S T A T E O F N E W Y O R K

4662--A

2011-2012 Regular Sessions

I N S E N A T E

April 14, 2011

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering -- recommitted to the Committee on Racing, Gaming and Wagering in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to poker tournaments

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

Section 1. Section 185 of the general municipal law, as amended by chapter 574 of the laws of 1978, is amended to read as follows:

S 185. Short title; purpose of article. This article shall be known and may be cited as the games of chance licensing law. The legislature hereby declares that the raising of funds for the promotion of bona fide charitable, educational, scientific, health, religious and patriotic causes and undertakings, where the beneficiaries are undetermined, is in the public interest. It hereby finds that, as conducted prior to the enactment of this article, games of chance were the subject of exploitation by professional gamblers, promoters, and commercial interests, AND IT FINDS FURTHER THAT, ALTHOUGH ELEMENTS OF SKILL MAY BE INVOLVED, THE VARIOUS GAMES OF POKER, INCLUDING THE GAME KNOWN AS "TEXAS HOLD 'EM," ARE GAMES OF CHANCE THAT SHOULD BE REGULATED UNDER THIS ARTICLE. It is hereby declared to be the policy of the legislature that all phases of the supervision, licensing and regulation of games of chance and of the conduct of games of chance, should be closely controlled and that the laws and regulations pertaining thereto should be strictly construed and rigidly enforced; that the conduct of the game and all attendant activities should be so regulated and adequate controls so instituted as to discourage commercialization of gambling in all its forms, including the rental of commercial premises for games of chance, and to ensure a maxi-

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

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mum availability of the net proceeds of games of chance exclusively for application to the worthy causes and undertakings specified herein; that the only justification for this article is to foster and support such worthy causes and undertakings, and that the mandate of section nine of article one of the state constitution, as amended, should be carried out by rigid regulations to prevent commercialized gambling, prevent participation by criminal and other undesirable elements and prevent the diversion of funds from the purposes herein authorized.

S 2. Subdivision 3 of section 186 of the general municipal law, as amended by chapter 531 of the laws of 2011, is amended to read as follows:

3. "Games of chance" shall mean and include only the games known as "merchandise wheels", "coin boards", "merchandise boards", "seal cards", "event games", "raffles", "POKER TOURNAMENTS" and "bell jars" and such other specific games as may be authorized by the board, in which prizes are awarded on the basis of a designated winning number or numbers, color or colors, symbol or symbols determined by chance, but not including games commonly known as "bingo or lotto" which are controlled under article fourteen-H of this chapter and also not including "bookmaking", "policy or numbers games" and "lottery" as defined in section 225.00 of the penal law. No game of chance shall involve wagering of money by one player against another player.

S 3. Section 186 of the general municipal law is amended by adding a new subdivision 3-f to read as follows:

3-F. "POKER TOURNAMENT" SHALL MEAN AND INCLUDE THOSE GAMES OF CHANCE IN WHICH PARTICIPANTS COMPETE BY PLAYING POKER GAMES THAT ARE APPROVED BY THE BOARD. PLACEMENT IN A POKER TOURNAMENT SHALL BE DETERMINED BY THE NUMBER OF POKER CHIPS THAT ARE ACCUMULATED DURING THE COURSE OF PLAY OR BY THE VARIOUS TIMES THAT CONTESTANTS ARE ELIMINATED FROM THE TOURNAMENT DURING THE COURSE OF PLAY. POKER CHIPS SHALL BE ALLOTTED TO CONTESTANTS IN ACCORDANCE WITH RULES THAT ARE ADOPTED BY THE BOARD.

S 4. Subdivision 14 of section 186 of the general municipal law, as amended by chapter 531 of the laws of 2011, is amended to read as follows:

14. "One occasion" shall mean the successive operations of any one single type of game of chance which results in the awarding of a series of prizes amounting to five hundred dollars or four hundred dollars during any one license period, in accordance with the provisions of subdivision eight of section one hundred eighty-nine of this article, as the case may be. For purposes of the game of chance known as a merchandise wheel or a raffle, "one occasion" shall mean the successive operations of any one such merchandise wheel or raffle for which the limit on a series of prizes provided by subdivision six of section one hundred eighty-nine of this article shall apply. For purposes of the game of chance known as a bell jar, "one occasion" shall mean the successive operation of any one such bell jar, seal card, event game, coin board, or merchandise board which results in the awarding of a series of prizes amounting to three thousand dollars. For the purposes of the game of chance known as raffle "one occasion" shall mean a calendar year during which successive operations of such game are conducted. FOR THE PURPOSE OF THE GAME KNOWN AS A POKER TOURNAMENT, "ONE OCCASION" SHALL MEAN THE PERIOD OF TIME FROM THE COMMENCEMENT OF SUCH TOURNAMENT UNTIL A WINNER OR WINNERS ARE DETERMINED OR A PRE-DETERMINED TIME TO CONCLUDE THE TOURNAMENT HAS BEEN REACHED.

S 5. Subdivision 5 of section 189 of the general municipal law, as amended by chapter 337 of the laws of 1998, is amended to read as follows:

5. No single prize awarded by games of chance other than raffle OR POKER TOURNAMENT shall exceed the sum or value of three hundred dollars, except that for merchandise wheels, no single prize shall exceed the sum or value of two hundred fifty dollars. No single prize awarded by raffle shall exceed the sum or value of fifty thousand dollars, except that an authorized organization may award by raffle a single prize having a value of up to and including one hundred thousand dollars if its application for a license filed pursuant to section one hundred ninety of this article includes a statement of its intent to award a prize having such value. No single wager shall exceed six dollars and for bell jars, coin boards, or merchandise boards, no single prize shall exceed five hundred dollars provided, however, that such limitation shall not apply to the amount of money or value paid by the participant in a raffle in return for a ticket or other receipt. For coin boards and merchandise boards, the value of a prize shall be determined by its costs to the authorized organization or, if donated, its fair market value.

S 6. Subdivision 8 of section 189 of the general municipal law, as amended by chapter 302 of the laws of 2010, is amended to read as follows:

8. Except for merchandise wheels [and], raffles AND POKER TOURNAMENTS, no series of prizes on any one occasion shall aggregate more than four hundred dollars when the licensed authorized organization conducts five single types of games of chance during any one license period. Except for merchandise wheels, raffles [and], bell jars AND POKER TOURNAMENTS, no series of prizes on any one occasion shall aggregate more than five hundred dollars when the licensed authorized organization conducts less than five single types of games of chance, exclusive of merchandise wheels, raffles [and], bell jars AND POKER TOURNAMENTS, during any one license period. No authorized organization shall award by raffle prizes with an aggregate value in excess of five hundred thousand dollars during any one license period.

S 7. Section 195-d of the general municipal law, as amended by chapter 637 of the laws of 1999, is amended to read as follows:

S 195-d. Charge for admission and participation; amount of prizes; award of prizes. A fee may be charged by any licensee for admission to any game or games of chance conducted under any license issued under this article. The clerk or department may in its discretion fix a minimum fee. NO MORE THAN ONE HUNDRED DOLLARS SHALL BE CHARGED AS AN ADMISSION FEE TO A POKER TOURNAMENT. FIFTY PERCENT OF SUCH FEE SHALL BE APPLIED TO A PRIZE OR PRIZES, AS MAY BE DETERMINED BY THE AUTHORIZED ORGANIZATION, AND FIFTY PERCENT OF SUCH FEE SHALL BE RETAINED BY THE AUTHORIZED ORGANIZATION, SUBJECT TO THE PROVISIONS OF SUBDIVISION SIX OF SECTION ONE HUNDRED EIGHTY-SIX OF THIS ARTICLE. With the exception of bell jars, coin boards, seal cards, merchandise boards, and raffles, every winner shall be determined and every prize shall be awarded and delivered within the same calendar day as that upon which the game was played. No alcoholic beverage shall be offered or given as a prize in any game of chance.

S 8. Section 195-e of the general municipal law, as amended by chapter 94 of the laws of 1981, is amended to read as follows:

S 195-e. Advertising games. A licensee may advertise the conduct of games of chance to the general public by means of newspaper, circular, handbill and poster, and by one sign not exceeding sixty square feet in

area, which may be displayed on or adjacent to the premises owned or occupied by a licensed authorized organization, and when an organization is licensed to conduct games of chance on premises of an authorized games of chance lessor, one additional such sign may be displayed on or adjacent to the premises in which the games are to be conducted. Additional signs may be displayed upon any fire fighting equipment belonging to any licensed authorized organization which is a volunteer fire company, or upon any equipment of a first aid or rescue squad in and throughout the community served by such volunteer fire company or such first aid or rescue squad, as the case may be. All advertisements shall be limited to the description of such event as "Games of chance" [or], "Las Vegas Night" OR "POKER TOURNAMENT", the name of the authorized organization conducting such games, the license number of the authorized organization as assigned by the clerk or department and the date, location and time of the event.

S 9. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made and completed by the state racing and wagering board on or before such date.