

5:12-59

LEGISLATIVE HISTORY CHECKLIST

NJSA: 5:12-59

(Casino Control  
Commission--use  
of consultants)

LAWS OF: 1989

CHAPTER: 150

Bill No: S3326

Sponsor(s): Codey

Date Introduced: February 23, 1989

Committee: Assembly: -----

Senate: Institutions, Health & Welfare

Amended during passage: No

Date of Passage: Assembly: June 29, 1989

Senate: March 2, 1989

Date of Approval: August 9, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

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**P.L.1989. CHAPTER 150, approved August 9, 1989**

**1989 Senate No. 3326**

1 **AN ACT concerning consultants used by the Division of Gaming**  
2 **Enforcement and amending P.L.1977, c.110.**

3

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

6 1. Section 59 of P.L.1977, c.110 (C.5:12-59) is amended to  
7 read as follows:

8 59. Employment Restrictions on Commissioners, Commission  
9 Employees and Division Employees. a. The "New Jersey  
10 Conflicts of Interest Law" (P.L.1971, c.182; C.52:13D-12 et seq.)  
11 shall apply to members of the commission and to all employees of  
12 the commission and the division, except as herein specifically  
13 provided.

14 b. The commission shall, no later than January 1, 1981,  
15 promulgate a Code of Ethics that is modeled upon the Code of  
16 Judicial Conduct of the American Bar Association, as amended  
17 and adopted by the Supreme Court of New Jersey. This Code of  
18 Ethics shall include, but not be limited to, provisions that address  
19 the propriety of relationships and dealings between the  
20 commission and its staff, and licensees and applicants for  
21 licensure under this act.

22 c. The division shall promulgate a Code of Ethics governing its  
23 specific needs.

24 d. The Codes of Ethics promulgated by the commission and the  
25 division shall not be in conflict with the laws of this State,  
26 except, however, that said Codes of Ethics may be more  
27 restrictive than any law of this State.

28 e. The Codes of Ethics promulgated by the commission and the  
29 division shall be submitted to the Executive Commission on  
30 Ethical Standards for approval. The Codes of Ethics shall  
31 include, but not be limited to provisions that:

32 (1) No commission member or employee or division employee  
33 or agent shall be permitted to gamble in any establishment

**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.**

1 licensed by the commission except in the course of his duties.

2 (2) No commission member or employee or division employee  
3 or agent shall solicit or accept employment from any person  
4 licensed by or registered with the commission or from any  
5 applicant for a period of four years after termination of service  
6 with the commission or division, unless subject to section 60 of  
7 this act.

8 (3) No commission member or employee or any division  
9 employee or agent shall act in his official capacity in any matter  
10 wherein he or his spouse, child, parent or sibling has a direct or  
11 indirect personal financial interest that might reasonably be  
12 expected to impair his objectivity or independence of judgment.

13 (4) No commission employee or any division employee or agent  
14 shall act in his official capacity in a matter concerning an  
15 applicant for licensure or a licensee who is the employer of a  
16 spouse, child, parent or sibling of said commission or division  
17 employee or agent when the fact of the employment of such  
18 spouse, child, parent or sibling might reasonably be expected to  
19 impair the objectivity and independence of judgment of said  
20 commission employee or division employee or agent.

21 (5) No spouse, child, parent or sibling of a commission member  
22 shall be employed in any capacity by an applicant for a casino  
23 license or a casino licensee nor by any holding, intermediary or  
24 subsidiary company thereof.

25 (6) No commission member shall meet with any person, except  
26 for any other member of the commission or employee of the  
27 commission, or discuss with any issues involving any pending or  
28 proposed application or any matter whatsoever which may  
29 reasonably be expected to come before the commission, or any  
30 member thereof, for determination unless the meeting or  
31 discussion takes place on the business premises of the  
32 commission, provided, however, that commission members may  
33 meet to consider matters requiring the physical inspection of  
34 equipment or premises at the location of the equipment or  
35 premises. All meetings or discussions subject to this paragraph  
36 shall be noted in a log maintained for this purpose and available  
37 for inspection pursuant to the provisions of P.L.1963, c.73  
38 (C.47:1A-1 et seq.).

39 f. No commission member or employee or division employee or

1 agent shall have any interest, direct or indirect, in any applicant  
or in any person licensed by or registered with the commission  
3 during his term of office or employment.

g. Each commission member and employee of the commission,  
5 including legal counsel, and each employee and agent of the  
division shall devote his entire time and attention to his duties  
7 and shall not pursue any other business or occupation or other  
gainful employment; provided, however, that secretarial and  
9 clerical personnel may engage in such other gainful employment  
as shall not interfere with their duties to the commission or  
11 division, unless otherwise directed; and provided further,  
however, that other employees of the commission and division  
13 and agents of the division may engage in such other gainful  
employment as shall not interfere or be in conflict with their  
15 duties to the commission or division, upon approval by the  
commission or the director of the division, as the case may be.

17 h. No member of the commission, employee of the  
commission, or employee or agent of the division shall:

19 (1) Use his official authority or influence for the purpose of  
interfering with or affecting the result of an election or a  
21 nomination for office;

(2) Directly or indirectly coerce, attempt to coerce, command  
23 or advise any person to pay, lend or contribute anything of value  
to a party, committee, organization, agency or person for  
25 political purposes; or

(3) Take any active part in political campaigns or the  
27 management thereof; provided, however, that nothing herein shall  
prohibit a person from voting as he chooses or from expressing his  
29 personal opinions on political subjects and candidates.

i. For the purpose of applying the provisions of the "New  
31 Jersey Conflicts of Interest Law," any consultant or other person  
under contract for services to the commission and the division  
33 shall be deemed to be a special State employee, except that the  
restrictions of section 4 of P.L.1981, c.142 (C.52:13D-17.2) shall  
35 not apply to such person. Such person and any corporation, firm  
or partnership in which he has an interest or by which he is  
37 employed shall not represent any person or party other than the  
commission or the division before the commission.

39 (cf: P.L.1967, c.354, s.3)

1       **2. This act shall take effect immediately.**

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**STATEMENT**

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7       This bill clarifies existing law concerning presentations before  
9       the Casino Control Commission by consultants used by the  
11       Division of Gaming Enforcement. It eliminates an ambiguity in  
13       statutory language that might be read to preclude division  
15       consultants from representing the division before the  
17       commission. Such a reading would greatly hamper the division in  
19       casino regulatory litigation.

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**GAMBLING**

**Casino Gaming**

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SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

SENATE, No. 3326

STATE OF NEW JERSEY

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DATED: FEBRUARY 23, 1989

The Senate Institutions, Health and Welfare Committee favorably reports Senate Bill No. 3326.

This bill amends the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.) to clarify existing law concerning presentations before the Casino Control Commission by consultants used by the Division of Gaming Enforcement. The bill eliminates an ambiguity in the language of the law that might be read to preclude division consultants from representing the division before the commission. Such a reading would greatly hamper the division in casino regulatory litigation.

This bill is identical to Assembly Bill No. 4264 (Schuber), which is currently pending in the General Assembly.