

STATE OF NEW YORK

2734

2021-2022 Regular Sessions

IN SENATE

January 25, 2021

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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, as amended by chapter 174 of the laws of 2013, are amended to
3 read as follows:
4 (3) [~~fifty-five~~] forty-five percent of the total amount for which
5 tickets have been sold for any joint, multi-jurisdiction, and out-of-
6 state lottery except as otherwise provided in paragraph one of subdivi-
7 sion b of this section for any joint, multi-jurisdiction, out-of-state
8 video lottery gaming; or
9 (4) [~~fifty~~] thirty-five percent of the total amount for which tickets
10 have been sold for games known as: (A) the "Daily Numbers Game" or "Win
11 4", discrete games in which the participants select no more than three
12 or four of their own numbers to match with three or four numbers drawn
13 by the division for purposes of determining winners of such games, (B)
14 "Pick 10", offered no more than once daily, in which participants select
15 from a specified field of numbers a subset of ten numbers to match
16 against a subset of numbers to be drawn by the division from such field
17 of numbers for the purpose of determining winners of such game, (C)
18 "Take 5", offered no more than once daily, in which participants select
19 from a specified field of numbers a subset of five numbers to match
20 against a subset of five numbers to be drawn by the division from such
21 field of numbers for purposes of determining winners of such game; or
22 § 2. The opening paragraph of paragraph 1 of subdivision b of section
23 1612 of the tax law, as amended by section 2 of subpart D of part DD of
24 chapter 59 of the laws of 2019, is amended to read as follows:

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

LBD06916-01-1

1 Notwithstanding section one hundred twenty-one of the state finance
2 law, on or before the twentieth day of each month, the commission shall
3 pay into the state treasury, to the credit of the state lottery fund
4 created by section ninety-two-c of the state finance law, not less than
5 ~~[forty-five]~~ **fifty** percent of the total amount for which tickets have
6 been sold for games defined in paragraph five of subdivision a of this
7 section during the preceding month, not less than ~~[forty-five]~~ **fifty**
8 percent of the total amount for which tickets have be sold for games
9 defined in paragraph four of subdivision a of this section during the
10 preceding month, not less than thirty-five percent of the total amount
11 for which tickets have been sold for games defined in paragraph three of
12 subdivision a of this section during the preceding month, not less than
13 ~~[twenty and three-fourths]~~ **forty** percent of the total amount for which
14 tickets have been sold for games defined in paragraph two of subdivision
15 a of this section during the preceding month, provided however that for
16 games with a prize payout of seventy-four and one-fourth percent of the
17 total amount for which tickets have been sold, the commission shall pay
18 not less than ten and three-fourths percent of sales into the state
19 treasury and not less than twenty-five percent of the total amount for
20 which tickets have been sold for games defined in paragraph one of
21 subdivision a of this section during the preceding month; and the
22 balance of the total revenue after payout for prizes for games known as
23 "video lottery gaming," including any joint, multi-jurisdiction, and
24 out-of-state video lottery gaming,
25 § 3. This act shall take effect on the first of October next succeed-
26 ing the date on which it shall have become a law.