

SENATE, No. 625

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

SYNOPSIS

Transfers NJ Board of Tree Experts from DEP to Dept. of Agriculture.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** transferring the New Jersey Board of Tree Experts from the
2 Department of Environmental Protection to the Department of
3 Agriculture, and amending and supplementing P.L.2009, c.237.

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

7
8 1. (New section) The New Jersey Board of Tree Experts in the
9 Department of Environmental Protection, established pursuant to
10 section 3 of P.L.2009, c.237 (C.45:15C-13), together with all its
11 functions, powers, and duties, is continued as the New Jersey Board
12 of Tree Experts in the Department of Agriculture. This transfer
13 shall be subject to the provisions of the “State Agency Transfer
14 Act,” P.L.1971, c.375 (C.52:14D-1 et seq.).

15
16 2. Section 3 of P.L.2009, c.237 (C.45:15C-13) is amended to
17 read as follows:

18 3. There is established in the Department of **【Environmental**
19 Protection**】** Agriculture the New Jersey Board of Tree Experts. The
20 board shall consist of nine members, including the **【Commissioner**
21 of the Department of Environmental Protection**】** Secretary of
22 Agriculture or the **【commissioner's】** secretary's designee, who shall
23 serve ex officio, and eight members, appointed by the Governor
24 with the **【advise】** advice and consent of the Senate as follows: five
25 shall be licensed tree experts, two shall be licensed tree care
26 operators, and one shall possess knowledge of arboriculture or
27 forestry, including urban forestry. However, of the public members
28 first appointed, three of the five licensed tree expert memberships
29 shall be appointed from the members of the board of tree experts
30 established by P.L.1940, c.100 (C.45:15-1 et seq.), participating on
31 the board on the date of enactment of **【this act】** P.L.2009, c.237
32 (C.45:15C-11 et seq.), and the remaining tree experts first appointed
33 shall be certified, on or before the date of enactment of **【this act】**
34 P.L.2009, c.237 (C.45:15C-11 et seq.), pursuant to the provisions of
35 P.L.1940, c.100 (C.45:15C-1 et seq.). The initial members of the
36 board, including the tree care operators first appointed, need not be
37 licensed until 180 days following the promulgation of initial
38 regulations by the board to carry out the provisions of **【this act】**
39 P.L.2009, c.237 (C.45:15C-11 et seq.). Thereafter, the members of
40 the board subsequently appointed shall be licensed before
41 appointment. The three members of the board of tree experts shall
42 be appointed for a term of three years, and one of the initial tree
43 care operators shall be appointed for a term of three years; the
44 remaining two initial tree experts and the remaining initial tree care
45 operator shall be appointed for a term of two years; and the initial

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 member possessing knowledge of arboriculture or forestry shall be
2 appointed for a term of one year. Thereafter, all members
3 appointed shall serve for terms of three years or until their
4 successors are appointed and qualified. Vacancies shall be filled
5 for the unexpired terms only.

6 (cf: P.L.2009, c.237, s.3)

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8 3. Section 4 of P.L.2009, c.237 (C.45:15C-14) is amended to
9 read as follows:

10 4. The board shall annually elect from among its members a
11 chairman and a vice-chairman. The board shall meet at least four
12 times per year and may hold additional meetings as necessary to
13 discharge its duties. A majority of the total authorized membership
14 of the board may exercise any of the powers of the board at any
15 meeting. The members of the board shall serve without
16 compensation, but the board may, within the limits of funds
17 appropriated or otherwise made available to it, reimburse members
18 for actual expenses necessarily incurred in the discharge of their
19 official duties, according to rules and regulations promulgated by
20 the **【Commissioner of the Department of Environmental**
21 **Protection】** Secretary of Agriculture.

22 (cf: P.L.2009, c.237, s.4)

23
24 4. Section 5 of P.L.2009, c.237 (C.45:15C-15) is amended to
25 read as follows:

26 5. The board shall:

27 a. Review the qualifications of an applicant for licensure under
28 **【the act】** P.L.2009, c.237 (C.45:15C-11 et seq.);

29 b. Establish standards for examinations for licensure;

30 c. Issue and renew licenses and assess fees therefor;

31 d. Establish standards by regulation, which shall include, but
32 not be limited to, the appropriate standards of the American
33 National Standards Institute (ANSI), and any related standards and
34 best management practices;

35 e. Suspend or revoke licenses or registrations for violations of
36 **【the act】** P.L.2009, c.237 (C.45:15C-11 et seq.);

37 f. Maintain a registry of licensees;

38 g. Adopt a canon of professional ethics;

39 h. Adopt such regulations as may be necessary to effectuate the
40 purposes of **【the act】** P.L.2009, c.237 (C.45:15C-11 et seq.);

41 i. Establish fees by regulation for examinations, applications
42 for licensure, and license renewals. The fees shall be sufficient to
43 defray expenses incurred by the board in the performance of its
44 duties under **【the act】** P.L.2009, c.237 (C.45:15C-11 et seq.);

45 j. Conduct such worksite inspections as may be necessary to
46 enforce the provisions of **【this act; and】** P.L.2009, c.237
47 (C.45:15C-11 et seq.);

1 k. Maintain a registry of businesses engaged in tree care
2 services, and charge a fee therefor; and

3 l. Employ such employees as the board deems necessary to
4 carry out its functions, powers, and duties pursuant to P.L.2009,
5 c.237 (C.45:15C-11 et seq.), within the limits of funds appropriated
6 or otherwise made available to the board for its purposes.

7 (cf: P.L.2009, c.237, s.5)

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9 5. Section 10 of P.L.2009, c.237 (C.45:15C-20) is amended to
10 read as follows:

11 10. In rendering professional services, a licensed tree expert or
12 licensed tree care operator shall comply in all respects with the
13 applicable laws and regulations pertaining to tree expert or tree care
14 operator services and shall have the duty to make every reasonable
15 effort to protect the safety, health, property, and welfare of the
16 public. This shall include ensuring the safe operation of all
17 equipment used in the performance of tree expert or tree care
18 operator services, under guidelines established by the Department
19 of **【Environmental Protection】** Agriculture or by the board.

20 (cf: P.L.2009, c.237, s.10)

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22 6. Section 15 of P.L.2009, c.237 (C.45:15C-25) is amended to
23 read as follows:

24 15. In the performance of tree expert or tree care operator
25 services, a licensed tree expert or licensed tree care operator and
26 every tree care business shall cooperate fully with the Department
27 of **【Environmental Protection】** Agriculture and the board in an
28 investigation or adjudication of an alleged violation of this law or
29 any regulations promulgated pursuant thereto, and upon request,
30 shall provide copies of any documents that shall be requested in
31 connection therewith.

32 (cf: P.L.2009, c.237, s.15)

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34 7. Section 16 of P.L.2009, c.237 (C.45:15C-26) is amended to
35 read as follows:

36 16. Whenever it shall appear to the board or the Department of
37 **【Environmental Protection】** Agriculture that a person has engaged
38 in, or is engaging in, any unlawful activity under the provisions of
39 **【this act】** P.L.2009, c.237 (C.45:15C-11 et seq.), the person may be
40 required to file, on a form prescribed by regulation, a statement in
41 writing under oath as to the facts and circumstances concerning the
42 rendering of any service or other violation of **【this act】** P.L.2009,
43 c.237 (C.45:15C-11 et seq.). The board or the department may
44 examine any person in connection with any act or practice subject
45 to **【the act】** P.L.2009, c.237 (C.45:15C-11 et seq.), inspect any
46 premises upon which any violation is alleged to have taken place or
47 premises that constitute the licensee's place of business, and

1 examine any record, book, document, account or paper maintained
2 by or for any licensee in the conduct of his business.

3 (cf: P.L.2009, c.237, s.16)

4
5 8. Section 19 of P.L.2009, c.237 (C.45:15C-29) is amended to
6 read as follows:

7 19. Whenever it shall appear to the board or the Department of
8 **【Environmental Protection】** Agriculture that a violation of **【this**
9 **act】** P.L.2009, c.237 (C.45:15C-11 et seq.) has occurred, is
10 occurring, or will occur, the Attorney General, in addition to any
11 other proceeding authorized by law, may seek and obtain in a
12 summary proceeding in the Superior Court an injunction prohibiting
13 the act or practice. The court may assess a civil penalty in
14 accordance with the provisions of **【this act】** P.L.2009, c.237
15 (C.45:15C-11 et seq.), but the court shall not suspend or revoke any
16 license issued by the board.

17 (cf: P.L.2009, c.237, s.19)

18
19 9. Section 20 of P.L.2009, c.237 (C.45:15C-30) is amended to
20 read as follows:

21 20. Any person aggrieved by an order or finding by the board or
22 the **【commissioner】** secretary may appeal the order or finding to the
23 Superior Court.

24 (cf: P.L.2009, c.237, s.20)

25
26 10. This act shall take effect immediately.

27 28 29 STATEMENT

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31 This bill would transfer the New Jersey Board of Tree Experts
32 (board), together with all of its functions, powers, and duties, from
33 the Department of Environmental Protection to the Department of
34 Agriculture. The transfer would be subject to the provisions of the
35 “State Agency Transfer Act.” The bill would also authorize the
36 board to employ such employees as it deems necessary to carry out
37 its functions, powers, and duties, within the limits of funds
38 appropriated or otherwise made available to the board.

39 This transfer would allow for greater cooperation and cost-
40 sharing between the board and the Department of Agriculture.
41 Specifically, it would permit the board to work hand in hand with
42 the department to combat the spread of invasive and exotic pests.
43 Tree insects and diseases are problems that are addressed by both
44 the board and the Department of Agriculture. Under the transfer,
45 the Department of Agriculture would have quick access to the
46 board’s regulated tree care industry for alerts and announcements
47 concerning invasive insects and diseases. The board would also be

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- 1 eligible to apply for grants and receive external grant funds from
- 2 the United States Department of Agriculture Forest Service.