

STATE OF NEW YORK

8204

2023-2024 Regular Sessions

IN ASSEMBLY

October 27, 2023

Introduced by M. of A. KELLES -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, the education law and the highway law, in relation to enacting the "pollinator promotion act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "pollinator promotion act".

3 § 2. Subdivision 1 of section 3-0301 of the environmental conservation
4 law is amended by adding two new paragraphs jj and jjj to read as
5 follows:

6 jj. Promote the health and viability of pollinators in the state by
7 supporting habitat protection, promoting the state's native pollinators,
8 and increasing public awareness of the importance of pollinators.

9 jjj. Ensure that on any lands owned and actively maintained by the
10 state, including but not limited to state parks, tidal wetlands areas,
11 state forests, historic park preserves, unique areas, waterway access
12 sites, historic parks, wildlife management areas, golf courses, boat
13 launch sites, campgrounds, primitive areas, wild forests, the agencies
14 in charge of such maintenance shall incorporate pollinator-friendly
15 landscaping practices appropriate to such lands, including but not
16 limited to creating or reestablishing pollinator friendly habitats by
17 increasing the abundance of native plants on such lands, adjusting and
18 reducing mowing practices and the use of pesticides in favor of non-
19 chemical pest management methods, and adding signage to public lands
20 educating the public about the use of such pollinator friendly prac-
21 tices; provided, however, that this paragraph shall not apply to any
22 lands where such practices are deemed impractical by the department or
23 other appropriate agency, that have a dedicated use incompatible with
24 this paragraph, or that are otherwise protected from active maintenance
25 by legal agreement or the state constitution;

26 § 3. Paragraphs h and i of subdivision 1 of section 54-1523 of the
27 environmental conservation law, as amended by section 1 of part KKK of

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

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1 chapter 58 of the laws of 2022, are amended and a new paragraph j is
2 added to read as follows:

3 h. to establish and implement easily-replicated renewable energy
4 projects, including solar arrays, heat pumps and wind turbines in public
5 low-income housing in suburban, urban and rural areas; [~~and~~]

6 i. land acquisition, including but not limited to flood mitigation and
7 coastal riparian resiliency; provided, however, no monies shall be
8 expended for acquisition by eminent domain[~~-~~]; and

9 j. adoption and implementation of a pollinator promotion plan to
10 include climate-resilient and pollinator-friendly plants in maintenance
11 and landscaping undertaken by the municipality, including the addition
12 of connective zones to support pollinators such as wildflower strips and
13 at least one dedicated pollinator-friendly garden dedicated to native
14 plants and species.

15 § 4. The education law is amended by adding a new section 235-c to
16 read as follows:

17 § 235-c. Promotion of pollinator health. To promote pollinator health
18 and expand supportive habitats, each state university of New York campus
19 shall:

20 1. establish a standing committee of students, faculty, and staff,
21 including a member of the grounds or landscaping departments, to advo-
22 cate for pollinators;

23 2. create and enhance pollinator habitats on campus by increasing the
24 abundance of native plants and supportive habitats on campus;

25 3. create and adopt an integrated pest management plan to prevent pest
26 problems, reduce pesticide use, and expand the use of non-chemical pest
27 management methods;

28 4. offer educational opportunities as appropriate for students and
29 community members about native pollinators and pollinator conservation;
30 and

31 5. offer yearly service-learning projects on campus to enhance polli-
32 nator habitats.

33 § 5. The education law is amended by adding a new section 5717 to read
34 as follows:

35 § 5717. Pollinator health; Cornell cooperative extension. Cornell
36 cooperative extension shall be authorized to hire pollinator ecologists,
37 master gardeners, and other individuals with expertise in pollinator
38 health to provide programming and support for farmers and others in the
39 agriculture industry to implement pollinator-friendly practices, and to
40 provide education for the general public on pollinators and pollinator
41 promotion and other topics in the field of pollinator health and
42 promotion practices.

43 § 6. The education law is amended by adding a new section 409-n to
44 read as follows:

45 § 409-n. Pollinator friendly landscaping. The department, in consulta-
46 tion with the department of environmental conservation, shall develop
47 guidelines that any school district in the state may choose to imple-
48 ment, that shall include procedures for pollinator friendly landscaping
49 and groundskeeping practices, including, but not limited to, the use of
50 native plants on school grounds, incorporating pollinator-friendly prac-
51 tices into school gardens, and reducing the use of pesticides on school
52 grounds.

53 § 7. Section 19-a of the highway law, as added by chapter 763 of the
54 laws of 2022, is amended to read as follows:

55 § 19-a. Pollinator friendly plant species; medians and verges. 1. The
56 commissioner shall, in cooperation with the department of environmental

1 conservation, develop policies and procedures to encourage the use of
2 native plant species that are pollinator friendly in medians and verges
3 along highways under the jurisdiction of the department and to encourage
4 and provide technical assistance to counties, cities, towns and villages
5 in the use of native plant species that are pollinator friendly in medi-
6 ans and verges along highways under the respective jurisdiction of such
7 counties, cities, towns and villages.

8 2. The commissioner shall develop policies and procedures for mowing
9 medians and verges located along highways on the state system of high-
10 ways that will, wherever feasible and consistent with standards of safe-
11 ty for motor vehicle operators, cyclists, and pedestrians, reduce the
12 amount of area within such highway medians and verges that is mowed.

13 § 8. Hedgerow pilot program. (a) The department of agriculture and
14 markets is hereby authorized to establish a hedgerow pilot program to
15 help farmers across the state of New York establish and enhance hedger-
16 ows on their properties to enhance natural conservations.

17 (b) Funds for such pilot program shall be pursued through any applica-
18 ble United States department of agriculture programs or through legisla-
19 tive appropriations.

20 (c) Hedgerows established or enhanced pursuant to this section shall
21 not include species that host pests or diseases that could pose a risk
22 to nearby crops, or that are listed as noxious weeds or invasive
23 species. For the purposes of the pilot program under this section,
24 farmers may apply for hedgerow grants for one or more of the following
25 purposes: (i) to provide food, cover, and travel corridors for terres-
26 trial wildlife; (ii) to provide pollinator habitats; (iii) to provide
27 substrate for beneficial insects as a component of integrated pest
28 management; (iv) to provide food, cover, and shade for aquatic organisms
29 that live in adjacent watercourses; and (v) to increase carbon storage
30 in biomass and soils.

31 (d) Eligible projects under the pilot program established under this
32 section shall be located in, across, or around agricultural fields. The
33 pilot program shall not apply to plantings that are intended to function
34 primarily as field borders, riparian buffers, or windbreaks. All hedger-
35 ows established or enhanced pursuant to this section shall be a minimum
36 of six feet wide if seeded, or a minimum of one row wide if planted with
37 seedlings or larger stock.

38 (e) The department of agriculture and markets shall develop appropri-
39 ate rules and regulations for the pilot program under this section,
40 including standards for eligible projects to include maintenance commit-
41 ments, the control of competing vegetation, protection of hedgerows from
42 livestock grazing and trampling, and compliance with all state, federal,
43 and local laws.

44 (f) For the purposes of this section, the term "hedgerows" shall mean
45 planned sections at the borders of fields that make use of trees,
46 shrubs, and/or perennial bunch grasses producing erect stems attaining
47 average heights of at least three feet and persisting well over winter,
48 that contain plants suited and adapted to soil and site conditions,
49 climate, and conservation purposes, and that focus on New York native
50 plants.

51 § 9. This act shall take effect immediately; provided, however, that
52 if chapter 763 of the laws of 2022 shall not have taken effect on or
53 before such date then section seven of this act shall take effect on the
54 same date and in the same manner as such chapter of the laws of 2022,
55 takes effect.