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RWH 4/10/08

P.L. 2007, CHAPTER 44, *approved February 21, 2007*
Senate, No. 839 (*First Reprint*)

1 AN ACT establishing the Forest Health Advisory Council and
2 supplementing Title 13 of the Revised Statutes.

3

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

6

7 1. The Legislature finds and declares that trees and forests help
8 clean and refresh the air by filtering dust and particulates and by
9 absorbing carbon dioxide and releasing oxygen; that trees and
10 forests also help clean the waters of the State, stabilize soils,
11 provide shade, and furnish food and shelter to birds and other
12 wildlife; and that the beautiful and majestic trees which form an
13 integral part of the streetscapes of New Jersey's municipalities
14 produce a calming effect and create a sense of peace and
15 community.

16 The Legislature further finds and declares that oak trees are an
17 historically important part of the landscape of New Jersey; that the
18 red oak is the State Tree and the pin oak is one of the top five most
19 commonly planted street trees in the State; and that oak trees, as
20 well as other important tree species and forests, in New Jersey are
21 now threatened by various pathogens.

22 The Legislature further finds and declares that Sudden Oak
23 Death, a highly contagious and mysterious pathogen, discovered in
24 California in 1995, represents a looming threat to New Jersey
25 forests and poses a threat to every species of oak, redwood and
26 Douglas fir in the country; that Sudden Oak Death, one of the most
27 virulent forest epidemics ever to hit the United States, is caused by
28 the deadly fungus-like algae, *Phytophthora ramorum*, which thrives
29 in cool climates and is responsible for widespread tree mortality in
30 central and northern California; and that while the disease
31 originated in California, killing tens of thousands of oaks along the
32 northern coast of that state, it now threatens forests in the East and
33 South as well as California.

34 The Legislature further finds and declares that the potential
35 eastward spread of this disease could wreak havoc to New Jersey's
36 forests and ecosystems, due to the unprecedented capacity of this
37 pathogen to spread very quickly; and that the disease is transmitted
38 through the dispersal of microbes in nursery plants imported into
39 the United States, through the interstate movement of plant
40 materials, foliage, firewood, wood products, leaves, and soil, and
41 through the movements of humans, insects and birds.

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 SEG committee amendments adopted June 12, 2006.

1 The Legislature further finds and declares that Bacterial Leaf
2 Scorch is a disease caused by bacteria that clog the water transport
3 vessels in a tree, thereby blocking the flow of water from roots to
4 leaves and causing the leaves to scorch and die, leading to the
5 decline and eventual mortality of the tree; that the economic impact
6 of this disease could be devastating to the budgets of New Jersey's
7 municipalities because the affected trees will need to be pruned and
8 in many cases removed to address potential hazards caused by the
9 disease; that the aesthetic impact of this disease also will be felt
10 throughout New Jersey's affected municipalities as the character of
11 neighborhoods change due to the removal of larger trees and their
12 replacement with new trees that will take decades to grow to
13 maturity; and that Bacterial Leaf Scorch will impact not only
14 streetscapes but also traditional forests for which there will be a
15 need to survey, sample, and monitor for this disease.

16 The Legislature therefore determines that studying and tracking
17 the spread of these exotic pathogens, for which there are no known
18 cures, and other forest health issues is critical to preventing a
19 potential ecological disaster in New Jersey's forests and significant
20 harm to the State's resource of community trees.

21

22 2. a. There is established within the Department of
23 Environmental Protection the Forest Health Advisory Council. The
24 council shall be composed of ~~['nine]~~ 10¹ members, as follows: the
25 Commissioner of Environmental Protection, or a designee, who
26 shall serve ex officio; the Secretary of Agriculture, or a designee,
27 who shall serve ex officio; the Director of the Division of Parks and
28 Forestry in the Department of Environmental Protection, or a
29 designee, who shall serve ex-officio; the chairperson of the
30 Department of Plant Biology and Pathology at Cook College,
31 Rutgers, the State University, or a designee, who shall serve ex-
32 officio; and six public members, who shall be residents of the State,
33 appointed by the Governor with the advice and consent of the
34 Senate. Of the public members appointed by the Governor: one
35 shall be a representative from the New Jersey Forestry Association;
36 one shall be a representative from the New Jersey Tree Foundation;
37 one shall be a representative from the Community Forestry Council
38 established pursuant to section 5 of P.L.1996, c.135 (C.13:1L-17.5);
39 one shall be a New Jersey certified tree expert; one shall be a plant
40 pathologist; and one shall be a biologist.

41 b. The Governor shall appoint each public member for a term of
42 three years, except that of the members first appointed, two shall
43 serve for terms of three years, two shall serve for terms of two
44 years, and two shall serve for terms of one year. Each member shall
45 hold office for the term of appointment and until their successor is
46 appointed and qualified.

47 c. Any vacancy in the membership of the council shall be filled
48 for the unexpired term in the manner provided for the original

1 appointment. Members are eligible for reappointment to the
2 council.

3 d. The council shall organize as soon as possible after the
4 appointment of its members and shall annually elect a chairperson
5 and vice-chairperson from among its members, and a secretary who
6 need not be a member of the council. The council shall meet at
7 least four times a year and may hold additional meetings as
8 necessary to discharge its duties. In addition to such meetings, the
9 council shall meet at the call of the chairperson or the
10 Commissioner of Environmental Protection.

11 e. A majority of the membership of the council shall constitute a
12 quorum for the transaction of council business.

13 f. Members of the council shall serve without compensation, but
14 shall be compensated and reimbursed for actual expenses
15 reasonably incurred in the performance of their official duties, and
16 provided with office and meeting facilities required for the proper
17 conduct of the council's business.

18

19 3. a. The council shall act in an advisory capacity to the
20 Department of Environmental Protection, through the Division of
21 Parks and Forestry, in making public policy to minimize the threat
22 of forest health issues to New Jersey's forests and community trees.
23 The council shall: (1) study and track the eastward spread of
24 Sudden Oak Death and the impact and spread of Bacterial Leaf
25 Scorch and other potential forest health issues; (2) evaluate New
26 Jersey's susceptibility to these forest health issues and their impact
27 on New Jersey's forests and community trees; (3) make
28 recommendations to the Commissioner of Environmental Protection
29 and officials of other appropriate State departments and agencies
30 regarding prevention, management, treatment, control and spread of
31 forest health issues; (4) conduct research, as necessary, on forest
32 health issues, and seek advice, counsel and resources from State and
33 federal sources to address them; and (5) conduct a public outreach
34 and education program to inform the public about forest health
35 issues.

36 b. The council shall annually submit a written report of its
37 findings and recommendations, including any recommended
38 legislation, to the Governor, the President of the Senate, and the
39 Speaker of the General Assembly, and to the chairpersons of the
40 Senate Environment Committee and the Assembly Agriculture and
41 Natural Resources Committee, or their successor committees.

42

43 4. This act shall take effect immediately.

44

45

46

47

48

Establishes Forest Health Advisory Council in DEP.

SENATE, No. 839

STATE OF NEW JERSEY
212th LEGISLATURE

INTRODUCED JANUARY 17, 2006

Sponsored by:
Senator MARTHA W. BARK
District 8 (Burlington)

SYNOPSIS

Establishes Forest Health Advisory Council in DEP.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing the Forest Health Advisory Council and
2 supplementing Title 13 of the Revised Statutes.

3

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

6

7 1. The Legislature finds and declares that trees and forests help
8 clean and refresh the air by filtering dust and particulates and by
9 absorbing carbon dioxide and releasing oxygen; that trees and
10 forests also help clean the waters of the State, stabilize soils,
11 provide shade, and furnish food and shelter to birds and other
12 wildlife; and that the beautiful and majestic trees which form an
13 integral part of the streetscapes of New Jersey's municipalities
14 produce a calming effect and create a sense of peace and
15 community.

16 The Legislature further finds and declares that oak trees are an
17 historically important part of the landscape of New Jersey; that the
18 red oak is the State Tree and the pin oak is one of the top five most
19 commonly planted street trees in the State; and that oak trees, as
20 well as other important tree species and forests, in New Jersey are
21 now threatened by various pathogens.

22 The Legislature further finds and declares that Sudden Oak
23 Death, a highly contagious and mysterious pathogen, discovered in
24 California in 1995, represents a looming threat to New Jersey
25 forests and poses a threat to every species of oak, redwood and
26 Douglas fir in the country; that Sudden Oak Death, one of the most
27 virulent forest epidemics ever to hit the United States, is caused by
28 the deadly fungus-like algae, *Phytophthora ramorum*, which thrives
29 in cool climates and is responsible for widespread tree mortality in
30 central and northern California; and that while the disease
31 originated in California, killing tens of thousands of oaks along the
32 northern coast of that state, it now threatens forests in the East and
33 South as well as California.

34 The Legislature further finds and declares that the potential
35 eastward spread of this disease could wreak havoc to New Jersey's
36 forests and ecosystems, due to the unprecedented capacity of this
37 pathogen to spread very quickly; and that the disease is transmitted
38 through the dispersal of microbes in nursery plants imported into
39 the United States, through the interstate movement of plant
40 materials, foliage, firewood, wood products, leaves, and soil, and
41 through the movements of humans, insects and birds.

42 The Legislature further finds and declares that Bacterial Leaf
43 Scorch is a disease caused by bacteria that clog the water transport
44 vessels in a tree, thereby blocking the flow of water from roots to
45 leaves and causing the leaves to scorch and die, leading to the
46 decline and eventual mortality of the tree; that the economic impact
47 of this disease could be devastating to the budgets of New Jersey's
48 municipalities because the affected trees will need to be pruned and

1 in many cases removed to address potential hazards caused by the
2 disease; that the aesthetic impact of this disease also will be felt
3 throughout New Jersey's affected municipalities as the character of
4 neighborhoods change due to the removal of larger trees and their
5 replacement with new trees that will take decades to grow to
6 maturity; and that Bacterial Leaf Scorch will impact not only
7 streetscapes but also traditional forests for which there will be a
8 need to survey, sample, and monitor for this disease.

9 The Legislature therefore determines that studying and tracking
10 the spread of these exotic pathogens, for which there are no known
11 cures, and other forest health issues is critical to preventing a
12 potential ecological disaster in New Jersey's forests and significant
13 harm to the State's resource of community trees.

14

15 2. a. There is established within the Department of
16 Environmental Protection the Forest Health Advisory Council. The
17 council shall be composed of nine members, as follows: the
18 Commissioner of Environmental Protection, or a designee, who
19 shall serve ex officio; the Secretary of Agriculture, or a designee,
20 who shall serve ex officio; the Director of the Division of Parks and
21 Forestry in the Department of Environmental Protection, or a
22 designee, who shall serve ex-officio; the chairperson of the
23 Department of Plant Biology and Pathology at Cook College,
24 Rutgers, the State University, or a designee, who shall serve ex-
25 officio; and six public members, who shall be residents of the State,
26 appointed by the Governor with the advice and consent of the
27 Senate. Of the public members appointed by the Governor: one
28 shall be a representative from the New Jersey Forestry Association;
29 one shall be a representative from the New Jersey Tree Foundation;
30 one shall be a representative from the Community Forestry Council
31 established pursuant to section 5 of P.L.1996, c.135 (C.13:1L-17.5);
32 one shall be a New Jersey certified tree expert; one shall be a plant
33 pathologist; and one shall be a biologist.

34 b. The Governor shall appoint each public member for a term of
35 three years, except that of the members first appointed, two shall
36 serve for terms of three years, two shall serve for terms of two
37 years, and two shall serve for terms of one year. Each member shall
38 hold office for the term of appointment and until their successor is
39 appointed and qualified.

40 c. Any vacancy in the membership of the council shall be filled
41 for the unexpired term in the manner provided for the original
42 appointment. Members are eligible for reappointment to the
43 council.

44 d. The council shall organize as soon as possible after the
45 appointment of its members and shall annually elect a chairperson
46 and vice-chairperson from among its members, and a secretary who
47 need not be a member of the council. The council shall meet at
48 least four times a year and may hold additional meetings as

S839 BARK

1 necessary to discharge its duties. In addition to such meetings, the
2 council shall meet at the call of the chairperson or the
3 Commissioner of Environmental Protection.

4 e. A majority of the membership of the council shall constitute a
5 quorum for the transaction of council business.

6 f. Members of the council shall serve without compensation, but
7 shall be compensated and reimbursed for actual expenses
8 reasonably incurred in the performance of their official duties, and
9 provided with office and meeting facilities required for the proper
10 conduct of the council's business.

11
12 3. a. The council shall act in an advisory capacity to the
13 Department of Environmental Protection, through the Division of
14 Parks and Forestry, in making public policy to minimize the threat
15 of forest health issues to New Jersey's forests and community trees.
16 The council shall: (1) study and track the eastward spread of
17 Sudden Oak Death and the impact and spread of Bacterial Leaf
18 Scorch and other potential forest health issues; (2) evaluate New
19 Jersey's susceptibility to these forest health issues and their impact
20 on New Jersey's forests and community trees; (3) make
21 recommendations to the Commissioner of Environmental Protection
22 and officials of other appropriate State departments and agencies
23 regarding prevention, management, treatment, control and spread of
24 forest health issues; (4) conduct research, as necessary, on forest
25 health issues, and seek advice, counsel and resources from State and
26 federal sources to address them; and (5) conduct a public outreach
27 and education program to inform the public about forest health
28 issues.

29 b. The council shall annually submit a written report of its
30 findings and recommendations, including any recommended
31 legislation, to the Governor, the President of the Senate, and the
32 Speaker of the General Assembly, and to the chairpersons of the
33 Senate Environment Committee and the Assembly Agriculture and
34 Natural Resources Committee, or their successor committees.

35
36 4. This act shall take effect immediately.

37

38

39

STATEMENT

40

41 This bill would establish the Forest Health Advisory Council in
42 the Department of Environmental Protection (DEP). As amended
43 by the committee, the bill provides that the 10-member council
44 would consist of the Commissioner of Environmental Protection,
45 the Secretary of Agriculture, the Director of the Division of Parks
46 and Forestry in the DEP, the Chairperson of the Department of
47 Plant Biology and Pathology at Cook College, Rutgers University,
48 and six public members who would possess appropriate expertise

S839 BARK

1 and would be appointed by the Governor with the advice and
2 consent of the Senate.

3 The bill provides that the council would act in an advisory
4 capacity to the DEP, through the Division of Parks and Forestry, in
5 making public policy to minimize the threat of forest health issues
6 to New Jersey's forests and community trees. The council would:
7 (1) study and track the eastward spread of Sudden Oak Death and
8 the impact and spread of Bacterial Leaf Scorch and other potential
9 forest health issues; (2) evaluate New Jersey's susceptibility to
10 these forest health issues and their impact on New Jersey's forests
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12 Commissioner of Environmental Protection and officials of other
13 appropriate State departments and agencies regarding prevention,
14 management, treatment, control and spread of forest health issues;
15 (4) conduct research, as necessary, on forest health issues, and seek
16 advice, counsel and resources from State and federal sources to
17 address them; and (5) conduct a public outreach and education
18 program to inform the public about forest health issues.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 839

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 2006

The Senate Economic Growth Committee reports favorably Senate Bill No. 839 with a committee amendment.

This bill would establish the Forest Health Advisory Council in the Department of Environmental Protection (DEP). The bill provides that the 10-member council would consist of the Commissioner of Environmental Protection, the Secretary of Agriculture, the Director of the Division of Parks and Forestry in the DEP, the Chairperson of the Department of Plant Biology and Pathology at Cook College, Rutgers University, and six public members who would possess appropriate expertise and would be appointed by the Governor with the advice and consent of the Senate.

The bill provides that the council would act in an advisory capacity to the DEP, through the Division of Parks and Forestry, in making public policy to minimize the threat of forest health issues to New Jersey's forests and community trees. The council would: (1) study and track the eastward spread of Sudden Oak Death and the impact and spread of Bacterial Leaf Scorch and other potential forest health issues; (2) evaluate New Jersey's susceptibility to these forest health issues and their impact on New Jersey's forests and community trees; (3) make recommendations to the Commissioner of Environmental Protection and officials of other appropriate State departments and agencies regarding prevention, management, treatment, control and spread of forest health issues; (4) conduct research, as necessary, on forest health issues, and seek advice, counsel and resources from State and federal sources to address them; and (5) conduct a public outreach and education program to inform the public about forest health issues.

The committee amendment made a technical correction concerning the correct number of council members appointed under the bill.

ASSEMBLY, No. 2854

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MARCH 13, 2006

Sponsored by:

Assemblyman LARRY CHATZIDAKIS

District 8 (Burlington)

Assemblyman FRANCIS L. BODINE

District 8 (Burlington)

SYNOPSIS

Establishes Forest Health Advisory Council in DEP.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing the Forest Health Advisory Council and
2 supplementing Title 13 of the Revised Statutes.

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7 1. The Legislature finds and declares that trees and forests help
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47 of this disease could be devastating to the budgets of New Jersey's
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30 one shall be a representative from the Community Forestry Council
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35 three years, except that of the members first appointed, two shall
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48 least four times a year and may hold additional meetings as

1 necessary to discharge its duties. In addition to such meetings, the
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3 Commissioner of Environmental Protection.

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5 quorum for the transaction of council business.

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22 and officials of other appropriate State departments and agencies
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24 forest health issues; (4) conduct research, as necessary, on forest
25 health issues, and seek advice, counsel and resources from State and
26 federal sources to address them; and (5) conduct a public outreach
27 and education program to inform the public about forest health
28 issues.

29 b. The council shall annually submit a written report of its
30 findings and recommendations, including any recommended
31 legislation, to the Governor, the Legislature pursuant to section 2 of
32 P.L.1991, c.164 (C.52:14-19.1), and the chairpersons of the Senate
33 Environment Committee and the Assembly Agriculture and Natural
34 Resources Committee, or their successor committees.

35
36 4. This act shall take effect immediately.

37

38

39

STATEMENT

40

41 This bill would establish the Forest Health Advisory Council in
42 the Department of Environmental Protection (DEP). The bill
43 provides that the 10-member council would consist of the
44 Commissioner of Environmental Protection, the Secretary of
45 Agriculture, the Director of the Division of Parks and Forestry in
46 the DEP, the Chairperson of the Department of Plant Biology and
47 Pathology at Cook College, Rutgers University, and six public
48 members who would possess appropriate expertise and would be

1 appointed by the Governor with the advice and consent of the
2 Senate.

3 The bill provides that the council would act in an advisory
4 capacity to the DEP, through the Division of Parks and Forestry, in
5 making public policy to minimize the threat of forest health issues
6 to New Jersey's forests and community trees. The council would:
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10 these forest health issues and their impact on New Jersey's forests
11 and community trees; (3) make recommendations to the
12 Commissioner of Environmental Protection and officials of other
13 appropriate State departments and agencies regarding prevention,
14 management, treatment, control and spread of forest health issues;
15 (4) conduct research, as necessary, on forest health issues, and seek
16 advice, counsel and resources from State and federal sources to
17 address them; and (5) conduct a public outreach and education
18 program to inform the public about forest health issues.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2854

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 15, 2006

The Assembly Agriculture and Natural Resources Committee reports favorably and with committee amendments Assembly Bill No. 2854.

This bill, as amended, would establish the Forest Health Advisory Council in the Department of Environmental Protection (DEP). The bill, as amended, provides that the 10-member council would consist of the Commissioner of Environmental Protection, the Secretary of Agriculture, the Director of the Division of Parks and Forestry in the DEP, the Chairperson of the Department of Plant Biology and Pathology at Cook College, Rutgers University, and six public members who would possess appropriate expertise and would be appointed by the Governor with the advice and consent of the Senate.

The bill, as amended, provides that the council would act in an advisory capacity to the DEP, through the Division of Parks and Forestry, in making public policy to minimize the threat of forest health issues to New Jersey's forests and community trees. The council would: (1) study and track the eastward spread of Sudden Oak Death and the impact and spread of Bacterial Leaf Scorch and other potential forest health issues; (2) evaluate New Jersey's susceptibility to these forest health issues and their impact on New Jersey's forests and community trees; (3) make recommendations to the Commissioner of Environmental Protection and officials of other appropriate State departments and agencies regarding prevention, management, treatment, control and spread of forest health issues; (4) conduct research, as necessary, on forest health issues, and seek advice, counsel and resources from State and federal sources to address them; and (5) conduct a public outreach and education program to inform the public about forest health issues.

As amended and reported by the committee, this bill is identical to Senate Bill No. 839 (1R) of 2006.

COMMITTEE AMENDMENTS:

The committee amendments:

- 1) deleted language concerning a reporting procedure that otherwise would have made the bill not identical to Senate Bill No. 839 (1R) of 2006;
- 2) made technical corrections to the bill.