

# STATE OF NEW YORK

1774

2021-2022 Regular Sessions

## IN ASSEMBLY

January 11, 2021

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 licensed harness tracks

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

1 Section 1. Clause (E) of subparagraph 5 of paragraph b of subdivision  
2 1 of section 1016 of the racing, pari-mutuel wagering and breeding law,  
3 as amended by chapter 18 of the laws of 2008 and item (ii) as amended by  
4 chapter 243 of the laws of 2020, is amended to read as follows:

5 (E) [~~On~~] During the first one hundred twenty days in any calendar year  
6 when a franchised corporation is not conducting a race meeting [~~and when~~  
7 ~~a licensed harness track is neither accepting wagers nor displaying the~~  
8 ~~signal from an in-state thoroughbred corporation or association or an~~  
9 ~~out-of-state thoroughbred track~~]:

10 (i) [~~Such~~] A licensed regional harness track shall receive in lieu of  
11 any other payments on wagers placed at off-track betting facilities  
12 outside the special betting district on races conducted by an in-state  
13 thoroughbred racing corporation, two and eight-tenths percent on regular  
14 and multiple bets during a regional meeting and one and nine-tenths  
15 percent of such bets if there is no regional meeting and four and eight-  
16 tenths percent on exotic bets on days on which there is a regional meet-  
17 ing and three and four-tenths percent of such bets if there is no  
18 regional meeting.

19 (ii) [~~Such~~] A licensed regional harness track shall receive [~~one and~~  
20 ~~one-half~~] three-quarters of one percent on total regional handle on  
21 races conducted at out-of-state or out-of-country thoroughbred tracks.

22 (iii) In those regions in which there is more than one licensed  
23 regional harness track, [~~if no track is accepting wagers or displaying~~  
24 ~~the live simulcast signal from the out-of-state track,~~] the total sum

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

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1 shall be divided among the tracks in proportion to the ratio the wagers  
2 placed on races conducted by each track bears to the corporation's total  
3 in-region harness handle. [~~If one or more tracks are accepting wagers or~~  
4 ~~displaying the live simulcast signal, the total amount shall be divided~~  
5 ~~among those tracks not accepting wagers or displaying the simulcast~~  
6 ~~signal for an out-of-state track or in-state thoroughbred corporation or~~  
7 ~~association.~~]

8 § 2. Clause (F) of subparagraph 6 of paragraph b of subdivision 1 of  
9 section 1016 of the racing, pari-mutuel wagering and breeding law, as  
10 amended by chapter 18 of the laws of 2008 and item (ii) as amended by  
11 chapter 243 of the laws of 2020, is amended to read as follows:

12 (F) [~~On~~] During the first one hundred twenty days in any calendar year  
13 when a franchised corporation is not conducting a race meeting [~~and when~~  
14 ~~a licensed harness track is neither accepting wagers nor displaying the~~  
15 ~~signal from an in-state thoroughbred corporation or association or an~~  
16 ~~out-of-state thoroughbred track~~]:

17 (i) [~~Such~~] A licensed regional harness track shall receive in lieu of  
18 any other payments on wagers placed at off-track betting facilities  
19 outside the special betting district on races conducted by an in-state  
20 thoroughbred racing corporation, two and eight-tenths percent on regular  
21 and multiple bets during a regional meeting and one and nine-tenths  
22 percent of such bets if there is no regional meeting and four and eight-  
23 tenths percent on exotic bets on days on which there is a regional meet-  
24 ing and three and four-tenths percent of such bets if there is no  
25 regional meeting.

26 (ii) [~~Such~~] A licensed regional harness track shall receive [~~one and~~  
27 ~~one-half~~] three-quarters of one percent on total regional handle on  
28 races conducted at out-of-state or out-of-country thoroughbred tracks.

29 (iii) In those regions in which there is more than one licensed  
30 regional harness track, [~~if no track is accepting wagers or displaying~~  
31 ~~the live simulcast signal from the out-of-state track,~~] the total sum  
32 shall be divided among the tracks in proportion to the ratio the wagers  
33 placed on races conducted by each track bears to the corporation's total  
34 in-region harness handle. [~~If one or more tracks are accepting wagers or~~  
35 ~~displaying the live simulcast signal, the total amount shall be divided~~  
36 ~~among those tracks not accepting wagers or displaying the simulcast~~  
37 ~~signal for an out-of-state track or in-state thoroughbred corporation.~~]

38 § 3. Subdivision 2 of section 1017 of the racing, pari-mutuel wagering  
39 and breeding law, as amended by chapter 174 of the laws of 2013 and  
40 paragraph a as amended by chapter 243 of the laws of 2020, is amended to  
41 read as follows:

42 2. a. Maintenance of effort. Any off-track betting corporation that  
43 engages in accepting wagers on the simulcasts of thoroughbred races from  
44 out-of-state or out-of-country as permitted under subdivision one of  
45 this section shall submit to the commission, for its approval, a sched-  
46 ule of payments to be made in any year or portion thereof, that such  
47 off-track corporation engages in nighttime thoroughbred simulcasting. In  
48 order to be approved by the commission, the payment schedule shall be  
49 identical to the actual payments and distributions of such payments to  
50 tracks and purses made by such off-track corporation pursuant to the  
51 provisions of section one thousand fifteen of this article during the  
52 year two thousand two, as derived from out-of-state harness races  
53 displayed after 6:00 P.M. If approved by the commission, such scheduled  
54 payments shall be made from revenues derived from any simulcasting  
55 conducted pursuant to this section and section one thousand fifteen of  
56 this article. Notwithstanding any inconsistent provision of this para-

1 graph: (i) for purposes of calculating the payments to be made pursuant  
2 to this paragraph for calendar year two thousand twenty-one, the amount  
3 otherwise payable, if any, by an off-track betting corporation to a  
4 regional harness track shall be reduced in proportion to the reduction,  
5 if any, in the number of racing programs conducted by the regional  
6 harness track during two thousand twenty-one compared with the number of  
7 racing programs conducted by such track during the two thousand twelve  
8 base calendar year; and (ii) no off-track betting corporation shall have  
9 any further payment obligation pursuant to this paragraph with respect  
10 to calendar years commencing on or after January first, two thousand  
11 twenty-two.

12 b. Additional payments. During each calendar year, to the extent, and  
13 at such time in the event, that aggregate statewide wagering handle  
14 after 7:30 P.M. on out-of-state and out-of-country thoroughbred races  
15 exceeds one hundred million dollars, each off-track betting corporation  
16 conducting such simulcasting shall pay to its regional harness track or  
17 tracks, an amount equal to [~~two percent~~] the following percentage of its  
18 proportionate share of such excess handle: for calendar years through  
19 two thousand twenty-one, two percent; for calendar year two thousand  
20 twenty-two, one and one-half percent; for calendar year two thousand  
21 twenty-three, one percent; and for calendar year two thousand twenty-  
22 four, one-half of one percent. There shall be no further additional  
23 payment obligation pursuant to this paragraph for calendar years  
24 commencing on or after January first, two thousand twenty-four. In any  
25 region where there are two or more regional harness tracks, such [~~two~~  
26 ~~percent~~] payment amount shall be divided between or among the tracks in  
27 a proportion equal to the proportion of handle on live harness races  
28 conducted at such tracks during the preceding calendar year. Fifty  
29 percent of the sum received by each track pursuant to this paragraph  
30 shall be used exclusively for increasing purses, stakes and prizes at  
31 that regional harness track. For the purpose of determining whether such  
32 aggregate statewide handle exceeds one hundred million dollars, all  
33 wagering on such thoroughbred races accepted by licensed multi-jurisdic-  
34 tional account wagering providers from customers within New York state  
35 shall be excluded.

36 § 4. This act shall take effect immediately.