

3563

2011-2012 Regular Sessions

I N S E N A T E

February 25, 2011

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

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:

- 1 Section 1. The racing, pari-mutuel wagering and breeding law is  
2 amended by adding a new section 113 to read as follows:  
3 S 113. REBATES. 1. FOR THE PURPOSES OF THIS SECTION, "REBATE" SHALL  
4 MEAN A PORTION OF PARI-MUTUEL WAGERS, OTHERWISE PAYABLE TO AN ASSOCI-  
5 ATION OR CORPORATION CONDUCTING PARI-MUTUEL BETTING AT A RACE MEETING ON  
6 RACES RUN THEREAT, WHICH IS PAID TO HOLDERS OF PARI-MUTUEL WAGERING  
7 TICKETS AND WHICH REDUCES THE AMOUNT OTHERWISE PAYABLE TO SUCH ASSOCI-  
8 ATION OR CORPORATION. REBATES SHALL INCLUDE, BUT NOT BE LIMITED TO,  
9 REFUNDS TO HOLDERS OF PARI-MUTUEL WAGERING TICKETS ON ANY PORTION OR  
10 PERCENTAGE OF THE FULL FACE VALUE OF A PARI-MUTUEL WAGER, INCREASING THE  
11 PAYOFF OF OR PAYING A BONUS ON A WINNING PARI-MUTUEL TICKET, AWARDS OF  
12 MERCHANDISE, SERVICES SUCH AS MEALS, PARKING, ADMISSION, SEATING AND  
13 PROGRAMS, FREE OR REDUCED COST PARI-MUTUEL WAGERS, AND MONETARY AWARDS.  
14 2. THE RACING AND WAGERING BOARD, UPON APPLICATION OF AN ASSOCIATION  
15 OR CORPORATION CONDUCTING PARI-MUTUEL BETTING AT A RACE MEETING ON RACES  
16 RUN THEREAT, MAY ANNUALLY APPROVE THE PAYMENT OF REBATES BY SUCH ASSOCI-  
17 ATION OR CORPORATION, SUBJECT TO THE FOLLOWING REQUIREMENTS:  
18 A. THE APPLICANT FULLY DISCLOSES THE EXTENT OF THE REBATE PROGRAM.  
19 FULL DISCLOSURE SHALL INCLUDE THE DISCLOSURE OF THE MONETARY VALUE OF  
20 ALL REBATES PAID TO BETTORS DURING THE PREVIOUS CALENDAR YEAR, AND THE  
21 TERMS AND CONDITIONS GOVERNING THE AWARD OF REBATES TO BETTORS FOR THE  
22 CALENDAR YEAR TO WHICH THE APPLICATION APPLIES;  
23 B. THE APPLICANT PROVIDES ASSURANCES THAT THE VALUES OF THE REBATES  
24 ARE DETERMINED SOLELY BY (I) THE AMOUNT WAGERED BY A BETTOR, (II) THE

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

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1 AMOUNT PAYABLE TO THE ASSOCIATION OR CORPORATION ON EACH WAGER, AND  
2 (III) HOW FREQUENTLY A BETTOR WAGERS;

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

5 D. THE APPLICANT DEMONSTRATES THAT SUCH REBATES ARE IN THE BEST INTER-  
6 ESTS OF HORSE RACING.

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

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

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

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

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

45 S 324. Free passes, cards or badges. A corporation or association  
46 licensed to conduct pari-mutuel betting on harness horse races run at  
47 its racetrack [shall not] MAY issue free passes, cards or badges  
48 [except] to [persons hereafter described:] ANY QUALIFIED PERSON. QUALI-  
49 FIED PERSON SHALL INCLUDE, BUT NOT BE LIMITED TO, officers and employees  
50 of the corporation or association conducting the race meeting, members,  
51 officers and employees of the state racing and wagering board, members  
52 of harness racing associations of other states and foreign countries,  
53 public officers engaged in the performance of their duties, persons  
54 actually employed and accredited by the press to attend such meetings,  
55 owners, stable managers, trainers, drivers, concessionaires [and],  
56 SPOUSES, DOMESTIC PARTNERS AND CHILDREN OF OWNERS, TRAINERS AND JOCKEYS,

1 other persons whose actual duties require their presence at such race-  
2 track, AND ANY OTHER PERSON OR GUEST DEEMED APPROPRIATE BY SUCH CORPO-  
3 RATION OR ASSOCIATION. IN ADDITION, FREE PASSES, CARDS OR BADGES MAY BE  
4 ISSUED TO THE GENERAL PUBLIC IN CONNECTION WITH ANY PROMOTIONAL CAMPAIGN  
5 OR MARKETING PROGRAM SPONSORED BY SUCH CORPORATION OR ASSOCIATION TO  
6 INCREASE ATTENDANCE AT LIVE RACE MEETS. The issuance of free passes,  
7 cards or badges shall be under the rules and regulations of the state  
8 racing and wagering board [and a list of all persons to whom free pass-  
9 es, cards or badges are issued shall be filed with the state racing and  
10 wagering board].

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

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

35 S 5. This act shall take effect immediately.