

**ARTICLE 2. CASINO CONTROL COMMISSION AND DIVISION OF GAMING ENFORCEMENT; ESTABLISHMENT AND ORGANIZATION**

**5:12-50 Creation of Casino Control Commission; number of members**

a. The New Jersey Casino Control Commission, consisting of five members, is hereby created in, but not of, the Department of the Treasury. Beginning on the effective date of P.L.2011, c.196, the membership shall be reduced, pursuant to the provisions of paragraph (2) of subsection c. of section 52 of P.L.1977, c.110 (C.5:12-52), from five to three members.

b. The commission shall be principally located in Atlantic City.

L.1977, c.110, §50, eff. June 2, 1977.

Amended by:

L.1995, c. 18, §10, eff. Jan. 25, 1995.

L.2011, c.196, § 1, eff. Jan. 17, 2012.

**5:12-51 Members of the commission; qualifications and eligibility**

a. Each member of the commission shall be a citizen of the United States and a resident of the State of New Jersey.

b. No member of the Legislature, or person holding any elective or appointive office in the federal, State or local government shall be eligible to serve as a member of the commission.

c. So long as the commission consists of five members pursuant to subsection a. of section 50 of P.L.1977, c.110 (C.5:12-50), or is reduced to four members pursuant to paragraph (2) of subsection c. of section 52 of P.L.1977, c.110 (C.5:12-52), no more than three members of the commission may be of the same political affiliation. Upon the reduction of the membership to three members pursuant to the provisions of paragraph (2) of

subsection c. of section 52 of P.L.1977, c.110 (C.5:12-52), no more than two members of the commission may be of the same political affiliation.

L.1977, c.110, §51, eff. June 2, 1977.

Amended by:

L.2011, c.196, § 2, eff. Jan. 17, 2012.

**5:12-52 Appointment and terms of commission members**

a. (Deleted by amendment, P.L.2011, c.19)

b. (Deleted by amendment, P.L.2011, c.19)

c. (1) The commission shall, pursuant to subsection a. of section 50 of P.L.1977, c.110 (C.5:12-50), consist of five members who shall be appointed for terms of 5 years; provided, however, that beginning on the effective date of P.L.2011, c.196, the commission membership shall be reduced from five to three members in accordance with paragraph (2) of this subsection. No member shall serve more than two terms of 5 years each.

(2) Beginning on the effective date of P.L.2011, c.196, the commission membership shall be reduced from five to three members as follows:

(a) If there is a vacancy on the commission on the effective date of that act, the membership associated with that vacancy shall be eliminated.

(b) If there are more than three members remaining after the elimination of any membership pursuant to subparagraph (a) of this paragraph, then any necessary further reduction shall occur by eliminating the membership, or two memberships, as the case may be, associated with the first term, or the first and second terms, that expire next following the effective date of P.L.2011, c.196. Any elimination of a membership pursuant to this subparagraph shall occur upon the expiration of the current member's term in that position.

d. Appointments to the commission and designation of the chairman shall be made by the Governor with the advice and consent of the Senate.

Prior to nomination, the Governor shall cause an inquiry to be conducted by the Attorney General into the nominee's background, with particular regard to the nominee's financial stability, integrity, and responsibility and his reputation for good character, honesty, and integrity.

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

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

g. A commissioner may be removed from office for misconduct in office, willful neglect of duty, or other conduct evidencing unfitness for his office, or for incompetence. A proceeding for removal may be instituted by the Attorney General in the Superior Court. Notwithstanding any provision of this or any other act, any commissioner or employee of the commission shall automatically forfeit his office or position upon conviction of any crime. Any commissioner or employee of the commission shall be subject to the duty to appear and testify and to removal from his office, position or employment in accordance with the provisions of P.L.1970, c.72 (C.2A:81-17.2a et seq.).

h. Upon the reduction of the membership to three members pursuant to the provisions of paragraph (2) of subsection c. of this section, each remaining member of the commission, and each subsequent member appointed thereafter, shall serve for the duration of his term and until his

successor shall be duly appointed and qualified, subject to the limitations in subsections c. and f. of this section.

L.1977, c.110, §52, eff. June 2, 1977.

Amended by:

L.1980, c. 28, § 1, eff. May 20, 1980, oper. May 14, 1981.

L.1980, c.138, § 1, eff. Nov. 12, 1980.

L.2011, c. 19, §27, eff. Feb. 1, 2011.

L.2011, c.196, § 3, eff. Jan. 17, 2012.

### **5:12-53 Compensation of members**

Each member of the commission shall receive an annual salary to be fixed and established by the Governor at an amount not to exceed \$133,330 in calendar year 2000, \$137,165 in calendar year 2001 and \$141,000 in calendar year 2002 and thereafter.

L.1977, c.110, §53, eff. June 2, 1977.

Amended by:

L.1980, c. 28, § 2, eff. May 20, 1980, oper. May 14, 1981.

L.1984, c. 82, § 1, eff. July 13, 1984.

L.1993, c.292, § 5, eff. Dec. 21, 1993.

L.1999, c.380, § 3, eff. Jan. 14, 2000.

### **5:12-54 Organization and employees**

a. The commission may establish, and from time to time alter, such plan of organization as it may deem expedient, and may incur expenses within the limits of funds available to it.

b. The commission shall elect annually by a majority of the full commission one of its members, other than the chairman, to serve as vice-chairman for the ensuing year. The vice-chairman shall be empowered to carry out all of the responsibilities of the chairman as prescribed in this act during his absence, disqualification, or inability to serve.

c. The commission shall appoint an executive secretary who shall serve at its pleasure and shall be responsible for the conduct of its administrative affairs. No person shall be eligible for such appointment unless he shall have at least 5 years of responsible experience in public or

business administration or possesses broad management skills. The position of executive secretary shall be in the unclassified service of the civil service.

d. The commission may employ such other personnel as it deems necessary. All employees of the commission, except for secretarial and clerical personnel, shall be in the unclassified service of the Civil Service. All employees of the commission shall be deemed confidential employees for the purposes of the "New Jersey Employer-Employee Relations Act" (P.L.1941, c.100; C.34:13A-1 et seq.), as amended. Notwithstanding the provisions of any other law to the contrary, the commission may employ legal counsel who shall represent the commission in any proceeding to which it is a party, and who shall render legal advice to the commission upon its request. The commission may contract for the services of other professional, technical and operational personnel and consultants as may be necessary to the performance of its responsibilities under this act.

e. Members and employees of the commission shall be enrolled in the Public Employees' Retirement System of New Jersey (P.L.1954, c.84; C.43:15A-1 et seq.).

L.1977, c.110, §54, eff. June 2, 1977.

Amended by:

L.1979, c.282, §10, eff. Jan. 9, 1980.

L.1980, c. 28, § 3, eff. May 20, 1980, oper. May 14, 1981.

L.1981, c.238, § 1, eff. July 27, 1981.

L.1987, c.354, § 1, eff. Jan. 4, 1988.

L.2011, c. 19, §28, eff. Feb 1, 2011.

#### **5:12-54.1 Restrictions on certain contributions**

A member of the Casino Control Commission and any employee of the commission holding a supervisory or policy-making management position, and the Director of the Division of Gaming Enforcement and any employee of the division holding a supervisory or policy-making management position, shall not make any contribution as that term is defined in the "The New Jersey

Campaign Contributions and Expenditures Reporting Act," P.L.1973, c.83 (C.19:44A-1 et seq.).

L.2011, c.19, §125, eff. Feb 1, 2011.

### **5:12-55 Division of gaming enforcement**

There is hereby established in the Department of Law and Public Safety the Division of Gaming Enforcement. The division shall be under the immediate supervision of a director who shall also be sworn as an Assistant Attorney General and who shall administer the work of the division under the direction and supervision of the Attorney General. The director shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve during the term of office of the Governor, except that the first director shall be appointed for a term of 2 years. The director may be removed from office by the Attorney General for cause upon notice and opportunity to be heard.

The director and any employee or agent of the division shall be subject to the duty to appear and testify and to removal from his office, position or employment in accordance with the provisions of P.L.1970, c.72 (C.2A:81-17.2a et seq.). The Attorney General shall be responsible for the exercise of the duties and powers assigned to the division.

The division shall be located in Atlantic City, except that the division may maintain a secondary satellite office in Trenton, which shall not be the primary office, if deemed necessary for the effective performance of its duties and responsibilities.

If, as a result of the transfer of duties and responsibilities from the Casino Control Commission to the division in accordance with P.L.2011, c.19 (C.5:12-6.1 et al.), the division needs to employ an individual to fill a position, former employees of the commission who performed the duties of the position to be filled shall be given a one-time right of first refusal offer of employment with the division, and such employees may be removed by the division for cause or if deemed unqualified to hold the position, notwithstanding any other

provision of law to the contrary. An individual formerly employed by the commission who becomes employed by the division shall retain as an employee of the division the seniority, and all rights related to seniority, that the employee had with the commission as of the last day of employment with the commission; provided, however, that such seniority and seniority rights shall be retained only by an employee who was transferred from employment with the commission to employment with the division, and shall not be retained by an employee who was removed from employment with the commission due to layoff procedures or who resigned from a position with the commission prior to being hired by the division.

L.1977, c.110, § 55, eff. June 2, 1977.

Amended by:

L.1980, c. 69, § 1, eff. July 14, 1980.

L.1995, c. 18, § 11, eff. Jan. 25, 1995.

L.2011, c. 19, §124, eff. Feb. 1, 2011.

L.2012, c. 34, § 11, eff. Aug. 7, 2012.

#### **5:12-56 Organization and employees**

a. The Attorney General shall organize the work of the division in such bureaus and other organizational units as he may determine to be necessary for efficient and effective operation and shall assign to the division such employees of the Department of Law and Public Safety as may be necessary to assist the director in the performance of his duties. Subject to the approval of the Attorney General, the Superintendent of State Police shall assign such supervisory and investigative personnel and other resources to the Division of Gaming Enforcement as may be necessary to fulfill its obligations under this act.

b. All employees of the division, except for secretarial and clerical personnel, shall be in the unclassified service of the Civil Service. All employees

of the division shall be deemed confidential employees for the purposes of the "New Jersey Employer-Employee Relations Act" (P.L.1941, c. 100; C. 34:13A-1 et seq.), as amended.

L.1977, c.110, §56, eff. June 2, 1977.

**5:12-57 Expenses; limits**

The division may incur expenses within the limits of funds available to it.

L.1977, c.110, §57, eff. June 2, 1977.