SENATE, No. 667



STATE OF NEW JERSEY

219th LEGISLATURE



PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator SAMUEL D. THOMPSON

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Transfers New Jersey State Forestry Services and related entities to Department of Agriculture.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



An Act transferring the New Jersey State Forestry Services and other related entities from the Department of Environmental Protection to the Department of Agriculture, and supplementing Title 4 of the Revised Statutes.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. As used in this act:

“Commissioner” means the Commissioner of Environmental Protection.

“Director” means the director of the Division of Parks and Forestry in the Department of Environmental Protection.

“Forestry activity” means any forestry or silviculture activity carried out to create, protect, conserve, harvest, monitor, study, or otherwise manage trees or forested areas of the State.

“New Jersey State Forestry Services” means the State agency heretofore in the Division of Parks and Forestry in the Department of Environmental Protection, now transferred to the Department of Agriculture pursuant to section 2 of this act, that has heretofore administered the forestry activities of the division, notwithstanding any instances in law or elsewhere that may refer to the New Jersey State Forestry Services by a different name.

2. a. The New Jersey State Forestry Services in the Division of Parks and Forestry in the Department of Environmental Protection, together with all its functions, powers, duties, programs, subdivisions, and other entities, is continued as the New Jersey State Forestry Services in the Department of Agriculture. Whenever any law, rule, regulation, order, contract, proceeding or document makes reference to the New Jersey State Forestry Services in the Division of Parks and Forestry in the Department of Environmental Protection, the reference shall be read to mean the New Jersey State Forestry Services in the Department of Agriculture.

b. All the functions, powers, duties, programs, subdivisions, and other entities of the Department of Environmental Protection, or the Division of Parks and Forestry therein, that pertain to forestry activities heretofore administered by the New Jersey State Forestry Services, are continued in the Department of Agriculture. Whenever any law, rule, regulation, order, contract, proceeding or document makes reference to the Department of Environmental Protection or the Division of Parks and Forestry therein, regarding an agency function, power, duty, or program that pertains to forestry activities heretofore administered by the New Jersey State Forestry Services, the reference shall be read to mean the Department of Agriculture.

c. All the functions, powers, and duties of the commissioner or director, or any agent thereof, that pertain to forestry activities heretofore administered by the New Jersey State Forestry Services, are continued in the Secretary of Agriculture. Whenever any law, rule, regulation, order, contract, proceeding or document makes reference to the commissioner or director regarding a function, power, or duty of the commissioner or director that pertains to forestry activities heretofore administered by the New Jersey State Forestry Services, the reference shall be read to mean the Secretary of Agriculture.

3. The State Forester in the Department of Environmental Protection, established pursuant to section 17 of P.L.1983, c.324 (C.13:1L-17), together with all the functions, powers, and duties thereof, is continued as the State Forester in the Department of Agriculture. Whenever in any law, rule, regulation, or order the term State Forester in the Department of Environmental Protection is used, the term shall mean State Forester in the Department of Agriculture. Whenever any law grants the Department of Environmental Protection, or the commissioner thereof, review, control, or power over or relating to the State Forester, that review, control, or power shall be exercised by the Department of Agriculture, or the secretary thereof.

4. The New Jersey Board of Tree Experts in the Department of Environmental Protection, established pursuant to section 3 of P.L.2009, c.237 (C.45:15C-13), together with all its functions, powers, duties, subdivisions, and other entities, is continued as the New Jersey Board of Tree Experts in the Department of Agriculture. Whenever in any law, rule, regulation, or order the term New Jersey Board of Tree Experts in the Department of Environmental Protection is used, the term shall mean New Jersey Board of Tree Experts in the Department of Agriculture. Whenever any law grants the Department of Environmental Protection, or the commissioner thereof, review, control, or power over or relating to the New Jersey Board of Tree Experts, that review, control, or power shall be exercised by the Department of Agriculture, or the secretary thereof.

5. The Community Forestry Council in the Department of Environmental Protection, established pursuant to section 5 of P.L.1996, c.135 (C.13:1L-17.5), together with all its functions, powers, duties, subdivisions, and other entities, is continued as the Community Forestry Council in the Department of Agriculture. Whenever in any law, rule, regulation, or order the term Community Forestry Council in the Department of Environmental Protection is used, the term shall mean the Community Forestry Council in the Department of Agriculture. Whenever any law grants the Department of Environmental Protection, or the commissioner thereof, review, control, or power over or relating to the Community Forestry Council, that review, control, or power shall be exercised by the Department of Agriculture, or the secretary thereof.

6. The Forest Stewardship Advisory Committee in the Department of Environmental Protection, established pursuant to section 8 of P.L.2009, c.256 (C.13:1L-36), together with all its functions, powers, duties, subdivisions, and other entities, is continued as the Forest Stewardship Advisory Committee in the Department of Agriculture. Whenever in any law, rule, regulation, or order the term Forest Stewardship Advisory Committee in the Department of Environmental Protection is used, the term shall mean the Forest Stewardship Advisory Committee in the Department of Agriculture. Whenever any law grants the Department of Environmental Protection, or the commissioner thereof, review, control, or power over or relating to the Forest Stewardship Advisory Committee, that review, control, or power shall be exercised by the Department of Agriculture, or the secretary thereof.

7. The Forest Health Advisory Council in the Department of Environmental Protection, established pursuant to section 2 of P.L.2007, c.44 (C.13:1L-27), together with all its functions, powers, duties, subdivisions, and other entities, is continued as the Forest Health Advisory Council in the Department of Agriculture. Whenever in any law, rule, regulation, or order the term Forest Health Advisory Council in the Department of Environmental Protection is used, the term shall mean the Forest Health Advisory Council in the Department of Agriculture. Whenever any law grants the Department of Environmental Protection, or the commissioner thereof, review, control, or power over or relating to the Forest Health Advisory Council, that review, control, or power shall be exercised by the Department of Agriculture, or the secretary thereof.

8. The transfers provided for pursuant to this act shall be subject to the provisions of the "State Agency Transfer Act," P.L.1971, c.375 (C.52:14D-1 et seq.). All records, equipment and other personal property, appropriations, and any unexpended balances of funds appropriated or otherwise available to the New Jersey State Forestry Services or other transferred entity, shall be transferred to the Department of Agriculture pursuant to the "State Agency Transfer Act."

9. This act shall take effect immediately.

STATEMENT

This bill transfers from the Department of Environmental Protection to the Department of Agriculture:

1) the New Jersey State Forestry Services in the Division of Parks and Forestry;

2) the State Forester;

3) the New Jersey Board of Tree Experts;

4) the Community Forestry Council;

5) the Forest Stewardship Advisory Committee; and

6) the Forest Health Advisory Council.