

3148

2009-2010 Regular Sessions

I N S E N A T E

March 12, 2009

Introduced by Sen. DIAZ -- 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 any purpose other than education

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 ANY PURPOSE OTHER THAN PROVIDING AID TO ALL SCHOOL CHILDREN AND SHALL
5 NOT BE CO-MINGLED WITH FUNDS DESIGNATED FOR ANY OTHER PURPOSE.

6 S 2. Subdivision 3 of section 92-c of the state finance law, as
7 amended by chapter 913 of the laws of 1977, is amended to read as
8 follows:

9 3. The moneys in such fund shall be appropriated or transferred only
10 (i) for repayment of first instance expenditures incurred in the opera-
11 tion of the state lottery, PROVIDED HOWEVER, THAT NO MONEYS IN SUCH FUND
12 SHALL BE APPROPRIATED OR TRANSFERRED FOR ANY PURPOSE OTHER THAN PROVID-
13 ING AID TO ALL SCHOOL CHILDREN AND SHALL NOT BE CO-MINGLED WITH FUNDS
14 DESIGNATED FOR ANY OTHER PURPOSE, (ii) for the state fiscal year
15 commencing April first, nineteen hundred seventy-six only for the
16 purpose of providing aid to pupils with special educational needs as
17 defined in paragraph e of subdivision one of section thirty-six hundred
18 two of the education law, and pupils with handicapping conditions
19 receiving state financial support for programs delineated in paragraph f
20 of subdivision one of section thirty-six hundred two, article eighty-
21 three, article eighty-five, article eighty-seven, article eighty-eight,
22 article eighty-nine, AND article forty [and subdivision seventeen of
23 section thirty-six hundred two] of the education law, and for any state

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

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

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