

33:1-46.1 to 33:1-46.3

LEGISLATIVE HISTORY CHECKLIST

NJSA: 33:1-46.1 to 33:1-46.3

(Alcoholic beverage club licenses -- issuance by municipalities)

LAWS OF: 1983

CHAPTER: 365

Bill No: A2274

Sponsor(s): Herman

Date Introduced: December 20, 1982

Committee:

Assembly: Judiciary, Law, Public Safety and Defense

Senate: -----

Amended during passage: YES                      Amendments denoted by asterisks according to Governor's recommendations

Date of Passage:                      Assembly: March 14, 1983      Re-enacted 5/26/83

Senate: March 30, 1983              Re-enacted 10/3/83

Date of Approval: October 13, 1983

Following statements are attached if available:

Sponsor statement: YES

Committee statement:              Assembly YES

Senate NO

Fiscal Note: NO

Veto Message: YES

Message on Signing: NO

Following were printed:

Reports: YES

Hearings: NO

974.90      New Jersey. Alcoholic Beverage  
L767              Report... December 31, 1983 Control Study Commission  
1983              (see pp. 1-9, 23-24)

10-13-83

[THIRD OFFICIAL COPY REPRINT]

## ASSEMBLY, No. 2274

## STATE OF NEW JERSEY

INTRODUCED DECEMBER 20, 1982

By Assemblyman HERMAN

AN ACT to amend "An act concerning alcoholic beverages, and supplementing chapter 1 of Title 33 of the Revised Statutes," approved March 30, 1945 (P. L. 1945, c. 55).

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

1 1. Section 1 of P. L. 1945, c. 55 (C. 33:1-46.1) is amended to read  
2 as follows:

3 1. It shall be lawful for the governing board or body of any muni-  
4 cipality **\*\*[\*with a population in excess of 16,000 but less than**  
5 **40,000, according to the most recent decennial federal census, in a**  
6 **county of the second class]\*\*** in which a referendum has been held  
7 pursuant to the provisions of **[section] R. S. 33:1-45** or **[section]**  
8 **R. S. 33:1-46, [of the Revised Statutes]** wherein a majority of the  
9 legal voters of said municipality voted "No," to issue a club license  
10 as defined in and regulated by subsection **[five] 5** of **[section] R. S.**  
11 **33:1-12 [of the Revised Statutes], to any constituent unit,**  
12 *chartered or otherwise duly enfranchised chapter or member club*  
13 *of a national or state order, organization or association, or to a*  
14 *bona fide golf and country club in said municipality, incorporated*  
15 *not for pecuniary gain, and which is in possession of a suitable*  
16 *premises and to adopt an enabling ordinance therefor.*

1 2. Section 2 of P. L. 1945, c. 55 (C. 33:1-46.2) is amended to read  
2 as follows:

3 2. The **[commissioner] director** may, subject to rules and regu-  
4 lations, issue special permits *to a constituent unit, chartered or*  
5 *otherwise duly enfranchised chapter or member club of a national*

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

**Matter printed in italics thus is new matter.**

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

**\*—Assembly committee amendment adopted February 14, 1983.**

**\*\*—Assembly amendments adopted in accordance with Governor's recom-  
mendations May 26, 1983.**

**\*\*\*—Further Assembly amendments adopted in accordance with Governor's  
recommendations September 15, 1983.**

6 *or state order, organization or association, or to [such] a bona*  
 7 *fide golf and country club in the event that the said municipality*  
 8 *has failed or neglected to adopt an enabling ordinance as aforesaid,*  
 9 *or has failed or neglected to properly act upon an application by*  
 10 **[such]** *\*\*\*[an order, organization or association or a]\*\*\* **\*\*\*such***  
 11 *a constituent unit, chartered or otherwise duly enfranchised chapter*  
 12 *or member club or a\*\*\* bona fide golf and country club for a club*  
 13 *license, as aforesaid; the fee for the same shall be determined in*  
 14 *each case by the [commissioner] director and shall not be less nor*  
 15 *more than the fee provided for by [Revised Statutes, section]*  
 16 *subsection 5 of R. S. 33:1-12[ (5)].*

1 3. Section 3 of P. L. 1945, c. 55 (C. 33:1-46.3) is amended to read  
 2 as follows:

3 3. Nothing in this act shall be deemed to limit or modify any  
 4 powers otherwise granted by law to the [commissioner] director.

1 4. This act shall take effect immediately.

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ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2274**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 14, 1983

The purpose of this bill is to extend the law concerning granting of alcoholic beverages club licenses and special permits to various organizations in certain municipalities in which referenda have resulted in a ban on the retail sale of alcoholic beverages. At the present time these club licenses and special permits are only available to golf and country clubs.

8 has failed or neglected to adopt an enabling ordinance as aforesaid,  
 9 or has failed or neglected to properly act upon an application by  
 10 ~~such~~ an order, organization or association or a bona fide golf and  
 11 country club for a club license, as aforesaid; the fee for the same  
 12 shall be determined in each case by the ~~commissioner~~ director  
 13 and shall not be less nor more than the fee provided for by ~~Re-~~  
 14 ~~vised Statutes, section~~ subsection 5 of R. S. 33:1-12, (5).

1 3. Section 3 of P. L. 1945, c. 55 (C. 33:1-46.3) is amended to read  
 2 as follows:

3 3. Nothing in this act shall be deemed to limit or modify any  
 4 powers otherwise granted by law to the ~~commissioner~~ director.

1 4. This act shall take effect immediately.

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#### STATEMENT

The purpose of this bill is to extend the law concerning granting of alcoholic beverage club licenses and special permits to various organizations in municipalities in which referenda have resulted in a ban on the retail sale of alcoholic beverages. At the present time these club licenses and special permits are only available to golf and country clubs.

A 2274 (1983)

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

May 26, 1983

ASSEMBLY BILL NO. 2274 (OCR)

To the General Assembly:

Pursuant to Article V, Section 1, paragraph 14 of the Constitution, I herewith return Assembly Bill No. 2274 (OCR) with my recommendations for reconsideration.

This bill provides for the issuance of alcoholic beverage licenses or special permits to certain private clubs and organizations in towns which have passed referenda outlawing the sale of alcoholic beverages. The statute which this bill amends presently provides for the issuance of licenses or permits to bona fide golf and country clubs in such municipalities.

An Assembly committee amendment which only allowed the issuance of these licenses and permits in towns having a population of more than 16,000 but less than 40,000 according to the most recent decennial federal census, in a county of the second class, would inadvertently invalidate licenses which have been issued to private golf and country clubs under the present statute. This error should be corrected, as should a second, technical error in the bill.

Accordingly, I herewith return Assembly Bill No. 2274 (OCR) and recommend that it be amended as follows:

Page 1, Section 1, Line 4: After "municipality" DELETE remainder of the line.

Page 1, Section 1, Line 5: DELETE entirely

Page 1, Section 1, Line 6: Before "in which" DELETE "county of the second class"

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

Page 2, Section 2, Line 10: Before "bona fide" DELETE "an order, organization or association or a" and INSERT "such a constituent unit, chartered or otherwise duly enfranchised chapter or member club or a"

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards  
Chief Counsel