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

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I N A S S E M B L Y

May 12, 2010

Introduced by M. of A. JORDAN, CALHOUN, FINCH, MOLINARO, QUINN, SAYWARD, TEDISCO -- Multi-Sponsored by -- M. of A. BACALLES, BARCLAY, CAMARA, CORWIN, HAWLEY, MURRAY, TOWNSEND -- read once and referred to the Committee on Racing and Wagering

AN ACT relating to the process for selection of a video lottery gaming operator at Aqueduct Raceway

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

Section 1. Any other provision of any other law to the contrary notwithstanding, the process for selecting a video lottery gaming operator for development and operation of a video lottery terminal gaming facility at the Aqueduct Raceway in Queens pursuant to section 101 of chapter 18 of the laws of 2008, shall be as described in this section. Any other provision of any other law to the contrary notwithstanding, the solicitation issued on or about April of 2009 shall be considered open as if it had never closed, and all proposals from potential vendors pre-qualified pursuant to the requirements of such section shall be considered current. Any other provision of any other law to the contrary notwithstanding:

1. Provision to allow submitting or amending of proposals. For ten days after the effective date of this act, the governor's office shall allow potential vendors to submit new proposals or to amend proposals already submitted pursuant to the solicitation of April, 2009.

2. Selection of third party reviewer. The governor's office shall contract within twenty days of the effective date of this act with an accountancy and professional services firm recommended by the office of the state comptroller to review the proposals and make a recommendation for the selection of one of them by the governor, the speaker of the assembly and the temporary president of the senate. No later than ten days after the effective date of this act, the state comptroller shall recommend to the governor a firm to conduct the review and make recommendations from among the ten largest international accountancy and professional services firms as measured by gross revenue as reported in the most recent annual financial statements of such firms.

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

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3. Submission for review. No later than the twenty-fifth day after the effective date of this act, the governor's office shall provide to the accountancy and professional services firm selected the proposals of potential vendors submitted or deemed active pursuant to this act. On the date of such transmittal, the governor's office shall reveal the names and primary places of business of each such potential vendor.

4. Recommendation. Within forty days of the effective date of this act, the accountancy and professional services firm shall make its recommendation concerning a potential vendor to be selected to develop and operate the video lottery terminal gaming facility at Aqueduct Raceway. The criteria for recommendation shall be the same as those established for selection pursuant to section 101 of chapter 18 of the laws of 2008 and the solicitation and successor documents thereto issued in April of 2009 and thereafter. On the day that the recommendation is transmitted to the governor, the temporary president of the senate, and the speaker of the assembly, the recommendation shall be made public, along with the reasons for making the recommendation. Within the requirements for privacy pursuant to section 101 of chapter 18 of the laws of 2008, the firm shall provide as much detail as possible concerning the reasons for the selection.

5. Public hearing. Within ten days of the day on which the accountancy and professional services firm makes the recommendation, the fiscal committees of the two houses of the legislature shall conduct a joint public hearing concerning the recommendation, such hearing to be conducted in the city of Albany.

6. Selection of vendor. Not more than fifteen days following the date of the joint public hearing, the governor, the temporary president of the senate and the speaker of the assembly shall select a video lottery gaming operator for development and operation of a video lottery terminal gaming facility at Aqueduct Raceway.

7. Minimum bid. Minimum acceptable bid shall include a cash component. Such cash component shall be remitted in the form of a cash payment that is no less than 300 million dollars, provided that nothing herein shall prevent a potential vendor from including a cash payment of more than 300 million dollars.

S 2. This act shall take effect on the first day of the month next succeeding the date on which it shall have become a law.