

# STATE OF NEW YORK

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4444

2025-2026 Regular Sessions

## IN SENATE

February 5, 2025

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Introduced by Sen. STEC -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the legislative law, in relation to authorizing the legislative commission on the development of rural resources to study the effectiveness of pond and lake management programs; to amend the executive law, the soil and water conservation districts law, the environmental conservation law, the public health law, the education law and the public authorities law, in relation to the mitigation and control of harmful algal blooms; and providing for the repeal of certain provisions upon expiration thereof

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

1 Section 1. Subdivision 2 of section 83-i of the legislative law, as  
2 added by chapter 141 of the laws of 1994, is amended to read as follows:  
3 2. A legislative commission on the development of rural resources is  
4 hereby established (a) to examine the impact of rural resources upon the  
5 state's economy; (b) to review existing laws and regulations as they  
6 pertain to rural resources; (c) to assess the effect of state policies  
7 generally on rural areas; (d) to reassess the effectiveness of programs  
8 specifically addressed to rural resource needs and problems, such as  
9 agricultural districting, agricultural product promotion, maintenance of  
10 agricultural land, forest management, pond and lake management, tax  
11 exemptions for agricultural and forest land, oil and gas regulation, and  
12 tourism and recreation; and (e) to make such recommendations to the  
13 legislature for action as it determines necessary for the enhancement  
14 and protection of the state's rural resources.  
15 § 2. Paragraph a of subdivision 2 of section 20 of the executive law,  
16 as amended by chapter 23 of the laws of 2020, is amended to read as  
17 follows:

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

LBD05013-01-5

1 a. "disaster" means occurrence or imminent, impending or urgent threat  
2 of wide spread or severe damage, injury, or loss of life or property  
3 resulting from any natural or man-made causes, including, but not limit-  
4 ed to, fire, flood, earthquake, hurricane, tornado, high water, land-  
5 slide, mudslide, wind, storm, wave action, volcanic activity, epidemic,  
6 disease outbreak, air contamination, terrorism, cyber event, blight,  
7 drought, infestation, explosion, radiological accident, nuclear, chemi-  
8 cal, biological, or bacteriological release, water contamination  
9 (including by harmful algal bloom or hypoxia), bridge failure or bridge  
10 collapse.

11 § 3. Subparagraph 3 of paragraph i and paragraph j of subdivision 3 of  
12 section 21 of the executive law, as amended by section 2 of part B of  
13 chapter 56 of the laws of 2010, are amended and a new paragraph k is  
14 added to read as follows:

15 (3) the status of the state and local plans for disaster preparedness  
16 and response, including the name of any locality which has failed or  
17 refused to develop and implement its own disaster preparedness plan and  
18 program; and the extent to which all forms of local emergency response  
19 assets have been included, and accounted for in planning and preparation  
20 for disaster preparedness and response; ~~and~~

21 j. develop public service announcements to be distributed to tele-  
22 vision and radio stations and other media throughout the state informing  
23 the public how to prepare and respond to disasters. Such public service  
24 announcements shall be distributed in English and such other languages  
25 as such commission deems appropriate~~]; and~~

26 k. establish and provide for the deployment of emergency response  
27 teams in the event of a suspected contamination of a potable water  
28 source by harmful algal bloom or hypoxia. Each such response team shall  
29 include qualified technicians from the departments of health and envi-  
30 ronmental conservation to gather and test water samples; and such  
31 personnel as the commission shall determine to be necessary to provide  
32 assistance to the communities affected by such contamination including,  
33 but not limited to, the provision of potable water.

34 § 4. Section 912 of the executive law is amended by adding a new  
35 subdivision 17 to read as follows:

36 17. To understand, detect, monitor, predict, control, mitigate and  
37 respond to harmful marine and freshwater algal bloom and hypoxia events.

38 § 5. Subdivision 16 of section 9 of the soil and water conservation  
39 districts law, as added by chapter 293 of the laws of 2014, is renum-  
40 bered subdivision 17 and a new subdivision 18 is added to read as  
41 follows:

42 (18) Within the limits of appropriations made available for such  
43 purposes, to undertake a program for the monitoring of and event  
44 response to harmful freshwater algal blooms in ponds, lakes, rivers,  
45 estuaries (including their tributaries), and reservoirs; and mitigation  
46 and control of harmful freshwater algal blooms.

47 § 6. Article 17 of the environmental conservation law is amended by  
48 adding a new title 23 to read as follows:

49 TITLE 23

50 HARMFUL ALGAL BLOOMS

51 Section 17-2301. Definitions.

52 17-2303. New York harmful algal bloom and hypoxia commission.

53 17-2305. New York harmful algal bloom and hypoxia advisory  
54 committee.

55 17-2307. General powers and duties of the department.

56 17-2309. Local and regional assessments.

1 § 17-2301. Definitions.

2 As used in this title:

3 1. "Advisory committee" means the New York harmful algal bloom advisory  
4 committee established by section 17-2305 of this title.

5 2. "Commission" means the New York harmful algal bloom and hypoxia  
6 commission established by section 17-2303 of this title.

7 3. "Harmful algal bloom" means the occurrence of hypoxia or a harmful  
8 algal bloom as a result of a natural, anthropogenic or undetermined  
9 cause.

10 § 17-2303. New York harmful algal bloom and hypoxia commission.

11 1. There is hereby established, within the department, the New York  
12 harmful algal bloom and hypoxia commission. Such commission shall  
13 consist of ten members and shall include the commissioner; the commis-  
14 sioners of agriculture and markets, health, and parks, recreation and  
15 historic preservation; the secretary of state; the directors of the  
16 state soil and water conservation committee and state canal corporation,  
17 and the chair of the Adirondack park agency; or a designee of such  
18 commissioner, director or chair; and the senate chair and assembly chair  
19 of the legislative commission on the development of rural resources or  
20 their designee.

21 2. The director of the state soil and water conservation committee and  
22 the commissioner, or their designee shall serve as joint chairs of the  
23 commission.

24 3. The commission shall meet at least quarterly and shall regularly  
25 consult with the advisory committee.

26 4. The commission may consult with any organization, educational  
27 institution or governmental agency including, but not limited to, the  
28 college of environmental science and forestry of the state university,  
29 the Army Corps of Engineers, the Natural Resources Conservation Service,  
30 the United States Department of Commerce, the National Inter-Agency Task  
31 Force on Harmful Algal Blooms and Hypoxia, and the New York Ocean and  
32 Great Lakes Ecosystem Conservation Council.

33 5. The duties of the commission shall include, but are not limited to:  
34 (a) from time to time assessing the nature, scope and magnitude of the  
35 environmental, ecological, agricultural, economic, recreational, and  
36 social impacts caused by harmful algal blooms in the state;

37 (b) from time to time identifying actions taken by members of the  
38 commission, state and local governments and the public to: understand,  
39 detect, monitor, predict, control, mitigate, and respond to harmful  
40 marine and freshwater algal bloom and hypoxia events; assist and coordi-  
41 nate, where appropriate, with other government agencies, programs, and  
42 regional efforts that address harmful marine and freshwater algal blooms  
43 and hypoxia, including the development and implementation of appropriate  
44 response plans, strategies, and tools; detect and respond rapidly to  
45 harmful algal blooms in a cost-effective and environmentally sound  
46 manner; monitor harmful algal blooms accurately and reliably; provide  
47 for restoration of native species and habitat conditions in ecosystems  
48 that have been affected; conduct research on harmful algal blooms and  
49 develop technologies to prevent introduction; provide for environ-  
50 mentally sound control of harmful algal blooms; promote public education  
51 programs to improve public understanding and awareness of the causes,  
52 impacts, and mitigation efforts for harmful marine and freshwater algal  
53 blooms and hypoxia; and provide resources to assist in the training of  
54 local water and coastal resource managers in the methods and technolo-  
55 gies for detecting, monitoring, controlling, mitigating, and responding

1 to the effects of harmful marine and freshwater algal bloom and hypoxia  
2 events;

3 (c) the development of a comprehensive plan for harmful algal blooms  
4 and hypoxia. Such comprehensive plan should, at a minimum: recommend  
5 interagency responsibilities; describe coordination among different  
6 agencies and organizations; address prevention, early detection and  
7 rapid response; identify opportunities for control and restoration,  
8 including research needs; and describe effective outreach and education.  
9 Such plan shall recommend responsibilities for different agencies with  
10 the goal of reducing or eliminating, where practicable, contradictory or  
11 conflicting policies or programs. Such plan should identify needs for  
12 additional staff positions at state agencies and recommend necessary  
13 state or federal legislation or regulation. Such plan shall place an  
14 emphasis on both prevention and early detection and rapid response to  
15 prevent future damage;

16 (d) providing input on funding priorities and grant applications  
17 regarding monies made available for the implementation of this title and  
18 grants for projects related to the control and management of harmful  
19 algal blooms and hypoxia, education and outreach efforts, and for  
20 projects aimed at the early detection and prevention of invasive  
21 species; and

22 (e) developing recommendations on statutory actions to manage and  
23 control harmful algal blooms.

24 § 17-2305. New York harmful algal bloom and hypoxia advisory committee.

25 1. There shall be established, within the department, a New York harm-  
26 ful algal bloom and hypoxia advisory committee which shall provide  
27 information, advice and guidance to the commission.

28 2. The commissioner and the director of the soil and water conserva-  
29 tion committee shall appoint not more than twenty-five at-large members  
30 of the committee with at least one member from each of the following:  
31 the New York biodiversity research institute, New York state's Hudson  
32 River National Estuarine Research Reserve, the Long Island South Shore  
33 Estuary Reserve, the Great Lakes-St. Lawrence River Basin Water  
34 Resources Council, a statewide land conservation organization, a state-  
35 wide agricultural organization, a nursery business, a boating organiza-  
36 tion, the Darrin Fresh Water Institute, the soil and water conservation  
37 districts, the natural heritage program, a state forestry school, a lake  
38 association, the New York city department of environmental protection,  
39 and a statewide local government organization.

40 3. The members of the advisory committee shall serve without compen-  
41 sation, except members shall be allowed their necessary and actual  
42 expenses incurred in the performance of their duties under this section.

43 § 17-2307. General powers and duties of the department.

44 1. The department, after receipt and analysis of the report compiled  
45 pursuant to section six thousand four-a of the education law, and in  
46 cooperation with the soil and water conservation committee and in  
47 consultation with the commission, shall, after a public hearing, promul-  
48 gate joint regulations to develop: standards for nutrients as necessary  
49 to protect, maintain and/or improve the ecological functions of the  
50 marine and aquatic resources of the state; and to prepare, adopt, and  
51 implement plans as necessary and appropriate to accomplish the purposes  
52 of managing nutrient loadings and preventing, abating, and/or eliminat-  
53 ing the deleterious effects of nutrients, including, but not limited to,  
54 eutrophication, harmful algal blooms, hypoxia, anoxia, oxygen-stress-in-  
55 duced population shifts, and/or fish kills.

1 2. For the purpose of carrying out the provisions of this title, the  
2 department in cooperation with the soil and water conservation commit-  
3 tee, shall have the authority, within funds available, to:

4 (a) establish, operate and maintain state wide databases and clearing-  
5 houses that incorporate existing data from agencies and organizations in  
6 the state, as well as from nearby states, provinces, Canada, and the  
7 federal government. Such databases and clearinghouses may provide the  
8 aggregate data on-line in a geographic information system;

9 (b) research the ecology of harmful algal blooms to provide informa-  
10 tion about harmful marine and freshwater algal blooms and hypoxia,  
11 including:

12 (i) the agencies involved in research and development on understand-  
13 ing, detection, monitoring, prediction, prevention, control, mitigation,  
14 and response activities;

15 (ii) tools available to predict and model events; and

16 (iii) current or developing technologies for detection, monitoring,  
17 prediction, prevention, control, mitigation, and response, including  
18 remediation;

19 (c) coordinate state agency and public authority actions to control,  
20 mitigate, and respond to harmful marine and freshwater algal bloom and  
21 hypoxia events;

22 (d) perform research on the ecology of harmful marine and freshwater  
23 algal blooms; and

24 (e) in collaboration with the commission, aid in the review and reform  
25 of relevant regulatory processes to remove unnecessary impediments to  
26 the restoration of ponds and lakes affected by harmful algal blooms and  
27 hypoxia.

28 § 17-2309. Local and regional assessments.

29 Within the limits of appropriations made available for such purposes,  
30 the department may from time to time undertake local and regional scien-  
31 tific assessments of hypoxia and harmful algal blooms. The commissioner  
32 shall ensure, to the extent practicable, that assessments under this  
33 section cover geographically and ecologically diverse locations with  
34 significant ecological and economic impacts from hypoxia or harmful  
35 algal blooms and promulgate rules for reviewing requests for local and  
36 regional assessments.

37 § 7. Section 225 of the public health law is amended by adding a new  
38 subdivision 13 to read as follows:

39 13. The sanitary code, after receipt and analysis by the council of  
40 the report compiled pursuant to section six thousand four-a of the  
41 education law, shall delineate specific procedures for the management of  
42 harmful algal blooms in ponds, lakes, rivers, estuaries (including their  
43 tributaries), water systems used by public water suppliers, and surf  
44 beaches owned or operated by homeowner associations. Such procedures  
45 shall include notification of the municipality wherein the pond, lake,  
46 river, estuary, water system, or surf beach is located.

47 § 8. The education law is amended by adding a new section 6004-a to  
48 read as follows:

49 § 6004-a. Peer review study of harmful algal blooms. 1. The board of  
50 trustees of the college shall establish a peer review panel composed of  
51 nationally recognized experts in the detection, monitoring, prediction,  
52 control, mitigation and means for responding to harmful marine and  
53 freshwater algal blooms and hypoxia. Such panel shall examine, evaluate  
54 and make recommendations concerning the nature, scope, causes and magni-  
55 tude of harmful algal blooms in the state; and the detection, means for

1 monitoring, control, mitigation, elimination and response to harmful  
2 algal blooms and hypoxia events.

3 2. The members of the panel shall receive no compensation for their  
4 services, but shall be allowed their actual and necessary expenses  
5 incurred in the performance of their duties pursuant to this section.

6 3. Such panel shall, within six months of the effective date of this  
7 section, submit a report to the governor, the legislature, the depart-  
8 ment of environmental conservation, the soil and water conservation  
9 committee, the New York harmful algal bloom and hypoxia commission, the  
10 department of health and the public health and health planning council,  
11 of its findings, conclusions and recommendations.

12 § 9. Section 1285 of the public authorities law is amended by adding a  
13 new subdivision 9 to read as follows:

14 9. The corporation shall provide funding to the state office of emer-  
15 gency management for all costs of providing potable water during a water  
16 contamination disaster resulting from harmful algal bloom or hypoxia.

17 § 10. This act shall take effect on the one hundred eightieth day  
18 after it shall have become a law; provided, however that section eight  
19 of this act shall take effect immediately and shall expire and be deemed  
20 repealed one year after this act shall have become a law; and provided,  
21 further that the amendments to subdivision 2 of section 83-i of the  
22 legislative law made by section one of this act shall not affect the  
23 repeal of such section and shall be deemed repealed therewith.