

5:12-70 and 5:12-103

LEGISLATIVE HISTORY CHECKLIST

NJSA 5:12-70 and 5:12-103 (Casino advertising restrictions eliminated; classes of Casino Hotel Alcoholic Beverage Licenses reduced)
LAWS 1982 CHAPTER 148

Bill No. S451

Sponsor(s) Codey

Date Introduced Pre-filed

Committee: Assembly Independent Authorities and Commissions

Senate State Govt., Federal & Interstate Relations & Veterans Affairs

Amended during passage Yes ~~No~~ Substituted for A874 (not attached since identical to S451) Amendments during passage denoted by asterisks
Date of Passage: Assembly Sept. 20, 1982
Senate May 6, 1982

Date of approval Oct. 8, 1982

Following statements are attached if available:

Sponsor statement Yes ~~No~~ (Below)
Committee Statement: Assembly Yes ~~No~~
Senate Yes ~~No~~
Fiscal Note Yes ~~No~~
Veto Message Yes ~~No~~
Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~
Hearings Yes ~~No~~

Sponsor's statement:
This bill (1) eliminates some of the present restrictions on casino advertising (such as the restriction which prevents casino gaming activity from being the dominant advertising theme), and(2) reduces the present seven classes of Casino Hotel Alcoholic Beverages to one license.

(over)

6/22/81 *GW*
604

Report referred to in committee statements:

974.90 New Jersey. Casino Control Commission. Permanent Committee
G191 on Regulation and Legislation.
1981 Report: public hearing of 2-23-81 & 2-24-81.
Atlantic City, 1981.

See also:

974.90 New Jersey. Legislature. General Assembly. State Government,
G191 Federal and Interstate Relations and Veterans Affairs.
1981a Public hearing on over-regulation of the Casino industry,
held 4-15-81 and 4-27-81.

974.90 New Jersey. Casino Control Commission.
G191 Special meeting on regulations before the
1981r Commission: Feb. 23, 1981 & Feb. 24, 1981.
Atlantic City, 1981.

148 82
10-8-82
[OFFICIAL COPY REPRINT]

SENATE, No. 451

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Senator CODEY

AN ACT to amend *and supplement* the "Casino Control Act,"
approved June 2, 1977 (P. L. 1977, c. 110).

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

1 1. Section 70 of P. L. 1977, c. 110 (C. 5:12-70) is amended to
2 read as follows:

3 70. Required Regulations. The commission shall, without lim-
4 itation on the powers conferred in the preceding section, include
5 within its regulations the following specific provisions in accord-
6 ance with the provisions of this act:

7 a. Prescribing the methods and forms of application which any
8 applicant shall follow and complete prior to consideration of his
9 application by the commission;

10 b. Prescribing the methods, procedures and form for delivery
11 of information concerning any person's family, habits, character,
12 associates, criminal record, business activities and financial affairs;

13 c. Prescribing procedures for the fingerprinting of an applicant,
14 employee of a licensee, or registrant, or other methods of identifica-
15 tion which may be necessary in the judgment of the commission
16 to accomplish effective enforcement of restrictions on access to
17 the casino floor and other restricted areas of the casino hotel
18 complex;

19 d. Prescribing the manner and procedure of all hearings con-
20 ducted by the commission or any hearing examiner, including
21 special rules of evidence applicable thereto and notices thereof;

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 March 8, 1982.

- 22 e. Prescribing the manner and method of collection of payments
23 of taxes, fees, and penalties;
- 24 f. Defining and limiting the areas of operation, the rules of
25 authorized games, odds, and devices permitted, and the method
26 of operation of such games and devices;
- 27 g. Regulating the practice and procedures for negotiable trans-
28 actions involving patrons, including limitations on the circum-
29 stances and amounts of such transactions, and the establishment
30 of forms and procedures for negotiable instrument transactions,
31 redemptions, and consolidations;
- 32 h. Prescribing grounds and procedures for the revocation or
33 suspension of operating certificates and licenses;
- 34 i. Governing the manufacture, distribution, sale, and servicing
35 of gaming devices and equipment;
- 36 j. Prescribing the procedures, forms and methods of management
37 controls, including employee and supervisory tables of organization
38 and responsibility, and minimum security standards, including
39 security personnel structure, alarm and other electrical or visual
40 security measures;
- 41 k. Prescribing the qualifications of, and the conditions pursuant
42 to which, engineers, accountants, and others shall be permitted to
43 practice before the commission or to submit materials on behalf
44 of any applicant or licensee; provided, however, that no member
45 of the Legislature, nor any firm with which said member is as-
46 sociated, shall be permitted to appear or practice or act in any
47 capacity whatsoever before the commission or division regarding
48 any matter whatsoever, nor shall any member of the family of
49 the Governor or of a member of the Legislature be permitted to
50 so practice or appear in any capacity whatsoever before the com-
51 mission or division regarding any matter whatsoever;
- 52 l. Prescribing minimum procedures for the exercise of effective
53 control over the internal fiscal affairs of a licensee, including pro-
54 visions for the safeguarding of assets and revenues, the recording
55 of cash and evidence of indebtedness, and the maintenance of
56 reliable records, accounts, and reports of transactions, operations
57 and events, including reports to the commission;
- 58 m. Providing for a minimum uniform standard of accountancy
59 methods, procedures and forms; a uniform code of accounts and
60 accounting classifications; and such other standard operating
61 procedures, including those controls listed in section 99 a. hereof,
62 as may be necessary to assure consistency, comparability, and
63 effective disclosure of all financial information, including calcula-
64 tions of percentages of profit of game, table, gaming device and
65 slot machines;

66 n. Requiring periodic financial reports and the form thereof,
 67 including an annual audit prepared by a certified public accountant
 68 licensed to do business in this State attesting to the financial con-
 69 dition of a licensee and disclosing whether the accounts, records
 70 and control procedures examined are maintained by the licensee
 71 as required by this act and the regulations promulgated hereunder;

72 o. Governing the advertising of casino licensees, their employees
 73 and agents, with the view toward assuring [that gaming activity in
 74 Atlantic City is not the dominating advertising theme, that gaming
 75 is portrayed as an activity for adults conducted in an atmosphere
 76 of social graciousness, and] that such advertisements are in no
 77 way deceptive; provided, however, that such regulations shall not
 78 prohibit the advertisement of casino location, hours of operation,
 79 or types of games and other amenities offered, but in no circum-
 80 stance shall permit the advertisement of information about odds,
 81 the number of games, or the size of the casino; and provided
 82 further, however, that such regulations shall require the words
 83 "Bet with your head. not over it" to appear on all billboards,
 84 signs, and other [on-sight] *on-site* advertising of a casino opera-
 85 tion;

86 p. Governing entertainment presented by casino licensees in ac-
 87 cordance with the prevailing community standards as determined
 88 by the commission;

89 q. Concerning the distribution and consumption of alcoholic
 90 beverages on the premises of the licensee, which regulations shall
 91 be insofar as possible consistent with Title 33 of the Revised
 92 Statutes, and shall deviate only insofar as necessary because of
 93 the unique character of the hotel casino premises and operations;
 94 and

95 r. Limiting signs and other on-site advertising, with a view
 96 toward minimizing solicitation for gaming purposes from the public
 97 thoroughfares or otherwise dominating or despoiling the architec-
 98 ture or environment of the city.

1 2. Section 103 of P. L. 1977, c. 110 (C. 5:12-103) is amended
 2 to read as follows:

3 103. Alcoholic Beverages on Casino Hotel Facilities. a. Not-
 4 withstanding any law to the contrary, the authority to grant any
 5 license for, or to permit or prohibit the presence of, alcoholic
 6 beverages in, on, or about any premises licensed as part of a casino
 7 hotel shall exclusively be vested in the commission.

8 b. Unless otherwise stated, and except where inconsistent with
 9 the purpose or intent of this act or the common understanding
 10 of usage thereof, definitions contained in Title 33 of the Revised

11 Statutes shall apply to this section. Any definition contained
12 therein shall apply to the same word in any form.

13 c. Notwithstanding any provision of Title 33 of the Revised
14 Statutes, the rules, regulations and bulletins promulgated by the
15 director of the Division of Alcoholic Beverage Control, or any
16 provision promulgated by any local authority, [including] the
17 authority to issue, renew, transfer, revoke or suspend [any] a
18 Casino Hotel Alcoholic Beverage License or any portion, location,
19 privilege or condition thereof; to fine or penalize [any] a Casino
20 Hotel Alcoholic Beverage Licensee; to enforce all statutes, laws,
21 rulings, or regulations relating to such license; and to collect license
22 fees and establish application standards therefor, shall be, con-
23 sistent with this act, exclusively vested in the commission or the
24 division.

25 d. Except as otherwise provided in this section, the provisions of
26 Title 33 of the Revised Statutes and the rules, regulations and
27 bulletins promulgated by the director of the Division of Alcoholic
28 Beverage Control shall apply to [any] a Casino Hotel and Casino
29 Hotel Alcoholic Beverage Licensee licensed under this act.

30 e. Notwithstanding any provision to the contrary, the commis-
31 sion may promulgate any regulations and special rulings and find-
32 ings as may be necessary for the proper enforcement, regulation,
33 and control of alcoholic beverages in casino hotels when the com-
34 mission finds that the uniqueness of casino operations and the
35 public interest require that such regulations, rulings, and findings
36 are appropriate. Regulations of the commission may include but
37 are not limited to: designation and duties of enforcement person-
38 nel; all forms necessary or convenient in the administration of this
39 section; inspections, investigations, searches, seizures; licensing
40 and disciplinary standards; requirements and standards for any
41 hearings or disciplinary or other proceedings that may be required
42 from time to time; the assessment of fines or penalties for viola-
43 tions; hours of sale; sale in original containers; sales on credit;
44 out-of-door sales; limitations of sales; gifts and promotional ma-
45 terials; locations or places for sale; control of signs and other dis-
46 plays; identification of licensees and their employees; employment
47 of aliens and minors; storage, transportation and sanitary require-
48 ments; records to be kept by the Casino Hotel Alcoholic Beverage
49 Licensees and availability thereof; practices unduly designed to
50 increase consumption of alcoholic beverages; and such other
51 matters whatsoever as are or may become necessary and consistent
52 with the administration of this act.

53 f. (1) It shall be unlawful for any casino licensee, or any of its

54 lessees, agents or employees to expose for sale, solicit or promote
 55 the sale of, possess with intent to sell, sell, give, dispense, or other-
 56 wise transfer or dispose of alcoholic beverages in, on or about any
 57 portion of the premises of a casino hotel, unless said person pos-
 58 sesses an appropriate Casino Hotel Alcoholic Beverage License.

59 (2) It shall be unlawful for any person issued a Casino Hotel
 60 Alcoholic Beverage License to expose, possess, sell, give, dispense,
 61 transfer, or otherwise dispose of alcoholic beverages, other than
 62 within the terms and conditions of the Casino Hotel Alcoholic
 63 Beverage License issued, the provisions of Title 33 of the Revised
 64 Statutes, the rules and regulations promulgated by the director of
 65 the Division of Alcoholic Beverage Control, and, when applicable,
 66 the regulations promulgated pursuant to this act.

67 g. **【All Casino Hotel Alcoholic Beverage Licenses shall be classi-**
 68 **fied as follows:**

69 **Class I: Casino License**

70 The holder of this license shall be entitled, subject to applicable
 71 laws, rules and regulations, to **】** *In issuing a Casino Hotel Alcoholic*
 72 *Beverage License the commission shall describe the scope of the*
 73 *particular license and the restrictions and limitations thereon as*
 74 *it deems necessary and reasonable. The commission may, in a*
 75 *single Casino Hotel Alcoholic Beverage License, permit the holder*
 76 *of such a license to perform any or all of the following activities,*
 77 *subject to applicable laws, rules and regulations:*

78 (1) *To sell any alcoholic beverage by the glass or other open*
 79 *receptacle, but not in an original container, for on-premises con-*
 80 *sumption within a casino; provided, however, that no food or alco-*
 81 *holic beverage, other than nonalcoholic beverages or garnishments*
 82 *used in the preparation of alcoholic beverages for consumption by*
 83 *the glass, shall be sold, given or be available for consumption;*
 84 *offered, delivered or otherwise brought to a patron; or consumed*
 85 *at a gaming table unless so requested by the patron.*

86 **【Class II: Cabaret—Entertainment Room License**

87 The holder of this license shall be entitled, subject to applicable
 88 laws, rules, and regulations, to **】**

89 (2) *To sell any alcoholic beverage by the glass or other open*
 90 *receptacle for on-premises consumption within an enclosed cabaret*
 91 *or entertainment room not in a casino【; provided, however, that*
 92 *the Class II licensed room shall regularly and principally be used*
 93 *for the purpose of providing live cabaret, show, revue, or perform-*
 94 *ing arts entertainment available to the public, with or without the*
 95 *availability of food】.*

96 **【Class III: Restaurant—Banquet Room License**

97 The holder of this license shall be entitled, subject to applicable
98 laws, rules and regulations, to】

99 (3) To sell any alcoholic beverage by the glass or other open
100 receptacle for on-premises consumption within an enclosed *restau-*
101 *rant or banquet* room or a series of enclosed connected rooms, with
102 or without an adjacent outdoor dining area, not in a casino【; pro-
103 vided, however, that the Class III licensed area shall regularly and
104 principally be used for the purpose of providing meals to the public
105 and has adequate kitchen and dining area equipped for the pre-
106 paring, cooking and serving of meals for consumption therein; or
107 that the room or rooms shall regularly and principally be used for
108 the purpose of banquets or conventions into which food may be
109 brought or catered. For the purpose of this section, “meals for
110 consumption” shall be defined as offering of any food other than
111 sandwiches, salads, crackers, chips, nuts or similar snacks; and
112 “rooms regularly and principally used for banquets or conven-
113 tions” shall be defined as rooms in which any food other than
114 sandwiches, salads, chips, nuts or similar snacks is offered for
115 consumption】.

116 【Class IV: Pub Area License

117 The holder of this license shall be entitled, subject to applicable
118 laws, rules, and regulations, to】

119 (4) To sell any alcoholic beverage by the glass or other open
120 receptacle for on-premises consumption within a *pub* room not in
121 a casino, or from one fixed location outside a building or structure
122 containing a casino but on a casino hotel premises【; provided,
123 however, that the regular and principal purpose of such facility
124 shall not be for consumption of meals by customers or for banquets
125 or conventions】.

126 【Class V: Package License

127 The holder of this license shall be entitled, subject to applicable
128 laws, rules, and regulations, to】

129 (5) To sell any alcoholic beverage in original containers for
130 consumption outside the 【Class V】 licensed area from one enclosed
131 *package* room not in a casino; provided, however, that no food
132 shall be made available for consumption in a 【Class V】 *package*
133 room and no direct access to or from a casino may exist in a 【Class
134 V】 *package* room.

135 【Class VI: Room Service License

136 The holder of this license shall be entitled, subject to applicable
137 laws, rules, and regulations, to】

138 (6) To sell any alcoholic beverage from one fixed *room service*
139 location within an enclosed room not in a casino; provided, how-

140 ever, that the **【Class VI】** licensed *room service* room has no direct
 141 access to or from a casino and any sale of alcoholic beverages is
 142 delivered only to a *guest* room **【and to a registered guest of the**
 143 casino hotel and not in or on any area, room or location licensed
 144 under Class I, II, III, IV or V**】** or to any other room in the casino
 144A hotel authorized by the commission other than any room authorized
 144B by the commission pursuant to paragraphs (1), (2), (3), (4), or (5)
 144C of this subsection.

145 **【Class VII: Storage License**

146 The holder of any Casino Hotel Alcoholic Beverage License shall
 147 be entitled, subject to applicable laws, rules, and regulations, to**】**
 148 (7) To possess or to store alcoholic beverages intended but not
 149 actually exposed for sale in an area, room or location so licensed.
 150 The holder of a **【storage license】** *Casino Hotel Alcoholic Beverage*
 151 *License permitting such possession and storage* shall be entitled,
 152 subject to applicable laws, rules, and regulations, to store any
 153 alcoholic beverage intended for sale at a fixed location on a casino
 154 hotel premises, not in a casino, and not otherwise licensed under
 155 **【Class I, II, III, IV, V or VI】** *this section*; and to transfer or
 156 deliver such alcoholic beverages only to a licensed location for which
 157 such licensee is licensed; provided, however, that no access to or
 158 from a **【Class VII】** licensed *storage* location shall be permitted
 159 except during the normal course of business by employees or agents
 160 of the **【Class VII】** licensee, or by licensed employees or agents of
 161 wholesalers or distributors licensed pursuant to Title 33 of the
 162 Revised Statutes and any applicable rules and regulations; and
 163 provided further, however, that no provision of this section shall
 164 be construed to prohibit a *Casino Hotel Alcoholic Beverage Licensee*
 165 from obtaining an off-site storage license from the Division of
 166 *Alcoholic Beverage Control*.

167 h. (1) No **【Class I】** Casino Hotel Alcoholic Beverage License
 168 which authorizes the sale of alcoholic beverages within a casino
 169 pursuant to subsection g. (1) of this section shall issue to any ap-
 170 plicant who does not hold a casino license issued pursuant to this
 171 act.

172 (2) No **【Class II, III, IV, V, VI or VII】** Casino Hotel Alcoholic
 173 Beverage License which authorizes the possession, sale or storage
 174 of alcoholic beverages pursuant to subsection g. (2), (3), (4), (5),
 175 (6), or (7) of this section shall issue to any applicant who would
 176 not qualify under the standards for licensure of a casino employee
 177 as defined under this act, except that such applicant need not be
 178 an employee of the casino licensee.

179 (3) No **【Class VII】** Casino Hotel Alcoholic Beverage License

180 *which authorizes the possession or storage of alcoholic beverages*
 181 *pursuant to subsection g. (7) of this section shall issue to any*
 182 *applicant who does not hold a [Class I, II, III, IV, V, or VI]*
 183 *Casino Hotel Alcoholic Beverage License, permitting any activity*
 184 *pursuant to subsection g. (1), (2), (3), (4), (5) or (6) of this sec-*
 185 *tion.*

186 i. The commission may revoke, suspend, refuse to renew or re-
 187 fuse to transfer any Casino Hotel Alcoholic Beverage License, or
 188 fine or penalize any Casino Hotel Alcoholic Beverage Licensee for
 189 violations of any provision of Title 33 of the Revised Statutes, the
 190 rules and regulations promulgated by the director of the Division
 191 of Alcoholic Beverage Control, and the regulations promulgated
 192 by the commission.

193 j. Jurisdiction over all alcoholic beverage licenses previously
 194 issued with respect to the casino hotel facility is hereby vested in
 195 the commission, which in its discretion may by regulation, provide
 196 for the conversion thereof into a Casino Hotel Alcoholic Beverage
 197 [Licenses] License as provided in this section.

1 *3. (New section) *Any license held by a Casino Hotel Alcoholic*
 2 *Beverage Licensee on the effective day of this amendatory and*
 3 *supplementary act shall continue in effect until its expiration date*
 4 *unless revoked, suspended, or otherwise altered pursuant to the*
 5 *"Casino Control Act," P. L. 1977, c. 110 (C. 5:12-1 et seq.). The*
 6 *conversion to a single Casino Hotel Alcoholic Beverage License, as*
 7 *provided by this amendatory and supplementary act, shall occur*
 8 *upon the expiration of the existing license.**

1 *[3.]* *4.* This act shall take effect *[February 15, 1982]*
 2 *90 days following enactment*.

ASSEMBLY INDEPENDENT AUTHORITIES AND
COMMISSIONS COMMITTEE

STATEMENT TO
SENATE, No. 451

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: JUNE 17, 1982

This bill (1) eliminates some of the present restrictions on casino advertising (notably the restriction which prevents casino gaming activity from being the dominant advertising theme), and (2) reduces the present seven classes of Casino Hotel Alcoholic Beverage Licenses to one license.

These changes implement recommendations made to the Casino Control Commission by Commissioners Zeitz and Thomas as the Permanent Committee on Regulation and Legislation. The commission supports those recommendations.

In addition, the bill authorizes the delivery of alcoholic beverages to conference rooms in the casino hotel, as well as to guest hotel rooms, from the location for room service.

The effective date of this act is 90 days following enactment. All Casino Hotel Alcoholic Beverage Licenses in existence on the effective date will continue in effect until the expiration date of those licenses, at which time the license holder will receive a single license as provided under this act.

This bill is identical to Assembly Bill No. 874 (OCR). Both bills are a reintroduction of Assembly Bill No. 3706 of 1981, which passed the Assembly on December 7, 1981 by a vote of 60-3 but was never acted on by the Senate.

SENATE STATE GOVERNMENT, FEDERAL AND
INTERSTATE RELATIONS AND VETERANS AFFAIRS
COMMITTEE

STATEMENT TO
SENATE, No. 451
with Senate committee amendments

STATE OF NEW JERSEY

DATED: MARCH 8, 1982

This bill (1) eliminates some of the present restrictions on casino advertising (notably the restriction which prevents casino gaming activity from being the dominant advertising theme), and (2) reduces the present seven classes of Casino Hotel Alcoholic Beverage Licenses to one license.

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In addition, the bill authorizes the delivery of alcoholic beverages to conference rooms in the casino hotel, as well as to guest hotel rooms, from the location for room service.

COMMITTEE AMENDMENTS

The sponsor has proposed the following amendments which have the support of the Casino Control Commission:

1. The amendatory language will permit existing multiple alcoholic beverage licenses to expire prior to the conversion to the single alcoholic beverage license.

2. The effective date is established at 90 days following enactment to provide time for the commission to promulgate rules for the new licensing requirement.