

# SENATE, No. 2041

## STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED JUNE 15, 2006

**Sponsored by:**

**Senator ELLEN KARCHER**

**District 12 (Mercer and Monmouth)**

**SYNOPSIS**

Changes composition and revises authority of Fish and Game Council.

**CURRENT VERSION OF TEXT**

As introduced.



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1 AN ACT concerning the Fish and Game Council and amending and  
2 repealing parts of P.L.1948, c.488.

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

6

7 1. Section 26 of P.L.1948, c.488 (C.13:1B-24) is amended to  
8 read as follows:

9 26. There shall be within the Division of Fish **[, Game]** and  
10 Wildlife, a Fish and Game Council which shall consist of **[11]**  
11 seven members, each of whom shall be chosen with due regard to  
12 **[his]** the person's knowledge of and interest in the conservation of  
13 fish and **[game]** wildlife . Each member of the council shall be  
14 appointed by the Governor, with the advice and consent of the  
15 Senate. **[Three of such members shall be farmers, recommended to**  
16 **the Governor for appointment to the council by the agricultural**  
17 **convention held pursuant to the provisions of article 2 of chapter 1**  
18 **of Title 4 of the Revised Statutes; six of such members shall be**  
19 **sportsmen, recommended to the Governor for appointment to the**  
20 **council by the New Jersey State Federation of Sportsmen's Clubs;**  
21 **one of such members shall be the chairman of the committee**  
22 **established pursuant to section 7 of the "Endangered and Nongame**  
23 **Species Conservation Act" (P.L.1973, c.309; C. 23:2A-7), and one**  
24 **of such members shall be a person knowledgeable in land use**  
25 **management and soil conservation practices. One of such farmer**  
26 **representatives and two of such sportsmen representatives in the**  
27 **council shall be chosen from among residents of any of the**  
28 **following counties--Bergen, Essex, Hudson, Morris, Passaic,**  
29 **Sussex and Warren; one of such farmer representatives and two of**  
30 **such sportsmen representatives in the council shall be chosen from**  
31 **among residents of any of the following counties--Hunterdon,**  
32 **Mercer, Middlesex, Monmouth, Ocean, Somerset and Union; and**  
33 **one of such farmer representatives and two of such sportsmen**  
34 **representatives shall be chosen from among residents of any of the**  
35 **following counties--Atlantic, Burlington, Camden, Cape May,**  
36 **Cumberland, Gloucester and Salem.] No member of the council**  
37 **shall have a direct personal financial interest that might reasonably**  
38 **be expected to impair the person's objectivity or independence of**  
39 **judgment.**

40 Each member of the council shall be appointed for a term of **[4]**  
41 four years and shall serve until **[his]** a successor has been  
42 appointed and has qualified.

43 (cf: P.L.1979, c.199, s.72)

**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.**

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1 2. Section 28 of P.L.1948, c.488 (C.13:1B-26) is amended to  
2 read as follows:

3 28. **Each** The Governor shall designate one of the members of  
4 the council as **chairman** chairperson of such council. Any  
5 member of the council so designated shall serve as such  
6 **chairman** chairperson at the pleasure of the Governor  
7 **designating him** and until **his** a successor has been designated.  
8 The **chairman** chairperson of the council shall be its presiding  
9 officer.

10 Any vacancies in the membership of **said** the council occurring  
11 other than by expiration of term shall be filled **in the same manner**  
12 **as the original appointment but for the unexpired term only** by  
13 appointment by the Governor, with the advice and consent of the  
14 Senate . Any member of the council may be removed from office  
15 by the Governor, for cause, upon notice and opportunity to be  
16 heard.

17 The members of the council shall serve without compensation  
18 but shall be reimbursed for necessary expenses incurred in the  
19 performance of their duties.

20 No person who has been appointed a member of the council for  
21 two successive terms, including an unexpired term, shall again be  
22 eligible for **that office** appointment to the council for four years  
23 next following the expiration of **his** the second successive term.

24 (cf: P.L.1948, c.448, s.28)

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26 3. Section 29 of P.L.1948, c.488 (C.13:1B-27) is amended to  
27 read as follows:

28 29. The Division of Fish and **Game** Wildlife shall be under  
29 the immediate supervision of a director, who shall be a person with  
30 special training and experience in **wild life** wildlife management  
31 and otherwise qualified to direct the work of **such** the division.  
32 The director of **such** the division shall be appointed by the Fish  
33 and Game Council, subject to the approval of the Governor, and  
34 shall, unless sooner removed by the Governor as hereinafter  
35 provided, serve at the pleasure of such council and until the  
36 director's successor is appointed and has qualified. **He** The  
37 director shall receive such salary as **shall be** provided by law.

38 The director shall administer the work of **such** the division  
39 under the direction and supervision of the commissioner.

40 (cf: P.L.1948, c.448, s.29)

41

42 4. Section 30 of P.L.1948, c.488 (C.13:1B-28) is amended to  
43 read as follows:

44 30. In addition to its powers and duties otherwise hereinafter  
45 provided, the Fish and Game Council shall, subject to the approval  
46 of the commissioner, formulate comprehensive policies for the

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1 protection and propagation of fish, birds, and game animals and for  
2 the propagation and distribution of food fish and for the keeping up  
3 of the supply thereof in the waters of the State.

4 The council shall also:

5 a. **【Consult】** consult with and advise the commissioner and  
6 director of the Division of Fish and **【Game】** Wildlife with respect  
7 to the work of **【such】** the division **【.】** ;

8 b. **【Study】** study the activities of the Division of Fish and  
9 **【Game】** Wildlife and hold hearings with respect thereto as it may  
10 deem necessary or desirable **【.】** ;

11 c. **【Report】** report to the Governor and , pursuant to section 2 of  
12 P.L.1991, c.164 (C.52:14-19.1), to the Legislature annually, and at  
13 such other times as it may deem in the public interest, with respect  
14 to its findings and conclusions ;

15 d. investigate the use of non-lethal alternatives for dealing with  
16 wildlife conflicts;

17 e. explore eco-tourism opportunities to promote the State's diverse  
18 wildlife; and

19 f. pursue opportunities to preserve land suitable for wildlife habitat.

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

21

22 5. Section 31 of P.L.1948, c.448 (C.13:1B-29) is amended to  
23 read as follows:

24 31. As used in this article, unless otherwise specifically  
25 indicated:

26 "Division" means the Division of Fish and **【Game】** Wildlife in  
27 the Department of **【Conservation and Economic Development】**  
28 Environmental Protection .

29 "Council" means the Fish and Game Council in the Division of  
30 Fish and **【Game】** Wildlife of the Department of **【Conservation and**  
31 **Economic Development】** Environmental Protection and established  
32 pursuant to section 26 of P.L.1948, c.448 (C.13:1B-24).

33 "Code" means the State Fish and Game Code established  
34 pursuant to section 32 of P.L.1948, c.448 (C.13:1B-30).

35 (cf: P.L.1948, c.448, s.31)

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

39 32. For the purpose of providing **【an adequate and flexible】** a  
40 properly managed and balanced system of protection, propagation,  
41 **【increase,】** control and conservation of **【fresh water】** freshwater  
42 fish, game birds, game animals, and fur-bearing animals in this  
43 State, **【and for their use and development for public recreation and**  
44 **food supply,】** the council is hereby authorized and empowered to  
45 determine under what circumstances, when and in what localities,  
46 by what means and in what amounts and numbers such **【fresh**

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1 water] freshwater fish, game birds, game animals, and fur-bearing  
2 animals, or any of them, may be pursued, taken, killed, or had in  
3 possession so as to maintain an adequate and proper supply thereof,  
4 and may, after first having determined the need for such action on  
5 the basis of scientific investigation and research, adopt and from  
6 time to time amend and repeal such appropriate and reasonable  
7 regulations concerning the same, or any of them, penalties for the  
8 violation of which are prescribed by certain of the sections of Title  
9 23 of the Revised Statutes amended herein, as it deems necessary to  
10 preserve, properly utilize or maintain the best relative number of  
11 any species or variety thereof, at the times, in the manner and to the  
12 extent hereinafter provided. The regulations so established shall be  
13 called the State Fish and Game Code.

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

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16 7. Section 33 of P.L.1948, c.448 (C.13:1B-31) is amended to  
17 read as follows:

18 33. Any regulation of the council or amendment thereto adopted  
19 pursuant to the provisions of this article which relates to [fresh  
20 water] freshwater fish, or any species or variety thereof, after the  
21 council has first determined the need for such action on the basis of  
22 scientific investigation and research, may apply to all or any portion  
23 of the State, at the discretion of the council, and may do any or all  
24 of the following as to any or all species or varieties of [fresh water]  
25 freshwater fish:

26 a. [Establish] establish , extend, shorten or abolish open  
27 seasons and closed seasons [.] ;

28 b. [Establish] establish , change or abolish bag limits,  
29 possession limits and size limits [.] ;

30 c. [Establish] establish and change territorial limits for the  
31 pursuit, taking, or killing of any or all species or varieties [.] ; and

32 d. [Prescribe] prescribe the manner and the means of pursuing,  
33 taking, or killing any species or variety.

34 (cf: P.L.1948, c.448, s.33)

35

36 8. Section 34 of P.L.1948, c.448 (C.13:1B-32) is amended to  
37 read as follows:

38 34. Any regulation of the council or amendment thereto adopted  
39 pursuant to the provisions of this article which relates to game  
40 birds, game animals or fur-bearing animals, after the council has  
41 first determined the need for such action on the basis of scientific  
42 investigation and research, may apply to all or any part of the State,  
43 at the discretion of the council, and may do any or all of the  
44 following as to any or all species or varieties of game birds, game  
45 animals, and fur-bearing animals:

46 a. [Establish] establish, extend, shorten or abolish open seasons  
47 and closed seasons [.] ;

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- 1       b. **【Establish】** establish, change or abolish bag limits and  
2 possession limits **【.】** ;
- 3       c. **【Establish】** establish and change territorial limits for the  
4 pursuit, taking, or killing of any or all species or varieties **【.】** ;
- 5       d. **【Prescribe】** prescribe the manner and the means of pursuing,  
6 taking, or killing any species or variety **【.】**; and
- 7       e. **【Establish】** establish, change or abolish restrictions based  
8 upon sex, maturity, or other physical distinction.  
9 (cf: P.L.1948, c.448, s.34)

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11       9. Section 27 of P.L.1948, c.448 (C.13:1B-25) is repealed.

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13       10. This act shall take effect January 1 next following enactment,  
14 but the Governor and the Senate may take such action in advance  
15 thereof as shall be necessary for the implementation of this act.

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STATEMENT

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20       This bill would change the membership of the Fish and Game  
21 Council. Under this bill, the council would be composed of seven  
22 members, chosen with due regard to the person's knowledge of and  
23 interest in the conservation of fish and wildlife, and without regard  
24 for geographic representation of the regions of the State. The seven  
25 members would be appointed by the Governor with the advice and  
26 consent of the Senate. In addition, this bill would require that no  
27 member of the council have a direct personal financial interest that  
28 might reasonably be expected to impair the person's objectivity or  
29 independence of judgment.

30       Under current law, there are 11 members on the council, chosen  
31 with due regard to the person's knowledge of and interest in the  
32 conservation of fish and game, as follows: (1) three farmers,  
33 recommended by the State agricultural convention to the Governor  
34 for appointment; (2) six sportsmen, recommended by the New  
35 Jersey State Federation of Sportsmen's Clubs to the Governor for  
36 appointment; (3) one public member knowledgeable in land use  
37 management and soil conservation practices; and (4) the  
38 Chairperson of the Endangered and Nongame Species Advisory  
39 Committee established pursuant "The Endangered and Nongame  
40 Species Conservation Act." One farmer representative and two  
41 sportsmen representatives on the council must be chosen from  
42 among residents of any of the following counties -- Bergen, Essex,  
43 Hudson, Morris, Passaic, Sussex, and Warren; one farmer  
44 representative and two sportsmen representatives on the council  
45 must be chosen from among residents of any of the following  
46 counties -- Hunterdon, Mercer, Middlesex, Monmouth, Ocean,  
47 Somerset, and Union; and one farmer representative and two

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1 sportsmen representatives must be chosen from among residents of  
2 any of the following counties -- Atlantic, Burlington, Camden, Cape  
3 May, Cumberland, Gloucester, and Salem.

4 This bill would also revise the authority of the Fish and Game  
5 Council. This bill expand the duties of the council to include:  
6 investigating the use of non-lethal alternatives for dealing with  
7 wildlife conflicts; exploring eco-tourism opportunities to promote the  
8 State's diverse wildlife; and pursuing opportunities to preserve land  
9 for wildlife habitat.

10 In addition, under current law, the Fish and Game Council is  
11 authorized to adopt the State Fish and Game Code for the purpose  
12 of "providing an adequate and flexible system of protection,  
13 propagation, increase, control and conservation of freshwater fish,  
14 game birds, game animals, and fur-bearing animals in this State,  
15 and for their use and development for public recreation and food  
16 supply." This bill would provide that the code is for the purpose of  
17 providing a properly managed and balanced system, and would  
18 delete the consideration for use and development of fish and game  
19 for public recreation and food supply.

20 Lastly, the bill makes various technical amendments to the  
21 statutory text to update references to the Department of  
22 Environmental Protection and the Division of Fish and Wildlife,  
23 and to update statutory references.