

LEGISLATIVE HISTORY CHECKLIST

Compiled by the NJ State Law Library

LAWS of 1999

CHAPTER: 84

NJSA: 58:24-13

(Repeals Monmouth County clam depuration)

BILL NO: A1396 (substituted for S1513)

SPONSOR(S): Cordomeus and Smith, Tom

DATE INTRODUCED: Pre-filed

COMMITTEE:

ASSEMBLY: Agriculture & Natural Resources; Appropriations

SENATE: Environment

AMENDED DURING PASSAGE: No

DATE OF PASSAGE:

ASSEMBLY: October 29, 1998

SENATE: February 25, 1999

DATE OF APPROVAL: April 30, 1999

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: Original

(Amendments during passage denoted by superscript numbers)

A1396

SPONSORS STATEMENT: *Yes*

(Begins on page 4 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: Yes

June 4, 1998

June 22, 1998

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

S1513

SPONSORS STATEMENT: *Yes*

(Begins on page 4 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes*

Identical to Senate Statement for A1396

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

GOVERNOR'S ACTIONS

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

*To check for circulating copies contact New Jersey State Government Publications at the State Library
(609) 278-2640 ext. 102 or refdesk@njstatelib.org*

REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

P.L. 1999, CHAPTER 84, *approved April 30, 1999*

Assembly, No. 1396

1 **AN ACT** concerning clams, amending P.L.1995, c.335, and repealing
2 parts of the statutory law.

3

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

6

7 1. Section 3 of P.L.1995, c.335 (C.58:24-13) is amended to read
8 as follows:

9 3. a. There is established in the Department of Environmental
10 Protection a nonlapsing [~~, revolving~~] fund to be known as the
11 "Monmouth County Clam Depuration and Relay Program Fund,"
12 hereinafter referred to as "the fund." The fund shall be credited with
13 all [~~surcharges collected pursuant to this section~~] moneys appropriated
14 thereto by law or otherwise deposited in the fund, and any interest
15 earned on moneys in the fund shall be credited to the fund. All
16 moneys in the fund shall be appropriated for the purposes specified in
17 this section, and no moneys shall be expended for those purposes
18 without the specific appropriation thereof by the Legislature. The
19 Commissioner of Environmental Protection shall be the administrator
20 of the fund, and all disbursements from the fund shall be made by the
21 commissioner. The fund is established in addition to, and separate
22 from, the "Shellfisheries Law Enforcement Fund" established pursuant
23 to section 3 of P.L.1988, c.35 (C.50:2-3.1), and the moneys disbursed
24 from the fund shall not replace, but shall be provided in addition to,
25 any revenues appropriated from the General Fund and other sources
26 for the purpose of maintaining and implementing depurated hard or
27 soft clam or relayed hard clam programs in Monmouth County, or
28 other shellfish programs of which these programs are a part.

29 b. ~~[There shall be assessed a surcharge of \$2.00 on each bushel of~~
30 ~~depurated or relayed hard clams or depurated soft clams that are~~
31 ~~harvested as part of the depurated hard or soft clam or hard clam relay~~
32 ~~programs in Monmouth County. The Department of Environmental~~
33 ~~Protection shall establish procedures for the manner and method of the~~
34 ~~assessment and collection of the surcharges. All surcharges collected~~
35 ~~by the department pursuant to this section shall be deposited in the~~
36 ~~fund. Bait-harvested clams and hard or soft clams taken for research~~
37 ~~purposes shall not be subject to the surcharge established pursuant to~~
38 ~~this subsection.] (Deleted by amendment, P.L. , c. (C.) (now~~
39 ~~before the Legislature as this bill))~~

40 c. All moneys in the fund shall be disbursed only for the purpose
41 of funding depurated hard and soft clam or hard clam relay programs

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

Matter underlined thus is new matter.

1 in Monmouth County, as provided in subsection d. of this section.

2 d. The Commissioner of Environmental Protection shall disburse
3 annually the moneys in the fund for expenditures made by the
4 Department of Environmental Protection and the Department of
5 Health in the implementation of depurated hard or soft clam or hard
6 clam relay programs in Monmouth County, but in no case in an
7 amount that is greater than the following percentages of the fund
8 available in any one year: the Department of Environmental
9 Protection, 66.7%, of which amount half shall be used by the Division
10 of Fish, Game and Wildlife exclusively for the purpose of enforcing the
11 laws, rules and regulations that relate to the harvesting, transportation
12 and marketing of clams that are part of the clam depuration or relay
13 programs in Monmouth County, and half shall be used exclusively for
14 water quality monitoring and classification programs in Monmouth
15 County; and the Shellfish Program in the Department of Health,
16 33.3%.

17 e. On July 15, 1997, and every other year thereafter, the
18 Commissioner of Environmental Protection shall submit in writing to
19 each person participating in clam depuration and relay programs in
20 Monmouth County and the organizations that represent them, an
21 accounting of the fund [.] and a determination of the adequacy of the
22 moneys on deposit in the fund to support the purposes of this act [,
23 and the recommendations of the commissioner as to whether any
24 increase or decrease of the surcharge or the termination or expansion
25 of the programs is warranted] . Prior to July 15, 1997, the persons
26 participating in clam depuration and relay programs in Monmouth
27 County and the organizations that represent them shall determine the
28 method by which they shall review the recommendations of the
29 commissioner and submit a response to the commissioner. On August
30 15th following the receipt of the accounting of the program, and the
31 determination and recommendations from the commissioner, the
32 persons participating in clam depuration and relay programs in
33 Monmouth County and the organizations that represent them, in
34 accordance with the agreed-upon method of review and response, shall
35 submit their recommendations concerning the determination and
36 recommendations of the commissioner in writing to the commissioner.
37 After reviewing the response, the commissioner shall submit
38 recommendations based on the response to the Governor and the
39 Legislature.

40 (cf: P.L.1995, c.335, s.3)

41

42 2. Section 1 of P.L.1995, c.335 (C.58:24-11) and section 2 of
43 P.L.1995, c.335 (C.58:24-12) are repealed.

44

45 3. This act shall take effect immediately.

1

2

3 Repeals Monmouth County clam depuration and relay surcharge.

ASSEMBLY, No. 1396

STATE OF NEW JERSEY
208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman STEVE CORODEMUS

District 11 (Monmouth)

SYNOPSIS

Repeals Monmouth County clam depuration and relay surcharge.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1396 CORODEMUS

2

1 AN ACT concerning clams, amending P.L.1995, c.335, and repealing
2 parts of the statutory law.

3

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

6

7 1. Section 3 of P.L.1995, c.335 (C.58:24-13) is amended to read
8 as follows:

9 3. a. There is established in the Department of Environmental
10 Protection a nonlapsing [, revolving] fund to be known as the
11 "Monmouth County Clam Depuration and Relay Program Fund,"
12 hereinafter referred to as "the fund." The fund shall be credited with
13 all [surcharges collected pursuant to this section] moneys
14 appropriated thereto by law or otherwise deposited in the fund, and
15 any interest earned on moneys in the fund shall be credited to the fund.
16 All moneys in the fund shall be appropriated for the purposes specified
17 in this section, and no moneys shall be expended for those purposes
18 without the specific appropriation thereof by the Legislature. The
19 Commissioner of Environmental Protection shall be the administrator
20 of the fund, and all disbursements from the fund shall be made by the
21 commissioner. The fund is established in addition to, and separate
22 from, the "Shellfisheries Law Enforcement Fund" established pursuant
23 to section 3 of P.L.1988, c.35 (C.50:2-3.1), and the moneys disbursed
24 from the fund shall not replace, but shall be provided in addition to,
25 any revenues appropriated from the General Fund and other sources
26 for the purpose of maintaining and implementing depurated hard or
27 soft clam or relayed hard clam programs in Monmouth County, or
28 other shellfish programs of which these programs are a part.

29 b. [There shall be assessed a surcharge of \$2.00 on each bushel of
30 depurated or relayed hard clams or depurated soft clams that are
31 harvested as part of the depurated hard or soft clam or hard clam relay
32 programs in Monmouth County. The Department of Environmental
33 Protection shall establish procedures for the manner and method of the
34 assessment and collection of the surcharges. All surcharges collected
35 by the department pursuant to this section shall be deposited in the
36 fund. Bait-harvested clams and hard or soft clams taken for research
37 purposes shall not be subject to the surcharge established pursuant to
38 this subsection.] (Deleted by amendment, P.L., c. (C.) (now before
39 the Legislature as this bill))

40 c. All moneys in the fund shall be disbursed only for the purpose
41 of funding depurated hard and soft clam or hard clam relay programs
42 in Monmouth County, as provided in subsection d. of this section.

43 d. The Commissioner of Environmental Protection shall disburse

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

Matter underlined thus is new matter.

A1396 CORODEMUS

1 annually the moneys in the fund for expenditures made by the
2 Department of Environmental Protection and the Department of
3 Health in the implementation of depurated hard or soft clam or hard
4 clam relay programs in Monmouth County, but in no case in an
5 amount that is greater than the following percentages of the fund
6 available in any one year: the Department of Environmental
7 Protection, 66.7%, of which amount half shall be used by the Division
8 of Fish, Game and Wildlife exclusively for the purpose of enforcing the
9 laws, rules and regulations that relate to the harvesting, transportation
10 and marketing of clams that are part of the clam depuration or relay
11 programs in Monmouth County, and half shall be used exclusively for
12 water quality monitoring and classification programs in Monmouth
13 County; and the Shellfish Program in the Department of Health,
14 33.3%.

15 e. On July 15, 1997, and every other year thereafter, the
16 Commissioner of Environmental Protection shall submit in writing to
17 each person participating in clam depuration and relay programs in
18 Monmouth County and the organizations that represent them, an
19 accounting of the fund [,] and a determination of the adequacy of the
20 moneys on deposit in the fund to support the purposes of this act [,
21 and the recommendations of the commissioner as to whether any
22 increase or decrease of the surcharge or the termination or expansion
23 of the programs is warranted] . Prior to July 15, 1997, the persons
24 participating in clam depuration and relay programs in Monmouth
25 County and the organizations that represent them shall determine the
26 method by which they shall review the recommendations of the
27 commissioner and submit a response to the commissioner. On August
28 15th following the receipt of the accounting of the program, and the
29 determination and recommendations from the commissioner, the
30 persons participating in clam depuration and relay programs in
31 Monmouth County and the organizations that represent them, in
32 accordance with the agreed-upon method of review and response, shall
33 submit their recommendations concerning the determination and
34 recommendations of the commissioner in writing to the commissioner.
35 After reviewing the response, the commissioner shall submit
36 recommendations based on the response to the Governor and the
37 Legislature.

38 (cf: P.L.1995, c.335, s.3)

39

40 2. Section 1 of P.L.1995, c.335 (C.58:24-11) and section 2 of
41 P.L.1995, c.335 (C.58:24-12) are repealed.

42

43 3. This act shall take effect immediately.

A1396 CORODEMUS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

STATEMENT

This bill would repeal the \$2.00 per bushel surcharge on clams harvested through the depurated hard and soft clam and hard clam relay programs in Monmouth County. The surcharge was imposed pursuant to P.L.1995, c.335 (C.58:24-11 et seq.). The surcharge fees collected pursuant to that law were required to be deposited into the Monmouth County Clam Depuration and Relay Program Fund to be utilized to implement the depurated hard or soft clam or hard clam relay programs in Monmouth County. The bill would not repeal the fund, however; it would remain in existence to be the repository for such moneys as may be appropriated or otherwise credited to the fund to be expended for the purposes set forth in the 1995 law. The bill would also repeal two sections of the 1995 law (i.e., the legislative findings and declarations section and the definitions section) that are no longer needed for the purposes of the revision made by this bill.

ASSEMBLY AGRICULTURE AND NATURAL RESOURCES
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1396

STATE OF NEW JERSEY

DATED: JUNE 4, 1998

The Assembly Agriculture and Natural Resources Committee favorably reports Assembly Bill No. 1396.

This bill would repeal the \$2.00 per bushel surcharge on clams harvested through the depurated hard and soft clam and hard clam relay programs in Monmouth County. The surcharge was imposed pursuant to P.L.1995, c.335 (C.58:24-11 et seq.). The surcharge fees collected pursuant to that law were required to be deposited into the Monmouth County Clam Depuration and Relay Program Fund to be utilized to implement the depurated hard or soft clam or hard clam relay programs in Monmouth County. The bill would not repeal the fund, however; it would remain in existence to be the repository for such moneys as may be appropriated or otherwise credited to the fund to be expended for the purposes set forth in the 1995 law. The bill would also repeal two sections of the 1995 law (i.e., the legislative findings and declarations section and the definitions section) that are no longer needed for the purposes of the revision made by this bill.

This bill was pre-filed for introduction in the 1998-1999 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1396

STATE OF NEW JERSEY

DATED: JUNE 22, 1998

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1396.

Assembly Bill No. 1396 repeals the \$2.00 per bushel surcharge imposed pursuant to P.L.1995, c.335 (C.58:24-11 et seq.), on clams harvested through the depurated hard and soft clam and hard clam relay programs in Monmouth County. The surcharge fees are deposited into the Monmouth County Clam Depuration and Relay Program Fund and used to implement the depurated hard or soft clam or hard clam relay programs in Monmouth County.

The bill leaves the program fund in place as the repository for funds to be expended for the purposes set forth in the 1995 law.

FISCAL IMPACT:

The fiscal estimate for Assembly Bill No. 3023 (1R) of 1995, enacted as P.L.1995, c.335, estimated that \$162,000 to \$202,000 would be generated annually from the proposed surcharge on depurated and relayed hard clams. Data on soft clams were not available at that time.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1396

STATE OF NEW JERSEY

DATED: FEBRUARY 18, 1999

The Senate Environment Committee favorably reports Assembly Bill No. 1396.

This bill repeals the \$2.00 per bushel surcharge imposed pursuant to P.L.1995, c.335 (C.58:24-11 et seq.), on clams harvested through the depurated hard and soft clam and hard clam relay programs in Monmouth County. The surcharge fees are deposited into the Monmouth County Clam Depuration and Relay Program Fund and used to implement the depurated hard or soft clam or hard clam relay programs in Monmouth County.

The bill leaves the program fund in place as the repository for funds to be expended for the purposes set forth in the 1995 law.

This bill is identical to Senate Bill No. 1513 which was also released by the committee.

SENATE, No. 1513

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED NOVEMBER 23, 1998

Sponsored by:

Senator JOSEPH A. PALAIA

District 11 (Monmouth)

SYNOPSIS

Repeals Monmouth County clam depuration and relay surcharge.

CURRENT VERSION OF TEXT

As introduced.



S1513 PALAIA

2

1 AN ACT concerning clams, amending P.L.1995, c.335, and repealing
2 parts of the statutory law.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 3 of P.L.1995, c.335 (C.58:24-13) is amended to read
8 as follows:

9 3. a. There is established in the Department of Environmental
10 Protection a nonlapsing ~~[, revolving]~~ fund to be known as the
11 "Monmouth County Clam Depuration and Relay Program Fund,"
12 hereinafter referred to as "the fund." The fund shall be credited with
13 all ~~[surcharges collected pursuant to this section]~~ moneys
14 appropriated thereto by law or otherwise deposited in the fund, and
15 any interest earned on moneys in the fund shall be credited to the fund.
16 All moneys in the fund shall be appropriated for the purposes specified
17 in this section, and no moneys shall be expended for those purposes
18 without the specific appropriation thereof by the Legislature. The
19 Commissioner of Environmental Protection shall be the administrator
20 of the fund, and all disbursements from the fund shall be made by the
21 commissioner. The fund is established in addition to, and separate
22 from, the "Shellfisheries Law Enforcement Fund" established pursuant
23 to section 3 of P.L.1988, c.35 (C.50:2-3.1), and the moneys disbursed
24 from the fund shall not replace, but shall be provided in addition to,
25 any revenues appropriated from the General Fund and other sources
26 for the purpose of maintaining and implementing depurated hard or
27 soft clam or relayed hard clam programs in Monmouth County, or
28 other shellfish programs of which these programs are a part.

29 b. ~~[There shall be assessed a surcharge of \$2.00 on each bushel of~~
30 ~~depurated or relayed hard clams or depurated soft clams that are~~
31 ~~harvested as part of the depurated hard or soft clam or hard clam relay~~
32 ~~programs in Monmouth County. The Department of Environmental~~
33 ~~Protection shall establish procedures for the manner and method of the~~
34 ~~assessment and collection of the surcharges. All surcharges collected~~
35 ~~by the department pursuant to this section shall be deposited in the~~
36 ~~fund. Bait-harvested clams and hard or soft clams taken for research~~
37 ~~purposes shall not be subject to the surcharge established pursuant to~~
38 ~~this subsection.] (Deleted by amendment, P.L. , c. (C.) (now~~
39 ~~before the Legislature as this bill))~~

40 c. All moneys in the fund shall be disbursed only for the purpose
41 of funding depurated hard and soft clam or hard clam relay programs
42 in Monmouth County, as provided in subsection d. of this section.

43 d. The Commissioner of Environmental Protection shall disburse

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.

S1513 PALAIA

1 annually the moneys in the fund for expenditures made by the
2 Department of Environmental Protection and the Department of
3 Health in the implementation of depurated hard or soft clam or hard
4 clam relay programs in Monmouth County, but in no case in an
5 amount that is greater than the following percentages of the fund
6 available in any one year: the Department of Environmental
7 Protection, 66.7%, of which amount half shall be used by the Division
8 of Fish, Game and Wildlife exclusively for the purpose of enforcing the
9 laws, rules and regulations that relate to the harvesting, transportation
10 and marketing of clams that are part of the clam depuration or relay
11 programs in Monmouth County, and half shall be used exclusively for
12 water quality monitoring and classification programs in Monmouth
13 County; and the Shellfish Program in the Department of Health,
14 33.3%.

15 e. On July 15, 1997, and every other year thereafter, the
16 Commissioner of Environmental Protection shall submit in writing to
17 each person participating in clam depuration and relay programs in
18 Monmouth County and the organizations that represent them, an
19 accounting of the fund [,] and a determination of the adequacy of the
20 moneys on deposit in the fund to support the purposes of this act [,
21 and the recommendations of the commissioner as to whether any
22 increase or decrease of the surcharge or the termination or expansion
23 of the programs is warranted] . Prior to July 15, 1997, the persons
24 participating in clam depuration and relay programs in Monmouth
25 County and the organizations that represent them shall determine the
26 method by which they shall review the recommendations of the
27 commissioner and submit a response to the commissioner. On August
28 15th following the receipt of the accounting of the program, and the
29 determination and recommendations from the commissioner, the
30 persons participating in clam depuration and relay programs in
31 Monmouth County and the organizations that represent them, in
32 accordance with the agreed-upon method of review and response, shall
33 submit their recommendations concerning the determination and
34 recommendations of the commissioner in writing to the commissioner.
35 After reviewing the response, the commissioner shall submit
36 recommendations based on the response to the Governor and the
37 Legislature.

38 (cf: P.L.1995, c.335, s.3)

39

40 2. Section 1 of P.L.1995, c.335 (C.58:24-11) and section 2 of
41 P.L.1995, c.335 (C.58:24-12) are repealed.

42

43 3. This act shall take effect immediately.

S1513 PALAIA

4

1 STATEMENT

2

3 This bill repeals the \$2.00 per bushel surcharge imposed pursuant
4 to P.L.1995, c.335 (C.58:24-11 et seq.), on clams harvested through
5 the depurated hard and soft clam and hard clam relay programs in
6 Monmouth County. The surcharge fees are deposited into the
7 Monmouth County Clam Depuration and Relay Program Fund and
8 used to implement the depurated hard or soft clam or hard clam relay
9 programs in Monmouth County.

10 The bill leaves the program fund in place as the repository for funds
11 to be expended for the purposes set forth in the 1995 law.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 1513

STATE OF NEW JERSEY

DATED: FEBRUARY 18, 1999

The Senate Environment Committee favorably reports Senate Bill No. 1513.

This bill repeals the \$2.00 per bushel surcharge imposed pursuant to P.L.1995, c.335 (C.58:24-11 et seq.), on clams harvested through the depurated hard and soft clam and hard clam relay programs in Monmouth County. The surcharge fees are deposited into the Monmouth County Clam Depuration and Relay Program Fund and used to implement the depurated hard or soft clam or hard clam relay programs in Monmouth County.

The bill leaves the program fund in place as the repository for funds to be expended for the purposes set forth in the 1995 law.

This bill is identical to Assembly Bill No. 1396 which was also released by the committee.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Gene Herman
609-777-2600

RELEASE: April 30, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

ACS for A-1209, sponsored by Assembly Members Joseph V. Doria, Jr. (D-Hudson) and Francis J. Blee (R-Atlantic), provides a supplemental appropriation to the Department of Military and Veterans' Affairs (MAVA) in the amount of \$50,000 for a pilot program to transport homebound veterans to and from Veterans Administration (VA) clinic sites and from the clinics to VA hospitals. The clinic sites are in Hackensack, Trenton, Fort Dix, Cape May, Elizabeth and Vineland.

A-505, sponsored by Assembly Member Gerald H. Zecker (R- Essex/Passaic), provides for parity among New Jersey depository institutions with respect to lending practices. The State Bank Parity Act of 1981 was intended to permit even competition among New Jersey lending institutions (banks, savings banks, savings and loan associations and credit unions) by permitting each lending institution to charge a rate of interest permitted to any other lending institution. Recent court decisions have construed the act to be limited only to the periodic percentage rate of interest charged on an outstanding balance. The bill provides that parity applies all other fees and charges such as, but not limited to, late charges and collection fees.

A-1277, sponsored by Assembly Members Alex DeCroce (R- Essex/Morris/Passaic) and Carol J. Murphy (R- Essex/Morris/Passaic), permits a board of education to use school facilities for child care services that are provided by either the board, a board approved sponsor, or a licensed child care program. The child care programs allowed under the bill will be available before or after regular school hours for any school age child who attends school within the school district. The bill supplements current law which permits school facilities to be used only for education purposes, library purposes, election purposes, the holding of social, recreational or civic meetings that are approved by the board or the holding of meetings or events where admission fees are charged, subject to the approval of the board.

A-1581, sponsored by Assembly Members Barbara Wright (R-Mercer/Middlesex), John C. Gibson (R-Cape May/Atlantic/Cumberland) and Joseph V. Doria, Jr. (D-Hudson) and Senators John O. Bennett (R-Monmouth) and Joseph F. Vitale (D-Middlesex), allows advanced practice nurses to order and prescribe controlled dangerous substances under limited circumstances to patients in end-of-life situations or with terminal illnesses. Under previous law, nurse practitioners had no authority to prescribe controlled dangerous

substances.

A-1396, sponsored by Assembly Members Steve Corodemus (R-Monmouth) and Tom Smith (R-Monmouth), repeals the \$2 per bushel surcharge on clams harvested through the depuration clam relay program in Monmouth County. Although the bill repeals the surcharge, it does not repeal the Monmouth County Clam Depuration and Relay Program Fund. The last two state budgets have included a \$150,000 appropriation to the fund.

S-271, sponsored by Senators Wynona M. Lipman (D-Essex/Union) and Richard J. Codey (D-Essex), and Assembly Members Guy F. Talarico (R-Bergen) and Rose Marie Heck (R-Bergen), changes the legal doctrine of retreat regarding the use of deadly force with respect to domestic violence committed by cohabitant spouses or cohabitant household members in a shared dwelling. The doctrine of retreat is part of the law of self-defense. In New Jersey, a person may use deadly force in self-defense if that force is necessary to protect against death or serious bodily injury. One of the exceptions to this rule is that a person cannot use deadly force if the use of such force can be safely avoided by retreating from the situation. The bill deletes the provision that a person must retreat from a cohabitant in the person's home.

S-534, sponsored by Senator Jack Sinagra (R-Middlesex) and Assembly Member Barbara Wright (R-Mercer/Middlesex), permanently designates the first Sunday in May as "Loyal Heart Award Day" in New Jersey in order to honor and provide public recognition to caregivers of persons with disabilities. The Loyal Heart Award was initiated in 1994 by Elayne Hyman Risley, chairwoman of the Middlesex County Chapter Coalition on Women and Disabilities, to recognize the contributions made by caregivers for persons with disabilities.

S-993, sponsored by Senators Robert E. Littell (R- Sussex/Hunterdon/Morris) and Peter A. Inverso (R-Mercer/Middlesex) and Assembly Members Leonard Lance (R-Warren/Hunterdon/Mercer) and Francis J. Blee (R-Atlantic), appropriates \$4,532,000 from the Jobs, Education and Competitiveness Fund to the Commission on Higher Education for construction projects at various county colleges. The bill allocates \$226,000 to Essex County College for the reconfiguration of instructional space of the gymnasium and appropriates \$306,000 to Essex County College for the improvement of the Martin Luther King Library. It also appropriates \$2 million to Hudson County College for the acquisition and renovation of the Culinary Arts Institute and \$1 million to Passaic County Community College for an addition to the academic facility.

S-1064, sponsored by Senators Andrew R. Ciesla (R-Monmouth/Ocean) and Diane B. Allen (R-Burlington/Camden) and Assembly Members Gerald H. Zecker (R-Essex/Passaic) and James W. Holzapfel (R- Monmouth/Ocean), exempts real estate licensees from the consumer fraud law under certain

circumstances. Under the bill, if a real estate licensee communicates any false, misleading or deceptive information provided to him by or on behalf of the seller of the real estate, but the real estate licensee had no actual knowledge and made a reasonable and diligent inquiry to determine the accuracy of the information, the exemption will apply. The real estate licensee can still be held liable for compensatory damages under the act and is not exempt for fraudulent actions made with an intent to deceive.

S-1369, sponsored by Senators John O. Bennett (R-Monmouth) and Joseph A. Palaia (R-Monmouth) and Assembly members Tom Smith (R- Monmouth), Steve Corodemus (R-Monmouth), John S. Wisniewski (D- Middlidesex) and James W. Holzapfel (R-Monmouth/Ocean), establishes the use of a firearm or imitation firearm against a law enforcement officer as a crime of the third degree. A third- degree crime is punishable by a three-to-five year term of imprisonment or a \$15,000 fine or both.

S-1372, sponsored by Senator James S. Cafiero (R-Cape May/Atlantic/Cumberland) and Assembly Members Nicholas Asselta (R- Cape May/Atlantic/Cumberland) and John C. Gibson (R-Cape May/Atlantic/Cumberland), authorizes the New Jersey Real Estate Commission to promulgate rules concerning the forms of monies that real estate brokers and their agents may hold as escrow agents or as temporary custodians of the funds in real estate transactions. Under previous law, real estate brokers could only accept monies in the form of cash or negotiable instruments, such as checks and money orders.

S-1461, sponsored by Senator Robert W. Singer (R-Burlington/Monmouth/Ocean) and Assembly Members Joseph R. Malone (R-Burlington/Monmouth/Ocean) and Melvin Cottrell (R-Burlington/Monmouth/Ocean), appropriates \$250,000 from the General Fund to the Department of Military and Veterans' Affairs for the Korean Veterans' Memorial Fund. The Fund was created in July, 1996 by legislation that also created the Korean Veterans' Memorial Committee. The Fund will be used to pay for the construction and maintenance of the memorial, which will be built in Atlantic City. It is anticipated that \$2 million will be needed to build and maintain the memorial.

S-1467, sponsored by Senator Raymond J. Zane (R-Cumberland/Gloucester/Salem) and Assembly Members Charles "Ken" Zisa (D-Bergen) and Michael Patrick Carroll (R-Morris), provides that writs of execution issued by the Special Civil Part of the Superior Court be valid for two years. Under previous law, writs of execution against personal property issued by the Special Civil Part of the Superior Court were valid for only one year.