SENATE, No. 838

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 26, 1996

By Senator BUBBA

AN ACT concerning fishing licenses, amending P.L.1986, c.198, R.S.23:3-4, and P.L.1952, c.328, 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 9 of P.L.1986, c.198 (C.23:3-1c) is amended to read as follows:

9. The Division of Fish, Game and Wildlife is authorized to charge a 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 $2.00
Falconry 2.00
Beaver 2.00
Otter 2.00
Turkey 2.00
Special season deer 2.00
Rifle 2.00
Semi-wild hunting preserve 2.00
Commercial fishing preserve 2.00
Commercial shooting preserve 2.00
Senior citizen fishing **[**(over 70 years of age)**]**
<u>(65 or more years of age)</u> 2.00
<u>Disabled person fishing ..... 2.00</u>
Senior citizen clamming 2.00
Field trial 2.00
Horseback riding on wildlife management area 2.00
Daily use permit for wildlife management area 2.00
Clubhouse rental 2.00
Fire on wildlife management area 2.00
Fish stocking by clubs 2.00
Lake lowering 2.00
Alewife (for bait) 2.00

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 <u>thus</u> is new matter.

Carp and suckers 2.00
Fish basket for eels, catfish, carp, and suckers .. 2.00
Game animals and game birds: Individual hobby 2.00
Scientific holding 2.00
Zoological 2.00
Propagation and sale 2.00
Animal exhibitor 2.00
Animal theatrical agency 2.00
Fur farming 2.00
Salvage--recover carcass 2.00
Special purpose 2.00
Scientific collecting--fish 2.00
Crab pot (recreational) 2.00
Crab pot (commercial) 2.00
Menhaden netting 2.00
Food fish netting 2.00
Commercial fish netting 2.00

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.1986, c.198, s.9)

2. 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 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 of five kinds and 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 and the resident's family fishing license. The Fish and Game Council in the Division of Fish, Game and Wildlife of the Department of Environmental Protection shall have the authority to adopt and promulgate regulations for family fishing licenses.

The resident's firearm hunting license shall authorize its holder to hunt with hounds and firearms only, and a fee of $19.50 and an issuance fee of $0.50 shall be charged therefor, except that a person 14 or 15 years of age and a person above the age of 65 shall be charged a fee of $9.25 and an issuance fee of $0.50. The resident's bow and arrow license shall authorize its holder to hunt with bow and arrow only, and a fee of $23.50 and an issuance fee of $0.50 shall be charged therefor, except that a person 14 or 15 years of age and a person above the age of 65 shall be charged a fee of $10.50 and an issuance fee of $0.50. The resident's trapping license shall authorize

its holder to trap only, and a fee of $31.50 and an issuance fee of $0.50 shall be charged therefor, except that a person 12, 13, 14 or 15 years of age shall be charged a fee of $13.25 and an issuance fee of $0.50. The resident's fishing license shall authorize its holder to fish only, and a fee of $14.50 and an issuance fee of $0.50 shall be charged therefor, except that in any case where the applicant is [70] either 65 or more years of age or is permanently and totally disabled, or who is permanently confined to a wheel chair, and is otherwise qualified, no fee, except an application fee pursuant to section 9 of P.L.1986, c.198 (C.23:3-1c), shall be charged, and a person 14 or 15 years of age [and a person above the age of 65] shall be charged a fee of $6.50 and an issuance fee of $0.50. For the purposes of this subsection, "permanently and totally disabled" means total and permanent inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, including blindness. For the purposes of this subsection, "blindness" means central visual acuity of 20/100 or less in the better eye with the use of a correcting lens. An eye that is afflicted by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle not greater than 20 degrees shall be regarded as having a central visual acuity of 20/100 or less.

The resident's family fishing license shall authorize the parents or guardians and their children, foster children or wards between the ages of 14 and 18, named therein, to fish only. The fee for the parent's license permitting fishing only by the father or mother, or both, or the guardian shall be $24.50 and an issuance fee of $0.50; and each child, foster child or ward named therein shall be required to have and shall be issued an individual supplementary license as a member of such family, at a fee of $1.50 and an issuance fee of $0.50. The license shall be invalid from the date of its issuance when issued to a person not entitled thereto. [Any person, a resident of this State, who is afflicted with total blindness, upon application to the Division of Fish, Game and Wildlife, shall be entitled to a resident's fishing license without fee or charge.]

b. A license issued to a person above 14 years of age not entitled to a resident's license, authorizing him to trap or to hunt. 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, except that a nonresident's two-day small game firearm hunting license shall not permit the taking, hunting or killing of deer.

The fees for the nonresident's firearm hunting license and the nonresident's bow and arrow license shall each be $99.50 and an issuance fee of $0.50.

The fees for the nonresident's trapping license shall be $149.50 and

an issuance fee of $0.50. The fee for a nonresident's two-day small game firearm hunting license shall be $24.50 and an issuance fee of $0.50.

c. A license issued to a person above 14 years of age not entitled to a resident's license, authorizing him to fish only. These licenses shall be designated as the nonresident's fishing license and the nonresident's seven-day vacation fishing license, valid for a period of seven consecutive days. The fees for these licenses shall be $22.50 for the annual fishing license, together with an issuance fee of $0.50, and $14.50 and an issuance fee of $0.50 for the seven-day vacation fishing license.

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; and the nonresident's two-day small game firearm hunting license, which shall expire on the day after the date of issuance.

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.1991, c.286, s.4)

3. Section 3 of P.L.1952, c.328 (C.23:3-59) is amended to read as follows:

3. The fee for this stamp shall be $7.00 for residents and $14.00 for nonresidents, or as adjusted by the Fish and Game Council pursuant to section 12 of P.L.1982, c.180 (C.23:3-1a). <u>The fee shall be waived for any resident who is 65 or more years of age, permanently and totally disabled, or permanently confined to a wheel chair, as defined pursuant to subsection a. of R.S.23:3-4.</u>

The amounts remitted to the State Treasury for stamps issued **[**under this law**]** <u>pursuant to P.L.1952, c.328 (C.23:3-57 et seq.)</u> shall be placed to the credit of the "hunters' and anglers' license fund" **[**mentioned in**]** <u>established pursuant to R.S.23:3-11 and</u> R.S.23:3-12.

(cf: P.L.1991, c.286, s.10)

4. (New section) At the end of each fiscal year, the Director of the Division of Fish, Game and Wildlife shall certify to the Director of the Division of Budget and Accounting the amount that the "hunters' and anglers' license fund" has been reduced as a result of fishing licenses issued without charge pursuant to R.S.23:3-4 and trout stamps issued without charge pursuant to section 3 of P.L.1952, c.328 (C.23:3-59). An amount equal to the amount certified shall be appropriated each year from the General Fund to the "hunters' and anglers' license fund" for additional operating costs.

5. This act shall take effect January 1st next following enactment.

STATEMENT

This bill would permit any State resident 65 years of age or older, permanently and totally disabled, or permanently confined to a wheel chair, to obtain a resident's fishing license or trout stamp free of charge except for a one-time application fee of $2.00 for fishing licenses. Under present law, these licenses are available free of charge only to residents who are completely blind or who are 70 years of age or older. Also, under present law, residents 65 years of age or older may obtain a fishing license for $7.75, about half the regular price. A trout stamp currently costs $7.75 for everyone.

The bill would also require the Director of the Division of Fish, Game and Wildlife to annually certify to the Director of the Division of Budget and Accounting the amount that the Hunters' and Anglers' License Fund has been reduced as a result of the issuance of free fishing licenses and trout stamps. An amount equal to the certified amount is directed to be annually appropriated to the license fund from the General Fund. Revenues deposited in the Hunters' and Anglers' License Fund are used to support most of the Division of Fish, Game and Wildlife's operating budget.

Permits a person 65 or more years of age or disabled to obtain free resident's fishing license and trout stamp.