§ 104. Powers and duties of the commission. The commission shall have the authority and responsibility:

1. To have general jurisdiction over all gaming activities within the state and over the corporations, associations and persons engaged therein.

2. To hear and decide promptly and in reasonable order all license, registration, certificate and permit applications, and causes affecting the granting, suspension, revocation or renewal thereof, of corporations, associations or persons engaged or seeking to engage in gaming activity.

3. To test or cause to have tested and approve surveillance systems, games of chance, gaming devices and lottery games.

4. To monitor any corporation, association or person engaged in gaming activity for compliance with this chapter.

5. To, at any time, examine the books, papers, records and accounts of any corporation, association or person engaged in gaming activity pursuant to a license, registration, franchise, certificate or permit issued by the commission.

6. To conduct investigations and hearings pertaining to violations of this chapter. Each member of the commission and such officers, employees or agents of the commission as may be designated by the commission for such purpose shall have the power to administer oaths and examine witnesses.

7. Each member of the commission, and such officers, employees or agents of the commission as may be designated by the commission for such purpose, shall have the power to administer oaths and examine witnesses, and may issue subpoenas to compel attendance of witnesses, and the production of all relevant and material reports, books, papers, documents, correspondence and other evidence.

8. To collect all license and registration fees imposed by state law, or rules or regulations promulgated thereunder, and any payments from an Indian nation or tribe under the terms of a tribal-state compact that is in effect pursuant to the federal Indian gaming regulatory act, 25 U.S.C. § 2701, et seq.

9. To levy and collect civil penalties and fines for any violation of this chapter.

10. To be present through its employees and agents during the operation of any race track, gaming facility, charitable gaming organization, simulcasting facility or video lottery gaming facility for the purpose of certifying the revenue thereof, receiving complaints from the public relating to the conduct of gaming and simulcast wagering activities, examining records of revenues and procedures, and conducting periodic reviews of operations and facilities for purposes of evaluating any current or suggested provision of law, rule or regulation.

11. To ensure compliance with tribal-state gaming compacts that are in effect pursuant to the federal Indian gaming regulatory act, 25 U.S.C. § 2701, et seq.

12. To refer to a law enforcement agency of competent jurisdiction any evidence of a violation of law.

13. To cause background investigations to be conducted on any applicant for a license, registration, certificate, permit or approval.

14. To access the criminal history records of the division of criminal justice services, pursuant to subdivision eight-a of section eight hundred thirty-seven of the executive law, in connection with executing the responsibilities of the commission relating to the regulation, oversight, licensing, permitting or certification, including fingerprinting, criminal history record checks and background investigations, of persons applying to engage in gaming activities. At the request of the commission, the division of criminal justice services shall submit a fingerprint card, along with the subject's processing

fee, to the federal bureau of investigation for the purpose of conducting a criminal history search and returning a report thereon. The commission shall also be entitled to request and receive, pursuant to a written memorandum of understanding filed with the department of state, any information in the possession of the state attorney general relating to the investigation of organized crime, gaming offenses, other revenue crimes or tax evasion. Provided however, the attorney general may withhold any information that (a) would identify a confidential source or disclose confidential information relating to a criminal investigation, (b) would interfere with law enforcement investigations or judicial proceedings, (c) reveal criminal investigative techniques or procedures, that, if disclosed, could endanger the life or safety of any person, or (d) constitutes records received from other state, local or federal agencies that the attorney general is prohibited by law, regulation or agreement from disclosing.

15. (a) The commission shall have the power to appoint such deputies, secretary, officers, representatives and counsel as the commission may deem necessary, who shall be designated to be in the exempt class of civil service. Any newly hired employees who are not designated to be in the exempt class of civil service pursuant to this subdivision and who are not subject to the transfer provisions set forth in section one hundred eighteen of this article shall be considered for purposes of article fourteen of the civil service law to be public employees in the civil service of the state, and shall be assigned to the appropriate collective bargaining unit. Employees serving in positions in newly created titles shall be assigned to the same collective bargaining unit as they would have been assigned to were such titles created prior to the establishment of the commission.

(b) It shall be the duty of the secretary to keep a full and faithful record of the proceedings of the commission, preserve at the general office of the commission all books, maps, documents and papers entrusted to his or her care, prepare for service such papers and notices as may be required by the commission, and perform such other duties as the commission may prescribe.

16. To operate, or immediately appoint or contract with an independent

third party to operate, any video lottery gaming facility subject to licensure by the commission on an interim basis in the event that the licensed operator or operators of such facility discontinues operations due to financial, regulatory or any other circumstances, including, but not limited to, license revocation, relinquishment or expiration, and the commission determines, after notice and an opportunity for hearing, that it would further the public interest to continue such operations. Such operation shall be on a temporary basis, not to exceed one hundred eighty days, until such time as a permanent operator is licensed and authorized to operate such facility.

17. To retain and employ private consultants and agencies on a contract basis for rendering technical or other assistance and advice for the performance of its duties.

18. To annually report to the governor, the speaker of the assembly and the temporary president of the senate, its proceedings for the preceding calendar year and any suggestions and recommendations as it shall deem desirable.

19. To promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

20. The commission shall serve as a host racing commission and an off-track betting commission for purposes of 15 U.S.C. 3001, et seq.

* 21. Prior to transporting into this state any gambling devices for the purpose of exhibition or marketing, an officer of the manufacturer or distributor of the gambling devices shall file with the gaming commission a statement affirmed under penalty of perjury that such gambling devices are being transported into this state in a sealed container and possessed solely for the purpose of exhibition or marketing. Such statement shall specify the number of devices, types of devices, the dates upon which such devices are to be so transported and possessed within the state, which period shall not exceed two weeks, and the identity of the person or persons who will have custody and control of the devices while in this state. Such statement shall further specify that the gambling devices will thereafter be transported in a sealed

container to a jurisdiction outside of this state for purposes that are lawful in such outside jurisdiction. The commission may determine the form, content and manner of filing of such statement and shall be authorized to promulgate any rules and regulations necessary to carry out the purposes of this subdivision.

* NB There are 2 sb 21's

* 21. The commission shall promptly make available for public inspection and copying via electronic connection to the commission's website a copy of any report received from the New York state board of elections pursuant to article fourteen of the election law.

* NB There are 2 sb 21's

22. The commission shall annually conduct an evaluation of video lottery gaming to consider the various competitive factors impacting such industry and shall consider administrative changes that may be necessary to ensure a competitive industry and preserve its primary function of raising revenue for public education.

23. To register and regulate interactive fantasy sports in New York state.

24. To regulate sports wagering in New York state.