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:

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

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

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

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

§ 3. Paragraphs h and i of subdivision 1 of section 54-1523 of the 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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chapter 58 of the laws of 2022, are amended and a new paragraph j is added to read as follows:

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

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

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

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

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

1. establish a standing committee of students, faculty, and staff, including a member of the grounds or landscaping departments, to advocate for pollinators;

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

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

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

5. offer yearly service-learning projects on campus to enhance pollinator habitats.

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

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

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

§ 409-n. Pollinator friendly landscaping. The department, in consultation with the department of environmental conservation, shall develop guidelines that any school district in the state may choose to implement, that shall include procedures for pollinator friendly landscaping and groundskeeping practices, including, but not limited to, the use of native plants on school grounds, incorporating pollinator-friendly practices into school gardens, and reducing the use of pesticides on school grounds.

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

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

conservation, develop policies and procedures to encourage the use of native plant species that are pollinator friendly in medians **and verges** along highways under the jurisdiction of the department and to encourage and provide technical assistance to counties, cities, towns and villages in the use of native plant species that are pollinator friendly in medians **and verges** along highways under the respective jurisdiction of such counties, cities, towns and villages.

2. The commissioner shall develop policies and procedures for mowing medians **and verges** located along highways on the state system of highways that will, wherever feasible and consistent with standards of safety for motor vehicle operators, cyclists, and pedestrians, reduce the amount of area within such highway medians **and verges** that is mowed.

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

(b) Funds for such pilot program shall be pursued through any applicable United States department of agriculture programs or through legislative appropriations.

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

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

(e) The department of agriculture and markets shall develop appropriate rules and regulations for the pilot program under this section, including standards for eligible projects to include maintenance commitments, the control of competing vegetation, protection of hedgerows from livestock grazing and trampling, and compliance with all state, federal, and local laws.

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

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