

# STATE OF NEW YORK

4537

2023-2024 Regular Sessions

## IN ASSEMBLY

February 16, 2023

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Real Property Taxation

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to the utilization of funds in the Catskill off-track betting corporation's 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 amended by section 1 of part DD of chapter 59 of the laws of 2022, 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)]~~ a. the amounts specified pursuant to subdivision three-a of section five hundred thirty-two of this chapter; and ~~[(iii)]~~ b. contributions from the corporation's pari-mutuel wagering pools, subject to the following limitations:

~~[a-]~~ (i) 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;

~~[b-]~~ (ii) 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

~~[c-]~~ (iii) 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. a. Notwithstanding any other provision of law or regulation to the contrary, from April nineteenth, two thousand twenty-one to March thirty-first, two thousand twenty-two, twenty-three percent of the funds,

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

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1 not to exceed two and one-half million dollars, in the Catskill off-  
2 track betting corporation's capital acquisition fund and twenty-three  
3 percent of the funds, not to exceed four hundred forty thousand dollars,  
4 in the Capital off-track betting corporation's capital acquisition fund  
5 established pursuant to this section shall also be available to such  
6 off-track betting corporation for the purposes of statutory obligations,  
7 payroll, and expenditures necessary to accept authorized wagers.

8 b. Notwithstanding any other provision of law or regulation to the  
9 contrary, from April first, two thousand twenty-two to March thirty-  
10 first, two thousand twenty-three, twenty-three percent of the funds, not  
11 to exceed two and one-half million dollars, in the Catskill off-track  
12 betting corporation's capital acquisition fund established pursuant to  
13 this section, and twenty-three percent of the funds, not to exceed four  
14 hundred forty thousand dollars, in the Capital off-track betting corpo-  
15 ration's capital acquisition fund established pursuant to this section,  
16 shall be available to such off-track betting corporations for the  
17 purposes of statutory obligations, payroll, and expenditures necessary  
18 to accept authorized wagers.

19 c. Prior to a corporation being able to utilize the funds authorized  
20 by paragraph b of this subdivision, the corporation must submit an  
21 expenditure plan to the gaming commission for review. Such plan shall  
22 include the corporation's outstanding liabilities, projected revenue for  
23 the upcoming year, a detailed explanation of how the funds will be used,  
24 and any other information determined necessary by the commission. Upon  
25 review, the commission will make a determination as to whether access to  
26 the funds is needed and warranted.

27 3. The Catskill off-track betting corporation and the Capital off-  
28 track betting corporation shall make a report to the governor, speaker  
29 of the assembly, temporary president of the senate and the commission  
30 detailing the actual use of the funds made available in the capital  
31 acquisition fund. Such report shall include, but not be limited to, any  
32 impact on employment levels since utilizing the funds, the status of any  
33 statutory obligations, an accounting of the use of such funds, and any  
34 other information as deemed necessary by the commission. Such report  
35 shall be due no later than the last day of the fiscal year in which the  
36 monies were spent.

37 4. Notwithstanding any other provision of law or regulation to the  
38 contrary, funds in the Catskill off-track betting corporation's capital  
39 acquisition fund established pursuant to this section shall also be  
40 available to the Catskill off-track betting corporation for the purposes  
41 of statutory obligations, payroll, and expenditures necessary to accept  
42 authorized wagers until the fund has been exhausted.

43 § 2. This act shall take effect on the thirtieth day after it shall  
44 have become a law.