

STATE OF NEW YORK

5994--B

2017-2018 Regular Sessions

IN ASSEMBLY

February 21, 2017

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Racing and Wagering -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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 subdivi-
2 sion b of section 1612 of the tax law, as amended by section 2 of part
3 HH of chapter 60 of the laws of 2016, is amended to read as follows:
4 (G) Notwithstanding any provision to the contrary, when a vendor track
5 is located within regions one, two, or five of development zone two as
6 defined by section thirteen hundred ten of the racing, pari-mutuel
7 wagering and breeding law, such vendor track shall receive an additional
8 commission at a rate equal to the percentage of revenue wagered at the
9 vendor track after payout for prizes pursuant to this chapter, which
10 percentage shall be one hundred, less the sum of the percentages of net
11 revenue wagered at the vendor track retained by the commission for oper-
12 ation, administration, and procurement purposes; and the vendor's fee,
13 marketing allowance and capital award paid to the vendor track pursuant
14 to this chapter; and the effective tax rate paid on all gross gaming
15 revenue paid by a gaming facility within the same region pursuant to
16 section thirteen hundred fifty-one of the racing, pari-mutuel wagering
17 and breeding law, provided, however, such additional commission shall be
18 applied to revenue wagered at the vendor track after payout for prizes
19 only while a gaming facility in the same region is open and operational
20 pursuant to an operation certificate issued pursuant to section thirteen
21 hundred thirty-one of the racing, pari-mutuel wagering and breeding law.
22 The additional commission set forth in this clause shall be paid to the

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

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1 vendor track within [~~sixty~~] fifteen days after the conclusion of each
2 quarter of the state fiscal year based on the calculated percentage
3 during the previous quarter of the state fiscal year.

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

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

30 § 3. This act shall take effect immediately.