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

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2015-2016 Regular Sessions

I N A S S E M B L Y

March 16, 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 percent of wagers made at off-track betting facilities conducted by in-state thoroughbred racing corporations; and repealing certain provisions of such law relating thereto

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

Section 1. Subdivision 2 of section 1017 of the racing, pari-mutuel wagering and breeding law is REPEALED.

S 2. Subparagraphs 1 and 2 of paragraph h of subdivision 1 of section 1014 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 18 of the laws of 2008, are amended to read as follows:

(1) Licensed harness tracks shall receive in lieu of any other payments on wagers placed at off-track betting facilities outside the special betting district on races conducted by an in-state thoroughbred racing corporation, [two and eight-tenths] ONE AND FOUR-TENTHS percent on regular and multiple bets during a regional meeting and [one and nine-tenths] NINETY FIVE-HUNDREDTHS percent of such bets if there is no regional meeting and [four and eight-tenths] TWO AND FOUR-TENTHS percent on exotic bets on days on which there is a regional meeting and [three and four-tenths] ONE AND SEVEN-TENTHS percent of such bets if there is no regional meeting.

(2) (i) In addition, licensed harness tracks shall receive [one and one-half] THREE-QUARTERS per centum, TO BE USED EXCLUSIVELY TO INCREASE PURSES, on total handle on races conducted at an out-of-state or out-of-country thoroughbred track provided such harness track is neither accepting wagers nor displaying the signal from an out-of-state track.

(ii) In those regions in which there is more than one licensed harness track, if no track is accepting wagers or displaying the live simulcast signal from the out-of-state track, the total sum shall be divided among

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

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the tracks in proportion to the ratio the wagers placed on races conducted by each track bears to the corporation's total in-region harness handle. If one or more tracks are accepting wagers or displaying the live simulcast signal, the total amount shall be divided among those tracks not accepting wagers or displaying the simulcast signal for an out-of-state track.

S 3. Paragraph b of subdivision 3 of section 1015 of the racing, pari-mutuel wagering and breeding law, as amended by section 22 of part F3 of chapter 62 of the laws of 2003 and such section as renumbered by chapter 18 of the laws of 2008, is amended to read as follows:

b. For off-track betting facilities, (1) of the sums so retained, the applicable tax rate shall be one percent of all such wagers;

(2) of the sum so retained, one percent of all wagers shall be paid to the New York state agricultural and horse breeding and development fund;

(3) of the sum so retained, [five] TWO AND ONE-HALF percent shall be paid to the regional licensed harness track to be USED EXCLUSIVELY TO INCREASE PURSES AND STAKES distributed in the same manner as though such payments were on races conducted at such track;

(4) of the sum so retained, an additional one percent of all wagers shall be paid to the regional licensed harness track for the purpose of increasing purses.

S 4. Subparagraphs 3, 4, 5 and 6 of paragraph b of subdivision 1 of section 1016 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 18 of the laws of 2008, are amended to read as follows:

(3) Distribution of wagers placed on the initial out-of-state thoroughbred track at facilities licensed in accordance with sections one thousand eight and one thousand nine of this article.

(A) Of the sums so retained on days when a franchised corporation is not conducting a race meeting within the state and a thoroughbred racing corporation is conducting a race meeting

	Regular bets	Multiple bets	Exotic bets	Super-exotic bets
State Tax	1.50	1.50	1.50	1.50
[Non-franchised Thoroughbred Racing corporation	0.50	0.50	0.50	0.50]
Non-franchised Thoroughbred Racing corporation payments to purses	1.50	2.00	1.50	2.00
[Franchised corporation	0.50	0.50	0.50	0.50]
Franchised corporation payments to purses	2.00	2.00	2.50	4.00

(B) Of the sums so retained on days when a franchised corporation is conducting a race meeting within the state

	Regular bets	Multiple bets	Exotic bets	Super-exotic bets

State Tax	1.00	1.00	1.00	1.00
[Non-franchised Thoroughbred Racing corporation	0.50	0.50	0.50	0.00]
Non-franchised Thoroughbred Racing corporation payments to purses	0.50	0.50	0.50	0.50
[Franchised corporation	2.00	1.50	1.50	2.00]
Franchised corporation payments to purses	2.00	3.00	3.00	5.00

(C) Payments to purses as required under clauses (A) and (B) of this subparagraph shall be paid to the thoroughbred racing corporation to be used exclusively for the purpose of increasing purses, including stakes, premiums and prizes.

(4) Distribution of wagers placed on other than the initial out-of-state thoroughbred track at facilities licensed in accordance with sections one thousand eight and one thousand nine of this article.

(A) Of the sums so retained on days when a franchised corporation is not conducting a race meeting within the state and a thoroughbred racing corporation is conducting a race meeting

	Regular bets	Multiple bets	Exotic bets	Super-exotic bets
State Tax	1.00	1.00	1.00	1.00
Non-franchised Thoroughbred Racing corporation payments to purses	2.00	2.00	2.00	2.50
[Franchised corporation	1.00	1.00	1.00	1.00]
Franchised corporation payments to purses	2.00	2.00	2.50	4.00

(B) Of the sums so retained on days when a franchised corporation is conducting a race meeting within the state

	Regular bets	Multiple bets	Exotic bets	Super-exotic bets
State Tax	0.50	0.50	0.50	0.50
[Non-franchised Thoroughbred racing corporation	0.50	0.25	0.50	0.50]
Non-franchised Thoroughbred racing corporation payments to purses	0.50	0.25	0.50	0.50

[Franchised corporation	2.25	2.25	2.00	2.50]
Franchised corporation payments to purses	2.25	3.25	3.00	4.50

(C) Payments to purses as required under clauses (A) and (B) of this subparagraph shall be paid to the thoroughbred racing corporation or to the franchised corporation to be used exclusively for the purpose of increasing purses, including stakes, premiums and prizes.

(D) On days when no thoroughbred track is conducting a race meeting, facilities licensed in accordance with sections one thousand eight and one thousand nine of this article are authorized to accept the simulcast signal from more than two out-of-state thoroughbred tracks. The distribution of wagers on such out-of-state thoroughbred track or tracks shall be in accordance with clause (B) of this subparagraph.

(5) Distribution of wagers placed on the initial out-of-state thoroughbred track at facilities licensed in accordance with section one thousand seven of this article.

(A) Of the sums so retained on days when a franchised corporation is not conducting a race meeting within the state and a thoroughbred racing corporation is conducting a race meeting

	Regular bets	Multiple bets	Exotic bets	Super-exotic bets
State Tax	1.50	1.50	1.50	1.50
[Non-franchised Thoroughbred racing corporation	0.25	0.25	0.25	0.50]
Non-franchised Thoroughbred racing corporation payments to purses	0.75	1.00	0.75	1.00
[Franchised corporation	0.25	0.25	0.25	0.25]
Franchised corporation payments to purses	1.00	1.00	2.25	2.00

(B) Of the sums so retained on days when a franchised corporation is conducting a race meeting within the state

	Regular bets	Multiple bets	Exotic bets	Super-exotic bets
State Tax	1.00	1.00	1.00	1.00
[Non-franchised Thoroughbred racing corporation	0.25	0.25	0.25	0.25]
Non-franchised Thoroughbred racing corporation payments to purses	0.25	0.25	0.25	0.25

[Franchised corporation	1.00	0.75	0.75	1.00]
Franchised corporation payments to purses	1.00	1.50	1.50	2.50

(C) Payments to purses as required under clauses (A) and (B) of this subparagraph shall be paid to a thoroughbred racing corporation to be used exclusively for the purpose of increasing purses, including stakes, premiums and prizes.

(D) For wagers placed at a thoroughbred racing corporation the state tax shall be the amounts specified in clauses (A) and (B) of this subparagraph and retention thereafter shall be identical to sums retained for each type of on-track wager.

(E) On days when a franchised corporation is not conducting a race meeting and when a licensed harness track is neither accepting wagers nor displaying the signal from an in-state thoroughbred corporation or association or an out-of-state thoroughbred track:

(i) Such licensed regional harness track shall receive in lieu of any other payments on wagers placed at off-track betting facilities outside the special betting district on races conducted by an in-state thoroughbred racing corporation, [two and eight-tenths] ONE AND FOUR-TENTHS percent on regular and multiple bets during a regional meeting and [one and nine-tenths] NINETY-FIVE ONE-HUNDREDTHS percent of such bets if there is no regional meeting and [four and eight-tenths] TWO AND FOUR-TENTHS percent on exotic bets on days on which there is a regional meeting and [three and four-tenths] ONE AND SEVEN-TENTHS percent of such bets if there is no regional meeting.

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

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

(F) Of the sums retained by a licensed harness facility, fifty percent shall be used exclusively for purses awarded in races conducted by such licensed facility and the remaining fifty percent shall be retained by such licensed facility for its general purposes, provided, however, that in a harness special betting district the portion of the sums retained by a licensed harness facility to be used for purses or the methodology for calculating the amount to be used for purses may be specified in a written contract between a harness racing association or corporation and its representative horsemen's association.

(6) Distribution of wagers placed on other than the initial out-of-state thoroughbred track at facilities licensed in accordance with section one thousand seven of this article.

(A) Of the sums so retained on days when a franchised corporation is not conducting a race meeting within the state and a thoroughbred racing corporation is conducting a race meeting

	Regular bets	Multiple bets	Exotic bets	exotic bets
State Tax	1.00	1.00	1.00	1.00
Non-franchised Thoroughbred Racing corporation payments to purses	1.00	1.00	1.00	1.25
[Franchised corporation	0.50	0.50	0.50	0.50]
Franchised corporation payments to purses	1.00	1.00	1.25	2.00

(B) Of the sums so retained on days when a franchised corporation is conducting a race meeting within the state

	Regular bets	Multiple bets	Exotic bets	Super-exotic bets
State Tax	0.50	0.50	0.50	0.50
[Non-franchised Thoroughbred Racing corporation	0.25	0.25	0.25	0.25]
Non-franchised Thoroughbred Racing corporation payments to purses	0.25	0.25	0.25	0.25
[Franchised corporation	1.25	1.25	1.00	1.25]
Franchised corporation payments to purses	1.25	2.00	1.50	2.25

(C) Payments to purses as required under clauses (A) and (B) of this subparagraph shall be paid to a thoroughbred racing corporation or to the franchised corporation to be used exclusively for the purpose of increasing purses, including stakes, premiums and prizes.

(D) For wagers placed at a franchised corporation or a thoroughbred racing corporation the state tax shall be the amounts specified in clauses (A) and (B) of this subparagraph and retention thereafter shall be identical to sums retained for each type of on-track wager.

(E) On days when no thoroughbred track is conducting a race meeting, facilities licensed in accordance with section one thousand seven of this article are authorized to accept the simulcast signal from out-of-state thoroughbred tracks. The distribution of wagers on such out-of-state thoroughbred track or tracks shall be in accordance with clause (B) of this subparagraph.

(F) On days when a franchised corporation is not conducting a race meeting and when a licensed harness track is neither accepting wagers nor displaying the signal from an in-state thoroughbred corporation or association or an out-of-state thoroughbred track:

(i) Such licensed regional harness track shall receive in lieu of any other payments on wagers placed at off-track betting facilities outside the special betting district on races conducted by an in-state thorough-

bred racing corporation, [two and eight-tenths] FOUR AND TWO-TENTHS percent on regular and multiple bets during a regional meeting and [one and nine-tenths] NINETY-FIVE ONE-HUNDRETHS percent of such bets if there is no regional meeting and [four and eight-tenths] TWO AND FOUR-TENTHS percent on exotic bets on days on which there is a regional meeting and [three and four-tenths] ONE AND SEVEN-TENTHS percent of such bets if there is no regional meeting.

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

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

(G) Of the sums retained by a licensed harness facility, fifty percent shall be used exclusively for purses awarded in races conducted by such licensed facility and the remaining fifty percent shall be retained by such licensed facility for its general purposes, provided, however, that in a harness special betting district the portion of the sums retained by a licensed harness facility to be used for purses or the methodology for calculating the amount to be used for purses may be specified in a written contract between a harness racing association or corporation and its representative horsemen's association.

S 5. This act shall take effect immediately.