S T A T E O F N E W Y O R K

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I N A S S E M B L Y

October 13, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Hyer-Spencer) -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the removal of phragmites

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

Section 1. The title heading of title 15 of article 9 of the environmental conservation law, as amended by chapter 602 of the laws of 2003, is amended to read as follows:

REMOVAL OF TREES [AND], PROTECTED PLANTS AND PHRAGMITES

S 2. The environmental conservation law is amended by adding a new section 9-1505 to read as follows:

S 9-1505. REMOVAL OF PHRAGMITES.

THE DEPARTMENT SHALL REMOVE PHRAGMITES FROM ANY AREA OF THE STATE IN WHICH SUCH PHRAGMITES GROW CONTINUOUSLY IN AN AREA CONTAINING FIVE ACRES OF LAND OR MORE. UPON REMOVAL OF SUCH PHRAGMITES, SUCH LAND SHALL BE REPLANTED WITH WETLAND PLANTINGS NATIVE TO THE AREA IN WHICH SUCH PHRAGMITES ARE REMOVED. NO ACTION FOR TRESPASS SHALL LIE ON ACCOUNT OF INJURY TO PRIVATE PROPERTY AS A RESULT OF SUCH REMOVAL, IF SUCH REMOVAL IS PERFORMED IN THE PROTECTION OF THE LANDS OF THE STATE FROM FIRE.

S 3. This act shall take effect immediately.

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

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