§ 1014. Simulcasting of out-of-state thoroughbred races. 1. The provisions of this section shall govern the simulcasting of races conducted at thoroughbred tracks located in another state or country on any day during which a franchised corporation is conducting a race meeting in Saratoga county at Saratoga thoroughbred racetrack until June thirtieth, two thousand twenty-seven and on any day regardless of whether or not a franchised corporation is conducting a race meeting in Saratoga county at Saratoga thoroughbred racetrack after June thirtieth, two thousand twenty-seven. On any day on which a franchised corporation has not scheduled a racing program but a thoroughbred racing corporation located within the state is conducting racing, each off-track betting corporation branch office and each simulcasting facility licensed in accordance with section one thousand seven (that has entered into a written agreement with such facility's representative horsemen's organization, as approved by the commission), one thousand eight, or one thousand nine of this article shall be authorized to accept wagers and display the live simulcast signal from thoroughbred tracks located in another state or foreign country subject to the following provisions:

a. Each off-track betting branch office accepting wagers on an out-of-state track shall accept wagers on races run at the in-state track and every simulcasting facility licensed in accordance with sections one thousand seven, one thousand eight and one thousand nine of this article which is accepting wagers and displaying the simulcast signal from an out-of-state track shall similarly accept wagers and display the signal from the in-state track.

b. Simulcasting facilities shall be authorized to accept wagers and display the live simulcast signal from out-of-state thoroughbred tracks.

c. If a regional harness track is conducting racing on a day on which out-of-state simulcasting is authorized, the off-track betting corporation shall be required to accept wagers and display the live simulcast signal of such races provided the terms and conditions for accepting such signal are no less favorable than those in effect on April first, nineteen hundred ninety-three.

d. Each off-track betting corporation shall determine the average daily handle on the in-state thoroughbred corporation, the average daily handle from out-of-state tracks and the average total daily payment made to the in-state thoroughbred track on each day from April first, nineteen hundred ninety-three through December thirty-first, nineteen hundred ninety-three on which the off-track betting corporation accepted wagers on races conducted at such track and races conducted on an out-of-state track on a day on which no scheduled races were conducted by a franchised corporation. This calculation shall be provided to the commission and the chief executive officers of the in-state thoroughbred track and the horsemen's organization. If there is a dispute as to the amount of such calculations, written documentation from the off-track betting corporation and the track, shall be supplied to the commission which shall make a determination of the correct amounts, which determination shall be final and binding on all parties.

e. An amount equal to the calculated number shall be determined to be the amount payable to the in-state thoroughbred racing corporation as though such number were calculated on actual handle, using the payment schedules, including distribution to purses, of article five-A and article ten of this chapter provided such track conducts a program of racing equivalent in racing dates and wagering opportunities to the nineteen hundred ninety-three program.

f. The amount shall be distributed in accordance with the provisions of this section. The commission shall determine the amount of and dates of such payments, which dates shall, as far as practicable, reflect the payments made to such track during the comparable period of nineteen hundred ninety-three.

g. (1) At the conclusion of the thoroughbred track corporation's nineteen hundred ninety-four racing season or as shortly thereafter as possible but not later than December twentieth, nineteen hundred ninety-four, the off-track betting corporations and the commission shall determine the average daily handle for the in-state thoroughbred racing corporation and the average daily handle for races conducted at out-of-state or out-of-country tracks. If average daily handle for any

off-track betting corporation exceeds by ten percent the average daily handle as calculated in paragraph d of this subdivision, such off-track betting corporation shall pay to the in-state thoroughbred racing corporation an amount calculated by multiplying the average daily handle in excess of one hundred ten percent of the average daily handle of nineteen hundred ninety-three by the effective commission rate paid by such corporation in nineteen hundred ninety-three. Such calculation shall be computed separately for handle on in-state tracks and handle on out-of-state tracks.

(2) For purposes of this section, the effective commission rate shall be determined by dividing the total commission paid by the total handle rounded to the nearest hundredth.

(3) For purposes of this chapter, total and average daily handle shall have the same meaning as total and average daily wagers or bets.

h. (1) Licensed harness tracks shall receive in lieu of any other payments on wagers placed at off-track betting facilities outside the special betting district on races conducted by an in-state thoroughbred racing corporation, two and eight-tenths percent on regular and multiple bets during a regional meeting and one and nine-tenths percent of such bets if there is no regional meeting and four and eight-tenths percent on exotic bets on days on which there is a regional meeting and three and four-tenths percent of such bets if there is no regional meeting.

(2) (i) In addition, licensed harness tracks shall receive one and one-half percent on total handle on races conducted at an out-of-state or out-of-country thoroughbred track provided such harness track is neither accepting wagers nor displaying the signal from an out-of-state track.

(ii) In those regions in which there is more than one licensed harness track, if no track is accepting wagers or displaying the live simulcast signal from the out-of-state track, the total sum shall be divided among the tracks in proportion to the ratio the wagers placed on races conducted by each track bears to the corporation's total in-region harness handle. If one or more tracks are accepting wagers or displaying the live simulcast signal, the total amount shall be divided among those tracks not accepting wagers or displaying the simulcast signal for an out-of-state track.

(3) The terms used in this section shall have the same applicability and meaning as interpreted and applied in sections five hundred twenty-three and five hundred twenty-seven of this chapter.

i. Any facility authorized to accept wagers on out-of-state tracks shall distribute all sums deposited in any pari-mutuel pool to the holders of winning tickets therein, provided such tickets are presented for payment prior to April first of the year following the year of their purchase less eighteen percent of the total deposits in pools resulting from regular bets, less twenty-one percent of the total deposits in pools resulting from multiple bets, less twenty-six percent of the total deposits in pools resulting from exotic bets, less thirty-six percent of the total deposits in pools resulting from super exotic bets except that the retention rates and breaks shall be as prescribed by another state or country if such wagers are combined with those in the other state or country pursuant to section nine hundred five of this chapter.

(1) Of the sum so retained, the applicable tax rate shall be rate set forth in subdivision one of section one hundred thirty-six of this chapter.

(2) Of the sums so retained, one-half of one percent of all wagers shall be paid to the New York state thoroughbred breeding and development fund, except that of the sums so retained on such wagers at licensed harness tracks, one-half of one percent shall be paid to the agricultural and New York State horse breeding and development fund.

(3) Of the sum so retained, two percent of all wagers shall be paid to a franchised corporation to be used exclusively for the purpose of increasing purses, including stakes, premiums and prizes, provided further that such amount shall not exceed the amount paid to such non-profit racing association in nineteen hundred ninety-three from wagers placed on out-of-state tracks on a day when no racing was being conducted by the non-profit racing association and a racing program was being conducted by a thoroughbred racing corporation located in the state. The excess, if any, shall be paid to a thoroughbred racing corporation located in the state until August thirty-first, nineteen hundred ninety-five and on and after July nineteen, nineteen hundred ninety-six to be used exclusively for the purpose of increasing purses, including stakes, premiums and prizes.

(4) Any thoroughbred racing corporation or harness racing association or corporation or off-track betting corporation authorized pursuant to this section shall pay to the commission as a regulatory fee, which fee is hereby levied, six-tenths of one percent of all wagering pools.

j. (1) All wagers authorized by this section shall be combined so as to produce common pari-mutuel betting pools for the calculation of odds and the determination of payouts from such pools, which payouts shall be made pursuant to the rules of the commission. Every location authorized to accept wagers or display simulcasting pursuant to this section shall be subject to all appropriate provisions of this chapter.

(2) Every regional off-track betting corporation may simulcast all out-of-state races authorized by this section at any licensed simulcast facility except for those facilities located in a thoroughbred special betting district.

Facilities located in such special betting district may display the simulcast signal with the permission of the thoroughbred track located in such district or if such track displays the signal from an out-of-state or out-of-country track.

k. The provisions of section five hundred thirty-two of this chapter shall apply as follows:

(1) for all wagers placed at facilities licensed to receive such out-of-state or out-of-country simulcasts in accordance with section one thousand eight of this article, distribution shall first be made in accordance with subdivision three-a of section five hundred thirty-two of this chapter, and then fifty percent of the remaining amount in accordance with paragraph a of subdivision three of section five hundred thirty-two of this chapter and the other fifty percent shall be retained by such operator for its general purpose.

(2) upon application of any facility licensed in accordance with sections one thousand seven and one thousand nine of this article, the commission shall authorize the imposition of a sum equal to the amount authorized by section five hundred thirty-two of this chapter which shall apply to wagers placed at such facility. Such sums received by facilities licensed in accordance with section one thousand nine of this

article shall be retained for the general purpose of the corporation. Such sums received by such facilities licensed in accordance with section one thousand seven of this article shall be distributed as follows:

(i) fifty percent shall be used exclusively for purses awarded in races conducted by such licensed facility; and

(ii) fifty percent shall be retained by such licensed facility for its general purposes.

2. Nothing in this section shall be construed to prohibit the acceptance of wagers on races conducted at out-of-state tracks without the display of the live simulcast signal if authorized under any other provision of this chapter.