

# ASSEMBLY, No. 2578

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**SYNOPSIS**

Allows certain State Lottery functions to be conducted for seven days during state of emergency due to failure to enact general appropriation law.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the continued operation of certain State Lottery  
2 functions during a state of emergency due to the failure to enact  
3 a general appropriation law and supplementing P.L.1970, c.13  
4 (C.5:9-1 et seq.).  
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:  
8

9 1. a. Notwithstanding the provisions of any law, rule, or  
10 regulation to the contrary, in the event that a state of emergency is  
11 declared due to the failure to enact a general appropriation law by  
12 the deadline prescribed by Article VIII, Section II, paragraph 2 of  
13 the New Jersey Constitution, that prevents employees of the New  
14 Jersey Division of the State Lottery in the Department of the  
15 Treasury from performing their normal duties, a private entity  
16 contracted by the State of New Jersey to operate the State Lottery  
17 may continue to perform all appropriate operating functions of the  
18 lottery for a period not to exceed seven calendar days,  
19 notwithstanding that employees of the division are unable to  
20 perform the functions usually required for the conduct of the  
21 lottery, provided that the private entity complies with subsection b.  
22 of this section, and that it shall continue to comply with all relevant  
23 provisions of the New Jersey Constitution and all relevant State  
24 statutes and regulations, and shall maintain detailed records of that  
25 compliance.

26 If, during any period that State Lottery functions continue to be  
27 performed pursuant to the provisions of this section, the Governor  
28 determines that the private entity, or any employee thereof, may be  
29 engaged in what the Governor believes to be a violation of any  
30 State statute or regulation governing the operation of those State  
31 Lottery functions in this State, that would ordinarily subject the  
32 private entity or employee to a possible suspension or revocation of  
33 its authority to perform those functions, the Governor shall have the  
34 authority to summarily suspend the private entity or employee from  
35 performing those functions until such time as the state of  
36 emergency ceases and the Division of the State Lottery is able to  
37 address the matter.

38 Any violation of a statute or regulation that would ordinarily  
39 subject the private entity or employee to a fine, but which occurs  
40 during a state of emergency pursuant to this section, which is not  
41 reported by the private entity or employee in accordance with State  
42 Lottery Commission rules and regulations pursuant to subsection b.  
43 of this section, shall be punishable by a fine of no less than five  
44 times and up to ten times the amount of the usual fine, depending  
45 on the nature and seriousness of the violation. When the state of  
46 emergency ceases, the Division of the State Lottery shall be  
47 responsible for any costs associated with implementing the

1 provisions of this section, including any costs accrued and  
2 associated with re-implementing State Lottery functions and duties.  
3 b. Notwithstanding any law, rule, or regulation to the contrary,  
4 the State Lottery Commission may develop, through rules and  
5 regulations, the necessary standards, criteria, safeguards, and  
6 procedures that a private entity under contract to operate the State  
7 Lottery shall meet prior to, and as a condition of, being eligible to  
8 continue to conduct State Lottery functions in this State in the event  
9 that a state of emergency is declared, as provided in subsection a. of  
10 this section, and Division of the State Lottery employees are not  
11 able to perform their usual functions. Notwithstanding any  
12 provision of the "Administrative Procedure Act," P.L.1968, c.410  
13 (C.52:14B-1 et seq.) to the contrary, the State Lottery Commission  
14 may adopt immediately upon filing with the Office of  
15 Administrative Law such rules and regulations as the commission  
16 deems necessary to implement the provisions of this section, which  
17 shall be effective for a period not to exceed 270 days following  
18 enactment of P.L. , c. (pending before the legislature as this  
19 bill), and may thereafter be amended, adopted, or readopted by the  
20 State Lottery Commission in accordance with the requirements of  
21 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
22 seq.).

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24 2. This act shall take effect immediately.

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#### STATEMENT

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29 This bill allows a private entity contracted by the State to operate  
30 the State Lottery to continue to perform all appropriate operating  
31 functions of the lottery for a period not to exceed seven calendar  
32 days if a state of emergency is declared due to the State's failure to  
33 enact a general appropriation law by the constitutional deadline. A  
34 state of emergency prevents non-essential State employees,  
35 including New Jersey Division of the State Lottery employees, from  
36 performing their functions. Under this bill, the State Lottery  
37 Commission is permitted to adopt the necessary standards, criteria,  
38 safeguards, and procedures that the private entity must meet in  
39 order to continue to conduct State Lottery functions during a state  
40 of emergency. In addition, the bill empowers the Governor to  
41 remove the authority of the private entity or an employee to conduct  
42 State Lottery functions in the event of violations to the rules and  
43 regulations. This bill would adopt for the State Lottery similar  
44 provisions currently allowed for casinos and racetracks to continue  
45 operations during a state of emergency for a seven-day period.