

6758--A

I N S E N A T E

March 19, 2012

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering -- reported favorably from said committee and committed to the Committee on Finance -- 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 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 109-a to read as follows:
3 S 109-A. 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 GAMING COMMISSION DEEMS
17 APPROPRIATE TO REWARD HORSE RACING PATRONS FOR THEIR PARTICIPATION AT
18 RACE MEETINGS.
19 2. THE STATE GAMING COMMISSION, UPON APPLICATION OF AN ASSOCIATION,
20 CORPORATION, FRANCHISED CORPORATION OR RACING FRANCHISEE CONDUCTING
21 PARI-MUTUEL BETTING AT A RACE MEETING ON RACES RUN AT A RACETRACK OPER-
22 ATED BY SUCH ASSOCIATION, CORPORATION OR FRANCHISED CORPORATION, MAY
23 ANNUALLY APPROVE THE PAYMENT OF REBATES BY SUCH ASSOCIATION, CORPO-
24 RATION, FRANCHISED CORPORATION OR RACING FRANCHISEE, SUBJECT TO THE
25 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 DISCLOSES THE EXTENT OF THE REBATE PROGRAM. SUCH
2 DISCLOSURE SHALL INCLUDE A LISTING OF THE MONETARY VALUE OF ALL REBATES
3 PAID TO BETTORS DURING THE PREVIOUS CALENDAR YEAR, AND THE TERMS AND
4 CONDITIONS GOVERNING THE AWARD OF REBATES TO BETTORS FOR THE CALENDAR
5 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 same date and in the same
31 manner as part A of chapter 60 of the laws of 2012 takes effect;
32 provided that effective immediately any rules, regulations and applica-
33 tions necessary to implement the provisions of this act on its effective
34 date are authorized to be completed on or before such date.