

STATE OF NEW YORK

4537

2023-2024 Regular Sessions

IN ASSEMBLY

February 16, 2023

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to the utilization of funds in the Catskill off-track betting corporation's capital acquisition fund

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

1 Section 1. Section 509-a of the racing, pari-mutuel wagering and
2 breeding law, as amended by section 1 of part DD of chapter 59 of the
3 laws of 2022, is amended to read as follows:

4 § 509-a. Capital acquisition fund. 1. The corporation may create and
5 establish a capital acquisition fund for the purpose of financing the
6 acquisition, construction or equipping of offices, facilities or prem-
7 ises of the corporation. Such capital acquisition fund shall consist of
8 ~~[(i)]~~ a. the amounts specified pursuant to subdivision three-a of
9 section five hundred thirty-two of this chapter; and ~~[(ii)]~~ b. contrib-
10 utions from the corporation's pari-mutuel wagering pools, subject to the
11 following limitations:

12 ~~[a-]~~ (i) no contribution shall exceed the amount of one percent of the
13 total pari-mutuel wagering pools for the quarter in which the contrib-
14 ution is made;

15 ~~[b-]~~ (ii) no contribution shall reduce the amount of quarterly net
16 revenues, exclusive of surcharge revenues, to an amount less than fifty
17 percent of such net revenues; and

18 ~~[c-]~~ (iii) the balance of the fund shall not exceed the lesser of one
19 percent of total pari-mutuel wagering pools for the previous twelve
20 months or the undepreciated value of the corporation's offices, facili-
21 ties and premises.

22 2. a. Notwithstanding any other provision of law or regulation to the
23 contrary, from April nineteenth, two thousand twenty-one to March thir-
24 ty-first, two thousand twenty-two, twenty-three percent of the funds,

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

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1 not to exceed two and one-half million dollars, in the Catskill off-
2 track betting corporation's capital acquisition fund and twenty-three
3 percent of the funds, not to exceed four hundred forty thousand dollars,
4 in the Capital off-track betting corporation's capital acquisition fund
5 established pursuant to this section shall also be available to such
6 off-track betting corporation for the purposes of statutory obligations,
7 payroll, and expenditures necessary to accept authorized wagers.

8 b. Notwithstanding any other provision of law or regulation to the
9 contrary, from April first, two thousand twenty-two to March thirty-
10 first, two thousand twenty-three, twenty-three percent of the funds, not
11 to exceed two and one-half million dollars, in the Catskill off-track
12 betting corporation's capital acquisition fund established pursuant to
13 this section, and twenty-three percent of the funds, not to exceed four
14 hundred forty thousand dollars, in the Capital off-track betting corpo-
15 ration's capital acquisition fund established pursuant to this section,
16 shall be available to such off-track betting corporations for the
17 purposes of statutory obligations, payroll, and expenditures necessary
18 to accept authorized wagers.

19 c. Prior to a corporation being able to utilize the funds authorized
20 by paragraph b of this subdivision, the corporation must submit an
21 expenditure plan to the gaming commission for review. Such plan shall
22 include the corporation's outstanding liabilities, projected revenue for
23 the upcoming year, a detailed explanation of how the funds will be used,
24 and any other information determined necessary by the commission. Upon
25 review, the commission will make a determination as to whether access to
26 the funds is needed and warranted.

27 3. The Catskill off-track betting corporation and the Capital off-
28 track betting corporation shall make a report to the governor, speaker
29 of the assembly, temporary president of the senate and the commission
30 detailing the actual use of the funds made available in the capital
31 acquisition fund. Such report shall include, but not be limited to, any
32 impact on employment levels since utilizing the funds, the status of any
33 statutory obligations, an accounting of the use of such funds, and any
34 other information as deemed necessary by the commission. Such report
35 shall be due no later than the last day of the fiscal year in which the
36 monies were spent.

37 4. Notwithstanding any other provision of law or regulation to the
38 contrary, funds in the Catskill off-track betting corporation's capital
39 acquisition fund established pursuant to this section shall also be
40 available to the Catskill off-track betting corporation for the purposes
41 of statutory obligations, payroll, and expenditures necessary to accept
42 authorized wagers until the fund has been exhausted.

43 § 2. This act shall take effect on the thirtieth day after it shall
44 have become a law.