

# STATE OF NEW YORK

988--A

Cal. No. 1038

2017-2018 Regular Sessions

## IN SENATE

January 6, 2017

Introduced by Sens. BONACIC, AKSHAR, FUNKE, O'MARA -- 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 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:

1 Section 1. Section 185 of the general municipal law, as amended by  
2 chapter 574 of the laws of 1978, is amended to read as follows:  
3 § 185. Short title; purpose of article. This article shall be known  
4 and may be cited as the games of chance licensing law. The legislature  
5 hereby declares that the raising of funds for the promotion of bona fide  
6 charitable, educational, scientific, health, religious and patriotic  
7 causes and undertakings, where the beneficiaries are undetermined, is in  
8 the public interest. It hereby finds that, as conducted prior to the  
9 enactment of this article, games of chance were the subject of exploita-  
10 tion by professional gamblers, promoters, and commercial interests, and  
11 it finds further that tournaments of the various games of poker as  
12 offered by authorized organizations pursuant to subdivision two of  
13 section nine of article I of the New York state constitution, should be  
14 regulated under this article. It is hereby declared to be the policy of  
15 the legislature that all phases of the supervision, licensing and regu-  
16 lation of games of chance and of the conduct of games of chance, should  
17 be closely controlled and that the laws and regulations pertaining ther-  
18 eto should be strictly construed and rigidly enforced; that the conduct  
19 of the game and all attendant activities should be so regulated and  
20 adequate controls so instituted as to discourage commercialization of

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

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1 gambling in all its forms, including the rental of commercial premises  
2 for games of chance, and to ensure a maximum availability of the net  
3 proceeds of games of chance exclusively for application to the worthy  
4 causes and undertakings specified herein; that the only justification  
5 for this article is to foster and support such worthy causes and under-  
6 takings, and that the mandate of section nine of article one of the  
7 state constitution, as amended, should be carried out by rigid regu-  
8 lations to prevent commercialized gambling, prevent participation by  
9 criminal and other undesirable elements and prevent the diversion of  
10 funds from the purposes herein authorized.

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

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

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

27 3-f. "Poker tournaments" shall mean and include contests in which  
28 participants compete by playing poker games that are approved by the  
29 board. Placement in a poker tournament shall be determined by the number  
30 of poker chips that are accumulated during the course of play or by the  
31 various times that contestants are eliminated from the tournament during  
32 the course of play. Poker chips shall be allotted to contestants in  
33 accordance with rules that are adopted by the board.

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

37 14. "One occasion" shall mean the successive operations of any one  
38 single type of game of chance which results in the awarding of a series  
39 of prizes amounting to five hundred dollars or four hundred dollars  
40 during any one license period, in accordance with the provisions of  
41 subdivision eight of section one hundred eighty-nine of this article, as  
42 the case may be. For purposes of the game of chance known as a merchan-  
43 dised wheel or a raffle, "one occasion" shall mean the successive oper-  
44 ations of any one such merchandise wheel or raffle for which the limit  
45 on a series of prizes provided by subdivision six of section one hundred  
46 eighty-nine of this article shall apply. For purposes of the game of  
47 chance known as a bell jar, "one occasion" shall mean the successive  
48 operation of any one such bell jar, seal card, event game, coin board,  
49 or merchandise board which results in the awarding of a series of prizes  
50 amounting to three thousand dollars. For the purposes of the game of  
51 chance known as raffle "one occasion" shall mean a calendar year during  
52 which successive operations of such game are conducted. For the purpose  
53 of poker tournaments, "one occasion" shall mean the period of time from  
54 the commencement of such tournament until a winner or winners are deter-  
55 mined or a pre-determined time to conclude the tournament has been  
56 reached.

1 § 5. Paragraph (a) of subdivision 5 of section 189 of the general  
2 municipal law, as amended by section 11 of part MM of chapter 59 of the  
3 laws of 2017, is amended to read as follows:

4 (a) No single prize awarded by games of chance other than raffle or  
5 poker tournament shall exceed the sum or value of three hundred dollars,  
6 except that for merchandise wheels, no single prize shall exceed the sum  
7 or value of two hundred fifty dollars, and for bell jar, no single prize  
8 shall exceed the sum or value of one thousand dollars.

9 § 6. Subdivision 8 of section 189 of the general municipal law, as  
10 amended by chapter 434 of the laws of 2016, is amended to read as  
11 follows:

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

24 § 7. Subdivision 1 of section 195-d of the general municipal law, as  
25 amended by section 13 of part MM of chapter 59 of the laws of 2017, is  
26 amended to read as follows:

27 1. A fee may be charged by any licensee for admission to any game or  
28 games of chance conducted under any license issued under this article.  
29 The clerk or department may in its discretion fix a minimum fee. No  
30 more than one hundred dollars shall be charged as an admission fee to a  
31 poker tournament. Fifty percent of such fee shall be applied to a prize  
32 or prizes, as may be determined by the authorized organization, and  
33 fifty percent of such fee shall be retained by the authorized organiza-  
34 tion, subject to the provisions of subdivision six of section one  
35 hundred eighty-six of this article.

36 § 8. Section 195-e of the general municipal law, as amended by section  
37 14 of part MM of chapter 59 of the laws of 2017, is amended to read as  
38 follows:

39 § 195-e. Advertising games. A licensee may advertise the conduct of  
40 games of chance to the general public by means of newspaper, circular,  
41 handbill and poster, and by one sign not exceeding sixty square feet in  
42 area, which may be displayed on or adjacent to the premises owned or  
43 occupied by a licensed authorized organization, through the internet or  
44 television as may be regulated by the rules and regulations of the  
45 commission. When an organization is licensed or authorized to conduct  
46 games of chance on the premises of an authorized games of chance lessor,  
47 one additional such sign may be displayed on or adjacent to the premises  
48 in which the games are to be conducted. Additional signs may be  
49 displayed upon any firefighting or ambulance equipment belonging to any  
50 licensed authorized organization that is a volunteer fire company,  
51 volunteer ambulance corps or upon any equipment of a first aid or rescue  
52 squad in and throughout the community served by such volunteer fire  
53 company, volunteer ambulance corps or such first aid or rescue squad, as  
54 the case may be. All advertisements shall be limited to the description  
55 of such event as "Games of chance" [~~ex~~], "Las Vegas Night" or "Poker  
56 Tournament", the name of the authorized organization conducting such

1 games, the license number of the authorized organization as assigned by  
2 the clerk or department, the prizes offered and the date, location and  
3 time of the event.

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