

6082

2009-2010 Regular Sessions

I N S E N A T E

July 7, 2009

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to the creation of a local advisory board for the Belmont racetrack facility; to amend the racing, pari-mutuel wagering and breeding law, in relation to allotting dates for racing or licensing race meetings at which pari-mutuel betting is permitted on Palm Sunday; to amend the racing, pari-mutuel wagering and breeding law, in relation to rebates and free passes; to amend chapter 342 of the laws of 2005, amending the racing, pari-mutuel wagering and breeding law relating to establishing a task force on the utilization of retired race horses, in relation to the effectiveness thereof; to amend the general municipal law, in relation to requiring a New York state legend on all bell jar tickets sold in New York state; to amend the racing, pari-mutuel wagering and breeding law, in relation to payments by off-track betting corporations to regional harness tracks for out-of-state and out-of-country simulcasting revenue; to amend the racing, pari-mutuel wagering and breeding law, in relation to payments by off-track betting corporations to regional licensed harness tracks; to amend the tax law, in relation to rules and regulations necessary for the implementation of video lottery gaming; to amend chapter 405 of the laws of 1999, amending the real property tax law relating to improving the administration of the school tax relief (STAR) program, in relation to eliminating the expiration and repeal of the Quick Draw lottery game; to amend the tax law, in relation to the game of Quick Draw; to amend the racing, pari-mutuel wagering and breeding law, in relation to account wagering on simulcast horse races; and to amend the tax law, in relation to the disposition of revenues for the game of LOTTO and certain other lottery games

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

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

LBD14526-01-9

1 Section 1. Subdivision 6 of section 212 of the racing, pari-mutuel
2 wagering and breeding law, as added by chapter 18 of the laws of 2008,
3 is amended by adding a new paragraph c to read as follows:

4 C. THE LOCAL ADVISORY BOARD FOR THE BELMONT RACETRACK FACILITY SHALL
5 BE COMPRISED OF FIFTEEN MEMBERS AND INCLUDE FOUR DESIGNEES OF THE SUPER-
6 VISOR OF THE TOWN OF HEMPSTEAD, THREE OF WHOM SHALL RESIDE WITHIN THE
7 HAMLET OF ELMONT AND ALL OF WHOM SHALL BE SUBJECT TO TOWN OF HEMPSTEAD
8 BOARD APPROVAL; FOUR DESIGNEES OF THE MAYOR OF THE VILLAGE OF FLORAL
9 PARK, SUBJECT TO VILLAGE BOARD APPROVAL; FOUR DESIGNEES OF THE ELMONT
10 COMMUNITY COALITION OF CIVICS; AND THREE DESIGNEES OF THE FRANCHISED
11 CORPORATION.

12 S 2. Section 105 of the racing, pari-mutuel wagering and breeding law
13 is amended to read as follows:

14 S 105. Supplementary regulatory powers of the board. Notwithstanding
15 any inconsistent provision of law, the board through its rules and regu-
16 lations or in allotting dates for racing or in licensing race meetings
17 at which pari-mutuel betting is permitted shall be empowered to: (i)
18 permit racing at which pari-mutuel betting is conducted on any or all
19 dates from the first day of January through the thirty-first day of
20 December, inclusive of Sundays but exclusive of December twenty-fifth
21 [and Palm Sunday] and Easter Sunday; and (ii) fix minimum and maximum
22 charges for admission at any race meeting.

23 S 3. The racing, pari-mutuel wagering and breeding law is amended by
24 adding a new section 113 to read as follows:

25 S 113. REBATES. 1. FOR THE PURPOSES OF THIS SECTION, "REBATE" SHALL
26 MEAN A PORTION OF PARI-MUTUEL WAGERS, OTHERWISE PAYABLE TO AN ASSOCI-
27 ATION OR CORPORATION CONDUCTING PARI-MUTUEL BETTING AT A RACE MEETING ON
28 RACES RUN THEREAT, WHICH IS PAID TO HOLDERS OF PARI-MUTUEL WAGERING
29 TICKETS AND WHICH REDUCES THE AMOUNT OTHERWISE PAYABLE TO SUCH ASSOCI-
30 ATION OR CORPORATION. REBATES SHALL INCLUDE, BUT NOT BE LIMITED TO,
31 REFUNDS TO HOLDERS OF PARI-MUTUEL WAGERING TICKETS ON ANY PORTION OR
32 PERCENTAGE OF THE FULL FACE VALUE OF A PARI-MUTUEL WAGER, INCREASING THE
33 PAYOFF OF OR PAYING A BONUS ON A WINNING PARI-MUTUEL TICKET, AWARDS OF
34 MERCHANDISE, SERVICES SUCH AS MEALS, PARKING, ADMISSION, SEATING AND
35 PROGRAMS, FREE OR REDUCED COST PARI-MUTUEL WAGERS, AND MONETARY AWARDS.

36 2. THE RACING AND WAGERING BOARD, UPON APPLICATION OF AN ASSOCIATION
37 OR CORPORATION CONDUCTING PARI-MUTUEL BETTING AT A RACE MEETING ON RACES
38 RUN THEREAT, MAY ANNUALLY APPROVE THE PAYMENT OF REBATES BY SUCH ASSOCI-
39 ATION OR CORPORATION, SUBJECT TO THE FOLLOWING REQUIREMENTS:

40 A. THE APPLICANT FULLY DISCLOSES THE EXTENT OF THE REBATE PROGRAM.
41 FULL DISCLOSURE SHALL INCLUDE THE DISCLOSURE OF THE MONETARY VALUE OF
42 ALL REBATES PAID TO BETTORS DURING THE PREVIOUS CALENDAR YEAR, AND THE
43 TERMS AND CONDITIONS GOVERNING THE AWARD OF REBATES TO BETTORS FOR THE
44 CALENDAR YEAR TO WHICH THE APPLICATION APPLIES;

45 B. THE APPLICANT PROVIDES ASSURANCES THAT THE VALUES OF THE REBATES
46 ARE DETERMINED SOLELY BY (I) THE AMOUNT WAGERED BY A BETTOR, (II) THE
47 AMOUNT PAYABLE TO THE ASSOCIATION OR CORPORATION ON EACH WAGER, AND
48 (III) HOW FREQUENTLY A BETTOR WAGERS;

49 C. THE ASSOCIATION OR CORPORATION MAINTAINS RECORDS OF ALL WAGERS
50 SUBJECT TO A REBATE, FOR A PERIOD OF NOT LESS THAN THREE YEARS; AND

51 D. THE APPLICANT DEMONSTRATES THAT SUCH REBATES ARE IN THE BEST INTER-
52 ESTS OF HORSE RACING.

53 3. REGIONAL OFF-TRACK BETTING CORPORATIONS MAY OFFER REBATES ON WAGERS
54 MADE ON RACES RUN BY ANY ASSOCIATION OR CORPORATION WHICH OFFERS REBATES
55 PURSUANT TO THIS SECTION. SUCH REBATES SHALL BE SUBJECT TO THE
56 PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS SECTION.

1 4. UPON THE APPROVAL OF AN ASSOCIATION OR CORPORATION CONDUCTING
2 PARI-MUTUEL BETTING AT A RACE MEETING ON RACES RUN THEREAT, ANOTHER
3 RACING ASSOCIATION OR CORPORATION MAY PROVIDE BETTORS WITH REBATES ON
4 WAGERS ON RACES RUN AT THE RACETRACK OPERATED BY SUCH APPROVING ASSOCI-
5 ATION OR CORPORATION. ALL SUCH REBATES SHALL BE SUBJECT TO THE
6 PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS SECTION.

7 S 4. Section 243 of the racing, pari-mutuel wagering and breeding law,
8 as amended by chapter 18 of the laws of 2008, is amended to read as
9 follows:

10 S 243. Free passes, cards or badges. A corporation licensed or fran-
11 chised to conduct pari-mutuel betting on races run on its racetrack[,
12 shall not] MAY issue free passes, cards or badges [except] to [persons
13 hereafter described:] ANY QUALIFIED PERSON. QUALIFIED PERSON SHALL
14 INCLUDE, BUT NOT BE LIMITED TO, officers and employees of the corpo-
15 ration conducting the race meeting, members, officers and employees of
16 the state racing and wagering board, members and employees of the jockey
17 club, members and employees of the national steeplechase and hunt asso-
18 ciation, members of turf organizations of other states and foreign coun-
19 tries, public officers engaged in the performance of their duties,
20 persons actually employed and accredited by the press to attend such
21 meetings, owners, stable managers, trainers, jockeys, jockey managers,
22 grooms, concessionaires, spouses, domestic partners and children of
23 owners, trainers and jockeys, [and] other persons whose actual duties
24 require their presence at such racetrack, AND ANY OTHER PERSON OR GUEST
25 DEEMED APPROPRIATE BY SUCH CORPORATION. IN ADDITION, FREE PASSES, CARDS
26 OR BADGES MAY BE ISSUED TO THE GENERAL PUBLIC IN CONNECTION WITH ANY
27 PROMOTIONAL CAMPAIGN OR MARKETING PROGRAM SPONSORED BY SUCH CORPORATION
28 TO INCREASE ATTENDANCE AT LIVE RACE MEETS. The issuance of free passes,
29 cards or badges shall be under the rules and regulations of the state
30 racing and wagering board [and a list of all persons to whom free pass-
31 es, cards or badges are issued shall be filed with the state racing and
32 wagering board].

33 S 5. Section 324 of the racing, pari-mutuel wagering and breeding law
34 is amended to read as follows:

35 S 324. Free passes, cards or badges. A corporation or association
36 licensed to conduct pari-mutuel betting on harness horse races run at
37 its racetrack [shall not] MAY issue free passes, cards or badges
38 [except] to [persons hereafter described:] ANY QUALIFIED PERSON. QUALI-
39 FIED PERSON SHALL INCLUDE, BUT NOT BE LIMITED TO, officers and employees
40 of the corporation or association conducting the race meeting, members,
41 officers and employees of the state racing and wagering board, members
42 of harness racing associations of other states and foreign countries,
43 public officers engaged in the performance of their duties, persons
44 actually employed and accredited by the press to attend such meetings,
45 owners, stable managers, trainers, drivers, concessionaires [and],
46 SPOUSES, DOMESTIC PARTNERS AND CHILDREN OF OWNERS, TRAINERS AND JOCKEYS,
47 other persons whose actual duties require their presence at such race-
48 track, AND ANY OTHER PERSON OR GUEST DEEMED APPROPRIATE BY SUCH CORPO-
49 RATION OR ASSOCIATION. IN ADDITION, FREE PASSES, CARDS OR BADGES MAY BE
50 ISSUED TO THE GENERAL PUBLIC IN CONNECTION WITH ANY PROMOTIONAL CAMPAIGN
51 OR MARKETING PROGRAM SPONSORED BY SUCH CORPORATION OR ASSOCIATION TO
52 INCREASE ATTENDANCE AT LIVE RACE MEETS. The issuance of free passes,
53 cards or badges shall be under the rules and regulations of the state
54 racing and wagering board [and a list of all persons to whom free pass-
55 es, cards or badges are issued shall be filed with the state racing and
56 wagering board].

1 S 6. Section 422 of the racing, pari-mutuel wagering and breeding law
2 is amended to read as follows:

3 S 422. Free passes, cards or badges. A corporation or association
4 licensed to conduct pari-mutuel betting on quarter horse races run at
5 its racetrack [shall] MAY issue free passes, cards or badges to [persons
6 hereafter described:] ANY QUALIFIED PERSON. QUALIFIED PERSON SHALL
7 INCLUDE, BUT NOT BE LIMITED TO, officers and employees of the corpo-
8 ration or association conducting the race meeting, members, officers and
9 employees of the state racing and wagering board, members of quarter
10 horse racing associations of other states and foreign countries, public
11 officers engaged in the performance of their duties, persons actually
12 employed and accredited by the press to attend such meetings, owners,
13 stable managers, trainers, jockeys, concessionaires [and], SPOUSES,
14 DOMESTIC PARTNERS AND CHILDREN OF OWNERS, TRAINERS AND JOCKEYS, other
15 persons whose actual duties require their presence at such racetrack,
16 AND ANY OTHER PERSON OR GUEST DEEMED APPROPRIATE BY SUCH CORPORATION OR
17 ASSOCIATION. IN ADDITION, FREE PASSES, CARDS OR BADGES MAY BE ISSUED TO
18 THE GENERAL PUBLIC IN CONNECTION WITH ANY PROMOTIONAL CAMPAIGN OR
19 MARKETING PROGRAM SPONSORED BY SUCH CORPORATION OR ASSOCIATION TO
20 INCREASE ATTENDANCE AT LIVE RACE MEETS. The issuance of free passes,
21 cards or badges shall be under the rules and regulations of the state
22 racing and wagering board [and a list of all persons to whom free pass-
23 es, cards or badges are issued shall be filed with the state racing and
24 wagering board].

25 S 7. Section 2 of chapter 342 of the laws of 2005, amending the
26 racing, pari-mutuel wagering and breeding law relating to establishing a
27 task force on the utilization of retired race horses, as amended by
28 chapter 293 of the laws of 2007, is amended to read as follows:

29 S 2. This act shall take effect immediately and shall expire and be
30 deemed repealed December 31, [2009] 2011.

31 S 8. Subdivision 1 of section 195-n of the general municipal law, as
32 amended by chapter 637 of the laws of 1999, is amended to read as
33 follows:

34 1. Distribution; manufacturers. For business conducted in this state,
35 manufacturers licensed by the board to sell bell jar tickets shall sell
36 only such tickets to distributors licensed by the board, AND SHALL ONLY
37 SELL SUCH TICKETS THAT HAVE BEEN APPROVED BY THE BOARD AND ARE IMPRINTED
38 WITH AN APPROVED LEGEND PRESCRIBED BY THE BOARD IN A MANNER PRESCRIBED
39 BY THE BOARD. BELL JAR TICKETS THAT ARE BANDED SINGLE-SIDED
40 SINGLE-TABBED, DOUBLE-SIDED SINGLE-TABBED OR FOLDED BELL JAR TICKETS ARE
41 EXCLUDED FROM THE APPROVED LEGEND REQUIREMENT. Manufacturers of bell jar
42 tickets, seal cards, merchandise boards, and coin boards may submit
43 samples, artists' renderings, or color photocopies of proposed bell jar
44 tickets, seal cards, merchandise boards, coin boards, payout cards, and
45 flares for review and approval by the board. Within thirty days of
46 receipt of such sample or rendering, the board shall approve or deny
47 such bell jar tickets. Following approval of a rendering of a bell jar
48 ticket, seal card, merchandise board, or coin board by the board, the
49 manufacturer shall submit to the board a sample of the printed bell jar
50 ticket, seal card, merchandise board, coin board, payout card, and flare
51 for such game. Such sample shall be submitted prior to the sale of the
52 game to any licensed distributor for resale in this state. For coin
53 boards and merchandise boards, nothing herein shall require the submit-
54 tal of actual coins or merchandise as part of the approval process. Any
55 licensed manufacturer who [willfully] INTENTIONALLY violates the
56 provisions of this section shall: (a) upon such first offense, have

1 their license suspended for a period of thirty days; (b) upon such
2 second offense, participate in a hearing to be conducted by the board,
3 and surrender their license for such period as recommended by the board;
4 and (c) upon such third or subsequent offense, have their license
5 suspended for a period of one year and shall be guilty of a class E
6 felony. Any unlicensed manufacturer who violates the provisions of this
7 section shall be guilty of a class E felony.

8 S 9. Subdivision 1 of section 195-o of the general municipal law, as
9 amended by chapter 637 of the laws of 1999, is amended to read as
10 follows:

11 1. Distribution; distributors. Any distributor licensed in accordance
12 with section one hundred eighty-nine-a of this article to distribute
13 bell jar tickets shall purchase bell jar tickets only from licensed
14 manufacturers and may manufacture coin boards and merchandise boards
15 only as authorized in subdivision one-a of this section. LICENSED
16 DISTRIBUTORS WHO PURCHASE BELL JAR TICKETS FOR RESALE IN NEW YORK STATE
17 SHALL ONLY PURCHASE AND RESELL BELL JAR TICKETS IMPRINTED WITH AN
18 APPROVED LEGEND PRESCRIBED BY THE BOARD IN A MANNER PRESCRIBED BY THE
19 BOARD, OR BELL JAR TICKETS THAT HAVE BEEN APPROVED BY THE BOARD THAT ARE
20 BANDED SINGLE-SIDED SINGLE-TABBED, DOUBLE-SIDED SINGLE-TABBED OR FOLDED
21 BELL JAR TICKETS. Licensed distributors of bell jar tickets shall sell
22 such tickets only to not-for-profit, charitable or religious organiza-
23 tions registered by the board. Any licensed distributor who [willfully]
24 INTENTIONALLY violates the provisions of this section shall: (a) upon
25 such first offense, have their license suspended for a period of thirty
26 days; (b) upon such second offense, participate in a hearing to be
27 conducted by the board, and surrender their license for such period as
28 recommended by the board; and (c) upon such third or subsequent offense,
29 have their license suspended for a period of one year and shall be guilty
30 of a class E felony. Any unlicensed distributor who violates this
31 section shall be guilty of a class E felony.

32 S 10. Subdivision 2 of section 1017 of the racing, pari-mutuel wager-
33 ing and breeding law, as amended by chapter 18 of the laws of 2008, is
34 amended to read as follows:

35 2. [a. Maintenance of effort. Any off-track betting corporation which
36 engages in accepting wagers on the simulcasts of thoroughbred races from
37 out-of-state or out-of-country as permitted under subdivision one of
38 this section shall submit to the board, for its approval, a schedule of
39 payments to be made in any year or portion thereof, that such off-track
40 corporation engages in nighttime thoroughbred simulcasting. In order to
41 be approved by the board, the payment schedule shall be identical to the
42 actual payments and distributions of such payments to tracks and purses
43 made by such off-track corporation pursuant to the provisions of section
44 one thousand fifteen of this article during the year two thousand two,
45 as derived from out-of-state harness races displayed after 6:00 P.M. If
46 approved by the board, such scheduled payments shall be made from reven-
47 ues derived from any simulcasting conducted pursuant to this section and
48 section one thousand fifteen of this article.

49 b. Additional payments] PAYMENTS. During each calendar year, to the
50 extent, and at such time in the event, that aggregate statewide wagering
51 handle after 7Labor P.M. on out-of-state and out-of-country thoroughbred
52 races exceeds one hundred million dollars, each off-track betting corpo-
53 ration conducting such simulcasting shall pay to its regional harness
54 track or tracks, an amount equal to [two percent] THE FOLLOWING PERCENT-
55 AGE of its proportionate share of such excess handle: FOR CALENDAR
56 YEARS THROUGH TWO THOUSAND NINE, TWO PERCENT; FOR CALENDAR YEAR TWO

1 THOUSAND TEN, ONE AND ONE-HALF PERCENT; FOR CALENDAR YEAR TWO THOUSAND
2 ELEVEN, ONE PERCENT; AND FOR CALENDAR YEAR TWO THOUSAND TWELVE, ONE-HALF
3 OF ONE PERCENT. THERE SHALL BE NO FURTHER ADDITIONAL PAYMENT OBLIGATION
4 PURSUANT TO THIS SUBDIVISION FOR CALENDAR YEARS COMMENCING ON OR AFTER
5 JANUARY FIRST, TWO THOUSAND THIRTEEN. In any region where there are two
6 or more regional harness tracks, such [two percent] PAYMENT AMOUNT shall
7 be divided between or among the tracks in a proportion equal to the
8 proportion of handle on live harness races conducted at such tracks
9 during the preceding calendar year. Fifty percent of the sum received by
10 each track pursuant to this [paragraph] SUBDIVISION shall be used exclu-
11 sively for increasing purses, stakes and prizes at that regional harness
12 track.

13 S 11. Clause (E) of subparagraph 5 of paragraph b of subdivision 1 of
14 section 1016 of the racing, pari-mutuel wagering and breeding law, as
15 amended by chapter 18 of the laws of 2008, is amended to read as
16 follows:

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

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

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

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

44 S 12. Clause (F) of subparagraph 6 of paragraph b of subdivision 1 of
45 section 1016 of the racing, pari-mutuel wagering and breeding law, as
46 amended by chapter 18 of the laws of 2008, is amended to read as
47 follows:

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

53 (i) [Such] A licensed regional harness track shall receive in lieu of
54 any other payments on wagers placed at off-track betting facilities
55 outside the special betting district on races conducted by an in-state
56 thoroughbred racing corporation, two and eight-tenths percent on regular

1 and multiple bets during a regional meeting and one and nine-tenths
2 percent of such bets if there is no regional meeting and four and eight-
3 tenths percent on exotic bets on days on which there is a regional meet-
4 ing and three and four-tenths percent of such bets if there is no
5 regional meeting.

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

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

18 S 13. Subdivision 2 of section 1017 of the racing, pari-mutuel wager-
19 ing and breeding law, as amended by chapter 18 of the laws of 2008, is
20 amended to read as follows:

21 2. a. Maintenance of effort. Any off-track betting corporation which
22 engages in accepting wagers on the simulcasts of thoroughbred races from
23 out-of-state or out-of-country as permitted under subdivision one of
24 this section shall submit to the board, for its approval, a schedule of
25 payments to be made in any year or portion thereof, that such off-track
26 corporation engages in nighttime thoroughbred simulcasting. In order to
27 be approved by the board, the payment schedule shall be identical to the
28 actual payments and distributions of such payments to tracks and purses
29 made by such off-track corporation pursuant to the provisions of section
30 one thousand fifteen of this article during the year two thousand two,
31 as derived from out-of-state harness races displayed after 6:00 P.M. If
32 approved by the board, such scheduled payments shall be made from reven-
33 ues derived from any simulcasting conducted pursuant to this section and
34 section one thousand fifteen of this article. NOTWITHSTANDING ANY
35 INCONSISTENT PROVISION OF THIS PARAGRAPH: (I) FOR PURPOSES OF CALCULAT-
36 ING THE PAYMENTS TO BE MADE PURSUANT TO THIS PARAGRAPH FOR CALENDAR YEAR
37 TWO THOUSAND NINE, THE AMOUNT OTHERWISE PAYABLE, IF ANY, BY AN OFF-TRACK
38 BETTING CORPORATION TO A REGIONAL HARNESS TRACK SHALL BE REDUCED IN
39 PROPORTION TO THE REDUCTION, IF ANY, IN THE NUMBER OF RACING PROGRAMS
40 CONDUCTED BY THE REGIONAL HARNESS TRACK DURING TWO THOUSAND NINE
41 COMPARED WITH THE NUMBER OF RACING PROGRAMS CONDUCTED BY SUCH TRACK
42 DURING THE TWO THOUSAND TWO BASE CALENDAR YEAR; AND (II) NO OFF-TRACK
43 BETTING CORPORATION SHALL HAVE ANY FURTHER PAYMENT OBLIGATION PURSUANT
44 TO THIS PARAGRAPH WITH RESPECT TO CALENDAR YEARS COMMENCING ON OR AFTER
45 JANUARY FIRST, TWO THOUSAND TEN.

46 b. Additional payments. During each calendar year, to the extent, and
47 at such time in the event, that aggregate statewide wagering handle
48 after 7Labor P.M. on out-of-state and out-of-country thoroughbred races
49 exceeds one hundred million dollars, each off-track betting corporation
50 conducting such simulcasting shall pay to its regional harness track or
51 tracks, an amount equal to [two percent] THE FOLLOWING PERCENTAGE of its
52 proportionate share of such excess handle: FOR CALENDAR YEARS THROUGH
53 TWO THOUSAND NINE, TWO PERCENT; FOR CALENDAR YEAR TWO THOUSAND TEN, ONE
54 AND ONE-HALF PERCENT; FOR CALENDAR YEAR TWO THOUSAND ELEVEN, ONE
55 PERCENT; AND FOR CALENDAR YEAR TWO THOUSAND TWELVE, ONE-HALF OF ONE
56 PERCENT. THERE SHALL BE NO FURTHER ADDITIONAL PAYMENT OBLIGATION PURSU-

ANT TO THIS PARAGRAPH FOR CALENDAR YEARS COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND TWELVE. In any region where there are two or more regional harness tracks, such [two percent] PAYMENT AMOUNT shall be divided between or among the tracks in a proportion equal to the proportion of handle on live harness races conducted at such tracks during the preceding calendar year. Fifty percent of the sum received by each track pursuant to this paragraph shall be used exclusively for increasing purses, stakes and prizes at that regional harness track.

S 14. Subdivision b of section 1617-a of the tax law, as amended by section 2 of part Z3 of chapter 62 of the laws of 2003, is amended to read as follows:

b. Video lottery gaming shall [only] be permitted for [no more than sixteen consecutive hours per day and on no day shall such operation be conducted past 2:00 a.m.] A VENDOR TRACK HAVING FEWER THAN ONE THOUSAND FIVE HUNDRED SEVENTY-FIVE VIDEO GAMING MACHINES OPERATED DAILY FOR A MAXIMUM OF ONE HUNDRED TWENTY-EIGHT HOURS PER WEEK AND A MINIMUM OF ONE HUNDRED TWELVE HOURS PER WEEK, AND FOR A VENDOR TRACK HAVING ONE THOUSAND FIVE HUNDRED SEVENTY-FIVE OR MORE VIDEO GAMING MACHINES OPERATED DAILY FOR A MAXIMUM OF ONE HUNDRED FORTY HOURS PER WEEK AND A MINIMUM OF ONE HUNDRED TWELVE HOURS PER WEEK, WITH THE ACTUAL DAILY HOURS OF OPERATION SET BY EACH VENDOR TRACK AND APPROVED BY THE DIRECTOR.

S 15. Section 1 of part J of chapter 405 of the laws of 1999, amending the real property tax law relation to improving the administration of the school tax relief (STAR) program, as amended by section 3 of part PP-1 of chapter 57 of the laws of 2008, is amended to read as follows:

Section 1. Notwithstanding the provisions of article 5 of the general construction law, the provisions of the tax law amended by sections 94-a, 94-d and 94-g of chapter 2 of the laws of 1995 are hereby revived and shall continue in full force and effect as they existed on March 31, 1999 [through May 31, 2010, when upon such date they shall expire and be repealed]. Sections 1, 2, 3, 4, and 5, and such part of section 10 of chapter 336 of the laws of 1999 as relates to providing for the effectiveness of such sections 1, 2, 3, 4 and 5 shall be nullified in effect on the effective date of this section, except that the amendments made to: paragraph (2) of subdivision a of section 1612 of the tax law by such section 1; and subdivision b of section 1612 of the tax law by such section 2; and the repeal of section 152 of chapter 166 of the laws of 1991 made by such section 5 shall continue to remain in effect.

S 16. Paragraph 1 of subdivision a of section 1612 of the tax law, as amended by chapter 336 of the laws of 1999, is amended to read as follows:

(1) sixty percent of the total amount for which tickets have been sold for a lawful lottery game introduced on or after the effective date of this paragraph[, subject to the following provisions:

(A) drawings in such game shall be held during no more than thirteen hours each day, no more than eight hours of which shall be consecutive;

(B) such game shall be available only on premises occupied by licensed lottery sales agents, subject to the following provisions:

(i) if the licensee holds a license issued pursuant to the alcoholic beverage control law to sell alcoholic beverages for consumption on the premises, then not less than twenty-five percent of the gross sales must result from sales of food;

(ii) if the licensee does not hold a license issued pursuant to the alcoholic beverage control law to sell alcoholic beverages for consumption on the premises, then the premises must have a minimum square footage greater than two thousand five hundred square feet;

(iii) notwithstanding the foregoing provisions, television equipment that automatically displays the results of such drawings may be installed and used without regard to the percentage of food sales or the square footage if such premises are used as:

(I) a commercial bowling establishment, or

(II) a facility authorized under the racing, pari-mutuel wagering and breeding law to accept pari-mutuel wagers;

(C) the rules for the operation of such game shall be as prescribed by regulations promulgated and adopted by the division, provided however, that such rules shall provide that no person under the age of twenty-one may participate in such games on the premises of a licensee who holds a license issued pursuant to the alcoholic beverage control law to sell alcoholic beverages for consumption on the premises; and, provided, further, that such regulations may be revised on an emergency basis not later than ninety days after the enactment of this paragraph in order to conform such regulations to the requirements of this paragraph]; or

S 17. Section 1003 of the racing, pari-mutuel wagering and breeding law, as added by chapter 363 of the laws of 1984, subdivision 1 as separately amended by chapters 2 and 70 of the laws of 1995, paragraph (a) of subdivision 1 as amended by section 1 of part L-1 of chapter 57 of the laws of 2009, paragraph (b) of subdivision 1 as added by chapter 2 of the laws of 1995, the opening paragraph of paragraph (a) of subdivision 2 as amended by chapter 538 of the laws of 1999, subdivision 5 as amended by chapter 287 of the laws of 1985, is amended to read as follows:

S 1003. Licenses for simulcast facilities. 1. [(a)] Any racing association or corporation or regional off-track betting corporation, authorized to conduct pari-mutuel wagering under this chapter, desiring to display the simulcast of horse races on which pari-mutuel betting shall be permitted in the manner and subject to the conditions provided for in this article may apply to the board for a license so to do. Applications for licenses shall be in such form as may be prescribed by the board and shall contain such information or other material or evidence as the board may require. No license shall be issued by the board authorizing the simulcast transmission of thoroughbred races from a track located in Suffolk county. The fee for such licenses shall be five hundred dollars per simulcast facility per year payable by the licensee to the board for deposit into the general fund. [Except as provided herein, the board shall not approve any application to conduct simulcasting into individual or group residences, homes or other areas for the purposes of or in connection with pari-mutuel wagering. The board may approve simulcasting into residences, homes or other areas to be conducted jointly by one or more regional off-track betting corporations and one or more of the following: a franchised corporation, thoroughbred racing corporation or a harness racing corporation or association; provided (i) the simulcasting consists only of those races on which pari-mutuel betting is authorized by this chapter at one or more simulcast facilities for each of the contracting off-track betting corporations which shall include wagers made in accordance with section one thousand fifteen, one thousand sixteen and one thousand seventeen of this article; provided further that the contract provisions or other simulcast arrangements for such simulcast facility shall be no less favorable than those in effect on January first, two thousand five; (ii) that each off-track betting corporation having within its geographic boundaries such residences, homes or other areas technically capable of receiving the simulcast signal shall be a contracting party; (iii) the distribution of revenues

1 shall be subject to contractual agreement of the parties except that
2 statutory payments to non-contracting parties, if any, may not be
3 reduced; provided, however, that nothing herein to the contrary shall
4 prevent a track from televising its races on an irregular basis primari-
5 ly for promotional or marketing purposes as found by the board. For
6 purposes of this paragraph, the provisions of section one thousand thir-
7 teen of this article shall not apply. Any agreement authorizing an
8 in-home simulcasting experiment commencing prior to May fifteenth, nine-
9 teen hundred ninety-five, may, and all its terms, be extended until June
10 thirtieth, two thousand ten; provided, however, that any party to such
11 agreement may elect to terminate such agreement upon conveying written
12 notice to all other parties of such agreement at least forty-five days
13 prior to the effective date of the termination, via registered mail. Any
14 party to an agreement receiving such notice of an intent to terminate,
15 may request the board to mediate between the parties new terms and
16 conditions in a replacement agreement between the parties as will permit
17 continuation of an in-home experiment until June thirtieth, two thousand
18 ten; and (iv) no in-home simulcasting in the thoroughbred special
19 betting district shall occur without the approval of the regional
20 thoroughbred track.

21 (b) Any agreement authorizing in-home simulcasting pursuant to this
22 section shall be in writing, and upon written request, a copy shall be
23 provided to the representative horsemen's group of the racing associ-
24 ation or corporation that is party to said agreement. Such agreement
25 shall include a categorical statement of new and incremental expenses
26 directly related and attributable to the conduct of in-home simulcast-
27 ing. The representative horsemen's group may, within thirty days of
28 receiving the agreement, petition the board for a determination as to
29 the appropriateness and reasonableness of any expenses attributed by
30 either the racing association or corporation or the off-track betting
31 corporation.]

32 2. Before it may grant such license, the board shall review and
33 approve a plan of operation submitted by such applicant including, but
34 not limited to the following information: a. A feasibility study denot-
35 ing the revenue earnings expected from the simulcast facility and the
36 costs expected to operate such facility. No feasibility study shall be
37 received for a simulcast facility that is applying to renew its license.
38 The form of the feasibility study shall be prescribed by the board and
39 may include:

- 40 (i) the number of simulcast races to be displayed;
- 41 (ii) the types of wagering to be offered;
- 42 (iii) the level of attendance expected and the area from which such
43 attendance will be drawn;
- 44 (iv) the level of anticipated wagering activity;
- 45 (v) the source and amount of revenues expected from other than pari-
46 mutuel wagering;
- 47 (vi) the cost of operating the simulcast facility and the identifica-
48 tion of costs to be amortized and the method of amortization of such
49 costs;
- 50 (vii) the amount and source of revenues needed for financing the
51 simulcast facility;
- 52 (viii) the probable impact of the proposed operation on revenues to
53 local government;

54 b. The security measures to be employed to protect the facility, to
55 control crowds, to safeguard the transmission of the simulcast signals

1 and to control the transmission of wagering data to effectuate common
2 wagering pools;

3 c. The type of data processing, communication and transmission equip-
4 ment to be utilized;

5 d. The description of the management groups responsible for the opera-
6 tion of the simulcast facility;

7 e. The system of accounts to maintain a separate record of revenues
8 collected by the simulcast facility, the distribution of such revenues
9 and the accounting of costs relative to the simulcast operation;

10 f. The location of the facility and a written confirmation from appro-
11 priate local officials that the location of such facility and the number
12 of patrons expected to occupy such facility are in compliance with all
13 applicable local ordinances;

14 [g. The written agreements and letters of consent between specified
15 parties pursuant to sections one thousand seven, one thousand eight and
16 one thousand nine of this article.]

17 3. Within forty-five days of receipt of the plan of operation provided
18 in subdivision two of this section, the board shall issue an order
19 approving the plan, approving it with modifications or denying approval,
20 in which latter case the board shall state its reasons therefor. Within
21 such period the board may request additional information or suggest
22 amendments. If the board fails to approve the plan, the applicant may
23 request a public hearing to be held within thirty days of the issuance
24 of an order denying it. The board shall issue its final determination
25 within ten days of such hearing. The applicant may submit an amended
26 application no sooner than thirty days after a denial.

27 4. No racing association or corporation or regional off-track betting
28 corporation shall be allowed to operate a simulcast facility except
29 according to the provisions of an approved plan of operation. No change
30 in such plan of operation may occur until an amendment proposing a
31 change to the plan is approved by the board. A plan of operation may be
32 amended from time to time at the request of either the operator or the
33 board. The operator shall have the right to be heard concerning any
34 amendment to the plan and the board shall dispose of such proposed
35 amendments as expeditiously as practicable, but no later than thirty
36 days following submission by the operator or, in the case of amendments
37 proposed by the board, objection by the operator.

38 5. For the purpose of maintaining proper control over simulcasts
39 conducted pursuant to this article, the [state racing and wagering]
40 board shall license any person, association or corporation participating
41 in simulcasting, as the board may by rule prescribe, including, if the
42 board deem it necessary so to do, any or all persons, associations or
43 corporations who create, distribute, transmit or display simulcast
44 signals. In the case of thoroughbred racing simulcasting or harness
45 racing simulcasting, such licenses shall be issued in accordance with
46 and subject to the provisions governing licenses for participants and
47 employees in article two or article three of this chapter as may be
48 applicable to such type of racing.

49 6. NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO PROHIBIT ANY RACING
50 ASSOCIATION, FRANCHISED CORPORATION, OFF-TRACK BETTING CORPORATION OR
51 ACCOUNT WAGERING LICENSEE FROM TELEVISIONING OR VIDEO STREAMING OVER THE
52 INTERNET OR OTHER ELECTRONIC DEVICES HORSE RACES INTO INDIVIDUAL OR
53 GROUP RESIDENCES, HOMES OR OTHER AREAS IN THE STATE, PROVIDING SUCH
54 ENTITY HAS RECEIVED WRITTEN CONSENT FROM THE HOST TRACK AND THE
55 OFF-TRACK BETTING CORPORATION, IF ANY, HAVING JURISDICTION IN THE COUNTY

1 OF THE STATE INTO WHICH SUCH TRANSMISSION IS BEING BROADCAST OR SIMUL-
2 CAST.

3 S 18. Paragraph 4 of subdivision a of section 1612 of the tax law, as
4 amended by chapter 2 of the laws of 1995, is amended to read as follows:

5 (4) [forty] FIFTY percent of the total amount for which tickets have
6 been sold for: (A) "Lotto", offered no more than once daily, a discrete
7 game in which all participants select a specific subset of numbers to
8 match a specific subset of numbers, as prescribed by rules and regu-
9 lations promulgated and adopted by the division, from a larger specific
10 field of numbers, as also prescribed by such rules and regulations and
11 (B) with the exception of the game described in paragraph one of this
12 subdivision, such other state-operated lottery games which the division
13 may introduce, offered no more than once daily, commencing on or after
14 forty-five days following the official publication of the rules and
15 regulations for such game.

16 S 19. This act shall take effect immediately, provided that:

17 1. the amendments to section 212 of the racing, pari-mutuel wagering
18 and breeding law made by section one of this act shall not affect the
19 repeal of such section as provided in section 110 of chapter 18 of the
20 laws of 2008 and shall be deemed repealed therewith;

21 2. sections eight and nine of this act shall take effect on the first
22 of January next succeeding the year in which it shall have become a law,
23 provided, however, that any rules and regulations necessary for the
24 timely implementation of sections eight and nine of this act shall be
25 promulgated on or before such effective date; and

26 3. section fourteen of this act shall take effect on the thirtieth day
27 after it shall have become a law; provided that the amendments made to
28 section 1617-a of the tax law by section fourteen of this act shall not
29 affect the repeal of such section and shall expire and be deemed
30 repealed therewith.