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

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I N A S S E M B L Y

April 16, 2009

Introduced by M. of A. GALEF, PAULIN, PHEFFER, DESTITO, DelMONTE, POWELL, BOYLAND, BENJAMIN, PEOPLES, KOLB, FIELDS, J. RIVERA, P. RIVERA, JAFFEE, SCHROEDER, CALHOUN -- Multi-Sponsored by -- M. of A. ALFANO, BALL, BARRA, CLARK, CROUCH, DIAZ, DINOWITZ, DUPREY, ERRIGO, FITZPATRICK, GIGLIO, LATIMER, MAISEL, MARKEY, MOLINARO, REILLY, SCOZZAFAVA, SWEENEY, THIELE, TOWNS, WALKER -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to the lottery game of Quick Draw, and the disposition of lottery revenues

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

Section 1. Paragraphs 1, 2 and 3 of subdivision a of section 1612 of the tax law, paragraph 1 as amended by chapter 336 of the laws of 1999, paragraph 2 as amended by section 1 of part P of chapter 85 of the laws of 2002 and paragraph 3 as amended by section 2 of part D of chapter 383 of the laws of 2001, are amended to read as follows:

(1) [sixty] FORTY percent of the total amount for which tickets have been sold for a lawful lottery game introduced on or after the effective date of this paragraph, subject to the following provisions:

(A) drawings in such game shall be held during no more than thirteen hours each day, no more than eight hours of which shall be consecutive;

(B) such game shall be available only on premises occupied by licensed lottery sales agents, subject to the following provisions:

(i) if the licensee holds a license issued pursuant to the alcoholic beverage control law to sell alcoholic beverages for consumption on the premises, then not less than twenty-five percent of the gross sales must result from sales of food;

(ii) if the licensee does not hold a license issued pursuant to the alcoholic beverage control law to sell alcoholic beverages for consumption on the premises, then the premises must have a minimum square footage greater than two thousand five hundred square feet;

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

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(iii) notwithstanding the foregoing provisions, television equipment that automatically displays the results of such drawings may be installed and used without regard to the percentage of food sales or the square footage if such premises are used as:

(I) a commercial bowling establishment, or

(II) a facility authorized under the racing, pari-mutuel wagering and breeding law to accept pari-mutuel wagers;

(C) the rules for the operation of such game shall be as prescribed by regulations promulgated and adopted by the division, provided however, that such rules shall provide that no person under the age of twenty-one may participate in such games on the premises of a licensee who holds a license issued pursuant to the alcoholic beverage control law to sell alcoholic beverages for consumption on the premises; and, provided, further, that such regulations may be revised on an emergency basis not later than ninety days after the enactment of this paragraph in order to conform such regulations to the requirements of this paragraph; or

(2) [sixty-five] FORTY percent of the total amount for which tickets have been sold for the "Instant Cash" game in which the participant purchases a preprinted ticket on which dollar amounts or symbols are concealed on the face or the back of such ticket, provided however up to three such games may be offered during the fiscal year, seventy-five percent of the total amount for which tickets have been sold for such three games in which the participant purchases a preprinted ticket on which dollar amounts or symbols are concealed on the face or the back of such ticket; or

(3) [fifty] FORTY percent of the total amount for which tickets have been sold for games known as: (A) the "Daily Numbers Game" or "Win 4", discrete games in which the participants select no more than three or four of their own numbers to match with three or four numbers drawn by the division for purposes of determining winners of such games, (B) "Pick 10", offered no more than once daily, in which participants select from a specified field of numbers a subset of ten numbers to match against a subset of numbers to be drawn by the division from such field of numbers for the purpose of determining winners of such game, (C) "Take 5", offered no more than once daily, in which participants select from a specified field of numbers a subset of five numbers to match against a subset of five numbers to be drawn by the division from such field of numbers for purposes of determining winners of such game, and (D) any joint, multi-jurisdiction, and out-of-state lottery; or

S 2. The opening paragraph of paragraph 1 of subdivision b of section 1612 of the tax law, as amended by chapter 140 of the laws of 2008, is amended to read as follows:

Notwithstanding section one hundred twenty-one of the state finance law, on or before the twentieth day of each month, the division shall pay into the state treasury, to the credit of the state lottery fund created by section ninety-two-c of the state finance law, not less than forty-five percent of the total amount for which tickets have been sold for games defined in paragraph four of subdivision a of this section during the preceding month, not less than [thirty-five] FORTY-FIVE percent of the total amount for which tickets have been sold for games defined in paragraph three of subdivision a of this section during the preceding month, not less than [twenty] FORTY-FIVE percent of the total amount for which tickets have been sold for games defined in paragraph two of subdivision a of this section during the preceding month, provided however that for games with a prize payout of seventy-five percent of the total amount for which tickets have been sold, the divi-

sion shall pay not less than ten percent of sales into the state treasury and not less than [twenty-five] FORTY-FIVE percent of the total amount for which tickets have been sold for games defined in paragraph one of subdivision a of this section during the preceding month; and the balance of the total revenue after payout for prizes for games known as "video lottery gaming," (i) less ten percent of the total revenue wagered after payout for prizes to be retained by the division for operation, administration, and procurement purposes; (ii) less a vendor's fee the amount of which is to be paid for serving as a lottery agent to the track operator of a vendor track:

S 3. This act shall take effect on the first of January next succeeding the date upon which it shall have become a law; provided, however, that the amendments to paragraphs 1, 2 and 3 of subdivision a of section 1612 of the tax law made by section one of this act shall not affect the repeal of such paragraphs and shall be deemed repealed therewith.