

2383

2009-2010 Regular Sessions

I N S E N A T E

February 19, 2009

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

AN ACT to amend the tax law and the state finance law, in relation to prohibiting the use of lottery funds for advertising, marketing or promoting the lottery

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

1 Section 1. Section 1612 of the tax law is amended by adding a new
2 subdivision h to read as follows:
3 H. NO REVENUES COLLECTED PURSUANT TO THIS ARTICLE SHALL BE USED FOR
4 THE PURPOSES OF ADVERTISING, MARKETING OR PROMOTING THE LOTTERY.
5 S 2. Subdivision 3 of section 92-c of the state finance law, as
6 amended by chapter 913 of the laws of 1977, is amended to read as
7 follows:
8 3. The moneys in such fund shall be appropriated or transferred only
9 (i) for repayment of first instance expenditures incurred in the operation of the state lottery, PROVIDED, HOWEVER, THAT NO MONEYS IN SUCH
10 FUND SHALL BE APPROPRIATED OR TRANSFERRED FOR THE PURPOSES OF ADVERTISING, MARKETING OR PROMOTING THE LOTTERY, (ii) for the state fiscal year
11 commencing April first, nineteen hundred seventy-six only for the purpose of providing aid to pupils with special educational needs as
12 defined in paragraph e of subdivision one of section thirty-six hundred two of the education law, and pupils with handicapping conditions
13 receiving state financial support for programs delineated in paragraph f of subdivision one of section thirty-six hundred two, article eighty-three, article eighty-five, article eighty-seven, article eighty-eight, article eighty-nine, article forty and FORMER subdivision seventeen of section thirty-six hundred two of the education law, and for any state
14 fiscal year commencing after such nineteen hundred seventy-six fiscal year for the purpose of providing aid to all school children pursuant to

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

LBD09333-01-9

1 the provisions of subdivision four of this section, (iii) for elementary
2 and secondary education, (iv) for expenditures for machines or other
3 capital equipment which the division of the lottery is authorized to
4 purchase for the operation of the lottery and (v) for payment in the
5 state fiscal years commencing April first, nineteen hundred seventy-sev-
6 en, nineteen hundred seventy-eight and nineteen hundred seventy-nine
7 into the winter sports education trust fund, as created in section four
8 hundred ninety-five-a of article ten-C of the education law, for the
9 purposes of such fund in accordance with the provisions of subdivision
10 five of this section. Payments into such trust fund shall discontinue
11 at such time as the sum of one hundred million dollars, in the aggre-
12 gate, has been paid into such fund or upon March thirty-first, nineteen
13 hundred eighty, whichever event occurs first. Nothing herein shall
14 prohibit the purchase of machines or other capital equipment from funds
15 appropriated for expenditures under paragraph (i) hereof.

16 S 3. This act shall take effect on the thirtieth day after it shall
17 have become a law and shall apply to all revenues collected as a result
18 of the New York state lottery for education occurring on or after such
19 date.