§ 1355. Racing support payments. 1. If an applicant who possesses a pari-mutuel wagering franchise or license awarded pursuant to article two or three of this chapter, or who possessed in two thousand thirteen a franchise or a license awarded pursuant to article two or three of this chapter or is an affiliated entity of such applicant, is issued a gaming facility license pursuant to this article, the licensee shall:

(a) Maintain payments made from video lottery gaming operations to the relevant horsemen and breeders organizations at the same dollar level realized in two thousand thirteen, to be adjusted annually pursuant to changes in the consumer price index for all urban consumers, as published annually by the United States department of labor bureau of labor statistics;

(b) All racetrack locations awarded a gaming facility license shall maintain racing activity and race dates pursuant to articles two and three of this chapter.

2. If an applicant that does not possess either a pari-mutuel wagering license or franchise awarded pursuant to article two or three of this chapter is issued a gaming facility license pursuant to this article:

(a) For the periods prior to March sixteenth, two thousand twenty, the licensee shall pay:

(i) an amount to horsemen for purses at the licensed racetracks in the region that will assure the purse support from video lottery gaming facilities in the region to the licensed racetracks in the region to be maintained at the same dollar levels realized in two thousand thirteen to be adjusted by the consumer price index for all urban consumers, as published annually by the United States department of labor bureau of labor statistics; and

(ii) amounts to the agricultural and New York state horse breeding development fund and the New York state thoroughbred breeding and development fund to maintain payments from video lottery gaming facilities in the region to such funds to be maintained at the same dollar levels realized in two thousand thirteen to be adjusted by the consumer price index for all urban consumers, as published annually by the United States department of labor bureau of labor statistics; and

(b) Beginning on March sixteenth, two thousand twenty and for all time thereafter, the licensee shall pay an amount to horsemen for purses at

the licensed racetracks in the region and an amount to the agricultural and New York state horse breeding development fund and the New York state thoroughbred breeding and development fund that, in aggregate, shall be equal to the product of three and eight-tenths percent multiplied by the gross gaming revenue from slot machines of the licensee for the applicable calendar year, provided that such amount shall not exceed the amount paid by the licensee to such horsemen and breeders funds for the full two thousand nineteen calendar year adjusted annually by the lesser of (i) consumer price index for all urban consumers, as published annually by the United States department of labor bureau of labor statistics or (ii) two and four-tenths percent. Of the amount paid pursuant to this paragraph, eighty-seven percent will be paid to the horsemen and the remainder will be paid to the agricultural and New York state horse breeding development fund and the New York state thoroughbred breeding and development fund.

(c) Aggregate payments owed for the calendar year of two thousand twenty pursuant to paragraphs (a) and (b) of this subdivision shall be payable in two thousand twenty-one in three installments of four hundred sixty thousand dollars in April, July and October with the remainder payable in December, with eighty-seven percent of the aggregate payable to the horsemen and the remainder payable to the breeders funds. Payments owed for calendar years two thousand twenty-one and thereafter shall be payable in calendar quarterly installments, within thirty days of the completion of the preceding calendar quarter.

3. As part of the final gaming facility license award process for licenses authorized under title two-A of this article, the commission shall determine the obligations of such entity or entities required to maintain certain racing support payments at the same dollar level realized in two thousand nineteen, to be adjusted annually pursuant to changes in the consumer price index for all urban consumers, as published annually by the United States department of labor bureau of labor statistics.

(a) In either region two or three of zone one, one or more licensees shall pay an amount to horsemen for the purpose of enhancing purses at Aqueduct racetrack, Belmont Park racetrack and Saratoga race course, an amount to the franchise corporation, and an amount to the New York state

thoroughbred breeding and development fund that, in aggregate, shall be equal to the racing support payments made from video lottery gaming operations to the relevant horsemen, breeders organizations or franchised corporation at the same dollar level realized in two thousand nineteen, to be adjusted annually pursuant to changes in the consumer price index for all urban consumers, as published annually by the United States department of labor bureau of labor statistics.

(b) In region one of zone one, one or more licensees shall pay an amount to the relevant horsemen and the breeders organizations at Yonkers Raceway at the same dollar level realized in two thousand nineteen, to be adjusted annually pursuant to changes in the consumer price index for all urban consumers, as published annually by the United States department of labor bureau of labor statistics.