

ASSEMBLY, No. 285

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 2 (Atlantic)

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SYNOPSIS

Removes seven-day limitation for continued operation of casinos and racetracks in event that a state of emergency is declared.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/3/2020)

1 **AN ACT** concerning the continued operation of casinos and
 2 racetracks in the event that a state of emergency is declared and
 3 amending P.L.2008, c.23.

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

7
 8 1. Section 4 of P.L.2008, c.23 (C.5:12-211) is amended to read
 9 as follows:

10 4. In the event of a state of emergency, a casino licensee may
 11 continue to conduct casino and simulcast operations **【**for a period
 12 not to exceed seven calendar days**】**, notwithstanding that employees
 13 of the commission and the division are unable to perform their
 14 functions, provided that the casino licensee has complied with
 15 section 5 of P.L.2008, c.23 (C.5:12-212), and that the casino
 16 licensee and its employees shall continue to comply with all
 17 relevant provisions of the New Jersey Constitution and all relevant
 18 State statutes and regulations and shall maintain detailed records of
 19 that compliance.

20 If, during any period of time that casino and simulcasting
 21 facilities remain open pursuant to the provisions of this section, the
 22 Governor determines that the holder of a casino license, or any
 23 licensed employee thereof, may be engaged in what the Governor
 24 believes to be a violation of any State statute or regulation
 25 governing the operation of those facilities that would ordinarily
 26 subject a licensee to a possible suspension or revocation of its
 27 license, the Governor shall have the authority to summarily suspend
 28 the license of that casino or employee until such time as it is
 29 rescinded by the Governor, or the state of emergency ceases and the
 30 commission or the division, as appropriate, is able to address the
 31 matter.

32 Any violation of a statute or regulation that would ordinarily
 33 subject a licensee to a fine, but which occurs while a facility
 34 remains open during a state of emergency pursuant to this section,
 35 which is not reported by the casino licensee in accordance with this
 36 act, shall be punishable by a fine of no less than five times and up
 37 to ten times the amount of the usual fine, depending on the nature
 38 and seriousness of the violation. When the state of emergency
 39 ceases, casino licensees shall be responsible for any costs associated
 40 with re-implementing onsite State inspections.
 41 (cf: P.L.2011, c.19, s.119)

42
 43 2. Section 10 of P.L.2008, c.23 (C.5:5-22.3) is amended to read
 44 as follows:

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】 in the above bill is not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1 10. a. In the event that a state of emergency is declared due to
2 the failure to enact a general appropriation law by the deadline
3 prescribed by Article VIII, Section II, paragraph 2 of the New
4 Jersey Constitution, that prevents employees of the New Jersey
5 Racing Commission from performing their normal duties, a holder
6 of a permit to conduct a horse race meeting may continue to hold
7 scheduled races and simulcast operations [for a period not to
8 exceed seven calendar days], notwithstanding that employees of the
9 commission are unable to perform the functions usually required for
10 the conduct of horse racing in this State, provided that the permit
11 holder has complied with subsection b. of this section, and that the
12 permit holder and its employees shall continue to comply with all
13 relevant provisions of the New Jersey Constitution and all relevant
14 State statutes and regulations, and shall maintain detailed records of
15 that compliance.

16 If, during any period of time that racetrack facilities remain open
17 pursuant to the provisions of this section, the Governor determines
18 that a permit holder, or any employee thereof, may be engaged in
19 what the Governor believes to be a violation of any State statute or
20 regulation governing the operation of those facilities and the
21 conduct of horse racing in this State, that would ordinarily subject a
22 permit holder or employee to a possible suspension or revocation of
23 its permit or license, the Governor shall have the authority to
24 summarily suspend the permit or license of that permit holder or
25 employee until such time as it is rescinded by the Governor, or the
26 state of emergency ceases and the commission is able to address the
27 matter.

28 Any violation of a statute or regulation that would ordinarily
29 subject a permit holder or licensee to a fine, but which occurs while
30 a racetrack facility remains open during a state of emergency
31 pursuant to this section, which is not reported by the permit holder
32 or licensee in accordance with commission rules and regulations
33 pursuant to subsection b. of this section, shall be punishable by a
34 fine of no less than five times and up to ten times the amount of the
35 usual fine, depending on the nature and seriousness of the violation.
36 When the state of emergency ceases, permit holders shall be
37 responsible for any costs associated with implementing the
38 provisions of this section, including any costs accrued by the
39 commission and associated with re-implementing commission
40 functions and duties.

41 b. Notwithstanding any law, rule, or regulation to the contrary,
42 the New Jersey Racing Commission may develop, through rules and
43 regulations, the necessary standards, criteria, safeguards, and
44 procedures that a permit holder shall meet prior to, and as a
45 condition of, being eligible to continue to conduct horse racing
46 operations in this State in the event that a state of emergency is
47 declared, as provided in subsection a. of this section, and
48 commission employees are not able to perform their usual

1 functions. Notwithstanding any provision of the "Administrative
2 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
3 contrary, the commission may adopt immediately upon filing with
4 the Office of Administrative Law such rules and regulations as the
5 commission deems necessary to implement the provisions of this
6 section, which shall be effective for a period not to exceed 270 days
7 following enactment of P.L.2008, c.23, and may thereafter be
8 amended, adopted, or readopted by the commission in accordance
9 with the requirements of the "Administrative Procedure Act,"
10 P.L.1968, c.410 (C.52:14B-1 et seq.).

11 (cf: P.L.2008, c.23, s.10)

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13 3. This act shall take effect immediately.

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STATEMENT

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18 Under current law, in the event that a state of emergency is
19 declared due to the failure to enact a general appropriation law by
20 the deadline prescribed in the New Jersey Constitution, casino and
21 racetrack facilities may remain open for a period not to exceed
22 seven calendar days, notwithstanding that inspectors, agents or
23 other employees of the Casino Control Commission, the Division of
24 Gaming Enforcement, and the New Jersey Racing Commission, as
25 appropriate, are not performing the functions usually required for
26 the operation of those facilities. This bill removes the seven
27 calendar day limitation.