

STATE OF NEW YORK

3030--B

2025-2026 Regular Sessions

IN ASSEMBLY

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Introduced by M. of A. KELLES, SIMON, WOERNER, CLARK, CONRAD, LEVENBERG, LUNSFORD, KASSAY, GRIFFIN -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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: (i) non-invasive herbaceous and woody
14 plant species that are indigenous to New York state and are likely to
15 maintain their range or successfully adapt to anticipated climate chang-
16 es in New York state and the northeastern United States; (ii) native,
17 non-invasive plants found elsewhere in the United States that are likely
18 to shift or expand their range into New York state and the northeastern
19 United States in response to the anticipated climate change; or (iii)
20 germinating seeds or other plant parts used to propogate desirable

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

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1 native plants representing a wide variety of species and genotypes of
2 plants.

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

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

7 (i) follow the principles of: minimizing soil disturbance from soil
8 preparation; maximizing soil vegetation cover; maximizing the diversity
9 of beneficial soil organisms; increasing soil carbon content and seques-
10 tration capacity; maximizing the presence of living roots; and integrat-
11 ing native animals into land management; and

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

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

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

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

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

41 2. (a) The commissioner shall develop and implement a "New York native
42 plants program" to encourage and promote the sale of New York native
43 plants and seeds at retail garden centers and nurseries and increase
44 consumer awareness of the important role of native plants in the ecosys-
45 tem.

46 (b) In consultation with the department of agriculture and markets and
47 consistent with the New York native plant list developed by such depart-
48 ment, the commissioner shall identify and promulgate a list of New York
49 native plants appropriate for each ecoregion in the state which shall be
50 eligible to be labeled as a "New York Native Plant".

51 (c) Subject to an appropriation, the commissioner may offer rebates at
52 the point-of-sale for eligible New York native plants.

53 3. New York native plants shall be used in greenspaces except as
54 authorized pursuant to paragraphs (g) and (h) of this subdivision, and
55 the commissioner shall encourage the use of such plants as follows:

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

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

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

13 (d) The commissioner shall provide to the public, through the internet
14 and by other means as appropriate, public engagement events, signage, or
15 other relevant information, as determined by the commissioner, on the
16 importance and role of native plants to native ecological habitats and
17 local communities.

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

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

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

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

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

38 § 3. This act shall take effect immediately.