

STATE OF NEW YORK

549

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

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

AN ACT to amend the tax law, in relation to video lottery gaming

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

1 Section 1. Paragraph 3 of subdivision a of section 1617-a of the tax
2 law, as added by section 1 of part SS of chapter 60 of the laws of 2016,
3 is amended to read as follows:

4 (3) a maximum of [~~two~~] four facilities, one each in the Suffolk region
5 and the Nassau region, which shall be vendors for all purposes under
6 this article, neither to exceed one thousand video lottery gaming
7 devices, established within region three of zone one as defined by
8 section one thousand three hundred ten of the racing, pari-mutuel wager-
9 ing and breeding law, one each operated by a corporation established
10 pursuant to section five hundred two of the racing, pari-mutuel wagering
11 and breeding law in the Suffolk region and the Nassau region to be
12 located within a facility authorized pursuant to sections one thousand
13 eight or one thousand nine of the racing, pari-mutuel wagering and
14 breeding law, and two facilities in Ulster county, none to exceed five
15 hundred video lottery gaming devices, each operated by a corporation
16 established pursuant to section five hundred two of the racing, pari-mu-
17 tuel wagering and breeding law to be located within a facility author-
18 ized pursuant to sections one thousand eight or one thousand nine of the
19 racing, pari-mutuel wagering and breeding law. In respect to the Ulster
20 county facilities, Catskill off-track betting corporation will be the
21 gaming operator and a local resolution in support of the facility will
22 be required. Additionally, in respect to the Ulster county facilities,
23 the facilities must be destination resort properties with at least one
24 hundred hotel rooms, have significant resort amenities, be currently
25 open and operating, and have been in continuous operation for no less
26 than the past three years; and

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

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1 § 2. Clause (G-1) of subparagraph (ii) of paragraph 1 of subdivision b
2 of section 1612 of the tax law, as amended by chapter 175 of the laws of
3 2013, is amended to read as follows:

4 (G-1) Notwithstanding [~~clause~~] clauses (A) and (B) of this subpara-
5 graph, when a video lottery gaming facility is located in [~~either~~] the
6 [~~county~~] counties of Nassau [~~or~~], Suffolk or Ulster and is operated by a
7 corporation established pursuant to section five hundred two of the
8 racing, pari-mutuel wagering and breeding law at a rate of thirty-five
9 percent of the total revenue wagered at the vendor after payout for
10 prizes pursuant to this chapter;

11 § 3. Paragraph 2 of subdivision b of section 1612 of the tax law, as
12 amended by section 1 of part 00 of chapter 59 of the laws of 2014, is
13 amended to read as follows:

14 2. As consideration for the operation of a video lottery gaming facil-
15 ity, the division, shall cause the investment in the racing industry of
16 a portion of the vendor fee received pursuant to paragraph one of this
17 subdivision in the manner set forth in this subdivision. With the
18 exception of Aqueduct racetrack or a facility in the [~~county~~] counties
19 of Nassau [~~or~~], Suffolk or Ulster operated by a corporation established
20 pursuant to section five hundred two of the racing, pari-mutuel wagering
21 and breeding law, each such track shall dedicate a portion of its vendor
22 fees, received pursuant to clause (A), (B), (C), (D), (E), (F), or (G)
23 of subparagraph (ii) of paragraph one of this subdivision, for the
24 purpose of enhancing purses at such track, in an amount equal to eight
25 and three-quarters percent of the total revenue wagered at the vendor
26 track after pay out for prizes. One percent of the gross purse enhance-
27 ment amount, as required by this subdivision, shall be paid to the
28 gaming commission to be used exclusively to promote and ensure equine
29 health and safety in New York. Any portion of such funding to the gaming
30 commission unused during a fiscal year shall be returned to the video
31 lottery gaming operators on a pro rata basis in accordance with the
32 amounts originally contributed by each operator and shall be used for
33 the purpose of enhancing purses at such track. One and one-half percent
34 of the gross purse enhancement amount at a thoroughbred track, as
35 required by this subdivision, shall be paid to an account established
36 pursuant to section two hundred twenty-one-a of the racing, pari-mutuel
37 wagering and breeding law to be used exclusively to provide health
38 insurance for jockeys. In addition, with the exception of Aqueduct race-
39 track or a facility in the [~~county~~] counties of Nassau [~~or~~], Suffolk or
40 Ulster operated by a corporation established pursuant to section five
41 hundred two of the racing, pari-mutuel wagering and breeding law, one
42 and one-quarter percent of total revenue wagered at the vendor track
43 after pay out for prizes, received pursuant to clause (A), (B), (C),
44 (D), (E), (F), or (G) of subparagraph (ii) of paragraph one of this
45 subdivision, shall be distributed to the appropriate breeding fund for
46 the manner of racing conducted by such track.

47 § 4. The opening paragraph of subdivision f-1 of section 1612 of the
48 tax law, as amended by chapter 175 of the laws of 2013, is amended to
49 read as follows:

50 As consideration for operation of video lottery gaming facility
51 located in the [~~county~~] counties of Nassau [~~or~~], Suffolk or Ulster and
52 operated by a corporation established pursuant to section five hundred
53 two of the racing, pari-mutuel wagering and breeding law, the division
54 shall cause the investment in the racing industry of the following
55 percentages of the vendor fee to be deposited or paid as follows:

56 § 5. This act shall take effect immediately.