

53:13D-17.2

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(Casino employment--
conflict of interest)

NJSA: 53:13D-17.2

LAWS OF: 1994 **CHAPTER:** 152

BILL NO: A1766

SPONSOR(S): Gaffney and Foley

DATE INTRODUCED: May 12, 1994

COMMITTEE: **ASSEMBLY:** Veterans
SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** August 29, 1994
SENATE: October 20, 1994

DATE OF APPROVAL: December 2, 1994

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

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HEARINGS: No

KBG:pp

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ASSEMBLY, No. 1766
STATE OF NEW JERSEY

INTRODUCED MAY 12, 1994

By Assemblymen GAFFNEY and FOLEY

1 AN ACT concerning State officers and employees and
2 employment with holders of or applicants for a casino license
3 and amending P.L.1981, c.142.

4
5 BE IT ENACTED *by the Senate and General Assembly of the*
6 *State of New Jersey:*

7 1. Section 4 of P.L.1981, c.142 (C.52:13D-17.2) is amended to
8 read as follows:

9 4. a. As used in this section "person" means any State officer
10 or employee subject to financial disclosure by law or executive
11 order and any other State officer or employee with responsibility
12 for matters affecting casino activity; any special State officer or
13 employee with responsibility for matters affecting casino
14 activity; the Governor; any member of the Legislature or any
15 full-time member of the Judiciary; any full-time professional
16 employee of the Office of the Governor, or the Legislature;
17 members of the Casino Reinvestment Development Authority;
18 the head of a principal department; the assistant or deputy heads
19 of a principal department, including all assistant and deputy
20 commissioners; the head of any division of a principal
21 department; any member of the governing body, or the municipal
22 judge or the municipal attorney of a municipality wherein a
23 casino is located; any member of or attorney for the planning
24 board or zoning board of adjustment of a municipality wherein a
25 casino is located, or any professional planner, or consultant
26 regularly employed or retained by such planning board or zoning
27 board of adjustment.

28 b. No State officer or employee, nor any person, nor any
29 member of the immediate family of any State officer or
30 employee, or person, nor any partnership, firm or corporation
31 with which any such State officer or employee or person is
32 associated or in which he has an interest, nor any partner,
33 officer, director or employee while he is associated with such
34 partnership, firm, or corporation, shall hold, directly or
35 indirectly, an interest in, or hold employment with, or represent,
36 appear for, or negotiate on behalf of, any holder of, or applicant
37 for, a casino license, or any holding or intermediary company
38 with respect thereto, in connection with any cause, application,
39 or matter, except that (1) a State officer or employee other than
40 a State officer or employee included in the definition of person,
41 and (2) a member of the immediate family of a State officer or
42 employee, or of a person, may hold employment with the holder

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

Matter underlined thus is new matter.

1 of, or applicant for, a casino license if, in the judgment of the
2 Executive Commission on Ethical Standards, the Joint Legislative
3 Committee on Ethical Standards, or the Supreme Court, as
4 appropriate, such employment will not interfere with the
5 responsibilities of the State officer or employee, or person, and
6 will not create a conflict of interest, or reasonable risk of the
7 public perception of a conflict of interest, on the part of the
8 State officer or employee, or person. No special State officer or
9 employee without responsibility for matters affecting casino
10 activity, excluding those serving in the Departments of
11 Education, Health, Higher Education and Human Services, shall
12 hold, directly or indirectly, an interest in, or represent, appear
13 for, or negotiate on behalf of, any holder of, or applicant for, a
14 casino license, or any holding or intermediary company with
15 respect thereto, in connection with any cause, application, or
16 matter. However, a special State officer or employee without
17 responsibility for matters affecting casino activity may hold
18 employment directly with any holder of or applicant for a casino
19 license or any holding or intermediary company thereof and if so
20 employed may hold, directly or indirectly, an interest in, or
21 represent, appear for, or negotiate on behalf of, his employer,
22 except as otherwise prohibited by law.

23 c. No person or any member of his immediate family, nor any
24 partnership, firm or corporation with which such person is
25 associated or in which he has an interest, nor any partner,
26 officer, director or employee while he is associated with such
27 partnership, firm or corporation, shall, within two years next
28 subsequent to the termination of the office or employment of
29 such person, hold, directly or indirectly, an interest in, or hold
30 employment with, or represent, appear for or negotiate on behalf
31 of, any holder of, or applicant for, a casino license in connection
32 with any cause, application or matter, or any holding or
33 intermediary company with respect to such holder of, or
34 applicant for, a casino license in connection with any phase of
35 casino development, permitting, licensure or any other matter
36 whatsoever related to casino activity, except that a member of
37 the immediate family of a person may hold employment with the
38 holder of, or applicant for, a casino license if, in the judgment of
39 the Executive Commission on Ethical Standards, the Joint
40 Legislative Committee on Ethical Standards, or the Supreme
41 Court, as appropriate, such employment will not interfere with
42 the responsibilities of the person and will not create a conflict of
43 interest, or reasonable risk of the public perception of a conflict
44 of interest, on the part of the person. Nothing herein contained
45 shall alter or amend the post-employment restrictions applicable
46 to members and employees of the Casino Control Commission and
47 employees and agents of the Division of Gaming Enforcement
48 pursuant to subsection b. (2) of section 59 and to section 60 of
49 P.L.1977, c.110 (C.5:12-59 and C.5:12-60).

50 d. This section shall not apply to the spouse of a State officer
51 or employee, which State officer or employee is without
52 responsibility for matters affecting casino activity, who becomes
53 the spouse subsequent to the State officer's or employee's
54 appointment or employment as a State officer or employee and

1 who is not individually or directly employed by a holder of, or
2 applicant for, a casino license, or any holding or intermediary
3 company.

4 e. The Joint Legislative Committee on Ethical Standards and
5 the Executive Commission on Ethical Standards, as appropriate,
6 shall forthwith determine and publish, and periodically update, a
7 list of those positions in State government with responsibility for
8 matters affecting casino activity.

9 f. No person shall solicit or accept, directly or indirectly, any
10 complimentary service or discount from any casino applicant or
11 licensee which he knows or has reason to know is other than a
12 service or discount that is offered to members of the general
13 public in like circumstance.

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

24 h. Any person who willfully violates the provisions of this
25 section is a disorderly person and shall be subject to a fine not to
26 exceed \$500.00 or imprisonment not to exceed six months, or
27 both.

28 (cf: P.L.1993,c.292,s.38)

29 2. This act shall take effect immediately.

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STATEMENT

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34 This bill provides that State officers and employees who do not
35 have responsibility for matters affecting casino activity, are not
36 subject to financial disclosure, or are not otherwise included in
37 the definition of "person" in the provisions of the "Conflicts of
38 Interest Law" governing involvement with the casino industry
39 may hold employment with a casino licensee if the employment,
40 as determined by the relevant ethical standards agency, will not
41 interfere with the responsibilities of the State officer or
42 employee. At present, such employment is possible for members
43 of the immediate family of a State officer or employee or of
44 someone covered by the definition of "person", subject to the
45 approval of the relevant ethical standards agency.

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50 Permits certain State officers and employees to hold employment
51 with casino licensees.

ASSEMBLY VETERANS, MILITARY AFFAIRS
AND GAMING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1766

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DATED: JUNE 13, 1994

The Assembly Veterans, Military Affairs and Gaming Committee reports favorably Assembly Bill No. 1766.

This bill provides that State officers and employees who do not have responsibility for matters affecting casino activity, are not subject to financial disclosure, or are not otherwise included in the definition of "person" in the provisions of the "Conflicts of Interest Law" governing involvement with the casino industry may hold employment with a casino licensee if the employment, as determined by the relevant ethical standards agency, will not interfere with the responsibilities of the State officer or employee. At present, such employment is possible for members of the immediate family of a State officer or employee or of someone covered by the definition of "person", subject to the approval of the relevant ethical standards agency.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1766

STATE OF NEW JERSEY

DATED: OCTOBER 13, 1994

The Senate Judiciary Committee reports favorably Senate, No. 1766.

This bill provides that State officers and employees who do not have responsibility for matters affecting casino activity; are not subject to financial disclosure, or are not otherwise included in the definition of "person" in provisions of the "Conflicts of Interest Law" governing involvement with the casino industry may hold employment with a casino licensee if the employment, as determined by the relevant ethical standards agency, will not interfere with the responsibilities of the State officer or employee. At present, such employment is possible for members of the immediate family of a State officer or employee or of someone covered by the definition of "person," subject to the approval of the relevant ethical standards agency.