



ANALYSIS OF THE NEW JERSEY BUDGET

**DEPARTMENT
OF STATE**

FISCAL YEAR

2011 - 2012

NEW JERSEY STATE LEGISLATURE

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This report was prepared by the Education Section of the Office of Legislative Services under the direction of the Legislative Budget and Finance Officer. The primary author was Adrian G. Crook.

Questions or comments may be directed to the OLS Education Section (609-984-6843) or the Legislative Budget and Finance Office (609-292-8030).

DEPARTMENT OF STATE

Budget Pages..... C-7; C-15; C-23 to C-25; D-279 to D-333

Fiscal Summary (\$000)

	Expended FY 2010	Adjusted Appropriation FY 2011	Recommended FY 2012	Percent Change 2011-12
State Budgeted	\$1,246,988	\$1,160,059	\$1,185,577	2.2%
Federal Funds	\$98,605	\$33,551	\$33,019	(1.6%)
<u>Other</u>	<u>\$13,729</u>	<u>\$15,521</u>	<u>\$16,029</u>	<u>3.3%</u>
Grand Total	\$1,359,322	\$1,209,131	\$1,234,625	2.1%

Personnel Summary - Positions By Funding Source

	Actual FY 2010	Revised FY 2011	Funded FY 2012	Percent Change 2011-12
State	257	248	278	12.1%
Federal	206	192	226	17.7%
Other	56	49	50	2.0%
<u>Colleges & Univ's.*</u>	<u>23,866</u>	<u>23,866</u>	<u>23,866</u>	<u>—</u>
Total Positions	24,385	24,355	24,420	0.3%

FY 2010 (as of December) and revised FY 2011 (as of January) personnel data reflect actual payroll counts. FY 2012 data reflect the number of positions funded.

*Position data is displayed as "State-funded" positions for the three years.

Note: In order to be consistent with the data as it is displayed in the Governor's budget, the funding data that are budgeted in the Department of State for Higher Educational Services are included in the above tables. Other explanatory material is not included in this analysis but is contained in a separate analysis of "Higher Educational Services."

Link to Website: <http://www.njleg.state.nj.us/legislativepub/finance.asp>

Highlights

- The Governor's FY 2012 budget recommendation for the Department of State, excluding Higher Educational Services, totals \$76.4 million, an increase of \$6.8 million (8.9 percent) over the FY 2011 adjusted appropriation of \$69.6 million.
- **Election Management and Coordination:** State Aid funding for Election Management and Coordination is recommended to increase from \$7 million in FY 2011 to \$19 million in FY 2012. The increase is entirely attributable to a \$12 million appropriation to fund the local costs of New Jersey's presidential primary election.
- **Cultural Projects:** Grants-In-Aid funding to the New Jersey State Council on the Arts for Cultural Projects is recommended to decrease \$4.3 million, from \$20.3 million in FY 2011 to \$16 million in FY 2012. This amount was restored to the budget during the FY 2011 appropriations process to fund grants to the Battleship New Jersey (\$1.74 million), the Old Barracks (\$375,000), and the Newark Museum (\$2.18 million).
- **Business Action Center:** The Business Action Center, which according to the Executive, is designed to provide a one-stop shop for business by combining all economic development activities under one roof, aggregates the Office of Smart Growth from the Department of Community Affairs, the Office of Economic Growth from the Department of Treasury, and the Division of Business Assistance, Marketing and International Trade from the Economic Development Authority. The FY 2012 recommended appropriation of \$4.54 million for the Business Action Center is a \$110,000 decrease from the combined FY 2011 appropriations for those three agencies (\$4.65 million).
- **Veterans Memorial Arts Center:** The Veterans Memorial Arts Center (formerly the Trenton War Memorial) received a FY 2011 adjusted appropriation of \$750,000 but is not recommended to receive State funding in FY 2012. According to the Governor's FY 2012 budget proposal, the operations of the Veterans Memorial Arts Center will be privatized in FY 2012.
- **Public Broadcasting Services:** The "New Jersey Public Broadcasting System Transfer Act," P.L.2010, c.104, relocated the Public Broadcasting Authority in, but not of, the Department of Treasury and authorized the transfer of the operations and certain assets of the authority to a non-State entity eligible to operate a public broadcasting system. Prior to the transfer the authority was located in, but not of, the Department of State.
- **Records Management:** For FY 2012, the Governor's budget projects total New Jersey Public Records Preservation collections of \$30.7 million. Proposed budget language (p.D-332) provides that none of this revenue will be appropriated for grants to counties and municipalities, and will instead be available to the General Fund as State revenue. According to statute, 40 percent of this revenue source is to be allocated to local governments for records preservation purposes.

Highlights (Cont'd)

- **Amistad Commission:** Under P.L.2002, c.75, the Amistad Commission is located in the Department of State; however, footnote (d) on p.D-332 in the Governor's FY 2012 proposed budget states that the Amistad Commission was relocated to the Department of Education in FY 2011. The Governor's FY 2012 budget recommendation does not provide any funding for the Amistad Commission under either the Department of State's or Department of Education's recommended budgets.

Background Paper:

The Hotel and Motel Occupancy Tax Dedication
for Cultural and Tourism Activities

p. 10

Fiscal and Personnel Summary

AGENCY FUNDING BY SOURCE OF FUNDS (\$000)

	Expended FY 2010	Adj. Approp. FY 2011	Recom. FY 2012	Percent Change	
				2010-12	2011-12
General Fund					
Direct State Services	\$22,816	\$30,419	\$28,889	26.6%	(5.0%)
Grants-In-Aid	1,205,048	1,114,635	1,129,683	(6.3%)	1.4%
State Aid	19,124	15,005	27,005	41.2%	80.0%
Capital Construction	0	0	0	0.0%	0.0%
Debt Service	0	0	0	0.0%	0.0%
Sub-Total	\$1,246,988	\$1,160,059	\$1,185,577	(4.9%)	2.2%
Property Tax Relief Fund					
Direct State Services	\$0	\$0	\$0	0.0%	0.0%
Grants-In-Aid	0	0	0	0.0%	0.0%
State Aid	0	0	0	0.0%	0.0%
Sub-Total	\$0	\$0	\$0	0.0%	0.0%
Casino Revenue Fund	\$0	\$0	\$0	0.0%	0.0%
Casino Control Fund	\$0	\$0	\$0	0.0%	0.0%
State Total	\$1,246,988	\$1,160,059	\$1,185,577	(4.9%)	2.2%
Federal Funds	\$98,605	\$33,551	\$33,019	(66.5%)	(1.6%)
Other Funds	\$13,729	\$15,521	\$16,029	16.8%	3.3%
Grand Total	\$1,359,322	\$1,209,131	\$1,234,625	(9.2%)	2.1%

PERSONNEL SUMMARY - POSITIONS BY FUNDING SOURCE

	Actual FY 2010	Revised FY 2011	Funded FY 2012	Percent Change	
				2010-12	2011-12
State	257	248	278	8.2%	12.1%
Federal	206	192	226	9.7%	17.7%
All Other	56	49	50	(10.7%)	2.0%
Colleges and Universities*	23,866	23,866	23,866	0.0%	0.0%
Total Positions	24,385	24,355	24,420	0.1%	0.3%

FY 2010 (as of December) and revised FY 2011 (as of January) personnel data reflect actual payroll counts. FY 2012 data reflect the number of positions funded.

*Position data is displayed as "State-funded" positions for the three years.

AFFIRMATIVE ACTION DATA

Total Minority Percent					
Office of the Secretary of State	45.9%	47.2%	37.6%	---	---
Commission on Higher Ed.	50.0%	46.0%	33.0%	---	---
High Ed. Student Assist. Auth.	33.3%	34.6%	30.6%	---	---

Significant Changes/New Programs (\$000)

<u>Budget Item</u>	<u>Adj. Approp.</u> <u>FY 2011</u>	<u>Recomm.</u> <u>FY 2012</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>	<u>Budget</u> <u>Page</u>
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SUPPORT OF THE ARTS

GRANTS-IN-AID

Cultural Projects	\$20,302	\$16,000	(\$4,302)	(21.2%)	D-327
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The Governor's FY 2012 recommended appropriation of \$16 million in Grants-In-Aid funding to the New Jersey State Council on the Arts for Cultural Projects represents a \$4.3 million (21.2 percent) decrease from the FY 2011 adjusted appropriation of \$20.3 million. In FY 2011, budget language transferred \$4 million from the New Jersey Cultural Trust to the General Fund as State revenue. Additional FY 2011 budget language allocated \$4.302 million in grants to the Battleship New Jersey (\$1.74 million), the Old Barracks (\$375,000), and the Newark Museum (\$2.187 million). The \$4 million transfer in FY 2011 does not recur in FY 2012 and those grantees are expected to compete for grant funding through the Council on the Arts, the Historical Commission, or the Cultural Trust in FY 2012. While the Governor's FY 2012 recommended funding level for Cultural Projects is below what is statutorily required under P.L.2003, c.114, it is equal to the level of funding below which, under that law, the authority to impose and collect the hotel and motel occupancy fee would be terminated.

OFFICE OF THE SECRETARY OF STATE

DIRECT STATE SERVICES

Veterans Memorial Arts Center	\$750	\$0	(\$ 750)	(100.0%)	D-331
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The Veterans Memorial Arts Center (formerly the Trenton War Memorial) received an FY 2011 adjusted appropriation of \$750,000 but is not recommended to receive State funding in FY 2012. According to the Governor's FY 2012 budget proposal, the operations of the Veterans Memorial Arts Center will be privatized in FY 2012.

ELECTION MANAGEMENT AND COORDINATION

STATE AID

Presidential Primary	\$0	\$12,000	\$12,000	—	D-332
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The Governor's FY 2012 recommended budget appropriates \$12 million in State Aid to Election Management and Coordination to fund New Jersey's presidential primary. These monies are used to reimburse county and municipal costs associated with operating the State's presidential primary, which is scheduled to take place in February 2012.

Significant Language Changes

Council on the Arts

Deletion

2011 Handbook: p. B-163

2012 Budget: p. --

~~Notwithstanding the provision of any law or regulation to the contrary, there is appropriated from the New Jersey Cultural Trust \$4,000,000 for transfer to the General Fund as State revenue. The amount hereinabove appropriated for Cultural Projects shall first be provided from this revenue.~~

Explanation

The FY 2011 budget language transferred \$4 million from the New Jersey Cultural Trust to the General Fund as State revenue to fund Cultural Project grants. The Cultural Trust is a public-private initiative designed to create a permanent, stable and additional source of funding to support private, non-profit arts, history and humanities organizations; finance capital projects; and improve the organizational and financial management of cultural organizations. Under the "New Jersey Cultural Trust Act," P.L.2000, c.76, if the balance of the Cultural Trust drops below \$20 million, then its interest income may not be used to support grants to cultural organizations. The \$4 million transfer in FY 2011 facilitated allocation of grants to the Battleship New Jersey, the Old Barracks, and the Newark Museum. (See below.) According to the Office of Management and Budget, the \$4 million transfer dropped the balance of the Cultural Trust to \$19.8 million, and the Governor's FY 2012 recommended appropriation of \$500,000 for the Cultural Trust will allow it to continue to provide grants to cultural organizations in FY 2012.

Council on the Arts

Deletion

2011 Handbook: p. B-163

2012 Budget: p. --

~~Of the amounts hereinabove appropriated for Cultural Projects, \$1,740,000 is allocated to the Battleship New Jersey, \$375,000 is allocated to the Old Barracks, and \$2,187,000 is allocated to the Newark Museum.~~

Explanation

Under the FY 2011 budget language, of the \$20.3 million appropriated for Cultural Projects, \$1,740,000 was allocated to the Battleship New Jersey, \$375,000 was allocated to the Old Barracks, and \$2,187,000 was allocated to the Newark Museum. As stated above, these grants were facilitated in FY 2011 by a \$4 million transfer from the Cultural Trust to the General Fund. Under the Governor's FY 2012 recommended budget, these agencies are expected to compete

EXPLANATION: FY 2011 language not recommended for FY 2012 denoted by strikethrough.
Recommended FY 2012 language that did not appear in FY 2011 denoted by underlining.

Significant Language Changes (Cont'd)

for grant funding through the Council on the Arts in FY 2012 if they are to continue to secure State support.



Council on the Arts	
Revision	2011 Handbook: p. B-164 2012 Budget: p. D-328

Notwithstanding the provisions of any law or regulation to the contrary, of the amount appropriated for Cultural Projects, 25% shall be awarded to cultural groups or artists based in the eight southernmost counties (Cape May, Salem, Cumberland, Gloucester, Camden, Ocean, Atlantic, and Burlington). In, provided however, that the calculation of the such 25% allocation percentage, shall not include the first \$1,000,000 of any grants that may be awarded to the New Jersey Performing Arts Center or the Rutgers Camden Performing Arts Center, and should the Newark Museum Association be awarded a grant based on a competitive process with their peers, the first \$2,187,000 shall be disregarded.

Explanation

The FY 2011 budget language provided that, of the amount appropriated for Cultural Projects, 25% was required to be awarded to cultural groups or artists based in the eight southernmost counties. In the calculation of the allocation percentage, the first \$1,000,000 of any grants that were awarded to the New Jersey Performing Arts Center or the Rutgers Camden Performing Arts Center, and the first \$2,187,000 of any grants awarded to the Newark Museum Association through a competitive process were disregarded. The FY 2012 recommended language continues the 25% grant funding allocation for the eight southernmost counties and provides that the first \$1,000,000 of any grants awarded to the New Jersey Performing Arts Center or the Rutgers Camden Performing Arts Center will be disregarded in that calculation. However, the FY 2012 recommended language deletes FY 2011 language which provided that the first \$2,187,000 of any grants awarded to the Newark Museum Association would also be disregarded in the 25% allocation, since the Newark Museum is not specifically designated as a funding recipient in other budget language.



EXPLANATION: FY 2011 language not recommended for FY 2012 denoted by strikethrough.
Recommended FY 2012 language that did not appear in FY 2011 denoted by underlining.

Significant Language Changes (Cont'd)

Amistad Commission

Deletion

2011 Handbook: p. B-166
2012 Budget: p. --

~~The unexpended balance at the end of the preceding fiscal year in the Amistad Commission account is appropriated for the Office of Programs, subject to the approval of the Director of the Division of Budget and Accounting.~~

Explanation

Under the FY 2011 budget language, the unexpended balance at the end of the preceding fiscal year in the Amistad Commission account was appropriated to the Office of Programs, which was established in FY 2011 to consolidate the Amistad Commission, the Martin Luther King, Jr. Commemorative Commission, and the Office of Faith-Based Initiatives. According to footnote (d) on p.D-332 in the Governor's FY 2012 proposed budget, the Amistad Commission was relocated to the Department of Education in FY 2011. No funding is recommended for the commission in FY 2012.

Business Action Center

Addition

2011 Handbook: p. B-178
2012 Budget: p. D-332

Of the amount hereinabove appropriated to the Business Action Center, an amount up to \$250,000 is appropriated for New Jersey Small Business Development Centers, pursuant to a spending plan approved by the Secretary of State.

Explanation

Under the FY 2012 recommended budget language, of the \$4.5 million in Direct State Services funding appropriated to the Business Action Center, an amount up to \$250,000 will be appropriated for New Jersey Small Business Development Centers, pending approval of a spending plan by the Secretary of State. The Business Action Center, established by the Executive Branch, is designed to provide a one-stop shop for business by combining all economic development activities under one roof. The center combines the Office of Smart Growth from the Department of Community Affairs, the Office of Economic Growth from the Department of Treasury, and the Division of Business Assistance, Marketing and International Trade from the Economic Development Authority. The FY 2012 recommended budget language is similar to FY 2011 budget language which provided that, of the amount appropriated to the Division of Business Assistance, Marketing and International Trade, \$250,000 was appropriated to fund New Jersey Small Business Development Centers.

EXPLANATION: FY 2011 language not recommended for FY 2012 denoted by strikethrough.
Recommended FY 2012 language that did not appear in FY 2011 denoted by underlining.

Significant Language Changes (Cont'd)

Presidential Primary	
Addition	2011 Handbook: p. -- 2012 Budget: p. D-333

In addition to the amount hereinabove appropriated for Presidential Primary, there are appropriated such sums as may be required to reimburse county and municipal costs of the Presidential Primary, as certified by the Commissioner of Registration of each county, and certified by the Office of the Secretary of State, subject to the approval of the Director of the Division of Budget and Accounting.

Explanation

Under the FY 2012 recommended budget language, in addition to the Governor's recommended appropriation of \$12 million in State Aid to fund New Jersey's presidential primary, there are appropriated such sums as may be required to reimburse county and municipal costs of the presidential primary. Reimbursements to counties for election expenses are disbursed only after the actual presidential primary expenses are certified by each county's Commissioner of Registration and by the Office of the Secretary of State. This language will provide full funding for reimbursements of certified costs exceeding \$12 million.



EXPLANATION: FY 2011 language not recommended for FY 2012 denoted by strikethrough.
Recommended FY 2012 language that did not appear in FY 2011 denoted by underlining.

Background Paper: The Hotel and Motel Occupancy Tax Dedication for Cultural and Tourism Activities

Budget Pages.... C-7; D-279; D-325 to D-333

On July 1, 2003, the State enacted P.L.2003, c.114 establishing a hotel and motel occupancy tax to be imposed at all hotels and motels in the State. From August 1, 2003 to June 30th, 2004, the law authorized a 7 percent tax on the rent charged to a transient guest for room occupancy, which was reduced to 5 percent on July 1, 2004 and thereafter. In parts of the State where special local taxes or fees are imposed on transient hotel occupancies, namely in Newark, Jersey City, Atlantic City, Wildwood, Wildwood Crest, and North Wildwood, the statute authorizes a lower State hotel occupancy tax.

Under the law, a minimum amount of the revenue generated from the tax is required to annually fund cultural project grants through the New Jersey State Council on the Arts, New Jersey Historical Commission grants, advertising and promotion in the Division of Travel and Tourism, and the New Jersey Cultural Trust. The administration of the occupancy tax for these cultural and tourism agencies consists of two categories: the dedication of fees collected for occupancies in FY 2004, and the dedication of fees collected for occupancies in FY 2005 and thereafter.

For the occupancy taxes collected in FY 2004, \$16 million was directed to be allocated to the New Jersey State Council on the Arts for cultural projects; \$2.7 million was directed to be allocated to the New Jersey Historical Commission for grants; \$9 million was directed to be allocated to the New Jersey Commerce and Economic Growth Commission for tourism advertising and promotion; and \$500,000 was directed to be allocated to the New Jersey Cultural Trust.¹

For the occupancy taxes collected in FY 2005 and thereafter, the statute increased the dedications to: 22.68% of tax revenue for the New Jersey State Council on the Arts for cultural projects, provided that the amount is not less than \$22.68 million; 3.84% to the New Jersey Historical Commission for grants, provided that the amount is not less than \$3.84 million; 12.76% to the New Jersey Commerce and Economic Growth Commission (Division of Travel and Tourism) for tourism advertising and promotion, provided that the amount is not less than \$12.76 million; and .72% to the New Jersey Cultural Trust, provided that the amount is not less than \$720,000.

Although the State is statutorily required to fund these cultural and tourism agencies and activities at the amounts established for FY 2005 and thereafter, it is the amounts established for FY 2004 which are of particular significance in the review of a proposed State budget. Under the law, if the minimum amounts established for FY 2004 are not appropriated in any fiscal year, then no later than 10 days after the enactment of the annual appropriations act, the Director of the Division of Taxation is to notify each person required to collect the tax that the

1. It should be noted that on May 10, 2007, Governor Corzine issued Reorganization Plan 001-2007 providing for the transfer of certain functions of the Commerce, Economic Growth and Tourism Commission to the Department of State. Specifically, the plan transferred to the department the functions, powers, duties and personnel of the Division of Travel and Tourism.

Background Paper: The Hotel and Motel Occupancy Tax Dedication for Cultural and Tourism Activities (Cont'd)

tax will no longer be paid or collected. This is commonly referred to as the “poison pill” provision.

The Governor’s FY 2012 Budget Recommendation includes \$16 million to fund cultural project grants through the New Jersey State Council on the Arts, \$2.7 million for New Jersey Historical Commission grants, \$9 million for advertising and promotion in the Division of Travel and Tourism, and \$500,000 for the New Jersey Cultural Trust. These recommended levels of funding are equal to the amounts established for FY 2004 under P.L.2003, c.114 and are the minimum amounts required to ensure that the “poison pill” provision is not triggered.

With the exception of cultural projects, the Governor’s FY 2012 recommended appropriations for the specified agencies are the same as their FY 2011 adjusted appropriations. The Governor’s FY 2012 recommended appropriation of \$16 million in Grants-In-Aid funding for cultural projects represents a \$4.3 million (21.2 percent) decrease from the FY 2011 adjusted appropriation of \$20.3 million. In FY 2011, budget language transferred \$4 million from the New Jersey Cultural Trust to the General Fund as State revenue. This transfer facilitated additional FY 2011 budget language to provide for the allocation of \$4.302 million to the Battleship New Jersey (\$1.74 million), the Old Barracks (\$375,000), and the Newark Museum (\$2.187 million). The \$4 million transfer is not repeated in FY 2012 and those grantees are expected to compete for grant funding.

FY 2008 marked the last time one of the specified agencies was funded at the statutorily required minimum amounts established for FY 2005 and thereafter. In the FY 2008 budget, the New Jersey Cultural Trust received \$720,000 in Grants-In-Aid funding.

The State received \$86.3 million from the hotel and motel occupancy tax in FY 2008, \$74.3 million in FY 2009, and \$72.8 million in FY 2010. According to the revenue projections on p. C-7 in the Governor’s proposed FY 2012 budget, the State is anticipated to receive \$65 million from the hotel and motel occupancy tax in the FY 2011 and \$75 million in FY 2012.

OFFICE OF LEGISLATIVE SERVICES

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The Legislative Budget and Finance Officer is the chief fiscal officer for the Legislature. The Legislative Budget and Finance Officer collects and presents fiscal information for the Legislature; serves as Secretary to the Joint Budget Oversight Committee; attends upon the Appropriations Committees during review of the Governor's Budget recommendations; reports on such matters as the committees or Legislature may direct; administers the fiscal note process and has statutory responsibilities for the review of appropriations transfers and other State fiscal transactions.

The Office of Legislative Services Central Staff provides a variety of legal, fiscal, research and administrative services to individual legislators, legislative officers, legislative committees and commissions, and partisan staff. The central staff is organized under the Central Staff Management Unit into ten subject area sections. Each section, under a section chief, includes legal, fiscal, and research staff for the standing reference committees of the Legislature and, upon request, to special commissions created by the Legislature. The central staff assists the Legislative Budget and Finance Officer in providing services to the Appropriations Committees during the budget review process.

Individuals wishing information and committee schedules on the FY 2012 budget are encouraged to contact:

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