

[First Reprint]

SENATE, No. 2759

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JUNE 2, 2022

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

Adjusts municipal ballot question for amusement games for future elections and repeals section of law creating office of Amusement Games Control Commissioner.

CURRENT VERSION OF TEXT

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee on June 13, 2022, with amendments.



1 AN ACT adjusting the municipal ballot question for amusement
2 games ¹**[and]** ,¹ amending ¹P.L.1959, c.108,¹ P.L.1959, c.109¹,
3 P.L.1959, c.113, and repealing section 1 of P.L.1959, c.108 (C.5:8-
4 78)¹.

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

8
9 ¹1. Section 1 of P.L.1959, c.108 (C.5:8-78) is repealed.¹

10
11 ¹2. The title of P.L.1959, c.109 is amended to read as follows:

12 AN ACT authorizing the conducting, operating and playing of
13 certain amusement games, whether of chance or skill, or both,
14 where the prizes or awards to be given shall be of merchandise
15 only, of a value to be determined by the **[Amusement Games**
16 **Control Commissioner]** Legalized Games of Chance Control
17 Commission and the charge for the privilege of playing shall be
18 determined by the **[commissioner]** commission; providing for
19 the licensing, regulation and control by the **[commissioner]**
20 commission, of the conducting and operating of such games;
21 providing restrictions as to the places where such games may be
22 conducted and operated; providing that certain playing for
23 money or other valuable things is not authorized; providing for
24 the operation and inoperation of the act in any municipality when
25 so determined by referendum vote therein; and providing for the
26 submission of this act to the legal voters of the State for their
27 approval or rejection before the same shall become operative
28 within this State.¹

29 (cf: P.L.1981, c.291, Title)

30

31 ¹3. Section 1 of P.L.1959, c.113 (C.5:8-79.1) is amended to read
32 as follows:

33 1. The rules and regulations to be made and promulgated by the
34 **[Amusement Games Control Commissioner]** Legalized Games of
35 Chance Control Commission, in addition to provisions authorized
36 by any other law, shall also provide for applications to, and
37 certifications by, the **[commissioner]** commission with respect to
38 the specific kind of game or games intended to be held, operated
39 and conducted, and the rules for the playing of the game or games
40 and that they are of the character permitted by the Amusement
41 Games Licensing Law. Whenever the **[commissioner]** commission
42 shall deem it to be necessary, the said rules, regulations and
43 certifications may impose a limit or limits on the number of places
44 or the number of specific kinds of games which may be held,

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SSG committee amendments adopted June 13, 2022.

1 operated or conducted by any 1 licensee, directly or indirectly, or
2 in which such licensee, or any other person having an interest
3 therein, may have an interest, and also for such other controls as
4 the **【commissioner】** commission shall deem to be suitable and
5 proper, particularly such as shall be ascertained from the experience
6 of operations under said law and this act and for the purposes
7 thereof. The said certifications shall also be designed to prevent
8 monopoly, undue or unfair competition among licensees or with
9 operations conducted pursuant to the Bingo Licensing Law
10 (P.L.1954, c. 6) or the Raffles Licensing Law (P.L.1954, c. 5), and
11 to prevent false, misleading or uninformative representations or
12 concealment and to restrict excessive advertising or other acts,
13 conduct or behavior which may tend to a misuse of the activities
14 permitted by the Amusement Games Licensing Law or the
15 participation in the benefits of the carrying on of activities
16 thereunder, directly or indirectly, by or for the benefit of any
17 person or persons not eligible to receive licenses thereunder.

18 The said rules and regulations may also provide for and establish
19 procedures, forms and other documents in connection with the
20 application for, and the issuance of, licenses, determinations
21 thereon, hearings, appeals, grants, refusals, suspensions or
22 revocations of licenses, reports, questionnaires, and any other
23 matters connected with the exercise of any power vested in said
24 **【commissioner】** commission by law.¹
25 (cf: P.L.1959, c.113, s.1)
26

27 ¹4. Section 3 of P.L.1959, c.108 (C.5:8-102) is amended to read
28 as follows:

29 3. Each applicant for such a license shall file with the clerk of
30 the municipality a written application therefor in the form
31 prescribed by the **【Amusement Games Control Commissioner】**
32 Legalized Games of Chance Control Commission, duly executed
33 and verified, in which shall be stated the name and address of the
34 applicant, together with sufficient facts relating to its incorporation
35 and organization if the applicant be a corporation or organization;
36 the specific kind of amusement games intended to be held, operated
37 and conducted by the applicant, and the place or places where, the
38 period, term, date or dates and the time or times when, such
39 amusement games are intended to be conducted by the applicant,
40 under the license applied for; and that no prize or prizes will be
41 offered and given under said license except of merchandise only
42 and same shall be of a value not in excess of the sum or value
43 authorized to be offered and given by this act and such other
44 information as shall be prescribed by the **【Amusement Games**
45 **Control Commissioner】** commission.

46 Every such municipal license so issued shall be inoperative
47 unless the licensee named therein shall also, within 90 days from

1 the issuance thereof and prior to the conduct or operation of
2 amusement games thereunder, procure a State license authorizing
3 the licensee holding the municipal license to operate and conduct
4 certain games according to the terms of such municipal license.
5 The said State license shall be issued by the State **【Amusement**
6 **Games Control Commissioner】** Legalized Games of Chance
7 Control Commission, if **【he】** the commission finds that all of the
8 conditions, terms and requirements of this act and of said rules and
9 regulations have been fully met and complied with. As a condition
10 of granting any such State license the applicant therefor shall pay to
11 the said **【commissioner】** commission an annual fee of \$250.00. An
12 applicant who is the owner of an arcade shall pay an additional
13 annual fee of \$10.00 per machine for each machine over 50
14 machines. If any such municipal license authorizes the licensee to
15 conduct and operate games at more than one place or of more than
16 one specific kind the applicant for the State license shall pay the
17 said annual fee of \$250.00 for each such place and for each such
18 specific kind.

19 For the purposes of this section, "arcade" means a place where a
20 single player upon payment of a fee is permitted to play a machine
21 or device to obtain a prize, ticket or token redeemable for a prize, or
22 attain a score upon the basis of which a prize, ticket or token is
23 awarded.¹

24 (cf: P.L.1983, c.255, s.1)

25

26 ^{15.} Section 8 of P.L.1959, c.109 (C.5:8-107) is amended to read
27 as follows:

28 8. The **【Amusement Games Control Commissioner】** Legalized
29 Games of Chance Control Commission shall determine the amount
30 for any 1 game which shall be charged or accepted by any licensee
31 from any 1 player or participant as an entry fee or payment for the
32 privilege of participating therein. No prize or prizes shall be
33 offered or given in any single game except of merchandise and the
34 amount of the value of the merchandise prize or prizes so to be
35 offered and given in any such game shall be determined by the
36 **【commissioner】** commission and all winners shall be determined
37 and all prizes shall be awarded in any game forthwith upon the
38 completion of the game and before making or accepting any charge
39 for participation in any subsequent game.

40 The **【commissioner】** commission shall make **【his】** the
41 determination pursuant to this section after a public hearing has
42 been held thereon and subject to the provisions of P.L.1981, c. 27
43 (C. 52:14B-4.1 et seq.).¹

44 (cf: P.L.1981, c.291, s.2)

45

46 ^{16.} Section 10 of P.L.1959, c.109 (C.5:8-109) is amended to
47 read as follows:

1 10. Any applicant for, or holder of, any license issued or to be
 2 issued under this act aggrieved by any action of the municipal
 3 governing body of the municipality to which such application has
 4 been made or by which such license has been issued, may appeal to
 5 the **【Amusement Games Control Commissioner】** Legalized Games
 6 of Chance Control Commission from the determination of said
 7 governing body by filing with the governing body a written notice
 8 of appeal within 30 days after the determination or action appealed
 9 from, and upon the hearing of such appeal the evidence, if any,
 10 taken before the governing body and any additional evidence may
 11 be produced and shall be considered in arriving at a determination
 12 of the matters in issue, and the action of the **【Control**
 13 **Commissioner】** commission upon said appeal shall be binding upon
 14 said governing body and all parties to said appeal.¹

15 (cf: P.L.1959, c.109, s.10)

16

17 ¹**【1.】** 7.¹ Section 17 of P.L.1959, c.109 (C.5:8-116) is
 18 amended to read as follows:

19 17. Upon a petition signed by qualified voters of any
 20 municipality equal in number to at least **【15%】** 15 percent of the
 21 total number of votes cast therein at the latest preceding general
 22 election for members of the General Assembly and filed with the
 23 clerk of the municipality at least 60 days before such election, the
 24 governing body of the municipality shall provide for the submission
 25 to the legal voters of the municipality at such general election, the
 26 question of whether this act shall become operative or cease to be
 27 operative in such municipality, as the case may be. If, upon such
 28 submission of the question, the majority of all the valid votes cast
 29 on the question shall be in favor of having this act inoperative in the
 30 municipality, then this act shall, 60 days thereafter, become
 31 inoperative in the municipality. The question shall be deemed to be
 32 a public question and shall be submitted to the voters as in the case
 33 of other public questions. The question shall be stated as follows:

34 Shall the act entitled "An act authorizing the
 35 conducting, operating and playing of certain amusement
 36 Yes. games, whether of chance or skill, or both, where the
 37 prizes or awards to be given shall be of merchandise
 38 only, of a **【retail】** value **【not in excess of \$15.00,】** to be
 39 determined by the ¹**【Amusement Games Control**
 40 **Commissioner】** Legalized Games of Chance Control
 41 Commission¹ and
 42 the charge for the privilege of playing shall **【not**
 43 **exceed \$0.25】** be determined by the ¹**【commissioner】**
 44 commission¹;
 45 providing for the licensing, regulation
 46 and control by **【a】** the ¹**【commissioner】** commission¹, of
 47 the conducting

1 and
 2 operating of such games; providing restrictions as to
 3 No. the places where such games may be conducted and
 4 operated; providing that certain playing for money
 5 or other valuable things is not authorized; providing
 6 for the operation and inoperation of the act in any
 7 municipality when so determined by referendum vote
 8 therein; and providing for the submission of this act
 9 to the legal voters of the State for their approval
 10 or rejection before the same shall become operative
 11 within this State," become

12 (insert operative or inoperative) in this municipality?

13 In the blank space set forth in the above box, the word
 14 "operative" or "inoperative" shall be inserted in the question when
 15 it is submitted to the voters of the municipality according to
 16 whether this act became operative by reason of the vote on the
 17 question submitted to all the voters of the State as to whether this
 18 act should become operative. If a majority of the voters in the
 19 municipality who voted on the said general public question was in
 20 the affirmative and, thereby, under the provisions of this act,
 21 municipal licenses are authorized, then the word "inoperative"
 22 should be included in the above blank space, but if this act does not
 23 become operative in the municipality because a majority of the
 24 votes cast therein on the general public question was in the
 25 negative, then the word "operative" should be inserted in the
 26 above-mentioned blank space. If this act shall have become
 27 operative in any municipality by reason of a referendum vote
 28 therein, as herein provided, and a further referendum is authorized
 29 to determine the question of whether this act shall become
 30 inoperative notwithstanding such previous approval by the voters,
 31 then the word "inoperative" should be inserted in the above blank
 32 space.

33 (cf: P.L.1975, c.389, s.5)

34
 35 ¹**[2.] 8.**¹ Section 19 of P.L.1959, c.109 (C.5:8-118) is
 36 amended to read as follows:

37 19. There shall be printed on each official ballot to be used at
 38 such election the following:

39 If you favor making the act entitled below operative within the
 40 State, and operative within this municipality, make a cross X, plus +
 41 or check / in the square opposite the word "Yes."

42 If you are opposed to making the act entitled below so operative,
 43 make a cross X, plus + or check / in the square opposite the word
 44 "No."

45 Shall the act entitled "An act authorizing the
 46 conducting, operating and playing of certain amusement
 47 Yes. games, whether of chance or skill, or both, where the
 48 prizes or awards to be given shall be of merchandise

1 only, of a **retail** value **not in excess of \$15.00** to be
2 determined by the ¹**Amusement Games Control**
3 **Commissioner** Legalized Games of Chance Control
4 Commission¹, and
5 the charge for the privilege of playing shall **not**
6 **exceed \$0.25** be determined by the ¹**commissioner**
7 commission¹;
8 providing for the licensing, regulation
9 and control by **a** the ¹**commissioner** commission¹, of
10 the conducting
11 and
12 operating of such games; providing restrictions as
13 to the places where such games may be conducted and
14 operated; providing that certain playing for money or
15 No. other valuable things is not authorized; providing
16 for the operation and inoperation of the act in any
17 municipality when so determined by referendum vote
18 therein; and providing for the submission of this act
19 to the legal voters of the State for their approval
20 or rejection before the same shall become operative
21 within this State," become operative within this State?
22

23 The date of the approval or passage of this act, as the case may
24 be, shall be inserted in the appropriate place after the title.

25 In any election district in which voting machines are used the
26 question shall be placed upon the official ballot to be used upon the
27 voting machines with the foregoing instructions to the voters but
28 with instructions to vote "Yes" or "No" by the use of such
29 machines and without marking as aforesaid.

30 (cf: P.L.1959, c.109, s.19)

31

32 ¹**[3.] 9.**¹ This act shall take effect immediately.