

# STATE OF NEW YORK

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6917

2017-2018 Regular Sessions

## IN SENATE

October 13, 2017

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

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to calculating franchise fees

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

1 Section 1. Subdivision 1 of section 208 of the racing, pari-mutuel  
2 wagering and breeding law, as amended by chapter 140 of the laws of  
3 2008, is amended to read as follows:

4 1. In consideration of the franchise and in accordance with its fran-  
5 chise agreement, the franchised corporation shall remit to the state,  
6 each year, no later than April fifth, a franchise fee payment. The fran-  
7 chise fee shall be calculated and equal to the lesser of paragraph (a)  
8 or (b) of this subdivision as follows: (a) adjusted net income, includ-  
9 ing all sources of audited generally accepted accounting principles net  
10 income as of December thirty-first (i) plus the amount of depreciation  
11 and amortization for such year as set forth on the statement of cash  
12 flows (ii) less the amount received by the franchised corporation for  
13 capital expenditures and (iii) less principal payments made for the  
14 repayment of debt; or (b) operating cash which is defined as cash avail-  
15 able on December thirty-first (i) which excludes all restricted cash  
16 accounts, segregated accounts as per audited financial statements and  
17 cash on hand needed to fund the on-track pari-mutuel operations through  
18 the vault, (ii) less [~~forty-five~~ three hundred sixty-five days of oper-  
19 ating expenses pursuant to generally accepted accounting principles  
20 which shall be an average calculated by dividing the current year's  
21 annual budget by the number of days in such year and multiplying that  
22 number by [~~forty-five~~ three hundred sixty-five.

23 § 2. This act shall take effect immediately.

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

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