

STATE OF NEW JERSEY

INTRODUCED JANUARY 19, 1959

By Senator SANDMAN

Referred to Committee on Revision and Amendment of Laws

AN ACT to create the office of an Amusement Games Control Commissioner, defining his powers and duties, authorizing the commissioner to investigate, supervise and enforce the administration of the Amusement Games License Law and to make and promulgate such rules and regulations governing such administration to enforce the same.

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

1 1. The office of Amusement Games Control Commissioner is hereby
2 created. The commissioner shall be appointed by the Governor with the ad-
3 vice and consent of the Senate. The term of office of said commissioner shall
4 be 4 years from the first day of the calendar month next following the date
5 of his appointment and confirmation into his office. He shall also serve until
6 his successor has been appointed, confirmed and qualified into his office.
7 A vacancy in such office, arising other than by expiration of term, shall be
8 filled for the unexpired term. The said commissioner shall receive such salary
9 as shall be provided by law.

1 2. The said commissioner shall supervise the administration of the
2 Amusement Games Licensing Law and he shall from time to time make and
3 promulgate rules and regulations governing licenses issued pursuant to said
4 law, and the holding, operating and conducting of amusement games under
5 such licenses. The said rules and regulations shall have the force of law and

6 shall be binding upon all municipalities issuing such licenses and upon all
7 licensees thereunder. The purpose of the said rules and regulations shall
8 be to insure the issuance of such licenses to qualified licensees only and to pro-
9 vide that the amusement games shall be fairly and properly conducted in ac-
10 cordance with said law and to provide uniformity in the administration of
11 said law throughout the State. The commissioner shall prescribe forms for
12 applications for licenses, amendments of licenses, reports of the conduct of
13 games and other matters incidental to the administration of said law.

14 The said rules and regulations shall also provide for applications to, and
15 certifications by, the commissioner with respect to the specific kind of game or
16 games intended to be held, operated and conducted, and the rules for the play-
17 ing of the game or games and that they are of the character permitted by the
18 Amusement Games Licensing Law. Whenever the commissioner shall deem
19 it to be necessary, the said certifications may impose a limit or limits on the
20 number of prizes or the number of specific kinds of games which may be held,
21 operated or conducted by any 1 licensee, directly or indirectly, or in which
22 such licensee or other person having an interest therein may have an interest,
23 and also for such other controls as the commissioner shall deem to be suitable
24 and proper, particularly such as shall be ascertained from the experience of
25 operations under said law and this act. The said certifications shall also be
26 designed to prevent monopoly, undue or unfair competition among licensees
27 or with operations conducted pursuant to the Bingo Licensing Law (P. L.
28 1954, c. 6) or the Raffles Licensing Law (P. L. 1954, c. 5), and to prevent false,
29 misleading or uninformative representations or concealment and to restrict
30 excessive advertising or other acts, conduct or behavior which may tend to a
31 misuse of the activities permitted by the Amusement Games Licensing Law
32 or the participation in the benefits of the carrying on of activities thereunder,
33 directly or indirectly, by or for the benefit of any person or persons not
34 eligible to receive licenses thereunder.

35 The said rules and regulations may also provide for and establish proce-
36 dures, forms and other documents in connection with the application for, and

6 any abuses in the administration thereof and any evasions of the terms
7 thereof may arise or be practiced, and for the purpose of formulating and
8 recommending improvements and changes in said law and in any other laws
9 of the State, which the commissioner may determine to be desirable to pre-
10 vent such abuses and evasions and to guard against the use of said laws as
11 a cloak for the carrying on of organized gambling and crime, and to insure
12 that said laws shall be in such form and be so administered as to serve the
13 true purposes for which they were enacted; namely, the operation and con-
14 duct of the amusement games therein described.

1 9. The commissioner shall make a continuous study and investigation
2 also of the operation and administration of similar laws which may be in
3 effect in other States of the United States, and of any literature on the
4 subject which from time to time may be published or be available.

1 10. The commissioner may hold investigations and hearings within or
2 without the State and shall have power to compel the attendance of wit-
3 nesses, the production of books and documents relating to transactions con-
4 nected with the holding and conducting of amusement games under said law,
5 and transactions, relating thereto, with those conducting the same by the is-
6 suance of subpoena signed by the commissioner which may be served by any
7 person of full age.

1 11. No person shall have the privilege to refuse to disclose, in any pro-
2 ceeding before the commissioner, any matter which the Amusement Games
3 Licensing Law or this act or the rules and regulations promulgated under
4 said laws require him to record or report or disclose, upon the ground
5 that the same may tend to incriminate him or expose him to a penalty or for-
6 feiture, in connection with any activity or occupation or calling of his which
7 is governed by said laws or governing the corporation or association of which
8 he is an officer, agent or employee.

1 12. If a person subpoenaed to attend in any such investigation or hearing
2 fails to obey the command of the subpoena with reasonable cause, or if a person
3 in attendance in any such investigation or hearing refuses, without lawful

4 cause, to be examined or to answer a legal or pertinent question or to ex-
 5 hibit any book, account, record or other document when ordered so to do by
 6 the commissioner holding such investigation or hearing, the commissioner may
 7 apply to any judge of the Superior Court, upon proof by affidavit of the
 8 facts, for an order returnable in not less than 2 nor more than 10 days, or
 9 as the court shall prescribe, directing such person to show cause before the
 10 court why he should not comply with such subpoena or such order.

1 13. Upon return of the order, the court before whom the matter shall
 2 come on for hearing shall examine such person under oath, and if the court
 3 shall determine, after giving such person an opportunity to be heard, that
 4 he refused without legal excuse to comply with such subpoena or such order
 5 of the commissioner holding such investigation, the court may order such
 6 person to comply therewith forthwith and any failure to obey the order of
 7 the court may be punished as a contempt of the Superior Court.

1 14. A witness shall be privileged from arrest, in any civil action but not
 2 otherwise, during necessary attendance before the commissioner, at any place
 3 required by subpoena previously duly served, and during his going to and
 4 returning therefrom allowing 1 day for every 30 miles from his place of
 5 residence.

1 15. Every witness shall be entitled to be paid for attendance or attend-
 2 ance and travel, by the party on whose behalf he is subpoenaed, at the rates
 3 prescribed by law, before being required to testify.

1 16. Each witness attending any hearing or investigation shall be entitled
 2 to the following fees:

3 (a) In his own county, per day of attendance, \$0.50;

4 (b) From a foreign county, at the rate of \$1.00 per day, together with,
 5 for each day of attendance, an allowance of \$1.00 for every 30 miles of travel
 6 in going to the place of attendance from his place of residence and in re-
 7 turning.

1 17. The commissioner is authorized to incur such necessary expenses,
 2 and engage and appoint an executive officer and such competent and expert

3 advisors, and clerical and stenographic assistants and investigators, as he
4 may deem necessary to the proper performance of the purposes of this act,
5 and may fix their compensation within the limits of any sums appropriated
6 or made available to the commissioner for such purposes. No investigator
7 employed by the commissioner need be employed in accordance with the pro-
8 visions of, or in any manner shall be subject to, the provisions of Title 11,
9 Civil Service, of the Revised Statutes.

1 18. Each municipality, in which the Amusement Games Licensing Law
2 shall be operative, shall file with the commissioner a copy of each ordinance
3 enacted pursuant thereto, within 10 days after the same is adopted, and on
4 or before February 1 in each year, or at any other time or times which the
5 commissioner may determine, make report to the commissioner of the num-
6 ber of licenses issued therein under said law, and the names and addresses
7 of the licensees, the aggregate amount of license fees collected, the names
8 and addresses of all persons detected of violation of said law or of the rules
9 and regulations made by the commissioner pursuant hereto, and of all per-
10 sons prosecuted for such violations and the result of each such prosecution,
11 and the penalties imposed therein, during the preceding calendar year, or the
12 period for which the report is required, as well as such other data or infor-
13 mation as may from time to time be required by the rules and regulations
14 of the commissioner, which report may contain any recommendations for im-
15 provement of said law or the administration thereof, which the governing
16 body of the municipality shall deem to be desirable.

1 19. The commissioner shall report to the Governor and the Legislature
2 annually with his recommendations, if any, and if in the meantime he shall
3 discover any matters which shall require immediate change in said law in
4 order to prevent abuses and evasions thereof or rectify undesirable condi-
5 tions in connection with the administration thereof, the commissioner shall
6 make an interim report immediately to the Governor and the Legislature
7 with his recommendations in order to afford opportunity for the Legislature
8 to take immediate action thereon, if such action appears to be necessary.

1 20. Whenever the commissioner is authorized to hold a hearing he may
2 delegate the actual taking of testimony to any available member of the staff
3 of the commissioner who shall hear the matter for the commissioner and re-
4 port the same to the commissioner who, alone, shall have the final decision in
5 the matter. The person so designated to hear the matter for the commissioner
6 may make recommendations to the commissioner in respect to the matter so
7 heard, but the commissioner shall in nowise be bound by any such recom-
8 mendation.

1 21. The commissioner shall require periodical reports to be made to him
2 by all licensees who are conducting games under the Amusement Games Li-
3 censing Law, particularly in respect to the amounts received by them from
4 such operation, and the time, character and cost of the prizes given by them
5 to the players of such games. The commissioner, by rule, shall provide for
6 the time for the making of said reports and the contents thereof and may
7 prescribe and furnish forms for use in connection with the making of such
8 reports.

1 22. This act shall take effect immediately but shall be inoperative unless
2 and until an "Amusement Games Licensing Law" is enacted by the Legis-
3 lature and is approved by a majority of the legally qualified voters of the
4 State voting on the question of such approval at a general election.