

LAW AND PUBLIC SAFETY

DIVISION OF GAMING ENFORCEMENT

Forms

Individual Licensure, Registration, or Qualification

Proposed Amendments: N.J.A.C. 13:69A-5.2, 5.2A, 5.2B, 5.3, 5.4, 5.5, 5.5A, 5.5B, 5.5C, 5.10, and 5.14

Proposed New Rule: N.J.A.C. 13:69A-5.1A

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

Authority: N.J.S.A. 5:12-69.a, 69.e, 70.a, 70.b, 76, 78, 80, 81, 84, 89, 91, 92, and 93.

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

Proposal Number: PRN 2017-157.

Submit written comments by October 6, 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

Proposed new N.J.A.C. 13:69A-5.1A, Rules for forms for individual licensure, registration, or qualification, will require, at subsection (a), that all forms completed by individual applicants who are seeking licensure, registration, or qualification status to include a signed, dated, and notarized certification of truth. This certification will require the applicant to

certify to the following: that the applicant does not have a child support obligation, if the applicant does have a child support obligation, that the applicant does not have an arrearage; that the applicant is in compliance with any court order to provide health care coverage; that the applicant has not failed to respond to a subpoena relating to a paternity or child support proceeding; and that the applicant is not the subject of a child support-related warrant. The Division is permitted under Federal law to require the disclosure of Social Security numbers for purposes of enforcing child support obligations. The Division is required under N.J.S.A. 5:12-86.i to find an individual disqualified if he or she is delinquent in child support payments; therefore, the Division must have access to an applicant's Social Security number in order to meet its statutory obligations. The forms being amended previously permitted voluntary disclosure of Social Security numbers. These amendments are necessary in order for the Division to ensure an individual is not disqualified due to a child support delinquency.

Proposed new N.J.A.C. 13:69A-5.1A(b) will further require that all forms by individual applicants seeking licensure, registration, or qualification status to contain notices informing the applicant that any false statements in the certification provided pursuant to N.J.A.C. 13:69A-5.1A(a), may subject the applicant to contempt of court and disciplinary action by the Division. Under this subsection, the applicant will also be notified of the requirement to disclose their Social Security number to be used only for tax administration and child support enforcement, as permitted under Federal law.

Currently, forms at N.J.A.C. 13:69A-5.2, 5.2A, 5.2B, 5.3, 5.4, 5.5A, 5.5B, 5.5C, 5.10, and 5.14, state that the Division may require applicants to voluntarily provide Social Security numbers in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a. Proposed amendments to individual forms set forth in N.J.A.C. 13:69A-5.2, 5.2A, 5.2B, 5.3, 5.4, 5.5, 5.5A,

5.5B, 5.5C, 5.10, and 5.14 will now require the disclosure of Social Security numbers. Each Social Security number section of the above noted forms will now require an applicant to explain the reason why an applicant does not have a Social Security number, or that disclosure of the Social Security number is required but it will only be utilized for tax administration and for child support enforcement, as permitted by Federal law.

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 rule and amendments may have a social impact in that the forms may now require more detailed information, which may discourage certain applicants from applying. It is also possible that a greater number of persons who are in arrears on child support obligations will be identified and required to comply with their obligations.

Economic Impact

The proposed new rule and amendments should have minimal economic impact. Should an applicant fail to comply with form requirements, or makes false statements on the forms, the applicant may be subject to disciplinary action by the Division. It is also possible that a greater number of persons who are in arrears on child support obligations will be identified and required to comply with their obligations.

Federal Standards Statement

The proposed new rule and amendments comply with Federal law for disclosure of Social Security numbers. No Federal regulatory standards are exceeded by the proposed new rule and proposed amendments.

Jobs Impact

The proposed new rule and amendments should not have any impact on jobs. No jobs will be created or lost under the rulemaking.

Agriculture Industry Impact

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

Regulatory Flexibility Statement

The proposed new rule and amendments will primarily affect 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., as they all employ more than 100 persons full-time. Therefore, a regulatory flexibility analysis is not required.

Housing Affordability Impact Analysis

The proposed new rule and amendments will have no impact on the affordability of housing in the State of New Jersey because they affect the rules for forms for individual licensure, registration, or qualification status.

Smart Growth Development Impact Analysis

The proposed new rule and amendments will have no impact on housing production in Planning Areas 1 and 2, or within designated centers, under the State Development and Redevelopment Plan because they affect the rules for forms for individual licensure, registration, or qualification status.

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

SUBCHAPTER 5. FORMS

13:69A-5.1A Rules for forms for individual licensure, registration, or qualification

(a) All forms to be completed by an individual seeking licensure, registration, or qualification status shall include a signed, dated, and notarized certification of truth, which requires the applicant to certify, under penalty of perjury that the applicant does not have a child support obligation, the applicant does have such an obligation but does not have an arrearage, the applicant is in compliance with any court order to provide health care coverage, the applicant has not failed to respond to a subpoena relating to a paternity or child support proceeding, and the applicant is not the subject of a child-support related warrant. Pursuant to N.J.S.A. 5:12-86.i, any person not able to so certify will be required to demonstrate to the satisfaction of the Director that he or she has either repaid such debt or has made arrangements to pay such debt in order to be eligible to be granted licensure or qualification or to be eligible to retain any registration.

(b) All forms to be completed by an individual seeking licensure, registration, or qualification status shall also contain notices informing applicants of the following:

1. If the applicant makes a false statement in the certification provided pursuant to (a) above, the applicant may be subject to contempt of court and to disciplinary action by the Division.

2. The disclosure of the applicant's Social Security number is required under 42 U.S.C. § 405(c)(2)(C)(i), N.J.S.A. 54:50-25, 42 U.S.C. § 666(a)(13), and N.J.S.A. 2A:17-56.60 and the Division shall utilize the applicant's Social Security number solely for tax administration and child support enforcement.

13:69A-5.2 Multi-Jurisdictional Personal History Disclosure Form

(a) A Multi-Jurisdictional Personal History Disclosure Form (PHD-MJ) shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. – 4. (No change.)

5. Social Security [number, which is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;] **number, or the reason why the applicant does not have that number, which information shall be utilized solely for tax administration as provided under 42 U.S.C. § 405(c)(2)(C)(i) and N.J.S.A. 54:50-25 and for child support enforcement as provided under 42 U.S.C. § 666(a)(13) and N.J.S.A. 2A:17-56.60;**

6. – 20. (No change.)

(b) (No change.)

13:69A-5.2A New Jersey Supplemental Form--Casino Qualifier

(a) A New Jersey Supplemental Form shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. – 5. (No change.)

6. Social Security [Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;] **number, or the reason why the applicant does not have that number, which information shall be utilized solely for tax administration as provided under 42 U.S.C. § 405(c)(2)(C)(i) and N.J.S.A. 54:50-25 and for child support enforcement as provided under 42 U.S.C. § 666(a)(13) and N.J.S.A. 2A:17-56.60;**

7. – 12. (No change.)

13:69A-5.2B Ancillary Casino Service Industry Enterprise License-Personal History Disclosure Form

(a) An Ancillary Casino Service Industry Enterprise License Personal History Disclosure Form (ACSI-PHD) shall be in a format prescribed by the Division and require the applicant to provide the following information:

1. – 4. (No change.)

5. Social Security [Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;] **number, or the reason why the applicant does not have that number, which information shall be utilized solely for tax administration as**

provided under 42 U.S.C. § 405(c)(2)(C)(i) and N.J.S.A. 54:50-25 and for child support enforcement as provided under 42 U.S.C. § 666(a)(13) and N.J.S.A. 2A:17-56.60;

6. – 20. (No change.)

(b) (No change.)

13:69A-5.3 Personal History Disclosure Form 1

(a) A Person History Disclosure Form (PHD-1) shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. – 4 (No change.)

5. Social Security [Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;] **number, or the reason why the applicant does not have that number, which information shall be utilized solely for tax administration as provided under 42 U.S.C. § 405(c)(2)(C)(i) and N.J.S.A. 54:50-25 and for child support enforcement as provided under 42 U.S.C. § 666(a)(13) and N.J.S.A. 2A:17-56.60;**

6. – 14. (No change.)

(b) (No change.)

13:69A-5.4 Personal History Disclosure Resubmission Form

(a) A Personal History Disclosure Resubmission Form shall be the PHD-1 and may require the applicant to provide the following information:

1. – 4. (No change.)

5. Social Security [Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;] **number, or the reason why the applicant does**

not have that number, which information shall be utilized solely for tax administration as provided under 42 U.S.C. § 405(c)(2)(C)(i) and N.J.S.A. 54:50-25 and for child support enforcement as provided under 42 U.S.C. § 666(a)(13) and N.J.S.A. 2A:17-56.60;

6. – 11. (No change.)

(b) (No change.)

13:69A-5.5 Personal History Disclosure Form 3 - Casino Employee Registration

(a) A Personal History Disclosure Form 3 (PHD-3) shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. – 4. (No change.)

5. Social Security [Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;] **number, or the reason why the applicant does not have that number, which information shall be utilized solely for tax administration as provided under 42 U.S.C. § 405(c)(2)(C)(i) and N.J.S.A. 54:50-25 and for child support enforcement as provided under 42 U.S.C. § 666(a)(13) and N.J.S.A. 2A:17-56.60;**

6. – 12. (No change.)

(b) (No change.)

13:69A-5.5A Qualifier Resubmission Form--Casino Qualifiers

(a) A Qualifier Resubmission Form shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. – 4. (No change.)

5. Social Security [Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;] **number, or the reason why the applicant does not have that number, which information shall be utilized solely for tax administration as provided under 42 U.S.C. § 405(c)(2)(C)(i) and N.J.S.A. 54:50-25 and for child support enforcement as provided under 42 U.S.C. § 666(a)(13) and N.J.S.A. 2A:17-56.60;**

6. – 10. (No change.)

(b) – (c) (No change.)

13:69A-5.5B Request to Determine Employment or Reapplication Eligibility

(a) A Request to Determine Employment or Reapplication Eligibility shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. – 5. (No change.)

6. Social Security [Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;] **number, or the reason why the applicant does not have that number, which information shall be utilized solely for tax administration as provided under 42 U.S.C. § 405(c)(2)(C)(i) and N.J.S.A. 54:50-25 and for child support enforcement as provided under 42 U.S.C. § 666(a)(13) and N.J.S.A. 2A:17-56.60;**

7. – 12. (No change.)

(b) (No change.)

13:69A-5.5C Casino Employee License Conversion Application

(a) An application to convert an employee license to a casino employee registration shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. – 6. (No change.)

7. Social Security [Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;] **number, or the reason why the applicant does not have that number, which information shall be utilized solely for tax administration as provided under 42 U.S.C. § 405(c)(2)(C)(i) and N.J.S.A. 54:50-25 and for child support enforcement as provided under 42 U.S.C. § 666(a)(13) and N.J.S.A. 2A:17-56.60;**

8. – 12. (No change.)

(b) (No change.)

13:69A-5.10 New Jersey Supplemental Form--Casino Service Industry Enterprise Qualifiers

(a) A New Jersey Supplemental Form shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. – 5. (No change.)

6. Social Security [Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;] **number, or the reason why the applicant does not have that number, which information shall be utilized solely for tax administration as provided under 42 U.S.C. § 405(c)(2)(C)(i) and N.J.S.A. 54:50-25 and for child support enforcement as provided under 42 U.S.C. § 666(a)(13) and N.J.S.A. 2A:17-56.60;**

7. – 12. (No change.)

13:69A-5.14 Labor Organization Individual Disclosure Form

(a) A Labor Organization Individual Disclosure Form shall be in a format prescribed by the Division and may require the applicant to provide the following information:

1. – 5. (No change.)

6. Social Security [Number, which information is voluntarily provided in accordance with section 7 of the Privacy Act, 5 U.S.C. § 552a;] **number, or the reason why the applicant does not have that number, which information shall be utilized solely for tax administration as provided under 42 U.S.C. § 405(c)(2)(C)(i) and N.J.S.A. 54:50-25 and for child support enforcement as provided under 42 U.S.C. § 666(a)(13) and N.J.S.A. 2A:17-56.60;**

7. – 13. (No change.)

(b) (No change.)