

5:12-63 et al

9/17/86
4/18/86

LEGISLATIVE HISTORY CHECKLIST

NJSA: 5:12-63 et al (Division of Development for Small Businesses and Women and Minority Businesses--certain functions concerning casino industry)

LAWS OF: 1985

CHAPTER 539

BILL NO: A4351

Sponsor(s): Bryant and Kline

Date Introduced: January 6, 1986

Committee: Assembly: -----

Senate: -----

Amended during passage: No Substituted for S3514 (not attached since identical to A4351)

Date of Passage: Assembly: January 13, 1986

Senate: January 13, 1986

Date of Approval: January 21, 1986

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: Assembly No

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: ~~No~~ Yes

Following were printed:

Reports: No

Hearings: No

Sponsors' statement:

This bill phases in minority and women business enterprise goals over a seven year period and gives the Division of Development for Small Businesses and Women and Minority Businesses certain qualification functions concerning the casino industry.

Regulations, mentioned in section 6 of act; not promulgated as of 9-1-86.

ASSEMBLY, No. 4351
STATE OF NEW JERSEY

INTRODUCED JANUARY 6, 1986

By Assemblymen BRYANT and KLINE

AN ACT concerning affirmative action contracts in the casino industry and amending and supplementing P. L. 1977, c. 210.

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

1 1. (New section) The Legislature declares that the opportunity
2 for full minority and women's business enterprise participation in
3 the casino industry is essential if social and economic parity is to
4 be obtained by minority and women business persons and if the
5 economy of Atlantic City is to be stimulated as contemplated by the
6 "Casino Control Act," P. L. 1977, c. 210 (C. 5:12-1 et seq.).

1 2. (New section) As used in this act:

2 a. "Casino licensee" means any entity which holds or is an
3 applicant for a casino license pursuant to section 87 of P. L. 1977,
4 c. 110 (C. 5:12-87).

5 b. "Minority business enterprise" means a business that is at
6 least 51% owned and controlled by minority group members.

7 c. "Minority group member" means a person who is either Black,
8 Hispanic, Asian American, American Indian or an Alaskan Native.

9 d. "Woman" or "Women" means a female or females, regardless
10 of race.

11 e. "Women's business enterprise" means a business that is at
12 least 51% owned and controlled by women.

1 3. Section 63 of P. L. 1977, c. 210 (C. 5:12-63) is amended to read
2 as follows:

3 63. Duties of the commission. The Casino Control Commission
4 shall have general responsibility for the implementation of this act,
5 as hereinafter provided, including, without limitation, the respon-
6 sibility:

Matter printed in italics thus is new matter.

7 a. To hear and decide promptly and in reasonable order all
 8 license, registration, certificate, and permit applications and causes
 9 affecting the granting, suspension, revocation, or renewal thereof
 10 *which decision, in the case of casino licensees shall be withheld until*
 11 *a determination has been made by the commission that the pro-*
 12 *visions of sections 4 and 5 of P. L., c. . . . (C. and*
 13 *C.) (now pending before the Legislature as this bill)*
 14 *relating to expenditures on and assignments to minority and*
 15 *women's business enterprises have been met, except that if a*
 16 *determination is made that a casino licensee has failed to demon-*
 17 *strate compliance with the provisions of section 4 or 5 of P. L.*
 18 *., c. . . . (C. and C.) (now pending before*
 19 *the Legislature as this bill), a casino licensee will have 90 days*
 20 *from the date of the determination of noncompliance within which*
 21 *to comply with the provisions of those sections;*

22 b. To conduct all hearings pertaining to civil violations of this
 23 act or regulations promulgated hereunder;

24 c. To promulgate such regulations as in its judgment may be
 25 necessary to fulfill the policies of this act;

26 d. To collect all license and registration fees and taxes imposed
 27 by this act and the regulations issued pursuant hereto;

28 e. To levy and collect penalties for the violation of provisions of
 29 this act and the regulations promulgated hereunder;

30 f. To be present through its inspectors and agents at all times
 31 during the operation of any casino for the purpose of certifying
 32 the revenue thereof, receiving complaints from the public, and con-
 33 ducting such other investigations into the conduct of the games and
 34 the maintenance of the equipment as from time to time the commis-
 35 sion may deem necessary and proper; and

36 g. To review and rule upon any complaint by a casino licensee
 37 regarding any investigative procedures of the division which are
 38 unnecessarily disruptive of casino operations. The need to inspect
 39 and investigate shall be presumed at all times. The disruption
 40 of a licensee's operations shall be proved by clear and convincing
 41 evidence, and establish that: (1) the procedures had no reasonable
 42 law enforcement purpose, and (2) the procedures were so disrupt-
 43 tive as to inhibit unreasonably casino operations.

1 4. (New section) a. Notwithstanding the provisions of any law,
 2 rule or regulation to the contrary, no casino licensee shall expend
 3 less than 5% of its contracts for goods and services with minority
 4 and women's business enterprises by the end of the third year
 5 following the operative date of this 1985 amendatory and supple-
 6 mentary act and 10% of its contracts for goods and services with

7 minority and women's business enterprises by the end of the sixth
8 year following the operative date of this 1985 amendatory and
9 supplementary act; and each such licensee shall have a goal of
10 expending 15% of its contracts for goods and services with minority
11 and women's business enterprises by the end of the 10th year
12 following that operative date. Each casino licensee shall be re-
13 quired to demonstrate annually to the commission that the require-
14 ments of this act have been met by submitting a report which shall
15 include the total dollar value of contracts awarded for goods or
16 services and the percentage thereof awarded to minority and
17 women's business enterprises.

18 As used in this section, "goods and services" shall not include (1)
19 utilities and taxes; (2) financing costs, such as mortgages, loans or
20 any other type of debt; (3) medical insurance; (4) dues and fees to
21 the Atlantic City Casino Association; (5) fees and payments to a
22 parent or affiliated company of the casino licensee; (6) rents and
23 any payments as a result of a real estate transactions; and (7)
24 gaming chips, plaques, cards, tokens, dice and slot machines.

25 b. In those areas where an insufficient amount of minority and
26 women's business enterprises exist, a casino licensee shall make a
27 good faith effort to meet the requirements of this section and shall
28 annually demonstrate to the commission that such an effort was
29 made.

30 c. A casino licensee may fulfill no more than 70% of its obligation
31 or part of it under this act by requiring a vendor to set aside a por-
32 tion of his contract for minority or women's business enterprises.
33 Upon request, the licensee shall provide the commission with proof
34 of the amount of the set-aside.

1 5. (New section) a. No casino licensee shall assign less than 5%
2 of its bus business with minority and women's business enterprises
3 by the end of the third year following the operative date of this
4 1985 amendatory and supplementary act and 10% of its bus busi-
5 ness with minority and women's business enterprises by the end of
6 the sixth year following the operative date of this 1985 amendatory
7 and supplementary act; and each such licensee shall have a goal of
8 expending 15% of its bus business with minority and women's
9 business enterprises by the end of the 10th year following that
10 operative date. Each casino licensee shall be required to demon-
11 strate annually to the commission that the requirements of this act
12 have been met by submitting a report which shall include the total
13 bus business assigned and the percentage thereof awarded to
14 minority and women's business enterprises.

15 b. In those areas where an insufficient amount of minority and

16 women's business enterprises exist, a casino licensee shall make a
 17 good faith effort to meet the requirements of this section and shall
 18 annually demonstrate to the commission that such an effort was
 19 made.

20 c. A casino licensee may fulfill no more than 70% of its obliga-
 21 tion or part of it under this act by requiring a vendor to set aside
 22 a portion of his contract for minority or women's business enter-
 23 prises. Upon request, the licensee shall provide the commission with
 24 proof of the amount of the set-aside.

1 6. (New section) The Division of Development for Small Busi-
 2 nesses and Women and Minority Businesses in the Department of
 3 Commerce and Economic Development created pursuant to P. L.
 4, c. . . . (C.) (now pending before the Legislature
 5 as Assembly Bill No. 3448 of 1985) shall establish within 180 days
 6 of the effective date of this act reasonable regulations appropriate
 7 for determining the qualifications of minority and women's business
 8 enterprises according to their financial ability and experience and
 9 the capital and equipment available to them pursuant to and reason-
 10 ably related to the class or category of work to be performed or
 11 materials and supplies to be furnished.

1 7. (New section) The Division of Development for Small Busi-
 2 nesses and Women and Minority Businesses shall supply casino
 3 licensees with a list of those minority and women's business enter-
 4 prises which it has found to be qualified. The division shall review
 5 the list annually to determine which of those minority and women's
 6 business enterprises continue to qualify. The division shall establish
 7 a procedure whereby the designation of a qualified minority and
 8 women's business enterprise may be challenged. The procedure
 9 shall include proper notice and a hearing for all parties concerned.

1 8. (New section) The Division of Development for Small Busi-
 2 nesses and Women and Minority Businesses and the Casino Control
 3 Commission shall develop such other regulations as may be neces-
 4 sary to interpret and implement the provisions of this act.

1 9. This act shall take effect immediately but shall remain in-
 2 operative until the 90th day following the day of adoption of rules
 3 and regulations by the Division of Development for Small Busi-
 4 nesses and Women and Minority Businesses pursuant to section 6
 5 of this act.

STATEMENT

This bill phases in minority and women business enterprise goals over a seven year period and gives the Division of Development for Small Businesses and Women and Minority Businesses certain qualification functions concerning the casino industry.

A-2003 Et al. Signed
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A-4100, sponsored by Assemblyman Robert Littell, R-Sussex, to establish a 13-member New Jersey Monorail Legislative Commission and to designate the Department of Transportation as the exclusive department for the development of a monorail system.

A-4351, sponsored by Assemblyman Wayne Bryant, D-Camden, to require casino licensees to phase in mandatory minority and women business enterprise participation in contracts over a seven-year period.

S-315, sponsored by Senator Wayne Dumont, R-Warren, to permit school districts in Warren, Sussex, and Hunterdon counties to provide transportation to and from school to pupils attending non-public schools out of state, but within 20 miles of the pupil's residence.

S-1128, sponsored by Senator John Caufield, D-Essex, to increase from \$2,500 to \$12,500 the minimum for advertised bidding for the University of Medicine and Dentistry.

Senate Committee Substitute for S-2107, S-1229, and A-2355, to extend to widowers eligibility for both the \$50 veterans' tax deduction as well as the exemption from taxation for disabled veterans.

S-2313, sponsored by Senator Gerald Stockman, D-Mercer, to make a number of technical amendments to and remove obsolete language from the Municipal Land Use Law.

A-647, sponsored by Senator C. William Haines, R-Burlington, to authorize the New Jersey Turnpike Authority to construct an interchange at the crossover of Interstate Route 295 and the Turnpike in Burlington County.