

6137

2009-2010 Regular Sessions

I N S E N A T E

August 24, 2009

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to authorizing officers, owners and members of an association or corporation licensed to conduct harness race meetings to enter a horse owned by such individual in a race at any such meeting; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. Legislative intent. The legislature hereby enacts this act
2 to establish a pilot program authorizing individuals having an ownership
3 interest in a harness race track to enter horses that they have an
4 ownership interest in at race meets conducted at such harness race track
5 or to drive such horses. This practice is allowed for thoroughbred
6 horses, but not for the standardbred horses used in harness racing.
7 While authorizing harness track owners to enter their horses at meets
8 conducted at their track, this act provides safeguards to ensure that
9 all races are conducted in an equitable and fair manner.
10 S 2. Section 309 of the racing, pari-mutuel wagering and breeding law
11 is amended by adding a new subdivision 1-a to read as follows:
12 1-A. NOTWITHSTANDING THE PROVISION OF ANY RULE OR REGULATION PROMUL-
13 GATED BY THE STATE RACING AND WAGERING BOARD, AN OFFICER, DIRECTOR,
14 EXECUTIVE, MEMBER OR THE OWNER OF TWENTY-FIVE PERCENT OR MORE OF THE
15 STOCK OF ANY ASSOCIATION OR CORPORATION LICENSED TO CONDUCT HARNESS RACE
16 MEETINGS, OR SPOUSE THEREOF, MAY ENTER OR DRIVE A HORSE IN WHICH HE OR
17 SHE HAS A BENEFICIAL INTEREST (HEREINAFTER REFERRED TO IN THIS SUBDIVI-
18 SION AS A "BENEFICIAL HORSE OWNER") IN RACES CONDUCTED AT SUCH HARNESS
19 RACE MEETINGS AS PROVIDED FOR PURSUANT TO THIS PILOT DEMONSTRATION
20 PROGRAM. THIS PILOT DEMONSTRATION PROGRAM SHALL BE PERMITTED AT ALL
21 LICENSED HARNESS TRACKS, SUBJECT TO THE APPROVAL OF SUCH TRACK'S CERTI-
22 FIED HORSE OWNERS ASSOCIATION.

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

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1 A BENEFICIAL HORSE OWNER MAY ENTER OR DRIVE HIS OR HER HORSE AT SUCH
2 TRACK IF SUCH OWNER IS LICENSED AS AN OWNER OR DRIVER PURSUANT TO THIS
3 SECTION. SUCH OWNER MAY ENTER NOT MORE THAN FIFTY ENTRIES OF DIFFERENT
4 HORSES AT RACE MEETINGS CONDUCTED DURING EACH CALENDAR YEAR.

5 SUCH RIGHT OF A BENEFICIAL HORSE OWNER TO PARTICIPATE IN RACE MEETINGS
6 AT SUCH TRACK MAY BE RESCINDED FOR A PERIOD OF UP TO ONE YEAR UPON A
7 FINDING THAT THERE HAS BEEN ABUSE BY SUCH OWNER OF SUCH RIGHT TO PARTIC-
8 IPATE IN SUCH MEETINGS. THE RESCISSION OF THE RIGHT TO RACE AT SUCH TRACK
9 SHALL BE IN THE DISCRETION OF THE TRACK'S CERTIFIED HORSE OWNERS ASSOCI-
10 ATION, BASED ON SUBSTANTIAL EVIDENCE THAT SUCH BENEFICIAL OWNER COMMIT-
11 TED FRAUDULENT ACTS; ACTS OF MISREPRESENTATION, BOOKMAKING OR OTHER
12 FORMS OF ILLEGAL GAMBLING; EXERCISED UNDUE INFLUENCE IN SETTING STAND-
13 ARDS OR QUALIFICATIONS FOR PARTICIPATING HORSES AT SUCH RACE MEETINGS;
14 COMMITTED OTHER ACTS AGAINST THE PUBLIC INTEREST, CONVENIENCE AND NECES-
15 SITY, AND THE BEST INTERESTS OF RACING; OR EXERCISED UNDUE INFLUENCE ON
16 THE CONDUCT AND JUDGING OF SUCH RACES.

17 PENDING A FINAL DETERMINATION BY THE HORSE OWNERS ASSOCIATION, THE
18 BENEFICIAL HORSE OWNER SHALL NOT BE PERMITTED TO RACE HORSES AT SUCH
19 TRACK. THE HORSE OWNERS ASSOCIATION PRELIMINARY DETERMINATION SHALL NOT
20 BE SUBJECT TO JUDICIAL REVIEW OR RELIEF OF ANY KIND.

21 WITHIN FIVE DAYS OF SUCH AN INITIAL DETERMINATION BY THE HORSE OWNERS
22 ASSOCIATION, RESCINDING OR WITHDRAWING CONSENT, THE AGGRIEVED PARTY AND
23 SUCH ASSOCIATION SHALL SELECT BY LOT THE NAMES OF ELEVEN NON-DIRECTOR
24 HORSEMEN ASSOCIATION MEMBERS. STARTING WITH THE HORSE OWNERS ASSOCI-
25 ATION, SUCH ASSOCIATION AND THE AGGRIEVED PARTY SHALL EACH ALTERNATELY
26 EXCLUDE ONE SUCH MEMBER UNTIL ONLY THREE REMAIN. THE REMAINING THREE
27 MEMBERS SHALL MEET TO CONDUCT A HEARING WITHIN THREE BUSINESS DAYS OF
28 THEIR APPOINTMENT, AND SHALL AFFORD EACH PARTY THE RIGHT TO PRESENT
29 EVIDENCE, WITH NO FORMAL RULES OF EVIDENCE TO BE APPLIED. UPON THE
30 CONCLUSION OF SUCH HEARING, SUCH MEMBERS SHALL DECIDE WHETHER THE
31 RESCISSION OR WITHDRAWAL OF CONSENT IS TO BE VACATED, SUSTAINED OR
32 AMENDED IN ANY WAY. SUCH DECISION SHALL BE BY MAJORITY VOTE OF THE
33 THREE MEMBERS. THERE SHALL BE NO LOSS OF PRIVILEGES OR BENEFITS TO ANY
34 MEMBER OF SUCH PANEL BASED UPON HIS OR HER PARTICIPATION IN A HEARING OR
35 DECISION PURSUANT TO THIS SUBDIVISION.

36 S 3. This act shall take effect immediately, and shall expire and be
37 deemed repealed three years after such effective date.