

23: 1A-10

LEGISLATIVE HISTORY CHECKLIST
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(Endangered species)

NJSA: 23:1A-10

LAWS OF: 1995 CHAPTER: 411

BILL NO: A907

SPONSOR(S): Warsh

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Environment
SENATE: Natural Resources

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: April 25, 1994
SENATE: January 9, 1996

DATE OF APPROVAL: January 10 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: Yes

VETO MESSAGE: ~~Yes~~ no

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

1 AN ACT concerning endangered and nongame species and
2 amending P.L.1973, c.309.

3

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

6 1. Section 10 of P.L.1973, c.309 (C.23:2A-10) is amended to
7 read as follows:

8 10. a. If any person violates any of the provisions of this act
9 or any rule, regulation or order [promulgated] adopted or issued
10 pursuant to the provisions of this act, the department may
11 institute a civil action in a court of competent jurisdiction for
12 injunctive relief to prohibit and prevent such violation or
13 violations and the [said] court may proceed in the action in a
14 summary manner.

15 b. Any person who violates the provisions of this act or any
16 rule, regulation or order [promulgated] adopted or issued pursuant
17 to this act shall be liable to a civil penalty of not less than
18 [\$100.00] \$250 and not more than [\$3,000.00] \$5,000 for each
19 offense, to be collected in a civil action by a summary proceeding
20 under "the penalty enforcement law" (N.J.S.2A:58-1 et seq.) or in
21 any case before a court of competent jurisdiction wherein
22 injunctive relief has been requested. [Penalties] Civil penalties
23 recovered for violations hereof shall be remitted as provided in
24 R.S.23:10-19. The Superior Court and municipal court shall have
25 jurisdiction to enforce [said penalty enforcement law.] "the
26 penalty enforcement law."

27 If the violation is of a continuing nature, each day during which
28 it continues shall constitute an additional, separate and distinct
29 offense.

30 c. The department is hereby authorized and empowered to
31 compromise and settle any claim for a penalty under this section
32 in such amount in the discretion of the department as may appear
33 appropriate and equitable under all of the circumstances.
34 (cf: P.L.1991, c.91, s.278)

35 2. This act shall take effect immediately.

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40 Increases penalty for violation of "The Endangered and Nongame
41 Species Conservation Act."

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.

ASSEMBLY, No. 907

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblyman WARSH and Assemblywoman DERMAN

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STATEMENT

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40 This bill would increase the civil penalty for violating "The
41 Endangered and Nongame Species Conservation Act" to a
42 minimum of \$250 and a maximum of \$5,000. Currently, the
43 minimum civil penalty is \$100 and the maximum is \$3,000.

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above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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Species Conservation Act."

ASSEMBLY ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 907

STATE OF NEW JERSEY

DATED: MARCH 15, 1994

The Assembly Environment and Energy Committee favorably reports Assembly Bill No. 907.

This bill would increase the civil penalty for violating "The Endangered and Nongame Species Conservation Act" to a minimum of \$250 and a maximum of \$5,000. Currently, the minimum civil penalty is \$100 and the maximum is \$3,000.

This bill was pre-filed for introduction in the 1994-95 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE NATURAL RESOURCES, TRADE AND
ECONOMIC DEVELOPMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 907

STATE OF NEW JERSEY

DATED: OCTOBER 3, 1994

The Senate Natural Resources, Trade and Economic Development Committee favorably reports Assembly Bill No. 907.

This bill would increase the civil penalty for violating "The Endangered and Nongame Species Conservation Act" to a minimum of \$250 and a maximum of \$5,000. Currently, the minimum civil penalty is \$100 and the maximum is \$3,000.

LEGISLATIVE FISCAL ESTIMATE TO
ASSEMBLY, No. 907

STATE OF NEW JERSEY

DATED: May 19, 1994

Assembly Bill No. 907 of 1994 would increase the civil penalty for violating "The Endangered and Nongame Species Conservation Act" to a minimum of \$250 and a maximum of \$5,000. Currently, the minimum civil penalty is \$100 and the maximum is \$3,000.

Although the Department of Environmental Protection and Energy (DEPE) did not submit a Fiscal Note worksheet on the bill, it informed the Office of Legislative Services (OLS) that the increased penalty would generate total revenues of \$17,250 in FY 1995, assuming the bill is enacted prior to July 1, 1994 (i.e., the beginning of FY 1995). According to the DEPE, there are approximately 50 violations of this act each year, with revenues from penalty collections totaling approximately \$8,000 annually. Thus, the increase in penalties provided by the bill would effectively double the amount of penalties collections under the act.

The OLS concurs in the information provided by the DEPE.

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.