

6758

I N   S E N A T E

March 19, 2012

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Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to authorizing the payment of rebates on pari-mutuel wagers

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 113 to read as follows:  
3     S 113. 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, CORPORATION, FRANCHISED CORPORATION OR RACING FRANCHISEE CONDUCT-  
6     ING PARI-MUTUEL BETTING AT A RACE MEETING ON RACES RUN AT A RACETRACK  
7     OPERATED BY SUCH ASSOCIATION, CORPORATION OR FRANCHISED CORPORATION,  
8     WHICH IS PAID TO HOLDERS OF PARI-MUTUEL WAGERING TICKETS AND WHICH  
9     REDUCES THE AMOUNT OTHERWISE PAYABLE TO SUCH ASSOCIATION, CORPORATION,  
10    FRANCHISED CORPORATION OR RACING FRANCHISEE. SUCH TERM MAY INCLUDE, BUT  
11    NOT BE LIMITED TO, REFUNDS TO HOLDERS OF PARI-MUTUEL WAGERING TICKETS OF  
12    ANY PORTION OR PERCENTAGE OF THE FULL FACE VALUE OF A PARI-MUTUEL WAGER,  
13    INCREASING THE PAYOFF OF, PAYING A BONUS ON A WINNING PARI-MUTUEL TICK-  
14    ET, AWARDS OF MERCHANDISE, SERVICES SUCH AS MEALS, PARKING, ADMISSION,  
15    SEATING AND PROGRAMS, FREE OR REDUCED COST PARI-MUTUEL WAGERS AND MONE-  
16    TARY AWARDS, OR ANY OTHER BENEFIT THAT THE STATE RACING AND WAGERING  
17    BOARD DEEMS APPROPRIATE TO REWARD HORSE RACING PATRONS FOR THEIR PARTIC-  
18    IPATION AT RACE MEETINGS. SUCH TERM MAY BE FURTHER DELINEATED IN RULES  
19    PROMULGATED BY THE STATE RACING AND WAGERING BOARD.  
20    2. THE STATE RACING AND WAGERING BOARD, UPON APPLICATION OF AN ASSOCI-  
21    ATION, CORPORATION, FRANCHISED CORPORATION OR RACING FRANCHISEE CONDUCT-  
22    ING PARI-MUTUEL BETTING AT A RACE MEETING ON RACES RUN AT A RACETRACK  
23    OPERATED BY SUCH ASSOCIATION, CORPORATION OR FRANCHISED CORPORATION, MAY  
24    ANNUALLY APPROVE THE PAYMENT OF REBATES BY SUCH ASSOCIATION, CORPO-  
25    RATION, FRANCHISED CORPORATION OR RACING FRANCHISEE, SUBJECT TO THE  
26    FOLLOWING REQUIREMENTS:

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

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1 A. THE APPLICANT FULLY DISCLOSES THE EXTENT OF THE REBATE PROGRAM.  
2 FULL DISCLOSURE SHALL INCLUDE THE DISCLOSURE OF THE MONETARY VALUE OF  
3 ALL REBATES PAID TO BETTORS DURING THE PREVIOUS CALENDAR YEAR, AND THE  
4 TERMS AND CONDITIONS GOVERNING THE AWARD OF REBATES TO BETTORS FOR THE  
5 CALENDAR YEAR TO WHICH THE APPLICATION APPLIES;

6 B. THE APPLICANT PROVIDES ASSURANCES THAT THE VALUES OF THE REBATES  
7 ARE DETERMINED SOLELY BY (I) ATTENDANCE AT ONE OR MORE RACE MEETINGS,  
8 (II) THE AMOUNT WAGERED BY A BETTOR, OR (III) HOW FREQUENTLY A BETTOR  
9 WAGERS;

10 C. THE ASSOCIATION, CORPORATION, FRANCHISED CORPORATION OR RACING  
11 FRANCHISEE MAINTAINS RECORDS OF ALL WAGERS SUBJECT TO A REBATE, FOR A  
12 PERIOD OF NOT LESS THAN THREE YEARS; AND

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

15 3. REGIONAL OFF-TRACK BETTING CORPORATIONS MAY OFFER REBATES ON WAGERS  
16 MADE ON RACES RUN BY ANY ASSOCIATION, CORPORATION, FRANCHISED CORPO-  
17 RATION OR RACING FRANCHISEE WHICH OFFERS REBATES PURSUANT TO THIS  
18 SECTION. SUCH REBATES SHALL BE SUBJECT TO THE PROVISIONS OF SUBDIVISIONS  
19 ONE AND TWO OF THIS SECTION.

20 4. UPON THE APPROVAL OF AN ASSOCIATION, CORPORATION, FRANCHISED CORPO-  
21 RATION OR RACING FRANCHISEE CONDUCTING PARI-MUTUEL BETTING AT A RACE  
22 MEETING ON RACES RUN AT A RACETRACK OPERATED BY SUCH ASSOCIATION, CORPO-  
23 RATION, FRANCHISED CORPORATION OR RACING FRANCHISEE, ANOTHER RACING  
24 ASSOCIATION, CORPORATION, FRANCHISED CORPORATION OR RACING FRANCHISEE  
25 MAY PROVIDE BETTORS WITH REBATES ON WAGERS ON RACES RUN AT THE RACETRACK  
26 OPERATED BY SUCH APPROVING ASSOCIATION, CORPORATION AT A RACETRACK OPER-  
27 ATED BY SUCH ASSOCIATION, CORPORATION, FRANCHISED CORPORATION OR RACING  
28 FRANCHISEE. ALL SUCH REBATES SHALL BE SUBJECT TO THE PROVISIONS OF  
29 SUBDIVISIONS ONE AND TWO OF THIS SECTION.

30 S 2. This act shall take effect on the first of January next succeed-  
31 ing the date on which it shall have become a law, provided that effec-  
32 tive immediately any rules, regulations and applications necessary to  
33 implement the provisions of this act on its effective date are author-  
34 ized to be completed on or before such date.