

# 23:2A-15

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2005 **CHAPTER:** 211

**NJSA:** 23:2A-15 (Requires State to provide matching funds for certain federal grants to benefit wildlife)

**BILL NO:** S1863 (Substituted for A3345)

**SPONSOR(S):** Smith and others

**DATE INTRODUCED:** October 4, 2004

**COMMITTEE:** **ASSEMBLY:** Budget  
**SENATE:** Environment; Budget and Appropriations

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:** **ASSEMBLY:** June 30, 2005  
**SENATE:** February 14, 2005

**DATE OF APPROVAL:** August 29, 2005

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#) (1<sup>st</sup> reprint enacted)

**S1863**

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** [ASSEMBLY:](#) [Yes](#)

**SENATE:** Yes [10/18/2004 \(Environ\)](#)  
[2/7/2005 \(Bud & App\)](#)

**FLOOR AMENDMENT STATEMENT:** No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

**A3345**

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes [2/14/2005 \(Ag & NR\)](#)  
[6/29/2005 \(Bud\)](#)

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

[LEGISLATIVE FISCAL ESTIMATE:](#) [Yes](#)

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

IS 10/11/07

P.L. 2005, CHAPTER 211, *approved August 29, 2005*

Senate, No. 1863 (*First Reprint*)

1 AN ACT concerning certain federal grants made available to the State  
2 for the benefit of wildlife and wildlife habitat<sup>1</sup> [,]<sup>1</sup> and making an  
3 appropriation<sup>1</sup>, supplementing P.L.1973, c.309 (C.23:2A-1 et  
4 seq.)<sup>1</sup>.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

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9 1. <sup>1</sup>a.<sup>1</sup> There shall be appropriated each <sup>1</sup>fiscal<sup>1</sup> year <sup>1</sup>[from the  
10 General Fund]<sup>1</sup> to the Department of Environmental Protection a sum  
11 sufficient to provide the State match required to qualify for any federal  
12 grants or other assistance apportioned and made available to the State  
13 of New Jersey under the State Wildlife Grants Program or any similar  
14 program established pursuant to federal law, rule, or regulation for the  
15 purpose of benefitting wildlife and their habitat, including species that  
16 are not hunted or fished.

17 <sup>1</sup>b. The annual State match appropriation requirement under  
18 subsection a. of this section shall be met through the appropriation,  
19 from the "Endangered and Nongame Species of Wildlife Conservation  
20 Fund" established by section 1 of P.L.1981, c.170 (C.54A:9-25.2),  
21 from the "Wildlife Conservation Fund" established by section 1 of  
22 P.L.1993, c.119 (C.39:3-33.10), or from any other fund or account  
23 established by law exclusively or primarily to fund the conservation of  
24 endangered or nongame wildlife and their habitat, of moneys, credited  
25 in such funds or accounts, that cumulatively exceed an amount equal  
26 to the total amount from those funds or accounts that was used in  
27 State fiscal year 2005 to support programs and activities related to the  
28 conservation of endangered or nongame wildlife and their habitat,  
29 which support is ineligible to meet the State match requirement under  
30 the State Wildlife Grants Program.

31 c. In any fiscal year, to the extent that funds directed to be  
32 appropriated under subsection b. of this section are insufficient to  
33 meet the annual State match appropriation requirement under  
34 subsection a. of this section, the remaining amount necessary to meet  
35 that requirement shall be made from the General Fund.

36 <sup>1</sup>d.<sup>1</sup> The sum appropriated <sup>1</sup>under this section<sup>1</sup> each <sup>1</sup>fiscal<sup>1</sup> year  
37 shall be expended by the Division of Fish and Wildlife in the  
38 Department of Environmental Protection for the purposes and in  
39 accordance with the requirements of the federal program and to allow

**EXPLANATION** - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and 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> Senate SBA committee amendments adopted February 7, 2005.

1 the Endangered and Nongame Species Program in the division to  
2 perform its duties and responsibilities.

3  
4 2. There is appropriated from the General Fund to the Department  
5 of Environmental Protection the sum of \$381,715 to provide the State  
6 match for the year 2004 sums which have been apportioned and made  
7 available to the State of New Jersey under the State Wildlife Grants  
8 Program established by the federal government. The sum appropriated  
9 pursuant to this section shall be expended by the Division of Fish and  
10 Wildlife in the Department of Environmental Protection for the  
11 purposes and in accordance with the requirements of the federal  
12 program and to allow the Endangered and Nongame Species Program  
13 in the division to perform its duties and responsibilities. To the extent  
14 that the State has expended any funds from other sources to provide  
15 the State match for the year 2004 under the State Wildlife Grants  
16 Program established by the federal government, the sum appropriated  
17 pursuant to this section shall be used to fully reimburse those other  
18 sources accordingly.

19

20 3. This act shall take effect immediately.

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25 \_\_\_\_\_  
26 Requires State to provide matching funds for certain federal grants to  
27 benefit wildlife and wildlife habitat, and appropriates \$381,715  
therefor for current year.

**SENATE, No. 1863**

**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

INTRODUCED OCTOBER 4, 2004

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Senator LEONARD LANCE**

**District 23 (Warren and Hunterdon)**

**SYNOPSIS**

Requires State to provide matching funds for certain federal grants to benefit wildlife and wildlife habitat, and appropriates \$381,715 therefor for current year.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/9/2004)**

1 AN ACT concerning certain federal grants made available to the State  
2 for the benefit of wildlife and wildlife habitat, and making an  
3 appropriation.

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

7  
8 1. There shall be appropriated each year from the General Fund to  
9 the Department of Environmental Protection a sum sufficient to  
10 provide the State match required to qualify for any federal grants or  
11 other assistance apportioned and made available to the State of New  
12 Jersey under the State Wildlife Grants Program or any similar program  
13 established pursuant to federal law, rule, or regulation for the purpose  
14 of benefitting wildlife and their habitat, including species that are not  
15 hunted or fished. The sum appropriated each year shall be expended  
16 by the Division of Fish and Wildlife in the Department of  
17 Environmental Protection for the purposes and in accordance with the  
18 requirements of the federal program and to allow the Endangered and  
19 Nongame Species Program in the division to perform its duties and  
20 responsibilities.

21  
22 2. There is appropriated from the General Fund to the Department  
23 of Environmental Protection the sum of \$381,715 to provide the State  
24 match for the year 2004 sums which have been apportioned and made  
25 available to the State of New Jersey under the State Wildlife Grants  
26 Program established by the federal government. The sum appropriated  
27 pursuant to this section shall be expended by the Division of Fish and  
28 Wildlife in the Department of Environmental Protection for the  
29 purposes and in accordance with the requirements of the federal  
30 program and to allow the Endangered and Nongame Species Program  
31 in the division to perform its duties and responsibilities. To the extent  
32 that the State has expended any funds from other sources to provide  
33 the State match for the year 2004 under the State Wildlife Grants  
34 Program established by the federal government, the sum appropriated  
35 pursuant to this section shall be used to fully reimburse those other  
36 sources accordingly.

37  
38 3. This act shall take effect immediately.

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STATEMENT

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This bill would provide that there shall be appropriated each year from the General Fund to the Department of Environmental Protection a sum sufficient to provide the State match required to qualify for any federal grants or other assistance apportioned and made available to

1 the State of New Jersey under the State Wildlife Grants Program or  
2 any similar program established pursuant to federal law, rule, or  
3 regulation. The sum appropriated each year would be required to be  
4 expended by the Division of Fish and Wildlife for the purposes and in  
5 accordance with the requirements of the federal program and to allow  
6 the State's Endangered and Nongame Species Program in the division  
7 to perform its duties and responsibilities. The bill would appropriate  
8 \$381,715 from the State General Fund for those purposes for the  
9 current year. The bill would also provide that to the extent that the  
10 State has already expended any funds from other sources to provide  
11 the State match for the year 2004 under the federal program, the sum  
12 appropriated pursuant to the bill is to be used to fully reimburse those  
13 other sources accordingly.

14 Pursuant to federal law, the United States Fish and Wildlife Service  
15 has established a "State Wildlife Grants Program" to assist the various  
16 states by providing federal funds for the development and  
17 implementation of programs for the benefit of wildlife and their  
18 habitat, including species that are not hunted or fished. The grant  
19 program permits both planning and implementation activities but  
20 requires the State to provide \$1 in matching funds for every \$3 in  
21 federal funds apportioned to the State. Heretofore, the State has used  
22 revenue from wildlife conservation license plate sales, the endangered  
23 and nongame species income tax check-off, and assorted other minor  
24 sources to provide the State match. However, in recent years, these  
25 revenue sources have declined markedly, due most likely in large part  
26 from competition provided by other specialty license plates and income  
27 tax check-off options, and, as a result, are no longer sufficient. In  
28 addition, this revenue decline has significantly hampered the ability of  
29 the State's Endangered and Nongame Species Program to perform its  
30 statutory and regulatory duties and responsibilities. Accordingly, the  
31 supplemental funding provided in this bill for the current year, and the  
32 statutory charge to provide similar funding in the future, is urgently  
33 needed.

# ASSEMBLY BUDGET COMMITTEE

## STATEMENT TO

[First Reprint]

**SENATE, No. 1863**

# STATE OF NEW JERSEY

DATED: JUNE 29, 2005

The Assembly Budget Committee reports favorably Senate Bill No. 1863 (1R).

Senate Bill No. 1863 (1R) provides that there shall be appropriated each year to the Department of Environmental Protection a sum sufficient to provide the State match required to qualify for any federal grants or other assistance apportioned and made available to the State of New Jersey under the State Wildlife Grants Program or any similar program established pursuant to federal law, rule, or regulation. The sum appropriated each year would be required to be expended by the Division of Fish and Wildlife for the purposes and in accordance with the requirements of the federal program and to allow the State's Endangered and Nongame Species Program in the Division to perform its duties and responsibilities.

The bill appropriates \$381,715 from the State General Fund for the foregoing purposes for the current year. The bill also provides that to the extent that the State has already expended any funds from other sources to provide the State match for the year 2004 under the federal program, the sum appropriated under the bill is to be used to fully reimburse those other sources accordingly.

Pursuant to federal law, the United States Fish and Wildlife Service has established a "State Wildlife Grants Program" to assist the various states by providing federal funds for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished. The grant program permits both planning and implementation activities but requires the State to provide one dollar in matching funds for every three dollars in federal funds apportioned to the State.

As reported, this bill is identical to Assembly Bill No. 3345 (1R), as also reported by the committee.

### FISCAL IMPACT

This bill appropriates from the General Fund to the Department of Environmental Protection in the current fiscal year the sum of \$381,715 to provide the State match for the year 2004 under the federal State Wildlife Grants Program. The bill's provision requiring



the State to appropriate funding in future years to meet the State match requirement cannot be assured, as such appropriations are subject to the annual State budget process. It is noted that heretofore, the State has used revenue from wildlife conservation license plate sales, the endangered and nongame species income tax check-off, and assorted other minor sources to provide the State match, but that in recent years these revenue sources have declined markedly; accordingly, it is not certain that meeting the commitment to provide full funding of the State match requirement will not entail an appropriation from the General Fund.

# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

### SENATE, No. 1863

# STATE OF NEW JERSEY

DATED: OCTOBER 18, 2004

The Senate Environment Committee reports favorably Senate Bill No. 1863.

This bill provides that there shall be appropriated each year from the General Fund to the Department of Environmental Protection a sum sufficient to provide the State match required to qualify for any federal grants or other assistance apportioned and made available to the State of New Jersey under the State Wildlife Grants Program or any similar program established pursuant to federal law, rule, or regulation. The sum appropriated each year would be required to be expended by the Division of Fish and Wildlife for the purposes and in accordance with the requirements of the federal program and to allow the State's Endangered and Nongame Species Program in the Division to perform its duties and responsibilities.

The bill appropriates \$381,715 from the State General Fund for the foregoing purposes for the current year. The bill also provides that to the extent that the State has already expended any funds from other sources to provide the State match for the year 2004 under the federal program, the sum appropriated under the bill is to be used to fully reimburse those other sources accordingly.

Pursuant to federal law, the United States Fish and Wildlife Service has established a "State Wildlife Grants Program" to assist the various states by providing federal funds for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished. The grant program permits both planning and implementation activities but requires the State to provide one dollar in matching funds for every three dollars in federal funds apportioned to the State. Heretofore, the State has used revenue from wildlife conservation license plate sales, the endangered and nongame species income tax check-off, and assorted other minor sources to provide the State match. However, in recent years, these revenue sources have declined markedly, due most likely in large part from competition provided by other specialty license plates and income tax check-off options, and, as a result, are no longer sufficient.

In addition, this revenue decline has significantly hampered the ability of the State's Endangered and Nongame Species Program to perform its statutory and regulatory duties and responsibilities. The

supplemental funding provided in this bill for the current year, and the statutory charge to provide similar funding in the future, is intended to remedy this situation.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### **SENATE, No. 1863**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: FEBRUARY 7, 2005

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 1863.

This bill provides that there shall be appropriated each year to the Department of Environmental Protection a sum sufficient to provide the State match required to qualify for any federal grants or other assistance apportioned and made available to the State of New Jersey under the State Wildlife Grants Program or any similar program established pursuant to federal law, rule, or regulation. The sum appropriated each year would be required to be expended by the Division of Fish and Wildlife for the purposes and in accordance with the requirements of the federal program and to allow the State's Endangered and Nongame Species Program in the Division to perform its duties and responsibilities.

The bill appropriates \$381,715 from the State General Fund for the foregoing purposes for the current year. The bill also provides that to the extent that the State has already expended any funds from other sources to provide the State match for the year 2004 under the federal program, the sum appropriated under the bill is to be used to fully reimburse those other sources accordingly.

Pursuant to federal law, the United States Fish and Wildlife Service has established a "State Wildlife Grants Program" to assist the various states by providing federal funds for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished. The grant program permits both planning and implementation activities but requires the State to provide one dollar in matching funds for every three dollars in federal funds apportioned to the State.

#### COMMITTEE AMENDMENTS

Committee amendments to this bill provide that the annual appropriation of "match funding" necessary to qualify for federal grants under the State Wildlife Grants Program shall, to the extent possible, be made from those amounts, credited to various statutorily established funds dedicated to the conservation of endangered or nongame wildlife and their habitat, that exceeds the amount from those

funds that (i) was used in FY2005 to support the conservation of endangered or nongame wildlife, but (ii) was not eligible to be counted towards the federal program's State match requirement. To the extent that these moneys from the dedicated funds are insufficient to meet the bill's appropriation requirement, the remaining amount necessary is to be appropriated from the General Fund.

#### FISCAL IMPACT

This bill appropriates from the General Fund to the Department of Environmental Protection in the current fiscal year the sum of \$381,715 to provide the State match for the year 2004 under the federal State Wildlife Grants Program. The bill's provision requiring the State to appropriate funding in future years to meet the State match requirement cannot be assured, as such appropriations are subject to the annual State budget process. It is noted that heretofore, the State has used revenue from wildlife conservation license plate sales, the endangered and nongame species income tax check-off, and assorted other minor sources to provide the State match, but that in recent years these revenue sources have declined markedly; accordingly, it is not certain that meeting the commitment to provide full funding of the State match requirement will not entail an appropriation from the General Fund.

**LEGISLATIVE FISCAL ESTIMATE**  
**SENATE, No. 1863**  
**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

DATED: FEBRUARY 18, 2005

**SUMMARY**

**Synopsis:** Requires State to provide matching funds for certain federal grants to benefit wildlife and wildlife habitat, and appropriates \$381,715 therefor for current year.

**Type of Impact:** Expenditure increase from the General Fund.

**Agencies Affected:** Department of Environmental Protection.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	\$381,715	See Comments Below	

- ! The bill appropriates \$381,715 from the General Fund to the Department of Environmental Protection (DEP) to provide the State match required for federal grants made available to the State Wildlife Grants Program in federal FY 2004. It authorizes sufficient appropriations in subsequent years for the same purpose.
- ! Currently, revenues from wildlife conservation license plate sales and the endangered and nongame species State income tax check-off are used to provide the State match for federal wildlife grant funding, which totals \$1.2 million in federal FY 2004.
- ! The State Wildlife Grants Program is funded by the U.S. Fish and Wildlife Service. It augments the Division of Fish and Wildlife's Endangered and Nongame Species Program, which benefits wildlife and their habitat, including species that are not hunted or fished.
- ! The Office of Legislative Services (OLS) estimates that the bill's fiscal impact is limited to the amount appropriated therein. Future appropriations are not assured because they are subject to the annual State Budget process, which ultimately determines funding availability.

**BILL DESCRIPTION**

Senate Bill No. 1863 of 2004 authorizes an annual General Fund appropriation to the DEP for the purpose of providing the State match required to qualify for any federal grants or other assistance made available to the State Wildlife Grants Program or any similar program. The bill

appropriates \$381,715 from the General Fund to the DEP for these purposes in the current fiscal year. This will enable the State Endangered and Nongame Species Program to perform its duties and responsibilities without allocating all or part of its operating budget for State match purposes.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill's fiscal impact will be limited to the appropriation of \$381,715 as provided therein. This amount is expected to match, or draw down, \$1,215,376 in federal wildlife grant funding, New Jersey's federal FY 2004 allocation. The OLS notes, however, that the bill's provision for future appropriations from the General Fund cannot be assured because such appropriations are subject to the annual State Budget process, where funding availability is not always certain. In addition, the Legislature and the Governor are under no statutory obligation to provide future year appropriations of this nature unless they are derived from a dedicated funding source such as fees, bonds or taxes. Given this fact, the inclusion of State matching funds for the bill's purpose in succeeding State Budgets would have to undergo the same scrutiny as other competing budget items.

The OLS further notes that the current practice of providing the State match for federal wildlife grants from wildlife conservation license plate sales and the endangered and nongame species State income tax check-off (which both support the State Endangered and Nongame Species Program) may be in jeopardy because revenues from these sources have declined in recent years. Consequently, the reduced revenue levels may not be able to fully support both the subject State match requirement and the Endangered and Nongame Species Program in the current fiscal year or in the future.

Section: *Environment, Agriculture, Energy and Natural Resources*

Analyst: *Richard M. Handelman*  
*Senior Fiscal Analyst*

Approved: *David J. Rosen*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

# ASSEMBLY, No. 3345

## STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED OCTOBER 4, 2004

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex)**

**Assemblyman CHRISTOPHER "KIP" BATEMAN**

**District 16 (Morris and Somerset)**

**Co-Sponsored by:**

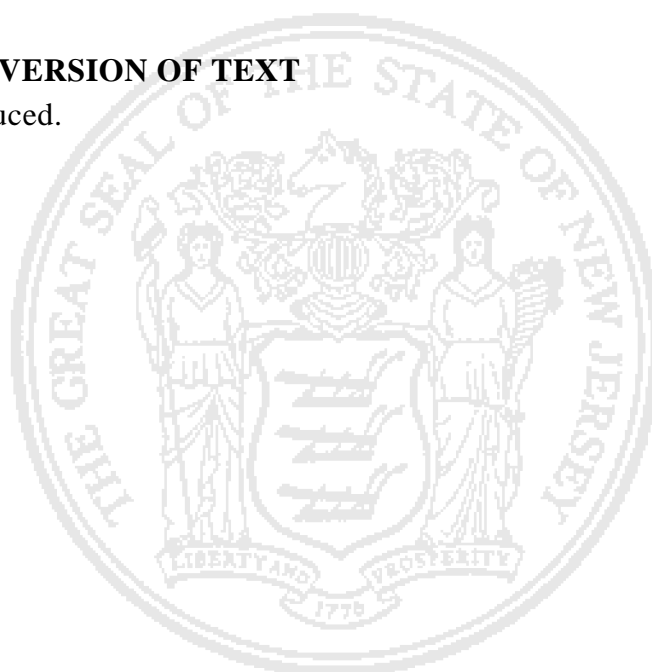
**Assemblyman Manzo**

**SYNOPSIS**

Requires State to provide matching funds for certain federal grants to benefit wildlife and wildlife habitat, and appropriates \$381,715 therefor for current year.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/15/2005)**



1 AN ACT concerning certain federal grants made available to the State  
2 for the benefit of wildlife and wildlife habitat, and making an  
3 appropriation.

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

7  
8 1. There shall be appropriated each year from the General Fund to  
9 the Department of Environmental Protection a sum sufficient to  
10 provide the State match required to qualify for any federal grants or  
11 other assistance apportioned and made available to the State of New  
12 Jersey under the State Wildlife Grants Program or any similar program  
13 established pursuant to federal law, rule, or regulation for the purpose  
14 of benefitting wildlife and their habitat, including species that are not  
15 hunted or fished. The sum appropriated each year shall be expended  
16 by the Division of Fish and Wildlife in the Department of  
17 Environmental Protection for the purposes and in accordance with the  
18 requirements of the federal program and to allow the Endangered and  
19 Nongame Species Program in the division to perform its duties and  
20 responsibilities.

21  
22 2. There is appropriated from the General Fund to the Department  
23 of Environmental Protection the sum of \$381,715 to provide the State  
24 match for the year 2004 sums which have been apportioned and made  
25 available to the State of New Jersey under the State Wildlife Grants  
26 Program established by the federal government. The sum appropriated  
27 pursuant to this section shall be expended by the Division of Fish and  
28 Wildlife in the Department of Environmental Protection for the  
29 purposes and in accordance with the requirements of the federal  
30 program and to allow the Endangered and Nongame Species Program  
31 in the division to perform its duties and responsibilities. To the extent  
32 that the State has expended any funds from other sources to provide  
33 the State match for the year 2004 under the State Wildlife Grants  
34 Program established by the federal government, the sum appropriated  
35 pursuant to this section shall be used to fully reimburse those other  
36 sources accordingly.

37  
38 3. This act shall take effect immediately.

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41 STATEMENT

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43 This bill would provide that there shall be appropriated each year  
44 from the General Fund to the Department of Environmental Protection  
45 a sum sufficient to provide the State match required to qualify for any  
46 federal grants or other assistance apportioned and made available to

1 the State of New Jersey under the State Wildlife Grants Program or  
2 any similar program established pursuant to federal law, rule, or  
3 regulation. The sum appropriated each year would be required to be  
4 expended by the Division of Fish and Wildlife for the purposes and in  
5 accordance with the requirements of the federal program and to allow  
6 the State's Endangered and Nongame Species Program in the division  
7 to perform its duties and responsibilities. The bill would appropriate  
8 \$381,715 from the State General Fund for those purposes for the  
9 current year. The bill would also provide that to the extent that the  
10 State has already expended any funds from other sources to provide  
11 the State match for the year 2004 under the federal program, the sum  
12 appropriated pursuant to the bill is to be used to fully reimburse those  
13 other sources accordingly.

14 Pursuant to federal law, the United States Fish and Wildlife Service  
15 has established a "State Wildlife Grants Program" to assist the various  
16 states by providing federal funds for the development and  
17 implementation of programs for the benefit of wildlife and their  
18 habitat, including species that are not hunted or fished. The grant  
19 program permits both planning and implementation activities but  
20 requires the State to provide \$1 in matching funds for every \$3 in  
21 federal funds apportioned to the State. Heretofore, the State has used  
22 revenue from wildlife conservation license plate sales, the endangered  
23 and nongame species income tax check-off, and assorted other minor  
24 sources to provide the State match. However, in recent years, these  
25 revenue sources have declined markedly, due most likely in large part  
26 from competition provided by other specialty license plates and income  
27 tax check-off options, and, as a result, are no longer sufficient. In  
28 addition, this revenue decline has significantly hampered the ability of  
29 the State's Endangered and Nongame Species Program to perform its  
30 statutory and regulatory duties and responsibilities. Accordingly, the  
31 supplemental funding provided in this bill for the current year, and the  
32 statutory charge to provide similar funding in the future, is urgently  
33 needed.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3345**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 14, 2005

The Assembly Agriculture and Natural Resources Committee reports favorably and with committee amendments Assembly Bill No. 3345.

This bill provides that there shall be appropriated each year to the Department of Environmental Protection a sum sufficient to provide the State match required to qualify for any federal grants or other assistance apportioned and made available to the State of New Jersey under the State Wildlife Grants Program or any similar program established pursuant to federal law, rule, or regulation. The sum appropriated each year would be required to be expended by the Division of Fish and Wildlife for the purposes and in accordance with the requirements of the federal program and to allow the State's Endangered and Nongame Species Program in the division to perform its duties and responsibilities.

The bill appropriates \$381,715 from the State General Fund for the foregoing purposes for the current year. The bill also provides that to the extent that the State has already expended any funds from other sources to provide the State match for the year 2004 under the federal program, the sum appropriated under the bill is to be used to fully reimburse those other sources accordingly.

Pursuant to federal law, the United States Fish and Wildlife Service has established a "State Wildlife Grants Program" to assist the various states by providing federal funds for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished. The grant program permits both planning and implementation activities but requires the State to provide one dollar in matching funds for every three dollars in federal funds apportioned to the State.

COMMITTEE AMENDMENTS

Committee amendments to this bill provide that the annual appropriation of "match funding" necessary to qualify for federal grants under the State Wildlife Grants Program shall, to the extent

possible, be made from those amounts, credited to various statutorily established funds dedicated to the conservation of endangered or nongame wildlife and their habitat, that exceeds the amount from those funds that (i) was used in FY2005 to support the conservation of endangered or nongame wildlife, but (ii) was not eligible to be counted towards the federal program's State match requirement. To the extent that these moneys from the dedicated funds are insufficient to meet the bill's appropriation requirement, the remaining amount necessary is to be appropriated from the General Fund.

As amended and reported by the committee, this bill is identical to Senate Bill No. 1863 (1R) of 2004.

# ASSEMBLY BUDGET COMMITTEE

## STATEMENT TO

[First Reprint]

### ASSEMBLY, No. 3345

# STATE OF NEW JERSEY

DATED: JUNE 29, 2005

The Assembly Budget Committee reports favorably Assembly Bill No. 3345 (1R).

Assembly Bill No. 3345 (1R) provides that there shall be appropriated each year to the Department of Environmental Protection a sum sufficient to provide the State match required to qualify for any federal grants or other assistance apportioned and made available to the State of New Jersey under the State Wildlife Grants Program or any similar program established pursuant to federal law, rule, or regulation. The sum appropriated each year would be required to be expended by the Division of Fish and Wildlife for the purposes and in accordance with the requirements of the federal program and to allow the State's Endangered and Nongame Species Program in the Division to perform its duties and responsibilities.

The bill appropriates \$381,715 from the State General Fund for the foregoing purposes for the current year. The bill also provides that to the extent that the State has already expended any funds from other sources to provide the State match for the year 2004 under the federal program, the sum appropriated under the bill is to be used to fully reimburse those other sources accordingly.

Pursuant to federal law, the United States Fish and Wildlife Service has established a "State Wildlife Grants Program" to assist the various states by providing federal funds for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished. The grant program permits both planning and implementation activities but requires the State to provide one dollar in matching funds for every three dollars in federal funds apportioned to the State.

As reported, this bill is identical to Senate Bill No. 1863 (1R), as also reported by the committee.

#### FISCAL IMPACT

This bill appropriates from the General Fund to the Department of Environmental Protection in the current fiscal year the sum of \$381,715 to provide the State match for the year 2004 under the federal State Wildlife Grants Program. The bill's provision requiring

the State to appropriate funding in future years to meet the State match requirement cannot be assured, as such appropriations are subject to the annual State budget process. It is noted that heretofore, the State has used revenue from wildlife conservation license plate sales, the endangered and nongame species income tax check-off, and assorted other minor sources to provide the State match, but that in recent years these revenue sources have declined markedly; accordingly, it is not certain that meeting the commitment to provide full funding of the State match requirement will not entail an appropriation from the General Fund.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 3345**  
**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

DATED: FEBRUARY 18, 2005

**SUMMARY**

**Synopsis:** Requires State to provide matching funds for certain federal grants to benefit wildlife and wildlife habitat, and appropriates \$381,715 therefor for current year.

**Type of Impact:** Expenditure increase from the General Fund.

**Agencies Affected:** Department of Environmental Protection

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	\$381,715	See Comments Below	

- ! The bill appropriates \$381,715 from the General Fund to the Department of Environmental Protection (DEP) to provide the State match required for federal grants made available to the State Wildlife Grants Program in federal FY 2004. It authorizes sufficient appropriations in subsequent years for the same purpose.
- ! Currently, revenues from wildlife conservation license plate sales and the endangered and nongame species State income tax check-off are used to provide the State match for federal wildlife grant funding, which totals \$1.2 million in federal FY 2004.
- ! The State Wildlife Grants Program is funded by the U.S. Fish and Wildlife Service. It augments the Division of Fish and Wildlife's Endangered and Nongame Species Program, which benefits wildlife and their habitat, including species that are not hunted or fished.
- ! The Office of Legislative Services (OLS) estimates that the bill's fiscal impact is limited to the amount appropriated therein. Future appropriations are not assured because they are subject to the annual State Budget process, which ultimately determines funding availability.

**BILL DESCRIPTION**

Assembly Bill No. 3345 of 2004 authorizes an annual General Fund appropriation to the DEP for the purpose of providing the State match required to qualify for any federal grants or other assistance made available to the State Wildlife Grants Program or any similar program. The bill appropriates \$381,715 from the General Fund to the DEP for these purposes in the current fiscal

year. This will enable the State Endangered and Nongame Species Program to perform its duties and responsibilities without allocating all or part of its operating budget for State match purposes.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that the bill's fiscal impact will be limited to the appropriation of \$381,715 as provided therein. This amount is expected to match, or draw down, \$1,215,376 in federal wildlife grant funding, New Jersey's federal FY 2004 allocation. The OLS notes, however, that the bill's provision for future appropriations from the General Fund cannot be assured because such appropriations are subject to the annual State Budget process, where funding availability is not always certain. In addition, the Legislature and the Governor are under no statutory obligation to provide future year appropriations of this nature unless they are derived from a dedicated funding source such as fees, bonds or taxes. Given this fact, the inclusion of State matching funds for the bill's purpose in succeeding State Budgets would have to undergo the same scrutiny as other competing budget items.

The OLS further notes that the current practice of providing the State match for federal wildlife grants from wildlife conservation license plate sales and the endangered and nongame species State income tax check-off (which both support the State Endangered and Nongame Species Program) may be in jeopardy because revenues from these sources have declined in recent years. Consequently, the reduced revenue levels may not be able to fully support both the subject State match requirement and the Endangered and Nongame Species Program in the current fiscal year or in the future.

Section: *Environment, Agriculture, Energy and Natural Resources*

Analyst: *Richard M. Handelman*  
*Senior Fiscal Analyst*

Approved: *David J. Rosen*  
*Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.