

54:18A-1a

LEGISLATIVE HISTORY CHECKLIST

HJSA: 54:18A-1a

(County and municipal phase-out program for revenue losses due to relocation of insurance companies)

LAWS OF: 1983

CHAPTER: 390

Bill No: S1924

Sponsor(s): DiFrancesco

Date introduced: November 23, 1982

Committee: Assembly: -----

Senate: Revenue, Finance and Appropriations; County and Municipal Government

Amended during passage: YES Amendments denoted by asterisks according to Governor's recommendations

Date of Passage: Assembly: July 11, 1983 Re-enacted 12/12/83  
Senate: June 27, 1983 Re-enacted 12/8/83

Date of Approval: December 14, 1983

Following statements are attached if available:

Sponsor statement:		YES	
Committee statement:	Assembly	NO	
	Senate	YES	3/7/83 + 6/23/83
Fiscal Note:		NO	
Veto Message:		YES	
Message on Signing:		NO	
Following were printed:			
Reports:		NO	
Hearings:		NO	

rdv

SENATE, No. 1924

STATE OF NEW JERSEY

INTRODUCED JUNE 18, 1984

By Senator PALLONE

Referred to Committee on Natural Resources and Agriculture

AN ACT concerning the regulation of the shellfish industry, providing penalties for violations, amending *and supplementing* P. L. 1979, c. 321, and making an appropriation.

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

1 1. Section 2 of P. L. 1979, c. 321 (C. 58:24-2) is amended to  
2 read as follows:

3 2. The department shall immediately condemn any oyster or  
4 clam bed or other place from which oysters, clams or other shellfish  
5 are or may be taken upon discovering that such place is subject to  
6 pollution or to any other condition which may render the oysters,  
7 clams or other shellfish in such place or which may be taken there-  
8 from, dangerous to health. *The department shall provide for \***[24-***  
9 *hour]\* surveillance, including the use of aircraft during appropri-*  
10 *ate periods of the year, of any shellfish bed condemned pursuant to*  
11 *this section, until the department rescinds condemnation of the*  
12 *shellfish bed.*

1 2. Section 7 of P. L. 1979, c. 321 (C. 58:24-7) is amended to  
2 read as follows:

3 7. *a.* The department shall have free access to all oyster or clam  
4 beds, places of business, buildings and all other places where  
5 oysters, clams or other shellfish are grown, kept, stored, held in  
6 possession with intent to distribute or sell, or sold, and also to all  
7 streams, tributaries thereof and lands adjacent thereto, the waters  
8 draining from which may come in contact with such shellfish.

9 The department may make such inspections of such places and

**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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate committee amendments adopted December 5, 1985.

10 take such samples of oysters, clams or other shellfish or other  
 11 substances as it may deem necessary to carry out the purposes of  
 12 this act. *The department shall make frequent inspections of shell-*  
 13 *fish processors and distributors, and shall establish a program of*  
 14 *random inspections of shellfish processors and distributors and*  
 15 *random sampling and testing of shellfish at their premises.*

16 *b. The department shall establish a manifest system for all shell-*  
 17 *fish offered for wholesale or retail sale in this State. The manifest*  
 18 *system shall be designed to permit the department, to the maximum*  
 19 *extent possible, to track all shellfish offered for wholesale or retail*  
 20 *sale in this State to the harvester of the shellfish, and to the shell-*  
 21 *fish beds from which the shellfish were harvested.*

1 3. Section 9 of P. L. 1979, c. 321 (C. 58:24-9) is amended to  
 2 read as follows:

3 9. Any person who violates any of the provisions of sections 1  
 4 through 8 of this act or any rule, regulation, order or permit  
 5 promulgated or issued pursuant to this act is [guilty of a petty  
 6 disorderly persons offense and any such person convicted of a  
 7 subsequent offense is guilty of a disorderly persons offense] sub-  
 8 ject to:

9 *a. A civil \***[fine]**\* \*penalty\* of not less than \$500.00 nor more*  
 10 *than \$1,000 for a first offense and not less than \$1,000.00 nor more*  
 11 *than \$2,000.00 for each subsequent offense, to be collected in a civil*  
 12 *action by a summary proceeding under "the penalty enforcement*  
 13 *law" (N. J. S. 2A:58-1 et seq.) in the Superior Court or in the mu-*  
 14 *nicipal court in the municipality where in the offense occurred; \*or\**

15 *b. A civil administrative penalty of not less than \$250.00 nor*  
 16 *more than \$500.00 for each offense, to be imposed by the Depart-*  
 17 *ment of Environmental Protection pursuant to regulations adopted*  
 18 *pursuant to this act\***[; or]**\* \*.\**

19 *\***[c. Prosecution for a first offense as a petty disorderly person,***  
 20 *and prosecution for a subsequent offense as a disorderly person.]\**

1 *\*4. (New section) Any monetary judgments recovered for viola-*  
 2 *tions of P. L. 1979, c. 321 (C. 58:24-1 et seq.), or any rule or regu-*  
 3 *lation promulgated thereto, shall be remitted by the court to the*  
 4 *Department of Environmental Protection and allocated for use by*  
 5 *the Division of Fish, Game and Wildlife.\**

1 *\***[4.]**\* \*5.\* There is appropriated from the General Fund to the*  
 2 *Department of Environmental Protection the sum of \$300,000.00*  
 3 *to implement the provisions of this amendatory act.*

SENATE, No. 1924

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STATE OF NEW JERSEY

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INTRODUCED JUNE 18, 1984

By Senator PALLONE

Referred to Committee on Natural Resources and Agriculture

AN ACT concerning the regulation of the shellfish industry, providing penalties for violations, amending P. L. 1979, c. 321, and making an appropriation.

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

1 1. Section 2 of P. L. 1979, c. 321 (C. 58:24-2) is amended to  
2 read as follows:

3 2. The department shall immediately condemn any oyster or  
4 clam bed or other place from which oysters, clams or other shellfish  
5 are or may be taken upon discovering that such place is subject to  
6 pollution or to any other condition which may render the oysters,  
7 clams or other shellfish in such place or which may be taken there-  
8 from, dangerous to health. *The department shall provide for 24-*  
9 *hour surveillance, including the use of aircraft during appropriate*  
10 *periods of the year, of any shellfish bed condemned pursuant to*  
11 *this section, until the department rescinds condemnation of the*  
12 *shellfish bed.*

1 2. Section 7 of P. L. 1979, c. 321 (C. 58:24-7) is amended to  
2 read as follows:

3 7. *a.* The department shall have free access to all oyster or clam  
4 beds, places of business, buildings and all other places where  
5 oysters, clams or other shellfish are grown, kept, stored, held in  
6 possession with intent to distribute or sell, or sold, and also to all  
7 streams, tributaries thereof and lands adjacent thereto, the waters  
8 draining from which may come in contact with such shellfish.

**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 printed in italics *thus* is new matter.

9 The department may make such inspections of such places and  
 10 take such samples of oysters, clams or other shellfish or other  
 11 substances as it may deem necessary to carry out the purposes of  
 12 this act. *The department shall make frequent inspections of shell-*  
 13 *fish processors and distributors, and shall establish a program of*  
 14 *random inspections of shellfish processors and distributors and*  
 15 *random sampling and testing of shellfish at their premises.*

16 *b. The department shall establish a manifest system for all shell-*  
 17 *fish offered for wholesale or retail sale in this State. The manifest*  
 18 *system shall be designed to permit the department, to the maximum*  
 19 *extent possible, to track all shellfish offered for wholesale or retail*  
 20 *sale in this State to the harvester of the shellfish, and to the shell-*  
 21 *fish beds from which the shellfish were harvested.*

1 3. Section 9 of P. L. 1979, c. 321 (C. 58:24-9) is amended to  
 2 read as follows:

3 9. Any person who violates any of the provisions of sections 1  
 4 through 8 of this act or any rule, regulation, order or permit  
 5 promulgated or issued pursuant to this act is [guilty of a petty  
 6 disorderly persons offense and any such person convicted of a  
 7 subsequent offense is guilty of a disorderly persons offense] sub-  
 8 ject to:

9 *a. A civil fine of not less than \$500.00 nor more than \$1,000.00 for*  
 10 *a first offense and not less than \$1,000.00 nor more than \$2,000.00*  
 11 *for each subsequent offense, to be collected in a civil action by a*  
 12 *summary proceeding under "the penalty enforcement law" (N. J. S.*  
 13 *2A:58-1 et seq.) in the Superior Court or in the municipal court*  
 14 *in the municipality where in the offense occurred;*

15 *b. A civil administrative penalty of not less than \$250.00 nor*  
 16 *more than \$500.00 for each offense, to be imposed by the Depart-*  
 17 *ment of Environmental Protection pursuant to regulations adopted*  
 18 *pursuant to this act; or*

19 *c. Prosecution for a first offense as a petty disorderly person,*  
 20 *and prosecution for a subsequent offense as a disorderly person.*

1 4. There is appropriated from the General Fund to the Depart-  
 2 ment of Environmental Protection the sum of \$300,000.00 to im-  
 3 plement the provisions of this amendatory act.

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#### STATEMENT

This bill would strengthen the law concerning condemned shellfish and shellfish beds to provide that: (1) upon condemning a shellfish bed, the Department of Environmental Protection shall conduct 24-hour surveillance, including the use of aircraft, of the

condemned beds; (2) the department shall establish a program of random inspections and samplings of shellfish processors and distributors; and, (3) the department shall establish a manifest system for shellfish offered for wholesale or retail sale in New Jersey designed to allow the department, to the maximum extent possible, to track shellfish to the shellfish beds from which they were harvested. This bill would also increase the penalties imposed for conviction of a violation of the law concerning condemned shellfish beds and shellfish. Violators would be subject to civil fines ranging from \$500.00 to \$1,000.00 for a first offense, and \$1,000.00 to \$2,000.00 for a second offense, or civil administrative penalties, imposed by the department, ranging from \$250.00 to \$500.00.

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SENATE NATURAL RESOURCES AND AGRICULTURE  
COMMITTEE

STATEMENT TO

**SENATE, No. 1924**

with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: DECEMBER 5, 1985

This bill would strengthen the law concerning condemned shellfish and shellfish beds to provide that:

(1) upon condemning a shellfish bed, the Department of Environmental Protection shall conduct 24-hour surveillance, including the use of aircraft, of the condemned beds until the Department rescinds condemnation of the shellfish bed;

(2) the Department shall establish a program of random inspections and samplings of shellfish processors and distributors; and,

(3) the Department shall establish a manifest system for shellfish offered for wholesale or retail sale in New Jersey designed to allow the Department, to the maximum extent possible, to track shellfish to the shellfish beds where they were harvested.

This bill would also increase the penalties imposed for conviction of a violation of the law concerning condemned shellfish. Violators would be subject to civil fines ranging from \$500.00 to \$1,000.00 for a first offense, and \$1,000.00 to \$2,000.00 for a second offense, or civil administrative penalties, imposed by the Department, ranging from \$250.00 to \$500.00.

The Senate Natural Resources and Agriculture Committee amended the bill to remove the requirement of 24-hour surveillance and the imposition of criminal penalties, and to provide that all penalties shall be paid to the Department of Environmental Protection and allocated for use by the Division of Fish, Game, and Wildlife.