

ASSEMBLY, No. 2129

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Assemblyman WISNIEWSKI

1 AN ACT concerning the "Monmouth County Clam Depuration and
2 Relay Program Fund," and amending sections 1 and 3 of P.L.1995,
3 c.335.

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

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8 1. Section 1 of P.L.1995, c.335 (C.58:24-11) is amended to read
9 as follows:

10 1. The Legislature finds and declares that the ongoing depurated
11 clam and clam relay programs in Monmouth County are the only
12 year-round depurated clam and clam relay programs in the State; that
13 due to the volume and constancy of the depurated and relayed clam
14 industry in Monmouth County, in addition to annual appropriations
15 from the General Fund to the Department of Environmental Protection
16 and the Department of Health, supplemental funding is needed to
17 maintain these programs at the level necessary for the health of the
18 clamming industry and the public consuming the clams; and that
19 **[companies] certified dealers** engaged in **[clamming in]the sale of**
20 **clams harvested from the waters of** Monmouth County are willing to
21 and interested in making a contribution to this funding if their
22 contribution is dedicated specifically to depurated hard and soft clam
23 and hard clam relay programs in Monmouth County.

24 The Legislature therefore determines it is in the public interest to
25 establish a fund to be known as the "Monmouth County Clam
26 Depuration and Relay Program Fund," and to provide the
27 supplemental funding required from the fund by the establishment of
28 a per-bushel surcharge by the Department of Environmental
29 Protection.

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31 2. Section 3 of P.L.1995, c.335 (C.58:24-13) is amended to read
32 as follows:

33 3. a. There is established in the Department of Environmental
34 Protection a nonlapsing, revolving fund to be known as the

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

Matter underlined thus is new matter.

1 "Monmouth County Clam Depuration and Relay Program Fund,"
2 hereinafter referred to as "the fund." The fund shall be credited with
3 all surcharges collected pursuant to this section and any interest earned
4 on moneys in the fund shall be credited to the fund. All moneys in the
5 fund shall be appropriated for the purposes specified in this section,
6 and no moneys shall be expended for those purposes without the
7 specific appropriation thereof by the Legislature. The Commissioner
8 of Environmental Protection shall be the administrator of the fund, and
9 all disbursements from the fund shall be made by the commissioner.
10 The fund is established in addition to, and separate from, the
11 "Shellfisheries Law Enforcement Fund" established pursuant to section
12 3 of P.L.1988, c.35 (C.50:2-3.1), and the moneys disbursed from the
13 fund shall not replace, but shall be provided in addition to, any
14 revenues appropriated from the General Fund and other sources for
15 the purpose of maintaining and implementing depurated hard or soft
16 clam or relayed hard clam programs in Monmouth County, or other
17 shellfish programs of which these programs are a part.

18 b. There shall be assessed a surcharge of \$2.00 on each bushel of
19 depurated or relayed hard clams or depurated soft clams that are
20 [harvested] sold by certified dealers from harvests of clams depurated
21 or relayed as part of the depurated hard or soft clam or hard clam
22 relay programs in Monmouth County. The Department of
23 Environmental Protection shall establish procedures for the manner
24 and method of the assessment and collection of the surcharges, except
25 that the surcharges shall be collected only from certified dealers of
26 hard and soft clams that have been harvested and depurated or relayed
27 as part of the depurated hard or soft clam or hard clam relay programs
28 in Monmouth County. Any person who harvests clams and is not a
29 certified dealer is exempt from the surcharge established by this
30 subsection.

31 For the purposes of P.L.1995, c.335, "certified dealer" means any
32 person authorized by the Department of Health, pursuant to
33 subchapters 1 and 2, inclusive, of chapter 13 of Title 8 of the New
34 Jersey Administrative Code, to sell clams for human consumption.

35 All surcharges collected by the department pursuant to this section
36 shall be deposited in the fund. Bait-harvested clams and hard or soft
37 clams taken for research purposes shall not be subject to the surcharge
38 established pursuant to this subsection.

39 c. All moneys in the fund shall be disbursed only for the purpose
40 of funding depurated hard and soft clam or hard clam relay programs
41 in Monmouth County, as provided in subsection d. of this section.

42 d. The Commissioner of Environmental Protection shall disburse
43 annually the moneys in the fund for expenditures made by the
44 Department of Environmental Protection and the Department of
45 Health in the implementation of depurated hard or soft clam or hard
46 clam relay programs in Monmouth County, but in no case in an

1 amount that is greater than the following percentages of the fund
2 available in any one year: the Department of Environmental
3 Protection, 66.7%, of which amount half shall be used by the Division
4 of Fish, Game and Wildlife exclusively for the purpose of enforcing the
5 laws, rules and regulations that relate to the harvesting, transportation
6 and marketing of clams that are part of the clam depuration or relay
7 programs in Monmouth County, and half shall be used exclusively for
8 water quality monitoring and classification programs in Monmouth
9 County; and the Shellfish Program in the Department of Health,
10 33.3%.

11 e. On July 15, 1997, and every other year thereafter, the
12 Commissioner of Environmental Protection shall submit in writing to
13 each person participating in clam depuration and relay programs in
14 Monmouth County and the organizations that represent them, an
15 accounting of the fund, a determination of the adequacy of the moneys
16 on deposit in the fund to support the purposes of this act, and the
17 recommendations of the commissioner as to whether any increase or
18 decrease of the surcharge or the termination or expansion of the
19 programs is warranted. Prior to July 15, 1997, the persons
20 participating in clam depuration and relay programs in Monmouth
21 County and the organizations that represent them shall determine the
22 method by which they shall review the recommendations of the
23 commissioner and submit a response to the commissioner. On August
24 15th following the receipt of the accounting of the program, and the
25 determination and recommendations from the commissioner, the
26 persons participating in clam depuration and relay programs in
27 Monmouth County and the organizations that represent them, in
28 accordance with the agreed-upon method of review and response, shall
29 submit their recommendations concerning the determination and
30 recommendations of the commissioner in writing to the commissioner.
31 After reviewing the response, the commissioner shall submit
32 recommendations based on the response to the Governor and the
33 Legislature.

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35 3. This act shall take effect on the 90th day following enactment.

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STATEMENT

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40 This bill requires certified dealers of hard and soft clams harvested
41 in the waters of Monmouth County, and relayed or depurated as part
42 of the hard clam relay, hard clam depuration, or soft clam depuration
43 programs in Monmouth County, to pay the surcharge on relayed and
44 depurated hard and soft clams established by P.L.1995, c.335
45 (C.58:24-11, et seq.). The bill exempts from the surcharge any person
46 who harvests clams but is not a certified dealer.

1 The bill defines "certified dealer" as any person authorized by the
2 Department of Health to sell clams for human consumption.

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7 Requires certified dealers to pay certain surcharges on clams; exempts
8 harvesters of clams who are not certified dealers.

WITHDRAWN

WITHDRAWN