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

10034

I N A S S E M B L Y

May 2, 2012

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:

Section 1. The tax law is amended by adding a new section 1617-b to read as follows:

S 1617-B. RESTRICTIONS ON VIDEO LOTTERY TERMINALS. 1. NO LICENSE TO OPERATE A VIDEO LOTTERY TERMINAL SHALL BE GRANTED FOR ANY PREMISES WHICH SHALL BE LOCATED ON THE SAME STREET OR AVENUE, AND WITHIN TWO HUNDRED FEET OF A BUILDING OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE, MOSQUE OR OTHER PLACE OF WORSHIP; THE MEASUREMENTS TO BE TAKEN IN A STRAIGHT LINE FROM THE CENTER OF THE NEAREST ENTRANCE TO THE BUILDING USED FOR SUCH SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP TO THE CENTER OF THE NEAREST ENTRANCE OF THE PREMISES TO BE LICENSED; EXCEPT, HOWEVER, THAT NO LICENSE SHALL BE DENIED TO ANY PREMISES AT WHICH A LICENSE UNDER THIS CHAPTER HAS BEEN IN EXISTENCE CONTINUOUSLY FROM A DATE PRIOR TO THE DATE WHEN A BUILDING ON THE SAME STREET OR AVENUE AND WITHIN TWO HUNDRED FEET OF SAID PREMISES HAS BEEN OCCUPIED EXCLUSIVELY AS A SCHOOL, CHURCH, SYNAGOGUE OR OTHER PLACE OF WORSHIP.

2. FOR THE PURPOSES OF THIS SECTION, THE WORD "ENTRANCE" SHALL MEAN A DOOR OF A SCHOOL, OF A HOUSE OF WORSHIP, OR OF THE PREMISES SOUGHT TO BE LICENSED, REGULARLY USED TO GIVE INGRESS TO STUDENTS OF THE SCHOOL, TO THE GENERAL PUBLIC ATTENDING THE PLACE OF WORSHIP, AND TO PATRONS OR GUESTS OF THE PREMISES PROPOSED TO BE LICENSED, EXCEPT THAT WHERE A SCHOOL OR HOUSE OF WORSHIP IS SET BACK FROM A PUBLIC THOROUGHFARE, THE WALKWAY OR STAIRS LEADING TO ANY SUCH DOOR SHALL BE DEEMED AN ENTRANCE; AND THE MEASUREMENT SHALL BE TAKEN TO THE CENTER OF THE WALKWAY OR STAIRS AT THE POINT WHERE IT MEETS THE BUILDING LINE OR PUBLIC THOROUGHFARE. A DOOR WHICH HAS NO EXTERIOR HARDWARE, OR WHICH IS USED SOLELY AS AN EMERGENCY OR FIRE EXIT, OR FOR MAINTENANCE PURPOSES, OR WHICH LEADS DIRECTLY TO A PART OF A BUILDING NOT REGULARLY USED BY THE GENERAL 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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3. FOR THE PURPOSES OF THIS SECTION, A BUILDING OCCUPIED AS A PLACE OF WORSHIP DOES NOT CEASE TO BE "EXCLUSIVELY" OCCUPIED AS A PLACE OF WORSHIP BY INCIDENTAL USES THAT ARE NOT OF A NATURE TO DETRACT FROM THE PREDOMINANT CHARACTER OF THE BUILDING AS A PLACE OF WORSHIP, SUCH USES WHICH INCLUDE, BUT WHICH ARE NOT LIMITED TO: THE CONDUCT OF LEGALLY AUTHORIZED GAMES OF BINGO OR OTHER GAMES OF CHANCE HELD AS A MEANS OF RAISING FUNDS FOR THE NOT-FOR-PROFIT RELIGIOUS ORGANIZATION WHICH CONDUCTS SERVICES AT THE PLACE OF WORSHIP OR FOR OTHER NOT-FOR-PROFIT ORGANIZATIONS OR GROUPS; USE OF THE BUILDING FOR FUND-RAISING PERFORMANCES BY OR BENEFITTING THE NOT-FOR-PROFIT RELIGIOUS ORGANIZATIONS WHICH CONDUCTS SERVICES AT THE PLACE OF WORSHIP OR OTHER NOT-FOR-PROFIT ORGANIZATIONS OR GROUPS; THE USE OF THE BUILDING BY OTHER RELIGIOUS ORGANIZATIONS OR GROUPS FOR RELIGIOUS SERVICES OR OTHER PURPOSES; THE CONDUCT OF SOCIAL ACTIVITIES BY OR FOR THE BENEFIT OF THE CONGREGANTS; THE USE OF THE BUILDING FOR MEETINGS HELD BY ORGANIZATIONS OR GROUPS PROVIDING BEREAVEMENT COUNSELING TO PERSONS HAVING SUFFERED THE LOSS OF A LOVED ONE, OR PROVIDING ADVICE OR SUPPORT FOR CONDITIONS OR DISEASE INCLUDING, BUT NOT LIMITED TO, ALCOHOLISM, DRUG ADDICTION, CANCER, CEREBRAL PALSY, PARKINSON'S DISEASE, OR ALZHEIMER'S DISEASE; THE USE OF THE BUILDING FOR BLOOD DRIVES, HEALTH SCREENINGS, HEALTH INFORMATION MEETINGS, YOGA CLASSES, EXERCISE CLASSES OR OTHER ACTIVITIES INTENDED TO PROMOTE THE HEALTH OF THE CONGREGANTS OR OTHER PERSONS; AND USE OF THE BUILDING BY NON-CONGREGANT MEMBERS OF THE COMMUNITY FOR PRIVATE SOCIAL FUNCTIONS. THE BUILDING OCCUPIED AS A PLACE OF WORSHIP DOES NOT CEASE TO BE "EXCLUSIVELY" OCCUPIED AS A PLACE OF WORSHIP WHERE THE NOT-FOR-PROFIT RELIGIOUS ORGANIZATION OCCUPYING THE PLACE OF WORSHIP ACCEPTS THE PAYMENT OF FUNDS TO DEFRAY COSTS RELATED TO ANOTHER PARTY'S USE OF THE BUILDING.

S 2. This act shall take effect immediately.