

LAW AND PUBLIC SAFETY

DIVISION OF GAMING ENFORCEMENT

CASINO LICENSEES

Continuing Obligations of Casino Licensees and Qualifiers

Entertainment, Filming or Photography

Proposed New Amendments: N.J.A.C. 13:69C-8.3; -15.2

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

Authority: N.J.S.A. 5:12-69a, -70a, -76g, -76k, -85a, - 99a, -104b

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

Proposal Number: PRN-

Submit written comments by _____, 2017, to:

Charles F. Kimmel, Deputy Attorney General

Division of Gaming Enforcement

1300 Atlantic Avenue

Atlantic City, NJ 08401

Or electronically at: rulecomments@njdge.org

The agency proposal follows:

Summary

The amendment to N.J.A.C. 13:69C-8.3 contained within this proposal is intended to clarify certain obligations imposed by Division regulations regarding profit sharing agreements between a casino licensee and its employees. Specifically, N.J.A.C. 13:69C-8.3 requires a casino licensee to submit to the Division on an annual basis a report containing: (1) an attestation that any payments made by the casino licensee under a profit sharing agreement were made only to

properly registered casino employees or licensed casino key employees and (2) the total amount paid under each profit sharing agreement, plus a grand total for all profit sharing agreements.

The proposed amendment to N.J.A.C. 13:69C-8.3 would clarify that a casino licensee that does not maintain a profit sharing agreement with its employees is not required to submit a report to the Division to advise it does not maintain any profit sharing agreements.

The proposed amendment to N.J.A.C. 13:69C-15.2 would permit electronic filing of the notification required when filming or photography will occur on the casino floor. Such notice is required to ensure that any issues from such filming or photography regarding security, public safety, or game integrity are properly examined and resolved. The proposal also reduces the time for filing such notice from five business days to one business day.

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 amendment to N.J.A.C. 13:69C-8.3 should have minimal social impact in that it only clarifies a casino licensee is not required to annually submit to the Division a report concerning profit sharing agreements if the casino licensee does not maintain a profit sharing agreement with any employee. The proposed amendment to N.J.A.C. 13:69C-15.2 reducing the time for casinos to file a notice that filming or photography is to occur on the casino floor is not anticipated to have any social impact.

Economic Impact

The proposed amendments should have minimal economic impact in that casino licensees already are subject to regulation concerning their profit sharing agreements and are already required to file notices regarding photography or filming. These amendments provide regulatory relief, but should not have any significant economic impact.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendments 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 amendments are not expected to have any impact on the number of jobs in the State of New Jersey.

Agriculture Industry Impact

The proposed amendments will have no impact on agriculture in New Jersey.

Regulatory Flexibility Analysis

The proposed amendments will only affect the operations of New Jersey casino applicants and 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 amendments will have no impact on affordable housing in New Jersey and it is extremely unlikely that the proposed amendments would evoke a change in the average costs associated with housing because the proposed amendments concern the specific areas of employee profit sharing arrangements and the paperwork to be filed with such plans and the issue of filming on the casino floor. These areas of regulation should not have any impact on housing affordability..

Smart Growth Development Impact Analysis

The proposed amendments will not have an impact on smart growth and it is extremely unlikely that the proposed amendments 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 amendments concern the specific areas of employee profit sharing arrangements and the paperwork to be filed with such plans and the issue of filming on the casino floor. These areas of regulation should not have any impact on housing production.

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

13:69C-8.3 Profit sharing agreements

(a) – (d) (No change.)

(e) On an annual basis, each casino licensee shall submit the following information

regarding profit sharing agreements to the Division no later than March 31:

1. **For casino licensees that maintain such profit sharing agreements, a[A]n**
attestation that the casino licensee has compiled with N.J.A.C. 13:69–8.3(b); and

2. (No change.)

(f) (No change.)

(g) Nothing herein shall be construed to require casino licensees to file reports stating that the casino licensee does not maintain a profit sharing agreement with any employee.

13:69C-15.2 Entertainment, filming, or photography within the casino and casino simulcasting facility

(a) No entertainment, filming, or photography shall be offered or conducted within the casino or the casino simulcasting facility, or shall be significantly visible or audible from or in the casino or simulcasting facility, unless the casino licensee files a written **or electronic** notice with the Division at the Division's Regulatory Enforcement Bureau office in the establishment. Such notice shall be filed at least [five] **one** business [days] **day** prior to the commencement of such entertainment, filming, or photography, unless otherwise authorized by the Division. The notice shall include, at a minimum, the following information:

(1) – (6) (No change.)

(b) – (c) (No change.)

David L. Rebuck
Director