

# 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:

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

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

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

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

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

3 (b) No person, firm or corporation, other than an organization that is  
4 or has been during the preceding twelve months duly licensed to conduct  
5 bingo games, shall sell or distribute bingo supplies or equipment with-  
6 out having first obtained a license therefor upon a written or electron-  
7 ic application made, verified and filed with the commission in the form  
8 prescribed by the rules and regulations of the commission. As a part of  
9 its determination concerning the applicant's suitability for licensing  
10 as a bingo supplier, the commission shall require the applicant to  
11 furnish to such ~~[board]~~ commission two sets of fingerprints. Such fing-  
12 erprints shall be submitted to the division of criminal justice services  
13 for a state criminal history record check, as defined in subdivision one  
14 of section three thousand thirty-five of the education law, and may be  
15 submitted to the federal bureau of investigation for a national criminal  
16 history record check. In each such application for a license under this  
17 section shall be stated the name and address of the applicant; the names  
18 and addresses of its officers, directors, shareholders or partners; the  
19 amount of gross receipts realized on the sale or distribution of bingo  
20 supplies and equipment to duly licensed organizations during the last  
21 preceding calendar or fiscal year, and such other information as shall  
22 be prescribed by such rules and regulations. The fee for such license  
23 shall be a sum equal to twenty-five dollars plus an amount ~~[based upon]~~  
24 equal to two percent of the gross sales, if any, of bingo equipment and  
25 supplies to authorized organizations by the applicant during the preced-  
26 ing calendar year, or fiscal year if the applicant maintains his ~~[or]~~,  
27 her or its accounts on a fiscal year basis~~[, and determined in accordance~~  
28 ~~with the following schedule:~~

29 ~~gross sales of \$1,000 to \$4,999.....\$10.00~~  
30 ~~gross sales of \$5,000 to \$19,999.....\$50.00~~  
31 ~~gross sales of \$20,000 to \$49,999.....\$200.00~~  
32 ~~gross sales of \$50,000 to \$100,000.....\$500.00~~  
33 ~~gross sales in excess of \$100,000.....\$1,000.00].~~

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

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

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

42 (3) a public officer or employee;

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

45 (5) a firm or corporation in which a person defined in ~~[subdivision~~  
46 ~~(1), (2), (3) or (4) above]~~ clause one, two, three or four of this para-  
47 graph, or a person married or related in the first degree to such a  
48 person, has greater than a ten ~~[per centum]~~ percent proprietary, equita-  
49 ble or credit interest or in which such a person is active or employed.

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

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

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

8 § 3. Section 489 of the general municipal law, as amended by chapter  
9 524 of the laws of 2000, is amended to read as follows:

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

18 2. In the conduct of limited period bingo:

19 (a) no admission fee shall be charged[~~7~~];

20 (b) not more than twenty-five cents shall be charged for a single  
21 opportunity to participate in any one game of bingo, which charge, upon  
22 payment thereof, shall entitle the person paying the same to one card  
23 for participation in one such game[~~7~~]; and

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

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

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

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

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

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

54 § 6. Section 189-a of the general municipal law, as added by chapter  
55 574 of the laws of 1978, the opening paragraph as amended by chapter 164  
56 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.