

VOLUME 48, ISSUE 10

ISSUE DATE: MAY 16, 2016

**RULE PROPOSALS**

**LAW AND PUBLIC SAFETY  
DIVISION OF GAMING ENFORCEMENT**

*48 N.J.R. 780(a)*

**Proposed New Rules: *N.J.A.C. 13:69-6***

**General Provisions**

**Public Release of Financial Information**

Authorized By: David Rebeck, Director, Division of Gaming Enforcement.

Authority: N.J.S.A. 5:12-69.a, 69.e, 70.a and b, 74.1, 95.17, 100.b and h.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2016-070.

Submit written comments by July 15, 2016, to:

Robert Moncrief, Deputy Attorney General  
Division of Gaming Enforcement  
1300 Atlantic Avenue  
Atlantic City, NJ 08401  
Or electronically at: [rulecomments@njdge.org](mailto:rulecomments@njdge.org)

The agency proposal follows:

**Summary**

Proposed new *N.J.A.C. 13:69-6* includes new rules for the public release of financial information. Proposed new *N.J.A.C. 13:69-6.1*, Monthly release of public information, states that the Division of Gaming Authority (Division) shall release information related to the total win for casino hotels, Internet gambling, gross revenue taxes, and Casino Redevelopment Authority obligations, no later than the 20th of each month.

Proposed new *N.J.A.C. 13:69-6.2*, Quarterly release of public information, states that the Division shall release information regarding revenues and gross operating profits for each casino and the

industry, hotel statistics for each casino and the industry, and the quarterly financial report for each individual casino licensee, no later than the 60th day following the quarters ending March 31st, June 30th, and September 30th, and by April 15th for the quarter ending December 31st.

Proposed new N.J.A.C. 13:69-6.3, Annual release of public information, states that the Division shall release information regarding the table and other game win for each casino detailed by game, slot machine for each casino licensee by denomination, patron checks activity for each casino, for the previous calendar year no later than April 15th of the subsequent year.

These new rules are designed to clarify the Division's statutory obligations pursuant to *N.J.S.A. 5:12-74.1* with regard to the release of financial information. Consistent with current practice, under the new rules financial information relating to the casino industry will be clearly defined and readily available at expected times to create more transparency for industry stakeholders.

This notice of proposal is not required to be referenced in a rulemaking calendar since a public comment period of 60 days is being provided. See *N.J.A.C. 1:30-3.3(a)5*.

### **Social Impact**

The proposed new rules will have a positive impact by creating the regular and transparent release of financial information relating to the casino industry performance.

### **Economic Impact**

The proposed new rules are not anticipated to have an economic impact on the casino industry or the cost of regulation as they relate to the release of information that is already collected by the Division of Gaming Enforcement.

### **Federal Standards Statement**

A Federal standards analysis is not required because the proposed new rules are authorized by the provisions of the Casino Control Act, *N.J.S.A. 5:12-1* et seq., and are not subject to Federal law.

### **Jobs Impact**

The proposed new rules will not have any impact on the number of jobs in the State of New Jersey.

### **Agriculture Industry Impact**

The proposed new rules will have no impact on the agriculture industry in New Jersey.

### **Regulatory Flexibility Statement**

The proposed new rules will only affect the reporting of information related to the operations of New Jersey casino licensees, none of which qualifies as a "small business" as defined in the Regulatory Flexibility Act, *N.J.S.A. 52:14B-16* et seq., because they employ more than 100 persons full-time in the State of New Jersey. Accordingly, a regulatory flexibility analysis is not required.

### **Housing Affordability Impact Analysis**

The proposed new rules will have an insignificant impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the proposed new rules would evoke a change in the average costs associated with housing because the rules concern the release of financial information related to New Jersey casino operations.

### **Smart Growth Development Impact Analysis**

The proposed new rules will not have an impact on smart growth and there is an extreme unlikelihood that the proposed new rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey because the proposed new rules concerns the release of financial information related to New Jersey casino operations.

**Full text** of the proposed new rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## **SUBCHAPTER 6. [(RESERVED)] PUBLIC RELEASE OF FINANCIAL INFORMATION**

### **13:69-6.1 Monthly release of public information**

**(a) Not later than the 20th of each month, the Division shall release the following information for the previous month and the year-to-date:**

- 1. Total slot machine win, total table and other game win, and total casino win for all casino licensees;**
- 2. Total Internet gaming win from peer-to-peer games, total Internet gaming win from other authorized games, and total Internet gaming win for all casino licensees;**
- 3. Total gross revenue taxes and Casino Reinvestment Development Authority obligations from casino and Internet operations for all casino licensees;**
- 4. Total casino win, total Internet gaming win, and total gaming win for each individual casino licensee;**
- 5. Monthly Gross Revenue Report for each individual casino licensee, which shall include total table and other games win, total slot machine win, and total simulcasting revenue; and**
- 6. Monthly Internet Gross Revenue Report for each individual casino licensee, which shall include total peer-to-peer gaming win and total other authorized games win.**

### **13:69-6.2 Quarterly release of public information**

**(a) Not later than the 60th day following the quarters ending March 31, June 30, and September 30, and by April 15th for the quarter ending December 31, the Division shall release the following information for the previous quarter and year-to-date:**

**1. Total revenue, net revenue, and gross operating profit for each casino licensee and the industry;**

**2. Number of hotel rooms, number of available hotel room nights, number of occupied hotel room nights, occupancy rate, and average hotel room rate for each individual casino licensee and the industry; and**

**3. The Quarterly Financial Report for each individual casino licensee.**

**13:69-6.3 Annual release of public information**

**(a) In addition to the information made public in N.J.A.C. 13:69-6.1 and 6.2, the Division shall release the following information for the previous calendar year no later than April 15th of the subsequent year:**

**1. Table and other game win for each casino licensee detailed by type of game;**

**2. Slot machine win for each casino licensee by denomination; and**

**3. Patron receivable balances and patron checks activity for each casino licensee.**