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

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I N S E N A T E

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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:

Section 1. The racing, pari-mutuel wagering and breeding law is amended by adding a new section 911 to read as follows:

S 911. RACING FAN ADVISORY BOARD. 1. THERE IS HEREBY CREATED A RACING FAN ADVISORY BOARD TO PROVIDE ADVICE TO THE STATE RACING AND WAGERING BOARD ON ISSUES RELATED TO HORSE RACING AND WAGERING.

2. THE RACING FAN ADVISORY BOARD SHALL BE A SEVEN MEMBER BOARD APPOINTED BY THE GOVERNOR AS FOLLOWS: THREE PERSONS APPOINTED BY THE GOVERNOR; ONE PERSON APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE; ONE PERSON APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY; ONE PERSON APPOINTED BY THE GOVERNOR UPON THE JOINT RECOMMENDATION OF THE CHAIRPERSONS OF THE SENATE COMMITTEE ON RACING, WAGERING AND GAMING AND THE ASSEMBLY COMMITTEE ON RACING AND WAGERING; ONE MEMBER APPOINTED BY THE GOVERNOR UPON THE RECOMMENDATION OF THE MEMBERS OF THE STATE RACING AND WAGERING BOARD. THE CHAIRPERSON OF THE ADVISORY BOARD SHALL BE SELECTED BY THE GOVERNOR AND SERVE IN THAT POSITION AT THE GOVERNOR'S PLEASURE. NO MEMBER OF THE BOARD SHALL OWN MORE THAN ONE HORSE, OR PORTION OF AN INTEREST IN A HORSE, WHICH RACES COMPETITIVELY IN ANY CALENDAR YEAR AT ANY RACE TRACK LICENSED OR REGULATED BY THE STATE RACING AND WAGERING BOARD.

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

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

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

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

6. THE RACING FAN ADVISORY BOARD SHALL:

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

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

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

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

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

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

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

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

S 4. This act shall take effect immediately.