

STATE OF NEW YORK

4287--A

Cal. No. 1270

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 -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

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

2
3 (G) Notwithstanding any provision to the contrary, when a vendor track
4 is located within regions one, two, or five of development zone two as
5 defined by section thirteen hundred ten of the racing, pari-mutuel
6 wagering and breeding law, such vendor track shall receive an additional
7 commission at a rate equal to the percentage of revenue wagered at the
8 vendor track after payout for prizes pursuant to this chapter, which
9 percentage shall be one hundred, less the sum of the percentages of net
10 revenue wagered at the vendor track retained by the commission for operation, administration, and procurement purposes; and the vendor's fee, marketing allowance and capital award paid to the vendor track pursuant to this chapter; and the effective tax rate paid on all gross gaming revenue paid by a gaming facility within the same region pursuant to section thirteen hundred fifty-one of the racing, pari-mutuel wagering and breeding law, provided, however, such additional commission shall be applied to revenue wagered at the vendor track after payout for prizes only while a gaming facility in the same region is open and operational pursuant to an operation certificate issued pursuant to section thirteen

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

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1 hundred thirty-one of the racing, pari-mutuel wagering and breeding law.
2 The additional commission set forth in this clause shall be paid to the
3 vendor track within [~~sixty~~ fifteen] days after the conclusion of each
4 quarter of the state fiscal year based on the calculated percentage
5 during the previous quarter of the state fiscal year.

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

9 (G-2) Notwithstanding any provision to the contrary, when a vendor
10 track is located within region six of development zone two as defined by
11 section thirteen hundred ten of the racing, pari-mutuel wagering and
12 breeding law and is located within Ontario county, such vendor track
13 shall receive an additional commission at a rate equal to the percentage
14 of revenue wagered at the vendor track after payout for prizes pursuant
15 to this chapter, which percentage shall be one hundred, less the sum of
16 the percentages of net revenue wagered at the vendor track retained by
17 the commission for operation, administration, and procurement purposes;
18 and the vendor's fee, marketing allowance and capital award paid to the
19 vendor track pursuant to this chapter; and the effective tax rate paid
20 on all gross gaming revenue paid by a gaming facility within Seneca or
21 Wayne counties pursuant to section thirteen hundred fifty-one of the
22 racing, pari-mutuel wagering and breeding law, provided, however, such
23 additional commission shall be applied to revenue wagered at the vendor
24 track after payout for prizes only while a gaming facility in Seneca or
25 Wayne counties is open and operational pursuant to an operation certifi-
26 cate issued pursuant to section thirteen hundred thirty-one of the
27 racing, pari-mutuel wagering and breeding law. The additional commission
28 set forth in this clause shall be paid to the vendor track within
29 [~~sixty~~ fifteen] days after the conclusion of each quarter of the state
30 fiscal year based on the calculated percentage during the previous quar-
31 ter of the state fiscal year.

32 § 3. This act shall take effect immediately.