

nesses and local governments. The rule implements Banking Law § 9-w and the revisions clarify the content and delivery requirements of the financial aid information sheet.

Revised Rural Area Flexibility Analysis

The revised rule will not impose any new adverse economic impact on rural areas or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. The rule implements Banking Law § 9-w and the revisions clarify the content and delivery requirements of the financial aid information sheet.

Revised Job Impact Statement

The revised rule should have no adverse impact on jobs and employment opportunities in New York. The rule implements Banking Law § 9-w and the revisions clarify the content and delivery requirements of the financial aid information sheet.

Assessment of Public Comment

The following is a summary of comments the Department received regarding proposed rule 3 NYCRR 421. The comments are from New York universities as well as associations representing New York colleges and universities.

Some comments objected to the state adopting a uniform information sheet. They pointed out that undergraduate, graduate and other types of higher education are structured differently and information relevant to one audience is not necessarily relevant to another. For example, some types of financial aid on the proposed form are only available to undergraduate students. The final rule allows for some additional flexibility however the Banking Law § 9-w mandates that the letter contain certain information.

Commenters suggested limiting the required recipients of the Financial Aid Information Sheet. Recommendations included limiting recipients to undergraduate students or to admitted students, instead of all financial aid applicants. The final rule incorporates changes to Banking Law § 9-w that only requires the letter for undergraduates.

Commenters requested that schools using the federal Student Shopping Sheet should not be required to adopt any changes to their financial aid award letters. They believe using the federal form should be sufficient to meet their requirements under Banking Law § 9-w. Banking Law § 9-w requires schools to provide information that is not included on the federal Student Shopping Sheet.

Commenters asked for assistance in automating any required forms including encouraging education software vendors to incorporate the required form into their software so schools do not need to develop their own systems.

Finally, some commenters suggested that including estimates of the cost of attendance for all years needed to obtain a degree, instead of the cost of one year, will alarm students and families regarding the cost of their education. This information is required by statute.

New York State Gaming Commission

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Criteria and Procedures for Patron Exclusion at a Gaming Facility

I.D. No. SGC-28-16-00006-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Addition of Part 5327 to Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(1), 1342(1), (3) and (4)

Subject: Criteria and procedures for patron exclusion at a gaming facility.

Purpose: To establish criteria and procedures for patron exclusion at a gaming facility.

Text of proposed rule: PART 5327

Excluded Persons

§ 5327.1. Maintenance of the excluded persons list.

(a) The commission shall maintain a list of persons to be excluded or ejected from the gaming facility. The commission shall maintain such list on the commission's website. Such list shall not be deemed all-inclusive.

(b) Each gaming facility licensee shall exclude from its premises any person who such gaming facility licensee knows meets the exclusion criteria of Racing, Pari-Mutuel Wagering and Breeding Law section 1342 and section 5327.2 of this Part.

(c) The following information shall be provided on the list for each excluded individual:

(1) the full name and all aliases the person is believed to have used;

(2) a description of the person's physical appearance, including height, weight, type of build, color of hair and eyes and other physical characteristics that may assist in the identification of the person;

(3) the person's date of birth;

(4) the effective date of the order mandating the exclusion of the person; and

(5) photograph, if obtainable, and the date thereof.

(d) Each gaming facility licensee shall ensure that it reviews the excluded persons list on a regular basis and that such list is made available to all employees of the gaming facility.

§ 5327.2. Criteria for exclusion.

A person shall be placed on the excluded persons list if the commission determines that the person meets one or more of the following criteria:

(a) is a career or professional offender, whose presence in a gaming facility would, in the opinion of the commission, be contrary to the interests of New York State or of casino gaming therein, or both;

(b) has a known relationship or connection with a career or professional offender whose presence in a licensed facility would be contrary to the interest of New York State or of casino gaming therein, or both;

(c) has been convicted of a gambling offense under the laws of any state or the United States that is punishable by more than 12 months in a state prison, a house of correction or any comparable incarceration, a crime of moral turpitude or a violation of the gaming laws of any state;

(d) has a notorious or unsavory reputation that would adversely affect public confidence and trust that casino gaming is free from criminal or corruptive elements;

(e) poses, by presence in a gaming facility, the potential of injurious threat to the interests of New York State if the person is permitted in a gaming facility. In determining whether a person poses a potential of injurious threat, the commission may consider whether the person:

(1) is a gaming cheat;

(2) has had a license or registration issued in accordance with Parts 5303 through 5307 of this Subchapter, or a like license or registration issued by another jurisdiction, suspended or revoked or has been otherwise subjected to adverse action;

(3) poses a threat to the safety of the patrons or employees of a gaming facility;

(4) has a documented history of conduct involving the undue disruption of gaming operations in any jurisdiction;

(5) is subject to an order of a court of competent jurisdiction in New York State excluding those persons from a gaming facility;

(6) is subject to a no trespass order at any casino or gaming facility in any jurisdiction;

(7) is excluded from any video lottery facility in New York State;

(8) is excluded from any Indian gaming facility in New York State;

(9) is excluded from any horse racing track or off-track betting facility in New York State for any misconduct or behavior involving wagering or wagering integrity; or

(10) has pending charges or indictments for a gaming crime or a crime related to the integrity of gaming operations in New York State or any other jurisdiction.

§ 5327.3. Placement on the excluded persons list.

The placement of a person on the excluded persons list shall have the effect of requiring the exclusion or ejection of the excluded person from all New York State licensed gaming facilities.

§ 5327.4. Petition to remove name from the excluded persons list.

(a) An excluded person may file a petition with the secretary of the commission to request a hearing for removal of his or her name from the excluded persons list after five years have elapsed from the day of placement of his or her name on the excluded persons list.

(b) Any petition pursuant to this section shall be signed by the excluded person, contain supporting affidavits and state specific grounds believed by the excluded person to constitute good cause for removal from the excluded persons list.

Text of proposed rule and any required statements and analyses may be obtained from: Kristen Buckley, New York State Gaming Commission, One Broadway Center, 6th Floor, Schenectady, NY 12305, (518) 388-3407, email: kristen.buckley@gaming.ny.gov

Data, views or arguments may be submitted to: Same as above.

Public comment will be received until: 45 days after publication of this notice.

Regulatory Impact Statement

1. **STATUTORY AUTHORITY:** Racing, Pari-Mutuel Wagering and Breeding Law (“Racing Law”) section 104(19) grants authority to the Gaming Commission (“Commission”) to promulgate rules and regulations that it deems necessary to carry out its responsibilities. Racing Law section 1307(1) authorizes the Commission to adopt regulations that it deems necessary to protect the public interest in carrying out the provisions of Racing Law Article 13.

Racing Law section 1342(1) authorizes the Commission to establish a list of persons who are required to be excluded from any licensed gaming facility and to define the standards for the exclusion of persons from the premises of a licensed gaming facility.

Racing Law section 1342(3) mandates the licensed gaming facilities exclude or eject from the premises any person placed by the Commission on the list of persons to be excluded or ejected.

Racing Law section 1342(4) mandates the Commission establish classifications of persons required to be excluded from the gaming facility premises by the licensed gaming facility.

2. **LEGISLATIVE OBJECTIVES:** The above referenced statutory provisions carry out the legislature’s stated goal “to tightly and strictly” regulate casinos “to guarantee public confidence and trust in the credibility and integrity of all casino gambling in the state and to prevent organized crime from any involvement in the casino industry” as set forth in Racing Law section 1300(10).

3. **NEEDS AND BENEFITS:** The proposed rules implement the above listed statutory directives regarding the exclusion of persons whose presence in a licensed gaming facility would be inimical to the interests of the state or to licensed gaming. The rules specify with respect to the above listed statutory directives to assure certain persons are not permitted upon the premises of any licensed gaming facility in New York State. The rules set forth the criteria upon which a person is considered inimical to the state or licensed gaming, their placement on the exclusion list, and the duty of the licensed facility to exclude the person from the premises.

4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: There are no costs to the regulated parties as a result of these regulations.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: The Commission currently conducts hearings in lottery, video lottery gaming and horse racing and maintains an excluded persons list for video lottery gaming. Based on that experience, the Commission anticipates that the costs associated with the proposed rules would be negligible.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The cost estimates are based on the Commission’s experience regulating racing and gaming activities within the State.

5. **LOCAL GOVERNMENT MANDATES:** There are no local government mandates associated with these rules.

6. **PAPERWORK:** These rules do not impose paperwork burdens on the regulated parties. The paperwork burden is born by the Commission with the responsibility to maintain the exclusion list with all criteria stated in the regulations.

7. **DUPLICATION:** These rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. **ALTERNATIVES:** The Commission consulted stakeholders and reviewed other gambling jurisdiction best practices and regulation. Alternatives were discussed and considered with stakeholders and compared to other jurisdictions regulations. This included providing clarification on a gaming facility licensee’s knowledge of patrons on the Commission’s excluded persons list. The Commission is also required to promulgate these rules pursuant to Racing Law sections 1342(1), 1342(3) and 1342(4).

9. **FEDERAL STANDARDS:** There are no federal standards applicable to the licensing of gaming facilities in New York; it is purely a matter of New York State law.

10. **COMPLIANCE SCHEDULE:** The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

These rules will not have any adverse impact on small businesses, local governments, jobs or rural areas. These rules are intended to promote public confidence and trust in the credibility and integrity of casino gambling in New York State. These rules will ensure that licensed gaming facilities exclude from their premises persons known to be inimical to the interest of the state or of licensed gaming.

These rules apply solely to licensed gaming facilities and therefore the rules do not impact local governments or small businesses as it is not expected that any local government or small business will hold a gaming facility license.

These rules impose no adverse impact on rural areas. These rules apply uniformly throughout the state and apply solely to licensed gaming facilities.

These rules will have no adverse impact on job opportunities.

These rules will not adversely impact small businesses, local governments, jobs, or rural areas. Accordingly, a full Regulatory Flexibility Analysis, Rural Area Flexibility Analysis, and Job Impact Statement are not required and have not been prepared.

PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

Definitions of Terms Used Throughout Subchapter B, Casino Gaming

I.D. No. SGC-28-16-00007-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

Proposed Action: Amendment of section 5300.1 of Title 9 NYCRR.

Statutory authority: Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19) and 1307(1)

Subject: Definitions of terms used throughout Subchapter B, Casino Gaming.

Purpose: To define terms applicable to Subchapter B, Casino Gaming.

Text of proposed rule: § 5300.1. Definitions.

Unless the context indicates otherwise, the following definitions and the definitions set forth in Racing, Pari-Mutuel Wagering and Breeding Law section 1301 are applicable throughout this Subchapter:

(a) Ancillary casino vendor means a vendor providing goods or services to a gaming facility applicant or licensee that are ancillary to gaming activity.

(b) Casino vendor means a vendor providing goods or services to a gaming facility applicant or licensee that directly relate to gaming activity.

(c) Career or professional offender means any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain, using such methods as are deemed criminal violations of the public policy of this State.

(d) Career offender cartel means any group of persons who operate together as career offenders.

(e) Commission means the commissioners, staff and designees of the New York State Gaming Commission.

(f) Credit slip means a form used to record either the return of chips from a gaming table to the cage or the transfer of markers or negotiable checks from a table game to a cage or bankroll.

(g) Dealer means a person assigned to operate games.

(h) Drop box means the box attached to a table game that is used to collect the following items:

(1) currency;

(2) coin;

(3) cash equivalents;

(4) damaged chips; and

(5) all other forms used by the gaming facility and deposited in the drop box as part of the audit trail.

[(f)](i) Excluded person means a person who is excluded from a gaming facility pursuant to Part 5326 of this Subchapter.

(j) Fill means a transaction whereby a supply of chips or coins is transferred from a bankroll to a table.

(k) Gaming cheat means a person who is engaging in or attempting to engage in, or who is suspected of cheating, theft, embezzlement, a violation of this Subchapter or other illegal activities, or activities that are deemed a violation under Penal Law article 225 or equivalent violations in other jurisdictions, including a person who is required to be excluded or ejected from the licensed facility under Racing, Pari-Mutuel Wagering and Breeding Law section 1342 or Part 5327 of this Subchapter.

[g](l) Gaming facility means the premises approved under a gaming license, which includes a gaming area and any other nongaming structure related to the gaming area and may include, without limitation, hotels, restaurants and other amenities.

(m) Hand means either one game in a series, one deal in a card game or the cards held by a player in a card game, as the context requires.

(n) Match-play coupon means a coupon with a fixed, stated value that is issued and redeemed and the stated value of which, when presented by a patron with chips that are equal to or greater in value to the stated value