

50:2-2

LEGISLATIVE HISTORY CHECKLIST

NJSA: 50:2-2, 50:2-3

(Clam licenses-
increases fees)

LAWS OF: 1988

CHAPTER: 35

Bill No: S1535

Sponsor(s): Pallone

Date Introduced: Pre-filed

Committee: Assembly: -----

Senate: Natural Resources and Agriculture Committee

Amended during passage: Yes Amendments during passage
denoted by asterisks

Date of Passage: Assembly: May 2, 1988

Senate: March 3, 1988

Date of Approval: June 15, 1988

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

[SECOND REPRINT]

SENATE, No. 1535

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Senator PALLONE

1 AN ACT concerning certain clam licenses, amending R.S. 50:2-2
and R.S. 50:2-3 and supplementing chapter 2 of Title 50 of the
3 Revised Statutes.

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

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

50:2-2. No resident's recreational clam license shall be
9 granted to any applicant who does not present satisfactory
evidence that he is a resident of this State[; except that a] and
11 pay the license fee required pursuant to R.S. 50:2-3. A
nonresident's recreational clam license shall be effective only
13 in the months of June, July, August, and September in any
calendar year [may] and shall not be granted to a¹[non-resident]
15 nonresident¹ of this State [upon] without the payment of [a] the
license fee required pursuant to R.S. 50:2-3.

17 No holder of [either such] any recreational clam license may
take more than 150 clams per day or shall sell or offer for sale
19 clams taken under said license and any such sale or offer for
sale shall constitute ground for the revocation of said license.
21 No person shall take or catch more than 150 clams per day
unless such person is a holder of a commercial clam license. A
23 commercial clam license shall¹not¹ be granted without the
payment of the fee required pursuant to R.S. 50:2-3.

25 (cf: P.L. 1979, c. 199, S.28)

2. R.S. 50:2-3 is amended to read as follows:

27 50:2-3. The license fee shall be fixed by the commissioner,
with the approval of the council [, at not less than \$5.00 nor
29 more than \$10.00 for either recreational license, and shall be
not less than \$25.00 nor more than \$50.00 for a commercial
31 clam license. No fee shall be charged for a recreational

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SNR committee amendments adopted February 18, 1988.

Matter enclosed in superscript numerals has been adopted as follows:

² Senate floor amendments adopted February 22, 1988.

1 license of a person who is 62 or more in years of age; provided
 2 such person is a resident of the State] ¹[as follows:], at not less
 3 than \$5.00 nor more than \$10.00 for a resident's recreational
 4 clam license, at not less than \$10.00 nor more than \$20.00 for a
 5 nonresident's recreational clam license, and at not less than
 6 \$25.00 nor more than \$50.00 for a commercial clam license. No
 7 fee shall be charged for a recreational clam license to a person
 8 who is 62 or more years of age, provided such person is a
 9 resident of this State.¹ ² A juvenile recreational clam license
 10 shall be available for \$2.00 for resident or nonresident persons
 11 under 14 years of age.²

¹a. Recreational clam licenses: residents under age 62, not
 12 less than \$15.00 nor more than \$30.00; resident's 62 or more
 13 years of age, no fee; nonresidents, not less than \$30.00 nor more
 14 than \$60.00; except that a juvenile recreational clam license
 15 shall be available for \$5.00 for resident or nonresident persons
 16 under 14 years of age;

b. Commercial clam licenses: not less than \$75.00 nor more
 17 than \$150.00.]¹

(cf: P.L. 1979, c. 199, s. 29)

21 3. (New Section) The "Shellfisheries Law Enforcement Fund"
 22 is established in the Department of Environmental Protection.
 23 All clam license fees collected pursuant to R.S. 50:2-3¹], except
 24 \$5.00 from each fee collected for a resident recreational clam
 25 license or for a juvenile nonresidential recreational clam
 26 license, \$10.00 from each fee collected for a nonresidential
 27 recreational clam license, and \$25.00 from each fee collected
 28 for a commercial clam license,]¹ shall be deposited in the fund.
 29 Moneys in the fund shall be allocated by the Commissioner of
 30 the Department of Environmental Protection to the Division of
 31 Fish, Game and Wildlife to enforce the laws necessary for the
 32 protection of the shellfish resources of the State, ¹[and]¹ to
 33 enforce the prohibition of taking shellfish from any shellfish bed
 34 condemned by the department pursuant to section 2 of P.L.
 35 1979, c. 321 (C. 58:24-2) ¹, to increase the effectiveness of the
 36 relay and depuration programs, and to enhance the productivity
 37 of the natural clam beds in the State¹.

1 4. This act shall take effect on January 1, 1989.

3

ENVIRONMENT

5

Fish, Game and Wildlife

7 Distinguishes between residents and nonresidents in clam
licensing, and establishes Shellfisheries Law Enforcement Fund.

SENATE, No. 1535

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Senator PALLONE

1 AN ACT concerning certain clam licenses, amending R.S.
2 50:2-2 and R.S. 50:2-3 and supplementing chapter 2 of Title
3 50 of the Revised Statutes.

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

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

8 50:2-2. No resident's recreational clam license shall be
9 granted to any applicant who does not present satisfactory
10 evidence that he is a resident of this State[; except that a] and
11 pay the license fee required pursuant to R.S. 50:2-3. A
12 nonresident's recreational clam license shall be effective only
13 in the months of June, July, August; and September in any
14 calendar year [may] and shall not be granted to a nonresident of
15 this State [upon] without the payment of [a] the license fee
16 required pursuant to R.S. 50:2-3.

17 No holder of [either such] any recreational clam license may
18 take more than 150 clams per day or shall sell or offer for sale
19 clams taken under said license and any such sale or offer for
20 sale shall constitute ground for the revocation of said license.

21 No person shall take or catch more than 150 clams per day
22 unless such person is a holder of a commercial clam license. A
23 commercial clam license shall be granted without the payment
24 of the fee required pursuant to R.S. 50:2-3.

25 2. R.S. 50:2-3 is amended to read as follows:

26 50:2-3. The license fee shall be fixed by the commissioner,
27 with the approval of the council [, at not less than \$5.00 nor
28 more than \$10.00 for either recreational license, and shall be
29 not less than \$25.00 nor more than \$50.00 for a commercial
30 clam license. No fee shall be charged for a recreational license
31 of a person who is 62 or more in years of age; provided such
person is a resident of the State] as follows:

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

Matter underlined thus is new matter.

1 a. Recreational clam licenses: residents under age 62, not
2 less than \$15.00 nor more than \$30.00; resident's 62 or more
3 years of age, no fee; nonresidents, not less than \$30.00 nor more
4 than \$60.00; except that a juvenile recreational clam license
5 shall be available for \$5.00 for resident or nonresident persons
6 under 14 years of age;

7 b. Commercial clam licenses: not less than \$75.00 nor more
8 than \$150.00.

9 3. (New Section) The "Shellfisheries Law Enforcement Fund"
10 is established in the Department of Environmental Protection.
11 All clam license fees collected pursuant to R.S. 50:2-3, except
12 \$5.00 from each fee collected for a resident recreational clam
13 license or for a juvenile nonresidential recreational clam
14 license, \$10.00 from each fee collected for a nonresidential
15 recreational clam license, and \$25.00 from each fee collected
16 for a commercial clam license, shall be deposited in the fund.
17 Moneys in the fund shall be allocated by the Commissioner of
18 the Department of Environmental Protection to the Division of
19 Fish, Game and Wildlife to enforce the laws necessary for the
20 protection of the shellfish resources of the State, and to enforce
21 the prohibition of taking shellfish from any shellfish bed
22 condemned by the department pursuant to section 2 of P.L.
23 1979, c. 321 (C. 58:24-2).

24 4. This act shall take effect on January 1, 1987.

25

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STATEMENT

29 This bill would increase the fees for recreational and
30 commercial clam licenses, and make a distinction in fees
31 between residents and nonresidents for recreational clam
32 licenses.

33 This bill would establish fees as follows: between \$15.00 and
34 \$30.00 for a resident recreational clam license with those 62 or
35 more years of age paying no fee, between \$30.00 and \$60.00 for
36 a nonresident recreational clam license, \$50.00 for a juvenile
37 recreational clam license, and between \$75.00 and \$150.00 for a
38 commercial clam license.

39 The bill establishes a "Shellfisheries Law Enforcement Fund"

1 in the Department of Environmental Protection in which all
2 clam license fees collected by the department, except for \$5.00
3 from each fee collected for a resident recreational license or
4 for a juvenile nonresident recreational clam license, \$10.00 from
5 each fee collected for a nonresident recreational license, and
6 \$25.00 from each fee collected from a commercial license,
7 would be deposited. The fund is dedicated to enforcement
8 activities.

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ENVIRONMENT
Fish, Game and Wildlife

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Increases fees for clam license, distinguishes between residents
15 and nonresidents in licensing, and establishes a Shellfisheries
Law Enforcement Fund.

SENATE NATURAL RESOURCES AND AGRICULTURE
COMMITTEE

STATEMENT TO

SENATE, No. 1535

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 18, 1988

The Senate Natural Resources and Agriculture Committee favorably reported Senate Bill No. 1535 with amendments.

As introduced, this bill would increase the fees for recreational and commercial clam licenses, and make a distinction in fees between residents and nonresidents for recreational clam licenses.

This bill would establish fees as follows: between \$15.00 and \$30.00 for a resident recreational clam license, with those 62 or more years of age paying no fee, between \$30.00 and \$60.00 for a nonresident recreational clam license, \$5.00 for a juvenile recreational clam license, and between \$75.00 and \$150.00 for a commercial clam license.

The bill establishes a "Shellfisheries Law Enforcement Fund" in the Department of Environmental Protection in which all clam license fees collected by the department, except for \$5.00 from each fee collected for a resident recreational license or for a juvenile nonresident recreational clam license, \$10.00 from each fee collected for a nonresident recreational license, and \$25.00 from each fee collected from a commercial license, would be deposited. The fund is dedicated to enforcement activities.

Committee amendments reestablish the current fee range for a resident's recreational clam license and a commercial clam license. The amendments also create a new fee category for nonresident's recreational clam license ranging from \$10.00 to \$20.00 and continues to charge persons 62 or more years of age no fee. The amendments also dedicate all fee revenue, rather than a portion, to the "Shellfisheries Law Enforcement Fund." That fund also will be used for increasing the effectiveness of the relay and depuration programs, and to enhance the productivity of the natural clam beds in the State. Finally, the amendments affirm that no commercial clam license shall be granted without the payment of the required fee.