

2559

2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Racing and Wagering

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to payments to the racing industry at racinos receiving full casino gaming licenses

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

1 Section 1. Section 1355 of the racing, pari-mutuel wagering and breed-
2 ing law, as added by chapter 174 of the laws of 2013, is amended to read
3 as follows:

4 S 1355. Racing support payments. 1. If an applicant who possesses a
5 pari-mutuel wagering franchise or license awarded pursuant to article
6 two or three of this chapter, or who possessed in two thousand thirteen
7 a franchise or a license awarded pursuant to article two or three of
8 this chapter or is an articulated entity or such applicant, is issued a
9 gaming facility license pursuant to this article, the licensee shall:

10 (a) Maintain payments made from video lottery gaming operations to the
11 relevant horsemen and breeders organizations at the same dollar level
12 realized in two thousand thirteen, to be adjusted annually pursuant to
13 changes in the consumer price index for all urban consumers, as
14 published annually by the United States department of labor bureau of
15 labor statistics;

16 (I) INVEST IN THE RACING INDUSTRY A PORTION OF ITS ANNUAL GROSS GAMING
17 REVENUE RECEIVED PURSUANT TO THIS CHAPTER BY DEDICATING A PORTION OF ITS
18 ANNUAL GROSS GAMING REVENUE RECEIVED PURSUANT TO THIS CHAPTER SOLELY FOR
19 THE PURPOSE OF ENHANCING PURSES AT SUCH TRACK, ACCORDING TO THE FOLLOW-
20 ING SCHEDULE:

21 FROM THE FIRST FIFTEEN PERCENT INCREASE IN GROSS GAMING REVENUE ABOVE
22 ITS TWO THOUSAND FOURTEEN NET WIN FROM VIDEO LOTTERY TERMINALS OPERATED
23 PURSUANT TO ARTICLE THIRTY-FOUR OF THE TAX LAW: NO CONTRIBUTION UNTIL
24 THE FOLLOWING PLATEAUS ARE REACHED;

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

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1 BETWEEN FIFTEEN AND ONE-HUNDREDTHS PERCENT TO THIRTY PERCENT INCREASE
2 IN GROSS GAMING REVENUE ABOVE ITS TWO THOUSAND FOURTEEN NET WIN FROM
3 VIDEO LOTTERY TERMINALS OPERATED PURSUANT TO ARTICLE THIRTY-FOUR OF THE
4 TAX LAW: EIGHT PERCENT OF TOTAL GROSS GAMING REVENUE.

5 BETWEEN THIRTY AND ONE-HUNDREDTHS PERCENT TO FIFTY PERCENT INCREASE IN
6 GROSS GAMING REVENUE ABOVE ITS TWO THOUSAND FOURTEEN NET WIN FROM VIDEO
7 LOTTERY TERMINALS OPERATED PURSUANT TO ARTICLE THIRTY-FOUR OF THE TAX
8 LAW: AN ADDITIONAL SIX PERCENT OF TOTAL GROSS GAMING REVENUE ABOVE THE
9 PREVIOUS PLATEAU.

10 BETWEEN FIFTY AND ONE-HUNDREDTHS PERCENT TO EIGHTY PERCENT INCREASE IN
11 GROSS GAMING REVENUE ABOVE ITS TWO THOUSAND FOURTEEN NET WIN FROM VIDEO
12 LOTTERY TERMINALS OPERATED PURSUANT TO ARTICLE THIRTY-FOUR OF THE TAX
13 LAW: AN ADDITIONAL FIVE PERCENT OF TOTAL GROSS GAMING REVENUE ABOVE THE
14 PREVIOUS PLATEAU.

15 EIGHTY AND ONE-HUNDREDTHS PERCENT AND ABOVE INCREASE IN GROSS GAMING
16 REVENUE ABOVE ITS TWO THOUSAND FOURTEEN NET WIN FROM VIDEO LOTTERY
17 TERMINALS OPERATED PURSUANT TO ARTICLE THIRTY-FOUR OF THE TAX LAW: AN
18 ADDITIONAL FOUR PERCENT OF TOTAL GROSS GAMING REVENUE ABOVE THE PREVIOUS
19 PLATEAU.

20 (II) IN ADDITION, TO THE FOREGOING, THE LICENSEE SHALL DISTRIBUTE A
21 PORTION OF ITS ANNUAL GROSS GAMING REVENUE RECEIVED PURSUANT TO THIS
22 CHAPTER TO THE APPROPRIATE BREEDING FUND SOLELY FOR THE PURPOSES OF
23 ENHANCING THE APPROPRIATE BREEDING FUND, ACCORDING TO THE FOLLOWING
24 SCHEDULE:

25 FROM THE FIRST FIFTEEN PERCENT INCREASE IN GROSS GAMING REVENUE ABOVE
26 ITS TWO THOUSAND FOURTEEN NET WIN FROM VIDEO LOTTERY TERMINALS OPERATED
27 PURSUANT TO ARTICLE THIRTY-FOUR OF THE TAX LAW: NO CONTRIBUTION UNTIL
28 THE FOLLOWING PLATEAUS ARE REACHED;

29 BETWEEN FIFTEEN AND ONE-HUNDREDTHS PERCENT TO THIRTY PERCENT INCREASE
30 IN GROSS GAMING REVENUE ABOVE ITS TWO THOUSAND FOURTEEN NET WIN FROM
31 VIDEO LOTTERY TERMINALS OPERATED PURSUANT TO ARTICLE THIRTY-FOUR OF THE
32 TAX LAW: ONE PERCENT OF TOTAL GROSS GAMING REVENUE.

33 BETWEEN THIRTY AND ONE-HUNDREDTHS PERCENT TO FIFTY PERCENT INCREASE IN
34 GROSS GAMING REVENUE ABOVE ITS TWO THOUSAND FOURTEEN NET WIN FROM VIDEO
35 LOTTERY TERMINALS OPERATED PURSUANT TO ARTICLE THIRTY-FOUR OF THE TAX
36 LAW: AN ADDITIONAL EIGHTY-FIVE HUNDREDS PERCENT OF TOTAL GROSS GAMING
37 REVENUE ABOVE THE PREVIOUS PLATEAU.

38 BETWEEN FIFTY AND ONE-HUNDREDTHS PERCENT TO EIGHTY PERCENT INCREASE IN
39 GROSS GAMING REVENUE ABOVE ITS TWO THOUSAND FOURTEEN NET WIN FROM VIDEO
40 LOTTERY TERMINALS OPERATED PURSUANT TO ARTICLE THIRTY-FOUR OF THE TAX
41 LAW: AN ADDITIONAL SIXTY-FIVE HUNDREDTHS PERCENT OF TOTAL GROSS GAMING
42 REVENUE ABOVE THE PREVIOUS PLATEAU.

43 EIGHTY AND ONE-HUNDREDTHS PERCENT AND ABOVE INCREASE IN GROSS GAMING
44 REVENUE ABOVE ITS TWO THOUSAND FOURTEEN NET WIN FROM VIDEO LOTTERY
45 TERMINALS OPERATED PURSUANT TO ARTICLE THIRTY-FOUR OF THE TAX LAW: AN
46 ADDITIONAL FORTY-FIVE HUNDREDTHS PERCENT OF TOTAL GROSS GAMING REVENUE
47 ABOVE THE PREVIOUS PLATEAU.

48 (III) PAY TWO PERCENT OF SUCH ADDITIONAL PURSE ENHANCEMENT AMOUNT TO
49 THE GAMING COMMISSION TO BE HELD FOR THE JOINT AND EXCLUSIVE USE OF
50 PROMOTING AND MARKETING THE EQUINE RACING INDUSTRY IN NEW YORK WITH THE
51 CONSENT AND APPROVAL OF THE RECOGNIZED HORSEMEN'S ASSOCIATION AND THE
52 LICENSEE HEREUNDER. ANY PORTION OF SUCH FUNDING PAID TO THE GAMING
53 COMMISSION WHICH IS UNUSED OR NOT DEDICATED TO A SPECIFIC PROJECT DURING
54 ANY FISCAL YEAR SHALL BE RETURNED TO THE LICENSEES ON A PRO RATA BASIS
55 IN ACCORDANCE WITH THE AMOUNTS ORIGINALLY CONTRIBUTED BY EACH LICENSEE
56 AND SHALL BE USED FOR THE PURPOSE OF ENHANCING PURSES AT SUCH TRACK

1 UNLESS THE PARTIES AGREE TO DEDICATE ALL OR A PORTION THEREOF TO DRUG
2 TESTING.

3 (B) PROVIDED, FURTHER, THAT NOTHING IN THIS PARAGRAPH SHALL PREVENT
4 EACH LICENSEE FROM ENTERING INTO AN AGREEMENT, NOT TO EXCEED FIVE YEARS,
5 WITH THE RECOGNIZED HORSEMEN'S ASSOCIATION AT THAT TRACK TO INCREASE OR
6 DECREASE THE PORTION OR PERCENTAGE OF ITS GROSS GAMING REVENUE DEDICATED
7 TO ENHANCING PURSES AT SUCH TRACK DURING THE YEARS OF PARTICIPATION BY
8 SUCH TRACK IN GAMING ACTIVITY.

9 (C) PROVIDED FURTHER THAT ALL REQUIRED ENHANCEMENTS AND DISTRIBUTIONS
10 SHALL BE MADE BY FEBRUARY FIRST OF THE SUCCEEDING YEAR.

11 (D) PROVIDED FURTHER, THAT IN THE CALENDAR YEAR A GAMING FACILITY
12 BECOMES OPERATIONAL, THE COMPUTATIONAL FLOOR AND CEILING AMOUNTS FOR THE
13 RANGES SET FORTH ABOVE SHALL BE ADJUSTED BY A MULTIPLIER FRACTION, THE
14 DENOMINATOR OF WHICH IS TWELVE, AND THE NUMERATOR OF WHICH IS THE NUMBER
15 OF FULL OPERATIONAL MONTHS DURING THE INITIAL YEAR OF OPERATION.

16 [(b)] (E) All [racetracks] RACETRACK locations awarded a gaming facil-
17 ity license shall maintain racing activity and race dates pursuant to
18 articles two and three of this chapter.

19 2. If an applicant that does not possess either a pari-mutuel wagering
20 license or franchise awarded pursuant to article two or three of this
21 chapter is issued a gaming facility license pursuant to this article,
22 the licensee shall pay:

23 (a) an amount to horsemen for purses at the licensed racetracks in the
24 region that will assure the purse support from video lottery gaming
25 facilities in the region to the licensed racetracks in the region to be
26 maintained at the same dollar levels realized in two thousand thirteen
27 to be adjusted by the consumer price index for all urban consumers, as
28 published annually by the United States department of labor bureau of
29 labor statistics; and

30 (b) amounts to the agricultural and New York state horse breeding
31 development fund and the New York state thoroughbred breeding and devel-
32 opment fund to maintain payments from video lottery gaming facilities in
33 the region to such funds to be maintained at the same dollar levels
34 realized in two thousand thirteen to be adjusted by the consumer price
35 index for all urban consumers, as published annually by the United
36 States department of labor bureau of labor statistics.

37 S 2. This act shall take effect immediately.