

23:5-45.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2004 **CHAPTER:** 152

NJSA: 23:5-45.1 (Modifies catch and possession limits for taking of striped bass)

BILL NO: A3007 (Substituted for S1691)

SPONSOR(S): Smith and others

DATE INTRODUCED: June 14, 2004

COMMITTEE: **ASSEMBLY:** Agriculture and Natural Resources
SENATE: Environment

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 24, 2004

SENATE: September 27, 2004

DATE OF APPROVAL: September 27, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) 1st reprint enacted

A3007

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S1691

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Striped-bass season saved at last minute," 9-28-2004 Philadelphia Inquirer, p.B2

"Striped bass season saved by Senate blitz," 9-28-2004 The Press, p.A1

"New Jersey and striped bass: it's a love affair worth saving," 9-28-2004 The Press, p.A8

"Lawmakers vote to revise striped-bass catch rules," 9-28-2004 Asbury Park Press, p.A1

"New regulations for fishing bass," 9-28-04 Courier News, p.A3

P.L. 2004, CHAPTER 152, *approved September 27, 2004*
Assembly, No. 3007 (*First Reprint*)

1 AN ACT concerning striped bass and amending P.L.1987, c.83.

2

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

5

6 1. Section 1 of P.L.1987, c.83 (C.23:5-45.1) is amended to read as
7 follows:

8 1. a. Except as permitted pursuant to subsection c. of this section,
9 a person shall not take from the marine waters or other waters of the
10 State in any one day, or have in his possession at any time, more than
11 two striped bass. One of the striped bass taken in accordance with this
12 subsection shall be [at least 28 inches in length and the other shall be]
13 at least 24 inches but less than 28 inches in length and the other shall
14 be at least 34 inches in length .

15 b. The possession of any striped bass or parts of a striped bass
16 from which the head or tail has been removed other than immediately
17 prior to preparation or being served as food, which is less than the
18 minimum size limits specified in subsections a. and c. of this section
19 shall be presumed to be a violation of this section ¹, except this
20 subsection shall not apply to striped bass that have been filleted under
21 authority of, and in accordance with, a special permit therefor which
22 may be issued by the Commissioner of Environmental Protection to an
23 inspected vessel licensed to accommodate 15 or more passengers¹ .

24 c. The Commissioner of Environmental Protection, by public notice
25 placed in the New Jersey Register, shall establish management
26 measures for striped bass in and upon the marine waters and other
27 waters of the State, which management measures shall be consistent
28 with the Striped Bass Management Plan of the Atlantic States Marine
29 Fisheries Commission. Upon the approval of the Atlantic States
30 Marine Fisheries Commission, these management measures shall
31 provide for the taking in one day, or the possession at any time, of
32 striped bass in addition to the two striped bass permitted pursuant to
33 subsection a. of this section and shall include the size and quantity
34 limits and the areas and the seasons for the taking of such additional
35 striped bass.

36 The department shall monitor the catch provided for in this
37 subsection and provide for its discontinuance as necessary to keep the
38 State in compliance with the allowances of the commission.

39 (cf: P.L.2000, c.27, s.1)

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:

¹ Assembly AAN committee amendments adopted June 14, 2004.

1 2. This act shall take effect immediately.

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6 Modifies catch and possession limits for taking of striped bass.

ASSEMBLY, No. 3007

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED JUNE 14, 2004

Sponsored by:

Assemblyman ROBERT J. SMITH

District 4 (Camden and Gloucester)

Assemblyman DOUGLAS H. FISHER

District 3 (Salem, Cumberland and Gloucester)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

SYNOPSIS

Modifies catch and possession limits for taking of striped bass.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning striped bass and amending P.L.1987, c.83.

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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 1 of P.L.1987, c.83 (C.23:5-45.1) is amended to read as
7 follows:

8 1. a. Except as permitted pursuant to subsection c. of this section,
9 a person shall not take from the marine waters or other waters of the
10 State in any one day, or have in his possession at any time, more than
11 two striped bass. One of the striped bass taken in accordance with
12 this subsection shall be [at least 28 inches in length and the other shall
13 be] at least 24 inches but less than 28 inches in length and the other
14 shall be at least 34 inches in length.

15 b. The possession of any striped bass or parts of a striped bass
16 from which the head or tail has been removed other than immediately
17 prior to preparation or being served as food, which is less than the
18 minimum size limits specified in subsections a. and c. of this section
19 shall be presumed to be a violation of this section.

20 c. The Commissioner of Environmental Protection, by public notice
21 placed in the New Jersey Register, shall establish management
22 measures for striped bass in and upon the marine waters and other
23 waters of the State, which management measures shall be consistent
24 with the Striped Bass Management Plan of the Atlantic States Marine
25 Fisheries Commission. Upon the approval of the Atlantic States
26 Marine Fisheries Commission, these management measures shall
27 provide for the taking in one day, or the possession at any time, of
28 striped bass in addition to the two striped bass permitted pursuant to
29 subsection a. of this section and shall include the size and quantity
30 limits and the areas and the seasons for the taking of such additional
31 striped bass.

32 The department shall monitor the catch provided for in this
33 subsection and provide for its discontinuance as necessary to keep the
34 State in compliance with the allowances of the commission.

35 (cf: P.L.2000, c.27, s.1)

36

37 2. This act shall take effect immediately.

38

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STATEMENT

40

41 Current law sets the basic daily catch and possession limit for
42 striped bass at two fish, as follows: one fish of at least 28 inches in
43 length and another fish of at least 24 inches but less than 28 inches in

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.

A3007 R. SMITH, FISHER

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1 length. This bill would change that limit to provide instead that one
2 fish must be at least 24 inches but less than 28 inches in length and the
3 other must be at least 34 inches in length. The bill would not make
4 any changes to a separate provision of the law that allows under
5 certain circumstances the taking of additional striped bass under the
6 "bonus fish" program. The bill would also clarify that the bill's
7 provisions would apply in any waters of the State, whether marine,
8 fresh, or brackish.

9 This bill is necessary to keep the State in compliance with federal
10 restrictions concerning the taking of striped bass imposed through the
11 Atlantic States Marine Fisheries Commission.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3007

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 14, 2004

The Assembly Agriculture and Natural Resources Committee reports favorably and with committee amendments Assembly Bill No. 3007.

Current law sets the basic daily catch and possession limit for striped bass at two fish, as follows: one fish of at least 28 inches in length and another fish of at least 24 inches but less than 28 inches in length. This bill would change that limit to provide instead that one fish must be at least 24 inches but less than 28 inches in length and the other must be at least 34 inches in length. The bill would not make any changes to a separate provision of the law that allows under certain circumstances the taking of additional striped bass under the "bonus fish" program. The bill would also clarify that the bill's provisions would apply in any waters of the State, whether marine, fresh, or brackish.

COMMITTEE AMENDMENTS:

Current law also provides that the possession of any striped bass or parts of a striped bass from which the head or tail has been removed other than immediately prior to preparation or being served as food, which is less than the minimum size limits specified by law, is presumed to be a violation of the striped bass law. The committee amended the bill to provide that this prohibition and presumption shall not apply to striped bass that have been filleted under authority of, and in accordance with, a special permit therefor which may be issued by the Commissioner of Environmental Protection to an inspected vessel licensed to accommodate 15 or more passengers (i.e., party boats).

SENATE, No. 1691

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED JUNE 14, 2004

Sponsored by:

Senator NICHOLAS ASSELTA

District 1 (Cape May, Atlantic and Cumberland)

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Co-Sponsored by:

Senators Ciesla, Connors, Gormley, Kyrillos and Palaia

SYNOPSIS

Modifies catch and possession limits for taking of striped bass.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/28/2004)

1 AN ACT concerning striped bass and amending P.L.1987, c.83.

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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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7 follows:

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9 a person shall not take from the marine waters or other waters of the
10 State in any one day, or have in his possession at any time, more than
11 two striped bass. One of the striped bass taken in accordance with this
12 subsection shall be [at least 28 inches in length and the other shall be]
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16 from which the head or tail has been removed other than immediately
17 prior to preparation or being served as food, which is less than the
18 minimum size limits specified in subsections a. and c. of this section
19 shall be presumed to be a violation of this section.

20 c. The Commissioner of Environmental Protection, by public notice
21 placed in the New Jersey Register, shall establish management
22 measures for striped bass in and upon the marine waters and other
23 waters of the State, which management measures shall be consistent
24 with the Striped Bass Management Plan of the Atlantic States Marine
25 Fisheries Commission. Upon the approval of the Atlantic States
26 Marine Fisheries Commission, these management measures shall
27 provide for the taking in one day, or the possession at any time, of
28 striped bass in addition to the two striped bass permitted pursuant to
29 subsection a. of this section and shall include the size and quantity
30 limits and the areas and the seasons for the taking of such additional
31 striped bass.

32 The department shall monitor the catch provided for in this
33 subsection and provide for its discontinuance as necessary to keep the
34 State in compliance with the allowances of the commission.

35 (cf: P.L.2000, c.27, s.1)

36

37 2. This act shall take effect immediately.

38

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STATEMENT

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42 Current law sets the basic daily catch and possession limit for
43 striped bass at two fish, as follows: one fish of at least 28 inches in

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Matter underlined thus is new matter.

S1691 ASSELTA, SWEENEY

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1 length and another fish of at least 24 inches but less than 28 inches in
2 length. This bill would change that limit to provide instead that one
3 fish must be at least 24 inches but less than 28 inches in length and the
4 other must be at least 34 inches in length. The bill would not make
5 any changes to a separate provision of the law that allows under
6 certain circumstances the taking of additional striped bass under the
7 "bonus fish" program. The bill would also clarify that the bill's
8 provisions would apply in any waters of the State, whether marine,
9 fresh, or brackish.

10 This bill is necessary to keep the State in compliance with federal
11 restrictions concerning the taking of striped bass imposed through the
12 Atlantic States Marine Fisheries Commission.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3007

STATE OF NEW JERSEY

DATED: SEPTEMBER 27, 2004

The Senate Environment Committee reports favorably Assembly Bill No. 3007 (1R).

Current law sets the basic daily catch and possession limit for striped bass at two fish, as follows: one fish of at least 28 inches in length and another fish of at least 24 inches but less than 28 inches in length. This bill would change that limit to provide instead that one fish must be at least 24 inches but less than 28 inches in length and the other must be at least 34 inches in length. The bill would not make any changes to a separate provision of the law that allows under certain circumstances the taking of additional striped bass under the "bonus fish" program. The bill would also clarify that the bill's provisions would apply in any waters of the State, whether marine, fresh, or brackish.

Current law also provides that the possession of any striped bass or parts of a striped bass from which the head or tail has been removed other than immediately prior to preparation or being served as food, which is less than the minimum size limits specified by law, is presumed to be a violation of the striped bass law. As amended, the bill would provide that this prohibition and presumption would not apply to striped bass that have been filleted under authority of, and in accordance with, a special permit therefor which may be issued by the Commissioner of Environmental Protection to an inspected vessel licensed to accommodate 15 or more passengers (i.e., party boats).

This bill is identical to Senate Bill No. 1691, as amended by the committee.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1691

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 27, 2004

The Senate Environment Committee favorably reports Senate Bill No. 1691 with committee amendments.

Current law sets the basic daily catch and possession limit for striped bass at two fish, as follows: one fish of at least 28 inches in length and another fish of at least 24 inches but less than 28 inches in length. This bill would change that limit to provide instead that one fish must be at least 24 inches but less than 28 inches in length and the other must be at least 34 inches in length. The bill would not make any changes to a separate provision of the law that allows under certain circumstances the taking of additional striped bass under the "bonus fish" program. The bill would also clarify that the bill's provisions would apply in any waters of the State, whether marine, fresh, or brackish.

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As amended, this bill is identical to Assembly Bill No. 3007 (1R).