

5:12-52

LEGISLATIVE HISTORY CHECKLIST

NJSA 5:12-52 (Casino Control Commission - chairman--
advice and consent of Senate)

LAWS 1980 CHAPTER 138

Bill No. S1473

Sponsor(s) Hamilton and others

Date Introduced Aug. 4, 1980

Committee: Assembly -----

Senate -----

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

according to Governor's recommendations

Date of Passage: Assembly Oct. 6, 1980 Re-enacted 11-10-80

Senate Sept. 22, 1980 Re-enacted 11-10-80

Date of approval Nov. 12, 1980

Following statements are attached if available:

Sponsor statement Yes ~~No~~ (Below)

Committee Statement: Assembly Yes ~~No~~

Senate Yes ~~No~~

Fiscal Note Yes ~~No~~

Veto Message Yes ~~No~~

Message on signing Yes ~~No~~

Following were printed:

Reports Yes ~~No~~

Hearings Yes ~~No~~

Sponsor's statement:

Under this bill, the member of the Casino Control Commission who is designated by the Governor to serve as commission chairman upon the expiration of the present chairman's term must receive the advice and consent of the Senate. At present, under the recently enacted law restructuring the commission (P.L. 1980, c.28), such designation is not subject to Senate confirmation.

6/22/81
EJ

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SENATE, No. 1473**STATE OF NEW JERSEY**

INTRODUCED AUGUST 4, 1980

By Senators HAMILTON, DORSEY, MUSTO, SKEVIN, SHEIL,
ORECHIO, MARESSA, J. RUSSO, PERSKIE, GAGLIANO,
CAFIERO, HAGEDORN, VREELAND, WEISS, LIPMAN,
HIRKALA and DiFRANCESCO

(Without Reference)

AN ACT to amend *and supplement* the "Casino Control Act,"
approved June 2, 1977 (P. L. 1977, c. 110).

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

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

3 52. Appointment and Terms of Commission Members. a. Initial
4 appointments to the commission made pursuant to this amendatory
5 and supplementary act shall be for terms as follows:

- 6 (1) One member for 2 years;
7 (2) One member for 3 years;
8 (3) One member for 4 years; and
9 (4) One member for 5 years.

10 b. The term of each of the members first appointed pursuant
11 to this amendatory and supplementary act shall be designated by
12 the Governor.

13 c. After the initial appointments, all members shall be appointed
14 for terms of 5 years; provided, however, that no member shall
15 serve more than two terms of 5 years each.

16 d. Appointments to the commission and designation of the
17 chairman**[**, except for the initial designation pursuant to this
18 amendatory and supplementary act,**]** shall be made by the Gov-
19 ernor with the advice and consent of the Senate. Prior to nomina-
20 tion, the Governor shall cause an inquiry to be conducted by the
21 Attorney General into the nominee's background, with particular
22 regard to the nominee's financial stability, integrity, and responsi-
23 bility and his reputation for good character, honesty, and integrity.

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

24 e. Appointments to fill vacancies on the commission shall be for
25 the unexpired term of the member to be replaced.

26 f. The member designated by the Governor to serve as chair-
27 man shall serve in such capacity throughout such member's entire
28 term and until his successor shall have been duly appointed and
29 qualified. No such member, however, shall serve in such capacity
30 for more than 10 years. The chairman shall be the chief executive
31 officer of the commission. All members shall devote full time to
32 their duties of office and shall not pursue or engage in any other
33 business, occupation or other gainful employment.

34 g. A commissioner may be removed from office for misconduct
35 in office, willful neglect of duty, or other conduct evidencing un-
36 fitness for his office, or for incompetence. A proceeding for removal
37 may be instituted by the Attorney General in the Superior Court.
38 Notwithstanding any provision of this or any other act, any com-
39 missioner or employee of the commission shall automatically for-
40 feit his office or position upon conviction of any crime. Any com-
41 missioner or employee of the commission shall be subject to the
42 duty to appear and testify and to removal from his office, position
43 or employment in accordance with the provisions of P. L. 1970,
44 c. 72 (C. 2A :81-17.2a et seq.).

45 h. Each member of the commission shall serve for the duration
46 of his term and until his successor shall be duly appointed and
47 qualified, subject to the limitations in subsections c. and f. of this
48 section; provided, however, that in the event that a successor is
49 not duly appointed and qualified within 120 days after the expira-
50 tion of the member's term, a vacancy shall be deemed to exist.

1 *2. (New section) The Senate shall consent to or reject any
2 person designated by the Governor on or after November 15, 1980
3 as initial chairman of the commission under P. L. 1980, c. 28,
4 within 45 days of such designation. If the first such initial designee
5 is neither consented to or rejected, by recorded vote, within 45
6 days, he or she shall be deemed consented to by the Senate. If the
7 Senate shall reject the first such initial designee within 45 days,
8 the provisions of this section shall apply to all subsequent initial
9 designees until one is consented to.*

1 ***[2.]*** *3.* This act shall take effect immediately.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

October 20, 1980

SENATE BILL NO. 1473

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 1473 with my objections and recommendations for amendment.

This bill would amend the Casino Control Act, N.J.S.A. 5:12-52, in particular that section of the amendatory bill establishing a full-time Casino Control Commission (P.L. 1980, C.28) which excepted the initial designation of a Chairman from the advice and consent of the Senate.

As the members of the Legislature and the public are aware, that bill was initially opposed by a number of Senators and Assemblymen. To achieve its passage, several compromises concerning the transition to a full-time Commission were necessary. The section which is the subject of the present bill is one of them,

The first four full-time members of the Commission have now been confirmed by the Senate and begun their work. In reviewing their qualifications, the Senate was aware that each was a potential chairman. Subjecting the initial designee to an additional confirmation process could possibly result in delay and disruption of the work of this important Commission, a result which we sought to avoid in fashioning the exception in question.

I would note that no less than 80 of my appointments are now before the Senate for confirmation. Many of them are to important positions, some of them have been pending for lengthy periods of time. Among the nominations upon which no action was taken for lengthy periods have been: Morris County Board of Taxation, 11 months; Civil Service Commission, 7 months; Delaware River Port Authority, 8 months; and the Delaware River and Bay Authority, 5 months.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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In addition, a judicial nominee whose nomination was pending without action for 11 months has resigned from the bench. Renominations of mine to the Pinelands Commission have been held up at the very time they are preparing for final action on the Pinelands Commission Management Plan. Such subtle pressure should not be condoned.

A number of Senators have criticized this office for the period of time which has elapsed between final passage and enactment of their bills. I, in turn, ask the Senate to improve its own performance with respect to its constitutional duties and, in the case of this nomination to a most sensitive position, to act within an orderly time frame. Accordingly, I am returning Senate Bill No. 1473 with the following recommendations designed to include the Senate in the designation of the new Chairman while insuring that the confirmation process will not be unduly extended:

On Page 2, Section 1, after Line 50, insert a new section as follows:

2. The Senate shall consent to or reject any person designated by the Governor on or after November 15, 1980 as initial chairman of the commission under P.L. 1980, C.28, within 45 days of such designation. If the first such initial designee is neither consented to or rejected, by recorded vote, within 45 days, he or she shall be deemed consented to by the Senate. If the Senate shall reject the first such initial designee within 45 days, the provisions of this section shall apply to all subsequent initial designees until one is consented to.

On Page 2, Section 2, Line 1: delete "2" and insert "3."

Respectfully,

/s/ Brendan Byrne

GOVERNOR

[seal]

Attest: