STATE OF NEW YORK

8534

IN ASSEMBLY

January 5, 2024

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 tax on gaming revenues in certain regions

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

Section 1. Subparagraph 3 of paragraph (a) and the opening paragraph of item (A) of clause (ii) of subparagraph 3 of paragraph (b) of subdivision 1 of section 1351 of the racing, pari-mutuel wagering and breeding law, as amended by a chapter of the laws of 2023 amending the racing, pari-mutuel wagering and breeding law relating to the tax on gaming revenues in certain regions, as proposed in legislative bills numbers S. 4817-A and A. 6144-A, are amended to read as follows:

(3) in region five, thirty-seven percent of gross gaming revenue from slot machines and ten percent of gross gaming revenue from all other sources; provided however, that in the Tioga county portion of region five, for the period **of fiscal years two thousand twenty-four, two thousand twenty-five, and two thousand twenty-six,** during which both of the following criteria are met (i) any facility's tax rate is adjusted by the commission pursuant to paragraph (b) of this subdivision, and (ii) a vendor track that is located within Oneida county, within fifteen miles of a Native American class III gaming facility maintains at least seventy percent of full-time equivalent employees as they employed in the year two thousand sixteen, the tax rate on facilities located in the Tioga county portion of region five shall be thirty percent of gross gaming revenue from slot machines, and ten percent of gross gaming revenue from all other sources[~~; and provided further, that any such~~]**. Any money realized from the decrease in their slot machine tax rate shall only be used by the facility to offer childcare for employees, food and beverage conversion, any other project or use that improves the economic infrastructure of the facility, or for rehiring laid-off workers, hiring new workers or retaining current workers at the facility. The** facility shall provide an initial report to the governor, the speaker of the assembly, the temporary president of the senate, and the

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

LBD09068-05-4

commission detailing the projected use of funds resulting from such tax adjustment and a plan that prescribes the manner in which the licensed gaming facility receiving the reduction in its slot machine tax rate will rebuild their economic infrastructure through the **offering of childcare for employees, food and beverage conversion, or any other project or use that improves the economic infrastructure of the facility, or for** rehiring [~~of~~] laid-off [~~employees~~] **workers, hiring new workers, or retaining current workers at the facility** or the creation of new jobs. Such plan shall also clearly establish quarterly and annual employment goals of increasing full-time employees. **The facility shall be subject to the conditions set forth in clause (ii) of subparagraph three of paragraph (b) of this subdivision.** Such initial report and accompanying plan shall be due ninety days after such reduction goes into effect. Thereafter, an annual report shall be made to the governor, the speaker of the assembly, the temporary president of the senate, and the commission detailing actual use of the funds resulting from such tax adjustment. Such report shall include, but not be limited to, any impact on employment levels since receiving the funds, an accounting of the use of such funds, any other measures implemented to improve the financial stability of the gaming facility, and any other information as deemed necessary by the commission. Such report shall be due no later than the first day of the fourth quarter in each year such tax rate has been granted.

At the conclusion of each year, a licensed gaming facility shall provide an affirmation in writing to the commission stating the employment goal in clause (i) of this subparagraph **or subparagraph three of paragraph (a) of this subdivision,** was either met or not met as described in the initial report. If the licensed gaming facility is found to have not adhered to the plan by the commission, then the applicable slot tax rate shall be adjusted at the discretion of the commission as follows:

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2023 amending the racing, pari-mutuel wagering and breeding law relating to the tax on gaming revenues in certain regions, as proposed in legislative bills numbers S. 4817-A and A. 6144-A, takes effect; provided, however, that the amendments to subdivision 1 of section 1351 of the racing, pari-mutuel wagering and breeding law made by section one of this act shall not affect the expiration and reversion of such subdivision and shall expire and be deemed repealed therewith.