

LEGISLATIVE HISTORY CHECKLIST

NJSA: 33:1-12.32

(Liquor licenses-airport
restaurants-remove certain
limitations)

LAWS OF: 1985

CHAPTER: 65

Bill No: S1327

Sponsor(s): Lipman and Caufield

Date Introduced: February 23, 1984

Committee: Assembly: Law, Public Safety and Defense

Senate: Law, Public Safety and Defense

Amended during passage: Yes
according to Governor's recommendationsAmendments denoted by
asterisks

Date of Passage:

Assembly: Dec. 13, 1984 Re-enacted 2-25-85

Senate: Jun. 18, 1984 Re-enacted 2-14-85

Date of Approval: March 5, 1985

Following statements are attached if available:

Sponsor statement: Yes Attached: Senate amendments
adopted 5-14-84(w/statement).

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: Yes

Message on Signing: Yes

Following were printed:

Reports: Yes

Hearings: No

974.901 New Jersey. Alcoholic Beverage Control Study Commission.
A58 Annual report...Dec. 31, 1984.
Trenton, 1984.
(see pp. 9-10-)

3-5-85

[THIRD OFFICIAL COPY REPRINT]

SENATE, No. 1327

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 23, 1984

By Senators LIPMAN and CAUFIELD

Referred to Committee on Law, Public Safety and Defense

AN ACT to amend "An act concerning alcoholic beverages and supplementing Title 33 of the Revised Statutes," approved August 3, 1962 (P. L. 1962, c. 152).

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

1 1. Section 2 of P. L. 1962, c. 152 (C. 33:1-12.32) is amended to
2 read as follows:

3 2. The provisions of this act shall not apply to the acquisition of
4 an additional license or licenses or an interest therein, when such
5 license is issued to a person for use in connection with the operation
6 of a hotel containing at least 50 sleeping rooms, for use in con-
7 nection with the operation of a restaurant, **[or]** for use in connec-
8 tion with the operation of a bowling establishment consisting of
9 more than 20 lanes, but only so long as the person uses the license
10 in connection with the operation of that bowling establishment,
11 *or for use on premises within the grounds of an international air-*
12 *port, *****[**but in the case of an additional license for use in prem-***
13 *ises within the grounds of an international airport, the municipal*
14 *board of alcoholic beverage control or the governing body of the*
14A *municipality, as appropriate, shall have the option of approving or*
14B *disapproving the license; **]*** nor shall the provisions of this act
14C affect the right of any person to dispose of an interest in a license
14D or licenses by will or to the transfer of such an interest by descent
14E and distribution.*

15 Any additional license acquired for use in connection with a

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

Matter printed in italics *thus* is new matter.

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

*—Senate committee amendment adopted April 30, 1984.

**—Senate amendment adopted May 14, 1984.

***—Senate amendment adopted in accordance with Governor's recommendations January 31, 1985.

16 restaurant or bowling establishment consisting of more than 20
17 lanes **or for use on premises within the grounds of an interna-*
18 *tional airport**, as herein authorized, shall be limited, however, to
19 the sale of alcoholic beverages for consumption on the licensed
20 premises only.

1 2. This act shall take effect immediately.

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9 more than 20 lanes, but only so long as the person uses the license
10 in connection with the operation of that bowling establishment,
11 *or for use on premises within the grounds of an international air-*
12 *port*, nor shall the provisions of this act affect the right of any
13 person to dispose of an interest in a license or licenses by will or
14 to the transfer of such an interest by descent and distribution.

15 Any additional license acquired for use in connection with a
16 restaurant or bowling establishment consisting of more than 20
17 lanes, as herein authorized, shall be limited, however, to the sale
18 of alcoholic beverages for consumption on the licensed premises
19 only.

1 2. This act shall take effect immediately.

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

STATEMENT

Newark International Airport consists in part of three terminals each with five to seven satellite areas. In each satellite area the original licensee operates a service bar or cocktail lounge. The operation of separate bars in these satellite areas is a violation of P. L. 1962, c. 152 (C. 33:1-12.31 et seq.). However, the unique circumstances of the international airport make the operation of these bars by one corporation a reasonable practice. This bill would exempt owners of plenary retail consumption licenses used on premises located on the grounds of an international airport from the restriction of P. L. 1962, c. 152 limiting the number of licenses a person can hold at any one time to two. This bill would be beneficial to the airport, its customers, the licensee, and the city of Newark which would be able to charge a fee for each separate license.

S 1327 (1985)

ASSEMBLY LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 1327

[2nd OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: SEPTEMBER 20, 1984

Senate Bill No. 1327 permits the owner of an alcoholic beverage plenary retail consumption license used on premises located on the grounds of an international airport to hold more than two such licenses at any one time. The bill provides that an additional license acquired for use within the grounds of an international airport is to be used only for the sale of alcoholic beverages for consumption on the licensed premises only. In addition, a municipal board of alcoholic beverage control or the governing body of a municipality has the option of approving or disapproving the issuance of an additional license for use within the grounds of an international airport.

Under current law, no person is permitted to acquire a beneficial interest in more than two alcoholic beverage retail consumption licenses, except for persons who are issued licenses in connection with the operation of a hotel containing more than 50 sleeping rooms, a restaurant, or a bowling establishment consisting of more than 20 lanes (P. L. 1962, c. 152; C. 33:1-12.31 et seq.).

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 1327

with Senate committee amendments

STATE OF NEW JERSEY

DATED: APRIL 25, 1984

The purpose of Senate Bill No. 1327, as amended by the Senate Law, Public Safety and Defense Committee, is to permit the owners of alcoholic beverage plenary retail consumption licenses used on premises located on the grounds of an international airport to hold more than two such licenses at any one time. According to current law, no person is permitted to acquire a beneficial interest in more than two alcoholic beverage retail consumption licenses, except for persons who are issued licenses in connection with the operation of a hotel containing more than 50 sleeping rooms, a restaurant, or a bowling establishment consisting of more than 20 lanes (P. L. 1962, c. 152; C. 33:1-12.31 et seq.).

The committee amended the bill to limit any additional license acquired for use on the grounds of an international airport to the sale of alcoholic beverages for consumption on the licensed premises only.

ADOPTED
MAY 14 1984

Senate Amendments

to

Senate Bill No. 1327 (OCR) ~~(typed copy)~~
by Senator Lipman

(Proposed by Senator Lipman 4/30/84)

5/14/84

Amend:

Page	Sec.	Line
1	1	12

After "port," insert "but in the case of an additional license for use in premises within the grounds of an international airport, the municipal board of alcoholic beverage control or the governing body of the municipality, as appropriate, shall have the option of approving or disapproving ~~such~~ ^{the} license;"

STATEMENT

This amendment makes it clear that the local alcoholic beverage control authority has the power to issue or deny an additional license for use in premises on the grounds of an international airport.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

January 28, 1985

SENATE BILL NO. 1327 (2nd OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I herewith return Senate Bill No. 1327 (2nd OCR) with my recommendations for reconsideration.

Senate Bill No. 1327 (2nd OCR) would grant a new exception to the statute prohibiting common ownership of more than two alcohol beverage retail licenses. In addition to the current exemptions for restaurants and certain hotels and bowling establishments, licenses for use in premises within the grounds of an international airport would be exempted from the two license rule.

My concern is with the amendatory language adopted by the Senate on May 14, 1984. That language states that these additional airport licenses shall be subject to the approval or disapproval of the municipal board of alcohol beverage control or the governing body of the municipality.

This language is superfluous and subject to misinterpretation. I am advised that all licenses granted at Newark International Airport are subject to the approval or disapproval of the municipality pursuant to C. 33:1-19. Refusal to issue a license at the airport may be appealed to the Director of the State Division of Alcohol Beverage Control.

The language added by the Senate could be interpreted to mean that up to two licenses commonly owned by an individual or business entity at an airport are not subject to municipal approval or disapproval under C. 33:1-19. In addition, the language could also be interpreted to mean that the municipality has final approval of any licenses issued at an international airport in addition to the two commonly owned licenses without being subject to appeal to the State Division of Alcohol Beverage Control under C. 33:1-22.

I do not believe either of these possible interpretations of this otherwise unnecessary amendment were intended by the Legislature. I am, therefore, recommending deletion of the language added in the Senate on May 14, 1984.

Accordingly, I herewith return Senate Bill No. 1327 (2nd OCR) and recommend that it be amended as follows:

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

2

Page 1, Section 2, Lines 12 to 14B: Omit "but in the case of an additional license for use in premises" on line 12, omit lines 13 to 14A and omit "approving the license;" on line 14B.

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards

Chief Counsel

S-1986, a companion bill to S-1985, also sponsored by Senator Orechio, which allows local governments to enter into long-term insurance contracts to cover the actuarial liability of non-State administered pension plans.

In the case of both bills, the Governor recommended that the bill permit an experiment in this area in Essex County, where a detailed plan already exists to implement the bills.

S-1327, sponsored by State Senator Wynona M. Lipman, D-Essex, which creates an exception to the statute prohibiting common ownership of more than two alcoholic beverage retail licenses when the licenses are for use within the grounds of an international airport.

The Governor recommended the deletion of language added by the Senate which is considered to be superfluous and subject to misinterpretation.

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