§ 301. General powers of commission; harness racing defined; super exotic bet defined, authorized. 1. Pursuant to the provisions of sections two hundred twenty-two through seven hundred five of this chapter, the commission shall have power to supervise generally all harness race meetings in this state at which pari-mutuel betting is conducted. The commission may adopt rules and regulations not inconsistent with sections two hundred twenty-two through seven hundred five of this chapter to carry into effect its purposes and provisions and to prevent circumvention or evasion thereof. In order that the rules of harness horse racing may be uniform throughout the United States, the commission may adopt the rules and regulations of the United States Trotting Association, in whole or in part, and may adopt such other or different rules as the commission deems necessary to carry into effect the purposes and provisions of sections two hundred twenty-two through seven hundred five of this chapter.

2. Without limiting the generality of the foregoing, and in addition to its other powers:

a. The commission shall prescribe rules and regulations for effectually preventing the use of improper devices, the administration of drugs or stimulants or other improper acts for the purpose of affecting the speed of harness horses in races in which they are about to participate.

b. The rules of the commission shall also provide that all winning pari-mutuel tickets must be presented for payment before April first of the year following the year of their purchase and failure to present any such ticket within the prescribed period of time shall constitute a waiver of the right to participate in the award or dividend.

c. The commission shall have power in its discretion, consistent with the powers of department of taxation and finance, to prescribe uniform methods of keeping accounts, records and books to be observed by associations or corporations licensed under the provisions of this article or by any association or corporation that owns stock in, or shares in the profits, or participates in the management or affairs of,

such licensed association or corporation, or by any person, firm, association or corporation holding any concession, right or privilege to perform any service or sell any article at any track at which pari-mutuel harness racing meets are conducted. The commission may also in its discretion, consistent with the powers of the state tax commission, prescribe by order forms of accounts, records and memoranda to be kept by such persons, firms, associations or corporations. The commission shall have power to visit, investigate, and place expert accountants, or such other persons as it may deem necessary, in the offices, tracks or other places of business of any such person, firm, association or corporation for the purpose of seeing that the provisions of sections two hundred twenty-two through seven hundred five of this chapter and the rules and regulations issued by the commission thereunder are strictly complied with. Such persons, firms, associations or corporations shall annually file with the commission, on such date as the commission shall prescribe, a report showing their financial condition and financial transactions during the fiscal year, including a balance sheet and a profit and loss statement, verified by the oath of at least two of its principal officers, if it be an association or corporation having officers, and by one or more of the owners or proprietors thereof if not an association or corporation. The report shall be in such form and contain such other matters as the commission may determine from time to time to be necessary to disclose accurately the financial condition and operation of such persons, firms, associations or corporations during the preceding fiscal year. The commission may for good cause shown grant a reasonable extension of time for the filing of any such report.

3. The term "racing", as used in this article, shall be construed to mean only horse racing in which the horses participating are harnessed to a sulky, carriage, or similar vehicle, and shall not include any form of horse racing in which the horses participating are mounted by a jockey.

4. The term "super exotic bet" or "super exotic wager", as used in this chapter, shall mean a single bet or wager on six or more horses, evidenced by a single ticket and representing an interest in a betting

pool hereby authorized to be conducted by licensed racing associations or corporations or regional off-track betting corporations pursuant to rules and regulations of the commission. Such rules and regulations shall provide the manner in which winning tickets in such pool shall be determined and may provide that a portion only of the amounts otherwise available to winners of such pools be paid to holders of consolation tickets combining the most winning horses as provided in such rules and regulations and that the balance of amounts otherwise available to winners from such pool be carried forward and deposited in any subsequent super exotic pools. Such rules and regulations shall also provide that an amount not to exceed six percent of the total wagers in each super exotic pool may be used or accumulated to reimburse any such association or corporation conducting such pool for the cost of assuring an advertised winning pay-out for winning wagers or for a capital improvement fund or to reimburse any such association or corporation for amounts it has contributed to the amounts otherwise available for winning wagers to increase the pay-out therefor. Such rules and regulations may further provide that all of the amounts available for winning tickets and accumulations therefor shall be distributed periodically to holders of tickets combining the most winners in a pool conducted upon a date specified by the commission and, in any event, shall provide for complete disposition of all amounts available for winning tickets and accumulations therefor before the end of the licensed meet during which such super exotic pools are conducted. Notwithstanding the foregoing or any other provisions of law, all distributions, taxes and regulatory fees on super exotic bets shall be distributed as though the bet were an exotic bet, except that a balance may be retained and deposited in subsequent pools.

5. The commission shall have the power to issue licenses to western regional off-track betting corporation or to a subsidiary of said western regional off-track betting corporation for the purpose of conducting harness race meetings at Batavia Downs race track and to make capital improvements to said track, provided that such corporation otherwise meets the terms and conditions for licensure as provided under this article. Notwithstanding the provisions of articles five and five-a of this chapter, said corporation shall be deemed to be a harness racing

corporation with respect to pari-mutuel wagering conducted at said track pursuant to this chapter, except that net revenues derived from such pari-mutuel wagering shall be distributed among the counties that participate in such corporation 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.