

6918

2009-2010 Regular Sessions

I N A S S E M B L Y

March 16, 2009

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

AN ACT to amend the tax law, in relation to video lottery gaming at commercial bowling establishments

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

1 Section 1. Subparagraph (iii) of paragraph 1 of subdivision b of  
2 section 1612 of the tax law, as separately amended by chapters 140 and  
3 286 of the laws of 2008, is amended to read as follows:  
4 (iii) less an additional vendor's marketing allowance at a rate of ten  
5 percent for the first one hundred million dollars annually and eight  
6 percent thereafter of the total revenue wagered at the vendor track  
7 after payout for prizes to be used by the vendor track for the marketing  
8 and promotion and associated costs of its video lottery gaming oper-  
9 ations and pari-mutuel horse racing operations, as long as any such  
10 costs associated with pari-mutuel horse racing operations simultaneously  
11 encourage increased attendance at such vendor's video lottery gaming  
12 facilities, consistent with the customary manner of marketing comparable  
13 operations in the industry and subject to the overall supervision of the  
14 division; provided, however, that the additional vendor's marketing  
15 allowance shall not exceed eight percent in any year for any operator of  
16 a racetrack located in the county of Westchester or Queens; provided,  
17 however, a vendor track that receives a vendor fee pursuant to clause  
18 (G) of [this] subparagraph (II) OF THIS PARAGRAPH shall not receive the  
19 additional vendor's marketing allowance. A COMMERCIAL BOWLING ESTAB-  
20 LISHMENT THAT IS AUTHORIZED BY SECTION SIXTEEN HUNDRED SEVENTEEN-A OF  
21 THIS ARTICLE SHALL BE ENTITLED TO A VENDOR FEE OF NOT LESS THAN 20.25  
22 PERCENT IN THE FIRST, SECOND AND THIRD YEARS OF VIDEO LOTTERY GAMING AT  
23 SUCH COMMERCIAL BOWLING ESTABLISHMENT, 20.0 PERCENT IN THE FOURTH AND  
24 FIFTH YEARS AND 17.5 PERCENT IN ALL SUBSEQUENT YEARS. In establishing  
25 the vendor fee, the division shall ensure the maximum lottery support

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

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1 for education while also ensuring the effective implementation of  
2 section sixteen hundred seventeen-a of this article through the  
3 provision of reasonable reimbursements and compensation to vendor tracks  
4 for participation in such program. Within twenty days after any award  
5 of lottery prizes, the division shall pay into the state treasury, to  
6 the credit of the state lottery fund, the balance of all moneys received  
7 from the sale of all tickets for the lottery in which such prizes were  
8 awarded remaining after provision for the payment of prizes as herein  
9 provided. Any revenues derived from the sale of advertising on lottery  
10 tickets shall be deposited in the state lottery fund.

11 S 2. Section 1617-a of the tax law is amended by adding a new subdivi-  
12 sion a-1 to read as follows:

13 A-1. THE DIVISION OF THE LOTTERY IS HEREBY AUTHORIZED TO LICENSE,  
14 PURSUANT TO RULES AND REGULATIONS TO BE PROMULGATED BY THE DIVISION OF  
15 THE LOTTERY, THE OPERATION OF VIDEO LOTTERY GAMING AT COMMERCIAL BOWLING  
16 ESTABLISHMENTS THAT ARE DULY LICENSED TO SERVE ALCOHOLIC BEVERAGES, HAVE  
17 SEGREGATED AREAS THAT PROHIBIT ACCESS TO PERSONS UNDER TWENTY-ONE YEARS  
18 OF AGE, AND THAT ARE LOCATED IN A COUNTY OR COUNTIES IN WHICH VIDEO  
19 LOTTERY GAMING HAS BEEN AUTHORIZED PURSUANT TO LOCAL LAW. SUCH RULES AND  
20 REGULATIONS SHALL PROVIDE, AS A CONDITION OF LICENSURE, THAT SUCH BOWL-  
21 ING ESTABLISHMENTS TO BE LICENSED ARE CERTIFIED TO BE IN COMPLIANCE WITH  
22 ALL STATE AND LOCAL FIRE AND SAFETY CODES, THAT THE DIVISION IS AFFORDED  
23 ADEQUATE SPACE, INFRASTRUCTURE, AND AMENITIES CONSISTENT WITH INDUSTRY  
24 STANDARDS FOR SUCH VIDEO LOTTERY GAMING OPERATIONS AND TO ENSURE THAT  
25 PERSONS UNDER TWENTY-ONE YEARS OF AGE ARE PROHIBITED ACCESS FROM SUCH  
26 AREAS, THAT EMPLOYEES INVOLVED IN THE OPERATION OF VIDEO LOTTERY GAMING  
27 PURSUANT TO THIS SECTION ARE LICENSED BY THE RACING AND WAGERING BOARD,  
28 AND SUCH OTHER TERMS AND CONDITIONS OF LICENSURE AS THE DIVISION MAY  
29 ESTABLISH. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, VIDEO  
30 LOTTERY GAMING AT A COMMERCIAL BOWLING ESTABLISHMENT PURSUANT TO THIS  
31 SECTION SHALL BE DEEMED AN APPROVED ACTIVITY FOR SUCH BOWLING ESTABLISH-  
32 MENT UNDER THE RELEVANT CITY, COUNTY, TOWN, OR VILLAGE LAND USE OR  
33 ZONING ORDINANCES, RULES, OR REGULATIONS. NO BOWLING ESTABLISHMENT OPER-  
34 ATING VIDEO LOTTERY GAMING PURSUANT TO THIS SECTION MAY HOUSE SUCH  
35 GAMING ACTIVITY IN A STRUCTURE DEEMED OR APPROVED BY THE DIVISION AS  
36 "TEMPORARY" FOR A DURATION OF LONGER THAN EIGHTEEN MONTHS.

37 S 3. This act shall take effect immediately; provided, however, that  
38 the amendment to section 1617-a of the tax law made by section two of  
39 this act shall not affect the repeal of such section and shall be deemed  
40 repealed therewith.