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

788

2009-2010 Regular Sessions

I N S E N A T E

January 15, 2009

Introduced by Sen. ALESI -- 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 permitting all bars and restaurants to be able to offer Quick Draw irrespective of the percentage of sales from food

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, as amended by chapter 336 of the laws of 1999, is amended to read as follows:

(B) such game shall be available only on premises occupied by licensed lottery sales agents, subject to the following provisions:

(i) [if the licensee holds a license issued pursuant to the alcoholic beverage control law to sell alcoholic beverages for consumption on the premises, then not less than twenty-five percent of the gross sales must result from sales of food;

(ii)] if the licensee does not hold a license issued pursuant to the alcoholic beverage control law to sell alcoholic beverages for consumption on the premises, then the premises must have a minimum square footage greater than two thousand five hundred square feet;

[(iii)] (II) notwithstanding the foregoing provisions, television equipment that automatically displays the results of such drawings may be installed and used without regard to the percentage of food sales or the square footage if such premises are used as:

(I) a commercial bowling establishment, or

(II) a facility authorized under the racing, pari-mutuel wagering and breeding law to accept pari-mutuel wagers;

S 2. Paragraph 5 of subdivision d of section 1615 of the tax law, as added by chapter 2 of the laws of 1995, is amended to read as follows:

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

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(5) the total number of such premises and total sales by type as defined by item (i)[,] OR (ii) [or (iii)] of subparagraph (B) of paragraph one of subdivision a of section sixteen hundred twelve of this article.

S 3. This act shall take effect immediately, provided, however, that the amendments 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 subdivision and shall be deemed repealed therewith; provided further that the amendments to paragraph 5 of subdivision d of section 1615 of the tax law made by section two of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith.