

2550

2013-2014 Regular Sessions

I N   S E N A T E

January 18, 2013

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

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

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

1     Section 1. Subdivision 3 of section 186 of the general municipal law,  
2 as amended by chapter 531 of the laws of 2011, is amended to read as  
3 follows:  
4     3. "Games of chance" shall mean and include only the games known as  
5 "merchandise wheels", "coin boards", "merchandise boards", "seal cards",  
6 "event games", "raffles", [and] "bell jars", AND "CHARITY POKER" and  
7 such other specific games as may be authorized by the board, in which  
8 prizes are awarded on the basis of a designated winning number or  
9 numbers, color or colors, symbol or symbols determined by chance, but  
10 not including games commonly known as "bingo or lotto" which are  
11 controlled under article fourteen-H of this chapter and also not includ-  
12 ing "bookmaking", "policy or numbers games" and "lottery" as defined in  
13 section 225.00 of the penal law. No game of chance shall involve wager-  
14 ing of money by one player against another player.  
15     S 2. Section 186 of the general municipal law is amended by adding a  
16 new subdivision 3-f to read as follows:  
17     3-F. "CHARITY POKER" SHALL MEAN A TOURNAMENT CONDUCTED IN ACCORDANCE  
18 WITH RULES AND REGULATIONS ADOPTED BY THE BOARD IN WHICH A NUMBER OF  
19 CONTESTANTS COMPETE FOR PRIZES AWARDED BY A LICENSED AUTHORIZED ORGAN-  
20 IZATION FOLLOWING A SERIES OF ELIMINATION-STYLE POKER GAMES APPROVED BY  
21 THE BOARD IN WHICH ONLY NON-VALUE TOURNAMENT CHIPS SHALL BE USED. SUCH  
22 TOURNAMENT CHIPS, WHICH SHALL NOT BE REDEEMABLE FOR CASH, MERCHANDISE OR  
23 FOR ANY OTHER THING OF VALUE, SHALL BE USED EXCLUSIVELY TO ESTABLISH  
24 POINT TOTALS REPRESENTATIVE OF EACH PLAYER'S ACCUMULATED TOURNAMENT  
25 CHIPS THAT, IN TURN, SHALL DETERMINE THE CONTESTANTS' PLACEMENT AND RANK

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

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1 IN A TOURNAMENT, AND THE FINAL WINNER OR WINNERS THEREIN. NO CHARITY  
2 POKER GAME APPROVED BY THE BOARD SHALL AUTHORIZE THE WAGERING OF MONEY  
3 BY ONE PLAYER AGAINST ANOTHER PLAYER.

4 S 3. Subdivision 14 of section 186 of the general municipal law, as  
5 amended by chapter 531 of the laws of 2011, is amended to read as  
6 follows:

7 14. "One occasion" shall mean the successive operations of any one  
8 single type of game of chance which results in the awarding of a series  
9 of prizes amounting to five hundred dollars or four hundred dollars  
10 during any one license period, in accordance with the provisions of  
11 subdivision eight of section one hundred eighty-nine of this article, as  
12 the case may be. For purposes of the game of chance known as a merchan-  
13 dise wheel or a raffle, "one occasion" shall mean the successive oper-  
14 ations of any one such merchandise wheel or raffle for which the limit  
15 on a series of prizes provided by subdivision six of section one hundred  
16 eighty-nine of this article shall apply. For purposes of the game of  
17 chance known as a bell jar, "one occasion" shall mean the successive  
18 operation of any one such bell jar, seal card, event game, coin board,  
19 or merchandise board which results in the awarding of a series of prizes  
20 amounting to three thousand dollars. For the purposes of the game of  
21 chance known as raffle "one occasion" shall mean a calendar year during  
22 which successive operations of such game are conducted. FOR THE PURPOSES  
23 OF THE GAME KNOWN AS CHARITY POKER, "ONE OCCASION" SHALL MEAN THE  
24 CONDUCT OF A SINGLE LICENSE PERIOD AS PRESCRIBED IN SECTION ONE HUNDRED  
25 NINETY-FIVE-B OF THIS ARTICLE.

26 S 4. Subdivisions 5 and 6 of section 189 of the general municipal law,  
27 subdivision 5 as amended by chapter 455 of the laws of 2012 and subdivi-  
28 sion 6 as amended by chapter 302 of the laws of 2010, are amended to  
29 read as follows:

30 5. No single prize awarded by games of chance other than raffle shall  
31 exceed the sum or value of three hundred dollars, except that for  
32 merchandise wheels, no single prize shall exceed the sum or value of two  
33 hundred fifty dollars. No single prize awarded by raffle shall exceed  
34 the sum or value of one hundred thousand dollars. NO SINGLE PRIZE IN A  
35 CHARITY POKER TOURNAMENT SHALL EXCEED TWO THOUSAND DOLLARS. No single  
36 wager shall exceed six dollars and for bell jars, coin boards, or  
37 merchandise boards, no single prize shall exceed five hundred dollars  
38 provided, however, that such limitation shall not apply to the amount of  
39 money or value paid by the participant in a raffle in return for a tick-  
40 et or other receipt. For coin boards and merchandise boards, the value  
41 of a prize shall be determined by its costs to the authorized organiza-  
42 tion or, if donated, its fair market value. NOT MORE THAN FIFTY DOLLARS  
43 SHALL BE CHARGED AS AN ADMISSION FEE ENTITLING A PERSON TO ENTER A CHAR-  
44 ITY POKER TOURNAMENT, WHICH SHALL BE RETAINED BY THE LICENSED AUTHORIZED  
45 ORGANIZATION AS PROFIT; NOT MORE THAN FIFTY DOLLARS SHALL BE CHARGED FOR  
46 A BUY-IN WHICH, IN ITS ENTIRETY, SHALL BE APPLIED TO THE CHARITY POKER  
47 TOURNAMENT PRIZE POOL AND SHALL ENTITLE A PERSON FIRST PAYING AN ADMIS-  
48 SION FEE TO A SPECIFIED NUMBER OF NON-VALUE CHARITY POKER TOURNAMENT  
49 CHIPS; AND NOT MORE THAN TWO ADDITIONAL BUY-INS, EACH OF WHICH SHALL NOT  
50 EXCEED TEN DOLLARS, SHALL BE CHARGED TO ENTITLE A PERSON FIRST PAYING AN  
51 ADMISSION FEE AND AN INITIAL BUY-IN TO PURCHASE ADDITIONAL CHARITY POKER  
52 TOURNAMENT CHIPS. ALL PROCEEDS DERIVED FROM ADDITIONAL BUY-INS EXCEED-  
53 ING THE AMOUNT OF THE MONIES APPLIED TO THE SPECIFIED TOURNAMENT PRIZE  
54 POOL SHALL BE RETAINED BY THE LICENSED AUTHORIZED ORGANIZATION AS  
55 PROFIT.

1 6. No authorized organization shall award a series of prizes consist-  
2 ing of cash or of merchandise with an aggregate value in excess of ten  
3 thousand dollars during the successive operations of any one merchandise  
4 wheel, and three thousand dollars during the successive operations of  
5 any bell jar, coin board, or merchandise board. No series of prizes  
6 awarded by raffle shall have an aggregate value in excess of five  
7 hundred thousand dollars. NO SERIES OF PRIZES AWARDED DURING A CHARITY  
8 POKER OCCASION SHALL EXCEED FOUR THOUSAND DOLLARS. For coin boards and  
9 merchandise boards, the value of a prize shall be determined by its cost  
10 to the authorized organization or, if donated, its fair market value.

11 S 5. Subdivision 8 of section 189 of the general municipal law, as  
12 amended by chapter 455 of the laws of 2012, is amended to read as  
13 follows:

14 8. Except for merchandise wheels [and], raffles AND CHARITY POKER, no  
15 series of prizes on any one occasion shall aggregate more than four  
16 hundred dollars when the licensed authorized organization conducts five  
17 single types of games of chance during any one license period. Except  
18 for merchandise wheels, raffles and bell jars, no series of prizes on  
19 any one occasion shall aggregate more than five hundred dollars when the  
20 licensed authorized organization conducts less than five single types of  
21 games of chance, exclusive of merchandise wheels, raffles [and], bell  
22 jars AND CHARITY POKER, during any one license period. No authorized  
23 organization shall award by raffle prizes with an aggregate value in  
24 excess of two million dollars during any one license period.

25 S 6. Paragraph (a) of subdivision 1 of section 191 of the general  
26 municipal law, as amended by section 15 of part LL of chapter 56 of the  
27 laws of 2010, is amended to read as follows:

28 (a) Issuance of licenses to conduct games of chance. If such clerk or  
29 department shall determine that the applicant is duly qualified to be  
30 licensed to conduct games of chance under this article; that the member  
31 or members of the applicant designated in the application to manage  
32 games of chance are bona fide active members of the applicant and are  
33 persons of good moral character and have never been convicted of a  
34 crime, or, if convicted, have received a pardon, a certificate of good  
35 conduct or a certificate of relief from disabilities pursuant to article  
36 twenty-three of the correction law; that such games are to be conducted  
37 in accordance with the provisions of this article and in accordance with  
38 the rules and regulations of the board and applicable local laws or  
39 ordinances and that the proceeds thereof are to be disposed of as  
40 provided by this article, and if such clerk or department is satisfied  
41 that no commission, salary, compensation, reward or recompense whatever  
42 will be paid or given to any person managing, operating or assisting  
43 therein except as in this article otherwise provided; it shall issue a  
44 license to the applicant for the conduct of games of chance upon payment  
45 of a license fee of twenty-five dollars for each license period; OR UPON  
46 PAYMENT OF A LICENSE FEE OF ONE HUNDRED DOLLARS FOR EACH LICENSE PERIOD,  
47 IT SHALL ISSUE A LICENSE TO THE APPLICANT FOR THE CONDUCT OF CHARITY  
48 POKER.

49 S 7. Subdivision 2 of section 191 of the general municipal law, as  
50 amended by chapter 574 of the laws of 1978, is amended to read as  
51 follows:

52 2. On or before the thirtieth day of each month, the treasurer of the  
53 municipality in which the licensed property is located shall transmit to  
54 the state comptroller a sum equal to fifty percent of all authorized  
55 games of chance lessor license fees [and], the sum of fifteen dollars  
56 per license period for the conduct of games of chance, AND THE SUM OF

SIXTY DOLLARS PER LICENSE PERIOD FOR THE CONDUCT OF EACH CHARITY POKER TOURNAMENT collected by such clerk or department pursuant to this section during the preceding calendar month.

S 8. The section heading and subdivisions 1, 2, 3, 4, and 5 of section 195-o of the general municipal law, the section heading and subdivisions 2, 3, and 4 as added by chapter 309 of the laws of 1996 and subdivisions 1 and 5 as amended by chapter 637 of the laws of 1999, are amended and a new subdivision 1-b is added to read as follows:

Distributor of bell jars AND CHARITY POKER EQUIPMENT; reports and records. 1. Distribution; distributors. Any distributor licensed in accordance with section one hundred eighty-nine-a of this article to distribute bell jar tickets shall purchase bell jar tickets only from licensed manufacturers and may manufacture coin boards and merchandise boards only as authorized in subdivision one-a of this section. Licensed distributors of bell jar tickets shall sell such tickets only to [not-for-profit, charitable or religious organizations registered by the board] LICENSED AUTHORIZED ORGANIZATIONS. LICENSED DISTRIBUTORS OF CHARITY POKER EQUIPMENT SHALL SELL OR LEASE CHARITY POKER EQUIPMENT ONLY TO DISTRIBUTORS LICENSED BY THE BOARD OR AUTHORIZED ORGANIZATIONS LICENSED TO CONDUCT CHARITY POKER OCCASIONS. Any licensed distributor who willfully violates the provisions of this section shall: (a) upon such first offense, have their license suspended for a period of thirty days; (b) upon such second offense, participate in a hearing to be conducted by the board, and surrender their license for such period as recommended by the board; and (c) upon such third or subsequent offense, have their license suspended for a period of one year and shall be guilty of a class E felony. Any unlicensed distributor who violates this section shall be guilty of a class E felony.

1-B. CHARITY POKER EQUIPMENT. DISTRIBUTORS OF CHARITY POKER EQUIPMENT SHALL MANUFACTURE, SELL OR LEASE SUCH EQUIPMENT ONLY IF SUCH EQUIPMENT IS APPROVED BY THE BOARD AND SHALL HAVE PERMANENTLY AFFIXED TO IT AN IDENTIFICATION PLATE OR LABEL SETTING FORTH ALL INFORMATION REQUIRED BY THE BOARD AND, IF REQUIRED BY THE BOARD, A BAR CODE SETTING FORTH ALL INFORMATION THAT THE BOARD REQUIRES.

2. Business records. A distributor shall keep at each place of business complete and accurate records for that place of business, including itemized invoices of bell jar tickets held and purchased, AND ALL CHARITY POKER EQUIPMENT SOLD OR LEASED. [The] IN THE CASE OF BELL JAR TICKETS, COIN BOARD, SEAL CARD AND MERCHANDISE BOARDS, records must show the names and addresses of purchasers, the inventory at the close of each period for which a return is required, all bell jar tickets on hand, and other pertinent papers and documents relating to the purchase, sale, or disposition of bell jar tickets as may be required by the board. IN THE CASE OF CHARITY POKER EQUIPMENT, RECORDS MUST REFLECT THE NAMES, ADDRESSES, BOARD IDENTIFICATION NUMBERS AND LICENSE NUMBERS OF ALL PURCHASERS AND LESSEES, AND ALL OTHER INFORMATION REQUIRED BY THE BOARD. Books, records, itemized invoices, and other papers and documents required by this section shall be kept for a period of at least four years after the date of the documents, or the date of the entries appearing in the records, unless the board authorizes in writing their destruction or disposal at an earlier date. A person who violates this section shall be guilty of a misdemeanor.

3. Sales records. A distributor shall maintain a record of all bell jar tickets AND CHARITY POKER EQUIPMENT that it sells. The record shall include, but need not be limited to:

- 1 (a) the identity of the manufacturer from whom the distributor  
2 purchased the product;  
3 (b) the serial number of the product;  
4 (c) the name, address, BOARD-ISSUED IDENTIFICATION NUMBER and license  
5 [or exempt permit] number of the AUTHORIZED organization or BOARD-LI-  
6 CENSED DISTRIBUTOR, INCLUDING THE NAME OF THE person to which the sale  
7 was made;  
8 (d) the date of the sale;  
9 (e) the name of the person who ordered the product;  
10 (f) the name of the person who received the product;  
11 (g) the type of product;  
12 (h) the serial number of the product;  
13 (i) the account number identifying the sale from the manufacturer to  
14 distributor and the account number identifying the sale from the  
15 distributor to the licensed organization; and  
16 (j) the name, form number, or other identifying information for each  
17 game.

18 4. Invoices. A distributor shall supply with each sale of a bell jar  
19 AND CHARITY POKER product an itemized invoice showing the distributor's  
20 name and address, the purchaser's OR LESSEE'S name, address, BOARD IDEN-  
21 TIFICATION NUMBER and license number, the date of the sale OR LEASE, the  
22 account number identifying the sale from the manufacturer to distributor  
23 and the account number identifying the sale from the distributor to the  
24 licensed organization, and the description of the deals, including the  
25 form number, the serial number and the ideal gross from every deal of  
26 bell jar or similar game.

27 5. Reports. A distributor shall report quarterly to the board, on a  
28 form prescribed by the board, its sales of each type of bell jar deal or  
29 tickets AND ITS SALE OR LEASE OF ALL CHARITY POKER EQUIPMENT. This  
30 report shall be filed quarterly on or before the twentieth day of the  
31 month succeeding the end of the quarter in which the sale was made. The  
32 board may require that a distributor submit the quarterly report and  
33 invoices required by this section via magnetic media or electronic data  
34 transfer.

35 S 9. The section heading and the opening paragraph of section 195-q of  
36 the general municipal law, the section heading as added by chapter 309  
37 of the laws of 1996 and the opening paragraph as amended by chapter 337  
38 of the laws of 1998, are amended to read as follows:

39 Bell jar AND CHARITY POKER compliance and enforcement. In the case of  
40 bell jars AND CHARITY POKER, the licensee, upon filing financial state-  
41 ments of bell jar AND CHARITY POKER operations, shall also tender to the  
42 board a sum in the amount of five percent of the net proceeds as defined  
43 in this paragraph, from the CONDUCT OF CHARITY POKER AND THE sale of  
44 bell jar tickets, seal cards, merchandise board, and coin boards, if  
45 any, for that portion of license period covered by such statement. For  
46 the purposes of this section, BELL JAR "net proceeds" shall mean the  
47 difference between the ideal handle from the sale of bell jar tickets,  
48 seal cards, merchandise boards, and coin boards less the amount of money  
49 paid out in prizes and less the purchase price of the bell jar deal,  
50 seal card deal, merchandise board deal, or coin board deal. Addi-  
51 tionally, a credit shall be permitted against the net proceeds fee  
52 tendered to the board for unsold tickets of the bell jar deal as long as  
53 the unsold tickets have the same serial number as the tickets for which  
54 the fee is rendered. Such unsold tickets must be kept on file by the  
55 selling organization for inspection by the board for a period of one  
56 year following the date upon which the relevant financial statement was

received by the board. FOR PURPOSES OF THIS SECTION, CHARITY POKER "NET PROCEEDS" SHALL MEAN THE DIFFERENCE BETWEEN THE MONEYS COLLECTED FROM ADMISSION FEES, PLUS BUY-INS, IN EXCESS OF THE SPECIFIED PRIZE POOL, IF ANY, LESS THE COST TO THE LICENSED AUTHORIZED ORGANIZATION FOR THE LICENSE FEE, THE CHARITY POKER EQUIPMENT RENTAL OR PURCHASE, THE ADDITIONAL LICENSE FEE, AND THE GAMES OF CHANCE LESSOR RENTAL FEE, IF THE TOURNAMENT IS CONDUCTED ON THE PREMISES OF A LICENSED GAMES OF CHANCE LESSOR.

S 10. The general municipal law is amended by adding a new section 195-qq to read as follows:

S 195-QQ. CHARITY POKER COMPLIANCE AND ENFORCEMENT. THE BOARD, PURSUANT TO SECTION ONE HUNDRED EIGHTY-EIGHT-A OF THIS ARTICLE, SHALL PROMULGATE RULES AND REGULATIONS GOVERNING THE LICENSING, OPERATION AND REGULATION OF CHARITY POKER TO ENSURE THAT SUCH GAMES ARE RIGIDLY CONTROLLED. BOARD AGENTS SHALL CONDUCT, ANYWHERE IN THE STATE, INVESTIGATIONS OF THE ADMINISTRATION AND ENFORCEMENT OF CHARITY POKER TO ENSURE THAT SUCH GAMES ARE FAIRLY AND PROPERLY CONDUCTED; THAT ALL LAWS, RULES AND REGULATIONS GOVERNING SUCH OPERATIONS ARE STRICTLY CONSTRUED AND RIGIDLY ENFORCED; THAT CHARITY POKER IS NOT CONDUCTED FOR COMMERCIAL PURPOSES OR PURPOSES OTHER THAN THOSE AUTHORIZED BY THIS ARTICLE, OR ARE PARTICIPATED IN BY CRIMINAL OR OTHER UNDESIRABLE ELEMENTS; AND THAT CHARITY POKER PROCEEDS ARE NOT DIVERTED FROM THE PURPOSES AUTHORIZED BY THIS ARTICLE.

S 11. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately the state gaming commission may promulgate any rules and regulations necessary to implement the provisions of this act on its effective date on or before such date.