

1995: The Year New Jersey Gaming Regulation Came of Age

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The opinions expressed in this article are the authors' and do not necessarily reflect the official position of the New Jersey Division of Gaming Enforcement or Casino Control Commission.

Introduction

On January 25, 1995, New Jersey Governor Christine Todd Whitman signed into law Assembly Bill No. 61,¹ the most comprehensive revision of the New Jersey gaming statute since its enactment in 1977. The purpose of the new legislation is to refine the regulation and operation of casinos in New Jersey on the basis of over seventeen years of casino experience. This became especially appropriate and important in light of the proliferation of casino gambling in other jurisdictions across the United States.

The new law accomplishes its goals by streamlining the regulatory process and further delineating the role and function of the casinos as privately-owned business enterprises in New Jersey, entitled to make business decisions as free as possible from governmental intervention. Notwithstanding this streamlining and delineation, we continue to adhere to the principle that has guided the casino experience in New Jersey since its inception--maintaining the integrity of casino operations so as to ensure public confidence and trust.

One of the key provisions of the new law is the elimination of the registration requirement for casino hotel employees and the treatment of those employees like other non-casino employees in New Jersey. This will not only save money and time for the employees and casino hotels, but will also enable the regulatory agencies to focus on their primary purpose--regulating casino operations.

A second key provision of the new law requires the Casino Control Commission (Commission) and the Division of Gaming Enforcement (Division) to be "principally located" in Atlantic City. This will ensure that the regulators are aware on a daily basis of the realities of the casino industry, that they are immediately available to carry out their regulatory functions, and that they are readily accessible to those they regulate.

A third feature of the new law is the minimization of the involvement of the regulatory agencies in purely business decisions of the casinos, and the elimination of duplication of efforts between the Commission and Division. This will enable appropriate casino business decisions to be made without delay and will contribute to reducing regulatory costs. Any savings resulting from the reduction of such costs will be treated in a unique way--instead of simply reverting to the casinos, those moneys will go into a fund for financing projects in Atlantic City to improve its appearance and safety. It is hoped that this will make the City a more attractive, and therefore more competitive, destination resort.

This article will briefly trace the evolution of the New Jersey gaming statute from its origin to the present, analyzing some of the reasons for the changes. It will also summarize some of the substantive provisions of the new law, discussing their purpose and intended results.

Evolution of New Jersey Casino Control Act: 1977-1994

By referendum held in 1976, the voters of New Jersey amended their state constitution to permit the legislative authorization of casino gambling in Atlantic City. The promise made was that legalized gaming would help to revitalize that decaying resort area, as well as to produce revenues devoted exclusively to the state's elderly and handicapped residents.²

Charged with the responsibility for implementing the constitutional mandate, the New Jersey Legislature had before it many studies regarding the possibilities for crime and corruption associated with the

institution of the gaming industry.³ These studies largely confirmed that which had been generally suspected: the cash nature of the business--that is, the enormous amount of money that flows daily through a casino operation and the large number of unrecorded transactions associated therewith--made the industry an extremely attractive and vulnerable target for organized criminal elements, who could use the proceeds obtained from gambling to finance illegal activities, infiltrate legitimate business, and corrupt and subvert democratic processes.

Responding to these warnings, and to foster public confidence and trust in its system of controls, the Legislature enacted the New Jersey Casino Control Act (Act), a comprehensive statutory scheme that authorized casino gambling under a rigorous system of regulation. Indeed, as observed by the New Jersey Supreme Court:

At the heart of the public policy established by the Act was the maintenance of "public confidence and trust in the credibility and integrity of the regulatory process and of casino operations."

The statutory and administrative controls over casino operations established by the Act are extraordinarily pervasive and intensive....Over 11 statutory articles and almost 200 separate provisions cover virtually every facet of casino gambling and its potential impact upon the public. The regulatory scheme is both comprehensive and minutely elaborate.⁴

To enforce this scheme, the Legislature created two separate and distinct state agencies: the Division, a branch of the state Attorney General's Office, and the Commission, an independent *quasi*-judicial administrative body. Together, these agencies were granted the power and duty to investigate, license, supervise and pervasively control legalized gambling in all its aspects.⁵

At the heart of the public policy established by the Act was the maintenance of "public confidence and trust in the credibility and integrity of the regulatory process and of casino operations."⁶ To further such public confidence and trust, the Legislature specified that the regulatory provisions of the Act were "designed to extend strict state regulation to all persons, locations, practices and associations related to the operation of licensed casino enterprises and all related service industries...."⁷

Because of the need for integrity, public confidence and trust, it was stressed that not only persons with criminal backgrounds or associations but also those "deficient in business probity, ability or experience" should be excluded from gaming in New Jersey.⁸ In this vein, because casino operations were viewed as being "especially sensitive and in need of public control and supervision," the Act dictated that "the regulatory and investigatory powers and duties shall be exercised to the fullest extent consistent with law to avoid entry" into casino operations of persons whose economic or occupational pursuits violated "the criminal or civil public policies" of New Jersey.⁹ These public policy objectives were augmented by a later amendment which made clear that even though "[c]ontinuity and stability in casino gaming operations" were important, they could not "be achieved at the risk of permitting persons with unacceptable backgrounds and records of behavior" to control casinos.¹⁰

The all-encompassing philosophy of casino regulation embodied in the initial Act was summarized in one of the legislative reports which preceded the statute's adoption:

The interests of the State in the success of casino gambling are not coterminous with the interests of the entrepreneur. While the latter measures a net return on investment against the degree of risk, the State must measure social and economic benefits against offsetting social, economic and environmental costs. What is acceptable by one measure may be unacceptable by the other. The...uniqueness of the industry, taken with its potential societal consequences and its checkered history in other jurisdictions, compels a state regulatory interest in virtually every aspect of casinos and related operations.

It must be emphasized that the state interests to be served by a comprehensive regulatory scheme include more than the traditional law enforcement interest. Although the potential for casino-related crime is extensive, and the police interest is therefore pervasive, the broad impact which the industry will have, especially as a result of any shortcomings or failures, necessitates regulatory oversight in such non-law enforcement areas as protection of the resident population from social dislocation, protection of hotel and casino patrons from a consumer viewpoint, adjudicating the rights of competing casino and non-casino interests, protection of state revenue from all legal gambling activity, guarding against unwise development, negative environmental results, and inequitable strains on public resources, and finally, assuring that the promised revitalization of the tourist and convention industries does in fact take place, and is permanent.¹¹

In more concrete terms, it was believed that casino regulation must initially be extremely stringent because, as expressed by the New Jersey State Commission of Investigation: "To start weak may, as a practical matter, result in a legislative inability later to assert those greater state powers belatedly found to be necessary."¹²

During the early years of casino regulation in New Jersey, the regulators understandably concentrated their efforts on achieving what was perceived to be the overriding purpose of the Act: precluding organized crime interests from securing positions of ownership, operation or influence within the casino industry.¹³

Unfortunately, this initial regulatory focus had the effect of fostering the development of an adversarial relationship between the New Jersey casino industry and its regulators, which spilled over into areas involving casinos' business decisions. Valid or not, the regulatory perception was that gaming was an inherently suspect industry, which could not be relied upon to behave in a legitimate and appropriate manner without the most intensive regulatory control and supervision of every conceivable casino activity.

In any event, the New Jersey casino regulatory system was highly effective in achieving its law enforcement goals in the years between 1977 and 1994. New Jersey never had a scandal involving gaming like those that had plagued other jurisdictions. Virtually everyone agreed that our games were run fairly, and that organized crime and other corrupting elements had been barred or removed from the ownership and operation of casinos.

...an attempt was made to identify and retain those controls that were necessary to maintain the integrity of the industry, and to eliminate or modify those that were not.

Indeed, New Jersey's success in regulating its casino industry helped to catalyze a change in the very nature of that industry. In 1977, many of our casino applicants were individual entrepreneurial operations which, because of the reputation and perception of gaming, were refused access to conventional sources of financing.

During the 1980s, under stringent controls in New Jersey and elsewhere, legalized gambling was transformed into a mature, respectable leisure-time industry. Large, publicly traded companies became involved in gaming, and such companies were then able to secure capital from banks, Wall Street, and other mainstream business sources. Additionally, big companies with multiple gaming licenses had more to lose than individual operators as a result of regulatory infractions, and could be expected as a class to be more circumspect. Ironically, the acceptance of gaming as a legitimate industry--due in part to the success of New Jersey's system of gaming regulation--contributed to a proliferation of casinos across the nation with increased competition for Atlantic City.

Between 1977 and 1994, the Act itself was amended on numerous occasions to provide casinos with more flexibility in their business operations.¹⁴ Nonetheless, such fine-tuning of the Act was sporadic, and generally focused narrowly on a few specific provisions.

As noted in a recent article in the *UNLV Gaming Research & Review Journal*, all casino regulation has a cost.¹⁵ One of the ways a state can help its casino industry is by reducing the cost of regulation, which

includes repealing regulations that cost money to comply with but that have little or no regulatory value. This requires cost analysis of regulation. Another vehicle is to reduce regulatory costs by building better mouse traps, that is, by finding ways to accomplish regulatory goals at lower cost.

States with established regulatory systems should regularly solicit comments from the industry about how regulation can work better and cheaper. Old regulations need to be examined regularly from a cost-benefit analysis.¹⁶

In New Jersey, however, there had never been a comprehensive cost-benefit analysis of the Act by the Legislature, the regulators, or the casino industry.

Several forces converged in 1994 to make the time ripe for such an analysis. First, Governor Whitman and the Legislature evidenced a general commitment to making the business and regulatory climate in New Jersey more favorable to private industry, as a means of stimulating the state economy. Second, the Governor appointed casino regulators who shared her business and regulatory philosophy. Third, there was a general trend toward reducing the size and role of government at the state level. Finally, the existing competition to Atlantic City, coupled with the possibility that gaming would spread to neighboring states such as New York and Pennsylvania, lent a sense of urgency to the debate over regulatory reform.

During the summer and fall of 1994, representatives of the Legislature, the Division, the Commission, and the casino industry, worked together to craft a bill which would overhaul the Act. It was universally agreed that the public purposes

of gaming regulation included: (1) insuring the integrity of those who own, operate, invest in, or work in sensitive jobs in casinos; (2) guaranteeing that casino games are conducted fairly; and (3) making sure that all casino gaming revenues are accounted for and all applicable taxes paid.¹⁷

In light of these purposes, an attempt was made to identify and retain those controls that were necessary to maintain the integrity of the industry, and to eliminate or modify those that were not. The resulting legislation, adopted in November 1994 and signed into law in January 1995, represents something of a return to first principles, as reflected in one of the public policies set forth in the original Act:

It is in the public interest that the institution of licensed casino establishments in New Jersey be strictly regulated and controlled pursuant to the above findings and pursuant to the provisions of this act, which provisions are designed to engender and maintain public confidence and trust in the regulation of the licensed enterprises, to provide an effective method of rebuilding and redeveloping existing facilities and of encouraging new capital investment in Atlantic City, and to provide a meaningful and permanent contribution to the economic viability of the resort, convention, and tourist industry of New Jersey.¹⁸

Assembly Bill No. 61 essentially restores the balance between the law enforcement and business goals of the Act.

In the wake of the adoption of Assembly Bill No. 61, developments have occurred which will have a positive impact on casino gaming in New Jersey. ITT Corporation has received New Jersey casino licensure in connection with its takeover of Caesars World, Inc. Financier Ronald O. Perelman and Las Vegas and former New Jersey casino operator Stephen A. Wynn, chief executive of Mirage Resorts, Inc., have been prequalified for New Jersey casino ownership. Some existing Atlantic City casinos have also announced expansion plans.

Even if some of the renewed investor interest in the New Jersey casino industry is due purely to external market forces, a sensible gaming control statute, administered by reasonable regulators, cannot help but provide an added incentive. In this context, we turn now to a review of some of the more significant substantive provisions of Assembly Bill No. 61.

Changes to New Jersey Casino Control Act Made by Assembly Bill No. 61

The changes to the Act made by Assembly Bill No. 61 can be divided into three broad categories: (1) those affecting the structure and function of the regulators, *i.e.* the Division and Commission; (2) those providing the casinos with greater autonomy in making operational business decisions; and (3) those directly impacting on the redevelopment of Atlantic City. These categories will be considered in order, with appropriate illustrations.

Changes Affecting Division and Commission

The most significant change made by Assembly Bill No. 61 is to mandate that the Division and Commission be "principally located" in Atlantic City.¹⁹ This change, which has both practical and symbolic importance, has already been implemented. It is intended to ensure that the regulators remain aware on a daily basis of the realities of the casino industry, that they are immediately available to carry out their regulatory functions, and that they are easily accessible to those they regulate.

A second fundamental change made by Assembly Bill No. 61 is to eliminate the duplication of duties and responsibilities that had developed over time between the Division and Commission.²⁰ This should promote efficiency and save

regulatory costs as well. Indeed, the Division and Commission have already taken steps in this direction by agreeing to specifically assign responsibilities in four key areas: (1) internal control submissions; (2) facility reviews; (3) financial evaluations; and (4) equal

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employment opportunity.

With regard to internal control submissions, the agreement between the agencies eliminates duplication by providing that the Commission will have sole responsibility for approving casinos' internal control submissions and the Division will have sole responsibility for enforcing internal controls after they are put into effect. This is in keeping with the basic statutory scheme of placing adjudicatory authority in the Commission and enforcement authority in the Division.

Concerning facility reviews, the agencies have agreed that the Commission, in keeping with its adjudicatory role, will have sole responsibility for approval of facility reviews. Included in this category are certificate of operation approvals, security and surveillance reviews and gaming equipment approvals. Such approvals will be granted by the Commission's Principal Inspectors located on site at each casino.

The Division, in fulfilling its enforcement role, will have sole responsibility for the enforcement of the Commission's approvals as well as the investigation of violations of the statute and regulations. In addition, the Division will have sole responsibility for approval of electronic games and all other matters related to electronic games.

As regards financial evaluations, the Division, as the investigatory and prosecutorial agency, is responsible for providing the Commission with all information necessary to decide licensing questions which come before it, including information concerning financial stability. Thus, the Division will continue to file reports on financial stability questions coming before the Commission.

To accomplish this task, the Division will request from each casino financial information in a format approved by the Commission. Although the Commission's accounting staff will continue to advise the Commission as necessary, it will not prepare financial reports unless the Commission deems it necessary in a particular case. Such reports will only be necessary in particularly complex or difficult cases where the Commission determines that an analysis by its staff is required.

Duplication in the area of equal employment opportunity has also been eliminated. The Commission has responsibility for recommending approval of Equal Employment Business Operating Plans and monitoring compliance with statutory regulatory goals. The Division will not be involved in these activities, although it will remain responsible for prosecuting violations of the Act or the Commission's regulations.

A third key change made by Assembly Bill No. 61 is to remove the Division and Commission from matters which already fall under the jurisdiction of some other state or local agency.²¹ This should also promote efficiency and save regulatory costs. As an example, both the Division and Commission receive complaints for violations of the Equal Employment Opportunity Commission regulations. Such complaints will now be referred to the New Jersey Division on Civil Rights for disposition.

Other provisions of Assembly Bill No. 61 affecting the regulators include the following:

- (a) Removing the authority of the Commission to conduct investigative hearings concerning the "development and well-being" of industries controlled by the Act;²²
- (b) Requiring the Division and Commission to make recommendations that promote more efficient operations;²³ and
- (c) Allowing the Division, which presently tests all slot machines to be used in the casinos, to utilize testing laboratories licensed by the Commission in order to expedite the approval process if necessary.²⁴

The Division and Commission are also currently working with representatives of the casino industry to revise the Commission's regulations in conformity with the language and intent of the new legislation.

In our view, however, most of the changes considered individually are rather modest, and would hardly have been the subject of notice had they been instituted gradually over a period of years.

Changes Providing Casinos with Greater Business Freedom

One significant change made by Assembly Bill No. 61 is the elimination of the registration requirement for casino hotel employees.²⁵ Although the regulatory "screening" of hotel employees was viewed even by some within the casino industry as beneficial, the cost was high due simply to the sheer number of registrants who needed to be monitored. This change places hotel employees on a par with other non-casino workers in New Jersey, and invests casinos with the authority to make their own employment decisions on the hotel side of their operations.²⁶

Another modification made is the elimination of business ability and casino experience as a licensing standard for casino or casino key employees.²⁷ This too increases the casinos' latitude in hiring, and permits the regulators to more clearly focus on the integrity of the license applicant.

Still another change eliminates pre-approval by the Commission of internal controls.²⁸ This should allow casinos to revise their business procedures in a quicker, simpler manner.

Among the other provisions of Assembly Bill No. 61 affording greater business freedom to the casinos are the following:

- (a) Eliminating the prohibition against one person holding more than three casino licenses in favor of a rule barring only "undue economic concentration";²⁹
- (b) Extending the permissible casino license renewal periods from two to four years;³⁰
- (c) Eliminating prior approval by the Commission of casino slot machine denominations;³¹
- (d) Substituting 24-hour notice, rather than unspecified prior notice and written approval by the Commission, for the movement of gaming equipment into and out of casinos or simulcasting facilities;³²
- (e) Redefining "junket representative" to apply to a smaller class of persons, who are now required to secure casino employee, rather than the higher level casino key employee, licensing;³³
- (f) Providing for the temporary licensure of all casino employees, not just those in positions not directly related to gaming activity;³⁴
- (g) Facilitating the handling and collection of patrons' checks and the issuance of credit by casinos;³⁵
- (h) Making it easier for casinos to eject patrons who have been convicted of crimes committed within casino hotels;³⁶ and

- (i) Eliminating certain junket reports that currently must be filed with the Commission.³⁷

Taken together, these changes may appear to constitute significant “casino de-regulation,” as the media frequently suggest. In our view, however, most of the changes considered individually are rather modest, and would hardly have been the subject of notice had they been instituted gradually over a period of years. Even some purportedly major changes merely conform the statute to existing practices.

To cite but one example, the elimination of casino hotel registration would seem like an abrupt break with the past. The reality, however, is somewhat different. During the past several years, the Commission had been using with increasing frequency a provision in the old law which permitted the agency to waive the disqualifications of casino hotel registrants, thus allowing disqualified registrants to work in the gaming industry. Ultimately, the high cost of scrutinizing all registrants was, as a practical matter, deemed not to be justified by the relatively small number of registrants actually excluded by the process. This is a classic result of cost-benefit analysis.

In 1994, the Act was essentially called upon to justify its existence as a means adapted to an end. Most of it was found to have continuing validity, and was retained.

The point to be made is that the casino-oriented changes embodied in Assembly Bill No. 61 are dramatic for their scope and volume more than their specific content. If analyses are done on a regular and continuing basis in the future, such major revisions of the Act will likely be unnecessary.

Changes Impacting on Redevelopment of Atlantic City

The major change in Assembly Bill No. 61 impacting on the redevelopment of Atlantic City is the establishment of an “Atlantic City Fund” in the New Jersey Casino Reinvestment Development Authority, the state agency which oversees the use of casino tax funds for urban renewal projects in Atlantic City and elsewhere. This fund, which must be used for economic development projects of a revenue-producing nature fostering the redevelopment of Atlantic City, has two sources of revenue.

First, for the eight fiscal years following enactment of Assembly Bill No. 61, any savings resulting from a reduction in regulatory costs below a fiscal year 1995 anticipated baseline amount, or an amount based on those savings, will be deposited into the fund. The casino industry in New Jersey finances its own regulation through agency fees; thus, absent the deposit of the regulatory savings into the fund, the savings would simply have been retained by the casinos.

The second source of revenue for the Atlantic City Fund is the investment alternative tax on casino gross revenues. Assembly Bill No. 61 extends the duration of the casinos’ obligation to pay this tax from twenty-five to thirty years, and

directs the proceeds of this tax designated for the revitalization of urban areas in northern New Jersey to the Atlantic City Fund for five years following enactment. These funds will be recouped by northern New Jersey during the five-year extension of the tax.³⁸

It is hoped that implementation of these provisions will stimulate the development of projects which will broaden the appeal of Atlantic City by making it more than just a gaming destination. Ideally, a mix of casinos, non-casino (including family-oriented) attractions, and the natural beauty of the ocean and beach, would create a synergy enhancing the attractiveness of all three.

Conclusion

As Justice Oliver Wendell Holmes once observed:

It is revolting to have no better reason for a rule of law than that so it was laid down in the time of Henry IV. It is still more revolting if the grounds upon which it was laid down have vanished long since, and the rule simply persists from blind imitation of the past.³⁹

Put another way, in the words of Justice Benjamin Cardozo: "Few rules in our time are so well established that they may not be called upon any day to justify their existence as means adapted to an end."⁴⁰ Although the Act certainly lacks an ancient pedigree, it had survived from its inception in 1977 with only minor modifications.

In 1994, the Act was essentially called upon to justify its existence as a means adapted to an end. Most of it was found to have continuing validity, and was retained. Those provisions deemed unnecessary in light of changed circumstances were repealed or modified. In this sense, enactment of Assembly Bill No. 61 in 1995 constitutes an end.

In another sense, though, 1995 represents a beginning. For the first time, a spirit of cooperation between casinos and their regulators became the official state policy. That spirit must be nurtured and sustained, for it is only in an atmosphere of mutual respect that the New Jersey casino industry can continue to flourish and achieve the goals envisioned for it.

The specific provisions of the Act adopted in 1995 may themselves be replaced as experience dictates.⁴¹ That is as it should be. But the newly forged relationship between casino and regulator can become a permanent part of our regulatory climate. If it does, 1995 can truly be remembered as the year New Jersey gaming regulation came of age.

Endnotes

¹1995 N.J. Laws ch. 18.

²N.J. Const. art. IV, § 7, ¶ 2D. *See Knight v. City of Margate*, 86 N.J. 374, 380, 431 A. 2d 833, 835-836 (1981).

³*E.g., Second Interim Report of Governor's Staff Policy Group on Casino Gambling* (February 17, 1977); *Report and Recommendations on Casino Gambling by the New Jersey State Commission of Investigation* (April 1977).

- ⁴Knight v. City of Margate, *supra* note 2, 86 N.J. at 380-381, 431 A.2d at 836.
- ⁵N.J. Stat. Ann. §§ 5:12-50, 76, 80-95 (West 1988).
- ⁶N.J. Stat. Ann. § 5:12-1b(6) (West 1988).
- ⁷*Id.*
- ⁸N.J. Stat. Ann. § 5:12-1b(7) (West 1988).
- ⁹N.J. Stat. Ann. § 5:12-1b(9) (West 1988).
- ¹⁰N.J. Stat. Ann. § 5:12-1b(15) (West 1988).
- ¹¹*Second Interim Report, supra* note 3, at 1-2.
- ¹²*Report and Recommendations, supra* note 3, at 5-A. *See also* In re Martin, 90 N.J. 295, 331, 447 A.2d 1290, 1308 (1982).
- ¹³*See, e.g.,* Brown v. Hotel & Restaurant Employees, 468 U.S. 491 (1984); Matter of Hotel and Restaurant Employees, 203 N.J. Super. 297, 496 A.2d 1111 (App. Div.), *certif. denied*, 102 N.J. 352, 508 A.2d 223 (1985), *cert. denied sub nom.* Gerace v. New Jersey Casino Control Commission, 475 U.S. 1085 (1986); In re Boardwalk Regency Casino License Application, 180 N.J. Super. 324, 434 A.2d 1111 (App Div. 1981), *aff'd as modified*, 90 N.J. 361, 447 A.2d 1335, *appeal dismissed sub nom.* Perlman v. Attorney General of New Jersey, 459 U.S. 1081 (1982).
- ¹⁴*E.g.,* N.J. Stat. Ann. §§ 5:12-5 (West 1988) (permitting Commission to authorize use of new games by casinos); -97 (permitting 24-hour gambling).
- ¹⁵Cabot, *The Economics of Gaming Regulation*, 1 UNLV Gaming Research & Review Journal 11 (1994).
- ¹⁶*Id.* at 18.
- ¹⁷Substantially the same purposes of gaming control were identified in Cabot, *supra* note 15, 1 UNLV Gaming Research & Review Journal at 13: “[T]o ensure that organized crime is not involved, that games are honest, and that the state receives its fair share of taxes.”
- ¹⁸N.J. Stat. Ann. § 5:12-1b(13) (West 1988).
- ¹⁹1995 N.J. Laws ch. 18, §§ 10, 11, amending N.J. Stat. Ann. §§ 5:12-50, 55 (West 1988).
- ²⁰1995 N.J. Laws ch. 18, §§ 14, 20, amending N.J. Stat. Ann. §§ 5:12-63, 76 (West 1988).
- ²¹1995 N.J. Laws ch. 18, §§ 1, 25, 35, amending N.J. Stat. Ann. §§ 5:12-1, 84, 98 (West 1988).
- ²²1995 N.J. Laws ch. 18, § 15, amending N.J. Stat. Ann. § 5:12-66 (West 1988).
- ²³1995 N.J. Laws ch. 18, §§ 19, 20, amending N.J. Stat. Ann. §§ 5:12-72, 76 (West 1988).
- ²⁴1995 N.J. Laws ch. 18, § 37, amending N.J. Stat. Ann. § 5:12-100 (West 1988).
- ²⁵1995 N.J. Laws ch. 18, § 29, amending N.J. Stat. Ann. § 5:12-91 (West 1988).
- ²⁶Registration is still required for a new category of employees, “casino service employees,” who do not require gaming licenses but who are nonetheless employed to perform services or duties in casino or simulcasting areas. 1995 N.J. Laws ch. 18, §§ 6, 29, amending N.J. Stat. Ann. § 5:12-91 (West 1988). Also, any person whose licensure is denied or revoked will still be barred from registration. 1995 N.J. Laws ch. 18, § 40, amending N.J. Stat. Ann. § 5:12-106 (West 1988).
- ²⁷1995 N.J. Laws ch. 18, §§ 1, 27, 28, amending N.J. Stat. Ann. §§ 5:12-1, 89 (West 1988).
- ²⁸1995 N.J. Laws ch. 18, § 36, amending N.J. Stat. Ann. § 5:12-99 (West 1988).
- ²⁹1995 N.J. Laws ch. 18, § 23, amending N.J. Stat. Ann. § 5:12-82 (West 1988).
- ³⁰1995 N.J. Laws ch. 18, § 26, amending N.J. Stat. Ann. § 5:12-88 (West 1988).
- ³¹1995 N.J. Laws ch. 18, § 37, amending N.J. Stat. Ann. § 5:12-100 (West 1988).
- ³²*Id.*
- ³³1995 N.J. Laws ch. 18, §§ 8, 37, 39, amending N.J. Stat. Ann. §§ 5:12-29.2, 100, 102 (West 1988).
- ³⁴1995 N.J. Laws ch. 18, § 28, amending N.J. Stat. Ann. § 5:12-90 (West 1988).
- ³⁵1995 N.J. Laws ch. 18, §§ 23, 38, amending N.J. Stat. Ann. §§ 5:12-82, 101 (West 1988).
- ³⁶1995 N.J. Laws ch. 18, § 18, amending N.J. Stat. Ann. § 5:12-71.1 (West 1988).
- ³⁷1995 N.J. Laws ch. 18, § 39, amending N.J. Stat. Ann. § 5:12-102 (West 1988).
- ³⁸1995 N.J. Laws ch. 18, §§ 44, 45, 46, amending N.J. Stat. Ann. § 5:12-144.1 (West 1988).
- ³⁹Holmes, *The Path of the Law*, 10 Harv. L. Rev. 457, 469 (1897).
- ⁴⁰B. Cardozo, *The Nature of the Judicial Process* 98 (1921).
- ⁴¹Indeed, 1995 N.J. Laws ch. 18, § 47 expressly mandates that the Division and Commission report to the Legislature and Governor within fifteen months on the impact of the changes in the regulation and operation of casinos effectuated by the revised Act.