STATE OF NEW YORK

4476

2023-2024 Regular Sessions

IN ASSEMBLY

February 16, 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 harness tracks for out-of-state and out-of-country simulcasting revenue

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

Section 1. Subdivision 2 of section 1017 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 174 of the laws of 2013 and paragraph a as amended by chapter 243 of the laws of 2020, is amended to read as follows:

2. [~~a. Maintenance of effort. Any off-track betting corporation that engages in accepting wagers on the simulcasts of thoroughbred races from out-of-state or out-of-country as permitted under subdivision one of this section shall submit to the commission, for its approval, a schedule of payments to be made in any year or portion thereof, that such off-track corporation engages in nighttime thoroughbred simulcasting. In order to be approved by the commission, the payment schedule shall be identical to the actual payments and distributions of such payments to tracks and purses made by such off-track corporation pursuant to the provisions of section one thousand fifteen of this article during the year two thousand two, as derived from out-of-state harness races displayed after 6:00 P.M. If approved by the commission, such scheduled payments shall be made from revenues derived from any simulcasting conducted pursuant to this section and section one thousand fifteen of this article.~~

~~b. Additional payments.~~] **Payments.** During each calendar year, to the extent, and at such time in the event, that aggregate statewide wagering handle after 7:30 P.M. on out-of-state and out-of-country thoroughbred races exceeds one hundred million dollars, each off-track betting corpo-

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

LBD09557-01-3

ration conducting such simulcasting shall pay to its regional harness track or tracks, an amount equal to [~~two percent~~] **the following percentage** of its proportionate share of such excess handle**: for calendar years through two thousand twenty-three, two percent; for calendar year two thousand twenty-four, one and one-half percent; for calendar year two thousand twenty-five, one percent; and for calendar year two thousand twenty-six, one-half of one percent. There shall be no further additional payment obligation pursuant to this subdivision for calendar years commencing on or after January first, two thousand twenty-seven**. In any region where there are two or more regional harness tracks, such [~~two percent~~] **payment amount** shall be divided between or among the tracks in a proportion equal to the proportion of handle on live harness races conducted at such tracks during the preceding calendar year. Fifty percent of the sum received by each track pursuant to this [~~paragraph~~] **subdivision** shall be used exclusively for increasing purses, stakes and prizes at that regional harness track. For the purpose of determining whether such aggregate statewide handle exceeds one hundred million dollars, all wagering on such thoroughbred races accepted by licensed multi-jurisdictional account wagering providers from customers within New York state shall be excluded.

§ 2. This act shall take effect immediately.