

918

2015-2016 Regular Sessions

I N A S S E M B L Y

January 8, 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 by off-track betting corporations to regional licensed harness tracks

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

- 1 Section 1. Clause (E) of subparagraph 5 of paragraph b of subdivision
2 1 of section 1016 of the racing, pari-mutuel wagering and breeding law,
3 as amended by chapter 18 of the laws of 2008, is amended to read as
4 follows:
5 (E) [On] DURING THE FIRST ONE HUNDRED TWENTY days IN ANY CALENDAR YEAR
6 when a franchised corporation is not conducting a race meeting [and when
7 a licensed harness track is neither accepting wagers nor displaying the
8 signal from an in-state thoroughbred corporation or association or an
9 out-of-state thoroughbred track]:
10 (i) [Such] A licensed regional harness track shall receive in lieu of
11 any other payments on wagers placed at off-track betting facilities
12 outside the special betting district on races conducted by an in-state
13 thoroughbred racing corporation, two and eight-tenths percent on regular
14 and multiple bets during a regional meeting and one and nine-tenths
15 percent of such bets if there is no regional meeting and four and eight-
16 tenths percent on exotic bets on days on which there is a regional meet-
17 ing and three and four-tenths percent of such bets if there is no
18 regional meeting.
19 (ii) [Such] A licensed regional harness track shall receive [one and
20 one-half] THREE-QUARTERS OF ONE per centum on total regional handle on
21 races conducted at out-of-state or out-of-country thoroughbred tracks.
22 (iii) In those regions in which there is more than one licensed
23 regional harness track, [if no track is accepting wagers or displaying
24 the live simulcast signal from the out-of-state track,] the total sum

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

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

8 S 2. Clause (F) of subparagraph 6 of paragraph b of subdivision 1 of
9 section 1016 of the racing, pari-mutuel wagering and breeding law, as
10 amended by chapter 18 of the laws of 2008, is amended to read as
11 follows:

12 (F) [On] DURING THE FIRST ONE HUNDRED TWENTY days IN ANY CALENDAR YEAR
13 when a franchised corporation is not conducting a race meeting [and when
14 a licensed harness track is neither accepting wagers nor displaying the
15 signal from an in-state thoroughbred corporation or association or an
16 out-of-state thoroughbred track]:

17 (i) [Such] A licensed regional harness track shall receive in lieu of
18 any other payments on wagers placed at off-track betting facilities
19 outside the special betting district on races conducted by an in-state
20 thoroughbred racing corporation, two and eight-tenths percent on regular
21 and multiple bets during a regional meeting and one and nine-tenths
22 percent of such bets if there is no regional meeting and four and eight-
23 tenths percent on exotic bets on days on which there is a regional meet-
24 ing and three and four-tenths percent of such bets if there is no
25 regional meeting.

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

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

38 S 3. Subdivision 2 of section 1017 of the racing, pari-mutuel wagering
39 and breeding law, as amended by chapter 174 of the laws of 2013, is
40 amended to read as follows:

41 2. a. Maintenance of effort. Any off-track betting corporation which
42 engages in accepting wagers on the simulcasts of thoroughbred races from
43 out-of-state or out-of-country as permitted under subdivision one of
44 this section shall submit to the commission, for its approval, a sched-
45 ule of payments to be made in any year or portion thereof, that such
46 off-track corporation engages in nighttime thoroughbred simulcasting. In
47 order to be approved by the commission, the payment schedule shall be
48 identical to the actual payments and distributions of such payments to
49 tracks and purses made by such off-track corporation pursuant to the
50 provisions of section one thousand fifteen of this article during the
51 year two thousand two, as derived from out-of-state harness races
52 displayed after 6:00 P.M. If approved by the commission, such scheduled
53 payments shall be made from revenues derived from any simulcasting
54 conducted pursuant to this section and section one thousand fifteen of
55 this article. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS PARA-
56 GRAPH: (I) FOR PURPOSES OF CALCULATING THE PAYMENTS TO BE MADE PURSUANT

1 TO THIS PARAGRAPH FOR CALENDAR YEAR TWO THOUSAND FIFTEEN, THE AMOUNT
2 OTHERWISE PAYABLE, IF ANY, BY AN OFF-TRACK BETTING CORPORATION TO A
3 REGIONAL HARNESS TRACK SHALL BE REDUCED IN PROPORTION TO THE REDUCTION,
4 IF ANY, IN THE NUMBER OF RACING PROGRAMS CONDUCTED BY THE REGIONAL
5 HARNESS TRACK DURING TWO THOUSAND FIFTEEN COMPARED WITH THE NUMBER OF
6 RACING PROGRAMS CONDUCTED BY SUCH TRACK DURING THE TWO THOUSAND TWELVE
7 BASE CALENDAR YEAR; AND (II) NO OFF-TRACK BETTING CORPORATION SHALL HAVE
8 ANY FURTHER PAYMENT OBLIGATION PURSUANT TO THIS PARAGRAPH WITH RESPECT
9 TO CALENDAR YEARS COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND
10 SIXTEEN.

11 b. Additional payments. During each calendar year, to the extent, and
12 at such time in the event, that aggregate statewide wagering handle
13 after 7:30 P.M. on out-of-state and out-of-country thoroughbred races
14 exceeds one hundred million dollars, each off-track betting corporation
15 conducting such simulcasting shall pay to its regional harness track or
16 tracks, an amount equal to [two percent] THE FOLLOWING PERCENTAGE of its
17 proportionate share of such excess handle: FOR CALENDAR YEARS THROUGH
18 TWO THOUSAND FIFTEEN, TWO PERCENT; FOR CALENDAR YEAR TWO THOUSAND
19 SIXTEEN, ONE AND ONE-HALF PERCENT; FOR CALENDAR YEAR TWO THOUSAND SEVEN-
20 TEEN, ONE PERCENT; AND FOR CALENDAR YEAR TWO THOUSAND EIGHTEEN, ONE-HALF
21 OF ONE PERCENT. THERE SHALL BE NO FURTHER ADDITIONAL PAYMENT OBLIGATION
22 PURSUANT TO THIS PARAGRAPH FOR CALENDAR YEARS COMMENCING ON OR AFTER
23 JANUARY FIRST, TWO THOUSAND EIGHTEEN. In any region where there are two
24 or more regional harness tracks, such [two percent] PAYMENT AMOUNT shall
25 be divided between or among the tracks in a proportion equal to the
26 proportion of handle on live harness races conducted at such tracks
27 during the preceding calendar year. Fifty percent of the sum received by
28 each track pursuant to this paragraph shall be used exclusively for
29 increasing purses, stakes and prizes at that regional harness track. For
30 the purpose of determining whether such aggregate statewide handle
31 exceeds one hundred million dollars, all wagering on such thoroughbred
32 races accepted by licensed multi-jurisdictional account wagering provid-
33 ers from customers within New York state shall be excluded.

34 S 4. This act shall take effect immediately.