

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 432

with committee amendments

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 1996

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 432.

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.

The committee amendments clarify that the committee is aware of the definition of "public 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 club member 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. The committee amendments also change the reference to "person" to "member" in the last portion of the language being added by the bill to reinforce that the bill is addressed to members of private clubs following their admission to the club who are otherwise entitled to full club membership. There was a concern that the language "...or to discriminate against any person in the furnishing thereof on account of..." may have been read too broadly without that change.

An example discussed was 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.

This bill was prefiled for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.