

STATE OF NEW YORK

3559

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

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

AN ACT to amend the tax law, in relation to video lottery gaming in the counties of Suffolk and Nassau; and to repeal certain provisions of such law relating thereto

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

1 Section 1. Paragraph 4 of subdivision a of section 1617-a of the tax
2 law is REPEALED.
3 § 2. Paragraph 2 of subdivision b of section 1612 of the tax law, as
4 amended by section 2 of part S of chapter 39 of the laws of 2019, is
5 amended to read as follows:
6 2. As consideration for the operation of a video lottery gaming facil-
7 ity, the division, shall cause the investment in the racing industry of
8 a portion of the vendor fee received pursuant to paragraph one of this
9 subdivision in the manner set forth in this subdivision. With the
10 exception of Aqueduct racetrack, a video lottery gaming facility author-
11 ized pursuant to paragraph five of subdivision a of section sixteen
12 hundred seventeen-a of this article [~~or a facility in the county of~~
13 ~~Nassau or Suffolk operated by a corporation established pursuant to~~
14 ~~section five hundred two of the racing, pari-mutuel wagering and breed-~~
15 ~~ing law~~], each such track shall dedicate a portion of its vendor fees,
16 received pursuant to clause (A), (B), (B-1), (B-2), (C), or (D) of
17 subparagraph (ii) of paragraph one of this subdivision, for the purpose
18 of enhancing purses at such track, in an amount equal to eight and
19 three-quarters percent of the total revenue wagered at the vendor track
20 after pay out for prizes. One percent of the gross purse enhancement
21 amount, as required by this subdivision, shall be paid to the gaming
22 commission to be used exclusively to promote and ensure equine health
23 and safety in New York. Any portion of such funding to the gaming
24 commission unused during a fiscal year shall be returned to the video

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

LBD08182-01-3

1 lottery gaming operators on a pro rata basis in accordance with the
2 amounts originally contributed by each operator and shall be used for
3 the purpose of enhancing purses at such track. One and one-half percent
4 of the gross purse enhancement amount at a thoroughbred track, as
5 required by this subdivision, shall be paid to an account established
6 pursuant to section two hundred twenty-one-a of the racing, pari-mutuel
7 wagering and breeding law to be used exclusively to provide health
8 insurance for jockeys. In addition, with the exception of Aqueduct race-
9 track, a video lottery gaming facility authorized pursuant to paragraph
10 five of subdivision a of section sixteen hundred seventeen-a of this
11 article or a facility in the county of Nassau or Suffolk operated by a
12 corporation established pursuant to section five hundred two of the
13 racing, pari-mutuel wagering and breeding law, one and one-quarter
14 percent of total revenue wagered at the vendor track after pay out for
15 prizes, received pursuant to clause (A), (B), (B-1), (B-2), (C), or (D)
16 of subparagraph (ii) of paragraph one of this subdivision, shall be
17 distributed to the appropriate breeding fund for the manner of racing
18 conducted by such track.

19 Provided, further, that nothing in this paragraph shall prevent each
20 track from entering into an agreement, not to exceed five years, with
21 the organization authorized to represent its horsemen to increase or
22 decrease the portion of its vendor fee dedicated to enhancing purses at
23 such track during the years of participation by such track, or to race
24 fewer dates than required herein.

25 § 3. Subdivision f-1 of section 1612 of the tax law is REPEALED.

26 § 4. This act shall take effect immediately.