

33:1-47.1

LEGISLATIVE HISTORY CHECKLIST

NJSA 33:1-47.1

Laws of 1935 Chapter 254

Bill No. S289

Sponsor(s) Woodruff

Date Introduced March 4, 1935

Committee: Assembly Miscellaneous Business

Senate Judiciary

Amended during passage Yes No Original bill and 2d OCR enclosed

Date of passage: Assembly June 4, 1935

Senate March 19, 1935

Date of approval June 8, 1935

Following statements are attached if available:

Sponsor statement Yes No Each section of original bill has a statement.

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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10/4/76

SENATE, No. 289

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1935

By Mr. WOODRUFF

Referred to Committee on Judiciary

AN ACT to supplement an act entitled "An act concerning alcoholic beverages,"
passed December sixth, one thousand nine hundred and thirty-three.

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

1 1. In any proceeding for any violation of the act to which this is a sup-
2 plement, as amended and supplemented, or any ordinance enacted pursuant
3 thereto, any alcohol, beer, lager beer, ale, porter, naturally fermented wine,
4 treated wine, blended wine, fortified wine, sparkling wine, distilled liquors,
5 blended distilled liquors and any brewed, fermented or distilled liquors,
6 shall be presumed to be fit and intended for use for beverage purposes and
7 to contain more than one-half of one per centum ($\frac{1}{2}\%$) of alcohol by
8 volume.

STATEMENT

To provide that alcoholic beverages shall be presumed to contain more
than one-half of one per centum of alcohol by volume and to have been in-
tended for beverage purposes.

1 2. Upon conviction of violation of any of the provisions of the act to
2 which this is a supplement, or any amendments thereof or supplements
3 thereto, any license held at the time of said conviction pursuant to said act
4 by the person convicted or by any partnership of which he is then a mem-
5 ber, or by any corporation of which he was a director or officer or stock-

6 holder owning ten per centum (10%) or more of the stock either at the time
7 of the conviction or the violation resulting therein, shall suspend auto-
8 matically and without notice. The pendency of an appeal from the con-
9 viction shall not affect the suspension which shall continue for the balance
10 of the term of the license unless the commissioner, in his discretion and for
11 good cause shown, shall otherwise order. Nothing herein contained shall
12 bar proceedings pursuant to said act to revoke or suspend any license.

STATEMENT

To provide that a license shall suspend automatically upon conviction of
the licensee for violation of the act.

1 3. No owner, part owner, stockholder, officer or director of any cor-
2 poration or any other person whatsoever interested in any way whatsoever
3 in any brewery shall make any loan, directly or indirectly, to any retail
4 licensee; *provided, however*, that the foregoing shall not prohibit the ex-
5 tension, subject to rules and regulations, of reasonable credit in respect to
6 ordinary current sales of brewery products. No owner, part owner, stock-
7 holder, officer or director of any corporation or any other person whatso-
8 ever interested in any way whatsoever in any brewery shall furnish, repair
9 or replace fixtures in any licensed retail business, except that the cleaning
10 and repairing of pipes and similar matters may be permitted by rules and
11 regulations.

STATEMENT

To prohibit breweries from lending money to retail licensees, except that
this shall not prohibit the extension of ordinary credit.

To prohibit breweries from furnishing or repairing fixtures in licensed
retail establishments.

1 4. The commissioner is hereby authorized and empowered to make such
2 reciprocal rules and regulations and special rulings pertaining to any one or
3 more States designated therein as may be necessary for the proper regula-
4 tion and control of the manufacture, sale and distribution of alcoholic
5 beverages and the enforcement of the act to which this is a supplement, in
6 addition thereto and not inconsistent therewith, and to alter, amend, repeal
7 and publish the same from time to time.

STATEMENT

To authorize the commissioner to make reciprocal regulations pertaining to one or more States designated therein.

1 5. No class C license shall be issued or renewed to any corporation,
2 except for premises operated as a bona fide hotel, unless each owner,
3 directly or indirectly, of more than ten per centum (10%) of its stock
4 qualifies in all respects as an individual applicant, anything to the contrary
5 contained in the act to which this is a supplement notwithstanding.

STATEMENT

To provide that no retail license be issued to corporations, except bona fide hotels, unless each holder of more than ten per centum of stock qualifies in all respects as an individual applicant.

1 6. If, at any time after this act becomes effective, a petition, signed by
2 at least fifteen per centum (15%) of the qualified electors of any munici-
3 pality as evidenced by the total number of votes cast at the then next pre-
4 ceding election for members of the General Assembly in such municipality,
5 shall be presented to the governing board or body thereof, requesting a
6 referendum on any proposed questions as to whether the hours between
7 which the sale of alcoholic beverages at retail may be made in said munici-
8 pality on week days, Sundays, either or both, shall be fixed as provided in

9 said petition, which questions shall be specifically and separately set forth
10 in said petition, such governing board or body shall adopt forthwith a reso-
11 lution directing the clerk of the county in which such municipality is
12 situated to print such question or questions stated in said petition pursuant
13 to the act entitled "An act to regulate elections" (Revision 1930), and
14 the acts amendatory thereof and supplementary thereto, (which last men-
15 tioned act and its amendments and supplements is hereafter referred to
16 as the general election law) upon the official ballot to be used in said mu-
17 nicipality at the next ensuing general election. Thereupon the clerk or
18 secretary of said governing board or body shall forthwith deliver to such
19 county clerk a certified copy of such resolution. If said copy shall be
20 delivered to said county clerk not less than thirty days before said general
21 election, he shall cause such question or questions to be printed in an
22 appropriate place on the ballot to be used in said municipality at the next
23 ensuing general election, pursuant to said general election law and there-
24 upon all proceedings with respect to the referendum on said question or
25 questions shall be subject to and governed by said general election law as
26 in other cases of the submission of public questions to the electorate.

27 If a majority of the legal voters shall vote affirmatively on the question
28 of whether the hours of sale shall be fixed in the manner set forth in said
29 question or questions, the clerk of the governing board or body of said
30 municipality shall forthwith in writing notify the commissioner and mu-
31 nicipal board, if any, of the action taken by the legal voters of said mu-
32 nicipality and thereafter the retail sale of alcoholic beverages may be made
33 only within the hours fixed by said referendum. Such sale at any other time
34 within said municipality shall be unlawful and constitute a violation of
35 this act.

36 If a majority of legal voters voting upon said question or questions
37 shall vote in the negative on the question of whether the hours of sale shall
38 be fixed in the manner set forth in said question or questions, the clerk of
39 the governing board or body of said municipality shall forthwith in writ-
40 ing notify the commissioner and municipal board, if any, of the action taken

41 by the legal voters of said municipality and thereafter the hours between
42 which the sale of alcoholic beverages at retail may be made may be regu-
43 lated as theretofore in said municipality.

44 No petition under this section shall be received by the governing board
45 or body while any other petition covering the same subject matter which
46 has theretofore been presented hereunder has not been voted upon.

47 Whenever a referendum shall have been had in any municipality pur-
48 suant to this section, no further referendum on the same question shall be
49 held therein prior to the general election to be held in said municipality
50 in the third year thereafter and so long as said referendum remains effec-
51 tive, all ordinances, resolutions or regulations inconsistent with the result
52 of said referendum shall have no effect within said municipality.

STATEMENT

To provide that municipalities may limit the hours of sale on Sundays and
week days by referendum.

1 7. This act shall take effect immediately.

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 289

STATE OF NEW JERSEY

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Referred to Committee on Judiciary

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3 acted pursuant thereto, any alcohol, beer, lager beer, ale, porter, naturally
4 fermented wine, treated wine, blended wine, fortified wine, sparkling wine,
5 distilled liquors, blended distilled liquors and any brewed, fermented or dis-
6 tilled liquors, shall be presumed to be fit and intended for use for beverage
7 purposes and to contain more than one-half of one per centum ($\frac{1}{2}\%$) of al-
8 cohol by volume.

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2 which this is a supplement, or any amendments thereof or supplements
3 thereto, any license held at the time of said conviction pursuant to said act
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10 of the term of the license unless the commissioner, in his discretion and for

11 good cause shown, shall otherwise order. Nothing herein contained shall
12 bar proceedings pursuant to said act to revoke or suspend any license.

1 3. No owner, part owner, stockholder, officer or director of any cor-
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1 4. The commissioner is hereby authorized and empowered to make such
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3 more States designated therein as may be necessary for the proper regula-
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