ASSEMBLY, No. 1507

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman KEVIN J. ROONEY
District 40 (Bergen, Essex, Morris and Passaic)

SYNOPSIS

Exempts State residents 65 years of age and older from certain hunting, trapping, and fishing fees and license requirements.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning hunting, trapping, and fishing fees and licenses, and amending various parts of the statutory law.

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

1. Section 12 of P.L.1982, c.180 (C.23:3-1a) is amended to read as follows:

12. The Fish and Game Council may, on one occasion only at such time as may be deemed appropriate by the Fish and Game Council, by regulation adopted by August 1 of the preceding year, determine the fees for hunting, fishing and trapping licenses, permits, tags, certificates , and stamps under R.S.23:3-3, R.S.23:3-4, section 2 of P.L.1951, c.226 (C.23:3-4.1), section 8 of P.L.1986, c.198 (C.23:3-4.11), R.S.23:3-25, section 7 of P.L.1986, c.198 (C.23:3-27.1), R.S.23:3-29, section 1 of P.L.1959, c.37 (C.23:3-56.1), section 3 of P.L.1952, c.328 (C.23:3-59), section 3 of P.L.1975, c.117 (C.23:3-61.3), section 2 of P.L.1970, c.247 (C.23:3-63), section 5 of P.L.1970, c.247 (C.23:3-66) , and section 11 of P.L.1982, c.180 (C.23:3-1.1), in the following manner:

a. The amount of the applicable fee on the effective date of P.L.1991, c.286 (C.23:3-1a et al.) shall be the base fee.

b. The base fee may be adjusted on one occasion only at such time as may be deemed appropriate by the Fish and Game Council by adding to that base fee an amount equal to a percentage of the base fee as determined by the Fish and Game Council; provided, however, that the amount added shall not exceed an amount equal to 10% of the base fee.

c. Any adjustment in fees shall be rounded to the nearest $0.25.

d. Notwithstanding any law, rule, or regulation to the contrary, a State resident 65 years of age or older shall not be charged any fee to obtain any hunting or trapping license, permit, certificate, or stamp.

(cf: P.L.1991, c.286, s.1)

2. Section 6 of P.L.1999, c.282 (C.23:3-1g) is amended to read as follows:

6. For the purpose of meeting the costs of complying with information collection activities mandated by the United States Fish and Wildlife Service Migratory Bird Harvest Information Program, the division is authorized to charge a fee of $2.00 to any person who hunts migratory birds, which fee shall be in addition to any other fees charged for licenses, permits, or stamps required by law to hunt migratory birds , except that, notwithstanding any law, rule,

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.

or regulation to the contrary, a State resident 65 years of age or older shall not be charged a fee pursuant to this section.
(cf: P.L.1999, c.282, s.6)

3. Section 11 of P.L.1982, c.180 (C.23:3-1.1) is amended to read as follows:

11. a. The division shall issue a special license combining the resident's firearm hunting license, the resident's bow and arrow license and the resident's fishing license as provided under R.S.23:3-4 into one license to be designated as the "All Around Sportsman License."

b. The "All Around Sportsman License" shall authorize its holder to hunt with a shotgun or bow and arrow and to angle or attempt to take fish in the fresh waters of this State at the time, and in the manner, provided by law and the State Fish and Game Code, except that this license shall not authorize its holder to take trout from the fresh waters of the State.

c. A resident of this State above the age of 16 years may procure the "All Around Sportsman License" from the division at Trenton or from its agents as designated by the division. It shall not be valid unless it contains the signature of the owner written in ink. Each license issued under this section shall expire on December 31 next following its issuance.

d. (1) The division shall determine the form of the "All Around Sportsman License." The fee for this license shall be $71.25 and an issuance fee of $1.00, or as adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a). Notwithstanding any law, rule, or regulation to the contrary, a State resident 65 years of age or older shall not be charged a fee or an issuance fee to obtain the "All Around Sportsman License."

(2) The fee for an "All Around Sportsman License" shall be reduced by $10 when application therefor is made at the same time with: (1) another resident of this State who applies for a resident's fishing license, is above 16 years of age and below 65 years of age, and has not bought an "All Around Sportsman License" or resident's fishing license after 2010, or (2) a nonresident who applies for a nonresident's annual fishing license, is above 16 years of age, and has not bought a nonresident's annual fishing license after 2010. The fee for a resident's fishing license bought in accordance with the requirements of this paragraph shall be $10.75 and an issuance fee of $1.00, and the fee for a nonresident's annual fishing license bought in accordance with the requirements of this paragraph shall be $16.50 and an issuance fee of $1.00.

e. The amounts remitted to the State Treasury from the collection of any fee pursuant to this section shall be deposited to the credit of the "hunters' and anglers' license fund."
(cf: P.L.2015, c.99, s.1)

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

23:3-4. The licenses issued under this article shall include, among others authorized by law, the following:

a. A license issued to a person above 16 years of age, or in the case of an apprentice firearm hunting license or an apprentice bow and arrow license, a license issued to a person above 14 years of age, who has an actual and bona fide domicile in this State at the time of the application for the license and who has had an actual and bona fide domicile in this State for at least six months immediately prior thereto, provided that for a resident's trapping license the person shall be above 12 years of age. These licenses shall be designated as the resident's firearm hunting license, the resident's bow and arrow license, the resident's trapping license, the resident's fishing license, the resident's apprentice firearm hunting license, and the resident's apprentice bow and arrow license.

(1) (a) The resident's firearm hunting license shall authorize its holder to hunt with hounds and firearms only, and a fee of $26.50 and an issuance fee of $1.00 shall be charged therefor, except that **[**a person above the age of 65 years shall be charged a fee of $14.50 and an issuance fee of $1.00**]** no fee or issuance fee shall be charged for any person who is 65 years of age or older.

(b) The resident's apprentice firearm hunting license shall authorize its holder to hunt only with hounds and firearms and only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's firearm hunting license. A fee of $26.50 and an issuance fee of $1.00 shall be charged for a resident's apprentice firearm hunting license, except that **[**a person above the age of 65 years shall be charged a fee of $14.50 and an issuance fee of $1.00**]** no fee or issuance fee shall be charged for any person who is 65 years of age or older. The resident's apprentice firearm hunting license may be issued to a person only twice during the lifetime of the person.

(2) (a) The resident's bow and arrow license shall authorize its holder to hunt with bow and arrow only, and a fee of $30.50 and an issuance fee of $1.00 shall be charged therefor, except that **[**a person above the age of 65 shall be charged a fee of $15.50 and an issuance fee of $1.00**]** no fee or issuance fee shall be charged for any person who is 65 years of age or older.

(b) The resident's apprentice bow and arrow license shall authorize its holder to hunt only with bow and arrow and only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's bow and arrow license. A fee of $30.50 and an issuance fee of $1.00 shall be charged for a resident's apprentice bow and arrow license, except that **[**a person above the age of 65 years shall be charged a fee of $15.50 and an issuance fee of $1.00**]** no fee or issuance fee shall be charged for any person who is 65 years of age or older. The resident's apprentice bow and

arrow license may be issued to a person only twice during the lifetime of the person.

(3) The resident's trapping license shall authorize its holder to trap only, and a fee of $31.50 and an issuance fee of $1.00 shall be charged therefor, except that a person above 12 years and under 16 years of age , or 65 years of age or older, shall be charged no fee.

(4) The resident's fishing license shall authorize its holder to fish only, and a fee of $21.50 and an issuance fee of $1.00 shall be charged therefor, except (a) in any case where the applicant is ⟦above 70⟧ 65 years of age or older and is otherwise qualified, no license shall be required, and (b) ⟦a person above 65 years and under 70 years of age shall be charged a fee of $11.50 and an issuance fee of $1.00, and (c)⟧ as otherwise provided in paragraph (5) of this subsection, paragraph (2) of subsection c. of this section, or paragraph (2) of subsection d. of section 11 of P.L.1982, c.180 (C.23:3-1.1).

(5) The resident's fishing buddy license shall authorize its holder to fish only, and can only be obtained through application at the same time with: (a) another resident of this State who applies for a resident's fishing license, is above 16 years of age and below 65 years of age, and has not bought a resident's fishing license after 2010, or (b) a nonresident who applies for a nonresident's annual fishing license, is above 16 years of age, and has not bought a nonresident's annual fishing license after 2010. The fee for a resident's fishing buddy license and for a resident's fishing license issued pursuant to this paragraph shall each be $10.75 and an issuance fee of $1.00. The fee for a nonresident's annual fishing license issued pursuant to this paragraph shall be $16.50 and an issuance fee of $1.00.

(6) Any resident of this State who is totally blind, upon application to the division, shall be entitled to a resident's fishing license without fee or charge.

b. A license issued to a person above 16 years of age, or in the case of an apprentice firearm hunting license or an apprentice bow and arrow license, a license issued to a person above 14 years of age, not entitled to a resident's license, authorizing the person to trap or to hunt, as applicable, except that a nonresident's two-day small game firearm hunting license shall not permit the taking, hunting, or killing of deer or turkey. These licenses shall be designated as the nonresident's firearm hunting license, the nonresident's apprentice firearm hunting license, the nonresident's bow and arrow license, the nonresident's apprentice bow and arrow license, the nonresident's trapping license, and the nonresident's two-day small game firearm hunting license.

A nonresident's apprentice firearm hunting license shall authorize its holder to hunt only with hounds and firearms and only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's firearm hunting license. A nonresident's

apprentice bow and arrow license shall authorize its holder to hunt with bow and arrow only and only when accompanied by a holder, above 21 years of age, of a regular resident's or nonresident's bow and arrow license. The nonresident's apprentice firearm hunting license and the nonresident's apprentice bow and arrow license may each be issued to a person only twice during the lifetime of the person.

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

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

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

c. A license issued to a person above 16 years of age not entitled to a resident's license, authorizing the person to fish only. These licenses shall be designated as the nonresident's annual fishing license, the nonresident's annual fishing buddy license, the nonresident's two-day fishing license, valid for a period of two consecutive days, and the nonresident's seven-day vacation fishing license, valid for a period of seven consecutive days.

The nonresident's annual fishing buddy license can only be obtained through application at the same time with: a resident of this State who applies for a resident's fishing license, is above 16 years of age and below 65 years of age, and has not bought a resident's fishing license after 2010; or a nonresident who applies for a nonresident's annual fishing license, is above 16 years of age, and has not bought a nonresident's annual fishing license after 2010.

(1) The fee for the nonresident's annual fishing license shall be $33.00 and an issuance fee of $1.00, except as otherwise provided pursuant to paragraph (2) of this subsection, paragraph (5) of subsection a. of this section, or paragraph (2) of subsection d. of section 11 of P.L.1982, c.180 (C.23:3-1.1).

(2) The fee for a nonresident's annual fishing buddy license shall be $16.50 and an issuance fee of $1.00. The fee for a resident's fishing license obtained through application at the same time with an application for a nonresident's annual fishing buddy license in accordance with this subsection shall be $10.75 and an issuance fee of $1.00, and the fee for a nonresident's annual fishing license obtained through application at the same time with an application for a nonresident's annual fishing buddy license in accordance with this subsection shall be $16.50 and an issuance fee of $1.00.

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

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

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

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

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

(cf: P.L.2017, c.131, s.63)

5. Section 2 of P.L.1951, c.226 (C.23:3-4.1) is amended to read as follows:

2. The division may, in its discretion, issue a license to a person above the age of 16 years authorizing him to hunt for one day only in areas licensed under subsections b. and d. of R.S.23:3-29, or at a shoot to kill field trial which is being held under a proper permit from the division. The fee for this license shall be $11.50, or as adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a), and an issuance fee of $1.00. Notwithstanding any law, rule, or regulation to the contrary, a State resident 65 years of age or older shall not be charged a fee or an issuance fee to obtain a license pursuant to this section. The fees collected hereunder shall be remitted to the State Treasurer, and placed to the credit of the "hunters' and anglers' license fund," and be disbursed by the State Treasurer on vouchers certified to by the division.

(cf: P.L.1999, c.282, s.11)

6. Section 8 of P.L.1986, c.198 (C.23:3-4.11) is amended to read as follows:

8. All persons in possession of a muzzleloader rifle or other rifle while hunting or trapping shall have in their possession, in addition to the appropriate and valid firearm hunting license or trapping license, an appropriate and valid rifle permit. The division is authorized to charge a fee of $17.00 for each permit issued, except that (1) a person under 16 years of age shall be charged a fee of $8.00 , and (2) notwithstanding any law, rule, or regulation to the contrary, a State resident 65 years of age or older shall not be charged a fee to obtain a permit pursuant to this section. A rifle permit issued hereunder shall be valid for a period not to exceed two years. The amount remitted to the State Treasury for rifle

permits shall be deposited to the credit of the "hunters' and anglers' license fund."

The fee for a permit issued pursuant to this section may be adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a).

(cf: P.L.1999, c.282, s.13)

7. Section 7 of P.L.1986, c.198 (C.23:3-27.1) is amended to read as follows:

7. Whenever an open season is prescribed for wild turkey by the State Fish and Game Code, the division is authorized to charge a fee of $19.00, or as adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a), except that (1) a person under 16 years of age shall be charged a fee of $10.00 **[**,**]** for each permit issued , and (2) notwithstanding any law, rule, or regulation to the contrary, a State resident 65 years of age or older shall not be charged a fee to obtain a permit pursuant to this section. This permit shall be void at the close of the prescribed open season. The amounts remitted to the State Treasury for wild turkey permits shall be deposited to the credit of the "hunters' and anglers' license fund."

(cf: P.L.1999, c.282, s.15)

8. Section 1 of P.L.1959, c.37 (C.23:3-56.1) is amended to read as follows:

1. a. When the Fish and Game Council has established a season for deer of either sex and has fixed a certain number of permits to be issued for that harvest, the division is authorized to charge a fee of $26.00, or as adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a), except that (1) a person under 16 years of age shall be charged a fee of $10.00, for each permit so issued, which fee shall be in addition to any other fees authorized by law , and (2) notwithstanding any law, rule, or regulation to the contrary, a State resident 65 years of age or older shall not be charged a fee to obtain a permit pursuant to this section.

b. (1) No such fee charged pursuant to subsection a. of this section shall be required of a qualified farmer or the spouse or children of that farmer who reside in the farmer's household, provided that the person or persons are otherwise authorized to participate in the limited harvest.

The exemption provided under this subsection:

(a) shall not apply to a person residing on the farm or in a tenant house thereon who is not the spouse or a child of the qualified farmer, nor to an employee of the qualified farmer;

(b) shall be limited to one permit each for the qualified farmer who owns or leases a farm on which the farmer resides as described in subparagraph (a) of paragraph (3) of this subsection, and the spouse and children of that farmer; and

(c) shall be limited to one permit each for the qualified farmer or farmers who owns or leases a farm or farms on which that farmer or farmers does not reside as described in subparagraph (b) of paragraph (3) of this subsection, and their spouses and children, but in no case shall more than five permits in total be issued for such property pursuant to this subparagraph.

(2) An application for a permit issued to a qualified farmer or the spouse or a child of that farmer pursuant to this subsection shall be made on a form supplied by the division and shall include, in the case of leased land, a copy of all leases authorizing the agricultural and hunting uses of the land.

(3) For purposes of this subsection, "qualified farmer" means a person who:

(a) owns or leases a farm on which that person resides that is valued, assessed and taxed as land actively devoted to agricultural or horticultural use pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.); or

(b) owns or leases a farm on which that person does not reside, provided that: (i) the person actively farms at least 30 tilled, non-woodland acres, which may be noncontiguous; and (ii) the farm, or each parcel in the case of noncontiguous parcels, is valued, assessed and taxed as land actively devoted to agricultural or horticultural use pursuant to the "Farmland Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

c. The division may adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as may be necessary to implement the provisions of this section.

(cf: P.L.1999, c.282, s.17)

9. Section 3 of P.L.1975, c.117 (C.23:3-61.3) is amended to read as follows:

3. The fee for this stamp shall be $40.00, or as adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a) , except that, notwithstanding any law, rule, or regulation to the contrary, a State resident 65 years of age or older shall not be charged a fee to obtain a stamp pursuant to this section. The amounts remitted to the State Treasury for special pheasant and quail stamps shall be deposited to the credit of the "hunters' and anglers' license fund."

(cf: P.L.1999, c.282, s.21)

10. Section 2 of P.L.1983, c.504 (C.23:3-76) is amended to read as follows:

2. a. No person over the age of 16 shall at any time hunt, pursue, kill, take, possess, or attempt to take with a firearm, bow and arrow, or any other method any ducks, geese, brant, or other waterfowl without procuring a New Jersey Waterfowl Stamp, as

hereinafter provided, in addition to any other licenses or permits required under Title 23 of the Revised Statutes.

b. The stamp issued pursuant to this act shall be designated the New Jersey Waterfowl Stamp, shall be required to be in the possession of any person engaged in hunting, pursuing, killing, taking, possessing, or attempting to take with a firearm, bow and arrow, or any other method any ducks, geese, brant, or other waterfowl, and shall be exhibited upon the request of any conservation officer, deputy conservation officer, or other law enforcement official.

c. This section shall not apply to any person engaged in hunting, pursuing, killing, taking, possessing, or attempting to take captive-reared mallard ducks, properly marked in accordance with federal regulations, on a commercial shooting preserve.

d. Notwithstanding any law, rule, or regulation to the contrary, a State resident 65 years of age or older shall not be charged a fee to obtain a stamp pursuant to this section.

(cf: P.L.1992, c.210, s.1)

11. This act shall take effect on the 30th day next following the date of enactment.

STATEMENT

This bill would exempt New Jersey residents 65 years of age and older from being required to pay any fee to obtain any hunting or trapping license, permit, certificate, or stamp, and to obtain a fishing license.

Current law requires hunters, trappers, and fishermen to pay certain fees in order to obtain various hunting, trapping, or fishing licenses, permits, certificates, or stamps. State residents over the age of 65 who are applying for a firearm hunting license, an apprentice firearm hunting license, a bow and arrow license, an apprentice bow and arrow license, or a trapping license are entitled to a discounted fee. State residents 70 years of age and older are not required to obtain a fishing license under current law.

This bill would allow State residents 65 years of age and older to obtain any hunting or trapping license, permit, certificate, or stamp without being required to pay any fee. The bill would also exempt fishermen 65 years of age and older from being required to obtain a fishing license.