

3286--A

2009-2010 Regular Sessions

I N S E N A T E

March 13, 2009

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to rebates and free passes

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The racing, pari-mutuel wagering and breeding law is
2 amended by adding a new section 112 to read as follows:
3 S 112. REBATES. 1. FOR THE PURPOSES OF THIS SECTION, "REBATE" SHALL
4 MEAN A PORTION OF PARI-MUTUEL WAGERS, OTHERWISE PAYABLE TO AN ASSOCI-
5 ATION OR CORPORATION CONDUCTING PARI-MUTUEL BETTING AT A RACE MEETING ON
6 RACES RUN THEREAT, WHICH IS PAID TO HOLDERS OF PARI-MUTUEL WAGERING
7 TICKETS AND WHICH REDUCES THE AMOUNT OTHERWISE PAYABLE TO SUCH ASSOCI-
8 ATION OR CORPORATION. REBATES SHALL INCLUDE, BUT NOT BE LIMITED TO,
9 REFUNDS TO HOLDERS OF PARI-MUTUEL WAGERING TICKETS ON ANY PORTION OR
10 PERCENTAGE OF THE FULL FACE VALUE OF A PARI-MUTUEL WAGER, INCREASING THE
11 PAYOFF OF OR PAYING A BONUS ON A WINNING PARI-MUTUEL TICKET, AWARDS OF
12 MERCHANDISE, SERVICES SUCH AS MEALS, PARKING, ADMISSION, SEATING AND
13 PROGRAMS, FREE OR REDUCED COST PARI-MUTUEL WAGERS, AND MONETARY AWARDS.
14 2. THE RACING AND WAGERING BOARD, UPON APPLICATION OF AN ASSOCIATION
15 OR CORPORATION CONDUCTING PARI-MUTUEL BETTING AT A RACE MEETING ON RACES
16 RUN THEREAT, MAY ANNUALLY APPROVE THE PAYMENT OF REBATES BY SUCH ASSOCI-
17 ATION OR CORPORATION, SUBJECT TO THE FOLLOWING REQUIREMENTS:
18 A. THE APPLICANT FULLY DISCLOSES THE EXTENT OF THE REBATE PROGRAM.
19 FULL DISCLOSURE SHALL INCLUDE THE DISCLOSURE OF THE MONETARY VALUE OF
20 ALL REBATES PAID TO BETTORS DURING THE PREVIOUS CALENDAR YEAR, AND THE
21 TERMS AND CONDITIONS GOVERNING THE AWARD OF REBATES TO BETTORS FOR THE
22 CALENDAR YEAR TO WHICH THE APPLICATION APPLIES;

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

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1 B. THE APPLICANT PROVIDES ASSURANCES THAT THE VALUES OF THE REBATES
2 ARE DETERMINED SOLELY BY (I) THE AMOUNT WAGERED BY A BETTOR, (II) THE
3 AMOUNT PAYABLE TO THE ASSOCIATION OR CORPORATION ON EACH WAGER, AND
4 (III) HOW FREQUENTLY A BETTOR WAGERS;

5 C. THE ASSOCIATION OR CORPORATION MAINTAINS RECORDS OF ALL WAGERS
6 SUBJECT TO A REBATE, FOR A PERIOD OF NOT LESS THAN THREE YEARS; AND

7 D. THE APPLICANT DEMONSTRATES THAT SUCH REBATES ARE IN THE BEST INTER-
8 ESTS OF HORSE RACING.

9 3. REGIONAL OFF-TRACK BETTING CORPORATIONS MAY OFFER REBATES ON WAGERS
10 MADE ON RACES RUN BY ANY ASSOCIATION OR CORPORATION WHICH OFFERS REBATES
11 PURSUANT TO THIS SECTION. SUCH REBATES SHALL BE SUBJECT TO THE
12 PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS SECTION.

13 4. UPON THE APPROVAL OF AN ASSOCIATION OR CORPORATION CONDUCTING
14 PARI-MUTUEL BETTING AT A RACE MEETING ON RACES RUN THEREAT, ANOTHER
15 RACING ASSOCIATION OR CORPORATION MAY PROVIDE BETTORS WITH REBATES ON
16 WAGERS ON RACES RUN AT THE RACETRACK OPERATED BY SUCH APPROVING ASSOCI-
17 ATION OR CORPORATION. ALL SUCH REBATES SHALL BE SUBJECT TO THE
18 PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS SECTION.

19 S 2. Section 243 of the racing, pari-mutuel wagering and breeding law,
20 as amended by chapter 18 of the laws of 2008, is amended to read as
21 follows:

22 S 243. Free passes, cards or badges. A corporation licensed or fran-
23 chised to conduct pari-mutuel betting on races run on its racetrack[,
24 shall not] MAY issue free passes, cards or badges [except] to [persons
25 hereafter described:] ANY QUALIFIED PERSON. QUALIFIED PERSON SHALL
26 INCLUDE, BUT NOT BE LIMITED TO, officers and employees of the corpo-
27 ration conducting the race meeting, members, officers and employees of
28 the state racing and wagering board, members and employees of the jockey
29 club, members and employees of the national steeplechase and hunt asso-
30 ciation, members of turf organizations of other states and foreign coun-
31 tries, public officers engaged in the performance of their duties,
32 persons actually employed and accredited by the press to attend such
33 meetings, owners, stable managers, trainers, jockeys, jockey managers,
34 grooms, concessionaires, spouses, domestic partners and children of
35 owners, trainers and jockeys, [and] other persons whose actual duties
36 require their presence at such racetrack, AND ANY OTHER PERSON OR GUEST
37 DEEMED APPROPRIATE BY SUCH CORPORATION. IN ADDITION, FREE PASSES, CARDS
38 OR BADGES MAY BE ISSUED TO THE GENERAL PUBLIC IN CONNECTION WITH ANY
39 PROMOTIONAL CAMPAIGN OR MARKETING PROGRAM SPONSORED BY SUCH CORPORATION
40 TO INCREASE ATTENDANCE AT LIVE RACE MEETS. The issuance of free passes,
41 cards or badges shall be under the rules and regulations of the state
42 racing and wagering board [and a list of all persons to whom free pass-
43 es, cards or badges are issued shall be filed with the state racing and
44 wagering board].

45 S 3. Section 324 of the racing, pari-mutuel wagering and breeding law
46 is amended to read as follows:

47 S 324. Free passes, cards or badges. A corporation or association
48 licensed to conduct pari-mutuel betting on harness horse races run at
49 its racetrack [shall not] MAY issue free passes, cards or badges
50 [except] to [persons hereafter described:] ANY QUALIFIED PERSON. QUALI-
51 FIED PERSON SHALL INCLUDE, BUT NOT BE LIMITED TO, officers and employees
52 of the corporation or association conducting the race meeting, members,
53 officers and employees of the state racing and wagering board, members
54 of harness racing associations of other states and foreign countries,
55 public officers engaged in the performance of their duties, persons
56 actually employed and accredited by the press to attend such meetings,

1 owners, stable managers, trainers, drivers, concessionaires [and],
2 SPOUSES, DOMESTIC PARTNERS AND CHILDREN OF OWNERS, TRAINERS AND JOCKEYS,
3 other persons whose actual duties require their presence at such race-
4 track, AND ANY OTHER PERSON OR GUEST DEEMED APPROPRIATE BY SUCH CORPO-
5 RATION OR ASSOCIATION. IN ADDITION, FREE PASSES, CARDS OR BADGES MAY BE
6 ISSUED TO THE GENERAL PUBLIC IN CONNECTION WITH ANY PROMOTIONAL CAMPAIGN
7 OR MARKETING PROGRAM SPONSORED BY SUCH CORPORATION OR ASSOCIATION TO
8 INCREASE ATTENDANCE AT LIVE RACE MEETS. The issuance of free passes,
9 cards or badges shall be under the rules and regulations of the state
10 racing and wagering board [and a list of all persons to whom free pass-
11 es, cards or badges are issued shall be filed with the state racing and
12 wagering board].

13 S 4. Section 422 of the racing, pari-mutuel wagering and breeding law
14 is amended to read as follows:

15 S 422. Free passes, cards or badges. A corporation or association
16 licensed to conduct pari-mutuel betting on quarter horse races run at
17 its racetrack [shall] MAY issue free passes, cards or badges to [persons
18 hereafter described:] ANY QUALIFIED PERSON. QUALIFIED PERSON SHALL
19 INCLUDE, BUT NOT BE LIMITED TO, officers and employees of the corpo-
20 ration or association conducting the race meeting, members, officers and
21 employees of the state racing and wagering board, members of quarter
22 horse racing associations of other states and foreign countries, public
23 officers engaged in the performance of their duties, persons actually
24 employed and accredited by the press to attend such meetings, owners,
25 stable managers, trainers, jockeys, concessionaires [and], SPOUSES,
26 DOMESTIC PARTNERS AND CHILDREN OF OWNERS, TRAINERS AND JOCKEYS, other
27 persons whose actual duties require their presence at such racetrack,
28 AND ANY OTHER PERSON OR GUEST DEEMED APPROPRIATE BY SUCH CORPORATION OR
29 ASSOCIATION. IN ADDITION, FREE PASSES, CARDS OR BADGES MAY BE ISSUED TO
30 THE GENERAL PUBLIC IN CONNECTION WITH ANY PROMOTIONAL CAMPAIGN OR
31 MARKETING PROGRAM SPONSORED BY SUCH CORPORATION OR ASSOCIATION TO
32 INCREASE ATTENDANCE AT LIVE RACE MEETS. The issuance of free passes,
33 cards or badges shall be under the rules and regulations of the state
34 racing and wagering board [and a list of all persons to whom free pass-
35 es, cards or badges are issued shall be filed with the state racing and
36 wagering board].

37 S 5. This act shall take effect immediately.