§ 526. Use of track facilities; combined pools. In order to effectuate the general policy of this article that off-track and on-track wagers be combined into single pools to provide uniform odds and payouts, track operators shall be subject to the requirements of this section.

1. a. At the request of a regional corporation, a track operator conducting a race meeting at a track in this state, shall, upon such terms and conditions as may be agreed upon by such operator and the corporation subject to the approval of the commission, provide appropriate space and facilities at its track whereby the corporation may perform the functions hereinafter described with respect to the transmission and reception of wagering and racing information; provided, however, that payments to the track operator pursuant to section five hundred twenty-seven of this article shall be deemed adequate consideration for the occupancy of vacant space at such track or the use of existing facilities. The terms and conditions shall provide that the corporation shall bear the cost of any additional office space or the installation, leasing, operation, maintenance and servicing of additional facilities or equipment.

b. In the event that a corporation and such operator shall be unable to agree upon the space and facilities of such track to be provided to the corporation by such operator, or the terms and conditions of the use and occupancy thereof by the corporation, the commission shall, upon application in writing made either by the corporation or by such operator, determine the appropriate space and facilities to be provided to such corporation and the terms, conditions and costs of its use and occupancy by such corporation.

c. Upon the decision of the commission, the corporation shall be entitled to use and occupy immediately the space and facilities prescribed by the commission, upon the terms and conditions established by the commission.

2. No track operator shall prevent a regional corporation from using and occupying the space and facilities prescribed according to subdivision one of this section, nor fail to cause off-track wagers to

be combined with on-track wagers into single pools, provided off-track wagering information is transmitted to the track in an accurate and timely fashion, nor prevent such transmission of racing information by the regional corporation to its offices as may be consistent with the regulations of the commission.

3. The commission shall be entitled to the use and occupancy of space and facilities upon reasonable terms in like manner as a regional corporation whenever the commission shall so require in order to perform its statewide transmission function pursuant to section five hundred twenty-five of this article. Any claim arising from such occupancy and use shall be determined by the court of claims.

4. The commission, on its own behalf or on behalf of a regional corporation, may apply to the supreme court for an injunction directing any track operator to comply with this section. In any such action the commission shall not be required to post bond or security.

5. Nothing contained in this section shall be construed as requiring the commission or any regional corporation to pay or deliver to any track operator any sum received from any bettor as a wager or otherwise, but the net amount due from the commission or such regional corporation to the operator, in the event that payments to winning bettors at the track exceed the portion of the pari-mutuel pool attributable to such bettors, or the net amount due from the operator to the commission or regional corporation, in the event that payments to winning bettors off the track exceed the portion of the pari-mutuel pool attributable to such bettors, as the case may be, shall be paid within seven days of a race.