

STATE OF NEW YORK

4287

2017-2018 Regular Sessions

IN SENATE

February 8, 2017

Introduced by Sens. BONACIC, 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 racing, pari-mutuel wagering and breeding law and the tax law, in relation to the payment of certain commissions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 104 of the racing, pari-mutuel wagering and breeding law is amended by adding a new subdivision 24 to read as follows:

2
3 24. To adopt, amend and repeal a resolution providing for the payment
4 on a quarterly basis of the additional commissions payable to vendor
5 tracks located in regions one and two of development zone two as
6 provided for in clause (G) of subparagraph (ii) of paragraph one of
7 subdivision b of section sixteen hundred twelve of the tax law and
8 region six of development zone two as provided for in clause (G-2) of
9 subparagraph (ii) of paragraph one of section sixteen hundred twelve of
10 the tax law.

11 § 2. Clause (G) of subparagraph (ii) of paragraph 1 of subdivision b
12 of section 1612 of the tax law, as amended by section 2 of part HH of
13 chapter 60 of the laws of 2016, is amended to read as follows:

14 (G) Notwithstanding any provision to the contrary, when a vendor track
15 is located within regions one, two, or five of development zone two as
16 defined by section thirteen hundred ten of the racing, pari-mutuel
17 wagering and breeding law, such vendor track shall receive an additional
18 commission at a rate equal to the percentage of revenue wagered at the
19 vendor track after payout for prizes pursuant to this chapter, which
20 percentage shall be one hundred, less the sum of the percentages of net
21 revenue wagered at the vendor track retained by the commission for oper-
22 ation, administration, and procurement purposes; and the vendor's fee,
23 marketing allowance and capital award paid to the vendor track pursuant
24 to this chapter; and the effective tax rate paid on all gross gaming

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

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1 revenue paid by a gaming facility within the same region pursuant to
2 section thirteen hundred fifty-one of the racing, pari-mutuel wagering
3 and breeding law, provided, however, such additional commission shall be
4 applied to revenue wagered at the vendor track after payout for prizes
5 only while a gaming facility in the same region is open and operational
6 pursuant to an operation certificate issued pursuant to section thirteen
7 hundred thirty-one of the racing, pari-mutuel wagering and breeding law.
8 The additional commission set forth in this clause shall be paid to the
9 vendor track within sixty days after the conclusion of the state fiscal
10 year based on the calculated percentage during the previous fiscal year.

11 Notwithstanding the foregoing provisions of this clause, where the
12 gaming commission has made a determination and adopted a resolution
13 specifying that vendor tracks located within regions one and two of
14 development zone two as defined by section thirteen hundred ten of the
15 racing, pari-mutuel wagering and breeding law, should receive the addi-
16 tional commission provided for in this clause on a more timely basis,
17 such resolution shall immediately be delivered to the department and the
18 department shall take such action as is necessary to ensure that such
19 additional commission shall be paid to such vendor tracks within fifteen
20 days after the conclusion of each annual quarter based on the calculated
21 percentage during the previous annual quarter. At the conclusion of the
22 state fiscal year and prior to the payment of the additional commission
23 made to the track for the preceding fiscal quarter, the department shall
24 review the total additional commission made for the first three quarters
25 of the state fiscal year, and credit or debit the amount payable for the
26 fourth quarter as appropriate in determining that the proper amounts
27 have been paid.

28 § 3. Clause (G-2) of subparagraph (ii) of paragraph 1 of subdivision b
29 of section 1612 of the tax law, as added by section 1 of part DD of
30 chapter 60 of the laws of 2016, is amended to read as follows:

31 (G-2) Notwithstanding any provision to the contrary, when a vendor
32 track is located within region six of development zone two as defined by
33 section thirteen hundred ten of the racing, pari-mutuel wagering and
34 breeding law and is located within Ontario county, such vendor track
35 shall receive an additional commission at a rate equal to the percentage
36 of revenue wagered at the vendor track after payout for prizes pursuant
37 to this chapter, which percentage shall be one hundred, less the sum of
38 the percentages of net revenue wagered at the vendor track retained by
39 the commission for operation, administration, and procurement purposes;
40 and the vendor's fee, marketing allowance and capital award paid to the
41 vendor track pursuant to this chapter; and the effective tax rate paid
42 on all gross gaming revenue paid by a gaming facility within Seneca or
43 Wayne counties pursuant to section thirteen hundred fifty-one of the
44 racing, pari-mutuel wagering and breeding law, provided, however, such
45 additional commission shall be applied to revenue wagered at the vendor
46 track after payout for prizes only while a gaming facility in Seneca or
47 Wayne counties is open and operational pursuant to an operation certifi-
48 cate issued pursuant to section thirteen hundred thirty-one of the
49 racing, pari-mutuel wagering and breeding law. The additional commission
50 set forth in this clause shall be paid to the vendor track within sixty
51 days after the conclusion of the state fiscal year based on the calcu-
52 lated percentage during the previous fiscal year. Notwithstanding the
53 foregoing provisions of this clause, where the gaming commission has
54 made a determination and adopted a resolution specifying that such
55 vendor track should receive the additional commission provided for in
56 this clause on a more timely basis, such resolution shall immediately be

delivered to the department and the department shall take such action as is necessary to ensure that such additional commission shall be paid to such vendor track within fifteen days after the conclusion of each annual quarter based on the calculated percentage during the previous annual quarter. At the conclusion of the state fiscal year and prior to the payment of the additional commission made to the track for the preceding fiscal quarter, the department shall review the total additional commission made for the first three quarters of the state fiscal year, and credit or debit the amount payable for the fourth quarter as appropriate in determining that the proper amounts have been paid.

§ 4. This act shall take effect immediately, provided however that the provisions of sections two and three of this act shall take effect on the first day of the quarter of the state fiscal year next succeeding the quarter of the state fiscal year during which the resolution provided for in subdivision 24 of section 104 of the racing, pari-mutuel wagering and breeding law, as added by section one of this act, is adopted and transmitted.