

VETO MESSAGE - No. 164

TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 4287-A, entitled:

"AN ACT to amend the tax law, in relation to the payment of certain commissions"

NOT APPROVED

This bill would amend the Upstate New York Gaming Economic Development Act of 2013 to provide that certain commission payments made by the State to Video Lottery Terminal (VLT) facilities located in the same region as a commercial casino, are made quarterly, rather than annually.

The State receives a portion of the net machine income from video lottery terminals, which is then used to offset the cost of education throughout the State. This bill would require the State to take commission payments that would otherwise have been made in FY 2019, and pay them out quarterly in FY 2018. This would result in a loss of approximately \$24 million in education aid in FY 2018 that is not reflected in the State's Financial Plan. Any discussions regarding the diversion of funds, especially when not accounted for in this year's financial plan, must be addressed in the context of the annual State budget negotiations. For this reason, I am constrained to veto this bill.

The bill is disapproved.

(signed) ANDREW M. CUOMO