S T A T E O F N E W Y O R K

9750

I N A S S E M B L Y

May 20, 2014

Introduced by M. of A. GARBARINO -- read once and referred to the Committee on Ways and Means

AN ACT to amend the state finance law, in relation to state aid to newly eligible municipalities in which a video lottery gaming facility is located

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

Section 1. Section 54-l of the state finance law, as added by section 1 of part J of chapter 57 of the laws of 2011, paragraph b of subdivision 2 as amended by section 1 of part X of chapter 55 of the laws of 2014, is amended to read as follows:

S 54-l. State assistance to eligible cities and eligible municipalities in which a video lottery gaming facility is located. 1. Definitions. When used in this section, unless otherwise expressly stated:

a. "Eligible city" shall mean a city with a population equal to or greater than one hundred twenty-five thousand and less than one million in which a video lottery gaming facility is located and operating as of January first, two thousand nine pursuant to section sixteen hundred seventeen-a of the tax law.

b. "Eligible municipality" shall mean a county, city, town or village in which a video lottery gaming facility is located pursuant to section sixteen hundred seventeen-a of the tax law that is not located in a city with a population equal to or greater than one hundred twenty-five thousand.

C. "NEWLY ELIGIBLE MUNICIPALITY" SHALL MEAN A COUNTY, CITY, TOWN OR VILLAGE IN WHICH A VIDEO LOTTERY GAMING FACILITY IS LOCATED PURSUANT TO SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THE TAX LAW THAT IS NOT LOCATED IN A CITY WITH A POPULATION EQUAL TO OR GREATER THAN ONE HUNDRED TWENTY-FIVE THOUSAND AND WHICH WAS NOT OPERATING AS OF JANUARY FIRST, TWO THOUSAND FOURTEEN.

D. "ESTIMATED NET MACHINE INCOME" FOR A NEWLY ELIGIBLE MUNICIPALITY SHALL MEAN THE ESTIMATED FULL ANNUAL VALUE OF TOTAL REVENUE WAGERED AFTER PAYOUT FOR PRIZES FOR GAMES KNOWN AS VIDEO LOTTERY GAMING AS AUTHORIZED UNDER ARTICLE THIRTY-FOUR OF THE TAX LAW FOR THE PERIOD

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

LBD14614-02-4

COMMENCING ON APRIL FIRST NEXT SUCCEEDING THE DATE ON WHICH MACHINES LOCATED WITHIN SUCH MUNICIPALITY FIRST GENERATE INCOME AND ENDING ON THE FOLLOWING MARCH THIRTY-FIRST.

2. a. Within the amount appropriated therefor, an eligible city shall receive an amount equal to the state aid payment received in the state fiscal year commencing April first, two thousand eight from an appropriation for aid to municipalities with video lottery gaming facilities.

b. Within the amounts appropriated therefor, eligible municipalities shall receive an amount equal to seventy percent of the state aid payment received in the state fiscal year commencing April first, two thousand eight from an appropriation for aid to municipalities with video lottery gaming facilities.

C. A NEWLY ELIGIBLE MUNICIPALITY SHALL RECEIVE A STATE AID PAYMENT EQUAL TO THREE AND ONE-HALF PERCENT OF THE "ESTIMATED NET MACHINE INCOME" GENERATED BY A VIDEO LOTTERY GAMING FACILITY LOCATED WITHIN SUCH NEWLY ELIGIBLE MUNICIPALITY AS FOLLOWS: (I) TWENTY-FIVE PERCENT SHALL BE APPORTIONED AND PAID TO THE COUNTY; AND (II) SEVENTY-FIVE PERCENT SHALL BE APPORTIONED AND PAID ON PRO RATA BASIS TO ELIGIBLE MUNICIPALITIES, OTHER THAN THE COUNTY, BASED UPON THE POPULATION OF SUCH ELIGIBLE MUNICIPALITIES. SUCH STATE AID PAYMENT SHALL NOT EXCEED TWENTY-FIVE PERCENT OF AN ELIGIBLE MUNICIPALITY'S TOTAL EXPENDITURES AS REPORTED IN THE STATISTICAL REPORT OF THE COMPTROLLER IN THE PRECEDING STATE FISCAL YEAR PURSUANT TO SECTION THIRTY-SEVEN OF THE GENERAL MUNICIPAL LAW.

3. a. State aid payments made to an eligible city pursuant to paragraph a of subdivision two of this section shall be used to increase support for public schools in such city.

b. State aid payments made to [an] eligible [municipality] MUNICIPALITIES AND NEWLY ELIGIBLE MUNICIPALITIES pursuant to [paragraph] PARAGRAPHS b AND C of subdivision two of this section shall be used by such eligible municipality to: (i) defray local costs associated with a video lottery gaming facility, or (ii) minimize or reduce real property taxes.

4. Payments of state aid pursuant to this section shall be made on or before June thirtieth of each state fiscal year to the chief fiscal officer of each eligible city [and], each eligible municipality AND EACH NEWLY ELIGIBLE MUNICIPALITY, on audit and warrant of the state comptroller out of moneys appropriated by the legislature for such purpose to the credit of the local assistance fund in the general fund of the state treasury.

S 2. This act shall take effect immediately.