

STATE OF NEW YORK

7306

2021-2022 Regular Sessions

IN ASSEMBLY

May 5, 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 the disposition of pari-mutuel pools of the franchised corporation

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

1 Section 1. Paragraph c of subdivision 2 of section 238 of the racing,
2 pari-mutuel wagering and breeding law, as amended by chapter 243 of the
3 laws of 2020, is amended to read as follows:

4 c. An amount equal to [~~three~~] five and ninety-four hundredths percent
5 of the total pools resulting from on-track regular bets and an amount
6 equal to five and ninety-four hundredths percent of the total pools
7 resulting from on-track multiple and exotic bets, and twelve percent of
8 the total pools resulting from super exotic bets shall be used exclu-
9 sively for purses (including stakes, premiums and prizes) awarded in
10 races conducted by such franchised corporation. Any portion of such
11 percent not so used during any year shall be so used during the follow-
12 ing year, failing which such portion shall be payable to the commission-
13 er as additional tax. Such additional tax shall be payable on or before
14 April first in the year following the year in which such portion is not
15 so used and the provisions of paragraph a of this subdivision shall be
16 applicable thereto except as to the time of payment.

17 § 2. Paragraph b of subdivision 8 of section 212 of the racing, pari-
18 mutuel wagering and breeding law, as amended by chapter 243 of the laws
19 of 2020, is amended to read as follows:

20 b. Notwithstanding any other provision of this article, the franchised
21 corporation shall be entitled to make capital expenditures, except those
22 capital expenditures for the Saratoga Racecourse that may, on the advice
23 of the New York state historic preservation office, adversely impact any
24 historic structure that is included in or is eligible for inclusion in

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

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1 the national or state register of historic places, to the physical plant
2 of the racetracks, grandstand, backstretch, parking and public areas set
3 forth in the New York Racing Association's capital expenditure plan
4 ("capital plan") filed with the [~~commission~~] racing and wagering board
5 in two thousand seven. Any material modification to the capital plan as
6 determined by the franchise oversight board and each future capital
7 investment plan for the tracks, grandstand, backstretch, parking and
8 public areas of the racetracks operated by the franchised corporation
9 involving the expenditure of more than five million dollars in the
10 aggregate shall require the prior approval of the franchise oversight
11 board. Within five years from the date of commencement of the video
12 lottery terminal operations at Aqueduct, and every five years thereaft-
13 er, the franchised corporation shall submit to the oversight board a
14 capital plan for the five-year period commencing on January first of the
15 following year. Such plans shall contain both the intended object of
16 expenditure and the proposed sources of financing. The franchised corpo-
17 ration shall report to the franchise oversight board within ninety days
18 following the end of each fiscal year as to the amount spent pursuant to
19 the capital plan.

20 § 3. This act shall take effect immediately and shall be deemed to
21 have been in full force and effect on and after October 7, 2020;
22 provided, however, that the amendments to section 212 of the racing,
23 pari-mutuel wagering and breeding law made by section two of this act
24 shall not affect the repeal of such section and shall be deemed
25 repealed therewith.