

# STATE OF NEW YORK

3470

2019-2020 Regular Sessions

## IN ASSEMBLY

January 29, 2019

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

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to payments by off track betting corporations to regional harness tracks for out-of-state and out-of-country simulcasting revenue

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

1 Section 1. Subdivision 2 of section 1017 of the racing, pari-mutuel  
2 wagering and breeding law, as amended by chapter 174 of the laws of  
3 2013, is amended to read as follows:

4 2. [~~a. Maintenance of effort. Any off-track betting corporation which~~  
5 ~~engages in accepting wagers on the simulcasts of thoroughbred races from~~  
6 ~~out-of-state or out-of-country as permitted under subdivision one of~~  
7 ~~this section shall submit to the commission, for its approval, a sched-~~  
8 ~~ule of payments to be made in any year or portion thereof, that such~~  
9 ~~off-track corporation engages in nighttime thoroughbred simulcasting. In~~  
10 ~~order to be approved by the commission, the payment schedule shall be~~  
11 ~~identical to the actual payments and distributions of such payments to~~  
12 ~~tracks and purses made by such off-track corporation pursuant to the~~  
13 ~~provisions of section one thousand fifteen of this article during the~~  
14 ~~year two thousand two, as derived from out-of-state harness races~~  
15 ~~displayed after 6:00 P.M. If approved by the commission, such scheduled~~  
16 ~~payments shall be made from revenues derived from any simulcasting~~  
17 ~~conducted pursuant to this section and section one thousand fifteen of~~  
18 ~~this article.~~

19 ~~b. Additional payments.~~ Payments. During each calendar year, to the  
20 extent, and at such time in the event, that aggregate statewide wagering  
21 handle after 7:30 P.M. on out-of-state and out-of-country thoroughbred  
22 races exceeds one hundred million dollars, each off-track betting corpo-  
23 ration conducting such simulcasting shall pay to its regional harness

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

LBD04288-01-9

1 track or tracks, an amount equal to [~~two-percent~~] the following percent-  
2 age of its proportionate share of such excess handle: for calendar years  
3 through two thousand nineteen, two percent; for calendar year two thou-  
4 sand twenty, one and one-half percent; for calendar year two thousand  
5 twenty-one, one percent; and for calendar year two thousand twenty,  
6 one-half of one percent. There shall be no further additional payment  
7 obligation pursuant to this subdivision for calendar years commencing on  
8 or after January first, two thousand twenty-three. In any region where  
9 there are two or more regional harness tracks, such [~~two-percent~~]  
10 payment amount shall be divided between or among the tracks in a propor-  
11 tion equal to the proportion of handle on live harness races conducted  
12 at such tracks during the preceding calendar year. Fifty percent of the  
13 sum received by each track pursuant to this [~~paragraph~~] subdivision  
14 shall be used exclusively for increasing purses, stakes and prizes at  
15 that regional harness track. For the purpose of determining whether such  
16 aggregate statewide handle exceeds one hundred million dollars, all  
17 wagering on such thoroughbred races accepted by licensed multi-jurisdic-  
18 tional account wagering providers from customers within New York state  
19 shall be excluded.

20 § 2. This act shall take effect immediately.