

5:12-89, 5:12-90 + 5:12-92

LEGISLATIVE HISTORY CHECKLIST

NJSA 5:12-89, 5:12-90 and 5:12-92 (Casinos--certain employees and instructors
--amend law concerning temporary licenses)

LAWS 1981 CHAPTER 195

Bill No. S3294

Sponsor(s) Perskie

Date Introduced June 15, 1981

Committee: Assembly -----

Senate -----

Amended during passage Yes No

Date of Passage: Assembly June 25, 1981

Senate June 18, 1981

Date of approval July 8, 1981

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly Yes No

Senate Yes^x No

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes ~~No~~

Following were printed:

Reports Yes No

Hearings Yes No

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SENATE, No. 3294

STATE OF NEW JERSEY

INTRODUCED JUNE 15, 1981

By Senator PERSKIE

(Without Reference)

AN ACT concerning the issuance of certain temporary licenses and amending 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 89 of P. L. 1977, c. 110 (C. 5:12-89) is amended to
2 read as follows:

3 89. Licensing of Casino Key Employees. a. No person may be
4 employed as a casino key employee unless he is the holder of a valid
5 casino key employee license issued by the commission.

6 b. Each applicant must, prior to the issuance of any casino key
7 employee license, produce information, documentation and assur-
8 ances concerning the following qualification criteria:

9 (1) Each applicant for a casino key employee license shall pro-
10 duce such information, documentation and assurances as may be
11 required to establish by clear and convincing evidence the financial
12 stability, integrity and responsibility of the applicant, including
13 but not limited to bank references, business and personal income
14 and disbursements schedules, tax returns and other reports filed
15 with governmental agencies, and business and personal accounting
16 and check records and ledgers. In addition, each applicant shall, in
17 writing, authorize the examination of all bank accounts and records
18 as may be deemed necessary by the commission or the division.

19 (2) Each applicant for a casino key employee license shall pro-
20 duce such information, documentation and assurances as may be
21 required to establish by clear and convincing evidence the appli-
22 cant's reputation for good character, honesty and integrity. Such
23 information shall include, without limitation, data pertaining to
24 family, habits, character, criminal and arrest record, business
25 activities, financial affairs, and business, professional and personal

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

26 associates, covering at least the 10-year period immediately pre-
27 ceding the filing of the application. Each applicant shall notify
28 the commission of any civil judgments obtained against such ap-
29 plicant pertaining to antitrust or security regulation laws of the
30 Federal Government, of this State or of any other state, jurisdic-
31 tion, province or country. In addition, each applicant shall, upon
32 request of the commission or the division, produce letters of refer-
33 ence from law enforcement agencies having jurisdiction in the ap-
34 plicant's place of residence and principal place of business, which
35 letters of reference shall indicate that such law enforcement
36 agencies do not have any pertinent information concerning the ap-
37 plicant, or if such law enforcement agency does have information
38 pertaining to the applicant, shall specify what that information is.
39 If the applicant has been associated with gaming or casino opera-
40 tions in any capacity, position or employment in a jurisdiction
41 which permits such activity, the applicant shall, upon request of
42 the commission or division, produce letters of reference from the
43 gaming or casino enforcement or control agency which shall specify
44 the experiences of such agency with the applicant, his associates
45 and his participation in the gaming operations of that jurisdiction;
46 provided, however, that if no such letters are received from the
47 appropriate law enforcement agencies within 60 days of the appli-
48 cant's request therefor, the applicant may submit a statement under
49 oath that he is or was during the period such activities were con-
50 ducted in good standing with such gaming or casino enforcement
51 or control agency.

52 (3) Each applicant shall produce such information, documen-
53 tation and assurances as may be required to establish by clear and
54 convincing evidence that the applicant has sufficient business ability
55 and casino experience as to establish the reasonable likelihood of
56 success and efficiency in the particular position involved.

57 (4) Each applicant shall be a resident of the State of New Jersey
58 prior to the issuance of a casino key employee license.

59 The commission may also, by regulation, require that all appli-
60 cants for casino key employee licenses be residents of this State
61 for a period not to exceed 6 months immediately prior to the
62 issuance of such license, but application may be made prior to the
63 expiration of the required period of residency. The commission
64 shall, by resolution, waive the required residency period for an
65 applicant upon a showing that the residency period would cause
66 undue hardship upon the casino licensee which intends to employ
67 said applicant, or upon a showing of other good cause.

68 c. The commission shall endorse upon any license issued here-
69 under the particular positions as defined by this act or by regulation
70 which the licensee is qualified to hold.

71 d. The commission shall deny a casino key employee license to
72 any applicant who is disqualified on the basis of the criteria con-
73 tained in section 86 of this act.

74 e. Upon petition by the holder of a casino license or the holder
75 of a temporary casino permit, the commission may, no earlier than
76 30 days after the date of the petition, issue a temporary license to
77 an applicant for a casino key employee license, provided that:

78 (1) The applicant for the casino key employee license has filed
79 a complete application as required by the commission;

80 (2) The division certifies to the commission that the complete
81 casino key employee license application as specified in paragraph
82 (1) of this subsection has been in the possession of the division for
83 at least 30 days;

84 (3) The information provided by the applicant indicates that
85 the applicant meets the requirements of subsection b. (3) of this
86 section;

87 (4) The petition for a temporary casino key employee license
88 certifies, and the commission finds, that an existing casino key
89 employee position of the petitioner is vacant and that the issuance
90 of a temporary key employee license is necessary to fill the said
91 vacancy on an emergency basis to continue the efficient operation
92 of the casino, and that such circumstances are extraordinary and
93 not designed to circumvent that normal licensing procedures of
94 this act;

95 (5) The division does not object to the issuance of the temporary
96 casino key employee license.

97 In the event that an applicant for a casino key employee license
98 is the holder of a valid casino employee license issued pursuant to
99 section 90 of this act, and if the provisions of paragraphs (1), (2),
100 (3), and (5) of this subsection are satisfied, the commission may
101 issue a temporary casino key employee license upon petition by the
102 holder of a casino license or the holder of a temporary casino
103 permit, if the commission finds the issuance of a casino key em-
104 ployee license will be delayed by necessary investigations and the
105 said temporary casino key employee license is necessary for the
106 operations of the casino.

107 Unless otherwise terminated pursuant to this act, any temporary
108 casino key employee license issued pursuant to this subsection shall
109 expire 6 months from the date of its issuance, and shall be re-

110 newable by the commission, in the absence of objection by the
111 division as specified in paragraph (5) of this subsection, for one
112 additional 3-month period.

113 This subsection shall expire [18 months subsequent to its enact-
114 ment] *January 31, 1982*; provided, however, that temporary li-
115 censes issued pursuant to this subsection may be continued and
116 renewed subsequent to the expiration of this subsection as if such
117 expiration had not occurred.

1 2. Section 90 of P. L. 1977, c. 110 (C. 5:12-90) is amended to
2 read as follows:

3 90. Licensing of Casino Employees. a. No person may commence
4 employment as a casino employee unless he is the holder of a valid
5 casino employee license.

6 b. Any applicant for a casino employee license must, prior to the
7 issuance of any such license, produce sufficient information, docu-
8 mentation and assurances to meet the qualification criteria, includ-
9 ing New Jersey residency, contained in subsection b. of section 89
10 of this act and any additional residency requirement imposed under
11 subsection c. of this section; except that the standards for business
12 ability and casino experience may be satisfied by a showing of ca-
13 sino job experience and knowledge of the provisions of this act and
14 regulations pertaining to the particular position involved, or by
15 successful completion of a course of study at a licensed school in
16 an approved curriculum.

17 c. The commission may, by regulation, require that all applicants
18 for casino employee licenses be residents of this State for a period
19 not to exceed 6 months immediately prior to the issuance of such
20 license, but application may be made prior to the expiration of the
21 required period of residency. The commission shall, by resolution,
22 waive the required residency period for an applicant upon a show-
23 ing that the residency period would cause undue hardship upon the
24 casino licensee which intends to employ said applicant, or upon a
25 showing of other good cause.

26 d. The commission shall endorse upon any license issued here-
27 under the particular positions as defined by regulation which the
28 licensee is qualified to hold.

29 e. The commission shall deny a casino employee license to any
30 applicant who is disqualified on the basis of the criteria contained
31 in section 86 of this act.

32 f. For the purposes of this section, casino security employees
33 shall be considered casino employees and must, in addition to any
34 requirements under other laws, be licensed in accordance with the
35 provisions of this act.

36 g. A temporary license may be issued by the commission to
37 casino employees for positions not directly related to gaming activ-
38 ity if, in its judgment, the issuance of a plenary license will be
39 restricted by necessary investigations and said temporary licensing
40 of the applicant is necessary for the operation of the casino. Un-
41 less otherwise terminated pursuant to this act, a temporary license
42 issued pursuant to this subsection shall expire 6 months from the
43 date of its issuance and be renewable, at the discretion of the
44 commission, for one additional 6 month period. Positions "directly
45 related to gaming activity" shall include, but not be limited to,
46 boxmen, floormen, dealers or croupiers, cage personnel, count room
47 personnel, slot and slot booth personnel, credit and collection per-
48 sonnel, casino surveillance personnel, and casino security employees
49 whose employment duties require or authorize access to the casino.
50 This subsection shall expire [18 months subsequent to its enact-
51 ment] *January 31, 1982*; provided, however, that temporary li-
52 censes issued pursuant to this subsection may be continued and
53 renewed subsequent to the expiration of this subsection as if such
54 expiration had not occurred.

55 h. Notwithstanding the provisions of subsection e. of this section,
56 no applicant shall be denied a casino employee license on the basis
57 of a conviction of any of the offenses enumerated in this act as
58 disqualification criteria provided that the applicant has affirma-
59 tively demonstrated his rehabilitation. In determining whether the
60 applicant has affirmatively demonstrated his rehabilitation the com-
61 mission shall consider the following factors:

- 62 (1) The nature and duties of the position applied for;
- 63 (2) The nature and seriousness of the offense;
- 64 (3) The circumstances under which the offense occurred;
- 65 (4) The date of the offense;
- 66 (5) The age of the applicant when the offense was committed;
- 67 (6) Whether the offense was an isolated or repeated incident;
- 68 (7) Any social conditions which may have contributed to the
69 offense;
- 70 (8) Any evidence of rehabilitation, including good conduct in
71 prison or in the community, counseling or psychiatric treatment
72 received, acquisition of additional academic or vocational schooling,
73 successful participation in correctional work-release programs, or
74 the recommendation of persons who have or have had the applicant
75 under their supervision.

1 3. Section 92 of P. L. 1977, c. 110 (C. 5:12-92) is amended to
2 read as follows:

3 92. Licensing and Registration of Casino Service Industries.

4 a. All casino service industries offering goods or services on a reg-
5 ular basis which directly relate to casino or gaming activity, in-
6 cluding gaming equipment manufacturers, suppliers and repairers,
7 schools teaching gaming and either playing or dealing techniques,
8 and casino security services, shall be licensed in accordance with
9 the provisions of this act prior to conducting any business whatso-
10 ever with a casino licensee, its employees or agents, and in the case
11 of a school, prior to enrollment of any students or offering of any
12 courses to the public whether for compensation or not; provided
13 however, that upon a showing of good cause by a casino licensee
14 for each business transaction, the commission may permit an ap-
15 plicant for a casino service industry license to conduct business
16 transactions with such casino licensee prior to the licensure of that
17 applicant under this subsection.

18 b. Each casino service industry in subsection a. of this section,
19 as well as its owners, management and supervisory personnel and
20 other principal employees must qualify under the standards, except
21 residency, established for qualification of a casino key employee
22 under this act. In addition, if the business or enterprise is a school
23 teaching gaming and either playing or dealing techniques, each
24 resident director, instructor, principal employee, and sales repre-
25 sentative employed thereby shall be licensed under the standards
26 established for qualification of a casino employee under this act;
27 provided, however, that nothing in this subsection shall be deemed
28 to require, in the case of a public school district or a public insti-
29 tution of higher education, the licensure or qualification of any in-
30 dividuals except those instructors and other principal employees
31 responsible for the teaching of playing or dealing techniques. The
32 commission, in its discretion, may issue a temporary license to an
33 applicant for an instructor's license upon a finding that the appli-
34 cant meets the educational and experiential requirements for such
35 license, that the issuance of a permanent license will be restricted
36 by necessary investigations, and that temporary licensing is nec-
37 essary for the operation of the gaming school. Unless otherwise
38 terminated pursuant to this act, a temporary license issued pur-
39 suant to this subsection shall expire 6 months from the date of its
40 issuance and be renewable, at the discretion of the commission,
41 for one additional 6-month period. The temporary licensing pro-
42 visions of this subsection shall expire [18 months subsequent to
43 its enactment] *January 31, 1982*; provided, however, that tempo-
44 rary licenses issued pursuant to this subsection may be continued

45 and renewed subsequent to the expiration of the temporary licens-
46 ing provisions of this subsection as if such expiration had not
47 occurred.

48 c. All casino service industries not included in subsection a. of
49 this section shall be licensed in accordance with rules of the com-
50 mission prior to commencement or continuation of any business
51 with a casino license or its agents. Such casino service industries,
52 whether or not directly related to gaming operations, shall include
53 suppliers of alcoholic beverages, food and nonalcoholic beverages;
54 garbage handlers; vending machine providers; linen suppliers;
55 maintenance companies; shopkeepers located within the approved
56 hotel; and limousine services contracting with casino licensees. The
57 commission may exempt any person or field of commerce from the
58 licensing requirements of this subsection if the person or field
59 of commerce demonstrates (1) that it is regulated by a public
60 agency or that it will provide goods or services in insubstantial
61 or insignificant amounts or quantities, and (2) that licensing is
62 not deemed necessary in order to protect the public interest or to
63 accomplish the policies established by this act. Upon granting an
64 exemption or at any time thereafter, the commission may limit
65 or place such restrictions thereupon as it may deem necessary in
66 the public interest, and shall require the exempted person to co-
67 operate with the commission and the division and, upon request, to
68 provide information in the same manner as required of a casino
69 service industry licensed pursuant to this subsection provided,
70 however, that no exemption shall be granted unless the casino ser-
vice industry complies with the requirements of sections 134 and
70 135 of this act.

71 d. Licensure pursuant to subsection c. of this section of any ca-
72 sino service industry may be denied to any applicant disqualified
73 in accordance with the criteria contained in section 86 of this act.

1 4. This act shall take effect immediately.

STATEMENT

The Casino Control Commission's authority to issue temporary licenses to casino key employees, nongaming related casino employees, and gaming school instructors expires July 9, 1981. This bill changes the expiration date to January 31, 1982. The Casino Control Commission and the Division of Gaming Enforcement have recommended this extension of the commission's authority to issue the temporary licenses noted above.

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53294 (1981)

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

JULY 8, 1981

FOR FURTHER INFORMATION

KATHRYN FORSYTH

Governor Brendan Byrne today signed S-3294, sponsored by Senator Steven Perskie (D-Atlantic) which changes the expiration date for the authority of the Casino Control Commission to issue temporary licenses to casino key employees, non-gaming related casino employees and gaming school instructors from July 9, 1981, to January 31, 1982.

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