

# STATE OF NEW YORK

10957

## IN ASSEMBLY

May 29, 2018

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Racing and Wagering

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to disclosing certain information prior to qualifying for any reduction in taxation

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

1 Section 1. Legislative findings. The legislature hereby finds and  
2 declares that the intent of the upstate New York gaming economic devel-  
3 opment act of 2013 was to aid the economic development of upstate New  
4 York by increasing employment opportunities and investment into these  
5 host communities. The legislature further finds that public resources  
6 ought not be used to assist gaming facilities. Any assistance to gaming  
7 facilities must be conditioned on full financial disclosure and an inde-  
8 pendent audit of the gaming facilities in order to show how this assist-  
9 ance would be necessary to benefit and protect the workforce of the  
10 gaming facilities and the host municipality and nearby municipalities of  
11 each gaming facility. Any assistance shall prevent self-dealing by the  
12 officers and shareholders of the gaming facility and shall not be  
13 utilized to unduly benefit or enrich the officers, shareholders, inves-  
14 tors, and lenders of any gaming facility, its holding company, interme-  
15 diary companies, subsidiaries, or affiliates.

16 § 2. Section 1351 of the racing, pari-mutuel wagering and breeding law  
17 is amended by adding 3 new subdivisions 2, 3 and 4 to read as follows:

18 2. Before being eligible to apply for and qualify for any reduction in  
19 taxes under subdivision one of this section, or any other public assist-  
20 ance or benefits, a gaming facility shall disclose the following infor-  
21 mation to the commission:

22 (a) the names and payments made to all casino key employees in excess  
23 of one hundred thousand dollars for calendar year two thousand seventeen  
24 to present;

25 (b) the names and payments made to all independent contractors in  
26 excess of one hundred thousand dollars for calendar year two thousand  
27 seventeen to present;

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

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1 (c) all payments in excess of one hundred thousand dollars to inves-  
2 tors, casino vendor enterprises, junket enterprises, close associates,  
3 and affiliates for calendar year two thousand seventeen to present;

4 (d) all payments in calendar year two thousand seventeen to present  
5 made to the board of directors, or to the board of directors of its  
6 holding company, intermediary companies, subsidiaries, affiliates or  
7 close associates; and

8 (e) all contractual arrangements for debt and encumbrances entered  
9 into by the gaming facility, its holding company, close associates,  
10 intermediary companies, subsidiaries or affiliates which provide financ-  
11 ing for the construction, repair, maintenance and operation of the  
12 gaming facility.

13 Notwithstanding any law to the contrary, all disclosures made to the  
14 commission pursuant to paragraphs (a), (b), (c), (d) and (e) of this  
15 subdivision shall be made fully available by the commission for public  
16 review and inspection.

17 3. Before being eligible to apply for and qualify for any reduction in  
18 taxes under subdivision one of this section, or any other public assist-  
19 ance or benefits, a gaming facility shall further disclose and make  
20 available to the commission all quarterly financial reports and the  
21 annual audit required to be filed, pursuant to paragraph (o) of subdivi-  
22 sion two of section thirteen hundred seven of this article for the  
23 twelve months prior to the effective date of this subdivision. Notwith-  
24 standing any law to the contrary, such reports and audits shall be made  
25 fully available by the commission for public review and inspection.

26 4. Before being eligible to apply for and qualify for any reduction in  
27 taxes under subdivision one of this section, or any other public assist-  
28 ance or benefits, the gaming facility shall agree to the appointment of  
29 an independent financial monitor selected by the gaming commission. The  
30 monitor's salary and expenses shall be paid by the gaming facility. The  
31 monitor shall have access to all the financial records of the gaming  
32 facility and shall report its findings to the commission. Notwithstand-  
33 ing any laws to the contrary, the reports of the monitor shall be made  
34 fully available for public review and inspection. The monitor's duties  
35 shall terminate on February first, two thousand twenty. The monitor  
36 shall have the following duties:

37 (a) issue biannual reports commencing with a report at the conclusion  
38 of the two thousand eighteen calendar year;

39 (b) publish in such reports the information required by subdivision  
40 two of this section for calendar years two thousand eighteen and two  
41 thousand nineteen;

42 (c) report on any material weakness in accounting, internal controls,  
43 and business and management practices at the gaming facility;

44 (d) review and make recommendations concerning the gaming facility's  
45 operating revenues and the establishment of a financial plan;

46 (e) review such gaming facility's overall compliance with the laws,  
47 rules and regulations applicable to its activities;

48 (f) monitor the hiring of gaming employees at the gaming facility; the  
49 monitor shall notify the commission any time that the number of gaming  
50 employees is lower than ninety-five percent of the number that were on  
51 staff at the gaming facility on the effective date of this subdivision;  
52 and

53 (g) evaluate the overall financial position of the gaming facility.

54 § 3. This act shall take effect immediately.