17 of this chapter shall be guilty of a
37 violation and, upon conviction thereof, shall be sentenced to pay a fine
38 of no more than five hundred dollars for each such violation. Each day
39 or portion thereof where a violation occurs shall count as a separate
40 violation.

41 2. The commissioner shall enforce the rights and prohibitions of title
42 23 of article 17 of this chapter, excepting for local laws enacted to
43 adopt such rights locally, which shall be enforceable locally.

44 3. Any person, business entity or government agency engaged in activ-
45 ities that violate the rights of the Great Lakes ecosystem and the
46 watersheds and ecosystems throughout the state of New York, regardless
47 of the jurisdiction in which such activity takes place, shall be strict-
48 ly liable for all harms and rights violations resulting from those
49 activities. Damages shall be measured by the cost of restoring the
50 Great Lakes ecosystem and the watersheds and ecosystems throughout the
51 state of New York and their constituent parts at least to their status
52 immediately before the commencement of the acts resulting in injury, and
53 shall be paid to the state to be used exclusively and without exception
54 for the full and complete restoration of the Great Lakes ecosystem and
55 its constituent parts to that status.

1 4. The municipalities and counties of the state of New York shall
2 possess legal authority to enact and enforce laws that protect their
3 local ecosystems by asserting for them the same rights and other
4 provisions of title 23 of article 17 of this chapter, including but not
5 limited to, regulations and prohibitions, free from state preemption or
6 challenge by the assertion of competing rights of corporations.

7 5. (a) Certain local laws adopted pursuant to subdivision four of this
8 section shall not be subject to preemption by local or state laws or the
9 state constitution, provided that:

10 (i) Such local laws do not restrict fundamental rights of natural
11 persons, their local communities, or ecosystems secured by local or
12 state law or the state constitution; and

13 (ii) Such local laws do not weaken protections for natural persons,
14 their local communities, or ecosystems provided by local or state law or
15 the state constitution.

16 (b) All treaty reserved rights to hunt, fish and gather are not
17 subject to enforcement actions by municipalities, counties or the state
18 under this section or any local law adopted thereunder.

19 § 3. This act shall take effect immediately.