

# STATE OF NEW YORK

6786

2023-2024 Regular Sessions

## IN ASSEMBLY

May 8, 2023

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

AN ACT to amend the environmental conservation law and the state finance  
law, in relation to enacting the "New York urban and community tree  
planting and forestry program act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "New York urban and community tree planting and forestry program  
3 act".

4 § 2. Article 9 of the environmental conservation law is amended by  
5 adding a new title 23 to read as follows:

### TITLE 23

#### NEW YORK URBAN AND COMMUNITY TREE PLANTING AND FORESTRY PROGRAM

6 Section 9-2301. Urban and community tree planting and forestry program.

7 9-2303. Urban tree planting study and working group.

8 9-2305. Program requirements.

9 9-2307. Urban forestry volunteer program.

10 9-2309. Program goals.

11 9-2311. Program grants; fund established.

12 § 9-2301. Urban and community tree planting and forestry program.

13 1. For the purposes of this title:

14 a. "Disadvantaged community" shall have the same meaning as defined in  
15 section 75-0111 of this chapter.

16 b. "Program" shall mean the New York urban and community tree planting  
17 and forestry program described in subdivision two of this section.

18 c. "Working group" shall mean the working group established pursuant  
19 to section 9-2303 of this title.

20 2. The department, in cooperation with the department of agriculture  
21 and markets, shall establish and implement a program of education and  
22 23

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

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1 technical assistance for urban and community forestry and tree planting  
2 projects. Such program shall be designed to:

3 a. assist urban areas and communities in conducting inventories of  
4 their forest resources, including inventories of the species, number,  
5 location, and health of trees in urban areas and communities, identify-  
6 ing opportunities for the establishment of plantings for the purposes of  
7 conserving energy, and determining the status of related resources,  
8 including but not limited to fish and wildlife habitat, water resources,  
9 and trails;

10 b. assist state and local organizations including, but not limited to  
11 community associations and schools in organizing and conducting urban  
12 and community forestry projects and programs;

13 c. improve education and technical support in:

14 i. selecting tree species appropriate for planting in urban and commu-  
15 nity environments and for promotion of energy conservation;

16 ii. providing for proper tree planting, maintenance, and protection in  
17 urban areas and communities;

18 iii. protecting individual trees and preserving existing open spaces  
19 with or without tree cover; and

20 iv. identifying opportunities for expanding tree cover in urban areas  
21 and communities;

22 d. assist in the development of state and local management plans for  
23 trees and associated resources in urban areas and communities;

24 e. increase public understanding of the energy conservation, economic,  
25 social, environmental, and psychological values of trees and open space  
26 in urban areas and communities;

27 f. develop a legacy tree program for public and privately owned trees  
28 within urban areas and communities, which shall include but not be  
29 limited to the development of appropriate forms, formal designation  
30 processes, mapping and signage acknowledging such trees and the incorpo-  
31 ration of such legacy tree program into local laws and ordinances  
32 providing for specific protections for such legacy trees;

33 g. develop an urban forestry volunteer program to identify and address  
34 the unique needs of specific urban areas and communities and provide for  
35 the recruitment and training of volunteers who are committed to a regu-  
36 lar routine and work schedule to perform required tasks;

37 h. identify and map all naturalized woodlands on public property; and

38 i. identify and map all naturalized woodlands on private property in  
39 excess of one acre.

40 § 9-2303. Urban tree planting study and working group.

41 1. Not later than December thirty-first, two thousand twenty-four, the  
42 department, in consultation with the commissioner of agriculture and  
43 markets, shall complete a study on the implementation of a comprehensive  
44 statewide community and urban tree planting program.

45 2. In conducting such study, the department shall consult with indi-  
46 viduals, including academics and experts from nongovernmental organiza-  
47 tions, having expertise in forest sustainability, biodiversity, and  
48 climate science, as well as representatives of indigenous communities  
49 located within boreal regions, and shall hold at least one public hear-  
50 ing, and may base study findings on existing literature, provided,  
51 however, that the department shall consult with the working group estab-  
52 lished by subdivision three of this section no later than sixty days  
53 prior to the completion of the study and consulted prior to the imple-  
54 mentation of any statewide plan developed pursuant thereto.

55 3. The department shall establish a working group consisting of  
56 fifteen members to be appointed by the commissioner as follows:

1 a. Two members representing national nonprofit forestry and conserva-  
2 tion citizen organizations;

3 b. Three members, one representing the state government, one repres-  
4 enting county governments, and one representing city, town and village  
5 governments;

6 c. One member representing horticultural industries, including but not  
7 limited to urban forestry products, nurseries, tree care and landscaping  
8 services and other forestry related interests;

9 d. One member representing urban forestry, landscape, or design  
10 consultants;

11 e. Two members representing academic institutions with expertise in  
12 urban and community forestry activities;

13 f. One member representing forest resources related agencies and  
14 organizations in this state;

15 g. One member representing a professional renewable natural resource  
16 or arboricultural society;

17 h. One member representing the National Institute of Food and Agricul-  
18 ture of the United States Department of Agriculture;

19 i. One member representing the United States Forest Service; and

20 j. Two members who are not officers or employees of any governmental  
21 body who have expertise and have been active in urban and community  
22 forestry, one of whom shall be a resident of a community with a popu-  
23 lation of less than fifty thousand as of the most recent census.

24 § 9-2305. Program requirements.

25 1. Every tree purchased pursuant to the program established by this  
26 title shall be in compliance with all applicable requirements set forth  
27 in the latest edition of the American Standard for Nursery Stock (ANSI  
28 Z60.1), as revised from time to time by the American Horticulture Indus-  
29 try Association or a successor entity thereto.

30 2. Every such tree shall be purchased from a nursery grower or nursery  
31 dealer registered pursuant to the provisions of article fourteen of the  
32 agriculture and markets law or otherwise certified by the country, state  
33 or province of origin pursuant to section one hundred sixty-three of the  
34 agriculture and markets law. The requirements of this subdivision shall  
35 be posted in all bidding documents.

36 3. Every tree proposed to be planted in a naturalized area shall be  
37 from seed sourced locally. For the purposes of this section seed is  
38 sourced "locally" if it originated within one hundred fifty miles of the  
39 location where such tree is proposed to be planted.

40 4. Trees planted across public and private property shall reflect  
41 species diversity to the maximum extent practicable.

42 5. Every tree planted or replanted shall be cared for and maintained  
43 in compliance with the standards and practices set forth in the latest  
44 edition of the American National Standard for Tree Care Operations (ANSI  
45 A300), as revised from time to time by the Tree Care Industry Associ-  
46 ation or a successor entity thereto.

47 6. Nothing in this section shall authorize the sale, purchase,  
48 possession, propagation, introduction, importation, transport and  
49 disposal of an invasive species prohibited in accordance with the  
50 provisions of title seventeen of this article or otherwise prohibited by  
51 federal law, rule or regulation.

52 § 9-2307. Urban forestry volunteer program.

53 1. The department shall establish a program to recruit and train  
54 volunteers who reside in urban areas and communities to identify and  
55 address the specific needs of such urban areas and communities and to

1 provide regular assistance to department staff in carrying out the  
2 provisions of this title.

3 2. The department, in consultation with the department of agriculture  
4 and markets and the commissioner of parks, recreation and historic pres-  
5 ervation, shall provide appropriate training to volunteers and staff  
6 relating to forestry and tree planting. Such training shall include but  
7 shall not be limited to detection and rapid response to potential prob-  
8 lems including, but not limited to the implementation of disaster proto-  
9 cols for dealing with woody materials and other practices and standards  
10 established by the American National Standards Institute editions iden-  
11 tified in subdivisions one and five of section 9-2305 of this title.

12 § 9-2309. Program goals.

13 Notwithstanding any contrary provision of this title, the department  
14 shall invest or direct available and relevant program resources in a  
15 manner designed to achieve a goal for disadvantaged communities to  
16 receive forty-five percent of overall benefits of spending on the  
17 program, including but not limited to any workforce development,  
18 pollution reduction, inventory, and economic development resulting from  
19 such spending; provided, however, that disadvantaged communities shall  
20 receive no less than forty percent of the overall benefits of spending  
21 on the urban and community tree planting and forestry program, and  
22 provided further that this section shall not alter funds already  
23 contracted or committed as of the effective date of this section.

24 § 9-2311. Program grants; fund established.

25 1. The commissioner is hereby authorized to utilize funds in the New  
26 York urban and community tree planting and forestry program fund, estab-  
27 lished by section ninety-nine-qq of the state finance law, for the  
28 purposes of establishing and implementing the urban and community tree  
29 planting and forestry program established pursuant to this title.

30 2. Such fund shall consist of moneys appropriated, credited or trans-  
31 ferred thereto from any other fund or source pursuant to law. Nothing  
32 contained herein shall prevent the state from receiving grants, gifts or  
33 bequests for the purposes of the fund as defined in this section and  
34 depositing them into the fund according to law.

35 3. Moneys shall be paid out of the fund on the audit and warrant of  
36 the comptroller on vouchers certified or approved by the commissioner or  
37 the commissioner's designee in a manner consistent with rules and regu-  
38 lations adopted for such purpose by the department in consultation with  
39 the working group.

40 4. Moneys of such fund shall be awarded annually to eligible communi-  
41 ties and organizations, on a competitive basis, for urban and community  
42 forestry projects in accordance with rules and regulations adopted by  
43 the department for such purpose after consultation with the working  
44 group and in a manner consistent with the goals set forth in section  
45 9-2309 of this title.

46 § 3. The state finance law is amended by adding a new section 99-qq to  
47 read as follows:

48 § 99-qq. New York urban and community tree planting and forestry  
49 program fund. 1. There is hereby established in the joint custody of the  
50 state comptroller and commissioner of taxation and finance a special  
51 fund to be known as the "New York urban and community tree planting and  
52 forestry program fund" or the "fund".

53 2. Such fund shall consist of all revenues received by the comptroller  
54 and all other moneys appropriated, credited or transferred thereto from  
55 any other fund or source pursuant to law. Nothing contained in this  
56 section shall prevent the state from receiving grants, gifts or bequests

1 for the purposes of the fund and depositing them into the fund according  
2 to law.

3 3. Moneys shall be paid out of the fund on the audit and warrant of  
4 the comptroller on vouchers certified or approved by the commissioner of  
5 environmental conservation or the commissioner of environmental conser-  
6 vation's designee.

7 4. Moneys of the fund shall be available to the commissioner of envi-  
8 ronmental conservation for the purposes of administering the urban and  
9 community tree planting and forestry program in accordance with title  
10 twenty-three of article nine of the environmental conservation law,  
11 including the awarding of grants in support of projects undertaken by  
12 eligible communities and organizations pursuant to section 9-2311 of the  
13 environmental conservation law.

14 § 4. This act shall take effect immediately.