

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/JA.

P.L.2017, CHAPTER 41, *approved May 1, 2017*
Senate, No. 227 (*First Reprint*)

1 AN ACT concerning use of native vegetation by the Department of
2 Transportation, New Jersey Turnpike Authority, and the South
3 Jersey Transportation Authority, and supplementing Title 27 of
4 the Revised Statutes, P.L.1948, c.454 (C.27:23-1 et seq.) and
5 P.L.1991, c.252 (C.27:25A-1 et seq.).
6

7 **BE IT ENACTED** by the Senate and General Assembly of the State
8 of New Jersey:
9

10 1. a. ¹(1)¹ Notwithstanding the provisions of any other law,
11 rule or regulation to the contrary ¹and except as provided otherwise
12 pursuant to paragraph (2) of this subsection¹, no later than the
13 180th day after the date of enactment of ¹**【this section】** P.L. __,
14 c. (C. __) (pending before the Legislature as this bill)¹, the
15 Department of Transportation, when planting vegetation for
16 purposes of landscaping, land management, reforestation, or habitat
17 restoration, shall plant only vegetation identified by the Department
18 of Environmental Protection pursuant to subsection b. of this
19 section as being native to the State and that will thrive in the
20 particular plant hardiness zone in which the vegetation is being
21 planted.

22 ¹(2) Notwithstanding the requirements of paragraph (1) of this
23 subsection, upon application by the Department of Transportation to
24 the Department of Environmental Protection, the Department of
25 Environmental Protection in consultation with the Division of Plant
26 Industry in the Department of Agriculture and representatives of
27 appropriate plant industry organizations and environmental
28 organizations selected by the Department of Environmental
29 Protection, may authorize the Department of Transportation to use
30 non-native vegetation for purposes of landscaping, land
31 management, reforestation, or habitat restoration in prescribed
32 circumstances where and when necessary if the use of native
33 vegetation is not feasible, provided that the non-native vegetation is
34 deemed to be non-invasive and not otherwise detrimental to the
35 environment.¹

36 b. No later than the 90th day after the date of enactment of this
37 section, the Department of Environmental Protection¹, in
38 consultation with the Division of Plant Industry in the Department

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 SEN committee amendments adopted September 26, 2016.

1 of Agriculture.¹ shall identify, for each plant hardiness zone, all of
2 the particular species of vegetation that are native to the State, and
3 that thrive in each plant hardiness zone in the State.

4 c. As used in this section:

5 “Plant hardiness zone” means a zone identified as existing in
6 New Jersey pursuant to the most recent edition of the Plant
7 Hardiness Zone Map published by the United States Department of
8 Agriculture.

9

10 2. a. ¹(1)¹ Notwithstanding the provisions of any other law,
11 rule or regulation to the contrary ¹and except as provided otherwise
12 pursuant to paragraph (2) of this subsection¹ , no later than the
13 180th day after the date of enactment of ¹【this section】 P.L.____,
14 c. (C.____) (pending before the Legislature as this bill)¹ , the New
15 Jersey Turnpike Authority, when planting vegetation for purposes
16 of landscaping, land management, reforestation, or habitat
17 restoration, shall plant only vegetation identified by the Department
18 of Environmental Protection pursuant to subsection b. of this
19 section as being native to the State and that will thrive in the
20 particular plant hardiness zone in which the vegetation is being
21 planted.

22 ¹(2) Notwithstanding the requirements of paragraph (1) of this
23 subsection, upon application by the New Jersey Turnpike Authority
24 to the Department of Environmental Protection, the Department of
25 Environmental Protection in consultation with the Division of Plant
26 Industry in the Department of Agriculture and representatives of
27 appropriate plant industry organizations and environmental
28 organizations selected by the Department of Environmental
29 Protection, may authorize the New Jersey Turnpike Authority to use
30 non-native vegetation for purposes of landscaping, land
31 management, reforestation, or habitat restoration in prescribed
32 circumstances where and when necessary if the use of native
33 vegetation is not feasible, provided that the non-native vegetation is
34 deemed to be non-invasive and not otherwise detrimental to the
35 environment.¹

36 b. No later than the 90th day after the date of enactment of this
37 section, the Department of Environmental Protection¹, in
38 consultation with the Division of Plant Industry in the Department
39 of Agriculture,¹ shall identify, for each plant hardiness zone, all of
40 the particular species of vegetation that are native to the State, and
41 that thrive in each plant hardiness zone in the State.

42 c. As used in this section:

43 “Plant hardiness zone” means a zone identified as existing in
44 New Jersey pursuant to the most recent edition of the Plant
45 Hardiness Zone Map published by the United States Department of
46 Agriculture.

1 3. a. ¹(1)¹ Notwithstanding the provisions of any other law,
2 rule or regulation to the contrary ¹and except as provided otherwise
3 pursuant to paragraph (2) of this subsection¹, no later than the 180th
4 day after the date of enactment of ¹【this section】 P.L. , c. (C.)
5 (pending before the Legislature as this bill)¹, the South Jersey
6 Transportation Authority, when planting vegetation for purposes of
7 landscaping, land management, reforestation, or habitat restoration,
8 shall plant only vegetation identified by the Department of
9 Environmental Protection pursuant to subsection b. of this section
10 as being native to the State and that will thrive in the particular
11 plant hardiness zone in which the vegetation is being planted.

12 ¹(2) Notwithstanding the requirements of paragraph (1) of this
13 subsection, upon application by the South Jersey Transportation
14 Authority to the Department of Environmental Protection, the
15 Department of Environmental Protection in consultation with the
16 Division of Plant Industry in the Department of Agriculture and
17 representatives of appropriate plant industry organizations and
18 environmental organizations selected by the Department of
19 Environmental Protection, may authorize the South Jersey
20 Transportation Authority to use non-native vegetation for purposes
21 of landscaping, land management, reforestation, or habitat
22 restoration in prescribed circumstances where and when necessary
23 if the use of native vegetation is not feasible, provided that the non-
24 native vegetation is deemed to be non-invasive and not otherwise
25 detrimental to the environment.¹

26 b. No later than the 90th day after the date of enactment of this
27 section, the Department of Environmental Protection¹, in
28 consultation with the Division of Plant Industry in the Department
29 of Agriculture,¹ shall identify, for each plant hardiness zone, all of
30 the particular species of vegetation that are native to the State, and
31 that thrive in each plant hardiness zone in the State.

32 c. As used in this section:

33 “Plant hardiness zone” means a zone identified as existing in
34 New Jersey pursuant to the most recent edition of the Plant
35 Hardiness Zone Map published by the United States Department of
36 Agriculture.

37

38 4. This act shall take effect immediately.

39

40

41

42

43 Requires DOT, NJTA, and SJTA to use only native vegetation
44 for landscaping, land management, reforestation, or habitat
45 restoration.

SENATE, No. 227

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Senator JAMES W. HOLZAPFEL

District 10 (Ocean)

Co-Sponsored by:

Senators T.Kean and Bateman

SYNOPSIS

Requires DOT, NJTA, and SJTA to use only native vegetation for landscaping, land management, reforestation, or habitat restoration.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning use of native vegetation by the Department of
2 Transportation, New Jersey Turnpike Authority, and the South
3 Jersey Transportation Authority, and supplementing Title 27 of
4 the Revised Statutes, P.L.1948, c.454 (C.27:23.1 et seq.) and
5 P.L.1991,c.252 (C.27:25A-1 et seq.).
6

7 **BE IT ENACTED** *by the Senate and General Assembly of the State*
8 *of New Jersey:*
9

10 1. a. Notwithstanding the provisions of any other law, rule or
11 regulation to the contrary, no later than the 180th day after the date
12 of enactment of this section, the Department of Transportation,
13 when planting vegetation for purposes of landscaping, land
14 management, reforestation, or habitat restoration, shall plant only
15 vegetation identified by the Department of Environmental
16 Protection pursuant to subsection b. of this section as being native
17 to the State and that will thrive in the particular plant hardiness
18 zone in which the vegetation is being planted.

19 b. No later than the 90th day after the date of enactment of this
20 section, the Department of Environmental Protection shall identify,
21 for each plant hardiness zone, all of the particular species of
22 vegetation that are native to the State, and that thrive in each plant
23 hardiness zone in the State.

24 c. As used in this section:

25 “Plant hardiness zone” means a zone identified as existing in
26 New Jersey pursuant to the most recent edition of the Plant
27 Hardiness Zone Map published by the United States Department of
28 Agriculture.
29

30 2. a. Notwithstanding the provisions of any other law, rule or
31 regulation to the contrary, no later than the 180th day after the date
32 of enactment of this section, the New Jersey Turnpike Authority,
33 when planting vegetation for purposes of landscaping, land
34 management, reforestation, or habitat restoration, shall plant only
35 vegetation identified by the Department of Environmental
36 Protection pursuant to subsection b. of this section as being native
37 to the State and that will thrive in the particular plant hardiness
38 zone in which the vegetation is being planted.

39 b. No later than the 90th day after the date of enactment of this
40 section, the Department of Environmental Protection shall identify,
41 for each plant hardiness zone, all of the particular species of
42 vegetation that are native to the State, and that thrive in each plant
43 hardiness zone in the State.

44 c. As used in this section:

45 “Plant hardiness zone” means a zone identified as existing in
46 New Jersey pursuant to the most recent edition of the Plant
47 Hardiness Zone Map published by the United States Department of
48 Agriculture.

1 3. a. Notwithstanding the provisions of any other law, rule or
2 regulation to the contrary, no later than the 180th day after the date
3 of enactment of this section, the South Jersey Transportation
4 Authority, when planting vegetation for purposes of landscaping,
5 land management, reforestation, or habitat restoration, shall plant
6 only vegetation identified by the Department of Environmental
7 Protection pursuant to subsection b. of this section as being native
8 to the State and that will thrive in the particular plant hardiness
9 zone in which the vegetation is being planted.

10 b. No later than the 90th day after the date of enactment of this
11 section, the Department of Environmental Protection shall identify,
12 for each plant hardiness zone, all of the particular species of
13 vegetation that are native to the State, and that thrive in each plant
14 hardiness zone in the State.

15 c. As used in this section:

16 “Plant hardiness zone” means a zone identified as existing in
17 New Jersey pursuant to the most recent edition of the Plant
18 Hardiness Zone Map published by the United States Department of
19 Agriculture.

20

21 4. This act shall take effect immediately.

22

23

24

STATEMENT

25

26 This bill would require that whenever the Department of
27 Transportation (DOT), New Jersey Turnpike Authority (NJTA), or
28 South Jersey Transportation Authority (SJTA) plants vegetation for
29 purposes of landscaping, land management, reforestation, or habitat
30 restoration, the DOT, NJTA, or SJTA, as applicable, would be
31 required to plant only vegetation that is native to the State and that
32 will thrive in the area being planted.

33 The Department of Environmental Protection (DEP) would be
34 required to identify those particular species of vegetation that are
35 native to the State and that thrive in each plant hardiness zone found
36 within the State, as identified pursuant to the most recent edition of
37 the Plant Hardiness Zone Map published by the United States
38 Department of Agriculture. When planting in any given plant
39 hardiness zone, the DOT, NJTA, or SJTA, as applicable, would be
40 required to plant only those species identified by the DEP as being
41 native to the State and that thrive in the plant hardiness zone.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 227

STATE OF NEW JERSEY

DATED: DECEMBER 15, 2016

The Assembly Appropriations Committee reports favorably Senate Bill No. 227 (1R).

This bill requires that whenever the Department of Transportation (DOT), New Jersey Turnpike Authority (NJTA), or South Jersey Transportation Authority (SJTA) plants vegetation for purposes of landscaping, land management, reforestation, or habitat restoration, that it plant only vegetation that is native to the State and that will thrive in the area in which it is being planted, with certain exceptions.

The bill requires the Department of Environmental Protection (DEP), in consultation with the Division of Plant Industry in the Department of Agriculture, to identify those particular species of vegetation that are native to the State and that thrive in each plant hardiness zone found within the State, as identified pursuant to the most recent edition of the Plant Hardiness Zone Map published by the United States Department of Agriculture. When planting in any given plant hardiness zone, the DOT, NJTA, or SJTA, as applicable, generally would be required to plant only those species so identified.

The bill allows the DEP in consultation with the Division of Plant Industry in the Department of Agriculture and representatives of appropriate plant industry organizations and environmental organizations selected by the DEP, to authorize the DOT, NJTA, or SJTA, as the case may be, to use non-native vegetation for purposes of landscaping, land management, reforestation, or habitat restoration in prescribed circumstances where and when necessary if the use of native vegetation is not feasible, provided that the non-native vegetation is deemed to be non-invasive and not otherwise detrimental to the environment.

As reported, this bill is identical to Assembly Bill No. 963 (1R), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Service determines that the bill may have a minimal cost impact to the General Fund and may provide a potential annual revenue savings to the General Fund.

By planting native vegetation, the State could realize savings from the discontinuation or reduction in the use of pesticides, fertilizers, and watering.

The initial one-time cost would result from identifying native vegetation to use in each plant hardiness zone within the State. There may be a minimal recurring cost impact to the General Fund for administering the feasibility exception.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 227

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 26, 2016

The Senate Environment and Energy Committee favorably reports Senate Bill No. 227 with committee amendments.

This bill, as amended by the committee, would require, with one exception, that whenever the Department of Transportation (DOT), New Jersey Turnpike Authority (NJTA), or South Jersey Transportation Authority (SJTA) plants vegetation for purposes of landscaping, land management, reforestation, or habitat restoration, that it plant only vegetation that is native to the State and that will thrive in the area in which it is being planted.

As amended by the committee, the bill requires the Department of Environmental Protection (DEP), in consultation with the Division of Plant Industry in the Department of Agriculture, to identify those particular species of vegetation that are native to the State and that thrive in each plant hardiness zone found within the State, as identified pursuant to the most recent edition of the Plant Hardiness Zone Map published by the United States Department of Agriculture. When planting in any given plant hardiness zone, the DOT, NJTA, or SJTA, as applicable, generally would be required to plant only those species so identified.

The bill, as amended, allows for an exception to the native vegetation only requirement. Specifically, the bill, as amended, provides that the DEP in consultation with the Division of Plant Industry in the Department of Agriculture and representatives of appropriate plant industry organizations and environmental organizations selected by the DEP, may authorize the DOT, NJTA, or SJTA, as the case may be, to use non-native vegetation for purposes of landscaping, land management, reforestation, or habitat restoration in prescribed circumstances where and when necessary if the use of native vegetation is not feasible, provided that the non-native vegetation is deemed to be non-invasive and not otherwise detrimental to the environment.

The committee amendments (1) would require the DEP to consult with the Division of Plant Industry in the Department of Agriculture in the identification of native plants for each plant hardiness zone, and (2) provide for a limited exception to the native vegetation only requirement in the bill.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 227

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: DECEMBER 16, 2016

SUMMARY

- Synopsis:** Requires DOT, NJTA, and SJTA to use only native vegetation for landscaping, land management, reforestation, or habitat restoration.
- Type of Impact:** Indeterminate cost impact on State and toll road authorities
- Agencies Affected:** Department of Agriculture, Department of Environmental Protection, Department of Transportation, New Jersey Turnpike Authority, and South Jersey Transportation Authority.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State and Toll Road Authority Expenditures	Indeterminate impact – See comments below		

- The Office of Legislative Service (OLS) determines that the bill may reduce State toll road authority expenditures.
- By planting native vegetation, the State could realize savings from the discontinuation or reduction in the use of pesticides, fertilizers, and watering. In addition, with the feasibility exception, the cost of using native vegetation might not exceed the cost of using existing or non-native vegetation. A one-time cost would result from identifying native vegetation to use in each plant hardiness zone within the State.
- The bill may produce a minimal recurring cost impact to the General Fund for administering the feasibility exception.

BILL DESCRIPTION

Senate Bill No. 227 (1R) of 2016 would require, with one exception, that whenever the Department of Transportation (DOT), New Jersey Turnpike Authority (NJTA), or South Jersey Transportation Authority (SJTA) plants vegetation for purposes of landscaping, land

management, reforestation, or habitat restoration, that it plant only vegetation that is native to the State and that will thrive in the area in which it is being planted.

The bill requires the Department of Environmental Protection (DEP), in consultation with the Division of Plant Industry in the Department of Agriculture, to identify those particular species of vegetation that are native to the State and that thrive in each plant hardiness zone found within the State, as identified pursuant to the most recent edition of the Plant Hardiness Zone Map published by the United States Department of Agriculture. When planting in any given plant hardiness zone, the DOT, NJTA, or SJTA, as applicable, generally would be required to plant only those species so identified.

The bill allows for an exception to the native vegetation only requirement. Specifically, the bill provides that the DEP, in consultation with the Division of Plant Industry in the Department of Agriculture and representatives of appropriate plant industry organizations and environmental organizations selected by the DEP, may authorize the DOT, NJTA, or SJTA to use non-native vegetation for purposes of landscaping, land management, reforestation, or habitat restoration in prescribed circumstances where and when necessary if the use of native vegetation is not feasible, provided that the non-native vegetation is deemed to be non-invasive and not otherwise detrimental to the environment.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill's impact on State and toll road authority expenditures is indeterminate.

The bill requires the DEP, in consultation with the Division of Plant Industry in the Department of Agriculture, to identify species of vegetation that are native to the State for each plant hardiness zone found within the State. The OLS determines there may be a one-time minimal cost impact to the General Fund to identify native vegetation for each of the plant hardiness zones within the State.

The bill requires the DOT, NJTA, and SJTA to use native vegetation in areas that the DOT, NJTA, or SJTA are already required to provide for landscaping, land management, reforestation, or habitat restoration. The bill also provides a feasibility exception. The OLS notes that the bill does not define the circumstances by which the feasibility exception may be employed. Consequently, the OLS is unable to determine the fiscal impact, if any, that the exception may have.

Whether the use of native vegetation would cost more or less than the use of non-native vegetation is unknown because it depends upon a number of variables particular to each project. However, the OLS notes that, according to experts, native vegetation is naturally adapted to the local conditions and, therefore, once established, is less likely to need pesticides, fertilizers, or watering. The OLS determines that due to the nature of native vegetation, savings could be realized from the discontinuation or reduction of pesticides, fertilizers, and the need for watering.

The OLS determines that there may be a minimal recurring cost impact to the General Fund for administering the feasibility exception. The DEP, in cooperation with the Department of

Agriculture, may need to administer the provision of the bill that allows for a feasibility exception. Specifically, the DEP, in consultation with the Department of Agriculture, would need to: 1) determine when non-native vegetation could be used for purposes of landscaping, land management, reforestation, or habitat restoration instead of native vegetation; and 2) address any issues that may arise from implementing, administering, and enforcing the feasibility exception. The OLS presumes that the work required to administer the feasibility exception could be subsumed within existing staff duties.

Section: Environment, Agriculture, Energy and Natural Resources

*Analyst: Neha Mehta Patel
Assistant Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 963

STATE OF NEW JERSEY

217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman DAVID W. WOLFE

District 10 (Ocean)

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

SYNOPSIS

Requires DOT, NJTA, and SJTA to use only native vegetation for landscaping, land management, reforestation, or habitat restoration.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning use of native vegetation by the Department of
2 Transportation, New Jersey Turnpike Authority, and the South
3 Jersey Transportation Authority, and supplementing Title 27 of
4 the Revised Statutes, P.L.1948, c.454 (C.27:23.1 et seq.) and
5 P.L.1991, c.252 (C.27:25A-1 et seq.).
6

7 **BE IT ENACTED** *by the Senate and General Assembly of the State*
8 *of New Jersey:*
9

10 1. a. Notwithstanding the provisions of any other law, rule or
11 regulation to the contrary, no later than the 180th day after the date
12 of enactment of this section, the Department of Transportation,
13 when planting vegetation for purposes of landscaping, land
14 management, reforestation, or habitat restoration, shall plant only
15 vegetation identified by the Department of Environmental
16 Protection pursuant to subsection b. of this section as being native
17 to the State and that will thrive in the particular plant hardiness
18 zone in which the vegetation is being planted.

19 b. No later than the 90th day after the date of enactment of this
20 section, the Department of Environmental Protection shall identify,
21 for each plant hardiness zone, all of the particular species of
22 vegetation that are native to the State, and that thrive in each plant
23 hardiness zone in the State.

24 c. As used in this section:

25 “Plant hardiness zone” means a zone identified as existing in
26 New Jersey pursuant to the most recent edition of the Plant
27 Hardiness Zone Map published by the United States Department of
28 Agriculture.
29

30 2. a. Notwithstanding the provisions of any other law, rule or
31 regulation to the contrary, no later than the 180th day after the date
32 of enactment of this section, the New Jersey Turnpike Authority,
33 when planting vegetation for purposes of landscaping, land
34 management, reforestation, or habitat restoration, shall plant only
35 vegetation identified by the Department of Environmental
36 Protection pursuant to subsection b. of this section as being native
37 to the State and that will thrive in the particular plant hardiness
38 zone in which the vegetation is being planted.

39 b. No later than the 90th day after the date of enactment of this
40 section, the Department of Environmental Protection shall identify,
41 for each plant hardiness zone, all of the particular species of
42 vegetation that are native to the State, and that thrive in each plant
43 hardiness zone in the State.

44 c. As used in this section:

45 “Plant hardiness zone” means a zone identified as existing in
46 New Jersey pursuant to the most recent edition of the Plant
47 Hardiness Zone Map published by the United States Department of
48 Agriculture.

1 3. a. Notwithstanding the provisions of any other law, rule or
2 regulation to the contrary, no later than the 180th day after the date
3 of enactment of this section, the South Jersey Transportation
4 Authority, when planting vegetation for purposes of landscaping,
5 land management, reforestation, or habitat restoration, shall plant
6 only vegetation identified by the Department of Environmental
7 Protection pursuant to subsection b. of this section as being native
8 to the State and that will thrive in the particular plant hardiness
9 zone in which the vegetation is being planted.

10 b. No later than the 90th day after the date of enactment of this
11 section, the Department of Environmental Protection shall identify,
12 for each plant hardiness zone, all of the particular species of
13 vegetation that are native to the State, and that thrive in each plant
14 hardiness zone in the State.

15 c. As used in this section:

16 “Plant hardiness zone” means a zone identified as existing in
17 New Jersey pursuant to the most recent edition of the Plant
18 Hardiness Zone Map published by the United States Department of
19 Agriculture.

20

21 4. This act shall take effect immediately.

22

23

24

STATEMENT

25

26 This bill would require that whenever the Department of
27 Transportation (DOT), New Jersey Turnpike Authority (NJTA), or
28 South Jersey Transportation Authority (SJTA) plants vegetation for
29 purposes of landscaping, land management, reforestation, or habitat
30 restoration, the DOT, NJTA, or SJTA, as applicable, would be
31 required to plant only vegetation that is native to the State and that
32 will thrive in the area being planted.

33 The Department of Environmental Protection (DEP) would be
34 required to identify those particular species of vegetation that are
35 native to the State and that thrive in each plant hardiness zone found
36 within the State, as identified pursuant to the most recent edition of
37 the Plant Hardiness Zone Map published by the United States
38 Department of Agriculture. When planting in any given plant
39 hardiness zone, the DOT, NJTA, or SJTA, as applicable, would be
40 required to plant only those species identified by the DEP as being
41 native to the State and that thrive in the plant hardiness zone.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 963

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 13, 2016

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 963.

This bill, as amended by the committee, would require, with one exception, that whenever the Department of Transportation (DOT), New Jersey Turnpike Authority (NJTA), or South Jersey Transportation Authority (SJTA) plants vegetation for purposes of landscaping, land management, reforestation, or habitat restoration, that it plant only vegetation that is native to the State and that will thrive in the area in which it is being planted.

The bill requires the Department of Environmental Protection (DEP), in consultation with the Division of Plant Industry in the Department of Agriculture, to identify those particular species of vegetation that are native to the State and that thrive in each plant hardiness zone found within the State, as identified pursuant to the most recent edition of the Plant Hardiness Zone Map published by the United States Department of Agriculture. When planting in any given plant hardiness zone, the DOT, NJTA, or SJTA, as applicable, generally would be required to plant only those species so identified.

The bill allows for an exception to the native vegetation only requirement. Specifically, the bill provides that the DEP in consultation with the Division of Plant Industry in the Department of Agriculture and representatives of appropriate plant industry organizations and environmental organizations selected by the DEP, may authorize the DOT, NJTA, or SJTA, as the case may be, to use non-native vegetation for purposes of landscaping, land management, reforestation, or habitat restoration in prescribed circumstances where and when necessary if the use of native vegetation is not feasible, provided that the non-native vegetation is deemed to be non-invasive and not otherwise detrimental to the environment.

This bill was pre-filed for introduction in the 2016-2017 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS

The committee amendments to the bill:

(1) would require the DEP to consult with the Division of Plant Industry in the Department of Agriculture in the identification of native plants for each plant hardiness zone; and

(2) provide a limited exception to the native vegetation only requirement.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 963

STATE OF NEW JERSEY

DATED: DECEMBER 15, 2016

The Assembly Appropriations Committee reports favorably Assembly Bill No. 963 (1R).

This bill requires that whenever the Department of Transportation (DOT), New Jersey Turnpike Authority (NJTA), or South Jersey Transportation Authority (SJTA) plants vegetation for purposes of landscaping, land management, reforestation, or habitat restoration, that it plant only vegetation that is native to the State and that will thrive in the area in which it is being planted, with certain exceptions.

The bill requires the Department of Environmental Protection (DEP), in consultation with the Division of Plant Industry in the Department of Agriculture, to identify those particular species of vegetation that are native to the State and that thrive in each plant hardiness zone found within the State, as identified pursuant to the most recent edition of the Plant Hardiness Zone Map published by the United States Department of Agriculture. When planting in any given plant hardiness zone, the DOT, NJTA, or SJTA, as applicable, generally would be required to plant only those species so identified.

The bill allows the DEP in consultation with the Division of Plant Industry in the Department of Agriculture and representatives of appropriate plant industry organizations and environmental organizations selected by the DEP, to authorize the DOT, NJTA, or SJTA, as the case may be, to use non-native vegetation for purposes of landscaping, land management, reforestation, or habitat restoration in prescribed circumstances where and when necessary if the use of native vegetation is not feasible, provided that the non-native vegetation is deemed to be non-invasive and not otherwise detrimental to the environment.

As reported, this bill is identical to Senate Bill No. 227 (1R), as also reported by the committee.

FISCAL IMPACT:

The Office of Legislative Service determines that the bill may have a minimal cost impact to the General Fund and may provide a potential annual revenue savings to the General Fund.

By planting native vegetation, the State could realize savings from the discontinuation or reduction in the use of pesticides, fertilizers, and watering.

The initial one-time cost would result from identifying native vegetation to use in each plant hardiness zone within the State. There may be a minimal recurring cost impact to the General Fund for administering the feasibility exception.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 963

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: DECEMBER 16, 2016

SUMMARY

- Synopsis:** Requires DOT, NJTA, and SJTA to use only native vegetation for landscaping, land management, reforestation, or habitat restoration.
- Type of Impact:** Indeterminate cost impact on State and toll road authorities
- Agencies Affected:** Department of Agriculture, Department of Environmental Protection, Department of Transportation, New Jersey Turnpike Authority, and South Jersey Transportation Authority.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State and Toll Road Authority Expenditures	Indeterminate impact – See comments below		

- The Office of Legislative Service (OLS) determines that the bill may reduce State and toll road authority expenditures.
- By planting native vegetation, the State could realize savings from the discontinuation or reduction in the use of pesticides, fertilizers, and watering. In addition, with the feasibility exception, the cost of using native vegetation might not exceed the cost of using existing or non-native vegetation. A one-time cost would result from identifying native vegetation to use in each plant hardiness zone within the State.
- The bill may produce a minimal recurring cost impact to the General Fund for administering the feasibility exception.

BILL DESCRIPTION

Assembly Bill No. 963 (1R) of 2016 would require, with one exception, that whenever the Department of Transportation (DOT), New Jersey Turnpike Authority (NJTA), or South Jersey Transportation Authority (SJTA) plants vegetation for purposes of landscaping, land

management, reforestation, or habitat restoration, that it plant only vegetation that is native to the State and that will thrive in the area in which it is being planted.

The bill requires the Department of Environmental Protection (DEP), in consultation with the Division of Plant Industry in the Department of Agriculture, to identify those particular species of vegetation that are native to the State and that thrive in each plant hardiness zone found within the State, as identified pursuant to the most recent edition of the Plant Hardiness Zone Map published by the United States Department of Agriculture. When planting in any given plant hardiness zone, the DOT, NJTA, or SJTA, as applicable, generally would be required to plant only those species so identified.

The bill allows for an exception to the native vegetation only requirement. Specifically, the bill provides that the DEP, in consultation with the Division of Plant Industry in the Department of Agriculture and representatives of appropriate plant industry organizations and environmental organizations selected by the DEP, may authorize the DOT, NJTA, or SJTA to use non-native vegetation for purposes of landscaping, land management, reforestation, or habitat restoration in prescribed circumstances where and when necessary if the use of native vegetation is not feasible, provided that the non-native vegetation is deemed to be non-invasive and not otherwise detrimental to the environment.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill's impact on State and toll road authority expenditures is indeterminate.

The bill requires the DEP, in consultation with the Division of Plant Industry in the Department of Agriculture, to identify species of vegetation that are native to the State for each plant hardiness zone found within the State. The OLS determines there may be a one-time minimal cost impact to the General Fund to identify native vegetation for each of the plant hardiness zones within the State.

The bill requires the DOT, NJTA, and SJTA to use native vegetation in areas that the DOT, NJTA, or SJTA are already required to provide for landscaping, land management, reforestation, or habitat restoration. The bill also provides a feasibility exception. The OLS notes that the bill does not define the circumstances by which the feasibility exception may be employed. Consequently, the OLS is unable to determine the fiscal impact, if any, that the exception may have.

Whether the use of native vegetation would cost more or less than the use of non-native vegetation is unknown because it depends upon a number of variables particular to each project. However, the OLS notes that, according to experts, native vegetation is naturally adapted to the local conditions and, therefore, once established, is less likely to need pesticides, fertilizers, or watering. The OLS determines that due to the nature of native vegetation, savings could be realized from the discontinuation or reduction of pesticides, fertilizers, and the need for watering.

The OLS determines that there may be a minimal recurring cost impact to the General Fund for administering the feasibility exception. The DEP, in cooperation with the Department of

Agriculture, may need to administer the provision of the bill that allows for a feasibility exception. Specifically, the DEP, in consultation with the Department of Agriculture, would need to: 1) determine when non-native vegetation could be used for purposes of landscaping, land management, reforestation, or habitat restoration instead of native vegetation; and 2) address any issues that may arise from implementing, administering, and enforcing the feasibility exception. The OLS presumes that the work required to administer the feasibility exception could be subsumed within existing staff duties.

Section: Environment, Agriculture, Energy and Natural Resources

*Analyst: Neha Mehta Patel
Assistant Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This fiscal note has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Christie Takes Action On Pending Legislation

Monday, May 1, 2017

Tags: [Addiction Taskforce](#)

Trenton, NJ - Governor Chris Christie signed into law today several bills to empower New Jersey's military members and veterans, including a bipartisan initiative to create the "Veterans Diversion Program."

The new law, S-307/A-4362 (Van Drew, Allen/Andrzejczak, Mazzeo, Land, Tucker, Benson, Bramnick), requires the New Jersey Department of Military and Veterans Affairs to collaborate with its federal counterpart and develop a statewide program providing appropriate case management and mental health services to eligible military service members who have committed nonviolent offenses. The department will publicize a directory of existing federal and State case management and mental health program locations, which will serve as points of entry to facilitate support and services.

"It is impossible to imagine the courage, sacrifices and experiences of the men and women who put their lives on the line to protect the American people and our freedom," Governor Christie said. "This critical legislation gives back by supporting New Jersey's military service members when they need it most and when their lives depend on it. This new program will strengthen families and communities, by empowering veterans with individualized, holistic care and steering them clear of the criminal justice system."

Other military and veterans' bills signed by Governor Christie today require the Department of Military and Veterans Affairs (DMAVA) to develop an informational website for Gold Star families; require DMAVA to notify local county veterans' affairs offices and State veterans service offices of the death of a New Jersey or other service member whose surviving beneficiary resides in the State in order to inform the beneficiaries of federal and state benefits and creates a designated Gold Star family member liaison for each county veterans' office; and, retains eligibility for New Jersey National Guard members or reserve components of the U.S. Armed Forces called to active federal military service who met maximum age requirements at the closing date of civil service examinations.

Governor Christie also took action on the following bills:

BILL SIGNINGS:

S-158/A-3631 (Madden, Cruz-Perez/Quijano, Schaer, Vainieri Huttler, Zwicker, Mukherji, Daniels) - Permits holding companies of eligible New Jersey emerging technology companies to receive investments under "New Jersey Angel Investor Tax Credit Act"

S-227/A-963 (Holzapfel, Allen/Wolfe, McGuckin, Dancer) - Requires DOT, NJTA, and SJTA to use only native vegetation for landscaping, land management, reforestation, or habitat restoration

S-518/A-4452 (Beck/Downey, Houghtaling, Benson, Mukherji, Vainieri Huttler) - Requires sanitation vehicles display flashing lights in certain circumstances and imposes conditions on drivers approaching sanitation vehicles displaying flashing lights; designated as "Michael Massey's Law"

S-724/A-3604 (Cruz-Perez, Allen/Eustace, Wolfe, Mukherji) - Establishes "Integrated Roadside Vegetation Management Program"

S-792/A-1271 (Sarlo/ Caride, Schaer, Pintor Marin) - Permits newly created regional school districts or enlarging regional school districts to determine apportionment methodology for their boards of education on basis other than population

Stay Connected
with Social Media

Stay Connected
with Email Alerts

LIKE THIS PAGE? SHARE IT
WITH YOUR FRIENDS.



S-913/A-3404 (Codey, Vitale/Burzichelli, Coughlin, Schaer, Singleton) - Permits hospitals to establish system for making performance-based incentive payments to physicians

S-1059/A-4462 (Diegnan/Lagana, Vainieri Huttie, Mukherji) - Permits amusement games license to be issued to holder of alcoholic beverage special concessionaire permit at certain airports; allows licensees to offer electronic amusements under certain circumstances

S-1398/A-1447 (Weinberg, Gill/Lampitt, Spencer, Vainieri Huttie, McKeon, Mukherji, Holley, Caride, Downey) - Expands infertility coverage under certain health insurance plans

S-1404/A-4423 (Weinberg/Johnson, Benson, Mukherji, Handlin) - Requires governmental affairs agents to disclose on notice of representation form compensation amount received from State or local government entities; requires notice to be posted on Internet site of Election Law Enforcement Commission

S-1475/A-3304 (Ruiz, Vitale/Vainieri Huttie, Mukherji, Holley, Jimenez) - Establishes three-year Medicaid home visitation demonstration project

S-1634/A-3991 (Turner, Stack/Muoio, Wimberly, Johnson, Pintor Marin, Mukherji) - Requires housing authority to advertise when applications are being accepted for housing assistance waiting lists online

S-1761/A-4473 (Rice, Cunningham, Pou/Johnson, Wimberly, Pintor Marin) - Directs Community College Consortium for Workforce and Economic Development to promote basic skills training through organizations dedicated to the economic empowerment of specific segments of society, such as the African American Chamber of Commerce

S-1825/A-3432 (Sarlo, Cruz-Perez, Gordon/Greenwald, Lampitt, Benson, Caride, Chiaravalloti) - Establishes task force to study and make recommendations concerning mobility and support services needs of NJ adults with autism spectrum disorder

S-1856/A-3846 (Pou, Allen/Phoebus, Tucker, Space) - Provides for retained eligibility for members of NJ National Guard or reserve component of US Armed Forces called to active federal military service who met maximum age requirement at closing date of civil service examination

S-2286/A-3083 (Weinberg, Gordon/Vainieri Huttie, Eustace, Johnson) - Establishes Mike Adler Aphasia Task Force to assess needs of persons with aphasia, and their families, and ensure adequate provision of support services and information thereto

S-2414/A-4056 (Scutari/Jimenez, Eustace, Giblin, McKnight) - Requires "Massage and Bodywork Therapist Licensing Act" to require certain class study and examination requirements

S-2856/A-4402 (Beach, Madden/Greenwald, Andrzejczak, Johnson, Rible, Jones, Land, Houghtaling, Benson) - Requires DMVA to notify county veterans' affairs office of death of certain military service members; requires office to have Gold Star liaisons

S-2857/A-4403 (Beach, Madden/Greenwald, Rible, Land, Johnson, Mazzeo, Andrzejczak, Houghtaling, Benson) - Requires Adjutant General to create informational webpage for Gold Star families

S-2868/A-4501 (Pou, Sarlo/Sumter, Wimberly) - Increases value of Economic Redevelopment and Growth Grant program residential tax credits to \$823 million; restricts \$105 million of tax credits to qualified residential projects and mixed use parking projects

S-3015/A-4623 (Rice, Ruiz/Sumter, Oliver, Schaer, Pintor Marin) - Requires study of program allowing community service in lieu of paying motor vehicle surcharges

SJR-49/AJR-106 (Ruiz, Oroho/Phoebus, Pintor Marin, Space, McKnight, Schepisi) - Designates third week in September of each year as Go Gold for Kids with Cancer Awareness Week"

SJR-75/AJR- 122 (Rice, Codey/Oliver, Giblin, Chiaravalloti, Sumter, Quijano, McKnight) - Establishes "Disparity in State Procurement Study Commission"

BILLS VETOED:

S-596/A-3422 (Cunningham, Greenstein, Sweeney/Benson, Mukherji, Muoio, Holley, Sumter, Downey, Lampitt, Oliver, Danielsen, Wimberly) - **CONDITIONAL** - Establishes compensation program for law enforcement officers and certain other employees injured while performing official duties

S-690/A-2921 (Gordon, Beach, Eustace, Houghtaling, Pinkin, Mazzeo) - **CONDITIONAL** - Increases flexibility, clarity, and available tools of optional municipal consolidation process

SCS for S-895/ACS for A-2182 (Lesniak, Beck, Cunningham/Sumter, Holley, Oliver, Jones, Wimberly) - **CONDITIONAL** - "Earn Your Way Out Act"; requires DOC to develop inmate reentry plan; establishes administrative parole release for certain inmates; requires study and report by DOC on fiscal impact

S-956/A-2202 (Gordon, Bateman/Eustace, Zwicker, O'Scanlon, Downey, Wisniewski, Pinkin) - **CONDITIONAL** - Authorizes special emergency appropriations for the payment of certain expenses incurred by municipalities to implement a municipal consolidation

S-2844/A-4425 (Vitale, Codey/Vainieri Huttie, Muoio, Eustace, Space, Benson) - **CONDITIONAL** - Eliminates certificate of need requirement for inpatient hospital beds for treatment of psychiatric and substance use disorder dual

diagnosis

**S-3041/ACS for A-2338 (Lesniak/Benson, Vainieri Huttle, Eustace, Gusciora, Mukherji, Jimenez) -
CONDITIONAL** - Revises "Pet Purchase Protection Act" to establish new requirements for pet dealers and pet shops

**S-3048/A-4520 (Weinberg, Turner, Greenstein/McKeon, Singleton, Moriarty, Quijano, Johnson, Benson) -
CONDITIONAL** - Requires candidates for President and Vice-President of United States to disclose federal income tax returns to appear on ballot; prohibits Electoral College electors from voting for candidates who fail to file income tax returns

###

Press Contact:
Brian Murray
609-777-2600



[Contact Us](#) | [Privacy Notice](#) | [Legal Statement & Disclaimers](#) | [Accessibility Statement](#) | 

Statewide: [NJ Home](#) | [Services A to Z](#) | [Departments/Agencies](#) | [FAQs](#)
Office of the Governor: [Home](#) | [Newsroom](#) | [Media](#) | [Administration](#) | [NJ's Priorities](#) | [Contact Us](#)

Copyright © State of New Jersey, 1996-2017
Office of the Governor
PO Box 001
Trenton, NJ 08625
609-292-6000