

[First Reprint]

## **ASSEMBLY, No. 5042**

# **STATE OF NEW JERSEY**

## **219th LEGISLATURE**

INTRODUCED NOVEMBER 19, 2020

**Sponsored by:**

**Assemblyman WILLIAM W. SPEARMAN**

**District 5 (Camden and Gloucester)**

**Assemblyman P. CHRISTOPHER TULLY**

**District 38 (Bergen and Passaic)**

**Assemblywoman ANNETTE QUIJANO**

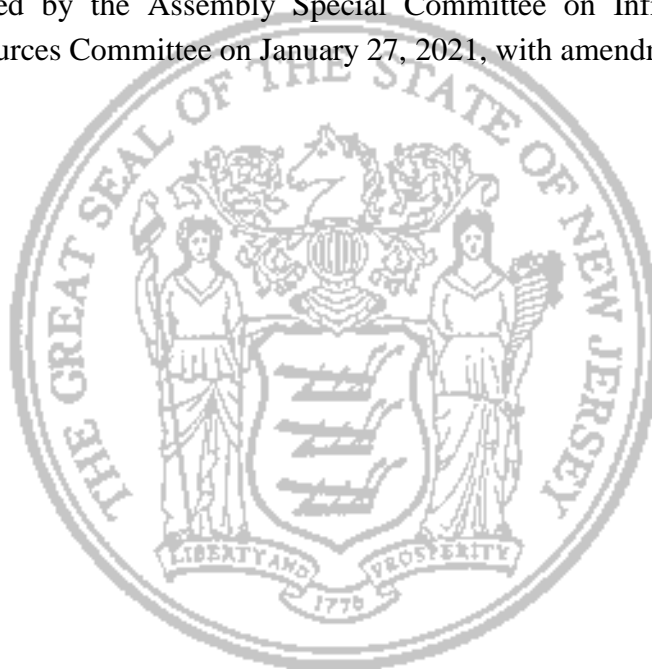
**District 20 (Union)**

### **SYNOPSIS**

Requires Blue Acres projects and certain green infrastructure projects to include plantings of native species in accordance with DEP report, with certain exceptions.

### **CURRENT VERSION OF TEXT**

As reported by the Assembly Special Committee on Infrastructure and Natural Resources Committee on January 27, 2021, with amendments.



1 AN ACT concerning native plants and supplementing Title 13 of the  
2 Revised Statutes.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. a. The Department of Environmental Protection, in  
8 consultation with the Department of Agriculture, shall conduct a  
9 study of native plants in the State to:

10 (1) assess the water absorption qualities of native plants in the  
11 northern, central, and southern regions of the State; and

12 (2) determine the species that are most water absorbent and  
13 advantageous for use in Blue Acres projects and green  
14 infrastructure projects.

15 b. No later than one year after the effective date of this act, the  
16 Department of Environmental Protection shall prepare a report of its  
17 findings. The report shall include recommendations on the use of  
18 water absorbent plants in Blue Acres projects and green  
19 infrastructure projects, and suggested rules and regulations  
20 necessary to implement the recommendations.

21 c. The Department of Environmental Protection <sup>1</sup>**["may"] shall<sup>1</sup>**  
22 adopt, pursuant to the "Administrative Procedure Act," P.L.1968,  
23 c.410 (C.52:14B-1 et seq.), rules and regulations <sup>1</sup>**["necessary to**  
24 **implement the recommendations made in the report prepared**  
25 **pursuant to this act.】** , based on the report prepared pursuant to  
26 subsection b. of this section, which establish:

27 (1) requirements for planting, on Blue Acres or green  
28 infrastructure projects, those species of native plants determined to  
29 be the most water absorbent and otherwise desirable;

30 (2) maintenance guidelines for each species, including, but not  
31 limited to, how the plants are to be mown, pruned, or otherwise  
32 maintained, and how frequently; and

33 (3) any other provisions necessary for the implementation of  
34 this act.<sup>1</sup>

35 d. <sup>1</sup>As part of any Blue Acres or green infrastructure project  
36 undertaken after the adoption of rules and regulations pursuant to  
37 this section, the State, a local government unit, or a qualifying tax  
38 exempt nonprofit organization, as appropriate, shall plant water  
39 absorbent species of native plants and maintain those plants in  
40 accordance with the rules and regulations, unless the costs of the  
41 appropriate native species are more than 50 percent greater than  
42 those of similar non-native species. Any entity contracted to  
43 maintain the property shall also mow, prune, or otherwise maintain  
44 the growth of any native water absorbent plants on the property in

**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:

<sup>1</sup>Assembly ANR committee amendments adopted January 27, 2021.

1 accordance with the rules and regulations adopted pursuant to  
2 this section.

3 e.<sup>1</sup> As used in this section:

4 "Blue Acres project" means any project of the State, a local  
5 government unit, or qualifying tax exempt nonprofit organization to  
6 acquire, for recreation and conservation purposes, lands that have  
7 been damaged by, or may be prone to incurring damage caused by,  
8 storms or storm-related flooding, or that may buffer or protect other  
9 lands from such damage.

10 "Green infrastructure" means a stormwater management system  
11 that treats stormwater runoff through infiltration into subsoil, treats  
12 stormwater runoff through filtration by vegetation or soil, or stores  
13 stormwater runoff for reuse.

14 "Green infrastructure project" means a project incorporating  
15 green infrastructure.

16  
17 2. This act shall take effect immediately.