

ASSEMBLY AGRICULTURE AND FOOD SECURITY
COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 520

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 19, 2023

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

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

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

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

COMMITTEE AMENDMENTS:

The committee amended the bill to:

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