§ 521. Approval of plans of operation; amendments. In order to accomplish the objectives of this article, the commission shall have the power, subject to the provisions of this article but without limiting the generality of any provision of this chapter, to approve a plan of operation submitted by any regional corporation created under article five of this chapter.

1. Before the commission may grant such approval, the commission must review and approve a feasibility study submitted by such corporation, including but not limited to the following subjects:

a. the overall practicability of establishing and operating an efficient and profitable system of off-track betting in such region or in such counties that have elected to participate in the corporation;

b. the potential market;

c. the estimated costs of operation;

d. the probable types of wagering and number of opportunities required for successful operation; and

e. the probable impact of the proposed operation upon on-track attendance and pari-mutuel betting within the region. The commission may, within the time provided for approval, request additional information from the corporation. Disapproval of the feasibility study shall be accompanied by a statement of the reasons therefor and shall be treated as disapproval of a plan under subdivision three of this section.

2. The plan of operation shall include the following:

a. the organizational structure of the corporation including the approximate number and compensation of employees;

b. a narrative description of the system;

c. the types and approximate cost of data processing, communication and transmission facilities that will be used, including back-up systems;

d. security measures;

e. the type and number of betting opportunities to be offered;

f. the race tracks and races for which bets will be taken;

g. the maximum and minimum number of retail outlets or betting offices to be established;

h. the proposed system of accounts; and

i. the amount and proposed sources of financing.

3. Within ninety days of receipt of the feasibility study and plan, the commission shall issue an order approving the plan, approving it with modifications or denying approval and stating its reasons therefor. Within such period the commission may request additional information or suggest amendments. If the commission fails to approve the plan without modification, the corporation may request a public hearing to be held within thirty days of the issuance of an order approving an application with modifications or denying it. The commission shall issue its final determination within ten days of such hearing. The corporation may submit an amended application no sooner than ninety days after a denial.

4. A plan of operation may be amended from time to time at the request of either the corporation or the commission. The corporation shall have the right to be heard concerning any amendment to the plan proposed after implementation and the commission shall dispose of such proposed amendments as expeditiously as practicable, but no later than thirty days following submission by the corporation or, in the case of amendments proposed by the commission, objection by the corporation.

5. Any arrangements for telecasts or broadcasts of running races

pursuant to contracts with track operators shall constitute a part of the plan of operation, or an amendment thereto, as the case may be.

6. The plan of operation of the New York city off-track betting corporation in effect on July first, nineteen hundred seventy-three, shall be deemed approved by the commission, but shall thereafter be subject to the general jurisdiction of the commission in the same manner as are the plans of other regional corporations.

7. a. The city of Schenectady may continue to operate off-track pari-mutuel betting within such city, subject to the jurisdiction of the commission, until the commission approves a plan of operation submitted by the Capital District regional off-track betting corporation and such plan of operation is implemented; provided, however, that during any period that the city of Schenectady continues to operate off-track pari-mutuel betting within such city pursuant to this subdivision, it may accept off-track wagers on races at any harness track within the state which so agrees subject to the approval of the commission until such time as the harness track located within the Capital District and the city of Schenectady mutually agree on the provision of appropriate space and facilities at such track for such city and such agreement is implemented. Such plan of operation shall make due provision with respect to investments and obligations of the city of Schenectady made or incurred in the operation of off-track pari-mutuel betting. The county of Schenectady shall reimburse the city of Schenectady on account of lost revenues from the operation of off-track betting. The amount of reimbursement shall be calculated under the rules of the commission to guarantee that the city shall receive annually an amount equal to the net revenue received from off-track betting for the calendar year nineteen hundred seventy-three or a percent of the net revenues received by such county obtained by dividing the bets originating in such city by the bets originating in such county during the distribution period, whichever is less. Reimbursement shall continue for a period of ten years and shall be made in substantially equal quarterly payments.

b. Until such time as the Capital District regional off-track betting corporation's plan of operation has been approved by the commission and

the county of Schenectady has enacted enabling legislation to join such corporations and such county's participation has been implemented, the city of Schenectady shall have all the rights, powers, duties and obligations of the county of Schenectady under this chapter, including but not limited to the right to participate in the formation of such corporation or subsequently to participate in the operation thereof, as the case may be, except that the geographical boundaries of such city's participation shall be limited to the city of Schenectady.

8. The commission may authorize and approve:

a. an application submitted by the New York city off-track betting corporation to amend its plan of operation, pursuant to the provisions of this section, to provide for the display in no more than two existing facilities within Richmond county of telecasts of live audio and visual signals of harness racing from any harness racing association or corporation within its region; provided, however, that

(i) the association or corporation conducting such racing has entered into a written agreement for such telecasts with the New York city off-track betting corporation pursuant to section five hundred twenty-seven of this chapter, which agreement shall terminate no later than the thirtieth day of June, nineteen hundred eighty-five,

(ii) all expenses incurred in the implementation of such amendment to its plan of operation for such telecasting shall be the responsibility of the New York city off-track betting corporation, and

(iii) the commission shall submit reports to the governor and the legislature evaluating the results of such experiment on the compatibility with the well-being of the horse racing and breeding industries in this state, and its effect on handle and attendance at off-track facilities within Richmond county, and including recommendations regarding the future authorization of the telecast of live audio and visual signals into off-track betting facilities; and

b. one other application submitted by an off-track betting corporation, other than the New York city off-track betting corporation, to amend its plan of operation, pursuant to the provisions of this section, to provide for the display in two existing facilities within

its region of telecasts of live audio and visual signals of harness racing from any harness racing association or corporation within its region; provided however, that

(i) the association or corporation conducting such racing has entered into a written agreement for such telecasts with such off-track betting corporation pursuant to section five hundred twenty-seven of this chapter, which agreement shall terminate no later than the thirtieth day of June, nineteen hundred eighty-five,

(ii) all expenses incurred in the implementation of such amendment to its plan of operation for such telecasting shall be the responsibility of the off-track betting corporation, and

(iii) the commission shall submit reports to the governor and the legislature evaluating the results of such experiment on the compatibility with the well-being of the horse racing and breeding industries in this state, and at off-track facilities within its region, and including recommendations regarding the future authorization of the telecast of live audio and visual signals into off-track betting facilities.

c. provided, however, that such audio and visual telecasts into approved facilities shall commence no earlier than sixty days after such telecasts have been approved. During such time, the off-track betting corporation shall provide to the commission daily data, to include but not be limited to, wagers, separately by type of racing and wagers, attendance and promotion expenditures of such facilities in such manner as the commission may require. Such data shall be used as the pre-telecast base to evaluate the impact of such telecasts. In addition, such similar data and information shall also be supplied to the commission during the period that such telecasts are authorized. No change in the types of wagers offered to patrons may be made without prior written approval by the commission of at least thirty days in advance of such requested change.