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# ASSEMBLY, No. 2270

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MARCH 20, 2000

**Sponsored by:**

**Assemblywoman CHARLOTTE VANDERVALK**

**District 39 (Bergen)**

**SYNOPSIS**

Clarifies enforcement authority of local health officers regarding sale or distribution of tobacco products to minors.

**CURRENT VERSION OF TEXT**

As introduced.



A2270 VANDERVALK

2

1 AN ACT concerning penalties for the sale or distribution of tobacco  
2 products to persons under 18 years of age and revising parts of the  
3 statutory law.

4

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

7

8 1. (New section) a. No person, either directly or indirectly by an  
9 agent or employee, or by a vending machine owned by the person or  
10 located in the person's establishment, shall sell, offer for sale,  
11 distribute for commercial purpose at no cost or minimal cost or with  
12 coupons or rebate offers, give or furnish, to a person under 18 years  
13 of age, any cigarettes made of tobacco or of any other matter or  
14 substance which can be smoked, or any cigarette paper or tobacco in  
15 any form, including smokeless tobacco.

16 b. The establishment of all of the following shall constitute a  
17 defense to any prosecution brought pursuant to subsection a. of this  
18 section:

19 (1) that the purchaser of the tobacco product or the recipient of the  
20 promotional sample falsely represented, by producing either a driver's  
21 license or non-driver identification card issued by the Division of  
22 Motor Vehicles in the Department of Transportation, a similar card  
23 issued pursuant to the laws of another state or the federal government  
24 of Canada, or a photographic identification card issued by a county  
25 clerk, that the purchaser or recipient was of legal age to make the  
26 purchase or receive the sample;

27 (2) that the appearance of the purchaser of the tobacco product or  
28 the recipient of the promotional sample was such that an ordinary  
29 prudent person would believe the purchaser or recipient to be of legal  
30 age to make the purchase or receive the sample; and

31 (3) that the sale or distribution of the tobacco product was made in  
32 good faith, relying upon the production of the identification set forth  
33 in paragraph (1) of this subsection, the appearance of the purchaser or  
34 recipient, and in the reasonable belief that the purchaser or recipient  
35 was of legal age to make the purchase or receive the sample.

36 c. A person who violates the provisions of subsection a. of this  
37 section shall be liable to a civil penalty of not less than \$250 for the  
38 first violation, not less than \$500 for the second violation, and \$1,000  
39 for the third and each subsequent violation. The civil penalty shall be  
40 collected pursuant to the "Penalty Enforcement Law of 1999,"  
41 P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before  
42 the municipal court having jurisdiction, by an official authorized by  
43 statute or ordinance to enforce the State or local health codes or a law

**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 enforcement officer having enforcement authority in that municipality.  
2 The official or law enforcement officer may issue a summons for a  
3 violation of the provisions of subsection a. of this section, and may  
4 serve and execute all process with respect to the enforcement of this  
5 section consistent with the Rules of Court. A penalty recovered under  
6 the provisions of this subsection shall be recovered by and in the name  
7 of the State by the local health agency. The penalty shall be paid into  
8 the treasury of the municipality in which the violation occurred for the  
9 general uses of the municipality.

10 d. In addition to the provisions of subsection c. of this section,  
11 upon the recommendation of the municipality, following a hearing by  
12 the municipality, the Division of Taxation in the Department of the  
13 Treasury may suspend or, after a second or subsequent violation of the  
14 provisions of subsection a. of this section, revoke the license issued  
15 under section 202 of P.L.1948, c.65 (C.54:40A-4) of a retail dealer.  
16 The licensee shall be subject to administrative charges, based on a  
17 schedule issued by the Director of the Division of Taxation, which may  
18 provide for a monetary penalty in lieu of a suspension.

19 e. A penalty imposed pursuant to this section shall be in addition  
20 to any penalty that may be imposed pursuant to section 3 of P.L.1999,  
21 c.90 (C.2C:33-13.1).

22

23 2. Section 4 of P.L.1995, c.304 (C.2A:170-51.2) is amended to  
24 read as follows:

25 4. Nothing in P.L.1995, c.304 (C.2A:170-51.1 et al.) or section 1  
26 of P.L. , c. (C. )(pending before the Legislature as this bill) shall  
27 be construed to preempt the provisions of any municipal ordinance  
28 concerning vending machines that dispense tobacco products.

29 (cf: P.L.1995, c.304, s.4)

30

31 3. Section 2 of P.L.1995, c.320 (C.26:3A2-20.1) is amended to  
32 read as follows:

33 2. a. The Commissioner of Health and Senior Services is authorized  
34 to enforce the provisions of [N.J.S.2A:170-51] section 1 of P.L. , c.  
35 (C. )(pending before the Legislature as this bill) with respect to the  
36 prohibition on the sale and commercial distribution of tobacco  
37 products to persons under 18 years of age. The commissioner may  
38 delegate the enforcement authority provided in this section to local  
39 health agencies, subject to the availability of sufficient funding. The  
40 commissioner shall report quarterly to the Legislature on the  
41 enforcement program's progress, use of grants awarded pursuant to  
42 section 7 of P.L.1966, c.36 (C.26:2F-7), results of enforcement efforts  
43 and other matters the commissioner deems appropriate.

44 b. The Department of the Treasury shall provide the commissioner

A2270 VANDERVALK

1 with information about retail tobacco dealer licensees necessary to  
2 carry out the purpose of this section.

3 (cf: P.L.1995, c.320, s.2)

4

5 4. Section 3 of P.L.1999, c.90 (C.2C:33-13.1) is amended to read  
6 as follows:

7 3. a. A person who sells or gives to a person under [the age of] 18  
8 years of age any cigarettes made of tobacco or of any other matter or  
9 substance which can be smoked, or any cigarette paper or tobacco in  
10 any form, including smokeless tobacco, [or cigarette papers] shall be  
11 punished by a fine as provided for a petty disorderly persons offense.  
12 A person who has been previously punished under this section and  
13 who commits another offense under it may be punishable by a fine of  
14 twice that provided for a petty disorderly persons offense.

15 b. The establishment of all of the following shall constitute a  
16 defense to any prosecution brought pursuant to subsection a. of this  
17 section:

18 (1) that the purchaser or recipient of the tobacco product falsely  
19 represented, by producing either a driver's license or non-driver  
20 identification card issued by the Division of Motor Vehicles in the  
21 Department of Transportation, a similar card issued pursuant to the  
22 laws of another state or the federal government of Canada, or a  
23 photographic identification card issued by a county clerk, that the  
24 purchaser or recipient was of legal age to purchase or receive the  
25 tobacco product;

26 (2) that the appearance of the purchaser or recipient of the tobacco  
27 product was such that an ordinary prudent person would believe the  
28 purchaser or recipient to be of legal age to purchase or receive the  
29 tobacco product; and

30 (3) that the sale or distribution of the tobacco product was made in  
31 good faith, relying upon the production of the identification set forth  
32 in paragraph (1) of this subsection, the appearance of the purchaser or  
33 recipient, and in the reasonable belief that the purchaser or recipient  
34 was of legal age to purchase or receive the tobacco product.

35 c. A penalty imposed pursuant to this section shall be in addition  
36 to any penalty that may be imposed pursuant to section 1 of P.L. , c.  
37 (C. )(pending before the Legislature as this bill).

38 (cf: P.L.1999, c.90, s.3)

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40 5. Section 5 of P.L.1995, c.304 (C.2A:170-51.3) is repealed.

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42 6. This act shall take effect immediately.

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STATEMENT

This bill would clarify the enforcement authority of local health officers in regard to the prohibition on the sale or distribution of tobacco products to minors. Specifically, the bill would make it clear that a local health officer may issue a summons to a person who violates this prohibition. Moreover, it would clarify that the penalties collected for a violation of its provisions are to be retained by the municipality.

The bill incorporates these provisions, which are in section 1 of the bill, in Title 2A of the New Jersey Statutes and repeals N.J.S.A.2A:170-51.3 (concerning the enforcement and collection of penalties for violations of the prohibition on the sale or distribution of tobacco products to minors), the provisions of which are obviated by section 1 of the bill.

In addition, the bill amends N.J.S.A.2C:33-13.1, which imposes a fine as provided for a petty disorderly persons offense for selling or giving tobacco in any form to a minor, in order to:

- parallel the language in section 1 of the bill regarding the nature of the product that is forbidden to be sold or given to a minor; and
- provide defenses to a prosecution brought under this section which parallel those provided in section 1 of the bill.

The bill also stipulates that a penalty imposed pursuant to either section 1 of the bill or N.J.S.A.2C:33-13.1 shall be in addition to any penalty that may be imposed pursuant to the other section.

[First Reprint]

**ASSEMBLY, No. 2270**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

INTRODUCED MARCH 20, 2000

**Sponsored by:**

**Assemblywoman CHARLOTTE VANDERVALK**

**District 39 (Bergen)**

**Co-Sponsored by:**

**Assemblywoman Greenstein and Senator Sinagra**

**SYNOPSIS**

Clarifies enforcement authority of local health officers regarding sale or distribution of tobacco products to minors.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Health Committee on May 1, 2000, with amendments.



**(Sponsorship Updated As Of: 6/30/2000)**



A2270 [1R] VANDERVALK

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1 AN ACT concerning penalties for the sale or distribution of tobacco  
2 products to persons under 18 years of age and revising parts of the  
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5 **BE IT ENACTED** by the Senate and General Assembly of the State  
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8 1. (New section) a. No person, either directly or indirectly by an  
9 agent or employee, or by a vending machine owned by the person or  
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11 distribute for commercial purpose at no cost or minimal cost or with  
12 coupons or rebate offers, give or furnish, to a person under 18 years  
13 of age, any cigarettes made of tobacco or of any other matter or  
14 substance which can be smoked, or any cigarette paper or tobacco in  
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22 Motor Vehicles in the Department of Transportation, a similar card  
23 issued pursuant to the laws of another state or the federal government  
24 of Canada, or a photographic identification card issued by a county  
25 clerk, that the purchaser or recipient was of legal age to make the  
26 purchase or receive the sample;

27 (2) that the appearance of the purchaser of the tobacco product or  
28 the recipient of the promotional sample was such that an ordinary  
29 prudent person would believe the purchaser or recipient to be of legal  
30 age to make the purchase or receive the sample; and

31 (3) that the sale or distribution of the tobacco product was made in  
32 good faith, relying upon the production of the identification set forth  
33 in paragraph (1) of this subsection, the appearance of the purchaser or  
34 recipient, and in the reasonable belief that the purchaser or recipient  
35 was of legal age to make the purchase or receive the sample.

36 c. A person who violates the provisions of subsection a. of this  
37 section shall be liable to a civil penalty of not less than \$250 for the  
38 first violation, not less than \$500 for the second violation, and \$1,000  
39 for the third and each subsequent violation. The civil penalty shall be  
40 collected pursuant to the "Penalty Enforcement Law of 1999,"  
41 P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding

**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:**

**<sup>1</sup> Assembly AHL committee amendments adopted May 1, 2000.**

1 before the municipal court having jurisdiction<sup>1</sup> [, by an] An<sup>1</sup> official  
2 authorized by statute or ordinance to enforce the State or local health  
3 codes or a law enforcement officer having enforcement authority in  
4 that municipality<sup>1</sup> [. The official or law enforcement officer]<sup>1</sup> may  
5 issue a summons for a violation of the provisions of subsection a. of  
6 this section, and may serve and execute all process with respect to the  
7 enforcement of this section consistent with the Rules of Court. A  
8 penalty recovered under the provisions of this subsection shall be  
9 recovered by and in the name of the State by the local health agency.  
10 The penalty shall be paid into the treasury of the municipality in which  
11 the violation occurred for the general uses of the municipality.

12 d. In addition to the provisions of subsection c. of this section,  
13 upon the recommendation of the municipality, following a hearing by  
14 the municipality, the Division of Taxation in the Department of the  
15 Treasury may suspend or, after a second or subsequent violation of the  
16 provisions of subsection a. of this section, revoke the license issued  
17 under section 202 of P.L.1948, c.65 (C.54:40A-4) of a retail dealer.  
18 The licensee shall be subject to administrative charges, based on a  
19 schedule issued by the Director of the Division of Taxation, which may  
20 provide for a monetary penalty in lieu of a suspension.

21 e. A penalty imposed pursuant to this section shall be in addition  
22 to any penalty that may be imposed pursuant to section 3 of P.L.1999,  
23 c.90 (C.2C:33-13.1).

24  
25 2. Section 4 of P.L.1995, c.304 (C.2A:170-51.2) is amended to  
26 read as follows:

27 4. Nothing in P.L.1995, c.304 (C.2A:170-51.1 et al.) or section 1  
28 of P.L. , c. (C. )(pending before the Legislature as this bill) shall  
29 be construed to preempt the provisions of any municipal ordinance  
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38 prohibition on the sale and commercial distribution of tobacco  
39 products to persons under 18 years of age. The commissioner may  
40 delegate the enforcement authority provided in this section to local  
41 health agencies, subject to the availability of sufficient funding. The  
42 commissioner shall report quarterly to the Legislature on the  
43 enforcement program's progress, use of grants awarded pursuant to  
44 section 7 of P.L.1966, c.36 (C.26:2F-7), results of enforcement efforts  
45 and other matters the commissioner deems appropriate.

46 b. The Department of the Treasury shall provide the commissioner

1 with information about retail tobacco dealer licensees necessary to  
2 carry out the purpose of this section.

3 (cf: P.L.1995, c.320, s.2)

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21 Department of Transportation, a similar card issued pursuant to the  
22 laws of another state or the federal government of Canada, or a  
23 photographic identification card issued by a county clerk, that the  
24 purchaser or recipient was of legal age to purchase or receive the  
25 tobacco product;

26 (2) that the appearance of the purchaser or recipient of the tobacco  
27 product was such that an ordinary prudent person would believe the  
28 purchaser or recipient to be of legal age to purchase or receive the  
29 tobacco product; and

30 (3) that the sale or distribution of the tobacco product was made in  
31 good faith, relying upon the production of the identification set forth  
32 in paragraph (1) of this subsection, the appearance of the purchaser or  
33 recipient, and in the reasonable belief that the purchaser or recipient  
34 was of legal age to purchase or receive the tobacco product.

35 c. A penalty imposed pursuant to this section shall be in addition  
36 to any penalty that may be imposed pursuant to section 1 of P.L. , c.  
37 (C. )(pending before the Legislature as this bill).

38 (cf: P.L.1999, c.90, s.3)

39

40 5. Section 5 of P.L.1995, c.304 (C.2A:170-51.3) is repealed.

41

42 6. This act shall take effect immediately.

# ASSEMBLY HEALTH COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2270**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MAY 1, 2000

The Assembly Health Committee reports favorably and with committee amendments Assembly Bill No. 2270.

As amended by committee, this bill would clarify the enforcement authority of local health officers in regard to the prohibition on the sale or distribution of tobacco products to minors. Specifically, the bill would make it clear that a local health officer may issue a summons to a person who violates this prohibition. Moreover, it would clarify that the penalties collected for a violation of its provisions are to be retained by the municipality.

The bill incorporates these provisions, which are in section 1 of the bill, in Title 2A of the New Jersey Statutes and repeals N.J.S.A.2A:170-51.3 (concerning the enforcement and collection of penalties for violations of the prohibition on the sale or distribution of tobacco products to minors), the provisions of which are obviated by section 1 of the bill.

In addition, the bill amends N.J.S.A.2C:33-13.1, which imposes a fine as provided for a petty disorderly persons offense for selling or giving tobacco in any form to a minor, in order to:

- parallel the language in section 1 of the bill regarding the nature of the product that is forbidden to be sold or given to a minor; and
- provide defenses to a prosecution brought under this section which parallel those provided in section 1 of the bill.

The bill also stipulates that a penalty imposed pursuant to either section 1 of the bill or N.J.S.A.2C:33-13.1 shall be in addition to any penalty that may be imposed pursuant to the other section.

The committee adopted a technical amendment to the bill to clarify that the local health officer would be authorized to issue the summons for a violation, but that the health officer would not bring the proceeding before the court, as that action is the responsibility of the municipal prosecutor.

This bill is similar to Senate Bill No. 1152 (Sinagra), which is currently pending in the Senate Health Committee.

P.L. 2000, CHAPTER 87, *approved August 14, 2000*  
Assembly, No. 2270 (*First Reprint*)

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2 products to persons under 18 years of age and revising parts of the  
3 statutory law.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State  
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32 good faith, relying upon the production of the identification set forth  
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40 (C. )(pending before the Legislature as this bill).

41 (cf: P.L.1999, c.90, s.3)

42

43 5. Section 5 of P.L.1995, c.304 (C.2A:170-51.3) is repealed.

44

45 6. This act shall take effect immediately.

1

\_\_\_\_\_

2

3 Clarifies enforcement authority of local health officers regarding sale  
4 or distribution of tobacco products to minors.



## CHAPTER 87

**AN ACT** concerning penalties for the sale or distribution of tobacco products to persons under 18 years of age and revising parts of the statutory law.

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

C.2A:170-51.4 Sale, distribution of tobacco to persons under age 18, prohibited; civil penalties.

1. a. No person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, shall sell, offer for sale, distribute for commercial purpose at no cost or minimal cost or with coupons or rebate offers, give or furnish, to a person under 18 years of age, any cigarettes made of tobacco or of any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco.

b. The establishment of all of the following shall constitute a defense to any prosecution brought pursuant to subsection a. of this section:

(1) that the purchaser of the tobacco product or the recipient of the promotional sample falsely represented, by producing either a driver's license or non-driver identification card issued by the Division of Motor Vehicles in the Department of Transportation, a similar card issued pursuant to the laws of another state or the federal government of Canada, or a photographic identification card issued by a county clerk, that the purchaser or recipient was of legal age to make the purchase or receive the sample;

(2) that the appearance of the purchaser of the tobacco product or the recipient of the promotional sample was such that an ordinary prudent person would believe the purchaser or recipient to be of legal age to make the purchase or receive the sample; and

(3) that the sale or distribution of the tobacco product was made in good faith, relying upon the production of the identification set forth in paragraph (1) of this subsection, the appearance of the purchaser or recipient, and in the reasonable belief that the purchaser or recipient was of legal age to make the purchase or receive the sample.

c. A person who violates the provisions of subsection a. of this section shall be liable to a civil penalty of not less than \$250 for the first violation, not less than \$500 for the second violation, and \$1,000 for the third and each subsequent violation. The civil penalty shall be collected pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), in a summary proceeding before the municipal court having jurisdiction. An official authorized by statute or ordinance to enforce the State or local health codes or a law enforcement officer having enforcement authority in that municipality may issue a summons for a violation of the provisions of subsection a. of this section, and may serve and execute all process with respect to the enforcement of this section consistent with the Rules of Court. A penalty recovered under the provisions of this subsection shall be recovered by and in the name of the State by the local health agency. The penalty shall be paid into the treasury of the municipality in which the violation occurred for the general uses of the municipality.

d. In addition to the provisions of subsection c. of this section, upon the recommendation of the municipality, following a hearing by the municipality, the Division of Taxation in the Department of the Treasury may suspend or, after a second or subsequent violation of the provisions of subsection a. of this section, revoke the license issued under section 202 of P.L.1948, c.65 (C.54:40A-4) of a retail dealer. The licensee shall be subject to administrative charges, based on a schedule issued by the Director of the Division of Taxation, which may provide for a monetary penalty in lieu of a suspension.

e. A penalty imposed pursuant to this section shall be in addition to any penalty that may be imposed pursuant to section 3 of P.L.1999, c.90 (C.2C:33-13.1).

2. Section 4 of P.L.1995, c.304 (C.2A:170-51.2) is amended to read as follows:

C.2A:170-51.2 Vending machine ordinances not preempted.

4. Nothing in P.L.1995, c.304 (C.2A:170-51.1 et al.) or section 1 of P.L.2000, c.87 (C.2A:170-51.4) shall be construed to preempt the provisions of any municipal ordinance concerning vending machines that dispense tobacco products.

3. Section 2 of P.L.1995, c.320 (C.26:3A2-20.1) is amended to read as follows:

C.26:3A2-20.1 Sale of tobacco to minors, prohibition, enforcement; reports.

2. a. The Commissioner of Health and Senior Services is authorized to enforce the provisions of section 1 of P.L.2000, c.87 (C.2A:170-51.4) with respect to the prohibition on the sale and commercial distribution of tobacco products to persons under 18 years of age. The commissioner may delegate the enforcement authority provided in this section to local health agencies, subject to the availability of sufficient funding. The commissioner shall report quarterly to the Legislature on the enforcement program's progress, use of grants awarded pursuant to section 7 of P.L.1966, c.36 (C.26:2F-7), results of enforcement efforts and other matters the commissioner deems appropriate.

b. The Department of the Treasury shall provide the commissioner with information about retail tobacco dealer licensees necessary to carry out the purpose of this section.

4. Section 3 of P.L.1999, c.90 (C.2C:33-13.1) is amended to read as follows:

C.2C:33-13.1 Sale of cigarettes to minors, petty disorderly persons offense.

3. a. A person who sells or gives to a person under 18 years of age any cigarettes made of tobacco or of any other matter or substance which can be smoked, or any cigarette paper or tobacco in any form, including smokeless tobacco, shall be punished by a fine as provided for a petty disorderly persons offense. A person who has been previously punished under this section and who commits another offense under it may be punishable by a fine of twice that provided for a petty disorderly persons offense.

b. The establishment of all of the following shall constitute a defense to any prosecution brought pursuant to subsection a. of this section:

(1) that the purchaser or recipient of the tobacco product falsely represented, by producing either a driver's license or non-driver identification card issued by the Division of Motor Vehicles in the Department of Transportation, a similar card issued pursuant to the laws of another state or the federal government of Canada, or a photographic identification card issued by a county clerk, that the purchaser or recipient was of legal age to purchase or receive the tobacco product;

(2) that the appearance of the purchaser or recipient of the tobacco product was such that an ordinary prudent person would believe the purchaser or recipient to be of legal age to purchase or receive the tobacco product; and

(3) that the sale or distribution of the tobacco product was made in good faith, relying upon the production of the identification set forth in paragraph (1) of this subsection, the appearance of the purchaser or recipient, and in the reasonable belief that the purchaser or recipient was of legal age to purchase or receive the tobacco product.

c. A penalty imposed pursuant to this section shall be in addition to any penalty that may be imposed pursuant to section 1 of P.L.2000, c.87 (C.2A:170-51.4).

Repealer.

5. Section 5 of P.L.1995, c.304 (C.2A:170-51.3) is repealed.

6. This act shall take effect immediately.

Approved August 14, 2000.

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*Office of the Governor*  
**NEWS RELEASE**

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RELEASE: August 14, 2000

Governor Whitman today signed the following pieces of legislation:

**A-1436**, sponsored by Assemblyman Richard A. Merkt (Morris) and Senator Robert J. Martin (R-Essex/Morris/Passaic), will allow permanently and totally disabled voters the option to receive absentee ballots for each election during a calendar year by filling out one application at the beginning of the year.

Current law requires disabled voters to apply for an absentee ballot in every election during the calendar year.

**A-2270**, sponsored by Assemblywoman Charlotte Vandervalk (R-Bergen) and Senator Jack Sinagra (R-Middlesex), clarifies enforcement authority of local health officers regarding the sale or distribution of tobacco products to minors. The bill states that a local health officer may issue a summons to a person who violates this prohibition. The municipality would retain penalties collected as a result of this enforcement.

**S-717**, sponsored by Senators C. Louis Bassano (Essex/Union) and Diane B. Allen (R-Burlington/Camden) and Assemblymembers Melvin Cottrell (R-Burlington/Monmouth/Ocean) and Joseph R. Malone, III. (R-Burlington/Monmouth/Ocean), renames the Governor's Council on the Prevention of Mental Retardation as the Governor's Council on the Prevention of Mental Retardation and Developmental Disabilities.

The bill also provides that an advocate for the mentally retarded and developmentally disabled shall be included among the Council's public members, and that the Council's 12-member Executive Committee shall include the Commissioner of Community Affairs as an ex-officio member and the Secretary of State as a non-voting, ex-officio member.

**S-220**, sponsored by Senators Wayne R. Bryant (D-Camden/Gloucester), William L. Gormley (R-Atlantic) and Assemblymembers David C. Russo (R-Bergen/Passaic) and Joan M. Quigley (D-Bergen/Hudson), provides that upon the resolution of a lawsuit, civil judgement, arbitration or workers' compensation case where a party is entitled to receive a settlement, judgement or award - a lien will be placed upon the net proceeds payable to the prevailing party if the party is found to owe child support. The fee shall have priority over all other levies and citations (unless a court orders otherwise) and except for levies to recover unpaid income taxes to the State.

The bill arose out of the concern that child support obligations may remain unsatisfied, while an obligor is in receipt of an influx of money from a lawsuit settlement, civil judgement, or other adjudicated means.

**A-436**, sponsored by Assembly Members Joel M. Weingarten (R-Essex/Union), Joseph Suliga (D-Union), Christopher "Kip" Bateman (R-Morris/ Somerset) and Guy R. Gregg (R-Sussex/Hunterdon/Morris) and Senators Anthony R. Bucco (R-Morris) and Walter J. Kavanaugh (R-Morris/ Somerset), requires insurers to provide certain notice concerning flood insurance.

This bill requires insurance companies that issue homeowners' insurance policies to provide existing and prospective policyholders with notice that a standard insurance policy does not cover property damaged by a flood. The Commissioner of Banking and Insurance may impose monetary penalties up to \$2,500 for the first violation and up to \$5,000 for any subsequent violation against any insurer that violates the bill's provisions.

**A-622**, sponsored by Assembly Members Carol J. Murphy (R-Essex/Morris/Passaic) and Alex DeCroce (R-Essex/Morris/Passaic), extends the period for a judge to issue a summons for illegally passing a school bus. Current law requires that a complaint for illegally passing 30 days of the offense. The new legislation would extend the time period to 90 days, thereby allowing more time for investigation to ensure that violators can be prosecuted. The bill also provides that any person who suppresses the identity of a driver who committed this offense would be subject to a fine of \$100.

Governor Whitman also today signed the following joint resolution:

**SJR-13**, sponsored by Senators John A. Lynch (D-Middlesex), Jack Sinagra (R-Middlesex) and Assemblyman Melvin Cottrell (R-Burlington/Monmouth/Ocean), designates December 12th of each year as "Foster Children's Day." The joint resolution is designed to recognize the unique needs and experiences of foster children and provide an opportunity for State and local government, private organizations and the general public to engage in charitable efforts to acknowledge that foster children are important and loved.