

5705--A

2013-2014 Regular Sessions

I N   S E N A T E

June 6, 2013

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Introduced by Sens. LANZA, AVELLA, DILAN, HASSELL-THOMPSON, PERKINS, SMITH -- 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 providing for the disposition of revenue received by such corporation

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

1     Section 1.     Subdivision 1 of section 502 of the racing, pari-mutuel  
2     wagering and breeding law, as amended by chapter 710 of the laws of  
3     1990, is amended to read as follows:  
4     1. A regional off-track betting corporation is hereby established for  
5     each region, except the New York city region for which the New York city  
6     off-track betting corporation established pursuant to and subject to  
7     article six of this chapter shall constitute the regional corporation  
8     and such article six shall govern such New York city off-track betting  
9     corporation. Each regional corporation shall be a body corporate and  
10    politic constituting a public benefit corporation. Each corporation  
11    shall be administered by a board of directors consisting of two members  
12    from each participating county containing a city of over one hundred  
13    fifty thousand in population, according to the last federal census, and  
14    one member from each other participating county. Notwithstanding any  
15    other provision of law to the contrary, the members shall be appointed  
16    by the county governing body, and may, at the discretion of such govern-  
17    ing body of counties which have a population of less than two hundred  
18    thousand, include sitting members of such governing body. A member of a  
19    governing body who is appointed a director after July first, nineteen

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

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1 hundred ninety shall not be compensated by the regional corporation;  
2 provided, however, that the mayor of a city of over one hundred fifty  
3 thousand that has elected to participate in the management of a corpo-  
4 ration pursuant to subdivision two of this section shall, with the  
5 approval of the city's legislative body, appoint one of the members to  
6 which the county containing such city is entitled. In the case of the  
7 corporation established for the Suffolk region and Nassau region, the  
8 board of directors of each corporation shall consist of three members  
9 appointed by the governing body of each county, not more than two of  
10 whom shall be members of the same political party. Each director shall  
11 serve at the pleasure of the governing body or mayor appointing him OR  
12 HER, as the case may be. A chairman shall be elected by the members to  
13 serve a term of one year. IN THE CASE OF A CITY HAVING A POPULATION OF  
14 OVER ONE MILLION WITHIN THE CATSKILL OFF-TRACK BETTING REGION, ONE  
15 MEMBER SHALL BE APPOINTED BY THE MAYOR OF SUCH CITY.

16 S 2. Subdivision 1 of section 519 of the racing, pari-mutuel wagering  
17 and breeding law, paragraph e as amended by chapter 260 of the laws of  
18 1987 and paragraphs f, g and h as amended by chapter 125 of the laws of  
19 1997, is amended to read as follows:

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

22 a. Suffolk: Suffolk county;

23 b. Nassau: Nassau county;

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

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

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

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

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

36 [h.] G. Notwithstanding the other provisions of this subdivision, when  
37 and if the Central regional off-track betting corporation is estab-  
38 lished, it shall include, in addition to the counties listed in para-  
39 graph [f] E OF THIS SUBDIVISION, the following: Cayuga, Chenango, Cort-  
40 land, Franklin, Herkimer, Jefferson, Madison, Oneida, Oswego, Otsego and  
41 Tompkins counties.

42 S 3. Article 5 of the racing, pari-mutuel wagering and breeding law is  
43 amended by adding three new sections 517-a, 517-b and 517-c to read as  
44 follows:

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

46 1. (A) THE PURCHASE OR LEASE OF ANY PROPERTY TO BE USED IN WHOLE OR IN  
47 PART AS AN OFF-TRACK BETTING FACILITY BY THE CATSKILL OFF-TRACK BETTING  
48 CORPORATION IN THE CITY OF NEW YORK, SHALL BE CONDITIONED ON THE  
49 APPROVAL OF THE SITE SELECTION BOARD. FOR PURPOSES OF THIS SECTION, THE  
50 SITE SELECTION BOARD SHALL BE COMPOSED OF: THE CHIEF EXECUTIVE OFFICER  
51 OF THE URBAN DEVELOPMENT CORPORATION; A DESIGNEE OF THE MAYOR OF THE  
52 CITY OF NEW YORK; WITH RESPECT TO A BRANCH OFFICE LOCATED WHOLLY OR  
53 PARTLY WITHIN A BOROUGH OF SUCH CITY, THE PRESIDENT OR PRESIDENTS OF THE  
54 BOROUGH OR BOROUGHs, OR THE PRESIDENT'S DESIGNEE, IN WHICH THE PROPOSED  
55 SITE IS LOCATED; THE CHAIR OF THE COMMUNITY BOARD, OR THE CHAIR'S DESIG-  
56 NEE, REPRESENTING THE NEIGHBORHOOD IN WHICH THE PROPOSED SITE IS

1 LOCATED; AND THE COMPTROLLER OF THE CITY OF NEW YORK, OR THE COMP-  
2 TROLLER'S DESIGNEE.

3 (B) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, THE FIRST TWO  
4 OFF-TRACK BETTING FACILITIES LOCATED IN EACH BOROUGH OF THE CITY OF NEW  
5 YORK SHALL NOT REQUIRE APPROVAL OF THE SITE SELECTION BOARD.

6 2. THE SITE SELECTION BOARD SHALL OPERATE PURSUANT TO THE FOLLOWING  
7 PROCEDURES:

8 (A) EVERY ACT OF THE BOARD SHALL BE BY RESOLUTION ADOPTED BY A MAJORI-  
9 TY OF THE VOTES CAST BY ALL THE MEMBERS. NO RESOLUTION SHALL BE ADOPTED  
10 EXCEPT AFTER A PUBLIC HEARING, NOTICE OF WHICH SHALL BE PUBLISHED IN THE  
11 STATE REGISTER FOR SIX CONSECUTIVE BUSINESS DAYS AND IN A NEWSPAPER OF  
12 GENERAL CIRCULATION IN THE CITY OF NEW YORK FOR TWO CONSECUTIVE BUSINESS  
13 DAYS IMMEDIATELY PRECEDING SAID HEARING.

14 (B) MEETINGS OF THE SITE SELECTION BOARD SHALL BE CALLED EITHER: (I)  
15 AS DIRECTED BY THE BOARD UPON NOTICE THEREOF PUBLISHED IN THE STATE  
16 REGISTER FOR SIX CONSECUTIVE BUSINESS DAYS AND IN A NEWSPAPER OF GENERAL  
17 CIRCULATION IN THE CITY OF NEW YORK FOR TWO CONSECUTIVE BUSINESS DAYS;  
18 OR (II) UPON WRITTEN NOTICE TO THE BOARD BY THE PRESIDENT OF CATSKILL  
19 OFF-TRACK BETTING CORPORATION THAT A SITE FOR AN OFF-TRACK BETTING  
20 BRANCH OFFICE IS UNDER CONSIDERATION BY CATSKILL OFF-TRACK BETTING  
21 CORPORATION FOR LEASE OR ACQUISITION. A COPY OF SUCH WRITTEN NOTICE  
22 SHALL BE PUBLISHED IN THE STATE REGISTER FOR SIX CONSECUTIVE BUSINESS  
23 DAYS AND IN A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OF NEW YORK  
24 FOR TWO CONSECUTIVE BUSINESS DAYS. ALL MEETINGS OF THE BOARD SHALL BE  
25 WITHIN SEVEN CONSECUTIVE BUSINESS DAYS OF THE DATE ON WHICH NOTICE OF  
26 SAID MEETINGS IS FIRST PRINTED IN THE STATE REGISTER FOR SIX CONSECUTIVE  
27 BUSINESS DAYS AND IN A NEWSPAPER OF GENERAL CIRCULATION IN SUCH CITY FOR  
28 TWO CONSECUTIVE BUSINESS DAYS.

29 (C) THE SITE SELECTION BOARD SHALL HAVE POWER AND AUTHORITY TO ADOPT  
30 AND AMEND RULES AND REGULATIONS FOR THE CONDUCT OF ITS BUSINESS AND TO  
31 CARRY OUT ITS POWERS AND DUTIES; PROVIDED, HOWEVER, THAT THE BOARD SHALL  
32 ADOPT RULES WHICH REQUIRE BOARD ACTION ON A PROPOSED SITE WITHIN THIRTY  
33 DAYS OF THE BOARD'S PUBLIC HEARING PROVIDED FOR IN PARAGRAPH (A) OF THIS  
34 SUBDIVISION AND THAT BY ITS FAILURE TO ACT WITHIN THIRTY DAYS THE BOARD  
35 SHALL BE DEEMED TO HAVE APPROVED THE SITE.

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

47 S 517-B. CATSKILL OFF-TRACK BETTING CORPORATION; COLLECTIVE BARGAIN-  
48 ING. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, TO THE  
49 EXTENT THAT THE CATSKILL OFF-TRACK BETTING CORPORATION OPENS FACILITIES  
50 WITHIN THE FIVE COUNTIES OF THE CITY OF NEW YORK TO ENGAGE IN OFF-TRACK  
51 BETTING OR THE SUPPORT THEREOF, SUCH CORPORATION SHALL RECOGNIZE THE  
52 COLLECTIVE BARGAINING REPRESENTATIVES OF THE EMPLOYEES OF THE NEW YORK  
53 CITY OFF-TRACK BETTING CORPORATION AS OF DECEMBER SIXTH, TWO THOUSAND  
54 TEN, AND SHALL ABIDE BY AGREEMENTS NEGOTIATED BETWEEN SUCH REPRESENTATIVES  
55 AND CATSKILL OFF-TRACK BETTING CORPORATION. NOTHING CONTAINED  
56 IN THIS CHAPTER SHALL BE CONSTRUED TO DIMINISH THE RIGHTS OF EMPLOYEES

1 PURSUANT TO PARAGRAPH (E) OF SUBDIVISION ONE OF SECTION TWO HUNDRED  
2 NINE-A OF THE CIVIL SERVICE LAW.

3 S 517-C. CATSKILL OFF-TRACK BETTING CORPORATION; ANNUAL REPORT. THE  
4 CATSKILL OFF-TRACK BETTING CORPORATION SHALL REPORT ANNUALLY TO THE  
5 STATE GAMING COMMISSION. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED  
6 TO, OPERATING COSTS, REVENUES, EXISTING AND PROJECTED LOCATIONS, EMPLOY-  
7 MENT, FACILITIES, AND PARI-MUTUEL WAGERING HANDLE AT EACH LOCATION, AS  
8 WELL AS OTHER DETAILS RELEVANT TO DETERMINE THE SUCCESS OF CATSKILL  
9 OFF-TRACK BETTING CORPORATION ACCEPTING BETS WITHIN THE FIVE COUNTIES IN  
10 THE CITY OF NEW YORK.

11 S 4. Section 516 of the racing, pari-mutuel wagering and breeding law  
12 is amended by adding a new subdivision 6 to read as follows:

13 6. AFTER PAYMENT OF ALL OF THE COSTS OF THE CATSKILL REGIONAL  
14 OFF-TRACK BETTING CORPORATION ASSOCIATED WITH ITS OPERATIONS IN THE FIVE  
15 COUNTIES IN THE CITY OF NEW YORK, NET REVENUE REMAINING TO SUCH CORPO-  
16 RATION FROM SUCH OPERATIONS SHALL BE DIVIDED, QUARTERLY, NOT MORE THAN  
17 SIXTY DAYS AFTER THE CLOSE OF THE CALENDAR QUARTER IN ACCORDANCE WITH  
18 THE FOLLOWING PROVISIONS:

19 A. FIFTY PERCENT OF SUCH REVENUE TO THE FIVE COUNTIES IN THE CITY OF  
20 NEW YORK; AND

21 B. FIFTY PERCENT TO THE CATSKILL OFF-TRACK BETTING CORPORATION TO BE  
22 DISTRIBUTED PURSUANT TO SUBDIVISION TWO OF THIS SECTION TO PARTICIPATING  
23 COUNTIES OUTSIDE OF THE FIVE COUNTIES OF THE CITY OF NEW YORK.

24 S 5. Subdivision 7 of section 532 of the racing, pari-mutuel wagering  
25 and breeding law, as added by chapter 115 of the laws of 2008, is  
26 amended to read as follows:

27 7. Notwithstanding any other provision of this section, any payments  
28 otherwise payable to a city with a population of one million or more,  
29 [pursuant to this section, other than payments] pursuant to subpara-  
30 graphs (i) and (iii) of paragraph b of subdivision three of this  
31 section, shall be payable to the corporation and shall be available for  
32 its corporate purposes, AND SHALL BE DISTRIBUTED AS NET REVENUE PURSUANT  
33 TO SUBDIVISION SIX OF SECTION FIVE HUNDRED SIXTEEN OF THIS CHAPTER.

34 S 6. Notwithstanding any other provision of law, rule or regulation to  
35 the contrary, the Catskill off-track betting corporation's capital  
36 acquisition fund established pursuant to section 509-a and subdivision  
37 3-a of section 532 of the racing, pari-mutuel wagering and breeding law  
38 shall be available to Catskill off-track betting corporation for any  
39 corporate purpose.

40 S 7. This act shall take effect immediately.