

10034

I N   A S S E M B L Y

May 2, 2012

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Introduced by M. of A. JEFFRIES -- read once and referred to the Committee on Racing and Wagering

AN ACT to amend the tax law, in relation to restrictions on video lottery terminals

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

1     Section 1. The tax law is amended by adding a new section 1617-b to  
2     read as follows:  
3     S 1617-B. RESTRICTIONS ON VIDEO LOTTERY TERMINALS. 1. NO LICENSE TO  
4     OPERATE A VIDEO LOTTERY TERMINAL SHALL BE GRANTED FOR ANY PREMISES WHICH  
5     SHALL BE LOCATED ON THE SAME STREET OR AVENUE, AND WITHIN TWO HUNDRED  
6     FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE,  
7     MOSQUE OR OTHER PLACE OF WORSHIP; THE MEASUREMENTS TO BE TAKEN IN A  
8     STRAIGHT LINE FROM THE CENTER OF THE NEAREST ENTRANCE TO THE BUILDING  
9     USED FOR SUCH SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP TO THE  
10    CENTER OF THE NEAREST ENTRANCE OF THE PREMISES TO BE LICENSED; EXCEPT,  
11    HOWEVER, THAT NO LICENSE SHALL BE DENIED TO ANY PREMISES AT WHICH A  
12    LICENSE UNDER THIS CHAPTER HAS BEEN IN EXISTENCE CONTINUOUSLY FROM A  
13    DATE PRIOR TO THE DATE WHEN A BUILDING ON THE SAME STREET OR AVENUE AND  
14    WITHIN TWO HUNDRED FEET OF SAID PREMISES HAS BEEN OCCUPIED EXCLUSIVELY  
15    AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP.  
16    2. FOR THE PURPOSES OF THIS SECTION, THE WORD "ENTRANCE" SHALL MEAN A  
17    DOOR OF A SCHOOL, OF A HOUSE OF WORSHIP, OR OF THE PREMISES SOUGHT TO BE  
18    LICENSED, REGULARLY USED TO GIVE INGRESS TO STUDENTS OF THE SCHOOL, TO  
19    THE GENERAL PUBLIC ATTENDING THE PLACE OF WORSHIP, AND TO PATRONS OR  
20    GUESTS OF THE PREMISES PROPOSED TO BE LICENSED, EXCEPT THAT WHERE A  
21    SCHOOL OR HOUSE OF WORSHIP IS SET BACK FROM A PUBLIC THOROUGHFARE, THE  
22    WALKWAY OR STAIRS LEADING TO ANY SUCH DOOR SHALL BE DEEMED AN ENTRANCE;  
23    AND THE MEASUREMENT SHALL BE TAKEN TO THE CENTER OF THE WALKWAY OR  
24    STAIRS AT THE POINT WHERE IT MEETS THE BUILDING LINE OR PUBLIC THOROUGH-  
25    FARE. A DOOR WHICH HAS NO EXTERIOR HARDWARE, OR WHICH IS USED SOLELY AS  
26    AN EMERGENCY OR FIRE EXIT, OR FOR MAINTENANCE PURPOSES, OR WHICH LEADS  
27    DIRECTLY TO A PART OF A BUILDING NOT REGULARLY USED BY THE GENERAL  
28    PUBLIC OR PATRONS, IS NOT DEEMED AN "ENTRANCE".

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

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1 3. FOR THE PURPOSES OF THIS SECTION, A BUILDING OCCUPIED AS A PLACE OF  
2 WORSHIP DOES NOT CEASE TO BE "EXCLUSIVELY" OCCUPIED AS A PLACE OF  
3 WORSHIP BY INCIDENTAL USES THAT ARE NOT OF A NATURE TO DETRACT FROM THE  
4 PREDOMINANT CHARACTER OF THE BUILDING AS A PLACE OF WORSHIP, SUCH USES  
5 WHICH INCLUDE, BUT WHICH ARE NOT LIMITED TO: THE CONDUCT OF LEGALLY  
6 AUTHORIZED GAMES OF BINGO OR OTHER GAMES OF CHANCE HELD AS A MEANS OF  
7 RAISING FUNDS FOR THE NOT-FOR-PROFIT RELIGIOUS ORGANIZATION WHICH  
8 CONDUCTS SERVICES AT THE PLACE OF WORSHIP OR FOR OTHER NOT-FOR-PROFIT  
9 ORGANIZATIONS OR GROUPS; USE OF THE BUILDING FOR FUND-RAISING PERFORM-  
10 ANCES BY OR BENEFITTING THE NOT-FOR-PROFIT RELIGIOUS ORGANIZATIONS WHICH  
11 CONDUCTS SERVICES AT THE PLACE OF WORSHIP OR OTHER NOT-FOR-PROFIT ORGAN-  
12 IZATIONS OR GROUPS; THE USE OF THE BUILDING BY OTHER RELIGIOUS ORGANIZA-  
13 TIONS OR GROUPS FOR RELIGIOUS SERVICES OR OTHER PURPOSES; THE CONDUCT OF  
14 SOCIAL ACTIVITIES BY OR FOR THE BENEFIT OF THE CONGREGANTS; THE USE OF  
15 THE BUILDING FOR MEETINGS HELD BY ORGANIZATIONS OR GROUPS PROVIDING  
16 BEREAVEMENT COUNSELING TO PERSONS HAVING SUFFERED THE LOSS OF A LOVED  
17 ONE, OR PROVIDING ADVICE OR SUPPORT FOR CONDITIONS OR DISEASE INCLUDING,  
18 BUT NOT LIMITED TO, ALCOHOLISM, DRUG ADDICTION, CANCER, CEREBRAL PALSY,  
19 PARKINSON'S DISEASE, OR ALZHEIMER'S DISEASE; THE USE OF THE BUILDING FOR  
20 BLOOD DRIVES, HEALTH SCREENINGS, HEALTH INFORMATION MEETINGS, YOGA  
21 CLASSES, EXERCISE CLASSES OR OTHER ACTIVITIES INTENDED TO PROMOTE THE  
22 HEALTH OF THE CONGREGANTS OR OTHER PERSONS; AND USE OF THE BUILDING BY  
23 NON-CONGREGANT MEMBERS OF THE COMMUNITY FOR PRIVATE SOCIAL FUNCTIONS.  
24 THE BUILDING OCCUPIED AS A PLACE OF WORSHIP DOES NOT CEASE TO BE "EXCLU-  
25 SIVELY" OCCUPIED AS A PLACE OF WORSHIP WHERE THE NOT-FOR-PROFIT RELI-  
26 GIOUS ORGANIZATION OCCUPYING THE PLACE OF WORSHIP ACCEPTS THE PAYMENT OF  
27 FUNDS TO DEFRAY COSTS RELATED TO ANOTHER PARTY'S USE OF THE BUILDING.  
28 S 2. This act shall take effect immediately.