

3564--A

2011-2012 Regular Sessions

I N S E N A T E

February 25, 2011

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering -- recommitted to the Committee on Racing, Gaming and Wagering in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to payments by off-track betting corporations to regional licensed harness tracks

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

1 Section 1. Clause (E) of subparagraph 5 of paragraph b of subdivision
2 1 of section 1016 of the racing, pari-mutuel wagering and breeding law,
3 as amended by chapter 18 of the laws of 2008, is amended to read as
4 follows:
5 (E) [On] DURING THE FIRST ONE HUNDRED TWENTY days IN ANY CALENDAR YEAR
6 when a franchised corporation is not conducting a race meeting [and when
7 a licensed harness track is neither accepting wagers nor displaying the
8 signal from an in-state thoroughbred corporation or association or an
9 out-of-state thoroughbred track]:
10 (i) [Such] A licensed regional harness track shall receive in lieu of
11 any other payments on wagers placed at off-track betting facilities
12 outside the special betting district on races conducted by an in-state
13 thoroughbred racing corporation, two and eight-tenths percent on regular
14 and multiple bets during a regional meeting and one and nine-tenths
15 percent of such bets if there is no regional meeting and four and eight-
16 tenths percent on exotic bets on days on which there is a regional meet-
17 ing and three and four-tenths percent of such bets if there is no
18 regional meeting.

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

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1 (ii) [Such] A licensed regional harness track shall receive [one and
2 one-half] THREE-QUARTERS OF ONE per centum on total regional handle on
3 races conducted at out-of-state or out-of-country thoroughbred tracks.

4 (iii) In those regions in which there is more than one licensed
5 regional harness track, [if no track is accepting wagers or displaying
6 the live simulcast signal from the out-of-state track,] the total sum
7 shall be divided among the tracks in proportion to the ratio the wagers
8 placed on races conducted by each track bears to the corporation's total
9 in-region harness handle. [If one or more tracks are accepting wagers or
10 displaying the live simulcast signal, the total amount shall be divided
11 among those tracks not accepting wagers or displaying the simulcast
12 signal for an out-of-state track or in-state thoroughbred corporation or
13 association.]

14 S 2. Clause (F) of subparagraph 6 of paragraph b of subdivision 1 of
15 section 1016 of the racing, pari-mutuel wagering and breeding law, as
16 amended by chapter 18 of the laws of 2008, is amended to read as
17 follows:

18 (F) [On] DURING THE FIRST ONE HUNDRED TWENTY days IN ANY CALENDAR YEAR
19 when a franchised corporation is not conducting a race meeting [and when
20 a licensed harness track is neither accepting wagers nor displaying the
21 signal from an in-state thoroughbred corporation or association or an
22 out-of-state thoroughbred track]:

23 (i) [Such] A licensed regional harness track shall receive in lieu of
24 any other payments on wagers placed at off-track betting facilities
25 outside the special betting district on races conducted by an in-state
26 thoroughbred racing corporation, two and eight-tenths percent on regular
27 and multiple bets during a regional meeting and one and nine-tenths
28 percent of such bets if there is no regional meeting and four and eight-
29 tenths percent on exotic bets on days on which there is a regional meet-
30 ing and three and four-tenths percent of such bets if there is no
31 regional meeting.

32 (ii) [Such] A licensed regional harness track shall receive [one and
33 one-half] THREE-QUARTERS OF ONE per centum on total regional handle on
34 races conducted at out-of-state or out-of-country thoroughbred tracks.

35 (iii) In those regions in which there is more than one licensed
36 regional harness track, [if no track is accepting wagers or displaying
37 the live simulcast signal from the out-of-state track,] the total sum
38 shall be divided among the tracks in proportion to the ratio the wagers
39 placed on races conducted by each track bears to the corporation's total
40 in-region harness handle. [If one or more tracks are accepting wagers or
41 displaying the live simulcast signal, the total amount shall be divided
42 among those tracks not accepting wagers or displaying the simulcast
43 signal for an out-of-state track or in-state thoroughbred corporation.]

44 S 3. Subdivision 2 of section 1017 of the racing, pari-mutuel wagering
45 and breeding law, as amended by chapter 18 of the laws of 2008, is
46 amended to read as follows:

47 2. a. Maintenance of effort. Any off-track betting corporation which
48 engages in accepting wagers on the simulcasts of thoroughbred races from
49 out-of-state or out-of-country as permitted under subdivision one of
50 this section shall submit to the board, for its approval, a schedule of
51 payments to be made in any year or portion thereof, that such off-track
52 corporation engages in nighttime thoroughbred simulcasting. In order to
53 be approved by the board, the payment schedule shall be identical to the
54 actual payments and distributions of such payments to tracks and purses
55 made by such off-track corporation pursuant to the provisions of section
56 one thousand fifteen of this article during the year two thousand two,

1 as derived from out-of-state harness races displayed after 6:00 P.M. If
2 approved by the board, such scheduled payments shall be made from reven-
3 ues derived from any simulcasting conducted pursuant to this section and
4 section one thousand fifteen of this article. NOTWITHSTANDING ANY
5 INCONSISTENT PROVISION OF THIS PARAGRAPH: (I) FOR PURPOSES OF CALCULAT-
6 ING THE PAYMENTS TO BE MADE PURSUANT TO THIS PARAGRAPH FOR CALENDAR YEAR
7 TWO THOUSAND TWELVE, THE AMOUNT OTHERWISE PAYABLE, IF ANY, BY AN
8 OFF-TRACK BETTING CORPORATION TO A REGIONAL HARNESS TRACK SHALL BE
9 REDUCED IN PROPORTION TO THE REDUCTION, IF ANY, IN THE NUMBER OF RACING
10 PROGRAMS CONDUCTED BY THE REGIONAL HARNESS TRACK DURING TWO THOUSAND
11 TWELVE COMPARED WITH THE NUMBER OF RACING PROGRAMS CONDUCTED BY SUCH
12 TRACK DURING THE TWO THOUSAND FOUR BASE CALENDAR YEAR; AND (II) NO OFF-
13 TRACK BETTING CORPORATION SHALL HAVE ANY FURTHER PAYMENT OBLIGATION
14 PURSUANT TO THIS PARAGRAPH WITH RESPECT TO CALENDAR YEARS COMMENCING ON
15 OR AFTER JANUARY FIRST, TWO THOUSAND THIRTEEN.

16 b. Additional payments. During each calendar year, to the extent, and
17 at such time in the event, that aggregate statewide wagering handle
18 after 7Labor P.M. on out-of-state and out-of-country thoroughbred races
19 exceeds one hundred million dollars, each off-track betting corporation
20 conducting such simulcasting shall pay to its regional harness track or
21 tracks, an amount equal to [two percent] THE FOLLOWING PERCENTAGE of its
22 proportionate share of such excess handle: FOR CALENDAR YEARS THROUGH
23 TWO THOUSAND TWELVE, TWO PERCENT; FOR CALENDAR YEAR TWO THOUSAND THIR-
24 TEEN, ONE AND ONE-HALF PERCENT; FOR CALENDAR YEAR TWO THOUSAND FOURTEEN,
25 ONE PERCENT; AND FOR CALENDAR YEAR TWO THOUSAND FIFTEEN, ONE-HALF OF ONE
26 PERCENT. THERE SHALL BE NO FURTHER ADDITIONAL PAYMENT OBLIGATION PURSU-
27 ANT TO THIS PARAGRAPH FOR CALENDAR YEARS COMMENCING ON OR AFTER JANUARY
28 FIRST, TWO THOUSAND FIFTEEN. In any region where there are two or more
29 regional harness tracks, such [two percent] PAYMENT AMOUNT shall be
30 divided between or among the tracks in a proportion equal to the propor-
31 tion of handle on live harness races conducted at such tracks during the
32 preceding calendar year. Fifty percent of the sum received by each track
33 pursuant to this paragraph shall be used exclusively for increasing
34 purses, stakes and prizes at that regional harness track.

35 S 4. This act shall take effect immediately.