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

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:

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

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

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

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

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

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

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

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

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

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

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

S 3. This act shall take effect immediately.