STATE OF NEW YORK

5993

2019-2020 Regular Sessions

IN ASSEMBLY

February 26, 2019

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:

Section 1. Section 509-a of the racing, pari-mutuel wagering and breeding law, as added by chapter 681 of the laws of 1989, the opening paragraph as amended by chapter 346 of the laws of 1990, is amended to read as follows:

§ 509-a. Capital acquisition fund. **1.** The corporation may create and establish a capital acquisition fund for the purpose of financing the acquisition, construction or equipping of offices, facilities or premises of the corporation. Such capital acquisition fund shall consist of (i) the amounts specified pursuant to subdivision three-a of section five hundred thirty-two of this chapter; and (ii) contributions from the corporation's pari-mutuel wagering pools, subject to the following limitations:

[~~(1)~~] **a.** no contribution shall exceed the amount of one percent of the total pari-mutuel wagering pools for the quarter in which the contribution is made;

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

[~~(3)~~] **c.** the balance of the fund shall not exceed the lesser of one percent of total pari-mutuel wagering pools for the previous twelve months or the undepreciated value of the corporation's offices, facilities and premises.

2. Notwithstanding any other provision of law or regulation to the contrary, up to five million dollars of the funds in a capital acquisition fund, established pursuant to this section shall be available once

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

LBD09979-01-9

per annum to a regional off-track betting corporation for the sole purpose of paying the salaries and benefits of employees and other expenses of such corporation; provided, however, that such regional off-track betting corporation is not utilizing its capital acquisition fund for corporate purposes as provided in section three of part II of chapter fifty-eight of the laws of two thousand twelve, and further provided, that at a time and in a manner to be determined and prescribed by the New York state gaming commission, at least five percent of such amount shall be distributed among the participating counties on the basis of population, as defined as the total population in each participating county shown by the latest preceding decennial federal census completed and published as a final population count by the United States bureau of the census preceding the commencement of the calendar year in which such distribution is to be made.

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

§ 2. This act shall take effect immediately.