

52:27B-20.1

LEGISLATIVE HISTORY CHECKLIST
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"Environmental Fee
Accountability Act of 1991"

NJSA: 52:27B-20.1

LAWS OF: 1991 CHAPTER: 426

BILL NO: A4522

SPONSOR(S) Ford

DATE INTRODUCED: March 4, 1991

COMMITTEE: ASSEMBLY: Energy and Environment
SENATE: Land Use

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by
asterisks

DATE OF PASSAGE: ASSEMBLY: June 20, 1991
SENATE: January 9, 1992

DATE OF APPROVAL: January 17, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS:

HEARINGS:

See newspaper clippings--attached

KBG/pp

[FIRST REPRINT]
ASSEMBLY, No. 4522

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1991

By Assemblywoman FORD and Assemblyman FRELINGHUYSEN

1 AN ACT concerning environmental program fees and
2 supplementing Title 52 of the Revised Statutes.

3

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

6 1. This act shall be known and may be cited as the
7 "¹Environmental¹ Fee ¹[Revenue and Government]¹
8 Accountability Act of 1991."

9 2. The Legislature finds and determines that:

10 The Department of Environmental Protection is one of the
11 largest executive agencies in the State, and exerts considerable
12 influence on the economy and quality of life in the State;

13 In recent years, revenues from fees generated by departmental
14 enforcement and other activities have accounted for a steadily
15 increasing percentage of total departmental revenues;

16 A significant percentage of fee revenues is anticipated by the
17 department each state fiscal year as "off-budget" or "below the
18 line" revenue, for which inadequate program data or no program
19 data are provided to the Legislature;

20 This deleterious trend is clearly illustrated by the Governor's
21 proposed budget for the 1992 State fiscal year, in which the
22 department anticipates receiving over \$161 million in fees and
23 fines, only \$59.7 million, or a mere 37% of which is anticipated
24 "on budget;"

25 It is the Constitutional responsibility of the Legislature to
26 adopt a budget for each State fiscal year, and, as a fundamental
27 principle of sound fiscal policy, the Legislature must be able to
28 perform a detailed evaluation of major State spending programs;

29 It is, therefore, entirely proper and in the interest of the
30 people of this State, that the Legislature require the Department
31 of Environmental Protection to include, as part of its annual
32 budget proposal, all fee revenues and anticipated fee revenues as
33 "on budget" or "above the line" items, to provide the same date
34 for the programs funded by those revenues as is provided for
35 other spending programs, and to make such information available
36 to the budget committees and the key environmental policy
37 committees in the Legislature; and

38 It is also entirely proper, and in the interest of the people of

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:

¹ Assembly AEE committee amendments adopted June 10, 1991.

1 this State, that the Legislature require the State Treasurer, in
2 preparing the Governor's proposed budget for each State fiscal
3 year, to include all anticipated fee revenues for the department
4 "on budget," or "above the line," and to include these fees and
5 the appropriate program information in the public document
6 containing that proposed budget.

7 3. As used in this act:

8 "Department" means the Department of Environmental
9 Protection¹;

10 "Fee" means any fee, assessment or other charge imposed by
11 the department pursuant to any law, rule or regulation for
12 licenses, permits¹, or other approvals, or for¹ regulatory
13 actions¹, or other] or¹ services performed or provided by the
14 department ¹, and shall include, but need not be limited to, fees
15 imposed pursuant to: the "Water Pollution Control Act,"
16 P.L.1977, c.74 (C.58:10A-1 et seq.), the "Air Pollution Control
17 Act (1954)," P.L.1954, c.212 (C.26:2C-1 et seq.); the "Solid Waste
18 Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.); the
19 "Environmental Cleanup Responsibility Act," P.L.1983, c.330
20 (C.13:1K-6 et seq.); the "Toxic Catastrophe Prevention Act,"
21 P.L.1985, c.403 (C.13:1K-19 et seq.); the "Coastal Area Facility
22 Review Act," P.L.1973, c.185 (C.13:19-1 et seq.); "The Wetlands
23 Act of 1970," P.L.1970, c.272 (C.13:9A-1 et seq.); the
24 "Freshwater Wetlands Protection Act," P.L.1987, c.156
25 (C.13:9B-1 et seq.); the "Pesticide Control Act of 1971,"
26 P.L.1971, c.176 (C.13:1F-1 et seq.); the "Worker and Community
27 Right To Know Act," P.L.1983, c.315 (C.34:5A-1 et seq.); the
28 "Comprehensive Regulated Medical Waste Management Act,"
29 P.L.1989, c.34 (C.13:1E-48.1 et seq.); P.L.1986, c.106
30 (C.58:10A-21 et seq.); and all fees for licenses and permits
31 imposed by the Division of Fish, Game and Wildlife pursuant to
32 Title 23 of the Revised Statutes; and] pursuant to federal or State
33 law.¹

34 "Program" means any regulatory or other activity, or
35 systematically designed group of activities, undertaken by the
36 department pursuant to law, for which the department imposes a
37 fee ¹[or fees]¹.

38 4. a. In preparing the Governor's proposed budget, for each
39 State fiscal year, the State Treasurer shall include the total
40 estimated amount of fees anticipated by the department for that
41 fiscal year as Schedule I Anticipated Revenues.

42 b. In addition to such other information as the ¹[state] State¹
43 Treasurer deems necessary to include in the objectives, program
44 classifications and evaluation data of all programs administered
45 by the department and funded entirely or in part by fees, the
46 Treasurer shall include, in the Governor's proposed budget for
47 each State fiscal year, the information which is required of the
48 department pursuant to section 3 of this act.

49 In the case of two or more fees which fund the same program,
50 the information required pursuant to this subsection may be

1 aggregated to reflect such overlap.

2 5. a. In preparing its budget proposal for each State fiscal
3 year, the department, no later than February 15 of the current
4 State fiscal year, shall compile and submit to the State
5 Treasurer, to the General Assembly Appropriations Committee
6 and the Senate Revenue, Finance and Appropriations Committee,
7 or their respective successors, and to the General Assembly
8 Energy and Environment Committee and the Senate
9 Environmental Quality Committee, or their respective
10 successors, a statement for each program funded entirely or in
11 part by fees, identifying:

12 (1) The objectives of the program;

13 (2) The program classification, which shall include a summary
14 description of all activities undertaken by each program;

15 (3) For ¹[each of the two previous State fiscal years,]¹ the
16 current State fiscal year ¹, each of the two immediately
17 preceding State fiscal years,¹ and the State fiscal year for which
18 the budget is proposed, program activity data, including, but not
19 limited to, a listing of: activities performed; ¹[permit or
20 license]¹, applications submitted and reviewed ¹for permits,
21 licenses or other approvals¹; permits ¹[or licenses] , licenses or
22 other approvals¹ issued; planning documents reviewed;
23 inspections performed; enforcement actions taken; remediations
24 overseen; acreage managed; fish and game propagated and
25 released; and studies conducted or contracted for; and

26 (4) For ¹[each of the two previous State fiscal years,]¹ the
27 current State fiscal year¹, each of the two immediately
28 preceding fiscal years,¹ and the State fiscal year for which the
29 budget is proposed, personnel data, including but not limited to:
30 the total number of positions; the total number of budgeted
31 positions; the number of positions budgeted for in lump sum
32 appropriations; the number of positions supported by the
33 appropriate fees; the number of positions supported by federal
34 funds; all other authorized positions; and the number of vacant
35 positions.

36 b. In the case of a program which is funded in part by fees and
37 in part by other sources of revenue, the department shall supply a
38 breakdown of the percentages and relative amounts of all
39 respective sources of revenue used to fund the program, and, if
40 not ¹[covered in the data compiled] provided¹ pursuant to
41 paragraph (4) of subsection a. of this section, the number and
42 percentage of personnel involved in the program who are
43 supported by each source of revenue.

44 c. The data required pursuant to paragraphs (3) and (4) of
45 subsection a. of this section, and pursuant to subsection b ¹,¹ of
46 this section, shall be actual data, revised estimated data or
47 estimated data, in accordance with directives of the State
48 Treasurer concerning budget program data in general.

49 6. This act shall take effect immediately, and shall apply to
50 the proposed departmental and State budgets for the 1993 State

1 fiscal year, and each subsequent State fiscal year.

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ENVIRONMENT

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6 "Environmental Fee Accountability Act of 1991"; requires that
7 certain information accompany DEP budget proposals.

1 Treasurer, to the General Assembly Appropriations Committee
2 and the Senate Revenue, Finance and Appropriations Committee,
3 or their respective successors, and to the General Assembly
4 Energy and Environment Committee and the Senate
5 Environmental Quality Committee, or their respective
6 successors, a statement for each program funded entirely or in
7 part by fees, identifying:

8 (1) The objectives of the program;

9 (2) The program classification, which shall include a summary
10 description of all activities undertaken by each program;

11 (3) For each of the two previous State fiscal years, the current
12 State fiscal year and the State fiscal year for which the budget is
13 proposed, program activity data, including, but not limited to, a
14 listing of: activities performed; permit or license applications
15 submitted and reviewed; permits or licenses issued; planning
16 documents reviewed; inspections performed; enforcement actions
17 taken; remediations overseen; acreage managed; fish and game
18 propagated and released; and studies conducted or contracted for;
19 and

20 (4) For each of the two previous State fiscal years, the current
21 State fiscal year and the State fiscal year for which the budget is
22 proposed, personnel data, including but not limited to: the total
23 number of positions; the total number of budgeted positions; the
24 number of positions budgeted for in lump sum appropriations; the
25 number of positions supported by the appropriate fees; the
26 number of positions supported by federal funds; all other
27 authorized positions; and the number of vacant positions.

28 b. In the case of a program which is funded in part by fees and
29 in part by other sources of revenue, the department shall supply a
30 breakdown of the percentages and relative amounts of all
31 respective sources of revenue used to fund the program, and, if
32 not covered in the data compiled pursuant to paragraph (4) of
33 subsection a. of this section, the number and percentage of
34 personnel involved in the program who are supported by each
35 source of revenue.

36 c. The data required pursuant to paragraphs (3) and (4) of
37 subsection a of this section, and pursuant to subsection b of this
38 section, shall be actual data, revised estimated data or estimated
39 data, in accordance with directives of the State Treasurer
40 concerning budget program data in general.

41 6. This act shall take effect immediately, and shall apply to
42 the proposed departmental and State budgets for the 1993 State
43 fiscal year, and each subsequent State fiscal year.

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STATEMENT

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This bill requires that, in preparing the annual budget for the

1 Department of Environmental Protection, the department and the
2 State Treasurer include all anticipated fee revenues "above the
3 line," to prepare information on the objectives and program
4 classifications for fee-based programs, and to prepare workload
5 and personnel data for such programs.

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ENVIRONMENT

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10 "Fee Revenue and Government Accountability Act of 1991";
11 requires that certain information accompany DEP budget
12 proposals.

ASSEMBLY ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4522

with committee amendments

STATE OF NEW JERSEY

DATED JUNE 6, 1991

Assembly Bill No. 4522, with committee amendments, is reported favorably by the Assembly Energy and Environment Committee.

This bill requires that, in preparing the annual budget for the Department of Environmental Protection, the department and the State Treasurer include all anticipated fee revenues "above the line;" and that the department annually compile, by program classification, comparative data on department activities for fee-based programs, and detail workload and personnel data therefor. The data is to be provided for a three-year period.

The committee amendments expand the scope of the bill to all fee programs; otherwise, the amendments are mainly of a clarifying nature.

SENATE LAND USE MANAGEMENT
AND REGIONAL AFFAIRS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 4522

STATE OF NEW JERSEY

DATED: DECEMBER 12, 1991

The Senate Land Use Management and Regional Affairs Committee favorably reports Assembly Bill No. 4522 1R.

Assembly Bill No. 4522 1R requires that, in preparing the annual budget for the Department of Environmental Protection, the department and the State Treasurer include all anticipated fee revenues "above the line;" and that the department annually compile, by program classification, comparative data on department activities for fee-based programs, and detail workload and personnel data therefor. The data is to be provided for a three-year period.

The provisions of the bill apply to all fee-based programs administered by the department.

Assembly Bill No. 4522 1R is identical to Senate Bill No. 3636 1R.