

ASSEMBLY, No. 3704

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Prohibits NJ State Forest Nursery from undercutting private nurseries by selling forestation stock below average market price.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the State forest management program and
2 supplementing P.L.1983, c.324 (C.13:1L-1 et seq.).

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

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7 1. a. Notwithstanding any provision of the “State Park and
8 Forestry Resources Act,” P.L.1983, c.324 (C.13:1L-1 et seq.), or
9 any rule or regulation adopted pursuant thereto, to the contrary, the
10 New Jersey State Forest Nursery, established pursuant to section 14
11 of P.L.1983, c.324 (C.13:1L-14), shall not provide trees or any
12 forestation stock for solely aesthetic improvement, aesthetic
13 screening, or any other solely aesthetic purpose.

14 b. Forestation stock from the State forest nursery shall not be
15 resold or removed from the property upon which it is planted,
16 whether as live trees or severed from the stump for ornamental use,
17 or for use as Christmas trees or holiday decorations.

18 c. The New Jersey State Forest Nursery shall not sell for less
19 than the average market price any trees or forestation stock for any
20 of the following purposes:

21 (1) for any project which is mandated by federal or State law,
22 rule, or regulation, or by local ordinance, resolution, rule, or
23 regulation, including, but not limited to, projects required pursuant
24 to the federal “Clean Water Act” (33 U.S.C. s.1251 et seq.);

25 (2) for any project that is required to fulfill a permit obligation,
26 such as, but not limited to, a wetland, stream bank, or conservation
27 mitigation project;

28 (3) for any project required to fulfill a municipal or county
29 permit obligation, such as, but not limited to, plantings required for
30 site plan or subdivision approval; and

31 (4) for any voluntary project where the landowner is to profit
32 from the installation of the plants, such as, but not limited to,
33 commercial development or wetland mitigation banks.

34 d. As used in this section, “forestation stock” means any native
35 tree seed, seedling, or sapling, or any hybrid or genetically altered
36 or improved seed, seedling, or sapling that is at least in part a native
37 tree seed, seedling, or sapling, sold either as a bare root or in a pot
38 or tub. “Hybrid or genetically altered or improved seed, seedling,
39 or sapling” shall include, but not be limited to, the pitch-lob
40 seedling created by crossing the pitch pine and the loblolly pine.

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42 2. This act shall take effect immediately.

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STATEMENT

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47 This bill would prevent the New Jersey State Forest Nursery (the
48 State forest nursery) from creating an unlevel playing field and
49 engaging in unfair competition with local private nurseries by

1 prohibiting the State forest nursery from selling any “forestation
2 stock” from the State forest nursery for less than the average market
3 price for any of the purposes enumerated in subsection c. of section
4 1 of the bill.

5 The bill also prohibits the State forest nursery from providing
6 trees or forestation stock solely for aesthetic improvement, aesthetic
7 screening, or any other solely aesthetic purpose.

8 “Forestation stock” is defined in the bill as any native tree seed,
9 seedling, or sapling, or any hybrid or genetically altered or
10 improved seed, seedling, or sapling that is at least in part a native
11 tree seed, seedling, or sapling, sold either as a bare root or in a pot
12 or tub. “Hybrid or genetically altered or improved seed, seedling,
13 or sapling” is defined in the bill to include, but not be limited to, the
14 pitch-lob seedling created by crossing the pitch pine and the
15 loblolly pine.

16 Finally, the bill codifies the current regulation stipulating that
17 forestation stock from the State forest nursery cannot be resold or
18 removed from the property upon which it is planted, whether as live
19 trees or severed from the stump, for ornamental use, or for use as
20 Christmas trees or holiday decorations.