

33:1-3 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 33:1-3 et al

("Alcoholic Beverage Control Act"--statement of public purpose)

LAWS OF: 1985

CHAPTER: 258

Bill No: S2399

Sponsor(s): Costa and Di Francesco

Date Introduced: November 19, 1984

Committee: Assembly: -----

Senate: Law, Public Safety and Defense

Amended during passage: Yes Substituted for A2898 (not attached since identical to S2399). Amendments during passage denoted by asterisks.

Date of Passage: Assembly: June 24, 1985

Senate: June 17, 1985

Date of Approval: July 31, 1985

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: Yes

Hearings: No

Report, referred to in statements:

(OVER)

974.901 New Jersey. Alcoholic Beverage Control
A58 Study Commission.
1983 Report...December 31, 1983.
Trenton, 1983.
(see pp. 14-20)

974.901 New Jersey. Alcoholic Beverage Study Commission.
A58 Annual Report...December 31, 1984.
1984 Trenton, 1984.
(See pp. 15, 23-28, Appendix A)

258
7-31-85
85
[OFFICIAL COPY REPRINT]

SENATE, No. 2399

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 19, 1984

By Senators COSTA and DiFRANCESCO

Referred to Committee on Law, Public Safety and Defense

AN ACT concerning the public policy and legislative purpose for the control of alcoholic beverages in this State, amending R. S. 33:1-3, P. L. 1938, c. 208, P. L. 1956, c. 110, P. L. 1939, c. 87, and supplementing Title 33 of the Revised Statutes.

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

1 1. R. S. 33:1-3 is amended to read as follows:

2 33:1-3. **[**The Department of Alcoholic Beverage Control, estab-
3 lished as a State department by section 3 of the act entitled "An
4 act concerning alcoholic beverages," passed December 6, 1933 (L.
5 1933, c. 436, p. 1180), as amended and supplemented, is continued.
6 The chief executive of the department shall be the State Commis-
7 sioner of Alcoholic Beverage Control, hereinafter in this chapter
8 designated as the "commissioner." His term shall commence
9 December 6, 1933, and shall terminate on April 1, 1940, but he shall
10 serve until his successor has been elected and qualified. His suc-
11 cessor shall be elected by a joint session of the Legislature for a
12 term of seven years beginning on April 1, 1940, and every seven
13 years thereafter. The commissioner shall receive compensation at
14 the rate of \$16,500.00 per annum. Before entering upon the dis-
15 charge of his duties, he shall give bond to the State of New Jersey,
16 to be approved by the Governor, as to form and sufficiency, in the
17 sum of \$30,000.00.]

18 It shall be the duty of the **[**commissioner] *Director of the Divi-*
19 *sion of Alcoholic Beverage Control in the Department of Law and*

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted May 6, 1985.

20 *Public Safety* to supervise the manufacture, distribution and sale
 21 of alcoholic beverages in such a manner as to **promote temperance**
 22 and eliminate the racketeer and bootlegger **fulfill the public policy**
 23 and legislative purpose of this act as expressed in section 4 of P. L.
 24 , c. . . . (C.) (new pending before the Legislature
 25 as this bill).

26 **The first State Commissioner of Alcoholic Beverage Control**
 27 shall be D. Frederick Burnett, of the village of South Orange, in
 28 the county of Essex, who shall hold said office until April 1, 1940,
 29 or until his successor is elected and qualified as aforesaid.

30 Any vacancy in said office shall be filled by a joint session of the
 31 Legislature for the unexpired term only.]

1 2. Section 5 of P. L. 1956, c. 110 (C. 33:1-39.2) is amended to
 2 read as follows:

3 5. The Director of *the Division of Alcoholic Beverage Control*
 4 shall, in accordance with R. S. 33:1-39, make and promulgate such
 5 rules and regulations with respect to sales by licensees selling to
 6 consumers relative to the following subjects as will assist in prop-
 7 erly supervising the alcoholic beverage industry **and preventing**
 8 discrimination in the alcoholic beverage industry **and promoting**
 9 temperance]:

10 (a) Gifts of things of value in connection with or as an induce-
 11 ment to the purchase of malt alcoholic beverages,

12 (b) Combination sales of malt alcoholic beverages of different
 13 brands, of different manufacturers, of different names or trade
 14 names, or combination sales of any alcoholic beverages and other
 15 merchandise,

16 (c) Publication and maintenance of prices at which malt alcoholic
 17 beverages may be sold within recognized trading areas or below
 18 which malt alcoholic beverages may not be sold within such areas.

1 3. Section 5 of P. L. 1939, c. 87 (C. 33:1-93) is amended to
 2 read as follows:

3 5. The **State Commissioner** *Director of the Division of Alco-*
 4 *holic Beverage Control* is hereby vested with power to promulgate
 5 such rules and regulations on the following subjects as will assist
 6 in properly supervising the **liquor** *alcoholic beverage* industry
 7 **and promoting temperance]:** (a) maximum discounts, rebates,
 8 free goods, allowances and other inducements to retailers by manu-
 9 facturers, wholesalers and other persons privileged to sell to re-
 10 tailers; (b) gifts and deliveries of money, products and other things
 11 of value by manufacturers, wholesalers, other persons privileged
 12 to sell to retailers, their stockholders, officers, directors and em-
 13 ployees, to retailers, their stockholders, directors, officers and em-

14 ployees; (c) maintenance and publication of invoice prices, dis-
 15 counts, rebates, free goods, allowances and other inducements; and
 16 (d) such other matters as may be necessary to fulfill the restric-
 17 tions embodied in this act.

1 4. (New section) a. Title 33 of the Revised Statutes (R. S. 33:1-1
 2 et seq.) shall be known and may be cited as the "New Jersey
 3 Alcoholic Beverage Control Act."

4 b. The Legislature hereby finds and declares as the public policy
 5 of this State and the legislative purpose of Title 33 the following:

6 (1) To strictly regulate alcoholic beverages to protect the health,
 7 safety and welfare of the people of this State.

8 (2) To foster moderation and responsibility in the use and con-
 9 sumption of alcoholic beverages.

10 (3) To protect the collection of State taxes imposed upon alco-
 11 holic beverages.

12 (4) To protect the interests of consumers against fraud and mis-
 13 leading practices in the sale of alcoholic beverages.

14 (5) To protect against the infiltration of the alcoholic beverage
 15 industry by persons with known criminal records, habits or asso-
 16 ciations. Participation in the industry as a licensee under this act
 17 shall be deemed a revocable privilege conditioned upon the proper
 18 and continued qualification of the licensee.

19 (6) To provide a ***[regulatory]*** framework for the alcoholic
 20 beverage industry that ***[permits]*** *recognizes* and encourages
 21 *the beneficial aspects of* competition.

22 (7) To ***[provide a regulatory framework for the alcoholic bever-**
 23 **age industry that permits and encourages]*** *maintain* trade
 24 stability.

25 (8) To maintain a three-tier (manufacturer, wholesaler, retailer)
 26 distribution system.

27 (9) To maintain primary municipal control over the retailing
 28 of alcoholic beverages.

29 (10) To prohibit ***[unreasonable]*** discrimination in the sale of
 30 alcoholic beverages to retail licensees.

1 5. This act shall take effect immediately.

14 ployees; (c) maintenance and publication of invoice prices, dis-
 15 counts, rebates, free goods, allowances and other inducements; and
 16 (d) such other matters as may be necessary to fulfill the restric-
 17 tions embodied in this act.

1 4. (New section) a. Title 33 of the Revised Statutes (R. S. 33:1-1
 2 et seq.) shall be known and may be cited as the "New Jersey
 3 Alcoholic Beverage Control Act."

4 b. The Legislature hereby finds and declares as the public policy
 5 of this State and the legislative purpose of Title 33 the following:

6 (1) To strictly regulate alcoholic beverages to protect the health,
 7 safety and welfare of the people of this State.

8 (2) To foster moderation and responsibility in the use and con-
 9 sumption of alcoholic beverages.

10 (3) To protect the collection of State taxes imposed upon alco-
 11 holic beverages.

12 (4) To protect the interests of consumers against fraud and mis-
 13 leading practices in the sale of alcoholic beverages.

14 (5) To protect against the infiltration of the alcoholic beverage
 15 industry by persons with known criminal records, habits or asso-
 16 ciations. Participation in the industry as a licensee under this act
 17 shall be deemed a revocable privilege conditioned upon the proper
 18 and continued qualification of the licensee.

19 (6) To provide a regulatory framework for the alcoholic bever-
 20 age industry that permits and encourages competition.

21 (7) To provide a regulatory framework for the alcoholic bever-
 22 age industry that permits and encourages trade stability.

23 (8) To maintain a three-tier (manufacturer, wholesaler, retailer)
 24 distribution system.

25 (9) To maintain primary municipal control over the retailing
 26 of alcoholic beverages.

27 (10) To prohibit unreasonable discrimination in the sale of alco-
 28 holic beverages to retail licensees.

1 5. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to incorporate into Title 33 of the Revised Statutes a statement of public policy and legislative purpose upon which the control of alcoholic beverages in this State is to be based.

This bill is based upon the work and recommendations of the Alcoholic Beverage Control Study Commission created by Joint

Resolution No. 4 of 1982. In its 1983 annual report, the commission recommended that the public policy and legislative purpose underlying Title 33 of the Revised Statutes should be reviewed and precisely articulated in a statement to be incorporated into Title 33. Pursuant to that recommendation, the commission reviewed the public policy underlying the control of alcoholic beverages in light of the social attitudes and economic conditions which exist in the 1980's. After its review, the commission drafted and adopted the statement set forth in section 4 of this bill.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 2399

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 6, 1985

As amended by the Senate Law, Public Safety and Defense Committee, Senate Bill No. 2399 incorporates into Title 33 of the Revised Statutes a statement of public policy and legislative purpose upon which the control of alcoholic beverages in this State is to be based.

This bill is based upon the work and recommendations of the Alcoholic Beverage Control Study Commission created by Joint Resolution No. 4 of 1982. In its 1983 annual report, the commission recommended that the public policy and legislative purpose underlying Title 33 of the Revised Statutes should be reviewed and precisely articulated in a statement to be incorporated into Title 33. Pursuant to that recommendation, the commission reviewed the public policy underlying the control of alcoholic beverages in light of the social attitudes and economic conditions which exist in the 1980's. After its review, the commission drafted and adopted the statement set forth in section 4 of this bill.

The bill, as amended by the committee, declares as the public policy of the State with regard to Title 33 of the Revised Statutes the following purposes:

- (1) To strictly regulate alcoholic beverages to protect the health, safety and welfare of the people of this State.
- (2) To foster moderation and responsibility in the use and consumption of alcoholic beverages.
- (3) To protect the collection of State taxes imposed upon alcoholic beverages.
- (4) To protect the interests of consumers against fraud and misleading practices in the sale of alcoholic beverages.
- (5) To protect against the infiltration of the alcoholic beverage industry by persons with known criminal records, habits or associations; to establish that participation in the industry as a licensee is deemed a revocable privilege conditioned upon the proper and continued qualification of the licensee.

(6) To provide a framework for the alcoholic beverage industry that recognizes and encourages the beneficial aspects of competition.

(7) To maintain trade stability.

(8) To maintain a three-tier (manufacturer, wholesaler, retailer) distribution system.

(9) To maintain primary municipal control over the retailing of alcoholic beverages.

(10) To prohibit discrimination in the sale of alcoholic beverages to retail licensees.

Prior to being amended by the committee, paragraphs 6 and 7 in the policy statement indicated that the State would provide a *regulatory* framework for the alcoholic beverage industry that *permits* and encourages competition and that *permits and encourages* trade stability. The committee amended these provisions in order to eliminate any trace of contradiction between paragraphs 6 and 7.

Prior to being amended by the committee, paragraph 10 of the policy statement indicated that the State would prohibit "unreasonable" discrimination in the sale of alcoholic beverages. The committee adopted this amendment because it believes that the State's policy should prohibit all discrimination in the sale of alcoholic beverages, not only "unreasonable" discrimination.
