

5:12-1 et al

LEGISLATIVE HISTORY CHECKLIST

(Casino hotel employee-must register with Casino Control Commission)

NJSA 5:12-1 et al

LAWS 1981

CHAPTER 503

Bill No. S3330

Sponsor(s) Perskie

Date Introduced June 22, 1981

Committee: Assembly State Gov't, Federal & Interstate Relations & Veterans Affairs

Senate State Gov't, Federal & Interstate Relations & Veterans Affairs

Amended during passage Yes ~~XX~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Jan. 7, 1982

Senate June 29, 1981

Date of approval Jan. 12, 1982

Following statements are attached if available:

Sponsor statement	Yes	XX (Below) Also attached: Assembly amendments adopted 4-4-82 (with statement)
Committee Statement: Assembly	Yes	XX
Senate	Yes	XX
Fiscal Note	XX	No
Veto Message	XX	No
Message on signing	Yes	XX

Following were printed:

Reports	Yes	XX
Hearings	Yes	XX

Sponsor's statement:

This bill eliminates the requirement that a casino hotel employee must be licensed for employment in a casino hotel and replaces it with a requirement that such an employee must simply register with the commission in order to hold such employment.

974.90 New Jersey. Casino Control Commission. Permanent Committee on Regulation and
G191 Legislation.
1981 Report of public hearing held 2-23 & 2-24, 1981. Atlantic City, 1981.
(See especially pp 13-14)

(over)

6/22/81

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 3330

STATE OF NEW JERSEY

INTRODUCED JUNE 22, 1981

By Senator PERSKIE

Referred to Committee on State Government, Federal and Interstate Relations and Veterans Affairs

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

3 1. Short Title; Declaration of Policy and Legislative Findings.

4 a. This act shall be known an may be cited as the "Casino
5 Control Act."

6 b. The Legislature hereby finds and declares to be the public
7 policy of this State, the following:

8 (1) The tourist, resort and convention industry of this State con-
9 stitutes a critical component of its economic structure and, if prop-
10 erly developed, controlled and fostered, is capable of providing a
11 substantial contribution to the general welfare, health and pros-
12 perity of the State and its inhabitants.

13 (2) By reason of its location, natural resources and worldwide
14 prominence and reputation, the city of Atlantic City and its resort,
15 tourist and convention industry represent a critically important
16 and valuable asset in the continued viability and economic strength
17 of the tourist, convention and resort, industry of the State of New
18 Jersey.

19 (3) The rehabilitation and redevelopment of existing tourist and
20 convention facilities in Atlantic City, and the fostering and en-
21 couragement of new construction and the replacement of lost con-
22 vention, tourist, entertainment and cultural centers in Atlantic City
23 will offer a unique opportunity for the inhabitants of the entire

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

24 State to make maximum use of the natural resources available in
25 Atlantic City for the expansion and encouragement of New Jersey's
26 hospitality industry, and to that end, the restoration of Atlantic
27 City as the Playground of the World and the major hospitality
28 center of the Eastern United States is found to be a program of
29 critical concern and importance to the inhabitants of the State of
30 New Jersey.

31 (4) Legalized casino gaming has been approved by the citizens
32 of New Jersey as a unique tool of urban redevelopment for Atlantic
33 City. In this regard, the introduction of a limited number of casino
34 rooms in major hotel convention complexes, permitted as an addi-
35 tional element in the hospitality industry of Atlantic City, will
36 facilitate the redevelopment of existing blighted areas and the re-
37 furbishing and expansion of existing hotel, convention, tourist, and
38 entertainment facilities; encourage the replacement of lost hospi-
39 tality-oriented facilities; provide for judicious use of open space
40 for leisure time and recreational activities; and attract new invest-
41 ment capital to New Jersey in general and to Atlantic City in
42 particular.

43 (5) Restricting the issuance of casino licenses to major hotel and
44 convention facilities is designed to assure that the existing nature
45 and tone of the hospitality industry in New Jersey and in Atlantic
46 City is preserved, and that the casino rooms licensed pursuant to
47 the provisions of this act are always offered and maintained as an
48 integral element of such hospitality facilities, rather than as the
49 industry unto themselves that they have become in other juris-
50 dictions.

51 (6) An integral and essential element of the regulation and con-
52 trol of such casino facilities by the State rests in the public confi-
53 dence and trust in the credibility and integrity of the regulatory
54 process and of casino operations. To further such public confidence
55 and trust, the regulatory provisions of this act are designed to
56 extend strict State regulation to all persons, locations, practices
57 and associations related to the operation of licensed casino enter-
58 prises and all related service industries as herein provided. In
59 addition, licensure of a limited number of casino establishments,
60 with the comprehensive law-enforcement supervision attendant
61 thereto, is further designed to contribute to the public confidence
62 and trust in the efficacy and integrity of the regulatory process.

63 (7) Legalized casino gaming in New Jersey can attain, maintain
64 and retain integrity, public confidence and trust, and remain com-
65 patible with the general public interest only under such a system
66 of control and regulation as insures, so far as practicable, the ex-

67 clusion from participation therein of persons with known criminal
68 records, habits or associations, and the exclusion or removal from
69 any positions of authority or responsibility within casino gaming
70 operations and establishments of any persons known to be so defi-
71 cient in business probity, ability or experience, either generally or
72 with specific reference to gaming, as to create or enhance the
73 dangers of unsound, unfair or illegal practices, methods and
74 activities in the conduct of gaming or the carrying on of the busi-
75 ness and financial arrangements incident thereto.

76 (8) Since the public has a vital interest in casino operations in
77 Atlantic City and has established an exception to the general policy
78 of the State concerning gaming for private gain, participation in
79 casino operations as a licensee *or registrant* under this act shall
80 be deemed a revocable privilege conditioned upon the proper and
81 continued qualification of the individual licensee *or registrant* and
82 upon the discharge of the affirmative responsibility of each such
83 licensee *or registrant* to provide to the regulatory and investiga-
84 tory authorities established by this act any assistance and informa-
85 tion necessary to assure that the policies declared by this act are
86 achieved. Consistent with this policy, it is the intent of this act
87 to preclude the creation of any property right in any license, *regis-*
88 *tration*, certificate or reservation permitted by this act, the accrual
89 of any value to the privilege of participation in gaming operations,
90 or the transfer of any license, *registration*, certificate, or reserva-
91 tion, and to require that participation in gaming be solely con-
92 ditioned upon the individual qualifications of the person seeking
93 such privilege.

94 (9) Since casino operations are especially sensitive and in need
95 of public control and supervision, and since it is vital to the inter-
96 ests of the State to prevent entry, directly or indirectly, into
97 such operations or the ancillary industries regulated by this act of
98 persons who have pursued economic gains in an occupational
99 manner or context which are in violation of the criminal or civil
100 public policies of this State, the regulatory and investigatory
101 powers and duties shall be exercised to the fullest extent consistent
102 with law to avoid entry of such persons into the casino operations
103 or the ancillary industries regulated by this act.

104 (10) Since the development of casino gaming operations in
105 Atlantic City will substantially alter the environment of New
106 Jersey's coastal areas, and since it is necessary to insure that this
107 substantial alteration be beneficial to the overall ecology of the
108 coastal areas, the regulatory and investigatory powers and duties
109 conferred by this act shall include, in cooperation with other public
110 agencies, the power and the duty to monitor and regulate casinos

111 and the growth of casino operations to respond to the needs of the
112 coastal areas.

113 (11) The facilities in which licensed casinos are to be located
114 are of vital law enforcement and social interest to the State, and
115 it is in the public interest that the regulatory and investigatory
116 powers and duties conferred by this act include the power and duty
117 to review architectural and site plans to assure that the proposal
118 is suitable by law enforcement, aesthetic and architectural
119 standards.

120 (12) Since the economic stability of casino operations is in the
121 public interest and competition in the casino operations in Atlantic
122 City is desirable and necessary to assure the residents of Atlantic
123 City and of this State and other visitors to Atlantic City varied
124 attractions and exceptional facilities, the regulatory and investiga-
125 tory powers and duties conferred by this act shall include the power
126 and duty to regulate, control and prevent economic concentration in
127 the casino operations and the ancillary industries regulated by this
128 act, and to encourage and preserve competition.

129 (13) It is in the public interest that the institution of licensed
130 casino establishments in New Jersey be strictly regulated and con-
131 trolled pursuant to the above findings and pursuant to the pro-
132 visions of this act, which provisions are designed to engender and
133 maintain public confidence and trust in the regulation of the licensed
134 enterprises, to provide an effective method of rebuilding and re-
135 developing existing facilities and of encouraging new capital invest-
136 ment in Atlantic City, and to provide a meaningful and permanent
137 contribution to the economic viability of the resort, convention,
138 and tourist industry of New Jersey.

139 (14) Confidence in casino gaming operations is eroded to the
140 extent the State of New Jersey does not provide a regulatory
141 framework for casino gaming that permits and promotes stability
142 and continuity in casino gaming operations.

143 (15) Continuity and stability in casino gaming operations cannot
144 be achieved at the risk of permitting persons with unacceptable
145 backgrounds and records of behavior to control casino gaming
146 operations contrary to the vital law enforcement interest of the
147 State.

148 (16) The aims of continuity and stability and of law enforcement
149 will best be served by a system in which applicant entities and
150 investors in those applicant entities can be assured of prompt and
151 continuous casino operation under certain circumstances wherein
152 the applicant has not yet been fully licensed, or has had a license
153 suspended or revoked, as long as control of the applicant's opera-

154 tion under such circumstances may be placed in the possession of
 155 a person or persons in whom the public may feel a confidence and
 156 a trust.

157 (17) A system whereby the satisfaction of certain appropriate
 158 criteria, including the execution of a voting trust agreement, per-
 159 mits temporary casino operation prior to licensure and whereby the
 160 suspension or revocation of casino operations under certain
 161 appropriate circumstances causes the imposition of a conservator-
 162 ship upon the suspended or revoked casino operation serves both
 163 the economic and law enforcement interests involved in casino
 164 gaming operations.

1 2. Section 31 of P. L. 1977, c. 110 (C. 5:12-31) is amended to
 2 read as follows:

3 31. "License *or* Registration Fee"—Any moneys required by law
 4 to be paid for the issuance or renewal of a casino license, or any
 5 other license *or* registration required by this act.

1 3. Section 36 of P. L. 1977, c. 110 (C. 5:12-36) is amended to
 2 read as follows:

3 36. "Party"—The commission, or any licensee, *registrant*, *or*
 4 *applicant*, or any person appearing of record for any licensee, *reg-*
 5 *istrant*, *or* *applicant* in any proceeding before the commission or
 6 in any proceeding for judicial review of any action, decision or
 7 order of the commission.

1 4. Section 63 of P. L. 1977, c. 110 (C. 5:12-63) is amended to
 2 read 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:

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

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

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

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

18 f. To be present through its inspectors and agents at all times
 19 during the operation of any casino for the purpose of certifying
 20 the revenue thereof, receiving complaints from the public, and con-

21 ducting such other investigations into the conduct of the games and
 22 the maintenance of the equipment as from time to time the commis-
 23 sion may deem necessary and proper; and

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

1 5. Section 64 of P. L. 1977, c. 110 (C. 5:12-64) is amended to
 2 read as follows:

3 64. Commission Powers—Denials and Sanctions. The commis-
 4 sion shall assure that licenses, certificates, or permits shall not be
 5 issued to nor held by, nor shall there be any material involvement,
 6 directly or indirectly, with the licensed casino operation or the
 7 ownership thereof by, unqualified or disqualified persons or un-
 8 suitable persons, or persons whose operations are conducted in a
 9 manner not conforming with the provisions of this act. For the
 10 purposes of this section, "unqualified person," "disqualified per-
 11 son," or "unsuitable person" shall mean any person who is found
 12 by the commission to be disqualified pursuant to the criteria set
 13 forth in section 86 c., e., f., g., and h., or to lack the financial
 14 responsibility and capability specified in the provisions of section
 15 84. In enforcing the provisions of this act, the commission shall
 16 have the power and authority to deny any application; limit or
 17 restrict any *registration*, certificate, permit or approval; suspend
 18 or revoke any license, *registration*, certificate, permit or approval;
 19 and, impose a penalty on any person licensed, *registered*, or pre-
 20 viously approved for any cause deemed reasonable by the com-
 21 mission pursuant to rules and regulations promulgated thereby,
 22 except that no such denial, limitation, suspension or revocation
 23 shall be issued solely by reason of the fact that an applicant, *reg-*
 24 *istrant*, or licensee holds an interest in or is associated with any
 25 licensed casino enterprise in any other jurisdiction.

1 6. Section 71 of P. L. 1977, c. 110 (C. 5:12-71) is amended to
 2 read as follows:

3 71. Regulation Requiring Exclusion of Certain Persons. a. The
 4 commission shall, by regulation, provide for the establishment of
 5 a list of persons who are to be excluded or ejected from any licensed
 6 casino establishment. Such provisions shall define the standards
 7 for exclusion, and shall include standards relating to persons:

8 (1) Who are career or professional offenders as defined by regu-
9 lation of the commission;

10 (2) Who have been convicted of a criminal offense under the
11 laws of any state or of the United States, which is punishable by
12 more than 6 months in prison, or any crime or offense involving
13 moral turpitude; or

14 (3) Whose presence in a licensed casino would, in the opinion
15 of the commission, be inimical to the interest of the State of New
16 Jersey or of licensed gaming therein, or both.

17 The commission shall promulgate definitions establishing those
18 categories of persons who shall be excluded pursuant to this section,
19 including cheats and persons whose privileges for licensure *or*
20 *registration* have been revoked.

21 b. Race, color, creed, national origin or ancestry, or sex shall not
22 be a reason for placing the name of any person upon such list.

23 c. The commission may impose sanctions upon a licensed casino
24 or individual licensee *or registrant* in accordance with the provi-
25 sions of this act if such casino or individual licensee *or registrant*
26 knowingly fails to exclude or eject from the premises of any li-
27 censed casino any person placed by the commission on the list of
28 persons to be excluded or ejected.

29 d. Any list compiled by the commission of persons to be excluded
30 or ejected shall not be deemed an all inclusive list, and licensed
31 casino establishments shall have a duty to keep from their premises
32 persons known to them to be within the classifications declared in
33 paragraph a. of this section and the regulations promulgated
34 thereunder.

35 e. Whenever the name or description of any person is placed on
36 a list pursuant to this section, the commission shall serve notice
37 of such fact to such person by personal service, by certified mail
38 at the last known address of such person, or by publication daily
39 for 1 week in a newspaper of general circulation in Atlantic City.

40 f. Within 30 days after service by mail or in person or 60 days
41 from the time of last publication, as the case may be, the person
42 named for exclusion or ejection may demand a hearing before
43 the commission and show cause why he should have his name re-
44 moved from such list. Failure to demand such a hearing within the
45 time allotted in this section shall preclude a person from having
46 an administrative hearing, but shall in no way affect his right to
47 judicial review as provided herein.

48 g. Upon receipt of a demand for a hearing, the commission shall
49 set a time and place for such hearing. Unless otherwise agreed by

50 the commission and the named person, such hearing shall not be
51 later than 30 days after the receipt of a demand for such hearing.

52 h. If, upon completion of the hearing, the commission determines
53 that the regulation does not or should not apply to the person so
54 listed, the commission shall notify all casino licensees of such
55 determination.

56 i. If, upon completion of a hearing, the commission determines
57 that the placement of the name of the person on the exclusionary
58 list was appropriate, the commission shall make and enter an order
59 to that effect. Such order shall be subject to review by the Superior
60 Court in accordance with the rules of court.

1 7. Section 74 of P. L. 1977, c. 110 (C. 5:12-74) is amended to
2 read as follows:

3 74. Minutes and Records. a. The commission shall cause to be
4 made and kept a verbatim record of all proceedings held at public
5 meetings of the commission, which record shall be open to public
6 inspection.

7 A true copy of the minutes of every meeting of the commission
8 and of any regulations finally adopted by the commission shall be
9 forthwith delivered, by and under the certification of the executive
10 secretary, to the Governor, the Secretary of the Senate, and the
11 Clerk of the General Assembly.

12 b. The commission shall keep and maintain a list of all appli-
13 cants for licenses *and registrations* under this act together with a
14 record of all actions taken with respect to such applicants, which
15 file and record shall be open to public inspection; provided, how-
16 ever, that the foregoing information regarding any applicant whose
17 license *or registration* has been denied, revoked, or not renewed
18 shall be removed from such list after 5 years from the date of such
19 action.

20 c. The commission shall maintain such other files and records
21 as may be deemed desirable.

22 d. Except as provided in paragraph h. of this section, all in-
23 formation and data required by the commission to be furnished
24 hereunder, or which may otherwise be obtained, relative to the
25 internal controls specified in section 99 a. of this act or to the earn-
26 ings or revenue of any applicant, *registrant*, or licensee shall be
27 considered to be confidential and shall not be revealed in whole or
28 in part except in the course of the necessary administration of this
29 act, or upon the lawful order of a court of competent jurisdiction,
30 or, with the approval of the Attorney General, to a duly authorized
31 law enforcement agency.

32 e. All information and data pertaining to an applicant's criminal
33 record, family, and background furnished to or obtained by the
34 commission from any source shall be considered confidential and
35 may be withheld in whole or in part, except that any information
36 shall be released upon the lawful order of a court of competent
37 jurisdiction or, with the approval of the Attorney General, to a
38 duly authorized law enforcement agency.

39 f. Notice of the contents of any information or data released,
40 except to a duly authorized law enforcement agency pursuant to
41 subsection d. or e. of this section, may be given to any applicant,
42 *registrant*, or licensee in a manner prescribed by the rules and
43 regulations adopted by the commission.

44 g. Files, records, reports and other information in the possession
45 of the New Jersey Division of Taxation pertaining to licensees
46 shall be made available to the commission and the division as may
47 be necessary to the effective administration of this act.

48 h. The following information to be reported periodically to the
49 commission shall not be considered confidential and shall be made
50 available for public inspection:

51 (1) A licensee's operating revenues and expenses from all au-
52 thorized games as herein defined;

53 (2) (a) The dollar amount of patron checks initially accepted
54 by a licensee, (b) the dollar amount of patron checks deposited
55 to the licensee's bank account, (c) the dollar amount of such checks
56 initially dishonored by the bank and returned to the licensee as
57 "uncollected," and (d) the dollar amount ultimately uncollected
58 after all reasonable efforts;

59 (3) The amount of gross revenue tax actually paid and the
60 amount of investment, if any, required and allowed, pursuant to
61 section 144;

62 (4) A list of the premises and the nature of improvements, costs
63 thereof and the payees for all such improvements, which were the
64 subject of an investment required and allowed pursuant to section
65 144;

66 (5) The amount, if any, of tax in lieu of full local real property
67 tax paid pursuant to section 146, and the amount of profits, if any,
67A recaptured pursuant to section 147;

68 (6) A list of the premises, nature of improvements and costs
69 thereof which constitute the cumulative investments by which a
70 licensee has recaptured profits pursuant to section 147; and

71 (7) All information and data submitted to the commission re-
72 lating to the licensee's annual revenues and expenditures, including
73 annual audits.

74 Nothing in this subsection shall be construed to limit access by
75 the public to those forms and documents required to be filed pur-
76 suant to Article 11 of this act.

1 8. Section 79 of P. L. 1977, c. 110 (C. 5:12-79) is amended to
2 read as follows:

3 79. Inspection, Seizure, and Warrants. a. The division and its
4 employees and agents, upon approval of the director, shall have the
5 authority, without notice and without warrant:

6 (1) To inspect and examine all premises wherein casino gaming
7 is conducted; or gaming devices or equipment are manufactured,
8 sold, distributed, or serviced; or wherein any records of such
9 activities are prepared or maintained;

10 (2) To inspect all equipment and supplies in, about, upon or
11 around such premises;

12 (3) To seize summarily and remove from such premises and
13 impound any such equipment or supplies for the purposes of
14 examination and inspection;

15 (4) To inspect, examine and audit all books, records, and docu-
16 ments pertaining to a casino licensee's operation;

17 (5) To seize, impound or assume physical control of any book,
18 record, ledger, game, device, cash box and its contents, counting
19 room or its equipment, or casino operations; and

20 (6) To inspect the person, and personal effects present in a ca-
21 sino facility licensed under this act, of any holder of a license *or*
22 *registration* issued pursuant to this act while that person is present
23 in a licensed casino facility.

24 b. The provisions of subsection a. of this section shall in no way
25 be deemed to limit warrantless inspections except in accordance
26 with constitutional requirements.

27 c. To effectuate further the purposes of this act, the division and
28 its employees and agents may obtain administrative warrants for
29 the inspection and seizure of any property possessed, controlled,
30 bailed or otherwise held by any applicant, licensee, registrant,
31 intermediary company, or holding company.

32 d. Issuance and execution of warrants for administrative inspec-
33 tion shall be in accordance with the following:

34 (1) Any judge of a court having jurisdiction in the municipality
35 where the inspection or seizure is to be conducted may, upon
36 proper oath or affirmation showing probable cause, issue warrants
37 for the purpose of conducting administrative inspections authorized
38 by this act or regulations thereunder and seizures of property
39 appropriate to such inspections. For the purposes of this section,
40 "probable cause" means a valid public interest in the effective

41 enforcement of the act or regulations sufficient to justify adminis-
42 trative inspection of the area, premises, building or conveyance in
43 the circumstances specified in the application for the warrant.

44 (2) A warrant shall issue only upon an affidavit of a person duly
45 designated and having knowledge of the facts alleged, sworn to
46 before the judge and establishing the grounds for issuing the
47 warrant. If the judge is satisfied that grounds for the application
48 exist or that there is probable cause to believe they exist, he shall
49 issue a warrant identifying the area, premises, building, or convey-
50 ance to be inspected; the purpose of such inspection; and, where
51 appropriate, the type of property to be inspected, if any. The
52 warrant shall identify the item or types of property to be seized,
53 if any. The warrant shall be directed to a person authorized to
54 execute it. The warrant shall state the grounds for its issuance
55 and the name of the person or persons whose affidavit has been
56 taken in support thereof. It shall command the person to whom
57 it is directed to inspect the area, premises, building, or conveyance
58 identified for the purpose specified, and where appropriate, shall
59 direct the seizure of the property specified. The warrant shall
60 direct that it be served during normal business hours of the
61 licensee. It shall designate the judge to whom it shall be returned.

62 (3) A warrant issued pursuant to this section must be executed
63 and returned within 10 days of its date. If property is seized
64 pursuant to a warrant, the person executing the warrant shall give
65 to the person from whom or from whose premises the property
66 was taken a copy of the warrant and a receipt for the property
67 taken or shall leave the copy and receipt at the place from which
68 the property was taken. The return of the warrant shall be made
69 promptly and shall be accompanied by a written inventory of
70 any property taken. The inventory shall be made in the presence
71 of the person executing the warrant and of the person from whose
72 possession or premises the property was taken, if they are
73 present, or in the presence of at least one credible person other
74 than the person executing the warrant. The clerk of the court,
75 upon request, shall deliver a copy of the inventory to the person
76 from whom or from whose premises the property was taken and
77 to the applicant for the warrant.

78 (4) The judge who has issued a warrant under this section shall
79 attach to the warrant a copy of the return and all papers filed in
80 connection therewith and shall cause them to be filed with the
81 court which issued such warrant.

82 e. The division is authorized to make administrative inspections
83 to check for compliance by any applicant, licensee, registrant,

84 intermediary company or holding company with the provisions of
85 this act or regulations promulgated thereunder, and to investigate
86 any violations thereof.

87 f. This section shall not be construed to prevent entries and
88 administrative inspections, including seizures of property, without
89 a warrant:

90 (1) With the consent of the owner, operator or agent in charge
91 of the controlled premises;

92 (2) In situations presenting imminent danger to health or safety;

93 (3) In situations involving inspection of conveyances where there
94 is reasonable cause to believe that the mobility of the conveyance
95 makes it impractical to obtain a warrant or in any other excep-
96 tional or emergency circumstance where time or opportunity to
97 apply for a warrant is lacking;

98 (4) In accordance with the provisions of this act; or

99 (5) In all other situations where a warrant is not constitu-
100 tionally required.

1 9. Section 80 of P. L. 1977, c. 110 (C. 5:12-80) is amended to
2 read as follows:

3 80. General Provisions. a. It shall be the affirmative responsi-
4 bility of each applicant and licensee to establish by clear and
5 convincing evidence his individual qualifications, and for a casino
6 license the qualifications of each person who is required to be
7 qualified under this act as well as the qualifications of the facility
8 in which the casino is to be located.

9 b. Any applicant, licensee, *registrant*, or any other person who
10 must be qualified pursuant to this act shall provide all information
11 required by this act and satisfy all requests for information per-
12 taining to qualification and in the form specified by the commission.
13 All applicants, *registrants*, and licensees shall waive liability as
14 to the State of New Jersey, and its instrumentalities and agents,
15 for any damages resulting from any disclosure or publication in
16 any manner, other than a willfully unlawful disclosure or publi-
17 cation, of any material or information acquired during inquiries,
18 investigations or hearings.

19 c. All applicants, licensees, registrants, intermediary companies,
20 and holding companies shall consent to inspections, searches and
21 seizures and the supplying of handwriting exemplars as authorized
22 by this act and regulations promulgated hereunder.

23 d. All applicants, licensees, registrants, and any other person
24 who shall be qualified pursuant to this act shall have the continuing
25 duty to provide any assistance or information required by the
26 commission or division, and to cooperate in any inquiry or investi-

27 gation conducted by the division and any inquiry, investigation, or
 28 hearing conducted by the commission. If, upon issuance of a
 29 formal request to answer or produce information, evidence or
 30 testimony, any applicant, licensee, registrant, or any other person
 31 who shall be qualified pursuant to this act refuses to comply, the
 32 application, license, registration or qualification of such person
 33 may be denied or revoked by the commission.

34 e. No applicant or licensee shall give or provide, offer to give or
 35 provide, directly or indirectly, any compensation or reward or any
 36 percentage or share of the money or property played or received
 37 through gaming activities, except as authorized by this act, in
 38 consideration for obtaining any license, authorization, permission
 39 or privilege to participate in any way in gaming operations.

40 f. Each applicant or person who must be qualified under this
 41 act shall be photographed and fingerprinted for identification and
 42 investigation purposes in accordance with procedures established
 43 by the commission.

44 g. All licensees, all registrants, all persons required to be quali-
 45 fied under this act, and all persons employed by a casino service
 46 industry licensed pursuant to this act, shall have a duty to inform
 47 the commission or division of any action which they believe would
 48 constitute a violation of this act. No person who so informs the
 49 commission or the division shall be discriminated against by an
 50 applicant, licensee or registrant because of the supplying of such
 51 information.*

1 ***10. 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
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 this
94 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 *January 31, 1982*; provided, how-**
114 **ever, that temporary licenses issued pursuant to this subsection**
115 **may be continued and renewed subsequent to the expiration of this**
116 **subsection as if such expiration had not occurred.】**

1 11. 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
7 the issuance of any such license, produce sufficient information,
8 documentation and assurances to meet the qualification criteria,
9 including New Jersey residency, contained in subsection b. of
10 section 89 of this act and any additional residency requirement
11 imposed under subsection c. of this section; except that the
12 standards for business ability and casino experience may be satis-
13 fied by a showing of casino job experience and knowledge of the
14 provisions of this act and regulations pertaining to the particular
15 position involved, or by successful completion of a course of study
16 at a licensed school in 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. Unless
 41 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 *January 31, 1982*; provided, however,
 51 that temporary licenses issued pursuant to this subsection may be
 52 continued and renewed subsequent to the expiration of this sub-
 53 section as if such expiration had not occurred.]

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

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

1 ***[1.]*** *****[*10.*]***** ***12.*** Section 91 of P. L. 1977, c. 110
 2 (C. 5:12-91) is amended to read as follows:

3 91. *Registration of Casino Hotel* **[Employee Licenses]** *Em-*
 4 *ployees.* a. No person may commence employment as a casino hotel
 5 employee unless he **[is the holder of a valid casino hotel employee**
 6 **license or temporary casino hotel employee license issued pursuant**
 7 **to the provisions of this section]** *has been registered with the com-*
 8 *mission, which registration shall be in accordance with subsection f.*
 9 *of this section.*

10 b. Any applicant for **[a]** casino hotel employee **[license must,**
 11 **prior to the issuance of any such license,]** *registration shall produce*
 12 **[sufficient information, documentation and assurances to meet the**
 13 **qualification criteria, including New Jersey residency, contained in**
 14 **subsections b. (1), b. (2) and b. (4) of section 89 of this act and any**
 15 **additional residency requirement imposed under subsection c. of**
 16 **this section. No casino hotel employee license shall be issued to**
 17 **any person disqualified on the basis of the criteria contained in**
 18 **section 86 of this act]** *such information as the commission may*
 19 *require. Subsequent to the registration of a casino hotel employee,*
 20 *the commission may revoke, suspend, limit, or otherwise restrict*
 21 *the registration upon a finding that the registrant is disqualified*
 22 *on the basis of *the* criteria contained in ***[subsections b. through***
 23 *h. of]* section 86 of P. L. 1977, c. 110 (C. 5:12-86***[b. through***
 23A *86h.]*).*

24 c. The commission may, by regulation, require that all applicants
 25 for casino hotel employee **[licenses]** *registration* be residents of
 26 this State for a period not to exceed 3 months immediately prior to
 27 **[the issuance of]** such **[license]** *registration*, but application may
 28 be made prior to the expiration of the required period of residency.
 29 The commission shall waive the required residency period for an
 30 applicant upon a showing that the residency period would cause
 31 undue hardship upon the casino licensee which intends to employ
 32 said applicant, or upon a showing of other good cause.

33 d. Notwithstanding the provisions of subsection b. of this section
 34 no **[applicant shall be denied a casino hotel employee license]**
 35 **casino hotel employee* registration shall be revoked* on the basis
 36 of a conviction of any of the offenses enumerated in this act as
 37 disqualification criteria, provided that the **[applicant]** *registrant*
 38 has affirmatively demonstrated his rehabilitation. In determining
 39 whether the **[applicant]** *registrant* has affirmatively demonstrated
 40 his rehabilitation the commission shall consider the following fac-
 40A tors:

41 (1) The nature and duties of the *registrant's* position **[applied**
 42 **for];**

- 43 (2) The nature and seriousness of the offenses;
 44 (3) The circumstances under which the offense occurred;
 45 (4) The date of the offense;
 46 (5) The age of the **[applicant]** *registrant* when the offense was
 47 committed;
 48 (6) Whether the offense was an isolated or repeated incident;
 49 (7) Any social conditions which may have contributed to the
 50 offense;
 51 (8) Any evidence of rehabilitation, including good conduct in
 52 prison or in the community, counseling or psychiatric treatment
 53 received, acquisition of additional academic or vocational school-
 54 ing, successful participation in correctional work-release programs,
 55 or the recommendation of persons who have or have had the ***[ap-**
 56 **licant]*** **registrant** under their supervision.

57 e. The commission may waive any disqualification criterion for
 58 a casino hotel employee consistent with the public policy of this
 59 act and upon a finding that the interests of justice so require.

60 f. Upon petition by the holder of a casino license or temporary
 61 casino permit, ***[a]*** **[temporary]** ***[potential]*** casino hotel em-
 62 ployee **[license]** **registration** shall be **[issued to each applicant**
 63 **for a casino hotel employee license named therein]** **granted to*
 64 *each applicant for casino hotel employee registration named*
 65 *therein** ****[registered]****, provided that the petition certifies that
 66 each **[such applicant has filed a completed application for a casino**
 67 **hotel employee license as]** ***[potential employee has provided the**
 68 **information]*** **such applicant has filed a completed application for*
 69 *casino hotel employee registration as** required by the commission.
 69A **[A temporary casino hotel employee license shall be subject to**
 69B **revocation by the commission at any time in accordance with the**
 69C **provisions of this act.**

70 Unless otherwise terminated pursuant to this act, a temporary
 71 license issued pursuant to this subsection shall expire 1 year from
 72 the date of its issuance. **]**

73 **Any person who, on the effective date of this amendatory act,*
 74 *possesses a current and valid temporary or plenary casino hotel*
 75 *employee license***, or has a completed application for such
 76 *licensure pending before the commission,** shall be considered*
 77 *registered in accordance with the provisions of this section.**

1 *****13.** 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 *January 31, 1982*; provided,
43 however, that temporary licenses issued pursuant to this sub-
44 section may be continued and renewed subsequent to the expiration
45 of the temporary licensing provisions of this subsection as if such
46 expiration had not occurred.]

47 c. All casino service industries not included in subsection a. of
48 this section shall be licensed in accordance with rules of the com-
49 mission prior to commencement or continuation of any business

50 with a casino license or its agents. Such casino service industries,
 51 whether or not directly related to gaming operations, shall include
 52 suppliers of alcoholic beverages, food and nonalcoholic beverages;
 53 garbage handlers; vending machine providers; linen suppliers;
 54 maintenance companies; shopkeepers located within the approved
 55 hotel; and limousine services contracting with casino licensees. The
 56 commission may exempt any person or field of commerce from the
 57 licensing requirements of this subsection if the person or field
 58 of commerce demonstrates (1) that it is regulated by a public
 59 agency or that it will provide goods or services in insubstantial
 60 or insignificant amounts or quantities, and (2) that licensing is
 61 not deemed necessary in order to protect the public interest or to
 62 accomplish the policies established by this act. Upon granting an
 63 exemption or at any time thereafter, the commission may limit
 64 or place such restrictions thereupon as it may deem necessary in
 65 the public interest, and shall require the exempted person to co-
 66 operate with the commission and the division and, upon request, to
 67 provide information in the same manner as required of a casino
 68 service industry licensed pursuant to this subsection provided,
 69 however, that no exemption shall be granted unless the casino ser-
 70 vice industry complies with the requirements of sections 134 and
 71 135 of this act.

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

1 ***[2.]*** *****[*11.*]***** ***14.*** Section 93 of P. L. 1977, c. 110
 2 (C. 5:12-93) is amended to read as follows:

3 93. Registration of Labor Organizations. a. Each labor organi-
 4 zation, union or affiliate seeking to represent employees licensed
 5 or *registered* under this act and employed by a casino hotel or a
 6 casino licensee shall register with the commission annually, and
 7 shall disclose such information to the commission as the commission
 8 may require, including the names of all affiliated organizations,
 9 pension and welfare systems and all officers and agents of such
 10 organizations and systems; provided, however, that no labor
 11 organization, union, or affiliate shall be required to furnish such
 12 information to the extent such information is included in a report
 13 filed by any labor organization, union, or affiliate with the Secretary
 14 of Labor pursuant to 29 U. S. C. §§ 431 et seq. or 1001 et seq. if a
 15 copy of such report, or of the portion thereof containing such in-
 16 formation, is furnished to the commission pursuant to the aforesaid
 17 federal provisions. The commission may in its discretion exempt
 18 any labor organization, union, or affiliate from the registration

19 requirements of this subsection where the commission finds that
 20 such organization, union or affiliate is not the certified bargaining
 21 representative of any employee licensed *or registered* under this
 22 act, is not involved actively, directly or substantially in the control
 23 or direction of the representation of any such employee, and is not
 24 seeking to do so.

25 b. No labor organization, union or affiliate registered or re-
 26 quired to be registered pursuant to this section and representing
 27 or seeking to represent employees licensed *or registered* under this
 28 act may receive any dues from any employee licensed *or registered*
 29 under this act and employed by a casino licensee or its agent, or
 30 administer any pension or welfare funds, if any officer, agent, or
 31 principal employee of the labor organization, union or affiliate is
 32 disqualified in accordance with the criteria contained in section 86
 33 of this act. The commission may for the purposes of this subsection
 34 waive any disqualification criterion consistent with the public policy
 35 of this act and upon a finding that the interests of justice so require.

36 c. Neither a labor organization, union or affiliate nor its officers
 37 and agents not otherwise individually licensed *or registered* under
 38 this act and employed by a casino licensee may hold any financial
 39 interest whatsoever in the casino hotel or casino licensee whose
 40 employees they represent.

1 ***[3.]*** *****[*12.*]***** ***15.*** Section 94 of P. L. 1977, c. 110
 2 (C. 5:12-94) is amended to read as follows:

3 94. Approval and Denial of Registrations and Licenses Other
 4 Than Casino Licenses. a. Upon the filing of an application for any
 5 license or registration required by this act other than a casino
 6 license, and after submission of such supplemental information as
 7 the commission may require, the commission shall request the
 8 division to conduct such investigation into the qualification of the
 9 applicant, and the commission shall conduct such hearings con-
 10 cerning the qualification of the applicant in accordance with its
 11 regulations as may be necessary to determine qualification for such
 12 license or registration.

13 b. After such investigation, the commission may either deny
 14 the application or grant a license to or accept the registration of
 15 an applicant whom it determines to be qualified to hold such license
 16 or registration.

17 c. The commission shall have the authority to deny any applica-
 18 tion pursuant to the provisions of this act. When an application is
 19 denied, the commission shall prepare and file its order denying
 20 such application with the general reasons therefor, and if requested
 21 by the applicant, shall further prepare and file a statement of the
 22 reasons for the denial, including the specific findings of facts.

23 d. When the commission grants an application, the commission
 24 may limit or place such restrictions thereupon as it may deem
 25 necessary in the public interest. Licenses shall be granted and
 26 registrations approved for a term of 1 year; provided, however,
 27 that *all* casino employee licenses ~~for positions directly~~
 28 ~~related to gaming activity~~ and ~~for~~ gaming school resident
 29 director, instructor, principal employee and sales representative
 30 licenses ~~shall be granted for a term of 2 years;~~ ~~and provided~~
 31 ~~further~~ ~~that casino employee licenses for positions not directly~~
 32 ~~related to gaming activity~~, casino hotel employee licenses, and
 33 casino service industry licenses issued pursuant to subsection c. of
 34 section 92 of P. L. 1977, c. 110 (C. 5:12-92 c.) shall be granted for a
 35 term of 3 years; and that casino hotel employee registration shall
 36 remain in effect unless revoked, suspended, limited, or otherwise
 37 restricted by the commission in accordance with the provisions of
 38 P. L. 1977, c. 110 (C. 5:12-1 et seq.).

39 e. After an application is submitted to the commission, final
 40 action of the commission shall be taken within 90 days after com-
 41 pletion of all hearings and investigations and the receipt of all
 42 information required by the commission.

1 ~~4.~~ ~~13.~~ ~~16.~~ Section 106 of P. L. 1977, c. 110
 2 (C. 5:12-106) is amended to read as follows:

3 106. Work Permits. a. A casino licensee shall not appoint or
 4 employ any person *not registered* or not possessing a current and
 5 valid license permitting such appointment or employment. Prior
 6 to the effective date of such appointment or employment, the casino
 7 licensee shall apply for a work permit for such employee, which
 8 shall be granted by the commission if the employee is *registered*
 9 *or is* the holder of a current and valid license. The casino licensee
 10 shall return such work permit to the commission within 5 days of
 11 the termination or cessation of such appointment or employment for
 12 any cause whatsoever. Each work permit shall be renewed annually
 13 in accordance with rules and regulations promulgated by the com-
 14 mission.

15 b. A casino licensee shall, within 24 hours of receipt of written
 16 notice thereof, terminate the appointment or employment of any
 17 person whose license *or registration* has been revoked or has ex-
 18 pired. A casino licensee shall comply in all respects with any order
 19 of the commission imposing limitations or restrictions upon the
 20 terms of employment or appointment in the course of any investi-
 21 gation or hearing.

1 ~~14.~~ ~~17.~~ Section 108 of P. L. 1977, c. 110 (C.
 2 5:12-108) is amended to read as follows:

3 108. Proceedings Against Licensees. a. Any proceeding against
4 a licensee *or registrant* shall be brought on by written complaint,
5 which shall include a statement setting forth in ordinary and con-
6 cise language the charges and the acts or omissions supporting
7 such charges.

8 b. Upon filing of the complaint the commission shall serve a copy
9 upon the licensee *or registrant* either personally or by certified
10 mail to his address on file with the commission.

11 c. Within 15 days after service upon him of the complaint, the
12 licensee *or registrant* may file with the commission a notice of
13 defense, in which he may:

- 14 (1) Request a hearing;
- 15 (2) Admit the accusation in whole or in part;
- 16 (3) Present new matters or explanations by way of defense; or
- 17 (4) State any legal objections to the complaint.

18 Within the time specified, the licensee *or registrant* may file one
19 or more notices of defense upon any or all of the above grounds.

20 d. The licensee *or registrant* shall be entitled to a hearing on
21 the merits if he files the required notice of defense within the time
22 allowed by subsection c. of this section, and any such notice shall
23 be deemed a specific denial of all parts of the complaint not ex-
24 pressly admitted. Failure to timely file the required notice of de-
25 fense or to appear at the hearing shall constitute an admission of
26 all matters and facts contained in the complaint and a waiver of
27 the licensee's *or registrant's* rights to a hearing, but the commis-
28 sion, in its discretion, may nevertheless order a hearing. All
29 affirmative defenses shall be specifically stated, and unless objec-
30 tion is taken as provided in paragraph (4) of subsection c. of this
31 section, all objections to the form of the complaint shall be deemed
32 waived.

33 e. The commission shall determine the time and place of the
34 hearing as soon as is reasonably practical after receiving the
35 licensee's *or registrant's* notice of defense. The commission shall
36 deliver or send by certified mail a notice to all parties at least 10
37 days prior to the hearing. Unless the licensee *or registrant* con-
38 sents, the hearing shall not be held prior to the expiration time
39 within which the licensee *or registrant* is entitled to file the notice
40 of defense.

41 f. Prior to a hearing before the commission, and during a hear-
42 ing upon reasonable cause shown, the commission shall issue sub-
43 penas and subpenas duces tecum at the request of a licensee, *a*
44 *registrant*, or the division.

1 ***[15.]*** ***18.*** Section 109 of P. L. 1977, c. 110 (C.
2 5:12-109) is amended to read as follows:

3 109. Emergency Orders. Notwithstanding any provisions of this
4 article, the commission may issue an emergency order for the
5 suspension, limitation or conditioning of any operation certificate
6 or any license, other than a casino license, *or any registration*, or
7 may issue an emergency order requiring the licensed casino to
8 keep an individual from the premises of such licensed casino or
9 not to pay such individual any remuneration for services or any
10 profits, income or accruals on his investment in such casino, in the
11 following manner:

12 a. An emergency order shall be issued only when the commis-
13 sion finds that:

14 (1) There has been charged a violation of any of the criminal
15 laws of this State by a licensee *or registrant*, or

16 (2) Such action is necessary to prevent a violation of any such
17 provision, or

18 (3) Such action is necessary immediately for the preservation
19 of the public peace, health, safety, morals, good order and general
20 welfare or to preserve the public policies declared by this act.

21 b. An emergency order shall set forth the grounds upon which
22 it is issued, including the statement of facts constituting the alleged
23 emergency necessitating such action.

24 c. The emergency order shall be effective immediately upon
25 issuance and service upon the licensee, *registrant*, or resident agent
26 of the licensee. The emergency order may suspend, limit, condi-
27 tion or take other action in relation to the approval of one or more
28 individuals who were required to be approved in any operation,
29 without necessarily affecting any other individuals or the licensed
30 casino establishment. The emergency order shall remain effective
31 until further order of the commission or final disposition of the
32 case.

33 d. Within 5 days after issuance of an emergency order, the
34 commission shall cause a complaint to be filed and served upon
35 the person or entity involved in accordance with the provisions
36 of this act.

37 e. Thereafter, the person or entity against whom the emergency
38 order has been issued and served shall be entitled to a hearing
39 before the commission in accordance with the provisions of this act.

1 ***[16.]*** ***19.*** Section 117 of P. L. 1977, c. 110 (C.
2 5:12-117) is amended to read as follows:

3 117. Employment Without License **[and]**, *Registration, or Work*
4 *Permit; Penalty.*

5 a. Any person who, without obtaining the requisite license or
6 registration as provided in this act, works or is employed in a
7 position whose duties would require licensing or registration under
8 the provisions of this act is guilty of a misdemeanor and subject
9 to not more than 3 years imprisonment or a fine of \$10,000.00 or
10 both, and in the case of a person other than a natural person, to
11 a fine of not more than \$50,000.00.

12 b. Any person who employs or continues to employ an individual
13 not duly licensed or registered under the provisions of this act in
14 a position whose duties require a license or registration under the
15 provisions of this act is guilty of a misdemeanor and subject to
16 not more than 3 years imprisonment or a fine of \$10,000.00 or both,
17 and in the case of a person other than a natural person, to a fine
18 of not more than \$50,000.00.

19 c. Any person who employs an individual without obtaining a
20 work permit or does not return such permit as required by this
21 act, is guilty of a misdemeanor and subject to a fine of not more
22 than \$10,000.00, and in the case of a person other than a natural
23 person, to a fine of not more than \$50,000.00.

24 d. Any person violating the provisions of subsection 101 e. of
25 this act shall be guilty of a misdemeanor, and shall be subject to
26 imprisonment for not more than 7 years or a fine of not more than
27 \$25,000.00, or both. Any licensee permitting or allowing such a
28 violation shall also be punishable under this subsection, in addition
29 to any other sanctions the commission may impose.*

1 ***[5.]*** *****[*17.*]***** ***20.*** Section 129 of P. L. 1977, c. 110
2 (C. 5:12-129) is amended to read as follows:

3 129. Supplemental Sanctions. In addition to any penalty, fine
4 or term of imprisonment authorized by law, the commission shall,
5 after appropriate hearings and factual determinations, have the
6 authority to impose the following sanctions upon any person
7 licensed or registered pursuant to this act:

8 (1) Revoke the license or registration of any person for the con-
9 viction of any criminal offense under this act or for the commission
10 of any other offense or violation of this act which would disqualify
11 such person from holding his license or registration;

12 (2) Revoke the license or registration of any person for willfully
13 and knowingly violating an order of the commission directed to such
14 person;

15 (3) Suspend the license or registration of any person pending
16 hearing and determination, in any case in which license or registra-
17 tion revocation could result;

18 (4) Suspend the operation certificate of any casino for violation
19 of any provisions of this act or regulations promulgated hereunder

20 related to the casino operation, including games, internal and
21 accountancy controls and security;

22 (5) Assess such civil penalties as may be necessary to punish
23 misconduct and to deter future violations, which penalties may not
24 exceed \$10,000.00 in the case of any individual licensee *or registrant*,
25 except that in the case of a casino licensee the penalty may not
26 exceed \$50,000.00;

27 (6) Order restitution of any moneys or property unlawfully
28 obtained or retained by a licensee *or registrant*;

29 (7) Enter a cease and desist order which specifies the conduct
30 which is to be discontinued, altered or implemented by the licensee
31 *or registrant*;

32 (8) Issue letters of reprimand or censure, which letters shall be
33 made a permanent part of the file of each licensee *or registrant* so
34 sanctioned; or

35 (9) Impose any or all of the foregoing sanctions in combination
36 with each other.

1 ***[6.]*** *****[*18.*]***** *****21.***** Section 130 of P. L. 1977, c. 110
2 (C. 5:12-130) is amended to read as follows:

3 130. Imposition of Sanctions—Standards. In considering appro-
4 priate sanctions in a particular case, the commission shall consider:

5 a. The risk to the public and to the integrity of gaming operations
6 created by the conduct of the licensee *or registrant*;

7 b. The seriousness of the conduct of the licensee *or registrant*, and
8 whether the conduct was purposeful and with knowledge that it was
9 in contravention of the provisions of this act or regulations pro-
10 mulgated hereunder;

11 c. Any justification or excuse for such conduct by the licensee *or*
12 *registrant*;

13 d. The prior history of the particular licensee *or registrant* in-
14 volved with respect to gaming activity;

15 e. The corrective action taken by the licensee *or registrant* to
16 prevent future misconduct of a like nature from occurring; and

17 f. In the case of a monetary penalty, the amount of the penalty
18 in relation to the severity of the misconduct and the financial means
19 of the licensee *or registrant*. The commission may impose any
20 schedule or terms of payment of such penalty as it may deem
21 appropriate.

22 g. It shall be no defense to a disciplinary action before the com-
23 mission that an applicant, licensee, registrant, intermediary
24 company, or holding company inadvertently, unintentionally, or
25 unknowingly violated a provision of this act. Such factors shall
26 only go to the degree of the penalty to be imposed by the commis-
27 sion, and not to a finding of a violation itself.

1 ***[7.]*** *****[*19.*]***** *****22.***** Section 141 of P. L. 1977, c. 110
2 (C. 5:12-141) is amended to read as follows:

3 141. **[License]** Fees for Other Than Casino Licenses. The com-
4 mission shall, by regulation, establish annual fees for the issuance
5 and renewal of *registrations and* licenses other than casino licenses,
6 which fees shall be payable by the licensee *or the registrant*.

1 ***[8.]*** *****[*20.*]***** *****23.***** This act shall take effect ****[im-**
2 **mediately]**** ****immediately, except that sections 1 through 9,*
3 *section 12, and sections 14 through 22 shall take effect**** ***Febru-*
4 *ary 15, 1982***.

1 7. Section 141 of P. L. 1977, c. 110 (C. 5:12-141) is amended to
2 read as follows:

3 141. **[License] Fees for Other Than Casino Licenses.** The com-
4 mission shall, by regulation, establish annual fees for the issuance
5 and renewal of *registrations and* licenses other than casino licenses,
6 which fees shall be payable by the licensee *or the registrant*.

1 8. This act shall take effect immediately.

STATEMENT

This bill eliminates the requirement that a casino hotel employee must be licensed for employment in a casino hotel and replaces it with a requirement that such an employee must simply register with the commission in order to hold such employment.

§ 5:12-141

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

STATEMENT TO
SENATE, No. 3330

[OFFICIAL COPY REPRINT]
with Assembly committee amendments

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STATE OF NEW JERSEY

DATED: NOVEMBER 23, 1981

This bill eliminates the requirement that a casino hotel employee must be licensed for employment in a casino hotel and replaces it with a requirement that such an employee must simply register with the commission in order to hold such employment.

The bill provides that, subsequent to the registration of a casino hotel employee, the commission may revoke, suspend, or limit the registration if it is found that the registrant is disqualified pursuant to the provisions of the "Casino Control Act."

Registration is automatically extended to those persons who, on the effective date of the act, have a valid temporary or plenary casino hotel employee license or who have a completed application for such a license pending before the Casino Control Commission.

(The category of "Casino Hotel Employee" includes those bartenders, waiters and waitresses, maintenance staff and kitchen staff at a casino hotel whose employment duties do not require or authorize access to a casino.)

In addition to the above, the bill eliminates the two-year licenses for gaming-related casino employees and for gaming school instructors and establishes three-year licenses for those persons, thus conforming their period of licensure to that of non-gaming-related casino employees. This change addresses present administrative difficulties confronting the commission and the Division of Gaming Enforcement because of the different periods of licensure.

This act will take effect February 15, 1982.

The Casino Control Commission and the Division of Gaming Enforcement support this bill.

COMMITTEE AMENDMENTS

The committee amended the bill to:

1. Grant casino hotel employee registration to all persons who have a completed application for a casino hotel employee license pending

before the Casino Control Commission on the effective date of the act;

2. Eliminate two-year licenses for gaming-related casino employees and for gaming school instructors and establish three-year licenses for those persons; and

3. Change the effective date from immediately to February 15, 1982 in order to give the commission and the division sufficient time to make the transition to casino hotel employee registration and to three-year licensure for all casino employees.

the commission and the division and, upon request, to provide information in the same manner as required of a casino service industry licensed pursuant to this subsection provided, however, that no exemption shall be granted unless the casino service industry complies with the requirements of sections 134 and 135 of this act.

d. Licensure pursuant to subsection c. of this section of any casino service industry may be denied to any applicant disqualified in accordance with the criteria contained in section 86 of this act.”.

Amend pages 15-22, sections 11-20, renumber sections 11 through 20, as 14 through 23.

Amend page 22, section 20, line 1, after “**[immediately]**”, insert “immediately, except that sections 1 through 9, section 12, and sections 14 through 22 shall take effect”.

STATEMENT

Pursuant to P. L. 1981, c. 195, the authority of the Casino Control Commission to issue temporary licenses to casino key employees, non-gaming related casino employees, and gaming instructors will expire on January 31, 1982. This bill eliminates that expiration date and thus grants permanent authority to the commission to issue such temporary licenses.

adopted 1-4-82

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

STATEMENT TO
SENATE, No. 3330
with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 25, 1981

This bill eliminates the requirement that a casino hotel employee must be licensed for employment in a casino hotel and replaces it with a requirement that such an employee must simply register with the commission in order to hold such employment.

The bill provides that, subsequent to the registration of a casino hotel employee, the commission may revoke, suspend or limit the registration if it is found that the registrant is disqualified pursuant to the provisions of the "Casino Control Act."

The category of "Casino Hotel Employee" includes those bartenders, waiters and waitresses, maintenance staff and kitchen staff employed by a casino hotel but whose employment duties do not require or authorize access to a casino.

COMMITTEE AMENDMENTS

The committee made technical amendments and also amended the bill to incorporate the language concerning casino hotel employee registration requirements in the appropriate sections of the "Casino Control Act."

1-13

S-650, sponsored by Senator Anthony Russo (D-Union), permitting members of the Public Employees' Retirement System (PERS), the Teachers Pension and Annuity Fund (TPAF), and the Police and Firemen's Retirement System to purchase credit for previous membership service earned in any other retirement system or pension fund administered by the State of New Jersey.

S-1437, sponsored by Senator Wynona Lipman (D-Essex), extending the definition of the unclassified section of the civil service to the positions of assistant executive director, director of staff operations, director of administration, director of redevelopment and the urban initiatives coordinator of any local housing authority.

S-3556, sponsored by Senator Joseph Merlino (D-Mercer), eliminating the requirement that proposed construction on State-owned facilities by the the New Jersey Building Authority be prefaced by a public hearing, as long as the facility will continue to be used for a purpose similar to its original purpose.

The bill is primarily intended to expedite renovation projects on the State House.

S-3330, sponsored by Senator Steven P. Perskie (D-Atlantic), eliminating the requirement that casino hotel employees be licensed before starting work. Instead, an employee may begin work as soon as he is registered with the Casino Control Commission. Registration is automatically given to employees who hold a temporary license or who have applied for a license. The provision extends to bartenders, waiters, maintenance and kitchen staff.

In addition, the bill eliminates the two-year licenses for gaming-related casino employees and for gaming school instructors, changing the license period to three years.

S-3120; also sponsored by Senator Feldman, permitting municipal and county utility authorities to appoint managerial personnel, technical advisors and experts, and professional employees without regard to civil service laws. The appointments are for terms not to exceed five years. General counsels and consulting engineers are excluded from the act.

S-3010, also by Senator Feldman and called the County Library Reorganization Law, establishes a county library study commission to evaluate the system and make recommendations to be approved by the voters.