

[First Reprint]

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)

Senator DIANE B. ALLEN

District 7 (Burlington)

Assemblyman DAVID W. WOLFE

District 10 (Ocean)

Assemblyman GREGORY P. MCGUCKIN

District 10 (Ocean)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Co-Sponsored by:

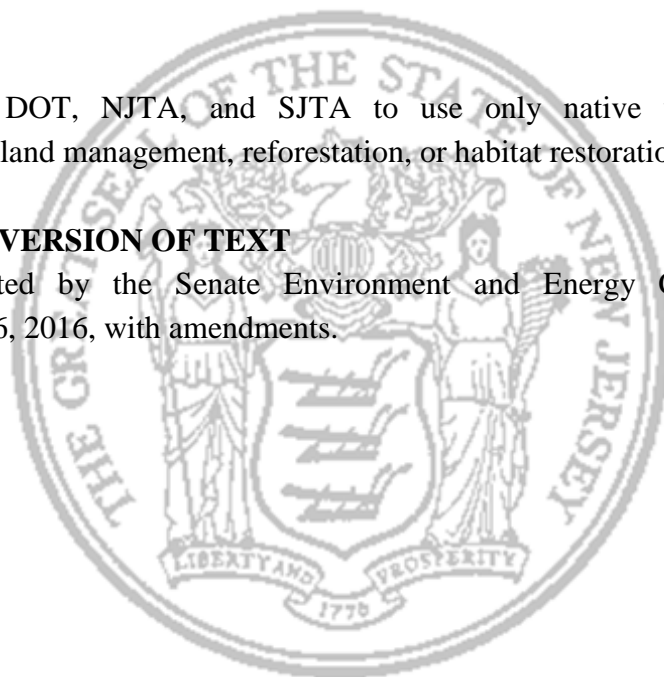
Senators T.Kean, Bateman, Greenstein and Assemblyman Rooney

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Senate Environment and Energy Committee on September 26, 2016, with amendments.



(Sponsorship Updated As Of: 2/16/2017)

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
 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:

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

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

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

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

38 c. As used in this section:

39 “Plant hardiness zone” means a zone identified as existing in
40 New Jersey pursuant to the most recent edition of the Plant
41 Hardiness Zone Map published by the United States Department of
42 Agriculture.

43
44 3. a. ¹(1)¹ Notwithstanding the provisions of any other law,
45 rule or regulation to the contrary ¹and except as provided otherwise
46 pursuant to paragraph (2) of this subsection¹, no later than the 180th
47 day after the date of enactment of ¹【this section】 P.L. ___, c. (C. __)

1 (pending before the Legislature as this bill)¹, the South Jersey
2 Transportation Authority, when planting vegetation for purposes of
3 landscaping, land management, reforestation, or habitat restoration,
4 shall plant only vegetation identified by the Department of
5 Environmental Protection pursuant to subsection b. of this section
6 as being native to the State and that will thrive in the particular
7 plant hardiness zone in which the vegetation is being planted.

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

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

28 c. As used in this section:

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

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34 4. This act shall take effect immediately.