

5:8-51 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 5:8-51 et al (Raffles--amend--allow senior citizens' groups to sponsor)

LAWS OF: 1985 **CHAPTER:** 299

BILL NO: S2517

Sponsor(s): Orechio and others

Date Introduced: December 6, 1984

Committee: Assembly: -----

Senate: Aging

Amended during passage: Yes Substituted for A3025 (Assembly committee statement attached; original bill identical to S2517). Amendments during passage denoted by asterisks.

Date of Passage: **Assembly:** June 24, 1985
Senate: May 13, 1985

Date of Approval: August 23, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** No
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: Yes
974.90 New Jersey. Legislature. Assembly. Independent Authorities and
C758 Commissions Committee. Public hearing on ACR 55, held 4-11-83.
1983b Trenton, 1983.

(OVER)

Amendment to Constitution, mentioned in statements: ACR 87 (1984)--attached.

[OFFICIAL COPY REPRINT]

SENATE, No. 2517

STATE OF NEW JERSEY

INTRODUCED DECEMBER 6, 1984

By Senators ORECHIO, RUSSO, COSTA, DALTON, LYNCH, CAUFIELD, McMANIMON, LIPMAN, O'CONNOR, CODEY, PALLONE and GRAVES

Referred to Committee on Aging

AN ACT to amend *and supplement* the "Raffles Licensing Law," approved February 20, 1954 (P. L. 1954, c. 5).

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

1 1. Section 2 of P. L. 1954, c. 5 (C. 5:8-51) is amended to read
2 as follows:

3 2. It shall be lawful for the governing body of any municipality,
4 at any time after this act shall become operative within such mu-
5 nicipality and except when prohibited by this act, to license bona
6 fide organizations or associations of veterans of any war in which
7 the United States has been engaged, churches or religious congre-
8 gations and religious organizations, charitable, educational and
9 fraternal organizations, civic and service clubs, *senior citizen asso-*
10 *ciations* ***[or]*** *and* ***clubs**, officially recognized volunteer fire com-
11 panies, and officially recognized volunteer first aid or rescue squads,
12 to hold and operate the specific kind of game or games of chance
13 commonly known as a raffle or raffles played by drawing for prizes
14 or the allotment of prizes by chance, by the selling of shares or
15 tickets or rights to participate in such game or games and by con-
16 ducting the game or games accordingly, when the entire net pro-
17 ceeds of such games of chance are to be devoted to educational,
18 charitable, patriotic, religious or public-spirited uses, *and in the*
19 *case of senior citizen associations* ***[or]*** *and* ***clubs** *to the support*
20 *of these organizations*, and for any such organization or association,

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

Matter printed in italics *thus* is new matter.

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

*—Senate committee amendments adopted February 25, 1985.

21 church, congregation, society, club, company or squad, when so
22 licensed or without any license when and as hereinafter prescribed,
23 to hold, operate and conduct such game of chance by its active mem-
24 bers pursuant to this act and such license, in such municipality and
25 to sell shares or tickets or rights to participate in such game or
26 games of chance therein and in any other municipality which shall
27 have adopted this act and under such conditions and regulations for
28 the supervision and conduct thereof as shall be prescribed by rules
29 and regulations duly adopted from time to time by the Legalized
30 Games of Chance Control Commission hereinafter designated as the
31 control commission not inconsistent with the provisions of this act,
32 but only when the entire net proceeds thereof are devoted to the
33 uses aforesaid and for any person or persons to participate in and
34 play such games of chance conducted under any such license.

35 No license shall be required for the holding, operating or con-
36 ducting of a raffle for a door prize of donated merchandise of the
37 value of less than \$50.00 for which no extra charge is made at an
38 assemblage at which no other game of chance is held, operated or
39 conducted, if the proceeds of such assemblage are devoted to the
40 uses described in this section.

1 2. Section 3 of P. L. 1954, c. 5 (C. 5:8-52) is amended to read
2 as follows:

3 3. Each applicant for such a license shall file with the clerk of
4 the municipality a written application therefor in the form pre-
5 scribed in said rules and regulations, duly executed and verified, in
6 which shall be stated the name and address of the applicant to-
7 gether with sufficient facts relating to its incorporation and orga-
8 nization to enable the governing body of the municipality to deter-
9 mine whether or not it is a bona fide organization or association of
10 veterans of any war in which the United States has been engaged
11 or a church or a religious congregation or religious organization
12 or a charitable, educational or fraternal organization, or a civic or
13 service club, *or a senior citizen association or club*, or an officially
14 recognized volunteer fire company or an officially recognized volun-
15 teer first aid or rescue squads; names and addresses of its officers;
16 the specific kind or kinds of game or games of chance intended to
17 be held, operated and conducted by the applicant, and the place or
18 places where, the date or dates and the time or times when, such
19 game or games of chance are intended to be held, operated and
20 conducted by the applicant, under the license applied for; the items
21 of expense intended to be incurred or paid in connection with the
22 holding, operating and conducting of such game or games of chance

23 and the names and addresses of the persons to whom, and the pur-
24 poses for which, they are to be paid; the specific purposes to which
25 the entire net proceeds of such game or games of chance are to be
26 devoted and in what manner; that no commission, salary com-
27 pensation, reward or recompense will be paid to any person for
28 holding, operating or conducting of such game or games of chance
29 or shall assist therein except as in this act otherwise provided; and
30 that no prize will be offered and given in cash except as otherwise
31 provided in this act or of greater value than is provided in this act
32 and a description of the value and character of the prizes which
33 are to be given and any other information which said rules and
34 regulations may require.

35 In each application there shall be designated an active member
36 or members of the applicant under whom the game or games of
37 chance described in the application are to be held, operated and
38 conducted and to the application shall be appended a statement
39 executed by the applicant and by the member or members, so desig-
40 nated, that he or they will be responsible for the holding, operation
41 and conduct of such game or games of chance in accordance with
42 the terms of the license and the provisions of said rules and regula-
43 tions governing the holding, operation and conduct of such game or
44 games of chance and of this act, if such license is granted.

45 In event that any equipment, to be used in or in connection with
46 the holding, operating or conducting of any such game of chance,
47 is to be leased from any person, persons or corporation, a written
48 statement shall accompany the application, signed and verified
49 under oath by such person or persons or executed and verified under
50 oath on behalf of such corporation, stating his or its address and
51 the amount of rent which will be paid for such equipment and that
52 such rental conforms to the schedule of authorized rentals pre-
53 scribed by rules of the Legalized Games of Chance Control Com-
54 mission and that such lessor or lessors, or, if a corporation, all of
55 its officers and each of its stockholders who hold 10% or more of
56 its stock issued and outstanding have been approved by said com-
57 mission as being of good moral character and not having been con-
58 victed of crime.

1 *3. Section 12 of P. L. 1954, c. 5 (C. 5:8-61) is amended to read
2 as follows:

3 12. No person shall hold, operate or conduct any game or games
4 of chance under any license issued under this act except an active
5 member of the organization, association, church, congregation, soci-
6 ety, club, fire company, first-aid or rescue squad *or senior citizen*
7 *association or club* to which the license is issued, and no person shall

8 assist in the holding, operating or conducting of any game or games
9 of chance under such license except such an active member or a
10 member of an organization or association which is an auxiliary to
11 the licensee and except bookkeepers or accountants as hereinafter
12 provided, and no such game of chance shall be conducted with any
13 equipment except such as shall be owned absolutely or used without
14 payment of any compensation therefor by the licensee or shall be
15 leased for a rental, the amount of which is stated in a statement
16 annexed to the application for the license as provided in section 3
17 of this act and conforms to the schedule of authorized rentals pre-
18 scribed by rules of the Legalized Games of Chance Control Com-
19 mission and the lessor or lessors of which have been approved as to
20 good moral character and freedom from conviction of crime by said
21 commission and no other item of expense shall be incurred or paid
22 in connection with the holding, operating or conducting of any game
23 of chance, held, operated or conducted pursuant to any license
24 issued under this act, except such as are bona fide items of reason-
25 able amount for goods, wares and merchandise furnished or services
26 rendered, which are reasonably necessary to be purchased or fur-
27 nished for the holding, operating or conducting thereof, under any
28 circumstances whatever, and no commission, salary, compensation,
29 reward or recompense whatever shall be paid or given, directly or
30 indirectly, to any person holding, operating or conducting, or assist-
31 ing in the holding, operation or conduct of, any game of chance so
32 held, operated or conducted, except that reasonable compensation
33 may be paid to bookkeepers or accountants for bookkeeping or
34 accounting services rendered according to a schedule of com-
35 pensation prescribed by rule of the Legalized Games of Chance
36 Control Commission, and no prize shall be given in cash, in any
37 such game of chance except as otherwise provided in this act.

1 4. Section 15 of P. L. 1954, c. 5 (C. 5:8-64) is amended to read
2 as follows:

3 15. Within 15 days after the conclusion of the holding, operating
4 and conducting of any such game of chance, the organization, asso-
5 ciation, church, congregation, society, club, fire company **[or]**, first-
6 aid or rescue squad, *or senior citizen association or club* which held,
7 operated or conducted the same and its member or members who
8 were in charge thereof, shall furnish to the clerk of the munici-
9 pality a duly verified statement showing the amount of the gross
10 receipts derived from each such game of chance, which shall include
11 receipts from the sale of shares, tickets or rights in any manner
12 connected with participation in said game or the right to participate
13 therein, each item of expense incurred, or paid, and each item of

14 expenditure made or to be made, name and address of each person
 15 to whom each such item has been, or is to be paid, with a detailed
 16 description of the merchandise purchased or the services rendered
 17 therefor, the net profit derived from each such game of chance, and
 18 the uses to which such net profit has been or is to be applied and a
 19 list of prizes offered or given, with the respective values thereof
 20 and it shall be the duty of each licensee to maintain and keep such
 21 books and records as may be necessary to substantiate the partic-
 22 ulars of each such report.

1 5. Section 16 of P. L. 1954, c. 5 (C. 5:8-65) is amended to read
 2 as follows:

3 16. The governing body of the municipality and the control com-
 4 mission shall have power to examine or to cause to be examined the
 5 books and records of any organization, association, church, congre-
 6 gation, society, fire company **[or]**, first-aid or rescue squad *or*
 7 *senior citizen association or club* to which any such license is issued
 8 so far as they may relate to any transactions connected with the
 9 holding and conducting of any game of chance thereunder and to
 10 examine any manager, officer, director, agent, member or employee
 11 thereof under oath in relation to the conduct of any such game of
 12 chance under any such license but any information so received shall
 13 not be disclosed except so far as may be necessary for the purpose
 14 of carrying out the provisions of this act.

1 6. (New section) The governing body of any municipality shall
 2 issue a special license to any senior citizen association or club
 3 desiring to hold, operate and conduct games of chance solely for the
 4 purpose of amusement and recreation of its members. The special
 5 license shall be valid only for those games of chance held, operated
 6 and conducted where no player or other person furnishes anything
 7 of value for the opportunity to participate; the prizes awarded or to
 8 be awarded are nominal; no person other than a bona fide active
 9 member of the organization participates in the conduct of the
 10 games; and no person is paid for conducting or assisting in the
 11 conduct of the game or games. The special license shall be issued
 12 under this act without fee and shall be effective for a period of two
 13 years.

1 7. (New section) Senior citizen associations or clubs holding,
 2 operating and conducting games of chance solely for the amuse-
 3 ment and recreation of its members under a special license shall
 4 not be subject to the provisions of P. L. 1954, c. 5 (C. 5:8-50 et
 5 seq.).*

1 ***[3.]*** *8.* This act shall take effect immediately.

23 and the names and addresses of the persons to whom, and the pur-
 24 poses for which, they are to be paid; the specific purposes to which
 25 the entire net proceeds of such game or games of chance are to be
 26 devoted and in what manner; that no commission, salary com-
 27 pensation, reward or recompense will be paid to any person for
 28 holding, operating or conducting of such game or games of chance
 29 or shall assist therein except as in this act otherwise provided; and
 30 that no prize will be offered and given in cash except as otherwise
 31 provided in this act or of greater value than is provided in this act
 32 and a description of the value and character of the prizes which
 33 are to be given and any other information which said rules and
 34 regulations may require.

35 In each application there shall be designated an active member
 36 or members of the applicant under whom the game or games of
 37 chance described in the application are to be held, operated and
 38 conducted and to the application shall be appended a statement
 39 executed by the applicant and by the member or members, so desig-
 40 nated, that he or they will be responsible for the holding, operation
 41 and conduct of such game or games of chance in accordance with
 42 the terms of the license and the provisions of said rules and regula-
 43 tions governing the holding, operation and conduct of such game or
 44 games of chance and of this act, if such license is granted.

45 In event that any equipment, to be used in or in connection with
 46 the holding, operating or conducting of any such game of chance,
 47 is to be leased from any person, persons or corporation, a written
 48 statement shall accompany the application, signed and verified
 49 under oath by such person or persons or executed and verified under
 50 oath on behalf of such corporation, stating his or its address and
 51 the amount of rent which will be paid for such equipment and that
 52 such rental conforms to the schedule of authorized rentals pre-
 53 scribed by rules of the Legalized Games of Chance Control Com-
 54 mission and that such lessor or lessors, or, if a corporation, all of
 55 its officers and each of its stockholders who hold 10% or more of
 56 its stock issued and outstanding have been approved by said com-
 57 mission as being of good moral character and not having been con-
 58 victed of crime.

1 3. This act shall take effect immediately.

STATEMENT

This act amends the "Raffles Licensing Law" (P. L. 1954, c. 5)
 to permit senior citizen associations and clubs to conduct raffles
 and to use the proceeds from the raffles for the support of the
 associations or clubs.

52517 (1985)

The current law permits veterans, religious, charitable, educational, fraternal, civic and service organizations, volunteer fire companies, first aid squads and rescue squads to conduct raffles. The proposed extension of this permission to senior citizen groups was made possible by the amendment to Article IV, Section VII, paragraph 2 of the New Jersey Constitution which was approved by the voters on November 6, 1984.

ASSEMBLY INDEPENDENT AUTHORITIES AND
COMMISSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3025

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 14, 1985

This bill implements the constitutional amendment adopted in November 1984 authorizing senior citizen associations and clubs to hold raffles. It parallels the legislation which implemented the 1972 constitutional amendment authorizing senior citizen associations and clubs to conduct bingo games.

Under the bill a senior citizen association or club would be licensed by the municipality in which it operates. A special license would be issued if the association or club desires "to hold, operate and conduct games of chance solely for the purpose of amusement and recreation of its members." No fee would be charged for this special license, and the license would be effective for two years.

The committee reported the bill favorably as amended.

COMMITTEE ACTION

The committee amended the bill to include another section of the "Raffles Licensing Law" which needed to be changed to reflect the authorization for senior citizen associations and clubs to conduct raffles.

SENATE COMMITTEE ON AGING

STATEMENT TO

SENATE, No. 2517

with Senate committee amendment

STATE OF NEW JERSEY

DATED: FEBRUARY 25, 1985

This bill amends the "Raffles Licensing Law" (P. L. 1954, c. 5) to permit senior citizen associations and clubs to be licensed by municipalities to conduct raffles and to use the proceeds from the raffles for the support of the associations or clubs.

The current law permits veterans, religious, charitable, educational, fraternal, civic and service organizations, volunteer fire companies, first aid squads and rescue squads to conduct raffles. The proposed extension of this permission to senior citizen groups was made possible by the amendment to Article IV, Section VII, paragraph 2 of the New Jersey Constitution which was approved by the voters on November 6, 1984.

The committee amendments provide that senior citizen associations and clubs will be regulated in the same manner as other groups under the "Raffles Licensing Law". The amendments also permit senior citizen associations and clubs to obtain special licenses to operate games of chance solely for the purpose of amusement and recreation of its members.