

52:13D-16

LEGISLATIVE HISTORY CHECKLIST

NJSA 52:13D-16, 52:13D-17.1 (Casino involvement--State employees and officials--conflicts of interest)

LAWS 1980 CHAPTER 79

Bill No. S1068

Sponsor(s) Dwyer, Merlino and Parker

Date Introduced Feb. 21, 1980

Committee: Assembly

Senate State Govt., Federal & Interstate Relations & Veterans Affairs

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly May 19, 1980

Senate May 19, 1980

Date of <sup>filing</sup> ~~approval~~ July 29, 1980 Became law without Governor's approval

Following statements are attached if available:

Sponsor statement	<u>Yes</u>	<del>No</del> Also attached: Senate amendments adopted 5-19-80 (with statement)
Committee Statement: Assembly	<del>Yes</del>	No
Senate	<del>Yes</del>	No
Fiscal Note	<del>Yes</del>	No
Veto Message	<del>Yes</del>	No
Message on signing	<del>Yes</del>	No

Following were printed:

Reports	<del>Yes</del>	No
Hearings	<del>Yes</del>	No

79 80  
7-29-80

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1068

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 21, 1980

By Senators DWYER, MERLINO and PARKER

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

AN ACT to amend and supplement the "New Jersey Conflicts of  
Interest Law," approved June 2, 1971 (P. L. 1971, c. 182).

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

1 1. Section 5 of P. L. 1971, c. 182 (C. 52:13D-16) is amended to  
2 read as follows:

3 5. a. No special State officer or employee, nor any partnership,  
4 firm or corporation in which he has an interest, nor any partner,  
5 officer or employee of any such partnership, firm or corporation,  
6 shall represent, appear for, or negotiate on behalf of, or agree to  
7 represent, appear for or negotiate on behalf of, any person or  
8 party other than the State in connection with any cause, proceeding,  
9 application or other matter pending before the particular office,  
10 bureau, board, council, commission, authority, agency, fund or  
11 system in which such special State officer or employee holds office  
12 or employment.

13 *b. No special State officer \*\*or employee\*\* shall accept employ-*  
13A *ment \*\*with any holder of, or applicant for, a casino license or any*  
13B *holding or intermediary company with respect thereto, nor shall*  
13C *any special State officer or employee nor any partnership, firm or*  
13D *corporation with which such special State officer or employee is*  
13E *associated, nor any partner, officer, or employee of such partner-*  
13F *ship, firm or corporation accept employment\*\* as an agent or*  
14 *attorney to represent, appear for, or negotiate on behalf of any*  
14A *holder of, or applicant for, a casino license or any holding*  
15 *or intermediary company with respect thereto, in connec-*  
16 *tion with any cause, application or matter \***[pending before any***  
17 *State agency]\*\***[, or accept employment as a casino key employee**  
18 *or person required to be qualified as a condition of the issuance of*  
19 *a casino license]\*\*.**

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

20     **【b.】** c. No State officer or employee or member of the Legislature,  
21 nor any partnership, firm or corporation in which he has an interest,  
22 nor any partner, officer or employee of any such partnership, firm  
23 or corporation, shall represent, appear for, or negotiate on behalf  
24 of, or agree to represent, appear for, or negotiate on behalf of, any  
25 person or party other than the State in connection with any cause,  
26 proceeding, application or other matter pending before any State  
27 agency; provided, however, this subsection shall not be deemed to  
28 prohibit a member of the Legislature from making an inquiry for  
29 information on behalf of a constituent, if no fee, reward or other  
30 thing of value is promised to, given to or accepted by the member of  
31 the Legislature, whether directly or indirectly nor shall anything  
32 contained herein be deemed to prohibit any such partnership, firm  
33 or corporation from appearing on its own behalf.

1     \***【2. a.** As used in this section "State officer or employee" means  
2 any elected State official, or State official or employee who is subject  
3 to disclosure by law or executive order, and such other employees,  
4 including employees of the Legislature, as shall be designated by  
5 rules and regulations adopted by the Joint Legislative Committee  
6 on Ethical Standards or Executive Commission on Ethical Stan-  
7 dards, as appropriate.

8     b. No State officer or employee nor any member of the Legis-  
9 lature or member of the Judiciary, within the 2 years next subse-  
10 quent to the termination of his office or employment, shall  
11 represent, appear for or negotiate on behalf of, any holder of, or  
12 applicant for, a casino license, or any holding or intermediary  
13 company with respect thereto, in connection with any cause, pro-  
14 ceeding, application or other matter pending before any State  
15 agency, or accept employment within said period as a casino key  
16 employee or person required to be qualified as a condition of the  
17 issuance of a casino license.

18     c. The within restrictions shall be personal to the former State  
19 officer or employee or former member of the Legislature or  
20 Judiciary. Nothing contained herein shall prohibit a partnership,  
21 firm or corporation with which said former State officer or employee  
22 or former member of the Legislature or Judiciary is associated  
23 in any way from making any such appearance or representation on  
24 behalf of a holder of, or applicant for, a casino license or holding  
25 or intermediary company with respect thereto.

26     d. Any person who willfully violates the provisions of this section  
27 is a disorderly person and shall be subject to a fine not to exceed  
28 \$500.00 or imprisonment not to exceed 6 months or both. **】\***

29 \*2. (New section) a. As used in this section "person" means  
30 State officers or employees subject to disclosure by law or execu-  
31 tive order; special State officers and employees; the Governor;  
32 any member of the Legislature or Judiciary; any member of the  
33 governing body, or the municipal attorney of a municipality  
34 wherein a casino is located; any member of or attorney for the  
35 planning board or zoning board of adjustment of a municipality  
36 wherein a casino is located, or any professional planner regularly  
37 employed by the planning board or zoning board of adjustment.

38 b. No person, nor any partnership, firm or corporation with which  
39 such person is associated nor any partner, officer or employee of  
40 such partnership, firm or corporation, within 2 years next subse-  
41 quent to the termination of the office or employment of such  
42 person, shall acquire, directly or indirectly, more than 1% interest  
43 in, or shall accept employment with, or shall represent, appear for  
44 or negotiate on behalf of any holder of, or applicant for, a casino  
45 license, or any holding or intermediary company with respect  
46 thereto. Nothing herein contained shall alter or amend the post-  
47 employment restrictions applicable to members and employees of  
48 the Casino Control Commission and employees and agents of the  
49 Division of Gaming Enforcement pursuant to subsection b. (2) of  
50 section 59 and to section 60 of P. L. 1977, c. 110 (C. 5:12-59b. (2)  
51 and C. 5:12-60).

52 c. No person shall solicit or accept, directly or indirectly, any  
53 complimentary service or discount from any casino applicant or  
54 licensee which he knows or has reason to know is other than a  
55 service or discount that is offered to the general public.

56 d. No person shall influence, or attempt to influence, by use of  
57 his official authority, the decision of the commission or the investi-  
58 gation of the division in any application for licensure or in any  
59 proceeding to enforce the provisions of this act or the regulations  
60 of the commission. Any such attempt shall be promptly reported to  
61 the Attorney General; provided, however, that nothing in this  
62 section shall be deemed to proscribe a request for information by  
63 any person concerning the status of any application for licensure  
64 or any proceeding to enforce the provisions of this act or the  
65 regulations of the commission.

66 e. Any person who willfully violates the provisions of this  
67 section is a disorderly person and shall be subject to a fine not to  
68 exceed \$500.00 or imprisonment not to exceed 6 months, or both.\*

1 3. This act shall take effect immediately.

---

## STATEMENT

This bill prohibits special State officers or employees from accepting employment or otherwise representing casino applicants or licensees in connection with matters pending before a State agency.

The bill also prohibits State officers or employees, members of the Legislature and Judiciary from accepting employment or representing an applicant for or holder of a casino license in connection with any matter before any State agency for 2 years after termination of his office or employment.

51068 (1980)

SENATE COMMITTEE AMENDMENTS TO  
**SENATE, No. 1068**

**STATE OF NEW JERSEY**

ADOPTED MAY 15, 1980

Amend page 1, section 1, lines 16-17, omit "pending before any State agency".

Amend page 2, section 2, line 1-28, omit in its entirety.

Amend page 2, section 2, after line 28, insert a new section as follows:

"2. (New section) a. As used in this section '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 the planning board or zoning board of adjustment.

b. No person, nor any partnership, firm or corporation with which such person is associated nor any partner, officer or employee of any such partnership, firm or corporation, within 2 years next subsequent to the termination of the office or employment of such person, shall acquire, directly or indirectly, more than 1% interest in, or shall accept employment with, or shall represent, appear for or negotiate on behalf of any holder of, or applicant for, a casino license, or any holding or intermediary company with respect thereto. Nothing herein contained shall alter or amend the post-employment restrictions applicable to members and employees of the Casino Control Commission and employees and agents of the Division of Gaming Enforcement pursuant to subsection b. (2) of section 59 and to section 60 of P. L. 1977, c. 110 (C. 5:12-59b. (2) and C. 5:12-60).

c. No person shall solicit or accept, directly or indirectly, any complimentary service or discount from any casino applicant or licensee which he knows or has reason to know is other than a service or discount that is offered to the general public.

d. No person shall influence, or attempt to influence, by use of his official authority, the decision of the commission or the investigation of the division in any application for licensure or in any proceeding to enforce the provisions of this act or the regulations of the commission. Any such attempt shall be promptly reported to the Attorney General; provided, however, that nothing in this section shall be deemed to proscribe a request for information by any person concerning the status of any application for licensure or any proceeding to enforce the provisions of this act or the regulations of the commission.

e. Any person who willfully violates the provisions of this section is a disorderly person and shall be subject to a fine not to exceed \$500.00 or imprisonment not to exceed 6 months, or both.”.

---