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I N   A S S E M B L Y

April 18, 2012

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Introduced by M. of A. CUSICK -- read once and referred to the Committee  
on Ways and Means

AN ACT to amend the tax law, in relation to authorizing advertising  
during quick draw

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

1     Section 1. Section 1603 of the tax law is amended by adding three new  
2 subdivisions 6, 7 and 8 to read as follows:

3     6. THE DIRECTOR MAY CONTRACT WITH ONE OR MORE PERSONS TO ALLOW THE  
4 PLACEMENT OF ADVERTISING OR PROMOTIONAL MATERIAL ON AVAILABLE MEDIA  
5 RELATED TO ANY ONLINE LOTTERY GAME OR TO SPONSOR INDIVIDUAL DRAWS IN ANY  
6 ONLINE LOTTERY GAME. IF THE DIRECTOR ENTERS INTO A CONTRACT UNDER THIS  
7 SUBDIVISION, THE DIRECTOR SHALL ALLOW AT LEAST ONE MINUTE BETWEEN DRAWS  
8 OF ON-LINE LOTTERY GAMES DURING WHICH ONE OR MORE ADVERTISEMENTS MAY BE  
9 EXHIBITED.

10     7. A CONTRACT ENTERED INTO UNDER SUBDIVISION SIX OF THIS SECTION SHALL  
11 PROVIDE THAT ANY ADVERTISEMENTS EXHIBITED BETWEEN DRAWS OF ON-LINE  
12 LOTTERY GAMES SHALL COMPLY WITH CONTENT REGULATIONS FOR TELEVISED BROADCAST  
13 ADOPTED BY THE FEDERAL COMMUNICATIONS COMMISSION, WITH THE EXCEPTION  
14 THAT THE ADVERTISING UNDER SUBDIVISION SIX OF THIS SECTION MAY  
15 INCLUDE ADVERTISEMENTS FOR ALCOHOLIC BEVERAGES WITH RESTRICTIONS IMPOSED  
16 ONLY BY THE DIRECTOR.

17     8. THE DIRECTOR SHALL SOLICIT BIDS FROM RESPONSIBLE PERSONS FOR ADVERTISING  
18 OR PROMOTIONAL CONTRACTS UNDER SUBDIVISION SIX OF THIS SECTION.  
19 THE DIRECTOR SHALL SELECT FROM AMONG THE BIDS RECEIVED SO AS TO PRODUCE  
20 THE MAXIMUM AMOUNT OF NET REVENUE FOR THE STATE CONSISTENT WITH THE  
21 GENERAL WELFARE OF THE CITIZENS OF THE STATE. IN DECIDING WHETHER TO  
22 ENTER INTO A CONTRACT UNDER SUBDIVISION SIX OF THIS SECTION, THE DIRECTOR  
23 SHALL CONSIDER WHETHER THE TERMS OF THE CONTRACT ARE COMPARABLE TO  
24 THE TERMS OF SIMILAR ADVERTISING OR PROMOTIONAL CONTRACTS RELATING TO  
25 LOTTERY OR OTHER GAMING IN OTHER STATES.

26     S 2. This act shall take effect immediately.

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

LBD14870-01-2