

24: 14-1 to 24:14-16

LEGISLATIVE HISTORY CHECKLIST

FOR ATTACHMENTS
SEE 13:10-20 to 13:10-28

13:1D-20 to 13:1D-28; 24:14-1 to (Shellfish beds--condemned--increase
MUSA 24:14-16; 53:24-1 to 58:24-10; penalties for violations)
58:25-1 to 58:25-22 Repeals 26:2E-1 to 26:2E-12
LAWS OF 1979 CHAPTER 321

Bill No. SI398

Sponsor(s) Dodd and others

Date Introduced Oct. 19, 1978

Committee: Assembly Agriculture and Environment

Senate Energy and Environment

Amended during passage Yes
according to Governor's recommendations

Amendments denoted by
asterisks
Re-enacted Jan. 3, 1980
Re-enacted Jan. 7, 1980

Date of Passage: Assembly June 18, 1979

Senate Feb. 26, 1979

Date of approval Jan. 18, 1980

Following statements are attached if available:

Sponsor statement	Yes	xxx
Committee Statement: Assembly	Yes	xxx
Senate	Yes	xxx
Fiscal Note	xxx	No
Veto message	Yes	xxx
Message on signing	xxx	No
Following were printed:		
Reports	xxx	No
Hearings	xxx	No

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SENATE, No. 1398

STATE OF NEW JERSEY

INTRODUCED OCTOBER 19, 1978

By Senators DODD, FELDMAN, LASKIN, HIRKALA and PARKER

Referred to Committee on Energy and Environment

AN ACT revising penalties for the violation of the statutes concerning condemned shellfish and shellfish beds, transferring certain water pollution control statutes from Titles 13, 24 and 26 to Title 58, supplementing Title 58 of the Revised Statutes and repealing parts of the statutory law.

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

1 1. The Department of Environmental Protection shall inspect
2 as often as it may deem necessary, the various places within the
3 jurisdiction of the State from which oysters, clams or other shell-
4 fish are taken to be distributed or sold for use as food, for the
5 purpose of ascertaining the sanitary conditions of such oyster and
6 clam beds and other places and the fitness of such shellfish therein
7 or taken therefrom for use as food. (Source. R. S. 24:14-1)

1 2. The department shall immediately condemn any oyster or
2 clam bed or other place from which oysters, clams or other shellfish
3 are or may be taken upon discovering that such place is subject to
4 pollution or to any other condition which may render the oysters,
5 clams or other shellfish in such place or which may be taken there-
6 from, dangerous to health. (Source. R. S. 24:14-2)

1 3. The department shall prohibit the taking of oysters, clams
2 or other shellfish from a place which has been condemned by the
3 department pursuant to this act, and shall also prohibit the
4 distribution, sale, offering for sale or having in possession of any
5 such shellfish so taken, without a permit so to take, distribute,
6 sell, offer to sell, or have in possession, first obtained from the
7 department, under such rules and regulations as it shall adopt. A
8 fee of \$25.00 shall be charged for any permit so issued. (Source.
9 R. S. 24:14-3 as amended P. L. 1971, c. 156, s. 2)

1 4. For the purposes of sections 1 through 10 of this act,
2 the distribution, sale, offering for sale, or having in possession

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

3 with intent to distribute or sell, any oysters, clams or other shell-
4 fish shall be prima facie evidence that such shellfish were intended
5 for use as food. (Source. R. S. 24:14-4)

1 5. No excremental or other polluting matter shall be discharged
2 into or placed in the waters or placed or suffered to remain
3 upon the banks of any stream or tributary thereof or body of water
4 in which oysters, clams or other shellfish grow or are or may be
5 placed.

6 Nothing in this section shall apply to the discharge of effluents
7 from sewage plants heretofore or hereafter installed in accordance
8 with the requirements of law and the rules and regulations of the
9 department. (Source. R. S. 24:14-5)

1 6. The department may make such specific orders regarding
2 the growing and handling of shellfish and the disposal of polluting
3 matter which may affect the purity of shellfish, as it may deem
4 necessary to enforce the provisions of this act. (Source. R. S.
5 24:14-6)

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

7 The department may make such inspections of such places and
8 take such samples of oysters, clams or other shellfish or other
9 substances as it may deem necessary to carry out the purposes of
10 this act. (Source. R. S. 24:14-7)

1 8. The department may employ such ***[chemists, bacteriologists**
2 **and inspectors]*** *persons**; purchase and maintain such appa-
3 ratus and supplies, including ***[a]*** suitable ***[boat]*** *boats**; and,
4 lease appropriate lands or buildings, when it deems it necessary to
5 carry out the provisions of this act and as may be within the limits
6 of funds appropriated or otherwise made available. (Source. R. S.
7 24:14-8 and R. S. 24:14-16)

1 9. Any person who violates any of the provision of sections
2 1 through 8 of this act or any rule, regulation, order or permit
3 promulgated or issued pursuant to this act ****[shall be liable to a**
4 **penalty of not less than \$100.00 or more than \$500.00 for the first**
5 **offense, and not less than \$200.00 or more than \$1,000.00 for any**
6 **subsequent offense, to be collected in a civil action by a summary**
7 **proceeding under the Penalty Enforcement Law (N. J. S. 2A:58-1**
8 **et seq.)** *and any such person convicted of a subsequent offense*
9 *shall be subject to imprisonment for not less than 1 week or more*

10 *than 12 weeks**. The Superior Court, County Court, county district
 11 court and municipal court shall have jurisdiction to enforce said
 12 Penalty Enforcement Law.】** ***is guilty of a petty disorderly*
 13 *persons offense and any such person convicted of a subsequent*
 14 *offense is guilty of a disorderly persons offense.*** (Source. R. S.
 15 24:14-9 as amended by P. L. 1953, c. 24)

1 10. Any vessel, vehicle or equipment used in violation of sections
 2 1 through 8 of this act or any rule, regulation, order or permit
 3 issued or promulgated pursuant to said sections may be con-
 4 fiscated and forfeited. The department may seize and secure any
 5 such vessel, vehicle or equipment and shall immediately thereafter
 6 give notice thereof to a court located in the county where the
 7 seizure is made which shall, at an appointed time and place,
 8 summarily hear and determine whether such vessel, vehicle or
 9 equipment was unlawfully used and if it does so determine, it may
 10 direct the confiscation and forfeiture of such vessel, vehicle or
 11 equipment to the use of the department. The Commissioner of
 12 Environmental Protection may dispose of any such confiscated and
 13 forfeited vessel, vehicle or equipment at his discretion. **Nothing*
 14 *contained in sections 1 through 8 of this act shall be construed to*
 15 *limit the powers and responsibilities of the Department of Health*
 16 *pursuant to any provisions of Title 24 of the Revised Statutes.**
 17 (Source. New)

1 11. The State aid program created by sections 11 through 20 of
 2 this act shall be known as the "Sewerage Facilities Aid Program."
 3 (Source. P. L. 1965, c. 121, s. 1; C. 26:2E-1)

1 12. It is hereby declared to be public policy of the State of New
 2 Jersey to encourage and support, as hereinafter provided, the
 3 promotion, planning, development and construction of public
 4 sanitary sewerage facilities, including sewage collection, trans-
 5 mission, treatment and disposal works on a regional or multi-unit
 6 basis. (Source. P. L. 1965, c. 121, s. 2; C. 26:2E-2)

1 13. For the purposes of sections 11 through 20 of this act
 2 unless the context clearly requires a different meaning:

3 a. "Local governmental unit" shall mean and include a county,
 4 municipality or any public agency established by the State as a
 5 regional agency or authority or by a county or a municipality for
 6 the purpose of constructing or operating a public sanitary sewerage
 7 facility.

8 b. "Commissioner" shall mean the Commissioner of Environ-
 9 mental Protection. (Source. P. L. 1965, c. 121, s. 3; C. 26:2E-3)

1 14. a. The commissioner may make grants to any two or more
 2 local governmental units, acting together on a joint basis; applying
 3 therefor:

4 (1) For the preparation of a feasibility study and report for
5 the future collection, treatment and disposal of sewage in such
6 units; or

7 (2) For the preparation of a feasibility study and report for
8 the extension of any existing sewerage facility now operated by
9 some or all of the applying units, provided that said extension
10 would contemplate providing sanitary sewerage facilities for at
11 least one local governmental unit in addition to those units now
12 contributing to the existing sewerage facilities, or provided that
13 said extension would contemplate expansion or intensification of
14 the degree of treatment to be provided at existing treatment
15 facilities.

16 b. The commissioner may make grants to an individual local
17 governmental unit applying therefor for the preparation of a
18 feasibility report and study for the future collection, treatment
19 and disposal of sewage within the unit in the case of a regional
20 agency or authority established by the State or in the case in which
21 the commissioner shall find that it is not practical for the unit to
22 join with other units in the establishment of a multiunit sewerage
23 facility, or in the case where the local governmental unit is formally
24 committed to become a participant of a multiunit sewerage facility.

25 c. All grants under this section shall be subject to such terms and
26 conditions as shall be prescribed by the commissioner to carry out
27 the purpose of sections 11 through 20 of this act and may be for any
28 amount not in excess of the entire cost of the study and report but
29 such grants shall not be made for minor sewer extensions or for
30 sewer plans for subdivisions and shall not include the preparation
31 of detail design and engineering drawings, specifications and con-
32 tract documents. (Source. P. L. 1965, c. 121, s. 4, amended P. L.
33 1967, c. 109, s. 5; C. 26:2E-4)

1 15. a. Upon application therefor, the commissioner may make
2 loans from the State Sewerage Facilities Loan Fund to any local
3 governmental unit or units which would have been eligible for a
4 grant under the provisions of section 14 of this act for the prepara-
5 tion of preliminary engineering plans and detail design and
6 engineering drawings and specifications and contract documents
7 for the construction of a new or the expansion of an existing sewer-
8 age facility for the collection, treatment and disposal of sewage in
9 such unit or units; provided a feasibility study or report upon such
10 facility has been filed with and approved by the commissioner.
11 Such report and study need not have been prepared with a grant
12 provided under the provisions of section 14 of this act but must
13 otherwise satisfy the standards set forth therein.

14 b. All loans shall be subject to such terms and conditions as
15 shall be prescribed by the commissioner to carry out the purpose
16 of this act provided the entire loan shall be repaid to the State
17 Sewerage Facilities Loan Fund on or before the date when contracts
18 shall have been awarded for the construction of the proposed
19 sewerage works or 3 years from the date of the loan whichever is
20 the earlier. The loans shall be repaid without interest unless con-
21 struction is not started within 3 years of the date of the loan in
22 which case the loan shall be repaid together with 2% interest per
23 annum thereon.

24 c. Loans may be made for any amount not in excess of the entire
25 cost of such plans, drawings and documents but shall not be applied
26 to any costs of engineering supervision or inspection during or
27 after the construction of the proposed sewerage works. (Source.
28 P. L. 1965, c. 121, s. 5; C. 26:2E-5)

1 16. There is hereby established a State Sewerage Facilities
2 Loan Fund which shall be administered by the State Treasurer.
3 All funds appropriated or otherwise made available for this pur-
4 pose, including funds received from the repayment of loans made
5 under the provisions of section 15 of this act, shall be deposited in
6 such depositories as may be selected by the State Treasurer to the
7 credit of the fund. The moneys in the fund, unless otherwise pro-
8 vided by law, shall be held for the purpose of making grants and
9 loans to local units as provided in sections 14 and 15 of this act.
10 Pending their application to the purposes provided in sections 11
11 through 20 of this act, moneys in the State Sewerage Facilities
12 Loan Fund may be invested and reinvested as other trust funds in
13 the custody of the State Treasurer in the manner provided by law.
14 All earnings received from the investment or deposit of such funds
15 shall be paid into and become a part of the fund. (Source. P. L.
16 1965, c. 121, s. 6; C. 26:2E-6)

1 17. The commissioner shall prescribe the procedures for applying
2 for the grants and loans authorized by sections 11 through 20 of
3 this act and may adopt such rules and regulations as may be
4 necessary to implement the provisions of said sections and to carry
5 out the purpose thereof. (Source. P. L. 1965, c. 121; C. 26:2E-7)

1 18. a. The commissioner is hereby authorized, subject to the
2 availability of funds, to make grants to any county or municipality,
3 or any combination or agency thereof, or to any State or interstate
4 agency, to assist such governmental units or agencies in the con-
5 struction of those water pollution control projects as qualify for
6 Federal aid and assistance under the provisions of the "Federal
7 Water Pollution Control Act," and any acts amendatory thereof or

8 supplemental thereto or revisions thereof, and any regulations
9 promulgated pursuant thereto.

10 b. The State's contribution toward the construction of such
11 projects shall not exceed 25% of the cost of that portion of said
12 projects which qualify for Federal assistance.

13 c. The determination of the relative need, the priority of projects,
14 and the standards of construction shall be consistent with the
15 provisions of the "Federal Water Pollution Control Act," as
16 aforesaid, and sections 11 through 20 of this act.

17 d. The Commissioner of Environmental Protection shall pre-
18 scribe the procedures for applying for the grants authorized by
19 this section and may adopt such rules and regulations as may be
20 necessary to implement the provisions of this section and to carry
21 out its purpose.

22 e. The commissioner is hereby authorized, and with the approval
23 of the Board of Public Utilities as to any public utility which is
24 subject to Title 48 of the Revised Statutes, to condition the award
25 of the grant on the adoption by the grantee of an equitable
26 schedule and classification of rents, rates, fees or other charges for
27 direct or indirect connection with, or the use or services of, the
28 sewerage system. This schedule and classification shall, to the
29 extent practicable, be based on the amount and the characteristics
30 of the sewage and other wastes and other special matters affecting
31 the cost of treatment and disposal thereof, including, but not
32 limited to, chlorine demand, chemical oxygen demand, biochemical
33 oxygen demand, concentration of solids, chemical composition and
34 an allowance for amortization of the sewerage system. (Source.
35 P. L. 1967, c. 109, s. 6; amended P. L. 1973, c. 21; C. 26:2E-8)

1 19. Whenever any local governmental unit, pursuant to an order
2 of the Department of Environmental Protection and in compliance
3 therewith, has completed installation of a sanitary sewerage col-
4 lector system and issued bonds or bond anticipation notes to finance
5 such system, and such system is inoperable because the sewerage
6 authority charged with the duty of providing an interceptor system
7 has not yet so provided and therefore no interceptor system is
8 ready to receive the effluent from such municipal collector system
9 through no fault of the local governmental unit, the State shall
10 reimburse such governmental unit for annual interest and debt
11 service costs for the collector system. Such payments shall be made
12 for such period that the collector system remains inoperative and
13 should the system become operable for any portion of a year,
14 payment shall be made for the entire year. (Source. P. L. 1972,
15 c. 145, s. 1; C. 26:2E-8.1)

1 20. The commissioner shall prescribe the procedures for applying
2 for the grants authorized by sections 11 through 20 of this act and
3 may adopt such rules and regulations as may be necessary to
4 implement the provisions of said sections and to carry out their
5 purposes. (Source. P. L. 1972, c. 145, s. 2; C. 26:2E-8.2)

1 21. a. The Clean Water Council as created by P. L. 1967, c. 109
2 and as continued, transferred and constituted the Clean Water
3 Council in the Department of Environmental Protection is con-
4 tinued in the Department of Environmental Protection. The council
5 shall consist of 18 members, seven of whom shall be the Commis-
6 sioner of Labor and Industry or a member of the Department of
7 Labor and Industry designated by him, the Commissioner of Com-
8 munity Affairs or a member of the Department of Community
9 Affairs designated by him, the Commissioner of Energy or a
10 member of the Department of Energy designated by him, the
11 Commissioner of Environmental Protection or a member of the
12 Department of Environmental Protection designated by him, the
13 Secretary of Agriculture or a member of the Department of Agri-
14 culture designated by him, the Chairman of the Water Policy and
15 Supply Council in the Department of Environmental Protection
16 and the Executive Director of the Delaware River Basin Commis-
17 sion, who shall serve ex officio, five citizens of the State representing
18 the general public and six members to be appointed from persons to
19 be nominated by the organizations hereinafter enumerated, by the
20 Governor.

21 b. The members of council in office on the effective date of this
22 act shall continue in office for the duration of their respective terms.
23 At least 1 month prior to the expiration of the term of the member
24 chosen from nominees of each organization hereafter enumerated,
25 each such organization shall submit to the Governor a list of three
26 recommended nominees for membership on the council from which
27 list the Governor shall appoint one.

28 If any organization does not submit a list of recommended
29 nominees at any time required by this act, the Governor may
30 appoint a member of his choice.

31 The organizations which shall be entitled to submit recommended
32 nominees are: New Jersey State Chamber of Commerce, New
33 Jersey Business and Industry Association, New Jersey State
34 League of Municipalities, the New Jersey Association of Counties,
35 New Jersey Society of Professional Engineers, Inc. and the New
36 Jersey AFL-CIO.

37 c. Appointed members shall serve for terms of 4 years. All
38 appointed members shall serve after the expiration of their terms
39 until their respective successors are appointed and shall qualify,

40 and any vacancy occurring in the appointed membership of the
41 council by expiration of term or otherwise, shall be filled in the
42 same manner as the original appointment for the unexpired term
43 only, notwithstanding that the previous incumbent may have held
44 over and continued in office as aforesaid. The Governor may remove
45 any appointed member of the council for cause after a public
46 hearing.

47 d. Members of the council shall serve without compensation but
48 shall be reimbursed for expenses actually incurred in attending
49 meetings of the council and in the performance of their duties as
50 members thereof.

51 e. The council shall elect annually a chairman and vice-chairman
52 from its own membership. (Source. P. L. 1967, c. 109, s. 1 amended
53 P. L. 1967, c. 286, s. 6; C. 26:2E-9)

1 22. The Clean Water Council shall:

2 a. Request from the commissioner such information concerning
3 the Water Pollution Control Program as it may deem necessary;

4 b. Consider any matter relating to the preservation and im-
5 provement of the Water Pollution Control Program and advise
6 the commissioner thereof;

7 c. From time to time submit to the commissioner any recom-
8 mendations which it deems necessary for the proper conduct and
9 improvement of the Water Pollution Control Program;

10 d. Study the Water Pollution Control Program and make its
11 recommendations thereon to the commissioner;

12 e. Study the regulations promulgated by the department in
13 regard to water pollution control and make its recommendations
14 for their improvement to the commissioner;

15 f. Study and investigate the state of the art and the technical
16 capabilities and limitations of water pollution control and report
17 their findings and recommendations thereon to the commissioner;

18 g. Study and investigate the need for programs for the long-
19 range technical support of the water pollution control program
20 and report their findings and recommendations thereon to the
21 commissioner; and

22 h. Hold public hearings at least once a year in regard to exist-
23 ing water pollution control statutes and regulations and upon the
24 state of the art and technical capabilities and limitations in water
25 pollution control and report its recommendations thereon to the
26 commissioner. (Source. P. L. 1967, c. 109, c. 2; C. 26:2E-10)

1 23. a. There is hereby established a Clean Water Scholarship
2 Intern Program.

3 b. The commissioner may provide for the payment of room,
4 board, tuition and fees for eligible persons to attend any accredited
5 college or university authorized by the commissioner as a regular
6 student to receive an engineering degree or a degree with a major
7 in the biological, physical or environmental sciences satisfactory
8 to the commissioner until the eligible person satisfactorily com-
9 pletes 4 scholastic years.

10 c. To be eligible for the Clean Water Scholarship Intern
11 Program a person must:

12 (1) Be a citizen of the United States and the State of New Jersey;

13 (2) Be a high school graduate or have an equivalent education;

14 (3) Have been accepted for admission to the accredited college
15 or university authorized by the commissioner as a regular student
16 and accepted in said college or university to pursue a course of
17 instruction satisfactory to the commissioner;

18 (4) Contract, with the consent of his parent or legal guardian
19 if he is a minor, with the commissioner or his designated repre-
20 sentative, to serve with the Department of Environmental Protec-
21 tion for a period of 3 years following graduation and further, to
22 serve with the Department of Environmental Protection during
23 the regular periods of summer vacation except for such vacation
24 periods as the commissioner shall establish by regulation and
25 provided further that the department shall not be liable to pay
26 wages to said student during said vacation periods.

27 d. The appointments made by the commissioner hereunder
28 shall be subject to available appropriations and shall be awarded
29 on a competitive basis.

30 e. The Scholarship Intern Program shall be administered by
31 the commissioner under such regulations as the commissioner shall
32 prescribe. (Source. P. L. 1967, c. 109, s. 3 amended by P. L. 1970,
33 c. 274, s. 2; C. 26:2E-11)

1 24. The commissioner, subject to available appropriations and
2 grants from other sources, may provide within the Department
3 of Environmental Protection for a program of graduate study for
4 eligible persons to attend any accredited graduate program at a
5 college or university in order to further the training of personnel
6 for the purposes of administering this act. Said graduate program
7 shall be administered by the commissioner under such regulations
8 as the commissioner shall prescribe. (Source. P. L. 1967, c. 109,
9 s. 4; C. 26:2E-12)

1 25. There is hereby established a Summer Intern Program in
2 Water Pollution Control. (Source. P. L. 1973, c. 79, s. 2;
3 C. 13:1D-21)

1 26. The Summer Intern Program shall be administered by the
2 Director of the Division of Water Resources in the Department of
3 Environmental Protection. The director may delegate day-to-day
4 supervision of one or more interns to any officer of the Division
5 of Water Resources or to any officer of a county engineer or a
6 county health office. (Source. P. L. 1973, c. 79, s. 3; C. 13:1D-22)

1 27. Interns shall be assigned to projects such as a. making
2 surveys of all places where polluting materials are entering
3 streams, b. providing water sampling and monitoring activities
4 as directed, c. desnagging and removing debris, bushes, boards,
5 tires and other materials, and d. performing any other projects
6 designed to carry out the intent of this act. (Source. P. L. 1973,
7 c. 79, s. 4; C. 13:1D-23)

1 28. Any resident of New Jersey who is enrolled full-time as
2 an undergraduate or graduate in any college or university and
3 plans to continue his education after the internship may apply as
4 an intern. An applicant must have completed his freshman year
5 before beginning an internship, and may not serve as an intern
6 after his final year of schooling. (Source. P. L. 1973, c. 79, s. 5;
7 C. 13:1D-24)

1 29. The director or a member of his staff delegated by him
2 shall interview each student to corroborate the student's intentions
3 and to verify his prospective capabilities. (Source. P. L. 1973, c. 79,
4 s. 6; C. 13:1D-25)

1 30. The director or a member of his staff delegated by him
2 shall evaluate any prospective supervisor of an intern to determine
3 if he is a competent professional who will seriously plan the
4 internship and utilize the intern to help reduce water pollution.
5 (Source. P. L. 1973, c. 79, s. 7; C. 13:1D-26)

1 31. Interns shall be chosen from every county and shall be
2 assigned to work on water pollution control projects in every
3 county. (Source. P. L. 1973, c. 79, s. 8; C. 13:1E-27)

1 32. Interns shall be paid by the department, based on the
2 regular civil service pay scale for student assistants. (Source.
3 P. L. 1973, c. 79, s. 9; C. 13:1E-28)

1 33. The following statutes are repealed:

2 R. S. 24:14-1 through 16

3 P. L. 1965, c. 121 (C. 26:2E-1 through 7)

4 P. L. 1967, c. 109 (C. 26:2E-8 through 12)

5 P. L. 1972, c. 145 (C. 26:2E-8.1 and 8.2)

6 P. L. 1973, c. 79 (C. 13:1D-20 through 28)

1 34. This act shall take effect immediately.

SENATE, No. 1398

STATE OF NEW JERSEY

INTRODUCED OCTOBER 19, 1978

By Senators DODD, FELDMAN, LASKIN, HIRKALA and PARKER

Referred to Committee on Energy and Environment

AN ACT revising penalties for the violation of the statutes concerning condemned shellfish and shellfish beds, transferring certain water pollution control statutes from Titles 13, 24 and 26 to Title 58, supplementing Title 58 of the Revised Statutes and repealing parts of the statutory law.

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

1 1. The Department of Environmental Protection shall inspect
2 as often as it may deem necessary, the various places within the
3 jurisdiction of the State from which oysters, clams or other shell-
4 fish are taken to be distributed or sold for use as food, for the
5 purpose of ascertaining the sanitary conditions of such oyster and
6 clam beds and other places and the fitness of such shellfish therein
7 or taken therefrom for use as food. (Source. R. S. 24:14-1)

1 2. The department shall immediately condemn any oyster or
2 clam bed or other place from which oysters, clams or other shellfish
3 are or may be taken upon discovering that such place is subject to
4 pollution or to any other condition which may render the oysters,
5 clams or other shellfish in such place or which may be taken there-
6 from, dangerous to health. (Source. R. S. 24:14-2)

1 3. The department shall prohibit the taking of oysters, clams
2 or other shellfish from a place which has been condemned by the
3 department pursuant to this act, and shall also prohibit the
4 distribution, sale, offering for sale or having in possession of any
5 such shellfish so taken, without a permit so to take, distribute,
6 sell, offer to sell, or have in possession, first obtained from the
7 department, under such rules and regulations as it shall adopt. A
8 fee of \$25.00 shall be charged for any permit so issued. (Source.
9 R. S. 24:14-3 as amended P. L. 1971, c. 156, s. 2)

1 4. For the purposes of sections 1 through 10 of this act,
2 the distribution, sale, offering for sale, or having in possession

3 with intent to distribute or sell, any oysters, clams or other shell-
4 fish shall be prima facie evidence that such shellfish were intended
5 for use as food. (Source. R. S. 24:14-4)

1 5. No excremental or other polluting matter shall be discharged
2 into or placed in the waters or placed or suffered to remain
3 upon the banks of any stream or tributary thereof or body of water
4 in which oysters, clams or other shellfish grow or are or may be
5 placed.

6 Nothing in this section shall apply to the discharge of effluents
7 from sewage plants heretofore or hereafter installed in accordance
8 with the requirements of law and the rules and regulations of the
9 department. (Source. R. S. 24:14-5)

1 6. The department may make such specific orders regarding
2 the growing and handling of shellfish and the disposal of polluting
3 matter which may affect the purity of shellfish, as it may deem
4 necessary to enforce the provisions of this act. (Source. R. S.
5 24:14-6)

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

7 The department may make such inspections of such places and
8 take such samples of oysters, clams or other shellfish or other
9 substances as it may deem necessary to carry out the purposes of
10 this act. (Source. R. S. 24:14-7)

1 8. The department may employ such ***[chemists, bacteriologists**
2 **and inspectors]*** *persons**; purchase and maintain such appa-
3 ratus and supplies, including ***[a]*** suitable ***[boat]*** *boats**; and,
4 lease appropriate lands or buildings, when it deems it necessary to
5 carry out the provisions of this act and as may be within the limits
6 of funds appropriated or otherwise made available. (Source. R. S.
7 24:14-8 and R. S. 24:14-16)

1 9. Any person who violates any of the provision of sections
2 1 through 8 of this act or any rule, regulation, order or permit
3 promulgated or issued pursuant to this act shall be liable to a
4 penalty of not less than \$100.00 or more than \$500.00 for the first
5 offense, and not less than \$200.00 or more than \$1,000.00 for any
6 subsequent offense, to be collected in a civil action by a summary
7 proceeding under the Penalty Enforcement Law (N. J. S. 2A:58-1
8 et seq.) **and any such person convicted of a subsequent offense*

9 shall be subject to imprisonment for not less than 1 week or more
10 than 12 weeks*. The Superior Court, County Court, county district
11 court and municipal court shall have jurisdiction to enforce said
12 Penalty Enforcement Law. (Source. R. S. 24:14-9 as amended by
13 P. L. 1953, c. 24)

1 10. Any vessel, vehicle or equipment used in violation of sections
2 1 through 8 of this act or any rule, regulation, order or permit
3 issued or promulgated pursuant to said sections may be con-
4 fiscated and forfeited. The department may seize and secure any
5 such vessel, vehicle or equipment and shall immediately thereafter
6 give notice thereof to a court located in the county where the
7 seizure is made which shall, at an appointed time and place,
8 summarily hear and determine whether such vessel, vehicle or
9 equipment was unlawfully used and if it does so determine, it may
10 direct the confiscation and forfeiture of such vessel, vehicle or
11 equipment to the use of the department. The Commissioner of
12 Environmental Protection may dispose of any such confiscated and
13 forfeited vessel, vehicle or equipment at his discretion. **Nothing*
14 *contained in sections 1 through 8 of this act shall be construed to*
15 *limit the powers and responsibilities of the Department of Health*
16 *pursuant to any provisions of Title 24 of the Revised Statutes.**
17 (Source. New)

1 11. The State aid program created by sections 11 through 20 of
2 this act shall be known as the "Sewerage Facilities Aid Program."
3 (Source. P. L. 1965, c. 121, s. 1; C. 26:2E-17)

1 12. It is hereby declared to be public policy of the State of New
2 Jersey to encourage and support, as hereinafter provided, the
3 promotion, planning, development and construction of public
4 sanitary sewerage facilities, including sewage collection, trans-
5 mission, treatment and disposal works on a regional or multi-unit
6 basis. (Source. P. L. 1965, c. 121, s. 2; C. 26:2E-2)

1 13. For the purposes of sections 11 through 20 of this act
2 unless the context clearly requires a different meaning:

3 a. "Local governmental unit" shall mean and include a county,
4 municipality or any public agency established by the State as a
5 regional agency or authority or by a county or a municipality for
6 the purpose of constructing or operating a public sanitary sewerage
7 facility.

8 b. "Commissioner" shall mean the Commissioner of Environ-
9 mental Protection. (Source. P. L. 1965, c. 121, s. 3; C. 26:2E-3)

1 14. a. The commissioner may make grants to any two or more
2 local governmental units, acting together on a joint basis; applying
3 therefor:

4 (1) For the preparation of a feasibility study and report for
5 the future collection, treatment and disposal of sewage in such
6 units; or

7 (2) For the preparation of a feasibility study and report for
8 the extension of any existing sewerage facility now operated by
9 some or all of the applying units, provided that said extension
10 would contemplate providing sanitary sewerage facilities for at
11 least one local governmental unit in addition to those units now
12 contributing to the existing sewerage facilities, or provided that
13 said extension would contemplate expansion or intensification of
14 the degree of treatment to be provided at existing treatment
15 facilities.

16 b. The commissioner may make grants to an individual local
17 governmental unit applying therefor for the preparation of a
18 feasibility report and study for the future collection, treatment
19 and disposal of sewage within the unit in the case of a regional
20 agency or authority established by the State or in the case in which
21 the commissioner shall find that it is not practical for the unit to
22 join with other units in the establishment of a multiunit sewerage
23 facility, or in the case where the local governmental unit is formally
24 committed to become a participant of a multiunit sewerage facility.

25 c. All grants under this section shall be subject to such terms and
26 conditions as shall be prescribed by the commissioner to carry out
27 the purpose of sections 11 through 20 of this act and may be for any
28 amount not in excess of the entire cost of the study and report but
29 such grants shall not be made for minor sewer extensions or for
30 sewer plans for subdivisions and shall not include the preparation
31 of detail design and engineering drawings, specifications and con-
32 tract documents. (Source. P. L. 1965, c. 121, s. 4, amended P. L.
33 1967, c. 109, s. 5; C. 26:2E-4)

1 15. a. Upon application therefor, the commissioner may make
2 loans from the State Sewerage Facilities Loan Fund to any local
3 governmental unit or units which would have been eligible for a
4 grant under the provisions of section 14 of this act for the prepara-
5 tion of preliminary engineering plans and detail design and
6 engineering drawings and specifications and contract documents
7 for the construction of a new or the expansion of an existing sewer-
8 age facility for the collection, treatment and disposal of sewage in
9 such unit or units; provided a feasibility study or report upon such
10 facility has been filed with and approved by the commissioner.
11 Such report and study need not have been prepared with a grant
12 provided under the provisions of section 14 of this act but must
13 otherwise satisfy the standards set forth therein.

14 b. All loans shall be subject to such terms and conditions as
15 shall be prescribed by the commissioner to carry out the purpose
16 of this act provided the entire loan shall be repaid to the State
17 Sewerage Facilities Loan Fund on or before the date when contracts
18 shall have been awarded for the construction of the proposed
19 sewerage works or 3 years from the date of the loan whichever is
20 the earlier. The loans shall be repaid without interest unless con-
21 struction is not started within 3 years of the date of the loan in
22 which case the loan shall be repaid together with 2% interest per
23 annum thereon.

24 c. Loans may be made for any amount not in excess of the entire
25 cost of such plans, drawings and documents but shall not be applied
26 to any costs of engineering supervision or inspection during or
27 after the construction of the proposed sewerage works. (Source.
28 P. L. 1965, c. 121, s. 5; C. 26:2E-5)

1 16. There is hereby established a State Sewerage Facilities
2 Loan Fund which shall be administered by the State Treasurer.
3 All funds appropriated or otherwise made available for this pur-
4 pose, including funds received from the repayment of loans made
5 under the provisions of section 15 of this act, shall be deposited in
6 such depositories as may be selected by the State Treasurer to the
7 credit of the fund. The moneys in the fund, unless otherwise pro-
8 vided by law, shall be held for the purpose of making grants and
9 loans to local units as provided in sections 14 and 15 of this act.
10 Pending their application to the purposes provided in sections 11
11 through 20 of this act, moneys in the State Sewerage Facilities
12 Loan Fund may be invested and reinvested as other trust funds in
13 the custody of the State Treasurer in the manner provided by law.
14 All earnings received from the investment or deposit of such funds
15 shall be paid into and become a part of the fund. (Source. P. L.
16 1965, c. 121, s. 6; C. 26:2E-6)

1 17. The commissioner shall prescribe the procedures for applying
2 for the grants and loans authorized by sections 11 through 20 of
3 this act and may adopt such rules and regulations as may be
4 necessary to implement the provisions of said sections and to carry
5 out the purpose thereof. (Source. P. L. 1965, c. 121; C. 26:2E-7)

1 18. a. The commissioner is hereby authorized, subject to the
2 availability of funds, to make grants to any county or municipality,
3 or any combination or agency thereof, or to any State or interstate
4 agency, to assist such governmental units or agencies in the con-
5 struction of those water pollution control projects as qualify for
6 Federal aid and assistance under the provisions of the "Federal
7 Water Pollution Control Act," and any acts amendatory thereof or

8 supplemental thereto or revisions thereof, and any regulations
9 promulgated pursuant thereto.

10 b. The State's contribution toward the construction of such
11 projects shall not exceed 25% of the cost of that portion of said
12 projects which qualify for Federal assistance.

13 c. The determination of the relative need, the priority of projects,
14 and the standards of construction shall be consistent with the
15 provisions of the "Federal Water Pollution Control Act," as
16 aforesaid, and sections 11 through 20 of this act.

17 d. The Commissioner of Environmental Protection shall pre-
18 scribe the procedures for applying for the grants authorized by
19 this section and may adopt such rules and regulations as may be
20 necessary to implement the provisions of this section and to carry
21 out its purpose.

22 e. The commissioner is hereby authorized, and with the approval
23 of the Board of Public Utilities as to any public utility which is
24 subject to Title 48 of the Revised Statutes, to condition the award
25 of the grant on the adoption by the grantee of an equitable
26 schedule and classification of rents, rates, fees or other charges for
27 direct or indirect connection with, or the use or services of, the
28 sewerage system. This schedule and classification shall, to the
29 extent practicable, be based on the amount and the characteristics
30 of the sewage and other wastes and other special matters affecting
31 the cost of treatment and disposal thereof, including, but not
32 limited to, chlorine demand, chemical oxygen demand, biochemical
33 oxygen demand, concentration of solids, chemical composition and
34 an allowance for amortization of the sewerage system. (Source.
35 P. L. 1967, c. 109, s. 6; amended P. L. 1973, c. 21; C. 26:2E-8)

1 19. Whenever any local governmental unit, pursuant to an order
2 of the Department of Environmental Protection and in compliance
3 therewith, has completed installation of a sanitary sewerage col-
4 lector system and issued bonds or bond anticipation notes to finance
5 such system, and such system is inoperable because the sewerage
6 authority charged with the duty of providing an interceptor system
7 has not yet so provided and therefore no interceptor system is
8 ready to receive the effluent from such municipal collector system
9 through no fault of the local governmental unit, the State shall
10 reimburse such governmental unit for annual interest and debt
11 service costs for the collector system. Such payments shall be made
12 for such period that the collector system remains inoperative and
13 should the system become operable for any portion of a year,
14 payment shall be made for the entire year. (Source. P. L. 1972,
15 c. 145, s. 1; C. 26:2E-8.1)

1 20. The commissioner shall prescribe the procedures for applying
2 for the grants authorized by sections 11 through 20 of this act and
3 may adopt such rules and regulations as may be necessary to
4 implement the provisions of said sections and to carry out their
5 purposes. (Source. P. L. 1972, c. 145, s. 2; C. 26:2E-8.2)

1 21. a. The Clean Water Council as created by P. L. 1967, c. 109
2 and as continued, transferred and constituted the Clean Water
3 Council in the Department of Environmental Protection is con-
4 tinued in the Department of Environmental Protection. The council
5 shall consist of 18 members, seven of whom shall be the Commis-
6 sioner of Labor and Industry or a member of the Department of
7 Labor and Industry designated by him, the Commissioner of Com-
8 munity Affairs or a member of the Department of Community
9 Affairs designated by him, the Commissioner of Energy or a
10 member of the Department of Energy designated by him, the
11 Commissioner of Environmental Protection or a member of the
12 Department of Environmental Protection designated by him, the
13 Secretary of Agriculture or a member of the Department of Agri-
14 culture designated by him, the Chairman of the Water Policy and
15 Supply Council in the Department of Environmental Protection
16 and the Executive Director of the Delaware River Basin Commis-
17 sion, who shall serve ex officio, five citizens of the State representing
18 the general public and six members to be appointed from persons to
19 be nominated by the organizations hereinafter enumerated, by the
20 Governor.

21 b. The members of council in office on the effective date of this
22 act shall continue in office for the duration of their respective terms.
23 At least 1 month prior to the expiration of the term of the member
24 chosen from nominees of each organization hereafter enumerated,
25 each such organization shall submit to the Governor a list of three
26 recommended nominees for membership on the council from which
27 list the Governor shall appoint one.

28 If any organization does not submit a list of recommended
29 nominees at any time required by this act, the Governor may
30 appoint a member of his choice.

31 The organizations which shall be entitled to submit recommended
32 nominees are: New Jersey State Chamber of Commerce, New
33 Jersey Business and Industry Association, New Jersey State
34 League of Municipalities, the New Jersey Association of Counties,
35 New Jersey Society of Professional Engineers, Inc. and the New
36 Jersey AFL-CIO.

37 c. Appointed members shall serve for terms of 4 years. All
38 appointed members shall serve after the expiration of their terms
39 until their respective successors are appointed and shall qualify,

40 and any vacancy occurring in the appointed membership of the
41 council by expiration of term or otherwise, shall be filled in the
42 same manner as the original appointment for the unexpired term
43 only, notwithstanding that the previous incumbent may have held
44 over and continued in office as aforesaid. The Governor may remove
45 any appointed member of the council for cause after a public
46 hearing.

47 d. Members of the council shall serve without compensation but
48 shall be reimbursed for expenses actually incurred in attending
49 meetings of the council and in the performance of their duties as
50 members thereof.

51 e. The council shall elect annually a chairman and vice-chairman
52 from its own membership. (Source. P. L. 1967, c. 109, s. 1 amended
53 P. L. 1967, c. 286, s. 6; C. 26:2E-9)

1 22. The Clean Water Council shall:

2 a. Request from the commissioner such information concerning
3 the Water Pollution Control Program as it may deem necessary;

4 b. Consider any matter relating to the preservation and im-
5 provement of the Water Pollution Control Program and advise
6 the commissioner thereof;

7 c. From time to time submit to the commissioner any recom-
8 mendations which it deems necessary for the proper conduct and
9 improvement of the Water Pollution Control Program;

10 d. Study the Water Pollution Control Program and make its
11 recommendations thereon to the commissioner;

12 e. Study the regulations promulgated by the department in
13 regard to water pollution control and make its recommendations
14 for their improvement to the commissioner;

15 f. Study and investigate the state of the art and the technical
16 capabilities and limitations of water pollution control and report
17 their findings and recommendations thereon to the commissioner;

18 g. Study and investigate the need for programs for the long-
19 range technical support of the water pollution control program
20 and report their findings and recommendations thereon to the
21 commissioner; and

22 h. Hold public hearings at least once a year in regard to exist-
23 ing water pollution control statutes and regulations and upon the
24 state of the art and technical capabilities and limitations in water
25 pollution control and report its recommendations thereon to the
26 commissioner. (Source. P. L. 1967, c. 109, c. 2; C. 26:2E-10)

1 23. a. There is hereby established a Clean Water Scholarship
2 Intern Program.

3 b. The commissioner may provide for the payment of room,
4 board, tuition and fees for eligible persons to attend any accredited
5 college or university authorized by the commissioner as a regular
6 student to receive an engineering degree or a degree with a major
7 in the biological, physical or environmental sciences satisfactory
8 to the commissioner until the eligible person satisfactorily com-
9 pletes 4 scholastic years.

10 c. To be eligible for the Clean Water Scholarship Intern
11 Program a person must:

12 (1) Be a citizen of the United States and the State of New Jersey;

13 (2) Be a high school graduate or have an equivalent education;

14 (3) Have been accepted for admission to the accredited college
15 or university authorized by the commissioner as a regular student
16 and accepted in said college or university to pursue a course of
17 instruction satisfactory to the commissioner;

18 (4) Contract, with the consent of his parent or legal guardian
19 if he is a minor, with the commissioner or his designated repre-
20 sentative, to serve with the Department of Environmental Protec-
21 tion for a period of 3 years following graduation and further, to
22 serve with the Department of Environmental Protection during
23 the regular periods of summer vacation except for such vacation
24 periods as the commissioner shall establish by regulation and
25 provided further that the department shall not be liable to pay
26 wages to said student during said vacation periods.

27 d. The appointments made by the commissioner hereunder
28 shall be subject to available appropriations and shall be awarded
29 on a competitive basis.

30 e. The Scholarship Intern Program shall be administered by
31 the commissioner under such regulations as the commissioner shall
32 prescribe. (Source. P. L. 1967, c. 109, s. 3 amended by P. L. 1970,
33 c. 274, s. 2; C. 26:2E-11)

1 24. The commissioner, subject to available appropriations and
2 grants from other sources, may provide within the Department
3 of Environmental Protection for a program of graduate study for
4 eligible persons to attend any accredited graduate program at a
5 college or university in order to further the training of personnel
6 for the purposes of administering this act. Said graduate program
7 shall be administered by the commissioner under such regulations
8 as the commissioner shall prescribe. (Source. P. L. 1967, c. 109,
9 s. 4; C. 26:2E-12)

1 25. There is hereby established a Summer Intern Program in
2 Water Pollution Control. (Source. P. L. 1973, c. 79, s. 2;
3 C. 13:1D-20)

1 26. The Summer Intern Program shall be administered by the
2 Director of the Division of Water Resources in the Department of
3 Environmental Protection. The director may delegate day-to-day
4 supervision of one or more interns to any officer of the Division
5 of Water Resources or to any officer of a county engineer or a
6 county health office. (Source. P. L. 1973, c. 79, s. 3; C. 13:1D-22)

1 27. Interns shall be assigned to projects such as a. making
2 surveys of all places where polluting materials are entering
3 streams, b. providing water sampling and monitoring activities
4 as directed, c. desnagging and removing debris, bushes, boards,
5 tires and other materials, and d. performing any other projects
6 designed to carry out the intent of this act. (Source. P. L. 1973,
7 c. 79, s. 4; C. 13:1D-23)

1 28. Any resident of New Jersey who is enrolled full-time as
2 an undergraduate or graduate in any college or university and
3 plans to continue his education after the internship may apply as
4 an intern. An applicant must have completed his freshman year
5 before beginning an internship, and may not serve as an intern
6 after his final year of schooling. (Source. P. L. 1973, c. 79, s. 5;
7 C. 13:1D-24)

1 29. The director or a member of his staff delegated by him
2 shall interview each student to corroborate the student's intentions
3 and to verify his prospective capabilities. (Source. P. L. 1973, c. 79,
4 s. 6; C. 13:1D-25)

1 30. The director or a member of his staff delegated by him
2 shall evaluate any prospective supervisor of an intern to determine
3 if he is a competent professional who will seriously plan the
4 internship and utilize the intern to help reduce water pollution.
5 (Source. P. L. 1973, c. 79, s. 7; C. 13:1D-26)

1 31. Interns shall be chosen from every county and shall be
2 assigned to work on water pollution control projects in every
3 county. (Source. P. L. 1973, c. 79, s. 8; C. 13:1E-27)

1 32. Interns shall be paid by the department, based on the
2 regular civil service pay scale for student assistants. (Source.
3 P. L. 1973, c. 79, s. 9; C. 13:1E-28)

1 33. The following statutes are repealed:

2 R. S. 24:14-1 through 16

3 P. L. 1965, c. 121 (C. 26:2E-1 through 7)

4 P. L. 1967, c. 109 (C. 26:2E-8 through 12)

5 P. L. 1972, c. 145 (C. 26:2E-8.1 and 8.2)

6 P. L. 1973, c. 79 (C. 13:1D-20 through 28)

1 34. This act shall take effect immediately.

STATEMENT

This bill replaces the ancient penalty provisions concerning condemned shellfish and shellfish beds with modern penalties, including a confiscation and forfeiture section.

The bill also transfers the condemned shellfish and shellfish beds statute, the sewage facilities aid program and the authorizing acts for a Clean Water Council, the Clean Water Scholarship Intern Program and the Summer Intern Program in Water Pollution Control from Titles 13, 24 and 26 to Title 58 of the Revised Statutes.

[OFFICIAL COPY REPRINT]
SENATE, No. 1398

STATE OF NEW JERSEY

INTRODUCED OCTOBER 19, 1978

By Senators DODD, FELDMAN, LASKIN, HIRKALA and PARKER

Referred to Committee on Energy and Environment

AN ACT revising penalties for the violation of the statutes concerning condemned shellfish and shellfish beds, transferring certain water pollution control statutes from Titles 13, 24 and 26 to Title 58, supplementing Title 58 of the Revised Statutes and repealing parts of the statutory law.

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

1 1. The Department of Environmental Protection shall inspect
2 as often as it may deem necessary, the various places within the
3 jurisdiction of the State from which oysters, clams or other shell-
4 fish are taken to be distributed or sold for use as food, for the
5 purpose of ascertaining the sanitary conditions of such oyster and
6 clam beds and other places and the fitness of such shellfish therein
7 or taken therefrom for use as food. (Source. R. S. 24:14-1)

1 2. The department shall immediately condemn any oyster or
2 clam bed or other place from which oysters, clams or other shellfish
3 are or may be taken upon discovering that such place is subject to
4 pollution or to any other condition which may render the oysters,
5 clams or other shellfish in such place or which may be taken there-
6 from, dangerous to health. (Source. R. S. 24:14-2)

1 3. The department shall prohibit the taking of oysters, clams
2 or other shellfish from a place which has been condemned by the
3 department pursuant to this act, and shall also prohibit the
4 distribution, sale, offering for sale or having in possession of any
5 such shellfish so taken, without a permit so to take, distribute,
6 sell, offer to sell, or have in possession, first obtained from the
7 department, under such rules and regulations as it shall adopt. A
8 fee of \$25.00 shall be charged for any permit so issued. (Source.
9 R. S. 24:14-3 as amended P. L. 1971, c. 156, s. 2)

1 4. For the purposes of sections 1 through 10 of this act,
2 the distribution, sale, offering for sale, or having in possession

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

3 with intent to distribute or sell, any oysters, clams or other shell-
4 fish shall be prima facie evidence that such shellfish were intended
5 for use as food. (Source. R. S. 24:14-4)

1 5. No excremental or other polluting matter shall be discharged
2 into or placed in the waters or placed or suffered to remain
3 upon the banks of any stream or tributary thereof or body of water
4 in which oysters, clams or other shellfish grow or are or may be
5 placed.

6 Nothing in this section shall apply to the discharge of effluents
7 from sewage plants heretofore or hereafter installed in accordance
8 with the requirements of law and the rules and regulations of the
9 department. (Source. R. S. 24:14-5)

1 6. The department may make such specific orders regarding
2 the growing and handling of shellfish and the disposal of polluting
3 matter which may affect the purity of shellfish, as it may deem
4 necessary to enforce the provisions of this act. (Source. R. S.
5 24:14-6)

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

7 The department may make such inspections of such places and
8 take such samples of oysters, clams or other shellfish or other
9 substances as it may deem necessary to carry out the purposes of
10 this act. (Source. R. S. 24:14-7)

1 8. The department may employ such chemists, bacteriologists
2 and inspectors; purchase and maintain such apparatus and sup-
3 plies, including a suitable boat; and, lease appropriate lands or
4 buildings, when it deems it necessary to carry out the provisions
5 of this act and as may be within the limits of funds appropriated
6 or otherwise made available. (Source. R. S. 24:14-8 and R. S.
7 24:14-16)

1 9. Any person who violates any of the provision of sections
2 1 through 8 of this act or any rule, regulation, order or permit
3 promulgated or issued pursuant to this act shall be liable to a
4 penalty of not less than \$100.00 or more than \$500.00 for the first
5 offense, and not less than \$200.00 or more than \$1,000.00 for any
6 subsequent offense, to be collected in a civil action by a summary
7 proceeding under the Penalty Enforcement Law (N. J. S. 2A:58-1
8 et seq.). The Superior Court, County Court, county district court

9 and municipal court shall have jurisdiction to enforce said Penalty
10 Enforcement Law. (Source. R. S. 24:14-9 as amended by P. L.
11 1953, c. 24)

1 10. Any vessel, vehicle or equipment used in violation of sections
2 1 through 8 of this act or any rule, regulation, order or permit
3 issued or promulgated pursuant to said sections may be con-
4 fiscated and forfeited. The department may seize and secure any
5 such vessel, vehicle or equipment and shall immediately thereafter
6 give notice thereof to a court located in the county where the
7 seizure is made which shall, at an appointed time and place,
8 summarily hear and determine whether such vessel, vehicle or
9 equipment was unlawfully used and if it does so determine, it may
10 direct the confiscation and forfeiture of such vessel, vehicle or
11 equipment to the use of the department. The Commissioner of
12 Environmental Protection may dispose of any such confiscated and
13 forfeited vessel, vehicle or equipment at his discretion. (Source.
14 New)

1 11. The State aid program created by sections 11 through 20 of
2 this act shall be known as the "Sewerage Facilities Aid Program."
3 (Source. P. L. 1965, c. 121, s. 1; C. 26:2E-17)

1 12. It is hereby declared to be public policy of the State of New
2 Jersey to encourage and support, as hereinafter provided, the
3 promotion, planning, development and construction of public
4 sanitary sewerage facilities, including sewage collection, trans-
5 mission, treatment and disposal works on a regional or multi-unit
6 basis. (Source. P. L. 1965, c. 121, s. 2; C. 26:2E-2)

1 13. For the purposes of sections 11 through 20 of this act
2 unless the context clearly requires a different meaning:

3 a. "Local governmental unit" shall mean and include a county,
4 municipality or any public agency established by the State as a
5 regional agency or authority or by a county or a municipality for
6 the purpose of constructing or operating a public sanitary sewerage
7 facility.

8 b. "Commissioner" shall mean the Commissioner of Environ-
9 mental Protection. (Source. P. L. 1965, c. 121, s. 3; C. 26:2E-3)

1 14. a. The commissioner may make grants to any two or more
2 local governmental units, acting together on a joint basis; applying
3 therefor:

4 (1) For the preparation of a feasibility study and report for
5 the future collection, treatment and disposal of sewage in such
6 units; or

7 (2) For the preparation of a feasibility study and report for
8 the extension of any existing sewerage facility now operated by
9 some or all of the applying units, provided that said extension
10 would contemplate providing sanitary sewerage facilities for at
11 least one local governmental unit in addition to those units now
12 contributing to the existing sewerage facilities, or provided that
13 said extension would contemplate expansion or intensification of
14 the degree of treatment to be provided at existing treatment
15 facilities.

16 b. The commissioner may make grants to an individual local
17 governmental unit applying therefor for the preparation of a
18 feasibility report and study for the future collection, treatment
19 and disposal of sewage within the unit in the case of a regional
20 agency or authority established by the State or in the case in which
21 the commissioner shall find that it is not practical for the unit to
22 join with other units in the establishment of a multiunit sewerage
23 facility, or in the case where the local governmental unit is formally
24 committed to become a participant of a multiunit sewerage facility.

25 c. All grants under this section shall be subject to such terms and
26 conditions as shall be prescribed by the commissioner to carry out
27 the purpose of sections 11 through 20 of this act and may be for any
28 amount not in excess of the entire cost of the study and report but
29 such grants shall not be made for minor sewer extensions or for
30 sewer plans for subdivisions and shall not include the preparation
31 of detail design and engineering drawings, specifications and con-
32 tract documents. (Source. P. L. 1965, c. 121, s. 4, amended P. L.
33 1967, c. 109, s. 5; C. 26:2E-4)

1 15. a. Upon application therefor, the commissioner may make
2 loans from the State Sewerage Facilities Loan Fund to any local
3 governmental unit or units which would have been eligible for a
4 grant under the provisions of section 14 of this act for the prepara-
5 tion of preliminary engineering plans and detail design and
6 engineering drawings and specifications and contract documents
7 for the construction of a new or the expansion of an existing sewer-
8 age facility for the collection, treatment and disposal of sewage in
9 such unit or units; provided a feasibility study or report upon such
10 facility has been filed with and approved by the commissioner.
11 Such report and study need not have been prepared with a grant
12 provided under the provisions of section 14 of this act but must
13 otherwise satisfy the standards set forth therein.

14 b. All loans shall be subject to such terms and conditions as
15 shall be prescribed by the commissioner to carry out the purpose
16 of this act provided the entire loan shall be repaid to the State

17 Sewerage Facilities Loan Fund on or before the date when contracts
18 shall have been awarded for the construction of the proposed
19 sewerage works or 3 years from the date of the loan whichever is
20 the earlier. The loans shall be repaid without interest unless con-
21 struction is not started within 3 years of the date of the loan in
22 which case the loan shall be repaid together with 2% interest per
23 annum thereon.

24 c. Loans may be made for any amount not in excess of the entire
25 cost of such plans, drawings and documents but shall not be applied
26 to any costs of engineering supervision or inspection during or
27 after the construction of the proposed sewerage works. (Source.
28 P. L. 1965, c. 121, s. 5; C. 26:2E-5)

1 16. There is hereby established a State Sewerage Facilities
2 Loan Fund which shall be administered by the State Treasurer.
3 All funds appropriated or otherwise made available for this pur-
4 pose, including funds received from the repayment of loans made
5 under the provisions of section 15 of this act, shall be deposited in
6 such depositories as may be selected by the State Treasurer to the
7 credit of the fund. The moneys in the fund, unless otherwise pro-
8 vided by law, shall be held for the purpose of making grants and
9 loans to local units as provided in sections 14 and 15 of this act.
10 Pending their application to the purposes provided in sections 11
11 through 20 of this act, moneys in the State Sewerage Facilities
12 Loan Fund may be invested and reinvested as other trust funds in
13 the custody of the State Treasurer in the manner provided by law.
14 All earnings received from the investment or deposit of such funds
15 shall be paid into and become a part of the fund. (Source. P. L.
16 1965, c. 121, s. 6; C. 26:2E-6)

1 17. The commissioner shall prescribe the procedures for applying
2 for the grants and loans authorized by sections 11 through 20 of
3 this act and may adopt such rules and regulations as may be
4 necessary to implement the provisions of said sections and to carry
5 out the purpose thereof. (Source. P. L. 1965, c. 121; C. 26:2E-7)

1 18. a. The commissioner is hereby authorized, subject to the
2 availability of funds, to make grants to any county or municipality,
3 or any combination or agency thereof, or to any State or interstate
4 agency, to assist such governmental units or agencies in the con-
5 struction of those water pollution control projects as qualify for
6 Federal aid and assistance under the provisions of the "Federal
7 Water Pollution Control Act," and any acts amendatory thereof or
8 supplemental thereto or revisions thereof, and any regulations
9 promulgated pursuant thereto.

10 b. The State's contribution toward the construction of such
11 projects shall not exceed 25% of the cost of that portion of said
12 projects which qualify for Federal assistance.

13 c. The determination of the relative need, the priority of projects,
14 and the standards of construction shall be consistent with the
15 provisions of the "Federal Water Pollution Control Act," as
16 aforesaid, and sections 11 through 20 of this act.

17 d. The Commissioner of Environmental Protection shall pre-
18 scribe the procedures for applying for the grants authorized by
19 this section and may adopt such rules and regulations as may be
20 necessary to implement the provisions of this section and to carry
21 out its purpose.

22 e. The commissioner is hereby authorized, and with the approval
23 of the Board of Public Utilities as to any public utility which is
24 subject to Title 48 of the Revised Statutes, to condition the award
25 of the grant on the adoption by the grantee of an equitable
26 schedule and classification of rents, rates, fees or other charges for
27 direct or indirect connection with, or the use or services of, the
28 sewerage system. This schedule and classification shall, to the
29 extent practicable, be based on the amount and the characteristics
30 of the sewage and other wastes and other special matters affecting
31 the cost of treatment and disposal thereof, including, but not
32 limited to, chlorine demand, chemical oxygen demand, biochemical
33 oxygen demand, concentration of solids, chemical composition and
34 an allowance for amortization of the sewerage system. (Source.
35 P. L. 1967, c. 109, s. 6; amended P. L. 1973, c. 21; C. 26:2E-8)

1 19. Whenever any local governmental unit, pursuant to an order
2 of the Department of Environmental Protection and in compliance
3 therewith, has completed installation of a sanitary sewerage col-
4 lector system and issued bonds or bond anticipation notes to finance
5 such system, and such system is inoperable because the sewerage
6 authority charged with the duty of providing an interceptor system
7 has not yet so provided and therefore no interceptor system is
8 ready to receive the effluent from such municipal collector system
9 through no fault of the local governmental unit, the State shall
10 reimburse such governmental unit for annual interest and debt
11 service costs for the collector system. Such payments shall be made
12 for such period that the collector system remains inoperative and
13 should the system become operable for any portion of a year,
14 payment shall be made for the entire year. (Source. P. L. 1972,
15 c. 145, s. 1; C. 26:2E-8.1)

1 20. The commissioner shall prescribe the procedures for applying
2 for the grants authorized by sections 11 through 20 of this act and

3 may adopt such rules and regulations as may be necessary to
4 implement the provisions of said sections and to carry out their
5 purposes. (Source. P. L. 1972, c. 145, s. 2; C. 26:2E-8.2)

1 21. a. The Clean Water Council as created by P. L. 1967, c. 109
2 and as continued, transferred and constituted the Clean Water
3 Council in the Department of Environmental Protection is con-
4 tinued in the Department of Environmental Protection. The council
5 shall consist of 18 members, seven of whom shall be the Commis-
6 sioner of Labor and Industry or a member of the Department of
7 Labor and Industry designated by him, the Commissioner of Com-
8 munity Affairs or a member of the Department of Community
9 Affairs designated by him, the Commissioner of Energy or a
10 member of the Department of Energy designated by him, the
11 Commissioner of Environmental Protection or a member of the
12 Department of Environmental Protection designated by him, the
13 Secretary of Agriculture or a member of the Department of Agri-
14 culture designated by him, the Chairman of the Water Policy and
15 Supply Council in the Department of Environmental Protection
16 and the Executive Director of the Delaware River Basin Commis-
17 sion, who shall serve ex officio, five citizens of the State representing
18 the general public and six members to be appointed from persons to
19 be nominated by the organizations hereinafter enumerated, by the
20 Governor.

21 b. The members of council in office on the effective date of this
22 act shall continue in office for the duration of their respective terms.
23 At least 1 month prior to the expiration of the term of the member
24 chosen from nominees of each organization hereafter enumerated,
25 each such organization shall submit to the Governor a list of three
26 recommended nominees for membership on the council from which
27 list the Governor shall appoint one.

28 If any organization does not submit a list of recommended
29 nominees at any time required by this act, the Governor may
30 appoint a member of his choice.

31 The organizations which shall be entitled to submit recommended
32 nominees are: New Jersey State Chamber of Commerce, New
33 Jersey Business and Industry Association, New Jersey State
34 League of Municipalities, the New Jersey Association of Counties,
35 New Jersey Society of Professional Engineers, Inc. and the New
36 Jersey AFL-CIO.

37 c. Appointed members shall serve for terms of 4 years. All
38 appointed members shall serve after the expiration of their terms
39 until their respective successors are appointed and shall qualify,

40 and any vacancy occurring in the appointed membership of the
41 council by expiration of term or otherwise, shall be filled in the
42 same manner as the original appointment for the unexpired term
43 only, notwithstanding that the previous incumbent may have held
44 over and continued in office as aforesaid. The Governor may remove
45 any appointed member of the council for cause after a public
46 hearing.

47 d. Members of the council shall serve without compensation but
48 shall be reimbursed for expenses actually incurred in attending
49 meetings of the council and in the performance of their duties as
50 members thereof.

51 e. The council shall elect annually a chairman and vice-chairman
52 from its own membership. (Source. P. L. 1967, c. 109, s. 1 amended
53 P. L. 1967, c. 286, s. 6; C. 26:2E-9)

1 22. The Clean Water Council shall:

2 a. Request from the commissioner such information concerning
3 the Water Pollution Control Program as it may deem necessary;

4 b. Consider any matter relating to the preservation and im-
5 provement of the Water Pollution Control Program and advise
6 the commissioner thereof;

7 c. From time to time submit to the commissioner any recom-
8 mendations which it deems necessary for the proper conduct and
9 improvement of the Water Pollution Control Program;

10 d. Study the Water Pollution Control Program and make its
11 recommendations thereon to the commissioner;

12 e. Study the regulations promulgated by the department in
13 regard to water pollution control and make its recommendations
14 for their improvement to the commissioner;

15 f. Study and investigate the state of the art and the technical
16 capabilities and limitations of water pollution control and report
17 their findings and recommendations thereon to the commissioner;

18 g. Study and investigate the need for programs for the long-
19 range technical support of the water pollution control program
20 and report their findings and recommendations thereon to the
21 commissioner; and

22 h. Hold public hearings at least once a year in regard to exist-
23 ing water pollution control statutes and regulations and upon the
24 state of the art and technical capabilities and limitations in water
25 pollution control and report its recommendations thereon to the
26 commissioner. (Source. P. L. 1967, c. 109, c. 2; C. 26:2E-10)

1 23. a. There is hereby established a Clean Water Scholarship
2 Intern Program.

3 b. The commissioner may provide for the payment of room,
4 board, tuition and fees for eligible persons to attend any accredited
5 college or university authorized by the commissioner as a regular
6 student to receive an engineering degree or a degree with a major
7 in the biological, physical or environmental sciences satisfactory
8 to the commissioner until the eligible person satisfactorily com-
9 pletes 4 scholastic years.

10 c. To be eligible for the Clean Water Scholarship Intern
11 Program a person must:

12 (1) Be a citizen of the United States and the State of New Jersey;

13 (2) Be a high school graduate or have an equivalent education;

14 (3) Have been accepted for admission to the accredited college
15 or university authorized by the commissioner as a regular student
16 and accepted in said college or university to pursue a course of
17 instruction satisfactory to the commissioner;

18 (4) Contract, with the consent of his parent or legal guardian
19 if he is a minor, with the commissioner or his designated repre-
20 sentative, to serve with the Department of Environmental Protec-
21 tion for a period of 3 years following graduation and further, to
22 serve with the Department of Environmental Protection during
23 the regular periods of summer vacation except for such vacation
24 periods as the commissioner shall establish by regulation and
25 provided further that the department shall not be liable to pay
26 wages to said student during said vacation periods.

27 d. The appointments made by the commissioner hereunder
28 shall be subject to available appropriations and shall be awarded
29 on a competitive basis.

30 e. The Scholarship Intern Program shall be administered by
31 the commissioner under such regulations as the commissioner shall
32 prescribe. (Source. P. L. 1967, c. 109, s. 3 amended by P. L. 1970,
33 c. 274, s. 2; C. 26:2E-11)

1 24. The commissioner, subject to available appropriations and
2 grants from other sources, may provide within the Department
3 of Environmental Protection for a program of graduate study for
4 eligible persons to attend any accredited graduate program at a
5 college or university in order to further the training of personnel
6 for the purposes of administering this act. Said graduate program
7 shall be administered by the commissioner under such regulations
8 as the commissioner shall prescribe. (Source. P. L. 1967, c. 109,
9 s. 4; C. 26:2E-12)

1 25. There is hereby established a Summer Intern Program in
2 Water Pollution Control. (Source. P. L. 1973, c. 79, s. 2;
3 C. 13:1D-20)

1 26. The Summer Intern Program shall be administered by the
2 Director of the Division of Water Resources in the Department of
3 Environmental Protection. The director may delegate day-to-day
4 supervision of one or more interns to any officer of the Division
5 of Water Resources or to any officer of a county engineer or a
6 county health office. (Source. P. L. 1973, c. 79, s. 3; C. 13:1D-22)

1 27. Interns shall be assigned to projects such as a. making
2 surveys of all places where polluting materials are entering
3 streams, b. providing water sampling and monitoring activities
4 as directed, c. desnagging and removing debris, bushes, boards,
5 tires and other materials, and d. performing any other projects
6 designed to carry out the intent of this act. (Source. P. L. 1973,
7 c. 79, s. 4; C. 13:1D-23)

1 28. Any resident of New Jersey who is enrolled full-time as
2 an undergraduate or graduate in any college or university and
3 plans to continue his education after the internship may apply as
4 an intern. An applicant must have completed his freshman year
5 before beginning an internship, and may not serve as an intern
6 after his final year of schooling. (Source. P. L. 1973, c. 79, s. 5;
7 C. 13:1D-24)

1 29. The director or a member of his staff delegated by him
2 shall interview each student to corroborate the student's intentions
3 and to verify his prospective capabilities. (Source. P. L. 1973, c. 79,
4 s. 6; C. 13:1D-25)

1 30. The director or a member of his staff delegated by him
2 shall evaluate any prospective supervisor of an intern to determine
3 if he is a competent professional who will seriously plan the
4 internship and utilize the intern to help reduce water pollution.
5 (Source. P. L. 1973, c. 79, s. 7; C. 13:1D-26)

1 31. Interns shall be chosen from every county and shall be
2 assigned to work on water pollution control projects in every
3 county. (Source. P. L. 1973, c. 79, s. 8; C. 13:1E-27)

1 32. Interns shall be paid by the department, based on the
2 regular civil service pay scale for student assistants. (Source.
3 P. L. 1973, c. 79, s. 9; C. 13:1E-28)

1 33. The following statutes are repealed:

2 R. S. 24:14-1 through 16

3 P. L. 1965, c. 121 (C. 26:2E-1 through 7)

4 P. L. 1967, c. 109 (C. 26:2E-8 through 12)

5 P. L. 1972, c. 145 (C. 26:2E-8.1 and 8.2)

6 P. L. 1973, c. 79 (C. 13:1D-20 through 28)

1 34. This act shall take effect immediately.

ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO

SENATE, No. 1398

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 7, 1979

The Assembly Agriculture and Environment Committee concurs in the Senate Energy and Environment Committee statement to this bill.

SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1398

STATE OF NEW JERSEY

DATED: DECEMBER 4, 1978

This bill replaces the ancient penalty provisions concerning condemned shellfish and shellfish beds with modern penalties, including a confiscation and forfeiture section.

The bill also transfers the condemned shellfish and shellfish beds statute, the sewage facilities aid program and the authorizing acts for a Clean Water Council, the Clean Water Scholarship Intern Program and the Summer Intern Program in Water Pollution Control from Titles 13, 24 and 26 to Title 58 of the Revised Statutes.

Amendments adopted by the Senate Energy and Environment Committee would add criminal penalties to the fines imposed for the violation of the statutory prohibition of the taking of condemned shellfish. Such amendments would also confirm that nothing in this bill is intended to limit the powers and responsibilities of the Department of Health pursuant to the provisions of Title 24 of the Revised Statutes.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 1398

STATE OF NEW JERSEY

ADOPTED DECEMBER 4, 1978

Amend page 2, section 7, line 2, after "business", insert ", buildings".

Amend page 2, section 8, lines 1-2, omit "chemists, bacteriologists and inspectors", insert "persons".

Amend page 2, section 8, line 3, omit "a", omit "boat", insert "boats".

Amend page 2, section 9, line 8, after "et seq.)", insert "and any such person convicted of a subsequent offense shall be subject to imprisonment for not less than 1 week or more than 12 weeks".

Amend page 3, section 10, line 14, after "discretion.", insert "Nothing contained in sections 1 through 8 of this act shall be construed to limit the powers and responsibilities of the Department of Health pursuant to any provisions of Title 24 of the Revised Statutes."

SENATE AMENDMENT TO
SENATE, No. 1398
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED DECEMBER 17, 1979

Amend pages 2-3, section 9, lines 3-12, beginning with "shall" on line 3, delete the entire text through "Law." on line 12 and insert "is guilty of a petty disorderly persons offense and any such person convicted of a subsequent offense is guilty of a disorderly persons offense".

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

December 17, 1979

SENATE BILL NO. 1398 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I return Senate Bill No. 1398 (OCR), with my objections, for reconsideration.

This bill would replace outmoded penalties concerning condemned shellfish and shellfish beds with modern penalties and would recodify certain environmental protection statutes. While I agree with updating the statutes one change made by the bill appears to need modification. Section 9 of the bill provides that a person who violates certain provisions of the bill will be subject to a civil penalty for a first offense and a civil and criminal penalty for subsequent offenses. The Attorney General's office advises me that it would be appropriate to make the penalties either entirely civil or criminal.

The Department of Environmental Protection indicates that the criminal incarceration in the present statute serves as a valuable deterrent to illegal clamming. Further, the potential detrimental health effects from the sale and consumption of clams illegally taken from polluted waters would appear to justify criminal penalties for these abuses.

Accordingly, I herewith return Senate Bill No. 1398 (OCR) for reconsideration and recommend that it be amended as follows:

Page 2, Section 9, lines 3 through 12: beginning with "shall" on line 3 delete the entire text and insert "is guilty of a petty disorderly persons offense and any such person convicted of a subsequent offense is guilty of a disorderly persons offense".

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest:

/s/ Harold L. Hodes

CHIEF OF STAFF, SECRETARY

JANUARY 18, 1980

-3-

S-1370, sponsored by Senator William J. Hamilton, Jr. (D-Middlesex), which requires a list of real estate, physical facilities and vacant lands owned or leased by the State to be accumulated by the Commission on Capital Budget and Planning.

S-1398, sponsored by Senator Frank J. Dodd (D-Essex), which replaces outmoded penalties concerning condemned shellfish and shellfish beds with modern penalties.

S-1410, sponsored by Senator Joseph P. Merlino, (D-Mercer), which would permit New Jersey licensed real estate brokers to pay referral fees or commissions to licensed brokers in other states.

S-1427, sponsored by Senator Francis E. Rodgers (D-Hudson), which repeals certain statutes pertaining to county supervisors, an office abolished with the charter changes in Essex and Hudson counties.

S-3043, sponsored by Senator Merlino, which increases the payment of funeral expenses paid by county welfare agencies for persons receiving old age assistance.

S-3370, sponsored by Senator Laurence S. Weiss (D-Middlesex), which clarifies the authority of a fire district to hold, sell, lease or otherwise convey real or personal property. The bill requires that any sale of such property be made in accordance with the pertinent provisions of the "Local Lands and Buildings Law," which would require that such property be no longer needed for the purposes of the fire district.

S-3409, sponsored by Senator John T. Gregorio (D-Union), which repeals 79 statutes concerning fire and police officers which have been repealed or superseded by later laws.

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