

STATE OF NEW YORK

4746

2023-2024 Regular Sessions

IN ASSEMBLY

February 23, 2023

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

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-three, two percent; for calendar year two thousand
20 twenty-four, one and one-half percent; for calendar year two thousand
21 twenty-five, one percent; and for calendar year two thousand twenty-six,
22 one-half of one percent. There shall be no further additional payment
23 obligation pursuant to this paragraph for calendar years commencing on
24 or after January first, two thousand twenty-six. In any region where
25 there are two or more regional harness tracks, such [~~two percent~~]
26 payment amount shall be divided between or among the tracks in a propor-
27 tion equal to the proportion of handle on live harness races conducted
28 at such tracks during the preceding calendar year. Fifty percent of the
29 sum received by each track pursuant to this paragraph shall be used
30 exclusively for increasing purses, stakes and prizes at that regional
31 harness track. For the purpose of determining whether such aggregate
32 statewide handle exceeds one hundred million dollars, all wagering on
33 such thoroughbred races accepted by licensed multi-jurisdictional
34 account wagering providers from customers within New York state shall be
35 excluded.

36 § 4. This act shall take effect immediately.