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

7486

I N S E N A T E

May 5, 2016

Introduced by Sen. BOYLE -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to state assistance for eligible cities and eligible municipalities with a video lottery gaming facility

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 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 SIXTEEN. IN NO EVENT SHALL THE TERM NEWLY ELIGIBLE MUNICIPALITY INCLUDE A CITY, TOWN OR VILLAGE IN WHICH A VIDEO LOTTERY GAMING FACILITY IS LOCATED PURSUANT TO PARAGRAPH FOUR OF SUBDIVISION A OF SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THE TAX LAW.

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

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D. "ESTIMATED NET MACHINE INCOME" 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 DURING THE STATE FISCAL YEAR IN WHICH STATE AID PAYMENTS ARE MADE PURSUANT TO SUBDIVISION TWO OF THIS SECTION.

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 ONE AND A HALF PERCENT OF THE "ESTIMATED NET MACHINE INCOME" GENERATED BY A VIDEO LOTTERY GAMING FACILITY LOCATED WITHIN SUCH NEWLY ELIGIBLE MUNICIPALITY WHICH SHALL BE APPORTIONED AND PAID ON A PRO RATA BASIS TO ELIGIBLE MUNICIPALITIES 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 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.