

# SENATE, No. 420

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## STATE OF NEW JERSEY 217th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Senator SAMUEL D. THOMPSON**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

Transfers New Jersey State Forestry Services and related entities to Department of Agriculture.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1   **AN ACT** transferring the New Jersey State Forestry Services and  
2       other related entities from the Department of Environmental  
3       Protection to the Department of Agriculture, and supplementing  
4       Title 4 of the Revised Statutes.

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6       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7       *of New Jersey:*

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9       1. As used in this act:

10       “Commissioner” means the Commissioner of Environmental  
11       Protection.

12       “Director” means the director of the Division of Parks and  
13       Forestry in the Department of Environmental Protection.

14       “Forestry activity” means any forestry or silviculture activity  
15       carried out to create, protect, conserve, harvest, monitor, study, or  
16       otherwise manage trees or forested areas of the State.

17       “New Jersey State Forestry Services” means the State agency  
18       heretofore in the Division of Parks and Forestry in the Department  
19       of Environmental Protection, now transferred to the Department of  
20       Agriculture pursuant to section 2 of this act, that has heretofore  
21       administered the forestry activities of the division, notwithstanding  
22       any instances in law or elsewhere that may refer to the New Jersey  
23       State Forestry Services by a different name.

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25       2. a. The New Jersey State Forestry Services in the Division of  
26       Parks and Forestry in the Department of Environmental Protection,  
27       together with all its functions, powers, duties, programs,  
28       subdivisions, and other entities, is continued as the New Jersey  
29       State Forestry Services in the Department of Agriculture.  
30       Whenever any law, rule, regulation, order, contract, proceeding or  
31       document makes reference to the New Jersey State Forestry  
32       Services in the Division of Parks and Forestry in the Department of  
33       Environmental Protection, the reference shall be read to mean the  
34       New Jersey State Forestry Services in the Department of  
35       Agriculture.

36       b. All the functions, powers, duties, programs, subdivisions,  
37       and other entities of the Department of Environmental Protection,  
38       or the Division of Parks and Forestry therein, that pertain to forestry  
39       activities heretofore administered by the New Jersey State Forestry  
40       Services, are continued in the Department of Agriculture.  
41       Whenever any law, rule, regulation, order, contract, proceeding or  
42       document makes reference to the Department of Environmental  
43       Protection or the Division of Parks and Forestry therein, regarding  
44       an agency function, power, duty, or program that pertains to  
45       forestry activities heretofore administered by the New Jersey State  
46       Forestry Services, the reference shall be read to mean the  
47       Department of Agriculture.

1       c. All the functions, powers, and duties of the commissioner or  
2 director, or any agent thereof, that pertain to forestry activities  
3 heretofore administered by the New Jersey State Forestry Services,  
4 are continued in the Secretary of Agriculture. Whenever any law,  
5 rule, regulation, order, contract, proceeding or document makes  
6 reference to the commissioner or director regarding a function,  
7 power, or duty of the commissioner or director that pertains to  
8 forestry activities heretofore administered by the New Jersey State  
9 Forestry Services, the reference shall be read to mean the Secretary  
10 of Agriculture.

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12       3. The State Forester in the Department of Environmental  
13 Protection, established pursuant to section 17 of P.L.1983,  
14 c.324 (C.13:1L-17), together with all the functions, powers, and  
15 duties thereof, is continued as the State Forester in the Department  
16 of Agriculture. Whenever in any law, rule, regulation, or order the  
17 term State Forester in the Department of Environmental Protection  
18 is used, the term shall mean State Forester in the Department of  
19 Agriculture. Whenever any law grants the Department of  
20 Environmental Protection, or the commissioner thereof, review,  
21 control, or power over or relating to the State Forester, that review,  
22 control, or power shall be exercised by the Department of  
23 Agriculture, or the secretary thereof.

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25       4. The New Jersey Board of Tree Experts in the Department of  
26 Environmental Protection, established pursuant to section 3 of  
27 P.L.2009, c.237 (C.45:15C-13), together with all its functions,  
28 powers, duties, subdivisions, and other entities, is continued as the  
29 New Jersey Board of Tree Experts in the Department of  
30 Agriculture. Whenever in any law, rule, regulation, or order the  
31 term New Jersey Board of Tree Experts in the Department of  
32 Environmental Protection is used, the term shall mean New Jersey  
33 Board of Tree Experts in the Department of Agriculture. Whenever  
34 any law grants the Department of Environmental Protection, or the  
35 commissioner thereof, review, control, or power over or relating to  
36 the New Jersey Board of Tree Experts, that review, control, or  
37 power shall be exercised by the Department of Agriculture, or the  
38 secretary thereof.

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40       5. The Community Forestry Council in the Department of  
41 Environmental Protection, established pursuant to section 5 of  
42 P.L.1996, c.135 (C.13:1L-17.5), together with all its functions,  
43 powers, duties, subdivisions, and other entities, is continued as the  
44 Community Forestry Council in the Department of Agriculture.  
45 Whenever in any law, rule, regulation, or order the term  
46 Community Forestry Council in the Department of Environmental  
47 Protection is used, the term shall mean the Community Forestry  
48 Council in the Department of Agriculture. Whenever any law

1 grants the Department of Environmental Protection, or the  
2 commissioner thereof, review, control, or power over or relating to  
3 the Community Forestry Council, that review, control, or power  
4 shall be exercised by the Department of Agriculture, or the  
5 secretary thereof.

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7 6. The Forest Stewardship Advisory Committee in the  
8 Department of Environmental Protection, established pursuant to  
9 section 8 of P.L.2009, c.256 (C.13:1L-36), together with all its  
10 functions, powers, duties, subdivisions, and other entities, is  
11 continued as the Forest Stewardship Advisory Committee in the  
12 Department of Agriculture. Whenever in any law, rule, regulation,  
13 or order the term Forest Stewardship Advisory Committee in the  
14 Department of Environmental Protection is used, the term shall  
15 mean the Forest Stewardship Advisory Committee in the  
16 Department of Agriculture. Whenever any law grants the  
17 Department of Environmental Protection, or the commissioner  
18 thereof, review, control, or power over or relating to the Forest  
19 Stewardship Advisory Committee, that review, control, or power  
20 shall be exercised by the Department of Agriculture, or the  
21 secretary thereof.

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23 7. The Forest Health Advisory Council in the Department of  
24 Environmental Protection, established pursuant to section 2 of  
25 P.L.2007, c.44 (C.13:1L-27), together with all its functions, powers,  
26 duties, subdivisions, and other entities, is continued as the Forest  
27 Health Advisory Council in the Department of Agriculture.  
28 Whenever in any law, rule, regulation, or order the term Forest  
29 Health Advisory Council in the Department of Environmental  
30 Protection is used, the term shall mean the Forest Health Advisory  
31 Council in the Department of Agriculture. Whenever any law  
32 grants the Department of Environmental Protection, or the  
33 commissioner thereof, review, control, or power over or relating to  
34 the Forest Health Advisory Council, that review, control, or power  
35 shall be exercised by the Department of Agriculture, or the  
36 secretary thereof.

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38 8. The transfers provided for pursuant to this act shall be  
39 subject to the provisions of the "State Agency Transfer Act,"  
40 P.L.1971, c.375 (C.52:14D-1 et seq.). All records, equipment and  
41 other personal property, appropriations, and any unexpended  
42 balances of funds appropriated or otherwise available to the New  
43 Jersey State Forestry Services or other transferred entity, shall be  
44 transferred to the Department of Agriculture pursuant to the "State  
45 Agency Transfer Act."

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47 9. This act shall take effect immediately.

## STATEMENT

This bill transfers from the Department of Environmental Protection to the Department of Agriculture:

- 1) the New Jersey State Forestry Services in the Division of Parks and Forestry;
- 2) the State Forester;
- 3) the New Jersey Board of Tree Experts;
- 4) the Community Forestry Council;
- 5) the Forest Stewardship Advisory Committee; and
- 6) the Forest Health Advisory Council.