STATE OF NEW YORK

8183

IN SENATE

April 16, 2018

Introduced by Sen. BONACIC -- (at request of the New York State Gaming Commission) -- 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 and the executive law, in relation to improvement of charitable gaming and making technical changes

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 476 of the general municipal law is amended by adding a new subdivision 14 to read as follows:

14. "Electronic bingo aid" means any electronic hardware device or electronic system, whether fixed or portable, or any software used in conjunction with a common computer, designed to assist sight-impaired players and others in the playing of bingo.

§ 2. Paragraphs (a), (b) and (c) of subdivision 2 and subdivision 3 of section 435 of the executive law, as amended by chapter 437 of the laws of 1962, paragraph (a) of subdivision 2 as amended by chapter 337 of the laws of 1998, paragraph (b) of subdivision 2 as amended by section 1 of part MM of chapter 59 of the laws of 2017, clause 1 of paragraph (c) of subdivision 2 as amended by chapter 371 of the laws of 1974, and subdivision 3 as amended by chapter 889 of the laws of 1966, are amended and a new subdivision 4 is added to read as follows:

(a) The commission shall have the power to issue or, after hearing, refuse to issue a license permitting a person, firm or corporation to sell or distribute to any other person, firm or corporation engaged in business as a wholesaler, jobber, distributor or retailer of all cards, boards, sheets, pads and all other supplies, devices and equipment designed for use in the play of bingo by an organization duly licensed to conduct bingo games or to sell or distribute any such materials directly to such an organization. For the purposes of this section the words "sell or distribute" shall include, but shall not be limited to, the following activities; offering for sale, receiving, handling, maintaining, storing the same on behalf of such an organization, distributing or providing the same to such an organization, and offering for sale

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

LBD14359-01-8

or lease bingo devices and equipment. Each such license shall be valid for [~~one year~~] **three years**.

(b) No person, firm or corporation, other than an organization that is or has been during the preceding twelve months duly licensed to conduct bingo games, shall sell or distribute bingo supplies or equipment without having first obtained a license therefor upon a written or electronic application made, verified and filed with the commission in the form prescribed by the rules and regulations of the commission. As a part of its determination concerning the applicant's suitability for licensing as a bingo supplier, the commission shall require the applicant to furnish to such [~~board~~] **commission** two sets of fingerprints. Such fingerprints shall be submitted to the division of criminal justice services for a state criminal history record check, as defined in subdivision one of section three thousand thirty-five of the education law, and may be submitted to the federal bureau of investigation for a national criminal history record check. In each such application for a license under this section shall be stated the name and address of the applicant; the names and addresses of its officers, directors, shareholders or partners; the amount of gross receipts realized on the sale or distribution of bingo supplies and equipment to duly licensed organizations during the last preceding calendar or fiscal year, and such other information as shall be prescribed by such rules and regulations. The fee for such license shall be a sum equal to twenty-five dollars plus an amount [~~based upon~~] **equal to two percent of** the gross sales, if any, of bingo equipment and supplies to authorized organizations by the applicant during the preceding calendar year, or fiscal year if the applicant maintains his [~~or~~]**,** her **or its** accounts on a fiscal year basis[~~, and determined in accordance with the following schedule:~~

~~gross sales of $1,000 to $4,999.....$10.00~~
~~gross sales of $5,000 to $19,999.....$50.00~~
~~gross sales of $20,000 to $49,999.....$200.00~~
~~gross sales of $50,000 to $100,000.....$500.00~~
~~gross sales in excess of $100,000.....$1,000.00~~]**.**

(c) The following shall be ineligible for such a license:

(1) a person convicted of a crime [~~who has not received a pardon, a certificate of good conduct or a certificate of relief from disabilities~~] **if there is a direct relationship between one or more of the previous criminal offenses and the integrity of bingo, considering the factors set forth in article twenty-three-A of the correction law**;

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

(3) a public officer or employee;

(4) an operator or proprietor of a commercial hall duly licensed under the bingo licensing law;

(5) a firm or corporation in which a person defined in [~~subdivision (1), (2), (3) or (4) above~~] **clause one, two, three or four of this paragraph**, or a person married or related in the first degree to such a person, has greater than a ten [~~per centum~~] **percent** proprietary, equitable or credit interest or in which such a person is active or employed.

3. The commission shall have the power to approve and establish a standard set of bingo cards comprising a consecutively numbered series and shall by its rules and regulations prescribe the manner in which such cards are to be reproduced and distributed to licensed authorized organizations. The sale or distribution to a licensed authorized organization of any card or cards other than those contained in the standard set of bingo cards shall constitute a violation of this section.

Licensed authorized organizations shall not be required to use nor to maintain such cards seriatim [~~excepting that the same may be required in the conduct of limited period bingo games~~].

4. Each supplier of electronic bingo aids shall register with the commission annually each such unit present in the state. For each unit so registered, a supplier shall pay an annual fee in the amount of twenty-five dollars.

§ 3. Section 489 of the general municipal law, as amended by chapter 524 of the laws of 2000, is amended to read as follows:

§ 489. Charge for admission and participation; amount of prizes; award of prizes. **1.** Except in the conduct of limited period bingo, not more than [~~five~~] **ten** dollars shall be charged by any licensee for admission to any room or place in which any game or games of bingo are to be conducted under any license issued under this article, which admission fee, upon payment thereof, shall entitle the person paying the same to participate without additional charge in all regular games of bingo to be played under such license on such occasion.

2. In the conduct of limited period bingo:

(a) no admission fee shall be charged[~~,~~]**;**

(b) not more than twenty-five cents shall be charged for a single opportunity to participate in any one game **of bingo**, which charge, upon payment thereof, shall entitle the person paying the same to one card for participation in one such game[~~,~~]**;** and

(c) no licensee shall sell more than five opportunities to each player participating in any one game **of bingo**.

3. Every winner **in a game of bingo** shall be determined and every prize shall be awarded and delivered within the same calendar day as that upon which the game was played. No alcoholic beverage shall be offered or given as a prize in any game of bingo.

§ 4. Subdivision 4 of section 186 of the general municipal law, as amended by chapter 574 of the laws of 1978, is amended to read as follows:

4. "Authorized organization" shall mean and include any bona fide religious or charitable organization or bona fide educational, fraternal or service organization or bona fide organization of veterans or volunteer firemen, which by its charter, certificate of incorporation, constitution, or act of the legislature, shall have among its dominant purposes one or more of the lawful purposes as defined in this article, provided that each shall operate without profit to its members, and provided that each such organization has engaged in serving one or more of the lawful purposes as defined in this article for a period of [~~three years immediatley~~] **one year immediately** prior to applying for a license under this article.

§ 5. Subdivision 1 of section 189 of the general municipal law, as amended by chapter 574 of the laws of 1978, is amended to read as follows:

1. No person, firm, partnership, corporation or organization, other than a licensee under the provisions of section one hundred ninety-one of this article, shall conduct such game or shall lease or otherwise make available for conducting games of chance premises for any consideration whatsoever, direct or indirect**, except that a leased premises may be made available to an authorized organization to conduct a raffle that complies with paragraph (b) of subdivision thirteen of this section**.

§ 6. Section 189-a of the general municipal law, as added by chapter 574 of the laws of 1978, the opening paragraph as amended by chapter 164 of the laws of 2003, is amended to read as follows:

§ 189-a. Authorized supplier of games of chance equipment. No person, firm, partnership, corporation or organization, shall sell or distribute supplies or equipment specifically designed or adapted for use in conduct of games of chance without having first obtained a license therefor upon written application made, verified and filed with the [~~board~~] **gaming commission** in the form prescribed by the rules and regulations of the [~~board~~] **gaming commission**. As a part of [~~its~~] **the gaming commission's** determination concerning the applicant's suitability for licensing as a games of chance supplier, the [~~board~~] **gaming commission** shall require the applicant to furnish to the [~~board~~] **gaming commission** two sets of fingerprints. Such fingerprints shall be submitted to the division of criminal justice services for a state criminal history record check, as defined in subdivision one of section three thousand thirty-five of the education law, and may be submitted to the federal bureau of investigation for a national criminal history record check. Manufacturers of bell jar tickets shall be considered suppliers of such equipment. In each such application for a license under this section shall be stated the name and address of the applicant; the names and addresses of its officers, directors, shareholders or partners; the amount of gross receipts realized on the sale and rental of games of chance supplies and equipment to duly licensed authorized organizations during the last preceding calendar or fiscal year, and such other information as shall be prescribed by such rules and regulations. The fee for such license shall be a sum equal to twenty-five dollars plus an amount equal to two [~~per centum~~] **percent** of the gross sales and rentals, if any, of games of chance equipment and supplies to authorized organizations or authorized games of chance lessors by the applicant during the preceding calendar year, or fiscal year if the applicant maintains his**, her or its** accounts on a fiscal year basis. No license granted pursuant to the provisions of this section shall be effective for a period of more than [~~one year~~] **three years**.

(a) The following shall be ineligible for such a license:

(1) a person convicted of a crime [~~who has not received a pardon, a certificate of good conduct or a certificate of relief from disabilities~~] **if there is a direct relationship between one or more of the previous criminal offenses and the integrity of charitable gaming, considering the factors set forth in article twenty-three-A of the correction law**;

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

(3) a public officer or employee;

(4) an authorized games of chance lessor;

(5) a firm or corporation in which a person defined in **paragraph one, two, three or four of this** subdivision [~~(1), (2), (3) or (4) above~~] has greater than a ten per centum proprietary, equitable or credit interest or in which such a person is active or employed.

(b) The [~~board~~] **gaming commission** shall have power to examine or cause to be examined the books and records of any applicant for a license, under this section. Any information so received shall not be disclosed except so far as may be necessary for the purpose of carrying out the provisions of this article.

(c) Any solicitation of an organization licensed to conduct games of chance, to purchase or induce the purchase of games of chance supplies and equipment, other than by a person licensed or otherwise authorized pursuant to this section**,** shall constitute a violation of this section.

(d) Any person who willfully [~~shall make~~] **makes** any material false statement in any application for a license authorized to be issued under this section or who willfully [~~shall violate~~] **violates** any of the provisions of this section or of any license issued hereunder shall be guilty of a misdemeanor and, in addition to the penalties in such case made and provided, shall forfeit any license issued to him**, her** or it under this section and be ineligible to apply for a license under this section for one year thereafter.

(e) At the end of such period specified in the license, a recapitulation shall be made as between the licensee and the [~~board~~] **gaming commission** in respect of the gross sales and rentals actually recorded during that period and the fee paid therefor, and any deficiency of fee thereby shown to be due shall be paid by the licensee and any excess of fee thereby shown to have been paid shall be credited to said licensee in such manner as the [~~board~~] **gaming commission** by [~~the~~] rules and regulations shall prescribe.

§ 7. This act shall take effect immediately.