

# STATE OF NEW YORK

10958

## 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 utilizing funds from the 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 added by chapter 681 of the laws of 1989, the opening  
3 paragraph as amended by chapter 346 of the laws of 1990, is amended to  
4 read as follows:

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

13 [~~1~~] a. no contribution shall exceed the amount of one percent of the  
14 total pari-mutuel wagering pools for the quarter in which the contrib-  
15 ution is made;

16 [~~2~~] b. no contribution shall reduce the amount of quarterly net  
17 revenues, exclusive of surcharge revenues, to an amount less than fifty  
18 percent of such net revenues; and

19 [~~3~~] c. the balance of the fund shall not exceed the lesser of one  
20 percent of total pari-mutuel wagering pools for the previous twelve  
21 months or the undepreciated value of the corporation's offices, facili-  
22 ties and premises.

23 2. Notwithstanding any other provision of law or regulation to the  
24 contrary, up to five million dollars of the funds in a capital acquisi-  
25 tion fund, established pursuant to this section shall be available once  
26 per annum to a regional off-track betting corporation for the sole  
27 purpose of paying the salaries and benefits of employees and other  
28 expenses of such corporation; provided, however, that such regional

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

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1 off-track betting corporation is not utilizing its capital acquisition  
2 fund for corporate purposes as provided in section three of part II of  
3 chapter fifty-eight of the laws of two thousand twelve, and further  
4 provided, that at a time and in a manner to be determined and prescribed  
5 by the New York state gaming commission, at least five percent of such  
6 amount shall be distributed among the participating counties on the  
7 basis of population, as defined as the total population in each partic-  
8 ipating county shown by the latest preceding decennial federal census  
9 completed and published as a final population count by the United States  
10 bureau of the census preceding the commencement of the calendar year in  
11 which such distribution is to be made.

12 3. A regional off-track betting corporation that chooses to utilize  
13 its capital acquisition fund to offset expenses related to salaries and  
14 benefits for the corporation's employees and other expenses as provided  
15 in subdivision two of this section shall do so by providing written  
16 notification to the New York state gaming commission, at least fifteen  
17 days in advance of its decision to utilize monies for corporate  
18 purposes.

19 § 2. This act shall take effect immediately.