

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[Second Reprint]

ASSEMBLY, No. 432

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 8, 1997

The Senate Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 432 (2R).

This bill amends the "Law Against Discrimination" (LAD), section 11 of P.L.1945, c.169 (C.10:5-12) to provide that once an individual has been admitted to a private club, then club privileges and benefits may not be withheld from that club member on the basis of race, creed, color, national origin, ancestry, marital status, sex, affectional or sexual orientation or nationality.

Currently, only clubs that are considered public accommodations are subject to the anti-discrimination provisions of the LAD. Distinctly private clubs, such as a club open only to members of a particular volunteer firefighters organization, are not subject to the LAD. A "loophole" therefore exists which would allow a private club to discriminate against its own members, after admitting them to the club.

According to the bills' statements, the sponsors are aware of the definition of "a place of accommodation" set forth in N.J.S.A.10:5-5 which states that nothing therein is intended to include or apply to any institution, club or place of accommodation which is distinctly private in nature. Notwithstanding that definition, the provisions of this bill apply to any private club or association with respect to a person who has been accepted as a the primary member of a club and who has contracted for or is otherwise entitled to full club membership regarding the furnishing of any of the accommodations, advantages, facilities or privileges of the club or association. An example of the need for this legislation is the preferential setting of tee times by private golf clubs for males paying for a full club membership while females paying for a full club membership at that club may be relegated to less desirable times.

Under the provisions of this bill, private clubs and associations which are licensed to serve alcoholic beverages would have those licenses suspended or revoked if they are found guilty of discriminating against any of their members.

The amendments adopted by the committee clarify that the suspension of a club's liquor license under the bill shall be in accordance with the procedures set forth in Title 33. The amendments also conform the provisions of the bill to the provisions of P.L. 1996, c. 126 and correct technical errors.