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**NEWSPAPER ARTICLES:** No

LAW/KR

P.L.2011, CHAPTER 159, *approved January 5, 2012*  
Senate, No. 2880 (*Second Reprint*)

1 AN ACT concerning penalties applicable under the State's saltwater  
2 fishing registry program, and amending P.L.2011, c.23.

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

6  
7 1. Section 1 of P.L.2011, c.23 (C.23:2B-22) is amended to read  
8 as follows:

9 1. a. The commissioner, in consultation with the Marine  
10 Fisheries Council, shall establish and implement a registry program  
11 for saltwater recreational anglers, which program shall provide for:

12 (1) the registration, including the name, date of birth, address,  
13 telephone number, and other identification and contact information  
14 determined to be necessary by the department pursuant to federal  
15 requirements, of individuals who engage in recreational fishing:

16 (a) in the Exclusive Economic Zone;

17 (b) for anadromous species;

18 (c) for Continental Shelf fishery resources beyond the Exclusive  
19 Economic Zone; or

20 (d) in the tidal waters of the State; and

21 (2) the registration, including the ownership, operator, and  
22 identification of the vessel, or vessels used in such fishing.

23 b. (1) The registry program established pursuant to this section  
24 shall **【comply with the provisions of】** be fully consistent with the  
25 registry program to be established pursuant to section 201 of Title II  
26 of the "Magnuson-Stevens Fishery Conservation and Management  
27 Reauthorization Act of 2006," Pub.L.109-479 (16 U.S.C. s.1881).

28 (2) Upon establishment of the registry program pursuant to this  
29 section, the commissioner shall apply to the **【National Marine**  
30 **Fisheries Service of the National Oceanic and Atmospheric**  
31 **Administration for exempted state designation from the federal**  
32 **registration】** Secretary of the United States Department of  
33 Commerce to obtain State exemption from federal registry program  
34 requirements.

35 c. The department shall not charge a fee for the registration  
36 required pursuant to this section.

37 d. A person who is under 16 years of age or a customer fishing  
38 from a state-licensed or federally permitted for-hire vessel shall not  
39 be required to register pursuant to this section.

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup>Senate SEN committee amendments adopted June 2, 2011.

<sup>2</sup>Senate SBA committee amendments adopted June 16, 2011.

1 e. <sup>2</sup>[(1)]<sup>2</sup> Any person who is required to register pursuant to  
2 paragraph (1) of subsection a. of<sup>2</sup> this section, and who fails to  
3 register in accordance with established registry program  
4 requirements, shall be <sup>2</sup>issued a warning to comply, except that  
5 during the second or subsequent years of the registry program's  
6 operation, such person shall be subject, at the discretion of the  
7 department, to the issuance of a warning or to a fine of \$20 <sup>2</sup>subject  
8 to a fine of \$25 for the first offense and \$50 for any subsequent  
9 offense. An owner or operator of a state-licensed or federally  
10 permitted for-hire vessel who is required to register pursuant to  
11 paragraph (2) of subsection a. of this section and who fails to  
12 register in accordance with the established registry program  
13 requirements shall be subject to a fine of \$100 for the first offense  
14 and \$200 for any subsequent offense<sup>2</sup>. Any penalty imposed  
15 pursuant to this subsection shall be collected in the manner  
16 specified in paragraph (2) of subsection a. of section 73 of  
17 P.L.1979, c.199 (C.23:2B-14). However, no other provisions of  
18 section 73 of<sup>1</sup> P.L.1979, c.199 (C.23:2B-14) shall be applicable in  
19 the event that a person fails to comply with the requirements  
20 established under this section.

21 <sup>2</sup>[(2) In the event that the federal government does not approve  
22 of the penalty system established by this subsection, a person who  
23 is required, but who fails, to register in accordance with established  
24 registry program requirements shall be subject to a fine of \$20 or  
25 such other amount deemed by the department to be the minimum  
26 necessary for the purposes of attaining State program exemption  
27 from federal requirements.]<sup>2</sup>

28 f. In order to facilitate and promote increased awareness of, or  
29 compliance with, registry program requirements, the department  
30 shall: (1) post information about the registry program and its  
31 requirements in a conspicuous place on the department's Internet  
32 website; and (2) develop and disseminate informational materials,  
33 including, but not limited to, pamphlets and posters, which identify  
34 the program's requirements, any relevant compliance deadlines, the  
35 available methods for attaining compliance, the penalties for non-  
36 compliance, and any other relevant program details.

37 In disseminating the materials developed pursuant to this  
38 subsection, the department shall provide informational pamphlets or  
39 other appropriate materials to the State's conservation officers, for  
40 distribution to individuals engaged in recreational fishing activities;  
41 and it shall provide informational posters, signs, pamphlets, and  
42 other appropriate materials to the State's bait and tackle shops, for  
43 display therein, and for distribution to bait and tackle consumers.

44 g. Any non-resident of New Jersey who is engaged in  
45 recreational fishing activities in this State shall be exempt from  
46 compliance with the State's registry program requirements if <sup>2</sup>:  
47 <sup>2</sup>(1)]<sup>2</sup> the person is registered under another state's registry program

1 and the state in which the person is registered provides reciprocal  
2 exemption from its own registration requirements for persons who  
3 are registered under this State's registry program <sup>2</sup>]; or (2) the  
4 person is registered under the regionally-based registry program  
5 established by the federal government in accordance with the  
6 provisions of section 201 of Title II of the "Magnuson-Stevens  
7 Fishery Conservation and Management Reauthorization Act of  
8 2006," Pub.L.109-479 (16 U.S.C. s.1881)]<sup>2</sup>.  
9 (cf: P.L.2011, c.23, s.1)

10

11 2. This act shall take effect immediately.

12

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14

15

16 Provides penalty for registration violations occurring under  
17 State's saltwater fishing registry program.

**SENATE, No. 2880**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

INTRODUCED MAY 19, 2011

**Sponsored by:**

**Senator JEFF VAN DREW**

**District 1 (Cape May, Atlantic and Cumberland)**

**Senator JAMES BEACH**

**District 6 (Camden)**

**SYNOPSIS**

Provides penalty for registration violations occurring under State's saltwater fishing registry program.

**CURRENT VERSION OF TEXT**

As introduced.



S2880 VAN DREW, BEACH

2

1 AN ACT concerning penalties applicable under the State's saltwater  
2 fishing registry program, and amending P.L.2011, c.23.

3

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

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7 1. Section 1 of P.L.2011, c.23 (C.23:2B-22) is amended to read  
8 as follows:

9 1. a. The commissioner, in consultation with the Marine  
10 Fisheries Council, shall establish and implement a registry program  
11 for saltwater recreational anglers, which program shall provide for:

12 (1) the registration, including the name, date of birth, address,  
13 telephone number, and other identification and contact information  
14 determined to be necessary by the department pursuant to federal  
15 requirements, of individuals who engage in recreational fishing:

16 (a) in the Exclusive Economic Zone;

17 (b) for anadromous species;

18 (c) for Continental Shelf fishery resources beyond the Exclusive  
19 Economic Zone; or

20 (d) in the tidal waters of the State; and

21 (2) the registration, including the ownership, operator, and  
22 identification of the vessel, or vessels used in such fishing.

23 b. (1) The registry program established pursuant to this section  
24 shall **[comply with the provisions of]** be fully consistent with the  
25 registry program to be established pursuant to section 201 of Title II  
26 of the "Magnuson-Stevens Fishery Conservation and Management  
27 Reauthorization Act of 2006," Pub.L.109-479 (16 U.S.C. s.1881).

28 (2) Upon establishment of the registry program pursuant to this  
29 section, the commissioner shall apply to the **[National Marine**  
30 **Fisheries Service of the National Oceanic and Atmospheric**  
31 **Administration for exempted state designation from the federal**  
32 **registration]** Secretary of the United States Department of  
33 Commerce to obtain State exemption from federal registry program  
34 requirements.

35 c. The department shall not charge a fee for the registration  
36 required pursuant to this section.

37 d. A person who is under 16 years of age or a customer fishing  
38 from a state-licensed or federally permitted for-hire vessel shall not  
39 be required to register pursuant to this section.

40 e. (1) Any person who is required to register pursuant to this  
41 section, and who fails to register in accordance with established  
42 registry program requirements, shall be issued a warning to comply,  
43 except that during the second or subsequent years of the registry  
44 program's operation, such person shall be subject, at the discretion

**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 of the department, to the issuance of a warning or to a fine of \$20.  
2 Any penalty imposed pursuant to this subsection shall be collected  
3 in the manner specified in paragraph (2) of subsection a. of section  
4 73 of P.L.1979, c.199 (C.23:2B-14). However, no other provisions  
5 of P.L.1979, c.199 (C.23:2B-14) shall be applicable in the event  
6 that a person fails to comply with the requirements established  
7 under this section.

8 (2) In the event that the federal government does not approve of  
9 the penalty system established by this subsection, a person who is  
10 required, but who fails, to register in accordance with established  
11 registry program requirements shall be subject to a fine of \$20 or  
12 such other amount deemed by the department to be the minimum  
13 necessary for the purposes of attaining State program exemption  
14 from federal requirements.

15 f. In order to facilitate and promote increased awareness of, or  
16 compliance with, registry program requirements, the department  
17 shall: (1) post information about the registry program and its  
18 requirements in a conspicuous place on the department's Internet  
19 website; and (2) develop and disseminate informational materials,  
20 including, but not limited to, pamphlets and posters, which identify  
21 the program's requirements, any relevant compliance deadlines, the  
22 available methods for attaining compliance, the penalties for non-  
23 compliance, and any other relevant program details.

24 In disseminating the materials developed pursuant to this  
25 subsection, the department shall provide informational pamphlets or  
26 other appropriate materials to the State's conservation officers, for  
27 distribution to individuals engaged in recreational fishing activities;  
28 and it shall provide informational posters, signs, pamphlets, and  
29 other appropriate materials to the State's bait and tackle shops, for  
30 display therein, and for distribution to bait and tackle consumers.

31 g. Any non-resident of New Jersey who is engaged in  
32 recreational fishing activities in this State shall be exempt from  
33 compliance with the State's registry program requirements if: (1)  
34 the person is registered under another state's registry program and  
35 the state in which the person is registered provides reciprocal  
36 exemption from its own registration requirements for persons who  
37 are registered under this State's registry program; or (2) the person  
38 is registered under the regionally-based registry program  
39 established by the federal government in accordance with the  
40 provisions of section 201 of Title II of the "Magnuson-Stevens  
41 Fishery Conservation and Management Reauthorization Act of  
42 2006," Pub.L.109-479 (16 U.S.C. s.1881).

43 (cf: P.L.2011, c.23, s.1)

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45 2. This act shall take effect immediately.



STATEMENT

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This bill would provide a specific penalty for persons who fail to comply with the State’s newly established saltwater fishing registration requirements, which are being implemented by the Department of Environmental Protection (DEP) in accordance with the provisions of the saltwater fishing registry law, P.L.2011, c.23 (C.23:2B-22) (“registry law”).

The DEP has indicated that persons who fail to comply with its saltwater fishing registration requirements will be subject to preexisting penalties of \$300 to \$3,000 for a first time offense, and \$500 to \$5,000 for any subsequent offense. Although these penalties have been derived from the State’s “Marine Fisheries Management and Commercial Fisheries Act,” P.L.1979, c.199 (C.23:2B-1 et seq.), to which the registry law was a supplement, anglers have indicated their strong belief that the application of these fines for registry offenses is excessive.

Accordingly, the bill would amend the State’s registry law to establish a lower penalty for saltwater fishing registration offenses. In particular, the bill would provide that a person who fails to comply with the DEP’s saltwater fishing registration requirements will be subject to the issuance of a warning, except that in the second or subsequent years of the registry program's operation, such person would be subject, at the discretion of the department, to the issuance of a warning or to a fine of \$20. The bill would require any penalties imposed for saltwater fishing registration offenses to be collected in accordance with the procedures identified in the “Marine Fisheries Management and Commercial Fisheries Act.” However, none of the act’s penalties would be applicable to persons who fail to comply with registry program requirements.

The bill would additionally provide that, in the event the federal government does not approve of the bill’s penalty system, a person who is required, but who fails, to register in accordance with established registry program requirements will be subject to a fine of \$20 or such other amount deemed by the department to be the minimum necessary to comply with federal requirements for State program exemption.

The bill also would require the DEP to post information about the registry program and its requirements on its Internet website, and to develop informational materials, including pamphlets and posters, which identify the program's requirements, its relevant compliance deadlines, the penalties for non-compliance, instructions for attaining compliance, and any other relevant program details. The department would be required to distribute these materials, as appropriate, to (1) the State’s conservation officers, for distribution to individuals engaged in recreational fishing activities, and (2) to the State’s bait and tackle shops, for display therein, and distribution to bait and tackle consumers.

**S2880 VAN DREW, BEACH**

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1       Finally, the bill would exempt from the State’s registry program  
2 requirements any non-resident of the State who has been registered:  
3 (1) under another state’s registry program, provided that the other  
4 state provides reciprocal exemption from its own registration  
5 requirements for persons who are registered under this State’s  
6 registry program; or (2) under the regionally-based registry program  
7 established by the federal government pursuant to the federal  
8 “Magnuson-Stevens Fishery Conservation and Management  
9 Reauthorization Act of 2006.”

# SENATE ENVIRONMENT AND ENERGY COMMITTEE

## STATEMENT TO

### **SENATE, No. 2880**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 2, 2011

The Senate Environment and Energy Committee favorably reports Senate Bill No. 2880 with committee amendments.

This bill would provide a specific penalty for persons who fail to comply with the State's newly established saltwater fishing registration requirements, which are being implemented by the Department of Environmental Protection (DEP) in accordance with the provisions of the saltwater fishing registry law, P.L.2011, c.23 (C.23:2B-22) ("registry law").

This bill would amend the State's registry law to establish a lower penalty for saltwater fishing registration offenses than the penalties established for violations of the State's "Marine Fisheries Management and Commercial Fisheries Act," P.L.1979, c.199 (C.23:2B-1 et seq.). In particular, the bill would provide that a person who fails to comply with the DEP's saltwater fishing registration requirements will be subject to the issuance of a warning, except that in the second or subsequent years of the registry program's operation, such person would be subject, at the discretion of the department, to the issuance of a warning or to a fine of \$20. The bill would require any penalties imposed for saltwater fishing registration offenses to be collected in accordance with the procedures identified in the "Marine Fisheries Management and Commercial Fisheries Act." However, none of the act's penalties would be applicable to persons who fail to comply with registry program requirements.

The bill would additionally provide that, in the event the federal government does not approve of the bill's penalty system, a person who is required, but who fails, to register in accordance with established registry program requirements will be subject to a fine of \$20 or such other amount deemed by the department to be the minimum necessary to comply with federal requirements for State program exemption.

The bill also would require the DEP to post information about the registry program and its requirements on its Internet website, and to develop informational materials, including pamphlets and posters, which identify the program's requirements, its relevant compliance deadlines, the penalties for non-compliance, instructions for attaining

compliance, and any other relevant program details. The department would be required to distribute these materials, as appropriate, to (1) the State's conservation officers, for distribution to individuals engaged in recreational fishing activities, and (2) to the State's bait and tackle shops, for display therein, and distribution to bait and tackle consumers.

Finally, the bill would exempt from the State's registry program requirements any non-resident of the State who has been registered: (1) under another state's registry program, provided that the other state provides reciprocal exemption from its own registration requirements for persons who are registered under this State's registry program; or (2) under the regionally-based registry program established by the federal government pursuant to the federal "Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006."

The committee amendment makes a technical correction to the bill.

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

### **SENATE, No. 2880**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 16, 2011

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2880 (1R), with committee amendments.

As amended, this bill would provide a specific penalty for persons who fail to comply with the State's newly established saltwater fishing registration requirements, which are being implemented by the Department of Environmental Protection (DEP) in accordance with the provisions of the saltwater fishing registry law, P.L.2011, c.23 (C.23:2B-22) ("registry law").

This bill would amend the State's registry law to establish a lower penalty for saltwater fishing registration offenses than the penalties established for violations of the State's "Marine Fisheries Management and Commercial Fisheries Act," P.L.1979, c.199 (C.23:2B-1 et seq.). In particular, the bill, as amended, would provide that a person who fails to comply with the saltwater fishing registration requirements would be subject to a fine of \$25 for a first offense and \$50 for any subsequent offense and the owner or operator of a state-licensed or federally permitted for-hire vessel who fails to comply would be subject to a fine of \$100 for a first offense and \$200 for any subsequent offense. The bill would require any penalties imposed for saltwater fishing registration offenses to be collected in accordance with the procedures identified in the "Marine Fisheries Management and Commercial Fisheries Act." However, none of that act's penalties would be applicable to persons who fail to comply with registry program requirements.

The bill also would require the DEP to post information about the registry program and its requirements on its Internet website, and to develop informational materials, including pamphlets and posters, which identify the program's requirements, its relevant compliance deadlines, the penalties for non-compliance, instructions for attaining compliance, and any other relevant program details. The department would be required to distribute these materials, as appropriate, to (1) the State's conservation officers, for distribution to individuals engaged in recreational fishing activities, and (2) to the State's bait and

tackle shops, for display therein, and for distribution to bait and tackle consumers.

Finally, the bill, as amended, would exempt from the State's registry program requirements any non-resident of the State who has been registered under another state's registry program, provided that the other state provides reciprocal exemption from its own registration requirements for persons who are registered under this State's registry program.

FISCAL IMPACT:

The Office of Legislative Services has insufficient information available to provide a cost estimate, but believes the DEP could incur some additional labor and material costs to develop and disseminate the informational materials required by the bill, although it is possible some of these costs may be offset by any fines collected.

COMMITTEE AMENDMENTS:

The amendments would change the amount of the fines for failure to register in the State's saltwater fishing registry from those originally proposed in the bill. For any person who fails to register, the committee amendments would provide for a fine of \$25 for a first offense and \$50 for any subsequent offense. For the owner or operator of a state-licensed or federally permitted for-hire vessel who fails to register, the amendments would provide for a fine of \$100 for the first offense and \$200 for any subsequent offense. The amendments would also remove a provision that would have enabled the department to raise fines for failure to register to the minimum fines necessary for the purposes of attaining State program exemption from federal requirements. Finally, the amendments would delete a provision in the bill that would have provided an exemption from registration in the State program if a person registers in a federal registry program.

# LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

## SENATE, No. 2880 STATE OF NEW JERSEY 214th LEGISLATURE

DATED: JUNE 21, 2011

### SUMMARY

- Synopsis:** Provides penalty for registration violations occurring under State's saltwater fishing registry program.
- Type of Impact:** Possible State cost increase offset by fines.
- Agencies Affected:** Department of Environmental Protection

#### Office of Legislative Services Estimate

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	Indeterminate – See comments below		

- The bill provides for the issuance of a warning or fine of \$20 for failure to comply with the Department of Environmental Protection (DEP) saltwater fishing registration requirements.
- The DEP could incur some additional labor and material costs to develop and disseminate the informational materials required by the bill which may be offset by any fines collected.

### BILL DESCRIPTION

Senate Bill No. 2880 (1R) of 2011 would provide a specific penalty for persons who fail to comply with the State's newly established saltwater fishing registration requirements that are being implemented by the DEP. The bill would amend the State's registry law to establish a lower penalty for saltwater fishing registration offenses than the penalties established for violations of the State's "Marine Fisheries Management and Commercial Fisheries Act." The bill provides that a person who fails to comply with the DEP's saltwater fishing registration requirements will be subject to the issuance of a warning, except that in the second or subsequent years of the registry program's operation, such person would be subject at the discretion of the DEP to the issuance of a warning or a \$20 fine.

The bill also requires the DEP to post information about the registry program and its requirements on its Internet website, and to develop information materials, including pamphlets and posters, which identify the program's requirements, its relevant compliance deadlines, the

penalties for non-compliance, instructions for attaining compliance, and any other relevant program details.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services has insufficient information available to provide a cost estimate, but believes the DEP could incur some additional labor and material costs to develop and disseminate the informational materials required by the bill, although it is possible some of these costs may be offset by any fines collected.

*Section: Environment, Agriculture, Energy and Natural Resources*

*Analyst: Joseph A. Hroncich  
Associate Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).



# LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

**SENATE, No. 2880**

## **STATE OF NEW JERSEY 214th LEGISLATURE**

DATED: JULY 6, 2011

### **SUMMARY**

- Synopsis:** Provides penalty for registration violations occurring under State's saltwater fishing registry program.
- Type of Impact:** Possible State cost increase offset by fines.
- Agencies Affected:** Department of Environmental Protection

#### **Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Cost</b>	Indeterminate – See comments below		

- The bill provides for the issuance of a \$25 fine for the first offense and a \$50 fine for any subsequent offense for failure to comply with the Department of Environmental Protection (DEP) saltwater fishing registration requirements. An owner or operator of a for-hire vessel would be subject to a \$100 fine for the first offense and a \$200 fine for any subsequent offense for failure to comply.
- The DEP could incur some additional labor and material costs to develop and disseminate the informational materials required by the bill which may be offset by any fines collected.

### **BILL DESCRIPTION**

Senate Bill No. 2880 (2R) of 2011 would provide specific penalties for persons who fail to comply with the State's newly established saltwater fishing registration requirements that are being implemented by the DEP. The bill would amend the State's registry law to establish a lower penalty for saltwater fishing registration offenses than the penalties established for violations of the State's "Marine Fisheries Management and Commercial Fisheries Act." The bill provides that a person who fails to comply with the DEP's saltwater fishing registration requirements would be subject to a \$25 fine for the first offense and a \$50 fine for any

subsequent offense. An owner or operator of a state-licensed or federally permitted for-hire vessel would be subject to a \$100 fine for the first offense and a \$200 fine for any subsequent offense.

The bill also requires the DEP to post information about the registry program and its requirements on its Internet website, and to develop information materials, including pamphlets and posters, which identify the program's requirements, its relevant compliance deadlines, the penalties for non-compliance, instructions for attaining compliance, and any other relevant program details.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services has insufficient information available to provide a cost estimate, but believes the DEP could incur some additional labor and material costs to develop and disseminate the informational materials required by the bill, although it is possible some of these costs may be offset by any fines collected.

*Section: Environment, Agriculture, Energy and Natural Resources*

*Analyst: Joseph A. Hroncich  
Associate Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

# ASSEMBLY, No. 4063

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MAY 19, 2011

**Sponsored by:**

**Assemblyman NELSON T. ALBANO**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman MATTHEW W. MILAM**

**District 1 (Cape May, Atlantic and Cumberland)**

**Assemblyman JOHN F. AMODEO**

**District 2 (Atlantic)**

**SYNOPSIS**

Provides penalty for registration violations occurring under State's saltwater fishing registry program.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/14/2011)**

1 AN ACT concerning penalties applicable under the State's saltwater  
2 fishing registry program, and amending P.L.2011, c.23.

3

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

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7 1. Section 1 of P.L.2011, c.23 (C.23:2B-22) is amended to read  
8 as follows:

9 1. a. The commissioner, in consultation with the Marine  
10 Fisheries Council, shall establish and implement a registry program  
11 for saltwater recreational anglers, which program shall provide for:

12 (1) the registration, including the name, date of birth, address,  
13 telephone number, and other identification and contact information  
14 determined to be necessary by the department pursuant to federal  
15 requirements, of individuals who engage in recreational fishing:

16 (a) in the Exclusive Economic Zone;

17 (b) for anadromous species;

18 (c) for Continental Shelf fishery resources beyond the Exclusive  
19 Economic Zone; or

20 (d) in the tidal waters of the State; and

21 (2) the registration, including the ownership, operator, and  
22 identification of the vessel, or vessels used in such fishing.

23 b. (1) The registry program established pursuant to this section  
24 shall **[comply with the provisions of]** be fully consistent with the  
25 registry program to be established pursuant to section 201 of Title II  
26 of the "Magnuson-Stevens Fishery Conservation and Management  
27 Reauthorization Act of 2006," Pub.L.109-479 (16 U.S.C. s.1881).

28 (2) Upon establishment of the registry program pursuant to this  
29 section, the commissioner shall apply to the **[National Marine**  
30 **Fisheries Service of the National Oceanic and Atmospheric**  
31 **Administration for exempted state designation from the federal**  
32 **registration]** Secretary of the United States Department of  
33 Commerce to obtain State exemption from federal registry program  
34 requirements.

35 c. The department shall not charge a fee for the registration  
36 required pursuant to this section.

37 d. A person who is under 16 years of age or a customer fishing  
38 from a state-licensed or federally permitted for-hire vessel shall not  
39 be required to register pursuant to this section.

40 e. (1) Any person who is required to register pursuant to this  
41 section, and who fails to register in accordance with established  
42 registry program requirements, shall be issued a warning to comply,  
43 except that during the second or subsequent years of the registry  
44 program's operation, such person shall be subject, at the discretion  
45 of the department, to the issuance of a warning or to a fine of \$20.

**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 Any penalty imposed pursuant to this subsection shall be collected  
2 in the manner specified in paragraph (2) of subsection a. of section  
3 73 of P.L.1979, c.199 (C.23:2B-14). However, no other provisions  
4 of P.L.1979, c.199 (C.23:2B-14) shall be applicable in the event  
5 that a person fails to comply with the requirements established  
6 under this section.

7 (2) In the event that the federal government does not approve of  
8 the penalty system established by this subsection, a person who is  
9 required, but who fails, to register in accordance with established  
10 registry program requirements shall be subject to a fine of \$20 or  
11 such other amount deemed by the department to be the minimum  
12 necessary for the purposes of attaining State program exemption  
13 from federal requirements.

14 f. In order to facilitate and promote increased awareness of, or  
15 compliance with, registry program requirements, the department  
16 shall: (1) post information about the registry program and its  
17 requirements in a conspicuous place on the department's Internet  
18 website; and (2) develop and disseminate informational materials,  
19 including, but not limited to, pamphlets and posters, which identify  
20 the program's requirements, any relevant compliance deadlines, the  
21 available methods for attaining compliance, the penalties for non-  
22 compliance, and any other relevant program details.

23 In disseminating the materials developed pursuant to this  
24 subsection, the department shall provide informational pamphlets or  
25 other appropriate materials to the State's conservation officers, for  
26 distribution to individuals engaged in recreational fishing activities;  
27 and it shall provide informational posters, signs, pamphlets, and  
28 other appropriate materials to the State's bait and tackle shops, for  
29 display therein, and for distribution to bait and tackle consumers.

30 g. Any non-resident of New Jersey who is engaged in  
31 recreational fishing activities in this State shall be exempt from  
32 compliance with the State's registry program requirements if: (1)  
33 the person is registered under another state's registry program and  
34 the state in which the person is registered provides reciprocal  
35 exemption from its own registration requirements for persons who  
36 are registered under this State's registry program; or (2) the person  
37 is registered under the regionally-based registry program  
38 established by the federal government in accordance with the  
39 provisions of section 201 of Title II of the "Magnuson-Stevens  
40 Fishery Conservation and Management Reauthorization Act of  
41 2006," Pub.L.109-479 (16 U.S.C. s.1881).

42 (cf: P.L.2011, c.23, s.1)

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44 2. This act shall take effect immediately.

STATEMENT

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This bill would provide a specific penalty for persons who fail to comply with the State’s newly established saltwater fishing registration requirements, which are being implemented by the Department of Environmental Protection (DEP) in accordance with the provisions of the saltwater fishing registry law, P.L.2011, c.23 (C.23:2B-22) (“registry law”).

The DEP has indicated that persons who fail to comply with its saltwater fishing registration requirements will be subject to preexisting penalties of \$300 to \$3,000 for a first time offense, and \$500 to \$5,000 for any subsequent offense. Although these penalties have been derived from the State’s “Marine Fisheries Management and Commercial Fisheries Act,” P.L.1979, c.199 (C.23:2B-1 et seq.), to which the registry law was a supplement, anglers have indicated their strong belief that the application of these fines for registry offenses is excessive.

Accordingly, the bill would amend the State’s registry law to establish a lower penalty for saltwater fishing registration offenses. In particular, the bill would provide that a person who fails to comply with the DEP’s saltwater fishing registration requirements will be subject to the issuance of a warning, except that in the second or subsequent years of the registry program's operation, such person would be subject, at the discretion of the department, to the issuance of a warning or to a fine of \$20. The bill would require any penalties imposed for saltwater fishing registration offenses to be collected in accordance with the procedures identified in the “Marine Fisheries Management and Commercial Fisheries Act.” However, none of the act’s penalties would be applicable to persons who fail to comply with registry program requirements.

The bill would additionally provide that, in the event the federal government does not approve of the bill’s penalty system, a person who is required, but who fails, to register in accordance with established registry program requirements will be subject to a fine of \$20 or such other amount deemed by the department to be the minimum necessary to comply with federal requirements for State program exemption.

The bill also would require the DEP to post information about the registry program and its requirements on its Internet website, and to develop informational materials, including pamphlets and posters, which identify the program's requirements, its relevant compliance deadlines, the penalties for non-compliance, instructions for attaining compliance, and any other relevant program details. The department would be required to distribute these materials, as appropriate, to (1) the State’s conservation officers, for distribution to individuals engaged in recreational fishing activities, and (2) to the State’s bait and tackle shops, for display therein, and distribution to bait and tackle consumers.

1       Finally, the bill would exempt from the State’s registry program  
2 requirements any non-resident of the State who has been registered:  
3 (1) under another state’s registry program, provided that the other  
4 state provides reciprocal exemption from its own registration  
5 requirements for persons who are registered under this State’s  
6 registry program; or (2) under the regionally-based registry program  
7 established by the federal government pursuant to the federal  
8 “Magnuson-Stevens Fishery Conservation and Management  
9 Reauthorization Act of 2006.”

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 4063**

**STATE OF NEW JERSEY**

DATED: MAY 23, 2011

The Assembly Agriculture and Natural Resources Committee reports favorably Assembly Bill No. 4063.

This bill would provide a specific penalty for persons who fail to comply with the State's newly established saltwater fishing registration requirements, which are being implemented by the Department of Environmental Protection (DEP) in accordance with the provisions of the saltwater fishing registry law, P.L.2011, c.23 (C.23:2B-22) ("registry law").

The DEP has indicated that persons who fail to comply with its saltwater fishing registration requirements will be subject to preexisting penalties of \$300 to \$3,000 for a first time offense, and \$500 to \$5,000 for any subsequent offense. Although these penalties have been derived from the State's "Marine Fisheries Management and Commercial Fisheries Act," P.L.1979, c.199 (C.23:2B-1 et seq.), to which the registry law was a supplement, anglers have indicated their strong belief that the application of these fines for registry offenses is excessive.

Accordingly, the bill would amend the State's registry law to establish a lower penalty for saltwater fishing registration offenses. In particular, the bill would provide that a person who fails to comply with the DEP's saltwater fishing registration requirements will be subject to the issuance of a warning, except that in the second or subsequent years of the registry program's operation, such person would be subject, at the discretion of the department, to the issuance of a warning or to a fine of \$20. The bill would require any penalties imposed for saltwater fishing registration offenses to be collected in accordance with the procedures identified in the "Marine Fisheries Management and Commercial Fisheries Act." However, none of the act's penalties would be applicable to persons who fail to comply with registry program requirements.

The bill would additionally provide that, in the event the federal government does not approve of the bill's penalty system, a person who is required, but who fails, to register in accordance with established registry program requirements will be subject to a fine of \$20 or such other amount deemed by the department to be the



minimum necessary to comply with federal requirements for State program exemption.

The bill also would require the DEP to post information about the registry program and its requirements on its Internet website, and to develop informational materials, including pamphlets and posters, which identify the program's requirements, its relevant compliance deadlines, the penalties for non-compliance, instructions for attaining compliance, and any other relevant program details. The department would be required to distribute these materials, as appropriate, to (1) the State's conservation officers, for distribution to individuals engaged in recreational fishing activities, and (2) to the State's bait and tackle shops, for display therein, and distribution to bait and tackle consumers.

Finally, the bill would exempt from the State's registry program requirements any non-resident of the State who has been registered: (1) under another state's registry program, provided that the other state provides reciprocal exemption from its own registration requirements for persons who are registered under this State's registry program; or (2) under the regionally-based registry program established by the federal government pursuant to the federal "Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006."

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 4063**  
**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

DATED: JUNE 23, 2011

**SUMMARY**

**Synopsis:** Provides penalty for registration violations occurring under State’s saltwater fishing registry program.

**Type of Impact:** Possible State cost increase offset by fines.

**Agencies Affected:** Department of Environmental Protection

**Office of Legislative Services Estimate**

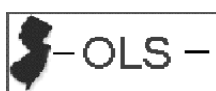
<b>Fiscal Impact</b>	<u><b>Year 1</b></u>	<u><b>Year 2</b></u>	<u><b>Year 3</b></u>
<b>State Cost</b>	Indeterminate – See comments below		

- The bill provides for the issuance of a warning or fine of \$20 for failure to comply with the Department of Environmental Protection (DEP) saltwater fishing registration requirements.
- The DEP could incur some additional labor and material costs to develop and disseminate the informational materials required by the bill which may be offset by any fines collected.

**BILL DESCRIPTION**

Assembly Bill No. 4063 of 2011 would provide a specific penalty for persons who fail to comply with the State’s newly established saltwater fishing registration requirements that are being implemented by the DEP. The bill would amend the State’s registry law to establish a lower penalty for saltwater fishing registration offenses than the penalties established for violations of the State’s “Marine Fisheries Management and Commercial Fisheries Act.” The bill provides that a person who fails to comply with the DEP’s saltwater fishing registration requirements will be subject to the issuance of a warning, except that in the second or subsequent years of the registry program’s operation, such person would be subject at the discretion of the DEP to the issuance of a warning or a \$20 fine.

The bill also requires the DEP to post information about the registry program and its requirements on its Internet website, and to develop information materials, including pamphlets and posters, which identify the program’s requirements, its relevant compliance deadlines, the penalties for non-compliance, instructions for attaining compliance, and any other relevant program details.



## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The Office of Legislative Services has insufficient information available to provide a cost estimate, but believes the DEP could incur some additional labor and material costs to develop and disseminate the informational materials required by the bill, although it is possible some of these costs may be offset by any fines collected.

*Section: Environment, Agriculture, Energy and Natural Resources*

*Analyst: Joseph A. Hroncich  
Associate Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

STATEMENT TO  
**ASSEMBLY, No. 4063**

with Assembly Floor Amendments  
(Proposed by Assemblyman Albano)

ADOPTED: DECEMBER 15, 2011

These floor amendments would change the amount of the fines for failure to register in the State's saltwater fishing registry from those originally proposed in the bill. For any person who fails to register, the amendments would provide for a fine of \$25 for a first offense and \$50 for any subsequent offense. For the owner or operator of a state-licensed or federally permitted for-hire vessel who fails to register, the amendments would provide for a fine of \$100 for the first offense and \$200 for any subsequent offense. The amendments would also remove a provision that would have enabled the department to raise fines for failure to register to the minimum fines necessary for the purposes of attaining State program exemption from federal requirements. Finally, the amendments would delete a provision in the bill that would have provided an exemption from registration in the State program if a person registers in a federal registry program.

These floor amendments make the bill identical to Senate Bill No. 2880 (2R).