

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 1159

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 17, 1996

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 1159 (1R) of 1996 with amendments.

Senate Bill No. 1159 (1R), as amended, makes several changes to existing laws that affect the oyster industry in the Delaware bay.

The bill increases the membership of the Shell Fisheries Council from nine to 10 members, and requires that two of the members be residents of Cape May county and that one of each of the Cape May county members shall serve on the Delaware Bay Section and the Atlantic Coast Section of the Shell Fisheries Council. The bill requires that the Shell Fisheries Council fix license fees at not less than \$10, or not less than \$2 per gross ton of the boat or vessel, whichever is greater, for boats or vessels required to be licensed under R.S.50:3-1.

In addition, the bill establishes the "Oyster Resource Development Account" within the hunters' and anglers' license fund established by R.S.23:3-11 and R.S.23:3-12 as a separate and dedicated account for the enhancement and management of the oyster resource in the Delaware bay. The bill directs the Commissioner of Environmental Protection, in consultation with the Delaware Bay Section of the Shell Fisheries Council, to fix fees for all oysters landed from the Delaware bay, Delaware river, and their tributaries. These fees and fees collected for licenses pursuant to R.S.50:3-2 and section 4 of P.L.1945, c.39 (C.50:3-20.13) are to be deposited in the "Oyster Resource Development Account" and disbursed only for the enhancement and management of the oyster resource in the Delaware bay in the amounts and manner prescribed by the Commissioner of Environmental Protection, after consultation with the Delaware Bay Section of the Shell Fisheries Council. The bill defines "oysters landed" as oysters taken for any purpose other than replanting.

Finally, the bill directs the Department of Environmental Protection to adopt rules and regulations necessary to administer the "Oyster Resource Development Account" and repeals existing rules and regulations establishing the "oyster clutch program" and the "Oyster

Clutch Fund." The bill directs that the balance of the moneys remaining in the "Oyster Clutch Fund" upon the date of the repeal of the rules and regulations establishing the fund be deposited in the "Oyster Resource Development Account."

As amended and reported, this bill is identical to Assembly, No. 2023 (1R) of 1996 (Asselta).

COMMITTEE AMENDMENTS

The amendments exempt conchs from the definition of shellfish because conchs are currently regulated under State laws affecting other types of fish.

The amendments also delete the exemption of oyster planters from State licensing requirements and licensing fees.

FISCAL IMPACT

The Office of Legislative Services anticipates that the bill will have no significant impact on the State budget or the operations of the Division of Fish, Game and Wildlife in carrying out its responsibilities. The bill does not impose new fees, change the rates of existing fees or implement new programs. It essentially codifies, redirects and consolidates the three existing fees currently charged for the harvesting, processing and regeneration of oysters into one account that will be dedicated to support various research and management activities for this industry.