

CHAPTER 65

CASINO REINVESTMENT
DEVELOPMENT AUTHORITY

Authority

N.J.S.A. 5:12-144.1j and 5:12-161f.

Source and Effective Date

R.2008 d.325, effective October 2, 2008.
See: 40 N.J.R. 1632(a), 40 N.J.R. 6481(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 65, Casino Reinvestment Development Authority, expires on October 2, 2015. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 65, Casino Reinvestment Development Authority, was filed and became effective as an Emergency New Rule on April 3, 1986 (expired June 2, 1986). See: 18 N.J.R. 852(a).

Chapter 65, Casino Reinvestment Development Authority, was adopted as R.1986 d.256, effective July 7, 1986. See: 18 N.J.R. 852(a), 18 N.J.R. 1405(a). Pursuant to Executive Order No. 66(1978), Chapter 65, Casino Reinvestment Development Authority, expired on July 7, 1991.

Chapter 65, Casino Reinvestment Development Authority, was adopted as R.1992 d.383, effective October 5, 1992. See: 24 N.J.R. 1692(b), 24 N.J.R. 3535(a).

Pursuant to Executive Order No. 66(1978), Chapter 65, Casino Reinvestment Development Authority, was readopted as R.1997 d. 452, effective September 26, 1997. As part of R.1997 d.452, effective October 20, 1997, Subchapter 4, Female and Minority Targets in Authority Financed Construction Projects and Licensee's Direct Investment Construction Projects, was renamed Female and Minority Percentage Goals in Authority Financed Construction Projects and Licensee's Direct Investment Construction Projects; and Subchapter 9, Miscellaneous, was adopted as new rules. See: 29 N.J.R. 3708(a), 29 N.J.R. 4562(b).

Subchapter 8, Contracts for Architectural, Engineering and Land Surveying Services, was adopted as new rules, and former Subchapter 8, Waivers, was recodified as Subchapter 9, Waivers. Subchapter 9, Miscellaneous, was recodified as Subchapter 10, Miscellaneous, by R.1999 d.326, effective September 20, 1999. See: 31 N.J.R. 1455(a), 31 N.J.R. 2759(a).

Chapter 65, Casino Reinvestment Development Authority, was readopted as R.2003 d.101, effective February 5, 2003. See: 34 N.J.R. 3177(a), 35 N.J.R. 1274(a).

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 65, Casino Reinvestment Development Authority, was extended by gubernatorial directive from August 3, 2008 to October 2, 2008. See: 40 N.J.R. 5070(b).

Chapter 65, Casino Reinvestment Development Authority, was readopted as R.2008 d.325, effective October 2, 2008. As part of R.2008 d.325, Subchapter 4, Female and Minority Percentage Goals in Authority Financed Construction Projects and Licensees' Direct Investment Construction Projects, was repealed, effective November 3, 2008. See: Source and Effective Date.

Subchapter 11, Procedures to Resolve Protested Solicitations and Awards, was adopted as new rules by R.2010 d.172, effective August 16, 2010. See: 41 N.J.R. 4069(a), 42 N.J.R. 1909(a).

Subchapter 4, Loans to Public Bodies, was adopted as new rules by R.2011 d.263, effective November 7, 2011. See: 43 N.J.R. 1247(a), 43 N.J.R. 3038(c).

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 19:65-1.1 Purpose and objectives
- 19:65-1.2 Definitions

SUBCHAPTER 2. APPLICATION, ELIGIBILITY, PRIORITY
AND HEARING

- 19:65-2.1 Applications generally
- 19:65-2.2 Time for application
- 19:65-2.3 Application
- 19:65-2.4 Application review and approval
- 19:65-2.5 Approval criteria
- 19:65-2.6 Priorities
- 19:65-2.7 Public hearing
- 19:65-2.8 Approval of projects which constitute equivalent investments
- 19:65-2.9 Approval of projects which constitute donation of money or realty
- 19:65-2.10 Approval of hotel development projects and allocation of investment credit
- 19:65-2.11 Cost certification

SUBCHAPTER 3. CONTRACTS

- 19:65-3.1 Contract as requirement to credit
- 19:65-3.2 Contract provisions
- 19:65-3.3 Determination of year for investment alternative tax allocation

SUBCHAPTER 4. LOANS TO PUBLIC BODIES

- 19:65-4.1 Requirements for loans to public bodies

SUBCHAPTER 5. INVESTMENT BY LICENSEES
PURSUANT TO N.J.S.A. 5:12-144

- 19:65-5.1 New Jersey Casino Control Commission rules

SUBCHAPTER 6. FEES AND CHARGES

- 19:65-6.1 Application fees
- 19:65-6.2 Administrative fees
- 19:65-6.3 Waiver of application and administrative fees

SUBCHAPTER 7. DISQUALIFICATION, DEBARMENT
AND SUSPENSION

- 19:65-7.1 Definitions
- 19:65-7.2 Cause for debarment
- 19:65-7.3 Conditions affecting debarment
- 19:65-7.4 Procedures: Period of debarment
- 19:65-7.5 Causes for suspension of a person
- 19:65-7.6 Conditions for suspension of a person
- 19:65-7.7 Procedures: Period of suspension; Scope of suspension affecting the suspension of a person
- 19:65-7.8 Extent of debarment and suspension
- 19:65-7.9 Notice to Attorney General and Treasurer
- 19:65-7.10 Lists of other agencies
- 19:65-7.11 Authority discretion
- 19:65-7.12 Executive Director to implement subchapter

SUBCHAPTER 8. CONTRACTS FOR ARCHITECTURAL,
ENGINEERING AND LAND SURVEYING SERVICES

- 19:65-8.1 Applicability
- 19:65-8.2 Definitions
- 19:65-8.3 Criteria for the selection of the most highly qualified professional firms
- 19:65-8.4 Effective date of rules

SUBCHAPTER 9. WAIVERS

- 19:65-9.1 Waivers generally
- 19:65-9.2 Procedure

SUBCHAPTER 10. MISCELLANEOUS

19:65-10.1 Severability

SUBCHAPTER 11. PROCEDURES TO RESOLVE
PROTESTED SOLICITATIONS AND AWARDS

19:65-11.1 Protested solicitations and awards

SUBCHAPTER 1. GENERAL PROVISIONS

19:65-1.1 Purpose and objectives

(a) The rules contained in this chapter are established to effectuate, and shall be applied so as to accomplish the general purposes of the Act, including, without limitation:

1. To assist in the development or redevelopment of political subdivisions within the State in the manner and priority set forth in the Act; and
2. To increase opportunities for gainful employment and to improve living conditions in such political subdivisions; and
3. To foster and promote the economy of the State generally.

19:65-1.2 Definitions

As used in this chapter, the following words and terms shall have the following meanings unless a different meaning clearly appears from the context.

“Acquisition value” means the value at a time within a reasonable period of time prior to the approval of the project in accordance with N.J.A.C. 19:65-2.4(b) as determined by an appraisal of such property in form and substance acceptable to the Authority undertaken on a fair market value basis by an appraiser appointed by the Authority.

“Act” means P.L. 1984, c.218, as amended and supplemented, and as the same may be further amended or supplemented from time to time.

“Applicant” means any person, entity, licensee, prospective licensee, government, governmental agency, authority, or instrumentality, municipality or political subdivision of the State permitted under the provisions of the Act or these rules to apply for review and approval and/or a determination of eligibility of or with respect to a project by the Authority under the Act and these rules.

“Application” means a fully completed and signed application submitted pursuant to the provisions of N.J.A.C. 19:65-2.3 in such form or forms as may be prescribed from time to time by the Authority.

“Approved project” means a project which satisfies the provisions of the Act and these rules and is approved by the Authority.

“Appurtenant facilities” shall mean facilities which are necessary or convenient to facilities with units for overnight visitors, including, but not limited to, parking facilities and recreational and park facilities to the extent reasonably commensurate in size for use by the overnight visitors of such units. In no event shall appurtenant facilities include casino space or facilities related thereto.

Atlantic City Expansion Fund means the fund created by Section 5 of P.L. 2004, c.129 (N.J.S.A. 5:12-173.22(a)).

“Authority” means the Casino Reinvestment Development Authority.

“Bonds” means bonds, notes or evidences of Authority debt issued to licensees pursuant to N.J.S.A. 5:12-162 (section 14 of P.L. 1984, c.218).

Casino Capital Construction Fund means the fund created by Section 13 of P.L. 2003, c.116 (N.J.S.A. 5:12-173.22).

“Contract” means a written contract between the Authority and a Licensee to purchase Bonds pursuant to N.J.A.C. 19:65-3.

“Corridor Region” shall mean and include:

1. The area bounded as follows:

- i. Having as its southern boundary the Boardwalk between Texas Avenue and the point of intersection between the Boardwalk and an imaginary line extending southerly from the Southeasternmost point of Mt. Vernon Avenue (hereinafter “Mt. Vernon/Boardwalk Intersection”);

- ii. Having as its eastern boundary a line running north from the Mt. Vernon/Boardwalk Intersection to the Southeasternmost point of Mt. Vernon Avenue and continuing along Mt. Vernon Avenue north to Arctic Avenue and thence easterly to the point of intersection of Arctic Avenue with Bacharach Boulevard;

- iii. Having as its northeastern border Bacharach Boulevard from Arctic Avenue and extended to Beach Thorofare;

- iv. Having as its northwestern border the southern side of Beach Thorofare from the intersection of the southern side of Beach Thorofare with Bacharach Boulevard, so extended, to Texas Avenue;

- v. Having as its western border Texas Avenue from Beach Thorofare to the Boardwalk; and

2. The following additional areas:

- i. Albany Avenue (U.S. Route 40) from Beach Thorofare to the Boardwalk;

- ii. The Atlantic City Expressway from the Pleasantville Toll Plaza to Arkansas and Missouri Avenues;