LEGISLATIVE FISCAL ESTIMATE

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 4137

STATE OF NEW JERSEY
221st LEGISLATURE

DATED: JANUARY 15, 2026

SUMMARY

Synopsis: "Invasive Species Management Act"; prohibits sale, distribution, import, export, and propagation of certain invasive species; establishes NJ Invasive Species Council.

Type of Impact: Annual State expenditure and revenue increases.

Agencies Affected: Department of Agriculture; Department of Environmental Protection.

Office of Legislative Services Estimate

Fiscal Impact	Year 1	Year 2 & Thereafter
Annual State Expenditure Increase	Up to $238,550	$138,550
Annual State Revenue Increase	Indeterminate	Indeterminate

- The Office of Legislative Services (OLS) estimates that this bill would result in a State expenditure increase up to $238,550 in the first year of implementation and ongoing annual staffing expenditures up to $138,550 thereafter.

- The OLS estimates modest State revenue increases from various fee collections and penalties for violations of the bill's provisions.

BILL DESCRIPTION

This bill, to be known as the Invasive Species Management Act, would prohibit the sale, distribution, export, import, and propagation of certain invasive plant species. The bill would also establish a 19-member New Jersey Invasive Species Council in the Department of Environmental Protection, which would advise the department on invasive species management. The bill details the composition and duties of the Invasive Species Council.

No later than 12 months after the bill's enactment, the bill would require the Department of Environmental Protection, in consultation with the Department of Agriculture, to adopt rules and regulations to implement the bill. These regulations would include a list of prohibited invasive

species, including any additions to the species listed in the bill made upon the recommendation of the council. This list would be published to the departments' websites as a central clearinghouse, with links to native State species lists, and to the Invasive Species Management Council's website. The bill would require the Department of Environmental Protection to update the invasive species list every three years. The Department of Agriculture would also adopt rules and regulations concerning the enforcement of the bill's provisions on the sale, distribution, export, import, and propagation of invasive plant species.

The Department of Agriculture would assume primary enforcement responsibility for violations that involve the sale, offer for sale, propagation for sale, or importation of a prohibited invasive plant species or the seeds thereof. The bill provides that the amount of any civil penalty or civil administrative penalty for those violations would be assessed by considering each instance of the prohibited action as an additional, separate, and distinct offense.

The Department of Environmental Protection would enforce all other violations of rules or regulations adopted by the bill. The departments would be authorized to issue administrative enforcement orders, levy civil administrative penalties, civil penalties, or seek injunctive relief, to compensate for damages, recover costs, or prevent ongoing violations.

A person who violates the bill's provisions would be subject to civil administrative penalties of between $1,000 and $2,000 and civil penalties of up to $2,000 per violation. The Department of Environmental Protection may impose fees on persons applying for conditional use waivers, in order to cover administrative costs of the bill, and the Department of Agriculture would be authorized to impose fees to cover inspection and enforcement costs incurred in implementing the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill would result in a State expenditure increase of $238,550 in the first year of implementation and ongoing annual staffing costs of $138,550 thereafter.

The OLS estimates that potential cost increases to the Department of Environmental Protection and the Department of Agriculture would result from the new responsibilities associated with this bill: the issuance of conditional use waivers; the publication and review of listings of prohibited invasive species; the enforcement of violations; and the administration of the Invasive Species Council. Administrative costs may be offset to some extent by the penalties collected from violations of the bill and the fees collected under the bill. The departments may also experience expenditure increases in establishing an invasive species list, a native species list, and an Invasive Species Management Council website page. To administer the council, one full-time staff equivalent with fringe benefits in the Department of Environmental Protection may impose recurring costs up to $138,550, including fringe benefits. One-time technology and development expenses may cost up to $100,000.

The bill provides that fees and fines collected through waiver issuance, civil actions, and administrative penalties levied by each department may be used to cover costs for the issuance of conditional use waivers, investigation, and inspection. The departments are authorized to recover reasonable costs for any investigation and inspection that lead to the discovery of a violation and

the costs of preparing and bringing a civil action under the bill. Moreover, an existing program in the Department of Agriculture's Division of Plants Industry – the Nursery Inspection program – may accommodate activities involved in this bill, such as those involved with inspection, and preclude the need to hire new staff.

The OLS anticipates modest State revenue increase from any violations of the bill's provisions. Violators face civil administrative penalties of not less than $1,000 nor more than $2,000 per day. Under the bill, the fees that may be imposed by the Department of Environmental Protection or the Department of Agriculture for inspection and enforcement are intended to mitigate additional costs for those requirements.

Section:	*Environment, Agriculture, Energy, and Natural Resources*
Analyst:	*Anna Heckler* *Assistant Fiscal Analyst*
Approved:	*Thomas Koenig* *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.).