

3759--A

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I N S E N A T E

March 3, 2011

Introduced by Sens. BONACIC, KLEIN, McDONALD -- 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 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 racing, pari-mutuel wagering and breeding law is
2 amended by adding a new section 911 to read as follows:
3 S 911. RACING FAN ADVISORY BOARD. 1. THERE IS HEREBY CREATED A RACING
4 FAN ADVISORY BOARD TO PROVIDE ADVICE TO THE STATE RACING AND WAGERING
5 BOARD ON ISSUES RELATED TO HORSE RACING AND WAGERING.
6 2. THE RACING FAN ADVISORY BOARD SHALL BE A SEVEN MEMBER BOARD
7 APPOINTED BY THE GOVERNOR AS FOLLOWS: THREE PERSONS APPOINTED BY THE
8 GOVERNOR; ONE PERSON APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION
9 OF THE TEMPORARY PRESIDENT OF THE SENATE; ONE PERSON APPOINTED BY THE
10 GOVERNOR UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY; ONE
11 PERSON APPOINTED BY THE GOVERNOR UPON THE JOINT RECOMMENDATION OF THE
12 CHAIRPERSONS OF THE SENATE COMMITTEE ON RACING, WAGERING AND GAMING AND
13 THE ASSEMBLY COMMITTEE ON RACING AND WAGERING; ONE MEMBER APPOINTED BY
14 THE GOVERNOR UPON THE RECOMMENDATION OF THE MEMBERS OF THE STATE RACING
15 AND WAGERING BOARD. THE CHAIRPERSON OF THE ADVISORY BOARD SHALL BE
16 SELECTED BY THE GOVERNOR AND SERVE IN THAT POSITION AT THE GOVERNOR'S
17 PLEASURE. NO MEMBER OF THE BOARD SHALL OWN MORE THAN ONE HORSE, OR
18 PORTION OF AN INTEREST IN A HORSE, WHICH RACES COMPETITIVELY IN ANY
19 CALENDAR YEAR AT ANY RACE TRACK LICENSED OR REGULATED BY THE STATE
20 RACING AND WAGERING BOARD.

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

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1 3. OF THE THREE MEMBERS APPOINTED BY THE GOVERNOR, THE FOLLOWING QUAL-
2 IFICATIONS SHALL BE CONSIDERED PRIOR TO APPOINTMENT: INVOLVEMENT WITH A
3 NON-PROFIT CORPORATION WHICH SEEKS TO PROMOTE FAN DEVELOPMENT IN THE
4 SPORT OF HORSE RACING; OR EMPLOYMENT WITH AN OFF-TRACK-BETTING CORPO-
5 RATION ESTABLISHED PURSUANT TO THIS CHAPTER; OR CERTIFICATION AND LICEN-
6 SURE AS A VETERINARIAN WITH A PRACTICE DEVOTED PRIMARILY TO HORSES.

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

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

40 6. THE RACING FAN ADVISORY BOARD SHALL:

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

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

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

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

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

1 S 2. Subdivision 18-c of section 100 of the economic development law,
2 as added by chapter 212 of the laws of 1996, is amended to read as
3 follows:

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

17 S 3. I Love NY Racing promotion. The state racing and wagering board
18 shall, in cooperation with the racing fan advisory board, and in cooper-
19 ation with the commissioner of agriculture and markets, and the commis-
20 sioner of economic development, create an I Love NY Racing promotion.
21 Such promotion shall cause grants to be made to the racing industry
22 pursuant to appropriation for such purpose. Such grants shall be made to
23 tourism promotion agencies and not-for-profit corporations, who shall
24 work with the racing fan advisory board to develop the promotion of
25 harness and thoroughbred racing. Such promotions shall include tours of
26 race tracks, horse training and breeding farms, and educational events
27 to teach racing fans about the sport of horse racing.

28 S 4. This act shall take effect immediately.