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

2384

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, in relation to requiring the division of the lottery to give notice to local communities regarding new locations for certain lottery games

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

Section 1. Subparagraph (B) of paragraph 1 of subdivision a of section 1612 of the tax law is amended by adding a new clause (iv) to read as follows:

(IV) NOT LESS THAN THIRTY DAYS BEFORE LICENSING AN AGENT TO SELL SUCH TICKETS ON ANY SUCH PREMISES, THE DIVISION SHALL PUBLISH IN A NEWSPAPER OF GENERAL CIRCULATION IN AN AREA INCLUDING THE MUNICIPALITY WHERE SUCH PREMISES ARE LOCATED, NOTICE THAT AN APPLICATION FOR SUCH LICENSE HAS BEEN FILED WITH THE DIVISION. SAID NOTICE SHALL INCLUDE THE NAME AND BUSINESS ADDRESS OF THE LICENSE APPLICANT; THE ADDRESS OF THE PREMISES WHEREIN SUCH TICKETS SHALL BE SOLD; AND THE APPLICANT'S ESTIMATED GROSS WEEKLY SALES. IF THE APPLICANT SEEKS A LICENSE PURSUANT TO CLAUSE (I) OF THIS SUBPARAGRAPH, THEN SAID NOTICE SHALL ALSO INCLUDE THE PERCENT OF THE APPLICANT'S ESTIMATED GROSS WEEKLY SALES THAT RESULT FROM FOOD. IF THE APPLICANT SEEKS A LICENSE PURSUANT TO CLAUSE (II) OF THIS SUBPARAGRAPH, THEN SAID NOTICE SHALL ALSO INCLUDE THE SQUARE FOOTAGE OF SUCH PREMISES. NO SUCH LICENSE SHALL BE ISSUED TO A LICENSEE TO WHICH THE MUNICIPALITY HAS OBJECTED IN WRITING, EXCEPT AFTER A PUBLIC HEARING AND UNLESS THE DIVISION, BY THE DIRECTOR, THEREAFTER DETERMINES IN WRITING THAT SUCH LICENSE IS IN THE PUBLIC INTEREST AND APPROVES IN WRITING THE ISSUANCE OF SUCH LICENSE. FOR THE PURPOSES OF THIS CLAUSE, THE TERM "MUNICIPALITY" MEANS AN INCORPORATED VILLAGE IF SUCH PREMISES ARE LOCATED THEREIN, A TOWN IF SUCH PREMISES ARE LOCATED THEREIN AND NOT LOCATED SIMULTANEOUSLY WITHIN AN INCORPORATED VILLAGE, OR A CITY, EXCEPT

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

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THAT IN THE CITY OF NEW YORK, THE COMMUNITY BOARD WITH JURISDICTION OVER THE AREA IN WHICH SUCH PREMISES ARE LOCATED SHALL BE CONSIDERED THE MUNICIPALITY;

S 2. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that the amendment to subparagraph (B) of paragraph 1 of subdivision a of section 1612 of the tax law made by section one of this act shall not affect the repeal of such paragraph and shall be deemed repealed therewith.