S T A T E O F N E W Y O R K

5054--A

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sens. LANZA, ADDABBO, HASSELL-THOMPSON, HUNTLEY, PARKER, SAVINO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering -- recommitted to the Committee on Racing, Gaming and Wagering in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to extending the Catskill region to include the five counties comprising the city of New York; and to repeal subdivision 7 of section 532 of the racing, pari-mutuel wagering and breeding law, in relation to disposition of revenues

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 519 of the racing, pari-mutuel wagering and breeding law, paragraph e as amended by chapter 260 of the laws of 1987 and paragraphs f, g and h as amended by chapter 125 of the laws of 1997, is amended to read as follows:

1. "Region." One or more of the following named regions comprised of the counties indicated:

a. Suffolk: Suffolk county;

b. Nassau: Nassau county;

c. [New York city: the five counties comprising the city of New York;

d.] Catskill: Broome, Chemung, Chenango, Delaware, Orange, Rockland, Sullivan, Tioga, Dutchess, Tompkins, Westchester, Putnam and Ulster, RICHMOND, QUEENS, KINGS, BRONX AND NEW YORK counties;

[e.] D. Capital District: Albany, Clinton, Columbia, Cortland, Essex, Franklin, Fulton, Greene, Hamilton, Herkimer, Madison, Montgomery, Oneida, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, St. Lawrence, Warren and Washington counties;

[f.] E. Central: Lewis and Onondaga counties;

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

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[g.] F. Western: Allegany, Cattaraugus, Cayuga, Chautauqua, Erie, Genesee, Jefferson, Livingston, Monroe, Niagara, Ontario, Orleans, Oswego, Schuyler, Seneca, Steuben, Wayne, Wyoming and Yates counties;

[h.] G. Notwithstanding the other provisions of this subdivision, when and if the Central regional off-track betting corporation is established, it shall include, in addition to the counties listed in paragraph [f] E, the following: Cayuga, Chenango, Cortland, Franklin, Herkimer, Jefferson, Madison, Oneida, Oswego, Otsego and Tompkins counties.

S 2. The racing, pari-mutuel wagering and breeding law is amended by adding three new sections 517-a, 517-b and 517-c to read as follows:

S 517-A. CATSKILL OFF-TRACK BETTING CORPORATION SITE SELECTION BOARD. 1. THE PURCHASE OR LEASE OF ANY PROPERTY TO BE USED IN WHOLE OR IN PART AS AN OFF-TRACK BETTING FACILITY BY THE CATSKILL OFF-TRACK BETTING CORPORATION IN THE CITY OF NEW YORK, SHALL BE CONDITIONED ON THE APPROVAL OF THE SITE SELECTION BOARD. FOR PURPOSES OF THIS SECTION, THE SITE SELECTION BOARD SHALL BE COMPOSED OF: THE CHIEF EXECUTIVE OFFICER OF THE URBAN DEVELOPMENT CORPORATION; A DESIGNEE OF THE MAYOR OF THE CITY OF NEW YORK; WITH RESPECT TO A BRANCH OFFICE LOCATED WHOLLY OR PARTLY WITHIN A BOROUGH OF THE CITY, THE PRESIDENT OR PRESIDENTS OF THE BOROUGH OR BOROUGHS, OR THE PRESIDENT'S DESIGNEE, IN WHICH THE PROPOSED SITE IS LOCATED; THE CHAIR OF THE COMMUNITY BOARD, OR THE CHAIR'S DESIGNEE, REPRESENTING THE NEIGHBORHOOD IN WHICH THE PROPOSED SITE IS LOCATED; AND THE COMPTROLLER OF THE CITY OF NEW YORK, OR THE COMPTROLLER'S DESIGNEE.

2. THE SITE SELECTION BOARD, AS DEFINED IN THIS SECTION SHALL OPERATE PURSUANT TO THE FOLLOWING PROCEDURES:

A. EVERY ACT OF THE BOARD SHALL BE BY RESOLUTION ADOPTED BY A MAJORITY OF THE VOTES CAST BY ALL THE MEMBERS. NO RESOLUTION SHALL BE ADOPTED EXCEPT AFTER A PUBLIC HEARING, NOTICE OF WHICH SHALL BE PUBLISHED IN THE STATE REGISTER FOR SIX CONSECUTIVE BUSINESS DAYS AND IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY FOR TWO CONSECUTIVE BUSINESS DAYS IMMEDIATELY PRECEDING SAID HEARING.

B. MEETINGS OF THE SITE SELECTION BOARD SHALL BE CALLED EITHER: (I) AS DIRECTED BY THE BOARD UPON NOTICE THEREOF PUBLISHED IN THE STATE REGISTER FOR SIX CONSECUTIVE BUSINESS DAYS AND IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY FOR TWO CONSECUTIVE BUSINESS DAYS; OR

(II) UPON WRITTEN NOTICE TO THE BOARD BY THE PRESIDENT OF CATSKILL OFF-TRACK BETTING CORPORATION THAT A SITE FOR AN OFF-TRACK BETTING BRANCH OFFICE IS UNDER CONSIDERATION BY CATSKILL OFF-TRACK BETTING CORPORATION FOR LEASE OR ACQUISITION. A COPY OF SUCH WRITTEN NOTICE SHALL BE PUBLISHED IN THE STATE REGISTER FOR SIX CONSECUTIVE BUSINESS DAYS AND IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY FOR TWO CONSECUTIVE BUSINESS DAYS. ALL MEETINGS OF THE BOARD SHALL BE WITHIN SEVEN CONSECUTIVE BUSINESS DAYS OF THE DATE ON WHICH NOTICE OF SAID MEETINGS IS FIRST PRINTED IN THE STATE REGISTER FOR SIX CONSECUTIVE BUSINESS DAYS AND IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY FOR TWO CONSECUTIVE BUSINESS DAYS.

C. THE SITE SELECTION BOARD SHALL HAVE POWER AND AUTHORITY TO ADOPT AND AMEND RULES AND REGULATIONS FOR THE CONDUCT OF ITS BUSINESS AND TO CARRY OUT ITS POWERS AND DUTIES; PROVIDED, HOWEVER, THAT THE BOARD SHALL ADOPT RULES WHICH REQUIRE BOARD ACTION ON A PROPOSED SITE WITHIN THIRTY DAYS OF THE BOARD'S PUBLIC HEARING PROVIDED FOR HEREIN AND THAT BY ITS FAILURE TO ACT WITHIN THIRTY DAYS THE BOARD SHALL BE DEEMED TO HAVE APPROVED THE SITE.

3. FOR PROPOSED SITES THAT HAD BEEN APPROVED PRIOR TO DECEMBER SIXTH, TWO THOUSAND TEN, THE PRESIDENT OF CATSKILL OFF-TRACK BETTING CORPORATION SHALL PROVIDE WRITTEN NOTICE TO THE SITE SELECTION BOARD THAT SUCH SITE IS UNDER CONSIDERATION BY CATSKILL OFF-TRACK BETTING CORPORATION FOR LEASE OR ACQUISITION. IF THE BOARD FAILS TO ACT WITHIN THIRTY DAYS OF RECEIVING SUCH WRITTEN NOTICE FROM THE PRESIDENT OF CATSKILL OFF-TRACK BETTING CORPORATION, THE BOARD SHALL BE DEEMED TO HAVE APPROVED THE SITE. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF THIS SECTION, NO PUBLIC NOTICE OR PUBLIC HEARING SHALL BE REQUIRED PRIOR TO THE SITE SELECTION BOARD'S CONSIDERATION OF A SITE THAT HAD BEEN APPROVED PRIOR TO DECEMBER SIXTH, TWO THOUSAND TEN.

S 517-B. CATSKILL OFF-TRACK BETTING CORPORATION: COLLECTIVE BARGAINING. NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, TO THE EXTENT THAT CATSKILL OFF-TRACK BETTING CORPORATION OPENS FACILITIES WITHIN THE FIVE BOROUGHS OF THE CITY OF NEW YORK TO ENGAGE IN OFF-TRACK BETTING OR THE SUPPORT THEREOF, SUCH REGION SHALL RECOGNIZE THE COLLECTIVE BARGAINING REPRESENTATIVES OF THE EMPLOYEES OF THE NEW YORK CITY OFF-TRACK BETTING CORPORATION AS OF DECEMBER SIXTH, TWO THOUSAND TEN, AND SHALL ABIDE BY AGREEMENTS NEGOTIATED BETWEEN SUCH REPRESENTATIVES AND CATSKILL OFF-TRACK BETTING CORPORATION. NOTHING CONTAINED IN THIS ACT SHALL BE CONSTRUED TO DIMINISH THE RIGHTS OF EMPLOYEES PURSUANT TO PARAGRAPH (E) OF SUBDIVISION ONE OF SECTION TWO HUNDRED NINE-A OF THE CIVIL SERVICE LAW.

S 517-C. CATSKILL OFF-TRACK BETTING CORPORATION: BUSINESS PLAN. THE CATSKILL OFF-TRACK BETTING CORPORATION SHALL SUBMIT FOR APPROVAL TO THE RACING AND WAGERING BOARD, OR ITS SUCCESSOR, A BUSINESS PLAN, INCLUDING BUT NOT LIMITED TO, OUTLINING INVESTMENTS, PROJECTED OPERATING COSTS, PROJECTED REVENUES, PROJECTED LOCATIONS (BOTH BARS AND REAL-PROPERTY THAT WOULD NEED TO BE ACQUIRED), PROJECTED EMPLOYMENT NEEDS, PROJECTED CONTRACTS FOR SERVICES OR OTHER THIRD PARTIES, PROJECTED FORMS OF PARI-MUTUEL WAGERING AT EACH LOCATION, AS WELL AS OTHER DETAILS THE RACING AND WAGERING BOARD, OR ITS SUCCESSOR, DEEMS RELEVANT TO DETERMINE THE SUCCESS OF CATSKILL OFF-TRACK BETTING CORPORATION ACCEPTING BETS WITHIN THE FIVE BOROUGHS IN NEW YORK CITY.

PRIOR TO FINAL APPROVAL, THE BOARD, OR IT SUCCESSOR, IS AUTHORIZED TO REQUIRE AMENDMENTS AND CLARIFICATIONS TO THE PLAN TO ENSURE THAT THE PLAN IS FINANCIALLY FEASIBLE; THE LABOR AGREEMENTS ARE HONORED; AND THAT THE INTERESTS OF THE BETTING PUBLIC ARE CONSIDERED. CATSKILL OFF-TRACK BETTING CORPORATION SHALL NOT BE AUTHORIZED TO IMPLEMENT ANY PART OF SUCH PLAN UNTIL THE RACING AND WAGERING BOARD, OR ITS SUCCESSOR, APPROVES OF SUCH PLAN. THE RACING AND WAGERING BOARD, OR ITS SUCCESSOR, SHALL ACT ON THE CATSKILL OFF-TRACK BETTING CORPORATION'S PLAN AS SOON AS PRACTICAL BUT NO LATER THAN THIRTY DAYS AFTER THE PLAN HAS BEEN FULLY SUBMITTED TO THE BOARD, OR ITS SUCCESSOR.

S 3. Subdivision 7 of section 532 of the racing, pari-mutuel wagering and breeding law is REPEALED.

S 4. Notwithstanding any inconsistent provision of this chapter, any payments that the Catskill off-track betting corporation would otherwise make to the counties of Richmond, Queens, Kings, Bronx and New York pursuant to the racing, pari-mutuel wagering and breeding law shall be payable to the general fund of the city of New York.

S 5. Notwithstanding any other provision of law or regulation to the contrary, two and one-half million dollars in Catskill off-track betting corporation's capital acquisition fund established pursuant to section 509-a of the racing, pari-mutuel wagering and breeding law shall be

available to Catskill off-track betting corporation for any corporate purpose.

If Catskill off-track betting corporation chooses to utilize up to two and one-half million dollars in its capital acquisition fund for corporate purposes, it shall do so by providing written notification to the racing and wagering board, or its successor, at least fifteen days in advance of its decision to utilize monies for corporate purposes. During such time that Catskill off-track betting corporation uses its monies for corporate purposes, it shall not be authorized to impose the supplemental one per centum surcharge established by subdivision 3-a of section 532 of the racing, pari-mutuel wagering and breeding law.

Catskill off-track betting corporation may use its monies for corporate purposes until the two and one-half million dollars authorized by this section have been exhausted or until such time that the corporation elects to discontinue such corporate use and has notified the racing and wagering board, or its successor, in writing of its decision. The supplemental one per centum surcharge established by subdivision 3-a of section 532 of the racing, pari-mutuel wagering and breeding law shall only be reinstated one year following: (i) Catskill off-track betting corporation's written notification of discontinuance to the racing and wagering board, or its successor; or (ii) one year following exhaustion of the two and one-half million dollars authorized by this section. Once the supplemental surcharge has been reimposed, the capital acquisition fund shall only be used for the purposes enumerated within section 509-a of the racing, pari-mutuel wagering and breeding law.

S 6. This act shall take effect immediately.