

5. 12-52

LEGISLATIVE HISTORY CHECKLIST

(Casino Control Act--amend Commission restructuring--add certain employment restrictions)

NJSA 5:12-52; 5:12-102; 5:12-117.1

LAWS 1980

CHAPTER 159

Bill No. S1370

Sponsor(s) Merlino

Date Introduced June 23, 1980

Committee: Assembly -----

Senate -----

Amended during passage Yes

~~No~~ Substituted for A1898 (attached). Amendments during passage denoted by asterisks

Date of Passage: Assembly Sept. 29, 1980

Senate July 28, 1980

Date of approval Dec. 1, 1980

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Also attached: Assembly amendments adopted 9-29-80 (with statement)

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~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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12-1-80

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SENATE, No. 1370

STATE OF NEW JERSEY

INTRODUCED JUNE 23, 1980

By Senator MERLINO

(Without Reference)

AN ACT concerning the regulation and control of casinos and amending **P. L. 1977, c. 110,* P. L. 1980, c. 28 and P. L. *1980*, c. *69* *[(now awaiting action by the Governor as Senate Bill No. 1069)]**.

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

1 *1. Section 102 of P. L. 1977, c. 110 (C. 5:12-102) is amended to
2 read as follows:

3 102. Junkets and Complimentary Services. a. No junkets may
4 be organized or permitted except in accordance with the provisions
5 of this act. No person may act as a junket representative except
6 in accordance with this section. For purposes of this section, the
7 term "junket representative" shall mean any person who is re-
8 sponsible for or directly engaged in the creation, organization, or
9 operation of a junket, regardless of whether or not such junket is
10 engaged in or organized within the State of New Jersey.

11 b. A junket representative shall be licensed as a casino key em-
12 ployee in accordance with the provisions of this act; provided,
13 however, that said licensee need not be a resident of this State.
14 No casino licensee may employ or otherwise engage a junket rep-
15 resentative who is not so licensed.

16 c. A casino licensee shall be responsible for the conduct of any
17 junket representative associated with it and for the terms and
18 conditions of any junket engaged in on its premises, regardless of
19 the employment status of any junket representative associated
20 therewith.

21 d. Each casino licensee shall either:

22 (1) Submit to the commission, in accordance with its rules, a
23 report in advance of any junket which shall include the names of

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 the participants, the terms of the junket, the origin and dates of
25 the junket, and such other information as may be required by the
26 commission, including, without limitation, acknowledgments by the
27 participants that they understand the terms of the particular
28 junket; or

29 (2) Submit to the commission, in accordance with its rules,
30 proposals for junkets, which proposals may be approved by the
31 commission for continued use upon the condition that no material
32 aspect of any proposal will be changed except as to participants
33 and that quarterly reports regarding such junkets shall be sub-
34 mitted to the commission, including such information as it may
35 require.

36 e. A casino licensee shall be responsible for any violation or
37 deviation from the terms of a junket. Notwithstanding any other
38 provisions of this act, the commission may, after hearings in ac-
39 cordance with this act, order restitution to junket participants,
40 assess penalties for such violations or deviations, prohibit future
41 junkets by the casino licensee or junket representatives, and order
42 such further relief as it deems appropriate.

43 f. Each casino licensee shall maintain a regulated complimentary
44 service account and shall submit a quarterly report to the commis-
45 sion based upon such account and covering all complimentary
46 services offered or engaged in by the licensee during the immedi-
47 ately preceding quarter. Such reports shall include identification
48 of the regulated complimentary services and their respective costs,
49 the number of persons by category of service who received same,
50 and such other information as the commission may require.

51 g. [(1) For the purpose of this subsection "person" means State
52 officers or employees subject to disclosure by law or executive order;
53 special State officers and employees; the Governor; any member
54 of the Legislature or Judiciary; any member of the governing body,
55 or the municipal attorney of a municipality wherein a casino is
56 located; any member of or attorney for the planning board or zon-
57 ing board of adjustment of a municipality wherein a casino is
58 located, or any professional planner regularly employed by such
59 planning board or zoning board of adjustment.]

60 *As used in this subsection "person" means any State officer or*
61 *employee subject to financial disclosure by law or executive order*
62 *and any other State officer or employee with responsibility for*
63 *matters affecting gambling; any special State officer or employee*
64 *with responsibility for matters affecting gambling; the Governor;*
65 *any member of the Legislature or full time member of the Judici-*
66 *ary; any full-time professional employee of the Office of the*

67 Governor, the Administrative Office of the Courts, or the Legisla-
 68 ture; the head of a principal department; the assistant or deputy
 69 heads of a principal department, including all assistant and deputy
 70 commissioners; the head of any division of a principal department;
 71 any member of the governing body, or the municipal judge or the
 72 municipal attorney of a municipality wherein a casino is located;
 73 any member of or attorney for the planning board or zoning board
 74 of adjustment of a municipality wherein a casino is located, or any
 75 professional planner or consultant regularly employed or retained
 76 by such planning board or zoning board of adjustment.

77 (2) No casino *applicant* or licensee shall provide directly or in-
 78 directly to any person [as defined in this subsection], any compli-
 79 mentary service or discount which is other than such service or
 80 discount that is offered to *members of the general public in like*
 81 *circumstance.**

1 ***[1.]*** *2.* Section 10 of P. L. 1980, c. 28 is amended to read as
 1A follows:

2 10. This act shall take effect immediately, but shall remain in-
 3 operative until [Senate No. 1068 and Senate No. 1069 are] ***[As-**
 4 *sembly Bill No. 1897 or]** *Senate Bill No. 1369, now pending in the*
 5 *Legislature, is enacted into law.*

1 ***[2.]*** *3.* Section 5 of P. L. *1980*, c. *69* (C. *5:12-117.1*)
 2 ***[**(now awaiting action by the Governor as Senate Bill No. 1069)**]***
 3 is amended to read as follows:

4 5. a. No applicant or person or organization licensed by or regis-
 5 tered with the commission shall employ or offer to employ any
 6 person who is prohibited from accepting employment from a
 7 licensee or applicant or any holding or intermediary company
 8 under subsection b. of section 5 of P. L. 1971, c. 182 (C. 52:13D-16)
 9 or section **[2]** 3 of P. L. . . . , c. . . . (now pending before the
 10 Legislature as Senate Bill No. **[1068]** 1369 ***[and Assembly Bill No.**
 11 *1897]**).

12 b. An applicant or person or organization who violates the pro-
 13 visions of this section is [subject to a penalty of not less than
 14 \$5,000.00 nor more than \$10,000.00 to be collected in a summary
 15 proceeding under the "penalty enforcement law" (N. J. S. 2A:58-1
 16 et seq.)] *guilty of a crime of the fourth degree.*

1 ***[3.]*** *4.* This act shall take effect immediately.

STATEMENT

This bill makes P. L. 1980, c. 28, which restructures the Casino Control Commission, operative upon the enactment of Assembly Bill No. 1897 or Senate Bill No. 1369 rather than Senate Bill No. 1068 and Senate Bill No. 1069.

The bill also amends section 5 of P. L. . . . , c. . . . (now awaiting action by the Governor as Senate Bill No. 1069) to make a crime of the fourth degree the employment of or offering to employ any person prohibited from accepting employment from a casino licensee or applicant.

S 1370 (1980)

ASSEMBLY AMENDMENTS TO
SENATE, No. 1370

STATE OF NEW JERSEY

ADOPTED SEPTEMBER 29, 1980

Amend page 1, title, line 2, after "amending", insert "P. L. 1977, c. 110,"; after "and P. L.", insert "1980"; after ", c.", insert "69".

Amend page 1, title, lines 2-3, omit "(now awaiting action by the Governor as Senate Bill No. 1069)".

Amend page 1, enactment clause, after line 2, insert a new section 1 as follows:

"1. Section 102 of P. L. 1977, c. 110 (C. 5:12-102) is amended to read as follows:

102. Junkets and Complimentary Services. a. No junkets may be organized or permitted except in accordance with the provisions of this act. No person may act as a junket representative except in accordance with this section. For purposes of this section, the term "junket representative" shall mean any person who is responsible for or directly engaged in the creation, organization, or operation of a junket, regardless of whether or not such junket is engaged in or organized within the State of New Jersey.

b. A junket representative shall be licensed as a casino key employee in accordance with the provisions of this act; provided, however, that said licensee need not be a resident of this State. No casino licensee may employ or otherwise engage a junket representative who is not so licensed.

c. A casino licensee shall be responsible for the conduct of any junket representative associated with it and for the terms and conditions of any junket engaged in on its premises, regardless of the employment status of any junket representative associated therewith.

d. Each casino licensee shall either:

(1) Submit to the commission, in accordance with its rules, a report in advance of any junket which shall include the names of the participants, the terms of the junket, the origin and dates of the junket, and such other information as may be required by the commission, including, without limitation, acknowledgments by the participants that they understand the terms of the particular junket; or

(2) Submit to the commission, in accordance with its rules, proposals for junkets, which proposals may be approved by the commission for

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

continued use upon the condition that no material aspect of any proposal will be changed except as to participants and that quarterly reports regarding such junkets shall be submitted to the commission, including such information as it may require.

e. A casino licensee shall be responsible for any violation or deviation from the terms of a junket. Notwithstanding any other provisions of this act, the commission may, after hearings in accordance with this act, order restitution to junket participants, assess penalties for such violations or deviations, prohibit future junkets by the casino licensee or junket representatives, and order such further relief as it deems appropriate.

f. Each casino licensee shall maintain a regulated complimentary service account and shall submit a quarterly report to the commission based upon such account and covering all complimentary services offered or engaged in by the licensee during the immediately preceding quarter. Such reports shall include identification of the regulated complimentary services and their respective costs, the number of persons by category of service who received same, and such other information as the commission may require.

g. **[(1) For the purpose of this subsection "person" means State officers or employees subject to disclosure by law or executive order; special State officers and employees; the Governor; any member of the Legislature or Judiciary; any member of the governing body, or the municipal attorney of a municipality wherein a casino is located; any member of or attorney for the planning board or zoning board of adjustment of a municipality wherein a casino is located, or any professional planner regularly employed by such planning board or zoning board of adjustment.]**

As used in this subsection "person" means any State officer or employee subject to financial disclosure by law or executive order and any other State officer or employee with responsibility for matters affecting gambling; any special State officer or employee with responsibility for matters affecting gambling; the Governor; any member of the Legislature or full time member of the Judiciary; any full-time professional employee of the Office of the Governor, the Administrative Office of the Courts, or the Legislature; the head of a principal department; the assistant or deputy heads of a principal department, including all assistant and deputy commissioners; the head of any division of a principal department; any member of the governing body, or the municipal judge or the municipal attorney of a municipality wherein a casino is located; any member of or attorney for the planning board or zoning board of adjustment of a municipality wherein a casino is located, or any professional planner or consultant regularly employed or retained by such planning board or zoning board of adjustment.

(2) No casino *applicant or licensee* shall provide directly or indirectly to any person [as defined in this subsection], any complimentary service or discount which is other than such service or discount that is offered to *members of the general public in like circumstance.*”

Amend page 1, section 1, line 1, omit “1.”, insert “2.”

Amend page 1, section 1, lines 3-4, omit “Assembly Bill No. 1897 or”.

Amend page 1, section 2, line 1, omit “2.”, insert “3.”; after “P. L.”, insert “1980”; after “, c.”, insert “69”; after “(C.”, insert “5:12-117.1”.

Amend page 1, section 2, lines 1-2, omit “(now awaiting action by the Governor as Senate Bill No. 1069)”.

Amend page 1, section 2, lines 10-11, omit “and Assembly Bill No. 1897”.

Amend page 1, section 3, line 1, omit “3.”, insert “4.”

STATEMENT

Section 102 of the Casino Control Act (C. 5:12-102) was amended by P. L. 1980, c. 69 (S. 1069) to prohibit certain complimentary services or discounts by casinos to certain public officers or employees.

This amendment conforms the definition of those officers and employees to the definition proposed by S. 1369 and the amendments thereto with regard to post-employment restrictions on casino employment or interests for “persons” subject to the Conflicts of Interest Law.

The amendment also conforms the language of the prohibition on certain complimentary services or discounts in the Casino Control Act to the language in a similar provision proposed by S. 1369 for the Conflicts of Interest Law.

ASSEMBLY, No. 1898

STATE OF NEW JERSEY

INTRODUCED JUNE 23, 1980

By Assemblyman KARCHER

(Without Reference)

AN ACT concerning the regulation and control of casinos and amending P. L. 1980, c. 28 and P. L., c. (now awaiting action by the Governor as Senate Bill No. 1069).

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

1 1. Section 10 of P. L. 1980, c. 28 is amended to read as follows:

2 10. This act shall take effect immediately, but shall remain in-
3 operative until **[Senate No. 1068 and Senate No. 1069 are]** *Assem-*
4 *bly Bill No. 1897 or Senate Bill No. 1369, now pending in the Legis-*
5 *lature, is enacted into law.*

1 2. Section 5 of P. L., c. (C.) (now awaiting
2 action by the Governor as Senate Bill No. 1069) is amended to read
3 as follows:

4 5. a. No applicant or person or organization licensed by or regis-
5 tered with the commission shall employ or offer to employ any
6 person who is prohibited from accepting employment from a licensee
7 or applicant or any holding or intermediary company under sub-
8 section b. of section 5 of P. L. 1971, c. 182 (C. 52:13D-16) or section
9 **[2]** 3 of P. L., c. (now pending before the Legislature
10 as Senate Bill No. **[1068]** *1369 and Assembly Bill No. 1897).*

11 b. An applicant or person or organization who violates the pro-
12 visions of this section is **[subject to a penalty of not less than**
13 **\$5,000.00 nor more than \$10,000.00 to be collected in a summary**
14 **proceeding under the "penalty enforcement law" (N. J. S. 2A:58-1**
15 **et seq.)]** *guilty of a crime of the fourth degree.*

1 3. This act shall take effect immediately.

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

STATEMENT

This bill makes P. L. 1980, c. 28, which restructures the Casino Control Commission, operative upon the enactment of Assembly Bill No. 1897 or Senate Bill No. 1369 rather than Senate Bill No. 1068 and Senate Bill No. 1069.

The bill also amends section 5 of P. L. _____, c. _____ (now awaiting action by the Governor as Senate Bill No. 1069) to make a crime of the fourth degree the employment of or offering to employ any person prohibited from accepting employment from a casino licensee or applicant.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

DECEMBER 2, 1980

KATHRYN FORSYTH

Governor Brendan Byrne has signed the following bills.

S-1321, sponsored by Senator William V. Musto (D-Hudson) which supplements the Medical Service Corporation Act to provide that Blue Cross and Blue Shield and other non-commercial carriers cannot deny benefits to an eligible individual for eligible services because those services are provided by a chiropractor.

S-1370, sponsored by Senator Joseph P. Merlino (D-Mercer), which amends the section of the Casino Reform Package prohibiting any person licensed by or registered with the Casino Control Commission from offering or providing employment to those public officials prohibited from accepting same by the casino ethics law.

The bill changes the offense of offering employment from a civil offense with a penalty of \$5,000 to \$10,000 to a crime of the fourth degree which has a maximum penalty of \$7,500 and 18 months incarceration.

It also amends the definition of "person" to correspond with the definition under S-1369, with the Governor's recommendations.

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