

[First Reprint]

SENATE, No. 839

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED JANUARY 17, 2006

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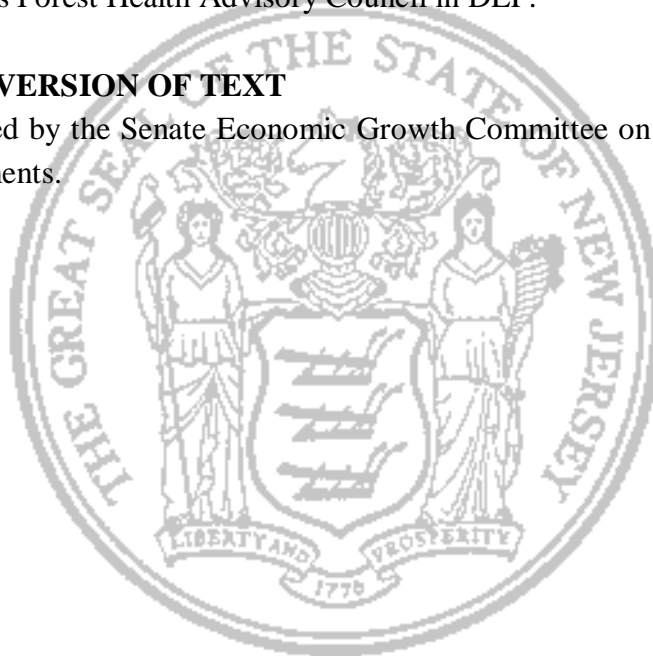
Assemblyman Gusciora

SYNOPSIS

Establishes Forest Health Advisory Council in DEP.

CURRENT VERSION OF TEXT

As reported by the Senate Economic Growth Committee on June 12, 2006,
with amendments.



(Sponsorship Updated As Of: 1/9/2007)

1 AN ACT establishing the Forest Health Advisory Council and
2 supplementing Title 13 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. The Legislature finds and declares that trees and forests help
8 clean and refresh the air by filtering dust and particulates and by
9 absorbing carbon dioxide and releasing oxygen; that trees and
10 forests also help clean the waters of the State, stabilize soils,
11 provide shade, and furnish food and shelter to birds and other
12 wildlife; and that the beautiful and majestic trees which form an
13 integral part of the streetscapes of New Jersey's municipalities
14 produce a calming effect and create a sense of peace and
15 community.

16 The Legislature further finds and declares that oak trees are an
17 historically important part of the landscape of New Jersey; that the
18 red oak is the State Tree and the pin oak is one of the top five most
19 commonly planted street trees in the State; and that oak trees, as
20 well as other important tree species and forests, in New Jersey are
21 now threatened by various pathogens.

22 The Legislature further finds and declares that Sudden Oak
23 Death, a highly contagious and mysterious pathogen, discovered in
24 California in 1995, represents a looming threat to New Jersey
25 forests and poses a threat to every species of oak, redwood and
26 Douglas fir in the country; that Sudden Oak Death, one of the most
27 virulent forest epidemics ever to hit the United States, is caused by
28 the deadly fungus-like algae, *Phytophthora ramorum*, which thrives
29 in cool climates and is responsible for widespread tree mortality in
30 central and northern California; and that while the disease
31 originated in California, killing tens of thousands of oaks along the
32 northern coast of that state, it now threatens forests in the East and
33 South as well as California.

34 The Legislature further finds and declares that the potential
35 eastward spread of this disease could wreak havoc to New Jersey's
36 forests and ecosystems, due to the unprecedented capacity of this
37 pathogen to spread very quickly; and that the disease is transmitted
38 through the dispersal of microbes in nursery plants imported into
39 the United States, through the interstate movement of plant
40 materials, foliage, firewood, wood products, leaves, and soil, and
41 through the movements of humans, insects and birds.

42 The Legislature further finds and declares that Bacterial Leaf
43 Scorch is a disease caused by bacteria that clog the water transport
44 vessels in a tree, thereby blocking the flow of water from roots to
45 leaves and causing the leaves to scorch and die, leading to the

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEG committee amendments adopted June 12, 2006.

1 decline and eventual mortality of the tree; that the economic impact
2 of this disease could be devastating to the budgets of New Jersey's
3 municipalities because the affected trees will need to be pruned and
4 in many cases removed to address potential hazards caused by the
5 disease; that the aesthetic impact of this disease also will be felt
6 throughout New Jersey's affected municipalities as the character of
7 neighborhoods change due to the removal of larger trees and their
8 replacement with new trees that will take decades to grow to
9 maturity; and that Bacterial Leaf Scorch will impact not only
10 streetscapes but also traditional forests for which there will be a
11 need to survey, sample, and monitor for this disease.

12 The Legislature therefore determines that studying and tracking
13 the spread of these exotic pathogens, for which there are no known
14 cures, and other forest health issues is critical to preventing a
15 potential ecological disaster in New Jersey's forests and significant
16 harm to the State's resource of community trees.

17

18 2. a. There is established within the Department of
19 Environmental Protection the Forest Health Advisory Council. The
20 council shall be composed of ~~'[nine]~~ 10¹ members, as follows: the
21 Commissioner of Environmental Protection, or a designee, who
22 shall serve ex officio; the Secretary of Agriculture, or a designee,
23 who shall serve ex officio; the Director of the Division of Parks and
24 Forestry in the Department of Environmental Protection, or a
25 designee, who shall serve ex-officio; the chairperson of the
26 Department of Plant Biology and Pathology at Cook College,
27 Rutgers, the State University, or a designee, who shall serve ex-
28 officio; and six public members, who shall be residents of the State,
29 appointed by the Governor with the advice and consent of the
30 Senate. Of the public members appointed by the Governor: one
31 shall be a representative from the New Jersey Forestry Association;
32 one shall be a representative from the New Jersey Tree Foundation;
33 one shall be a representative from the Community Forestry Council
34 established pursuant to section 5 of P.L.1996, c.135 (C.13:1L-17.5);
35 one shall be a New Jersey certified tree expert; one shall be a plant
36 pathologist; and one shall be a biologist.

37 b. The Governor shall appoint each public member for a term of
38 three years, except that of the members first appointed, two shall
39 serve for terms of three years, two shall serve for terms of two
40 years, and two shall serve for terms of one year. Each member shall
41 hold office for the term of appointment and until their successor is
42 appointed and qualified.

43 c. Any vacancy in the membership of the council shall be filled
44 for the unexpired term in the manner provided for the original
45 appointment. Members are eligible for reappointment to the
46 council.

47 d. The council shall organize as soon as possible after the
48 appointment of its members and shall annually elect a chairperson

1 and vice-chairperson from among its members, and a secretary who
2 need not be a member of the council. The council shall meet at
3 least four times a year and may hold additional meetings as
4 necessary to discharge its duties. In addition to such meetings, the
5 council shall meet at the call of the chairperson or the
6 Commissioner of Environmental Protection.

7 e. A majority of the membership of the council shall constitute a
8 quorum for the transaction of council business.

9 f. Members of the council shall serve without compensation, but
10 shall be compensated and reimbursed for actual expenses
11 reasonably incurred in the performance of their official duties, and
12 provided with office and meeting facilities required for the proper
13 conduct of the council's business.

14

15 3. a. The council shall act in an advisory capacity to the
16 Department of Environmental Protection, through the Division of
17 Parks and Forestry, in making public policy to minimize the threat
18 of forest health issues to New Jersey's forests and community trees.
19 The council shall: (1) study and track the eastward spread of
20 Sudden Oak Death and the impact and spread of Bacterial Leaf
21 Scorch and other potential forest health issues; (2) evaluate New
22 Jersey's susceptibility to these forest health issues and their impact
23 on New Jersey's forests and community trees; (3) make
24 recommendations to the Commissioner of Environmental Protection
25 and officials of other appropriate State departments and agencies
26 regarding prevention, management, treatment, control and spread of
27 forest health issues; (4) conduct research, as necessary, on forest
28 health issues, and seek advice, counsel and resources from State and
29 federal sources to address them; and (5) conduct a public outreach
30 and education program to inform the public about forest health
31 issues.

32 b. The council shall annually submit a written report of its
33 findings and recommendations, including any recommended
34 legislation, to the Governor, the President of the Senate, and the
35 Speaker of the General Assembly, and to the chairpersons of the
36 Senate Environment Committee and the Assembly Agriculture and
37 Natural Resources Committee, or their successor committees.

38

39 4. This act shall take effect immediately.