ASSEMBLY, No. 181

STATE OF NEW JERSEY

214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

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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
A181 CHIUSANO, MCHOSE

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

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

1. Section 30 of P.L.1948, c.448 (C.13:1B-28) is amended to read as follows:
   30. a. In addition to its powers and duties otherwise hereinafter provided in sections 31 through 41 of P.L.1948, c.448 (C.13:1B-29 et al.), the Fish and Game Council shall, subject to the approval of the commissioner, formulate comprehensive policies for the protection and propagation of fish, birds, and game animals and for the propagation and distribution of food fish and for the keeping up of the supply thereof in the waters of the State.
   No such approval of the commissioner shall be required with respect to the formulation of any comprehensive policies concerning black bear.
   b. The council shall also:
      [a. Consult] (1) consult with and advise the commissioner and director of the Division of Fish and [Game] Wildlife with respect to the work of such division.
      [b. Study] (2) study the activities of the Division of Fish and [Game] Wildlife and hold hearings with respect thereto as it may deem necessary or desirable.
      [c. Report] (3) report to the Governor and the Legislature annually, and at such other times as it may deem in the public interest, with respect to its findings and conclusions.
   (cf: P.L.1948, c.448, s.30)

2. Section 32 of P.L.1948, c.448 (C.13:1B-30) is amended to read as follows:
   32. a. For the purpose of providing an adequate and flexible system of protection, propagation, increase, control and conservation of fresh water fish, game birds, game animals, and fur-bearing animals in this State, and for their use and development for public recreation and food supply, the council is hereby authorized and empowered to determine under what circumstances, when and in what localities, by what means and in what amounts and numbers such fresh water fish, game birds, game animals, and fur-bearing animals, or any of them, may be pursued, taken, killed, or had in possession so as to maintain an adequate and proper supply thereof, 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.
the basis of scientific investigation and research, adopt and from
time to time amend and repeal such appropriate and reasonable
regulations concerning the same, or any of them, penalties for the
violation of which are prescribed by [certain of the sections of]
Title 23 of the Revised Statutes [amended herein], as it deems
necessary to preserve, properly utilize or maintain the best relative
number of any species or variety thereof, at the times, in the manner
and to the extent hereinafter provided. The regulations so
established shall be called the State Fish and Game Code.

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

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

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

9. The division is authorized to charge a $2.00 nonrefundable
application fee, in addition to any other permit or license fees
authorized by law, for each permit or license, as follows: duplicate
hunting and fishing; falconry; beaver; otter; turkey; coyote; black
bear; special season Canada goose; special season deer; rifle; semi-
wild hunting preserve; commercial fishing preserve; commercial
shooting preserve; senior citizen fishing; senior citizen clamming;
field trial; horseback riding on wildlife management area; daily use
permit for wildlife management area; clubhouse rental; fire on
wildlife management area; fish stocking by clubs; lake lowering;
alewife (for bait); carp and suckers; fish basket for eels, catfish,
carp, and suckers; game animals and game birds - individual hobby,
scientific holding, zoological, propagation and sale, animal
exhibitor, animal theatrical agency, and fur farming; salvage -
recover carcass; special purpose; scientific collecting - fish; crab
pot (recreational); crab pot (commercial); menhaden netting; food
fish netting; and commercial fish netting.
The amounts remitted to the State Treasury for these application
fees shall be deposited to the credit of the “hunters’ and anglers’
license fund.”

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

4. R.S.23:3-4 is amended to read as follows:
23:3-4. The licenses issued under this article shall be as follows:

a. A license issued to a person above 16 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, and the resident's fishing license.

(1) 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.

(2) 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 years shall be charged a fee of $15.50 and an issuance fee of $1.00.

(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 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 that (a) in any case where the applicant is above 70 years of age 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.

(5) Any resident of this State who is afflicted with total blindness, 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 not entitled to a resident's license, authorizing him to trap or to hunt, except that a nonresident's two-day small game firearm hunting license shall not permit the taking, hunting, or killing of black bear, deer or turkey. These licenses shall be designated as the nonresident's firearm hunting license, the nonresident's bow and arrow license, the nonresident's trapping license, and the nonresident's two-day small game firearm hunting license.

(1) The fees for the nonresident's firearm hunting license and the nonresident's 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 him to fish only. These licenses shall be designated as the nonresident's annual fishing
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.

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

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

(3) 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.1999, c.282, s.10)

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

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

a. Any person while hunting deer, black bear, rabbit, hare, squirrel, fox, or game birds, other than waterfowl, with firearms in this State, shall wear a cap of fluorescent hunter’s orange or some other outer garment containing at least 200 square inches of fluorescent hunter’s orange material which shall be visible from all sides. The penalty for violation of this section shall be $50.00 for each offense.
b. “Hunter’s orange” means a daylight fluorescent orange color with a dominant wave length between 595 and 605 nanometers, excitation purity not less than 85%, and luminance factor of not less than 40%. (cf: P.L.1973, c.169, s.1)

7. This act shall take effect on the 30th day after the date of enactment, but the Division of Fish and Wildlife and the Fish and Game Council may take such anticipatory administrative action in advance thereof as shall be necessary for the implementation of this act.

STATEMENT

This bill would authorize black bear hunting permits and permit fees by the Division of Fish and Wildlife when black bear hunting is permitted by the Fish and Game Council under the State Fish and Game Code.

Under this bill, the division would charge $26 for a permit for black bear hunting, except that a person under 16 years of age would pay a fee of $10, in addition to a $2 nonrefundable application fee, of which both the permit and application fees would be deposited to the credit of the “hunters’ and anglers’ license fund” and the permit fee revenue would be intended for use for the purposes of black bear management. This fee could reduce the obligation of the State’s already constrained General Fund to support black bear management.

The bill would require a person hunting black bear to wear a cap or some other outer garment of fluorescent hunter's orange, as is required under current law for the hunting of certain game, and excludes black bear from being taken, hunted, or killed under a nonresident's two-day small game firearm hunting license.

The bill further clarifies that the Fish and Game Council would be the sole State governmental authority responsible for determining under what circumstances, when and in what localities, by what means and in what amounts and numbers black bear may be hunted. The bill additionally provides that any regulation adopted by the council establishing a hunting season or otherwise authorizing the taking of black bear would not be subject to the approval of the Commissioner of Environmental Protection.

New Jersey is home to an expanding black bear population, which has led to black bear sightings in every county of the State. Hunting is necessary for a sound wildlife management policy and it should be a tool of the State’s black bear management policy, especially with the ever-increasing black bear population throughout the State.
The growing black bear population has continued to cause a great deal of alarming incidents, with black bears having triggered traffic hazards on major highways, including car and motorcycle accidents on Rt.287 in Bridgewater in Somerset County and Rt.80 in Mount Olive in Morris County, in May and June of 2008 respectively. A hunting season for black bear will help prevent the rising number of reports of black bear nuisance activity and damage throughout the State.

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