

RULE REVIEW

Racing and Wagering Board Five Year Review of Existing Regulations

Pursuant to section 207 of the State Administrative Procedure Act, notice is hereby provided of rules adopted by the New York State Racing and Wagering Board for the calendar years 1997 and 2002. Public comments on the continuation or modification of these rules are invited and those received by November 17, 2007, will be considered. Please forward comments to the Secretary to the New York State Racing and Wagering Board, 1 Broadway Center, Suite 600, Schenectady, New York 12305-2553 or by electronic mail to info@racing.state.ny.us.

The following contains a brief description of each rule, including the statutory authority therefor, and a statement setting forth the justification for the need for each rule and its continuation without further modification.

2002

RWB-37-01-00002: Games of Chance. Amendments made in 2002 to 9 NYCRR Sections 5602.1, 5606.1, 5606.14, 5608.7, 5620.12, 5624.1, 5624.18, and 5624.21. Makes technical amendments to the Board's rules and regulations for the conduct of games of chance by updating form numbers, addresses for Board offices, makes uniform language "as prescribed by the board" when referring to games of chance forms, and corrects typographical errors. The statutory authority for these amendments is in General Municipal Law section 188-a. These amendments are necessary to make uniform the application and reporting forms used by the Board and licensing authorities in ensuring that charitable gaming is conducted in accordance with the Games of Chance Law and that charitable gaming funds are used properly. These amendments also corrected outdated information in the Board's rules and regulations and should be continued in order to provide accurate information. These rules should be continued without modification because they serve to provide proper information regarding form numbers and Board reporting requirements. These rules also make the language of various rule uniform, which previously used different terms to describe the same process. All of these amendments are properly within the authority and discretion of the Racing and Wagering Board pursuant to its rulemaking authority under 188-a of the General Municipal Law.

RWB-38-01-00001: Bell Jar Games. Amendments made in 2002 to 9 NYCRR 5600.1, 5608.4, 5608.5, 5608.7, 5611.1, 5611.2, 5620.19, and 5620.22. Under these amendments, the Board's Games of Chance Rules and Regulations would conform to provisions contained in Chapter 637 of the Laws of 1999 and Chapter 337 of the Laws of 1998. The statutory authority for these amendments is also found in section 188-a of the General Municipal Law. The amendments establish procedures for bell jar ticket review by the Board; authorize games of chance known as "seal cards", "merchandise boards", and "coin boards," and allows for the manufacture, approval and distribution of such games; changes the sales reporting period for bell jar ticket manufacturers and distributors from monthly to quarterly; and permits the leasing of games of chance equipment and gives the Board and local govern-

ments authority over such leasing. These rules should be continued in order to give force and effect to the Games of Chance Law, and the amendments that were enacted by statute in 1998 and 1999. These rules should be continued without modification because they serve to implement the provisions of the Games of Chance Law. All of these amendments are properly within the authority and discretion of the Racing and Wagering Board pursuant to its rulemaking authority under Section 188-a of the General Municipal Law.

RWB-28-02-00006: Electronic Bingo Aids (EBAs). Amendments made in 2002 to 9 NYCRR 5800.1, and the addition of new Part 5823. These amendments authorize the use of electronic bingo aids in the conduct of charitable bingo. The statutory authority for these amendments is section 435(1)(a) of the Executive Law. Electronic bingo aids are used by players in helping to track their numerous bingo cards to determine if they have a "bingo" based on the numbers called. These amendments establish certain licensing standards for manufacturers of electronic bingo aids, ensure that the sales of electronic bingo are do not lead to the commercialization of bingo as prohibited by the New York State Constitution, establish proper use of electronic bingo aids so as to preserve the traditional elements of bingo, and establish reporting requirements for the sale and use of electronic bingo aids. These amendments should be continued to allow the use of electronic bingo aids in charitable bingo, which have proven valuable in increasing net proceeds for charitable organizations and attracting more players to charitable bingo in New York State. These rules should be continued without modification because they allow vision-impaired players to take part in charitable bingo and bolster charitable gaming funds by increasing the number of face cards that a player can play. Executive Law 431 states in applicable parts that "it is hereby declared to be the policy of the legislature that . . . the conduct of the game and all attendant activities should be so regulated and adequate controls so instituted so as to discourage commercialization in all its forms . . . and to insure the maximum availability of the net proceeds of bingo exclusively for application to the worthy causes and undertakings specified herein." These rules meet those objectives by requiring that only licensed bingo suppliers distribute EBAs and that all EBAs are approved by the Board. The new rules also ensure that all proceeds derived by an organization from the sale and lease of EBAs are properly reported and subject to the same controls and limitations that apply to proceeds derived directly from the sale of bingo face-cards.

1997

RWB-43-96-00004: Additional License Fee for Raffles. Amendments made in 1997 to 9 NYCRR 5624.3. These rules are necessary to incorporate the statutorily required 2% license fee into the Board's rules and regulations. The statutory authority for these rules are found in sections 188-a and 195-f(4) of the General Municipal Law. These rules are necessary to conform the Board's rules with the Games of Chance Law found in Article 9-a of the General Municipal Law. Licensed authorized organizations are required to pay an additional license fee of 2% of the net proceeds from the conduct raffles. Such fees are to be paid to the municipality that issued the raffle license. These rules should

be continued in order to give force and effect to the Games of Chance Law, and the amendments that were enacted by statute in Chapter 309 of the Laws of 1996. These rules should be continued without modification because they serve to implement specific provisions of the Games of Chance Law. All of these amendments are properly within the authority and discretion of the Racing and Wagering Board pursuant to its rulemaking authority under Section 188-a of the General Municipal Law.