

3282

2009-2010 Regular Sessions

I N S E N A T E

March 13, 2009

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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

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

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

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

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

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