

ASSEMBLY, No. 181

STATE OF NEW JERSEY

214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblyman GARY R. CHIUSANO

District 24 (Sussex, Hunterdon and Morris)

Assemblywoman ALISON LITTELL MCHOSE

District 24 (Sussex, Hunterdon and Morris)

Co-Sponsored by:

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SYNOPSIS

Authorizes black bear hunting permits and permit fees, and clarifies Fish and Game council authority over bear hunting.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning black bear hunting, amending various sections
2 of statutory law, and supplementing Title 23 of the Revised
3 Statutes.

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

7
8 1. Section 30 of P.L.1948, c.448 (C.13:1B-28) is amended to
9 read as follows:

10 30. a. In addition to its powers and duties otherwise hereinafter
11 provided in sections 31 through 41 of P.L.1948, c.448 (C.13:1B-29
12 et al.), the Fish and Game Council shall, subject to the approval of
13 the commissioner, formulate comprehensive policies for the
14 protection and propagation of fish, birds, and game animals and for
15 the propagation and distribution of food fish and for the keeping up
16 of the supply thereof in the waters of the State.

17 No such approval of the commissioner shall be required with
18 respect to the formulation of any comprehensive policies
19 concerning black bear.

20 b. The council shall also:

21 **[a. Consult]** (1) consult with and advise the commissioner and
22 director of the Division of Fish and **[Game]** Wildlife with respect
23 to the work of such division **[.]** ;

24 **[b. Study]** (2) study the activities of the Division of Fish and
25 **[Game]** Wildlife and hold hearings with respect thereto as it may
26 deem necessary or desirable **[.]** ; and

27 **[c. Report]** (3) report to the Governor and the Legislature
28 annually, and at such other times as it may deem in the public
29 interest, with respect to its findings and conclusions.

30 (cf: P.L.1948, c.448, s.30)

31

32 2. Section 32 of P.L.1948, c.448 (C.13:1B-30) is amended to
33 read as follows:

34 32. a. For the purpose of providing an adequate and flexible
35 system of protection, propagation, increase, control and
36 conservation of fresh water fish, game birds, game animals, and fur-
37 bearing animals in this State, and for their use and development for
38 public recreation and food supply, the council is hereby authorized
39 and empowered to determine under what circumstances, when and
40 in what localities, by what means and in what amounts and numbers
41 such fresh water fish, game birds, game animals, and fur-bearing
42 animals, or any of them, may be pursued, taken, killed, or had in
43 possession so as to maintain an adequate and proper supply thereof,
44 and may, after first having determined the need for such action on

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.

1 the basis of scientific investigation and research, adopt and from
2 time to time amend and repeal such appropriate and reasonable
3 regulations concerning the same, or any of them, penalties for the
4 violation of which are prescribed by [certain of the sections of]
5 Title 23 of the Revised Statutes [amended herein] , as it deems
6 necessary to preserve, properly utilize or maintain the best relative
7 number of any species or variety thereof, at the times, in the manner
8 and to the extent hereinafter provided. The regulations so
9 established shall be called the State Fish and Game Code.

10 b. The council shall be the sole authority in determining under
11 what circumstances, when and in what localities, by what means
12 and in what amounts and numbers black bear may be pursued,
13 taken, killed, or had in possession. Any regulation adopted by the
14 council establishing a hunting season or otherwise authorizing the
15 taking of black bear shall not be subject to the approval of the
16 Commissioner of Environmental Protection.

17 (cf: P.L.1948, c.448, s.32)

18
19 3. Section 9 of P.L.1986, c.198 (C.23:3-1c), is amended to read
20 as follows:

21 9. The division is authorized to charge a \$2.00 nonrefundable
22 application fee, in addition to any other permit or license fees
23 authorized by law, for each permit or license, as follows: duplicate
24 hunting and fishing; falconry; beaver; otter; turkey; coyote; black
25 bear; special season Canada goose; special season deer; rifle; semi-
26 wild hunting preserve; commercial fishing preserve; commercial
27 shooting preserve; senior citizen fishing; senior citizen clamming;
28 field trial; horseback riding on wildlife management area; daily use
29 permit for wildlife management area; clubhouse rental; fire on
30 wildlife management area; fish stocking by clubs; lake lowering;
31 alewife (for bait); carp and suckers; fish basket for eels, catfish,
32 carp, and suckers; game animals and game birds - individual hobby,
33 scientific holding, zoological, propagation and sale, animal
34 exhibitor, animal theatrical agency, and fur farming; salvage -
35 recover carcass; special purpose; scientific collecting - fish; crab
36 pot (recreational); crab pot (commercial); menhaden netting; food
37 fish netting; and commercial fish netting.

38 The amounts remitted to the State Treasury for these application
39 fees shall be deposited to the credit of the "hunters' and anglers'
40 license fund."

41 (cf: P.L.1999, c.282, s.4)

42
43 4. R.S.23:3-4 is amended to read as follows:

44 23:3-4. The licenses issued under this article shall be as follows:

45 a. A license issued to a person above 16 years of age, who has
46 an actual and bona fide domicile in this State at the time of the
47 application for the license and who has had an actual and bona fide

1 domicile in this State for at least six months immediately prior
2 thereto, provided that for a resident's trapping license the person
3 shall be above 12 years of age. These licenses shall be designated
4 as the resident's firearm hunting license, the resident's bow and
5 arrow license, the resident's trapping license, and the resident's
6 fishing license.

7 (1) The resident's firearm hunting license shall authorize its
8 holder to hunt with hounds and firearms only, and a fee of \$26.50
9 and an issuance fee of \$1.00 shall be charged therefor, except that a
10 person above the age of 65 years shall be charged a fee of \$14.50
11 and an issuance fee of \$1.00.

12 (2) The resident's bow and arrow license shall authorize its
13 holder to hunt with bow and arrow only, and a fee of \$30.50 and an
14 issuance fee of \$1.00 shall be charged therefor, except that a person
15 above the age of 65 years shall be charged a fee of \$15.50 and an
16 issuance fee of \$1.00.

17 (3) The resident's trapping license shall authorize its holder to
18 trap only, and a fee of \$31.50 and an issuance fee of \$1.00 shall be
19 charged therefor, except that a person above 12 years and under 16
20 years of age shall be charged no fee.

21 (4) The resident's fishing license shall authorize its holder to
22 fish only, and a fee of \$21.50 and an issuance fee of \$1.00 shall be
23 charged therefor, except that (a) in any case where the applicant is
24 above 70 years of age and is otherwise qualified, no license shall be
25 required, and (b) a person above 65 years and under 70 years of age
26 shall be charged a fee of \$11.50 and an issuance fee of \$1.00.

27 (5) Any resident of this State who is afflicted with total
28 blindness, upon application to the division, shall be entitled to a
29 resident's fishing license without fee or charge.

30 b. A license issued to a person above 16 years of age not
31 entitled to a resident's license, authorizing him to trap or to hunt,
32 except that a nonresident's two-day small game firearm hunting
33 license shall not permit the taking, hunting, or killing of black bear,
34 deer or turkey. These licenses shall be designated as the
35 nonresident's firearm hunting license, the nonresident's bow and
36 arrow license, the nonresident's trapping license, and the
37 nonresident's two-day small game firearm hunting license.

38 (1) The fees for the nonresident's firearm hunting license and
39 the nonresident's bow and arrow license shall each be \$134.50 and
40 an issuance fee of \$1.00.

41 (2) The fee for the nonresident's trapping license shall be
42 \$199.50 and an issuance fee of \$1.00.

43 (3) The fee for a nonresident's two-day small game firearm
44 hunting license shall be \$35.50 and an issuance fee of \$1.00.

45 c. A license issued to a person above 16 years of age not
46 entitled to a resident's license, authorizing him to fish only. These
47 licenses shall be designated as the nonresident's annual fishing

1 license, the nonresident's two-day fishing license, valid for a period
2 of two consecutive days, and the nonresident's seven-day vacation
3 fishing license, valid for a period of seven consecutive days.

4 (1) The fee for the nonresident's annual fishing license shall be
5 \$33.00 and an issuance fee of \$1.00.

6 (2) The fee for the nonresident's two-day fishing license shall be
7 \$8.00 and an issuance fee of \$1.00.

8 (3) The fee for the nonresident's seven-day fishing license shall
9 be \$18.50 and an issuance fee of \$1.00.

10 d. Every license issued hereunder shall be void after December
11 31 next succeeding its issuance, except the one-day hunting license,
12 which shall expire on the date of issuance; the nonresident's seven-
13 day fishing license, which is valid only for seven consecutive days
14 after date of issuance; the nonresident's two-day fishing license,
15 which shall expire on the day after the date of issuance; and the
16 nonresident's two-day small game firearm hunting license, which
17 shall expire on the day after the date of issuance.

18 Any license issued hereunder to a person under 16 years of age
19 shall be void after December 31 of the year in which the licensee
20 becomes 16 years of age.

21 e. The fees for licenses set forth in this section may be adjusted
22 by the Fish and Game Council pursuant to section 12 of P.L.1982,
23 c.180 (C.23:3-1a).
24 (cf: P.L.1999, c.282, s.10)
25

26 5. (New section) Whenever the Fish and Game Council has
27 established a season for black bear, prescribed for in the State Fish
28 and Game Code, and has fixed a certain number of permits to be
29 issued for that harvest, the Division of Fish and Wildlife is
30 authorized to charge a fee of \$26, except that a person under 16
31 years of age shall be charged a fee of \$10, for each permit issued,
32 which fee shall be in addition to any other fees authorized by law.
33 This permit shall be void at the close of the prescribed open season.
34 The amounts remitted to the State Treasury for black bear permits
35 shall be deposited to the credit of the "hunters' and anglers' license
36 fund" to be used for the purposes of black bear management.
37

38 6. Section 1 of P.L.1973, c.169 (C.23:4-13.1) is amended to
39 read as follows:

40 1. a. Any person while hunting deer, black bear, rabbit, hare,
41 squirrel, fox, or game birds, other than waterfowl, with firearms in
42 this State, shall wear a cap of fluorescent hunter's orange or some
43 other outer garment containing at least 200 square inches of
44 fluorescent hunter's orange material which shall be visible from all
45 sides. The penalty for violation of this section shall be \$50.00 for
46 each offense.

1 The growing black bear population has continued to cause a
2 great deal of alarming incidents, with black bears having triggered
3 traffic hazards on major highways, including car and motorcycle
4 accidents on Rt.287 in Bridgewater in Somerset County and Rt.80
5 in Mount Olive in Morris County, in May and June of 2008
6 respectively. A hunting season for black bear will help prevent the
7 rising number of reports of black bear nuisance activity and damage
8 throughout the State.

9 Limited hunting was legal for black bear in New Jersey in 1958
10 and from 1962 through 1970. A black bear hunt was allowed in the
11 fall of 2003 and 2005 when the division allowed for up to 10,000
12 permits to be issued for the purposes of hunting black bear in the
13 State. Hunting black bear is allowed in the neighboring states of
14 New York and Pennsylvania.