

LEGISLATIVE HISTORY CHECKLIST
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(Casinos--simulcasting--
amendments)

NJSA: 5:12-5

LAWS OF: 1993 **CHAPTER:** 292

BILL NO: A2978

SPONSOR(S) Nickles and Penn

DATE INTRODUCED: November 22, 1993

COMMITTEE: **ASSEMBLY:** Financial Institutions
SENATE: ---

AMENDED DURING PASSAGE: Yes Amendments during passage
 First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** Decmeber 13, 1993
SENATE: December 13, 1993

DATE OF APPROVAL: December 21, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: No

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached.

[FIRST REPRINT]
ASSEMBLY, No. 2978

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 22, 1993

By Assemblymen NICKLES and PENN

1 AN ACT concerning the conduct and operation of casino gaming
2 and casino simulcasting, amending various parts of the
3 statutory law, and supplementing P.L.1977, c.110 (C.5:12-1 et
4 seq.).

5

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

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

10 5. "Authorized Game" or "Authorized Gambling Game"--
11 Roulette, baccarat, blackjack, craps, big six wheel, slot
12 machines, minibaccarat, red dog, pai gow, and sic bo; any
13 variations or composites of such games, provided that such
14 variations or composites are found by the commission suitable for
15 use after an appropriate test or experimental period under such
16 terms and conditions as the commission may deem appropriate;
17 and any other game which is determined by the commission to be
18 compatible with the public interest and to be suitable for casino
19 use after such appropriate test or experimental period as the
20 commission may deem appropriate. "Authorized game" or
21 "authorized gambling game" includes gaming tournaments in
22 which players compete against one another in one or more of the
23 games [listed] authorized herein or by the commission or in
24 approved variations or composites thereof if the tournaments are
25 authorized by the commission.

26 (cf: P.L.1992, c.19, s.22)

27 2. Section 11 of P.L.1977, c.110 (C.5:12-11) is amended to
28 read as follows:

29 11. "Casino security employee" -- Any natural person
30 employed by a casino licensee or its agent to provide physical
31 security in a casino, simulcasting facility, or restricted casino
32 area.

33 (cf: P.L.1991, c.182, s.7)

34 3. Section 27 of P.L.1977, c.110 (C.5:12-27) is amended to
35 read as follows:

36 27. "Hotel" or "approved hotel" -- A single building, or two or
37 more buildings which are physically connected in a manner
38 deemed appropriate by the commission and which are operated as
39 one casino hotel facility under the provisions of the "Casino
40 Control Act," P.L.1977, c.110 (C.5:12-1 et seq.), located within
41 the limits of the city of Atlantic City as said limits were defined
42 as of November 2, 1976, and containing not fewer than the
43 number of sleeping units required by section 83 of P.L.1977, c.110

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AFI committee amendments adopted November 22, 1993.

1 (C.5:12-83), each of which sleeping units shall: a. be at least 325
2 square feet measured to the center of perimeter walls, including
3 bathroom and closet space and excluding hallways, balconies and
4 lounges; b. contain private bathroom facilities; and c. be held
5 available and used regularly for the lodging of tourists and
6 convention guests. In no event shall the main entrance or only
7 access to an approved hotel be through a casino or simulcasting
8 facility.

9 (cf: P.L.1991, c.182, s.10)

10 4. Section 35 of P.L.1977, c.110 (C.5:12-35) is amended to
11 read as follows:

12 35. "Operation certificate" -- A certificate issued by the
13 commission which certifies that operation of a casino and, if
14 applicable, a simulcasting facility conforms to the requirements
15 of this act and applicable regulations [and that its personnel and
16 procedures are efficient and prepared to entertain the public].

17 (cf: P.L.1977, c. 110, s.35)

18 5. Section 53 of P.L.1977, c.110 (C.5:12-53) is amended to
19 read as follows:

20 53. Compensation of members. Each member of the
21 commission shall receive [compensation of \$67,500.00 per annum]
22 an annual salary ¹[equal to that of a Judge of the Superior Court]
23 of \$90,000¹. The chairman shall receive \$5,000.00 per annum in
24 addition to his [compensation] salary as a member of the
25 commission.

26 (cf: P.L.1984, c.82, s.1)

27 6. Section 63 of P.L.1977, c.110 (C.5:12-63) is amended to
28 read as follows:

29 63. Duties of the Commission. The Casino Control
30 Commission shall have general responsibility for the
31 implementation of this act, as hereinafter provided, including,
32 without limitation, the responsibility:

33 a. To hear and decide promptly and in reasonable order all
34 license, registration, certificate, and permit applications and
35 causes affecting the granting, suspension, revocation, or renewal
36 thereof;

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

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

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

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

45 f. To be present through its inspectors and agents at all times
46 during the operation of any casino or simulcasting facility for the
47 purpose of certifying the revenue thereof [and], receiving
48 complaints from the public relating to the conduct of gaming and
49 simulcast wagering operations, examining records of revenues and
50 procedures, and conducting periodic reviews of operations and
51 facilities for the purpose of evaluating current or suggested
52 provisions of P.L.1977, c.110 (C.5:12-1 et seq.) and the
53 regulations promulgated thereunder;

54 g. To refer to the division for investigation and prosecution

1 any evidence of a violation of P.L.1977, c.110 (C.5:12-1 et seq.)
2 or the regulations promulgated thereunder; and

3 [g.] h. To review and rule upon any complaint by a casino
4 licensee regarding any investigative procedures of the division
5 which are unnecessarily disruptive of casino or simulcasting
6 facility operations. The need to inspect and investigate shall be
7 presumed at all times. The disruption of a licensee's operations
8 shall be proved by clear and convincing evidence, [and] which
9 evidence shall establish that: (1) the procedures had no
10 reasonable law enforcement purpose, and (2) the procedures were
11 so disruptive as to inhibit unreasonably casino or simulcasting
12 facility operations.

13 (cf: P.L.1991, c.182, s.13)

14 7. Section 69 of P.L.1977, c.110 (C.5:12-69) is amended to
15 read as follows:

16 69. Regulations. a. The commission shall be authorized to
17 adopt, amend, or repeal such regulations, consistent with the
18 policy and objectives of this act, as it may deem necessary or
19 desirable for the public interest in carrying out the provisions of
20 this act.

21 b. Such regulations shall be adopted, amended, and repealed in
22 accordance with the provisions of the "Administrative Procedure
23 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

24 c. Any interested person may, in accordance with the
25 provisions of the "Administrative Procedure Act," P.L.1968,
26 c.410 (C.52:14B-1 et seq.), file a petition with the commission
27 requesting the adoption, amendment or repeal of a regulation.

28 d. The commission may, in emergency circumstances,
29 summarily adopt, amend or repeal any regulation pursuant to the
30 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
31 seq.).

32 e. Notwithstanding any other provision of this act or the
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
34 seq.) to the contrary, the commission may, after notice provided
35 in accordance with this subsection, authorize the temporary
36 adoption, amendment or repeal of any rule concerning the
37 conduct of gaming or simulcast wagering or the use or design of
38 gaming or simulcast wagering equipment for an experimental
39 period not to exceed [180] 270 days for the purpose of
40 determining whether such rules should be adopted on a permanent
41 basis in accordance with the requirements of this section. Any
42 rules experiment authorized by this subsection shall be conducted
43 under such terms and conditions as the commission may deem
44 appropriate. Notice of any temporary rulemaking action taken by
45 the commission pursuant to this subsection shall be published in
46 the New Jersey Register, and provided to the newspapers
47 designated by the commission pursuant to subsection d. of section
48 3 of P.L.1975, c.231 (C.10:4-8), at least seven days prior to the
49 initiation of the experimental period and shall be prominently
50 posted in each casino or simulcasting facility participating in the
51 experiment. Nothing herein shall be deemed to require the
52 publication of the text of any temporary rule adopted by the
53 commission or notice of any modification of a rules experiment
54 initiated in accordance with this subsection. The text of any

1 temporary rule adopted by the commission shall be posted in each
2 casino or simulcasting facility participating in the experiment
3 and shall be available upon request from the commission.

4 (cf: P.L.1992, c.19, s.28)

5 8. Section 70 of P.L.1977, c.110 (C.5:12-70) is amended to
6 read as follows:

7 70. Required Regulations. The commission shall, without
8 limitation on the powers conferred in the preceding section,
9 include within its regulations the following specific provisions in
10 accordance with the provisions of this act:

11 a. Prescribing the methods and forms of application which any
12 applicant shall follow and complete prior to consideration of his
13 application by the commission;

14 b. Prescribing the methods, procedures and form for delivery
15 of information concerning any person's family, habits, character,
16 associates, criminal record, business activities and financial
17 affairs;

18 c. Prescribing procedures for the fingerprinting of an
19 applicant, employee of a licensee, or registrant, or other methods
20 of identification which may be necessary in the judgment of the
21 commission to accomplish effective enforcement of restrictions
22 on access to the casino floor, the simulcasting facility, and other
23 restricted areas of the casino hotel complex;

24 d. Prescribing the manner and procedure of all hearings
25 conducted by the commission or any hearing examiner, including
26 special rules of evidence applicable thereto and notices thereof;

27 e. Prescribing the manner and method of collection of
28 payments of taxes, fees, and penalties;

29 f. Defining and limiting the areas of operation, the rules of
30 authorized games, odds, and devices permitted, and the method
31 of operation of such games and devices;

32 g. Regulating the practice and procedures for negotiable
33 transactions involving patrons, including limitations on the
34 circumstances and amounts of such transactions, and the
35 establishment of forms and procedures for negotiable instrument
36 transactions, redemptions, and consolidations;

37 h. Prescribing grounds and procedures for the revocation or
38 suspension of operating certificates and licenses;

39 i. Governing the manufacture, distribution, sale, and servicing
40 of gaming devices and equipment;

41 j. Prescribing for gaming operations the procedures, forms and
42 methods of management controls, including employee and
43 supervisory tables of organization and responsibility, and
44 minimum security standards, including security personnel
45 structure, alarm and other electrical or visual security measures;

46 k. Prescribing the qualifications of, and the conditions
47 pursuant to which, engineers, accountants, and others shall be
48 permitted to practice before the commission or to submit
49 materials on behalf of any applicant or licensee; provided,
50 however, that no member of the Legislature, nor any firm with
51 which said member is associated, shall be permitted to appear or
52 practice or act in any capacity whatsoever before the commission
53 or division regarding any matter whatsoever, nor shall any
54 member of the family of the Governor or of a member of the

1 Legislature be permitted to so practice or appear in any capacity
2 whatsoever before the commission or division regarding any
3 matter whatsoever;

4 l. Prescribing minimum procedures for the exercise of
5 effective control over the internal fiscal affairs of a licensee,
6 including provisions for the safeguarding of assets and revenues,
7 the recording of cash and evidence of indebtedness, and the
8 maintenance of reliable records, accounts, and reports of
9 transactions, operations and events, including reports to the
10 commission;

11 m. Providing for a minimum uniform standard of accountancy
12 methods, procedures and forms; a uniform code of accounts and
13 accounting classifications; and such other standard operating
14 procedures, including those controls listed in section 99a. hereof,
15 as may be necessary to assure consistency, comparability, and
16 effective disclosure of all financial information, including
17 calculations of percentages of profit by games, tables, gaming
18 devices and slot machines;

19 n. Requiring periodic financial reports and the form thereof,
20 including an annual audit prepared by a certified public
21 accountant licensed to do business in this State, attesting to the
22 financial condition of a licensee and disclosing whether the
23 accounts, records and control procedures examined are
24 maintained by the licensee as required by this act and the
25 regulations promulgated hereunder;

26 o. Governing the gaming-related advertising of casino
27 licensees, their employees and agents, with the view toward
28 assuring that such advertisements are in no way deceptive;
29 provided, however, that such regulations: (1) shall not prohibit the
30 advertisement of casino location, hours of operation, or types of
31 games and other amenities offered[, but in no circumstance shall
32 permit]; (2) shall prohibit the advertisement of information about
33 odds, the number of games, [or] and the size of the casino or
34 simulcasting facility; and [provided further, however, that such
35 regulations] (3) shall require the words "Bet with your head, not
36 over it," or some comparable language approved by the
37 commission, to appear on all billboards, signs, and other on-site
38 advertising of a casino operation and shall require the words "If
39 you or someone you know has a gambling problem and wants help,
40 call 1-800 GAMBLER," or some comparable language approved
41 by the commission, which language shall include the words
42 "gambling problem" and "call 1-800 GAMBLER," to appear
43 legibly on all print, billboard, and sign advertising of a casino
44 operation; and

45 p. (Deleted by amendment, P.L.1991, c.182).

46 q. Concerning the distribution and consumption of alcoholic
47 beverages on the premises of the licensee, which regulations shall
48 be insofar as possible consistent with Title 33 of the Revised
49 Statutes, and shall deviate only insofar as necessary because of
50 the unique character of the hotel casino premises and operations;

51 r. (Deleted by amendment, P.L.1991, c.182).

52 (cf: P.L.1992, c.9, s.5)

53 9. Section 71 of P.L.1977, c.110 (C.5:12-71) is amended to
54 read as follows:

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

7 (1) Who are career or professional offenders as defined by
8 regulations of the commission;

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

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

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

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

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

28 d. Any list compiled by the commission of persons to be
29 excluded or ejected shall not be deemed an all-inclusive list, and
30 licensed casino establishments shall have a duty to keep from
31 their premises persons known to them to be within the
32 classifications declared in paragraphs (1) and (2) of subsection a.
33 of this section and the regulations promulgated thereunder, or
34 known to them to be persons whose presence in a licensed casino
35 hotel would be inimical to the interest of the State of New Jersey
36 or of licensed gaming therein, or both, as defined in standards
37 established by the commission.

38 e. Whenever the division petitions the commission to place the
39 name of any person on a list pursuant to this section, the
40 commission shall serve notice of such fact to such person by
41 personal service, by certified mail at the last known address of
42 such person, or by publication daily for one week in a newspaper
43 of general circulation in Atlantic City.

44 f. Within 30 days after service of the petition in accordance
45 with subsection e. of this section, the person named for exclusion
46 or ejection may demand a hearing before the commission, at
47 which hearing the division shall have the affirmative obligation to
48 demonstrate by a preponderance of the evidence that the person
49 named for exclusion or ejection satisfies the criteria for
50 exclusion established by this section and the commission's
51 regulations. Failure to demand such a hearing within 30 days
52 after service shall be deemed an admission of all matters and
53 facts alleged in the division's petition and shall preclude a person
54 from having an administrative hearing, but shall in no way affect

1 his or her right to judicial review as provided herein.

2 g. The division may file an application with the commission
3 requesting preliminary placement on the list of a person named in
4 a petition for exclusion or ejection pending completion of a
5 hearing on the petition. The hearing on the application for
6 preliminary placement shall be a limited proceeding at which the
7 division shall have the affirmative obligation to demonstrate that
8 there is a reasonable possibility that the person satisfies the
9 criteria for exclusion established by this section and the
10 commission's regulations. If a person has been placed on the list
11 as a result of an application for preliminary placement, unless
12 otherwise agreed by the commission and the named person, a
13 hearing on the petition for exclusion or ejection shall be initiated
14 within 30 days after the receipt of a demand for such hearing or
15 the date of preliminary placement on the list, whichever is later.

16 h. If, upon completion of the hearing on the petition for
17 exclusion or ejection, the commission determines that the person
18 named therein does not satisfy the criteria for exclusion
19 established by this section and the commission's regulations, the
20 commission shall issue an order denying the petition. If the
21 person named in the petition for exclusion or ejection had been
22 placed on the list as a result of an application for preliminary
23 placement, the commission shall notify all casino licensees of his
24 or her removal from the list.

25 i. If, upon completion of a hearing on the petition for exclusion
26 or ejection, the commission determines that placement of the
27 name of the person on the exclusion list is appropriate, the
28 commission shall make and enter an order to that effect, which
29 order shall be served on all casino licensees. Such order shall be
30 subject to review by the Superior Court in accordance with the
31 rules of court.

32 (cf: P.L.1991, c.182, s.17)

33 10. Section 74 of P.L.1977, c.110 (C.5:12-74) is amended to
34 read as follows:

35 74. Minutes and Records. a. The commission shall cause to be
36 made and kept a record of all proceedings held at public meetings
37 of the commission. A verbatim transcript of those proceedings
38 shall be prepared by the commission upon the request of any
39 commissioner or upon the request of any other person and the
40 payment by that person of the costs of preparation. A copy of a
41 transcript shall be made available to any person upon request and
42 payment of the costs of preparing the copy.

43 A true copy of the minutes of every meeting of the commission
44 and of any regulations finally adopted by the commission shall be
45 forthwith delivered, by and under the certification of the
46 executive secretary, to the Governor, the Secretary of the
47 Senate, and the Clerk of the General Assembly.

48 b. The commission shall keep and maintain a list of all
49 applicants for licenses and registrations under this act together
50 with a record of all actions taken with respect to such applicants,
51 which file and record shall be open to public inspection; provided,
52 however, that the foregoing information regarding any applicant
53 whose license or registration has been denied, revoked, or not
54 renewed shall be removed from such list after five years from the

1 date of such action.

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

4 d. Except as provided in subsection h. of this section, all
5 information and data required by the commission to be furnished
6 hereunder, or which may otherwise be obtained, relative to the
7 internal controls specified in section 99a. of this act or to the
8 earnings or revenue of any applicant, registrant, or licensee shall
9 be considered to be confidential and shall not be revealed in
10 whole or in part except in the course of the necessary
11 administration of this act, or upon the lawful order of a court of
12 competent jurisdiction, or, with the approval of the Attorney
13 General, to a duly authorized law enforcement agency.

14 e. All information and data pertaining to an applicant's
15 criminal record, family, and background furnished to or obtained
16 by the commission from any source shall be considered
17 confidential and shall be withheld in whole or in part, except that
18 any information shall be released upon the lawful order of a court
19 of competent jurisdiction or, with the approval of the Attorney
20 General, to a duly authorized law enforcement agency.

21 f. Notice of the contents of any information or data released,
22 except to a duly authorized law enforcement agency pursuant to
23 subsection d. or e. of this section, shall be given to any applicant,
24 registrant, or licensee in a manner prescribed by the rules and
25 regulations adopted by the commission.

26 g. Files, records, reports and other information in the
27 possession of the New Jersey Division of Taxation pertaining to
28 licensees shall be made available to the commission and the
29 division as may be necessary to the effective administration of
30 this act.

31 h. The following information to be reported periodically to the
32 commission by a casino licensee shall not be considered
33 confidential and shall be made available for public inspection:

34 (1) A licensee's gross revenue from all authorized games as
35 herein defined, and its gross revenue from simulcast wagering;

36 (2) (a) The dollar amount of patron checks initially accepted by
37 a licensee, (b) the dollar amount of patron checks deposited to
38 the licensee's bank account, (c) the dollar amount of such checks
39 initially dishonored by the bank and returned to the licensee as
40 "uncollected," and (d) the dollar amount ultimately uncollected
41 after all reasonable efforts;

42 (3) The amount of gross revenue tax or investment alternative
43 tax actually paid and the amount of investment, if any, required
44 and allowed, pursuant to section 144 of P.L.1977, c.110
45 (C.5:12-144) and section 3 of P.L.1984, c.218 (C.5:12-144.1);

46 (4) A list of the premises and the nature of improvements,
47 costs thereof and the payees for all such improvements, which
48 were the subject of an investment required and allowed pursuant
49 to section 144 of P.L.1977, c.110 (C.5:12-144) and section 3 of
50 P.L.1984, c.218 (C.5:12-144.1);

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

54 (6) A list of the premises, nature of improvements and costs

1 thereof which constitute the cumulative investments by which a
2 licensee has recaptured profits pursuant to section 147; and

3 (7) All quarterly and annual financial statements presenting
4 historical data which are submitted to the commission, including
5 all annual financial statements which have been audited by an
6 independent certified public accountant licensed to practice in
7 the State of New Jersey.

8 Nothing in this subsection shall be construed to limit access by
9 the public to those forms and documents required to be filed
10 pursuant to Article 11 of this act.

11 (cf: P.L.1991, c.182, s.18)

12 11. Section 76 of P.L.1977, c.110 (C.5:12-76) is amended to
13 read as follows:

14 76. General Duties and Powers. a. The Division of Gaming
15 Enforcement shall promptly and in reasonable order investigate
16 all applications, enforce the provisions of this act and any
17 regulations promulgated hereunder, and prosecute before the
18 commission all proceedings for violations of this act or any
19 regulations promulgated hereunder. The division shall provide the
20 commission with all information necessary for all action under
21 Article 6 of this act and for all proceedings involving
22 enforcement of the provisions of this act or any regulations
23 promulgated hereunder.

24 b. The division shall:

25 (1) Investigate the qualifications of each applicant before any
26 license, certificate, or permit is issued pursuant to the provisions
27 of this act;

28 (2) Investigate the circumstances surrounding any act or
29 transaction for which commission approval is required;

30 (3) Investigate violations of this act and regulations
31 promulgated hereunder;

32 (4) Initiate, prosecute and defend such proceedings before the
33 commission, or appeals therefrom, as the division may deem
34 appropriate;

35 (5) Provide assistance upon request by the commission in the
36 consideration and promulgation of rules and regulations;

37 (6) Conduct continuing reviews of casino operations through
38 on-site observation and other reasonable means to assure
39 compliance with this act and regulations promulgated hereunder,
40 subject to subsection [g.] h. of section 63 of this act;

41 (7) Receive and take appropriate action on any referral from
42 the commission relating to any evidence of a violation of
43 P.L.1977, c.110 (C.5:12-1 et seq.) or the regulations promulgated
44 thereunder;

45 (8) ¹Exchange fingerprint data with, and receive criminal
46 history record information from, the Federal Bureau of
47 Investigation for use in considering applicants for any license or
48 registration issued pursuant to the provisions of P.L.1977, c.110
49 (C.5:12-1 et seq.);

50 (9)¹ Conduct audits of casino operations at such times, under
51 such circumstances, and to such extent as the director shall
52 determine, including reviews of accounting, administrative and
53 financial records, and management control systems, procedures
54 and records utilized by a casino licensee; and

1 ~~[(8)]~~ ¹~~[(9)]~~ ⁽¹⁰⁾¹ Be entitled to request and receive information,
2 materials and any other data from any licensee or registrant, or
3 applicant for a license or registration under this act.

4 (cf: P.L.1991, c.182, s.19)

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

7 80. General Provisions. a. It shall be the affirmative
8 responsibility of each applicant and licensee to establish by clear
9 and convincing evidence his individual qualifications, and for a
10 casino license the qualifications of each person who is required to
11 be qualified under this act as well as the qualifications of the
12 facility in which the casino is to be located.

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

23 c. All applicants, licensees, registrants, intermediary
24 companies, and holding companies shall consent to inspections,
25 searches and seizures and the supplying of handwriting exemplars
26 as authorized by this act and regulations promulgated hereunder.

27 d. All applicants, licensees, registrants, and any other person
28 who shall be qualified pursuant to this act shall have the
29 continuing duty to provide any assistance or information required
30 by the commission or division, and to cooperate in any inquiry or
31 investigation conducted by the division and any inquiry,
32 investigation, or hearing conducted by the commission. If, upon
33 issuance of a formal request to answer or produce information,
34 evidence or testimony, any applicant, licensee, registrant, or any
35 other person who shall be qualified pursuant to this act refuses to
36 comply, the application, license, registration or qualification of
37 such person may be denied or revoked by the commission.

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

45 f. Each applicant or person who must be qualified under this
46 act shall be photographed and fingerprinted for identification and
47 investigation purposes in accordance with procedures established
48 by the commission.

49 g. All licensees, all registrants, all persons required to be
50 qualified under this act, and all persons employed by a casino
51 service industry licensed pursuant to this act, shall have a duty to
52 inform the commission or division of any action which they
53 believe would constitute a violation of this act. No person who so
54 informs the commission or the division shall be discriminated

1 against by an applicant, licensee or registrant because of the
2 supplying of such information.

3 h. Any person who must be qualified pursuant to the "Casino
4 Control Act," P.L.1977, c.110 (C.5:12-1 et seq.) in order to hold
5 the securities of a casino licensee or any holding or intermediary
6 company of a casino licensee may apply for qualification status
7 prior to the acquisition of any such securities. The commission
8 may determine to accept such an application upon a finding that
9 there is a reasonable likelihood that, if qualified, the applicant
10 will obtain and hold securities of a licensee sufficient to require
11 qualification. Such an applicant shall be subject to the provisions
12 of this section and shall pay for the costs of all investigations and
13 proceedings in relation to the application unless the applicant
14 provides to the commission an agreement with one or more casino
15 licensees which states that the licensee or licensees will pay
16 those costs.

17 (cf: P.L.1991, c.182, s.20)

18 13. Section 83 of P.L.1977, c.110 (C.5:12-83) is amended to
19 read as follows:

20 83. Approved Hotel. a. An approved hotel for purposes of this
21 act shall be a hotel providing facilities in accordance with this
22 section. Nothing in this section shall be construed to limit the
23 authority of the commission to determine the suitability of
24 facilities as provided in this act, and nothing in this section shall
25 be construed to require a casino to be smaller than the maximum
26 size herein provided.

27 b. (1) In the case of a casino hotel in operation on June 29,
28 1991, an approved hotel shall:

29 (a) contain at least the number of qualifying sleeping units, as
30 defined in section 27 of P.L.1977, c.110 (C.5:12-27), which it had
31 on that date, except that those units may be consolidated and
32 reconfigured in order to form suites so long as there remain at
33 least 500 qualifying sleeping units; and

34 (b) contain a casino of not more than the amount of casino
35 space authorized on the basis of the provisions of this section
36 which were in effect on June 28, 1991 and applicable to that
37 casino at that time, unless the number of qualifying sleeping units
38 under subparagraph (a) of this paragraph and the number of any
39 qualifying sleeping units added after June 29, 1991 permit an
40 increase on the following basis: 50,000 square feet for the first
41 500 qualifying sleeping units and 10,000 square feet for each
42 additional 100 qualifying sleeping units above 500, up to a
43 maximum of 200,000 square feet. No casino hotel in operation on
44 June 29, 1991 shall be required to reduce the amount of its casino
45 space below the amount authorized as of June 28, 1991 unless the
46 number of qualifying sleeping units is reduced below the number
47 required in subparagraph (a) of this paragraph.

48 For the purpose of increasing casino space, an agreement
49 approved by the commission for the addition of qualifying
50 sleeping units within two years after the commencement of
51 gaming operations in the additional casino space shall be deemed
52 an addition of those rooms, but if the agreement is not fulfilled
53 due to conditions within the control of the casino licensee, the
54 casino licensee shall close the additional casino space or any

1 portion thereof as directed by the commission.

2 The calculation of the number of qualifying sleeping units
3 added with respect to any such casino hotel shall not include any
4 qualifying sleeping unit or other hotel or motel room in existence
5 in Atlantic City on June 29, 1991, whether or not that unit or
6 room was offered or usable for occupancy on that date, or any
7 replacement for such a unit or room which results from
8 construction or renovation after that date, except that any hotel
9 room in existence in Atlantic City on June 29, 1991 which was
10 not used or available for use on that date and for at least 10
11 years prior to that date and which is reconstructed or replaced
12 after the effective date of this amendatory and supplementary
13 act, P.L.1993, c.159, and meets the specifications of a sleeping
14 unit prescribed in section 27 of P.L.1977, c.110 (C.5:12-27) may
15 be included in such calculation, and any replacement which, in
16 the judgment of the commission, is an integral element of a
17 program of neighborhood rehabilitation undertaken by the casino
18 licensee with the approval of the city of Atlantic City may also
19 be included in such calculation.

20 (2) In the case of a hotel in operation on June 29, 1991 in
21 which a licensed casino was located and operated prior to, but not
22 as of, that date, and in which a casino is reestablished after that
23 date, an approved hotel shall:

24 (a) contain at least the number of qualifying sleeping units, as
25 defined in section 27 of P.L.1977, c.110 (C.5:12-27), which it had
26 on the date the casino ceased operations prior to June 29, 1991,
27 except that those units may be consolidated and reconfigured in
28 order to form suites so long as there remain at least 500
29 qualifying sleeping units; and

30 (b) contain a casino of not more than the amount of casino
31 space the casino had on the date it ceased operations prior to
32 June 29, 1991 unless the number of qualifying sleeping units under
33 subparagraph (a) of this paragraph and the number of any
34 qualifying sleeping units added after that date permit an increase
35 on the following basis: 50,000 square feet for the first 500
36 qualifying sleeping units and 10,000 square feet for each
37 additional 100 qualifying sleeping units above 500, up to a
38 maximum of 200,000 square feet. No casino hotel which operates
39 pursuant to this paragraph shall be required to reduce the amount
40 of its casino space below the amount it had on the date it ceased
41 operations unless the number of qualifying sleeping units is
42 reduced below the number required in subparagraph (a) of this
43 paragraph.

44 For the purpose of increasing casino space, an agreement
45 approved by the commission for the addition of qualifying
46 sleeping units within two years after the commencement of
47 gaming operations in the additional casino space shall be deemed
48 an addition of those rooms, but if the agreement is not fulfilled
49 due to conditions within the control of the casino licensee, the
50 casino licensee shall close the additional casino space or any
51 portion thereof as directed by the commission.

52 The calculation of the number of qualifying sleeping units
53 added with respect to any such hotel shall not include any
54 qualifying sleeping unit or other hotel or motel room in existence

1 in Atlantic City on June 29, 1991, whether or not that unit or
2 room was offered or usable for occupancy on the effective date,
3 or any replacement for such a unit or room which results from
4 construction or renovation after that date, except that any hotel
5 room in existence in Atlantic City on June 29, 1991 which was
6 not used or available for use on that date and for at least 10
7 years prior to that date and which is reconstructed or replaced
8 after the effective date of this amendatory and supplementary
9 act, P.L.1993, c.159, and meets the specifications of a sleeping
10 unit prescribed in section 27 of P.L.1977, c.110 (C.5:12-27) may
11 be included in such calculation, and any replacement which, in
12 the judgment of the commission, is an integral element of a
13 program of neighborhood rehabilitation undertaken by the casino
14 licensee with the approval of the city of Atlantic City may also
15 be included in such calculation.

16 c. In the case of a casino hotel not in operation prior to or on
17 June 29, 1991, an approved hotel shall contain at least 500
18 qualifying sleeping units, as defined in section 27 of the "Casino
19 Control Act," P.L.1977, c.110 (C.5:12-27), and a single casino
20 room of not more than 50,000 square feet, except that for each
21 additional 100 qualifying sleeping units above 500, the maximum
22 size of the casino room may be increased by 10,000 square feet,
23 up to a maximum of 200,000 square feet. The calculation of the
24 number of qualifying sleeping units with respect to any such
25 casino hotel shall not include any qualifying sleeping unit or other
26 hotel or motel room in existence in Atlantic City on June 29,
27 1991, whether or not that unit or room was offered or usable for
28 occupancy on that date, or any replacement for such a unit or
29 room which results from construction or renovation after that
30 date, except that any hotel room in existence in Atlantic City on
31 June 29, 1991 which was not used or available for use on that
32 date and for at least 10 years prior to that date and which is
33 reconstructed or replaced after the effective date of this
34 amendatory and supplementary act, P.L.1993, c.159, and meets
35 the specifications of a sleeping unit prescribed in section 27 of
36 P.L.1977, c.110 (C.5:12-27) may be included in such calculation,
37 and any replacement which, in the judgment of the commission, is
38 an integral element of a program of neighborhood rehabilitation
39 undertaken by the casino licensee with the approval of the city of
40 Atlantic City may also be included in such calculation.

41 d. Once a hotel is initially approved, the commission shall
42 thereafter rely on the certification of the casino licensee with
43 regard to the number of rooms and shall permit rehabilitation,
44 renovation and alteration of any part of the approved hotel even
45 if the rehabilitation, renovation, or alteration will mean that the
46 casino licensee does not temporarily meet the requirements of
47 subsection c. so long as the licensee certifies that the
48 rehabilitation, renovation, or alteration shall be completed within
49 one year.

50 e. (Deleted by amendment, P.L.1987, c.352).

51 f. (Deleted by amendment, P.L.1991, c.182).

52 g. (Deleted by amendment, P.L.1991, c.182).

53 h. (Deleted by amendment, P.L.1991, c.182).

54 i. The commission shall not impose any criteria or

1 requirements regarding the contents of the hotel in addition to
2 the criteria and requirements expressly specified in the "Casino
3 Control Act," P.L.1977, c.110 (C.5:12-1 et seq.); provided,
4 however, that the commission shall be authorized to require each
5 casino licensee to establish and maintain an approved hotel which
6 is in all respects a superior, first-class facility of exceptional
7 quality which will help restore Atlantic City as a resort, tourist
8 and convention destination.

9 (cf: P.L.1993, c.159, s.11)

10 14. Section 89 of P.L.1977, c.110 (C.5:12-89) is amended to
11 read as follows:

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

15 b. Each applicant must, prior to the issuance of any casino key
16 employee license, produce information, documentation and
17 assurances concerning the following qualification criteria:

18 (1) Each applicant for a casino key employee license shall
19 produce such information, documentation and assurances as may
20 be required to establish by clear and convincing evidence the
21 financial stability, integrity and responsibility of the applicant,
22 including but not limited to bank references, business and
23 personal income and disbursements schedules, tax returns and
24 other reports filed with governmental agencies, and business and
25 personal accounting and check records and ledgers. In addition,
26 each applicant shall, in writing, authorize the examination of all
27 bank accounts and records as may be deemed necessary by the
28 commission or the division.

29 (2) Each applicant for a casino key employee license shall
30 produce such information, documentation and assurances as may
31 be required to establish by clear and convincing evidence the
32 applicant's good character, honesty and integrity. Such
33 information shall include, without limitation, data pertaining to
34 family, habits, character, reputation, criminal and arrest record,
35 business activities, financial affairs, and business, professional
36 and personal associates, covering at least the 10-year period
37 immediately preceding the filing of the application. Each
38 applicant shall notify the commission of any civil judgments
39 obtained against such applicant pertaining to antitrust or security
40 regulation laws of the federal government, of this State or of any
41 other state, jurisdiction, province or country. In addition, each
42 applicant shall, upon request of the commission or the division,
43 produce letters of reference from law enforcement agencies
44 having jurisdiction in the applicant's place of residence and
45 principal place of business, which letters of reference shall
46 indicate that such law enforcement agencies do not have any
47 pertinent information concerning the applicant, or if such law
48 enforcement agency does have information pertaining to the
49 applicant, shall specify what that information is. If the applicant
50 has been associated with gaming or casino operations in any
51 capacity, position or employment in a jurisdiction which permits
52 such activity, the applicant shall, upon request of the commission
53 or division, produce letters of reference from the gaming or
54 casino enforcement or control agency, which shall specify the

1 experience of such agency with the applicant, his associates and
2 his participation in the gaming operations of that jurisdiction;
3 provided, however, that if no such letters are received from the
4 appropriate law enforcement agencies within 60 days of the
5 applicant's request therefor, the applicant may submit a
6 statement under oath that he is or was during the period such
7 activities were conducted in good standing with such gaming or
8 casino enforcement or control agency.

9 (3) Each applicant shall produce such information,
10 documentation and assurances as may be required to establish by
11 clear and convincing evidence that the applicant has sufficient
12 business ability and casino experience as to establish the
13 reasonable likelihood of success and efficiency in the particular
14 position involved.

15 (4) Each applicant shall be a resident of the State of New
16 Jersey prior to the issuance of a casino key employee license;
17 provided, however, that upon petition by the holder of a casino
18 license, the commission may waive this residency requirement for
19 any applicant whose particular position will require him to be
20 employed outside the State.

21 The commission may also, by regulation, require that all
22 applicants for casino key employee licenses be residents of this
23 State for a period not to exceed six months immediately prior to
24 the issuance of such license, but application may be made prior to
25 the expiration of the required period of residency. The
26 commission shall, by resolution, waive the required residency
27 period for an applicant upon a showing that the residency period
28 would cause undue hardship upon the casino licensee which
29 intends to employ said applicant, or upon a showing of other good
30 cause.

31 c. The commission shall endorse upon any license issued
32 hereunder the particular positions as defined by this act or by
33 regulation which the licensee is qualified to hold.

34 d. The commission shall deny a casino key employee license to
35 any applicant who is disqualified on the basis of the criteria
36 contained in section 86 of this act.

37 e. Upon petition by the holder of a casino license, the
38 commission may[, no earlier than 30 days after the date of the
39 petition,] issue a temporary license to an applicant for a casino
40 key employee license, provided that:

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

43 (2) The division ¹either¹ certifies to the commission that the
44 ¹[complete] completed¹ casino key employee license application
45 as specified in paragraph (1) of this subsection has been [in the
46 possession of the division for at least 30 days] ¹[received by the
47 division] in the possession of the division for at least 30 days or
48 agrees to allow the commission to consider the application in
49 some lesser time¹;

50 (3) The information provided by the applicant indicates that
51 the applicant meets the requirements of subsection b. (3) of this
52 section:

53 (4) The petition for a temporary casino key employee license
54 certifies, and the commission finds, that an existing casino key

1 employee position of the petitioner is vacant or will become
2 vacant within 60 days of the date of the petition and that the
3 issuance of a temporary key employee license is necessary to fill
4 the said vacancy on an emergency basis to continue the efficient
5 operation of the casino, and that such circumstances are
6 extraordinary and not designed to circumvent the normal
7 licensing procedures of this act;

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

10 In the event that an applicant for a casino key employee
11 license is the holder of a valid casino employee license issued
12 pursuant to section 90 of this act, and if the provisions of
13 paragraphs (1), (2), (3), and (5) of this subsection are satisfied, the
14 commission may issue a temporary casino key employee license
15 upon petition by the holder of a casino license, if the commission
16 finds the issuance of a casino key employee license will be
17 delayed by necessary investigations and the said temporary casino
18 key employee license is necessary for the operation of the casino.

19 Unless otherwise terminated pursuant to this act, any
20 temporary casino key employee license issued pursuant to this
21 subsection shall expire nine months from the date of its issuance.

22 (cf: P.L.1987, c.410, s.8)

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

25 90. Licensing of Casino Employees. a. No person may
26 commence employment as a casino employee unless he is the
27 holder of a valid casino employee license.

28 b. Any applicant for a casino employee license must, prior to
29 the issuance of any such license, produce sufficient information,
30 documentation and assurances to meet the qualification criteria,
31 including New Jersey residency, contained in subsection b. of
32 section 89 of this act and any additional residency requirement
33 imposed under subsection c. of this section; except that the
34 standards for business ability and casino experience may be
35 satisfied by a showing of casino job experience and knowledge of
36 the provisions of this act and regulations pertaining to the
37 particular position involved, or by successful completion of a
38 course of study at a licensed school in an approved curriculum.

39 c. The commission may, by regulation, require that all
40 applicants for casino employee licenses be residents of this State
41 for a period not to exceed six months immediately prior to the
42 issuance of such license, but application may be made prior to the
43 expiration of the required period of residency. The commission
44 shall, by resolution, waive the required residency period for an
45 applicant upon a showing that the residency period would cause
46 undue hardship upon the casino licensee which intends to employ
47 said applicant, or upon a showing of other good cause.

48 d. The commission shall endorse upon any license issued
49 hereunder the particular positions as defined by regulation which
50 the licensee is qualified to hold.

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

54 f. For the purposes of this section, casino security employees

1 shall be considered casino employees and must, in addition to any
2 requirements under other laws, be licensed in accordance with
3 the provisions of this act.

4 g. A temporary license may be issued by the commission to
5 casino employees for positions not directly related to gaming or
6 simulcast wagering activity if, in its judgment, the issuance of a
7 plenary license will be restricted by necessary investigations and
8 said temporary licensing of the applicant is necessary for the
9 operation of the casino. In addition, a temporary license may be
10 issued by the commission to a casino employee for the position of
11 slot changeperson if the division has not responded to the
12 application for licensure within 15 days of the filing of the
13 application and if the employee's position involves working with
14 an impressment of \$3,000 or less and no access to any other
15 funds. Unless otherwise terminated pursuant to this act, a
16 temporary license issued pursuant to this subsection shall expire
17 six months from the date of its issuance and be renewable, at the
18 discretion of the commission, for one additional six-month
19 period. Positions "directly related to gaming or simulcast
20 wagering activity" shall include, but not be limited to, boxmen,
21 floormen, dealers or croupiers, cage personnel, count room
22 personnel, slot and slot booth personnel, simulcast wagering
23 personnel, credit and collection personnel, casino surveillance
24 personnel, and casino security employees whose employment
25 duties require or authorize access to the casino or simulcasting
26 facility.

27 h. Notwithstanding the provisions of subsection e. of this
28 section, no applicant shall be denied a casino employee license on
29 the basis of a conviction of any of the offenses enumerated in
30 this act as disqualification criteria or the commission of any act
31 or acts which would constitute any offense under subsection c. of
32 section 86 of P.L.1977, c.110 (C.5:12-86), as specified in
33 subsection g. of that section; provided that the applicant has
34 affirmatively demonstrated his rehabilitation. In determining
35 whether the applicant has affirmatively demonstrated his
36 rehabilitation the commission shall consider the following factors:

- 37 (1) The nature and duties of the position applied for;
- 38 (2) The nature and seriousness of the offense or conduct;
- 39 (3) The circumstances under which the offense or conduct
40 occurred;
- 41 (4) The date of the offense or conduct;
- 42 (5) The age of the applicant when the offense or conduct was
43 committed;
- 44 (6) Whether the offense or conduct was an isolated or repeated
45 incident;
- 46 (7) Any social conditions which may have contributed to the
47 offense or conduct;
- 48 (8) Any evidence of rehabilitation, including good conduct in
49 prison or in the community, counseling or psychiatric treatment
50 received, acquisition of additional academic or vocational
51 schooling, successful participation in correctional work-release
52 programs, or the recommendation of persons who have or have
53 had the applicant under their supervision.

54 (cf: P.L.1991, c.182, s.29)

1 16. Section 94 of P.L.1977, c.110 (C.5:12-94) is amended to
2 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
5 any license or registration required by this act, other than a
6 casino license, and after submission of such supplemental
7 information as the commission may require, the commission shall
8 request the division to conduct such investigation into the
9 qualification of the applicant, and the commission shall conduct
10 such hearings concerning the qualification of the applicant, in
11 accordance with its regulations, as may be necessary to
12 determine qualification for such 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
16 license or registration.

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

24 d. When the commission grants an application, the commission
25 may limit or place such restrictions thereupon as it may deem
26 necessary in the public interest. [Licenses shall be granted and
27 registrations approved for a term of one year; provided, however,
28 that: (1) all casino employee licenses, gaming school resident
29 director, instructor, principal employee and sales representative
30 licenses, casino service industry licenses issued pursuant to
31 subsection c. of section 92 of P.L.1977, c.110 (C.5:12-92), and
32 junket representative and junket enterprise licenses issued
33 pursuant to section 102 of P.L.1977, c.110 (C.5:12-102) shall be
34 granted for a term of three years; (2) casino hotel employee
35 registration shall remain in effect unless revoked, suspended,
36 limited, or otherwise restricted by the commission in accordance
37 with the provisions of P.L.1977, c.110 (C.5:12-1 et seq.); and (3)
38 after the first two renewal periods succeeding the issuance of a
39 casino key employee license or of a casino service industry
40 license required pursuant to subsection a. of section 92 of
41 P.L.1977, c.110 (C.5:12-92), the license term shall be for two
42 years. The commission shall reconsider the granting of any
43 license or the approval of any registration at any time at the
44 request of the Division of Gaming Enforcement in the
45 Department of Law and Public Safety.

46 Notwithstanding the provisions of paragraph (3) of this
47 subsection, the commission may, for the purpose of avoiding the
48 renewal in the same year of all the licenses existing on the
49 effective date of this 1987 amendatory act which are affected by
50 that paragraph, renew an appropriate number of those licenses
51 for a term of one year, but the renewal period for those licenses
52 may not be adjusted more than once pursuant to this provision.]
53 A casino hotel employee registration shall, upon issuance, remain
54 in effect unless revoked, suspended, limited, or otherwise

1 restricted by the commission. Licenses may be granted and
2 renewed as follows:

3 (1) All casino employee licenses, gaming school resident
4 director, instructor, principal employee and sales representative
5 licenses, casino service industry licenses issued pursuant to
6 subsection c. of section 92 of P.L.1977, c.110 (C.5:12-92), and
7 junket representative and junket enterprise licenses issued
8 pursuant to section 102 of P.L.1977, c.110 (C.5:12-102) shall be
9 issued for an initial term of three years, and may be renewed for
10 subsequent terms of four years each; and

11 (2) All casino key employee licenses and casino service
12 industry licenses required pursuant to subsection a. of section 92
13 of P.L.1977, c.110 (C.5:12-92) shall be issued for an initial term
14 of two years, and may be renewed for subsequent terms of two
15 years each.

16 Notwithstanding the foregoing, the commission shall reconsider
17 the granting of any license or the approval of any registration at
18 any time at the request of the division.

19 e. After an application is submitted to the commission, final
20 action of the commission shall be taken within 90 days after
21 completion of all hearings and investigations and the receipt of
22 all information required by the commission.

23 (cf: P.L.1991, c.182, s.31)

24 17. Section 96 of P.L.1977, c.110 (C.5:12-96) is amended to
25 read as follows:

26 96. Operation Certificate. a. Notwithstanding the issuance of
27 a license therefor, no casino or simulcasting facility may be
28 opened or remain open to the public, and no gaming or simulcast
29 wagering activity, except for test purposes, may be conducted
30 therein, unless and until a valid operation certificate has been
31 issued to the casino licensee by the commission. Such certificate
32 shall be issued by the commission upon a finding that a casino
33 and, if applicable, a simulcasting facility each complies in all
34 respects with the requirements of this act and regulations
35 promulgated hereunder, that the casino licensee has implemented
36 necessary management controls and security precautions for the
37 efficient operation of the casino and, if applicable, the
38 simulcasting facility, that casino and simulcasting facility
39 personnel are properly trained and licensed for the efficient
40 performance of their respective responsibilities, and that the
41 casino [is] and any applicable simulcasting facility are prepared in
42 all respects to receive and entertain the public.

43 b. The operation certificate shall include a statement of
44 compliance with subsection a. of this section and an itemized list
45 by category and number of the authorized games permitted in the
46 particular casino establishment and any applicable simulcasting
47 facility.

48 c. A casino licensee shall, in accordance with regulations
49 promulgated by the commission, file any changes in the number
50 of authorized games to be played in [a particular] its casino or
51 simulcasting facility, and any changes in the configuration of the
52 casino or simulcasting facility, with the commission and the
53 division, which shall review the changes for compliance with the
54 "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.) or

1 regulations promulgated thereunder.

2 d. An operation certificate shall remain in force and effect
3 unless altered in accordance with subsection c. of this section, or
4 revoked, suspended, limited, or otherwise altered by the
5 commission in accordance with this act.

6 e. It shall be an express condition of continued operation under
7 this act that a casino licensee shall maintain all books, records,
8 and documents pertaining to the licensee's operations, including
9 casino simulcasting, and approved hotel in a manner and location
10 within this State approved by the commission. All such books,
11 records and documents shall be immediately available for
12 inspection during all hours of operation in accordance with the
13 rules of the commission and shall be maintained for such period
14 of time as the commission shall require.

15 (cf: P.L.1991, c.182, s.34)

16 18. Section 98 of P.L.1977, c.110 (C.5:12-98) is amended to
17 read as follows:

18 98. Casino Facility Requirements. a. Each casino licensee
19 shall arrange the facilities of its casino and, if appropriate, its
20 simulcasting facility in such a manner as to promote maximum
21 comfort for the patrons and optimum security for the casino
22 [operation] and simulcasting facility operations, and shall comply
23 in all respects with regulations of the commission pertaining
24 thereto.

25 b. Each casino licensee shall:

26 (1) Install a closed circuit television system according to
27 specifications approved by the commission, and provide access on
28 the licensed premises to the system or its signal by the
29 commission or the division, in accordance with regulations
30 pertaining thereto;

31 (2) Establish a single room as its casino[, and provide]; and

32 (3) Provide that visibility between any two areas, whether or
33 not contiguous, in the casino or in the simulcasting facility[,
34 whether or not contiguous,] may not be obstructed by partitions
35 of any kind which [cover more than 50% of the structural
36 opening] interfere with the ability of the commission or the
37 division to supervise casino or simulcasting facility operations;

38 provided, however, that multi-level casinos otherwise complying
39 with this subsection shall be permitted]; and

40 (3) Not permit the interior of the casino to be visible from
41 outside the casino hotel facility].

42 (cf: P.L.1991, c.182, s.36)

43 19. Section 99 of P.L.1977, c.110 (C.5:12-99) is amended to
44 read as follows:

45 99. Internal Controls. a. Each casino licensee shall submit to
46 the commission a description of its system of internal procedures
47 and administrative and accounting controls for gaming and
48 simulcast wagering operations and a description of any changes
49 thereof. Such submission shall be made at least 60 days before
50 such operations are to commence or at least 60 days before any
51 change in those procedures or controls is to take effect, unless
52 otherwise directed by the commission. Each such submission
53 shall contain both narrative and diagrammatic representations of
54 the internal control system to be utilized by the casino, including,

1 but not limited to:

2 (1) Accounting controls, including the standardization of forms
3 and definition of terms to be utilized in the gaming and simulcast
4 wagering operations;

5 (2) Procedures, forms, and, where appropriate, formulas
6 covering the calculation of hold percentages, revenue drop,
7 expense and overhead schedules, complimentary services, junkets,
8 cash equivalent transactions, salary structure and personnel
9 practices;

10 (3) Job descriptions and the system of personnel and
11 chain-of-command, establishing a diversity of responsibility
12 among employees engaged in casino or simulcasting facility
13 operations and identifying primary and secondary supervisory
14 positions for areas of responsibility, which areas shall not be so
15 extensive as to be impractical for an individual to monitor;

16 (4) Procedures within the cashier's cage and simulcast facility
17 for the receipt, storage and disbursal of chips, cash, and other
18 cash equivalents used in gaming and simulcast wagering; the
19 cashing of checks; the redemption of chips and other cash
20 equivalents used in gaming and simulcast wagering; the pay-off
21 of jackpots and simulcast wagers; and the recording of
22 transactions pertaining to gaming and simulcast wagering
23 operations;

24 (5) Procedures for the collection and security of moneys at the
25 gaming tables and in the simulcasting facility;

26 (6) Procedures for the transfer and recordation of chips
27 between the gaming tables and the cashier's cage and the
28 transfer and recordation of moneys within the simulcasting
29 facility;

30 (7) Procedures for the transfer of moneys from the gaming
31 tables to the counting process and the transfer of moneys within
32 the simulcasting facility for the counting process;

33 (8) Procedures and security for the counting and recordation of
34 revenue;

35 (9) Procedures for the security, storage and recordation of
36 cash, chips and other cash equivalents utilized in the gaming and
37 simulcast wagering operations;

38 (10) Procedures for the transfer of moneys or chips from and to
39 the slot machines;

40 (11) Procedures and standards for the opening and security of
41 slot machines;

42 (12) Procedures for the payment and recordation of slot
43 machine jackpots;

44 (13) Procedures for the cashing and recordation of checks
45 exchanged by casino and [simulcast wagering] simulcasting
46 facility patrons;

47 (14) Procedures governing the utilization of the private
48 security force within the casino and simulcasting facility;

49 (15) Procedures and security standards for the handling and
50 storage of gaming apparatus including cards, dice, machines,
51 wheels and all other gaming equipment;

52 (16) Procedures and rules governing the conduct of particular
53 games and simulcast wagering and the responsibility of casino
54 personnel in respect thereto; and

1 (17) Procedures for separately recording all transactions
2 pursuant to section 101 of this act involving the Governor, any
3 State officer or employee, or any special State officer or
4 employee, any member of the Judiciary, any member of the
5 Legislature, any officer of a municipality or county in which
6 casino gaming is authorized, or any gaming related casino
7 employee, and for the quarterly filing with the Attorney General
8 of a list reporting all such transactions.

9 [In addition] If required by regulation of the commission, each
10 casino licensee shall also submit [to the commission] a description
11 of its system of internal procedures and administrative and
12 accounting controls for non-gaming operations and a description
13 of any changes [thereof] thereto no later than five days after
14 those operations commence or after any change in those
15 procedures or controls takes effect.

16 b. The commission shall review each submission required by
17 subsection a. hereof, and shall determine whether it conforms to
18 the requirements of this act and to the regulations promulgated
19 thereunder and whether the system submitted provides adequate
20 and effective controls for the operations of the particular casino
21 hotel submitting it. If the commission finds any insufficiencies, it
22 shall specify same in writing to the casino licensee, who shall
23 make appropriate alterations. When the commission determines a
24 submission to be adequate in all respects, it shall notify the
25 casino licensee of same. No casino licensee shall commence or
26 alter gaming operations unless and until such system of controls
27 is approved by the commission.

28 (cf: P.L.1992, c.19, s.31)

29 20. Section 100 of P.L.1977, c.110 (C.5:12-100) is amended to
30 read as follows:

31 100. Games and Gaming Equipment. a. This act shall not be
32 construed to permit any gaming except the conduct of authorized
33 games in a casino room in accordance with this act and the
34 regulations promulgated hereunder and in a simulcasting facility
35 to the extent provided by the "Casino Simulcasting Act,"
36 P.L.1992, c.19 (C.5:12-191 et al.).

37 b. Gaming equipment shall not be possessed, maintained or
38 exhibited by any person on the premises of a casino hotel complex
39 except in the casino room, in the simulcasting facility, or in
40 restricted casino areas used for the inspection, repair or storage
41 of such equipment and specifically designated for that purpose by
42 the casino licensee with the approval of the commission. Gaming
43 equipment which supports the conduct of gaming in the casino or
44 simulcasting facility but does not permit or require patron
45 access, such as computers, may be possessed and maintained by a
46 casino licensee in restricted casino areas specifically designated
47 for that purpose by the casino licensee with the approval of the
48 commission. No gaming equipment shall be possessed,
49 maintained, exhibited, brought into or removed from a casino
50 room or simulcasting facility by any person unless such equipment
51 is necessary to the conduct of an authorized game, has
52 permanently affixed, imprinted, impressed or engraved thereon
53 an identification number or symbol authorized by the commission,

1 is under the exclusive control of a casino licensee or his
2 employees, and is brought into or removed from the casino room
3 or simulcasting facility at times authorized for that purpose by
4 the commission or at other times when prior notice has been
5 given to and written approval granted by an authorized agent of
6 the commission.

7 Notwithstanding the foregoing, a person may, with the prior
8 approval of the commission and under such terms and conditions
9 as may be required by the commission, possess, maintain or
10 exhibit gaming equipment in any other area of the casino hotel
11 complex; provided such equipment is used for nongaming purposes.

12 c. Each casino hotel shall contain a count room and such other
13 secure facilities as may be required by the commission for the
14 counting and storage of cash, coins, tokens and checks received in
15 the conduct of gaming and for the inspection, counting and
16 storage of dice, cards, chips and other representatives of value.
17 All drop boxes and other devices wherein cash, coins, or tokens
18 are deposited at the gaming tables or in slot machines, and all
19 areas wherein such boxes and devices are kept while in use, shall
20 be equipped with two locking devices, one key to which shall be
21 under the exclusive control of the commission and the other
22 under the exclusive control of the casino licensee, and said drop
23 boxes and other devices shall not be brought into or removed
24 from the casino room or simulcasting facility, or locked or
25 unlocked, except at such times, in such places, and according to
26 such procedures as the commission may require.

27 d. All chips used in gaming shall be of such size and uniform
28 color by denomination as the commission shall require by
29 regulation.

30 e. All gaming shall be conducted according to rules
31 promulgated by the commission. All wagers and pay-offs of
32 winning wagers [at table games] shall be made according to rules
33 promulgated by the commission, which shall establish such
34 limitations as may be necessary to assure the vitality of casino
35 operations and fair odds to and maximum participation by
36 patrons. Each slot machine shall have a minimum payout of 83%.

37 f. Each casino licensee shall make available in printed form to
38 any patron upon request the complete text of the rules of the
39 commission regarding games and the conduct of gaming, pay-offs
40 of winning wagers, an approximation of the odds of winning for
41 each wager, and such other advice to the player as the
42 commission shall require. Each casino licensee shall prominently
43 post within the casino room and simulcasting facility, as
44 appropriate, according to regulations of the commission such
45 information about gaming rules, pay-offs of winning wagers, the
46 odds of winning for each wager, and such other advice to the
47 player as the commission shall require.

48 g. Each gaming table shall be equipped with a sign indicating
49 the permissible minimum and maximum wagers pertaining
50 thereto. It shall be unlawful for a casino licensee to require any
51 wager to be greater than the stated minimum or less than the
52 stated maximum; provided, however, that any wager actually
53 made by a patron and not rejected by a casino licensee prior to
54 the commencement of play shall be treated as a valid wager.

1 h. (1) No slot machine shall be used to conduct gaming unless it
2 is identical in all electrical, mechanical and other aspects to a
3 model thereof which has been specifically tested by the division
4 and licensed for use by the commission. The commission shall, by
5 regulation, establish such technical standards for licensure,
6 including mechanical and electrical reliability, security against
7 tampering, the comprehensibility of wagering, and noise and light
8 levels, as it may deem necessary to protect the player from fraud
9 or deception and to insure the integrity of gaming. The
10 denominations of such machines shall be set by the licensee,
11 subject to the prior approval of the commission.

12 (2) The commission shall, by regulation, determine the
13 permissible number and density of slot machines in a licensed
14 casino so as to:

15 (a) promote optimum security for casino operations;

16 (b) avoid deception or frequent distraction to players at
17 gaming tables;

18 (c) promote the comfort of patrons;

19 (d) create and maintain a gracious playing environment in the
20 casino; and

21 (e) encourage and preserve competition in casino operations by
22 assuring that a variety of gaming opportunities is offered to the
23 public.

24 i. (Deleted by amendment, P.L.1991, c.182).

25 j. (Deleted by amendment, P.L.1991, c.182).

26 k. It shall be unlawful for any person to exchange or redeem
27 chips for anything whatsoever, except for currency, negotiable
28 personal checks, negotiable counter checks, other chips, [or]
29 coupons or similar complimentary vouchers distributed pursuant
30 to a program approved by the commission or maintained pursuant
31 to commission regulation, or, if authorized by regulation of the
32 commission, a valid charge to a credit card account. A casino
33 licensee shall, upon the request of any person, redeem that
34 licensee's gaming chips surrendered by that person in any amount
35 over \$25.00 with a check drawn upon the licensee's account at
36 any banking institution in this State and made payable to that
37 person.

38 l. It shall be unlawful for any casino licensee or its agents or
39 employees to employ, contract with, or use any shill or barker to
40 induce any person to enter a casino or simulcasting facility or
41 play at any game or for any purpose whatsoever.

42 m. It shall be unlawful for a dealer in any authorized game in
43 which cards are dealt to deal cards by hand or other than from a
44 device specifically designed for that purpose, unless otherwise
45 permitted by the rules of the commission.

46 n. It shall be unlawful for any casino key employee, other than
47 a junket representative, or any person who is required to hold a
48 casino key employee license as a condition of employment or
49 qualification to wager [at any game] in any casino or simulcasting
50 facility in this State, or any casino employee, other than a
51 bartender, waiter, waitress, or other casino employee who, in the
52 judgment of the commission, is not directly involved with the
53 conduct of gaming operations, to wager [at any game] in the
54 casino or simulcasting facility in the casino hotel in which the

1 employee is employed or in any other casino or simulcasting
2 facility in this State which is owned or operated by the same
3 casino licensee. Any casino employee, other than a bartender,
4 waiter, waitress, or other casino employee who, in the judgment
5 of the commission, is not directly involved with the conduct of
6 gaming operations, must wait at least 30 days following the date
7 that the employee either leaves employment with a casino
8 licensee or is terminated from employment with a casino licensee
9 before the employee may gamble in the casino or simulcasting
10 facility in the casino hotel in which the employee was formerly
11 employed or in any other casino or simulcasting facility in this
12 State which is owned or operated by the same casino licensee.

13 o. (1) It shall be unlawful for any casino key employee or
14 boxman, floorman, or any other casino employee who shall serve
15 in a supervisory position to solicit or accept, and for any other
16 casino employee to solicit, any tip or gratuity from any player or
17 patron at the casino or simulcasting facility where he is employed.

18 (2) A dealer may accept tips or gratuities from a patron at the
19 table at which such dealer is conducting play, subject to the
20 provisions of this subsection. All such tips or gratuities shall be
21 immediately deposited in a lockbox reserved for that purpose,
22 accounted for, and placed in a pool for distribution pro rata
23 among the dealers, with the distribution based upon the number
24 of hours each dealer has worked.

25 (cf: P.L.1992, c.19, s.32)

26 21. Section 101 of P.L.1977, c.110 (C.5:12-101) is amended to
27 read as follows:

28 101. Credit. a. Except as otherwise provided in this section,
29 no casino licensee or any person licensed under this act, and no
30 person acting on behalf of or under any arrangement with a
31 casino licensee or other person licensed under this act, shall:

32 (1) Cash any check, make any loan, or otherwise provide or
33 allow to any person any credit or advance of anything of value or
34 which represents value to enable any person to take part in
35 gaming or simulcast wagering activity as a player; or

36 (2) Release or discharge any debt, either in whole or in part, or
37 make any loan which represents any losses incurred by any player
38 in gaming or simulcast wagering activity, without maintaining a
39 written record thereof in accordance with the rules of the
40 commission.

41 b. No casino licensee or any person licensed under this act, and
42 no person acting on behalf of or under any arrangement with a
43 casino licensee or other person licensed under this act, may
44 accept a check, other than a recognized traveler's check or other
45 cash equivalent from any person to enable such person to take
46 part in gaming or simulcast wagering activity as a player, or may
47 give cash or cash equivalents in exchange for such check unless:

48 (1) The check is made payable to the casino licensee;

49 (2) The check is dated, but not postdated;

50 (3) The check is presented to the cashier or the cashier's
51 representative at a location in the casino approved by the
52 commission and is exchanged for cash or slot tokens which total
53 an amount equal to the amount for which the check is drawn, or
54 the check is presented to the cashier's representative at a

1 gaming table in exchange for chips which total an amount equal
2 to the amount for which the check is drawn; and

3 (4) The regulations concerning check cashing procedures are
4 observed by the casino licensee and its employees and agents.

5 Nothing in this subsection shall be deemed to preclude the
6 establishment of an account by any person with a casino licensee
7 by a deposit of cash, recognized traveler's check or other cash
8 equivalent, or a check which meets the requirements of
9 subsection g. of this section, or to preclude the withdrawal,
10 either in whole or in part, of any amount contained in such
11 account.

12 c. When a casino licensee or other person licensed under this
13 act, or any person acting on behalf of or under any arrangement
14 with a casino licensee or other person licensed under this act,
15 cashes a check in conformity with the requirements of subsection
16 b. of this section, the casino licensee shall cause the deposit of
17 such check in a bank for collection or payment within (1) seven
18 calendar days of the date of the transaction for a check in an
19 amount of \$1,000.00 or less; (2) 14 calendar days of the date of
20 the transaction for a check in an amount greater than \$1,000.00
21 but less than or equal to \$5,000.00; or (3) 45 calendar days of the
22 date of the transaction for a check in an amount greater than
23 \$5,000.00. Notwithstanding the foregoing, the drawer of the
24 check may redeem the check by exchanging cash, cash
25 equivalents, chips, or a check which meets the requirements of
26 subsection g. of this section in an amount equal to the amount for
27 which the check is drawn; or he may redeem the check in part by
28 exchanging cash, cash equivalents, chips, or a check which meets
29 the requirements of subsection g. of this section and another
30 check which meets the requirements of subsection b. of this
31 section for the difference between the original check and the
32 cash, cash equivalents, chips, or check tendered; or he may issue
33 one check which meets the requirements of subsection b. of this
34 section in an amount sufficient to redeem two or more checks
35 drawn to the order of the casino licensee. If there has been a
36 partial redemption or a consolidation in conformity with the
37 provisions of this subsection, the newly issued check shall be
38 delivered to a bank for collection or payment within the period
39 herein specified. No casino licensee or any person licensed under
40 this act, and no person acting on behalf of or under any
41 arrangement with a casino licensee or other person licensed under
42 this act, shall accept any check or series of checks in redemption
43 or consolidation of another check or checks in accordance with
44 this subsection for the purpose of avoiding or delaying the deposit
45 of a check in a bank for collection or payment within the time
46 period prescribed by this subsection.

47 In computing a time period prescribed by this subsection, the
48 last day of the period shall be included unless it is a Saturday,
49 Sunday, or a State or federal holiday, in which event the time
50 period shall run until the next business day.

51 d. No casino licensee or any other person licensed under this
52 act, or any other person acting on behalf of or under any
53 arrangement with a casino licensee or other person licensed under
54 this act, shall transfer, convey, or give, with or without

1 consideration, a check cashed in conformity with the
2 requirements of this section to any person other than:

3 (1) The drawer of the check upon redemption or consolidation
4 in accordance with subsection c. of this section;

5 (2) A bank for collection or payment of the check; or

6 (3) A purchaser of the casino license as approved by the
7 commission. The limitation on transferability of checks imposed
8 herein shall apply to checks returned by any bank to the casino
9 licensee without full and final payment.

10 e. No person other than one licensed as a casino key employee
11 or as a casino employee may engage in efforts to collect upon
12 checks that have been returned by banks without full and final
13 payment, except that an attorney-at-law representing a casino
14 licensee may bring action for such collection.

15 f. Notwithstanding the provisions of any law to the contrary,
16 checks cashed in conformity with the requirements of this act
17 shall be valid instruments, enforceable at law in the courts of this
18 State. Any check cashed, transferred, conveyed or given in
19 violation of this act shall be invalid and unenforceable for the
20 purposes of collection but shall be included in the calculation of
21 gross revenue pursuant to section 24 of P.L.1977, c.110
22 (C.5:12-24).

23 g. Notwithstanding the provisions of subsection b. of this
24 section to the contrary, a casino licensee may accept a check
25 from a person to enable the person to take part in gaming or
26 simulcast wagering activity as a player, may give cash or cash
27 equivalents in exchange for such a check, or may accept a check
28 in redemption or partial redemption of a check issued in
29 accordance with subsection b., provided that:

30 (1) (a) The check is drawn by a casino licensee pursuant to the
31 provisions of subsection k. of section 100 of P.L.1977, c.110
32 (C.5:12-100) or upon a withdrawal of funds from an account
33 established in accordance with the provisions of subsection b. of
34 this section or is drawn by a casino licensee for winnings from
35 slot machine payoffs or simulcast wagers;

36 (b) The check is issued by a banking institution which is
37 chartered in a country other than the United States on its
38 account at a federally chartered or state-chartered bank and is
39 made payable to "cash," "bearer," a casino licensee, or the
40 person presenting the check; or

41 (c) The check is issued by a banking institution which is
42 chartered in the United States on its account at another federally
43 chartered or state-chartered bank and is made payable to "cash,"
44 "bearer," a casino licensee, or the person presenting the check;

45 (2) The check is identifiable in a manner approved by the
46 commission as a check issued for a purpose listed in paragraph (1)
47 of this subsection;

48 (3) The check is dated, but not postdated;

49 (4) The check is presented to the cashier or the cashier's
50 representative by the original payee and its validity is verified by
51 the drawer in the case of a check drawn pursuant to subparagraph
52 (a) of paragraph (1) of this subsection, or the check is verified in
53 accordance with regulations promulgated by the commission in
54 the case of a check issued pursuant to subparagraph (b) or

1 subparagraph (c) of paragraph (1) of this subsection; and

2 (5) The regulations concerning check cashing procedures are
3 observed by the casino licensee and its employees and agents.

4 No casino licensee shall issue a check for the purpose of
5 making a loan or otherwise providing or allowing any advance or
6 credit to a person to enable the person to take part in gaming or
7 simulcast wagering activity as a player.

8 h. (1) Notwithstanding the provisions of subsection b. and
9 subsection c. of this section to the contrary, a casino licensee
10 may, at a location outside the casino, accept a personal check or
11 checks from a person for up to \$1,500 in exchange for cash or
12 cash equivalents, and may, at such locations within the casino as
13 may be permitted by the commission, accept a personal check or
14 checks for up to \$1,500 in exchange for cash, cash equivalents,
15 tokens, chips, or plaques to enable the person to take part in
16 gaming or simulcast wagering activity as a player [or non-gaming
17 activity, as the case may be], provided that:

18 [(1)] (a) The check is drawn on the patron's bank or brokerage
19 cash management account;

20 [(2)] (b) The check is for a specific amount;

21 [(3)] (c) The check is made payable to the casino licensee;

22 [(4)] (d) The check is dated but not post-dated;

23 [(5)] (e) The patron's identity is established by examination of
24 one of the following: valid credit card, driver's license, passport,
25 or other form of identification credential which contains, at a
26 minimum, the patron's signature;

27 [(6)] (f) The check is restrictively endorsed "For Deposit Only"
28 to the casino licensee's bank account and deposited on the next
29 banking day following the date of the transaction; and

30 [(7)] (g) The total amount of personal checks accepted by any
31 one licensee pursuant to this subsection that are outstanding at
32 any time, including the current check being submitted, does not
33 exceed \$1,500.

34 (2) Nothing in paragraph (1) of this subsection shall be
35 construed to limit the authority of a casino licensee to accept,
36 and exchange for cash or cash equivalents other than tokens,
37 chips, or plaques, a check from a patron that is not offered or
38 exchanged in order to enable the patron or anyone else to take
39 part in gaming or simulcast wagering activity as a player,
40 provided that:

41 (a) The patron so certifies;

42 (b) The casino licensee has no reason to believe that the cash
43 or cash equivalents will be used to enable the patron or anyone
44 else to take part in gaming or simulcast wagering activity as a
45 player;

46 (c) The check is not accepted or exchanged in the casino or
47 simulcasting facility; and

48 (d) The casino licensee maintains full documentation of the
49 transaction in accordance with regulations established by the
50 commission.

51 i. Checks cashed pursuant to the provisions of paragraph (1) of
52 subsection h. of this section which are subsequently uncollectable
53 may not be deducted from the total of all sums received in
54 calculating gross revenue pursuant to section 24 of P.L.1977,

1 c.110 (C.5:12-24).

2 j. A person may request the commission to put that person's
3 name on a list of persons to whom the extension of credit by a
4 casino as provided in this section would be prohibited by
5 submitting to the commission the person's name, address, and
6 date of birth. The person does not need to provide a reason for
7 this request. The commission shall provide this list to the credit
8 department of each casino; neither the commission nor the credit
9 department of a casino shall divulge the names on this list to any
10 person or entity other than those provided for in this subsection.
11 If such a person wishes to have that person's name removed from
12 the list, the person shall submit this request to the commission,
13 which shall so inform the credit departments of casinos no later
14 than three days after the submission of the request.

15 (cf: P.L.1992, c.19, s.33)

16 22. Section 103 of P.L.1977, c.110 (C.5:12-103) is amended to
17 read as follows:

18 103. Alcoholic Beverages in Casino Hotel Facilities.

19 a. Notwithstanding any law to the contrary, the authority to
20 grant any license for, or to permit or prohibit the presence of,
21 alcoholic beverages in, on, or about any premises licensed as part
22 of a casino hotel shall exclusively be vested in the commission.

23 b. Unless otherwise stated, and except where inconsistent with
24 the purpose or intent of this act or the common understanding of
25 usage thereof, definitions contained in Title 33 of the Revised
26 Statutes shall apply to this section. Any definition contained
27 therein shall apply to the same word in any form.

28 c. Notwithstanding any provision of Title 33 of the Revised
29 Statutes, the rules, regulations and bulletins promulgated by the
30 director of the Division of Alcoholic Beverage Control, or any
31 provision promulgated by any local authority, the authority to
32 issue, renew, transfer, revoke or suspend a Casino Hotel
33 Alcoholic Beverage License or any portion, location, privilege or
34 condition thereof; to fine or penalize a Casino Hotel Alcoholic
35 Beverage Licensee; to enforce all statutes, laws, rulings, or
36 regulations relating to such license; and to collect license fees
37 and establish application standards therefor, shall be, consistent
38 with this act, exclusively vested in the commission or the division.

39 d. Except as otherwise provided in this section, the provisions
40 of Title 33 of the Revised Statutes and the rules, regulations and
41 bulletins promulgated by the Director of the Division of Alcoholic
42 Beverage Control shall apply to a Casino Hotel and Casino Hotel
43 Alcoholic Beverage Licensee licensed under this act.

44 e. Notwithstanding any provision to the contrary, the
45 commission may promulgate any regulations and special rulings
46 and findings as may be necessary for the proper enforcement,
47 regulation, and control of alcoholic beverages in casino hotels
48 when the commission finds that the uniqueness of casino
49 operations and the public interest require that such regulations,
50 rulings, and findings are appropriate. Regulations of the
51 commission may include but are not limited to: designation and
52 duties of enforcement personnel; all forms necessary or
53 convenient in the administration of this section; inspections,
54 investigations, searches, seizures; licensing and disciplinary

1 standards; requirements and standards for any hearings or
2 disciplinary or other proceedings that may be required from time
3 to time; the assessment of fines or penalties for violations; hours
4 of sale; sales in original containers; sales on credit; out-of-door
5 sales; limitations on sales; gifts and promotional materials;
6 locations or places for sale; control of signs and other displays;
7 identification of licensees and their employees; employment of
8 aliens and minors; storage, transportation and sanitary
9 requirements; records to be kept by the Casino Hotel Alcoholic
10 Beverage Licensees and availability thereof; practices unduly
11 designed to increase consumption of alcoholic beverages; and
12 such other matters whatsoever as are or may become necessary
13 and consistent with the administration of this act.

14 f. (1) It shall be unlawful for any person, including any casino
15 licensee or any of its lessees, agents or employees, to expose for
16 sale, solicit or promote the sale of, possess with intent to sell,
17 sell, give, dispense, or otherwise transfer or dispose of alcoholic
18 beverages in, on or about any portion of the premises of a casino
19 hotel, unless said person possesses a Casino Hotel Alcoholic
20 Beverage License.

21 (2) It shall be unlawful for any person issued a Casino Hotel
22 Alcoholic Beverage License to expose, possess, sell, give,
23 dispense, transfer, or otherwise dispose of alcoholic beverages,
24 other than within the terms and conditions of the Casino Hotel
25 Alcoholic Beverage License issued, the provisions of Title 33 of
26 the Revised Statutes, the rules and regulations promulgated by
27 the Director of the Division of Alcoholic Beverage Control, and,
28 when applicable, the regulations promulgated pursuant to this act.

29 g. In issuing a Casino Hotel Alcoholic Beverage License the
30 commission shall describe the scope of the particular license and
31 the restrictions and limitations thereon as it deems necessary and
32 reasonable. The commission may, in a single Casino Hotel
33 Alcoholic Beverage License, permit the holder of such a license
34 to perform any or all of the following activities, subject to
35 applicable laws, rules and regulations:

36 (1) To sell any alcoholic beverage by the glass or other open
37 receptacle, but not in an original container, for on-premise
38 consumption within a casino or simulcasting facility; provided,
39 however, that no alcoholic beverage shall be sold, given or be
40 available for consumption; offered, delivered or otherwise
41 brought to a patron; or consumed at a gaming table unless so
42 requested by the patron.

43 (2) To sell any alcoholic beverage by the glass or other open
44 receptacle for on-premise consumption within a casino hotel, but
45 not in a casino or simulcasting facility, or from a fixed location
46 outside a building or structure containing a casino but on a casino
47 hotel premises.

48 (3) To sell any alcoholic beverage in original containers for
49 consumption outside the licensed area from an enclosed package
50 room not in a casino or simulcasting facility.

51 (4) To sell any alcoholic beverage by the glass or other open
52 receptacle or in original containers from a room service location
53 within an enclosed room not in a casino or simulcasting facility;
54 provided, however, that any sale of alcoholic beverages is

1 delivered only to a guest room or to any other room in the casino
2 hotel authorized by the commission, other than any room
3 authorized by the commission pursuant to paragraph (1), (3), or (5)
4 of this subsection.

5 (5) To possess or to store alcoholic beverages in original
6 containers intended but not actually exposed for sale at a fixed
7 location on a casino hotel premises, not in a casino or
8 simulcasting facility; and to transfer or deliver such alcoholic
9 beverages only to a location approved pursuant to this section;
10 provided, however, that no access to or from a storage location
11 shall be permitted except during the normal course of business by
12 employees or agents of the licensee, or by licensed employees or
13 agents of wholesalers or distributors licensed pursuant to Title 33
14 of the Revised Statutes and any applicable rules and regulations;
15 and provided further, however, that no provision of this section
16 shall be construed to prohibit a Casino Hotel Alcoholic Beverage
17 Licensee from obtaining an off-site storage license from the
18 Division of Alcoholic Beverage Control.

19 [(6) To sell any alcoholic beverage by the glass or other open
20 receptacle, but not in an original container, for on-premises
21 consumption within a simulcasting facility.]

22 h. (1) No Casino Hotel Alcoholic Beverage License which
23 authorizes the sale of alcoholic beverages within a casino
24 pursuant to subsection g.(1) of this section shall issue to any
25 applicant who does not hold a casino license issued pursuant to
26 this act.

27 (2) No Casino Hotel Alcoholic Beverage License which
28 authorizes the possession, sale or storage of alcoholic beverages
29 pursuant to subsection g.(2), (3), (4), or (5) of this section shall
30 issue to any applicant who would not qualify under the standards
31 for licensure of a casino service industry pursuant to subsection
32 c. of section 92 of P.L.1977, c.110 (C.5:12-92).

33 (3) No Casino Hotel Alcoholic Beverage License which
34 authorizes the possession or storage of alcoholic beverages
35 pursuant to subsection g. of this section shall issue to any
36 applicant who does not hold a Casino Hotel Alcoholic Beverage
37 License, permitting any activity pursuant to subsection g.(1), (2),
38 (3), or (4) of this section.

39 i. The commission may revoke, suspend, refuse to renew or
40 refuse to transfer any Casino Hotel Alcoholic Beverage License,
41 or fine or penalize any Casino Hotel Alcoholic Beverage Licensee
42 for violations of any provision of Title 33 of the Revised Statutes,
43 the rules and regulations promulgated by the Director of the
44 Division of Alcoholic Beverage Control, and the regulations
45 promulgated by the commission.

46 j. Jurisdiction over all alcoholic beverage licenses previously
47 issued with respect to the casino hotel facility is hereby vested in
48 the commission, which in its discretion may by regulation provide
49 for the conversion thereof into a Casino Hotel Alcoholic
50 Beverage License as provided in this section.

51 (cf: P.L.1992, c.19, s.34)

52 23. Section 104 of P.L.1977, c.110 (C.5:12-104) is amended to
53 read as follows:

54 104. Casino Licensee--Leases and Contracts. a. (1) Unless

1 otherwise provided in this subsection, no agreement which
2 provides for the payment, however defined, of any direct or
3 indirect interest, percentage or share of any money or property
4 gambled at a casino or simulcasting facility or derived from
5 casino gaming activity or wagering at a simulcasting facility of
6 any such interest, percentage, or share of any revenues, profits or
7 earnings of a casino or simulcasting facility shall be lawful.

8 (2) Agreements which provide only for the payment of a fixed
9 sum which is in no way affected by the amount of any such
10 money, property, revenues, profits or earnings shall not be
11 subject to the provisions of this subsection; and receipts, rentals
12 or charges for real property, personal property or services shall
13 not lose their character as payments of a fixed sum because of
14 contract, lease, or license provisions for adjustments in charges,
15 rentals or fees on account of changes in taxes or assessments,
16 cost-of-living index escalations, expansion or improvement of
17 facilities, or changes in services supplied.

18 (3) Agreements between a casino licensee and its employees
19 which provide for casino employee or casino key employee profit
20 sharing and which are in writing and have been filed with the
21 commission shall be lawful and effective only if expressly
22 approved as to their terms by the commission.

23 (4) Agreements to lease an approved hotel building or the land
24 thereunder and agreements for the complete management of a
25 casino shall not be subject to the provisions of this subsection but
26 shall rather be subject to the provisions of subsections b. and c.
27 of section 82 of this act.

28 (5) Agreements which provide for percentage charges between
29 the casino licensee and a holding company or intermediary
30 company of the casino licensee shall be in writing and filed with
31 the commission but shall not be subject to the provisions of this
32 subsection.

33 (6) Agreements relating to simulcast racing and wagering
34 between a casino licensee and an in-State or out-of-State
35 sending track licensed or exempt from licensure in accordance
36 with subsection c. of section 92 of P.L.1977, c.110 (C.5:12-92)
37 shall be in writing, be filed with the commission, and be lawful
38 and effective only if expressly approved as to their terms by the
39 commission and the New Jersey Racing Commission, except that
40 any such agreements which provide for a percentage of the
41 parimutuel pool wagered at a simulcasting facility to be paid to
42 the sending track shall not be subject to the provisions of
43 paragraph (1) of this subsection.

44 (7) Agreements relating to simulcast racing and wagering
45 between a casino licensee and a casino service industry licensed
46 pursuant to the provisions of subsection a. of section 92 of
47 P.L.1977, c.110 (C.5:12-92) as a hub facility, as defined in joint
48 regulations of the Casino Control Commission and the New
49 Jersey Racing Commission, shall be in writing, be filed with the
50 commission, and be lawful and effective only if expressly
51 approved as to their terms by the commission and the New Jersey
52 Racing Commission, except that any such agreements which
53 provide for a percentage of the casino licensee's share of the
54 parimutuel pool wagered at a simulcasting facility to be paid to

1 the hub facility shall not be subject to the provisions of paragraph
2 (1) of this subsection.

3 (8) Agreements relating to simulcast racing and wagering
4 between a casino licensee and a casino service industry licensed
5 pursuant to the provisions of subsection a. of section 92 of
6 P.L.1977, c.110 (C.5:12-92) to conduct casino simulcasting in a
7 simulcasting facility shall be in writing, be filed with the
8 commission, and be lawful and effective only if expressly
9 approved as to their terms by the commission, except that any
10 such agreements which provide for a percentage of the casino
11 licensee's share of the parimutuel pool wagered at a simulcasting
12 facility to be paid to the casino service industry shall not be
13 subject to the provisions of paragraph (1) of this subsection.

14 b. Each casino applicant or licensee shall maintain, in
15 accordance with the rules of the commission, a record of each
16 written or unwritten agreement regarding the realty,
17 construction, maintenance, or business of a proposed or existing
18 casino hotel or related facility. The foregoing obligation shall
19 apply regardless of whether the casino applicant or licensee is a
20 party to the agreement. Any such agreement may be reviewed by
21 the commission on the basis of the reasonableness of its terms,
22 including the terms of compensation, and of the qualifications of
23 the owners, officers, employees, and directors of any enterprise
24 involved in the agreement, which qualifications shall be reviewed
25 according to the standards enumerated in section 86 of this act.
26 If the commission disapproves such an agreement or the owners,
27 officers, employees, or directors of any enterprise involved
28 therein, the commission may require its termination.

29 Every agreement required to be maintained, and every related
30 agreement the performance of which is dependent upon the
31 performance of any such agreement, shall be deemed to include a
32 provision to the effect that, if the commission shall require
33 termination of an agreement pursuant to this subsection, such
34 termination shall occur without liability on the part of the casino
35 applicant or licensee or any qualified party to the agreement or
36 any related agreement. Failure expressly to include such a
37 provision in the agreement shall not constitute a defense in any
38 action brought to terminate the agreement. If the agreement is
39 not maintained or presented to the commission in accordance
40 with commission regulations, or the disapproved agreement is not
41 terminated, the commission may pursue any remedy or
42 combination of remedies provided in this act.

43 For the purposes of this subsection, "casino applicant" includes
44 any person required to hold a casino license pursuant to section
45 82 of P.L.1977, c.110 (C.5:12-82) who has applied to the
46 commission for a casino license or any approval required under
47 P.L.1977, c.110 (C.5:12-1 et seq.).

48 c. Nothing in this act shall be deemed to permit the transfer
49 of any license, or any interest in any license, or any certificate of
50 compliance or any commitment or reservation.

51 (cf: P.L.1993, c.121, s.2)

52 24. Section 106 of P.L.1977, c.110 (C.5:12-106) is amended to
53 read as follows:

54 106. Casino Employment. a. A casino licensee shall not

1 appoint or employ any person not registered or not possessing a
2 current and valid license permitting such appointment or
3 employment.

4 b. A casino licensee shall, within 24 hours of receipt of written
5 or electronically transferred notice thereof, terminate the
6 appointment or employment of any person whose license or
7 registration has been revoked or has expired. A casino licensee
8 shall comply in all respects with any order of the commission
9 imposing limitations or restrictions upon the terms of
10 employment or appointment in the course of any investigation or
11 hearing.

12 (cf: P.L.1991, c.182, s.43)

13 25. Section 107 of P.L.1977, c.110 (C.5:12-107) is amended to
14 read as follows:

15 107. Conduct of Hearings; Rules of Evidence; Punishment of
16 Contempts; Rehearing. a. At all hearings of the commission in
17 contested cases, as defined in section 2 of P.L.1968, c. 410 (C.
18 52:14B-2):

19 (1) Unless the commission hears the matter directly, the
20 chairman shall refer the matter to the Office of Administrative
21 Law in accordance with P.L.1978, c.67 (C.52:14F-1 et seq.);
22 provided, however, that the chairman may, in his discretion,
23 designate a member of the commission, or other qualified person
24 other than an employee of the commission, to serve as hearing
25 examiner in a particular matter;

26 (2) The proceedings at the hearing shall be recorded or
27 transcribed;

28 (3) Oral evidence shall be taken only upon oath or affirmation;

29 (4) Each party to a hearing shall have the right to call and
30 examine witnesses; to introduce exhibits relevant to the issues of
31 the case, including the transcript of testimony at any
32 investigative hearing conducted by or on behalf of the
33 commission; to cross-examine opposing witnesses in any matters
34 relevant to the issue of the case; to impeach any witness,
35 regardless of which party called him to testify; and to offer
36 rebuttal evidence;

37 (5) If an applicant, licensee, registrant or person who shall be
38 qualified pursuant to this act is a party and if such party shall not
39 testify in his own behalf, he may be called and examined as if
40 under cross-examination;

41 (6) The hearing shall not be conducted according to rules
42 relating to the admissibility of evidence in courts of law. Any
43 relevant evidence may be admitted and shall be sufficient in
44 itself to support a finding if it is the sort of evidence upon which
45 responsible persons are accustomed to rely in the conduct of
46 serious affairs, regardless of the existence of any common law or
47 statutory rule which might make improper the admission of such
48 evidence over objection in a civil action; and

49 (7) The parties or their counsel may, by written stipulation,
50 agree that certain specified evidence may be admitted, although
51 such evidence may be otherwise subject to objection.

52 b. The commission may take official notice of any generally
53 accepted information or technical or scientific matter in the
54 field of gaming and of any other fact which may be judicially

1 noticed by the courts of this State. The parties shall be informed
2 of any information, matters or facts so noticed and shall be given
3 a reasonable opportunity, on request, to refute such information,
4 matters or facts by evidence or by written or oral presentation of
5 authorities, the manner of such refutation to be determined by
6 the commission. The commission may, in its discretion, before
7 rendering its decision, permit the filing of amended or
8 supplemental pleadings and shall notify all parties thereof and
9 provide a reasonable opportunity for objections thereto.

10 c. If any person in proceedings before the commission disobeys
11 or resists any lawful order, refuses to respond to a subpoena,
12 refuses to take the oath or affirmation as a witness or thereafter
13 refuses to be examined, or is guilty of misconduct at the hearing
14 or so near the place thereof as to obstruct the proceeding, the
15 person may be punished for contempt in accordance with the
16 Rules of Court if the commission certifies the facts underlying
17 the contumacious behavior to the Superior Court. Thereafter,
18 the courts shall have jurisdiction in the matter, and the same
19 proceeding shall be had, the same penalties may be imposed, and
20 the person charged may purge himself of the contempt in the
21 same way as in the case of a person who has committed contempt
22 in the trial of a civil action before the Superior Court.

23 d. (1) The commission may, upon motion therefor made within
24 10 days after the service of the decision and order, order a
25 rehearing before the commission upon such terms and conditions
26 as it may deem just and proper when the commission finds cause
27 to believe that the decision and order should be reconsidered in
28 view of the legal, policy or factual matters advanced by the
29 moving party or raised by the commission on its own motion.

30 (2) Upon motion made within a reasonable time, but in no
31 event later than one year from the service of the decision and
32 order, the commission may relieve a party from the decision and
33 order upon a showing that there is additional evidence which is
34 material and necessary and which would be reasonably likely to
35 change the decision of the commission, and that sufficient reason
36 existed for failure to present such evidence at the hearing of the
37 commission or on a motion under paragraph (1) of this
38 subsection. The motion shall be supported by an affidavit of the
39 moving party or his counsel showing with particularity the
40 materiality and necessity of the additional evidence and the
41 reason why it was not presented at the hearing or on a motion
42 under paragraph (1) of this subsection. Upon rehearing, rebuttal
43 evidence to the additional evidence shall be admitted. After
44 rehearing, the commission may modify its decision and order as
45 the additional evidence may warrant.

46 (3) A motion for relief from a decision and order which is
47 based on any ground other than the presentation of newly
48 discovered evidence shall be governed as to both timeliness and
49 sufficiency by the regulations of the commission which shall be
50 modeled, to the extent practical, upon the rules then governing
51 similar motions before the courts of this State.

52 (cf: P.L.1987, c.354, s.19)

53 26. Section 112 of P.L.1977, c.110 (C.5:12-112) is amended to
54 read as follows:

1 112. Unlicensed Casino Gambling Games Unlawful; Penalties.

2 a. Any person who violates the provisions of sections 80 or 82
3 or of Article 7 of this act, or permits any gambling game, slot
4 machine or device to be conducted, operated, dealt or carried on
5 in any casino or simulcasting facility by a person other than a
6 person licensed for such purposes pursuant to this act is guilty of
7 a crime of the fourth degree and subject to the penalties
8 therefor, except that the amount of a fine may be up to
9 \$25,000.00, and in the case of a person other than a natural
10 person, the amount of a fine may be up to \$100,000.00.

11 b. Any licensee who places games or slot machines into play or
12 displays such games or slot machines in a casino or simulcasting
13 facility without authority of the commission to do so is guilty of
14 a crime of the fourth degree and subject to the penalties
15 therefor, except that the amount of a fine may be up to
16 \$25,000.00, and in the case of a person other than a natural
17 person, the amount of a fine may be up to \$100,000.00.

18 c. Any person who operates, carries on or exposes for play any
19 gambling game, gaming device or slot machine after his license
20 has expired and prior to the actual renewal thereof is guilty of a
21 crime of the fourth degree and subject to the penalties therefor,
22 except that the amount of a fine may be up to \$25,000.00, and in
23 the case of a person other than a natural person, the amount of a
24 fine may be up to \$100,000.00.

25 (cf: P.L.1991, c.182, s.45)

26 27. Section 113 of P.L.1977, c.110 (C.5:12-113) is amended to
27 read as follows:

28 113. Swindling and Cheating; Penalties. a. Except as
29 provided in subsection b., any person who by any trick or sleight
30 of hand performance, or by a fraud or fraudulent scheme, cards,
31 dice or device, for himself or for another wins or attempts to win
32 money or property or a representative of either or reduces a
33 losing wager or attempts to reduce a losing wager in connection
34 with casino gaming or simulcast wagering is guilty of a crime of
35 the fourth degree and notwithstanding the provisions of
36 N.J.S.2C:43-3 shall be subject to a fine of not more than
37 \$25,000.00, and in the case of a person other than a natural
38 person, to a fine of not more than \$100,000.00 and any other
39 appropriate disposition authorized by N.J.S.2C:43-2b.

40 b. Any person who by any trick or sleight of hand performance,
41 or by fraud or fraudulent scheme, cards, dice or device, for
42 himself or for another wins or attempts to win money or property
43 or a representative of either or reduces a losing wager or
44 attempts to reduce a losing wager in connection with casino
45 gaming or simulcast wagering is guilty of a disorderly persons
46 offense if the value of such money or property or representative
47 of either is \$25.00 or under.

48 (cf: P.L.1979, c.282, s.38)

49 28. Section 46 of P.L.1991, c.182 (C.5:12-113.1) is amended to
50 read as follows:

51 46. A person commits a disorderly persons offense if, in
52 playing a game in a licensed casino or simulcasting facility, the
53 person uses, or assists another in the use of, an electronic,
54 electrical or mechanical device which is designed, constructed, or

1 programmed specifically for use in obtaining an advantage at
2 playing any game in a licensed casino or simulcasting facility. A
3 device used by any person in violation of this section shall be
4 subject to forfeiture pursuant to the provisions of N.J.S.2C:64-1
5 et seq.

6 Each casino licensee shall post notice of this prohibition and
7 the penalties of this section in a manner determined by the
8 commission.

9 (cf: P.L.1991, c.182, s.46)

10 29. Section 114 of P.L.1977, c.110 (C.5:12-114) is amended to
11 read as follows:

12 114. Unlawful Use of Bogus Chips or Gaming Billets, Marked
13 Cards, Dice, Cheating Devices, Unlawful Coins; Penalty. a. It
14 shall be unlawful for any person playing any licensed gambling
15 game:

16 (1) Knowingly to use bogus or counterfeit chips or gaming
17 billets, or knowingly to substitute and use in any such game cards
18 or dice that have been marked, loaded or tampered with; or

19 (2) Knowingly to use or possess any cheating device with intent
20 to cheat or defraud.

21 b. It shall be unlawful for any person, playing or using any slot
22 machine in a licensed casino:

23 (1) Knowingly to use other than a lawful coin or legal tender of
24 the United States of America, or to use coin not of the same
25 denomination as the coin intended to be used in such slot
26 machine, except that in the playing of any slot machine or similar
27 gaming device, it shall be lawful for any person to use gaming
28 billets, tokens or similar objects therein which are approved by
29 the commission; or

30 (2) To use any cheating or thieving device, including but not
31 limited to tools, drills, wires, coins or tokens attached to strings
32 or wires, or electronic or magnetic devices, to facilitate the
33 alignment of any winning combination or removing from any slot
34 machine any money or other contents thereof.

35 c. It shall be unlawful for any person knowingly to possess or
36 use while on the premises of a licensed casino, any cheating or
37 thieving device, including but not limited to tools, wires, drills,
38 coins attached to strings or wires or electronic or magnetic
39 devices to facilitate removing from any slot machine any money
40 or contents thereof, except that a duly authorized employee of a
41 licensed casino may possess and use any of the foregoing only in
42 furtherance of his employment in the casino.

43 d. It shall be unlawful for any person knowingly to possess or
44 use while on the premises of any licensed casino or simulcasting
45 facility any key or device designed for the purpose of or suitable
46 for opening or entering any slot machine or similar gaming device
47 or drop box, except that a duly authorized employee of a licensed
48 casino, of a company authorized to conduct casino simulcasting,
49 or of the commission may possess and use any of the foregoing
50 only in furtherance of his employment.

51 e. Any person who violates this section is guilty of a crime of
52 the fourth degree and notwithstanding the provisions of
53 N.J.S.2C:43-3 shall be subject to a fine of not more than
54 \$25,000.00, and in the case of a person other than a natural

1 person, to a fine of not more than \$100,000.00 and any other
2 appropriate disposition authorized by N.J.S.2C:43-2b.
3 (cf: P.L.1979, c.282, s.39)

4 30. Section 119 of P.L.1977, c.110 (C.5:12-119) is amended to
5 read as follows:

6 119. Gaming by Certain Persons Prohibited; Penalties;
7 Defenses. a. No person under the age at which a person is
8 authorized to purchase and consume alcoholic beverages shall
9 enter, or wager [at any game] in, a licensed casino or [a casino]
10 simulcasting facility [established pursuant to the "Casino
11 Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et al.)]; provided,
12 however, that such a person may enter a casino or simulcasting
13 facility by way of passage to another room, and provided further,
14 however, that any such person who is licensed or registered under
15 the provisions of the "Casino Control Act," P.L.1977, c.110
16 (C.5:12-1 et seq.), may enter a casino or [casino] simulcasting
17 facility in the regular course of the person's permitted activities.

18 b. Any licensee or employee of a casino who allows a person
19 under the age at which a person is authorized to purchase and
20 consume alcoholic beverages to remain in or wager in a casino or
21 [a casino] simulcasting facility [established pursuant to the
22 "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et al.),] is
23 guilty of a disorderly persons offense; except that the
24 establishment of all of the following facts by a licensee or
25 employee allowing any such underage person to remain shall
26 constitute a defense to any prosecution therefor:

27 (1) That the underage person falsely represented in writing
28 that he or she was at or over the age at which a person is
29 authorized to purchase and consume alcoholic beverages;

30 (2) That the appearance of the underage person was such that
31 an ordinary prudent person would believe him or her to be at or
32 over the age at which a person is authorized to purchase and
33 consume alcoholic beverages; and

34 (3) That the admission was made in good faith, relying upon
35 such written representation and appearance, and in the
36 reasonable belief that the underage person was actually at or
37 over the age at which a person is authorized to purchase and
38 consume alcoholic beverages.

39 (cf: P.L.1992, c.19, s.36)

40 31. Section 121 of P.L.1977, c.110 (C.5:12-121) is amended to
41 read as follows:

42 121. Authority of Gaming Licensee and Agents to Detain or
43 Question Persons Suspected of Cheating; Immunity from
44 Liability; Posted Notice Required.

45 a. Any licensee or its officers, employees or agents may
46 question any individual in the casino or simulcasting facility
47 reasonably suspected of violating any of the provisions of sections
48 113 through 116 of P.L.1977, c.110 (C.5:12-113 through 116) or of
49 section 46 of P.L.1991, c.182 (C.5:12-113.1). No licensee or its
50 officers, employees or agents shall be criminally or civilly liable
51 by reason of any such questioning.

52 b. Any licensee or its officers, employees or agents who shall
53 have probable cause for believing there has been a violation of
54 sections 113 through 116 of P.L.1977, c.110 (C.5:12-113 through

1 116) or of section 46 of P.L.1991, c.182 (C.5:12-113.1) in the
2 casino or simulcasting facility by any person may refuse to
3 permit such person to continue gaming or wagering or may take
4 such person into custody and detain him in the establishment in a
5 reasonable manner for a reasonable length of time, for the
6 purpose of notifying law enforcement or commission authorities.
7 Such refusal or taking into custody and detention shall not render
8 such licensee or its officers, employees or agents criminally or
9 civilly liable for false arrest, false imprisonment, slander or
10 unlawful detention, unless such refusal or such taking into
11 custody or detention is unreasonable under all of the
12 circumstances.

13 c. No licensee or his officers, employees or agents shall be
14 entitled to any immunity from civil or criminal liability provided
15 in this section unless there is displayed in a conspicuous manner
16 in the casino and, if applicable, the simulcasting facility a notice
17 in bold face type clearly legible and in substantially this form:

18 "Any gaming licensee or officer, employee or agent thereof
19 who has probable cause for believing that any person is violating
20 any of the provisions of the Casino Control Act prohibiting
21 cheating or swindling in gaming or simulcast wagering may detain
22 such person in the establishment for the purpose of notifying a
23 police officer or Casino Control Commission authorities."

24 (cf: P.L.1991, c.182, s.53)

25 32. Section 129 of P.L.1977, c.110 (C.5:12-129) is amended to
26 read as follows:

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

32 (1) Revoke the license or registration of any person for the
33 conviction of any criminal offense under this act or for the
34 commission of any other offense or violation of this act which
35 would disqualify such person from holding his license or
36 registration;

37 (2) Revoke the license or registration of any person for
38 willfully and knowingly violating an order of the commission
39 directed to such person;

40 (3) Suspend the license or registration of any person pending
41 hearing and determination, in any case in which license or
42 registration revocation could result;

43 (4) Suspend the operation certificate of any casino licensee for
44 violation of any provisions of this act or regulations promulgated
45 hereunder relating to the [casino] operation of its casino or, if
46 applicable, its simulcasting facility, ¹or both,¹ including games,
47 internal and accountancy controls and security;

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

53 (6) Order restitution of any moneys or property unlawfully
54 obtained or retained by a licensee or registrant;

1 (7) Enter a cease and desist order which specifies the conduct
2 which is to be discontinued, altered or implemented by the
3 licensee or registrant;

4 (8) Issue letters of reprimand or censure, which letters shall be
5 made a permanent part of the file of each licensee or registrant
6 so sanctioned; or

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

9 (cf: P.L.1981, c.503, s.20)

10 33. Section 132 of P.L.1977, c.110 (C.5:12-132) is amended to
11 read as follows:

12 132. Legal Shipments of Gaming Devices into New Jersey. All
13 shipments into this State of gaming devices, including slot
14 machines, the registering, recording and labeling of which has
15 been duly had by the manufacturer or dealer thereof in
16 accordance with sections 3 and 4 of an Act of Congress of the
17 United States entitled "An act to prohibit transportation of
18 gambling devices in interstate and foreign commerce," approved
19 January 2, 1951, being chapter 1194, 64 Stat. 1134, and also
20 designated as 15 U.S.C. [(1171-1172)] (1173-1174), shall be
21 deemed legal shipments thereof into this State.

22 (cf: P.L.1977, c.110, s.132)

23 34. Section 149 of P.L.1977, c.110 (C.5:12-149) is amended to
24 read as follows:

25 149. Determination of Tax Liability. Determination of Tax
26 Liability. The commission may perform audits of the books and
27 records of a casino licensee, at such times and intervals as it
28 deems appropriate, for the purpose of determining the sufficiency
29 of tax payments. If a return or deposit required by section 145
30 with regard to obligations imposed by subsection a. of section 144
31 of P.L.1977, c.110 (C.5:12-144) is not filed or paid, or if a return
32 or deposit when filed or paid is determined by the commission to
33 be incorrect or insufficient [in the opinion of the commission]
34 with or without an audit, the amount of tax or deposit due [or
35 deposit] shall be determined by [an audit of the casino licensee's
36 books and records performed by] the commission. Notice of such
37 determination shall be given to the licensee liable for the
38 payment of the tax or deposit. Such determination shall finally
39 and irrevocably fix the tax unless the person against whom it is
40 assessed, within 30 days after receiving notice of such
41 determination, shall apply to the commission for a hearing, or
42 unless the commission on its own motion shall redetermine the
43 same. After such hearing the commission shall give notice of its
44 determination to the person against whom the tax is assessed.

45 (cf: P.L.1987, c.354, s.21)

46 35. Section 150 of P.L.1977, c.110 (C.5:12-150) is amended to
47 read as follows:

48 150. Penalties. a. Any licensee who shall fail to file his
49 return when due or to pay any tax or deposit when the same
50 becomes due, as herein provided, shall be subject to such
51 penalties and interest as provided in the "State Tax Uniform
52 Procedure Law," Subtitle 9 of Title 54 of the Revised Statutes. If
53 the [State Treasurer] commission determines that the failure to
54 comply with any provision of this Article was excusable under the

1 circumstances, [he] the commission may remit such part or all of
2 the penalty as shall be appropriate under such circumstances.

3 b. Any person failing to file a return, failing to pay the tax or
4 deposit, or filing or causing to be filed, or making or causing to
5 be made, or giving or causing to be given any return, certificate,
6 affidavit, representation, information, testimony or statement
7 required or authorized by this act, or rules or regulations adopted
8 hereunder which is willfully false, or failing to keep any records
9 required by this act or rules and regulations adopted hereunder,
10 shall, in addition to any other penalties herein or elsewhere
11 prescribed, be guilty of a crime of the fourth degree and subject
12 to the penalties therefor, except that the amount of a fine may
13 be up to \$100,000.00.

14 c. Except as to those determinations required to be made by
15 the commission pursuant to section 149 of P.L.1977, c.110
16 (C.5:12-149), the certificate of the State Treasurer to the effect
17 that a tax or deposit has not been paid, that a return has not been
18 filed, that information has not been supplied, or that inaccurate
19 information has been supplied pursuant to the provisions of this
20 act or rules or regulations adopted hereunder, shall be
21 presumptive evidence thereof.

22 d. If any part of any underpayment of tax required to be shown
23 on a return is due to fraud, there shall be added to the tax an
24 amount equal to 50% of the underpayment.

25 (cf: P.L.1991, c.182, s.59)

26 36. Section 8 of P.L.1984, c.218 (C.5:12-156) is amended to
27 read as follows:

28 8. Each appointed and voting public member of the Casino
29 Reinvestment Development Authority other than the chairman
30 shall receive compensation of \$18,000.00 per annum. The
31 compensation of the chairman shall be \$23,000.00 per annum.
32 [However, no voting public member who holds an interest in, is
33 employed by, represents, appears for or negotiates on behalf of a
34 casino shall] The casino industry representatives shall not be
35 deemed to be public members and shall not receive this
36 compensation. All members shall be reimbursed for actual
37 expenses necessarily incurred in the discharge of their duties.
38 Notwithstanding the provisions of any other law, no officer or
39 employee of the State shall be deemed to have forfeited or shall
40 forfeit his office or employment, or any benefits or emoluments
41 thereof by reason of his acceptance of the office of an ex officio
42 or appointed member of the Casino Reinvestment Development
43 Authority or his services therein.

44 (cf: P.L.1991, c.219, s.3)

45 37. Section 11 of P.L.1992, c.19 (C.5:12-201) is amended to
46 read as follows:

47 11. a. Except as provided in subsection b. of this section, a
48 casino which receives a simulcast horse race from an
49 out-of-State sending track shall not pay the out-of-State sending
50 track for the transmission an amount equal to more than 3% of
51 the parimutuel pool on each race. If the casino negotiates an
52 agreement to pay the out-of-State sending track an amount equal
53 to less than 3% of the parimutuel pool, the casino shall be
54 entitled to retain the difference between the amount agreed upon

1 and 3%.

2 b. Subject to the approval of the New Jersey Racing
3 Commission and with respect to no more than [20] 26 races per
4 casino per calendar year, a casino may pay an out-of-State
5 sending track an amount equal to not more than 6% of the
6 parimutuel pool for the transmission of a race. If the casino
7 negotiates an agreement to pay the out-of-State sending track an
8 amount equal to less than 6% of the parimutuel pool, the casino
9 shall be entitled to retain the difference between the amount
10 agreed upon and 6%.

11 (cf: P.L.1992, c.19, s.11)

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

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

33 b. No State officer or employee, nor any person, nor any
34 member of the immediate family of any State officer or
35 employee, or person, nor any partnership, firm or corporation
36 with which any such State officer or employee or person is
37 associated or in which he has an interest, nor any partner,
38 officer, director or employee while he is associated with such
39 partnership, firm, or corporation, shall hold, directly or
40 indirectly, an interest in, or hold employment with, or represent,
41 appear for, or negotiate on behalf of, any holder of, or applicant
42 for, a casino license, or any holding or intermediary company
43 with respect thereto, in connection with any cause, application,
44 or matter, except that a member of the immediate family of a
45 State officer or employee, or person, may hold employment with
46 the holder of, or applicant for, a casino license if, in the
47 judgment of the Executive Commission on Ethical Standards, the
48 Joint Legislative Committee on Ethical Standards, or the
49 Supreme Court, as appropriate, such employment will not
50 interfere with the responsibilities of the State officer or
51 employee, or person, and will not create a conflict of interest, or
52 reasonable risk of the public perception of a conflict of interest,
53 on the part of the State officer or employee, or person. No
54 special State officer or employee without responsibility for

1 matters affecting casino activity, excluding those serving in the
2 Departments of Education, Health, Higher Education and Human
3 Services, shall hold, directly or indirectly, an interest in, or
4 represent, appear for, or negotiate on behalf of, any holder of, or
5 applicant for, a casino license, or any holding or intermediary
6 company with respect thereto, in connection with any cause,
7 application, or matter. However, a special State officer or
8 employee without responsibility for matters affecting casino
9 activity may hold employment directly with any holder of or
10 applicant for a casino license or any holding or intermediary
11 company thereof and if so employed may hold, directly or
12 indirectly, an interest in, or represent, appear for, or negotiate
13 on behalf of, his employer, except as otherwise prohibited by law.

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

41 d. This section shall not apply to the spouse of a State officer
42 or employee, which State officer or employee is without
43 responsibility for matters affecting casino activity, who becomes
44 the spouse subsequent to the State officer's or employee's
45 appointment or employment as a State officer or employee and
46 who is not individually or directly employed by a holder of, or
47 applicant for, a casino license, or any holding or intermediary
48 company.

49 e. The Joint Legislative Committee on Ethical Standards and
50 the Executive Commission on Ethical Standards, as appropriate,
51 shall forthwith determine and publish, and periodically update, a
52 list of those positions in State government with responsibility for
53 matters affecting casino activity.

54 f. No person shall solicit or accept, directly or indirectly, any

1 regulations of the commission. Any such attempt shall be
2 promptly reported to the Attorney General; provided, however,
3 that nothing in this section shall be deemed to proscribe a request
4 for information by any person concerning the status of any
5 application for licensure or any proceeding to enforce the
6 provisions of this act or the regulations of the commission.

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

11 (cf: P.L.1991,c.182,s.60)

12 39. (New section) A casino licensee may exclude or eject from
13 its casino hotel any person who is known to it to have been
14 convicted, on at least three occasions, of a crime, disorderly
15 persons offense, or petty disorderly persons offense committed in
16 or on the premises of the casino hotel.

17 40. (New section) Any reference in the "Casino Control Act,"
18 P.L.1977, c.110 (C.5:12-1 et seq.) to "this act" or to "P.L.1977,
19 c.110" shall be deemed to include, where appropriate, the
20 "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et seq.).

21 41. This act shall take effect immediately.

22
23
24 *SPONSOR'S* STATEMENT
25

26 This bill makes the following changes in the laws governing the
27 establishment and operation of casinos and casino simulcasting
28 facilities in Atlantic City:

29 (1) adds appropriate language at numerous places in the
30 "Casino Control Act," P.P.1977, c.110 (C.5:12-1 et seq.) to
31 reflect the establishment of casino simulcasting under P.L.1992,
32 c.19 (C.5:12-191 et seq.);

33 (2) provides that the salary of members of the Casino Control
34 Commission shall be equal to that of a Judge of the Superior
35 Court, thus restoring an appropriate parity (for a total of five
36 years since full-time membership on the commission became
37 operative in 1981, the salary of the commissioners was equal to
38 that of a Judge of the Superior Court, Appellate Division, and for
39 the remainder of that period, the salary was, and presently is,
40 less than that of a Judge of the Superior Court at the trial court
41 level; the last salary increase for the commissioners took effect
42 July 1, 1986, while the last increase for Judges took effect
43 January 1, 1991);

44 (3) extends from 180 to 270 days the period during which the
45 Casino Control Commission may permit an experimental test of a
46 new procedure or regulation;

47 (4) clarifies the duty of casino licensees to exclude persons
48 whose presence would be inimical to the interest of the State or
49 licensed gaming;

50 (5) authorizes the commission to allow a casino licensee to
51 include, for purposes of the calculation to determine the
52 allowability of additional casino space, new hotel rooms built as
53 replacements for preexisting rooms if such replacements are part
54 of a licensee's program of neighborhood rehabilitation approved

1 by the city of Atlantic City;

2 (6) permits temporary casino key employee licenses to be
3 issued earlier than 30 days after application, provided the
4 Division of Gaming Enforcement certifies receipt of the
5 completed application and approves the temporary licensure;

6 (7) authorizes the commission to renew casino employee
7 licenses, licenses for non-gaming-related casino service
8 industries, and certain other licenses for terms of four years
9 (rather than the present three years), and to issue and renew
10 casino key employee licenses and licenses for gaming-related
11 casino service industries for terms of two years (at present, such
12 licenses are issued for one year with two renewal periods of one
13 year each and then renewal periods of two years);

14 (8) eliminates the prohibition on the visibility of a casino from
15 outside the hotel, and with respect to visibility within a casino or
16 simulcasting facility, provides that no partition between two
17 areas shall interfere with the ability of the commission or the
18 Division of Gaming Enforcement to supervise operations (at
19 present, there is a prohibition on a partition covering more than
20 50% of a structural opening);

21 (9) eliminates the mandatory submission to the commission of
22 information on non-gaming operations of casino licensees and
23 makes the imposition of such submissions subject to regulation by
24 the commission;

25 (10) permits the commission to authorize casino patrons to
26 obtain chips by credit card;

27 (11) makes clear that the prohibition on gambling at casinos
28 applicable to casino key employees applies also to persons who
29 are required to hold a casino key employee license as a condition
30 of employment or qualification;

31 (12) clarifies the ability of casino licensees to cash checks for
32 non-gaming purposes and specifies certain conditions to be met
33 for such check-cashing;

34 (13) permits the chairman of the commission to designate a
35 "qualified person" (other than an employee of the commission) to
36 serve as a hearing officer (the chairman can presently designate a
37 member of the commission to serve);

38 (14) increases from 20 to 26 the limit on the number of races
39 per calendar year on which a casino may pay an out-of-State
40 racetrack 6% of the parimutuel pool for the transmission of the
41 race (the New Jersey Racing Commission has recommended this
42 change);

43 (15) permits members of the immediate family of a State
44 officer or employee and of other specified officers and
45 employees, including certain officials in Atlantic City, to be
46 employed by a casino provided the Executive Commission on
47 Ethical Standards, the Joint Legislative Committee on Ethical
48 Standards, or the Supreme Court, as appropriate, determines that
49 certain conditions are satisfied; and

50 (16) authorizes casino licensees to exclude or eject from their
51 premises persons who they know have been convicted, on at least
52 three occasions, of a crime, a disorderly persons offense, or a
53 petty disorderly persons offense committed in or on their
54 premises.

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3 Makes various changes in the laws governing the conduct and
4 operation of casino gaming and casino simulcasting.

ASSEMBLY FINANCIAL INSTITUTIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2978

with committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 22, 1993

The Assembly Financial Institutions Committee reports favorably and with committee amendments Assembly Bill No. 2978.

Assembly Bill No. 2978, with committee amendments, makes the following changes in the laws governing the establishment and operation of casinos and casino simulcasting facilities in Atlantic City:

(1) adds appropriate language at numerous places in the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.) to reflect the establishment of casino simulcasting under P.L.1992, c.19 (C.5:12-191 et seq.);

(2) provides that the annual salary of members of the Casino Control Commission shall be \$90,000. This is the same annual salary that the commissioners have been paid beginning with FY 1987 pursuant to language in that and each subsequent FY appropriations bill;

(3) extends from 180 to 270 days the period during which the Casino Control Commission may permit an experimental test of a new procedure or regulation;

(4) clarifies the duty of casino licensees to exclude persons whose presence would be inimical to the interest of the State or licensed gaming;

(5) requires information on gross revenue from casino simulcasting to be reported periodically and also to be subject to public inspection;

(6) requires the Division of Gaming Enforcement to exchange fingerprint data with, and receive criminal history record information from, the Federal Bureau of Investigation for use in considering applicants for license or registration;

(7) authorizes the commission to allow a casino licensee to include, for purposes of the calculation to determine the allowability of additional casino space, new hotel rooms built as replacements for preexisting rooms if such replacements are part of a licensee's program of neighborhood rehabilitation approved by the city of Atlantic City;

(8) permits the commission to issue a temporary license to an applicant for a casino key employee license if the DGE either certifies that the completed application has been in the possession of the DGE for at least 30 days or the DGE agrees to allow the commission to consider the application in some lesser time;

(9) authorizes the commission to renew casino employee licenses, licenses for non-gaming-related casino service industries, and certain other licenses for terms of four years (rather than the present three years), and to issue and renew casino key employee licenses and licenses for gaming-related casino service industries for terms of two years (at present, such licenses are issued for one year with two renewal periods of one year each and then renewal periods of two years);

(10) eliminates the prohibition on the visibility of a casino from outside the hotel, and with respect to visibility within a casino or simulcasting facility, provides that no partition between two areas shall interfere with the ability of the commission or the Division of Gaming Enforcement to supervise operations (at present, there is a prohibition on a partition covering more than 50% of a structural opening);

(11) eliminates the mandatory submission to the commission of information on non-gaming operations of casino licensees and makes the imposition of such submissions subject to regulation by the commission;

(12) permits the commission to authorize casino patrons to obtain chips by credit card;

(13) makes clear that the prohibition on gambling at casinos applicable to casino key employees applies also to persons who are required to hold a casino key employee license as a condition of employment or qualification;

(14) clarifies the ability of casino licensees to cash checks for non-gaming purposes and specifies certain conditions to be met for such check-cashing;

(15) permits the chairman of the commission to designate a "qualified person" (other than an employee of the commission) to serve as a hearing officer (the chairman can presently designate a member of the commission to serve);

(16) increases from 20 to 26 the limit on the number of races per calendar year on which a casino may pay an out-of-State racetrack 6% of the parimutuel pool for the transmission of the race (the New Jersey Racing Commission has recommended this change);

(17) permits members of the immediate family of a State officer or employee and of other specified officers and employees, including certain officials in Atlantic City, to be employed by a casino provided the Executive Commission on Ethical Standards, the Joint Legislative Committee on Ethical Standards, or the Supreme Court, as appropriate, determines that certain conditions are satisfied;

(18) explicitly identifies the Division of Gaming Enforcement as a law enforcement agency; and

(19) authorizes casino licensees to exclude or eject from their premises persons who they know have been convicted, on at least three occasions, of a crime, a disorderly persons offense, or a petty disorderly persons offense committed in or on the premises of any casino hotel.

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Amendments to the bill: set the annual salary of the commissioners at \$90,000 instead of setting the salaries at the same level as those of judges of the Superior Court; require the DGE to exchange fingerprint data with, and receive criminal history record information from, the Federal Bureau of Investigation for use in considering applicants for license or registration; permit the commission to issue a temporary license to an applicant for a casino key employee license if the DGE either certifies that the completed application has been in the possession of the DGE for at least 30 days or the DGE agrees to allow the commission to consider the application in some lesser time; permit the commission to suspend the operation certificate of any licensee for its casino or, if applicable, its simulcasting facility or both; rearrange the order of section 77 of P.L.1977, c.110 (C.5:5-77) and explicitly identify the DGE as a law enforcement agency; and change the wording in section 40 of the bill so that a casino licensee may exclude or eject from its casino hotel any person who is known to it to have been convicted, on at least three occasions, of a crime, disorderly persons offense, or petty disorderly persons offense committed in or on the premises of any casino hotel. Previous language required the offenses to have been committed in or on the premises of the particular casino wishing to exclude or eject the person from its casino hotel.



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: JON SHURE
609-777-2600

TRENTON, N.J. 08625

Release: TUESDAY
DEC. 21, 1993

Governor Jim Florio signed the following bill:

A-2978Aca/S-2231 PBM 93: Sponsored by Assemblymen Nickles and Penn/Senator Gormley

Makes various changes in the laws governing the conduct and operation of casino gaming and casino simulcasting.

This bill, with committee amendments, makes the following changes in the laws governing the establishment and operation of casinos and casino simulcasting facilities in Atlantic City:

(1) adds appropriate language at numerous places in the "Casino Control Act," P.L.1977, c.110 (C.5:12-1 et seq.) to reflect the establishment of casino simulcasting under P.L.1992, c.19 (C.5:12-191 et seq.);

(2) provides that the annual salary of members of the Casino Control Commission (Commission) shall be \$90,000. This is the same annual salary that the commissioners have been paid beginning with Fiscal Year 1987 pursuant to language in that and each subsequent fiscal year appropriations bill;

(3) extends from 180 to 270 days the period during which the Commission may permit an experimental test of a new procedure or regulation;

(4) clarifies the duty of casino licensees to exclude persons whose presence would be inimical to the interest of the State or licensed gaming;

(5) requires information on gross revenue from casino simulcasting to be reported periodically and also to be subject to public inspection;

(6) requires the Division of Gaming Enforcement (DGE) to exchange fingerprint data with, and receive criminal history record information from, the Federal Bureau of Investigation for use in considering applicants for license or registration;

(7) authorizes the Commission to allow a casino licensee to include, for purposes of the calculation to determine the allowability of additional casino space, new hotel rooms built as replacements for preexisting rooms if such replacements are part of a licensee's program of neighborhood rehabilitation approved by the city of Atlantic City;

(8) permits the Commission to issue a temporary license to an applicant for a casino key employee license if the DGE either certifies that the completed application has been in the possession of the DGE for at least 30 days or the DGE agrees to allow the Commission to consider the application in some lesser time;

(9) authorizes the Commission to renew casino employee licenses, licenses for non-gaming-related casino service industries, and certain other licenses for terms of four years (rather than the present three years), and to issue and renew casino key employee licenses and licenses for gaming-related casino service industries for terms of two years (at present, such licenses are issued for one year with two renewal periods of one year each and then renewal periods of two years);

(10) eliminates the prohibition on the visibility of a casino from outside the hotel, and with respect to visibility within a casino or simulcasting facility, provides that no partition between two areas shall interfere with the ability of the Commission or the DGE to supervise operations (at present, there is a prohibition on a partition covering more than 50% of a structural opening);

(11) eliminates the mandatory submission to the Commission of information on non-gaming operations of casino licensees and makes the imposition of such submissions subject to regulation by the Commission;

(12) permits the Commission to authorize casino patrons to obtain chips by credit card;

(13) makes clear that the prohibition on gambling at casinos applicable to casino key employees applies also to persons who are required to hold a casino key employee license as a condition of employment or qualification;

(14) clarifies the ability of casino licensees to cash checks for non-gaming purposes and specifies certain conditions to be met for such check-cashing;

(15) permits the chairman of the Commission to designate a "qualified person" (other than an employee of the Commission) to serve as a hearing officer (the chairman can presently designate a member of the Commission to serve);

(16) increases from 20 to 26 the limit on the number of races per calendar year on which a casino may pay an out-of-State racetrack 6% of the parimutuel pool for the transmission of the race (the New Jersey Racing Commission has recommended this change);

(17) permits members of the immediate family of a State officer or employee and of other specified officers and employees, including certain officials in Atlantic City, to be employed by a casino provided the Executive Commission on Ethical Standards, the Joint Legislative Committee on Ethical Standards, or the Supreme Court, as appropriate, determines that certain conditions are satisfied;

(18) explicitly identifies the DGE as a law enforcement agency;
and

(19) authorizes casino licensees to exclude or eject from their premises persons who they know have been convicted, on at least three occasions, of a crime, a disorderly persons offense, or a petty disorderly persons offense committed in or on the premises of any casino hotel.

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