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I N S E N A T E

March 4, 2010

Introduced by Sen. OPPENHEIMER -- 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 the disposition of revenue from the lottery prize account

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

1 Section 1. Paragraphs 3 and 4 of subdivision a of section 1612 of the  
2 tax law, paragraph 3 as amended by section 2 of part D of chapter 383 of  
3 the laws of 2001 and paragraph 4 as amended by chapter 2 of the laws of  
4 1995, are amended to read as follows:

5 (3) [fifty] FORTY-FIVE percent of the total amount for which tickets  
6 have been sold for games known as: (A) the "Daily Numbers Game" or "Win  
7 4", discrete games in which the participants select no more than three  
8 or four of their own numbers to match with three or four numbers drawn  
9 by the division for purposes of determining winners of such games, (B)  
10 "Pick 10", offered no more than once daily, in which participants select  
11 from a specified field of numbers a subset of ten numbers to match  
12 against a subset of numbers to be drawn by the division from such field  
13 of numbers for the purpose of determining winners of such game, (C)  
14 "Take 5", offered no more than once daily, in which participants select  
15 from a specified field of numbers a subset of five numbers to match  
16 against a subset of five numbers to be drawn by the division from such  
17 field of numbers for purposes of determining winners of such game, and  
18 (D) any joint, multi-jurisdiction, and out-of-state lottery; or

19 (4) [forty] THIRTY-FIVE percent of the total amount for which tickets  
20 have been sold for: (A) "Lotto", offered no more than once daily, a  
21 discrete game in which all participants select a specific subset of  
22 numbers to match a specific subset of numbers, as prescribed by rules  
23 and regulations promulgated and adopted by the division, from a larger  
24 specific field of numbers, as also prescribed by such rules and regu-  
25 lations and (B) with the exception of the game described in paragraph  
26 one of this subdivision, such other state-operated lottery games which  
27 the division may introduce, offered no more than once daily, commencing

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

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1 on or after forty-five days following the official publication of the  
2 rules and regulations for such game.

3 S 2. The opening paragraph of paragraph 1 of subdivision b of section  
4 1612 of the tax law, as amended by section 1 of part O-1 of chapter 57  
5 of the laws of 2009, is amended to read as follows:

6 Notwithstanding section one hundred twenty-one of the state finance  
7 law, on or before the twentieth day of each month, the division shall  
8 pay into the state treasury, to the credit of the state lottery fund  
9 created by section ninety-two-c of the state finance law, not less than  
10 [forty-five] FIFTY percent of the total amount for which tickets have  
11 been sold for games defined in paragraph four of subdivision a of this  
12 section during the preceding month, not less than thirty-five percent of  
13 the total amount for which tickets have been sold for games defined in  
14 paragraph three of subdivision a of this section during the preceding  
15 month, not less than [twenty] FORTY percent of the total amount for  
16 which tickets have been sold for games defined in paragraph two of  
17 subdivision a of this section during the preceding month, provided  
18 however that for games with a prize payout of seventy-five percent of  
19 the total amount for which tickets have been sold, the division shall  
20 pay not less than ten percent of sales into the state treasury and not  
21 less than twenty-five percent of the total amount for which tickets have  
22 been sold for games defined in paragraph one of subdivision a of this  
23 section during the preceding month; and the balance of the total revenue  
24 after payout for prizes for games known as "video lottery gaming," (i)  
25 less ten percent of the total revenue wagered after payout for prizes to  
26 be retained by the division for operation, administration, and procure-  
27 ment purposes; (ii) less a vendor's fee the amount of which is to be  
28 paid for serving as a lottery agent to the track operator of a vendor  
29 track:

30 S 3. This act shall take effect on the first of October next succeed-  
31 ing the date on which it shall have become a law, provided, however,  
32 that the amendments to paragraphs 3 and 4 of subdivision a of section  
33 1612 of the tax law made by section one of this act shall not affect the  
34 expiration of such subdivision and shall expire therewith.