

# STATE OF NEW YORK

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4462

2019-2020 Regular Sessions

## IN ASSEMBLY

February 4, 2019

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Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Racing and Wagering

AN ACT to amend the tax law, in relation to the distribution of the additional vendor's marketing allowance by any operator of a racetrack located in the county of Westchester

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

1 Section 1. Subparagraph (iii) of paragraph 1 of subdivision b of  
2 section 1612 of the tax law, as separately amended by chapters 174 and  
3 175 of the laws of 2013, is amended to read as follows:

4 (iii) less an additional vendor's marketing allowance at a rate of ten  
5 percent for the first one hundred million dollars annually and eight  
6 percent thereafter of the total revenue wagered at the vendor track  
7 after payout for prizes to be used by the vendor track for the marketing  
8 and promotion and associated costs of its video lottery gaming oper-  
9 ations and pari-mutuel horse racing operations, as long as any such  
10 costs associated with pari-mutuel horse racing operations simultaneously  
11 encourage increased attendance at such vendor's video lottery gaming  
12 facilities, consistent with the customary manner of marketing comparable  
13 operations in the industry and subject to the overall supervision of the  
14 division; provided, however, that the additional vendor's marketing  
15 allowance shall not exceed eight percent in any year for any operator of  
16 a racetrack located in the county of Westchester or Queens; provided,  
17 however, a vendor track that receives a vendor fee pursuant to clause  
18 (G) of subparagraph (ii) of this paragraph shall not receive the addi-  
19 tional vendor's marketing allowance; provided, however, except for a  
20 vendor track located west of State Route 14 from Sodus Point to the  
21 Pennsylvania border within New York shall continue to receive a market-  
22 ing allowance of ten percent on total revenue wagered at the vendor  
23 track after payout for prizes in excess of one hundred million dollars  
24 annually provided, however, a vendor that receives a vendor fee pursuant

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

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1 to clause (G-1) of subparagraph (ii) of this paragraph shall receive an  
2 additional marketing allowance at a rate of ten percent of the total  
3 revenue wagered at the video lottery gaming facility after payout for  
4 prizes. [~~In establishing the vendor fee,~~] The additional vendor's  
5 marketing allowance for any operator of a racetrack located in the coun-  
6 ty of Westchester expended by such operator for marketing shall not  
7 exceed eight percent of the total revenue wagered at the vendor track  
8 after payout for prizes pursuant to this chapter in any year and the  
9 remainder of such additional vendor's marketing allowance for such oper-  
10 ator calculated pursuant to this subdivision, not to exceed twenty-five  
11 million dollars annually, shall be paid by such operator to the Yonkers  
12 city school district board of education in quarterly payments commencing  
13 July first, two thousand eighteen to support and maintain educational  
14 programs established pursuant to the settlement agreement dated January  
15 thirty-first, two thousand two in United States of America v. Yonkers  
16 Board of Education. Notwithstanding any other provision of law, rule or  
17 regulation to the contrary, such amount provided pursuant to this subdi-  
18 vision shall be in addition to any annual maintenance of effort require-  
19 ment imposed on the state or city of Yonkers.

20 § 2. This act shall take effect July 1, 2020.