

1-17-84

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**SENATE, No. 3745****STATE OF NEW JERSEY**

INTRODUCED NOVEMBER 28, 1983

By Senator FORAN

(Without Reference)

AN ACT requiring the procurement of a New Jersey Waterfowl Stamp as a precondition to the hunting of waterfowl; creating a New Jersey Waterfowl Stamp Account as a permanent and dedicated account within the "hunters' and anglers' license fund" to be funded through the sale of any New Jersey Waterfowl Stamp, or any reproduction, replica or other utilization of the design of the New Jersey Waterfowl Stamp for the purpose of the acquisition, protection, maintenance, improvement and enhancement of the State's waterfowl habitat; establishing a New Jersey Migratory Waterfowl Advisory Committee; providing a penalty for violations of the act; and supplementing chapter 3 of Title 23 of the Revised Statutes.

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

1 1. This act shall be known and may be cited as the "New Jersey  
2 Waterfowl Stamp Act."

1 2. a. No person over the age of 16 shall at any time hunt, pursue,  
2 kill, take, possess, or attempt to take with a firearm, bow and arrow,  
3 or any other method any ducks, geese, brant, or other waterfowl  
4 without procuring a New Jersey Waterfowl Stamp, as hereinafter  
5 provided, in addition to any other licenses or permits required  
6 under Title 23 of the Revised Statutes.

7 b. The stamp issued pursuant to this act shall be designated the  
8 New Jersey Waterfowl Stamp, shall be required to be in the  
9 possession of any person engaged in hunting, pursuing, killing,

**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 printed in italics thus is new matter.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

**\*—Senate amendments adopted December 8, 1983.**

10 taking, possessing, or attempting to take with a firearm, bow and  
11 arrow, or any other method any ducks, geese, brant, or other water-  
12 fowl, and shall be exhibited upon the request of any conservation  
13 officer, deputy conservation officer, or other law enforcement official.

1 3. The New Jersey Waterfowl Stamp shall be procured from the  
2 Division of Fish, Game and Wildlife, or from other designated  
3 agents deemed qualified by the Division of Fish, Game and Wildlife.  
4 The annual fee for the New Jersey Waterfowl Stamp shall be \$5.00  
5 for persons without a valid New Jersey resident's firearm hunting  
6 of bow and arrow license, and \$2.50 for persons possessing a valid  
7 New Jersey resident's firearm hunting or bow and arrow license. A  
8 New Jersey Waterfowl Stamp shall not be valid unless it is  
9 \***[permanently attached to the license,]**\* *\*in the possession of the*  
10 *licensee\** and contains the signature of the licensee written in ink  
11 across the face of the stamp. All New Jersey Waterfowl Stamps  
12 shall expire on June 30 of each year, unless otherwise prescribed in  
13 the State Fish and Game Code.

1 4. The Division of Fish, Game and Wildlife shall determine the  
2 final design and form of the New Jersey Waterfowl Stamp based  
3 on the recommendations of the New Jersey Migratory Waterfowl  
4 Advisory Committee created pursuant to section 7 of this act. The  
5 Division of Fish, Game and Wildlife shall retain reproduction and  
6 distribution rights to the design of any New Jersey Waterfowl  
7 Stamp issued. The Division of Fish, Game and Wildlife is au-  
8 thorized to adopt, pursuant to the "Administrative Procedure Act,"  
9 P. L. 1968, c. 410 (C. 52:14B-1 et seq.), any rules and regulations  
10 necessary to administer the provisions of this act, including; but  
11 not limited to, the creation, design, administration, sale, distribu-  
12 tion, and establishment of prices for any reproduction, replica, or  
13 other utilization of the design of any New Jersey Waterfowl Stamp  
14 issued.

1 5. There is established within the "hunters' and anglers' license  
2 fund" referred to in R. S. 23:3-11 and R. S. 23:3-12, a separate and  
3 dedicated account to be known as the New Jersey Waterfowl Stamp  
4 Account. The New Jersey Waterfowl Stamp Account shall be  
5 credited with all revenues received by the Division of Fish, Game  
6 and Wildlife from the sale of New Jersey Waterfowl Stamps, and  
7 all revenues received by the Division of Fish, Game and Wildlife  
8 from the sale of any reproduction, replica, or other utilization of  
9 the design of the New Jersey Waterfowl Stamp. Moneys in the  
10 account shall be utilized by the Commissioner of the Department of  
11 Environmental Protection, after consultation with the New Jersey  
12 Migratory Waterfowl Advisory Committee, only for funding the

13 acquisition, protection, maintenance, improvement, and enhance-  
14 ment of waterfowl habitat and associated wetlands, including but  
15 not limited to wetlands, tributaries, marsh fringe areas, and access  
16 sites for public use of waterfowl habitat areas. The Department of  
17 Environmental Protection may, upon the recommendation of the  
18 New Jersey Migratory Waterfowl Advisory Committee, allocate a  
19 percentage of the annual revenue from the New Jersey Waterfowl  
20 Stamp Account to qualified nonprofit organizations in North  
21 America for utilization in their waterfowl habitat programs, pro-  
22 vided that direct benefits to New Jersey waterfowl protection and  
23 preservation efforts can be clearly demonstrated. The New Jersey  
24 Waterfowl Stamp Account shall be kept separate and apart from  
25 all other funds and accounts, and shall be disbursed by the State  
26 Treasurer to the Department of Environmental Protection only for  
27 the purposes identified in this section.

1 6. Any person violating any provision of this act shall be liable to  
2 a penalty of not less than \$25.00 nor more than \$1,000.00 for each  
3 offense, to be collected in a civil action by a summary proceeding  
4 under "the penalty enforcement law," N. J. S. 2A:58-1 et seq. If  
5 any violation of the act is of a continuing nature, each day during  
6 which it continues shall constitute an additional, separate and  
7 distinct offense. The Department of Environmental Protection is  
8 authorized to compromise and settle any claim for a penalty under  
9 this section in any amount which, in the discretion of the Depart-  
10 ment of Environmental Protection, may appear appropriate and  
11 equitable under the circumstances.

1 7. a. There is established in the Division of Fish, Game and Wild-  
2 life a New Jersey Migratory Waterfowl Advisory Committee. The  
3 committee shall comprise nine members as follows: two members of  
4 the Fish and Game Council to be appointed by its chairman; one  
5 representative of the Natural Areas Council; one representative of  
6 Ducks Unlimited, Inc.; one representative of the New Jersey Water-  
7 fowlers Association; one representative of the Nature Conservancy;  
8 one representative from the New Jersey Audubon Society; one  
9 representative of the New Jersey Federation of Sportsmen's Clubs;  
10 and one public member appointed by the Commissioner of the De-  
11 partment of Environmental Protection. A chairman shall be elected  
12 from the membership of the committee. Members shall serve for  
13 terms of three years, without compensation, but shall be reimbursed  
14 for actual expenses necessarily incurred in the performance of their  
15 official duties.

16 b. The committee shall advise the Division of Fish, Game and  
17 Wildlife with respect to the creation, design, administration, sale,

18 distribution, and other matters related to the New Jersey Water-  
19 fowl Stamp, and the reproduction, replica, or other utilization of  
20 its design. The committee shall also submit written recommenda-  
21 tions to the Commissioner of the Department of Environmental  
22 Protection with respect to the utilization of revenues in the New  
23 Jersey Waterfowl Stamp Account, including the advisability of  
24 allocating a percentage of the proceeds therefrom to particular  
25 qualified nonprofit organizations in North America for utilization  
26 in their waterfowl habitat programs that provide direct benefits  
27 that can be clearly demonstrated to New Jersey's waterfowl pre-  
28 servation and protection efforts.

1 8. This act shall take effect on July 1, 1984\***]**, and expire on June  
2 30, 1989, unless reauthorized by the Senate and General Assembly  
3 of the State of New Jersey**]**\*

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#### STATEMENT

This bill would strengthen New Jersey's Waterfowl preservation and protection program by creating a special account within the "hunters' and anglers' license fund" to fund projects to acquire, protect, maintain, improve, and enhance the State's waterfowl habitat. The account shall be funded by fees for a New Jersey Waterfowl Stamp required of any person hunting waterfowl, and the sale of any reproduction, replica or other utilization of the design of the New Jersey Waterfowl Stamp. The bill also creates a New Jersey Migratory Waterfowl Advisory Committee to advise the Department of Environmental Protection on matters relating to the administration of funds in the account, and on the design, sale, and distribution of the stamp.

53745 (1983)

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: PAUL WOLCOTT

TUESDAY, JANUARY 17, 1984

Governor Thomas H. Kean has signed legislation to create a New Jersey Waterfowl Stamp program to create a new fund for wildlife management of waterfowl in the State.

The bill, S-3745, is sponsored by State Senator Walter E. Foran, R-Hunterdon. It creates a Waterfowl Stamp Account, and establishes a New Jersey Migratory Waterfowl Advisory Committee to advise the Department of Environmental Protection in the use of funds generated by the program.

The bill requires a person wishing to hunt for waterfowl in New Jersey to purchase a New Jersey Waterfowl stamp. The fee is \$2.50 for residents and \$5 for non-residents.

Receipts from the sale of the stamps will be used to fund projects to acquire, protect, maintain, improve and enhance waterfowl habitat.

The Governor also signed S-3775, sponsored by State Senator S. Thomas Gagliano, which prohibits the taking of striped bass by means of a net or any other method than hook and line.

The bill sets the daily catch limit at ten fish, all of which must be at least 18 inches in length. Additionally, no more than four fish in the daily catch may be less than 24 inches.

The Governor also signed the following bills:

S-3731, sponsored by State Senator Wynona M. Lipman, D-Essex, which appropriates \$4 million in federal "oil overcharge" funds for energy conservation in public housing. The Department of Community Affairs will be responsible for distributing the money to local public housing authorities for energy conservation improvements.

The bill was originally introduced in September as A-3971 by Assemblywoman Marie S. Muhler, R-Monmouth, but languished in the Assembly Housing and Urban Policy Committee. S-3731 was introduced in November.

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