

4154

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 1, 2013

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Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Racing and Wagering

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 912 to read as follows:  
3     S 912. RACING FAN ADVISORY BOARD. 1. THERE IS HEREBY CREATED A RACING  
4     FAN ADVISORY BOARD TO PROVIDE ADVICE TO THE NEW YORK STATE GAMING  
5     COMMISSION 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 NEW YORK  
15    STATE GAMING COMMISSION. 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 NEW YORK  
20    STATE GAMING COMMISSION.  
21    3. OF THE THREE MEMBERS APPOINTED BY THE GOVERNOR, THE FOLLOWING QUAL-  
22    IFICATIONS SHALL BE CONSIDERED PRIOR TO APPOINTMENT: INVOLVEMENT WITH A  
23    NON-PROFIT CORPORATION WHICH SEEKS TO PROMOTE FAN DEVELOPMENT IN THE  
24    SPORT OF HORSE RACING; OR EMPLOYMENT WITH AN OFF-TRACK-BETTING CORPO-

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

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1 RATION ESTABLISHED PURSUANT TO THIS CHAPTER; OR CERTIFICATION AND LICEN-  
2 SURE AS A VETERINARIAN WITH A PRACTICE DEVOTED PRIMARILY TO HORSES.

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

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

36 6. THE RACING FAN ADVISORY BOARD SHALL:

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

39 (B) ADVISE THE NEW YORK STATE GAMING COMMISSION ON ISSUES RELATED TO  
40 HORSE RACING AND WAGERING;

41 (C) MAKE REPORTS TO THE NEW YORK STATE GAMING COMMISSION REGARDING THE  
42 OPERATION OF THE THOROUGHBRED AND HARNESS RACE TRACKS AND ADVISE AS TO  
43 WHETHER THE OPERATOR OF RACES AT SUCH TRACKS, BASED ON INFORMATION  
44 AVAILABLE TO THE RACING FAN ADVISORY BOARD, IS SERVING THE GROWTH OF THE  
45 SPORT OF THOROUGHBRED RACING;

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

48 (E) ADVISE THE NEW YORK STATE GAMING COMMISSION ON APPROPRIATE ACTIONS  
49 TO ENCOURAGE FAN ATTENDANCE AT HORSE RACING TRACKS OR AT OFF-TRACK-BET-  
50 TING CORPORATIONS ORGANIZED UNDER THIS CHAPTER OR ANY SUCCESSOR ENTITY  
51 OF SUCH ORGANIZATION LICENSED BY THE NEW YORK STATE GAMING COMMISSION.

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

55 18-c. to establish, in cooperation with the commissioner of agricul-  
56 ture and markets, procedures for proposing nominations to the governor

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

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

23 S 4. This act shall take effect February 1, 2013; provided, however,  
24 if this act shall become a law after such date it shall take effect  
25 immediately and shall be deemed to have been in full force and effect on  
26 and after February 1, 2013.