

3710--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 28, 2013

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Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to video gaming machines and disposition of revenues

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

1     Section 1. Clause (H) of subparagraph (ii) of paragraph 1 of subdivi-  
2     sion b of section 1612 of the tax law, as separately amended by chapters  
3     174 and 175 of the laws of 2013, is amended to read as follows:  
4     (H) notwithstanding clauses (A), (B), (C), (D), (E), (F) and (G) of  
5     this subparagraph, the track operator of a vendor track shall be eligi-  
6     ble for a vendor's capital award of up to four percent of the total  
7     revenue wagered at the vendor track after payout for prizes pursuant to  
8     this chapter, which shall be used exclusively for capital project  
9     investments to improve the facilities of the vendor track which promote  
10    or encourage increased attendance at the video lottery gaming facility  
11    including, but not limited to hotels, other lodging facilities, enter-  
12    tainment facilities, retail facilities, dining facilities, events  
13    arenas, parking garages and other improvements that enhance facility  
14    amenities; provided that such capital investments shall be approved by  
15    the division, in consultation with the state racing and wagering board,  
16    and that such vendor track demonstrates that such capital expenditures  
17    will increase patronage at such vendor track's facilities and increase  
18    the amount of revenue generated to support state education programs. The  
19    annual amount of such vendor's capital awards that a vendor track shall  
20    be eligible to receive shall be limited to two million five hundred  
21    thousand dollars, except for Aqueduct racetrack, for which there shall  
22    be no vendor's capital awards. Except for tracks having less than one

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

LBD01642-03-4

1 thousand [one] NINE hundred video gaming machines, and except for a  
2 vendor track located west of State Route 14 from Sodus Point to the  
3 Pennsylvania border within New York, each track operator shall be  
4 required to co-invest an amount of capital expenditure equal to its  
5 cumulative vendor's capital award. For all tracks, except for Aqueduct  
6 racetrack, the amount of any vendor's capital award that is not used  
7 during any one year period may be carried over into subsequent years  
8 ending before April first, two thousand fourteen. Any amount attribut-  
9 able to a capital expenditure approved prior to April first, two thou-  
10 sand fourteen and completed before April first, two thousand sixteen; or  
11 approved prior to April first, two thousand eighteen and completed  
12 before April first, two thousand twenty for a vendor track located west  
13 of State Route 14 from Sodus Point to the Pennsylvania border within New  
14 York, shall be eligible to receive the vendor's capital award. In the  
15 event that a vendor track's capital expenditures, approved by the divi-  
16 sion prior to April first, two thousand fourteen and completed prior to  
17 April first, two thousand sixteen, exceed the vendor track's cumulative  
18 capital award during the five year period ending April first, two thou-  
19 sand fourteen, the vendor shall continue to receive the capital award  
20 after April first, two thousand fourteen until such approved capital  
21 expenditures are paid to the vendor track subject to any required co-in-  
22 vestment. In no event shall any vendor track that receives a vendor fee  
23 pursuant to clause (F) or (G) of this subparagraph be eligible for a  
24 vendor's capital award under this section. Any operator of a vendor  
25 track which has received a vendor's capital award, choosing to divest  
26 the capital improvement toward which the award was applied, prior to the  
27 full depreciation of the capital improvement in accordance with general-  
28 ly accepted accounting principles, shall reimburse the state in amounts  
29 equal to the total of any such awards. Any capital award not approved  
30 for a capital expenditure at a video lottery gaming facility by April  
31 first, two thousand fourteen shall be deposited into the state lottery  
32 fund for education aid; and

33 S 2. This act shall take effect immediately.