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I N S E N A T E

March 1, 2012

Introduced by Sens. KLEIN, CARLUCCI -- read twice and ordered printed,
and when printed to be committed to the Committee on Racing, Gaming
and Wagering

AN ACT to amend the general municipal law, in relation to the conducting
of bingo by certain organizations

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 2, 7, 9, 10 and 11-a of section 476 of the
2 general municipal law, subdivision 2 as amended by chapter 46 of the
3 laws of 1977, subdivision 7 as amended by chapter 438 of the laws of
4 1962, subdivision 9 as amended by chapter 1057 of the laws of 1965,
5 paragraph (a) of subdivision 9 as amended by section 16 of part LL of
6 chapter 56 of the laws of 2010, subdivision 10 as amended by chapter 364
7 of the laws of 1968 and subdivision 11-a as added by chapter 160 of the
8 laws of 1994, are amended and two new subdivisions 4-a and 13 are added
9 to read as follows:
10 2. ["Control commission" or "commission"] "BOARD" shall mean the state
11 racing and wagering board.
12 4-A. "AUXILIARY MEMBER" SHALL MEAN A BONA FIDE MEMBER OF AN ORGANIZA-
13 TION OR ASSOCIATION WHICH IS AUXILIARY TO AN AUTHORIZED ORGANIZATION
14 LICENSED PURSUANT TO THIS ARTICLE; OR A BONA FIDE MEMBER OF AN ORGANIZA-
15 TION OR ASSOCIATION OF WHICH AN AUTHORIZED ORGANIZATION LICENSED PURSU-
16 ANT TO THIS ARTICLE IS AN AUXILIARY; OR A BONA FIDE MEMBER OF AN ORGAN-
17 IZATION OR ASSOCIATION WHICH IS AFFILIATED WITH AN AUTHORIZED
18 ORGANIZATION LICENSED PURSUANT TO THIS ARTICLE BY BEING, WITH IT, AUXIL-
19 IARY TO ANOTHER ORGANIZATION OR ASSOCIATION.
20 7. "Net proceeds" shall mean (a) in relation to the gross receipts
21 from one or more occasions of bingo, the amount that shall remain after
22 deducting the reasonable sums necessarily and actually expended for
23 CONDUCTING BINGO GAMES INCLUDING, BUT NOT LIMITED TO, bingo supplies and
24 equipment, prizes, stated rental if any, bookkeeping or accounting
25 services according to a schedule of compensation prescribed by the
26 [commission] BOARD, janitorial services and utility supplies if any,
27 license fees, and [the cost of bus transportation] REIMBURSEMENT OF

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 REASONABLE EXPENSES INCURRED BY VOLUNTEERS WHO DONATE THEIR TIME TO
2 HOLD, OPERATE OR CONDUCT, OR ASSIST IN THE CONDUCT OF SUCH GAMES, [if]
3 AS authorized by the [control commission] BOARD, and (b) in relation to
4 the gross rent received by an organization licensed to conduct bingo for
5 the use of its premises by another licensee, the amount that shall
6 remain after deducting the reasonable sums necessarily and actually
7 expended for janitorial services and utility supplies directly attribut-
8 able thereto if any.

9 9. "Authorized commercial lessor" shall mean a person, firm or corpo-
10 ration other than a licensee to conduct bingo under the provisions of
11 this article, who or which shall own or be a net lessee of premises and
12 offer the same for leasing by him, HER or it to an authorized organiza-
13 tion for any consideration whatsoever, direct or indirect, for the
14 purpose of conducting bingo therein, provided that he, SHE or it, as the
15 case may be, shall not be

16 (a) a person convicted of a crime who has not received a pardon or a
17 certificate of good conduct or a certificate of relief from disabilities
18 pursuant to article twenty-three of the correction law;

19 (b) a person who is or has been a professional gambler or gambling
20 promoter or who for other reasons is not of good moral character;

21 (c) a public officer who receives any consideration, direct or indi-
22 rect, as owner or lessor of premises offered for the purpose of conduct-
23 ing bingo therein;

24 (d) a firm or corporation in which a person defined in [subdivision]
25 PARAGRAPH (a), (b) or (c) [above] OF THIS SUBDIVISION or a person
26 married [or related in the first degree] to such a person has greater
27 than a ten [percentum] PER CENTUM (10%) proprietary, equitable or credit
28 interest or in which such a person is active or employed[.]; OR

29 (E) A FIRM OR CORPORATION IN WHICH A PERSON RELATED TO A PERSON,
30 DEFINED IN PARAGRAPH (A), (B) OR (C) OF THIS SUBDIVISION, HAS GREATER
31 THAN TWENTY PER CENTUM (20%) PROPRIETARY, EQUITABLE OR CREDIT INTEREST
32 OR IN WHICH SUCH A RELATED PERSON IS ACTIVE OR EMPLOYED.

33 Nothing contained in this subdivision shall be construed to bar any
34 firm or corporation which is not organized for pecuniary profit and no
35 part of the net earnings of which inure to the benefit of any individ-
36 ual, member, or shareholder, from being an authorized commercial lessor
37 solely because a public officer, or a person married or related in the
38 first degree to a public officer, is a member of, active in or employed
39 by such firm or corporation.

40 10. "Limited period bingo" shall mean the conduct of bingo by a
41 licensed authorized organization, for a period of not more than [seven]
42 TEN of [twelve] FOURTEEN consecutive days in any one year, at a
43 festival, bazaar, carnival or similar function conducted by such
44 licensed authorized organization. No authorized organization licensed to
45 conduct limited period bingo shall be otherwise eligible to conduct
46 bingo pursuant to this article in the same year.

47 11-a. "Early bird" shall mean a bingo game which is played as a
48 special game, conducted not more than [twice] THREE TIMES during a bingo
49 occasion, in which prizes are awarded based upon a percentage not to
50 exceed seventy-five percent of the sum of money received from the sale
51 of the early bird cards and which is neither subject to the prize limits
52 imposed by subdivisions five and six of section four hundred seventy-
53 nine and paragraph (a) of subdivision one of section four hundred eight-
54 y-one, nor the special game opportunity charge limit imposed by section
55 four hundred eighty-nine of this article. The percentage shall be speci-
56 fied both in the application for bingo license and the license. Not more

1 than one dollar shall be charged per card with the total amount
2 collected from the sale of the early bird cards and the prize for each
3 game to be announced before the commencement of each game.

4 13. "REASONABLE EXPENSES INCURRED BY A VOLUNTEER" SHALL INCLUDE, BUT
5 NOT BE LIMITED TO, CHILD CARE EXPENSES, TRANSPORTATION EXPENSES, MEALS
6 AND OTHER EXPENSES, AS DETERMINED AND REGULATED BY THE BOARD.

7 S 2. Subdivisions 3, 5, 6, 7 and 8 of section 479 of the general
8 municipal law, subdivision 3 as amended by chapter 337 of the laws of
9 1998, subdivisions 5 and 6 as amended by chapter 328 of the laws of
10 1994, and subdivisions 7 and 8 as amended by chapter 814 of the laws of
11 1964, are amended to read as follows:

12 3. No authorized organization licensed under the provisions of this
13 article shall purchase, lease, or receive any supplies or equipment
14 specifically designed or adapted for use in the conduct of bingo games
15 from other than a supplier licensed under [the bingo control law] ARTI-
16 CLE NINETEEN-B OF THE EXECUTIVE LAW or from another authorized organiza-
17 tion.

18 5. No prize shall exceed the sum or value of one thousand FIVE HUNDRED
19 dollars in any single game of bingo.

20 6. No series of prizes on any one bingo occasion shall aggregate more
21 than [three] FOUR thousand dollars.

22 7. No person except a bona fide member OR AUXILIARY MEMBER of any such
23 organization shall participate in the management or operation of such
24 game.

25 8. No person shall receive any remuneration for participating in the
26 management or operation of any game of bingo; PROVIDED, HOWEVER, THAT A
27 PERSON MAY ACCEPT REIMBURSEMENT OF REASONABLE EXPENSES INCURRED TO
28 MANAGE, HOLD, OPERATE OR CONDUCT SUCH GAMES.

29 S 3. Subparagraph 6 of paragraph (a) of subdivision 1 of section 480
30 of the general municipal law, as amended by chapter 611 of the laws of
31 1963, is amended to read as follows:

32 (6) the specific purposes to which the entire net proceeds of such
33 games are to be devoted and in what manner; that no commission, salary,
34 compensation[,] OR reward [or recompense] will be paid to any person for
35 conducting such bingo game or games or for assisting therein except as
36 in this article otherwise provided; and such other information as shall
37 be prescribed by such rules and regulations.

38 S 4. Paragraph (a) of subdivision 1 and subdivision 3 of section 481
39 of the general municipal law, paragraph (a) of subdivision 1 as amended
40 by section 17 of part LL of chapter 56 of the laws of 2010 and subdivi-
41 sion 3 as amended by chapter 284 of the laws of 1969, are amended to
42 read as follows:

43 (a) Issuance of licenses to conduct bingo. If the governing body of
44 the municipality shall determine that the applicant is duly qualified to
45 be licensed to conduct bingo under this article; that the member or
46 members of the applicant designated in the application to conduct bingo
47 are bona fide active members of the applicant and are persons of good
48 moral character and have never been convicted of a crime or, if
49 convicted, have received a pardon or a certificate of good conduct or a
50 certificate of relief from disabilities pursuant to article twenty-three
51 of the correction law, OR, IF CONVICTED, THE MEMBER OR MEMBERS ARE
52 PARTICIPATING IN A REHABILITATION PROGRAM LICENSED OR CERTIFIED BY A
53 STATE AGENCY AND OPERATED BY THE APPLICANT OR AN AUXILIARY THEREOF; that
54 such games are to be conducted in accordance with the provisions of this
55 article and in accordance with the rules and regulations of the [commis-
56 sion] BOARD, and that the proceeds thereof are to be disposed of as

1 provided by this article, and if the governing body is satisfied that no
2 commission, salary, compensation[,] OR reward [or recompense] whatever
3 will be paid or given to any person holding, operating or conducting or
4 assisting in the holding, operation and conduct of any such games except
5 as [in this article] otherwise provided IN THIS ARTICLE, INCLUDING
6 REIMBURSEMENT OF REASONABLE EXPENSES INCURRED BY VOLUNTEERS WHO DONATE
7 THEIR TIME TO HOLD, OPERATE OR CONDUCT, OR ASSIST IN THE CONDUCT OF SUCH
8 GAMES; and that no prize will be offered and given in excess of the sum
9 or value of one thousand FIVE HUNDRED dollars in any single game and
10 that the aggregate of all prizes offered and given in all of such games
11 conducted on a single occasion, under said license shall not exceed the
12 sum or value of [three] FOUR thousand dollars, it shall issue a license
13 to the applicant for the conduct of bingo upon payment of a license fee
14 of eighteen dollars [and seventy-five cents] for each bingo occasion;
15 provided, however, that the governing body shall refuse to issue a
16 license to an applicant seeking to conduct bingo in premises of a
17 licensed commercial lessor where it determines that the premises pres-
18 ently owned or occupied by said applicant are in every respect adequate
19 and suitable for conducting bingo games.

20 3. No license shall be issued under this article which shall be effec-
21 tive for a period of more than one year. In the case of limited period
22 bingo, no license shall be issued authorizing the conduct of such games
23 on more than [two] THREE occasions in any one day nor shall any license
24 be issued under this article which shall be effective for a period of
25 more than [seven] TEN of [twelve] FOURTEEN consecutive days in any one
26 year. No license for the conduct of limited period bingo shall be issued
27 in cities having a population of one million or more.

28 S 5. Section 483 of the general municipal law, as amended by chapter
29 438 of the laws of 1962, is amended to read as follows:

30 S 483. Form and contents of license; display of license. 1. [Each]
31 EACH license to conduct bingo shall be in such form as shall be
32 prescribed in the rules and regulations promulgated by the [control
33 commission] BOARD, and shall contain a statement of the name and address
34 of the licensee, of the names and addresses of the member or members of
35 the licensee under whom the games will be conducted, of the place or
36 places where and the date or dates and time or times when such games are
37 to be conducted and of the specific purposes to which the entire net
38 proceeds of such games are to be devoted; if any prize or prizes are to
39 be offered and given in cash, a statement of the amounts of the prizes
40 authorized so to be offered and given; and any other information which
41 may be required by said rules and regulations to be contained therein,
42 and each license issued for the conduct of any game shall be conspicu-
43 ously displayed at the place where same is to be conducted at all times
44 during the conduct thereof.

45 2. Each license to lease premises for conducting bingo shall be in
46 such form as shall be prescribed in the rules and regulations of the
47 [control commission] BOARD and shall contain a statement of the name and
48 address of the licensee and the address of the leased premises, the
49 amount of permissible rent and any other information which may be
50 required by said rules and regulations to be contained therein, and each
51 such license shall be conspicuously displayed upon such premises at all
52 times during the conduct of bingo.

53 S 6. Section 484 of the general municipal law, as amended by chapter
54 900 of the laws of 1981, is amended to read as follows:

55 S 484. Control and supervision; suspension of licenses; inspection of
56 premises. 1. The governing body of any municipality issuing any license

1 under this article shall have and exercise rigid control and close
2 supervision over all games of bingo conducted under such license, to the
3 end that the same are fairly conducted in accordance with the provisions
4 of such license, the provisions of the rules and regulations promulgated
5 by the [control commission] BOARD and the provisions of this article and
6 such governing body and the [control commission] BOARD shall have the
7 power and the authority to suspend any license issued by such governing
8 body and to revoke the same, and, additionally, in the case of an
9 authorized commercial lessor, to impose a fine in an amount not exceed-
10 ing one thousand dollars, after notice and hearing, for violation of any
11 such provisions, and shall have the right of entry, by their respective
12 officers and agents, at all times into any premises where any game of
13 bingo is being conducted or where it is intended that any such game
14 shall be conducted, or where any equipment being used or intended to be
15 used in the conduct thereof is found, for the purpose of inspecting the
16 same.

17 2. In addition to the authority granted pursuant to subdivision one of
18 this section, the governing body and the [control commission] BOARD, in
19 a city having a population of one million or more, may impose a fine in
20 an amount not exceeding one thousand dollars, after notice and hearing,
21 on any licensee under this article for violation of any provision of
22 such license, this article or rules and regulations promulgated pursuant
23 thereto.

24 S 7. Section 485 of the general municipal law, as amended by chapter
25 438 of the laws of 1962, is amended to read as follows:

26 S 485. Sunday; conduct of games on. [No games] GAMES of bingo [shall]
27 MAY be conducted under any license issued under this article on the
28 first day of the week, commonly known as [designated as] Sunday, unless
29 it shall be otherwise provided in the license issued for the holding,
30 operating and conducting thereof, pursuant to the provisions of a local
31 law or an ordinance duly adopted by the governing body of the municip-
32 ality issuing the license, [authorizing] PROHIBITING the conduct of
33 bingo under this article on that day.

34 S 8. Section 486 of the general municipal law, as amended by chapter
35 438 of the laws of 1962, is amended to read as follows:

36 S 486. Participation by persons under eighteen. No person under the
37 age of eighteen years shall be permitted to play any game or games of
38 bingo conducted pursuant to any license issued under this article unless
39 accompanied by an adult. No person under the age of eighteen years shall
40 be permitted to conduct or assist in the conduct of any game of bingo
41 conducted pursuant to any license issued under this article; PROVIDED,
42 HOWEVER, THAT A PERSON UNDER THE AGE OF EIGHTEEN YEARS AND WHO IS
43 FIFTEEN YEARS OF AGE OR OLDER SHALL BE PERMITTED TO ASSIST IN THE
44 CONDUCT OF ANY GAME OF BINGO IF ACCOMPANIED BY AN ADULT.

45 S 9. Section 487 of the general municipal law, as amended by chapter
46 72 of the laws of 1982, is amended to read as follows:

47 S 487. Frequency of game; sale of alcoholic beverages. No game or
48 games of bingo, except limited period bingo, shall be conducted under
49 any license issued under this article more often than on [eighteen]
50 TWENTY-SEVEN days in any three successive calendar months. No game or
51 games of limited period bingo shall be conducted between the hours of
52 twelve midnight postmeridian and noon, and no more than sixty games may
53 be conducted on any single occasion of limited period bingo. No game or
54 games of bingo shall be conducted in any room or outdoor area where
55 alcoholic beverages are sold, served or consumed during the progress of
56 the game or games.

1 S 10. Subdivision 1 of section 488 of the general municipal law, as
2 amended by chapter 337 of the laws of 1998, is amended to read as
3 follows:

4 1. No person shall hold, operate or conduct any game of bingo under
5 any license issued under this article except a bona fide member OR
6 AUXILIARY MEMBER of the authorized organization to which the license is
7 issued[, and]. FURTHERMORE, no person shall assist in the holding, oper-
8 ating or conducting of any game of bingo under such license except such
9 a bona fide member or [a bona fide] AUXILIARY member [of an organization
10 or association which is an auxiliary to the licensee or a bona fide
11 member of an organization or association of which such licensee is an
12 auxiliary or a bona fide member of an organization or association which
13 is affiliated with the licensee by being, with it, auxiliary to another
14 organization or association and except bookkeepers or accountants as
15 hereinafter provided]. Provided, however, any person may assist the
16 licensed organization in any activity related to the game of bingo which
17 does not actually involve the holding, conducting, managing or operating
18 of such game of bingo. No game of bingo shall be conducted with any
19 equipment except such as shall be owned absolutely or leased by the
20 authorized organization so licensed or used without payment of any
21 compensation therefor by the licensee. Lease terms and conditions shall
22 be subject to rules and regulations promulgated by the board. This arti-
23 cle shall not be construed to authorize or permit an authorized organ-
24 ization to engage in the business of leasing bingo supplies or equip-
25 ment. No items of expense shall be incurred or paid in connection with
26 the conducting of any game of bingo pursuant to any license issued under
27 this article, except those that are reasonable and are necessarily
28 expended for bingo supplies and equipment, prizes, stated rental if any,
29 bookkeeping or accounting services according to a schedule of compen-
30 sation prescribed by the [commission] BOARD, janitorial services and
31 utility supplies if any, and license fees, REIMBURSEMENT OF REASONABLE
32 EXPENSES INCURRED BY VOLUNTEERS WHO DONATE THEIR TIME TO HOLD, OPERATE
33 OR CONDUCT OR ASSIST IN THE CONDUCT OF SUCH GAMES, and the cost of bus
34 transportation, if authorized by the [control commission] BOARD.

35 S 11. Section 490 of the general municipal law, as amended by chapter
36 99 of the laws of 1988, is amended to read as follows:

37 S 490. Advertising of bingo games. A licensee may advertise the
38 conduct of an occasion of bingo to the general public by means of news-
39 paper, radio, circular, handbill [and], poster, ELECTRONIC MAIL, ELEC-
40 TRONIC COMMUNICATIONS AND GOVERNMENT ACCESS TELEVISION BROADCASTS, and
41 by one sign not exceeding sixty square feet in area, which may be
42 displayed on or adjacent to the premises owned or occupied by a licensed
43 authorized organization, and when an organization is licensed to conduct
44 bingo occasions on the premises of another licensed authorized organiza-
45 tion or of a licensed commercial lessor, one additional such sign may be
46 displayed on or adjacent to the premises in which the occasions are to
47 be conducted. Additional signs may be displayed upon any firefighting
48 equipment belonging to any licensed authorized organization which is a
49 volunteer fire company, or upon any equipment of a first aid or rescue
50 squad, OR VOLUNTEER AMBULANCE COMPANY in and throughout the community
51 served by such volunteer fire company or such first aid or rescue squad,
52 OR VOLUNTEER AMBULANCE COMPANY, as the case may be. All advertisements
53 shall be limited to the description of such event as "bingo", the name
54 of the licensed authorized organization conducting such occasions, the
55 license number of the authorized organization as assigned by the clerk
56 and the date, location and time of the bingo occasion.

1 S 12. Subdivision 1 of section 491 of the general municipal law, as
2 amended by chapter 667 of the laws of 1980, is amended to read as
3 follows:

4 1. Within [seven] TEN days after the conclusion of any occasion of
5 bingo, the authorized organization which conducted the same, and its
6 members who were in charge thereof, and when applicable the authorized
7 organization which rented its premises therefor, shall each furnish to
8 the clerk of the municipality a statement subscribed by the member in
9 charge and affirmed by him OR HER as true, under the penalties of perju-
10 ry, showing the amount of the gross receipts derived therefrom and each
11 item of expense incurred, or paid, and each item of expenditure made or
12 to be made, the name and address of each person to whom each such item
13 has been paid, or is to be paid, with a detailed description of the
14 merchandise purchased or the services rendered therefor, the net
15 proceeds derived from such game or rental, as the case may be, and the
16 use to which such proceeds have been or are to be applied and a list of
17 prizes offered and given, with the respective values thereof, and it
18 shall be the duty of each licensee to maintain and keep such books and
19 records as may be necessary to substantiate the particulars of each such
20 statement and within fifteen days after the end of each calendar quarter
21 during which there has been any occasion of bingo, a summary statement
22 of such information, in form prescribed by the state, shall be furnished
23 in the same manner to the [state racing and wagering] board.

24 S 13. This act shall take effect on the first of January next succeed-
25 ing the date on which it shall have become a law.