

33:1-12.14

LEGISLATIVE HISTORY CHECK Compiled by the NJ State Law Library

LAWS OF: 1999 **CHAPTER:** 189
NJSA: 33:1-12.14 (US Census Bureau estimates—ABC licensing purposes)
BILL NO: S397 (Substituted for A1673)
SPONSOR(S): Bennett
DATE INTRODUCED: January 20, 1998
COMMITTEE: **ASSEMBLY:** Law and Public Safety
SENATE: Law and Public Safety
AMENDED DURING PASSAGE: Yes
DATE OF PASSAGE: **ASSEMBLY:** May 24, 1999
SENATE: December 17, 1998
DATE OF APPROVAL: August 31, 1999
FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL:](#) 1st Reprint (Corrected Copy)
(Amendments during passage denoted by superscript numbers)

S397

[SPONSORS STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)
COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)
SENATE: [Yes](#)
FLOOR AMENDMENT STATEMENTS: No
LEGISLATIVE FISCAL ESTIMATE: No

A1673

[SPONSORS STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)
Bill and Sponsors Statement identical to S397
COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)
SENATE: No
FLOOR AMENDMENT STATEMENTS: 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:

No

P.L. 1999, CHAPTER 189, *approved August 31, 1999*
Senate, No. 397 (*First Reprint*)
(CORRECTED COPY)

1 AN ACT concerning certain alcoholic beverage licenses and amending
2 P.L.1947, c.94.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 2 of P.L.1947, c.94 (C.33:1-12.14) is amended to read
8 as follows:

9 2. Except as otherwise provided in this act, no new plenary retail
10 consumption or seasonal retail consumption license shall be issued in
11 a municipality unless and until the combined total number of such
12 licenses existing in the municipality is fewer than one for each 3,000
13 of its population ¹**[as shown by the last [then preceding Federal**
14 **census] report issued by the Division of Labor Market and**
15 **Demographic Research in the New Jersey Department of Labor; and**
16 **no]** according to the most recent estimates issued by the U.S. Bureau
17 of the Census; provided, however, in the year that the official federal
18 decennial counts are received by the Governor, those federal decennial
19 counts shall be used. No¹ new plenary retail distribution license shall
20 be issued in a municipality unless and until the number of such
21 licenses existing in the municipality is fewer than one for each 7,500
22 of its population ¹**[as shown by the last [then preceding Federal**
23 **census] report issued by the Division of Labor Market and**
24 **Demographic Research in the New Jersey Department of Labor]**
25 **according to the most recent estimates issued by the U.S. Bureau of**
26 **the Census; provided, however, in the year that the official federal**
27 **decennial counts are received by the Governor, those federal decennial**
28 **counts shall be used**¹.

29 (cf: P.L.1971, c.196, s.1)

30

31 2. This act shall take effect immediately.

32

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34

35

36 Authorizes use of U.S. Census Bureau estimates for specific ABC
37 licensing purposes.

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:

¹ **Senate SLP committee amendments adopted February 23, 1998.**

SENATE, No. 397

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JANUARY 20, 1998

Sponsored by:
Senator JOHN O. BENNETT
District 12 (Monmouth)

SYNOPSIS

Authorizes use of certain DOL population reports for specific ABC licensing purposes.

CURRENT VERSION OF TEXT

As introduced.



S397 BENNETT

2

1 AN ACT concerning certain alcoholic beverage licenses and amending
2 P.L.1947, c.94.

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11 a municipality unless and until the combined total number of such
12 licenses existing in the municipality is fewer than one for each 3,000
13 of its population as shown by the last **【then preceding Federal census】**
14 report issued by the Division of Labor Market and Demographic
15 Research in the New Jersey Department of Labor; and no new plenary
16 retail distribution license shall be issued in a municipality unless and
17 until the number of such licenses existing in the municipality is fewer
18 than one for each 7,500 of its population as shown by the last **【then**
19 **preceding Federal census】** report issued by the Division of Labor
20 Market and Demographic Research in the New Jersey Department of
21 Labor.

22 (cf: P.L.1971, c.196, s.1)

23

24 2. This act shall take effect immediately.

25

26

27

STATEMENT

28

29 Municipalities are restricted in the number of alcoholic beverage
30 retail consumption and retail distribution licenses they may issue based
31 on population. Under current law, a municipality may issue no more
32 than one retail consumption license for every 3,000 residents and one
33 retail distribution license for every 7,500 residents. The last federal
34 decennial census is used to determine a municipality's population.

35 Since municipal populations can, and often do, change dramatically
36 over time, relying on a decennial census can result in significant
37 differences between the census count and the actual current population
38 of a municipality.

39 To avoid such discrepancies, and to ensure that municipalities are
40 able to issue all the retail consumption and retail distribution licenses
41 to which they are entitled, this bill amends the law to provide that the
42 municipal populations set forth in the reports issued by the Division of

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.

S397 BENNETT

3

1 Labor Market and Demographic Research in the New Jersey
2 Department of Labor be used in place of those published in the last
3 federal decennial census. These municipal population reports are
4 released every year and are based upon information provided by the
5 U.S.Bureau of the Census.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 397

STATE OF NEW JERSEY

DATED: JANUARY 25, 1999

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 397(1R).

Municipalities are restricted in the number of alcoholic beverage retail consumption and retail distribution licenses they may issue based on population. Under current law, a municipality may issue no more than one retail consumption license for every 3,000 residents and one retail distribution license for every 7,500 residents. The last federal decennial census is used to determine a municipality's population.

Since municipal populations can, and often do, change dramatically over time, relying on a decennial census can result in significant differences between the census count and the actual current population of a municipality.

To avoid such discrepancies, and to ensure that municipalities are able to issue all the retail consumption and retail distribution licenses to which they are entitled, this bill provides that the most recent estimates issued by the U.S. Bureau of the Census be used in place of those published in the last federal decennial census. In the year that the official federal decennial counts are received by the Governor, however, those federal decennial counts would be used.

As reported by the committee, this bill is identical to Assembly Bill No. 1673, as amended and reported by the committee on this same date.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 397

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1998

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 397.

Municipalities are restricted in the number of alcoholic beverage retail consumption and retail distribution licenses they may issue based on population. Under current law, a municipality may issue no more than one retail consumption license for every 3,000 residents and one retail distribution license for every 7,500 residents. The last federal decennial census is used to determine a municipality's population.

Since municipal populations can, and often do, change dramatically over time, relying on a decennial census can result in significant differences between the census count and the actual current population of a municipality.

To avoid such discrepancies, and to ensure that municipalities are able to issue all the retail consumption and retail distribution licenses to which they are entitled, this bill, as amended and released by the committee, provides that the most recent estimates issued by the U.S. Bureau of the Census be used in place of those published in the last federal decennial census. In the year that the official federal decennial counts are received by the Governor, however, those federal decennial counts would be used.

As introduced, the bill provided that the municipal populations set forth in the reports issued by the Division of Labor Market and Demographic Research in the New Jersey Department of Labor would be used in place of those published in the last federal decennial census. These municipal population reports are released every year and are based upon information provided by the U.S. Bureau of the Census.

ASSEMBLY, No. 1673

STATE OF NEW JERSEY

208th LEGISLATURE

INTRODUCED FEBRUARY 19, 1998

Sponsored by:

Assemblywoman CLARE M. FARRAGHER

District 12 (Monmouth)

Assemblyman MICHAEL J. ARNONE

District 12 (Monmouth)

SYNOPSIS

Authorizes use of certain DOL population reports for specific ABC licensing purposes.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/10/1998)

A1673 FARRAGHER, ARNONE

2

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2 P.L.1947, c.94.

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14 report issued by the Division of Labor Market and Demographic
15 Research in the New Jersey Department of Labor; and no new plenary
16 retail distribution license shall be issued in a municipality unless and
17 until the number of such licenses existing in the municipality is fewer
18 than one for each 7,500 of its population as shown by the last **【then**
19 **preceding Federal census】** report issued by the Division of Labor
20 Market and Demographic Research in the New Jersey Department of
21 Labor.

22 (cf: P.L.1971, c.196, s.1)

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42 municipal populations set forth in the reports issued by the Division of
43 Labor Market and Demographic Research in the New Jersey

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A1673 FARRAGHER, ARNONE

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2 federal decennial census. These municipal population reports are
3 released every year and are based upon information provided by the
4 U.S. Bureau of the Census.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1673

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 25, 1999

The Assembly Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 1673.

Municipalities are restricted in the number of alcoholic beverage retail consumption and retail distribution licenses they may issue based on population. Under current law, a municipality may issue no more than one retail consumption license for every 3,000 residents and one retail distribution license for every 7,500 residents. The last federal decennial census is used to determine a municipality's population.

Since municipal populations can, and often do, change dramatically over time, relying on a decennial census can result in significant differences between the census count and the actual current population of a municipality.

This bill, as amended and released by the committee, avoids such discrepancies and ensures that municipalities are able to issue all the retail consumption and retail distribution licenses to which they are entitled by providing that the most recent estimates issued by the U.S. Bureau of the Census be used in place of those published in the last federal decennial census. In the year that the official federal decennial counts are received by the Governor, however, those federal decennial counts would be used.

As introduced, the bill provided that the municipal populations set forth in the reports issued by the Division of Labor Market and Demographic Research in the New Jersey Department of Labor would be used in place of those published in the last federal decennial census. These municipal population reports are released every year and are based upon information provided by the U.S. Bureau of the Census.

As reported by the committee, this bill is identical to Senate Bill No. 397(1R), also reported by the committee on this same date.

Office of the Governor
NEWS RELEASE

CONTACT: Gene Herman
609-777-2600

RELEASE: August 31, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

S-446, sponsored by Senators John A. Girgenti (D-Passaic) and William L. Gormley (R-Atlantic) and Assembly Members Nellie Pou (D- Passaic) and David C. Russo (R-Bergen/Passaic), clarifies the kidnapping statute by providing that the crime of kidnapping specifically includes the taking of a child in order to permanently deprive a parent, guardian or other lawful custodian of custody of that child. This offense, like other kidnapping offenses, is a first-degree crime that is punishable by a term of imprisonment between ten and 20 years, a \$200,000 fine, or both.

S-697, sponsored by Senator Robert W. Singer (R- Burlington/Monmouth/Ocean) and Assembly Members Melvin Cottrell (R- Burlington/Monmouth/Ocean) and Joseph R. Malone, 3d (R- Burlington/Monmouth/Ocean), allows municipalities, by ordinance, to designate speed limits on municipal streets under their jurisdiction that are not self-contained within the municipality. An ordinance designating such speed limits may only be adopted by the municipality if the municipal engineer first certifies that the new speed limit designation: (1) has been approved by the engineer after investigation; (2) appears to be in the interest of safety and expedition of traffic; and (3) conforms to the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways. Within 30 days of adoption of the ordinance, the municipality would be required to send the ordinance and engineer's designation to the Department of Transportation. The Commissioner of the Transportation Department has the discretion to invalidate the ordinance within 90 days of its receipt if he finds that the ordinance is inconsistent with accepted engineering standards, places an undue traffic burden on adjoining municipalities or otherwise creates an unsafe or hazardous condition.

S-1223, sponsored by Senator Joseph M. Kyrillos, Jr. (R- Middlesex/Monmouth) and Assembly Members Leonard Lance (R- Warren/Hunterdon/Mercer) and Francis J. Blee (R- Atlantic), requires moneys remaining in certain prepaid funeral agreements to be paid to the state. The bill amends current law regarding prepaid funeral arrangements to prevent those receiving certain state assistance from improperly sheltering assets. Many individuals who obtain state assistance, such as Medicaid or Supplemental Security Income (SSI), have either established prepaid funeral trusts or purchased funeral insurance policies which provide for that person's funeral expenses. These trusts and insurance policies are excluded from determining eligibility for state assistance.

A-1162, sponsored by Assembly Members Tom Smith, Sr. (R-Monmouth) and Jerry Green (D-Middlesex/Somerset/Union) and Senator Joseph A. Palaia (R-Monmouth), requires that counties accept bonds in lieu of cash from an applicant for a road opening permit. The purpose of the legislation is to remove the burden of paying a large amount of cash which, the Utility and transportation Contractors Association indicates, often times has prevented smaller contractors from bidding for jobs involving road opening permits.

S-1436, sponsored by Senators Andrew R. Ciesla (R-Monmouth/Ocean) and John H. Adler (D-Camden) and Assembly Members James W. Holzapfel (R- Monmouth/Ocean), Louis D. Greenwald (D-Camden), Guy F. Talarico (R- Bergen) and Kevin J. O'Toole (R-Essex/Union), upgrades the degree of crime of initiating false alarms under certain circumstances. The bill upgrades from a third-degree crime to a second-degree crime the offense of knowingly initiating or circulating a false alarm that results in serious bodily injury to another. The offense of knowingly initiating or circulating a false alarm that is likely to cause evacuation of a place or facility, or to cause public inconvenience, was upgraded from a fourth-degree crime to a third-degree crime. The offense of knowingly causing a false alarm to be transmitted to any emergency personnel was upgraded from a fourth degree crime to a third-degree crime.

The legislation also makes a person who violates any of the three provisions liable for a civil penalty of not less than \$1,000, or the actual costs incurred by law enforcement or emergency services personnel in responding to a false alarm, or whichever is higher. Another new penalty created by the bill provides that a court must suspend or postpone the right to operate a motor vehicle for any person under the age of 21 who is convicted or adjudicated delinquent for causing a false alarm.

S-1249, sponsored by Senators Robert E. Littell (R- Sussex/Hunterdon/Morris) and John O. Bennett (R-Monmouth) and Assembly Members Francis J. Blee (R-Atlantic) and John C. Gibson (R-Cape May/Atlantic/Cumberland), permits the Department of the Treasury to distribute computers, computer equipment and software designed as surplus by any state department, institution, commission, board, body or other state agency to local units, boards of education, nonpublic schools, or nonprofit charitable organizations.

S-906, sponsored by Senator Raymond J. Zane (D- Salem/Cumberland/Gloucester) and Assembly Members Joseph Azzolina (R-Middlesex/Monmouth), Kenneth C. LeFevre (R-Atlantic) and Gerald J. Luongo (R-Camden/Gloucester), allows an individual who leases a motor vehicle and obtains personalized courtesy or special license plates to transfer those license plates to another vehicle after the lease agreement ends. The standard \$4.50 transfer fee would be charged for the transfer, which is the fee charged for the transfer of plates from an owned vehicle. Previously, a person who wanted to transfer plates from a leased vehicle was required to surrender the plates and then reapply for them by paying a standard application fee. Depending upon the type of license plates, application fees are in the range of \$15 to \$50.

S-397, sponsored by Senator John O. Bennett (R-Monmouth) and Assembly Members Clare M. Farragher (R-Monmouth) and Michael J. Arnone (R-Monmouth), allows a municipality to use the annual population estimates issued by the U. S. Bureau of the Census and reported by the New Jersey Department of Labor in determining how many liquor licenses to issue. Under previous law, municipalities used the decennial federal census reports for this purpose. A municipality may issue only one retail liquor license for every 3,000 residents, and one distributor's license for every 7,500 residents. This bill does not change those ratios, but instead allows a municipality to update its population annually instead of every ten years when determining how many liquor licenses to issue.

The Governor also has signed **AJR-74**, which permanently designates September as "New Jersey Cares about Children with Cancer Month." The purpose of the resolution is to promote the progress

made in combating this disease in children, and to highlight the need to do more in New Jersey to help cancer treatment specialists, health care providers, health care planners and researchers provide children with the services necessary to prevent these cancers in the future. The joint resolution was sponsored by Assembly Members Carol J. Murphy (R- Essex/Morris/Passaic) and Gerald J. Luongo (R-Camden/Gloucester).