

23: 3-29 et al.

LEGISLATIVE HISTORY CHECKLIST

HUSA 23:3-29 et al. (Semi-wild and commercial game preserves--various amendments)

LAWS OF 1979 CHAPTER 220

Bill No. A1670

Sponsor(s) Kozloski

Date Introduced Sept. 25, 1978

Committee: Assembly Agriculture and Environment

Senate Energy and Environment

Amended during passage xxx No

Date of Passage: Assembly Jan. 25, 1979

Senate June 18, 1979

Date of approval Oct. 11, 1979

Following statements are attached if available:

Sponsor statement Yes xxx No

Committee Statement: Assembly xYesx No

Senate xYesx No

Fiscal Note Yes xxx No

Veto message xYesx No

Message on signing Yes xxx No

Following were printed:

Reports Yesx No

Hearings Yesx No

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9/1/78

ASSEMBLY, No. 1670

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 25, 1978

By Assemblyman KOZLOSKI

Referred to Committee on Agriculture and Environment

AN ACT concerning semiwild and commercial shooting preserves, amending sections 23:3-29, 23:3-32, 23:3-36 and 23:3-37 of the Revised Statutes and repealing sections 23:3-30 and 23:3-35 of the Revised Statutes.

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

1 1. R. S. 23:3-29 is amended to read as follows:

2 23:3-29. A person desiring to engage in the business of raising
3 and selling game birds or game animals, or both, in a wholly [in-
4 closed] *enclosed* preserve of which he is the owner or lessee, or to
5 have in captivity game birds or game animals, shall [immediately]
6 apply in writing to the division for a license to do so. The license
7 fee shall be \$5.00 per annum for each of the above purposes. A
8 person desiring to propagate pheasants, partridge, [wild turkey]
9 or quail, or any of them, in a semiwild state on lands of which he is
10 the owner or lessee, shall apply in writing to the division for a
11 license to do so. The license fee shall be [~~\$25.00~~] \$50.00 per annum.
12 *No two or more noncontiguous tracts of land may be covered under*
13 *the same license.*

14 The division, when it appears that the application is made in
15 good faith, [shall] *and is in the public interest, may*, upon the
16 payment of the fee for each license, issue to the applicant such
17 of the following license or licenses as may be applied for:

18 a. Propagating license permitting the licensee to propagate
19 game birds or game animals, or both, in the wholly enclosed pre-
20 serve the location of which is stated in the license and the applica-
21 tion therefor, and to sell such propagated game birds or game ani-
22 mals, or both, and ship them from the State alive at any time and
23 to kill the same and sell the carcasses for food subject to the condi-
24 tions prescribed by sections 23:3-28 to 23:3-39 of this Title;

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

25 b. License to propagate pheasants, partridge, [wild turkey] or
 26 quail, or any of them, in a semiwild state on lands of which the
 27 applicant is the owner or lessee, when the applicant shall have
 28 [released on the land described in the application, in the year in
 29 which the license is issued, and in the presence of the conservation
 30 officer, of the species for which the applicant desires to be licensed:

31 (1) Prior to May 1, at least 10 female and two male pheasants,
 32 or at least six female and six male quail, or at least six female and
 33 six male partridge, for the first 100 acres of land or portion thereof,
 34 and a proportionate number of birds for any acreage in excess of
 35 the first 100 acres, or,

36 (2) During the month of October, at least one bird for each 5
 37 acres of land] *produced evidence satisfactory to the division that*
 38 *he will raise, or purchase for liberation, and liberate on the semi-*
 39 *wild preserve at least one pheasant, quail, partridge or combination*
 40 *thereof for each acre of land to be licensed or at least 200 pheas-*
 41 *ants, quail or partridge or combination thereof between November 1*
 42 *of the year for which the license is issued and the following*
 43 *February 28;*

44 c. License to keep game birds and animals in captivity; or

45 d. A person desiring to operate a "commercial pheasant, [wild
 46 turkey,] quail and partridge-shooting preserve" on lands of which
 47 he is the owner or bona fide lessee shall apply in writing to the
 48 division for a license so to do. The license fee shall be [\$100.00]
 49 \$200.00 per annum and the form of the application and license
 50 shall be determined by the division.

51 The division may, upon payment of the fee, issue to the applicant
 52 such a license when it appears that:

53 (1) The operation of such shooting preserve shall not conflict
 54 with a prior reasonable public interest; and

55 [(2) The applicant shall produce evidence satisfactory to the
 56 division that he has released on lands described in the application
 57 and license, of the species for which he desires to be licensed, a
 58 total of at least 10 female and two male pheasants or six female
 59 and six male quail or partridge for the first 100 acres of land or
 60 portion thereof, or a proportionate number of birds for any
 61 acreage in excess of the first 100 acres, prior to May 1 in the year
 62 for which the license is to be issued; and]

63 [(3)] (2) The applicant shall have produced evidence satisfac-
 64 tory to the division that he will raise or purchase for liberation and
 65 liberate on the shooting preserve a total of at least 500 pheasants,
 66 quail and partridge or combination thereof between September 1
 67 of the year for which the license was issued and the following
 68 March 15.

1 2. R. S. 23:3-32 is amended to read as follows:

2 23:3-32. No pheasants, [wild turkeys,] partridge or quail prop-
3 agated in a semiwild state shall be sold. No such pheasants, [wild
4 turkeys,] partridge or quail shall be taken, possessed or trans-
5 ported unless each bird shall have been tagged with the special tag
6 prescribed by sections 23:3-28 to 23:3-39 of this Title. [Except as
7 to the additional tags hereinafter provided for, no] No licensee
8 raising pheasants, partridge or quail in a semiwild state shall
9 procure from the division during any year of operation more tags
10 to be affixed to the dead bodies of pheasants, partridge or quail
11 propagated in a semiwild state than[: four times the number of
12 female birds released prior to May 1 or, the number equal to 4/5
13 of the number of pheasants, partridge or quail released during
14 the month of October in each year. Additional tags may be pro-
15 vided to any licensee in number equal to 4/5 of the birds released
16 subsequent to May 1 or October, as the case may be, in the license
17 year] *the number of pheasants, partridge or quail to be liberated,*
18 *between November 1 and February 28.* The tags shall be of a
19 special kind provided for the purpose *and shall be allocated by*
20 *species and number of game birds liberated.* The number of birds
21 taken in any year, either alive or dead, on lands on which pheasants,
22 [wild turkeys,] partridge or quail are propagated in a semiwild
23 state shall not exceed the number of tags obtained *for each species*
24 *from the division.* Pheasants, [wild turkeys,] *quail* and partridge
25 propagated in a semiwild state may be taken by shooting only
26 from 9:00 a.m. on November 10 or such opening date as may
27 otherwise be prescribed by the State Fish and Game Code [to
28 January 20, except where the licensee shall have produced evidence
29 satisfactory to the division that he has liberated on the land during
30 the year covered by his license, or that he has in his possession
31 on the land or in some other designated place or places and will
32 liberate on the land prior to February 28 a total of at least 100
33 pheasants and partridge or combination thereof for any acreage
34 up to 100 acres and at least one pheasant or partridge for each
35 additional acre, in addition to those birds released prior to May 1
36 or during the month of October, as the case may be, in which case
37 the licensee or any person or persons authorized by him so to do
38 may take pheasants, wild turkeys and partridge by shooting from
39 9:00 a.m. on November 10 or such opening date as may otherwise
40 be prescribed by the State Fish and Game Code to the next follow-
41 ing February 28, both inclusive, and during any further period, not
42 exceeding 31 days, which the Commissioner of Environmental

43 Protection may, from time to time, designate for that purpose upon
 44 the recommendation of the Director of the Division of Fish, Game
 45 and Shell Fisheries of the Department of Environmental Protec-
 46 tion on the land described in his license. The number of pheasants,
 47 wild turkeys, quail, and partridge so taken by shooting shall not
 48 exceed $\frac{4}{5}$ of the total number of pheasants, wild turkeys, quail and
 49 partridge liberated on said land during the year covered by such
 50 license] to February 28 of the following year, unless otherwise
 51 prescribed by such code. Section 23:4-24 of this Title relating to
 52 hunting on Sunday shall not apply to any person authorized to
 53 shoot pheasants, [wild turkeys,] quail, and partridge under sections
 54 23:3-28 to 23:3-39 of this Title. [Quail propagated in a semiwild
 55 state may be taken by shooting only from 9:00 a.m. on November 10
 56 or such opening date as may otherwise be prescribed by the State
 57 Fish and Game Code to the next following February 28, both days
 58 inclusive, and during any further period, not exceeding 31 days,
 59 which the commissioner may, from time to time, designate for that
 60 purpose upon the recommendation of the Director of the Division
 61 of Fish, Game and Shell Fisheries.] No pheasants, [wild turkeys,]
 62 partridge or quail propagated in a semiwild state shall be trapped
 63 without the written permission of the division.

64 Under a "commercial pheasant, [wild turkey,] quail and par-
 65 tridge-shooting preserve" license, pheasants, [wild turkeys,]
 66 quail and partridge may be taken by shooting only on lands
 67 described in the application and license, without regard to sex and
 68 daily bag limit, by fully licensed hunters authorized by the licensee
 69 to shoot on said land between September 1 and the following
 70 March 15, both dates inclusive and during any further period, not
 71 exceeding 31 days, which the commissioner may, from time to
 72 time, designate for that purpose upon the recommendation of the
 73 Director of the Division of Fish, Game and Shell Fisheries.

74 No pheasants, [wild turkeys,] quail or partridge shall be taken,
 75 possessed or transported, unless each bird shall have been tagged
 76 with a suitable tag or seal supplied by the division, and no licensee
 77 shall receive from the division, during any year of operation, more
 78 tags to be affixed to the bodies of pheasants, quail and partridge
 79 than [four times the number of female pheasants, quail and par-
 80 tridge released prior to May 1 in each year, in addition to] one tag
 81 for each pheasant, [wild turkey,] quail and partridge liberated
 82 during the shooting period hereinbefore specified.

1 3. R. S. 23:3-36 is amended to read as follows:

2 23:3-36. All licenses under sections 23:3-28 to 23:3-39 of this
3 Title shall expire on March 15 of each year, except that if the time
4 under which licensed hunters are authorized to shoot upon any
5 preserve is extended beyond said date, pursuant to law, the license
6 to operate such preserve shall not expire until the end of such
7 extended period.

8 No renewal of a propagating license for pheasants, [wild
9 turkeys,] partridge or quail in a semiwild state or for a "commer-
10 cial pheasant, [wild turkey,] quail and partridge-shooting pre-
11 serve" license shall be granted until the required number of birds
12 have been released as provided in section 23:3-29 of this Title, or
13 until the applicant [for renewal shall have submitted evidence
14 satisfactory to the division showing that the minimum number of
15 birds required in said section 23:3-29 are present on his property]
16 *has produced evidence satisfactory to the division that the libera-*
17 *tion requirements of 23:3-29 have been met.*

1 4. R. S. 23:3-37 is amended to read as follows:

2 23:3-37. Each holder of a propagating license *issued pursuant*
3 *to sections 28 through 39 of this chapter* shall keep the license
4 prominently displayed at the place of business specified therein,
5 and shall keep accurate written records which shall include the
6 total number of each species of game birds or animals possessed
7 on the date of application for the license, the number of each
8 species subsequently propagated or acquired by purchase or gift,
9 and the name and address of each person or corporation from
10 whom or to whom game birds or animals were purchased or sold
11 alive or sold for food, and the date of each transaction. The holder
12 of a semiwild or commercial shooting preserve shall keep such
13 records as may be prescribed by the division. These records shall
14 be kept permanently on the premises stated in the license and shall
15 be open for inspection by any duly authorized representative of
16 the division at all reasonable times. Each holder of *such* a propagat-
17 ing license shall send a certified copy of these records for the
18 previous license year to the division not later than March 31. [The
19 division shall furnish the forms on which these records are to be
20 kept.] *Failure to provide and maintain adequate records may be*
21 *cause for the nonissuance of subsequent licenses.*

1 5. R. S. 23:3-30 and R. S. 23:3-35 are hereby repealed.

1 6. This act shall take effect immediately.

STATEMENT

This bill would amend the various statutes concerning semiwild and commercial shooting preserves. These amendments would: (1) delete wild turkeys from the species which may be propagated on such preserves; (2) eliminate the costly and biologically unsound pre-season liberation of game birds; (3) revise the tagging requirements for such birds; (4) revise the semiwild preserve hunting season; and (5) increase semiwild preserve license fees from \$25.00 to \$50.00 and commercial shooting preserve license fees from \$100.00 to \$200.00 per annum.

This bill would also repeal two obsolete sections of the Revised Statutes pertaining to such preserves.

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A 1670 (1979)

FISCAL NOTE TO
ASSEMBLY, No. 1670

STATE OF NEW JERSEY

DATED: JANUARY 22, 1979

Assembly Bill No. 1670 would amend the various statutes concerning semiwild and commercial shooting preserves. These amendments would: (1) delete wild turkeys from the species which may be propagated on such preserves; (2) eliminate the costly and biologically unsound pre-season liberation of game birds; (3) revise the tagging requirements for such birds; (4) revise the semiwild preserve hunting season; and (5) increase semiwild preserve license fees from \$25.00 to \$50.00 and commercial shooting preserve license fees from \$100.00 to \$200.00 per annum.

This bill would also repeal two obsolete sections of the Revised Statutes pertaining to such preserves.

The Department of Environmental Protection estimates that enactment of this legislation would increase State revenues by \$16,736.00 in fiscal 1978-79, \$16,434.00 in fiscal 1979-80 and by \$16,132.00 in fiscal 1980-81.

The department makes the above estimates with the suggestion that due to a number of variables involved, it is difficult to make accurate projections.

The fiscal note is based on an estimate of costs rather than actual cost information.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

A-1365, sponsored by Assemblyman Richard Van Wagner (D-Monmouth) which supplements the current statutes fixing fees to be imposed upon the recording of deeds.

The bill requires that the amount of all outstanding prior mortgages or liens be included, along with the amount bid at a sheriff's sale, as consideration in computing the fee due upon the filing of the sheriff's deed.

It also requires that the person requesting the sale furnish the sheriff, under oath, with the names of all mortgagees or encumbrance holders and the amounts of the mortgages or encumbrances.

A-1525, sponsored by Assemblyman H. Donald Stewart (D-Salem) which requires that a commercial eel fishing license be obtained by anyone wishing to take more than 25 eels per day from the waters of the Delaware Bay and its tributaries within New Jersey.

The fee for the license, which will be issued by the Division of Fish, Game and Shellfisheries, would be \$100 for New Jersey residents. The fee for out-of-State residents would be the same as the non-resident's state would charge a New Jersey resident, but in no case will it be less than \$100.

The bill also authorizes the Director of the Division to adopt rules and regulations for the management of the eel resources.

A-1670, sponsored by Assemblyman Walter J. Rozloski (D-Monmouth), which amends the current statutes concerning semi-wild and commercial shooting preserves.

The amendments will:

-- delete wild turkeys from the list of species which may be bred on the preserves. This makes the law compatible with goals of the Wild Turkey Restoration Project, currently being conducted by the Department of Environmental Protection, which is to return the wild turkey to New Jersey and produce a stronger strain of the species.

-- move the release date for the pre-season liberation of game birds closer to the opening of the hunting season.

-- revise the tagging requirements for these birds.

-- revise the semi-wild preserve hunting season to clear up confusion in the existing language and make it consistent with other changes.

-- increase the annual semi-wild preserve license fees from \$25.00 to \$50.00 and the commercial shooting preserve license fees from \$100 to \$200.

A-1782, sponsored by Assemblyman W. Cary Edwards (R-Bergen), which permits local governments to buy new or used materials at public auctions for a price not to exceed 85 percent of the equivalent materials when new.

The purpose of the bill is to allow local governments to save money by purchasing used materials. The bill sets down several safeguards against abuse of the law.

A-3120, sponsored by Assemblyman Robert E. Littell (R-Sussex), which eliminates the present 30 year ceiling for water district bond maturity, substituting instead the provision that bonds shall mature within the period or average period of usefulness of the development to be financed as determined in the bond ordinance.

S-181, sponsored by Senator Wayne Dumont, Jr. (R-Warren), which authorizes the Delaware River Joint Toll Bridge Authority to construct and operate the proposed I-78 Phillipsburg-Easton Bridge as a toll bridge.

S-1125, sponsored by former Senator Martin I. Greenberg (D-Essex), which amends and clarifies the Municipal Land Use Law and further simplifies and makes more predictable the development application and review process.

The changes the bill makes are primarily technical in nature.

A-1074, sponsored by Senator Joseph P. Merlino, (D-Mercer), which creates a new chapter 10 in Title 40A, thus carrying all existing laws in Titles 40 and 40A relating to county and municipal insurance into that chapter.

The bill also makes the following changes in the current law.

-- permits municipalities to provide casualty loss or damage insurance for the vehicles, equipment and apparatus of volunteer first aid, emergency rescue or ambulance squads;

-- clarifies and recodifies the authority of local governments to establish insurance funds;