S T A T E  O F  N E W  Y O R K

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:

Section 1. The racing, pari-mutuel wagering and breeding law is amended by adding a new section 112 to read as follows:

S 112. REBATES. 1. FOR THE PURPOSES OF THIS SECTION, "REBATE" SHALL MEAN A PORTION OF PARI-MUTUEL WAGERS, OTHERWISE PAYABLE TO AN ASSOCIATION OR CORPORATION CONDUCTING PARI-MUTUEL BETTING AT A RACE MEETING ON RACES RUN THEREAT, WHICH IS PAID TO HOLDERS OF PARI-MUTUEL WAGERING TICKETS AND WHICH REDUCES THE AMOUNT OTHERWISE PAYABLE TO SUCH ASSOCIATION OR CORPORATION. REBATES SHALL INCLUDE, BUT NOT BE LIMITED TO, REFUNDS TO HOLDERS OF PARI-MUTUEL WAGERING TICKETS ON ANY PORTION OR PERCENTAGE OF THE FULL FACE VALUE OF A PARI-MUTUEL WAGER, INCREASING THE PAYOFF OF OR PAYING A BONUS ON A WINNING PARI-MUTUEL TICKET, AWARDS OF MERCHANDISE, SERVICES SUCH AS MEALS, PARKING, ADMISSION, SEATING AND PROGRAMS, FREE OR REDUCED COST PARI-MUTUEL WAGERS, AND MONETARY AWARDS.

2. THE RACING AND WAGERING BOARD, UPON APPLICATION OF AN ASSOCIATION OR CORPORATION CONDUCTING PARI-MUTUEL BETTING AT A RACE MEETING ON RACES RUN THEREAT, MAY ANNUALLY APPROVE THE PAYMENT OF REBATES BY SUCH ASSOCIATION OR CORPORATION, SUBJECT TO THE FOLLOWING REQUIREMENTS:

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

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

LBD05302-04-9

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

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

D. THE APPLICANT DEMONSTRATES THAT SUCH REBATES ARE IN THE BEST INTERESTS OF HORSE RACING.

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

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

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

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

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

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

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

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

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

S 5. This act shall take effect immediately.