

4173

2013-2014 Regular Sessions

I N S E N A T E

March 12, 2013

Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering

AN ACT to amend the tax law and the racing, pari-mutuel wagering and breeding law, in relation to vendor's fees

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

1 Section 1. Clause (D) of subparagraph (ii) of paragraph 1 of subdivi-  
2 sion b of section 1612 of the tax law, as amended by section 6 of part K  
3 of chapter 57 of the laws of 2010, is amended to read as follows:

4 (D) notwithstanding clauses (A), (B) and (C) of this subparagraph,  
5 when the vendor track is located within fifteen miles of a Native Ameri-  
6 can class III gaming facility OR A GAMING FACILITY AUTHORIZED PURSUANT  
7 TO SUBDIVISION ONE OF SECTION NINE OF ARTICLE ONE OR ARTICLE FOUR OF THE  
8 STATE CONSTITUTION, at a rate of forty-one percent of the total revenue  
9 wagered at the vendor track after payout for prizes pursuant to this  
10 chapter;

11 S 2. The racing, pari-mutuel wagering and breeding law is amended by  
12 adding a new section 1113 to read as follows:

13 S 1113. INVESTMENT IN CERTAIN FACILITIES. 1. THE OPERATION OF CASINO  
14 GAMING AT A FACILITY PURSUANT TO SUBDIVISION ONE OF SECTION NINE OF  
15 ARTICLE ONE OF THE CONSTITUTION SHALL ONLY BE CONDUCTED BY AN ENTITY  
16 WHICH, ON OR BEFORE SEPTEMBER FIRST, TWO THOUSAND ELEVEN WAS LICENSED BY  
17 LAW THEN IN EFFECT TO CONDUCT VIDEO LOTTERY GAMING PURSUANT TO SECTION  
18 SIXTEEN HUNDRED SEVENTEEN-A OF THE TAX LAW AND ONLY UPON THE PREMISES OR  
19 A CONTIGUOUS PREMISES WHERE SUCH VIDEO LOTTERY GAMING WAS AUTHORIZED TO  
20 BE CONDUCTED. THE NET PROCEEDS DERIVED BY THE STATE FROM SUCH CASINO  
21 GAMING SHALL BE APPLIED EXCLUSIVELY TO OR IN AID OR SUPPORT OF EDUCATION  
22 IN THIS STATE AS THE LEGISLATURE MAY PRESCRIBE EXCEPT THAT NO MORE THAN  
23 TEN PERCENT OF SUCH FUNDS MAY BE USED FOR THE SUPPORT OF LOCAL GOVERN-

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

LBD08481-02-3

1 MENT IN THE HOST COMMUNITIES AS PRESCRIBED BY THE LOCAL LEGISLATIVE  
2 BODY.

3 2. AS CONSIDERATION FOR THE OPERATION OF CASINO GAMBLING AT A FACILITY  
4 PURSUANT TO SUBDIVISION ONE OF SECTION NINE OF ARTICLE ONE OF THE  
5 CONSTITUTION, THE STATE GAMING COMMISSION SHALL CAUSE THE INVESTMENT IN  
6 THE RACING INDUSTRY OF A PORTION OF THE VENDOR FEE RETAINED BY THE  
7 FACILITY IN THE MANNER SET FORTH AS FOLLOWS:

8 (A) EACH SUCH GAMBLING FACILITY SHALL DEDICATE A PORTION OF ITS VENDOR  
9 FEE SOLELY FOR THE PURPOSE OF ENHANCING PURSES AT EACH REGIONAL TRACK  
10 LOCATED WITHIN A FORTY MILE RADIUS OF SUCH GAMBLING FACILITY IN AN  
11 AMOUNT EQUALING SEVEN AND ONE-HALF PERCENT OF TOTAL REVENUE WAGERED AT  
12 THE FACILITY AFTER PAYMENT FOR PRIZES WHEN SUCH REGIONAL TRACK IS  
13 CONDUCTING A LIVE RACE MEETING PROVIDED THAT NO REGIONAL TRACK SHALL  
14 RECEIVE RACING SUPPORT PAYMENTS FOR THE PURPOSE OF ENHANCING PURSES THAT  
15 IS LESS THAN THE PURSE ENHANCEMENTS RECEIVED IN CALENDAR YEAR TWO THOU-  
16 SAND TWELVE AS CONSIDERATION FOR THE OPERATION OF VIDEO LOTTERY GAMING  
17 PURSUANT TO SECTION SIXTEEN HUNDRED TWELVE OF THE TAX LAW; AND

18 (B) EACH SUCH GAMBLING FACILITY SHALL DEDICATE A PORTION OF ITS VENDOR  
19 FEE SOLELY FOR THE PURPOSE OF RACING OPERATIONS OR CAPITAL EXPENDITURES  
20 AT EACH REGIONAL TRACK LOCATED WITHIN A FORTY MILE RADIUS OF SUCH GAMBL-  
21 ING FACILITY IN AN AMOUNT EQUALING FOUR PERCENT OF TOTAL REVENUE WAGERED  
22 AFTER PAYOUT FOR PRIZES WHEN SUCH REGIONAL TRACK IS CONDUCTING A LIVE  
23 RACE MEETING. IN ADDITION, ONE AND ONE-HALF PERCENT OF TOTAL REVENUE  
24 WAGERED AT THE GAMBLING FACILITY AFTER PAY-OUT FOR PRIZES SHALL BE  
25 DISTRIBUTED TO THE APPROPRIATE BREEDING FUND FOR THE MANNER OF RACING  
26 CONDUCTED BY SUCH TRACK.

27 3. IN THE EVENT TWO OR MORE REGIONAL TRACKS ARE LOCATED WITHIN THE  
28 FORTY MILE RADIUS OF THE CASINO GAMBLING FACILITY AND ARE CONDUCTING A  
29 LIVE RACE MEETING, THE RACING SUPPORT PAYMENTS PROVIDED FOR IN SUBDIVI-  
30 SION TWO OF THIS SECTION SHALL BE APPORTIONED EQUALLY.

31 4. IN THE EVENT TWO OR MORE GAMBLING FACILITIES ARE LOCATED WITHIN THE  
32 FORTY MILE RADIUS OF A REGIONAL TRACK THE RACING SUPPORT PAYMENTS SHOULD  
33 BE APPORTIONED EQUALLY.

34 5. FOR THE PURPOSE OF THIS SECTION THE TERM "REGIONAL TRACK" SHALL  
35 ALSO MEAN A GAMBLING FACILITY WHICH CONDUCTS A LIVE RACE MEETING PURSU-  
36 ANT TO ARTICLES TWO, THREE AND FOUR OF THIS CHAPTER.

37 S 3. This act shall take effect immediately.