

3949--A

Cal. No. 326

2011-2012 Regular Sessions

I N S E N A T E

March 10, 2011

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to certain payments to the horsemen's organization; to amend chapter 473 of the laws of 2010 amending the racing, pari-mutuel wagering and breeding law relating to the New York state thoroughbred breeding and development fund, in relation to the effectiveness thereof; and to amend the racing, pari-mutuel wagering and breeding law and the economic development law, in relation to creating a racing fan advisory board and establishing an I Love NY Racing promotion

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

1 Section 1. The opening paragraph of subdivision 2 of section 228 of
2 the racing, pari-mutuel wagering and breeding law, as amended by chapter
3 259 of the laws of 2010, is amended to read as follows:
4 The state racing and wagering board shall, as a condition of racing,
5 require any franchised corporation and every other corporation subject
6 to its jurisdiction to withhold one percent of all purses, except that
7 for the franchised corporation, starting on September first, two thou-
8 sand seven and continuing through August thirty-first, two thousand
9 [eleven] TWELVE, two percent of all purses shall be withheld, and, in
10 the case of the franchised corporation, to pay such sum to the
11 horsemen's organization or its successor that was first entitled to
12 receive payments pursuant to this section in accordance with rules of
13 the board adopted effective November third, nineteen hundred eighty-
14 three representing at least fifty-one percent of the owners and trainers
15 utilizing the facilities of such franchised corporation, on the condi-
16 tion that such horsemen's organization shall expend as much as is neces-

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

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1 sary, but not to exceed one-half of one percent of such total sum, to
2 acquire and maintain the equipment required to establish a program at a
3 state college within this state with an approved equine science program
4 to test for the presence of steroids in horses, provided further that
5 the qualified organization shall also, in an amount to be determined by
6 its board of directors, annually include in its expenditures for benevo-
7 lence programs, funds to support an organization providing services
8 necessary to backstretch employees, and, in the case of every other
9 corporation, to pay such one percent sum of purses to the horsemen's
10 organization or its successor that was first entitled to receive
11 payments pursuant to this section in accordance with rules of the board
12 adopted effective May twenty-third, nineteen hundred eighty-six repres-
13 enting at least fifty-one percent of the owners and trainers utilizing
14 the facilities of such corporation.

15 S 2. Section 2 of chapter 473 of the laws of 2010 amending the
16 racing, pari-mutuel wagering and breeding law relating to the New York
17 state thoroughbred breeding and development fund, is amended to read as
18 follows:

19 S 2. This act shall take effect immediately, provided, however that
20 this act shall expire and be deemed repealed [upon] ONE YEAR AFTER the
21 commencement of the operation of a video lottery facility at Aqueduct
22 racetrack; provided that the chair of the New York state thoroughbred
23 breeding and development fund shall notify the legislative bill drafting
24 commission upon the occurrence of the commencement of the operation of a
25 video lottery facility at Aqueduct racetrack in order that the commis-
26 sion may maintain an accurate and timely effective data base of the
27 official text of the laws of the state of New York in furtherance of
28 effectuating the provisions of section 44 of the legislative law and
29 section 70-b of the public officers law; provided further, that effec-
30 tive immediately the addition, amendment and/or repeal of any rules or
31 regulations necessary for the implementation of this act on its effec-
32 tive date are authorized and directed to be made and completed on or
33 before such date.

34 S 3. The racing, pari-mutuel wagering and breeding law is amended by
35 adding a new section 911 to read as follows:

36 S 911. RACING FAN ADVISORY BOARD. 1. THERE IS HEREBY CREATED A RACING
37 FAN ADVISORY BOARD TO PROVIDE ADVICE TO THE STATE RACING AND WAGERING
38 BOARD ON ISSUES RELATED TO HORSE RACING AND WAGERING.

39 2. THE RACING FAN ADVISORY BOARD SHALL BE A SEVEN MEMBER BOARD
40 APPOINTED BY THE GOVERNOR AS FOLLOWS: THREE PERSONS APPOINTED BY THE
41 GOVERNOR; ONE PERSON APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION
42 OF THE TEMPORARY PRESIDENT OF THE SENATE; ONE PERSON APPOINTED BY THE
43 GOVERNOR UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY; ONE
44 PERSON APPOINTED BY THE GOVERNOR UPON THE JOINT RECOMMENDATION OF THE
45 CHAIRPERSONS OF THE SENATE COMMITTEE ON RACING, WAGERING AND GAMING AND
46 THE ASSEMBLY COMMITTEE ON RACING AND WAGERING; ONE MEMBER APPOINTED BY
47 THE GOVERNOR UPON THE RECOMMENDATION OF THE MEMBERS OF THE STATE RACING
48 AND WAGERING BOARD. THE CHAIRPERSON OF THE ADVISORY BOARD SHALL BE
49 SELECTED BY THE GOVERNOR AND SERVE IN THAT POSITION AT THE GOVERNOR'S
50 PLEASURE. NO MEMBER OF THE BOARD SHALL OWN MORE THAN ONE HORSE, OR
51 PORTION OF AN INTEREST IN A HORSE, WHICH RACES COMPETITIVELY IN ANY
52 CALENDAR YEAR AT ANY RACE TRACK LICENSED OR REGULATED BY THE STATE
53 RACING AND WAGERING BOARD.

54 3. OF THE THREE MEMBERS APPOINTED BY THE GOVERNOR, THE FOLLOWING QUAL-
55 IFICATIONS SHALL BE CONSIDERED PRIOR TO APPOINTMENT: INVOLVEMENT WITH A
56 NON-PROFIT CORPORATION WHICH SEEKS TO PROMOTE FAN DEVELOPMENT IN THE

SPORT OF HORSE RACING; OR EMPLOYMENT WITH AN OFF-TRACK-BETTING CORPORATION ESTABLISHED PURSUANT TO THIS CHAPTER; OR CERTIFICATION AND LICENSURE AS A VETERINARIAN WITH A PRACTICE DEVOTED PRIMARILY TO HORSES.

4. EACH MEMBER SHALL BE APPOINTED FOR A TERM OF SEVEN YEARS, EXCEPT THE FIRST MEMBER APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE CHAIRPERSONS OF THE SENATE RACING, WAGERING AND GAMING COMMITTEE AND ASSEMBLY RACING AND WAGERING COMMITTEE, WHO SHALL BE APPOINTED FOR A TERM OF ONE YEAR; AND THE FIRST MEMBER APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE SHALL BE APPOINTED TO TERMS OF THREE YEARS; AND THE MEMBERS APPOINTED BY THE GOVERNOR WHO SHALL HAVE THE AFOREMENTIONED EXPERIENCE SHALL BE APPOINTED TO TERMS OF FIVE YEARS; AND THE MEMBER APPOINTED BY THE GOVERNOR, UPON THE RECOMMENDATION OF THE MEMBERS OF THE STATE RACING AND WAGERING BOARD SHALL BE APPOINTED TO A TERM OF SEVEN YEARS. VACANCIES SHALL BE FILLED BY THE MANNER OF THE APPOINTMENT OF THE VACATED POSITION FOR THE UNEXPIRED TERM.

5. THE MEMBERS OF THE RACING FAN ADVISORY BOARD SHALL SERVE WITHOUT COMPENSATION BUT MAY REQUEST AND SHALL RECEIVE ASSISTANCE FROM THE STATE RACING AND WAGERING BOARD FOR INFORMATION RELATING TO HORSE RACING IN NEW YORK STATE. THE MEMBERS OF THE RACING FAN ADVISORY BOARD MAY BE REIMBURSED FOR THEIR NECESSARY AND ACTUAL EXPENSES IN THE PERFORMANCE OF THEIR DUTIES UNDER THIS SECTION. THE MEMBERS OF THE RACING FAN ADVISORY BOARD SHALL BE ISSUED A LICENSE BY THE STATE RACING AND WAGERING BOARD WHICH SHALL PROVIDE THEM ACCESS TO THE TRACK AND BACK STRETCH OF ALL NEW YORK STATE LICENSED FACILITIES DURING THE LENGTH OF THEIR TERM ON THE RACING FAN ADVISORY BOARD. MEMBERS SHALL BE REQUIRED TO FILE AN OATH OF OFFICE, AND EACH YEAR OF HIS OR HER TERM, SHALL MAKE ANNUAL FINANCIAL DISCLOSURES AS IF THEY WERE A POLICY MAKING EMPLOYEE OF THE STATE UNDER SECTION SEVENTY-THREE-A OF THE PUBLIC OFFICERS LAW. MEETINGS OF THE RACING FAN ADVISORY BOARD SHALL BE CALLED BY THE CHAIRPERSON OF THE RACING FAN ADVISORY BOARD, OR BY THE CHAIRPERSON OF THE STATE RACING AND WAGERING BOARD, OR BY WRITTEN NOTICE TO BOTH SUCH CHAIRPERSONS BY THREE MEMBERS OF THE RACING FAN ADVISORY BOARD, IN WHICH CASE THE CHAIRPERSON OF THE STATE RACING AND WAGERING BOARD SHALL CONVENE SUCH A MEETING OF THE RACING FAN ADVISORY BOARD BY ACTUAL NOTICE TO ALL SUCH MEMBERS OF THE RACING FAN ADVISORY BOARD.

6. THE RACING FAN ADVISORY BOARD SHALL:

(A) MEET PURSUANT TO THE REQUIREMENTS OF ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW;

(B) ADVISE THE STATE RACING AND WAGERING BOARD ON ISSUES RELATED TO HORSE RACING AND WAGERING;

(C) MAKE REPORTS TO THE STATE RACING AND WAGERING BOARD REGARDING THE OPERATION OF THE THOROUGHBRED AND HARNESS RACE TRACKS AND ADVISE AS TO WHETHER THE OPERATOR OF RACES AT SUCH TRACKS, BASED ON INFORMATION AVAILABLE TO THE RACING FAN ADVISORY BOARD, IS SERVING THE GROWTH OF THE SPORT OF THOROUGHBRED RACING;

(D) HAVE AS THEIR MISSION THE GROWTH OF THE FAN BASE RELATED TO THE SPORT OF RACING; AND

(E) ADVISE THE STATE RACING AND WAGERING BOARD ON APPROPRIATE ACTIONS TO ENCOURAGE FAN ATTENDANCE AT HORSE RACING TRACKS OR AT OFF-TRACK-BETTING CORPORATIONS ORGANIZED UNDER THIS CHAPTER OR ANY SUCCESSOR ENTITY OF SUCH ORGANIZATION LICENSED BY THE STATE RACING AND WAGERING BOARD.

S 4. Subdivision 18-c of section 100 of the economic development law, as added by chapter 212 of the laws of 1996, is amended to read as follows:

1 18-c. to establish, in cooperation with the commissioner of agricul-
2 ture and markets, procedures for proposing nominations to the governor
3 for [three] FOUR annual, non-monetary awards to be known as: (a) New
4 York State Direct Farm Marketing Award; (b) New York State Agri-Tourism
5 Award; [and] (c) New York State Specialty Food Product Award; AND (D)
6 NEW YORK STATE HORSE RACING FARM OF THE YEAR AWARD. These awards shall
7 be given in recognition of EXCEPTIONAL OR unusual efforts by farmers,
8 food processors and food retailers for the marketing of New York state
9 grown agricultural commodities or foods processed from or primarily
10 containing New York state agricultural commodities and for promoting New
11 York state farms that are also tourist destinations, AND HORSE BREEDING
12 AND RACING FARMS WHICH ARE RECOGNIZED AS HELPING TO DEVELOP NEW YORK'S
13 HORSE RACING INDUSTRY.

14 S 5. I Love NY Racing promotion. The state racing and wagering board
15 shall, in cooperation with the racing fan advisory board, and in cooper-
16 ation with the commissioner of agriculture and markets, and the commis-
17 sioner of economic development, create an I Love NY Racing promotion.
18 Such promotion shall cause grants to be made to the racing industry
19 pursuant to appropriation for such purpose. Such grants shall be made to
20 tourism promotion agencies and not-for-profit corporations, who shall
21 work with the racing fan advisory board to develop the promotion of
22 harness and thoroughbred racing. Such promotions shall include tours of
23 race tracks, horse training and breeding farms, and educational events
24 to teach racing fans about the sport of horse racing.

25 S 6. This act shall take effect immediately.