

40:48-2.41; 40:48-2.44

LEGISLATIVE HISTORY CHECKLIST

(Alcoholic beverage licenses--retirement of certain retail licenses)

NJSA 40:48-2.41; 40:48-2.44

LAWS 1982

CHAPTER 62

Bill No. A665

Sponsor(s) T. Gallo and others

Date Introduced Feb. 8, 1982

Committee: Assembly Municipal Government

Senate County and Municipal Government

Amended during passage Yes

~~XXX~~ Amendments during passage denoted by asterisks. Substituted for S1004 (2nd OCR, original & Senate Committee statement attached)

Date of Passage: Assembly March 15, 1982

Senate May 17, 1982

Date of approval July 9, 1982

Following statements are attached if available:

Sponsor statement	Yes	No
Committee Statement: Assembly	Yes	No
Senate	Yes	No
Fiscal Note	Yes	No
Veto Message	Yes	No
Message on signing	Yes	No
Following were printed:		
Reports	Yes	No
Hearings	Yes	No

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ASSEMBLY, No. 665**STATE OF NEW JERSEY**

INTRODUCED FEBRUARY 8, 1982

By Assemblymen T. GALLO, HERMAN, DORIA, CHARLES,
JANISZEWSKI and COWAN

Referred to Committee on Municipal Government

AN ACT to amend "An act authorizing municipalities to acquire and retire alcoholic beverage retail consumption licenses in certain cases and to borrow money and increase annual license fees for retail consumption licenses to assist in financing acquisition of such licenses," approved September 4, 1968 (P. L. 1968, c. 277).

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

1 1. Section 2 of P. L. 1968, c. 277 (C. 40:48-2.41) is amended to
2 read as follows:

3 2. No such contract shall authorize payment to the licensee for
4 transfer of the license to the municipality of a sum in excess of
5 **[\$15,000.00]** ****[\$20,000.00]**** ****\$30,000.00**** and no such contract
6 shall result in the reduction in the number of retail consumption
7 licenses to fewer than one for each 3,000 of the municipality's popu-
8 lation, and no license so acquired by the municipality shall be re-
9 issued to any applicant.

1 2. Section 5 of P. L. 1968, c. 277 (C. 40:48-2.44) is amended to
2 read as follows:

3 5. No contract for acquisition of a license, authorized by an
4 ordinance adopted pursuant to this act, may be entered into after
5 **[January 1, 1982]** *January 1, *1984** **1986**.

1 3. This act shall take effect immediately and shall be retroactive
2 to January 1, 1982.

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:

*—Assembly committee amendment adopted March 8, 1982.

**—Senate committee amendment adopted May 6, 1982.

STATEMENT

The purpose of this bill is to renew, for a 2 year period, the authorization which permitted certain municipalities to reduce the number of retail alcoholic beverage licenses within their borders by purchasing and retiring existing licenses. The current authorization expired on January 1, 1982.

This bill would also increase, from \$15,000.00 to \$20,000.00, the maximum price a municipality may pay for a license.

The provisions of this bill are to be retroactive to January 1, 1982.

AGG5(1982)

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SENATE, No. 1004

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1982

By Senators BORNHEIMER, LYNCH, WEISS, DUMONT
and FORAN

Referred to Committee on County and Municipal Government

AN ACT to amend ***[and supplement]*** “An act authorizing municipalities to acquire and retire alcoholic beverage retail consumption licenses in certain cases and to borrow money and increase annual license fees for retail consumption licenses to assist in financing acquisition of such licenses,” approved September 4, 1968 (P. L. 1968, c. 277).

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

1 *1. Section 2 of P. L. 1968, c. 277 (C. 40:48-2.41) is amended to
2 read as follows:

3 2. No such contract shall authorize payment to the licensee for
4 transfer of the license to the municipality of a sum in excess of
5 **[\$15,000.00]** ****[\$20,000.00]**** **\$30,000.00** and no such contract
6 shall result in the reduction in the number of retail consumption
7 licenses to fewer than one for each 3,000 of the municipality's
8 population, and no license so acquired by the municipality shall be
9 reissued to any applicant.*

1 ***[1.]*** *2.* Section 5 of P. L. 1968, c. 277 (C. 40:48-2.44) is
2 amended to read as follows:

3 5. No contract for acquisition of a license, authorized by an
4 ordinance adopted pursuant to this act, may be entered into after
5 **[January 1, 1982]** *January 1, 1986.*

1 ***[2.** (New section) Contracts entered into after January 1, 1982,
2 under the provisions of P. L. 1968, c. 277 (C. 40:48-2.40 et seq.) 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 March 15, 1982.

**—Senate amendments adopted May 10, 1982.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 665

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: MARCH 8, 1982

As received by the committee, Assembly Bill No. 665 amended section 5 of P. L. 1968, c. 277 (C. 40:48-2.44) to renew, for a 2 year period ending January 1, 1984, the authorization which permitted municipalities to acquire and retire retail alcoholic beverage licenses within their borders.

The committee, at the sponsor's request, amended the bill to increase the authorization to a 4 year period. Under the amended version, a qualifying municipality would be authorized to acquire and retire retail alcoholic beverage licenses within their borders until January 1, 1986.

This bill also amends section 2 of P. L. 1968, c. 277 (C. 40:48-2.41) in order to increase, from \$15,000.00 to \$20,000.00, the maximum amount a municipality may pay to acquire a retail alcoholic beverage license.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO
ASSEMBLY, No. 665
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STATE OF NEW JERSEY

DATED: MAY 6, 1982

Assembly Bill No. 665 would renew, for a four year period, the authorization which permitted certain municipalities to reduce the number of retail alcoholic beverage licenses within their borders by purchasing and retiring existing licenses. The bill also increases, from \$15,000.00 to \$30,000.00, the maximum amount a municipality may pay for a license.

The provisions of P. L. 1968, c. 277 (C. 40:48-2.40 et seq.) which authorized municipalities to reduce the number of retail alcoholic beverage license for every 2,000 people may, by ordinance, determine that it is in the public interest to reduce the number of licenses. The law authorized the municipality to acquire the excess licenses by contract with the holder of the license, subject to two restrictions: (1) the municipality may not pay more than \$15,000.00 for a license, and (2) the municipality could not reduce the number of retail alcoholic beverage licenses within its borders to fewer than one for every 3,000 people.

The statutes also authorized the municipality to increase its annual license fees in order to generate the funds necessary to acquire and retire the excess licenses.

Senate Bill No. 1004 with Senate committee amendment, was reported favorably by this committee on March 15, with committee amendments. Substantively, those amendments increased from \$15,000.00 to \$20,000.00 the amount which may be paid by the municipality to retire a surplus alcoholic beverage license. Section 2 of the original bill, a validating section, was deleted as unnecessary since the bill is retroactive to January 1, 1982.

The Senate committee amended this bill to increase the proposed \$20,000.00 maximum to \$30,000.00.

SENATE, No. 1004

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 8, 1982

By Senators BORNHEIMER, LYNCH, WEISS, DUMONT
and FORAN

Referred to Committee on County and Municipal Government

AN ACT to amend and supplement "An act authorizing municipalities to acquire and retire alcoholic beverage retail consumption licenses in certain cases and to borrow money and increase annual license fees for retail consumption licenses to assist in financing acquisition of such licenses," approved September 4, 1968 (P. L. 1968, c. 277).

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

1 1. Section 5 of P. L. 1968, c. 277 (C. 40:48-2.44) is amended to
2 read as follows:

3 5. No contract for acquisition of a license, authorized by an
4 ordinance adopted pursuant to this act, may be entered into after
5 **[January 1, 1982]** *January 1, 1986.*

1 2. (New section) Contracts entered into after January 1, 1982,
2 under the provisions of P. L. 1968, c. 277 (C. 40:48-2.40 et seq.) and
3 before the effective date of this amendatory and supplementary act
4 are ratified, validated and confirmed.

1 3. This act shall take effect immediately and be retroactive to
2 December 31, 1981.

STATEMENT

This bill extends from January 1, 1982 to January 1, 1986, the expiration date for the retirement of surplus alcoholic beverage licenses in certain municipalities.

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.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 1004

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MARCH 15, 1982

Senate Bill No. 1004, as amended at the sponsor's request, would renew, for a 4-year period, the authorization which permitted certain municipalities to reduce the number of retail alcoholic beverage licenses within their borders by purchasing and retiring existing licenses. The bill also increases, from \$15,000.00 to \$20,000.00, the maximum amount a municipality may pay for a license.

The provisions of P. L. 1968, c. 277 (C. 40:48-2 et seq.) which authorized municipalities to reduce the number of retail alcoholic beverage licenses for every 2,000 people may, by ordinance, determine that it is in the public interest to reduce the number of licenses. The law authorized the municipality to acquire the excess licenses by contract with the holder of the license, subject to two restrictions: (1) the municipality may not pay more than \$15,000.00 for a license, and (2) the municipality could not reduce the number of retail alcoholic beverage licenses within its borders to fewer than one for every 3,000 people.

The statutes also authorized the municipality to increase its annual license fees in order to generate the funds necessary to acquire and retire the excess licenses.

The Senate committee amendments, requested by the sponsor, conform the provisions of this bill with those of Assembly Bill No. 665, as reported by the Assembly Municipal Government Committee on March 8, 1982, with committee amendments. Substantively, the amendments increase from \$15,000.00 to \$20,000.00 the amount which may be paid by the municipality to retire a surplus alcoholic beverage license. Section 2 of the original bill, a validating section, is deleted as unnecessary since the bill is retroactive to January 1, 1982.