

5835--A

2013-2014 Regular Sessions

I N   S E N A T E

June 17, 2013

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Introduced by Sens. MAZIARZ, GALLIVAN, GRISANTI, NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- 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 tax law, in relation to capital awards to certain vendor tracks and disposition of revenues

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

1     Section 1.     Subparagraph (ii) of paragraph 1 of subdivision b of  
2     section 1612 of the tax law is amended by adding two new clauses (J) and  
3     (K) to read as follows:  
4     (J) NOTWITHSTANDING CLAUSES (A), (B), (C), (D) AND (E) OF THIS SUBPAR-  
5     AGRAPH, WHEN A VENDOR TRACK IS LOCATED WITHIN ONTARIO, GENESEE OR ERIE  
6     COUNTIES, AT A RATE SEVEN AND ONE-HALF (7.5) PERCENTAGE POINTS GREATER  
7     THAN THE PERCENTAGE OF THE TOTAL REVENUE WAGERED AT THE VENDOR TRACK  
8     WHICH WOULD OTHERWISE BE APPLICABLE AND PAYABLE UNDER CLAUSE (A), (B),  
9     (C), (D), OR (E) OF THIS SUBPARAGRAPH.  
10    (K) NOTWITHSTANDING CLAUSES (A), (B), (C), (D), (E) AND (J) OF THIS  
11    SUBPARAGRAPH, WHEN A VENDOR TRACK IS LOCATED WITHIN ONTARIO OR GENESEE  
12    COUNTIES, EFFECTIVE ON THE DATE THAT A NATIVE AMERICAN CASINO OPENS TO  
13    THE GENERAL PUBLIC IN ANY OF MONROE, ORLEANS, GENESEE, LIVINGSTON,  
14    ONTARIO OR WAYNE COUNTIES, AT A RATE TEN PERCENTAGE POINTS GREATER THAN  
15    THE PERCENTAGE OF THE TOTAL REVENUE WAGERED AT THE VENDOR TRACK WHICH  
16    WOULD OTHERWISE BE APPLICABLE AND PAYABLE UNDER CLAUSE (A), (B), (C),  
17    (D), OR (E) OF THIS SUBPARAGRAPH.  
18    S 2. Paragraph 3 of subdivision f of section 1617-a of the tax law, as  
19    added by section 2 of part 0 of chapter 61 of the laws of 2011, is  
20    amended to read as follows:

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

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1 (3) For each video lottery facility, the annual value of the free play  
2 allowance credits authorized for use by the operator pursuant to this  
3 subdivision shall not exceed an amount equal to ten percent of the total  
4 amount wagered on video lottery games after payout of prizes; PROVIDED  
5 HOWEVER, THAT THE FREE PLAY ALLOWANCE CREDITS AUTHORIZED FOR USE BY AN  
6 OPERATOR IN ONTARIO, GENESEE AND ERIE COUNTIES SHALL NOT EXCEED AN  
7 AMOUNT EQUAL TO FIFTEEN PERCENT OF THE TOTAL AMOUNT WAGERED ON VIDEO  
8 LOTTERY GAMES AFTER THE PAYOUT OF PRIZES. The division shall establish  
9 procedures to assure that free play allowance credits do not exceed such  
10 amount.

11 S 3. The division of the lottery is authorized and directed to reim-  
12 burse to any vendor track located within the geographic area set forth  
13 in paragraph 12(a)(1) of the Nation-State Gaming Compact between the  
14 Seneca Nation of Indians and the State of New York executed on August  
15 18, 2002, as amended, the full amount of all documented expenses  
16 incurred by such vendor track in removing any use of the word "casino"  
17 or "slot machine" from their signage, Internet websites, marketing piec-  
18 es and other promotional material, and adopting new alternative business  
19 trademarks, trade names and logos which do not make use of the word  
20 "casino" or "slot machine".

21 S 4. This act shall take effect immediately.