STATE OF NEW YORK

794

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the agriculture and markets law, in relation to establishing a native plant and seed supply, development and enhancement program

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

Section 1. Section 142-b of the agriculture and markets law, as added by a chapter of the laws of 2024 amending the agriculture and markets law relating to establishing a native plant seed supply, development and enhancement program, as proposed in legislative bills numbers S. 7849 and A. 9043, is amended to read as follows:

§ 142-b. The New York native plant seed supply, development and enhancement program. 1. The commissioners of the department, the department of environmental conservation, and the department of economic development shall establish a New York native plant seed supply, development and enhancement program.

2. The purpose of such program shall be to:

(a) increase the production of native plant seeds*, as provided for in subdivision three of this section,* at plant nurseries in the state; **and**

(b) increase the use of native plant seeds*, as provided for in subdivision three of this section,* in public land management, roadside landscaping, reforestation, pollinator promotion, habitat restoration, regular groundskeeping and maintenance on state lands, and other projects as determined by the commissioners of the department, the department of environmental conservation, and economic development[~~; and~~

~~(c) ensure that native plant seeds are commercially available in the state at a reasonable cost and in adequate supply~~].

3. No later than one year after the effective date of this section, the commissioners shall [~~promulgate rules and regulations for the estab-~~

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

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~~lishment of the program, including an initial~~] develop a list of [~~plants whose~~] plant seeds [~~are~~] eligible for consideration to participate in such program and/or for use in connection with the requirement of subdivision six of this section. The list shall be updated by the commissioners at least once every three years or if determined necessary by the commissioners.

4. Funds for the program shall be subject to appropriation and may be used to establish growing operations managed by the state or to support private entities that can increase the state's native plant seed supply.

5. As used in this section, "native plant seed" means [~~a germinating seed, or other plant part, used to propagate a plant, that originates from a plant species that is indigenous to New York state~~]:

(a) non-invasive herbaceous and woody plant species that are indigenous to New York state and are likely to maintain their range or successfully adapt to anticipated climate changes in New York state and the northeastern United States, or native, non-invasive plants found elsewhere in the United States that are likely to shift or expand their range into New York state and the northeastern United States in response to the anticipated climate change; and

(b) germinating seeds, or other plant parts, used to propagate desirable native plants representing a wide variety of species and genotypes of plants.

6. Whenever possible and practicable, the state shall make use of native plant seeds when engaging in public land management, roadside landscaping, reforestation, pollinator promotion, habitat restoration, regular groundskeeping and maintenance on state lands, and other projects as determined by the commissioners of the department, the department of environmental conservation, and the department of economic development.

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2024 amending the agriculture and markets law relating to establishing a native plant seed supply, development and enhancement program, as proposed in legislative bills numbers S. 7849 and A. 9043, takes effect.