

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 227

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: DECEMBER 16, 2016

SUMMARY

- Synopsis:** Requires DOT, NJTA, and SJTA to use only native vegetation for landscaping, land management, reforestation, or habitat restoration.
- Type of Impact:** Indeterminate cost impact on State and toll road authorities
- Agencies Affected:** Department of Agriculture, Department of Environmental Protection, Department of Transportation, New Jersey Turnpike Authority, and South Jersey Transportation Authority.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State and Toll Road Authority Expenditures	Indeterminate impact – See comments below		

- The Office of Legislative Service (OLS) determines that the bill may reduce State toll road authority expenditures.
- By planting native vegetation, the State could realize savings from the discontinuation or reduction in the use of pesticides, fertilizers, and watering. In addition, with the feasibility exception, the cost of using native vegetation might not exceed the cost of using existing or non-native vegetation. A one-time cost would result from identifying native vegetation to use in each plant hardiness zone within the State.
- The bill may produce a minimal recurring cost impact to the General Fund for administering the feasibility exception.

BILL DESCRIPTION

Senate Bill No. 227 (1R) of 2016 would require, with one exception, that whenever the Department of Transportation (DOT), New Jersey Turnpike Authority (NJTA), or South Jersey Transportation Authority (SJTA) plants vegetation for purposes of landscaping, land

management, reforestation, or habitat restoration, that it plant only vegetation that is native to the State and that will thrive in the area in which it is being planted.

The bill requires the Department of Environmental Protection (DEP), in consultation with the Division of Plant Industry in the Department of Agriculture, to identify those particular species of vegetation that are native to the State and that thrive in each plant hardiness zone found within the State, as identified pursuant to the most recent edition of the Plant Hardiness Zone Map published by the United States Department of Agriculture. When planting in any given plant hardiness zone, the DOT, NJTA, or SJTA, as applicable, generally would be required to plant only those species so identified.

The bill allows for an exception to the native vegetation only requirement. Specifically, the bill provides that the DEP, in consultation with the Division of Plant Industry in the Department of Agriculture and representatives of appropriate plant industry organizations and environmental organizations selected by the DEP, may authorize the DOT, NJTA, or SJTA to use non-native vegetation for purposes of landscaping, land management, reforestation, or habitat restoration in prescribed circumstances where and when necessary if the use of native vegetation is not feasible, provided that the non-native vegetation is deemed to be non-invasive and not otherwise detrimental to the environment.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill's impact on State and toll road authority expenditures is indeterminate.

The bill requires the DEP, in consultation with the Division of Plant Industry in the Department of Agriculture, to identify species of vegetation that are native to the State for each plant hardiness zone found within the State. The OLS determines there may be a one-time minimal cost impact to the General Fund to identify native vegetation for each of the plant hardiness zones within the State.

The bill requires the DOT, NJTA, and SJTA to use native vegetation in areas that the DOT, NJTA, or SJTA are already required to provide for landscaping, land management, reforestation, or habitat restoration. The bill also provides a feasibility exception. The OLS notes that the bill does not define the circumstances by which the feasibility exception may be employed. Consequently, the OLS is unable to determine the fiscal impact, if any, that the exception may have.

Whether the use of native vegetation would cost more or less than the use of non-native vegetation is unknown because it depends upon a number of variables particular to each project. However, the OLS notes that, according to experts, native vegetation is naturally adapted to the local conditions and, therefore, once established, is less likely to need pesticides, fertilizers, or watering. The OLS determines that due to the nature of native vegetation, savings could be realized from the discontinuation or reduction of pesticides, fertilizers, and the need for watering.

The OLS determines that there may be a minimal recurring cost impact to the General Fund for administering the feasibility exception. The DEP, in cooperation with the Department of

Agriculture, may need to administer the provision of the bill that allows for a feasibility exception. Specifically, the DEP, in consultation with the Department of Agriculture, would need to: 1) determine when non-native vegetation could be used for purposes of landscaping, land management, reforestation, or habitat restoration instead of native vegetation; and 2) address any issues that may arise from implementing, administering, and enforcing the feasibility exception. The OLS presumes that the work required to administer the feasibility exception could be subsumed within existing staff duties.

Section: Environment, Agriculture, Energy and Natural Resources

*Analyst: Neha Mehta Patel
Assistant Fiscal Analyst*

*Approved: Frank W. Haines III
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 (C.52:13B-6 et seq.).