

50:2-11 & 50:2-11.1; 50:1-31.1
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2023 **CHAPTER:** 137

NJSA: 50:2-11 & 50:2-11.1; 50:1-31.1 Exempts shellfish aquaculturists with commercial shellfish aquaculture permit from law prohibiting taking of shellfish on Sunday; requires submission of annual shellfish harvest report.

BILL NO: S520 (Substituted for A3847 (2R))

SPONSOR(S) Cruz-Perez, Nilsa I. and others

DATE INTRODUCED: 1/11/2022

COMMITTEE: **ASSEMBLY:** Agriculture & Food Security
Environment & Solid Waste

SENATE: Environment & Energy

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: ASSEMBLY: 06/30/2023

SENATE: 06/30/2023

DATE OF APPROVAL: 8/16/2023

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (S520 ScsAcaAca (SCS/2R) enacted) Yes

S520

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A3847 (2R)

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

CL/JA

P.L. 2023, CHAPTER 137, *approved August 16, 2023*
Senate Committee Substitute (*Second Reprint*) for
Senate No. 520

1 AN ACT concerning the taking of shellfish, amending R.S.50:2-11,
2 and supplementing Title 50 of the Revised Statutes.

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

6
7 1. R.S.50:2-11 is amended to read as follows:
8 50:2-11. No person shall dredge upon, or throw, cast or drag
9 an oyster dredge or any other instrument or appliance used for
10 catching shellfish, or assist in so doing, or collect shellfish by any
11 means, upon any of the lands lying under the tidal waters of this
12 State before sunrise or after sunset, or at any time on Sunday,
13 except that clams may be taken from the waters of the Raritan Bay,
14 Sandy Hook Bay, Shrewsbury River or Navesink River on Sunday,
15 and except as provided in section 2 of P.L. , c. (C.) (pending
16 before the Legislature as this bill). The **【department】** Department
17 of Environmental Protection, in consultation with the **【council】**
18 Shellfisheries Council, may adopt, pursuant to the “Administrative
19 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
20 regulations for the harvest of oysters on Sunday during specific
21 times, in specific areas, and using specific methods of harvest. The
22 maintenance of leases, limited to the moving and planting of shell,
23 oyster and clam seed , and the use of bagless oyster scrapes, shall
24 be permitted on Sunday.
25 (cf: P.L.2007, c.338, s.39)

26
27 2. (New section) a. A shellfish aquaculturist ¹who engages in
28 structural aquaculture¹ shall be exempt from the restriction on the
29 collecting and catching of shellfish on Sunday, established pursuant to
30 R.S.50:2-11, provided that the taking of shellfish on Sunday:
31 (1) does not occur before sunrise or after sunset; ¹**【and】**¹
32 (2) occurs only on leased aquaculture lands¹;¹ and
33 ¹(3)¹ is done only for commercial purposes, ¹as part of a structural
34 aquaculture operation,¹ in accordance with ¹all¹ applicable rules and
35 regulations pertaining to the harvest of shellfish, including, but not

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:

¹Assembly AAN committee amendments adopted January 19, 2023.

²Assembly AEN committee amendments adopted June 15, 2023.

1 limited to, those rules and regulations that are adopted pursuant to
2 R.S.50:2-11¹, regarding the taking of shellfish¹.

3 b. As used in this section:

4 “Commercial purposes” means that the taking of shellfish is done
5 for the purposes of commercial sale and not for other purposes, such as
6 trade, barter, or personal consumption.

7 “Shellfish aquaculturist” means a person or entity that holds a valid
8 commercial shellfish aquaculture ¹[permit] ²[license¹] permit² and is
9 directly engaged in shellfish aquaculture, which is a commercial
10 activity that includes the breeding, raising, harvesting, stocking,
11 feeding, transplanting, and protecting of shellfish, and the subsequent
12 marketing, processing, and packaging of shellfish in controlled
13 environments for commercial purposes.

14 “Structural aquaculture” means a type of shellfish aquaculture
15 pursuant to which a shellfish aquaculturist uses one or more structures
16 or structural systems ²to containerize shellfish² , including, but not
17 limited to, rack and bag structure systems, bottom cage systems,
18 suspended or floating structure systems, or floating upweller or other
19 nursery structure systems, to facilitate or manipulate the growth,
20 appearance, or marketability of oysters or other shellfish being
21 cultured for commercial purposes.¹

22

23 3. (New section) A person who holds a commercial shellfish
24 ¹[permit] aquaculture ²[license¹] permit² shall submit an annual
25 harvest report, in writing, on or before December 31 of each year, to
26 the Department of Environmental Protection. Each report shall
27 disclose, for the annual reporting period, the amount of shellfish
28 harvested ²[on] by the permittee, from each² State-leased aquaculture
29 ²[lands, as well as the amount of wild shellfish harvested by the
30 ¹[permittee] licensee¹] lease².

31

32 4. This act shall take effect immediately.

33

34

35

36

37 Exempts shellfish aquaculturists with commercial shellfish
38 aquaculture permit from law prohibiting taking of shellfish on
39 Sunday; requires submission of annual shellfish harvest report.

SENATE, No. 520

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator NILSA I. CRUZ-PEREZ

District 5 (Camden and Gloucester)

SYNOPSIS

Exempts commercial shellfish producers from prohibition on taking shellfish on Sunday.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



S520 CRUZ-PEREZ

2

1 AN ACT concerning the taking of shellfish on Sunday, amending
2 R.S.50:2-11, and supplementing Title 50 of the Revised Statutes.

3

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

6

7 1. R.S.50:2-11 is amended to read as follows:

8 50:2-11. No person shall dredge upon, or throw, cast or drag
9 an oyster dredge or any other instrument or appliance used for
10 catching shellfish, or assist in so doing, or collect shellfish by any
11 means, upon any of the lands lying under the tidal waters of this
12 State before sunrise or after sunset, or at any time on Sunday,
13 except that clams may be taken from the waters of the Raritan Bay,
14 Sandy Hook Bay, Shrewsbury River or Navesink River on Sunday,
15 and except as provided in section 2 of P.L. , c. (C.) (pending
16 before the Legislature as this bill). The **[department]** Department
17 of Environmental Protection, in consultation with the **[council]**
18 Shellfisheries Council, may adopt, pursuant to the “Administrative
19 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
20 regulations for the harvest of oysters on Sunday during specific
21 times, in specific areas, and using specific methods of harvest. The
22 maintenance of leases, limited to the moving and planting of shell,
23 oyster and clam seed and the use of bagless oyster scrapes, shall
24 be permitted on Sunday.

25 (cf: P.L.2007, c.338, s.39)

26

27 2. (New section) a. A commercial shellfish producer is
28 exempt from the restriction on the collecting and catching of
29 shellfish on Sunday pursuant to R.S.50:2-11, except that shellfish
30 shall not be taken before sunrise or after sunset on Sunday. A
31 commercial shellfish producer is required to adhere to any rules and
32 regulations for the harvest of oysters adopted by the Department of
33 Environmental Protection, in consultation with the Shellfisheries
34 Council, pursuant to the “Administrative Procedure Act,” P.L.1968,
35 c.410 (C.52:14B-1 et seq.).

36 b. As used in this section, “commercial shellfish producer”
37 means a person or entity directly engaged with shellfish aquaculture
38 or directly engaged in the taking of wild shellfish, for commercial
39 purposes.

40

41 3. This act shall take effect immediately.

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.

ASSEMBLY AGRICULTURE AND FOOD SECURITY
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 520

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 19, 2023

The Assembly Agriculture and Food Security Committee reports favorably and with committee amendments Senate Committee Substitute for Senate Bill No. 520.

As amended by the committee, this bill exempts certain shellfish aquaculturists who hold a commercial shellfish aquaculture license from the State law that prohibits the taking of shellfish on Sunday. Under the bill, the taking of shellfish on any day of the week by a shellfish aquaculturist who is engaged in structural aquaculture, except before sunrise and after sunset on Sunday, would be allowed. “Structural aquaculture” is defined by the amended bill to mean a type of shellfish aquaculture in which a shellfish aquaculturist uses one or more structures or structural systems, including, but not limited to, rack and bag structure systems, bottom cage systems, suspended or floating structure systems, or floating upweller or other nursery structure systems, to facilitate or manipulate the growth, appearance, or marketability of oysters or other shellfish being cultured for commercial purposes.

Pursuant to the amended bill’s provisions, a shellfish aquaculturist would be permitted to harvest shellfish on Sundays only if the taking does not occur before sunrise or after sunset; occurs on State-leased aquaculture lands; and is undertaken as part of a structural aquaculture operation, for a commercial purpose (i.e., for the purpose of commercial sale and not for the purpose of trade, barter, or personal consumption), and in accordance with all other rules and regulations applicable to the harvest of shellfish. Each person who holds a commercial shellfish aquaculture license would be required to submit an annual harvest report to the Department of Environmental Protection disclosing, for each annual reporting period, the amount of shellfish harvested on State leased aquaculture lands and the amount of wild shellfish harvested by the licensee.

Senate Bill No. 520 SCS (1R), as reported by the committee, is identical to Assembly Bill No. 3847 (1R), as also reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- 1) clarify that a shellfish aquaculturist is a person who holds a commercial shellfish aquaculture license (not a permit);
- 2) add a definition of “structural aquaculture” and clarify that a shellfish aquaculturist will be authorized, under the bill, to engage in the taking of shellfish on Sundays only for commercial purposes and as a part of a structural aquaculture operation;
- 3) clarify that the bill’s reporting requirement is applicable only to shellfish aquaculturists – i.e., those persons who hold a shellfish aquaculture license; and
- 4) make technical changes.

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR **SENATE, No. 520**

STATE OF NEW JERSEY

DATED: MAY 16, 2022

The Senate Environment and Energy Committee favorably reports a committee substitute for Senate Bill, No. 520.

This committee substitute exempts shellfish aquaculturists who hold a commercial shellfish aquaculture permit from the State law that prohibits the taking of shellfish on Sunday. Under the bill, the taking of shellfish on any day of the week by a shellfish aquaculturist, excluding before sunrise and after sunset on Sunday, would be allowed. In addition, a shellfish aquaculturist would only be permitted to harvest shellfish on Sundays on State-leased aquaculture lands and for a commercial purpose (i.e., for the purpose of commercial sale; not for the purpose of trade, barter, or personal consumption), in accordance with rules and regulations applicable to the harvest of shellfish. Finally, the bill requires persons who hold a commercial shellfish permit to submit an annual harvest report to the Department of Environmental Protection disclosing, for each annual reporting period, the amount of shellfish harvested on State leased aquaculture lands and the amount of wild shellfish harvested by the permittee.

ASSEMBLY, No. 3847

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 9, 2022

Sponsored by:

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Co-Sponsored by:

Assemblyman Thomson

SYNOPSIS

Exempts shellfish aquaculturists with commercial shellfish aquaculture license from law prohibiting taking of shellfish on Sunday; requires submission of annual shellfish harvest report.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/17/2022)

1 AN ACT concerning the taking of shellfish, amending R.S.50:2-11,
2 and supplementing Title 50 of the Revised Statutes.

3

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

6

7 1. R.S.50:2-11 is amended to read as follows:

8 50:2-11. No person shall dredge upon, or throw, cast, or drag an
9 oyster dredge or any other instrument or appliance used for catching
10 shellfish, or assist in so doing, or collect shellfish by any means,
11 upon any of the lands lying under the tidal waters of this State
12 before sunrise or after sunset, or at any time on Sunday, except that
13 clams may be taken from the waters of the Raritan Bay, Sandy
14 Hook Bay, Shrewsbury River, or Navesink River on Sunday, and
15 except as provided in section 2 of P.L. , c. (C.) (pending before
16 the Legislature as this bill). The **【department】** Department of
17 Environmental Protection, in consultation with the **【council】**
18 Shellfisheries Council, may adopt, pursuant to the “Administrative
19 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
20 regulations for the harvest of oysters on Sunday during specific
21 times, in specific areas, and using specific methods of harvest. The
22 maintenance of leases, limited to the moving and planting of shell,
23 oyster, and clam seed, and the use of bagless oyster scrapes, shall
24 be permitted on Sunday.

25 (cf: P.L.2007, c.338, s.39)

26

27 2. (New section) a. A shellfish aquaculturist shall be exempt
28 from the restriction on the collecting and catching of shellfish on
29 Sunday, established pursuant to R.S.50:2-11, provided that the
30 taking of shellfish on Sunday:

31 (1) does not occur before sunrise or after sunset; and

32 (2) occurs only on leased aquaculture lands and is done only for
33 commercial purposes, in accordance with applicable rules and
34 regulations pertaining to the harvest of shellfish, including, but not
35 limited to, those rules and regulations that are adopted pursuant to
36 R.S.50:2-11, regarding the taking of oysters.

37 b. As used in this section:

38 “Commercial purposes” means that the taking of shellfish is
39 done for the purposes of commercial sale and not for other
40 purposes, such as trade, barter, or personal consumption.

41 “Shellfish aquaculturist” means a person or entity that holds a
42 valid commercial shellfish aquaculture license and is directly
43 engaged in shellfish aquaculture, which is a commercial activity
44 that includes the breeding, raising, harvesting, stocking,
45 feeding, transplanting, and protecting of shellfish, and the

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.

1 subsequent marketing, processing, and packaging of shellfish in
2 controlled environments for commercial purposes.

3
4 3. (New section) A person who holds a commercial shellfish
5 license shall submit an annual harvest report, in writing, on or
6 before December 31 of each year, to the Department of
7 Environmental Protection. Each report shall disclose, for the
8 annual reporting period, the amount of shellfish harvested on State-
9 leased aquaculture lands, as well as the amount of wild shellfish
10 harvested by the licensee.

11
12 4. This act shall take effect immediately.

13

14

15 STATEMENT

16

17 This bill exempts shellfish aquaculturists who hold a commercial
18 shellfish aquaculture license from the State law that prohibits the
19 taking of shellfish on Sunday. Under the bill, the taking of shellfish
20 on any day of the week by a shellfish aquaculturist, excluding
21 before sunrise and after sunset on Sunday, would be allowed. In
22 addition, a shellfish aquaculturist would only be permitted to
23 harvest shellfish on Sundays on State-leased aquaculture lands and
24 for a commercial purpose (i.e., for the purpose of commercial sale;
25 not for the purpose of trade, barter, or personal consumption), in
26 accordance with rules and regulations applicable to the harvest of
27 shellfish. Finally, the bill requires persons who holds a commercial
28 shellfish license to submit an annual harvest report to the
29 Department of Environmental Protection disclosing, for each annual
30 reporting period, the amount of shellfish harvested on State leased
31 aquaculture lands and the amount of wild shellfish harvested by the
32 licensee.

ASSEMBLY AGRICULTURE AND FOOD SECURITY
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3847

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 19, 2023

The Assembly Agriculture and Food Security Committee reports favorably Assembly Bill No. 3847 with committee amendments.

As amended by the committee, this bill exempts certain shellfish aquaculturists who hold a commercial shellfish aquaculture license from the State law that prohibits the taking of shellfish on Sunday. Under the bill, the taking of shellfish on any day of the week by a shellfish aquaculturist who is engaged in structural aquaculture, except before sunrise and after sunset on Sunday, would be allowed. “Structural aquaculture” is defined by the amended bill to mean a type of shellfish aquaculture in which a shellfish aquaculturist uses one or more structures or structural systems, including, but not limited to, rack and bag structure systems, bottom cage systems, suspended or floating structure systems, or floating upweller or other nursery structure systems, to facilitate or manipulate the growth, appearance, or marketability of oysters or other shellfish being cultured for commercial purposes.

Pursuant to the amended bill’s provisions, a shellfish aquaculturist would be permitted to harvest shellfish on Sundays only if the taking does not occur before sunrise or after sunset; occurs on State-leased aquaculture lands; and is undertaken as part of a structural aquaculture operation, for a commercial purpose (i.e., for the purpose of commercial sale and not for the purpose of trade, barter, or personal consumption), and in accordance with all other rules and regulations applicable to the harvest of shellfish. Each person who holds a commercial shellfish aquaculture license would be required to submit an annual harvest report to the Department of Environmental Protection disclosing, for each annual reporting period, the amount of shellfish harvested on State leased aquaculture lands and the amount of wild shellfish harvested by the licensee.

Assembly Bill No. 3847 (1R), as reported by the committee, is identical to S520 SCS (1R), as also reported by the committee on this date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) add a definition of “structural aquaculture” and clarify that a shellfish aquaculturist will be authorized, under the bill, to engage in the taking of shellfish on Sundays only for commercial purposes and as a part of a structural aquaculture operation;

2) clarify that a shellfish aquaculturist engaged in the taking of shellfish on Sundays will be required to comply with all rules and regulations, including those adopted pursuant to R.S.50:2-11, which are applicable to the taking of shellfish (not just those applicable to the taking of oysters);

3) clarify that the bill’s reporting requirement is applicable only to shellfish aquaculturists – i.e., those persons who hold a shellfish aquaculture license; and

4) make technical changes.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3847

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 15, 2023

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 3847 (1R).

This bill, as amended by the committee, exempts certain shellfish aquaculturists who hold a commercial shellfish aquaculture permit from the State law that prohibits the taking of shellfish on Sunday. Under the bill, the taking of shellfish on any day of the week by a shellfish aquaculturist who is engaged in structural aquaculture, except before sunrise and after sunset on Sunday, would be allowed. “Structural aquaculture” is defined in the bill to mean a type of shellfish aquaculture in which a shellfish aquaculturist uses one or more structures or structural systems to containerize shellfish, including, but not limited to, rack and bag structure systems, bottom cage systems, suspended or floating structure systems, or floating upweller or other nursery structure systems, to facilitate or manipulate the growth, appearance, or marketability of oysters or other shellfish being cultured for commercial purposes.

Under the bill, a shellfish aquaculturist would be permitted to harvest shellfish on Sundays only if the taking does not occur before sunrise or after sunset; occurs on State-leased aquaculture lands; and is undertaken as part of a structural aquaculture operation, for a commercial purpose (i.e., for the purpose of commercial sale and not for the purpose of trade, barter, or personal consumption), and in accordance with all other rules and regulations applicable to the harvest of shellfish. Each person who holds a commercial shellfish aquaculture permit would be required to submit an annual harvest report to the Department of Environmental Protection disclosing, for each annual reporting period, the amount of shellfish harvested by the permittee, from each State-leased aquaculture lease.

As amended and reported by the committee, this bill is identical to Senate Bill No. 520 SCS (1R), as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

(1) correct references in the bill to accurately refer to commercial aquaculture “permits” rather than “licenses”;

(2) clarify in the definition of “structural aquaculture” that the structural systems are those used to containerize shellfish; and

(3) revise language in section 3 of the bill to require disclosure of the amount of shellfish harvested, by the permittee, from each State-leased aquaculture lease.

Governor Murphy Takes Action on Legislation

08/16/2023

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

SCS for S-520/A-3847 (Cruz-Perez/Calabrese, Freiman, Spearman) - Exempts shellfish aquaculturists with commercial shellfish aquaculture permit from law prohibiting taking of shellfish on Sunday; requires submission of annual shellfish harvest report

S-1442/A-5345 (Singleton/Thomson, DePhillips, Space) - Requires public works contractor registration and payroll certification for public works projects to be completed online

S-3929/A-5182 (Vitale, Scutari/Lampitt, Mukherji) - Revises certain requirements for involuntary commitment for mental health treatment

[Copy of Statement](#)

S-3950/A-5575 (Gopal, O'Scanlon/Coughlin) - Establishes exemption from State school aid reductions for certain school districts

A-3912/S-2724 (Greenwald, Calabrese/Beach, Cruz-Perez) - Permits alternating proprietorship of certain wineries

A-4192/S-3082 (Greenwald/Beach) - Updates educational and experience requirements to obtain licensure as architect

A-5286/S-3718 (Greenwald, Pintor Marin/Ruiz, Sarlo) - Modifies employee health benefits requirements under certain economic development programs

A-5329/S-3734 (Stanley, Atkins, Moen/Diegnan, Corrado) - Extends useful service life of certain school buses to 20 years; provides temporary one-year extension of service life of Type S school buses