

ASSEMBLY, No. 1006

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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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; deems certain employees essential during budget-related state of emergency.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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. a. In the event of a state of emergency, a casino licensee
11 may continue to conduct casino and simulcast operations **【for a**
12 **period not to exceed seven calendar days】**, notwithstanding that
13 employees of the commission and the division are unable to
14 perform their functions, provided that the casino licensee has
15 complied with section 5 of P.L.2008, c.23 (C.5:12-212), and that
16 the casino licensee and its employees shall continue to comply with
17 all relevant provisions of the New Jersey Constitution and all
18 relevant State statutes and regulations and shall maintain detailed
19 records of 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29 rescinded by the Governor, or the state of emergency ceases and the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 b. Personnel employed by the division shall be deemed
42 essential in a state of emergency declared because of the failure of
43 the State to enact a general appropriation law. Such personnel shall
44 continue to perform their regular functions to ensure the health and
45 safety of the public and to carry out their regulatory functions

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 during a state of emergency. Casinos may continue to operate
2 during a state of emergency declared because of the failure of the
3 State to enact a general appropriation law as long as they maintain a
4 valid certificate of operation issued by the division. The provisions
5 of sections 5 through 10 of P.L.2008, c.23 (C.5:12-212 through
6 C.5:12-217) concerning procedures for casino operations shall not
7 apply in the event that a state of emergency declared because of the
8 failure of the State to enact a general appropriation law.
9 (cf: P.L.2011, c.19, s.119)

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

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

28 If, during any period of time that racetrack facilities remain open
29 pursuant to the provisions of this section, the Governor determines
30 that a permit holder, or any employee thereof, may be engaged in
31 what the Governor believes to be a violation of any State statute or
32 regulation governing the operation of those facilities and the
33 conduct of horse racing in this State, that would ordinarily subject a
34 permit holder or employee to a possible suspension or revocation of
35 its permit or license, the Governor shall have the authority to
36 summarily suspend the permit or license of that permit holder or
37 employee until such time as it is rescinded by the Governor, or the
38 state of emergency ceases and the commission is able to address the
39 matter.

40 Any violation of a statute or regulation that would ordinarily
41 subject a permit holder or licensee to a fine, but which occurs while
42 a racetrack facility remains open during a state of emergency
43 pursuant to this section, which is not reported by the permit holder
44 or licensee in accordance with commission rules and regulations
45 pursuant to subsection b. of this section, shall be punishable by a
46 fine of no less than five times and up to ten times the amount of the
47 usual fine, depending on the nature and seriousness of the violation.
48 When the state of emergency ceases, permit holders shall be

1 responsible for any costs associated with implementing the
2 provisions of this section, including any costs accrued by the
3 commission and associated with re-implementing commission
4 functions and duties.

5 b. Notwithstanding any law, rule, or regulation to the contrary,
6 the New Jersey Racing Commission may develop, through rules and
7 regulations, the necessary standards, criteria, safeguards, and
8 procedures that a permit holder shall meet prior to, and as a
9 condition of, being eligible to continue to conduct horse racing
10 operations in this State in the event that a state of emergency is
11 declared, as provided in subsection a. of this section, and
12 commission employees are not able to perform their usual
13 functions. Notwithstanding any provision of the "Administrative
14 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the
15 contrary, the commission may adopt immediately upon filing with
16 the Office of Administrative Law such rules and regulations as the
17 commission deems necessary to implement the provisions of this
18 section, which shall be effective for a period not to exceed 270 days
19 following enactment of P.L.2008, c.23, and may thereafter be
20 amended, adopted, or readopted by the commission in accordance
21 with the requirements of the "Administrative Procedure Act,"
22 P.L.1968, c.410 (C.52:14B-1 et seq.)**1. Employees of the New**
23 **Jersey Racing Commission shall be deemed essential in a state of**
24 **emergency declared because of the failure of the State to enact a**
25 **general appropriation law. Such employees shall continue their**
26 **regular functions to ensure the health and safety of the public and to**
27 **carry out their regulatory functions during a state of emergency.**
28 **Racetracks may continue to operate during a state of emergency**
29 **declared because of the failure of the State to enact a general**
30 **appropriation law as long as they maintain a valid permit issued by**
31 **the New Jersey Racing Commission.**
32 (cf: P.L.2008, c.23, s.10)

33

34 3. This act shall take effect immediately.

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STATEMENT

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39 Under current law, in the event that a state of emergency is
40 declared due to the failure to enact a general appropriation law by
41 the deadline prescribed in the New Jersey Constitution, casino and
42 racetrack facilities may remain open for a period not to exceed
43 seven calendar days, notwithstanding that inspectors, agents, or
44 other employees of the Casino Control Commission, the Division of
45 Gaming Enforcement, and the New Jersey Racing Commission, as
46 appropriate, are not performing the functions usually required for
47 the operation of those facilities. This bill removes the seven-
48 calendar day limitation. The bill designates employees of the New

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1 Jersey Racing Commission and the Division of Gaming
2 Enforcement essential in a state of emergency declared because of
3 the failure of the State to enact a general appropriation law.
4 Such employees are required to continue to perform their regular
5 duties to ensure the health and safety of the public and to carry out
6 their regulatory functions during a state of emergency.