

STATE OF NEW YORK

3030--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 23, 2025

Introduced by M. of A. KELLES, SIMON, WOERNER -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to establishing the New York native plants program

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

1 Section 1. Legislative intent. The legislature finds that native
2 plants and ecology are under threat due to habitat destruction, modifi-
3 cation, and curtailment. The state's ecology is likewise facing
4 increased competition from invasive species and additional stress due to
5 climate change. The state has a responsibility to conserve and enhance
6 the native ecological health of the state which directly influences
7 public health, agricultural efficacy, economic activity, and recreation-
8 al enjoyment.

9 § 2. The environmental conservation law is amended by adding a new
10 section 9-0114 to read as follows:

11 § 9-0114. Native plant program.

12 1. Definitions. For the purposes of this section:

13 (a) "Native plants" shall mean non-invasive herbaceous and woody plant
14 species that are indigeneous to New York state and are likely to main-
15 tain their range or successfully adapt to anticipated climate changes in
16 New York state and the northeastern United States, or native, non-inva-
17 sive plants found elsewhere in the United States that are likely to
18 shift or expand their range into New York state and the northeastern
19 United States in response to the anticipated climate change.

20 (b) "Political subdivision" shall mean a county, town, city, district,
21 or village of the state.

22 (c) "Soil ecology restoration practices" shall mean land management
23 that improves soils through actions that:

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

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1 (i) follow the principles of: minimizing soil disturbance from soil
2 preparation; maximizing soil vegetation cover; maximizing the diversity
3 of beneficial soil organisms; increasing soil carbon content and seques-
4 tration capacity; maximizing the presence of living roots; and integrat-
5 ing native animals into land management; and

6 (ii) include such practices as: conservation tillage or no-till;
7 precision nitrogen and phosphorus application; land management through
8 grazing; integrated pest management; nutrient best management practices;
9 and those practices recommended by the United States department of agri-
10 culture natural resources conservation services and that are supported
11 by the state soil and water conservation committee.

12 (d) "Xeriscape" shall mean landscapes that conserve water, minimize
13 use of pesticides and fertilizers, protect the natural environment, are
14 adaptable to local conditions, and which are drought tolerant through
15 actions that follow the principles of the environmental planning and
16 design of landscapes with appropriate choice of native plants, topo-
17 graphic features, soil analysis and care which may include the use of
18 waste compost, practical use of turf, efficient natural irrigation
19 features, selective use of mulches, and appropriately limited mainte-
20 nance as designed for cost and resource saving.

21 (e) "Ecoregion" shall mean areas of general similarity in ecosystems
22 and in the type, quality, and quantity of environmental resources, and
23 that are defined by distinctive geography and similar climate.

24 (f) "Seed or plant provenance" shall mean the specified area in which
25 the seed or plants produced from the seed were located or were derived.

26 (g) "Greenspace" shall mean public land including state or municipally
27 owned, managed, or administered recreational spaces, parks, preserves,
28 medians and verges, and gardens that are designated for non-commercial,
29 non-residential, or non-agricultural use with the purpose of public
30 recreation, ecological conservation or scientific study, and natural or
31 cultivated aesthetics. Greenspace shall not include zoos, arboretums,
32 botanical gardens, aquaria, or other similar institutions whose express
33 purpose is to educate and engage the public or engage in scientific
34 research.

35 2. (a) The commissioner shall develop and implement a "New York native
36 plants program" to identify and promulgate a list of New York native
37 plants appropriate for each ecoregion in the state which shall be
38 labeled as such and eligible for rebate. The purpose of the program
39 shall be to encourage and promote the sale of New York native plants and
40 seeds at retail garden centers and nurseries. The program shall increase
41 consumer awareness of the important role of native plants in the ecosys-
42 tem through advertising campaigns, marketing programs, and publicly
43 available information about New York native plants. Eligible plants
44 shall be labeled as "New York Native Plants".

45 (b) The commissioner may offer rebates at the point-of-sale for eligi-
46 ble New York native plants.

47 3. New York native plants shall be used in greenspaces except as
48 authorized pursuant to paragraphs (g) and (h) of this subdivision, and
49 the commissioner shall encourage the use of such plants.

50 (a) Plans and specifications for any greenspace, where practicable and
51 appropriate as determined by the commissioner, shall require the use of
52 native plants.

53 (b) Appropriate site and soil analyses, as determined by the commis-
54 sioner, shall be performed to best match native plant preferences with
55 site and soil conditions.

1 (c) Site design and construction, as well as plant selection,
2 conducted, financed, or contracted with the state shall incorporate
3 considerations such as biological needs, minimal maintenance and water
4 usage, benefits to native pollinators and animals, the composition of
5 plant communities at project sites, provenance and ecoregion, recre-
6 ational capacity, and the minimal use of fertilizers and pesticides.

7 (d) The commissioner shall provide to the public, through the internet
8 and by other means as appropriate, public engagement events, signage, or
9 other relevant information, as determined by the commissioner, on the
10 importance and role of native plants to native ecological habitats and
11 local communities.

12 (e) Outdoor demonstration projects exhibiting and promoting the bene-
13 fits of native species and environmentally sound landscaping practices
14 shall be created and maintained in state parks, conservation sites,
15 recreation areas, historic locations, tourist attractions, areas of
16 local importance, and at SUNY schools.

17 (f) Public-private partnerships with educational institutions, zoos,
18 botanical gardens, aquaria, arboreta, commercial nurseries, community
19 gardens, and garden clubs shall be encouraged to increase the availabil-
20 ity of native plants and share knowledge about their use, provenance
21 maintenance, and propagation.

22 (g) The commissioner may determine that no native plant may adequately
23 fit a certain environment or landscape in which case plants that are
24 non-competitive and neutral, as determined by the commissioner, to
25 native plants and animals may be permitted.

26 (h) This section shall not apply to community gardens and state funded
27 or sponsored agricultural activities for the purpose of growing food or
28 other crops which may not be native to the state.

29 (i) Non-native species that are utilized as a cover crop to establish
30 native plants and are temporary in nature, as determined by the commis-
31 sioner, may be permitted.

32 § 3. This act shall take effect immediately.