

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

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2011-2012 Regular Sessions

I N A S S E M B L Y

April 29, 2011

Introduced by M. of A. PRETLOW, HEASTIE, STEVENSON, V. LOPEZ, P. RIVERA, LINARES, COOK, BOYLAND, WEPRIN, KELLNER, SIMANOWITZ, PERRY, DINOWITZ, CAMARA, RODRIGUEZ, ROBINSON, SCARBOROUGH, ORTIZ, TITONE, COLTON, MARKEY, N. RIVERA, ESPINAL -- Multi-Sponsored by -- M. of A. BROOK-KRASNY, CLARK, CRESPO, CUSICK, GIBSON, JACOBS, LANCMAN, MALLIO-TAKIS -- read once and referred to the Committee on Racing and Wagering -- recommitted to the Committee on Racing and Wagering in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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:

1 Section 1. Subdivision 1 of section 519 of the racing, pari-mutuel
2 wagering and breeding law, paragraph e as amended by chapter 260 of the
3 laws of 1987 and paragraphs f, g and h as amended by chapter 125 of the
4 laws of 1997, is amended to read as follows:
5 1. "Region." One or more of the following named regions comprised of
6 the counties indicated:
7 a. Suffolk: Suffolk county;
8 b. Nassau: Nassau county;
9 c. [New York city: the five counties comprising the city of New York;
10 d.] Catskill: Broome, Chemung, Chenango, Delaware, Orange, Rockland,
11 Sullivan, Tioga, Dutchess, Tompkins, Westchester, Putnam and Ulster,
12 RICHMOND, QUEENS, KINGS, BRONX AND NEW YORK counties;

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

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

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

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

9 [h.] G. Notwithstanding the other provisions of this subdivision, when
10 and if the Central regional off-track betting corporation is estab-
11 lished, it shall include, in addition to the counties listed in para-
12 graph [f] E, the following: Cayuga, Chenango, Cortland, Franklin,
13 Herkimer, Jefferson, Madison, Oneida, Oswego, Otsego and Tompkins coun-
14 ties.

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

17 S 517-A. CATSKILL OFF-TRACK BETTING CORPORATION SITE SELECTION BOARD.

18 1. THE PURCHASE OR LEASE OF ANY PROPERTY TO BE USED IN WHOLE OR IN PART
19 AS AN OFF-TRACK BETTING FACILITY BY THE CATSKILL OFF-TRACK BETTING
20 CORPORATION IN THE CITY OF NEW YORK, SHALL BE CONDITIONED ON THE
21 APPROVAL OF THE SITE SELECTION BOARD. FOR PURPOSES OF THIS SECTION, THE
22 SITE SELECTION BOARD SHALL BE COMPOSED OF: THE CHIEF EXECUTIVE OFFICER
23 OF THE URBAN DEVELOPMENT CORPORATION; A DESIGNEE OF THE MAYOR OF THE
24 CITY OF NEW YORK; WITH RESPECT TO A BRANCH OFFICE LOCATED WHOLLY OR
25 PARTLY WITHIN A BOROUGH OF THE CITY, THE PRESIDENT OR PRESIDENTS OF THE
26 BOROUGH OR BOROUGH, OR THE PRESIDENT'S DESIGNEE, IN WHICH THE PROPOSED
27 SITE IS LOCATED; THE CHAIR OF THE COMMUNITY BOARD, OR THE CHAIR'S DESIG-
28 NEE, REPRESENTING THE NEIGHBORHOOD IN WHICH THE PROPOSED SITE IS
29 LOCATED; AND THE COMPTROLLER OF THE CITY OF NEW YORK, OR THE COMP-
30 TROLLER'S DESIGNEE.

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

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

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

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

54 C. THE SITE SELECTION BOARD SHALL HAVE POWER AND AUTHORITY TO ADOPT
55 AND AMEND RULES AND REGULATIONS FOR THE CONDUCT OF ITS BUSINESS AND TO
56 CARRY OUT ITS POWERS AND DUTIES; PROVIDED, HOWEVER, THAT THE BOARD SHALL

1 ADOPT RULES WHICH REQUIRE BOARD ACTION ON A PROPOSED SITE WITHIN THIRTY
2 DAYS OF THE BOARD'S PUBLIC HEARING PROVIDED FOR HEREIN AND THAT BY ITS
3 FAILURE TO ACT WITHIN THIRTY DAYS THE BOARD SHALL BE DEEMED TO HAVE
4 APPROVED THE SITE.

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

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

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

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

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

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

1 S 5. Notwithstanding any other provision of law or regulation to the
2 contrary, two and one-half million dollars in Catskill off-track betting
3 corporation's capital acquisition fund established pursuant to section
4 509-a of the racing, pari-mutuel wagering and breeding law shall be
5 available to Catskill off-track betting corporation for any corporate
6 purpose.

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

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

30 S 6. This act shall take effect immediately.