

STATE OF NEW YORK
SUPREME COURT

COUNTY OF ALBANY

JENNIFER WHITE, KATHERINE WEST, CHARLOTTE
WELLINS and ANNE REMINGTON,

Plaintiffs,

-against-

HON. ANDREW CUOMO, as Governor of the State of New
York, and the NEW YORK STATE GAMING
COMMISSION,

Defendants.

AFFIRMATION
IN SUPPORT OF
PLAINTIFFS

Index No. 5861-16
(Hon. Gerald
Connolly)

CORNELIUS D. MURRAY, an attorney duly admitted to practice before the
courts of this State, affirms under penalties of perjury as follows:

1. I am the attorney for Plaintiffs in the above-captioned matter.
2. Attached hereto as Exhibit "A-1" is the Report by the New York State
Joint Commission on Public Ethics (JCOPE) for the years 2015, 2016 and 2017, showing
New York-based lobbying expenditures made by the daily fantasy sports industry.
3. Attached hereto as Exhibit "A-2" are relevant excerpts from JCOPE's
annual reports for 2015, 2016 and 2017 providing the data used to calculate the figures in
Exhibit "A-1".
4. Annexed hereto as Exhibit "B" is the analysis of the odds affecting the
outcome of the 2017 Super Bowl LI at a point in time when the Atlanta Falcons led the
New England Patriots by a score of 28-3.

5. Attached hereto as Exhibit "C" is a copy of New York Senate Bill S.3898-A, sponsored by John Bonacic, Chair of the Racing, Gaming and Wagering Committee for the Legislative Session 2017-2018.

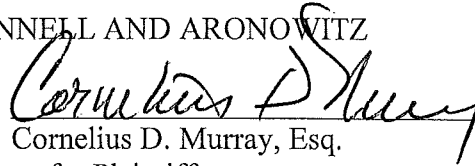
6. Annexed hereto as Exhibit "D" is a copy of New York Assembly Bill A.2520, sponsored by Gary Pretlow, Chairman of the Committee on Racing and Wagering for the Legislative Session 2017-2018.

7. Annexed hereto as Exhibit "E" is a copy of New York Senate Bill S-7900, sponsored by Sen. John Bonacic, introduced in the 2017-2018 Legislative Session.

DATED: May 1, 2018
Albany, New York

O'CONNELL AND ARONOWITZ

By:


Cornelius D. Murray, Esq.

Attorneys for Plaintiffs
Office and P.O. Address
54 State Street
Albany NY 12207-2501

EXHIBIT “A-1”

Report by the New York State Joint Commission on
Public Ethics (JCOPE) for the years 2015, 2016 and
2017, showing New York-based lobbying
expenditures made by the daily fantasy sports
industry.

LOBBYING EXPENDITURES				
TOTALS 2015-2017				
Organization	Compensation Paid	Expenses	Reimbursed Expenses	Total Compensation and Expenses Paid (Not Factoring Reimbursed Expenses)
FanDuel, Inc	\$630,708.00	\$13,299.00	\$0.00	\$644,007.00
FanDuel, Inc (FSTA)	\$113,700.00	\$1,000.00	\$0.00	\$114,700.00
DraftKings, Inc	\$590,093.00	\$12,799.00	\$0.00	\$602,892.00
DraftKings, Inc (FSTA)	\$108,200.00	\$1,000.00	\$0.00	\$109,200.00
Fantasy Sports For All	\$105,200.00	\$443,054.00	\$120,174.00	\$548,254.00
Small Business Fantasy Sports Inc.	\$10,000.00	\$1,470.00	\$0.00	\$11,470.00
Boom Shakalaka, Inc. (d/b/a Boom Fantasy)	\$40,000.00	\$0.00	\$0.00	\$40,000.00
Total	\$1,597,901.00	\$472,622.00	\$120,174.00	\$2,070,523.00

Sources: *Listing of Lobbyists and Public Corporations Based Upon Reports Received As Of March 7, 2016*, New York State Joint Commission on Public Ethics ("JCOPE"), 2015 Annual Report at pp. 68, 126, 181, 190, and 209; *Listing of Lobbyists and Public Corporations Based Upon Reports Received As Of March 31, 2017*, JCOPE, 2016 Annual Report at pp. 2, 66-67, 79-80, 92, 131, 172-73, 184, 193, 200, 212, 226-27, 238; *Listing of Lobbyists and Public Corporations, Based upon Reports Received as of March 19, 2018*, JCOPE, 2017 Annual Report at pp. 79, 156, 224, and 246.

EXHIBIT “A-2”

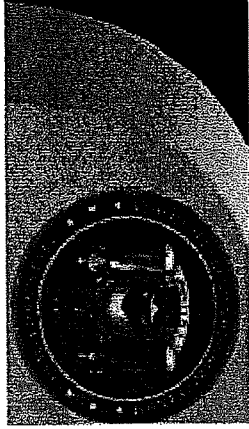
Relevant excerpts from JCOPE’s annual reports for 2015, 2016 and 2017 providing the data used to calculate the figures in Exhibit “A-1”.

**NEW YORK STATE
JOINT COMMISSION ON PUBLIC ETHICS**



**2015
ANNUAL REPORT**

JCOPE.NY.GOV



NEW YORK STATE JOINT COMMISSION ON PUBLIC ETHICS

2015

LISTING OF

LOBBYISTS AND PUBLIC CORPORATIONS BASED UPON REPORTS

RECEIVED AS OF MARCH 7, 2016.

2015 LIST OF LOBBYISTS AND THEIR
COMPENSATION, REIMBURSED EXPENSES AND TOTAL EXPENSES BY CLIENT

	<u>Compensation</u>	<u>Reimbursed Expenses</u>	<u>Expenses</u>
1199 SEIU UNITED HEALTHCARE WORKERS EAST			
1199 SEIU UNITED HEALTHCARE WORKERS EAST	8000	0	0
1199/SEIU & GNYHA HEALTHCARE EDUCATION PROJECT			
1199/SEIU & GNYHA HEALTHCARE EDUCATION PROJECT	3000	0	0
50CAN, INC. (FKA NYCAN (50CAN): NEW YORK CAMPAIGN FOR ACHIEVEMENT NOW)			
50CAN, INC. (FKA NYCAN (50CAN): NEW YORK CAMPAIGN FOR ACHIEVEMENT NOW)	0	0	0
92ND STREET YOUNG MEN'S AND YOUNG WOMEN'S HEBREW ASSOCIATION			
92ND STREET Y	1008	0	0
99 SOLUTIONS LLC.			
1-10 BUSH TERMINAL OWNER, LP/19-20 BUSH TERMINAL OWNER, LP	60000	0	0
ASSOCIATION FOR AFFORDABLE HOUSING (NEW YORK STATE)	75000	0	0
CADMAN ASSOCIATES	60000	0	0
CSC HOLDINGS, LLC	90000	0	0
GEMINI ARTS INITIATIVE, INC.	54000	0	0
L + M DEVELOPMENT PARTNERS, INC.	75000	0	0
LENOX TERRACE DEVELOPMENT ASSOCIATES	26000	0	0
MSG HOLDINGS, L.P.	22500	0	0
MSG SPORTS & ENTERTAINMENT LLC	7500	0	0
REAL ESTATE BOARD OF NEW YORK, INC.	84000	0	0
SLATE PROPERTY GROUP LLC	5000	0	0

SPORTS & ARTS IN SCHOOLS FOUNDATION, INC	42000	0	0
ST. MICHAEL'S CEMETERY	60000	0	0
T. A. AHERN CONTRACTORS CORP.	90000	0	0
TD BANK US HOLDING COMPANY	130000	0	0
TOUR CENTRAL PARK INC	10000	0	0
VASS STEVENS GROUP INC.	11000	0	0
WALGREEN CO.	96000	0	0
WASTE MANAGEMENT OF NEW YORK, LLC	180000	0	0
ZHN CONTRACTING CORPORATION	57000	0	0
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CONSUMERS UNION OF US, INC.	11338	4432	4489
CONSUMERS UNION OF U.S., INC.			
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CONTINUING CARE LEADERSHIP COALITION			
CONTINUING CARE LEADERSHIP COALITION (CCLC)	57572	1002	91
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COPPOLA, JOHN			
ASSOCIATION OF ALCOHOLISM & SUBSTANCE ABUSE PROVIDERS, INC. (NY)	9950	0	0
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CORDO & COMPANY, LLC			
1199 SEIU LABOR MANAGEMENT INITIATIVES, INC., HEALTHCARE EDUCATION PROJECT	132000	0	0
1199 SEIU UNITED HEALTHCARE WORKERS EAST	120000	0	0
ADVOCATE COMMUNITY PROVIDERS, INC. (FKA COMMUNITY PREFERRED PROVIDERS, LLC (NEW YORK))	180000	0	0
BAITING HOLLOW HOLDINGS	65000	0	0
BEDFORD PHYSICIANS RISK RETENTION GROUP, INC.	55000	0	0
BEER WHOLESALERS ASSOCIATION (NYS)	66666	2782	2782
BOUNDLESS ENERGY NE, LLC	85000	0	0

CAMELOT GLOBAL SERVICES LIMITED	41250	0	0
CIGAR ASSOCIATION OF AMERICA, INC.	54498	0	0
COLLEGE OF AMERICAN PATHOLOGISTS	3500	0	0
COMMISSION ON INDEPENDENT COLLEGES AND UNIVERSITIES (CICU)	23002	0	0
COMPPHARMA, LLC	84000	0	0
CONSORTIUM FOR WORKER EDUCATION	75000	0	0
CVS HEALTH	240000	0	0
DIRECTV LLC	37500	0	0
DISH NETWORK L.L.C.	45000	0	0
DISTRICT COUNCIL OF CARPENTERS PAC (NYC)	120000	0	0
DRAFTKINGS INC. (FANTASY SPORTS TRADE ASSOCIATION)	19000	0	0
EDGEUNITY INC.	40000	0	0
EDUCATORS 4 EXCELLENCE-NEW YORK	88000	0	0
EXPEDIA, INC.	65625	0	0
FANDUEL, INC. (FANTASY SPORTS TRADE ASSOCIATION)	9500	0	0
FELD ENTERTAINMENT, INC.	42000	0	0
FIG LLC	29250	0	0
GENERATION READY, INC.	32000	0	0
GENTING NEW YORK LLC	300000	0	0
H.Q. ENERGY SERVICES (U.S.) INC.	84000	0	0
HALMAR INTERNATIONAL, LLC	90000	0	0
HEALTHPLUS HP, LLC (FKA AMERIGROUP NEW YORK, LLC DBA HEALTH PLUS AMERIGROUP) (ANTHEM, INC. AND ITS AFFILIATES DBA EMPIRE BLUECROSS BLUESHIELD HEALTHPLUS (FKA AMERIGROUP NEW YORK))	120000	0	0
HILTON WORLDWIDE	16000	0	0
HOTEL AND MOTEL TRADES COUNCIL, AFL-CIO (NEW YORK) (FKA HOTEL & MOTEL TRADES COUNCIL (NY))	72000	0	0

JCDECAUX NORTH AMERICA, INC.			
JCDECAUX NORTH AMERICA	10025	0	0
JEFFERS, DARRELL			
HEALTHCARE ASSOCIATION OF NEW YORK STATE (WILSON ELSER MOSKOWITZ EDELMAN AND DICKER LLP)	13500	0	0
JEM ASSOCIATES NY, LLC			
AMERICAN CHEMISTRY COUNCIL	80000	0	0
CHINESE-AMERICAN PLANNING COUNCIL, INC.	30000	0	0
COURT OFFICERS BENEVOLENT ASSOCIATION OF NASSAU COUNTY, INC.	5000	0	0
DR. PEPPER SNAPPLE GROUP	53496	0	0
FELD ENTERTAINMENT	120000	0	0
GENERIC PHARMACEUTICAL ASSOCIATION (GPHA)	60000	0	127
GOOD SHEPHERD SERVICES	24000	0	127
LIBRARY ASSOCIATION (NY)	36000	0	127
LIGHT TOWER FIBER LONG ISLAND, LLC (TLM ASSOCIATES, LLC)	8000	0	127
NORTHROP GRUMMAN SYSTEMS CORPORATION (TLM ASSOCIATES, LLC)	21000	0	0
PRATT INSTITUTE	27000	0	127
RAI SERVICES COMPANY	65004	0	127
JENKINS, JOANNE E.			
LIFE INSURANCE COMPANY (NEW YORK)	32495	0	4116
JENKINS, PATRICK B. & ASSOCIATES			
B&B SUPPORTIVE LLC	60000	660	13370
BANK STREET COLLEGE OF EDUCATION	70000	0	12195
CVS HEALTH (CORDO & CO, LLC)	40000	0	6990

DRAFTKINGS INC. (FANTASY SPORTS TRADE ASSOCIATION)	7125	0	363
EDUCATION REFORM NOW ADVOCACY	7500	0	725
PANDUEL, INC. (FANTASY SPORTS TRADE ASSOCIATION)	7125	0	363
FRIENDS OF SCHOOL IN THE SQUARE	15000	0	2755
FUTURE LEADERS INSTITUTE CHARTER SCHOOL (THE)	2500	0	725
GENTING NEW YORK LLC	42580	0	817
JOHN V. LINDSAY WILDCAT ACADEMY CHARTER HIGH SCHOOL	2500	0	725
NEX MERCHANT SERVICE CORP.	20000	0	2259
NETSPEND CORP.	52500	0	6824
NORTHEAST CHARTER SCHOOLS NETWORK	7500	0	725
PALLIATECH NY LLC	82500	0	5695
PANASIA ESTATE, INC.	20000	0	2984
RENAISSANCE CHARTER SCHOOL	2500	0	725
SOMERSET PARTNERS LLC	40000	0	2306
TRIAL LAWYERS ASSOCIATION (NYS)	232500	0	12366
UBER TECHNOLOGIES, INC.	116000	0	12991
UNION OF ORTHODOX JEWISH CONGREGATIONS OF AMERICA	45000	0	2306
JENNISON ASSOCIATES LLC	838	0	0
JENNISON ASSOCIATES LLC	3439	0	70
JEWISH ASSOCIATION FOR SERVICES FOR THE AGED			
JEWISH ASSOCIATION FOR SERVICES FOR THE AGED			
JEWISH BOARD OF FAMILY AND CHILDREN'S SERVICES, INC.			
JEWISH BOARD OF FAMILY & CHILDREN'S SERVICES, INC.	13636	143	2764

OPPORTUNITIES FOR A BETTER TOMORROW, INC.	1863	1694	1694
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ORELL, STACIE			
PUBLIC INTEREST RESEARCH GROUP FUND, INC. (NEW YORK)	8500	0	105
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OREXO US, INC.			
OREXO US, INC.	3783	363	40
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ORGANIZATION OF NURSE EXECUTIVES AND LEADERS (NEW YORK) (FKA MURRAY, CLAIRE)			
ORGANIZATION OF NURSE EXECUTIVES, INC. (NY)	1867	286	0
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ORGANIZATION OF NYS MANAGEMENT /CONFIDENTIAL EMPLOYEES, INC.			
ORGANIZATION OF NYS MANAGEMENT/CONFIDENTIAL EMPLOYEES, INC.	654	0	0
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ORRICK, HERRINGTON & SUTCLIFFE LLP			
DRAFTKINGS, INC.	1750	0	0
FANDUEL, INC.	1750	0	0
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OSTROFF ASSOCIATES, INC. (FKA OSTROFF, HIEFA & ASSOCIATES, INC.)			
ACADIA REPUBLIC FARMINGDALE LLC	15000	0	193
ADMIT ONE	12000	0	665
ALBANY PORT DISTRICT COMMISSION	60000	0	665
ALTRIA CLIENT SERVICES (ALCS) (MULTISTATE ASSOCIATES INC.)	48000	0	665
ALTRIA CLIENT SERVICES LLC AND ITS AFFILIATES (FKA ALTRIA CLIENT SERVICES, INC. AND ITS AFFILIATES)	155002	0	659
AMERICAN ADDICTION CENTERS	5000	0	128
AMERICAN TRAFFIC SOLUTIONS, INC.	90000	0	665
ARVERNE BY THE SEA, LLC	96000	0	665
ASSOCIATION OF CONVENIENCE STORES (NY)	60000	0	665
BANK OF NEW YORK MELLON (THE)	72000	0	665

VERIZON	60000	0	2911
WALT DISNEY COMPANY (THE)	60000	0	2911
WESTERN NEW YORK ENERGY, LLC	24000	0	2911
YONKERS RACING CORPORATION	90000	0	2427
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PARKS & TRAILS NEW YORK	10422	0	1399
PARKS & TRAILS NEW YORK			
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PARKSIDE GROUP, LLC (THE)			
ACADEMY OF TRIAL LAWYERS (NYS)	90000	0	0
APICHA COMMUNITY HEALTH CENTER (FKA ASIAN & PACIFIC ISLANDER COALITION ON HIV / AIDS)	30000	0	0
ASIAN AMERICANS FOR EQUALITY INC.	48000	0	0
ASSOCIATION OF HOME INSPECTORS (NEW YORK STATE)	8000	0	0
CAMBA, INC.	48000	0	0
CARES, INC. (NY)	0	0	0
CHINESE NAIL SALON ASSOCIATION OF EAST AMERICA, INC.	10500	0	0
CONNOISSEUR ENCOUNTERS COMPANY INC.	90000	0	0
CUNY CREATIVE ARTS TEAM	54000	0	0
DIRECTV LLC	51000	0	12990
DISH NETWORK LLC	51000	0	12952
DRAFTKINGS INC. (FANTASY SPORTS TRADE ASSOCIATION)	7500	0	0
ENTERGY NUCLEAR OPERATIONS, INC.	78000	0	0
EQUINOX CAPITAL , INC.	60000	0	0
FANDUEL INC (FANTASY SPORTS TRADE ASSOCIATION)	22500	0	0
FRESH DIRECT, LLC.	78000	0	0
G4S SECURE SOLUTIONS (MULTISTATE ASSOCIATES INC.)	25000	0	0

ASSOCIATION OF SURROGATES & SUPREME COURT REPORTERS WITHIN THE CITY OF NEW YORK	40000	0	2571
ASSOCIATION OF VETERINARY TECHNICIANS (NYS)	18000	0	1157
BUILDING AND REALTY INSTITUTE OF WESTCHESTER AND THE MID-HUDSON REGION (THE)	48000	0	3089
IRON WORKERS DISTRICT COUNCIL (NYS)	30000	0	1930
MASTERCARD INTERNATIONAL INCORPORATED	75000	0	4823
OCCUPATIONAL THERAPY ASSOCIATION (NYS)	24000	0	1544
PFIZER, INC. (ELK STREET GROUP, LLC)	36000	0	2314
TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NY (FKA TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY	60000	0	3858

RIDDETT ASSOCIATES, INC.

ASSOCIATION OF ELECTRICAL CONTRACTORS, INC. (NYS)	24000	0	0
DRAFTKINGS INC. (FANTASY SPORTS TRADE ASSOCIATION)	7125	0	0
FANDUEL, INC. (FANTASY SPORTS TRADE ASSOCIATION)	7125	0	0
NECA OF NEW YORK STATE COUNCIL	24000	0	0
TRIAL LAWYERS ASSOCIATION (NYS)	425000	3949	3949
WENDY WHITE JUSTICE FUND	60000	0	0

RIDDLE, GARY

EISAI INC.	156	0	0
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RIGHT TO LIFE COMMITTEE, INC. (NYS)

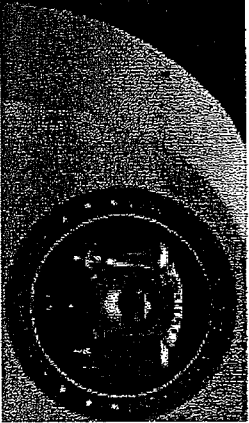
RIGHT TO LIFE COMMITTEE, INC. (NYS)	704	267	539
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ROARKE, ROBERT R.

WILSON, ELSE, MOSKOWITZ, EDELMAN AND DICKER, LLP	0	0	0
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ROBINSON & COLE LLP

AMERICAN FEDERATION OF TEACHERS (STROOCK & STROOCK & LAVAN LLP)	90000	0	208
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NEW YORK STATE JOINT COMMISSION ON PUBLIC ETHICS

2016

LISTING OF
LOBBYISTS AND PUBLIC CORPORATIONS BASED UPON REPORTS
RECEIVED AS OF MARCH 31, 2017

2016 LIST OF LOBBYISTS AND THEIR
COMPENSATION, REIMBURSED EXPENSES AND TOTAL EXPENSES BY CLIENT

	Compensation	Reimbursed Expenses	Expenses
1199 SEIU UNITED HEALTHCARE WORKERS EAST			
1199 SEIU UNITED HEALTHCARE WORKERS EAST	9000	0	0
50CAN, INC. (FKA NYCAN (50CAN): NEW YORK CAMPAIGN FOR ACHIEVEMENT NOW)			
50CAN, INC. (FKA NYCAN (50CAN): NEW YORK CAMPAIGN FOR ACHIEVEMENT NOW)	800	0	800
92ND STREET YOUNG MEN'S AND YOUNG WOMEN'S HEBREW ASSOCIATION			
92ND STREET Y	184	0	0
99 SOLUTIONS LLC.			
1-10 BUSH TERMINAL OWNER, LP (FKA 1-10 BUSH TERMINAL OWNER, LP/19-20 BUSH TERMINAL OWNER, LP)	29250	0	0
138 WILLOUGHBY LLC	52500	0	0
19-20 BUSH TERMINAL OWNER, LP	26750	0	0
80 FLATBUSH AVENUE, LLC	24000	0	0
BRP CATON FLATS LLC	10000	0	0
CADMAN ASSOCIATES	50000	0	0
CSC HOLDINGS, LLC	90000	0	0
GEMINI ARTS INITIATIVE, INC.	72000	0	0
L + M DEVELOPMENT PARTNERS, INC.	75000	0	0
LENOX TERRACE DEVELOPMENT ASSOCIATES	94500	0	0
MSG SPORTS & ENTERTAINMENT LLC	30000	0	0
REAL ESTATE BOARD OF NEW YORK, INC.	84000	0	0
TISHMAN SPEYER PROPERTIES, L.P.	60000	0	0
A BETTER ROCHESTER, INC.			
A BETTER ROCHESTER, INC.	0	0	405481

AAA NEW YORK STATE, INC. (FKA CORLETT, JOHN, A)				
AAA NEW YORK STATE, INC.	0	0	0	41402
AAA NORTHEAST	40002	0	0	240
ABBAN, GERALD (FKA MCGEOWN, CHRIS)				
FIDELITY BROKERAGE SERVICES LLC	0	0	0	0
ABRAHAM CROWN & ASSOCIATES LLC				
FIRST TRANSIT	54000	0	0	0
ACADEMY OF MEDICINE (NY) (THE)				
ACADEMY OF MEDICINE (NY)	3059	0	0	0
ACCENTURE LLP				
ACCENTURE LLP	0	0	0	0
ACE GROUP - NORTH AMERICA				
CHUBB - NORTH AMERICA (ACE GROUP- NORTH AMERICA)	3265	0	0	0
ACQUIRE DIGITAL				
FANTASY SPORTS FOR ALL	5200	120174	120174	120174
ACTIS GP LLP				
ACTIS GP LLC	3928	0	0	0
ACTWIRELESS (FKA MYWIRELESS.ORG)				
MYWIRELESS.ORG	0	0	0	0
ADAMS, JOHN				
CALGON CARBON CORPORATION	4460	1555	0	0
ADIRONDACK COUNCIL (THE)				
ADIRONDACK COUNCIL (THE)	20564	0	0	61275

CONSUMERS UNION OF US, INC.			
CONSUMERS UNION OF U.S., INC.	10556	1058	1238
CONTINUING CARE LEADERSHIP COALITION			
CONTINUING CARE LEADERSHIP COALITION (CCLC)	44545	486	5251
COPPOLA, JOHN			
ASSOCIATION OF ALCOHOLISM & SUBSTANCE ABUSE PROVIDERS, INC. (NY)	11000	0	0
CORDO & COMPANY, LLC			
1199 SEIU LABOR MANAGEMENT INITIATIVES, INC., HEALTHCARE EDUCATION PROJECT	162000	0	0
1199 SEIU UNITED HEALTHCARE WORKERS EAST	120000	0	0
ADVOCATE COMMUNITY PROVIDERS, INC. (FKA COMMUNITY PREFERRED PROVIDERS, LLC (NEW YORK))	180000	0	0
BEDFORD PHYSICIANS RISK RETENTION GROUP, INC.	50000	0	0
BEER WHOLESALERS ASSOCIATION, INC. (NYS)	66666	0	0
BOUNDLESS ENERGY INC, LLC	40000	0	0
CAMELOT GLOBAL SERVICES LIMITED	0	0	0
CHARTER COMMUNICATIONS, INC. (TWC ADMINISTRATION LLC)	30000	0	0
CIGAR ASSOCIATION OF AMERICA, INC.	54498	0	0
COMMISSION ON INDEPENDENT COLLEGES AND UNIVERSITIES (CICU)	25002	0	0
COMPHARMA, LLC	84000	0	0
CONSORTIUM FOR WORKER EDUCATION	75000	0	0
CVS HEALTH	240000	946	946
DISH NETWORK LLC	72000	0	0
DISTRICT COUNCIL OF CARPENTERS, PAC (NYC)	120000	0	0
DRAFTKINGS INC.	49600	0	0
DRAFTKINGS INC. (FANTASY SPORTS TRADE ASSOCIATION)	16150	0	0
EDUCATORS FOR EXCELLENCE, INC.	96000	0	0

BMUSC, LLC	48000	0	0
EXPEDIA, INC.	75000	0	0
PANDUEL INC.	49500	0	0
PANDUEL, INC. (FANTASY SPORTS TRADE ASSOCIATION)	16150	0	0
FELD ENTERTAINMENT, INC.	38000	0	0
FIG LLC	52000	0	0
GENERATION READY, INC.	28000	0	0
GENTING NEW YORK LLC	300000	0	0
H.Q. ENERGY SERVICES (U.S.) INC.	84000	0	0
HALMAR INTERNATIONAL, LLC	7500	0	0
HEALTHPLUS HP, LLC (FKA AMERIGROUP NEW YORK, LLC DBA HEALTH PLUS AMERIGROUP) (ANTHEM, INC., AND ITS AFFILIATES DBA EMPIRE BLUECROSS BLUESHIELD HEALTHPLUS (FKA AMERIGROUP NEW YORK)	120000	0	0
HOTEL AND HOTEL TRADES COUNCIL, AFL-CIO (NEW YORK)(FKA HOTEL & MOTEL TRADES COUNCIL (NY))	72000	0	0
HUDSON RIVER HEALTHCARE	105000	0	0
INOVALON, INC.	40000	0	0
MILLENNIUM PIPELINE, L.L.C.	50000	0	0
NATIONAL POPULAR VOTE (FKA NATIONAL POPULAR VOTE, INC.)	20000	0	0
NYSAIS OPERATIONS, INC.	36000	0	0
PALLIATECH, INC.	18000	0	0
PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA (PCI)	157496	0	0
SHORT TERM RENTAL AND HOSPITALITY ASSOCIATION (STRAHA)	0	0	0
TRIPADVISOR, LLC	77500	0	0
UBER TECHNOLOGIES, INC.	7500	0	0
VISITING NURSE SERVICE OF NEW YORK	90000	0	0
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CORE SERVICES GROUP, INC.			
CORE SERVICES GROUP, INC.	0	0	0
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CORNING PLACE COMMUNICATIONS			

DEUTSCHE BANK TRUST COMPANY AMERICAS	0	0	0	0
DEWEY SQUARE GROUP, LLC				
EXELON CORPORATION	80000	2213	45383	
DIAGEO				
DIAGEO NORTH AMERICA	4958	0	0	0
DICKINSON & AVELLA, PLLC.				
HANDY	20000	0	0	0
INFORMATION TECHNOLOGY MANAGEMENT, INC.	18000	0	0	0
JETRO/RESTAURANT DEPOT	30000	0	0	0
LEMONADE, INC.	30000	0	0	0
LONG ISLAND UNIVERSITY	35000	0	0	0
THOROUGHbred BREEDERS, INC. (NEW YORK)	22500	0	0	0
THOROUGHbred HORSEMEN'S ASSOCIATION, INC. (NY)	18000	0	0	0
U.S. JUSTICE ACTION NETWORK	62500	0	0	0
DZIEL, RICHARD				
DRAFTKINGS INC.	10000	0	0	0
FANDUEL INC.	10000	0	0	0
DISTILLED SPIRITS COUNCIL OF THE UNITED STATES, INC.				
DISTILLED SPIRITS COUNCIL OF THE UNITED STATES, INC. (FKA DISTILLED SPIRITS COUNCIL OF THE US)	18000	0	0	0
DISTINCTIVE PUBLIC AFFAIRS, LLC				
GWR, MEDICAL INC.	90000	0	0	0
HERBALIFE INTERNATIONAL OF AMERICA INC.	63000	0	0	0
HUDSON COMPANIES, INC. (THE)	66000	0	0	0
INVEST IN EDUCATION COALITION, INC.	140000	0	0	0
UBER TECHNOLOGIES INC.	70000	0	0	0

DISTRICT COUNCIL 37, AFSCME			
DISTRICT COUNCIL 37, AFSCME	111941	0	66929
DJM ADVISORY			
ERNST & YOUNG LLP	415	0	0
DOMINION RESOURCES (FKA WEEKLEY, DANIEL A.)			
DOMINION RESOURCES, INC.	4385	0	1267
DONG ENERGY WIND POWER U.S.			
DONG ENERGY WIND POWER U.S. INC	23933	103	103
DONOHUE, GAVIN J.			
INDEPENDENT POWER PRODUCERS OF NEW YORK, INC.	11708	0	48657
DRAFTKINGS INC.			
DRAFTKINGS INC.	14460	0	7000
DREXELIUS, JR., JOHN R.			
DEVELOPMENTAL DISABILITY ALLIANCE OF WESTERN NEW YORK	35002	7501	125
DRIESSEN, VAN E. (FKA HANNESSEN, PAUL)			
CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR NY	17214	1312	21708
DRISCOLL GROUP, INC. (FKA DRISCOLL, WILLIAM)			
241-15 NORTHERN LLC	20000	0	0
BUSINESS OUTREACH CENTER NETWORK, INC.	37000	0	0
CHAMBER OF COMMERCE BOROUGH OF QUEENS	46500	0	0
CHILD CENTER OF NY, INC. (THE) (FKA THE CHILD CENTER OF NY)	48000	0	0
CRETANS ASSOCIATION OMONIA INC	27000	0	0
F. WILLIAM BROWN LLC	27000	0	0

FAMILIES FOR EXCELLENT SCHOOLS ADVOCACY, INC.	0	0	0	0
FAMILIES FOR EXCELLENT SCHOOLS, INC.				
FAMILIES FOR EXCELLENT SCHOOLS, INC.	0	0	0	2106807
FAMILIES TOGETHER IN NYS, INC.				
FAMILIES TOGETHER IN NYS, INC.	2860	0	0	0
FAMILY PLANNING ADVOCATES OF NYS				
FAMILY PLANNING ADVOCATES OF NEW YORK STATE	13208	24672	7986	
FANDUEL INC.				
FANDUEL INC.	15940	0	7500	
FANTASY SPORTS FOR ALL				
FANTASY SPORTS FOR ALL	0	0	322880	
FARBER, FELICE				
GENERAL CONTRACTORS ASSOCIATION OF NEW YORK, INC. (THE)	7102	0	105	
FARERI ASSOCIATES, LP				
FARERI ASSOCIATES, LP	18000	0	0	
FARLEY & KESSLER, P.C.				
AMUSEMENT & MUSIC OWNERS ASSOCIATION OF NY	7000	0	0	
FARM BUREAU, INC. (NY)				
FARM BUREAU, INC. (NY)	132228	126	46382	
FARMERS INSURANCE GROUP				
FARMERS INSURANCE GROUP	19800	1074	0	
FARRELL, DANIEL (FKA BRIAND, ELIZABETH)				
AMERICAN RED CROSS IN GREATER NEW YORK	19998	0	10674	

UNIVERSITY SUPPORT SERVICES, LLC (TLM ASSOCIATES, LLC)	15000	0	0
JENKINS, JOANNE E.			
LIFE INSURANCE COMPANY (NEW YORK)	62953	0	2506
JENKINS, PATRICK B. & ASSOCIATES			
B&B SUPPORTIVE LLC	55000	0	637
BANK STREET COLLEGE OF EDUCATION	74000	0	637
BRIGHTSIDE ACADEMY, INC.	25000	0	0
CHARTER COMMUNICATIONS, INC.	5000	0	0
CVS HEALTH (FKA CVS PHARMACY, INC.)	79598	0	637
DELOITTE & TOUCHE LLP	37500	373	637
DJI TECHNOLOGY, INC.	93500	0	312
DRAFTKINGS INC. (FANTASY SPORTS TRADE ASSOCIATION)	16150	0	637
DRAFTKINGS, INC.	49600	0	0
EDUCATION REFORM NOW ADVOCACY	60000	0	637
ERNST & YOUNG LLP	37500	0	637
EXPEDIA, INC.	5000	0	0
FANDUEL INC.	49600	0	0
FANDUEL, INC. (FANTASY SPORTS TRADE ASSOCIATION)	16150	0	637
FIRST HARTFORD CORP.	70833	0	0
FUTURE LEADERS INSTITUTE CHARTER SCHOOL (THE)	30000	0	637
GENTING NEW YORK LLC	240000	0	637
HELEN KELLER INTERNATIONAL	10000	0	0
JOHN V. LINDSAY WILDCAT ACADEMY CHARTER HIGH SCHOOL	30000	0	637
KNIC LLC	64136	0	0
KPMG, LLP	37500	373	637
NETSPEND CORPORATION	45000	0	637

MILLS, LAWRENCETYNAN			
KINDER MORGAN INC (STATEWIDE PUBLIC AFFAIRS, INC.)	11555	0	0
MILROY, JAMES			
SUNY GENESCO	2512	0	632
MINIKWON CENTER FOR COMMUNITY ACTION, INC.			
MINIKWON CENTER FOR COMMUNITY ACTION, INC.	1682	0	0
MIRRAM GROUP, LLC (THE)			
1-10 BUSH TERMINAL OWNER LP (PKA 1-10 BUSH TERMINAL OWNER LP AND 19-20 BUSH TERMINAL OWNER LP)	50000	0	0
19-20 BUSH TERMINAL OWNER LP	54250	0	0
2520 JEROME LLC	80000	0	0
82ND STREET ACADEMICS	15000	0	0
ACACIA NETWORK, INC.	130000	0	0
ACADIA SHERMAN AVENUE LLC	2500	0	0
AFRO-LATIN JAZZ ALLIANCE OF NY, INC. (THE)	0	0	0
ALLSTATE INSURANCE COMPANY	91818	0	0
AMERICAN CHEMISTRY COUNCIL, INC.	120000	0	0
ASDR REALTY CORP	25000	0	0
BIOTECHNOLOGY INNOVATION ORGANIZATION	94600	0	0
BLUE MARBLE PROJECT	31000	0	0
BROADWAY HOUSING COMMUNITIES	30000	0	0
BROADWAY LEAGUE INC. (THE)	0	0	0
CENTER FOR COURT INNOVATION (FUND FOR THE CITY OF NEW YORK)	36000	172	344
CHARTER COMMUNICATIONS OPERATING, LLC	60000	0	0
COCA-COLA COMPANY (THE)	120000	0	0
COMUNILIFE, INC.	70000	0	0
CSC HOLDINGS LLC	120000	0	0

DJ AMBULETTE SERVICE	3750	0	0
DRAFTKINGS INC.	15000	0	0
ENSEMBLE STUDIO THEATRE (THE)	18000	0	0
FANDUEL INC.	15000	0	0
FINANCIAL SERVICE CENTERS OF NEW YORK	120000	0	75075
GREATER NEW YORK HOSPITAL ASSOCIATION	250000	0	0
HAMILTON UPTOWN, LLC	10000	0	0
HISPANIC FEDERATION, INC.	33000	0	0
JEWISH THEOLOGICAL SEMINARY (THE)	15000	0	0
LIVERY BASE OWNERS, INC.	30000	0	0
LSNY BRONX CORP. DBA LEGAL SERVICES NYC- BRONX	6000	0	0
MCKISSACK GROUP INC.	22500	0	0
MID-BRONX HAULAGE CORP.	37500	0	0
MONTEFIORE HEALTH SYSTEM, INC.	60000	0	0
MSG SPORTS & ENTERTAINMENT, LLC	120000	0	0
NATIONAL MEDTRANS NETWORK & IPA	150000	0	0
NEW VISIONS FOR PUBLIC SCHOOLS, INC.	40000	0	0
PERSHING SQUARE CAPITAL (GLOBAL STRATEGY GROUP)	42473	0	0
PHARMACISTS SOCIETY OF THE STATE OF NEW YORK, INC.	100000	0	0
PROCIDA CONSTRUCTION CORP.	20000	0	0
SAMARITAN FOUNDATION, INC.	65000	0	0
SANITATION SALVAGE CORPORATION	37000	0	0
SUGAR HILL CHILDRENS MUSEUM OF ART & STORYTELLING	5000	0	0
TAHL-PROPP MANHATTAN NORTH INVESTORS IV LLC (FKA TAHL PROPP EQUITIES)	84000	0	0
TRANSPORT WORKERS UNION, LOCAL 100	156000	0	0
TWC ADMINISTRATION LLC (FKA TIME WARNER CABLE)	30000	0	0

UNITED FOOD AND COMMERCIAL WORKERS (UFCW) LOCAL 2013

URBAN HEALTH PLAN, INC.

36500 0 0

VERA INSTITUTE OF JUSTICE, INC.

36000 0 0

WESTCHESTER AMBULETTE SERVICE

35500 0 0

YESHIVA UNIVERSITY

3750 0 0

ZUFFA LLC

60000 0 0

30000 0 0

MIRRE, LOUISE

HISTORICAL SOCIETY (NY)

21246 0 0

MLV STRATEGIES, LLC

FANDUEL INC.

35000 0 0

MONEY SERVICES ROUND TABLE (THE)

MONEY SERVICES ROUND TABLE ("TMSRT") (THE)

3200 0 0

MONTEFIORE MEDICAL CENTER

MONTEFIORE MEDICAL CENTER

2538 0 0

MONTGOMERY, MCCracken, WALKER & Rhoads, LLP

580 PARK AVENUE, INCORPORATED

5255 0 0

MOON CAPITAL MANAGEMENT LP

MOON CAPITAL MANAGEMENT LP

60 0 0

MOONEY, WILLIAM

WESTCHESTER COUNTY ASSOCIATION

1845 0 2705

MOORE CONSULTANCY CORP (FKA MOORE, MUSA)

S&G REALTY 1 LLC

22500 0 0

MOORE, SEAN

CONSUMER HEALTHCARE PRODUCTS ASSOCIATION

473 0 0

OREXO US, INC.	3486	77	77
OREXO US, INC.			
ORGANIZATION OF NURSE EXECUTIVES AND LEADERS (NEW YORK) (FKA MURRAY, CLAIRE)			
ORGANIZATION OF NURSE EXECUTIVES AND LEADERS, INC. (NY) (FKA ORGANIZATION OF NURSE EXECUTIVES,	2302	0	0
ORGANIZATION OF NYS MANAGEMENT / CONFIDENTIAL EMPLOYEES, INC.			
ORGANIZATION OF NYS MANAGEMENT/CONFIDENTIAL EMPLOYEES, INC.	884	0	0
ORRICK, HERRINGTON & SUTCLIFFE LLP			
DRAFTKINGS, INC.	32250	0	0
FANDUEL, INC.	32250	0	0
ORRICK, HERRINGTON & SUTCLIFFE LLP	1460	0	0
OSTROFF ASSOCIATES, INC. (FKA OSTROFF, HIPPA & ASSOCIATES, INC.)			
OTSUKA AMERICA PHARMACEUTICALS, INC. (FKA OTSUKA PHARMACEUTICAL DEVELOPMENT &	72000	0	470
Z15 CHRISTIE LLC	20000	0	155
84 LUMBER COMPANY	60602	0	393
ACADIA REPUBLIC FARMINGDALE LLC	60000	0	470
ADMIT ONE	12000	0	470
AEON NEXUS CORPORATION	52069	0	470
AETNA, INC.	45000	0	393
ALBANY PORT DISTRICT COMMISSION	60000	0	470
ALLEY CATALIES	42742	0	393
ALTRIA CLIENT SERVICES (ALCS) (MULTISTATE ASSOCIATES INC.)	48000	0	470
ALTRIA CLIENT SERVICES LLC AND ITS AFFILIATES (FKA ALTRIA CLIENT SERVICES, INC. AND ITS AFFILIATES)	155002	0	470
AMERICAN MUSICAL AND DRAMATIC ACADEMY	50000	0	399
AMERICAN TRAFFIC SOLUTIONS, INC.	90000	0	470

PARKS & TRAILS NEW YORK			
PARKS & TRAILS NEW YORK	10845	0	1002
PARKSIDE GROUP, LLC (THE)			
ACADEMY OF TRIAL LAWYERS (NYS)	90000	0	0
ALLIANCE FOR CONEY ISLAND, INC.	5000	0	0
AMF BOWLING CENTERS, INC	2500	0	0
APICHA COMMUNITY HEALTH CENTER (FKA ASIAN & PACIFIC ISLANDER COALITION ON HIV / AIDS)	30000	0	0
ASIAN AMERICANS FOR EQUALITY INC.	48000	0	0
ASSOCIATION OF HOME INSPECTORS, INC. (NYS)	12000	0	0
ASSOCIATION OF REALTORS, INC. (NEW YORK STATE)	68750	0	0
AT&T SERVICES, INC.	51000	0	0
AUTOLOTTO, INC. (MULTISTATE ASSOCIATES, INC.)	4000	0	0
BROOKLYN CAPITAL PARTNERS LLC	26000	0	0
CAMBA, INC.	48000	0	0
CARES, INC. (NY)	0	0	0
CHINESE NAIL SALON ASSOCIATION OF EAST AMERICA, INC.	6000	0	0
CLEARVIEW FESTIVAL PRODUCTIONS, INC.	18750	0	0
CONNOISSEUR ENCOUNTERS COMPANY INC.	75000	0	0
CUNY CREATIVE ARTS TEAM (RESEARCH FOUNDATION OF THE CITY UNIVERSITY OF NEW YORK (THE))	49500	0	0
DISH NETWORK L.L.C.	51000	0	0
DRAFTKINGS INC.	58875	0	0
DRAFTKINGS INC. (FANTASY SPORTS TRADE ASSOCIATION)	17250	0	0
ENTERGY NUCLEAR OPERATIONS, INC.	78000	0	0
EQUINOX CAPITAL, INC.	60000	0	0
FANDUEL INC (FANTASY SPORTS TRADE ASSOCIATION)	17250	0	0
FANDUEL INC.	58875	0	0

PERSONS, ERIC (FKA QUINN, KEVIN)			
SYRACUSE UNIVERSITY	61702	0	6507
PETROCCIONE LAW FIRM, LLC (THE)			
EMPIRE STATE ENERGY ASSOCIATION, INC. (FKA EMPRESTATE PETROLEUM ASSOCIATION, INC.)	30000	0	660
SMALL CUSTOMER MARKETER COALITION	40000	2670	130
PFM ASSET MANAGEMENT LLC			
PFM ASSET MANAGEMENT LLC	0	0	0
PFUNDSTEIN, GREGORY			
CHIAROSCURO GROUP	0	0	0
PGIM, INC. (FKA PRUDENTIAL INVESTMENT MANAGEMENT, INC.)			
PGIM, INC. (FKA PRUDENTIAL INVESTMENT MANAGEMENT, INC.)	0	0	0
PHILLIPS LYTLE			
MOBILITIE LLC	16161	376	377
PHIPPS HOUSES			
PHIPPS NEIGHBORHOODS, INC. (PHIPPS HOUSES)	14432	25	75
PHYSICAL THERAPY ASSOCIATION (NY)			
PHYSICAL THERAPY ASSOCIATION (NY)	0	0	4742
PILLORS CONSULTING LLC			
GLENWOOD MANAGEMENT CORP. (PITTA BISHOP DEL GIORNO & GIBLIN LLC)	3750	0	0
HUMAN FIRST, INC. (PITTA BISHOP DEL GIORNO & GIBLIN LLC)	0	0	0
PITTA BISHOP DEL GIORNO & GIBLIN LLC			
20/20 INSPECTIONS INC.	15000	0	1176
2777 FLATBUSH HOLDING CORP.	25000	0	785
256 EAST VILLAGE OWNER LLC	12500	0	491

570 EAST 108TH STREET REALTY LLC	1335	0	1764
A.T.U. DIVISION 1181-1601 AFL-CIO (FKA ATU LOCAL 1181)	36000	0	1764
ADCO ELECTRICAL CORPORATION	72000	0	1764
AECOM INC.	120000	0	1764
AHRC NEW YORK CITY (FKA NYSARC, INC-NEW YORK CITY CHAPTER)	55000	0	1764
ALM MEDIA, LLC	72000	0	1764
AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS	72000	0	1764
ANGIULI MOTORS INC.	14000	0	368
ANTHEM, INC. AND ITS AFFILIATES	60000	0	1764
APPROVED OIL CO. OF BROOKLYN, INC.	30000	0	254
ARAB-AMERICAN FAMILY SUPPORT CENTER	54000	0	1764
ASSOCIATED BRICK MASON CONTRACTORS OF GREATER NEW YORK, INC.	39000	0	1764
BAY RIDGE AUTOMOTIVE COMPANY LLC (D/B/A BAY RIDGE FORD	60000	0	1764
BEDFORD-CARP CONSTRUCTION INC.	26000	0	1764
BIO-REFERENCE LABORATORIES, INC.	60000	0	1764
BJ'S WHOLESALE CLUB	24361	994	1764
BLACK CAR OPERATOR'S INJURY COMPENSATION FUND, INC. (NEW YORK)	200000	0	1764
BLUE STAR GROUP LLC	60000	0	1764
BOBBIQUE LLC	4755	0	1764
BROOKLYN LEGAL SERVICES CORPORATION A	60000	0	1764
BUILDING INDUSTRY ASSOCIATION OF NEW YORK CITY, INC.	27000	0	1470
CAMERON CLUB OF STATEN ISLAND, INC.	0	7	1764
CARE FOR THE HOMELESS	36000	0	1764
CARP CONSTRUCTION CORP.	3000	0	588
CENTER FOR FAMILY REPRESENTATION, INC.	72000	0	1764
CHARTER COMMUNICATIONS, INC. (TWC ADMINISTRATION LLC)	60000	0	882

COALITION OF OPERATING ENGINEERS, INC. (NEW YORK CITY)	120000	0	1764
COMMUNICATIONS WORKERS OF AMERICA, LOCAL 1182	42000	0	1764
COMMUNITY HEALTH CENTER OF RICHMOND INC.	54000	0	1764
CORRECTION OFFICERS' BENEVOLENT ASSOCIATION, INC.	90000	0	1764
COUNCIL OF SCHOOL SUPERVISORS & ADMINISTRATORS	72000	0	1764
COURT CLERKS ASSOCIATION (NYS)	30000	0	1764
DETECTIVES ENDOWMENT ASSOCIATION, INC. (FKA DETECTIVES ENDOWMENT ASSOCIATION POLICE DEPARTMENT CITY	72000	1194	1764
DISTRICT COUNCIL 4, INTERNATIONAL UNION OF PAINTERS & ALLIED TRADES, AFL-CIO	24000	0	1764
DISTRICT COUNCIL NO. 9 INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES	90000	0	1764
EDEN II SCHOOL FOR AUTISTIC CHILDREN, INC.	21000	0	1176
EGER LUTHERAN HOMES AND SERVICES INC	13129	1	1764
GLENWOOD MANAGEMENT CORP.	150000	0	1764
GRASHERE AND CAMERON LAKES BLUEBELT CONSERVANCY, INC.	0	0	1764
GREENBURGER CENTER FOR SOCIAL AND CRIMINAL JUSTICE, INC.	72000	0	1764
HISTORIC OLD BERMUDA INN, INC. (THE)	6105	0	1470
HOTEL AND HOTEL TRADES COUNCIL, AFL-CIO (NEW YORK)	60000	1348	1764
HOTEL TRADES COUNCIL (NY) & HOTEL ASSOC. OF NYC, HEALTH BENEFITS FUND	82500	0	1764
HUMAN FIRST, INC.	21000	0	1079
INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL UNION NO. 138, 138A, 138B & 138C	0	0	785
JOSEPH CAMPAGNA & SONS, INC.	18500	0	491
JR. CRUZ CORP.	45000	0	1470
KNICKERBOCKER PLAZA ASSOCIATES	54000	0	1764
LAKESIDE MANOR HOME FOR ADULTS, INC.	6975	0	1764
LOCAL 101, TRANSPORT WORKERS UNION OF AMERICA, AFL-CIO	12710	0	1764
LOCAL 14-14B, INTERNATIONAL UNION OF OPERATING ENGINEERS	84000	0	1764
LOCAL 420, NEW YORK CITY HEALTH CARE WORKERS	66000	0	1764
LOCAL 6, HOTEL, RESTAURANT & CLUB EMPLOYEES & BARTENDERS EMPLOYEES UNION, AFL-CIO	60000	1117	1764

LOCAL UNION NO. 3 INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS NEW YORK	3500	0	785
LOCAL UNION NO. 94-94A-94B, INTERNATIONAL UNION OF OPERATING ENGINEERS, AFL-CIO	42000	0	1764
MAGNACARE ADMINISTRATIVE SERVICES, LLC	60000	0	1764
MBX ACQUISITION HOLDINGS, LLC	30000	0	588
MEDREVIEW INC.	60000	0	1764
METROPOLITAN TRUCKER'S ASSOCIATION	60000	0	1764
MILROSE CONSULTANTS INC.	3348	0	1764
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF PSYCHOANALYSIS, INC.	28200	0	1764
NOSTALGIC PARTNERS LLC D/B/A STATEN ISLAND YANKEES	1800	0	1764
OFFICE OF PROFESSIONAL EMPLOYEES INTERNATIONAL UNION, LOCAL 153, & OFFICE OF PROFESSIONAL EMPLOYEES	36000	1424	1764
PARKHESLER SOUTH CONDOMINIUM, INC.	75000	0	1764
PLUMBERS AND GASFITTERS LOCAL UNION NO. 1	48000	0	1764
PUBLIC HEALTH SOLUTIONS	49000	0	1764
RED APPLE GROUP INC.	2465	0	1470
RICHMOND UNIVERSITY MEDICAL CENTER	102000	0	1764
SANDY HOOK PILOTS ASSOCIATION (NY/NJ)	86000	3973	2214
SAVO PLAZA LLC	6225	0	882
SHARE: SELF-HELP FOR WOMEN WITH BREAST OR OVARIAN CANCER INC.	48000	0	1764
SIMON WIESENTHAL CENTER, INC.	48000	0	1764
SLATE PROPERTY GROUP LLC	12713	0	1764
SMALL BUSINESSES OF FANTASY SPORTS INC.	10000	0	1470
SNUG HARBOR CULTURAL CENTER & BOTANICAL GARDEN	42000	0	1764
SOCIAL SERVICE EMPLOYEES UNION, LOCAL 371 AFSCME, AFL-CIO	0	0	1764
SPRING STUDIOS NEW YORK, LLC	40000	0	1764
TEAMSTERS LOCAL 237	54000	0	1764
TIME EQUITIES, INC.	14500	0	588

VIEW, INC.	50000	0	0
WASHINGTON COMPUTERS SERVICES INC.	40000	0	0
RHONE, ADRIENNE			
INTERNATIONAL BUSINESS MACHINES CORPORATION	1175	0	362
RICHARDSON MANAGEMENT			
FREY ELECTRIC	30000	0	486
GENESSEE COUNTY ECONOMIC DEVELOPMENT CENTER (PARK STRATEGIES, LLC)	25500	0	486
GREYHOUND LINES, INC. (FKA GREYHOUND CARRIERS)	32000	0	418
MODERN CORPORATION	30000	0	487
NIAGARA COUNTY COMMUNITY COLLEGE (PARK STRATEGIES, LLC)	30000	0	487
O'BRIEN AND GERE	22500	0	452
PERSONAL CARE PRODUCTS COUNCIL	21000	0	105
STERLING ENERGY	0	0	35
TOSKI & CO.	24000	0	487
WESTERN REGIONAL OFF-TRACK BETTING CORPORATION	9000	0	105
RIDDELL GROUP, LLC (THE)			
ASSOCIATION OF SURROGATES & SUPREME COURT REPORTERS WITHIN THE CITY OF NEW YORK	40000	0	1471
BUILDING AND REALTY INSTITUTE OF WESTCHESTER AND THE MID-HUDSON REGION (THE)	52000	0	1910
IRON WORKERS DISTRICT COUNCIL (NYS)	30000	0	1103
MASTERCARD INTERNATIONAL INCORPORATED	75000	0	2755
OCCUPATIONAL THERAPY ASSOCIATION (NYS)	10000	0	595
Pfizer, Inc. (ELK STREET GROUP, LLC)	36000	0	1323
TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NY (FKA TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY	60000	0	2205
RIDDETT ASSOCIATES, INC.			
ASSOCIATION OF ELECTRICAL CONTRACTORS, INC. (NYS)	24000	0	0

DRAFTKINGS INC.	49308	0	0	0
DRAFTKINGS INC. (FANTASY SPORTS TRADE ASSOCIATION)	16150	0	0	0
FANDUEL INC.	49308	0	0	0
FANDUEL INC. (FANTASY SPORTS TRADE ASSOCIATION)	16150	0	0	0
NECA OF NEW YORK STATE COUNCIL	24000	0	0	0
TRIAL LAWYERS ASSOCIATION (NYS)	467502	3771	3771	3771
WENDY WHITE JUSTICEFUND	60000	0	0	0
RIDDLE, GARY				
HEALTHCARE DISTRIBUTION ALLIANCE (FKA HEALTHCARE DISTRIBUTION MANAGEMENT ASSOCIATION)	3370	710	97	97
RIGHT TO LIFE COMMITTEE, INC. (NYS)				
RIGHT TO LIFE COMMITTEE, INC. (NYS)	0	0	0	92
RIVERKEEPER, INC.				
RIVERKEEPER, INC.	20095	0	5386	5386
ROARKE, ROBERT R.				
WILSON, ELSEY, MOSKOWITZ, EDELMAN AND DICKER, LLP	0	0	0	0
ROBINSON & COLE LLP				
AMERICAN FEDERATION OF TEACHERS (STROOCK & STROOCK & LAVAN LLP)	45000	0	99	99
CSC HOLDINGS, LLC	70000	0	137	137
DATTO INC.	216	0	84	84
EXELON GENERATION COMPANY, LLC (FKA CONSTELLATION ENERGY GROUP)	80004	0	221	221
FILM ACADEMY LTD. (NEW YORK) (FKA FILM ACADEMY (NY))	11722	0	221	221
PROMONTORY FINANCIAL GROUP, LLC	80000	0	137	137
UNITED FEDERATION OF TEACHERS (STROOCK & STROOCK & LAVAN LLP)	90000	0	221	221
UNITED TECHNOLOGIES CORPORATION	48600	0	221	221
ROCHESTER INSTITUTE OF TECHNOLOGY (FKA STENDARDI, DEBORAH M.)				

SOLARCITY				
SOLARCITY	70892	0	0	0
SOTO, THOMAS				
TCW U.S. LLC	107	403	0	0
SOUTHERN TIER INDEPENDENCE CENTER				
SOUTHERN TIER INDEPENDENCE CENTER	8253	0	0	0
SPEAK UP FOR A BETTER BRONX, INC.				
SPEAK UP FOR A BETTER BRONX, INC.	5500	0	64655	
SPORTS LEGENDS GROUP, LLC				
FANTASY SPORTS FOR ALL	100000	0	0	0
ST. LUKE'S CORNWALL HOSPITAL				
ST. LUKE'S CORNWALL HOSPITAL	14782	733	676	
STARWOOD CAPITAL, L.L.C.				
STARWOOD CAPITAL, L.L.C.	0	0	0	0
STATE & BROADWAY, INC.				
ALM MEDIA, LLC	48000	0	0	0
ASSOCIATION OF COMPUTER RAIL EMPLOYEES	42000	0	0	0
AVANT GARDNER LLC	60000	0	0	0
BROADWAY STAGES, LTD	60000	0	0	0
CARMEL CAR AND LIMOUSINE SERVICE	48000	0	0	0
CHARTER COMMUNICATIONS, INC. (TWC ADMINISTRATION LLC)	30000	0	0	0
CHIROPRACTIC COUNCIL (NEW YORK)	36500	0	0	0
CITY OF NEW ROCHELLE	72000	0	0	0

COUNCIL FOR UNITY, INC.	0	0	0
DIAL 7 CAR & LIMOUSINE SERVICE, INC.	28000	0	0
DIRECTORS GUILD OF AMERICA, INC.	41250	0	0
DRAFTKINGS INC.	9500	0	0
ELECTRICAL CONTRACTORS ASSOCIATION (NEW YORK)	60000	0	0
EXPERIENCE HENDRIX, LLC	32000	0	0
FANDUEL INC.	9500	0	0
FINANCIAL SERVICES INSTITUTE, INC.	64000	0	0
FRACTURED ATLAS (FKA FRACTURED ATLAS PRODUCTIONS INC.)	12000	0	0
IATSE LOCAL 52	53500	0	0
KARHOOD USA INC.	18000	0	0
KINGSWAY REALTY LLC	7000	0	0
LIVERY ROUND TABLE, INC.	0	0	0
LOCAL 372, NEW YORK CITY BOARD OF EDUCATION EMPLOYEES - DISTRICT COUNCIL 37 AFSCME AFL-CIO	78000	0	0
MOTION PICTURE EDITORS GUILD - IATSE LOCAL 700 (THE)	42000	0	0
NY IS MUSIC, LLC	0	0	0
POSIGEN NEW YORK, LLC	24000	0	0
POST NEW YORK ALLIANCE	48000	0	0
REYNARD PRODUCTIONS, LLC	13000	0	0
SAVE LIVES NOW NEW YORK FOUNDATION	0	0	0
SCREEN ACTORS GUILD - AMERICAN FEDERATION OF TELEVISION AND RADIO ARTIST	59300	0	0
SUBCONTRACTORS TRADE ASSOCIATION	36000	0	0
THEATRICAL TEAMSTERS LOCAL 817	45500	0	0
URBAN LEAGUE (NEW YORK)	0	0	0
VILLAGE CARE	63000	0	0
WATERMARK CAPITAL GROUP	48000	0	0

TULLY CONSTRUCTION			
TULLY CONSTRUCTION	6875	0	0
TURNER, FRANCINE			
CIVIL SERVICE EMPLOYEES POLITICAL ACTION FUND	273071	0	1381
TUSK STRATEGIES, INC.			
AMTRUST FINANCIAL SERVICES, INC.	5000	0	0
BIOHTECH GLOBAL, INC.	2000	0	0
FANDUEL, INC.	4135	0	0
HANDY TECHNOLOGIES, INC.	1000	0	0
NATIONAL GENERAL HOLDINGS CORP.	5000	0	0
PATROLMEN'S BENEVOLENT ASSOCIATION (NYC)	94000	0	0
TESLA MOTORS	6000	0	0
TIMES SQUARE ALLIANCE	45000	0	0
TUSK VENTURES LLC	18500	0	0
UNION OF ORTHODOX JEWISH CONGREGATIONS OF AMERICA	8000	0	0
TWC ADMINISTRATION LLC (FKA TIME WARNER CABLE, TIME WARNER ENTERTAINMENT COMPANY, L.P.)			
CHARTER COMMUNICATIONS, INC. (TWC ADMINISTRATION LLC)	857	0	1922
TYSON, LISA			
LONG ISLAND PROGRESSIVE COALITION	40	50	0
U.S. GREEN BUILDING COUNCIL, NEW YORK CHAPTER			
U.S. GREEN BUILDING COUNCIL, NEW YORK CHAPTER	3995	0	50
UBER TECHNOLOGIES, INC.			
UBER TECHNOLOGIES, INC.	82270	18	1491833
UCB, INC.			

NEW YORK STATE

JOINT COMMISSION ON PUBLIC ETHICS



2017
ANNUAL
REPORT

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APPENDIX B

2017 | Listing of Lobbyists and Public Corporations

Based upon reports received as of March 19, 2018

**2017 LIST OF LOBBYISTS AND THEIR
COMPENSATION, REIMBURSED EXPENSES AND TOTAL EXPENSES BY CLIENT**

	<u>Compensation</u>	<u>Reimbursed Expenses</u>	<u>Expenses</u>
1199 SEIU UNITED HEALTHCARE WORKERS EAST			
1199 SEIU UNITED HEALTHCARE WORKERS EAST	18000	0	0
50CAN, INC. (FKA NYCAN (50CAN): NEW YORK CAMPAIGN FOR ACHIEVEMENT NOW)			
50CAN, INC. (FKA NYCAN (50CAN): NEW YORK CAMPAIGN FOR ACHIEVEMENT NOW)	0	0	0
99 SOLUTIONS LLC.			
1-10 BUSH TERMINAL OWNER, LP	25500	0	0
19-20 BUSH TERMINAL OWNER, LP	25500	0	0
80 PLATBUSH AVENUE, LLC	48000	0	0
BRP CATON FLATS LLC	60000	0	0
CORNELL REALTY MANAGEMENT LLC	70000	0	0
CSC HOLDINGS, LLC	45000	0	0
GEMINI ARTS INITIATIVE, INC.	72000	0	0
LENOX TERRACE DEVELOPMENT ASSOCIATES	144000	0	0
MSG SPORTS & ENTERTAINMENT, LLC	30000	0	0
REAL ESTATE BOARD OF NEW YORK, INC.	96000	7834	7834
TISHMAN SPEYER PROPERTIES, L.P.	60000	0	0
AAA NEW YORK STATE, INC. (FKA CORLETT, JOHN, A)			
AAA NEW YORK STATE, INC.	0	0	13409
AAA NORTHEAST	1073	0	752

CONSUMER DIRECTED PERSONAL ASSISTANCE ASSOCIATION OF NYS (FKA MARCOLO-MALLEY, BRYAN)			
CONSUMER DIRECTED PERSONAL ASSISTANCE ASSOCIATION OF NYS (CDPAANYS)	14250	0	7840
CONSUMER REPORTS, INC. (FKA CONSUMERS UNION OF US, INC.)			
CONSUMER REPORTS, INC.	7518	1092	1092
CONTINUING CARE LEADERSHIP COALITION			
CONTINUING CARE LEADERSHIP COALITION (CCLC)	52253	0	9317
COOPER SQUARE COMMUNITY DEVELOPMENT COMMITTEE			
COOPER SQUARE COMMUNITY DEVELOPMENT COMMITTEE	843	0	0
COOPER, RESI			
1199 SEIU GREATER NY WORKER PARTICIPATION FUND	75000	0	0
ONEXIM SPORTS AND ENTERTAINMENT HOLDINGS USA, INC. (RED LAND STRATEGY, INC. D/B/A REDLAND STRATEGIES)	30000	0	0
COPOLA, JOHN			
ASSOCIATION OF ALCOHOLISM AND SUBSTANCE ABUSE PROVIDERS INC. (NEW YORK)	5000	0	0
CORDO & COMPANY, LLC			
1199 SEIU LABOR MANAGEMENT INITIATIVES, INC., HEALTHCARE EDUCATION PROJECT	180000	0	0
1199 SEIU UNITED HEALTHCARE WORKERS EAST	120000	0	0
ACUPATH LABORATORIES, INC.	20000	0	0
ADVOCATE COMMUNITY PROVIDERS, LLC (FKA COMMUNITY PREFERRED PROVIDERS, LLC (NEW YORK))	180000	0	0
ALLERGAN USA, INC.	45000	0	0
BEER WHOLESALERS ASSOCIATION, INC. (NYS)	66666	0	0

BOOMSHAKALAKA, INC. (D/B/A BOOM FANTASY)	24000	0	0
CIGAR ASSOCIATION OF AMERICA, INC.	55000	0	0
CONSORTIUM FOR WORKER EDUCATION	75000	0	0
CVS PHARMACY, INC.	220000	0	0
DISH NETWORK, L.L.C.	72000	0	0
DISTRICT COUNCIL OF CARPENTERS, PAC (NYC)	120000	0	0
DRAFTKINGS, INC.	72000	0	0
EDUCATORS FOR EXCELLENCE, INC.	96000	0	0
EMUSQ, LLC	72000	0	0
EXPEDIA, INC.	75000	0	0
FANDUEL, INC.	72000	0	0
FELD ENTERTAINMENT, INC.	24000	0	0
GENTING NEW YORK LLC	300000	0	0
H.Q. ENERGY SERVICES (U.S.) INC.	84000	0	0
HEALTHPLUS HP, LLC (FKA AMERIGROUP NEW YORK, LLC DBA HEALTH PLUS AMERIGROUP) (ANTHEM, INC., AND ITS AFFILIATES DBA EMPIRE BLUECROSS BLUESHIELD HEALTHPLUS (FKA AMERIGROUP NEW YORK)	50000	0	0
HOTEL AND MOTEL TRADES COUNCIL (NEW YORK)	72000	0	0
HUDSON RIVER HEALTHCARE	105000	0	0
INNOVATIVE LENDING PLATFORM ASSOCIATION	46500	0	0
NG ADVANTAGE	8000	0	0
PALLIATECH, INC.	72000	0	0
PROPERTY CASUALTY INSURERS ASSOCIATION OF AMERICA (PCI)	167496	0	0
SOMOS YOUR HEALTH IPA, INC.	90000	0	0

JENKINS, PATRICK B. & ASSOCIATES				
AMAYA SERVICES LIMITED	142500	0	0	
ASTORIA GENERATING COMPANY, L.P.	30000	0	0	
AUTOMOBILE LEASING ASSOCIATION (NEW YORK) (DBA NYALBA)	30000	0	0	
B&B SUPPORTIVE LLC	60000	0	0	
BANK STREET COLLEGE OF EDUCATION	60000	0	0	
BERGER, MAX	5000	0	0	
CHARTER COMMUNICATIONS, INC.	85000	0	0	
CVS HEALTH	79998	0	0	
DELOITTE & TOUCHE LLP	37500	0	0	
DII TECHNOLOGY, INC.	85000	0	0	
DRAFTKINGS, INC.	72000	0	0	
DYNEGY, INC.	30000	0	0	
EDUCATION REFORM NOW/ ADVOCACY	60000	0	0	
ERNST & YOUNG LLP	37500	0	0	
EXPEDIA, INC.	35000	0	0	
FANDUEL, INC.	72000	0	0	
FIRST HARTFORD CORP.	99998	0	0	
FUTURE LEADERS INSTITUTE CHARTER SCHOOL (THE)	40000	0	0	
GENTING NEW YORK LLC	240000	0	0	
HANDY TECHNOLOGIES, INC.	25000	0	0	
HELEN KELLER INTERNATIONAL	60000	0	0	
HNTB CORPORATION	48333	0	0	

TRIAD GROUP LLC	38000	0	3207
UNITED WAY OF NEW YORK CITY	60000	0	3207
UNIVERSAL MANAGEMENT TECHNOLOGY SOLUTIONS, INC.	60000	0	3207
UNIVERSITY PHYSICIANS OF BROOKLYN, INC.	45000	0	1602
UPPER MOHAWK VALLEY AUDITORIUM AUTHORITY	60000	0	3207
VERIZON	60000	0	3207
VOCASIO VENTURES, LLC	27500	0	2133
WALT DISNEY COMPANY (THE)	60000	0	3207
WE R HERE COALITION	7500	0	529
WESTERN NEW YORK ENERGY, LLC	24000	0	3187
WESTERN REGIONAL OFF-TRACK BETTING CORPORATION	35000	0	2140
WILLIAMSBURG INFANT & EARLY CHILDHOOD DEVELOPMENT CENTER, INC.	40000	0	2140
WINDSOR UNIVERSITY SCHOOL OF MEDICINE	60000	0	2140
WINTERS BROS. WASTE SYSTEMS OF LONG ISLAND, LLC	80000	0	3207
<hr/>			
PARKHILL PLANNING + DEVELOPMENT, LLC	30000	0	0
BOGART PLAZA LLC			
<hr/>			
PARKS & TRAILS NEW YORK			
PARKS & TRAILS NEW YORK	10637	0	291
<hr/>			
PARKSIDE GROUP, LLC (THE)			
ACADEMY OF TRIAL LAWYERS (NTS)	90000	0	0
ALLIANCE FOR CONEY ISLAND, INC.	60000	0	33070
AMC ENTERTAINMENT HOLDINGS, INC.	10000	0	0

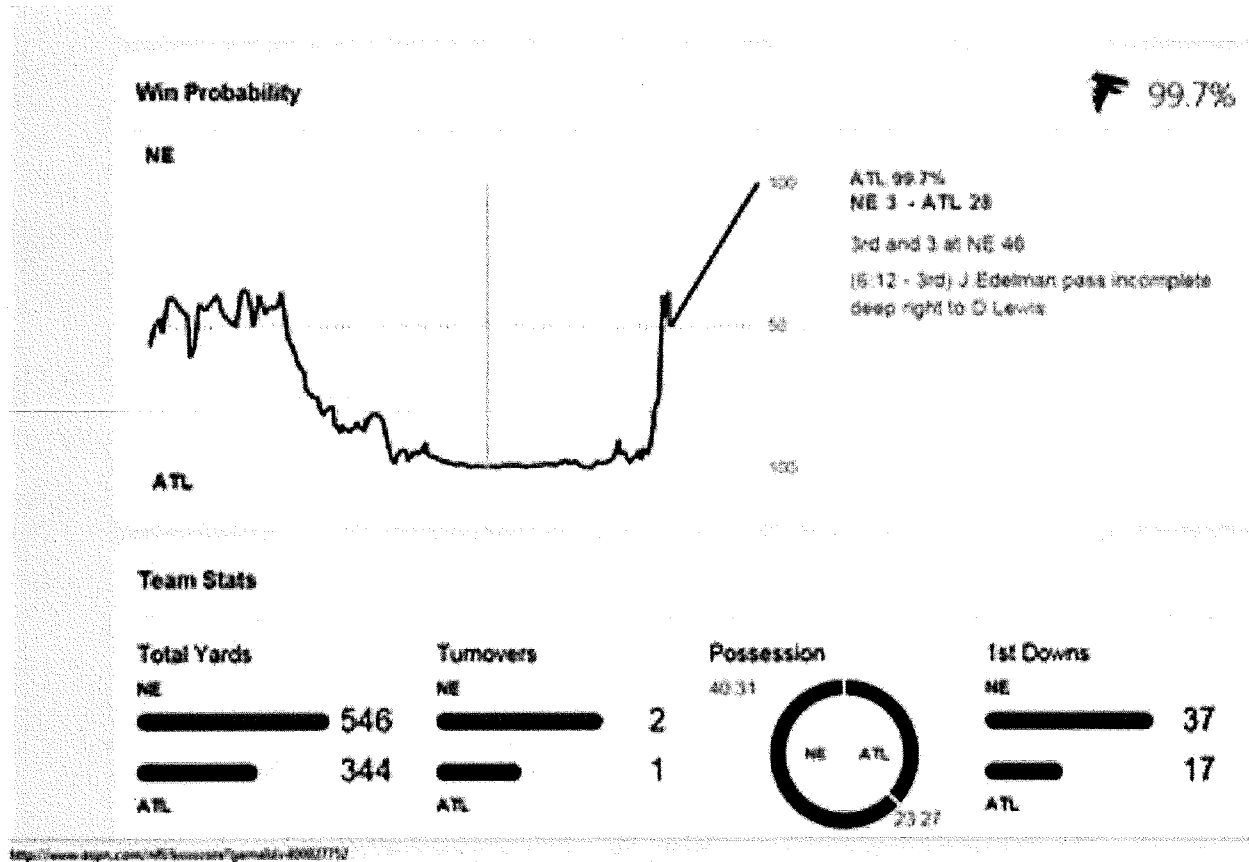
APICHA COMMUNITY HEALTH CENTER (FKA ASIAN & PACIFIC ISLANDER COALITION ON HIV / AIDS)	30000	0	0
ASIAN AMERICANS FOR EQUALITY INC.	48000	0	0
ASSOCIATION OF HOME INSPECTORS, INC. (NYS)	12000	0	0
ASSOCIATION OF REALTORS, INC. (NEW YORK STATE)	75000	0	773
AUTOLOTTTO, INC. DBA LOTTERY.COM (MULTISTATE ASSOCIATES, INC.)	48000	0	0
BOOM SHAKALAKA, INC. (D/B/A BOOM FANTASY)	16000	0	0
BROOKLYN CAPITAL PARTNERS LLC	0	0	0
CAMBA, INC.	48000	0	0
CARES, INC. (NY)	0	0	0
CLEARVIEW FESTIVAL PRODUCTIONS, INC.	12500	0	0
CONNOISSEUR ENCOUNTERS COMPANY INC.	45000	0	0
DISH NETWORK L.L.C.	51000	0	0
DRAFTKINGS, INC.	85500	0	5799
ENTERGY NUCLEAR OPERATIONS, INC.	78000	0	0
EQUINOX CAPITAL, INC.	60000	0	0
FANDUEL, INC.	85500	0	5799
FRESH DIRECT, LLC.	78000	0	0
G4S NORTH AMERICA (MULTISTATE ASSOCIATES INC.)	0	0	0
GREEN CHARGE NETWORKS, LLC (NATIONAL STRATEGIES, LLC)	20000	0	0
GROUPON, INC. (FKA GROUPON)	90000	0	0
HANAC, INC.	43500	0	0
HEALTH MANAGEMENT SYSTEMS, INC.	78000	0	0

WHEATFIELD GARDENS	20000	0	0
RIDDELL GROUP, LLC (THE)			
ASSOCIATION OF SURROGATES & SUPREME COURT REPORTERS WITHIN THE CITY OF NEW YORK	40000	0	1419
BUILDING AND REALTY INSTITUTE OF WESTCHESTER AND THE MID-HUDSON REGION (THE)	52000	0	1845
IRONWORKERS DISTRICT COUNCIL (NYS)	30000	0	1064
MASTERCARD INTERNATIONAL INCORPORATED	75000	0	2662
OCCUPATIONAL THERAPY ASSOCIATION (NYS)	15000	0	913
PFIZER, INC. (ELK STREET GROUP, LLC)	36000	0	1278
TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK (THE)	60000	0	2129
RIDDETT ASSOCIATES, INC.			
ASSOCIATION OF ELECTRICAL CONTRACTORS, INC. (NYS)	24000	0	0
DRAFTKINGS, INC.	72000	0	0
EDGE MONT INCORPORATED COMMITTEE	5000	0	0
FANDUEL INC.	72000	0	0
NECA NEW YORK STATE COUNCIL	24000	0	0
TRIAL LAWYERS ASSOCIATION (NYS)	467499	4526	4526
WENDY WHITE JUSTICE FUND	20000	0	0
RIGHT TO LIFE COMMITTEE, INC. (NYS)			
RIGHT TO LIFE COMMITTEE, INC. (NYS)	0	0	0
RIVERA LAW, PLLC (FKA RIVERA CAREY, PLLC)			
ALBANY LAW SCHOOL OF UNION UNIVERSITY	0	0	747

EXHIBIT “B”

Analysis of the odds affecting the outcome of the
2017 Super Bowl LI at a point in time when the
Atlanta Falcons led the New England Patriots by a
score of 28-3.

Screenshot:
Gamecast: Super Bowl LI, ESPN



Taken April 26, 2018 from:

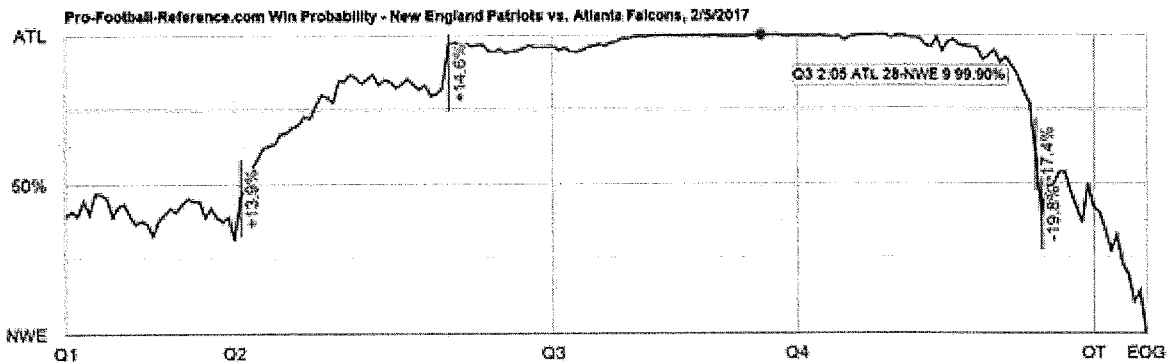
<http://www.espn.com/nfl/game?gameId=400927752>

Screenshot:

Super Bowl LI - New England Patriots vs. Atlanta Falcons - February 5th, 2017, Pro Football Reference

[NFL Scores & Boxes](#) [2016 NFL Scores & Schedule](#) [Atlanta Falcons Schedule](#) [New England Patriots Schedule](#) [Back to top ▲](#)

Win Probability



[Embed this graph...](#)

The win probability graph is intended to be a measure of a team's chance of winning the game after every play of the game, based on the line, current score, and current field position. For a detailed explanation, see Neil's writeup on [the Win Probability Model](#)

Taken April 26, 2018 from:

<https://www.pro-football-reference.com/boxscores/201702050atl.htm>

EXHIBIT “C”

Copy of New York Senate Bill S.3898-A, sponsored
by John Bonacic, Chair of the Racing, Gaming and
Wagering Committee for the Legislative Session
2017-2018.

Senate Bill S3898A

2017-2018 Legislative Session

Relates to allowing certain interactive poker games

 [DOWNLOAD BILL TEXT PDF \(HTTP://LEGISLATION.NYSENATE.GOV/PDF/BILLS/2017/S3898A\)](http://legislation.nysenate.gov/pdf/bills/2017/s3898a)

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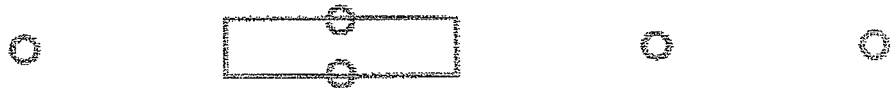
SPONSORED BY



[John J. Bonacic \(/Senators/John-J-Bonacic\)](#)
(R, C, IP) 42ND SENATE DISTRICT

CURRENT BILL STATUS -

In Senate [Finance Committee \(/Committees/Finance\)](#)



DO YOU SUPPORT THIS LEGISLATION?

☒ AYE

☐ NAY

ACTIONS

[VIEW ACTIONS \(13\)](#)



VOTES

VIEW VOTES

BILL AMENDMENTS

A (ACTIVE)

CO-SPONSORS

Tony Avella (/Senators/Tony-Avella)
(D) 11TH SENATE DISTRICT

S3898A (ACTIVE) - DETAILS**Law Section:**

Racing, Pari-Mutuel Wagering and Breeding Law

Laws Affected:

Add Art 15 §§1500 - 1506, RWB L; amd §225.00, add §225.36, Pen L

Versions Introduced in Previous Legislative Sessions:

2015-2016: S5302D (/Legislation/Bills/2015/S5302)

2013-2014: S6913A (/Legislation/Bills/2013/S6913/Amendment/A)

S3898A (ACTIVE) - SUMMARY

Allows certain interactive poker games be considered games of skill rather than games of luck; includes definitions, authorization, required safeguards and minimum standards, the scope of licensing review and state tax implications; makes corresponding penal law amendments.

S3898A (ACTIVE) - SPONSOR MEMO

BILL NUMBER: S3898A

TITLE OF BILL : An act to amend the racing, pari-mutuel wagering and breeding law and the penal law, in relation to allowing certain interactive poker games

PURPOSE :

To authorize the New York State Gaming Commission to license certain entities to offer for play to the public certain variants of internet poker which require a significant degree of skill, specifically "Omaha Hold'em" and "Texas Hold'em."

SUMMARY OF PROVISIONS :

Section 1: Amends the Racing, Pari-Mutuel Wagering and Breeding law to create a new Article 15 which authorizes the New York State Gaming Commission to license certain entities to offer online poker as provided below:

Section 1500. Legislative findings and purpose. Provides for legislative findings.

Section 1501. Definitions. Provides definitions.

Section 1502. Authorization. Authorizes, the New York State Gaming

Commission promulgate regulations in order to implement interactive gaming and to offer up to 11 licenses to operate interactive gaming. Licensees shall be required to be licensed by the state to offer either video lottery gaming pursuant to Section 1617-a of the Tax Law or operate a Class III gaming facility pursuant to Article 13 of the Pari-Mutuel Wagering and Breeding Law. Each license fee shall be in the amount of \$10,000,000 and the license shall be in effect for 10 years. This license fee shall be applied as an offset against the taxes paid over the first sixty months of operation.

Section 1503. Required Safeguards/minimum standards. Provides that the New York State Gaming Commission shall require licensees to implement certain standards to protect the public against underage gaming, fraud and compulsive gambling.

Section 1504. Scope of licensing review. Provides that the New York State Gaming Commission shall thoroughly review the background of any applicant seeking a license to provide interactive gaming to the public.

Section 1505. State tax. This section provides that internet poker licensees shall pay a tax of 15% of their interactive gaming gross revenue to the state.

Section 1506. Disposition of taxes. This section provides that all tax revenue received by the state shall be paid into the state lottery fund for education.

Section 2: Amends Penal Law section 225.00(1) as to the definition of a contest of chance.

Section 3: Amends the Penal Law by adding a new section 225.36 known as the Interactive gaming offenses and exceptions.

Section 4: Effective date.

EXISTING LAW :

Under New York penal law a person engages in gambling when he or she stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his or her control or influence, upon an agreement or understanding that he or she will receive something of value in the event of a certain outcome. Games of skill are not considered games of chance under the current penal law definitions.

JUSTIFICATION :

Presently, numerous New York residents are participating in illegal, unregulated and unsafe gaming operations which offer games of chance over the Internet. This bill will allow the state to license operators that meet the high standards set by the state and offer limited games of poker which require a high level of skill. This bill will require such operators to take steps to protect consumers, combat compulsive gaming, and prevent minors from accessing online gaming sites. In addition, this legislation would create additional revenue for the State of New York by clearly defining certain variants of poker, "Omaha Hold'em" and Texas "Hold'em," as games of skill and thus allowing licensed interactive gaming operators to offer these games to the public. Thus, not only this will help New York regulate an industry that is present operating without oversight in New York State, but also generate additional revenue from taxes and licenses fees associated with a licensed online poker system in New York State.

LEGISLATIVE HISTORY :

S.5302-D of 2016: Passed Senate, Died in Assembly Racing and Wagering.
S.5302 of 2015: Died in Senate Racing, Gaming and Wagering.
S.6913-A of 2014: Died in Senate Racing, Gaming and Wagering Committee

FISCAL IMPLICATIONS :

Increased tax revenue to the state through taxing interactive gaming as well as up to \$110,000,000 generated from the licensing of up to 11 interactive gaming operators.

EFFECTIVE DATE :

This act shall take effect on the one hundred eightieth day after it shall have become a law.

[VIEW LESS](#) 

S3898A (ACTIVE) - BILL TEXT

 [DOWNLOAD PDF \(HTTP://LEGISLATION.NYSENATE.GOV/PDF/BILLS/2017/S3898A\)](http://legislation.nysenate.gov/pdf/bills/2017/s3898a)

STATE OF NEW YORK

3898--A

Cal. No. 895

2017-2018 Regular Sessions

I N S E N A T E

January 27, 2017

Introduced by Sens. BONACIC, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the racing, pari-mutuel wagering and breeding law and the penal law, in relation to allowing certain interactive poker games

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

Section 1. The racing, pari-mutuel wagering and breeding law is amended by adding a new article 15 to read as follows:

ARTICLE 15

INTERACTIVE GAMING

SECTION 1500. LEGISLATIVE FINDINGS AND PURPOSE.

1501. DEFINITIONS.

1502. AUTHORIZATION.

1503. REQUIRED SAFEGUARDS/MINIMUM STANDARDS.

1504. SCOPE OF LICENSING REVIEW.

1505. STATE TAX.

1506. DISPOSITION OF TAXES.

S 1500. LEGISLATIVE FINDINGS AND PURPOSE. THE LEGISLATURE HEREBY FINDS AND DECLARES THAT: 1. UNDER THE NEW YORK PENAL LAW A PERSON ENGAGES IN GAMBLING WHEN HE OR SHE STAKES OR RISKS SOMETHING OF VALUE UPON THE OUTCOME OF A CONTEST OF CHANCE OR A FUTURE CONTINGENT EVENT NOT UNDER HIS OR HER CONTROL OR INFLUENCE, UPON AN AGREEMENT OR UNDERSTANDING THAT HE OR SHE WILL RECEIVE SOMETHING OF VALUE IN THE EVENT OF A CERTAIN OUTCOME.

2. A CONTEST OF CHANCE IS DEFINED AS ANY CONTEST, GAME, GAMING SCHEME OR GAMING DEVICE IN WHICH THE OUTCOME DEPENDS IN A MATERIAL DEGREE UPON AN ELEMENT OF CHANCE, NOTWITHSTANDING THAT SKILL OF THE CONTESTANTS MAY ALSO BE A FACTOR THEREIN. (SUBDIVISION 1 OF SECTION 225.00 OF THE PENAL LAW). THUS, GAMES OF CHANCE MAY INVOLVE SOME SKILL, BUT IN THOSE GAMES

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

LBD04134-07-7

S. 3898--A

2

THE LEVEL OF SKILL DOES NOT DETERMINE THE OUTCOME REGARDLESS OF THE DEGREE OF SKILL EMPLOYED. SEE *PEOPLE V. TURNER*, 165 MISC. 2D 222, 224, 629 N.Y.S.2D 661, 662 (CRIM. CT. 1995). ON THE OTHER HAND, WHERE A CONTEST PITS THE SKILL LEVELS OF THE PLAYERS AGAINST EACH OTHER, NEW YORK COURTS HAVE FOUND A GAME TO BE ONE OF SKILL RATHER THAN CHANCE. SEE *PEOPLE V. HUNT*, 162 MISC. 2D 70, 72, 616 N.Y.S.2D 168, 170 (CRIM. CT. 1994) ("PLAYED FAIRLY, SKILL RATHER THAN CHANCE IS THE MATERIAL COMPONENT OF THREE-CARD MONTE.");

3. POKER IN MANY INSTANCES HAS BEEN DEFINED AS A GAME OF SKILL AND A NEW YORK FEDERAL COURT IN *U.S. V. DICRISTINA*, 886 F. SUPP. 2D 164, 224, ASSESSED THAT UNDER FEDERAL LAW POKER WAS PREDOMINANTLY A GAME OF SKILL;

4. NEW YORK COURTS HAVE INTERPRETED NEW YORK LAW TO APPLY A MORE RIGOROUS TEST IN IDENTIFYING A "CONTEST OF CHANCE" THAN IS APPLIED BY MOST STATES IN THIS NATION AND THE COURTS HAVE FOUND THAT WHERE A CONTEST PITS THE SKILL LEVELS OF THE PLAYERS AGAINST EACH OTHER, THOSE GAMES ARE GAMES OF SKILL AND NOT GAMES OF CHANCE. FURTHERMORE, THE COURTS HAVE NOT LIMITED THE LEGISLATURE'S ABILITY TO DETERMINE THAT CERTAIN FORMS OF POKER SHOULD FALL OUTSIDE THE GENERAL DEFINITION OF GAMBLING SINCE THOSE GAMES ARE GAMES OF SKILL;

5. TEXAS HOLD'EM POKER INVOLVES TWO CARDS DEALT FACE DOWN TO EACH PLAYER AND THEN FIVE COMMUNITY CARDS PLACED FACE-UP BY THE DEALER, A SERIES OF THREE, THEN TWO ADDITIONAL SINGLE CARDS, WITH PLAYERS DETERMINING WHETHER TO CHECK, BET, RAISE OR FOLD AFTER EACH DEAL. OMAHA HOLD'EM POKER IS A SIMILAR GAME, IN WHICH EACH PLAYER IS DEALT FOUR CARDS AND MAKES HIS OR HER BEST HAND USING EXACTLY TWO OF THEM, PLUS EXACTLY THREE OF THE FIVE COMMUNITY CARDS. THESE GAMES ARE CONSIDERED TO BE COMPLEX FORMS OF POKER WHICH INVOLVE PLAYER STRATEGY AND DECISION-MAKING AND WHICH PIT THE SKILL LEVELS OF THE PLAYERS AGAINST EACH OTHER. AS GAMES OF SKILL, THESE FORMS OF POKER DO NOT FALL UNDER THE DEFINITION OF GAMBLING AS PROHIBITED BY THE PENAL LAW; AND

6. THE LEGISLATURE FURTHER FINDS THAT AS THE INTERNET HAS BECOME AN INTEGRAL PART OF SOCIETY, AND INTERNET POKER A MAJOR FORM OF ENTERTAINMENT FOR MANY CONSUMERS, ANY INTERACTIVE GAMING ENFORCEMENT AND REGULATORY STRUCTURE MUST BEGIN FROM THE BEDROCK PREMISE THAT PARTICIPATION IN A LAWFUL AND LICENSED GAMING INDUSTRY IS A PRIVILEGE AND NOT A RIGHT, AND THAT REGULATORY OVERSIGHT IS INTENDED TO SAFEGUARD THE INTEGRITY OF THE GAMES AND PARTICIPANTS AND TO ENSURE ACCOUNTABILITY AND THE PUBLIC TRUST.

S 1501. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "AUTHORIZED GAME" MEANS OMAHA HOLD'EM AND TEXAS HOLD'EM POKER, AS WELL AS ANY OTHER POKER GAME THAT THE COMMISSION DETERMINES IS THE MATERIAL EQUIVALENT OF EITHER OF THOSE, WHETHER IN A CASH GAME OR TOURNAMENT.

2. "AUTHORIZED PARTICIPANTS" MEANS PERSONS WHO ARE EITHER PHYSICALLY PRESENT IN THIS STATE WHEN PLACING A WAGER OR WHO OTHERWISE ARE PERMITTED BY APPLICABLE LAW, AS DETERMINED BY THE COMMISSION, TO PLACE A WAGER. THE INTERMEDIATE ROUTING OF ELECTRONIC DATA IN CONNECTION WITH INTERACTIVE GAMING SHALL NOT DETERMINE THE LOCATION OR LOCATIONS IN WHICH A WAGER IS INITIATED, RECEIVED OR OTHERWISE MADE.

3. "CORE FUNCTION" MEANS ANY OF THE FOLLOWING: (A) THE MANAGEMENT, ADMINISTRATION OR CONTROL OF WAGERS ON INTERACTIVE GAMING; (B) THE MANAGEMENT, ADMINISTRATION OR CONTROL OF THE GAMES WITH WHICH THOSE WAGERS ARE ASSOCIATED; OR (C) THE DEVELOPMENT, MAINTENANCE, PROVISION OR OPERATION OF AN INTERACTIVE GAMING PLATFORM.

4. "COMMISSION" MEANS THE NEW YORK STATE GAMING COMMISSION.

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5. "COVERED ASSET" MEANS ANY OF THE FOLLOWING CATEGORIES OF ASSETS IF USED IN CONNECTION WITH THE KNOWING AND WILLFUL ACCEPTANCE OF ANY WAGER FROM PERSONS LOCATED IN THE UNITED STATES OF ANY FORM OF INTERACTIVE GAMING (INCLUDING BUT NOT LIMITED TO POKER) AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND SIX, THAT HAS NOT BEEN AFFIRMATIVELY AUTHORIZED BY LAW OF THE UNITED STATES OR OF EACH STATE IN WHICH PERSONS MAKING SUCH WAGER

WERE LOCATED: (A) ANY TRADEMARK, TRADE NAME, SERVICE MARK OR SIMILAR INTELLECTUAL PROPERTY THAT WAS USED TO IDENTIFY ANY ASPECT OF THE INTERNET WEBSITE OR OF THE OPERATOR OFFERING THE WAGERS OR GAMES TO ITS PATRONS; (B) ANY DATABASE OR CUSTOMER LIST OF INDIVIDUALS RESIDING IN THE UNITED STATES WHO PLACED SUCH WAGERS; (C) ANY DERIVATIVE OF A DATABASE OR CUSTOMER LIST DESCRIBED IN PARAGRAPH (B) OF THIS SUBDIVISION; OR (D) AN ASSET USED TO PROVIDE A CORE FUNCTION.

6. "DIVISION" MEANS THE DIVISION OF GAMING, ESTABLISHED UNDER PARAGRAPH (C) OF SUBDIVISION TWO OF SECTION ONE HUNDRED THREE OF THIS CHAPTER.

7. "INTERACTIVE GAMING" MEANS THE CONDUCT OF GAMES THROUGH THE USE OF THE INTERNET OR OTHER COMMUNICATIONS TECHNOLOGY THAT ALLOWS A PERSON, UTILIZING MONEY, CHECKS, ELECTRONIC CHECKS, ELECTRONIC TRANSFERS OF MONEY, CREDIT CARDS, DEBIT CARDS OR ANY OTHER INSTRUMENTALITY, TO TRANSMIT TO A COMPUTER INFORMATION TO ASSIST IN THE PLACING OF A WAGER AND CORRESPONDING INFORMATION RELATED TO THE DISPLAY OF THE GAME, GAME OUTCOMES OR OTHER SIMILAR INFORMATION. THE TERM DOES NOT INCLUDE THE CONDUCT OF (A) NON-GAMBLING GAMES THAT DO NOT OTHERWISE REQUIRE A LICENSE UNDER STATE OR FEDERAL LAW; OR (B) GAMES THAT OCCUR ENTIRELY AMONG PARTICIPANTS WHO ARE LOCATED ON A LICENSED CASINO PREMISES. FOR PURPOSES OF THIS PROVISION, "COMMUNICATIONS TECHNOLOGY" MEANS ANY METHOD USED AND THE COMPONENTS EMPLOYED BY AN ESTABLISHMENT TO FACILITATE THE TRANSMISSION OF INFORMATION, INCLUDING, WITHOUT LIMITATION, TRANSMISSION AND RECEPTION BY SYSTEMS BASED ON WIRE, CABLE, RADIO, MICROWAVE, LIGHT, OPTICS OR COMPUTER DATA NETWORKS, INCLUDING, WITHOUT LIMITATION, THE INTERNET AND INTRANETS.

8. "INTERACTIVE GAMING GROSS REVENUE" MEANS THE TOTAL OF ALL SUMS PAID TO A LICENSEE FROM INTERACTIVE GAMING INVOLVING AUTHORIZED PARTICIPANTS, LESS ONLY THE TOTAL OF ALL SUMS PAID OUT AS WINNINGS TO PATRONS AND PROMOTIONAL GAMING CREDITS; PROVIDED, HOWEVER, THAT THE CASH EQUIVALENT VALUE OF ANY MERCHANDISE OR OTHER NON-CASH THING OF VALUE INCLUDED IN A CONTEST OR TOURNAMENT SHALL NOT BE INCLUDED IN THE TOTAL OF ALL SUMS PAID OUT AS WINNINGS TO PLAYERS FOR PURPOSES OF DETERMINING INTERACTIVE GAMING GROSS REVENUE.

(A) NEITHER AMOUNTS DEPOSITED WITH A LICENSEE FOR PURPOSES OF INTERACTIVE GAMING NOR AMOUNTS TAKEN IN FRAUDULENT ACTS PERPETRATED AGAINST A LICENSEE FOR WHICH THE LICENSEE IS NOT REIMBURSED SHALL BE CONSIDERED TO HAVE BEEN "PAID" TO THE LICENSEE FOR PURPOSES OF CALCULATING INTERACTIVE GAMING GROSS REVENUE.

(B) "PROMOTIONAL GAMING CREDIT" INCLUDES BONUSES, PROMOTIONS AND ANY AMOUNT RECEIVED BY A LICENSEE FROM A PATRON FOR WHICH THE LICENSEE CAN DEMONSTRATE THAT IT OR ITS AFFILIATE HAS NOT RECEIVED CASH.

9. "INTERACTIVE GAMING PLATFORM" MEANS THE COMBINATION OF HARDWARE, SOFTWARE AND DATA NETWORKS USED TO MANAGE, ADMINISTER OR CONTROL WAGERS ON INTERACTIVE GAMING OR THE GAMES WITH WHICH THOSE WAGERS ARE ASSOCIATED.

10. "INTERNET" MEANS A COMPUTER NETWORK OF INTEROPERABLE PACKET-SWITCHED DATA NETWORKS.

11. "LICENSEE" MEANS A PERSON WHO IS LICENSED BY THE COMMISSION TO OFFER INTERACTIVE GAMING, USING AN INTERACTIVE GAMING PLATFORM TO

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AUTHORIZED PARTICIPANTS. A LICENSEE MAY UTILIZE MULTIPLE INTERACTIVE GAMING PLATFORMS PROVIDED THAT EACH PLATFORM IS APPROVED BY THE COMMISSION.

12. "OMAHA HOLD'EM POKER" MEANS THE POKER GAME MARKETED AS OMAHA HOLD'EM POKER OR OMAHA POKER IN WHICH EACH PLAYER IS DEALT FOUR CARDS AND MUST MAKE HIS OR HER BEST HAND USING EXACTLY TWO OF THEM, PLUS EXACTLY THREE OF THE FIVE COMMUNITY CARDS.

13. "SIGNIFICANT VENDOR" MEANS ANY PERSON WHO OFFERS OR WHO PROPOSES TO OFFER ANY OF THE FOLLOWING SERVICES WITH RESPECT TO INTERACTIVE GAMING: (A) A CORE FUNCTION; (B) SALE, LICENSING OR OTHER RECEIPT OF COMPENSATION FOR SELLING OR LICENSING A DATABASE OR CUSTOMER LIST OF INDIVIDUALS RESIDING IN THE UNITED STATES SELECTED IN WHOLE OR IN PART BECAUSE THEY PLACED WAGERS OR PARTICIPATED IN GAMBLING GAMES WITH OR THROUGH AN INTERNET WEBSITE OR OPERATOR (OR ANY DERIVATIVE OF SUCH A DATABASE OR CUSTOMER LIST); (C) PROVISION OF ANY TRADEMARK, TRADENAME, SERVICE MARK OR SIMILAR INTELLECTUAL PROPERTY UNDER WHICH A LICENSEE OR SIGNIFICANT VENDOR IDENTIFIES INTERACTIVE GAMES TO CUSTOMERS; OR (D) PROVISION OF ANY PRODUCT, SERVICE OR ASSET TO A LICENSEE OR SIGNIFICANT

VENDOR IN RETURN FOR A PERCENTAGE OF INTERACTIVE GAMING REVENUE (NOT INCLUDING FEES TO FINANCIAL INSTITUTIONS AND PAYMENT PROVIDERS FOR FACILITATING A DEPOSIT OR WITHDRAWAL BY AN AUTHORIZED PARTICIPANT). THE TERM "SIGNIFICANT VENDOR" SHALL NOT INCLUDE A PROVIDER OF GOODS OR SERVICES TO A LICENSEE THAT ARE NOT SPECIFICALLY DESIGNED FOR USE AND NOT PRINCIPALLY USED IN CONNECTION WITH INTERACTIVE GAMING.

14. "TEXAS HOLD'EM POKER" MEANS THE TYPE OF POKER MARKETED AS TEXAS HOLD'EM POKER THAT INVOLVES TWO CARDS BEING DEALT FACE DOWN TO EACH PLAYER AND THEN FIVE COMMUNITY CARDS BEING PLACED FACE-UP BY THE DEALER, A SERIES OF THREE THEN TWO ADDITIONAL SINGLE CARDS, WITH PLAYERS HAVING THE OPTION TO CHECK, BET, RAISE OR FOLD AFTER EACH DEAL.

S 1502. AUTHORIZATION. 1. THE COMMISSION SHALL, WITHIN ONE HUNDRED EIGHTY DAYS OF THE DATE THIS ARTICLE BECOMES LAW, PROMULGATE REGULATIONS TO IMPLEMENT INTERACTIVE GAMING IN THIS STATE AND SHALL AUTHORIZE UP TO ELEVEN LICENSES TO OPERATE INTERACTIVE GAMING INVOLVING AUTHORIZED PARTICIPANTS, SUBJECT TO THE PROVISIONS OF THIS ARTICLE AND OTHER APPLICABLE PROVISIONS OF LAW.

2. APPLICANTS ELIGIBLE TO APPLY FOR A LICENSE AS AN OPERATOR PURSUANT TO THIS ARTICLE SHALL BE THOSE ENTITIES:

(A) LICENSED BY THE STATE PURSUANT TO SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THE TAX LAW TO OPERATE VIDEO LOTTERY GAMING AND HAS EXPERIENCE IN THE OPERATION OF INTERACTIVE GAMING BY BEING LICENSED IN A STATE WITH COMPARABLE LICENSING REQUIREMENTS OR GUARANTEES ACQUISITION OF ADEQUATE BUSINESS COMPETENCE AND EXPERIENCE IN THE OPERATION OF INTERACTIVE GAMING; OR

(B) LICENSED BY THE STATE TO OPERATE A CLASS III GAMING FACILITY PURSUANT TO ARTICLE THIRTEEN OF THIS CHAPTER AND HAS EXPERIENCE IN THE OPERATION OF INTERACTIVE GAMING BY BEING LICENSED IN A STATE WITH COMPARABLE LICENSING REQUIREMENTS OR GUARANTEES ACQUISITION OF ADEQUATE BUSINESS COMPETENCE AND EXPERIENCE IN THE OPERATION OF INTERACTIVE GAMING.

3. THE COMMISSION SHALL, TO THE EXTENT PRACTICABLE, ISSUE LICENSES TO MULTIPLE APPLICANTS NO SOONER THAN ONE HUNDRED EIGHTY DAYS AFTER THE PROMULGATION OF REGULATIONS IN ORDER TO ENSURE A ROBUST AND COMPETITIVE MARKET FOR CONSUMERS AND TO PREVENT EARLY LICENSEES FROM GAINING AN UNFAIR COMPETITIVE ADVANTAGE.

4. NO PERSON MAY OPERATE, MANAGE OR MAKE AVAILABLE AN INTERACTIVE GAMING PLATFORM OR ACT AS A SIGNIFICANT VENDOR WITH RESPECT TO INTERACTIVE GAMING THAT IS OFFERED TO PERSONS LOCATED IN THIS STATE UNLESS

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LICENSED BY THE COMMISSION PURSUANT TO THIS ARTICLE AND ONLY THOSE GAMES AUTHORIZED BY THE COMMISSION SHALL BE PERMITTED.

5. LICENSE APPLICANTS MAY FORM A PARTNERSHIP, JOINT VENTURE OR OTHER CONTRACTUAL ARRANGEMENT IN ORDER TO FACILITATE THE PURPOSES OF THIS ARTICLE.

6. ANY PERSON FOUND SUITABLE BY THE COMMISSION MAY BE ISSUED A LICENSE AS AN OPERATOR OR SIGNIFICANT VENDOR PURSUANT TO THIS ARTICLE. IN DETERMINING SUITABILITY, THE COMMISSION SHALL CONSIDER THOSE FACTORS IT DEEMS RELEVANT IN ITS DISCRETION, INCLUDING BUT NOT LIMITED TO:

(A) WHETHER THE APPLICANT IS A PERSON OF GOOD CHARACTER, HONESTY AND INTEGRITY;

(B) WHETHER THE APPLICANT IS PERSON WHOSE PRIOR ACTIVITIES, CRIMINAL RECORD, IF ANY, REPUTATION, HABITS AND ASSOCIATIONS DO NOT:

(I) POSE A THREAT TO THE PUBLIC INTEREST OR TO THE EFFECTIVE REGULATION AND CONTROL OF INTERACTIVE GAMING; OR

(II) CREATE OR ENHANCE THE DANGERS OF UNSUITABLE, UNFAIR OR ILLEGAL PRACTICES, METHODS AND ACTIVITIES IN THE CONDUCT OF INTERACTIVE GAMING OR IN THE CARRYING ON OF THE BUSINESS AND FINANCIAL ARRANGEMENTS INCIDENTAL TO SUCH GAMING;

(C) WHETHER THE APPLICANT IS CAPABLE OF AND LIKELY TO CONDUCT THE ACTIVITIES FOR WHICH THE APPLICANT IS LICENSED IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, ANY REGULATIONS PRESCRIBED UNDER THIS ARTICLE AND ALL OTHER APPLICABLE LAWS;

(D) WHETHER THE APPLICANT HAS OR GUARANTEES ACQUISITION OF ADEQUATE BUSINESS COMPETENCE AND EXPERIENCE IN THE OPERATION OF LICENSED GAMING OR OF INTERACTIVE GAMING IN THIS STATE OR IN A STATE WITH COMPARABLE LICENSING REQUIREMENTS;

(E) WHETHER THE APPLICANT HAS OR WILL OBTAIN SUFFICIENT FINANCING FOR THE NATURE OF THE PROPOSED OPERATION AND FROM A SUITABLE SOURCE; AND

(F) WHETHER THE APPLICANT:

(I) HAS AT ANY TIME, EITHER DIRECTLY, OR THROUGH ANOTHER PERSON WHOM IT OWNED, IN WHOLE OR IN SIGNIFICANT PART, OR CONTROLLED:

(A) KNOWINGLY AND WILLFULLY ACCEPTED OR MADE AVAILABLE WAGERS ON INTERACTIVE GAMING (INCLUDING POKER) FROM PERSONS LOCATED IN THE UNITED STATES AFTER DECEMBER THIRTY-FIRST, TWO THOUSAND SIX, UNLESS SUCH WAGERS WERE AFFIRMATIVELY AUTHORIZED BY LAW OF THE UNITED STATES OR OF EACH STATE IN WHICH PERSONS MAKING SUCH WAGERS WERE LOCATED; OR

(B) KNOWINGLY FACILITATED OR OTHERWISE PROVIDED SERVICES WITH RESPECT TO INTERACTIVE GAMING (INCLUDING POKER) INVOLVING PERSONS LOCATED IN THE UNITED STATES FOR A PERSON DESCRIBED IN CLAUSE (A) OF THIS SUBPARAGRAPH AND ACTED WITH KNOWLEDGE OF THE FACT THAT SUCH WAGERS OR INTERACTIVE GAMING INVOLVED PERSONS LOCATED IN THE UNITED STATES; OR

(II) HAS PURCHASED OR ACQUIRED, DIRECTLY OR INDIRECTLY, IN WHOLE OR IN SIGNIFICANT PART, A PERSON DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH OR WILL USE THAT PERSON OR A COVERED ASSET IN CONNECTION WITH INTERACTIVE GAMING LICENSED PURSUANT TO THIS ARTICLE.

7. THE COMMISSION FURTHER SHALL DEVELOP STANDARDS BY WHICH TO EVALUATE AND APPROVE INTERACTIVE GAMING PLATFORMS FOR USE WITH INTERACTIVE GAMING. INTERACTIVE GAMING PLATFORMS MUST BE APPROVED BY THE COMMISSION BEFORE BEING USED BY A LICENSEE OR SIGNIFICANT VENDOR TO CONDUCT INTERACTIVE GAMING IN THIS STATE.

8. THE COMMISSION SHALL REQUIRE ALL LICENSEES TO OPERATE INTERACTIVE GAMING TO PAY A ONE-TIME FEE OF TEN MILLION DOLLARS. SUCH FEE PAID BY EACH LICENSEE SHALL BE APPLIED TO SATISFY, IN WHOLE OR IN PART, AS APPLICABLE, THAT LICENSEE'S TAX OBLIGATION PURSUANT TO SECTION FIFTEEN HUNDRED FIVE OF THIS ARTICLE IN SIXTY EQUAL MONTHLY INSTALLMENTS, ALLO-

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CATED TO EACH OF THE FIRST SIXTY MONTHS OF TAX OWED AFTER THE LICENSEE HAS BEGUN OPERATING INTERACTIVE GAMING PURSUANT TO THIS ARTICLE. NO AMOUNTS NOT REQUIRED TO BE USED TO SATISFY SUCH TAX OBLIGATION DURING THAT PERIOD SHALL BE ALLOCATED TO PAYMENT OF SUCH TAX OBLIGATION AFTER THAT PERIOD.

9. LICENSES TO OPERATE INTERACTIVE GAMING ISSUED BY THE COMMISSION SHALL REMAIN IN EFFECT FOR TEN YEARS.

10. THE COMMISSION, BY REGULATION, MAY AUTHORIZE AND PROMULGATE ANY RULES NECESSARY TO IMPLEMENT AGREEMENTS WITH OTHER STATES, OR AUTHORIZED AGENCIES THEREOF (A) TO ENABLE PATRONS IN THOSE STATES TO PARTICIPATE IN INTERACTIVE GAMING OFFERED BY LICENSEES UNDER THIS ARTICLE OR (B) TO ENABLE PATRONS IN THIS STATE TO PARTICIPATE IN INTERACTIVE GAMING OFFERED BY LICENSEES UNDER THE LAWS OF THOSE OTHER STATES, PROVIDED THAT SUCH OTHER STATE OR AUTHORIZED AGENCY APPLIES SUITABILITY STANDARDS AND REVIEW MATERIALLY CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE.

11. ANY REGULATIONS ADOPTED PURSUANT TO SUBDIVISION TEN OF THIS SECTION MUST SET FORTH PROVISIONS THAT ADDRESS:

(A) ANY ARRANGEMENTS TO SHARE REVENUE BETWEEN NEW YORK AND ANY OTHER STATE OR AGENCY WITHIN ANOTHER STATE; AND

(B) ARRANGEMENTS TO ENSURE THE INTEGRITY OF INTERACTIVE GAMING OFFERED PURSUANT TO ANY SUCH AGREEMENT AND THE PROTECTION OF PATRONS LOCATED IN THIS STATE.

12. THE COMMISSION MAY DELEGATE ITS RESPONSIBILITIES TO ADMINISTER THE PROVISIONS OF THIS ARTICLE TO THE DIVISION, AS IT SEES FIT, EXCEPT FOR ITS RESPONSIBILITIES TO APPROVE LICENSES.

S 1503. REQUIRED SAFEGUARDS/MINIMUM STANDARDS. THE COMMISSION SHALL REQUIRE LICENSEES TO IMPLEMENT MEASURES TO MEET THE STANDARDS SET OUT IN THIS SECTION, ALONG WITH SUCH OTHER STANDARDS THAT THE COMMISSION IN ITS DISCRETION MAY CHOOSE TO REQUIRE.

(A) APPROPRIATE SAFEGUARDS TO ENSURE, TO A REASONABLE DEGREE OF CERTAINTY, THAT PARTICIPANTS IN INTERACTIVE GAMING ARE NOT YOUNGER THAN TWENTY-ONE YEARS OF AGE.

(B) APPROPRIATE SAFEGUARDS TO ENSURE, TO A REASONABLE DEGREE OF CERTAINTY, THAT PARTICIPANTS IN INTERACTIVE GAMING ARE PHYSICALLY LOCATED WITHIN THE STATE OR SUCH OTHER JURISDICTION THAT THE COMMISSION HAS DETERMINED TO BE PERMISSIBLE.

(C) APPROPRIATE SAFEGUARDS TO PROTECT, TO A REASONABLE DEGREE OF CERTAINTY, THE PRIVACY AND ONLINE SECURITY OF PARTICIPANTS IN INTERACTIVE GAMING.

(D) APPROPRIATE SAFEGUARDS TO ENSURE, TO A REASONABLE DEGREE OF CERTAINTY, THAT THE INTERACTIVE GAMING IS FAIR AND HONEST AND THAT APPROPRIATE MEASURES ARE IN PLACE TO DETER, DETECT AND, TO THE EXTENT

REASONABLY POSSIBLE, TO PREVENT CHEATING, INCLUDING COLLUSION, AND USE OF CHEATING DEVICES, INCLUDING USE OF SOFTWARE PROGRAMS (SOMETIMES REFERRED TO AS "BOYS") THAT MAKE BETS OR WAGERS ACCORDING TO ALGORITHMS.

(E) APPROPRIATE SAFEGUARDS TO MINIMIZE COMPULSIVE GAMING AND TO PROVIDE NOTICE TO PARTICIPANTS OF RESOURCES TO HELP PROBLEM GAMBLERS.

(F) APPROPRIATE SAFEGUARDS TO ENSURE PARTICIPANTS' FUNDS ARE HELD IN ACCOUNTS SEGREGATED FROM THE FUNDS OF LICENSEES AND OTHERWISE ARE PROTECTED FROM CORPORATE INSOLVENCY, FINANCIAL RISK OR CRIMINAL OR CIVIL ACTIONS AGAINST THE LICENSEE.

S 1504. SCOPE OF LICENSING REVIEW. 1. IN CONNECTION WITH ANY LICENSE ISSUED PURSUANT TO THIS ARTICLE, THE LICENSEE, SIGNIFICANT VENDOR OR APPLICANT SHALL IDENTIFY AND THE COMMISSION SHALL REVIEW THE SUITABILITY OF SUCH LICENSEE'S, SIGNIFICANT VENDOR'S OR APPLICANT'S OWNER, CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER AND ANY OTHER OFFICER OR

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EMPLOYEE WHO THE COMMISSION DEEMS IS SIGNIFICANTLY INVOLVED IN THE MANAGEMENT OR CONTROL OF THE LICENSEE, SIGNIFICANT VENDOR OR APPLICANT OR OF THE INTERACTIVE GAMING PLATFORM. "OWNER" FOR PURPOSES OF THIS PROVISION MEANS ANY PERSON WHO DIRECTLY OR INDIRECTLY HOLDS ANY BENEFICIAL OR OWNERSHIP INTEREST IN THE APPLICANT OF FIVE PERCENT OR GREATER OR ANY AMOUNT OF OWNERSHIP THAT THE COMMISSION DETERMINES TO BE SIGNIFICANT OWNERSHIP OF THE LICENSEE, SIGNIFICANT VENDOR, OR APPLICANT.

2. INSTITUTIONAL INVESTORS ARE SUBJECT TO THE PROVISIONS SET OUT IN THIS SECTION.

(A) AN INSTITUTIONAL INVESTOR HOLDING UNDER TWENTY-FIVE PERCENT OF THE EQUITY SECURITIES OF A LICENSEE'S OR SIGNIFICANT VENDOR'S (OR APPLICANT'S) HOLDING OR INTERMEDIARY COMPANIES, SHALL BE GRANTED A WAIVER OF ANY INVESTIGATION OF SUITABILITY OR OTHER REQUIREMENT IF SUCH SECURITIES ARE THOSE OF A CORPORATION, WHETHER PUBLICLY TRADED OR PRIVATELY HELD, AND ITS HOLDINGS OF SUCH SECURITIES WERE PURCHASED FOR INVESTMENT PURPOSES ONLY AND IT FILES A CERTIFIED STATEMENT TO THE EFFECT THAT IT HAS NO INTENTION OF INFLUENCING OR AFFECTING THE AFFAIRS OF THE ISSUER, THE LICENSEE (OR SIGNIFICANT VENDOR OR APPLICANT, AS APPLICABLE) OR ITS HOLDING OR INTERMEDIARY COMPANIES; PROVIDED, HOWEVER, THAT IT SHALL BE PERMITTED TO VOTE ON MATTERS PUT TO THE VOTE OF THE OUTSTANDING SECURITY HOLDERS. THE COMMISSION MAY GRANT SUCH A WAIVER TO AN INSTITUTIONAL INVESTOR HOLDING A HIGHER PERCENTAGE OF SUCH SECURITIES UPON A SHOWING OF GOOD CAUSE AND IF THE CONDITIONS SPECIFIED ABOVE ARE MET. ANY INSTITUTIONAL INVESTOR GRANTED A WAIVER UNDER THIS PARAGRAPH WHICH SUBSEQUENTLY DETERMINES TO INFLUENCE OR AFFECT THE AFFAIRS OF THE ISSUER SHALL PROVIDE NOT LESS THAN THIRTY DAYS' NOTICE OF SUCH INTENT AND SHALL FILE WITH THE COMMISSION A REQUEST FOR DETERMINATION OF SUITABILITY BEFORE TAKING ANY ACTION THAT MAY INFLUENCE OR AFFECT THE AFFAIRS OF THE ISSUER; PROVIDED, HOWEVER, THAT IT SHALL BE PERMITTED TO VOTE ON MATTERS PUT TO THE VOTE OF THE OUTSTANDING SECURITY HOLDERS. IF AN INSTITUTIONAL INVESTOR CHANGES ITS INVESTMENT INTENT, OR IF THE COMMISSION FINDS REASONABLE CAUSE TO BELIEVE THAT THE INSTITUTIONAL INVESTOR MAY BE FOUND UNSUITABLE, NO ACTION OTHER THAN DIVESTITURE SHALL BE TAKEN BY SUCH INVESTOR WITH RESPECT TO ITS SECURITY HOLDINGS UNTIL THERE HAS BEEN COMPLIANCE WITH ANY REQUIREMENTS ESTABLISHED BY THE COMMISSION, WHICH MAY INCLUDE THE EXECUTION OF A TRUST AGREEMENT. THE LICENSEE (OR SIGNIFICANT VENDOR OR APPLICANT, AS APPLICABLE) AND ITS RELEVANT HOLDING, INTERMEDIARY OR SUBSIDIARY COMPANY SHALL NOTIFY THE COMMISSION IMMEDIATELY OF ANY INFORMATION ABOUT, OR ACTIONS OF, AN INSTITUTIONAL INVESTOR HOLDING ITS EQUITY SECURITIES WHERE SUCH INFORMATION OR ACTION MAY IMPACT UPON THE ELIGIBILITY OF SUCH INSTITUTIONAL INVESTOR FOR A WAIVER PURSUANT TO THIS PARAGRAPH.

(B) IF AT ANY TIME THE COMMISSION FINDS THAT AN INSTITUTIONAL INVESTOR HOLDING ANY SECURITY OF A HOLDING OR INTERMEDIARY COMPANY OF A LICENSEE OR SIGNIFICANT VENDOR OR APPLICANT, OR, WHERE RELEVANT, OF ANOTHER SUBSIDIARY COMPANY OF A HOLDING OR INTERMEDIARY COMPANY OF A LICENSEE OR SIGNIFICANT VENDOR OR APPLICANT WHICH IS RELATED IN ANY WAY TO THE FINANCING OF THE LICENSEE OR SIGNIFICANT VENDOR OR APPLICANT, FAILS TO COMPLY WITH THE TERMS OF PARAGRAPH (A) OF THIS SECTION, OR IF AT ANY TIME THE COMMISSION FINDS THAT, BY REASON OF THE EXTENT OR NATURE OF ITS HOLDINGS, AN INSTITUTIONAL INVESTOR IS IN A POSITION TO EXERCISE SUCH A SUBSTANTIAL IMPACT UPON THE CONTROLLING INTERESTS OF A LICENSEE OR SIGNIFICANT VENDOR OR APPLICANT THAT INVESTIGATION AND DETERMINATION OF SUITABILITY OF THE INSTITUTIONAL INVESTOR IS NECESSARY TO PROTECT THE

PUBLIC INTEREST, THE COMMISSION MAY TAKE ANY NECESSARY ACTION OTHERWISE AUTHORIZED UNDER THIS ARTICLE TO PROTECT THE PUBLIC INTEREST.

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(C) FOR PURPOSES OF THIS SECTION, AN "INSTITUTIONAL INVESTOR" SHALL MEAN ANY RETIREMENT FUND ADMINISTERED BY A PUBLIC AGENCY FOR THE EXCLUSIVE BENEFIT OF FEDERAL, STATE, OR LOCAL PUBLIC EMPLOYEES; INVESTMENT COMPANY REGISTERED UNDER THE INVESTMENT COMPANY ACT OF 1940 (15 U.S.C. S 80A-1 ET SEQ.); COLLECTIVE INVESTMENT TRUST ORGANIZED BY BANKS UNDER PART NINE OF THE RULES OF THE COMPTROLLER OF THE CURRENCY; CLOSED END INVESTMENT TRUST; CHARTERED OR LICENSED LIFE INSURANCE COMPANY OR PROPERTY AND CASUALTY INSURANCE COMPANY; BANKING AND OTHER CHARTERED OR LICENSED LENDING INSTITUTION; INVESTMENT ADVISOR REGISTERED UNDER THE INVESTMENT ADVISORS ACT OF 1940 (15 U.S.C. S 80B-1 ET SEQ.); AND SUCH OTHER PERSONS AS THE COMMISSION MAY DETERMINE FOR REASONS CONSISTENT WITH THE PUBLIC INTEREST.

S 1505. STATE TAX. LICENSEES ENGAGED IN THE BUSINESS OF CONDUCTING INTERACTIVE GAMING PURSUANT TO THIS ARTICLE SHALL PAY A PRIVILEGE TAX BASED ON THE LICENSEE'S INTERACTIVE GAMING GROSS REVENUE AT A FIFTEEN PERCENT RATE.

S 1506. DISPOSITION OF TAXES. THE COMMISSION SHALL PAY INTO THE STATE LOTTERY FUND ALL TAXES IMPOSED BY THIS ARTICLE; ANY INTEREST AND PENALTIES IMPOSED BY THE COMMISSION RELATING TO THOSE TAXES; ALL PENALTIES LEVIED AND COLLECTED BY THE COMMISSION; AND THE APPROPRIATE FUNDS, CASH OR PRIZES FORFEITED FROM INTERACTIVE GAMING.

S 2. Subdivision 1 of section 225.00 of the penal law is amended to read as follows:

1. "Contest of chance" means any contest, game, gaming scheme or gaming device in which the outcome depends [in a material degree] PREDOMINANTLY upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

S 3. The penal law is amended by adding a new section 225.36 to read as follows:

S 225.36 INTERACTIVE GAMING OFFENSES AND EXCEPTIONS.

1. THE KNOWING AND WILLFUL OFFERING OF UNLICENSED INTERACTIVE GAMING TO PERSONS IN THIS STATE, OR THE KNOWING AND WILLFUL PROVISION OF SERVICES WITH RESPECT THERETO, SHALL CONSTITUTE A GAMBLING OFFENSE UNDER THIS ARTICLE.

2. LICENSED INTERACTIVE GAMING ACTIVITIES UNDER SECTION FIFTEEN HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW SHALL NOT BE A GAMBLING OFFENSE UNDER THIS ARTICLE.

3. A PERSON OFFERING UNLICENSED INTERACTIVE GAMING TO PERSONS IN THIS STATE SHALL BE LIABLE FOR ALL TAXES SET FORTH IN SECTION FIFTEEN HUNDRED FIVE OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW IN THE SAME MANNER AND AMOUNTS AS IF SUCH PERSON WERE A LICENSEE. TIMELY PAYMENT OF SUCH TAXES SHALL NOT CONSTITUTE A DEFENSE TO ANY PROSECUTION OR OTHER PROCEEDING IN CONNECTION WITH THE INTERACTIVE GAMING EXCEPT FOR A PROSECUTION OR PROCEEDING ALLEGING FAILURE TO MAKE SUCH PAYMENT.

S 4. Severability clause. If any provision of this act or application thereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the act, but shall be confined in its operation to the provision thereof directly involved in the controversy in which the judgment shall have been rendered.

S 5. This act shall take effect on the one hundred eightieth day after it shall have become a law.


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EXHIBIT “D”

Copy of New York Assembly Bill A.2520, sponsored
by Gary Pretlow, Chairman of the Committee on
Racing and Wagering for the Legislative session
2017-2018.

Assembly Bill A5250

2017-2018 Legislative Session

Relates to allowing certain interactive poker games

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Law Section:

Racing, Pari-Mutuel Wagering and Breeding Law

Laws Affected:

Add Art 15 §§1500 - 1506, RWB L; amd §225.00, add §225.36, Pen L

Versions Introduced in Previous Legislative Sessions:


2015-2016: [A9049B \(/Legislation/Bills/2015/A9049\)](#)

2013-2014: [A9591A \(/Legislation/Bills/2013/A9591/Amendment/A\)](#)

A5250 - SUMMARY

Allows certain interactive poker games be considered games of skill rather than games of luck; includes definitions, authorization, required safeguards and minimum standards, the scope of licensing review and state tax implications; makes corresponding penal law amendments.

A5250 - BILL TEXT

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STATE OF NEW YORK

5250

2017-2018 Regular Sessions

IN ASSEMBLY

February 7, 2017

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Racing and Wagering

AN ACT to amend the racing, pari-mutuel wagering and breeding law and the penal law, in relation to allowing certain interactive poker games

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

Section 1. The racing, pari-mutuel wagering and breeding law is amended by adding a new article 15 to read as follows:

ARTICLE 15

INTERACTIVE GAMING

SECTION 1500. LEGISLATIVE FINDINGS AND PURPOSE.

1501. DEFINITIONS.

1502. AUTHORIZATION.

1503. REQUIRED SAFEGUARDS/MINIMUM STANDARDS.

1504. SCOPE OF LICENSING REVIEW.

1505. STATE TAX.

1506. DISPOSITION OF TAXES.

§ 1500. LEGISLATIVE FINDINGS AND PURPOSE. THE LEGISLATURE HEREBY FINDS AND DECLARES THAT: 1. UNDER THE NEW YORK PENAL LAW A PERSON ENGAGES IN GAMBLING WHEN HE OR SHE STAKES OR RISKS SOMETHING OF VALUE UPON THE OUTCOME OF A CONTEST OF CHANCE OR A FUTURE CONTINGENT EVENT NOT UNDER HIS OR HER CONTROL OR INFLUENCE, UPON AN AGREEMENT OR UNDERSTANDING THAT HE OR SHE WILL RECEIVE SOMETHING OF VALUE IN THE EVENT OF A CERTAIN OUTCOME.

2. A CONTEST OF CHANCE IS DEFINED AS ANY CONTEST, GAME, GAMING SCHEME OR GAMING DEVICE IN WHICH THE OUTCOME DEPENDS IN A MATERIAL DEGREE UPON AN ELEMENT OF CHANCE; NOTWITHSTANDING THAT SKILL OF THE CONTESTANTS MAY ALSO BE A FACTOR THEREIN. (SUBDIVISION 1 OF SECTION 225.00 OF THE PENAL LAW). THUS, GAMES OF CHANCE MAY INVOLVE SOME SKILL, BUT IN THOSE GAMES THE LEVEL OF SKILL DOES NOT DETERMINE THE OUTCOME REGARDLESS OF THE DEGREE OF SKILL EMPLOYED. SEE PEOPLE V. TURNER, 165 MISC. 2D 222, 224,

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

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629 N.Y.S.2D 661, 662 (CRIM. CT. 1995). ON THE OTHER HAND, WHERE A CONTEST PITS THE SKILL LEVELS OF THE PLAYERS AGAINST EACH OTHER, NEW YORK COURTS HAVE FOUND A GAME TO BE ONE OF SKILL RATHER THAN CHANCE. SEE PEOPLE V. HUNT, 162 MISC. 2D 70, 72, 616 N.Y.S.2D 168, 170 (CRIM. CT. 1994) ("PLAYED FAIRLY, SKILL RATHER THAN CHANCE IS THE MATERIAL COMPONENT OF THREE-CARD MONTE.");

3. POKER IN MANY INSTANCES HAS BEEN DEFINED AS A GAME OF SKILL AND A NEW YORK FEDERAL COURT IN U.S. V. DICRISTINA, 886 F. SUPP. 2D 164, 224, ASSESSED THAT UNDER FEDERAL LAW POKER WAS PREDOMINANTLY A GAME OF SKILL;

4. NEW YORK COURTS HAVE INTERPRETED NEW YORK LAW TO APPLY A MORE RIGOROUS TEST IN IDENTIFYING A "CONTEST OF CHANCE" THAN IS APPLIED BY MOST STATES IN THIS NATION AND THE COURTS HAVE FOUND THAT WHERE A CONTEST PITS THE SKILL LEVELS OF THE PLAYERS AGAINST EACH OTHER, THOSE GAMES ARE GAMES OF SKILL AND NOT GAMES OF CHANCE. FURTHERMORE, THE COURTS HAVE NOT LIMITED THE LEGISLATURE'S ABILITY TO DETERMINE THAT CERTAIN FORMS OF POKER SHOULD FALL OUTSIDE THE GENERAL DEFINITION OF GAMBLING SINCE THOSE GAMES ARE GAMES OF SKILL;

5. TEXAS HOLD'EM POKER INVOLVES TWO CARDS DEALT FACE DOWN TO EACH PLAYER AND THEN FIVE COMMUNITY CARDS PLACED FACE-UP BY THE DEALER, A SERIES OF THREE, THEN TWO ADDITIONAL SINGLE CARDS, WITH PLAYERS DETERMINING WHETHER TO CHECK, BET, RAISE OR FOLD AFTER EACH DEAL. OMAHA HOLD'EM POKER IS A SIMILAR GAME, IN WHICH EACH PLAYER IS DEALT FOUR CARDS AND MAKES HIS OR HER BEST HAND USING EXACTLY TWO OF THEM, PLUS EXACTLY THREE OF THE FIVE COMMUNITY CARDS. THESE GAMES ARE CONSIDERED TO BE COMPLEX FORMS OF POKER WHICH INVOLVE PLAYER STRATEGY AND DECISION-MAKING AND WHICH PIT THE SKILL LEVELS OF THE PLAYERS AGAINST EACH OTHER. AS GAMES OF SKILL, THESE FORMS OF POKER DO NOT FALL UNDER THE DEFINITION OF GAMBLING AS PROHIBITED BY THE PENAL LAW; AND

6. THE LEGISLATURE FURTHER FINDS THAT AS THE INTERNET HAS BECOME AN INTEGRAL PART OF SOCIETY, AND INTERNET POKER A MAJOR FORM OF ENTERTAINMENT FOR MANY CONSUMERS, ANY INTERACTIVE GAMING ENFORCEMENT AND REGULATORY STRUCTURE MUST BEGIN FROM THE BEDROCK PREMISE THAT PARTICIPATION IN A LAWFUL AND LICENSED GAMING INDUSTRY IS A PRIVILEGE AND NOT A RIGHT, AND THAT REGULATORY OVERSIGHT IS INTENDED TO SAFEGUARD THE INTEGRITY OF THE GAMES AND PARTICIPANTS AND TO ENSURE ACCOUNTABILITY AND THE PUBLIC TRUST.

S 1501. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "AUTHORIZED GAME" MEANS OMAHA HOLD'EM AND TEXAS HOLD'EM POKER, AS WELL AS ANY OTHER POKER GAME THAT THE COMMISSION DETERMINES IS THE MATERIAL EQUIVALENT OF EITHER OF THOSE, WHETHER IN A CASH GAME OR TOURNAMENT.

2. "AUTHORIZED PARTICIPANTS" MEANS PERSONS WHO ARE EITHER PHYSICALLY PRESENT IN THIS STATE WHEN PLACING A WAGER OR WHO OTHERWISE ARE PERMITTED BY APPLICABLE LAW, AS DETERMINED BY THE COMMISSION, TO PLACE A WAGER. THE INTERMEDIATE ROUTING OF ELECTRONIC DATA IN CONNECTION WITH INTERACTIVE GAMING SHALL NOT DETERMINE THE LOCATION OR LOCATIONS IN WHICH A WAGER IS INITIATED, RECEIVED OR OTHERWISE MADE.

3. "CORE FUNCTION" MEANS ANY OF THE FOLLOWING: (A) THE MANAGEMENT, ADMINISTRATION OR CONTROL OF WAGERS ON INTERACTIVE GAMING; (B) THE MANAGEMENT, ADMINISTRATION OR CONTROL OF THE GAMES WITH WHICH THOSE WAGERS ARE ASSOCIATED; OR (C) THE DEVELOPMENT, MAINTENANCE, PROVISION OR OPERATION OF AN INTERACTIVE GAMING PLATFORM.

4. "COMMISSION" MEANS THE NEW YORK STATE GAMING COMMISSION.

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5. "DIVISION" MEANS THE DIVISION OF GAMING, ESTABLISHED UNDER PARAGRAPH (C) OF SUBDIVISION TWO OF SECTION ONE HUNDRED THREE OF THIS CHAPTER.

6. "INTERACTIVE GAMING" MEANS THE CONDUCT OF GAMES THROUGH THE USE OF THE INTERNET OR OTHER COMMUNICATIONS TECHNOLOGY THAT ALLOWS A PERSON, UTILIZING MONEY, CHECKS, ELECTRONIC CHECKS, ELECTRONIC TRANSFERS OF MONEY, CREDIT CARDS, DEBIT CARDS OR ANY OTHER INSTRUMENTALITY, TO TRANSMIT TO A COMPUTER INFORMATION TO ASSIST IN THE PLACING OF A WAGER AND CORRESPONDING INFORMATION RELATED TO THE DISPLAY OF THE GAME, GAME OUTCOMES OR OTHER SIMILAR INFORMATION. THE TERM DOES NOT INCLUDE THE CONDUCT OF (A) NON-GAMBLING GAMES THAT DO NOT OTHERWISE REQUIRE A LICENSE UNDER STATE OR FEDERAL LAW; OR (B) GAMES THAT OCCUR ENTIRELY

AMONG PARTICIPANTS WHO ARE LOCATED ON A LICENSED CASINO PREMISES. FOR PURPOSES OF THIS PROVISION, "COMMUNICATIONS TECHNOLOGY" MEANS ANY METHOD USED AND THE COMPONENTS EMPLOYED BY AN ESTABLISHMENT TO FACILITATE THE TRANSMISSION OF INFORMATION, INCLUDING, WITHOUT LIMITATION, TRANSMISSION AND RECEPTION BY SYSTEMS BASED ON WIRE, CABLE, RADIO, MICROWAVE, LIGHT, OPTICS OR COMPUTER DATA NETWORKS, INCLUDING, WITHOUT LIMITATION, THE INTERNET AND INTRANETS.

7. "INTERACTIVE GAMING GROSS REVENUE" MEANS THE TOTAL OF ALL SUMS PAID TO A LICENSEE FROM INTERACTIVE GAMING INVOLVING AUTHORIZED PARTICIPANTS, LESS ONLY THE TOTAL OF ALL SUMS PAID OUT AS WINNINGS TO PATRONS AND PROMOTIONAL GAMING CREDITS; PROVIDED, HOWEVER, THAT THE CASH EQUIVALENT VALUE OF ANY MERCHANDISE OR OTHER NON-CASH THING OF VALUE INCLUDED IN A CONTEST OR TOURNAMENT SHALL NOT BE INCLUDED IN THE TOTAL OF ALL SUMS PAID OUT AS WINNINGS TO PLAYERS FOR PURPOSES OF DETERMINING INTERACTIVE GAMING GROSS REVENUE.

(A) NEITHER AMOUNTS DEPOSITED WITH A LICENSEE FOR PURPOSES OF INTERACTIVE GAMING NOR AMOUNTS TAKEN IN FRAUDULENT ACTS PERPETRATED AGAINST A LICENSEE FOR WHICH THE LICENSEE IS NOT REIMBURSED SHALL BE CONSIDERED TO HAVE BEEN "PAID" TO THE LICENSEE FOR PURPOSES OF CALCULATING INTERACTIVE GAMING GROSS REVENUE.

(B) "PROMOTIONAL GAMING CREDIT" INCLUDES BONUSES, PROMOTIONS AND ANY AMOUNT RECEIVED BY A LICENSEE FROM A PATRON FOR WHICH THE LICENSEE CAN DEMONSTRATE THAT IT OR ITS AFFILIATE HAS NOT RECEIVED CASH.

8. "INTERACTIVE GAMING PLATFORM" MEANS THE COMBINATION OF HARDWARE, SOFTWARE AND DATA NETWORKS USED TO MANAGE, ADMINISTER OR CONTROL WAGERS ON INTERACTIVE GAMING OR THE GAMES WITH WHICH THOSE WAGERS ARE ASSOCIATED.

9. "INTERNET" MEANS A COMPUTER NETWORK OF INTEROPERABLE PACKET-SWITCHED DATA NETWORKS.

10. "LICENSEE" MEANS A PERSON WHO IS LICENSED BY THE COMMISSION TO OFFER INTERACTIVE GAMING, USING AN INTERACTIVE GAMING PLATFORM TO AUTHORIZED PARTICIPANTS. A LICENSEE MAY UTILIZE MULTIPLE INTERACTIVE GAMING PLATFORMS PROVIDED THAT EACH PLATFORM IS APPROVED BY THE COMMISSION.

11. "OMAHA HOLD'EM POKER" MEANS THE POKER GAME MARKETED AS OMAHA HOLD'EM POKER OR OMAHA POKER IN WHICH EACH PLAYER IS DEALT FOUR CARDS AND MUST MAKE HIS OR HER BEST HAND USING EXACTLY TWO OF THEM, PLUS EXACTLY THREE OF THE FIVE COMMUNITY CARDS.

12. "SIGNIFICANT VENDOR" MEANS ANY PERSON WHO OFFERS OR WHO PROPOSES TO OFFER ANY OF THE FOLLOWING SERVICES WITH RESPECT TO INTERACTIVE GAMING: (A) A CORE FUNCTION; (B) SALE, LICENSING OR OTHER RECEIPT OF COMPENSATION FOR SELLING OR LICENSING A DATABASE OR CUSTOMER LIST OF INDIVIDUALS RESIDING IN THE UNITED STATES SELECTED IN WHOLE OR IN PART BECAUSE THEY PLACED WAGERS OR PARTICIPATED IN GAMBLING GAMES WITH OR

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THROUGH AN INTERNET WEBSITE OR OPERATOR (OR ANY DERIVATIVE OF SUCH A DATABASE OR CUSTOMER LIST); (C) PROVISION OF ANY TRADEMARK, TRADENAME, SERVICE MARK OR SIMILAR INTELLECTUAL PROPERTY UNDER WHICH A LICENSEE OR SIGNIFICANT VENDOR IDENTIFIES INTERACTIVE GAMES TO CUSTOMERS; OR (D) PROVISION OF ANY PRODUCT, SERVICE OR ASSET TO A LICENSEE OR SIGNIFICANT VENDOR IN RETURN FOR A PERCENTAGE OF INTERACTIVE GAMING REVENUE (NOT INCLUDING FEES TO FINANCIAL INSTITUTIONS AND PAYMENT PROVIDERS FOR FACILITATING A DEPOSIT OR WITHDRAWAL BY AN AUTHORIZED PARTICIPANT). THE TERM "SIGNIFICANT VENDOR" SHALL NOT INCLUDE A PROVIDER OF GOODS OR SERVICES TO A LICENSEE THAT ARE NOT SPECIFICALLY DESIGNED FOR USE AND NOT PRINCIPALLY USED IN CONNECTION WITH INTERACTIVE GAMING.

13. "TEXAS HOLD'EM POKER" MEANS THE TYPE OF POKER MARKETED AS TEXAS HOLD'EM POKER THAT INVOLVES TWO CARDS BEING DEALT FACE DOWN TO EACH PLAYER AND THEN FIVE COMMUNITY CARDS BEING PLACED FACE-UP BY THE DEALER, A SERIES OF THREE THEN TWO ADDITIONAL SINGLE CARDS, WITH PLAYERS HAVING THE OPTION TO CHECK, BET, RAISE OR FOLD AFTER EACH DEAL.

S 1502. AUTHORIZATION. 1. THE COMMISSION SHALL, WITHIN ONE HUNDRED EIGHTY DAYS OF THE DATE THIS ARTICLE BECOMES LAW, PROMULGATE REGULATIONS TO IMPLEMENT INTERACTIVE GAMING IN THIS STATE AND SHALL AUTHORIZE UP TO ELEVEN LICENSES TO OPERATE INTERACTIVE GAMING INVOLVING AUTHORIZED PARTICIPANTS, SUBJECT TO THE PROVISIONS OF THIS ARTICLE AND OTHER APPLICABLE PROVISIONS OF LAW.

2. APPLICANTS ELIGIBLE TO APPLY FOR A LICENSE PURSUANT TO THIS ARTICLE SHALL BE THOSE ENTITIES:

(A) LICENSED BY THE STATE PURSUANT TO SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THE TAX LAW TO OPERATE VIDEO LOTTERY GAMING AND HAS EXPERIENCE IN THE OPERATION OF INTERACTIVE GAMING BY BEING LICENSED IN A STATE WITH COMPARABLE LICENSING REQUIREMENTS OR GUARANTEES ACQUISITION OF ADEQUATE BUSINESS COMPETENCE AND EXPERIENCE IN THE OPERATION OF INTERACTIVE GAMING; OR

(B) LICENSED BY THE STATE TO OPERATE A CLASS III GAMING FACILITY PURSUANT TO ARTICLE THIRTEEN OF THIS CHAPTER AND HAS EXPERIENCE IN THE OPERATION OF INTERACTIVE GAMING BY BEING LICENSED IN A STATE WITH COMPARABLE LICENSING REQUIREMENTS OR GUARANTEES ACQUISITION OF ADEQUATE BUSINESS COMPETENCE AND EXPERIENCE IN THE OPERATION OF INTERACTIVE GAMING.

3. THE COMMISSION SHALL, TO THE EXTENT PRACTICABLE, ISSUE LICENSES TO MULTIPLE APPLICANTS NO SOONER THAN ONE HUNDRED EIGHTY DAYS AFTER THE PROMULGATION OF REGULATIONS IN ORDER TO ENSURE A ROBUST AND COMPETITIVE MARKET FOR CONSUMERS AND TO PREVENT EARLY LICENSEES FROM GAINING AN UNFAIR COMPETITIVE ADVANTAGE.

4. NO PERSON MAY OPERATE, MANAGE OR MAKE AVAILABLE AN INTERACTIVE GAMING PLATFORM OR ACT AS A SIGNIFICANT VENDOR WITH RESPECT TO INTERACTIVE GAMING THAT IS OFFERED TO PERSONS LOCATED IN THIS STATE UNLESS LICENSED BY THE COMMISSION PURSUANT TO THIS ARTICLE AND ONLY THOSE GAMES AUTHORIZED BY THE COMMISSION SHALL BE PERMITTED.

5. LICENSE APPLICANTS MAY FORM A PARTNERSHIP, JOINT VENTURE OR OTHER CONTRACTUAL ARRANGEMENT IN ORDER TO FACILITATE THE PURPOSES OF THIS ARTICLE.

6. ANY PERSON FOUND SUITABLE BY THE COMMISSION MAY BE ISSUED A LICENSE AS AN OPERATOR OR SIGNIFICANT VENDOR PURSUANT TO THIS ARTICLE. IN DETERMINING SUITABILITY, THE COMMISSION SHALL CONSIDER THOSE FACTORS IT DEEMS RELEVANT IN ITS DISCRETION, INCLUDING BUT NOT LIMITED TO:

(A) WHETHER THE APPLICANT IS A PERSON OF GOOD CHARACTER, HONESTY AND INTEGRITY;

(B) WHETHER THE APPLICANT IS PERSON WHOSE PRIOR ACTIVITIES, CRIMINAL RECORD, IF ANY, REPUTATION, HABITS AND ASSOCIATIONS DO NOT:

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(I) POSE A THREAT TO THE PUBLIC INTEREST OR TO THE EFFECTIVE REGULATION AND CONTROL OF INTERACTIVE GAMING; OR

(II) CREATE OR ENHANCE THE DANGERS OF UNSUITABLE, UNFAIR OR ILLEGAL PRACTICES, METHODS AND ACTIVITIES IN THE CONDUCT OF INTERACTIVE GAMING OR IN THE CARRYING ON OF THE BUSINESS AND FINANCIAL ARRANGEMENTS INCIDENTAL TO SUCH GAMING;

(C) WHETHER THE APPLICANT IS CAPABLE OF AND LIKELY TO CONDUCT THE ACTIVITIES FOR WHICH THE APPLICANT IS LICENSED IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, ANY REGULATIONS PRESCRIBED UNDER THIS ARTICLE AND ALL OTHER APPLICABLE LAWS;

(D) WHETHER THE APPLICANT HAS OR GUARANTEES ACQUISITION OF ADEQUATE BUSINESS COMPETENCE AND EXPERIENCE IN THE OPERATION OF LICENSED GAMING OR OF INTERACTIVE GAMING IN THIS STATE OR IN A STATE WITH COMPARABLE LICENSING REQUIREMENTS; AND

(E) WHETHER THE APPLICANT HAS OR WILL OBTAIN SUFFICIENT FINANCING FOR THE NATURE OF THE PROPOSED OPERATION AND FROM A SUITABLE SOURCE.

7. THE COMMISSION FURTHER SHALL DEVELOP STANDARDS BY WHICH TO EVALUATE AND APPROVE INTERACTIVE GAMING PLATFORMS FOR USE WITH INTERACTIVE GAMING. INTERACTIVE GAMING PLATFORMS MUST BE APPROVED BY THE COMMISSION BEFORE BEING USED BY A LICENSEE OR SIGNIFICANT VENDOR TO CONDUCT INTERACTIVE GAMING IN THIS STATE.

8. THE COMMISSION SHALL REQUIRE ALL LICENSEES TO PAY A ONE-TIME FEE OF TEN MILLION DOLLARS. SUCH FEE PAID BY EACH LICENSEE SHALL BE APPLIED TO SATISFY, IN WHOLE OR IN PART, AS APPLICABLE, THAT LICENSEE'S TAX OBLIGATION PURSUANT TO SECTION FIFTEEN HUNDRED FIVE OF THIS ARTICLE IN SIXTY EQUAL MONTHLY INSTALLMENTS, ALLOCATED TO EACH OF THE FIRST SIXTY MONTHS OF TAX OWED AFTER THE LICENSEE HAS BEGUN OPERATING INTERACTIVE GAMING PURSUANT TO THIS ARTICLE. NO AMOUNTS NOT REQUIRED TO BE USED TO SATISFY SUCH TAX OBLIGATION DURING THAT PERIOD SHALL BE ALLOCATED TO PAYMENT OF SUCH TAX OBLIGATION AFTER THAT PERIOD.

9. LICENSES ISSUED BY THE COMMISSION SHALL REMAIN IN EFFECT FOR TEN YEARS.

10. THE COMMISSION, BY REGULATION, MAY AUTHORIZE AND PROMULGATE ANY RULES NECESSARY TO IMPLEMENT AGREEMENTS WITH OTHER STATES, OR AUTHORIZED AGENCIES THEREOF (A) TO ENABLE PATRONS IN THOSE STATES TO PARTICIPATE IN INTERACTIVE GAMING OFFERED BY LICENSEES UNDER THIS ARTICLE OR (B) TO

ENABLE PATRONS IN THIS STATE TO PARTICIPATE IN INTERACTIVE GAMING OFFERED BY LICENSEES UNDER THE LAWS OF THOSE OTHER STATES, PROVIDED THAT SUCH OTHER STATE OR AUTHORIZED AGENCY APPLIES SUITABILITY STANDARDS AND REVIEW MATERIALLY CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE.

11. ANY REGULATIONS ADOPTED PURSUANT TO SUBDIVISION TEN OF THIS SECTION MUST SET FORTH PROVISIONS THAT ADDRESS:

(A) ANY ARRANGEMENTS TO SHARE REVENUE BETWEEN NEW YORK AND ANY OTHER STATE OR AGENCY WITHIN ANOTHER STATE; AND

(B) ARRANGEMENTS TO ENSURE THE INTEGRITY OF INTERACTIVE GAMING OFFERED PURSUANT TO ANY SUCH AGREEMENT AND THE PROTECTION OF PATRONS LOCATED IN THIS STATE.

12. THE COMMISSION MAY DELEGATE ITS RESPONSIBILITIES TO ADMINISTER THE PROVISIONS OF THIS ARTICLE TO THE DIVISION, AS IT SEES FIT, EXCEPT FOR ITS RESPONSIBILITIES TO APPROVE LICENSES.

S 1503. REQUIRED SAFEGUARDS/MINIMUM STANDARDS. THE COMMISSION SHALL REQUIRE LICENSEES TO IMPLEMENT MEASURES TO MEET THE STANDARDS SET OUT IN THIS SECTION, ALONG WITH SUCH OTHER STANDARDS THAT THE COMMISSION IN ITS DISCRETION MAY CHOOSE TO REQUIRE.

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(A) APPROPRIATE SAFEGUARDS TO ENSURE, TO A REASONABLE DEGREE OF CERTAINTY, THAT PARTICIPANTS IN INTERACTIVE GAMING ARE NOT YOUNGER THAN TWENTY-ONE YEARS OF AGE.

(B) APPROPRIATE SAFEGUARDS TO ENSURE, TO A REASONABLE DEGREE OF CERTAINTY, THAT PARTICIPANTS IN INTERACTIVE GAMING ARE PHYSICALLY LOCATED WITHIN THE STATE OR SUCH OTHER JURISDICTION THAT THE COMMISSION HAS DETERMINED TO BE PERMISSIBLE.

(C) APPROPRIATE SAFEGUARDS TO PROTECT, TO A REASONABLE DEGREE OF CERTAINTY, THE PRIVACY AND ONLINE SECURITY OF PARTICIPANTS IN INTERACTIVE GAMING.

(D) APPROPRIATE SAFEGUARDS TO ENSURE, TO A REASONABLE DEGREE OF CERTAINTY, THAT THE INTERACTIVE GAMING IS FAIR AND HONEST AND THAT APPROPRIATE MEASURES ARE IN PLACE TO DETER, DETECT AND, TO THE EXTENT REASONABLY POSSIBLE, TO PREVENT CHEATING, INCLUDING COLLUSION, AND USE OF CHEATING DEVICES, INCLUDING USE OF SOFTWARE PROGRAMS (SOMETIMES REFERRED TO AS "BOTS") THAT MAKE BETS OR WAGERS ACCORDING TO ALGORITHMS.

(E) APPROPRIATE SAFEGUARDS TO MINIMIZE COMPULSIVE GAMING AND TO PROVIDE NOTICE TO PARTICIPANTS OF RESOURCES TO HELP PROBLEM GAMBLERS.

(F) APPROPRIATE SAFEGUARDS TO ENSURE PARTICIPANTS' FUNDS ARE HELD IN ACCOUNTS SEGREGATED FROM THE FUNDS OF LICENSEES AND OTHERWISE ARE PROTECTED FROM CORPORATE INSOLVENCY, FINANCIAL RISK OR CRIMINAL OR CIVIL ACTIONS AGAINST THE LICENSEE.

S 1504. SCOPE OF LICENSING REVIEW. 1. IN CONNECTION WITH ANY LICENSE ISSUED PURSUANT TO THIS ARTICLE, THE LICENSEE, SIGNIFICANT VENDOR OR APPLICANT SHALL IDENTIFY AND THE COMMISSION SHALL REVIEW THE SUITABILITY OF SUCH LICENSEE'S, SIGNIFICANT VENDOR'S OR APPLICANT'S OWNER, CHIEF EXECUTIVE OFFICER, CHIEF FINANCIAL OFFICER AND ANY OTHER OFFICER OR EMPLOYEE WHO THE COMMISSION DEEMS IS SIGNIFICANTLY INVOLVED IN THE MANAGEMENT OR CONTROL OF THE LICENSEE, SIGNIFICANT VENDOR OR APPLICANT OR OF THE INTERACTIVE GAMING PLATFORM. "OWNER" FOR PURPOSES OF THIS PROVISION MEANS ANY PERSON WHO DIRECTLY OR INDIRECTLY HOLDS ANY BENEFICIAL OR OWNERSHIP INTEREST IN THE APPLICANT OF FIVE PERCENT OR GREATER OR ANY AMOUNT OF OWNERSHIP THAT THE COMMISSION DETERMINES TO BE SIGNIFICANT OWNERSHIP OF THE LICENSEE, SIGNIFICANT VENDOR, OR APPLICANT.

2. INSTITUTIONAL INVESTORS ARE SUBJECT TO THE PROVISIONS SET OUT IN THIS SECTION.

(A) AN INSTITUTIONAL INVESTOR HOLDING UNDER TWENTY-FIVE PERCENT OF THE EQUITY SECURITIES OF A LICENSEE'S OR SIGNIFICANT VENDOR'S (OR APPLICANT'S) HOLDING OR INTERMEDIARY COMPANIES, SHALL BE GRANTED A WAIVER OF ANY INVESTIGATION OF SUITABILITY OR OTHER REQUIREMENT IF SUCH SECURITIES ARE THOSE OF A CORPORATION, WHETHER PUBLICLY TRADED OR PRIVATELY HELD, AND ITS HOLDINGS OF SUCH SECURITIES WERE PURCHASED FOR INVESTMENT PURPOSES ONLY AND IT FILES A CERTIFIED STATEMENT TO THE EFFECT THAT IT HAS NO INTENTION OF INFLUENCING OR AFFECTING THE AFFAIRS OF THE ISSUER, THE LICENSEE (OR SIGNIFICANT VENDOR OR APPLICANT, AS APPLICABLE) OR ITS HOLDING OR INTERMEDIARY COMPANIES; PROVIDED, HOWEVER, THAT IT SHALL BE PERMITTED TO VOTE ON MATTERS PUT TO THE VOTE OF THE OUTSTANDING SECURITY HOLDERS. THE COMMISSION MAY GRANT SUCH A WAIVER TO AN INSTITUTIONAL INVESTOR HOLDING A HIGHER PERCENTAGE OF SUCH SECURITIES UPON A SHOWING OF GOOD CAUSE AND IF THE CONDITIONS SPECIFIED ABOVE ARE MET. ANY INSTI-

TUTIONAL INVESTOR GRANTED A WAIVER UNDER THIS PARAGRAPH WHICH SUBSEQUENTLY DETERMINES TO INFLUENCE OR AFFECT THE AFFAIRS OF THE ISSUER SHALL PROVIDE NOT LESS THAN THIRTY DAYS' NOTICE OF SUCH INTENT AND SHALL FILE WITH THE COMMISSION A REQUEST FOR DETERMINATION OF SUITABILITY BEFORE TAKING ANY ACTION THAT MAY INFLUENCE OR AFFECT THE AFFAIRS OF THE ISSUER; PROVIDED, HOWEVER, THAT IT SHALL BE PERMITTED TO VOTE ON MATTERS

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PUT TO THE VOTE OF THE OUTSTANDING SECURITY HOLDERS. IF AN INSTITUTIONAL INVESTOR CHANGES ITS INVESTMENT INTENT, OR IF THE COMMISSION FINDS REASONABLE CAUSE TO BELIEVE THAT THE INSTITUTIONAL INVESTOR MAY BE FOUND UNSUITABLE, NO ACTION OTHER THAN DIVESTITURE SHALL BE TAKEN BY SUCH INVESTOR WITH RESPECT TO ITS SECURITY HOLDINGS UNTIL THERE HAS BEEN COMPLIANCE WITH ANY REQUIREMENTS ESTABLISHED BY THE COMMISSION, WHICH MAY INCLUDE THE EXECUTION OF A TRUST AGREEMENT. THE LICENSEE (OR SIGNIFICANT VENDOR OR APPLICANT, AS APPLICABLE) AND ITS RELEVANT HOLDING, INTERMEDIARY OR SUBSIDIARY COMPANY SHALL NOTIFY THE COMMISSION IMMEDIATELY OF ANY INFORMATION ABOUT, OR ACTIONS OF, AN INSTITUTIONAL INVESTOR HOLDING ITS EQUITY SECURITIES WHERE SUCH INFORMATION OR ACTION MAY IMPACT UPON THE ELIGIBILITY OF SUCH INSTITUTIONAL INVESTOR FOR A WAIVER PURSUANT TO THIS PARAGRAPH.

(B) IF AT ANY TIME THE COMMISSION FINDS THAT AN INSTITUTIONAL INVESTOR HOLDING ANY SECURITY OF A HOLDING OR INTERMEDIARY COMPANY OF A LICENSEE OR SIGNIFICANT VENDOR OR APPLICANT, OR, WHERE RELEVANT, OF ANOTHER SUBSIDIARY COMPANY OF A HOLDING OR INTERMEDIARY COMPANY OF A LICENSEE OR SIGNIFICANT VENDOR OR APPLICANT WHICH IS RELATED IN ANY WAY TO THE FINANCING OF THE LICENSEE OR SIGNIFICANT VENDOR OR APPLICANT, FAILS TO COMPLY WITH THE TERMS OF PARAGRAPH (A) OF THIS SECTION, OR IF AT ANY TIME THE COMMISSION FINDS THAT, BY REASON OF THE EXTENT OR NATURE OF ITS HOLDINGS, AN INSTITUTIONAL INVESTOR IS IN A POSITION TO EXERCISE SUCH A SUBSTANTIAL IMPACT UPON THE CONTROLLING INTERESTS OF A LICENSEE OR SIGNIFICANT VENDOR OR APPLICANT THAT INVESTIGATION AND DETERMINATION OF SUITABILITY OF THE INSTITUTIONAL INVESTOR IS NECESSARY TO PROTECT THE PUBLIC INTEREST, THE COMMISSION MAY TAKE ANY NECESSARY ACTION OTHERWISE AUTHORIZED UNDER THIS ARTICLE TO PROTECT THE PUBLIC INTEREST.

(C) FOR PURPOSES OF THIS SECTION, AN "INSTITUTIONAL INVESTOR" SHALL MEAN ANY RETIREMENT FUND ADMINISTERED BY A PUBLIC AGENCY FOR THE EXCLUSIVE BENEFIT OF FEDERAL, STATE, OR LOCAL PUBLIC EMPLOYEES; INVESTMENT COMPANY REGISTERED UNDER THE INVESTMENT COMPANY ACT OF 1940 (15 U.S.C. S 80A-1 ET SEQ.); COLLECTIVE INVESTMENT TRUST ORGANIZED BY BANKS UNDER PART NINE OF THE RULES OF THE COMPTROLLER OF THE CURRENCY; CLOSED END INVESTMENT TRUST; CHARTERED OR LICENSED LIFE INSURANCE COMPANY OR PROPERTY AND CASUALTY INSURANCE COMPANY; BANKING AND OTHER CHARTERED OR LICENSED LENDING INSTITUTION; INVESTMENT ADVISOR REGISTERED UNDER THE INVESTMENT ADVISORS ACT OF 1940 (15 U.S.C. S 80B-1 ET SEQ.); AND SUCH OTHER PERSONS AS THE COMMISSION MAY DETERMINE FOR REASONS CONSISTENT WITH THE PUBLIC INTEREST.

S 1505. STATE TAX. LICENSEES ENGAGED IN THE BUSINESS OF CONDUCTING INTERACTIVE GAMING PURSUANT TO THIS ARTICLE SHALL PAY A PRIVILEGE TAX BASED ON THE LICENSEE'S INTERACTIVE GAMING GROSS REVENUE AT A FIFTEEN PERCENT RATE.

S 1506. DISPOSITION OF TAXES. THE COMMISSION SHALL PAY INTO THE STATE LOTTERY FUND ALL TAXES IMPOSED BY THIS ARTICLE; ANY INTEREST AND PENALTIES IMPOSED BY THE COMMISSION RELATING TO THOSE TAXES; ALL PENALTIES LEVIED AND COLLECTED BY THE COMMISSION; AND THE APPROPRIATE FUNDS, CASH OR PRIZES FORFEITED FROM INTERACTIVE GAMING.

S 2. Subdivision 1 of section 225.00 of the penal law is amended to read as follows:

1. "Contest of chance" means any contest, game, gaming scheme or gaming device in which the outcome depends [in a material degree] PREDOMINANTLY upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

S 3. The penal law is amended by adding a new section 225.36 to read as follows:

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S 225.36 INTERACTIVE GAMING OFFENSES AND EXCEPTIONS.

1. THE KNOWING AND WILLFUL OFFERING OF UNLICENSED INTERACTIVE GAMING TO PERSONS IN THIS STATE, OR THE KNOWING AND WILLFUL PROVISION OF

SERVICES WITH RESPECT THERETO, SHALL CONSTITUTE A GAMBLING OFFENSE UNDER THIS ARTICLE.

2. LICENSED INTERACTIVE GAMING ACTIVITIES UNDER SECTION FIFTEEN HUNDRED TWO OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW SHALL NOT BE A GAMBLING OFFENSE UNDER THIS ARTICLE.

3. A PERSON OFFERING UNLICENSED INTERACTIVE GAMING TO PERSONS IN THIS STATE SHALL BE LIABLE FOR ALL TAXES SET FORTH IN SECTION FIFTEEN HUNDRED FIVE OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW IN THE SAME MANNER AND AMOUNTS AS IF SUCH PERSON WERE A LICENSEE. TIMELY PAYMENT OF SUCH TAXES SHALL NOT CONSTITUTE A DEFENSE TO ANY PROSECUTION OR OTHER PROCEEDING IN CONNECTION WITH THE INTERACTIVE GAMING EXCEPT FOR A PROSECUTION OR PROCEEDING ALLEGING FAILURE TO MAKE SUCH PAYMENT.

§ 4. Severability clause. If any provision of this act or application thereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the act, but shall be confined in its operation to the provision thereof directly involved in the controversy in which the judgment shall have been rendered.

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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1 Comment The New York State Senate

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EXHIBIT “E”

Copy of New York Senate Bill S-7900, sponsored by
Sen. John Bonacic, introduced in the 2017-2018
Legislative session.

Senate Bill S7900

2017-2018 Legislative Session

Relates to regulation of sports betting and mobile sports wagering in New York

[DOWNLOAD BILL TEXT PDF \(HTTP://LEGISLATION.NYSENATE.GOV/PDF/BILLS/2017/S7900\)](http://legislation.nysenate.gov/pdf/bills/2017/s7900)

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[John J. Bonacic \(/Senators/John-J-Bonacic\)](#)
(R, C, IP) 42ND SENATE DISTRICT

CURRENT BILL STATUS -

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Joseph P. Addabbo Jr (/Senators/Joseph-P-Addabbo-Jr)
(D) 15TH SENATE DISTRICT



Tony Avella (/Senators/Tony-Avella)
(D) 11TH SENATE DISTRICT



John E. Brooks (/Senators/John-E-Brooks)
(D) 8TH SENATE DISTRICT



Rich Funke (/Senators/Rich-Funke)
(R, C, IP) 55TH SENATE DISTRICT

VIEW ADDITIONAL CO-SPONSORS**S7900 - DETAILS**

Law Section:

Racing, Pari-Mutuel Wagering and Breeding Law

Laws Affected:

Amd §§1367, 104 & 1401, add §1367-a, RWB L

S7900 - SUMMARY

Relates to regulation of sports betting and mobile sports wagering; implements a tax equivalent to eight and one-half percent of sports wagering gross revenue to be paid to the commercial gaming revenue fund; requires reporting.

S7900 - SPONSOR MEMO

BILL NUMBER: S7900

TITLE OF BILL : An act to amend the racing, pari-mutuel wagering and breeding law, in relation to regulation of sports betting

PURPOSE :

To update the existing provisions of law which allow the four upstate casino gaming resorts to conduct sports betting in the event of a change in the federal law which currently prohibits it.

SUMMARY OF PROVISIONS :

Section 1: Amends section 1367 of the Racing, Pari-Mutuel Wagering and Breeding Law as follows:

*Expands and clarifies definitions;

*Prohibits sports betting on high school athletic events;

*Provides a listing of the individuals who are prohibited from participating in sports betting;

*Clarifies the ability of casinos to place layoff bets and the authority of the Gaming Commission to regulate how they are placed;

*Requires annual reports from the casinos on sports betting;

*Requires the casinos to pay a fee of .25% of handle (not to exceed 2% of gross sports wagering revenue) to the state for sports governing bodies to be able to seek reimbursement for integrity related costs;

*Requires the casinos to pay a state tax of 8.5% of gross sports wagering revenue;

*Clarifies that interactive fantasy sports are not included in the provisions regulating sports betting conducted by casinos;

*Clarifies that pari-mutuel wagering on horse racing is not included within sports betting but provides the circumstances under which casinos may offer pari-mutuel wagering on horses;

*Provides the ability for sports governing bodies to petition the Gaming Commission to restrict certain wagers on sports events;

*Provides a structure for investigations and data sharing between the casinos, Gaming Commission and sports governing bodies;

*Provides the ability for sports governing bodies to require the use of official league data for certain wagers on sports events; and

*Provides for a civil penalty for violations of this section.

Section 2: Amends the Racing, Pari-Mutuel Wagering and Breeding Law by adding a new section 1367-a which authorizes and regulates mobile sports wagering as follows:

*Provides definitions of relevant terms;

*Provides a listing of the individuals who are prohibited from participating in sports betting;

*Requires a casino offering a mobile sports betting platform to register with the Gaming Commission;

*Requires any outside vendor offering a mobile sports betting platform for a casino to be licensed as a casino vendor enterprise;

*Requires any sports bettor to be located in the State of New York when placing a sports wager;

*Requires mobile sports betting platform operators to conform to a series of safeguards similar to those required of interactive fantasy sports operators;

*Requires sports bettors to sign up for their mobile sports betting account in person at a casino or an affiliate of a casino;

*Limits the potential affiliates of a casino to licensed racetracks, off-track betting corporations, the video lottery operator at Aqueduct racetrack, and the New York Racing Association; and

*Provides for the placement and operation, subject to the approval of the Gaming Commission, of self-service mobile sports wagering kiosks by casinos at the physical locations of their affiliates.

Section 3: Clarifies the authority of the Gaming Commission to regulate sports wagering.

Section 4: Removes the prohibition on fantasy sports contests based upon collegiate sports.

Section 5: Severability clause.

Section 6: Effective date.

JUSTIFICATION :

As part of the 2013 Upstate New York Gaming Economic Development Act, the four upstate casino gaming resorts were granted the ability to conduct sports betting should there be a change in federal law prohibiting sports betting outside of certain states. In December 2017 the United States Supreme Court heard oral arguments in *Christie v. National Collegiate Athletic Association* which may result in the federal prohibition being overturned. In preparation for such a situation, the Senate Committee on Racing, Gaming and Wagering held a hearing in January on the topic of sports betting which has led to the introduction of this legislation to address a number of outstanding issues that are not addressed by the current statute.

LEGISLATIVE HISTORY :

New bill

FISCAL IMPLICATIONS :

Between \$10 million and \$30 million annually to New York State for education based upon conservative market estimates.

EFFECTIVE DATE :

This act shall take effect on the same date and in the same manner as section 1367 of the racing, pari-mutuel wagering and breeding law pursuant to subdivision (c) of section 52 of chapter 174 of the laws of 2013.

[VIEW LESS](#) 

S7900 - BILL TEXT

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STATE OF NEW YORK

7900

IN SENATE

March 7, 2018

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

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to regulation of sports betting

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

Section 1. Section 1367 of the racing, pari-mutuel wagering and breeding law, as added by chapter 174 of the laws of 2013, is amended to read as follows:

S 1367. Sports wagering. 1. As used in this section:

(a) "AFFILIATE" MEANS ANY OFF-TRACK BETTING CORPORATION, FRANCHISED CORPORATION, OR RACE TRACK LICENSED PURSUANT TO THIS CHAPTER, OR AN OPERATOR OF VIDEO LOTTERY GAMING AT AQUEDUCT LICENSED PURSUANT TO SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THE TAX LAW, WHICH HAS A MOBILE SPORTS WAGERING AGREEMENT WITH A CASINO PURSUANT TO SECTION THIRTEEN HUNDRED SIXTY-SEVEN-A OF THIS TITLE;

(B) "AGENT" MEANS AN ENTITY THAT IS PARTY TO A CONTRACT WITH A LICENSED GAMING FACILITY AUTHORIZED TO OPERATE A SPORTS POOL AND IS APPROVED BY THE COMMISSION TO OPERATE A SPORTS POOL ON BEHALF OF SUCH LICENSED GAMING FACILITY;

(C) "AUTHORIZED SPORTS BETTOR" MEANS AN INDIVIDUAL WHO IS PHYSICALLY PRESENT IN THIS STATE WHEN PLACING A SPORTS WAGER, WHO IS NOT A PROHIBITED SPORTS BETTOR, THAT PARTICIPATES IN SPORTS WAGERING OFFERED BY A CASINO. THE INTERMEDIATE ROUTING OF ELECTRONIC DATA IN CONNECTION WITH MOBILE SPORTS WAGERING SHALL NOT DETERMINE THE LOCATION OR LOCATIONS IN WHICH A WAGER IS INITIATED, RECEIVED OR OTHERWISE MADE;

(D) "Casino" means a licensed gaming facility at which gambling is conducted pursuant to the provisions of this article OR THE AGENT OF SUCH LICENSED GAMING FACILITY;

[(b)] (E) "Commission" means the commission established pursuant to section one hundred two of this chapter;

[(c)] (F) "Collegiate sport or athletic event" means a sport or athletic event offered or sponsored by or played in connection with a

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

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public or private institution that offers educational services beyond the secondary level;

(G) "GLOBAL RISK MANAGEMENT" MEANS THE DIRECTION, MANAGEMENT, CONSULTATION AND/OR INSTRUCTION FOR PURPOSES OF MANAGING RISKS ASSOCIATED WITH SPORTS WAGERING CONDUCTED PURSUANT TO THIS SECTION AND INCLUDES THE SETTING AND ADJUSTMENT OF BETTING LINES, POINT SPREADS, OR ODDS AND WHETHER TO PLACE LAYOFF BETS AS PERMITTED BY THIS SECTION;

[(d)] (H) "HIGH SCHOOL SPORT OR ATHLETIC EVENT" MEANS A SPORT OR ATHLETIC EVENT OFFERED OR SPONSORED BY OR PLAYED IN CONNECTION WITH A PUBLIC OR PRIVATE INSTITUTION THAT OFFERS EDUCATION SERVICES AT THE SECONDARY LEVEL;

(I) "HORSE RACING EVENT" MEANS ANY SPORT OR ATHLETIC EVENT CONDUCTED IN NEW YORK STATE SUBJECT TO THE PROVISIONS OF ARTICLES TWO, THREE, FOUR, FIVE, SIX, NINE, TEN AND ELEVEN OF THIS CHAPTER, OR ANY SPORT OR ATHLETIC EVENT CONDUCTED OUTSIDE OF NEW YORK STATE, WHICH IF CONDUCTED IN NEW YORK STATE WOULD BE SUBJECT TO THE PROVISIONS OF THIS CHAPTER;

(J) "IN-PLAY SPORTS WAGER" MEANS A SPORTS WAGER PLACED ON A SPORTS EVENT AFTER THE SPORTS EVENT HAS BEGUN AND BEFORE IT ENDS;

(K) "LAYOFF BET" MEANS A SPORTS WAGER PLACED BY A CASINO SPORTS POOL WITH ANOTHER CASINO SPORTS POOL;

(L) "MINOR" MEANS ANY PERSON UNDER THE AGE OF TWENTY-ONE YEARS;

(M) "MOBILE SPORTS WAGERING PLATFORM" OR "PLATFORM" MEANS THE COMBINATION OF HARDWARE, SOFTWARE, AND DATA NETWORKS USED TO MANAGE, ADMINISTER, OR CONTROL SPORTS WAGERING AND ANY ASSOCIATED WAGERS ACCESSIBLE BY ANY ELECTRONIC MEANS INCLUDING MOBILE APPLICATIONS AND INTERNET WEBSITES;

(N) "OFFICIAL LEAGUE DATA" MEANS STATISTICS, RESULTS, OUTCOMES, AND OTHER DATA RELATING TO A SPORTING EVENT THAT HAVE BEEN OBTAINED FROM THE RELEVANT SPORTS GOVERNING BODY OR AN ENTITY EXPRESSLY AUTHORIZED BY THE SPORTS GOVERNING BODY TO PROVIDE SUCH INFORMATION TO CASINOS;

(O) "Operator" means a casino which has elected to operate a sports pool;

[(e)] (P) "Professional sport or athletic event" means an event at which two or more persons participate in sports or athletic events and receive compensation in excess of actual expenses for their participation in such event;

(Q) "PROHIBITED SPORTS BETTOR" MEANS:

(I) ANY OFFICER OR EMPLOYEE OF THE COMMISSION;

(II) ANY PRINCIPAL OR KEY EMPLOYEE OF A CASINO OR AFFILIATE, EXCEPT AS MAY BE PERMITTED BY THE COMMISSION FOR GOOD CAUSE SHOWN;

(III) ANY CASINO GAMING OR NON-GAMING EMPLOYEE AT THE CASINO THAT EMPLOYS SUCH PERSON AND AT ANY AFFILIATE THAT HAS AN AGREEMENT WITH THAT CASINO;

(IV) ANY CONTRACTOR, SUBCONTRACTOR, OR CONSULTANT, OR OFFICER OR EMPLOYEE OF A CONTRACTOR, SUBCONTRACTOR, OR CONSULTANT, OF A CASINO IF SUCH PERSON IS DIRECTLY INVOLVED IN THE OPERATION OR OBSERVATION OF SPORTS WAGERING, OR THE PROCESSING OF SPORTS WAGERING CLAIMS OR PAYMENTS;

(V) ANY PERSON SUBJECT TO A CONTRACT WITH THE COMMISSION IF SUCH CONTRACT CONTAINS A PROVISION PROHIBITING SUCH PERSON FROM PARTICIPATING IN SPORTS WAGERING;

(VI) ANY SPOUSE, CHILD, BROTHER, SISTER OR PARENT RESIDING AS A MEMBER OF THE SAME HOUSEHOLD IN THE PRINCIPAL PLACE OF ABODE OF ANY OF THE FOREGOING PERSONS AT THE SAME CASINO WHERE THE FOREGOING PERSON IS PROHIBITED FROM PARTICIPATING IN SPORTS WAGERING;

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(VII) ANY INDIVIDUAL WITH ACCESS TO NON-PUBLIC CONFIDENTIAL INFORMATION ABOUT SPORTS WAGERING;

(VIII) ANY AMATEUR OR PROFESSIONAL ATHLETE IF THE SPORTS WAGER IS BASED ON ANY SPORT OR ATHLETIC EVENT OVERSEEN BY THE ATHLETE'S SPORTS GOVERNING BODY;

(IX) ANY SPORTS AGENT, OWNER OR EMPLOYEE OF A TEAM, PLAYER AND UMPIRE UNION PERSONNEL, AND EMPLOYEE REFEREE, COACH OR OFFICIAL OF A SPORTS GOVERNING BODY, IF THE SPORTS WAGER IS BASED ON ANY SPORT OR ATHLETIC EVENT OVERSEEN BY THE INDIVIDUAL'S SPORTS GOVERNING BODY;

(X) ANY INDIVIDUAL PLACING A WAGER AS AN AGENT OR PROXY FOR AN OTHERWISE PROHIBITED SPORTS BETTOR; OR

(XI) ANY MINOR;

[(f)] (R) "Prohibited sports event" means any [collegiate sport or athletic event that takes place in New York or a sport or athletic event in which any New York college team participates regardless of where the event takes place] HIGH SCHOOL SPORT OR ATHLETIC EVENT;

[(g)] (S) "Sports event" means any professional sport or athletic event and any collegiate sport or athletic event, except a prohibited sports event OR A HORSE RACING EVENT;

[(h)] (T) "SPORTS GOVERNING BODY" MEANS THE ORGANIZATION THAT PRESCRIBES FINAL RULES AND ENFORCES CODES OF CONDUCT WITH RESPECT TO A SPORTING EVENT AND PARTICIPANTS THEREIN;

(U) "Sports pool" means the business of accepting wagers on any sports event by any system or method of wagering; [and

(i)] (V) "SPORTS WAGER" MEANS CASH OR CASH EQUIVALENT THAT IS PAID BY AN AUTHORIZED SPORTS BETTOR TO A CASINO TO PARTICIPATE IN SPORTS WAGERING OFFERED BY SUCH CASINO;

(W) "SPORTS WAGERING" MEANS WAGERING ON SPORTING EVENTS OR ANY PORTION THEREOF, OR ON THE INDIVIDUAL PERFORMANCE STATISTICS OF ATHLETES PARTICIPATING IN A SPORTING EVENT, OR COMBINATION OF SPORTING EVENTS, BY ANY SYSTEM OR METHOD OF WAGERING, INCLUDING, BUT NOT LIMITED TO, IN-PERSON COMMUNICATION AND ELECTRONIC COMMUNICATION THROUGH INTERNET WEBSITES AND MOBILE DEVICE APPLICATIONS. THE TERM "SPORTS WAGERING" SHALL INCLUDE, BUT IS NOT LIMITED TO, SINGLE-GAME BETS, TEASER BETS, PARLAYS, OVER-UNDER BETS, MONEYLINE, POOLS, EXCHANGE WAGERING, IN-GAME WAGERING, IN-PLAY BETS, PROPOSITION BETS AND STRAIGHT BETS;

(X) "SPORTS WAGERING GROSS REVENUE" MEANS: (I) THE AMOUNT EQUAL TO THE TOTAL OF ALL SPORTS WAGERS NOT ATTRIBUTABLE TO PROHIBITED SPORTS EVENTS THAT AN OPERATOR COLLECTS FROM ALL PLAYERS, LESS THE TOTAL OF ALL SUMS NOT ATTRIBUTABLE TO PROHIBITED SPORTS EVENTS PAID OUT AS WINNINGS TO ALL SPORTS BETTORS, HOWEVER, THAT THE TOTAL OF ALL SUMS PAID OUT AS WINNINGS TO SPORTS BETTORS SHALL NOT INCLUDE THE CASH EQUIVALENT VALUE OF ANY MERCHANDISE OR THING OF VALUE AWARDED AS A PRIZE, OR (II) IN THE CASE OF EXCHANGE WAGERING PURSUANT TO THIS SECTION, THE COMMISSION ON WINNING SPORTS WAGERS BY AUTHORIZED SPORTS BETTORS RETAINED BY THE OPERATOR. THE ISSUANCE TO OR WAGERING BY AUTHORIZED SPORTS BETTORS AT A CASINO OF ANY PROMOTIONAL GAMING CREDIT SHALL NOT BE TAXABLE FOR THE PURPOSES OF DETERMINING SPORTS WAGERING GROSS REVENUE;

(Y) "Sports wagering lounge" means an area wherein a sports pool is operated;

(Z) "TIER ONE SPORTS WAGER" MEANS A SPORTS WAGER THAT IS DETERMINED SOLELY BY THE FINAL SCORE OR FINAL OUTCOME OF THE SPORTS EVENT AND PLACED BEFORE THE SPORTS EVENT HAS BEGUN;

(AA) "TIER TWO SPORTS WAGER" MEANS AN IN-PLAY SPORTS WAGER; AND

(BB) "TIER THREE SPORTS WAGER" MEANS A SPORTS WAGER THAT IS NEITHER A TIER ONE NOR A TIER TWO SPORTS WAGER.

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2. No gaming facility may conduct sports wagering until such time as there has been a change in federal law authorizing such or upon a ruling of a court of competent jurisdiction that such activity is lawful.

3. (a) In addition to authorized gaming activities, a licensed gaming facility may when authorized by subdivision two of this section operate a sports pool upon the approval of the commission and in accordance with the provisions of this section and applicable regulations promulgated pursuant to this article. The commission shall hear and decide promptly and in reasonable order all applications for a license to operate a sports pool, shall have the general responsibility for the implementation of this section and shall have all other duties specified in this section with regard to the operation of a sports pool. The license to operate a sports pool shall be in addition to any other license required to be issued to operate a gaming facility. No license to operate a sports pool shall be issued by the commission to any entity unless it has established its financial stability, integrity and responsibility and its good character, honesty and integrity.

No later than five years after the date of the issuance of a license and every five years thereafter or within such lesser periods as the commission may direct, a licensee shall submit to the commission such documentation or information as the commission may by regulation

require, to demonstrate to the satisfaction of the executive director of the commission that the licensee continues to meet the requirements of the law and regulations.

(b) A sports pool shall be operated in a sports wagering lounge located at a casino. The lounge shall conform to all requirements concerning square footage, design, equipment, security measures and related matters which the commission shall by regulation prescribe.

(c) The operator of a sports pool shall establish or display the odds at which wagers may be placed on sports events.

(d) An operator shall accept wagers on sports events only from persons physically present in the sports wagering lounge, OR THROUGH MOBILE SPORTS WAGERING OFFERED PURSUANT TO SECTION THIRTEEN HUNDRED SIXTY-SEVEN-A OF THIS TITLE. A person placing a wager shall be at least twenty-one years of age.

(e) AN OPERATOR MAY ALSO ACCEPT LAYOFF BETS AS LONG AS THE AUTHORIZED SPORTS POOL PLACES SUCH WAGERS WITH ANOTHER AUTHORIZED SPORTS POOL OR POOLS IN ACCORDANCE WITH REGULATIONS OF THE COMMISSION. A SPORTS POOL THAT PLACES A LAYOFF BET SHALL INFORM THE SPORTS POOL ACCEPTING THE WAGER THAT THE WAGER IS BEING PLACED BY A SPORTS POOL AND SHALL DISCLOSE ITS IDENTITY.

(F) AN OPERATOR MAY UTILIZE GLOBAL RISK MANAGEMENT PURSUANT TO THE APPROVAL OF THE COMMISSION.

(G) An operator shall not admit into the sports wagering lounge, or accept wagers from, any person whose name appears on the exclusion list.

[(f)] (H) The holder of a license to operate a sports pool may contract with [an entity] ONE OR MORE AGENTS to conduct ANY OR ALL ASPECTS OF that operation, OR THE OPERATION OF MOBILE SPORTS WAGERING OFFERED PURSUANT TO SECTION THIRTEEN HUNDRED SIXTY-SEVEN-A OF THIS TITLE, INCLUDING BUT NOT LIMITED TO BRAND, MARKETING AND CUSTOMER SERVICE, in accordance with the regulations of the commission. [That entity] EACH AGENT shall obtain a license as a casino vendor enterprise prior to the execution of any such contract, and such license shall be issued pursuant to the provisions of section one thousand three hundred twenty-seven of this article and in accordance with the regulations promulgated by the commission.

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[(g)] (I) If any provision of this article or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are severable.

4. (a) All persons employed directly in wagering-related activities conducted within a sports wagering lounge shall be licensed as a casino key employee or registered as a gaming employee, as determined by the commission. All other employees who are working in the sports wagering lounge may be required to be registered, if appropriate, in accordance with regulations of the commission.

(b) Each operator of a sports pool shall designate one or more casino key employees who shall be responsible for the operation of the sports pool. At least one such casino key employee shall be on the premises whenever sports wagering is conducted.

5. Except as otherwise provided by this article, the commission shall have the authority to regulate sports pools and the conduct of sports wagering under this article to the same extent that the commission regulates other gaming. No casino shall be authorized to operate a sports pool unless it has produced information, documentation, and assurances concerning its financial background and resources, including cash reserves, that are sufficient to demonstrate that it has the financial stability, integrity, and responsibility to operate a sports pool. In developing rules and regulations applicable to sports wagering, the commission shall examine the regulations implemented in other states where sports wagering is conducted and shall, as far as practicable, adopt a similar regulatory framework. The commission shall promulgate regulations necessary to carry out the provisions of this section, including, but not limited to, regulations governing the:

(a) amount of cash reserves to be maintained by operators to cover winning wagers;

(b) acceptance of wagers on a series of sports events;

(c) maximum wagers which may be accepted by an operator from any one

patron on any one sports event;

- (d) type of wagering tickets which may be used;
- (e) method of issuing tickets;
- (f) method of accounting to be used by operators;
- (g) types of records which shall be kept;
- (h) use of credit and checks by patrons;
- (i) THE PROCESS BY WHICH A CASINO MAY PLACE A LAYOFF BET;
- (J) THE USE OF GLOBAL RISK MANAGEMENT;
- (K) type of system for wagering; and
- [(j)] (L) protections for a person placing a wager.

6. Each operator shall adopt comprehensive house rules governing sports wagering transactions with its [patrons] AUTHORIZED SPORTS BETTORS. The rules shall specify the amounts to be paid on winning wagers and the effect of schedule changes. The house rules, together with any other information the commission deems appropriate, shall be conspicuously displayed in the sports wagering lounge and included in the terms and conditions of the account wagering system, and copies shall be made readily available to patrons.

7. (A) EACH CASINO THAT OFFERS SPORTS WAGERING SHALL ANNUALLY SUBMIT A REPORT TO THE COMMISSION NO LATER THAN THE TWENTY-EIGHTH OF FEBRUARY OF EACH YEAR, WHICH SHALL INCLUDE THE FOLLOWING INFORMATION:

(I) THE TOTAL AMOUNT OF SPORTS WAGERS RECEIVED FROM AUTHORIZED SPORTS BETTORS;

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(II) THE TOTAL AMOUNT OF PRIZES AWARDED TO AUTHORIZED SPORTS BETTORS;

(III) THE TOTAL AMOUNT OF SPORTS WAGERING GROSS REVENUE RECEIVED BY THE CASINO;

(IV) THE TOTAL AMOUNT CONTRIBUTED TO THE SPORT BETTING INTEGRITY FUND PURSUANT TO SUBDIVISION EIGHT OF THIS SECTION;

(V) THE TOTAL AMOUNT OF WAGERS RECEIVED ON EACH SPORTS GOVERNING BODY'S SPORTING EVENTS;

(VI) THE TOTAL NUMBER OF AUTHORIZED SPORTS BETTORS THAT REQUESTED TO EXCLUDE THEMSELVES FROM SPORTS WAGERING; AND

(VII) ANY ADDITIONAL INFORMATION THAT THE COMMISSION DEEMS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ARTICLE.

(B) UPON THE SUBMISSION OF SUCH ANNUAL REPORT, TO SUCH EXTENT THAT THE COMMISSION DEEMS IT TO BE IN THE PUBLIC INTEREST, THE COMMISSION SHALL BE AUTHORIZED TO CONDUCT A FINANCIAL AUDIT OF ANY CASINO, AT ANY TIME, TO ENSURE COMPLIANCE WITH THIS ARTICLE.

(C) THE COMMISSION SHALL ANNUALLY PUBLISH A REPORT BASED ON THE AGGREGATE INFORMATION PROVIDED BY ALL CASINOS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, WHICH SHALL BE PUBLISHED ON THE COMMISSION'S WEBSITE NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE DEADLINE FOR THE SUBMISSION OF INDIVIDUAL REPORTS AS SPECIFIED IN SUCH PARAGRAPH (A).

8. (A) WITHIN THIRTY DAYS OF THE END OF EACH CALENDAR QUARTER, A CASINO OFFERING SPORTS WAGERING SHALL REMIT TO THE COMMISSION A SPORTS WAGERING INTEGRITY FEE OF UP TO ONE-QUARTER OF ONE PERCENT OF THE AMOUNT WAGERED ON SPORTS EVENTS, HOWEVER, IN NO CASE SHALL THE INTEGRITY FEE BE GREATER THAN TWO PERCENT OF THE CASINO'S SPORTS WAGERING GROSS REVENUE. THE FEE SHALL BE REMITTED ON A FORM AS THE COMMISSION MAY REQUIRE, ON WHICH THE CASINO SHALL IDENTIFY THE PERCENTAGE OF WAGERING DURING THE REPORTING PERIOD ATTRIBUTABLE TO EACH SPORT GOVERNING BODY'S SPORTS EVENTS.

(B) NO LATER THAN THE THIRTIETH OF APRIL OF EACH YEAR, A SPORTS GOVERNING BODY MAY SUBMIT A CLAIM FOR DISBURSEMENT OF THE INTEGRITY FUNDS REMITTED BY CASINOS IN THE PREVIOUS CALENDAR YEAR IN PRO RATA PROPORTION OF THE TOTAL AMOUNT WAGERED ON THEIR RESPECTIVE SPORTS EVENTS TO REIMBURSE THE SPORTS GOVERNING BODY FOR EXPENSES INCURRED FOR INTEGRITY OPERATIONS. ELIGIBLE EXPENSES SHALL INCLUDE, BUT NOT BE LIMITED TO, INTEGRITY MONITORING EXPENSES, EXPENSES INCURRED RELATED TO INTEGRITY INVESTIGATIONS, PUBLIC RELATIONS EXPENSES ASSOCIATED WITH INTEGRITY ISSUES, AND ANY OTHER ELIGIBLE EXPENSES APPROVED BY THE COMMISSION.

(C) EACH SPORTS GOVERNING BODY WHICH RECEIVES IN EXCESS OF FIFTY-THOUSAND DOLLARS ANNUALLY FROM THE INTEGRITY FEE SHALL ANNUALLY SUBMIT A REPORT TO THE COMMISSION NO LATER THAN THE TWENTY-EIGHTH OF FEBRUARY OF EACH YEAR, WHICH SHALL INCLUDE THE FOLLOWING INFORMATION:

(I) THE TOTAL AMOUNT OF INTEGRITY FUND REIMBURSEMENT RECEIVED FROM NEW YORK;

(II) A DETAILED SUMMARY OF THE FINAL DISPOSITIONS OF INTEGRITY INVE-

TIGATIONS WHERE IT WAS DETERMINED THAT MISCONDUCT TOOK PLACE;

(III) ANY ADDITIONAL INFORMATION THAT THE COMMISSION DEEMS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ARTICLE.

(D) UPON THE SUBMISSION OF SUCH ANNUAL REPORT, TO SUCH EXTENT THAT THE COMMISSION DEEMS IT TO BE IN THE PUBLIC INTEREST, THE COMMISSION SHALL BE AUTHORIZED TO CONDUCT A FINANCIAL AUDIT OF ANY SPORTS GOVERNING BODY, AT ANY TIME, TO ENSURE COMPLIANCE WITH THIS ARTICLE.

(E) THE COMMISSION SHALL ANNUALLY PUBLISH A REPORT BASED ON THE AGGREGATE INFORMATION PROVIDED BY ALL SPORTS GOVERNING BODIES PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, WHICH SHALL BE PUBLISHED ON THE COMMISSION'S WEBSITE NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE

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DEADLINE FOR THE SUBMISSION OF INDIVIDUAL REPORTS AS SPECIFIED IN PARAGRAPH (C) OF THIS SUBDIVISION.

(F) AT THE END OF THE YEAR, ANY UNCLAIMED INTEGRITY FEE REVENUE SHALL BE DISTRIBUTED TO THE SPORTS GOVERNING BODIES WHICH WERE APPROVED TO RECEIVE FUNDING, ON A PRO RATA BASIS.

9. FOR THE PRIVILEGE OF CONDUCTING SPORTS WAGERING IN THE STATE, CASINOS SHALL PAY A TAX EQUIVALENT TO EIGHT AND ONE-HALF PERCENT OF THEIR SPORTS WAGERING GROSS REVENUE.

10. THE COMMISSION SHALL PAY INTO THE COMMERCIAL GAMING REVENUE FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-NNNN OF THE STATE FINANCE LAW EIGHTY-FIVE PERCENT OF THE STATE TAX IMPOSED BY THIS SECTION; ANY INTEREST AND PENALTIES IMPOSED BY THE COMMISSION RELATING TO THOSE TAXES; ALL PENALTIES LEVIED AND COLLECTED BY THE COMMISSION; AND THE APPROPRIATE FUNDS, CASH OR PRIZES FORFEITED FROM SPORTS WAGERING. THE COMMISSION SHALL PAY INTO THE COMMERCIAL GAMING FUND FIVE PERCENT OF THE STATE TAX IMPOSED BY THIS SECTION TO BE DISTRIBUTED FOR PROBLEM GAMBLING EDUCATION AND TREATMENT PURPOSES PURSUANT TO PARAGRAPH A OF SUBDIVISION FIVE OF SECTION NINETY-SEVEN-NNNN OF THE STATE FINANCE LAW. THE COMMISSION SHALL PAY INTO THE COMMERCIAL GAMING FUND FIVE PERCENT OF THE STATE TAX IMPOSED BY THIS SECTION TO BE DISTRIBUTED FOR THE COST OF REGULATION PURSUANT TO PARAGRAPH C OF SUBDIVISION FIVE OF SECTION NINETY-SEVEN-NNNN OF THE STATE FINANCE LAW. THE COMMISSION SHALL PAY INTO THE COMMERCIAL GAMING FUND FIVE PERCENT OF THE STATE TAX IMPOSED BY THIS SECTION TO BE DISTRIBUTED IN THE SAME FORMULA AS MARKET ORIGIN CREDITS PURSUANT TO SECTION ONE HUNDRED FIFTEEN-B OF THIS CHAPTER. THE COMMISSION SHALL REQUIRE AT LEAST MONTHLY DEPOSITS BY THE CASINO OF ANY PAYMENTS PURSUANT TO SUBDIVISION NINE OF THIS SECTION, AT SUCH TIMES, UNDER SUCH CONDITIONS, AND IN SUCH DEPOSITORIES AS SHALL BE PRESCRIBED BY THE STATE COMPTROLLER. THE DEPOSITS SHALL BE DEPOSITED TO THE CREDIT OF THE STATE COMMERCIAL GAMING REVENUE FUND. THE COMMISSION SHALL REQUIRE A MONTHLY REPORT AND RECONCILIATION STATEMENT TO BE FILED WITH IT ON OR BEFORE THE TENTH DAY OF EACH MONTH, WITH RESPECT TO GROSS REVENUES AND DEPOSITS RECEIVED AND MADE, RESPECTIVELY, DURING THE PRECEDING MONTH.

11. THE COMMISSION MAY PERFORM AUDITS OF THE BOOKS AND RECORDS OF A CASINO, AT SUCH TIMES AND INTERVALS AS IT DEEMS APPROPRIATE, FOR THE PURPOSE OF DETERMINING THE SUFFICIENCY OF TAX PAYMENTS. IF A RETURN REQUIRED WITH REGARD TO OBLIGATIONS IMPOSED IS NOT FILED, OR IF A RETURN WHEN FILED OR IS DETERMINED BY THE COMMISSION TO BE INCORRECT OR INSUFFICIENT WITH OR WITHOUT AN AUDIT, THE AMOUNT OF TAX DUE SHALL BE DETERMINED BY THE COMMISSION. NOTICE OF SUCH DETERMINATION SHALL BE GIVEN TO THE CASINO LIABLE FOR THE PAYMENT OF THE TAX. SUCH DETERMINATION SHALL FINALLY AND IRREVOCABLY FIX THE TAX UNLESS THE CASINO AGAINST WHOM IT IS ASSESSED, WITHIN THIRTY DAYS AFTER RECEIVING NOTICE OF SUCH DETERMINATION, SHALL APPLY TO THE COMMISSION FOR A HEARING IN ACCORDANCE WITH THE REGULATIONS OF THE COMMISSION.

12. NOTHING IN THIS SECTION SHALL APPLY TO INTERACTIVE FANTASY SPORTS OFFERED PURSUANT TO ARTICLE FOURTEEN OF THIS CHAPTER. NOTHING IN THIS SECTION AUTHORIZES ANY ENTITY THAT CONDUCTS INTERACTIVE FANTASY SPORTS OFFERED PURSUANT TO ARTICLE FOURTEEN OF THIS CHAPTER TO CONDUCT SPORTS WAGERING UNLESS IT SEPARATELY QUALIFIES FOR, AND OBTAINS, AUTHORIZATION PURSUANT TO THIS SECTION.

13. A CASINO THAT IS ALSO LICENSED UNDER ARTICLE THREE OF THIS CHAPTER, AND MUST MAINTAIN RACING PURSUANT TO PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION THIRTEEN HUNDRED FIFTY-FIVE OF THIS CHAPTER, SHALL BE ALLOWED TO OFFER PARI-MUTUEL WAGERING ON HORSE RACING EVENTS IN ACCORDANCE WITH THEIR LICENSE UNDER ARTICLE THREE OF THIS CHAPTER. NOTWITH-

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STANDING SUBPARAGRAPH (II) OF PARAGRAPH C OF SUBDIVISION TWO OF SECTION ONE THOUSAND EIGHT OF THIS CHAPTER, A CASINO LOCATED IN THE CITY OF SCHENECTADY SHALL BE ALLOWED TO OFFER PARI-MUTUEL WAGERING ON HORSE RACING EVENTS, PROVIDED SUCH WAGERING IS CONDUCTED BY THE REGIONAL OFF-TRACK BETTING CORPORATION IN SUCH REGION AS THE CASINO IS LOCATED. ANY OTHER CASINO SHALL BE ALLOWED TO OFFER PARI-MUTUEL WAGERING ON HORSE RACING EVENTS, PROVIDED SUCH WAGERING IS CONDUCTED BY THE REGIONAL OFF-TRACK BETTING CORPORATION IN SUCH REGION AS THE CASINO IS LOCATED. ANY PHYSICAL LOCATION WHERE PARI-MUTUEL WAGERING ON HORSE RACING EVENTS IS OFFERED BY A CASINO AND CONDUCTED BY A REGIONAL OFF-TRACK BETTING CORPORATION IN ACCORDANCE WITH THIS SUBDIVISION SHALL BE DEEMED TO BE A BRANCH LOCATION OF THE REGIONAL OFF-TRACK BETTING CORPORATION IN ACCORDANCE WITH SECTION ONE THOUSAND EIGHT OF THIS CHAPTER. IN THE EVENT THAT THE COMMISSION APPROVES THE LOCATION OF SELF-SERVICE MOBILE SPORTS BETTING KIOSKS ON THE PREMISES OF AFFILIATES IN ACCORDANCE WITH PARAGRAPH (D) OF SUBDIVISION FIVE OF SECTION THIRTEEN HUNDRED SIXTY-SEVEN-A OF THIS CHAPTER, SUCH KIOSKS SHALL NOT BE ALLOWED TO OFFER PARI-MUTUEL WAGERING ON HORSE RACING EVENTS.

14. A SPORTS GOVERNING BODY MAY NOTIFY THE COMMISSION THAT IT DESIRES TO RESTRICT, LIMIT, OR EXCLUDE WAGERING ON ITS SPORTING EVENTS BY PROVIDING NOTICE IN THE FORM AND MANNER AS THE COMMISSION MAY REQUIRE. UPON RECEIVING SUCH NOTICE, THE COMMISSION SHALL REVIEW THE REQUEST IN GOOD FAITH, SEEK INPUT FROM THE CASINOS ON SUCH A REQUEST, AND IF THE COMMISSION DEEMS IT APPROPRIATE, PROMULGATE REGULATIONS TO RESTRICT SUCH SPORTS WAGERING. IF THE COMMISSION DENIES A REQUEST, THE SPORTS GOVERNING BODY SHALL BE AFFORDED NOTICE AND THE RIGHT TO BE HEARD AND OFFER PROOF IN OPPOSITION TO SUCH DETERMINATION IN ACCORDANCE WITH THE REGULATIONS OF THE COMMISSION. OFFERING OR TAKING WAGERS CONTRARY TO RESTRICTIONS PROMULGATED BY THE COMMISSION IS A VIOLATION OF THIS SECTION. IN THE EVENT THAT THE REQUEST IS IN RELATION TO AN EMERGENCY SITUATION, THE EXECUTIVE DIRECTOR OF THE COMMISSION MAY TEMPORARILY PROHIBIT THE SPECIFIC WAGER IN QUESTION UNTIL THE COMMISSION HAS THE OPPORTUNITY TO ISSUE TEMPORARY REGULATIONS ADDRESSING THE ISSUE.

15. (A) THE COMMISSION SHALL DESIGNATE THE DIVISION OF THE STATE POLICE TO HAVE PRIMARY RESPONSIBILITY FOR CONDUCTING, OR ASSISTING THE COMMISSION IN CONDUCTING, INVESTIGATIONS INTO ABNORMAL BETTING ACTIVITY, MATCH FIXING, AND OTHER CONDUCT THAT CORRUPTS A BETTING OUTCOME OF A SPORTING EVENT OR EVENTS FOR PURPOSES OF FINANCIAL GAIN.

(B) THE COMMISSION AND CASINOS SHALL COOPERATE WITH INVESTIGATIONS CONDUCTED BY SPORTS GOVERNING BODIES OR LAW ENFORCEMENT AGENCIES, INCLUDING BUT NOT LIMITED TO PROVIDING OR FACILITATING THE PROVISION OF ACCOUNT-LEVEL BETTING INFORMATION AND AUDIO OR VIDEO FILES RELATING TO PERSONS PLACING WAGERS; PROVIDED, HOWEVER, THAT THE CASINO BE REQUIRED TO SHARE ANY PERSONALLY IDENTIFIABLE INFORMATION OF AN AUTHORIZED SPORTS BETTOR WITH A SPORTS GOVERNING BODY ONLY PURSUANT TO AN ORDER TO DO SO BY THE COMMISSION OR A LAW ENFORCEMENT AGENCY OR COURT OF COMPETENT JURISDICTION.

(C) CASINOS SHALL IMMEDIATELY REPORT TO THE COMMISSION ANY INFORMATION RELATING TO:

(I) CRIMINAL OR DISCIPLINARY PROCEEDINGS COMMENCED AGAINST THE CASINO IN CONNECTION WITH ITS OPERATIONS;

(II) ABNORMAL BETTING ACTIVITY OR PATTERNS THAT MAY INDICATE A CONCERN WITH THE INTEGRITY OF A SPORTING EVENT OR EVENTS;

(III) ANY POTENTIAL BREACH OF THE RELEVANT SPORTS GOVERNING BODY'S INTERNAL RULES AND CODES OF CONDUCT PERTAINING TO SPORTS WAGERING, AS THEY HAVE BEEN PROVIDED BY THE SPORTS GOVERNING BODY TO THE CASINO;

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(IV) ANY OTHER CONDUCT THAT CORRUPTS A BETTING OUTCOME OF A SPORTING EVENT OR EVENTS FOR PURPOSES OF FINANCIAL GAIN, INCLUDING MATCH FIXING; AND

(V) SUSPICIOUS OR ILLEGAL WAGERING ACTIVITIES, INCLUDING USE OF FUNDS DERIVED FROM ILLEGAL ACTIVITY, WAGERS TO CONCEAL OR LAUNDER FUNDS DERIVED FROM ILLEGAL ACTIVITY, USING AGENTS TO PLACE WAGERS, USING CONFIDENTIAL NON-PUBLIC INFORMATION, AND USING FALSE IDENTIFICATION.

THE COMMISSION SHALL ALSO IMMEDIATELY REPORT INFORMATION RELATING TO CONDUCT DESCRIBED IN SUBPARAGRAPHS (II), (III) AND (IV) OF THIS PARAGRAPH TO THE RELEVANT SPORTS GOVERNING BODY.

(D) CASINOS SHALL MAINTAIN THE CONFIDENTIALITY OF INFORMATION PROVIDED BY A SPORTS GOVERNING BODY TO THE CASINO, UNLESS DISCLOSURE IS REQUIRED BY THIS SECTION, THE COMMISSION, OTHER LAW, OR COURT ORDER.

16. CASINOS SHALL USE WHATEVER DATA SOURCE THEY DEEM APPROPRIATE FOR DETERMINING THE RESULT OF SPORTS WAGERING INVOLVING TIER ONE SPORTS WAGERS. CASINOS SHALL ONLY USE OFFICIAL LEAGUE DATA IN ALL SPORTS WAGERING INVOLVING TIER TWO SPORTS WAGERS, IF THE RELEVANT SPORTS GOVERNING BODY POSSESSES A FEED OF OFFICIAL LEAGUE DATA, AND MAKES SUCH FEED AVAILABLE FOR PURCHASE BY THE CASINOS. A SPORTS GOVERNING BODY MAY NOTIFY THE COMMISSION THAT IT DESIRES TO REQUIRE CASINOS TO USE OFFICIAL LEAGUE DATA IN SPORTS WAGERING INVOLVING SPECIFIC TIER THREE SPORTS WAGERS BY PROVIDING NOTICE IN THE FORM AND MANNER AS THE COMMISSION MAY REQUIRE. UPON RECEIVING SUCH NOTICE, THE COMMISSION SHALL REVIEW THE REQUEST, SEEK INPUT FROM THE CASINOS ON SUCH A REQUEST, AND IF THE COMMISSION DEEMS IT APPROPRIATE, PROMULGATE REGULATIONS TO REQUIRE CASINOS TO USE OFFICIAL LEAGUE DATA ON SPORTS WAGERING INVOLVING SUCH TIER THREE SPORTS WAGERS IF THE RELEVANT SPORTS GOVERNING BODY POSSESSES A FEED OF OFFICIAL LEAGUE DATA, AND MAKES SUCH FEED AVAILABLE FOR PURCHASE BY THE CASINOS. NO CASINO SHALL ENTER INTO AN AGREEMENT WITH A SPORTS GOVERNING BODY TO BE THE EXCLUSIVE RECIPIENT OF THEIR OFFICIAL LEAGUE DATA.

17. (A) CASINOS SHALL MAINTAIN RECORDS OF ALL BETS AND WAGERS PLACED, INCLUDING PERSONALLY IDENTIFIABLE INFORMATION OF THE MOBILE SPORTS WAGERING BETTOR, AMOUNT AND TYPE OF BET, TIME THE BET WAS PLACED, LOCATION OF THE BET, INCLUDING IP ADDRESS IF APPLICABLE, THE OUTCOME OF THE BET, RECORDS OF ABNORMAL BETTING ACTIVITY, AND VIDEO CAMERA RECORDINGS IN THE CASE OF IN-PERSON WAGERS FOR AT LEAST THREE YEARS AFTER THE SPORTING EVENT OCCURS AND MAKE SUCH DATA AVAILABLE FOR INSPECTION UPON REQUEST OF THE COMMISSION OR AS REQUIRED BY COURT ORDER.

(B) IF A SPORTS GOVERNING BODY HAS NOTIFIED THE COMMISSION THAT REAL-TIME INFORMATION SHARING FOR WAGERS PLACED ON SPORTING EVENTS IS NECESSARY AND DESIRABLE, CASINOS SHALL SHARE IN REAL TIME, AT THE ACCOUNT-LEVEL, AND IN PSEUDONYMOUS FORM, THE INFORMATION REQUIRED TO BE RETAINED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION (OTHER THAN VIDEO FILES) WITH THE COMMISSION, AND THE COMMISSION SHALL SHARE IN REAL TIME THE INFORMATION WITH THE SPORTS GOVERNING BODY OR ITS DESIGNEE WITH RESPECT TO WAGERS ON ITS SPORTING EVENTS.

(C) THE COMMISSION SHALL COOPERATE WITH A SPORTS GOVERNING BODY AND CASINOS TO ENSURE THE TIMELY, EFFICIENT, AND ACCURATE SHARING OF INFORMATION.

18. A CASINO SHALL NOT PERMIT SPORTS WAGERING BY ANYONE THEY KNOW, OR SHOULD HAVE KNOWN, TO BE A PROHIBITED SPORTS BETTOR.

19. SPORTS WAGERING CONDUCTED PURSUANT TO THE PROVISIONS OF THIS SECTION IS HEREBY AUTHORIZED.

20. THE CONDUCT OF SPORTS WAGERING IN VIOLATION OF THIS SECTION IS PROHIBITED.

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21. ANY PERSON, FIRM, CORPORATION, ASSOCIATION, AGENT, OR EMPLOYEE WHO KNOWINGLY VIOLATES ANY PROCEDURE IMPLEMENTED UNDER THIS SECTION, OR SECTION THIRTEEN HUNDRED SIXTY-SEVEN-A OF THIS TITLE, SHALL BE LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN FIVE THOUSAND DOLLARS FOR EACH VIOLATION, NOT TO EXCEED FIFTY THOUSAND DOLLARS FOR VIOLATIONS ARISING OUT OF THE SAME TRANSACTION OR OCCURRENCE, WHICH SHALL ACCRUE TO THE STATE AND MAY BE RECOVERED IN A CIVIL ACTION BROUGHT BY THE COMMISSION.

S 2. The racing, pari-mutuel wagering and breeding law is amended by adding a new section 1367-a to read as follows:

S 1367-A. MOBILE SPORTS WAGERING. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "AFFILIATE" MEANS ANY OFF-TRACK BETTING CORPORATION, FRANCHISED CORPORATION, OR RACE TRACK LICENSED PURSUANT TO THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW, OR AN OPERATOR OF VIDEO LOTTERY GAMING AT AQUEDUCT LICENSED PURSUANT TO SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THE TAX LAW, WHICH HAS A MOBILE SPORTS WAGERING AGREEMENT WITH A CASINO PURSUANT TO THIS SECTION;

(B) "AGENT" MEANS AN ENTITY THAT IS PARTY TO A CONTRACT WITH A LICENSED GAMING FACILITY AUTHORIZED TO OPERATE A SPORTS POOL AND IS APPROVED BY THE COMMISSION TO OPERATE A SPORTS POOL ON BEHALF OF SUCH LICENSED GAMING FACILITY;

(C) "AUTHORIZED SPORTS BETTOR" MEANS AN INDIVIDUAL WHO IS PHYSICALLY

PRESENT IN THIS STATE WHEN PLACING A SPORTS WAGER, WHO IS NOT A PROHIBITED SPORTS BETTOR, THAT PARTICIPATES IN SPORTS WAGERING OFFERED BY A CASINO. THE INTERMEDIATE ROUTING OF ELECTRONIC DATA IN CONNECTION WITH MOBILE SPORTS WAGERING SHALL NOT DETERMINE THE LOCATION OR LOCATIONS IN WHICH A WAGER IS INITIATED, RECEIVED OR OTHERWISE MADE;

(D) "CASINO" MEANS A LICENSED GAMING FACILITY AT WHICH GAMBLING IS CONDUCTED PURSUANT TO THE PROVISIONS OF THIS ARTICLE OR THE AGENT OF SUCH LICENSED GAMING FACILITY;

(E) "COLLEGIATE SPORT OR ATHLETIC EVENT" MEANS A SPORT OR ATHLETIC EVENT OFFERED OR SPONSORED BY OR PLAYED IN CONNECTION WITH A PUBLIC OR PRIVATE INSTITUTION THAT OFFERS EDUCATION SERVICES BEYOND THE SECONDARY LEVEL;

(F) "COMMISSION" MEANS THE COMMISSION ESTABLISHED PURSUANT TO SECTION ONE HUNDRED TWO OF THIS CHAPTER;

(G) "HIGH SCHOOL SPORT OR ATHLETIC EVENT" MEANS A SPORT OR ATHLETIC EVENT OFFERED OR SPONSORED BY OR PLAYED IN CONNECTION WITH A PUBLIC OR PRIVATE INSTITUTION THAT OFFERS EDUCATION SERVICES AT THE SECONDARY LEVEL;

(H) "HORSE RACING EVENT" MEANS ANY SPORT OR ATHLETIC EVENT CONDUCTED IN NEW YORK STATE SUBJECT TO THE PROVISIONS OF ARTICLES TWO, THREE, FOUR, FIVE, SIX, NINE, TEN AND ELEVEN OF THIS CHAPTER, OR ANY SPORT OR ATHLETIC EVENT CONDUCTED OUTSIDE OF NEW YORK STATE, WHICH IF CONDUCTED IN NEW YORK STATE WOULD BE SUBJECT TO THE PROVISIONS OF THIS CHAPTER;

(I) "MINOR" MEANS ANY PERSON UNDER THE AGE OF TWENTY-ONE YEARS;

(J) "MOBILE SPORTS WAGERING PLATFORM" OR "PLATFORM" MEANS THE COMBINATION OF HARDWARE, SOFTWARE, AND DATA NETWORKS USED TO MANAGE, ADMINISTER, OR CONTROL SPORTS WAGERING AND ANY ASSOCIATED WAGERS ACCESSIBLE BY ANY ELECTRONIC MEANS INCLUDING MOBILE APPLICATIONS AND INTERNET WEBSITES;

(K) "OPERATOR" MEANS AN ENTITY OFFERING A MOBILE SPORTS WAGERING PLATFORM INCLUDING AN AGENT;

(L) "PROFESSIONAL SPORT OR ATHLETIC EVENT" MEANS AN EVENT AT WHICH TWO OR MORE PERSONS PARTICIPATE IN SPORTS OR ATHLETIC EVENTS AND RECEIVE

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COMPENSATION IN EXCESS OF ACTUAL EXPENSES FOR THEIR PARTICIPATION IN SUCH EVENT;

(M) "PROHIBITED SPORTS BETTOR" MEANS:

(I) ANY OFFICER OR EMPLOYEE OF THE COMMISSION;

(II) ANY PRINCIPAL OR KEY EMPLOYEE OF A CASINO OR AFFILIATE, EXCEPT AS MAY BE PERMITTED BY THE COMMISSION FOR GOOD CAUSE SHOWN;

(III) ANY CASINO GAMING OR NON-GAMING EMPLOYEE AT THE CASINO THAT EMPLOYS SUCH PERSON AND AT ANY AFFILIATE THAT HAS AN AGREEMENT WITH THAT CASINO;

(IV) ANY CONTRACTOR, SUBCONTRACTOR, OR CONSULTANT, OR OFFICER OR EMPLOYEE OF A CONTRACTOR, SUBCONTRACTOR, OR CONSULTANT, OF A CASINO IF SUCH PERSON IS DIRECTLY INVOLVED IN THE OPERATION OR OBSERVATION OF SPORTS WAGERING, OR THE PROCESSING OF SPORTS WAGERING CLAIMS OR PAYMENTS;

(V) ANY PERSON SUBJECT TO A CONTRACT WITH THE COMMISSION IF SUCH CONTRACT CONTAINS A PROVISION PROHIBITING SUCH PERSON FROM PARTICIPATING IN SPORTS WAGERING;

(VI) ANY SPOUSE, CHILD, BROTHER, SISTER OR PARENT RESIDING AS A MEMBER OF THE SAME HOUSEHOLD IN THE PRINCIPAL PLACE OF ABODE OF ANY OF THE FOREGOING PERSONS AT THE SAME CASINO WHERE THE FOREGOING PERSON IS PROHIBITED FROM PARTICIPATING IN SPORTS WAGERING;

(VII) ANY INDIVIDUAL WITH ACCESS TO NON-PUBLIC CONFIDENTIAL INFORMATION ABOUT SPORTS WAGERING;

(VIII) ANY AMATEUR OR PROFESSIONAL ATHLETE IF THE SPORTS WAGER IS BASED ON ANY SPORT OR ATHLETIC EVENT OVERSEEN BY THE ATHLETE'S SPORTS GOVERNING BODY;

(IX) ANY SPORTS AGENT, OWNER OR EMPLOYEE OF A TEAM, PLAYER AND UMPIRE UNION PERSONNEL, AND EMPLOYEE REFEREE, COACH OR OFFICIAL OF A SPORTS GOVERNING BODY, IF THE SPORTS WAGER IS BASED ON ANY SPORT OR ATHLETIC EVENT OVERSEEN BY THE INDIVIDUAL'S SPORTS GOVERNING BODY;

(X) ANY INDIVIDUAL PLACING A WAGER AS AN AGENT OR PROXY FOR AN OTHERWISE PROHIBITED SPORTS BETTOR; OR

(XI) ANY MINOR;

(N) "PROHIBITED SPORTS EVENT" MEANS ANY HIGH SCHOOL SPORT OR ATHLETIC EVENT;

(O) "SPORTS EVENT" MEANS ANY PROFESSIONAL SPORT OR ATHLETIC EVENT AND ANY COLLEGIATE SPORT OR ATHLETIC EVENT, EXCEPT A PROHIBITED SPORTS EVENT;

(P) "SPORTS GOVERNING BODY" MEANS THE ORGANIZATION THAT PRESCRIBES FINAL RULES AND ENFORCES CODES OF CONDUCT WITH RESPECT TO A SPORTING EVENT AND PARTICIPANTS THEREIN;

(Q) "SPORTS POOL" MEANS THE BUSINESS OF ACCEPTING WAGERS ON ANY SPORTS EVENT BY ANY SYSTEM OR METHOD OF WAGERING;

(R) "SPORTS WAGER" MEANS CASH OR CASH EQUIVALENT THAT IS PAID BY AN AUTHORIZED SPORTS BETTOR TO A CASINO TO PARTICIPATE IN SPORTS WAGERING OFFERED BY SUCH CASINO;

(S) "SPORTS WAGERING" MEANS WAGERING ON SPORTING EVENTS OR ANY PORTION THEREOF, OR ON THE INDIVIDUAL PERFORMANCE STATISTICS OF ATHLETES PARTICIPATING IN A SPORTING EVENT, OR COMBINATION OF SPORTING EVENTS, BY ANY SYSTEM OR METHOD OF WAGERING, INCLUDING, BUT NOT LIMITED TO, IN-PERSON COMMUNICATION AND ELECTRONIC COMMUNICATION THROUGH INTERNET WEBSITES AND MOBILE DEVICE APPLICATIONS. THE TERM "SPORTS WAGERING" SHALL INCLUDE, BUT IS NOT LIMITED TO, SINGLE-GAME BETS, TEASER BETS, PARLAYS, OVER-UNDER BETS, MONEYLINE, POOLS, EXCHANGE WAGERING, IN-GAME WAGERING, IN-PLAY BETS, PROPOSITION BETS AND STRAIGHT BETS; AND

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(T) "SPORTS WAGERING GROSS REVENUE" MEANS: (I) THE AMOUNT EQUAL TO THE TOTAL OF ALL SPORTS WAGERS NOT ATTRIBUTABLE TO PROHIBITED SPORTS EVENTS THAT AN OPERATOR COLLECTS FROM ALL PLAYERS, LESS THE TOTAL OF ALL SUMS NOT ATTRIBUTABLE TO PROHIBITED SPORTS EVENTS PAID OUT AS WINNINGS TO ALL SPORTS BETTORS, HOWEVER, THAT THE TOTAL OF ALL SUMS PAID OUT AS WINNINGS TO SPORTS BETTORS SHALL NOT INCLUDE THE CASH EQUIVALENT VALUE OF ANY MERCHANDISE OR THING OF VALUE AWARDED AS A PRIZE; OR (II) IN THE CASE OF EXCHANGE WAGERING PURSUANT TO THIS SECTION, THE COMMISSION ON WINNING SPORTS WAGERS BY AUTHORIZED SPORTS BETTORS RETAINED BY THE OPERATOR. THE ISSUANCE TO OR WAGERING BY AUTHORIZED SPORTS BETTORS AT A CASINO OF ANY PROMOTIONAL GAMING CREDITS SHALL NOT BE TAXABLE FOR THE PURPOSES OF DETERMINING SPORTS WAGERING GROSS REVENUE.

2. (A) NO CASINO SHALL ADMINISTER, MANAGE, OR OTHERWISE MAKE AVAILABLE A MOBILE SPORTS WAGERING PLATFORM TO PERSONS LOCATED IN NEW YORK STATE UNLESS REGISTERED WITH THE COMMISSION PURSUANT TO THIS SECTION. A CASINO MAY USE MULTIPLE MOBILE SPORTS WAGERING PLATFORMS PROVIDED THAT EACH PLATFORM HAS BEEN REVIEWED AND APPROVED BY THE COMMISSION. A CASINO MAY CONTRACT WITH ONE OR MORE INDEPENDENT OPERATORS TO PROVIDE ITS MOBILE SPORTS WAGERING PLATFORMS.

(B) REGISTRATIONS ISSUED BY THE COMMISSION SHALL REMAIN IN EFFECT FOR FIVE YEARS. THE COMMISSION SHALL ESTABLISH A PROCESS FOR RENEWAL.

(C) THE COMMISSION SHALL PUBLISH A LIST OF ALL CASINOS REGISTERED TO OFFER MOBILE SPORTS WAGERING IN NEW YORK STATE PURSUANT TO THIS SECTION ON THE COMMISSION'S WEBSITE FOR PUBLIC USE.

(D) THE COMMISSION SHALL PROMULGATE REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION, INCLUDING THE DEVELOPMENT OF THE INITIAL FORM OF THE APPLICATION FOR REGISTRATION. SUCH REGULATIONS SHALL PROVIDE FOR THE REGISTRATION AND OPERATION OF MOBILE SPORTS WAGERING IN NEW YORK STATE AND SHALL INCLUDE, BUT NOT BE LIMITED TO, RESPONSIBLE PROTECTIONS WITH REGARD TO COMPULSIVE PLAY AND SAFEGUARDS FOR FAIR PLAY.

3. IN THE EVENT THAT A CASINO CONTRACTS WITH ONE OR MORE INDEPENDENT OPERATORS TO PROVIDE ITS MOBILE SPORTS WAGERING PLATFORMS, EACH INDEPENDENT ENTITY SHALL OBTAIN A LICENSE AS A CASINO VENDOR ENTERPRISE PRIOR TO THE EXECUTION OF ANY SUCH CONTRACT, AND SUCH LICENSE SHALL BE ISSUED PURSUANT TO THE PROVISIONS OF SECTION ONE THOUSAND THREE HUNDRED TWENTY-SEVEN OF THIS ARTICLE AND IN ACCORDANCE WITH THE REGULATIONS PROMULGATED BY THE COMMISSION.

4. (A) AS A CONDITION OF REGISTRATION IN NEW YORK STATE, EACH OPERATOR SHALL IMPLEMENT THE FOLLOWING MEASURES:

(I) LIMIT EACH AUTHORIZED SPORTS BETTOR TO ONE ACTIVE AND CONTINUOUSLY USED ACCOUNT, AND PREVENT ANYONE THEY KNOW, OR SHOULD HAVE KNOWN TO BE A PROHIBITED SPORTS BETTOR FROM MAINTAINING ACCOUNTS OR PARTICIPATING IN ANY SPORTS WAGERING OFFERED BY SUCH OPERATOR;

(II) ADOPT APPROPRIATE SAFEGUARDS TO ENSURE, TO A REASONABLE DEGREE OF CERTAINTY, THAT AUTHORIZED SPORTS BETTORS ARE PHYSICALLY LOCATED WITHIN THE STATE WHEN ENGAGING IN MOBILE SPORTS BETTING;

(III) PROHIBIT MINORS FROM PARTICIPATING IN ANY SPORTS WAGERING, WHICH INCLUDES:

(1) IF AN OPERATOR BECOMES OR IS MADE AWARE THAT A MINOR HAS CREATED AN ACCOUNT, OR ACCESSED THE ACCOUNT OF ANOTHER, SUCH OPERATOR SHALL PROMPTLY, WITHIN NO MORE THAN TWO BUSINESS DAYS, REFUND ANY DEPOSIT RECEIVED FROM THE MINOR, WHETHER OR NOT THE MINOR HAS ENGAGED IN OR ATTEMPTED TO ENGAGE IN SPORTS WAGERING; PROVIDED, HOWEVER, THAT ANY REFUND MAY BE OFFSET BY ANY PRIZES ALREADY AWARDED;

(2) EACH OPERATOR SHALL PROVIDE PARENTAL CONTROL PROCEDURES TO ALLOW PARENTS OR GUARDIANS TO EXCLUDE MINORS FROM ACCESS TO ANY SPORTS WAGER-

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ING OR PLATFORM. SUCH PROCEDURES SHALL INCLUDE A TOLL-FREE NUMBER TO CALL FOR HELP IN ESTABLISHING SUCH PARENTAL CONTROLS; AND

(3) EACH OPERATOR SHALL TAKE APPROPRIATE STEPS TO CONFIRM THAT AN INDIVIDUAL OPENING AN ACCOUNT IS NOT A MINOR;

(IV) WHEN REFERENCING THE CHANCES OR LIKELIHOOD OF WINNING IN ADVERTISEMENTS OR UPON PLACEMENT OF A SPORTS WAGER, MAKE CLEAR AND CONSPICUOUS STATEMENTS THAT ARE NOT INACCURATE OR MISLEADING CONCERNING THE CHANCES OF WINNING AND THE NUMBER OF WINNERS;

(V) ENABLE AUTHORIZED SPORTS BETTORS TO EXCLUDE THEMSELVES FROM SPORTS WAGERING AND TAKE REASONABLE STEPS TO PREVENT SUCH BETTORS FROM ENGAGING IN SPORTS WAGERING FROM WHICH THEY HAVE EXCLUDED THEMSELVES;

(VI) PERMIT ANY AUTHORIZED SPORTS BETTOR TO PERMANENTLY CLOSE AN ACCOUNT REGISTERED TO SUCH BETTOR, ON ANY AND ALL PLATFORMS SUPPORTED BY SUCH OPERATOR, AT ANY TIME AND FOR ANY REASON;

(VII) OFFER INTRODUCTORY PROCEDURES FOR AUTHORIZED SPORTS BETTORS, THAT SHALL BE PROMINENTLY DISPLAYED ON THE MAIN PAGE OF SUCH OPERATOR PLATFORM, THAT EXPLAIN SPORTS WAGERING;

(VIII) IMPLEMENT MEASURES TO PROTECT THE PRIVACY AND ONLINE SECURITY OF AUTHORIZED SPORTS BETTORS AND THEIR ACCOUNTS;

(IX) OFFER ALL AUTHORIZED SPORTS BETTORS ACCESS TO HIS OR HER ACCOUNT HISTORY AND ACCOUNT DETAILS;

(X) ENSURE AUTHORIZED SPORTS BETTORS' FUNDS ARE PROTECTED UPON DEPOSIT AND SEGREGATED FROM THE OPERATING FUNDS OF SUCH OPERATOR AND OTHERWISE PROTECTED FROM CORPORATE INSOLVENCY, FINANCIAL RISK, OR CRIMINAL OR CIVIL ACTIONS AGAINST SUCH OPERATOR;

(XI) LIST ON EACH WEBSITE, IN A PROMINENT PLACE, INFORMATION CONCERNING ASSISTANCE FOR COMPULSIVE PLAY IN NEW YORK STATE, INCLUDING A TOLL-FREE NUMBER DIRECTING CALLERS TO REPUTABLE RESOURCES CONTAINING FURTHER INFORMATION, WHICH SHALL BE FREE OF CHARGE; AND

(XII) ENSURE NO SPORTS WAGERING SHALL BE BASED ON A PROHIBITED SPORTS EVENT.

(B) OPERATORS SHALL NOT DIRECTLY OR INDIRECTLY OPERATE, PROMOTE, OR ADVERTISE ANY PLATFORM OR SPORTS WAGERING TO PERSONS LOCATED IN NEW YORK STATE UNLESS REGISTERED PURSUANT TO THIS ARTICLE.

(C) OPERATORS SHALL NOT OFFER ANY SPORTS WAGERING BASED ON ANY PROHIBITED SPORTS EVENT.

(D) OPERATORS SHALL NOT PERMIT SPORTS WAGERING BY ANYONE THEY KNOW, OR SHOULD HAVE KNOWN, TO BE A PROHIBITED SPORTS BETTOR.

(E) ADVERTISEMENTS FOR CONTESTS AND PRIZES OFFERED BY AN OPERATOR SHALL NOT TARGET PROHIBITED SPORTS BETTORS, MINORS, OR SELF-EXCLUDED PERSONS.

(F) OPERATORS SHALL PROHIBIT THE USE OF THIRD-PARTY SCRIPTS OR SCRIPTING PROGRAMS FOR ANY CONTEST AND ENSURE THAT MEASURES ARE IN PLACE TO DETER, DETECT AND, TO THE EXTENT REASONABLY POSSIBLE, PREVENT CHEATING, INCLUDING COLLUSION, AND THE USE OF CHEATING DEVICES, INCLUDING USE OF SOFTWARE PROGRAMS THAT SUBMIT SPORTS WAGERS UNLESS OTHERWISE APPROVED BY THE COMMISSION.

(G) OPERATORS SHALL DEVELOP AND PROMINENTLY DISPLAY PROCEDURES ON THE MAIN PAGE OF SUCH OPERATOR'S PLATFORM FOR THE FILING OF A COMPLAINT BY AN AUTHORIZED SPORTS BETTOR AGAINST SUCH OPERATOR. AN INITIAL RESPONSE SHALL BE GIVEN BY SUCH OPERATOR TO SUCH BETTOR FILING THE COMPLAINT WITHIN FORTY-EIGHT HOURS. A COMPLETE RESPONSE SHALL BE GIVEN BY SUCH OPERATOR TO SUCH BETTOR FILING THE COMPLAINT WITHIN TEN BUSINESS DAYS. AN AUTHORIZED SPORTS BETTOR MAY FILE A COMPLAINT ALLEGING A VIOLATION OF THE PROVISIONS OF THIS ARTICLE WITH THE COMMISSION.

S. 7900

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(H) OPERATORS SHALL MAINTAIN RECORDS OF ALL ACCOUNTS BELONGING TO AUTHORIZED SPORTS BETTORS AND RETAIN SUCH RECORDS OF ALL TRANSACTIONS IN

SUCH ACCOUNTS FOR THE PRECEDING FIVE YEARS.

5. (A) SUBJECT TO REGULATIONS PROMULGATED BY THE COMMISSION, CASINOS MAY ENTER INTO AGREEMENTS WITH AFFILIATES TO ALLOW FOR AUTHORIZED BETTORS TO SIGN UP TO CREATE AND FUND ACCOUNTS ON THEIR MOBILE SPORTS WAGERING PLATFORM OR PLATFORMS.

(B) AUTHORIZED SPORTS BETTORS MUST SIGN UP TO CREATE THEIR ACCOUNT ON A MOBILE SPORTS WAGERING PLATFORM IN PERSON AT A CASINO OR AN AFFILIATE OF A CASINO.

(C) AUTHORIZED SPORTS BETTORS MAY DEPOSIT FUNDS IN THEIR ACCOUNT ON A MOBILE SPORTS WAGERING PLATFORM IN PERSON AT A CASINO OR AN AFFILIATE OF A CASINO, ELECTRONICALLY RECOGNIZED PAYMENT METHODS, OR ANY OTHER MEANS APPROVED BY THE COMMISSION.

(D) SUBJECT TO APPROVAL OF THE COMMISSION, AND IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE COMMISSION, CASINOS MAY ENTER INTO AGREEMENTS WITH AFFILIATES TO LOCATE SELF-SERVICE MOBILE SPORTS BETTING KIOSKS, WHICH ARE OWNED, OPERATED AND MAINTAINED BY THE CASINO, AND CONNECTED VIA THE INTERNET TO THE CASINO, UPON THE PREMISES OF THE AFFILIATE.

S 3. Section 104 of the racing, pari-mutuel wagering and breeding law is amended by adding a new subdivision 24 to read as follows:

24. TO REGULATE SPORTS WAGERING IN NEW YORK STATE.

S 4. Subdivision 15 of section 1401 of the racing, pari-mutuel wagering and breeding law, as added by chapter 237 of the laws of 2016, is amended to read as follows:

15. "Prohibited sports event" shall mean any [collegiate sport or athletic event, any] high school sport or athletic event or any horse racing event.

S 5. Severability clause. If any provision of this act or application thereof shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the act, but shall be confined in its operation to the provision thereof directly involved in the controversy in which the judgment shall have been rendered.

S 6. This act shall take effect on the same date and in the same manner as section 1367 of the racing, pari-mutuel wagering and breeding law pursuant to subdivision (c) of section 52 of chapter 174 of the laws of 2013, takes effect.

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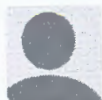
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S7573

1 comment • a month ago



Stephen_Wowelko — Maybe they can add a real "public" boat launch, or are these grants only for their "private" use of the lake?

S7271

1 comment • 4 months ago



Eric_Gambon — Where is the proof that this is a problem? Where are the statistics to support that this is a safety concern?

S7890

1 comment • 2 months ago



Edward_Willie — You can drive a car as early as 16 in New York. A citizen can buy tobacco products that can speed up their death at 18.

S7810

3 comments • 2 months ago



Richardlovesbklyn — Seriously this bill needs to be revisited, in consideration to add our Military personnel, NYS Court Officers & NYC

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