

ASSEMBLY, No. 2907

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman PARKER SPACE

District 24 (Morris, Sussex and Warren)

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Concerns endangered plant species in NJ.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/5/2020)

1 AN ACT concerning endangered plant species, and amending and
2 supplementing P.L.1989, c.56.

3

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

6

7 1. Section 3 of P.L.1989, c.56 (C.13:1B-15.153) is amended to
8 read as follows:

9 3. As used in this act:

10 "Commissioner" means the Commissioner of the Department of
11 Environmental Protection;

12 "Department" means the Department of Environmental
13 Protection;

14 "Endangered species" or endangered plant species means any
15 **native plant species** whose survival in the State or the nation is in
16 jeopardy, including, but not limited to, **plant species that (1) is**
17 designated as listed, proposed, or under review by the federal
18 government as endangered or threatened throughout its range in the
19 United States pursuant to the "Endangered Species Act of 1973,"
20 Pub.L.93-205 (16 U.S.C. s.1533), any additional species known or
21 believed to be rare throughout its worldwide range, and any species
22 having five or fewer extant populations within the State, and (2) is
23 not an invasive species;

24 "Invasive species" means any plant which has a high potential to
25 become noxious or which is likely to spread to a degree that will
26 likely cause damage to the environment, human economy, or human
27 health;

28 "Plant" means any member of the Plant Kingdom, including all
29 roots, stems, leaves, flowers, fruits, seeds, spores, gametophytes
30 and other parts thereof; and

31 "Species" means any species, subspecies, or variety of plant.

32 (cf: P.L.1989, c.56, s.3)

33

34 2. Section 4 of P.L.1989, c.56 (C.13:1B-15.154) is amended to
35 read as follows:

36 4. a. Within one year of the effective date of **[this act]**
37 P.L.1989, c.56 (C.13:1B-15.151 et seq.), the Division of Parks and
38 Forestry in the Department of Environmental Protection shall, on
39 the basis of research and investigations and other available
40 scientific data on plant species, and with the benefit of public
41 comment, develop and adopt, pursuant to the "Administrative
42 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a list of plant
43 species occurring in the State which are endangered, either by the
44 destruction, drastic modification, or severe curtailment of their
45 habitat; their over-collection for aesthetic, commercial, educational,

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.

1 recreational, or scientific purposes; the effect on them of disease,
2 pollution, or predation; or any other factor or combination of
3 factors, natural or man-made.

4 b. The department shall remove any plant from the endangered
5 plant species list if (1) the plant is an invasive species and (2) is not
6 on the federal endangered plant species list pursuant to the
7 "Endangered Species Act of 1973," Pub.L.93-205 (16 U.S.C. s.1531
8 et seq.).

9 (cf: P.L. 1989, c.56, s.4)

10
11 3. (New Section) The department shall have the authority to
12 control or eliminate an invasive plant species regardless of the
13 existence, or possible existence, of endangered plant species in the
14 area being controlled, except as may be prohibited by federal law,
15 rule, or regulation.

16
17 4. This act shall take effect immediately.

20 STATEMENT

21
22 This bill would amend the definition of the term "endangered
23 species" as used in the State's "Endangered Plant Species List Act"
24 to mean any plant species that (1) is designated as listed, proposed,
25 or under review by the federal government as endangered or
26 threatened throughout its range in the United States pursuant to the
27 federal "Endangered Species Act of 1973," any additional species
28 known or believed to be rare throughout its worldwide range, and
29 any species having five or fewer extant populations within the
30 State, and (2) is not an invasive species.

31 The bill would define the term "invasive species" to mean any
32 plant which has a high potential to become noxious or which is
33 likely to spread to a degree that will likely cause damage to the
34 environment, human economy, or human health.

35 Some non-native plant species exhibit an aggressive growth habit
36 and can out-compete and displace native plant species. Invasive
37 species also can degrade, change, or displace native habitats.

38 This bill would also allow the Department of Environmental
39 Protection to remove any plant from the endangered plant species
40 list, if the plant is an invasive species, unless the plant is included
41 on the federal endangered plant species list pursuant to the
42 "Endangered Species Act of 1973." Furthermore, the bill would
43 authorize the department to control or eliminate an invasive plant
44 species regardless of the existence, or possible existence, of
45 endangered plant species in the area being controlled, except as may
46 be prohibited by federal law, rule, or regulation.