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I N S E N A T E

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Introduced by Sen. ADAMS -- (at request of the New York State Racing and Wagering Board) -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering -- recommended to the Committee on Racing, Gaming and Wagering in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Codes -- reported favorably from said committee and committed to the Committee on Finance -- 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 authorizing participation in an interstate compact that allows each state to coordinate racing and wagering rules and programs with other states

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 article XII to read as follows:

3 ARTICLE XII

4 INTERSTATE RACING AND WAGERING COMPACT

5 SECTION 1201. PURPOSES.

6 1202. DEFINITIONS.

7 1203. COMPOSITION AND MEETINGS OF COMPACT COMMISSION.

8 1204. OPERATION OF COMPACT COMMISSION.

9 1205. GENERAL POWERS AND DUTIES.

10 1206. OTHER POWERS AND DUTIES.

11 1207. RULE MAKING.

12 1208. COMPACT FEES.

13 1209. STATUS AND RELATIONSHIP TO MEMBER STATES.

14 1210. RIGHTS AND RESPONSIBILITIES OF MEMBER STATES.

15 1211. ENFORCEMENT OF COMPACT.

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

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1212. LEGAL ACTIONS AGAINST COMPACT.

1213. RESTRICTIONS ON AUTHORITY.

1214. CONSTRUCTION, SAVING AND SEVERABILITY.

S 1201. PURPOSES. THE PURPOSES OF THIS COMPACT ARE:

(A) TO ENABLE MEMBER STATES TO ACT JOINTLY AND COOPERATIVELY TO CREATE MORE UNIFORM, EFFECTIVE, AND EFFICIENT PRACTICES, PROGRAMS, RULES AND REGULATIONS RELATING TO LIVE PARI-MUTUEL HORSE OR GREYHOUND RACING AND TO PARI-MUTUEL WAGERING ACTIVITIES, BOTH ON-TRACK AND OFF-TRACK, THAT OCCUR IN OR AFFECT A MEMBER STATE;

(B) TO FACILITATE THE HEALTH AND GROWTH OF THE INDUSTRY BY SIMPLIFYING THE PROCESS OF PARTICIPATING IN LIVE HORSE AND GREYHOUND RACING AND PARI-MUTUEL WAGERING, IMPROVING THE QUALITY AND INTEGRITY OF RACING AND WAGERING, MORE EFFECTIVELY REGULATING SIMULCAST AND WAGERING SYSTEMS AND ACTIVITIES, AND THROUGH COOPERATIVE ACTION REDUCING THE COSTS INCURRED BY EACH MEMBER STATE OR PARTICIPANT;

(C) TO AUTHORIZE THE NEW YORK STATE RACING AND WAGERING BOARD TO PARTICIPATE IN THIS COMPACT;

(D) TO PERMIT OFFICIALS FROM THE MEMBER STATES TO PARTICIPATE IN THIS COMPACT AND, THROUGH THE COMPACT COMMISSION ESTABLISHED BY THIS COMPACT, TO ENTER INTO CONTRACTS WITH GOVERNMENTAL AGENCIES AND OTHER PERSONS TO CARRY OUT THE PURPOSES OF THIS COMPACT; AND

(E) TO ESTABLISH THE COMPACT COMMISSION CREATED BY THIS COMPACT AS AN INTERSTATE GOVERNMENTAL ENTITY DULY AUTHORIZED TO REQUEST AND TO RECEIVE CRIMINAL HISTORY RECORD INFORMATION FROM THE FEDERAL BUREAU OF INVESTIGATION AND FROM STATE, LOCAL, AND FOREIGN LAW ENFORCEMENT AGENCIES.

S 1202. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING TERMS HAVE THE FOLLOWING MEANINGS:

(A) "COMMISSIONER" MEANS THE CHAIRPERSON OF THE MEMBER STATE RACING COMMISSION, OR SUCH PERSON'S DESIGNEE, WHO REPRESENTS THE MEMBER STATE AS A VOTING MEMBER OF THE COMPACT COMMISSION AND ANYONE WHO IS SERVING AS SUCH PERSON'S ALTERNATE;

(B) "COMPACT COMMISSION" MEANS THE ORGANIZATION OF OFFICIALS FROM THE MEMBER STATES THAT IS AUTHORIZED AND EMPOWERED BY THIS COMPACT TO CARRY OUT THE PURPOSES OF THIS COMPACT;

(C) "COMPACT RULE" MEANS A RULE OR REGULATION ADOPTED BY A MEMBER STATE THROUGH THE COMPACT TO GOVERN, FOR TWO OR MORE MEMBER STATES, ANY PART OF LIVE PARI-MUTUEL HORSE AND GREYHOUND RACING OR PARI-MUTUEL WAGERING ACTIVITIES, WHETHER ON-TRACK OR OFF-TRACK, THAT OCCUR IN OR AFFECT SUCH STATES;

(D) "LIVE RACING" MEANS LIVE HORSE OR GREYHOUND RACING WITH PARI-MUTUEL WAGERING;

(E) "MEMBER STATE" MEANS EACH STATE THAT HAS ENACTED THIS COMPACT;

(F) "NATIONAL INDUSTRY STAKEHOLDER" MEANS A NON-GOVERNMENTAL ORGANIZATION THAT THE COMPACT COMMISSION DETERMINES FROM A NATIONAL PERSPECTIVE SIGNIFICANTLY REPRESENTS ONE OR MORE CATEGORIES OF PARTICIPANTS IN LIVE RACING AND PARI-MUTUEL WAGERING;

(G) "PARTICIPANTS IN LIVE RACING AND PARI-MUTUEL WAGERING" MEANS ALL PERSONS WHO PARTICIPATE IN, OPERATE, PROVIDE INDUSTRY SERVICES FOR, OR ARE INVOLVED WITH LIVE RACING AND PARI-MUTUEL WAGERING;

(H) "STATE" MEANS EACH OF THE SEVERAL STATES OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF PUERTO RICO, AND EACH TERRITORY OR POSSESSION OF THE UNITED STATES; AND

(I) "STATE RACING COMMISSION" MEANS THE STATE RACING COMMISSION, OR ITS EQUIVALENT, IN EACH MEMBER STATE. WHERE A MEMBER STATE HAS MORE THAN ONE, IT SHALL MEAN ALL SUCH RACING COMMISSIONS, OR THEIR EQUIVALENTS.

1 S 1203. COMPOSITION AND MEETINGS OF COMPACT COMMISSION. THE MEMBER
2 STATES SHALL CREATE AND PARTICIPATE IN A COMPACT COMMISSION AS FOLLOWS:

3 (A) THIS COMPACT SHALL COME INTO FORCE WHEN ENACTED BY ANY SIX ELIGI-
4 BLE STATES AND SHALL THEREAFTER BECOME EFFECTIVE AS TO ANY OTHER MEMBER
5 STATE THAT ENACTS THIS COMPACT. ANY STATE THAT HAS ADOPTED OR AUTHOR-
6 IZED PARI-MUTUEL WAGERING OR LIVE HORSE OR GREYHOUND RACING SHALL BE
7 ELIGIBLE TO BECOME A PARTY TO THIS COMPACT. A COMPACT RULE, FEE, PRAC-
8 TICE, OR PROGRAM SHALL NOT BECOME EFFECTIVE IN A NEW MEMBER STATE BASED
9 MERELY UPON IT ENTERING THE COMPACT.

10 (B) THE MEMBER STATES HEREBY CREATE THE RACING AND WAGERING COMMIS-
11 SION, A BODY CORPORATE AND AN INTERSTATE GOVERNMENTAL ENTITY OF THE
12 MEMBER STATES, TO COORDINATE THE DECISION-MAKING AND ACTIONS OF EACH
13 MEMBER STATE RACING COMMISSION THROUGH A COMPACT COMMISSION.

14 (C) THE COMPACT COMMISSION SHALL CONSIST OF ONE COMMISSIONER, THE
15 CHAIRPERSON OF THE STATE RACING COMMISSION OR SUCH PERSON'S DESIGNEE,
16 FROM EACH MEMBER STATE. WHEN A COMMISSIONER IS NOT PRESENT TO PERFORM
17 ANY DUTY IN THE COMPACT COMMISSION, A DESIGNATED ALTERNATE MAY SERVE
18 INSTEAD. THE PERSON WHO REPRESENTS A MEMBER STATE IN THE COMPACT
19 COMMISSION SHALL SERVE AND PERFORM SUCH DUTIES WITHOUT COMPENSATION OR
20 REMUNERATION; PROVIDED THAT, SUBJECT TO THE AVAILABILITY OF BUDGETED
21 FUNDS, EACH MAY BE REIMBURSED FOR ORDINARY AND NECESSARY COSTS AND
22 EXPENSES. THE DESIGNATION OF A COMMISSIONER, INCLUDING THE ALTERNATE,
23 SHALL BE EFFECTIVE WHEN WRITTEN NOTICE HAS BEEN PROVIDED TO THE COMPACT
24 COMMISSION. THE COMMISSIONER, INCLUDING THE ALTERNATE, MUST BE A MEMBER
25 OR EMPLOYEE OF THE STATE RACING COMMISSION.

26 (D) THE COMPACT COMMISSIONER FROM EACH STATE SHALL PARTICIPATE AS AN
27 AGENT OF THE STATE RACING COMMISSION. EACH COMMISSIONER SHALL HAVE THE
28 ASSISTANCE OF THE STATE RACING COMMISSION IN REGARD TO ALL DECISION
29 MAKING AND ACTIONS OF THE STATE IN AND THROUGH THE COMPACT COMMISSION.

30 (E) EACH MEMBER STATE, BY ITS COMMISSIONER, SHALL BE ENTITLED TO ONE
31 VOTE IN THE COMPACT COMMISSION. A MAJORITY VOTE OF THE TOTAL NUMBER OF
32 COMMISSIONERS SHALL BE REQUIRED TO ISSUE OR RENEW A LICENSE, TO RECEIVE
33 AND DISTRIBUTE ANY FUNDS, AND TO ADOPT, AMEND, OR RESCIND THE BY-LAWS. A
34 COMPACT RULE, FEE, PRACTICE, OR PROGRAM SHALL TAKE EFFECT IN AND FOR
35 EACH MEMBER STATE WHOSE COMMISSIONER VOTES AFFIRMATIVELY TO ADOPT IT.
36 OTHER COMPACT ACTIONS SHALL REQUIRE A MAJORITY VOTE OF THE COMMISSIONERS
37 WHO ARE MEETING.

38 (F) MEETINGS AND VOTES OF THE COMPACT COMMISSION MAY BE CONDUCTED IN
39 PERSON OR BY TELEPHONE OR OTHER ELECTRONIC COMMUNICATION. MEETINGS MAY
40 BE CALLED BY THE CHAIRPERSON OF THE COMPACT COMMISSION OR BY ANY TWO
41 COMMISSIONERS. REASONABLE NOTICE OF EACH MEETING SHALL BE PROVIDED TO
42 ALL COMMISSIONERS SERVING IN THE COMPACT COMMISSION.

43 (G) NO ACTION MAY BE TAKEN AT A COMPACT COMMISSION MEETING UNLESS
44 THERE IS A QUORUM, WHICH IS EITHER A MAJORITY OF THE COMMISSIONERS IN
45 THE COMPACT COMMISSION OR, WHERE APPLICABLE, ALL THE COMMISSIONERS FROM
46 ANY MEMBER STATES WHO PROPOSE OR ARE VOTING AFFIRMATIVELY TO ADOPT A
47 COMPACT RULE, FEE, PRACTICE, OR PROGRAM.

48 (H) ONCE EFFECTIVE, THE COMPACT SHALL CONTINUE IN FORCE AND REMAIN
49 BINDING ACCORDING TO ITS TERMS UPON EACH MEMBER STATE; PROVIDED THAT, A
50 MEMBER STATE MAY WITHDRAW FROM THE COMPACT BY REPEALING THE STATUTE THAT
51 ENACTED THE COMPACT INTO LAW. THE RACING COMMISSION OF A WITHDRAWING
52 STATE SHALL GIVE WRITTEN NOTICE OF SUCH WITHDRAWAL TO THE COMPACT CHAIR-
53 PERSON, WHO SHALL NOTIFY THE MEMBER STATE RACING COMMISSIONS. A WITH-
54 DRAWING STATE SHALL REMAIN RESPONSIBLE FOR ANY UNFULFILLED OBLIGATIONS
55 AND LIABILITIES. THE EFFECTIVE DATE OF WITHDRAWAL FROM THE COMPACT SHALL
56 BE THE EFFECTIVE DATE OF THE REPEAL.

1 S 1204. OPERATION OF COMPACT COMMISSION. THE COMPACT COMMISSION IS
2 HEREBY GRANTED, SO THAT IT MAY BE AN EFFECTIVE MEANS TO PURSUE AND
3 ACHIEVE THE PURPOSES OF EACH MEMBER STATE IN THIS COMPACT, THE POWER AND
4 DUTY:

5 (A) TO ADOPT, AMEND, AND RESCIND BY-LAWS TO GOVERN ITS CONDUCT, AS MAY
6 BE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES OF THE COMPACT; TO
7 PUBLISH THEM IN A CONVENIENT FORM; AND TO FILE A COPY OF THEM WITH THE
8 STATE RACING COMMISSION OF EACH MEMBER STATE;

9 (B) TO ELECT ANNUALLY FROM AMONG THE COMMISSIONERS (INCLUDING ALTER-
10 NATES) A CHAIRPERSON, VICE-CHAIRPERSON, AND TREASURER WITH SUCH AUTHORI-
11 TY AND DUTIES AS MAY BE SPECIFIED IN THE BY-LAWS;

12 (C) TO ESTABLISH AND APPOINT COMMITTEES WHICH IT DEEMS NECESSARY FOR
13 THE CARRYING OUT OF ITS FUNCTIONS, INCLUDING ADVISORY COMMITTEES WHICH
14 SHALL BE COMPRISED OF NATIONAL INDUSTRY STAKEHOLDERS AND ORGANIZATIONS,
15 AND SUCH OTHER PERSONS AS MAY BE DESIGNATED IN ACCORDANCE WITH THE
16 BY-LAWS, TO OBTAIN THEIR TIMELY AND MEANINGFUL INPUT INTO THE COMPACT
17 RULE, FEE, PRACTICE, AND PROGRAM MAKING PROCESSES;

18 (D) TO ESTABLISH AN EXECUTIVE COMMITTEE, WITH MEMBERSHIP ESTABLISHED
19 IN THE BY-LAWS, WHICH SHALL OVERSEE THE DAY-TO-DAY ACTIVITIES OF COMPACT
20 ADMINISTRATION AND MANAGEMENT BY THE EXECUTIVE DIRECTOR AND STAFF; HIRE
21 AND FIRE AS MAY BE NECESSARY AFTER CONSULTATION WITH THE COMPACT COMMIS-
22 SION; ADMINISTER AND ENFORCE COMPLIANCE WITH THE PROVISIONS, BY-LAWS,
23 RULES, FEES, PRACTICES, AND PROGRAMS OF THE COMPACT; AND PERFORM SUCH
24 OTHER DUTIES AS THE BY-LAWS MAY ESTABLISH;

25 (E) TO CREATE, APPOINT, AND ABOLISH ALL THOSE OFFICES, EMPLOYMENTS,
26 AND POSITIONS, INCLUDING AN EXECUTIVE DIRECTOR, USEFUL TO FULFILL ITS
27 PURPOSES; TO HIRE PERSONS FOR THEM; TO PRESCRIBE THEIR POWERS, DUTIES,
28 AND QUALIFICATIONS; AND TO PROVIDE FOR THEIR TERM, TENURE, REMOVAL,
29 COMPENSATION, FRINGE AND RETIREMENT BENEFITS, AND OTHER CONDITIONS OF
30 EMPLOYMENT;

31 (F) TO DELEGATE DAY-TO-DAY MANAGEMENT AND ADMINISTRATION OF ITS
32 DUTIES, AS NEEDED, TO AN EXECUTIVE DIRECTOR AND SUPPORT STAFF, SUCH AS
33 THE ASSOCIATION OF RACING COMMISSIONERS INTERNATIONAL, INC. OR ITS
34 SUCCESSOR;

35 (G) TO ADOPT AN ANNUAL BUDGET SUFFICIENT TO PROVIDE FOR THE PAYMENT OF
36 THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION, AND ONGOING
37 ACTIVITIES. THE BUDGET SHALL BE FULLY FUNDED BY MEANS ESTABLISHED BY THE
38 COMPACT COMMISSION. A MEMBER STATE MAY CHOOSE TO PARTICIPATE IN FUNDING
39 BY MEANS OTHER THAN A COMPACT FEE OR FEES, IN WHICH CASE THE COMPACT
40 COMMISSION SHALL MAKE A FINDING OF HOW MUCH THE MEMBER STATE, INCLUDING
41 ITS RACING AND WAGERING, MAY BENEFIT FROM BUDGET ITEMS (LESS PROGRAM
42 COSTS FUNDED BY USER FEES); AND THE MEMBER STATE MAY PROVIDE SUCH FUND-
43 ING BY ITS OWN MEANS. INDIVISIBLE BENEFITS TO LIVE RACING SHALL BE ALLO-
44 CATED BY PROPORTION OF ANNUAL PURSES. NOTHING IN THIS PROVISION SHALL
45 PREVENT THE COMPACT COMMISSION FROM PAYING OBLIGATIONS ACCRUED IN A
46 PRIOR YEAR OR FROM REVISING ITS FINDING OF THE BENEFIT TO A MEMBER STATE
47 FROM THE PRECEDING YEAR; AND

48 (H) TO PROVIDE A MEDIATION AND A BINDING DISPUTE RESOLUTION SERVICE
49 FOR MEMBER STATES WHO DECIDE TO USE THEM TO RESOLVE A COMPACT DISPUTE
50 AMONG EACH OTHER; PROVIDED, THAT THE DESIGN AND IMPLEMENTATION OF EACH
51 PROGRAM SHALL BE ESTABLISHED BY COMPACT RULE MAKING.

52 S 1205. GENERAL POWERS AND DUTIES. TO ALLOW EACH MEMBER STATE, AS AND
53 WHEN IT CHOOSES, TO ACHIEVE THE PURPOSES OF THIS COMPACT THROUGH JOINT
54 AND COOPERATIVE ACTION, THE MEMBER STATES ARE HEREBY GRANTED THE POWER
55 AND DUTY, BY AND THROUGH THE COMPACT COMMISSION:

1 (A) TO ACT JOINTLY AND COOPERATIVELY TO CREATE A MORE EQUITABLE AND
2 UNIFORM PARI-MUTUEL RACING AND WAGERING INTERSTATE REGULATORY FRAMEWORK,
3 INCLUDING BUT NOT LIMITED TO THE ADOPTION OF STANDARDIZED RULES OF
4 RACING AND EQUINE DRUG REGULATIONS, CLOSING INEQUALITIES IN HOW REGULA-
5 TORY STANDARDS AND STATUTORY REQUIREMENTS APPLY TO INDUSTRY PARTIC-
6 IPANTS; IMPROVING WAGERING MONITORING AND INTEGRITY; AND MAKING INDUSTRY
7 AND PARTICIPANT INFORMATION MORE AVAILABLE TO GOVERNMENT OFFICIALS;

8 (B) TO COLLABORATE WITH NATIONAL INDUSTRY STAKEHOLDERS AND INDUSTRY
9 ORGANIZATIONS, SUCH AS THE RACING MEDICATION AND TESTING CONSORTIUM, IN
10 THE DESIGN AND IMPLEMENTATION OF COMPACT RULES, FEES, PRACTICES, AND
11 PROGRAMS IN A MANNER THAT SERVES THE BEST INTERESTS OF RACING;

12 (C) TO CREATE MORE UNIFORM, EFFECTIVE, OR EFFICIENT PRACTICES AND
13 PROGRAMS, WITH THE CONSENT OF EACH MEMBER STATE THAT SHALL PARTICIPATE
14 IN THEM, RELATING TO ANY PART OF LIVE PARI-MUTUEL HORSE OR GREYHOUND
15 RACING OR PARI-MUTUEL WAGERING ACTIVITIES, WHETHER ON-TRACK OR
16 OFF-TRACK, THAT OCCUR IN OR AFFECT A MEMBER STATE;

17 (D) TO ADOPT COMPACT RULES, WHICH SHALL HAVE THE FORCE AND EFFECT OF
18 STATE RULES OR REGULATIONS IN THE MEMBER STATES WHO VOTE TO ADOPT THEM,
19 TO GOVERN ALL OR ANY PART OF LIVE PARI-MUTUEL HORSE AND GREYHOUND RACING
20 OR PARI-MUTUEL WAGERING ACTIVITIES;

21 (E) TO CHARGE AND COLLECT A FEE FOR SERVICES PROVIDED BY THE COMPACT,
22 INCLUDING LICENSURE AND RENEWAL OF EACH LICENSE APPLICANT, AND FOR
23 DEFRAYING THE ACTUAL COST OF COMPACT COMMISSION ADMINISTRATION, PROCE-
24 DURES, ACTIVITIES AND PROGRAMS; AND

25 (F) TO ISSUE AND RENEW LICENSES FOR PARTICIPANTS IN LIVE RACING AND
26 PARI-MUTUEL WAGERING WHO ARE FOUND BY THE COMPACT COMMISSION TO HAVE MET
27 ITS LICENSURE OR RENEWAL REQUIREMENTS IN CATEGORIES IT CHOOSES TO
28 LICENSE. IT SHALL ESTABLISH THE TERM FOR EACH CATEGORY, AND THE LICENSE
29 CRITERIA AND WEIGHT GIVEN TO CHARACTER AND INTEGRITY INFORMATION THAT IN
30 ITS JUDGMENT MEET THE MOST RESTRICTIVE REQUIREMENTS OF THE MEMBER
31 STATES. THE COMPACT COMMISSION SHALL NOT HAVE THE POWER OR AUTHORITY TO
32 DENY A LICENSE. IF IT DETERMINES THAT AN APPLICANT WILL NOT BE ELIGIBLE,
33 IT SHALL NOTIFY THE APPLICANT THAT IT WILL NOT BE ABLE TO PROCESS THE
34 APPLICATION ANY FURTHER, WHICH SHALL NOT CONSTITUTE AND SHALL NOT BE
35 CONSIDERED TO BE THE DENIAL OF A LICENSE. ALTHOUGH AN APPLICANT SHALL
36 HAVE THE RIGHT TO PRESENT FURTHER EVIDENCE AND TO BE HEARD, THE FINAL
37 DECISION ON ISSUANCE OR RENEWAL OF A LICENSE SHALL BE MADE BY THE
38 COMPACT COMMISSION PURSUANT TO ITS ESTABLISHED REQUIREMENTS. THE COMPACT
39 COMMISSION SHALL HAVE THE POWER AND DUTY TO INVESTIGATE LICENSE APPLI-
40 CANTS AND, AS PERMITTED BY FEDERAL AND STATE LAW, TO GATHER INFORMATION,
41 INCLUDING CRIMINAL HISTORY RECORDS FROM THE FEDERAL BUREAU OF INVESTI-
42 GATION AND FROM STATE, LOCAL, AND FOREIGN COUNTRY LAW ENFORCEMENT AGEN-
43 CIES (INCLUDING THE ROYAL CANADIAN MOUNTED POLICE), NECESSARY TO DECIDE
44 WHETHER AN APPLICANT MEETS ITS LICENSE REQUIREMENTS. SUCH CRIMINAL
45 HISTORY RECORD INFORMATION MAY BE RECEIVED AND REVIEWED ONLY BY THE
46 OFFICIALS ON, AND EMPLOYEES OF, THE COMPACT COMMISSION, AND THAT INFOR-
47 MATION MAY BE USED ONLY FOR THE PURPOSES OF THIS COMPACT. NO SUCH OFFI-
48 CIAL OR EMPLOYEE MAY DISCLOSE OR DISSEMINATE SUCH CRIMINAL HISTORY
49 RECORD INFORMATION TO ANY PERSON OR ENTITY OTHER THAN ANOTHER OFFICIAL
50 ON, OR EMPLOYEE OF, THE COMPACT COMMISSION. THE COMPACT COMMISSION, ITS
51 EMPLOYEES, OR ITS DESIGNEE SHALL TAKE THE FINGERPRINTS OF EACH LICENSE
52 APPLICANT AND, PURSUANT TO PUBLIC LAW 92-544 OR PUBLIC LAW 100-413,
53 FORWARD THE FINGERPRINTS TO A STATE IDENTIFICATION BUREAU, THE ASSOCI-
54 ATION OF RACING COMMISSIONERS INTERNATIONAL (AN ASSOCIATION OF STATE
55 OFFICIALS REGULATING PARI-MUTUEL WAGERING, DESIGNATED BY THE ATTORNEY
56 GENERAL OF THE UNITED STATES), OR ANOTHER ENTITY WITH AN EQUIVALENT

DESIGNATION, FOR SUBMISSION TO THE FEDERAL BUREAU OF INVESTIGATION OR OTHER RECEIVING LAW ENFORCEMENT AGENCY. THE COMPACT COMMISSION SHALL COOPERATE WITH THE INTERSTATE COMPACT ON LICENSURE OF PARTICIPANTS IN LIVE RACING WITH PARI-MUTUEL WAGERING AND, IF REQUESTED BY THAT ENTITY, ASSUME ALL OF ITS LICENSING AND EMPLOYER DUTIES AND RESPONSIBILITIES WITH THE AUTHORITY OF AND PURSUANT TO ALL OF THE LICENSING STANDARDS, LAWS, RULES AND REGULATIONS APPLICABLE TO THAT ENTITY.

S 1206. OTHER POWERS AND DUTIES. THE COMPACT COMMISSION MAY EXERCISE SUCH INCIDENTAL POWERS AND DUTIES AS MAY BE NECESSARY AND PROPER FOR IT TO FUNCTION IN A USEFUL MANNER, INCLUDING BUT NOT LIMITED TO THE POWER AND DUTY:

(A) TO ENTER INTO CONTRACTS AND AGREEMENTS WITH GOVERNMENTAL AGENCIES AND OTHER PERSONS, INCLUDING OFFICERS AND EMPLOYEES OF A MEMBER STATE, TO PROVIDE PERSONAL SERVICES FOR ITS ACTIVITIES AND SUCH OTHER SERVICES AS MAY BE NECESSARY;

(B) TO BORROW, ACCEPT, AND CONTRACT FOR THE SERVICES OF PERSONNEL FROM ANY STATE, FEDERAL, OR OTHER GOVERNMENTAL AGENCY, OR FROM ANY OTHER PERSON OR ENTITY;

(C) TO RECEIVE INFORMATION FROM AND TO PROVIDE INFORMATION TO EACH MEMBER STATE RACING COMMISSION, INCLUDING ITS OFFICERS AND STAFF, ON SUCH TERMS AND CONDITIONS AS MAY BE ESTABLISHED IN THE BY-LAWS;

(D) TO ACQUIRE, HOLD, AND DISPOSE OF ANY REAL OR PERSONAL PROPERTY BY GIFT, GRANT, PURCHASE, LEASE, LICENSE, AND SIMILAR MEANS AND TO RECEIVE ADDITIONAL FUNDS THROUGH GIFTS, GRANTS, AND APPROPRIATIONS;

(E) TO PURCHASE AND MAINTAIN INSURANCE AND BONDS, AND TO REQUIRE OTHERS TO DO SO;

(F) WHEN AUTHORIZED BY A COMPACT RULE, TO CONDUCT HEARINGS, ISSUE SUBPOENAS REQUIRING THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF EVIDENCE, AND RENDER DECISIONS AND ORDERS;

(G) TO ESTABLISH IN THE BY-LAWS THE REQUIREMENTS THAT SHALL DESCRIBE AND GOVERN ITS DUTIES TO CONDUCT OPEN OR PUBLIC MEETINGS AND TO PROVIDE PUBLIC ACCESS TO COMPACT RECORDS AND INFORMATION, WHICH SHALL INCLUDE THE EXCEPTIONS ESTABLISHED BY LAW IN ONE OR MORE MEMBER STATES AND SHIELD ANY CONFIDENTIAL SUBMISSIONS MADE IN CONNECTION WITH LICENSE APPLICATIONS; AND

(H) TO ENFORCE COMPLIANCE WITH THE PROVISIONS, BY-LAWS, RULES, FEES, PRACTICES, AND PROGRAMS OF THE COMPACT USING SUCH MEANS AS MAY BE CONSISTENT WITH THIS COMPACT.

S 1207. RULE MAKING. IN THE EXERCISE OF ITS RULE MAKING AUTHORITY, THE COMPACT COMMISSION SHALL:

(A) ENGAGE IN FORMAL RULE MAKING PURSUANT TO A PROCESS THAT SUBSTANTIALLY CONFORMS TO THE MODEL STATE ADMINISTRATIVE PROCEDURE ACT OF 1981 AS AMENDED, AS MAY BE APPROPRIATE TO THE ACTIONS AND OPERATIONS OF THE COMPACT COMMISSION;

(B) GATHER INFORMATION AND ENGAGE IN DISCUSSIONS WITH ADVISORY COMMITTEES, NATIONAL INDUSTRY STAKEHOLDERS, AND OTHERS TO FOSTER AND CONDUCT A COLLABORATIVE APPROACH IN THE DESIGN AND ADVANCEMENT OF COMPACT RULES IN A MANNER THAT SERVES THE BEST INTERESTS OF RACING AND AS ESTABLISHED IN THE BY-LAWS;

(C) NOT PUBLISH A PROPOSED COMPACT RULE IN A MEMBER STATE OVER ITS OBJECTION. THE AFFIRMATIVE VOTE OF A MEMBER STATE FOR A PROPOSED COMPACT RULE SHALL BE NECESSARY AND SUFFICIENT TO ADOPT, AMEND, OR RESCIND A COMPACT RULE AS APPLICABLE TO THAT MEMBER STATE; AND

(D) HAVE A STANDING COMMITTEE THAT REVIEWS AT LEAST QUARTERLY THE PARTICIPATION IN AND VALUE OF COMPACT RULES AND, WHEN IT DETERMINES THAT A REVISION IS APPROPRIATE OR WHEN REQUESTED TO BY ANY MEMBER STATE,

1 SUBMITS A REVISING PROPOSED COMPACT RULE. TO THE EXTENT A REVISION WOULD
2 ONLY ADD OR REMOVE A MEMBER STATE OR STATES FROM WHERE A COMPACT RULE
3 HAS BEEN ADOPTED, THE VOTE REQUIRED BY THIS ARTICLE SHALL BE REQUIRED OF
4 ONLY SUCH STATE OR STATES.

5 S 1208. COMPACT FEES. (A) THE COMPACT COMMISSION MAY CHARGE AND
6 COLLECT A FEE FOR SERVICES PROVIDED BY THE COMPACT, INCLUDING LICENSURE
7 AND RENEWAL OF EACH LICENSE APPLICANT, AND FOR DEFRAYING THE ACTUAL COST
8 OF COMPACT COMMISSION ADMINISTRATION, PROCEDURES, ACTIVITIES, AND
9 PROGRAMS; PROVIDED THAT SUCH LATTER FEE OR FEES SHALL NOT CREATE A
10 DISPROPORTIONATE COST FOR ANY MEMBER STATE.

11 (B) COMPACT FEES MUST RELATE TO PARTICIPATION IN LIVE HORSE OR GREY-
12 HOUND RACING AND PARI-MUTUEL WAGERING ACTIVITIES, WHETHER ON-TRACK OR
13 OFF-TRACK, THAT OCCUR IN OR AFFECT A MEMBER STATE. NO FEE SHALL BE
14 ADOPTED EXCEPT AFTER CONSULTATION WITH RELEVANT ADVISORY COMMITTEES AND
15 INTERESTED NATIONAL INDUSTRY STAKEHOLDERS.

16 (C) THE ESTABLISHMENT OF A COMPACT FEE MAY INCLUDE A REQUIREMENT THAT
17 A PARTICIPANT IN LIVE HORSE OR GREYHOUND RACING WITH PARI-MUTUEL WAGER-
18 ING, AS A CONDITION OF CONTINUED PARTICIPATION, COLLECT, HOLD, AND REMIT
19 TO THE COMPACT COMMISSION FUNDS THAT BELONG TO A THIRD PARTY, WITH WHICH
20 IT CONDUCTS RELATED TRANSACTIONS, THAT IS OBLIGED TO PAY THE COMPACT
21 FEE.

22 (D) THE COMPACT COMMISSION MAY REQUIRE FEE PAYMENTS TO OCCUR ON A
23 PERIODIC BASIS, ACCOMPANIED BY A SWORN REPORT ATTESTING TO ACCURACY AND
24 COMPLETENESS, AND MAY PROVIDE THAT IT SHALL HAVE THE POWER TO EXAMINE
25 THE BOOKS AND RECORDS OF ANY PERSONS REQUIRED TO PAY OR REMIT IT, FOR
26 THE PURPOSE OF ASCERTAINING WHETHER THE PROPER AMOUNTS ARE BEING PAID.
27 SUCH BOOKS AND RECORDS SHALL NOT THEREBY BE MADE AVAILABLE FOR PUBLIC
28 INSPECTION.

29 (E) NO FEE SHALL BE ADOPTED BEFORE THE COMPLETION OF A PERIOD OF
30 PUBLIC NOTICE AND PARTICIPATION SUBSTANTIALLY CONFORMING, AS MAY BE
31 APPROPRIATE TO THE ACTIONS AND OPERATIONS OF THE COMPACT COMMISSION, FOR
32 MAKING RULES UNDER THE MODEL STATE ADMINISTRATIVE PROCEDURE ACT OF 1981
33 AS AMENDED.

34 S 1209. STATUS AND RELATIONSHIP TO MEMBER STATES. (A) THE COMPACT
35 COMMISSION, AS AN INTERSTATE GOVERNMENTAL ENTITY, SHALL BE EXEMPT FROM
36 ALL TAXATION IN AND BY THE MEMBER STATES.

37 (B) THE COMPACT COMMISSION SHALL NOT PLEDGE THE CREDIT OF ANY MEMBER
38 STATE EXCEPT BY AND WITH THE APPROPRIATE LEGAL AUTHORITY OF THAT STATE.

39 (C) THE COMPACT COMMISSION SHALL ADOPT AN ANNUAL BUDGET THAT IS SUFFI-
40 CIENT TO PROVIDE FOR THE PAYMENT OF THE REASONABLE EXPENSES OF ITS
41 ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES, AND BY WHICH MEMBER
42 STATES SHALL FULLY FUND THE COMPACT COMMISSION BY THE MEANS SET FORTH IN
43 THIS COMPACT.

44 (D) EACH MEMBER STATE SHALL REIMBURSE OR OTHERWISE PAY THE EXPENSES OF
45 ITS COMMISSIONER, INCLUDING ANY ALTERNATE, IN THE COMPACT COMMISSION.

46 (E) NO MEMBER STATE, EXCEPT AS PROVIDED IN SECTION TWELVE HUNDRED
47 TWELVE OF THIS ARTICLE, SHALL BE HELD LIABLE FOR THE DEBTS OR OTHER
48 FINANCIAL OBLIGATIONS INCURRED BY THE COMPACT COMMISSION.

49 (F) NO MEMBER STATE SHALL HAVE, WHILE IT PARTICIPATES IN THE COMPACT
50 COMMISSION, ANY CLAIM TO OR OWNERSHIP OF ANY PROPERTY HELD BY OR VESTED
51 IN THE COMPACT COMMISSION OR TO ANY COMPACT COMMISSION FUNDS HELD PURSU-
52 ANT TO THIS COMPACT EXCEPT FOR STATE LICENSE OR OTHER FEES OR MONIES
53 COLLECTED BY THE COMPACT COMMISSION AS ITS AGENT.

54 (G) THE COMPACT DISSOLVES UPON THE DATE OF THE WITHDRAWAL OF THE
55 MEMBER STATE THAT REDUCES MEMBERSHIP IN THE COMPACT TO ONE STATE. UPON
56 DISSOLUTION, THE COMPACT BECOMES NULL AND VOID AND SHALL BE OF NO

1 FURTHER FORCE OR EFFECT, ALTHOUGH RULES AND PROGRAMS ADOPTED THROUGH
2 THIS COMPACT SHALL REMAIN RULES AND PROGRAMS IN EACH MEMBER STATE THAT
3 HAD ADOPTED OR CONSENTED TO THEM, AND THE BUSINESS AND AFFAIRS OF THE
4 RACING AND WAGERING COMPACT SHALL BE CONCLUDED AND ANY SURPLUS FUNDS
5 SHALL BE DISTRIBUTED TO THE FORMER MEMBER STATES IN ACCORDANCE WITH THE
6 BY-LAWS.

7 S 1210. RIGHTS AND RESPONSIBILITIES OF MEMBER STATES. (A) EACH MEMBER
8 STATE IN THE COMPACT SHALL ACCEPT THE DECISIONS, DULY APPLICABLE TO IT,
9 OF THE COMPACT COMMISSION IN REGARD TO COMPACT RULES, FEES, PRACTICES,
10 AND PROGRAMS, AND THE ISSUANCE OR RENEWAL OF LICENSES;

11 (B) WHEN THE COMPACT COMMISSION DETERMINES THAT AN APPLICATION WILL
12 NOT BE PROCESSED FURTHER, THE MEMBER STATES SHALL NOT TREAT THIS AS THE
13 DENIAL OF A LICENSE OR OTHERWISE PENALIZE THE APPLICANT BECAUSE OF SUCH
14 ACTION BY THE COMPACT COMMISSION;

15 (C) EACH MEMBER STATE IN THE COMPACT SHALL HAVE AND EXERCISE THE
16 RIGHT:

17 (1) TO CHARGE A FEE FOR THE USE OF A COMPACT LICENSE WITHIN THAT
18 MEMBER STATE EQUAL TO THE FEE CHARGED FOR A COMPARABLE STATE LICENSE;

19 (2) TO APPLY ITS OWN STANDARDS AND PROCEDURES TO DETERMINE WHETHER THE
20 USE OF A COMPACT COMMISSION LICENSE SHOULD BE SUSPENDED OR REVOKED IN
21 ITS JURISDICTION;

22 (3) TO APPLY ITS OWN STANDARDS FOR LICENSURE OR RENEWAL OF STATE
23 APPLICANTS WHO DO NOT MEET THE LICENSURE REQUIREMENTS OF THE COMPACT
24 COMMISSION, WHO ARE WITHIN A CATEGORY OF PARTICIPANTS IN RACING AND
25 WAGERING THAT THE COMPACT COMMISSION DOES NOT LICENSE, OR WHO APPLY TO
26 THE MEMBER STATE FOR A STATE LICENSE; AND

27 (4) TO APPLY ITS OWN STANDARDS AND PROCEDURES, EXCEPT AS MAY BE
28 PROVIDED BY RULE, TO DETERMINE WHETHER A PARTICIPANT IN LIVE RACING OR
29 PARI-MUTUEL WAGERING HAS VIOLATED ANY RULE OR REGULATION IN ITS JURIS-
30 DICTION AND TO IMPOSE AN APPROPRIATE PENALTY;

31 (D) EACH MEMBER STATE RACING COMMISSION SHALL PROMPTLY NOTIFY THE
32 COMPACT COMMISSION, OR ITS DESIGNEE, WHENEVER THE MEMBER STATE HAS
33 ADJUDGED A VIOLATION OF ANY STATE OR COMPACT RULE AND IMPOSED A SUSPEN-
34 SION OR REVOCATION UPON A COMPACT COMMISSION LICENSEE;

35 (E) ALL DEPARTMENTS, AGENCIES, BODIES, OFFICERS, AND EMPLOYEES OF EACH
36 MEMBER STATE AND ITS POLITICAL SUBDIVISIONS ARE AUTHORIZED TO COOPERATE
37 WITH THE COMPACT COMMISSION AND SHALL TAKE ALL NECESSARY AND APPROPRIATE
38 ACTION, SUCH AS TO PUBLISH PROPOSED AND ADOPTED RULES IN STATE REGIS-
39 TRIES AND ADMINISTRATIVE CODES, TO EFFECTUATE AND IN FURTHERANCE OF
40 COMPACT DUTIES OR ACTIONS THAT MAY AFFECT THE STATE; AND

41 (F) THIS COMPACT SHALL NOT BE CONSTRUED TO DIMINISH OR LIMIT THE
42 POWERS AND RESPONSIBILITIES OF THE MEMBER STATE RACING COMMISSION, OR TO
43 INVALIDATE ANY ACTION IT HAS PREVIOUSLY TAKEN, EXCEPT TO THE EXTENT IT
44 HAS, BY ITS COMPACT COMMISSIONER, EXPRESSED ITS CONSENT TO A SPECIFIC
45 RULE OR OTHER ACTION OF THE COMPACT COMMISSION.

46 S 1211. ENFORCEMENT OF COMPACT. (A) ANY MEMBER STATE IN THE COMPACT
47 AND THE COMPACT COMMISSION MAY INITIATE LEGAL ACTION IN THE UNITED
48 STATES DISTRICT COURT, IN ANY FEDERAL DISTRICT WHERE THE COMPACT COMMIS-
49 SION HAS AN OFFICE, TO ENFORCE COMPLIANCE BY ANY MEMBER STATE OR THE
50 COMPACT COMMISSION WITH THE COMPACT PROVISIONS, BY-LAWS, FEES, FINDINGS,
51 PRACTICES, AND PROGRAMS.

52 (B) ANY MEMBER STATE IN THE COMPACT AND THE COMPACT COMMISSION MAY
53 INITIATE LEGAL ACTION, IN ANY STATE OR FEDERAL COURT, TO ENFORCE THE
54 COMPACT PROVISIONS, FEES, PRACTICES, AND PROGRAMS AGAINST ANY PERSON,
55 INCLUDING A NON-MEMBER STATE OR POLITICAL SUBDIVISION.

1 (C) THE COMPACT COMMISSION SHALL HAVE STANDING TO INTERVENE IN ANY
2 LEGAL ACTION THAT PERTAINS TO THE SUBJECT MATTER OF THE COMPACT AND
3 MIGHT AFFECT ITS POWERS, DUTIES, OR ACTIONS.

4 (D) THE COURTS AND EXECUTIVE IN EACH MEMBER STATE SHALL ENFORCE THE
5 COMPACT AND TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE ITS
6 PURPOSES AND INTENT. COMPACT PROVISIONS, BY-LAWS, AND RULES SHALL BE
7 RECEIVED BY ALL JUDGES, DEPARTMENTS, AGENCIES, BODIES, AND OFFICERS OF
8 EACH MEMBER STATE AND ITS POLITICAL SUBDIVISIONS AS EVIDENCE OF THEM.

9 (E) THE COMPACT COMMISSION MAY REQUIRE, FROM THE DATE A COMPACT FEE
10 WAS REQUIRED TO BE PAID, INTEREST NOT TO EXCEED THE RATE OF ONE PERCENT
11 PER MONTH AND A PENALTY NOT TO EXCEED FIVE PERCENT. THE COMPACT COMMIS-
12 SION MAY, IF IT DETERMINES THAT ANY FEES RECEIVED BY IT WERE PAID IN
13 ERROR, AND PROVIDED THAT AN APPLICATION FOR IT IS FILED WITH THE COMPACT
14 COMMISSION WITHIN ONE YEAR FROM THE TIME THE ERRONEOUS PAYMENT IS MADE,
15 CORRECT THE ERROR BY A REFUND, WITHOUT INTEREST, INCLUDING FROM OTHER
16 COLLECTED FEES.

17 (F) THE COMPACT COMMISSION, IF IT DETERMINES THAT A PAYMENT OR REPORT
18 IS IN ERROR, MAY MAKE A FINDING THAT FIXES THE CORRECT AMOUNT OF THE
19 FEE. IT MUST ISSUE THE FINDING WITHIN THREE YEARS FROM WHEN A FEE OR
20 REPORT WAS DUE OR FILED. THE FINDING SHALL BE FINAL AND CONCLUSIVE
21 UNLESS AN APPLICATION FOR A HEARING IS FILED BY THE SUBJECT WITHIN THIR-
22 TY DAYS. THE ACTION OF THE COMPACT COMMISSION IN MAKING A FINAL FIND-
23 ING, AFTER A HEARING, SHALL BE REVIEWABLE IN STATE COURT AS PROVIDED IN
24 THIS COMPACT.

25 S 1212. LEGAL ACTIONS AGAINST COMPACT. (A) ANY PERSON MAY COMMENCE A
26 CLAIM, ACTION, OR PROCEEDING IN STATE COURT TO CHALLENGE A COMPACT RULE,
27 FEE, PRACTICE, OR PROGRAM THAT IS DULY APPLICABLE TO THAT STATE, IN THE
28 SAME MANNER AND SUBJECT TO THE SAME LIMITS OF LIABILITY, DEFENSES,
29 RIGHTS TO INDEMNITY OR DEFENSE BY THE STATE, AND OTHER LEGAL RIGHTS AND
30 DUTIES, FOR NON-COMPACT MATTERS, OF THE STATE RACING COMMISSION UNDER
31 THE LAWS OF ITS STATE.

32 (B) A COMPACT COMMISSIONER, ALTERNATE, OR OTHER MEMBER OR EMPLOYEE OF
33 A STATE RACING COMMISSION WHO UNDERTAKES COMPACT ACTIVITIES OR DUTIES
34 DOES SO IN THE COURSE OF BUSINESS OF THEIR STATE RACING COMMISSION, AND
35 SHALL HAVE THE LIABILITIES, DEFENSES, RIGHTS TO INDEMNITY AND DEFENSE BY
36 THE STATE, AND OTHER LEGAL RIGHTS AND DUTIES, FOR NON-COMPACT MATTERS,
37 OF STATE EMPLOYEES UNDER THE LAWS OF THEIR STATE. THE EXECUTIVE DIRECTOR
38 AND OTHER EMPLOYEES OF THE COMPACT COMMISSION SHALL BE ACCORDED THE SAME
39 LEGAL RIGHTS AND DUTIES, EXCEPT TO INDEMNITY, OF STATE EMPLOYEES UNDER
40 THE LAWS OF THE MEMBER STATE IN WHICH THEY ARE PRIMARILY EMPLOYED.

41 (C) EACH MEMBER STATE SHALL BE LIABLE FOR AND PAY JUDGMENTS FILED
42 AGAINST THE COMPACT COMMISSION TO THE EXTENT RELATED TO ITS PARTIC-
43 IPATION IN THE COMPACT. WHERE LIABILITY ARISES FROM ACTION UNDERTAKEN
44 JOINTLY WITH OTHER MEMBER STATES, THE LIABILITY SHALL BE DIVIDED EQUALLY
45 AMONG THE STATES FOR WHOM THE APPLICABLE RULE, FEE, PRACTICE, PROGRAM,
46 OR ACTION OR OMISSION OF THE EXECUTIVE DIRECTOR OR OTHER EMPLOYEES OF
47 THE COMPACT COMMISSION WAS UNDERTAKEN; AND NO MEMBER STATE SHALL
48 CONTRIBUTE TO OR PAY, OR BE JOINTLY OR SEVERALLY OR OTHERWISE LIABLE
49 FOR, ANY PART OF ANY JUDGMENT BEYOND ITS SHARE AS DETERMINED IN ACCORD-
50 ANCE WITH THIS ARTICLE.

51 S 1213. RESTRICTIONS ON AUTHORITY. (A) NOTWITHSTANDING ANYTHING TO THE
52 CONTRARY HEREIN, THE COMPACT COMMISSION SHALL NOT ADOPT ANY PRACTICE,
53 PROGRAM OR RULE THAT MAY CHANGE NEW YORK STATE REQUIREMENTS GOVERNING
54 THE AMOUNT AND DISTRIBUTION OF THE TAKEOUT, RETENTION, OR BREAKAGES ON
55 INTRASTATE WAGERS OR THAT IMPOSES LICENSURE REQUIREMENTS FOR NON-RACING

1 OR NON-WAGERING EMPLOYEES OF ANY RACETRACK OR OFF-SITE WAGERING FACILITY
2 OPERATING WHOLLY WITHIN THE STATE.

3 (B) NEW YORK STATE LAWS APPLICABLE TO PARI-MUTUEL RACING AND WAGERING
4 SHALL REMAIN IN FULL FORCE AND EFFECT.

5 (C) NOTWITHSTANDING ANYTHING TO THE CONTRARY HEREIN, NO FEE EXCEPT FOR
6 SERVICES PROVIDED BY THE COMPACT COMMISSION SHALL BE ADOPTED BY THE
7 COMPACT COMMISSION IN NEW YORK STATE WITHOUT THE PRIOR CONSENT OF ANY
8 HORSEMEN (AS EXPRESSED BY THEIR RECOGNIZED HORSEMEN'S ORGANIZATION)
9 LICENSED BY THE BOARD WHO, OR ANY FRANCHISED OR BOARD-LICENSED RACING
10 CORPORATION THAT, WOULD BE OBLIGED TO PAY THE FEE.

11 S 1214. CONSTRUCTION, SAVING AND SEVERABILITY. (A) THIS COMPACT SHALL
12 BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE ITS PURPOSES. THE PROVISIONS
13 OF THIS COMPACT SHALL BE SEVERABLE AND IF ANY PHRASE, CLAUSE, SENTENCE
14 OR PROVISION OF THIS COMPACT IS DECLARED TO BE CONTRARY TO THE CONSTITU-
15 TION OF THE UNITED STATES OR OF ANY MEMBER STATE, OR THE APPLICABILITY
16 OF THIS COMPACT TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE IS
17 HELD INVALID, THE VALIDITY OF THE REMAINDER OF THIS COMPACT AND ITS
18 APPLICABILITY TO ANY GOVERNMENT, AGENCY, PERSON OR CIRCUMSTANCE SHALL
19 NOT BE AFFECTED. IF ALL OR SOME PORTION OF THIS COMPACT IS HELD TO BE
20 CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE, THE COMPACT SHALL
21 REMAIN IN FULL FORCE AND EFFECT AS TO THE REMAINING MEMBER STATES AND IN
22 FULL FORCE AND EFFECT AS TO THE STATE AFFECTED AS TO ALL SEVERABLE
23 MATTERS.

24 (B) IN THE EVENT OF ANY ALLEGATION, FINDING, OR RULING AGAINST THE
25 COMPACT OR ITS PROCEDURES OR ACTIONS, PROVIDED THAT A MEMBER STATE HAS
26 FOLLOWED THE COMPACT'S STATED PROCEDURES, ANY RULE IT PURPORTED TO ADOPT
27 USING THE PROCEDURES OF THIS STATUTE SHALL CONSTITUTE A DULY ADOPTED AND
28 VALID STATE RULE, AND ANY PROGRAM THAT IT PURPORTED TO CREATE OR AGREE
29 TO USING THE PROCEDURES OF THIS STATUTE SHALL CONSTITUTE A DULY MADE AND
30 VALID STATE PROGRAM AND MULTILATERAL AGREEMENT WITH THE OTHER CONSENTING
31 MEMBER STATES.

32 S 2. This act shall only take effect with respect to any compacting
33 state which has enacted an interstate compact entitled "interstate
34 racing and wagering compact" and having an identical effect to that
35 added by section one of this act upon the enactment into law by at least
36 six eligible states, but if such states have already enacted such legis-
37 lation, this act shall take effect immediately; provided, however, that
38 the provisions of section one of this act shall expire upon reduction of
39 the membership in such compact to one state; provided that the secretary
40 of state shall notify the legislative bill drafting commission upon the
41 occurrence of the enactment and repeal of legislation provided for in
42 section one of this act in order that the commission may maintain an
43 accurate and timely effective data base of the official text of the laws
44 of the state of New York in furtherance of effectuating the provisions
45 of section 44 of the legislative law and section 70-b of the public
46 officers law.