

ASSEMBLY, No. 2236

STATE OF NEW JERSEY

INTRODUCED JUNE 27, 1996

By Assemblyman CORODEMUS

1 AN ACT concerning clams, amending P.L.1995, c.335, and repealing
2 parts of the statutory law.

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

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

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

29 b. [There shall be assessed a surcharge of \$2.00 on each bushel of
30 depurated or relayed hard clams or depurated soft clams that are
31 harvested as part of the depurated hard or soft clam or hard clam relay
32 programs in Monmouth County. The Department of Environmental
33 Protection shall establish procedures for the manner and method of the
34 assessment and collection of the surcharges. All surcharges collected

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 by the department pursuant to this section shall be deposited in the
2 fund. Bait-harvested clams and hard or soft clams taken for research
3 purposes shall not be subject to the surcharge established pursuant to
4 this subsection.] (Deleted by amendment, P.L. ., c. (C.) (now
5 before the Legislature as this bill))

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

9 d. The Commissioner of Environmental Protection shall disburse
10 annually the moneys in the fund for expenditures made by the
11 Department of Environmental Protection and the Department of
12 Health in the implementation of depurated hard or soft clam or hard
13 clam relay programs in Monmouth County, but in no case in an
14 amount that is greater than the following percentages of the fund
15 available in any one year: the Department of Environmental
16 Protection, 66.7%, of which amount half shall be used by the Division
17 of Fish, Game and Wildlife exclusively for the purpose of enforcing the
18 laws, rules and regulations that relate to the harvesting, transportation
19 and marketing of clams that are part of the clam depuration or relay
20 programs in Monmouth County, and half shall be used exclusively for
21 water quality monitoring and classification programs in Monmouth
22 County; and the Shellfish Program in the Department of Health,
23 33.3%.

24 e. On July 15, 1997, and every other year thereafter, the
25 Commissioner of Environmental Protection shall submit in writing to
26 each person participating in clam depuration and relay programs in
27 Monmouth County and the organizations that represent them, an
28 accounting of the fund [.] and a determination of the adequacy of the
29 moneys on deposit in the fund to support the purposes of this act [,
30 and the recommendations of the commissioner as to whether any
31 increase or decrease of the surcharge or the termination or expansion
32 of the programs is warranted] . Prior to July 15, 1997, the persons
33 participating in clam depuration and relay programs in Monmouth
34 County and the organizations that represent them shall determine the
35 method by which they shall review the recommendations of the
36 commissioner and submit a response to the commissioner. On August
37 15th following the receipt of the accounting of the program, and the
38 determination and recommendations from the commissioner, the
39 persons participating in clam depuration and relay programs in
40 Monmouth County and the organizations that represent them, in
41 accordance with the agreed-upon method of review and response, shall
42 submit their recommendations concerning the determination and
43 recommendations of the commissioner in writing to the commissioner.

1 After reviewing the response, the commissioner shall submit
2 recommendations based on the response to the Governor and the
3 Legislature.

4 (cf: P.L.1995, c.335, s.3)

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6 2. Section 1 of P.L.1995, c.335 (C.58:24-11) and section 2 of
7 P.L.1995, c.335 (C.58:24-12) are repealed.

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9 3. This act shall take effect immediately.

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12 STATEMENT

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14 This bill would repeal the \$2.00 per bushel surcharge on clams
15 harvested through the depurated hard and soft clam and hard clam
16 relay programs in Monmouth County. The surcharge was imposed
17 pursuant to P.L.1995, c.335 (C.58:24-11 et seq.). The surcharge fees
18 collected pursuant to that law were required to be deposited into the
19 Monmouth County Clam Depuration and Relay Program Fund to be
20 utilized to implement the depurated hard or soft clam or hard clam
21 relay programs in Monmouth County. The bill would not repeal the
22 fund, however; it would remain in existence to be the repository for
23 such moneys as may be appropriated or otherwise credited to the fund
24 to be expended for the purposes set forth in the 1995 law. The bill
25 would also repeal two sections of the 1995 law (i.e., the legislative
26 findings and declarations section and the definitions section) that are
27 no longer needed for the purposes of the revision made by this bill.

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32 Repeals Monmouth County clam depuration and relay surcharge.