

SENATE, No. 881

STATE OF NEW JERSEY

INTRODUCED MARCH 7, 1996

By Senator ZANE

1 AN ACT transferring the functions, powers, and duties exercised by  
2 the Department of Environmental Protection and its Division of  
3 Fish, Game and Wildlife with respect to marine fisheries  
4 management to the Department of Agriculture, supplementing  
5 chapter 1 of Title 4 of the Revised Statutes, and amending  
6 R.S.4:1-1 and 4:1-2.

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

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11 1. (New section) The Department of Agriculture is renamed the  
12 Department of Agriculture, Aquaculture and Marine Fisheries.

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14 2. (New section) The functions, powers, and duties exercised by  
15 the Department of Environmental Protection and its Division of Fish,  
16 Game and Wildlife with respect to marine fisheries, including, but not  
17 limited to, those allocated within Titles 13, 23, 50, and 58 of the  
18 Revised Statutes, are transferred to the Department of Agriculture,  
19 Aquaculture and Marine Fisheries. For the purposes of this act,  
20 "marine fisheries" includes both marine fin fisheries and shell fisheries.

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22 3. (New section) a. All appropriations, grants, and other moneys  
23 made available to the Department of Environmental Protection and its  
24 Division of Fish, Game and Wildlife for the purpose of funding marine  
25 fisheries management programs are transferred to the Department of  
26 Agriculture, Aquaculture and Marine Fisheries, and shall remain  
27 available for the objects and purposes for which appropriated, subject  
28 to any terms, restriction, limitations, or other requirements imposed by  
29 federal or State law.

30 b. All files, books, papers records, equipment, and other property  
31 of the Department of Environmental Protection and its Division of  
32 Fish, Game and Wildlife pertaining to marine fisheries management are  
33 transferred to the Department of Agriculture, Aquaculture and Marine  
34 Fisheries.

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 c. The rules, regulations, and orders of the Department of  
2 Environmental Protection and its Division of Fish, Game and Wildlife  
3 pertaining to marine fisheries management shall continue in full force  
4 as the rules, regulations, and orders of the Department of Agriculture,  
5 Aquaculture and Marine Fisheries until further amended or repealed.  
6 Any rule or regulation pertaining to marine fisheries management  
7 proposed by the Department of Environmental Protection or its  
8 Division of Fish, Game and Wildlife pursuant to the provisions of the  
9 "Administrative Procedure Act," P.L.1968, c.410(C.52:14B-1 et seq.)  
10 prior to the effective date of this act shall be considered as a proposed  
11 rule or regulation of the Department of Agriculture, Aquaculture and  
12 Marine Fisheries.

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14 4. (New section) a. Whenever in any law, rule, regulation, order,  
15 contract, document, judicial or administrative proceeding or otherwise,  
16 reference is made to the Department of Environmental Protection or  
17 its Division of Fish, Game and Wildlife in matters pertaining to marine  
18 fisheries management, the same shall mean and refer to the Department  
19 of Agriculture, Aquaculture and Marine Fisheries.

20 b. This act shall not affect actions or proceedings, civil or criminal,  
21 brought by or against the Division of Fish, Game and Wildlife  
22 pertaining to marine fisheries management and pending on the effective  
23 date of this act, and these actions or proceedings may be further  
24 prosecuted or defended in the same manner and to the same effect by  
25 the Department of Agriculture, Aquaculture and Marine Fisheries.

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27 5. (New section) Every employee of the Department of  
28 Environmental Protection and its Division of Fish, Game and Wildlife  
29 whose principal duties pertain to marine fisheries management shall be  
30 transferred to the Department of Agriculture, Aquaculture and Marine  
31 Fisheries. Nothing in this act may be construed to deprive these  
32 employees of any rights or protections provided to them by the civil  
33 service, pension, or retirement laws of this State.

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35 6. (New section) a. The Marine Fisheries Council in the  
36 Department of Environmental Protection, created pursuant to section  
37 4 of P.L.1979, c.199(C.23:2B-4), together with all its functions,  
38 powers, and duties, is continued, and the council is transferred to, and  
39 constituted as the Marine Fisheries Council in the Department of  
40 Agriculture, Aquaculture and Marine Fisheries.

41 b. Whenever in any law, rule, regulation, order, contract,  
42 document, judicial or administrative proceeding or otherwise,  
43 reference is made to the Marine Fisheries Council in the Department  
44 of Environmental Protection, the reference shall mean the Marine  
45 Fisheries Council in the Department of Agriculture, Aquaculture and  
46 Marine Fisheries.

1 c. Whenever any law grants to the Department of Environmental  
2 Protection or the Commissioner of Environmental Protection  
3 administrative authority or control with respect to the Marine Fisheries  
4 Council, that authority or control shall be exercised by the Department  
5 of Agriculture, Aquaculture and Marine Fisheries or the Secretary  
6 thereof.

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8 7. (New section) a. The Shell Fisheries Council in the Department  
9 of Environmental Protection, created pursuant to R.S.50:1-18,  
10 together with all its functions, powers, and duties, is continued, and  
11 the council is transferred to, and constituted as the Shell Fisheries  
12 Council in the Department of Agriculture. Any sections of the council  
13 created by law shall be transferred with the council to the Department  
14 of Agriculture, Aquaculture and Marine Fisheries.

15 b. Whenever in any law, rule, regulation, order, contract,  
16 document, judicial or administrative proceeding or otherwise,  
17 reference is made to the Shell Fisheries Council in the Department of  
18 Environmental Protection, the reference shall mean the Shell Fisheries  
19 Council in the Department of Agriculture, Aquaculture and Marine  
20 Fisheries.

21 c. Whenever any law grants to the Department of Environmental  
22 Protection or the Commissioner of Environmental Protection  
23 administrative authority or control with respect to the Shell Fisheries  
24 Council, that authority or control shall be exercised by the Department  
25 of Agriculture, Aquaculture and Marine Fisheries or the Secretary  
26 thereof.

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28 8. (New section) The transfer of powers, functions, duties, and  
29 personnel set forth in this act shall be carried out in accordance with  
30 the provisions of the "State Agency Transfer Act," P.L.1971,  
31 c.375(C.52:14D-1 et seq.).

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33 9. R.S.4:1-1 is amended to read as follows:

34 4:1-1. The Department of Agriculture, Aquaculture and Marine  
35 Fisheries, hereinafter in this chapter referred to as the "department,"  
36 created and established by the act entitled "An act to establish a  
37 department of agriculture, and to prescribe its powers and duties,"  
38 passed March twenty-ninth, one thousand nine hundred and sixteen  
39 (P.L.1916, c. 268,p.561), together with its amendments and  
40 supplements, is continued and is hereby constituted a principal  
41 department in the executive branch of the State Government. It shall  
42 have a common seal and shall exercise the powers and perform the  
43 functions and duties conferred and devolved in this Title.

44 (cf: P.L.1948, c.447, s.1)

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46 10. R.S 4:1-2 is amended to read as follows:

- 1 4:1-2. The department shall consist of:
- 2 a. A State Board of Agriculture, which shall be the head of the
- 3 department;
- 4 b. A Secretary of Agriculture, Aquaculture and Marine Fisheries,
- 5 who shall be the principal executive officer of the department;
- 6 c. An assistant Secretary of Agriculture, Aquaculture and Marine
- 7 Fisheries;
- 8 d. A Division of Animal Health;
- 9 e. A Division of Markets;
- 10 f. A Division of Plant Industry;
- 11 g. A Division of Dairy Industry;
- 12 h. A Division of Aquaculture and Marine Fisheries;
- 13 i. Such other divisions and bureaus as may be created as provided
- 14 in section 4:1-17 of this Title; and
- 15 [i.] The officers and employees authorized to be appointed and
- 16 employed.
- 17 (cf: P.L.1968, c.358, s.1)

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19 11. This act shall take effect 90 days following the date of

20 enactment, but the Commissioner of Environmental Protection and the

21 Secretary of Agriculture may take any necessary and appropriate

22 actions prior thereto to provide for its implementation on that effective

23 date.

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## STATEMENT

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28 This bill would transfer the functions, powers, and duties exercised

29 by the Department of Environmental Protection and its Division of

30 Fish, Game and Wildlife with respect to the management of marine

31 fisheries, including, but not limited to, those allocated within Titles 13,

32 23, 50, and 58 of the Revised Statutes, to the Department of

33 Agriculture. The bill would also rename the Department of

34 Agriculture as the Department of Agriculture, Aquaculture and Marine

35 Fisheries.

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40 Transfers marine fisheries management responsibilities from DEP to

41 Department of Agriculture, and renames Department of Agriculture as

42 Department of Agriculture, Aquaculture and Marine Fisheries.