

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

Rebecca King, NorthJersey.com, 'NJ TOWNS ARE NOW ALLOWED TO DESIGNATE OPEN CONTAINER AREAS', Record, The (online), 19 Jan 2022 A3

Stephen Hankinis, 'New Jersey's Newly Enacted Open Container Statute', New Jersey Law Journal, 25 March 2022

RWH/JA

P.L. 2021, CHAPTER 395, *approved January 18, 2022*
Senate, No. 2921 (*First Reprint*)

1 AN ACT concerning the consumption of alcoholic beverages,
2 supplementing Title 33 of the Revised Statutes, and amending
3 R.S.40:48-1.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. (New section) a. As used in this act, “open container area”
9 means a portion of a municipality or an area encompassing the
10 entire municipality upon which persons are permitted to carry and
11 consume open containers of alcoholic beverages outdoors.

12 b. Notwithstanding any other provision of law to the contrary, a
13 municipality may, by ordinance, authorize the consumption of
14 alcoholic beverages within an open container area by persons who
15 are at least 21 years of age.

16 A determination to adopt an ordinance pursuant to this
17 subsection shall be made only after a public hearing is held by the
18 municipal governing body on the merits of establishing an open
19 container area.

20 c. The sale of alcoholic beverages for consumption in an open
21 container area shall be subject to the provisions of Title 33 of the
22 Revised Statutes, rules and regulations promulgated by the director,
23 and municipal ordinances.
24

25 ¹**[**2. R.S.40:48-1 is amended to read as follows:

26 40:48-1. Ordinances; general purpose. The governing body of
27 every municipality may make, amend, repeal and enforce
28 ordinances to:

29 Finances and property. 1. Manage, regulate and control the
30 finances and property, real and personal, of the municipality;

31 Contracts and contractor's bonds. 2. Prescribe the form and
32 manner of execution and approval of all contracts to be executed by
33 the municipality and of all bonds to be given to it;

34 Officers and employees; duties, terms and salaries. 3. Prescribe
35 and define, except as otherwise provided by law, the duties and
36 terms of office or employment, of all officers and employees; and to
37 provide for the employment and compensation of such officials and
38 employees, in addition to those provided for by statute, as may be
39 deemed necessary for the efficient conduct of the affairs of the
40 municipality;

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:

¹Assembly ACE committee amendments adopted December 6, 2021.

1 Fees. 4. Fix the fees of any officer or employee of the
2 municipality for any service rendered in connection with his office
3 or position, for which no specific fee or compensation is provided.
4 In the case of salaried officers or employees, such fee shall be paid
5 into the municipal treasury;

6 Salaries instead of fees; disposition of fees. 5. Provide that any
7 officer or employee receiving compensation for his services, in
8 whole or in part by fees, whether paid by the municipality or
9 otherwise, shall be paid a salary to be fixed in the ordinance, and
10 thereafter all fees received by such officer or employee shall be
11 paid into the municipal treasury;

12 Maintain order. 6. Prevent vice, drunkenness and immorality; to
13 preserve the public peace and order; to prevent and quell riots,
14 disturbances and disorderly assemblages; to prohibit the
15 consumption of alcoholic beverages by underage persons on private
16 property pursuant to section 1 of P.L.2000, c.33 (C.40:48-1.2);

17 Punish beggars; prevention of loitering. 7. Restrain and punish
18 drunkards, vagrants, mendicants and street beggars; to prevent
19 loitering, lounging or sleeping in the streets, parks or public places;

20 Auctions and noises. 8. Regulate the ringing of bells and the
21 crying of goods and other commodities for sale at auction or
22 otherwise, and to prevent disturbing noises;

23 Swimming; bathing costume; prohibition of public nudity. 9.
24 Regulate or prohibit swimming or bathing in the waters of, in, or
25 bounding the municipality, and to regulate or prohibit persons from
26 appearing upon the public streets, parks and places clad in bathing
27 costumes or robes, or costumes of a similar character; regulate or
28 prohibit persons from appearing in a state of nudity upon all lands
29 within its borders which are under the jurisdiction of the State
30 including, without limitation, all lands owned by, controlled by,
31 managed by or leased by the State;

32 Prohibit annoyance of persons or animals. 10. Regulate or
33 prohibit any practice tending to frighten animals, or to annoy or
34 injure persons in the public streets;

35 Animals; pounds; establishment and regulation. 11. Establish
36 and regulate one or more pounds, and to prohibit or regulate the
37 running at large of horses, cattle, dogs, swine, goats and other
38 animals, and to authorize their impounding and sale for the penalty
39 incurred, and the costs of impounding, keeping and sale; to regulate
40 or prohibit the keeping of cattle, goats or swine in any part of the
41 municipality; to authorize the destruction of dogs running at large
42 therein;

43 Hucksters. 12. Prescribe and regulate the place of vending or
44 exposing for sale articles of merchandise from vehicles;

45 Building regulations; wooden structures. 13. Regulate and
46 control the construction, erection, alteration and repair of buildings
47 and structures of every kind within the municipality; and to
48 prohibit, within certain limits, the construction, erection or

1 alteration of buildings or structures of wood or other combustible
2 material;
3 Inflammable materials; inspect docks and buildings. 14.
4 Regulate the use, storage, sale and disposal of inflammable or
5 combustible materials, and to provide for the protection of life and
6 property from fire, explosions and other dangers; to provide for
7 inspections of buildings, docks, wharves, warehouses and other
8 places, and of goods and materials contained therein, to secure the
9 proper enforcement of such ordinance;
10 Dangerous structures; removal or destruction; procedure. 15.
11 Provide for the removal or destruction of any building, wall or
12 structure which is or may become dangerous to life or health, or
13 might tend to extend a conflagration; and to assess the cost thereof
14 as a municipal lien against the premises;
15 Chimneys and boilers. 16. Regulate the construction and setting
16 up of chimneys, furnaces, stoves, boilers, ovens and other
17 contrivances in which fire is used;
18 Explosives. 17. Regulate, in conformity with the statutes of this
19 State, the manufacture, storage, sale, keeping or conveying of
20 gunpowder, nitroglycerine, dynamite and other explosives;
21 Firearms and fireworks. 18. Regulate and prohibit the sale and
22 use of guns, pistols, firearms, and fireworks of all descriptions;
23 Soft coal. 19. Regulate the use of soft coal in locomotives,
24 factories, power houses and other places;
25 Theaters, schools, churches and public places. 20. Regulate the
26 use of theaters, cinema houses, public halls, schools, churches, and
27 other places where numbers of people assemble, and the exits
28 therefrom, so that escape therefrom may be easily and safely made
29 in case of fire or panic; and to regulate any machinery, scenery,
30 lights, wires and other apparatus, equipment or appliances used in
31 all places of public amusement;
32 Excavations. 21. Regulate excavations below the established
33 grade or curb line of any street, not greater than eight feet, which
34 the owner of any land may make, in the erection of any building
35 upon his own property; and to provide for the giving of notice, in
36 writing, of such intended excavation to any adjoining owner or
37 owners, and that they will be required to protect and care for their
38 several foundation walls that may be endangered by such
39 excavation; and to provide that in case of the neglect or refusal, for
40 10 days, of such adjoining owner or owners to take proper action to
41 secure and protect the foundations of any adjacent building or other
42 structure, that the party or parties giving such notice, or their
43 agents, contractors or employees, may enter into and upon such
44 adjoining property and do all necessary work to make such
45 foundations secure, and may recover the cost of such work and
46 labor in so protecting such adjacent property; and to make such
47 further and other provisions in relation to the proper conduct and

1 performance of said work as the governing body or board of the
2 municipality may deem necessary and proper;

3 Sample medicines. 22. Regulate and prohibit the distribution,
4 depositing or leaving on the public streets or highways, public
5 places or private property, or at any private place or places within
6 any such municipality, any medicine, medicinal preparation or
7 preparations represented to cure ailments or diseases of the body or
8 mind, or any samples thereof, or any advertisements or circulars
9 relating thereto, but no ordinance shall prohibit a delivery of any
10 such article to any person above the age of 12 years willing to
11 receive the same;

12 Boating. 23. Regulate the use of motor and other boats upon
13 waters within or bounding the municipality;

14 Fire escapes. 24. Provide for the erection of fire escapes on
15 buildings in the municipality, and to provide rules and regulations
16 concerning the construction and maintenance of the same, and for
17 the prevention of any obstruction thereof or thereon;

18 Care of injured employees. 25. Provide for the payment of
19 compensation and for medical attendance to any officer or
20 employee of the municipality injured in the performance of his
21 duty;

22 Bulkheads and other structures. 26. Fix and determine the lines
23 of bulkheads or other works or structures to be erected, constructed
24 or maintained by the owners of lands facing upon any navigable
25 water in front of their lands, and in front of or along any highway or
26 public lands of said municipality, and to designate the materials to
27 be used, and the type, height and dimensions thereof;

28 Lifeguard. 27. Establish, maintain, regulate and control a
29 lifeguard upon any beach within or bordering on the municipality;

30 Appropriation for life-saving apparatus. 28. Appropriate
31 moneys to safeguard people from drowning within its borders, by
32 location of apparatus or conduct of educational work in harmony
33 with the plans of the United States volunteer life-saving corps in
34 this State;

35 Fences. 29. Regulate the size, height and dimensions of any
36 fences between the lands of adjoining owners, whether built or
37 erected as division or partition fences between such lands, and
38 whether the same exist or be erected entirely or only partly upon the
39 lands of any such adjoining owners, or along or immediately
40 adjacent to any division or partition line of such lands. To provide,
41 in such ordinance, the manner of securing, fastening or shoring such
42 fences, and for surveying the land when required by statute, and to
43 prohibit in any such ordinance the use at a height of under 10 feet
44 from the ground, of any device, such as wire or cable, that would be
45 dangerous to pedestrians, equestrians, bicyclists, or drivers of off-
46 the-road vehicles, unless that device is clearly visible to pedestrians,
47 equestrians, bicyclists or drivers of off-the-road vehicles. In the
48 case of fences thereafter erected contrary to the provisions thereof,

1 the governing body may provide for a penalty for the violation of
2 such ordinance, and in the case of such fence or fences erected or
3 existing at the time of the passage of any such ordinance, may
4 provide therein for the removal, change or alteration thereof, so as
5 to make such fence or fences comply with the provisions of any
6 such ordinance;

7 Advertise municipality. 30. Appropriate funds for advertising
8 the advantages of the municipality;

9 Government Energy Aggregation Programs. 31. Establish
10 programs and procedures pursuant to which the municipality may
11 act as a government aggregator pursuant to sections 40 through 43
12 of P.L.1999, c.23 (C.48:3-89 through C.48:3-92), section 45 of
13 P.L.1999, c.23 (C.48:3-94), and sections 1, 2 and 6 of
14 P.L.2003, c.24 (C.48:3-93.1 through C.48:3-93.3). Notwithstanding
15 the provisions of any other law, rule or regulation to the contrary, a
16 municipality acting as a government aggregator pursuant to
17 P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public
18 utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed
19 to be operating any form of public utility service pursuant to
20 R.S.40:62-1 et seq., to the extent such municipality is solely
21 engaged in the provision of such aggregation service and not
22 otherwise owning or operating any plant or facility for the
23 production or distribution of gas, electricity, steam or other product
24 as provided in R.S.40:62-12;

25 Joint municipal action on consent for the provision of cable
26 television service. 32. Establish programs and procedures pursuant
27 to which a municipality may act together with one or more
28 municipalities in granting municipal consent for the provision of
29 cable television service pursuant to the provisions of the "Cable
30 Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended
31 and supplemented. Notwithstanding the provisions of any other
32 law, rule or regulation to the contrary, two or more municipalities
33 acting jointly pursuant to the provisions of P.L.1972, c.186
34 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to
35 R.S.48:1-1 et seq., to the extent those municipalities are solely
36 engaged in granting municipal consent jointly and are not otherwise
37 owning or operating any facility for the provision of cable
38 television service as provided in P.L.1972, c.186 (C.48:5A-1 et
39 seq.);

40 Private cable television service aggregation programs. 33.
41 Establish programs and procedures pursuant to which a
42 municipality may employ the services of a private aggregator for
43 the purpose of facilitating the joint action of two or more
44 municipalities in granting municipal consent for the provision of
45 cable television service provided that any such municipality shall
46 adhere to the provisions of the "Cable Television Act,"
47 P.L.1972, c.186 (C.48:5A-1 et seq.) as amended and supplemented,
48 and to the provisions of the "Local Public Contracts Law,"

1 P.L.1971, c.198 (C.40A:11-1 et seq.) as amended and
2 supplemented. Notwithstanding the provisions of any other law,
3 rule or regulation to the contrary, a municipality that employs the
4 services of a private aggregator pursuant to the provisions of
5 P.L.1972, c.186 (C.48:5A-1 et seq.) shall not be deemed a public
6 utility pursuant to R.S.48:1-1 et seq., to the extent that the
7 municipality is solely engaged in employing the services of a
8 private aggregator for the purpose of facilitating the joint action of
9 two or more municipalities in granting municipal consent and is not
10 otherwise owning or operating any facility for the provision of
11 cable television service as provided in P.L.1972, c.186 (C.48:5A-1
12 et seq.);

13 Protective Custody. 34. Provide protective custody to persons
14 arrested for operating a motor vehicle under the influence of
15 alcoholic beverages, any chemical substance, or any controlled
16 dangerous substance in violation of R.S.39:4-50 as provided in
17 section 1 of P.L.2003, c.164 (C.40:48-1.3);

18 Private Outdoor Video Surveillance Camera Registry. 35.
19 Establish a private outdoor video surveillance camera registry and
20 allow voluntary registration of private outdoor video surveillance
21 cameras as provided in P.L.2015, c.142 (C.40:48-1.6 et al.).

22 Consumption of Alcoholic Beverages Outdoors. 36. Designate an
23 open container area upon which people are permitted to carry and
24 consume open containers of alcoholic beverages outdoors pursuant
25 to section 1 of P.L. , c. (C.) (pending before the Legislature
26 as this bill).

27 (cf: P.L.2015, c.142, s.3)]¹

28

29 ¹2. R.S.40:48-1 is amended to read as follows:

30 40:48-1. Ordinances; general purpose. The governing body of
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38 Officers and employees; duties, terms and salaries. 3. Prescribe
39 and define, except as otherwise provided by law, the duties and
40 terms of office or employment, of all officers and employees; and to
41 provide for the employment and compensation of such officials and
42 employees, in addition to those provided for by statute, as may be
43 deemed necessary for the efficient conduct of the affairs of the
44 municipality;

45 Fees. 4. Fix the fees of any officer or employee of the
46 municipality for any service rendered in connection with his office
47 or position, for which no specific fee or compensation is provided.

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2 into the municipal treasury;

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5 whole or in part by fees, whether paid by the municipality or
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11 disturbances and disorderly assemblages;

12 Punish beggars; prevention of loitering. 7. Restrain and punish
13 drunkards, vagrants, mendicants and street beggars; to prevent
14 loitering, lounging or sleeping in the streets, parks or public places;

15 Auctions and noises. 8. Regulate the ringing of bells and the
16 crying of goods and other commodities for sale at auction or
17 otherwise, and to prevent disturbing noises;

18 Swimming; bathing costume; prohibition of public nudity. 9.
19 Regulate or prohibit swimming or bathing in the waters of, in, or
20 bounding the municipality, and to regulate or prohibit persons from
21 appearing upon the public streets, parks and places clad in bathing
22 costumes or robes, or costumes of a similar character; regulate or
23 prohibit persons from appearing in a state of nudity upon all lands
24 within its borders which are under the jurisdiction of the State
25 including, without limitation, all lands owned by, controlled by,
26 managed by or leased by the State;

27 Prohibit annoyance of persons or animals. 10. Regulate or
28 prohibit any practice tending to frighten animals, or to annoy or
29 injure persons in the public streets;

30 Animals; pounds; establishment and regulation. 11. Establish
31 and regulate one or more pounds, and to prohibit or regulate the
32 running at large of horses, cattle, dogs, swine, goats and other
33 animals, and to authorize their impounding and sale for the penalty
34 incurred, and the costs of impounding, keeping and sale; to regulate
35 or prohibit the keeping of cattle, goats or swine in any part of the
36 municipality; to authorize the destruction of dogs running at large
37 therein;

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39 exposing for sale articles of merchandise from vehicles;

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41 control the construction, erection, alteration and repair of buildings
42 and structures of every kind within the municipality; and to
43 prohibit, within certain limits, the construction, erection or
44 alteration of buildings or structures of wood or other combustible
45 material;

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48 combustible materials, and to provide for the protection of life and

1 property from fire, explosions and other dangers; to provide for
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25 lights, wires and other apparatus, equipment or appliances used in
26 all places of public amusement;

27 Excavations. 21. Regulate excavations below the established
28 grade or curb line of any street, not greater than eight feet, which
29 the owner of any land may make, in the erection of any building
30 upon his own property; and to provide for the giving of notice, in
31 writing, of such intended excavation to any adjoining owner or
32 owners, and that they will be required to protect and care for their
33 several foundation walls that may be endangered by such
34 excavation; and to provide that in case of the neglect or refusal, for
35 10 days, of such adjoining owner or owners to take proper action to
36 secure and protect the foundations of any adjacent building or other
37 structure, that the party or parties giving such notice, or their
38 agents, contractors or employees, may enter into and upon such
39 adjoining property and do all necessary work to make such
40 foundations secure, and may recover the cost of such work and
41 labor in so protecting such adjacent property; and to make such
42 further and other provisions in relation to the proper conduct and
43 performance of said work as the governing body or board of the
44 municipality may deem necessary and proper;

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11 the prevention of any obstruction thereof or thereon;

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13 compensation and for medical attendance to any officer or
14 employee of the municipality injured in the performance of his
15 duty;

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18 or maintained by the owners of lands facing upon any navigable
19 water in front of their lands, and in front of or along any highway or
20 public lands of said municipality, and to designate the materials to
21 be used, and the type, height and dimensions thereof;

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23 lifeguard upon any beach within or bordering on the municipality;

24 Appropriation for life-saving apparatus. 28. Appropriate
25 moneys to safeguard people from drowning within its borders, by
26 location of apparatus or conduct of educational work in harmony
27 with the plans of the United States volunteer life-saving corps in
28 this State;

29 Fences. 29. Regulate the size, height and dimensions of any
30 fences between the lands of adjoining owners, whether built or
31 erected as division or partition fences between such lands, and
32 whether the same exist or be erected entirely or only partly upon the
33 lands of any such adjoining owners, or along or immediately
34 adjacent to any division or partition line of such lands. To provide,
35 in such ordinance, the manner of securing, fastening or shoring such
36 fences, and for surveying the land when required by statute, and to
37 prohibit in any such ordinance the use at a height of under 10 feet
38 from the ground, of any device, such as wire or cable, that would be
39 dangerous to pedestrians, equestrians, bicyclists, or drivers of off-
40 the-road vehicles, unless that device is clearly visible to pedestrians,
41 equestrians, bicyclists or drivers of off-the-road vehicles. In the
42 case of fences thereafter erected contrary to the provisions thereof,
43 the governing body may provide for a penalty for the violation of
44 such ordinance, and in the case of such fence or fences erected or
45 existing at the time of the passage of any such ordinance, may
46 provide therein for the removal, change or alteration thereof, so as
47 to make such fence or fences comply with the provisions of any
48 such ordinance;

1 Advertise municipality. 30. Appropriate funds for advertising
2 the advantages of the municipality;

3 Government Energy Aggregation Programs. 31. Establish
4 programs and procedures pursuant to which the municipality may
5 act as a government aggregator pursuant to sections 40 through 43
6 of P.L.1999, c.23 (C.48:3-89 through C.48:3-92), section 45 of
7 P.L.1999, c.23 (C.48:3-94), and sections 1, 2 and 6 of P.L.2003,
8 c.24 (C.48:3-93.1 through C.48:3-93.3). Notwithstanding the
9 provisions of any other law, rule or regulation to the contrary, a
10 municipality acting as a government aggregator pursuant to
11 P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public
12 utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed
13 to be operating any form of public utility service pursuant to
14 R.S.40:62-1 et seq., to the extent such municipality is solely
15 engaged in the provision of such aggregation service and not
16 otherwise owning or operating any plant or facility for the
17 production or distribution of gas, electricity, steam or other product
18 as provided in R.S.40:62-12;

19 Joint municipal action on consent for the provision of cable
20 television service. 32. Establish programs and procedures pursuant
21 to which a municipality may act together with one or more
22 municipalities in granting municipal consent for the provision of
23 cable television service pursuant to the provisions of the "Cable
24 Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended
25 and supplemented. Notwithstanding the provisions of any other
26 law, rule or regulation to the contrary, two or more municipalities
27 acting jointly pursuant to the provisions of P.L.1972, c.186
28 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to
29 R.S.48:1-1 et seq., to the extent those municipalities are solely
30 engaged in granting municipal consent jointly and are not otherwise
31 owning or operating any facility for the provision of cable
32 television service as provided in P.L.1972, c.186 (C.48:5A-1 et
33 seq.);

34 Private cable television service aggregation programs. 33.
35 Establish programs and procedures pursuant to which a
36 municipality may employ the services of a private aggregator for
37 the purpose of facilitating the joint action of two or more
38 municipalities in granting municipal consent for the provision of
39 cable television service provided that any such municipality shall
40 adhere to the provisions of the "Cable Television Act," P.L.1972,
41 c.186 (C.48:5A-1 et seq.) as amended and supplemented, and to the
42 provisions of the "Local Public Contracts Law," P.L.1971, c.198
43 (C.40A:11-1 et seq.) as amended and supplemented.
44 Notwithstanding the provisions of any other law, rule or regulation
45 to the contrary, a municipality that employs the services of a private
46 aggregator pursuant to the provisions of P.L.1972, c.186 (C.48:5A-
47 1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-
48 1 et seq., to the extent that the municipality is solely engaged in

1 employing the services of a private aggregator for the purpose of
2 facilitating the joint action of two or more municipalities in
3 granting municipal consent and is not otherwise owning or
4 operating any facility for the provision of cable television service as
5 provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

6 Protective Custody. 34. Provide protective custody to persons
7 arrested for operating a motor vehicle under the influence of
8 alcoholic beverages, cannabis items as defined in section 3 of
9 P.L.2021, c.16 (C.24:6I-33), any chemical substance, or any
10 controlled dangerous substance in violation of R.S.39:4-50 as
11 provided in section 1 of P.L.2003, c.164 (C.40:48-1.3);

12 Private Outdoor Video Surveillance Camera Registry. 35.
13 Establish a private outdoor video surveillance camera registry and
14 allow voluntary registration of private outdoor video surveillance
15 cameras as provided in P.L.2015, c.142 (C.40:48-1.6 et al.).

16 Consumption of Alcoholic Beverages Outdoors. 36. Designate an
17 open container area upon which people are permitted to carry and
18 consume open containers of alcoholic beverages outdoors pursuant
19 to section 1 of P.L. , c. (C.) (pending before the Legislature
20 as this bill).¹

21 (cf: P.L.2021, c.25, s.16)

22

23 3. This act shall take effect immediately.

24

25

26

27

28 Allows municipalities to designate outdoor areas upon which
29 people may consume alcoholic beverages.

SENATE, No. 2921

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

Senators Diegnan and Lagana

SYNOPSIS

Allows municipalities to designate outdoor areas upon which people may consume alcoholic beverages.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/6/2021)

1 AN ACT concerning the consumption of alcoholic beverages,
2 supplementing Title 33 of the Revised Statutes, and amending
3 R.S.40:48-1.

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

7
8 1. (New section) a. As used in this act, “open container area”
9 means a portion of a municipality or an area encompassing the
10 entire municipality upon which persons are permitted to carry and
11 consume open containers of alcoholic beverages outdoors.

12 b. Notwithstanding any other provision of law to the contrary, a
13 municipality may, by ordinance, authorize the consumption of
14 alcoholic beverages within an open container area by persons who
15 are at least 21 years of age.

16 A determination to adopt an ordinance pursuant to this
17 subsection shall be made only after a public hearing is held by the
18 municipal governing body on the merits of establishing an open
19 container area.

20 c. The sale of alcoholic beverages for consumption in an open
21 container area shall be subject to the provisions of Title 33 of the
22 Revised Statutes, rules and regulations promulgated by the director,
23 and municipal ordinances.

24
25 2. R.S.40:48-1 is amended to read as follows:

26 40:48-1. Ordinances; general purpose. The governing body of
27 every municipality may make, amend, repeal and enforce
28 ordinances to:

29 Finances and property. 1. Manage, regulate and control the
30 finances and property, real and personal, of the municipality;

31 Contracts and contractor's bonds. 2. Prescribe the form and
32 manner of execution and approval of all contracts to be executed by
33 the municipality and of all bonds to be given to it;

34 Officers and employees; duties, terms and salaries. 3. Prescribe
35 and define, except as otherwise provided by law, the duties and
36 terms of office or employment, of all officers and employees; and to
37 provide for the employment and compensation of such officials and
38 employees, in addition to those provided for by statute, as may be
39 deemed necessary for the efficient conduct of the affairs of the
40 municipality;

41 Fees. 4. Fix the fees of any officer or employee of the
42 municipality for any service rendered in connection with his office
43 or position, for which no specific fee or compensation is provided.
44 In the case of salaried officers or employees, such fee shall be paid
45 into the municipal treasury;

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 Salaries instead of fees; disposition of fees. 5. Provide that any
2 officer or employee receiving compensation for his services, in
3 whole or in part by fees, whether paid by the municipality or
4 otherwise, shall be paid a salary to be fixed in the ordinance, and
5 thereafter all fees received by such officer or employee shall be
6 paid into the municipal treasury;

7 Maintain order. 6. Prevent vice, drunkenness and immorality; to
8 preserve the public peace and order; to prevent and quell riots,
9 disturbances and disorderly assemblages; to prohibit the
10 consumption of alcoholic beverages by underage persons on private
11 property pursuant to section 1 of P.L.2000, c.33 (C.40:48-1.2);

12 Punish beggars; prevention of loitering. 7. Restrain and punish
13 drunkards, vagrants, mendicants and street beggars; to prevent
14 loitering, lounging or sleeping in the streets, parks or public places;

15 Auctions and noises. 8. Regulate the ringing of bells and the
16 crying of goods and other commodities for sale at auction or
17 otherwise, and to prevent disturbing noises;

18 Swimming; bathing costume; prohibition of public nudity. 9.
19 Regulate or prohibit swimming or bathing in the waters of, in, or
20 bounding the municipality, and to regulate or prohibit persons from
21 appearing upon the public streets, parks and places clad in bathing
22 costumes or robes, or costumes of a similar character; regulate or
23 prohibit persons from appearing in a state of nudity upon all lands
24 within its borders which are under the jurisdiction of the State
25 including, without limitation, all lands owned by, controlled by,
26 managed by or leased by the State;

27 Prohibit annoyance of persons or animals. 10. Regulate or
28 prohibit any practice tending to frighten animals, or to annoy or
29 injure persons in the public streets;

30 Animals; pounds; establishment and regulation. 11. Establish
31 and regulate one or more pounds, and to prohibit or regulate the
32 running at large of horses, cattle, dogs, swine, goats and other
33 animals, and to authorize their impounding and sale for the penalty
34 incurred, and the costs of impounding, keeping and sale; to regulate
35 or prohibit the keeping of cattle, goats or swine in any part of the
36 municipality; to authorize the destruction of dogs running at large
37 therein;

38 Hucksters. 12. Prescribe and regulate the place of vending or
39 exposing for sale articles of merchandise from vehicles;

40 Building regulations; wooden structures. 13. Regulate and
41 control the construction, erection, alteration and repair of buildings
42 and structures of every kind within the municipality; and to
43 prohibit, within certain limits, the construction, erection or
44 alteration of buildings or structures of wood or other combustible
45 material;

46 Inflammable materials; inspect docks and buildings. 14.
47 Regulate the use, storage, sale and disposal of inflammable or
48 combustible materials, and to provide for the protection of life and

1 property from fire, explosions and other dangers; to provide for
2 inspections of buildings, docks, wharves, warehouses and other
3 places, and of goods and materials contained therein, to secure the
4 proper enforcement of such ordinance;

5 Dangerous structures; removal or destruction; procedure. 15.
6 Provide for the removal or destruction of any building, wall or
7 structure which is or may become dangerous to life or health, or
8 might tend to extend a conflagration; and to assess the cost thereof
9 as a municipal lien against the premises;

10 Chimneys and boilers. 16. Regulate the construction and setting
11 up of chimneys, furnaces, stoves, boilers, ovens and other
12 contrivances in which fire is used;

13 Explosives. 17. Regulate, in conformity with the statutes of this
14 State, the manufacture, storage, sale, keeping or conveying of
15 gunpowder, nitroglycerine, dynamite and other explosives;

16 Firearms and fireworks. 18. Regulate and prohibit the sale and
17 use of guns, pistols, firearms, and fireworks of all descriptions;

18 Soft coal. 19. Regulate the use of soft coal in locomotives,
19 factories, power houses and other places;

20 Theaters, schools, churches and public places. 20. Regulate the
21 use of theaters, cinema houses, public halls, schools, churches, and
22 other places where numbers of people assemble, and the exits
23 therefrom, so that escape therefrom may be easily and safely made
24 in case of fire or panic; and to regulate any machinery, scenery,
25 lights, wires and other apparatus, equipment or appliances used in
26 all places of public amusement;

27 Excavations. 21. Regulate excavations below the established
28 grade or curb line of any street, not greater than eight feet, which
29 the owner of any land may make, in the erection of any building
30 upon his own property; and to provide for the giving of notice, in
31 writing, of such intended excavation to any adjoining owner or
32 owners, and that they will be required to protect and care for their
33 several foundation walls that may be endangered by such
34 excavation; and to provide that in case of the neglect or refusal, for
35 10 days, of such adjoining owner or owners to take proper action to
36 secure and protect the foundations of any adjacent building or other
37 structure, that the party or parties giving such notice, or their
38 agents, contractors or employees, may enter into and upon such
39 adjoining property and do all necessary work to make such
40 foundations secure, and may recover the cost of such work and
41 labor in so protecting such adjacent property; and to make such
42 further and other provisions in relation to the proper conduct and
43 performance of said work as the governing body or board of the
44 municipality may deem necessary and proper;

45 Sample medicines. 22. Regulate and prohibit the distribution,
46 depositing or leaving on the public streets or highways, public
47 places or private property, or at any private place or places within
48 any such municipality, any medicine, medicinal preparation or

1 preparations represented to cure ailments or diseases of the body or
2 mind, or any samples thereof, or any advertisements or circulars
3 relating thereto, but no ordinance shall prohibit a delivery of any
4 such article to any person above the age of 12 years willing to
5 receive the same;

6 Boating. 23. Regulate the use of motor and other boats upon
7 waters within or bounding the municipality;

8 Fire escapes. 24. Provide for the erection of fire escapes on
9 buildings in the municipality, and to provide rules and regulations
10 concerning the construction and maintenance of the same, and for
11 the prevention of any obstruction thereof or thereon;

12 Care of injured employees. 25. Provide for the payment of
13 compensation and for medical attendance to any officer or
14 employee of the municipality injured in the performance of his
15 duty;

16 Bulkheads and other structures. 26. Fix and determine the lines
17 of bulkheads or other works or structures to be erected, constructed
18 or maintained by the owners of lands facing upon any navigable
19 water in front of their lands, and in front of or along any highway or
20 public lands of said municipality, and to designate the materials to
21 be used, and the type, height and dimensions thereof;

22 Lifeguard. 27. Establish, maintain, regulate and control a
23 lifeguard upon any beach within or bordering on the municipality;

24 Appropriation for life-saving apparatus. 28. Appropriate
25 moneys to safeguard people from drowning within its borders, by
26 location of apparatus or conduct of educational work in harmony
27 with the plans of the United States volunteer life-saving corps in
28 this State;

29 Fences. 29. Regulate the size, height and dimensions of any
30 fences between the lands of adjoining owners, whether built or
31 erected as division or partition fences between such lands, and
32 whether the same exist or be erected entirely or only partly upon the
33 lands of any such adjoining owners, or along or immediately
34 adjacent to any division or partition line of such lands. To provide,
35 in such ordinance, the manner of securing, fastening or shoring such
36 fences, and for surveying the land when required by statute, and to
37 prohibit in any such ordinance the use at a height of under 10 feet
38 from the ground, of any device, such as wire or cable, that would be
39 dangerous to pedestrians, equestrians, bicyclists, or drivers of off-
40 the-road vehicles, unless that device is clearly visible to pedestrians,
41 equestrians, bicyclists or drivers of off-the-road vehicles. In the
42 case of fences thereafter erected contrary to the provisions thereof,
43 the governing body may provide for a penalty for the violation of
44 such ordinance, and in the case of such fence or fences erected or
45 existing at the time of the passage of any such ordinance, may
46 provide therein for the removal, change or alteration thereof, so as
47 to make such fence or fences comply with the provisions of any
48 such ordinance;

1 Advertise municipality. 30. Appropriate funds for advertising
2 the advantages of the municipality;

3 Government Energy Aggregation Programs. 31. Establish
4 programs and procedures pursuant to which the municipality may
5 act as a government aggregator pursuant to sections 40 through 43
6 of P.L.1999, c.23 (C.48:3-89 through C.48:3-92), section 45 of
7 P.L.1999, c.23 (C.48:3-94), and sections 1, 2 and 6 of
8 P.L.2003, c.24 (C.48:3-93.1 through C.48:3-93.3). Notwithstanding
9 the provisions of any other law, rule or regulation to the contrary, a
10 municipality acting as a government aggregator pursuant to
11 P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public
12 utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed
13 to be operating any form of public utility service pursuant to
14 R.S.40:62-1 et seq., to the extent such municipality is solely
15 engaged in the provision of such aggregation service and not
16 otherwise owning or operating any plant or facility for the
17 production or distribution of gas, electricity, steam or other product
18 as provided in R.S.40:62-12;

19 Joint municipal action on consent for the provision of cable
20 television service. 32. Establish programs and procedures pursuant
21 to which a municipality may act together with one or more
22 municipalities in granting municipal consent for the provision of
23 cable television service pursuant to the provisions of the "Cable
24 Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended
25 and supplemented. Notwithstanding the provisions of any other
26 law, rule or regulation to the contrary, two or more municipalities
27 acting jointly pursuant to the provisions of P.L.1972, c.186
28 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to
29 R.S.48:1-1 et seq., to the extent those municipalities are solely
30 engaged in granting municipal consent jointly and are not otherwise
31 owning or operating any facility for the provision of cable
32 television service as provided in P.L.1972, c.186 (C.48:5A-1 et
33 seq.);

34 Private cable television service aggregation programs. 33.
35 Establish programs and procedures pursuant to which a
36 municipality may employ the services of a private aggregator for
37 the purpose of facilitating the joint action of two or more
38 municipalities in granting municipal consent for the provision of
39 cable television service provided that any such municipality shall
40 adhere to the provisions of the "Cable Television Act,"
41 P.L.1972, c.186 (C.48:5A-1 et seq.) as amended and supplemented,
42 and to the provisions of the "Local Public Contracts Law,"
43 P.L.1971, c.198 (C.40A:11-1 et seq.) as amended and
44 supplemented. Notwithstanding the provisions of any other law,
45 rule or regulation to the contrary, a municipality that employs the
46 services of a private aggregator pursuant to the provisions of
47 P.L.1972, c.186 (C.48:5A-1 et seq.) shall not be deemed a public
48 utility pursuant to R.S.48:1-1 et seq., to the extent that the

1 municipality is solely engaged in employing the services of a
2 private aggregator for the purpose of facilitating the joint action of
3 two or more municipalities in granting municipal consent and is not
4 otherwise owning or operating any facility for the provision of
5 cable television service as provided in P.L.1972, c.186 (C.48:5A-1
6 et seq.);

7 Protective Custody. 34. Provide protective custody to persons
8 arrested for operating a motor vehicle under the influence of
9 alcoholic beverages, any chemical substance, or any controlled
10 dangerous substance in violation of R.S.39:4-50 as provided in
11 section 1 of P.L.2003, c.164 (C.40:48-1.3);

12 Private Outdoor Video Surveillance Camera Registry. 35.
13 Establish a private outdoor video surveillance camera registry and
14 allow voluntary registration of private outdoor video surveillance
15 cameras as provided in P.L.2015, c.142 (C.40:48-1.6 et al.).

16 Consumption of Alcoholic Beverages Outdoors. 36. Designate an
17 open container area upon which people are permitted to carry and
18 consume open containers of alcoholic beverages outdoors pursuant
19 to section 1 of P.L. , c. (C.) (pending before the Legislature
20 as this bill).

21 (cf: P.L.2015, c.142, s.3)

22

23 3. This act shall take effect immediately.

24

25

26

STATEMENT

27

28 This bill allows a municipality to permit people to consume
29 alcoholic beverages outdoors in designated open container areas.
30 The bill defines “open container area” as a portion of a municipality
31 or an area encompassing the entire municipality in which
32 pedestrians are permitted to carry and consume open containers of
33 alcoholic beverages outdoors.

34 The bill requires a municipality to adopt an ordinance allowing
35 the consumption of alcoholic beverages in these areas only after a
36 public hearing on the merits of establishing an open container area.
37 The sale of alcoholic beverages for consumption in an open
38 container area would be subject to statutory law, rules and
39 regulations promulgated by the director, and municipal ordinances.

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO
SENATE, No. 2921

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2021

The Assembly Commerce and Economic Development Committee reports favorably Senate Bill No. 2921, with committee amendments.

As amended, this bill would authorize a municipality to permit people to consume alcoholic beverages outdoors in an “open container area.” The bill defines “open container area” as a portion of a municipality or an area encompassing the entire municipality in which pedestrians are permitted to carry and consume open containers of alcoholic beverages outdoors.

The bill requires a municipal governing body to hold a public hearing on the merits of establishing an open container area prior to a municipality adopting an ordinance. The sale of alcoholic beverages for consumption in an open container area would be subject to statutory law, rules and regulations promulgated by the director, and municipal ordinances.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 5554, which was also reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments make technical changes to reflect recent changes to the underlying provisions of R.S.40:48-1.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2921

STATE OF NEW JERSEY

DATED: MARCH 11, 2021

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 2921.

As reported by the committee, this bill allows a municipality to permit people to consume alcoholic beverages outdoors in designated open container areas. The bill defines “open container area” as a portion of a municipality or an area encompassing the entire municipality in which pedestrians are permitted to carry and consume open containers of alcoholic beverages outdoors.

The bill requires a public hearing to be held on the merits of establishing an open container area prior to a municipality adopting an ordinance. The sale of alcoholic beverages for consumption in an open container area would be subject to statutory law, rules and regulations promulgated by the director, and municipal ordinances.

ASSEMBLY, No. 5554

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 5, 2021

Sponsored by:

Assemblyman ERIC HOUGHTALING

District 11 (Monmouth)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

Assemblyman Freiman

SYNOPSIS

Allows municipalities to designate outdoor areas upon which people may consume alcoholic beverages.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2022)

A5554 HOUGHTALING, DOWNEY

2

1 AN ACT concerning the consumption of alcoholic beverages,
2 supplementing Title 33 of the Revised Statutes, and amending
3 R.S.40:48-1.

4

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

7

8 1. (New section) a. As used in this act, “open container area”
9 means a portion of a municipality or an area encompassing the
10 entire municipality upon which persons are permitted to carry and
11 consume open containers of alcoholic beverages outdoors.

12 b. Notwithstanding any other provision of law to the contrary,
13 a municipality may, by ordinance, authorize the consumption of
14 alcoholic beverages within an open container area by persons who
15 are at least 21 years of age.

16 A determination to adopt an ordinance pursuant to this
17 subsection shall be made only after a public hearing is held by the
18 municipal governing body on the merits of establishing an open
19 container area.

20 c. The sale of alcoholic beverages for consumption in an open
21 container area shall be subject to the provisions of Title 33 of the
22 Revised Statutes, rules and regulations promulgated by the director,
23 and municipal ordinances.

24

25 2. R.S.40:48-1 is amended to read as follows:

26 40:48-1. Ordinances; general purpose. The governing body of
27 every municipality may make, amend, repeal and enforce
28 ordinances to:

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30 finances and property, real and personal, of the municipality;

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35 and define, except as otherwise provided by law, the duties and
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37 provide for the employment and compensation of such officials and
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39 deemed necessary for the efficient conduct of the affairs of the
40 municipality;

41 Fees. 4. Fix the fees of any officer or employee of the
42 municipality for any service rendered in connection with his office
43 or position, for which no specific fee or compensation is provided.
44 In the case of salaried officers or employees, such fee shall be paid
45 into the municipal treasury;

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.

A5554 HOUGHTALING, DOWNEY

1 Salaries instead of fees; disposition of fees. 5. Provide that any
2 officer or employee receiving compensation for his services, in
3 whole or in part by fees, whether paid by the municipality or
4 otherwise, shall be paid a salary to be fixed in the ordinance, and
5 thereafter all fees received by such officer or employee shall be
6 paid into the municipal treasury;

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8 preserve the public peace and order; to prevent and quell riots,
9 disturbances and disorderly assemblages;

10 Punish beggars; prevention of loitering. 7. Restrain and punish
11 drunkards, vagrants, mendicants and street beggars; to prevent
12 loitering, lounging or sleeping in the streets, parks or public places;

13 Auctions and noises. 8. Regulate the ringing of bells and the
14 crying of goods and other commodities for sale at auction or
15 otherwise, and to prevent disturbing noises;

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17 Regulate or prohibit swimming or bathing in the waters of, in, or
18 bounding the municipality, and to regulate or prohibit persons from
19 appearing upon the public streets, parks and places clad in bathing
20 costumes or robes, or costumes of a similar character; regulate or
21 prohibit persons from appearing in a state of nudity upon all lands
22 within its borders which are under the jurisdiction of the State
23 including, without limitation, all lands owned by, controlled by,
24 managed by or leased by the State;

25 Prohibit annoyance of persons or animals. 10. Regulate or
26 prohibit any practice tending to frighten animals, or to annoy or
27 injure persons in the public streets;

28 Animals; pounds; establishment and regulation. 11. Establish
29 and regulate one or more pounds, and to prohibit or regulate the
30 running at large of horses, cattle, dogs, swine, goats and other
31 animals, and to authorize their impounding and sale for the penalty
32 incurred, and the costs of impounding, keeping and sale; to regulate
33 or prohibit the keeping of cattle, goats or swine in any part of the
34 municipality; to authorize the destruction of dogs running at large
35 therein;

36 Hucksters. 12. Prescribe and regulate the place of vending or
37 exposing for sale articles of merchandise from vehicles;

38 Building regulations; wooden structures. 13. Regulate and
39 control the construction, erection, alteration and repair of buildings
40 and structures of every kind within the municipality; and to
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43 material;

44 Inflammable materials; inspect docks and buildings. 14.
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46 combustible materials, and to provide for the protection of life and
47 property from fire, explosions and other dangers; to provide for
48 inspections of buildings, docks, wharves, warehouses and other

1 places, and of goods and materials contained therein, to secure the
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15 use of guns, pistols, firearms, and fireworks of all descriptions;

16 Soft coal. 19. Regulate the use of soft coal in locomotives,
17 factories, power houses and other places;

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23 lights, wires and other apparatus, equipment or appliances used in
24 all places of public amusement;

25 Excavations. 21. Regulate excavations below the established
26 grade or curb line of any street, not greater than eight feet, which
27 the owner of any land may make, in the erection of any building
28 upon his own property; and to provide for the giving of notice, in
29 writing, of such intended excavation to any adjoining owner or
30 owners, and that they will be required to protect and care for their
31 several foundation walls that may be endangered by such
32 excavation; and to provide that in case of the neglect or refusal, for
33 10 days, of such adjoining owner or owners to take proper action to
34 secure and protect the foundations of any adjacent building or other
35 structure, that the party or parties giving such notice, or their
36 agents, contractors or employees, may enter into and upon such
37 adjoining property and do all necessary work to make such
38 foundations secure, and may recover the cost of such work and
39 labor in so protecting such adjacent property; and to make such
40 further and other provisions in relation to the proper conduct and
41 performance of said work as the governing body or board of the
42 municipality may deem necessary and proper;

43 Sample medicines. 22. Regulate and prohibit the distribution,
44 depositing or leaving on the public streets or highways, public
45 places or private property, or at any private place or places within
46 any such municipality, any medicine, medicinal preparation or
47 preparations represented to cure ailments or diseases of the body or
48 mind, or any samples thereof, or any advertisements or circulars

1 relating thereto, but no ordinance shall prohibit a delivery of any
2 such article to any person above the age of 12 years willing to
3 receive the same;

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5 waters within or bounding the municipality;

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12 employee of the municipality injured in the performance of his
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16 or maintained by the owners of lands facing upon any navigable
17 water in front of their lands, and in front of or along any highway or
18 public lands of said municipality, and to designate the materials to
19 be used, and the type, height and dimensions thereof;

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21 lifeguard upon any beach within or bordering on the municipality;

22 Appropriation for life-saving apparatus. 28. Appropriate
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24 location of apparatus or conduct of educational work in harmony
25 with the plans of the United States volunteer life-saving corps in
26 this State;

27 Fences. 29. Regulate the size, height and dimensions of any
28 fences between the lands of adjoining owners, whether built or
29 erected as division or partition fences between such lands, and
30 whether the same exist or be erected entirely or only partly upon the
31 lands of any such adjoining owners, or along or immediately
32 adjacent to any division or partition line of such lands. To provide,
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34 fences, and for surveying the land when required by statute, and to
35 prohibit in any such ordinance the use at a height of under 10 feet
36 from the ground, of any device, such as wire or cable, that would be
37 dangerous to pedestrians, equestrians, bicyclists, or drivers of off-
38 the-road vehicles, unless that device is clearly visible to pedestrians,
39 equestrians, bicyclists or drivers of off-the-road vehicles. In the
40 case of fences thereafter erected contrary to the provisions thereof,
41 the governing body may provide for a penalty for the violation of
42 such ordinance, and in the case of such fence or fences erected or
43 existing at the time of the passage of any such ordinance, may
44 provide therein for the removal, change or alteration thereof, so as
45 to make such fence or fences comply with the provisions of any
46 such ordinance;

47 Advertise municipality. 30. Appropriate funds for advertising
48 the advantages of the municipality;

1 Government Energy Aggregation Programs. 31. Establish
2 programs and procedures pursuant to which the municipality may
3 act as a government aggregator pursuant to sections 40 through 43
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5 P.L.1999, c.23 (C.48:3-94), and sections 1, 2 and 6 of P.L.2003,
6 c.24 (C.48:3-93.1 through C.48:3-93.3). Notwithstanding the
7 provisions of any other law, rule or regulation to the contrary, a
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10 utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed
11 to be operating any form of public utility service pursuant to
12 R.S.40:62-1 et seq., to the extent such municipality is solely
13 engaged in the provision of such aggregation service and not
14 otherwise owning or operating any plant or facility for the
15 production or distribution of gas, electricity, steam or other product
16 as provided in R.S.40:62-12;

17 Joint municipal action on consent for the provision of cable
18 television service. 32. Establish programs and procedures pursuant
19 to which a municipality may act together with one or more
20 municipalities in granting municipal consent for the provision of
21 cable television service pursuant to the provisions of the "Cable
22 Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended
23 and supplemented. Notwithstanding the provisions of any other
24 law, rule or regulation to the contrary, two or more municipalities
25 acting jointly pursuant to the provisions of P.L.1972, c.186
26 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to
27 R.S.48:1-1 et seq., to the extent those municipalities are solely
28 engaged in granting municipal consent jointly and are not otherwise
29 owning or operating any facility for the provision of cable
30 television service as provided in P.L.1972, c.186 (C.48:5A-1 et
31 seq.);

32 Private cable television service aggregation programs. 33.
33 Establish programs and procedures pursuant to which a
34 municipality may employ the services of a private aggregator for
35 the purpose of facilitating the joint action of two or more
36 municipalities in granting municipal consent for the provision of
37 cable television service provided that any such municipality shall
38 adhere to the provisions of the "Cable Television Act," P.L.1972,
39 c.186 (C.48:5A-1 et seq.) as amended and supplemented, and to the
40 provisions of the "Local Public Contracts Law," P.L.1971, c.198
41 (C.40A:11-1 et seq.) as amended and supplemented.
42 Notwithstanding the provisions of any other law, rule or regulation
43 to the contrary, a municipality that employs the services of a private
44 aggregator pursuant to the provisions of P.L.1972, c.186 (C.48:5A-
45 1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-
46 1 et seq., to the extent that the municipality is solely engaged in
47 employing the services of a private aggregator for the purpose of
48 facilitating the joint action of two or more municipalities in

1 granting municipal consent and is not otherwise owning or
2 operating any facility for the provision of cable television service as
3 provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

4 Protective Custody. 34. Provide protective custody to persons
5 arrested for operating a motor vehicle under the influence of
6 alcoholic beverages, cannabis items as defined in section 3 of
7 P.L.2021, c.16 (C.24:6I-33), any chemical substance, or any
8 controlled dangerous substance in violation of R.S.39:4-50 as
9 provided in section 1 of P.L.2003, c.164 (C.40:48-1.3);

10 Private Outdoor Video Surveillance Camera Registry. 35.
11 Establish a private outdoor video surveillance camera registry and
12 allow voluntary registration of private outdoor video surveillance
13 cameras as provided in P.L.2015, c.142 (C.40:48-1.6 et al.).

14 Consumption of Alcoholic Beverages Outdoors. 36. Designate an
15 open container area upon which people are permitted to carry and
16 consume open containers of alcoholic beverages outdoors pursuant
17 to section 1 of P.L. , c. (C.) (pending before the Legislature
18 as this bill).

19 (cf: P.L.2021, c.25, s.16)

20

21 3. This act shall take effect immediately.

22

23

24

STATEMENT

25

26 This bill allows a municipality to permit people to consume
27 alcoholic beverages outdoors in designated open container areas.
28 The bill defines “open container area” as a portion of a municipality
29 or an area encompassing the entire municipality in which
30 pedestrians are permitted to carry and consume open containers of
31 alcoholic beverages outdoors.

32 The bill requires a public hearing to be held on the merits of
33 establishing an open container area prior to a municipality adopting
34 an ordinance. The sale of alcoholic beverages for consumption in
35 an open container area would be subject to statutory law, rules and
36 regulations promulgated by the director, and municipal ordinances.

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5554

STATE OF NEW JERSEY

DATED: DECEMBER 6, 2021

The Assembly Commerce and Economic Development Committee reports favorably Assembly Bill No. A5554.

This bill would authorize a municipality to permit people to consume alcoholic beverages outdoors in an “open container area.” The bill defines “open container area” as a portion of a municipality or an area encompassing the entire municipality in which pedestrians are permitted to carry and consume open containers of alcoholic beverages outdoors.

The bill requires a municipal governing body to hold a public hearing on the merits of establishing an open container area prior to a municipality adopting an ordinance. The sale of alcoholic beverages for consumption in an open container area would be subject to statutory law, rules and regulations promulgated by the director, and municipal ordinances.

As reported by the committee, this bill is identical to Senate Bill No. 2921, which was also amended and reported by the committee on this date.

Governor Murphy Takes Action on Legislation

01/18/2022

TRENTON – Governor Murphy today signed the following bills:

S-384/A-1964 (Weinberg, Singleton/Stanley, Munoz, McKeon, Sumter, Lampitt, Vainieri Huttie, Wimberly, Mosquera, Downey, Chiaravalloti) – Expands training for judges, law enforcement officers and assistant county prosecutors concerning handling of domestic violence cases

S-386/A-1763 (Weinberg, Singleton/Munoz, Vainieri Huttie, Downey, Mosquera, Lampitt, Benson) - Establishes mandatory domestic violence training for municipal prosecutors

S-396/A-4903 (Weinberg, Addiego/Johnson, Mukherji) – Adjusts statute of limitations on damage claim for construction defect in common interest communities

S-705/A-1077 (Ruiz, Cunningham/Speight, Vainieri Huttie, Downey) – Requires DOH to develop and implement plan to improve access to perinatal mood and anxiety disorder screening

SCS for S-844 and 2533/ACS for A-4635 (Pou, Greenstein/Zwicker, Lopez) – Revises reporting requirements for charitable organizations and non-profit corporations

S-867/A-2316 (Pou/Jimenez, Giblin, Johnson) – Permits physical therapists to perform dry needling under certain circumstances

S-896/A-2396 (Pou, Turner/Wimberly, Timberlake, Murphy) – Expands Office of Public Defender representation of juveniles; repeals section 4 of P.L.1968, c.371

S-969WGR/ACS for A-2687 (Ruiz, Turner/Mazzeo, Lampitt, Moen) – Establishes loan redemption program for certain teachers to redeem loan amounts received under New Jersey College Loans to Assist State Students Loan Program through employment in certain schools; makes annual appropriation of \$1 million

S-994/A-6248 (Sweeney, Singleton/Lopez) – Requires State agencies and political subdivisions to make good faith effort to purchase five percent of goods and services from Central Nonprofit Agency

SCS for S-1016/ACS for A-2070 (Smith, Bateman/Calabrese, Mukherji, Benson) – Restricts use of neonicotinoid pesticides

S-1020/AS for ACS for A-1184 and 4414 (Ruiz, Gopal/Zwicker, Conaway, Verrelli, Caputo) – Requires School Report Card to include demographic breakdown of students who receive disciplinary actions; requires Commissioner of Education to establish Statewide database concerning certain disciplinary actions

S-1559/A-1659 (Scutari, Diegnan/Quijano, Bramnick, Mukherji, Sumter, Downey, Dancer) – “New Jersey Insurance Fair Conduct Act”

S-1771/A-1489 (Madden, Turner/Moriarty, Mosquera, Vainieri Huttie) – Expressly prohibits invasive examination of unconscious patient by health care practitioner without patient’s prior informed written consent

S-2160wGR/A-5701 (Sweeney, Oroho, Singer/Carter, Lampitt, Jasey) – Creates special education unit within the Office of Administrative Law; requires annual report

SCS for S-2515/ACS for A-4676 (Smith, Greenstein/Quijano, Jasey, McKeon) – Establishes postconsumer recycled content requirements for rigid plastic containers, glass containers, paper and plastic carryout bags, and plastic trash bags; prohibits sale of polystyrene loose fill packaging

S-2723/A-2614 (Sweeney, Turner/Murphy, Benson, Timberlake) – “21st Century Integrated Digital Experience Act”

S-2830/A-5291 (Ruiz, Singleton/Quijano) – Requires educator preparation program to report passing rates of students who complete certain tests and to disseminate information on test fee waiver programs, and permits collection of student fee for certain testing costs

S-2835/A-5292 (Ruiz, Cunningham/Quijano, Lampitt, Jasey) – Requires compilation of data and issuance of annual reports on New Jersey teacher workforce

S-2921/A-5554 (Gopal, Greenstein/Houghtaling, Downey, Mukherji) – Allows municipalities to designate outdoor areas upon which people may consume alcoholic beverages

S-3009/A-4847 (Vitale, Gopal, Gill/Vainieri Huttle, Quijano, Verrelli) – Authorizes expanded provision of harm reduction services to distribute sterile syringes and provide certain support services to persons who use drugs intravenously

S-3081/A-5219 (Singleton/McKeon, Dunn) – Repeals law concerning excess rates and charges for title insurance; makes agreement to use services of title or settlement service company subject to attorney review

S-3164/A-4987 (Gopal, Singleton/Houghtaling, Vainieri Huttle, Giblin) – Creates NJ Legislative Youth Council

S-3265/A-5074 (Diegnan, Greenstein/DeAngelo, Dancer, Mukherji) – Permits members of SPRS to purchase service credit for prior public employment with federal government or another state

S-3342/A-5463 (Codey, Singleton/Jasey, Giblin, Timberlake) – Directs NJT to erect statue in honor of A. Philip Randolph; appropriates \$90,000

S-3465/A-4336 (Oroho, Sweeney/Houghtaling, Space) – Directs Department of Agriculture to pay annual premiums to enrolled dairy farmers for certain coverage under the federal Dairy Margin Coverage Program; appropriates \$125,000

S-3488wGR/A-5537 (Sweeney, Gopal, O'Scanlon/Burzichelli, Dancer, Spearman) – Modifies certain procedures pertaining to school district regionalization; establishes grant program for cost reimbursement of conducting regionalization feasibility studies; and provides financial incentives for regionalization

S-3493/A-5458 (Vitale, Gill/Vainieri Huttle, Mukherji, McKnight) – Permits expungement of possession or distribution of hypodermic syringe or needle offense in cases of previous expungement; repeals criminal offense of possession of syringe

S-3539/A5409 (T. Kean, Gopal/Houghtaling) – Directs DEP to establish grant program for local governments to support development of community gardens

S-3594/A-5509 (Singleton, Scutari/Zwicker, Reynolds-Jackson, Verrelli) – Provides that in personal

injury or wrongful death lawsuits, calculations of lost or impaired earnings capacity not be reduced because of race, ethnicity, gender identity or expression, or affectional or sexual orientation

S-3672/A-6009 (Singleton, Turner, Moen, Johnson, McKnight) – Permits exemption from civil service examination requirement for entry-level law enforcement officers, sheriff's officers, and State and county correctional police officers; permits hiring or appointment of such officers under certain conditions, and makes appropriation

S-3673/A-6219 (Gopal, Greenstein/Burzichelli) – Authorizes limited breweries and craft distilleries to sell at retail and offer for sampling purposes product bottled and stored off-site under certain circumstances

S-3685/A-5576 (Ruiz, Codey/Jasey, Lampitt, Mukherji) – Permits teacher and professional staff member who provides special services retired from TPAF to return to employment for up to two years without reenrollment in TPAF if employment commences during 2021-2022 and 2022-2023 school years

S-3707/A-5673 (Vitale, Ruiz/Vainieri Huttle, Downey, Zwicker) – Repeals statute criminalizing sexual penetration while infected with venereal disease or HIV under certain circumstances; requires that in prosecutions for endangering another by creating substantial risk of transmitting infectious disease, name of defendant and other person be kept confidential

S-3764/A-3369 (Gopal, Weinberg/Johnson, Stanley, Karabinchak) – Establishes Commission on Asian American Heritage in DOE

S-3810/ACS for A-5862 (Sweeney, Addiego, Greenstein/Benson, Quijano) – "Responsible Collective Negotiations Act"

S-3968/A-5930 (Singleton, Beach/Sumter, Karabinchak) – Increases purchasing threshold permitting Director of Division of Purchase and Property to delegate authority to agencies; increases bid advertising threshold on certain contracts by same scale

S-3975/A-5963 (Greenstein, Oroho/Benson, Vainieri Huttle, DeAngelo) – Establishes requirements to commence screening newborn infants for congenital cytomegalovirus infection; establishes public awareness campaign

S-4004wGR/A-5950 (Weinberg, Greenstein/Sumter, Benson, Reynolds-Jackson) – Establishes database of certain appointed positions and elected offices

S-4020/A-5867 (Gopal, Cunningham/Chiaravalloti, Jasey, Carter) – Expands bonding authority of New Jersey Educational Facilities Authority to permit financing for general funding needs at New Jersey's institutions of higher education

S-4021/A-6100 (Gopal, Ruiz/Mukherji, Jasey, Timberlake, Stanley) – Requires school districts to provide instruction on history and contributions of Asian Americans and Pacific Islanders as part of implementation of New Jersey Student Learning Standards in Social Studies

S-4043/A-6005 (Cunningham/Jasey, Greenwald) – Raises statutory threshold for certain public bidding, permits bidder disqualification due to prior negative experience, adds exemptions to public bidding requirement under "State College Contracts Law," and establishes process for cooperative pricing system

S-4063/A-6220 (Sweeney/Giblin, Egan) – Removes New Jersey Maritime Pilot and Docking Pilot Commission from appropriations act provision that limits compensation and health benefits; clarifies PERS and SHBP eligibility for members of commission

S-4068/ACS for A-6110 and 6185 (Sarlo, Oroho/Benson, Mukherji, Bramnick) – Revises elective pass-through entity business alternative income tax

S-4074wGR/A-6000 (Ruiz, Beach/Verrelli, Lampitt, Carter) – Allows alternative evaluation in place of basic skills testing requirements for certain teacher certification

SCS for S-4102/A-6230 (Sweeney, Ruiz/Benson, Mejia, Zwicker) – Establishes Direct Support Professional Career Development Program; appropriates \$1,000,000

S-4128/A-6231 (Sweeney, Pou/Houghtaling, Conaway, Dancer) – Requires that only fruits and vegetables grown and packaged in NJ may be labeled by food retailers as local to State

S-4207/A-6119 (Sweeney, Beach/Mukherji, Egan, Pintor Marin) – Concerns apprenticeship programs of public works contractors

S-4210/A-6062 (Sweeney, Greenstein/Greenwald, McKnight, Mukherji) – Requires EDA to establish loan program to assist certain businesses with funding to provide reasonable accommodations for employees with disabilities

S-4211/A-6228 (Sweeney, Corrado/Benson, Speight, Zwicker) – Establishes county college-based adult centers for transition for individuals with developmental disabilities; makes annual appropriation of \$4.5 million

S-4218/A-6256 (Scutari/Reynolds-Jackson, Wimberly, Mukherji) – Appropriates \$2 million to CRDA to support costs associated with hosting NAACP National Convention in Atlantic City

S-4233/A-6229 (Scutari, Gopal/Mukherji, Jimenez) – Limits fees charged to patients and authorized third parties for copies of medical and billing records

S-4252/A-6182 (Madden/Murphy, Chaparro) – Limits extension of mandatory retirement to 90 days from State Police Retirement System during emergencies

A-259/S-2224 (DeAngelo, Mukherji, Benson/Gopal, Pennacchio) – Provides civil service preference to military service members who did not serve in theater of operation but received campaign or expedition medal

A-798/S-52 (Verrelli, Vainieri Huttel, Armato/Singer, Greenstein) – Establishes local drug overdose fatality review teams

A-802/S-1352 (Verrelli, Reynolds-Jackson, Murphy/Turner, Pou) – Requires certain retailers to train employees on gift card fraud

A-862wGR/S-962 (Chiaravalloti, Karabinchak/Pennacchio, Pou) – Permits municipalities to refund excess property taxes paid by a taxpayer who wins an assessment appeal as a property tax credit

A-953/S-4031 (Karabinchak, Houghtaling/Pou) – Requires architects disclose insurance coverage

ACS for A-998 and 2349/S-4312 (Moen, Downey, Houghtaling, Benson, Vainieri Huttel/Ruiz, Beach, Singleton) – The “New Jersey Social Innovation Act”; establishes social innovation loan pilot program and study commission within EDA

A-1121/S-1871 (Murphy, Dancer, Stanley/Lagana, Pennacchio) – Upgrades certain crimes of misrepresenting oneself as member or veteran of US Armed Forces or organized militia

A-1219wGR/S-1054 (Chaparro, McKnight/Stack) – Requires owner notification of rabies testing protocol prior to testing of owner’s animal for rabies

A-1229wGR/S-2161 (Schaer, Mosquera, Tucker, Lampitt, Vainieri Huttle, Quijano, Wimberly, Pintor Marin, Jasey/Turner, Singleton) – Requires DCA to make information on homeless prevention programs and services available on its Internet website

A-1293/S-3977 (Greenwald, Burzichelli, Mukherji/Greenstein, Gopal) – Establishes advisory council for the brewery, cidery, meadery, and distillery industries in NJ and provides for funding through certain alcoholic beverage tax receipts

A-1663/S-1842 (Quijano, Vainieri Huttle, Karabinchak/Cryan, Scutari) – Establishes “New Jersey Nonprofit Security Grant Program”

A-2186/S-1599 (Mukherji, Chaparro, McKnight/Codey, Pou) – Establishes Statewide database of beds in shelters for the homeless

A-2360/S-3285 (Chaparro, Karabinchak, Johnson/Greenstein, Stack) – Requires electric public utility to charge residential rate for service used by residential customer for electric vehicle charging at charging stations within certain designated parking spaces

A-2685wGR/S-4209 (Armato, Mazzeo, Mukherji/Stack) – Concerns information on property condition disclosure statement

A-2772/S-1040 (Downey, Houghtaling, Benson/Gopal) – Authorizes certain Medicaid recipients residing on post-secondary school campus to participate remotely in meetings of non-medical nature regarding Medicaid benefits

A-2877/S-1149 (Dancer, Vainieri Huttle, Reynolds-Jackson/Ruiz) – Requires registration of certain vacant and abandoned properties with municipalities and provides enforcement tools related to maintenance of these properties

A-3007/S-3127 (Lampitt, Dunn, Benson/Lagana, Gopal) – Requires institutions of higher education to provide students with access to mental health care programs and services and to establish a hotline to provide information concerning the availability of those services

A-3392/S-1219 (Reynolds-Jackson, Timberlake, Jasey/Turner, Beach) – Requires student representative be appointed to each board of education of school district and board of trustees of charter school that includes grades nine through 12

A-3804/S-1590 (Armato, Murphy, S. Kean/Beach, A.M. Bucco) – Designates 9-1-1 operators or dispatchers as 9-1-1 first responder dispatchers

A-3870/S-2807 (Karabinchak, Johnson, Mukherji/Greenstein, Pou) – “Defense Against Porch Pirates Act”; amends theft statute

A-3950wGR/S-3180 (Verrelli, Benson, Zwicker/Greenstein, Turner) – Prohibits employer use of tracking device in vehicle operated by employee under certain circumstances

A-4002wGR/S-2257 (Caputo, Dancer, Murphy/Gopal, Sarlo) – Allows deduction of promotional gaming credit from gross revenue on sports wagering

A-4232/S-4231 (Houghtaling, Dancer, Wirths/Oroho, Smith) – Creates program in Department of Agriculture for deer fencing on certain farmland

A-4238/S-2561 (Chiaravalloti, Schaer, Benson/Gopal, Singer) – Establishes minimum Medicaid reimbursement rate for adult medical day care services

A-4241/S-2894 (Downey, Vainieri Huttle, Murphy/Pou) – Requires DHS to conduct biennial survey of SNAP experience

ACS for A-4253/S-3233 (Conaway, Pinkin, Jimenez/Cryan) – Requires certain electronic medical programs to include demographic data entry feature; requires laboratories to record certain patients' demographic information; requires certain hospitals and laboratories to implement cultural competency training program

A-4366/S-2801 (Taliaferro, Sumter, Mukherji/Pou, Greenstein) – Requires Police Training Commission to contract with crisis intervention training center to provide mental health training to police officers and establish curriculum specific to persons experiencing economic crisis or substance use disorder

A-4434wGR/S-2716 (Greenwald, Lampitt, Mukherji/Beach, Ruiz) – Establishes Student Wellness Grant Program in DOE

A-4478/S2759 (Vainieri Huttle, Speight, Schepisi, DeCroce/Vitale, Madden) – Establishes additional requirements for DOH to assess sanctions and impose penalties on nursing homes; revises reporting requirements for nursing homes

A-4569/S-3535 (Reynolds-Jackson, Benson, Karabinchak/Turner) – Requires BPU, electric power suppliers, and gas suppliers to publish certain information related to filing of customer complaints

ACS for A-4655/S-3595 (Reynolds-Jackson, Wimberly, Carter/Turner) – Limits police presence at polling places and ballot drop boxes; prohibits electioneering within 100 feet of ballot drop box

A-4771/S-2951 (Downey, Armato, Mukherji/Gopal, Singleton) – Expands offenses eligible for expungement upon successful discharge from drug court

A-4856/S-3094 (Lampitt, Benson, Caputo/Ruiz, Beach) – Requires Internet websites and web services of school districts, charter schools, renaissance schools, and the Marie H. Katzenbach School for the Deaf to be accessible to persons with disabilities

A-5033wGR/S-3279 (Benson, Dancer, Verrelli/Gopal) – Authorizes motor vehicle dealers to sell motor vehicles online and obtain electronic signatures for motor vehicle transactions

ACS for A-5075wGR/S-4001 (Burzichelli, Dancer, Johnson/Sweeney, A.M. Bucco) – Removes Fire Museum and Fallen Firefighters Memorial from auspices of DEP and establishes museum as independent organization; makes \$200,000 supplemental appropriation

A-5160/S-3324 (DeAngelo, Conaway, Zwicker/Smith, Bateman) – Establishes minimum energy and water efficiency standards for certain products sold, offered for sale, or leased in the State

A-5294/S-3418 (Speight, Vainieri Huttle, Verrelli/Gopal, Madden) – Provides fast track hiring and advancement employment opportunities by State for persons with significant disabilities

A-5296/S-3426 (Speight, Vainieri Huttle, McKnight/T. Kean, Schepisi) – Provides for employment by State of certain persons with disabilities

A-5322/S-3433 (Mosquera, Vainieri Huttle, DePhillips/Cruz-Perez, T. Kean) – Provides for process to vacate and expunge certain arrests, charges, complaints, convictions, other dispositions, and DNA

records, associated with violations by certain human trafficking victims

A-5336wGR/S-3441 (Benson, Freiman, Vainieri Huttie/Diegnan, Madden) – Requires DHS to establish payment programs for purchase of transportation services from private sector and government transportation service providers

A-5439/S-3760 (Caputo, Dancer, Murphy/Gopal, Beach) – Changes deadline for New Jersey Racing Commission's annual report from end of calendar year to end of State fiscal year

A-5694/S-3783 (Houghtaling, Downey, Dancer/Gopal, Madden) – Permits dependents of military member to enroll in school district in advance of military member's relocation to district

A-5814/S-3851 (Swain, Tully, Benson/Lagana, Diegnan) – Creates Office of School Bus Safety in Department of Education; appropriates \$200,000

A-5864wGR/S-3939 (Speight, Pintor Marin, Chaparro, McKnight, DeAngelo, Bergen/Gopal, Cryan) – Allows law enforcement officers to review body worn camera recordings prior to creating initial report

A-5997/S-4084 (Coughlin, Lopez/Sweeney, O'Scanlon) – Removes requirement for Legislature, DOE, free public libraries, and historical societies to purchase "Manual of the Legislature of New Jersey"

A-6012/S-4076 (Moen, Murphy, Freiman/Sarlo, Gopal) – Appropriates \$500,000 for USS New Jersey Commissioning Committee to support commissioning of boat and assigned personnel

A-6020/S-4114 (Conaway, Jimenez, Vainieri Huttie/Codey) – Establishes requirements for certain tobacco product retailers to stock and sell nicotine replacement therapy products

A-6060/S-4272 (Tucker, Caputo, Mukherji/Cunningham) – Makes supplemental appropriation of \$8 million to DHS to increase reimbursement for funeral, burial, and crematory services provided to certain beneficiaries of Work First New Jersey and Supplemental Security Income programs

A-6073/S-4140 (Verrelli/Vitale) – Temporarily waives certain basic life support services crewmember requirements

A-6093/S-4201 (Stanley, Benson, Timberlake/Greenstein, Gopal) – Mandates periodic cancer screening examinations for firefighters enrolled in SHBP

A-6108wGR/S-4247 (DeAngelo, Egan, Houghtaling/Madden) – Updates licenses offered by and certain licensure requirements from Board of Examiners of Electrical Contractors

A-6132/S-4235 (Schaer, Greenwald, Conaway/Singer, Gopal) – Permits volunteer paramedics to operate within mobile intensive care units

A-6133/S-4251 (Bramnick, Mukherji, Downey/Scutari) – Allows certain persons not yet appointed as administrator of estate to pursue lawsuit for damages for wrongful death on behalf of deceased's survivors

A-6150/S-4119 (DeAngelo, Karabinchak, Wirths/Oroho, Pou) – Revises penalties for transfer of certain professional and occupational licenses

A-6159/S-4236 (Coughlin, McKnight/Vitale, Ruiz) – Revises and renames Office of Food Insecurity Advocate

A-6162/S-4246 (Benson, Stanley/Gopal) – Requires certain motor vehicle dealers to maintain certain

requirements for business premises

A-6205/S-4270 (Coughlin, McKeon/Pou) – Amends certain requirements concerning insurance holding companies

A-6206wGR/S-4260 (Wimberly/Diegnan, Oroho) – Codifies right of real estate broker-salespersons and salespersons to define relationship with broker as one between broker and independent contractor or employee and enforces current and previous written agreements addressing relationship

A-6207/S-4222 (Greenwald, Lampitt, Benson/Sweeney) – Eliminates requirement for DOE to set certain tuition rates for approved private schools for students with disabilities in certain cases

A-6208/S-4151 (Mosquera, DeAngelo, Armato/Greenstein, Cruz-Perez) – Appropriates \$60,940,361 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for farmland preservation purposes

A-6209/S-4154 (Freiman, Spearman, Egan/Turner, Oroho) – Appropriates \$18 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for county planning incentive grants for farmland preservation purposes

A-6210/S-4150 (Taliaferro, Moriarty, Burzichelli/Cruz-Perez, Greenstein) – Appropriates \$4.5 million from constitutionally dedicated CBT revenues to State Agriculture Development Committee for municipal planning incentive grants for farmland preservation purposes

A-6211/S-4149 (Houghtaling, Reynolds-Jackson, Downey/Cruz-Perez, Greenstein) – Appropriates \$440,240 from constitutionally dedicated CBT revenues to State Agriculture Development Committee for grants to certain nonprofit organizations for farmland preservation purposes

A-6212/S-4148 (Jimenez, Swain, Timberlake/Codey, Corrado) – Appropriates \$54.5 million from constitutionally dedicated CBT revenues for recreation and conservation purposes to DEP for State capital and park development projects

A-6213/S-4155 (Kennedy, Carter, Tully/Bateman, Smith) – Appropriates \$49.932 million from constitutionally dedicated CBT revenues to DEP for State acquisition of lands for recreation and conservation purposes, including Blue Acres projects, and Green Acres Program administrative costs

A-6214/S-4153 (Danielsen, Zwicker, Conaway/Greenstein, Smith) – Appropriates \$80,539,578 from constitutionally dedicated CBT revenues and various Green Acres funds to DEP for local government open space acquisition and park development projects

A-6215/S-4152 (Stanley, Murphy, Jasey/Smith, Greenstein) – Appropriates \$14,687,510 to DEP from constitutionally dedicated CBT revenues for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes

A-6246/S-4295 (Karabinchak/Sweeney) – Concerns changes in control of hotels and disruptions of hotel services

A-6257/S-4311 (McKnight/Sweeney, Singleton) – Imposes surcharge on casino hotel occupancies to fund public safety services

A-6262/S-4314 (Burzichelli, Reynolds-Jackson, Mukherji/Sweeney, Oroho, T. Kean) – Permits PERS retiree to return to employment in NJ Legislature after retirement under certain circumstances

A-6263/S-4315 (Burzichelli, Reynolds-Jackson, Mukherji/Sweeney, Oroho, T. Kean) – Appropriates \$2 million to Legislative Services Commission

Governor Murphy pocket vetoed the following bills:

S-73/A-4580 (Bateman, Sarlo/Zwicker, Thomson, McKnight) – Establishes requirements for sale of cottage food products

S-995/A-6172 (Sweeney, A.M. Bucco/Downey, McKnight) – Requires DOLWD and DHS to conduct assessment of community rehabilitation programs and community businesses

S-1934/A-1158 (Sweeney, Pou, Cryan/Freiman, Lopez, Murphy) – Authorizes use of disability benefits for transportation provided by transportation network companies

S-2679/A-1979 (Beach, Smith/Stanley, Lopez, Kennedy) – Requires paint producers to implement or participate in paint stewardship program

S-2768/A-4664 (Singleton, Ruiz/Reynolds-Jackson, Stanley, Sumter) – Authorizes State Chief Diversity Officer to conduct disparity study concerning utilization of minority-owned and women-owned businesses in State procurement process

S-3458/A-6245 (Lagana, Gopal/Coughlin, Jimenez, Mukherji) – Revises out-of-network arbitration process

S-3529/A-5442 (Addiego, Diegnan/DeAngelo, Dancer, Dunn) – Clarifies that member of SPRS may receive accidental disability benefit under certain circumstances

S-3715/A-5804 (Cryan/Quijano, Mukherji) – Modifies certain definitions related to transient accommodation taxes and fees

S-4189/A-6112 (Vitale, Cruz-Perez/Lopez) – Permits PERS retiree to return to elective public office after retirement under certain circumstances

A-1073/S-3432 (Speight, Pintor Marin, McKnight, Timberlake/Ruiz, O'Scanlon) – Establishes requirements to screen certain people who are pregnant and who have given birth for preeclampsia

A-1269/S-3490 (Greenwald, Giblin, Calabrese/Cruz-Perez, Beach) – Eliminates one percent tax on purchasers of Class 4A commercial property transferred for consideration in excess of \$1 million

A-4958/S-3740 (Tully, Armato, Zwicker/Lagana, Oroho) – Provides temporary exemption under sales and use tax for winterizing certain small business operations

A-5334/S-3442 (Lopez, Mazzeo, Stanley/Diegnan, T. Kean) – Requires DOT, NJT, and DHS to study and implement transportation mobility and accessibility improvements for persons with autism and developmental disabilities

A-5484/S-3817 (Dancer, Caputo, Houghtaling/Lagana) – Requires New Jersey Racing Commission to adopt procedures to enforce internal controls; requires annual audit

A-6033/S-4194 (Bramnick/Sweeney, T. Kean) – Classifies golf caddies as independent contractors for purposes of State employment laws

A-6157/S-4202 (Speight, Moen/Ruiz, Beach) – Prohibits circumventing intergovernmental transfer process for law enforcement officers in certain circumstances

