

ASSEMBLY, No. 1502

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1996

By Assemblyman T. SMITH

1 AN ACT concerning marine fisheries and amending P.L.1979, c.199.

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

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6 1. Section 4 of P.L.1979, c.199 (C. 23:2B-4) is amended to read
7 as follows:

8 4. a. There is hereby created in the department a Marine Fisheries
9 Council, which shall consist of ~~[11]~~ 15 members, ~~[nine]~~ 13 of whom
10 shall be appointed by the Governor, with the advice and consent of the
11 Senate, of whom ~~[four]~~ five shall represent and be knowledgeable of
12 the interests of sports fishermen, ~~[two]~~ five shall be active commercial
13 fin fishermen, one shall be ~~[an active fish processor, and two]~~ the
14 chairperson of the council and shall not represent the interests of either
15 the sports fishermen or the active commercial fin fishermen, one shall
16 have a marine science or technical background, and one shall represent
17 the general public[; the] . The other two members shall be the
18 chairmen of the two sections of the Shell Fisheries Council.

19 [Of the nine members first to be appointed by the Governor, three
20 shall be appointed for a term of 1 year, three for a term of 2 years, and
21 three for a term of 3 years.] Of the six new members to be appointed
22 by the Governor pursuant to P.L. , c. (C.) (now before the
23 Legislature as this bill), one commercial fin fisherman and one
24 representative of the sports fishermen shall be appointed for a term of
25 one year, one commercial fin fisherman shall be appointed for a term
26 of two years, and one commercial fin fisherman shall be appointed for
27 a term of three years. The chairperson shall be appointed at the next
28 expiration following the effective date of that act of the term of the
29 active fish processor member, and the member with a marine science
30 or technical background shall be appointed at the next expiration
31 following the effective date of that act of the term of a citizen member.
32 Thereafter, all appointments shall be made for terms of 3 years. Upon
33 the effective date of P.L. , c. (C.) (now before the
34 Legislature as this bill), new members shall be appointed to the council

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 subject to the requirement that the council shall include one
2 commercial fin fisherman and one representative of the sports
3 fishermen from each of the counties of Monmouth, Ocean, Atlantic,
4 Cape May and Cumberland.

5 b. All appointed members shall serve after the expiration of their
6 terms until their respective successors are appointed and shall qualify,
7 and any vacancy occurring in the appointed membership of the council,
8 by expiration of term or otherwise, shall be filled in the same manner
9 as the original appointment for the unexpired term only,
10 notwithstanding that the previous incumbent may have held over and
11 continued in office as aforesaid. The Governor may remove any
12 member of the council for cause upon notice and opportunity to be
13 heard.

14 Members of the council shall serve without compensation, but shall
15 be reimbursed for expenses actually incurred in attending meetings of
16 the council and in the performance of their duties as members thereof.

17 [The Governor shall appoint a chairman, from the citizen members
18 of the council, who shall serve at his pleasure. Six] c. The
19 chairperson shall vote only in the case of a tie. Eight members of the
20 council shall constitute a quorum to transact its business.

21 d. The Governor shall appoint the chief administrative officer of
22 the marine fisheries program for a term of four years.

23 (cf: P.L.1979, c.199, s.4)

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25 2. Section 7 of P.L.1977, c.199 (C.23:2B-7) is amended to read as
26 follows:

27 7. The commissioner shall have the following powers and duties:

28 a. Administer and enforce the laws, rules and regulations relating
29 to fisheries resources;

30 b. Appoint all necessary employees, other than the chief
31 administrative officer, of the marine fisheries program [and all other
32 necessary employees], including enforcement personnel, within the
33 limits of available revenues;

34 c. Develop and implement a program for the management of
35 fisheries resources, including such species related management plans
36 as may be appropriate;

37 d. Acquire by gift or purchase and hold real property in the name
38 of the State, or any right or interest therein, including, but not limited
39 to, easements or rights of access;

40 e. Accept for the State any Federal funds apportioned under
41 Federal law related to authorized programs of the department and to
42 do such acts as are necessary for the purpose of carrying out such
43 Federal laws; and to accept from any other agency or government,
44 individual, group, or corporation, such funds, gifts, or devises as may
45 be available to carry out the purposes of this act;

46 f. Make periodic reports to the Governor and the Legislature,

- 1 including therein such recommendations for changes and amendments
2 in existing law and licensing procedures as are warranted by
3 investigations and research;
- 4 g. Conduct or sponsor a program or programs for research and
5 development of fisheries resources of the State, in cooperation, where
6 appropriate, with Rutgers, The State University, the Marine Sciences
7 Consortium, and other responsible research or academic agencies,
8 which programs shall include, but not be limited to biological,
9 chemical, technological, hydrological, processing, marketing, financial,
10 economic, and promotional research and development. The
11 department may carry out such a program or programs in cooperation
12 with other State agencies, Federal, regional, and local governmental
13 entities, or with private institutions or persons;
- 14 h. Establish programs for public education concerning the
15 conservation, utilization, development, and enhancement of fisheries
16 resources;
- 17 i. Acquire, introduce, and propagate marine fish species in such
18 manner as will carry out the fisheries resources management programs;
- 19 j. To coordinate and integrate the marine fisheries program
20 established herein with the activities of all other State agencies which
21 affect fisheries resources, and access thereto including but not limited
22 to, freshwater fisheries, coastal zone management, water pollution
23 control and marine law enforcement; and,
- 24 k. To encourage every agency which operates a bridge or road
25 over any of the marine waters of this State to construct a fishing
26 platform on each such bridge.
- 27 (cf: P.L.1979, c.199, s.7)

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29 3. This act shall take effect immediately, except that the chairman
30 appointed by the Governor from the citizen members of the council
31 shall serve until the commencement of the term of the new chairperson
32 to be appointed at the expiration of the current term of the active fish
33 processor member.

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STATEMENT

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38 This bill would increase the membership of the Marine Fisheries
39 Council from 11 to 15 members. Six new members would be added
40 and two, the active fish processor member and one of the members
41 representing the general public, would be removed at the end of their
42 current terms.

43 Three of the new members would be active commercial fin
44 fishermen and one of the new members would represent the interests
45 of sports fishermen. One new member would be a person with a
46 marine science or technical background. The other new member

1 would be a chairperson who would not represent specifically the
2 interests of either the sports fishermen or the active commercial fin
3 fishermen. The chairperson would be appointed to replace the active
4 fish processor member, and would vote only in the case of a tie.
5 Because of the increased membership, the required quorum for the
6 council would be increased from six to eight.

7 The State's commercial fishing industry provides fish and shellfish
8 for more than four million local consumers and is vital to the
9 economies of numerous coastal communities and major ports in the
10 counties of Monmouth, Ocean, Atlantic, Cape May and Cumberland.
11 Four of these counties are not currently represented on the Marine
12 Fisheries Council by members representing the commercial fishing
13 industry, because there are only two seats on the council for
14 representatives of the commercial fishing industry.

15 The council is unbalanced because the sports fishing interests have
16 twice as many seats (four) on the council as the commercial fishermen
17 have. Even within the sports fishing delegation, there is a lack of
18 balance because Monmouth County and Atlantic County, which are
19 both major sport fishing areas, are not represented on the council.

20 Further, although the chairperson is required to be appointed from
21 among the two representatives of the general public on the council,
22 there is no guarantee currently that the chairperson will be impartial
23 between the two industry groups.

24 Finally, there is a need for the marine fisheries administrator to be
25 more impartial and accountable to the Marine Fisheries Council. This
26 bill would therefore have the Governor appoint the administrator and
27 limit the administrator's position to a four-year term.

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32 Changes membership and procedures of Marine Fisheries Council and
33 limits term of marine fisheries administrator.