

7962--A

I N   S E N A T E

May 27, 2010

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Introduced by Sen. STEWART-COUSINS -- read twice and ordered printed,  
and when printed to be committed to the Committee on Local Government  
-- committee discharged, bill amended, ordered reprinted as amended  
and recommitted to said committee

AN ACT to amend the general municipal law, in relation to requiring any  
utility company involved in a vegetation management plan to give prior  
notice to the local legislative body and the residents of the affected  
community and to hold a public meeting prior to implementation of such  
plan

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 96-b of the general municipal law is amended by  
2     adding a new subdivision 3 to read as follows:  
3     3. A. ANY UTILITY COMPANY INVOLVED IN A VEGETATION MANAGEMENT PLAN  
4     THAT SPECIFICALLY INCLUDES THE CUTTING OF TREES IN ANY COUNTY, CITY,  
5     TOWN OR VILLAGE SHALL GIVE SIXTY DAYS NOTICE PRIOR TO THE IMPLEMENTATION  
6     OF SUCH ACTIVITY TO THE RESIDENTS OF THE COMMUNITY AFFECTED THEREBY. NO  
7     SUCH ACTIVITY SHALL BE COMMENCED UNTIL AFTER SUCH UTILITY COMPANY HAS  
8     HELD A PUBLIC MEETING IN RELATION THERETO AT LEAST THIRTY DAYS PRIOR, AT  
9     WHICH THE LOCAL LEGISLATIVE BODY AND THE RESIDENTS OF SUCH AFFECTED  
10    COMMUNITY SHALL BE PROVIDED WITH THE DETAILS OF SUCH TRIMMING, CUTTING,  
11    AND/OR VEGETATION MANAGEMENT PLAN AND WITH AN OPPORTUNITY TO BE HEARD ON  
12    SUCH MATTERS.  
13    B. IN THE EVENT OF AN EMERGENCY SITUATION DEEMED TO BE A THREAT TO  
14    PUBLIC SAFETY AND WELFARE, SUCH UTILITY COMPANY SHALL NOT BE REQUIRED TO  
15    GIVE NOTICE OR TO HOLD A PUBLIC MEETING PRIOR TO THE IMPLEMENTATION OF  
16    SUCH A VEGETATION MANAGEMENT PLAN.  
17    C. ANY UTILITY COMPANY THAT VIOLATES THE PROVISIONS OF THIS SECTION  
18    SHALL BE LIABLE TO A CIVIL PENALTY WHICH SHALL RESULT IN A FINE OF UP TO  
19    FIVE THOUSAND DOLLARS FOR A FIRST TIME VIOLATION AND UP TO TEN THOUSAND  
20    DOLLARS FOR TWO OR MORE VIOLATIONS INCURRED WITHIN A FIVE YEAR PERIOD.  
21    SUCH MONEYS COLLECTED PURSUANT TO THIS PARAGRAPH SHALL BE DEPOSITED INTO  
22    AN ACCOUNT MAINTAINED BY THE LOCAL LEGISLATIVE BODY OF THE AFFECTED  
23    LOCALITY. SUCH LOCAL LEGISLATIVE BODY SHALL ESTABLISH SUCH ACCOUNT, TO

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

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1 BE KNOWN AS THE TREE CONSERVATION FUND, FOR THE RECEIPT OF ALL SUCH  
2 MONEYS, AND SAID MONEYS SHALL BE UTILIZED BY SUCH LOCAL LEGISLATIVE BODY  
3 EXCLUSIVELY TO DEVELOP, IMPLEMENT AND/OR MAINTAIN TREE CONSERVATION  
4 PROJECTS WITHIN THE AFFECTED LOCALITY.

5 S 2. This act shall take effect immediately.