

1 (B) TO FACILITATE THE GROWTH OF THE INDUSTRY BY SIMPLIFYING THE PROC-
2 ESS OF PARTICIPATING IN LIVE HORSE AND GREYHOUND RACING AND PARI-MUTUEL
3 WAGERING, IMPROVING THE QUALITY AND INTEGRITY OF RACING AND WAGERING,
4 MORE EFFECTIVELY REGULATING SIMULCAST AND WAGERING SYSTEMS AND ACTIV-
5 ITIES, AND THROUGH COOPERATIVE ACTION REDUCING THE COSTS INCURRED BY
6 EACH PARTY STATE OR PARTICIPANT;

7 (C) TO AUTHORIZE THE NEW YORK STATE RACING AND WAGERING BOARD TO
8 PARTICIPATE IN THIS COMPACT;

9 (D) TO PERMIT OFFICIALS FROM THE PARTY STATES TO PARTICIPATE IN THIS
10 COMPACT AND, THROUGH THE COMPACT COMMISSION ESTABLISHED BY THIS COMPACT,
11 TO ENTER INTO CONTRACTS WITH GOVERNMENTAL AGENCIES AND OTHER PERSONS TO
12 CARRY OUT THE PURPOSES OF THIS COMPACT; AND

13 (E) TO ESTABLISH THE COMPACT COMMISSION CREATED BY THIS COMPACT AS AN
14 INTERSTATE GOVERNMENTAL ENTITY DULY AUTHORIZED TO REQUEST AND TO RECEIVE
15 CRIMINAL HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU OF INVESTI-
16 GATION AND FROM STATE, LOCAL, AND FOREIGN LAW ENFORCEMENT AGENCIES.

17 S 1202. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING
18 TERMS HAVE THE FOLLOWING MEANINGS:

19 (A) "COMPACT COMMISSION" MEANS THE ORGANIZATION OF OFFICIALS FROM THE
20 PARTY STATES THAT IS AUTHORIZED AND EMPOWERED BY THIS COMPACT TO CARRY
21 OUT THE PURPOSES OF THIS COMPACT;

22 (B) "LIVE RACING" MEANS LIVE HORSE OR GREYHOUND RACING WITH PARI-MUTU-
23 EL WAGERING;

24 (C) "OFFICIAL" MEANS THE DULY SELECTED MEMBER OR DESIGNEE OF A PARTY
25 STATE RACING COMMISSION, OR ITS EQUIVALENT, WHO REPRESENTS THE PARTY
26 STATE AS A MEMBER OF THE COMPACT COMMISSION;

27 (D) "PARTICIPANTS IN LIVE RACING AND PARI-MUTUEL WAGERING" MEANS ALL
28 PARTICIPANTS IN LIVE RACING AND PERSONS WHO OPERATE OR ARE INVOLVED WITH
29 RELATED PARI-MUTUEL WAGERING;

30 (E) "PARTY STATE" MEANS EACH STATE THAT HAS ENACTED THIS COMPACT;

31 (F) "STATE" MEANS EACH OF THE SEVERAL STATES OF THE UNITED STATES, THE
32 DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, AND EACH TERRITO-
33 RY OR POSSESSION OF THE UNITED STATES; AND

34 (G) "COMPACT RULE OR REGULATION" MEANS A RULE OR REGULATION ADOPTED BY
35 THIS INTERSTATE COMPACT TO GOVERN, FOR TWO OR MORE SPECIFIED PARTY
36 STATES, ANY PART OF LIVE PARI-MUTUEL HORSE AND GREYHOUND RACING OR
37 PARI-MUTUEL WAGERING ACTIVITIES, WHETHER ON-TRACK OR OFF-TRACK, THAT
38 OCCUR IN OR AFFECT SUCH STATES.

39 S 1203. ENTRY INTO FORCE, ELIGIBLE PARTIES, AND WITHDRAWAL. THIS
40 COMPACT SHALL COME INTO FORCE WHEN ENACTED BY ANY TWO STATES. THEREAFT-
41 ER, THIS COMPACT SHALL BECOME EFFECTIVE, AS TO ANY OTHER PARTY STATE
42 THAT ENACTS THIS COMPACT, UPON THE AFFIRMATIVE VOTE OF A MAJORITY OF THE
43 OFFICIALS ON THE COMPACT COMMISSION.

44 S 1204. STATES ELIGIBLE TO JOIN COMPACT. ANY STATE THAT HAS ADOPTED OR
45 AUTHORIZED HORSE OR GREYHOUND RACING WITH PARI-MUTUEL WAGERING SHALL BE
46 ELIGIBLE TO BECOME A PARTY TO THIS COMPACT.

47 S 1205. WITHDRAWAL FROM THE COMPACT. ANY PARTY STATE MAY WITHDRAW FROM
48 THIS COMPACT BY ENACTING A STATUTE REPEALING THIS COMPACT, BUT NO SUCH
49 WITHDRAWAL SHALL BECOME EFFECTIVE UNTIL THE HEAD OF THE EXECUTIVE BRANCH
50 OF THE WITHDRAWING STATE HAS GIVEN NOTICE IN WRITING OF SUCH WITHDRAWAL
51 TO THE HEAD OF THE EXECUTIVE BRANCH OF ALL OTHER PARTY STATES.

52 S 1206. COMPACT COMMISSION. (A) THERE IS HEREBY CREATED AN INTERSTATE
53 GOVERNMENTAL ENTITY KNOWN AS THE COMPACT COMMISSION, TO BE COMPRISED OF
54 ONE OFFICIAL FROM EACH PARTY STATE, WHO SHALL BE SELECTED, SERVE, AND BE
55 REMOVED IN ACCORDANCE WITH THE LAWS OF THE PARTY STATE. EACH OFFICIAL
56 SHALL HAVE, PURSUANT TO THE LAWS OF THE PARTY STATE, THE ASSISTANCE OF

1 THE STATE'S RACING COMMISSION, OR ITS EQUIVALENT, IN CONSIDERING ISSUES
2 RELATED TO THE COMPACT. WHEN AN OFFICIAL IS NOT PRESENT TO PERFORM ANY
3 DUTY IN THE COMPACT COMMISSION, A DESIGNATED ALTERNATE MAY SERVE
4 INSTEAD. THE DESIGNATION OF AN OFFICIAL AND ALTERNATE SHALL BE EFFECTIVE
5 WHEN WRITTEN NOTICE HAS BEEN PROVIDED TO THE COMPACT COMMISSION.

6 (B) THE CHAIRMAN OF THE RACING AND WAGERING BOARD SHALL, OR HIS OR HER
7 DESIGNEE, REPRESENT NEW YORK STATE IN THE COMPACT COMMISSION.

8 S 1207. POWERS AND DUTIES OF COMPACT COMMISSION. THE COMPACT COMMIS-
9 SION IS HEREBY GRANTED, TO CARRY OUT ITS PURPOSES, THE POWER AND DUTY:

10 (A) TO CREATE MORE UNIFORM, EFFECTIVE, OR EFFICIENT PRACTICES AND
11 PROGRAMS, WITH THE CONSENT OF EACH PARTY STATE THAT SHALL PARTICIPATE
12 THEREIN, RELATING TO ANY PART OF LIVE PARI-MUTUEL HORSE OR GREYHOUND
13 RACING OR PARI-MUTUEL WAGERING ACTIVITIES, WHETHER ON-TRACK OR
14 OFF-TRACK, THAT OCCUR IN OR AFFECT A PARTY STATE;

15 (B) TO ADOPT COMPACT RULES AND REGULATIONS, TO GOVERN ALL OR ANY PART
16 OF LIVE PARI-MUTUEL HORSE AND GREYHOUND RACING OR PARI-MUTUEL WAGERING
17 ACTIVITIES, WHICH SHALL SUPERCEDE ANY CONFLICTING STATE RULES OR REGU-
18 LATIONS IN THE SPECIFIED PARTY STATES;

19 (C) TO INVESTIGATE LICENSE APPLICANTS AND, AS PERMITTED BY FEDERAL AND
20 STATE LAW, TO GATHER INFORMATION, INCLUDING CRIMINAL HISTORY RECORDS
21 FROM THE FEDERAL BUREAU OF INVESTIGATION AND FROM STATE, LOCAL, AND
22 FOREIGN COUNTRY LAW ENFORCEMENT AGENCIES (INCLUDING THE ROYAL CANADIAN
23 MOUNTED POLICE), NECESSARY TO DECIDE WHETHER AN APPLICANT MEETS ITS
24 LICENSE REQUIREMENTS. SUCH CRIMINAL HISTORY RECORD INFORMATION MAY BE
25 RECEIVED AND REVIEWED ONLY BY THE OFFICIALS ON, AND EMPLOYEES OF, THE
26 COMPACT COMMISSION, AND THAT INFORMATION MAY BE USED ONLY FOR THE
27 PURPOSES OF THIS COMPACT. NO SUCH OFFICIAL OR EMPLOYEE MAY DISCLOSE OR
28 DISSEMINATE SUCH CRIMINAL HISTORY RECORD INFORMATION TO ANY PERSON OR
29 ENTITY OTHER THAN ANOTHER OFFICIAL ON, OR EMPLOYEE OF, THE COMPACT
30 COMMISSION. THE COMPACT COMMISSION, ITS EMPLOYEES, OR ITS DESIGNEE SHALL
31 TAKE THE FINGERPRINTS OF EACH LICENSE APPLICANT AND, PURSUANT TO PUBLIC
32 LAW 92-544 OR PUBLIC LAW 100-413, FORWARD THE FINGERPRINTS TO A STATE
33 IDENTIFICATION BUREAU, THE ASSOCIATION OF RACING COMMISSIONERS INTERNA-
34 TIONAL (AN ASSOCIATION OF STATE OFFICIALS REGULATING PARI-MUTUEL WAGER-
35 ING, DESIGNATED BY THE ATTORNEY GENERAL OF THE UNITED STATES), OR ANOTH-
36 ER ENTITY WITH AN EQUIVALENT DESIGNATION, FOR SUBMISSION TO THE FEDERAL
37 BUREAU OF INVESTIGATION OR OTHER RECEIVING LAW ENFORCEMENT AGENCY;

38 (D) TO ASSUME ALL OF THE LICENSING AND EMPLOYER DUTIES AND RESPONSI-
39 BILITIES OF THE INTERSTATE COMPACT ON LICENSURE OF PARTICIPANTS IN LIVE
40 RACING WITH PARI-MUTUEL WAGERING, IF REQUESTED BY THAT ENTITY, WITH ALL
41 OF THE AUTHORITY AND PURSUANT TO ALL OF THE LICENSING STANDARDS, LAWS,
42 RULES AND REGULATIONS APPLICABLE TO THAT ENTITY;

43 (E) TO ACT JOINTLY AND COOPERATIVELY TO CREATE A MORE EQUITABLE AND
44 UNIFORM PARI-MUTUEL RACING AND WAGERING INTERSTATE REGULATORY FRAMEWORK,
45 INCLUDING BUT NOT LIMITED TO THE ADOPTION OF STANDARDIZED RULES OF
46 RACING AND EQUINE DRUG REGULATIONS, CLOSING INEQUALITIES IN HOW REGULA-
47 TORY STANDARDS AND STATUTORY REQUIREMENTS APPLY TO INDUSTRY PARTIC-
48 IPANTS; IMPROVING WAGERING MONITORING AND INTEGRITY; AND MAKING INDUSTRY
49 AND PARTICIPANT INFORMATION MORE AVAILABLE TO GOVERNMENT OFFICIALS;

50 (F) TO ENTER INTO CONTRACTS AND AGREEMENTS WITH GOVERNMENTAL AGENCIES
51 AND OTHER PERSONS TO PROVIDE PERSONAL SERVICES FOR ITS ACTIVITIES, AND
52 SUCH OTHER SERVICES AS MAY BE NECESSARY;

53 (G) TO CREATE, APPOINT, AND ABOLISH ALL THOSE OFFICES, EMPLOYMENTS,
54 AND POSITIONS INCLUDING AN EXECUTIVE DIRECTOR USEFUL TO FULFILL ITS
55 PURPOSES; TO PRESCRIBE THEIR POWERS, DUTIES, AND QUALIFICATIONS; TO HIRE
56 PERSONS THEREFOR; AND TO PROVIDE FOR THEIR TERM, TENURE, REMOVAL,

1 COMPENSATION, AND FRINGE AND RETIREMENT BENEFITS, AND OTHER CONDITIONS
2 OF EMPLOYMENT;

3 (H) TO BORROW, ACCEPT, AND CONTRACT FOR THE SERVICES OF PERSONNEL FROM
4 ANY STATE, FEDERAL, OR OTHER GOVERNMENTAL AGENCY, OR FROM ANY OTHER
5 PERSON OR ENTITY;

6 (I) TO ACQUIRE, HOLD, AND DISPOSE OF ANY REAL OR PERSONAL PROPERTY BY
7 GIFT, PURCHASE, LEASE, LICENSE, AND SIMILAR MEANS;

8 (J) TO CHARGE AND COLLECT A FEE FOR SERVICES PROVIDED BY THE COMPACT,
9 INCLUDING FOR LICENSURE AND RENEWAL FROM EACH LICENSE APPLICANT AND FOR
10 DEFRAYING THE ACTUAL COST OF COMPACT COMMISSION ADMINISTRATION, PRAC-
11 TICES, AND PROGRAMS, PROVIDED THAT SUCH LATTER FEE OR FEES SHALL NOT
12 EXCEED AN ENTRY FEE OF TEN DOLLARS PER RACE AND SHALL NOT CAUSE A
13 DISPROPORTIONATE FISCAL COST OR BENEFIT FOR OR WITHIN ANY PARTY STATE;

14 (K) TO RECEIVE ADDITIONAL FUNDS THROUGH GIFTS, GRANTS, AND APPROPRI-
15 ATIONS.

16 S 1208. RULE MAKING. IN THE EXERCISE OF ITS RULE MAKING AUTHORITY, THE
17 COMPACT COMMISSION:

18 (A) MAY APPOINT ADVISORY COMMITTEES COMPRISING OFFICIALS IN THE
19 COMPACT COMMISSION AND OFFICIALS OR OTHER EMPLOYEES OF THEIR RESPECTIVE
20 STATE RACING COMMISSIONS, INDUSTRY REPRESENTATIVES, AND SUCH OTHER
21 INTERESTED PERSONS AS MAY BE DESIGNATED IN THE BY-LAWS;

22 (B) SHALL, BEFORE FORMAL RULE MAKING, WRITE A COMPLETE DRAFT OF EACH
23 PROPOSED COMPACT RULE OR REGULATION, WHICH SHALL INCLUDE A SPECIFICATION
24 OF THE PARTY STATES TO WHICH IT SHALL APPLY UPON ITS ADOPTION AFTER
25 FORMAL RULE MAKING, AND TO WHICH THE UNANIMOUS CONSENT OF EACH SPECIFIED
26 PARTY STATE MUST BE GIVEN BEFORE FORMAL RULE MAKING MAY BEGIN;

27 (C) SHALL ENGAGE IN FORMAL RULE MAKING PURSUANT TO A PROCESS THAT
28 SUBSTANTIALLY CONFORMS TO THE MODEL STATE ADMINISTRATIVE PROCEDURE ACT
29 OF 1981 AS AMENDED, AS MAY BE APPROPRIATE TO THE ACTIONS AND OPERATIONS
30 OF THE COMPACT COMMISSION; AND

31 (D) SHALL HAVE A STANDING COMMITTEE THAT REVIEWS ON AN ANNUAL OR MORE
32 FREQUENT BASIS THE EFFECT AND VALUE OF EACH ADOPTED COMPACT RULE OR
33 REGULATION AND SUBMITS, WHEN IT DETERMINES THAT A REVISION IS APPROPRI-
34 ATE OR WHEN REQUESTED TO BY ANY PARTY STATE, A COMPLETE DRAFT OF A
35 REVISING PROPOSED COMPACT RULE OR REGULATION. TO THE EXTENT SUCH NEW
36 PROPOSAL ONLY ADDS OR REMOVES A PARTY STATE OR STATES TO WHICH A COMPACT
37 RULE OR REGULATION APPLIES, THE CONSENT REQUIRED BY SUBDIVISION (B) OF
38 THIS SECTION SHALL BE REQUIRED OF ONLY THE STATES BEING ADDED TO OR
39 REMOVED FROM THE STATES SPECIFIED IN A COMPACT RULE OR REGULATION.

40 S 1209. LIMITATION ON AUTHORITY. NOTWITHSTANDING ANYTHING TO THE
41 CONTRARY HEREIN, THE COMPACT COMMISSION SHALL NOT ADOPT ANY PRACTICE,
42 PROGRAM, RULE OR REGULATION THAT CHANGES STATE REGULATORY STANDARDS OR
43 STATUTORY REQUIREMENTS GOVERNING THE AMOUNT AND DISTRIBUTION OF THE
44 TAKEOUT, RETENTION, OR BREAKAGES ON INTRASTATE WAGERS OR THAT IMPOSES
45 LICENSURE REQUIREMENTS FOR NON-RACING OR NON-WAGERING EMPLOYEES OF ANY
46 RACETRACK OR OFF-SITE WAGERING FACILITY OPERATING WHOLLY WITHIN A PARTY
47 STATE.

48 S 1210. VOTING REQUIREMENTS. THE COMPACT COMMISSION SHALL HAVE THE
49 FOLLOWING VOTING REQUIREMENTS:

50 (A) EACH OFFICIAL SHALL BE ENTITLED TO ONE VOTE IN THE COMPACT COMMIS-
51 SION;

52 (B) THE AFFIRMATIVE VOTE OF THE OFFICIAL OF EVERY PARTY STATE SPECI-
53 FIED IN A PROPOSED COMPACT RULE OR REGULATION, INCLUDING ANY NEW
54 PROPOSED RULE OR REGULATION THAT WOULD ADD OR REMOVE A PARTY STATE,
55 SHALL BE NECESSARY AND SUFFICIENT TO ADOPT, REVISE, AMEND, OR RESCIND A
56 COMPACT RULE OR REGULATION. A COMPACT PRACTICE, PROGRAM, RULE OR REGU-

LATION SHALL NOT BECOME EFFECTIVE IN A NEW PARTY STATE BASED MERELY UPON IT ENTERING THE COMPACT;

(C) A MAJORITY VOTE OF THE TOTAL NUMBER OF OFFICIALS IN THE COMPACT COMMISSION SHALL BE REQUIRED TO ADMIT ANOTHER PARTY STATE, TO ISSUE OR RENEW A LICENSE, AND TO RECEIVE OR DISTRIBUTE ANY FUNDS. A TWO-THIRDS MAJORITY VOTE OF THE TOTAL NUMBER OF OFFICIALS IN THE COMPACT COMMISSION SHALL BE REQUIRED TO ADOPT, AMEND, OR RESCIND THE BY-LAWS. ALL OTHER ACTIONS BY THE COMPACT COMMISSION SHALL REQUIRE A MAJORITY VOTE OF THOSE OFFICIALS WHO ARE PRESENT FOR THE VOTE; AND

(D) NO ACTION MAY BE TAKEN BY THE COMPACT COMMISSION UNLESS A QUORUM, A MAJORITY OF THE OFFICIALS ON THE COMPACT COMMISSION, IS PRESENT FOR THE VOTE.

S 1211. ADMINISTRATION AND MANAGEMENT. THE COMPACT COMMISSION SHALL:

(A) ANNUALLY ELECT, FROM THE OFFICIALS AND ALTERNATES ON THE COMPACT COMMISSION, A CHAIRMAN, VICE-CHAIRMAN, SECRETARY, AND TREASURER;

(B) ADOPT, AMEND, AND RESCIND BY-LAWS FOR THE CONDUCT OF ITS BUSINESS, PUBLISH THEM IN A CONVENIENT FORM, AND FILE A COPY OF THEM, AND COMPACT RULES AND REGULATIONS IN EFFECT IN A STATE, WITH THE SECRETARY OF STATE, OR ITS EQUIVALENT, OF EACH PARTY STATE; AND

(C) DELEGATE DAY-TO-DAY MANAGEMENT AND ADMINISTRATION OF ITS DUTIES, AS NEEDED, TO AN EXECUTIVE DIRECTOR AND SUPPORT STAFF, SUCH AS THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL OR ITS SUCCESSOR, WHO SHALL ALL BE CONSIDERED GOVERNMENTAL EMPLOYEES.

S 1212. RIGHTS AND RESPONSIBILITIES OF PARTY STATES. EACH PARTY STATE IN THE COMPACT SHALL:

(A) ACCEPT THE DECISIONS OF THE COMPACT COMMISSION ON THE CREATION OF PRACTICES AND PROGRAMS, THE ISSUANCE OR RENEWAL OF LICENSES, AND THE ADOPTION OF COMPACT RULES OR REGULATIONS, AND SHALL REIMBURSE OR OTHERWISE PAY THE EXPENSES OF ITS OFFICIAL AND ALTERNATE IN THE COMPACT COMMISSION;

(B) NOT TREAT ANY NOTIFICATION OF AN APPLICANT BY THE COMPACT COMMISSION THAT THE APPLICATION WILL NOT BE PROCESSED FURTHER AS THE DENIAL OF A LICENSE OR OTHERWISE PENALIZE SUCH AN APPLICANT SOLELY BECAUSE OF SUCH ACTION BY THE COMPACT COMMISSION;

(C) RESERVE THE RIGHT:

(1) TO CHARGE A FEE FOR THE USE OF A COMPACT LICENSE WITHIN THAT PARTY STATE, FOR WHICH THE RACING AND WAGERING BOARD SHALL CHARGE THE FEE, FOR EACH LICENSE CATEGORY, SET FORTH IN SECTIONS TWO HUNDRED TWENTY AND THREE HUNDRED NINE OF THIS CHAPTER;

(2) TO APPLY ITS OWN STANDARDS AND PROCEDURES TO DETERMINE WHETHER A COMPACT COMMISSION LICENSE SHOULD BE SUSPENDED OR REVOKED IN ITS JURISDICTION;

(3) TO APPLY ITS OWN STANDARDS FOR LICENSURE OR RENEWAL OF STATE APPLICANTS WHO DO NOT MEET THE LICENSURE REQUIREMENTS OF THE COMPACT COMMISSION, WHO ARE WITHIN A CATEGORY OF PARTICIPANTS IN RACING AND WAGERING THAT THE COMPACT COMMISSION DOES NOT LICENSE, OR WHO APPLY TO THE PARTY STATE FOR A STATE LICENSE;

(4) TO APPLY ITS OWN STANDARDS AND PROCEDURES, UNLESS SUPERCEDED BY A COMPACT RULE OR REGULATION, TO DETERMINE WHETHER A PARTICIPANT IN LIVE RACING OR PARI-MUTUEL WAGERING HAS VIOLATED A UNIFORM RULE OR REGULATION IN ITS JURISDICTION AND TO IMPOSE AN APPROPRIATE PENALTY;

(D) THROUGH ITS RACING COMMISSION OR ITS EQUIVALENT, PROMPTLY NOTIFY THE COMPACT COMMISSION, OR ITS DESIGNATED PROGRAM TO RECORD THE SAME, THAT THE PARTY STATE HAS ADJUDGED A VIOLATION OF ANY STATE OR COMPACT RULE OR REGULATION OR IMPOSED A SUSPENSION OR REVOCATION UPON A COMPACT COMMISSION LICENSEE; AND

1 (E) NOT BE HELD LIABLE FOR THE DEBTS OR OTHER FINANCIAL OBLIGATIONS
2 INCURRED BY THE COMPACT COMMISSION.
3 S 2. This act shall take effect immediately.