

6246

2015-2016 Regular Sessions

I N A S S E M B L Y

March 18, 2015

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, in relation to commission hearings of racetrack ejectments and denials of access of commission licensees

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

1 Section 1. Section 321 of the racing, pari-mutuel wagering and breed-
2 ing law is amended to read as follows:
3 S 321. Hearing of refusal or revocation of license OR EJECTMENT OR
4 DENIAL OF ACCESS OF LICENSEE IN GOOD STANDING. If the state [racing and
5 wagering board] GAMING COMMISSION shall refuse to grant a license
6 applied for under sections two hundred twenty-two through seven hundred
7 five of this chapter, or shall revoke or suspend such a license granted
8 by it, or shall impose a monetary fine upon a participant in harness
9 racing, OR ANY CORPORATION OR ASSOCIATION CREATED UNDER OR SUBJECT TO
10 THE PROVISIONS OF THIS CHAPTER LICENSED TO CONDUCT PARI-MUTUEL HARNESS
11 MEETS SHALL EJECT OR DENY ACCESS TO A LICENSEE FROM THE GROUNDS OF
12 AND/OR PARTICIPATION IN A PARI-MUTUEL HARNESS MEET, the applicant or
13 licensee or party fined may demand, within ten days after notice of the
14 said act of the [board] COMMISSION, CORPORATION OR ASSOCIATION, a hear-
15 ing before the [board] COMMISSION and the [board] COMMISSION shall give
16 prompt notice of a time and place for such hearing at which the [board]
17 COMMISSION will hear such applicant or licensee or party fined in refer-
18 ence thereto. Pending such hearing and final determination thereon, the
19 action of the [board] COMMISSION in refusing to grant or in revoking or
20 suspending a license or in imposing a monetary fine shall remain in full
21 force and effect, BUT A LICENSEE EJECTED OR DENIED ACCESS SHALL BE
22 PERMITTED ACCESS TO THE GROUNDS OF AND/OR PARTICIPATION IN A PARI-MUTUEL
23 HARNESS MEET PENDING FINAL DETERMINATION BY THE COMMISSION ON HIS OR HER
24 APPEAL FOR A HEARING. The [board] COMMISSION may continue such hearing

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

LBD09930-01-5

1 from time to time for the convenience of any of the parties. Any of the
2 parties affected by such hearing may be represented by counsel, and the
3 [board] COMMISSION may be represented by the attorney general, a deputy
4 attorney general or its counsel. In the conduct of such hearing the
5 [board] COMMISSION shall not be bound by technical rules of evidence,
6 but all evidence offered before the [board] COMMISSION shall be reduced
7 to writing, and such evidence together with the exhibits, if any, and
8 the findings of the [board] COMMISSION, shall be permanently preserved
9 and shall constitute the record of the [board] COMMISSION in such case.
10 In connection with such hearing, each member of the [board] COMMISSION
11 shall have the power to administer oaths and examine witnesses, and may
12 issue subpoenas to compel attendance of witnesses, and the production of
13 all material and relevant reports, books, papers, documents, correspond-
14 ence and other evidence. The [board] COMMISSION may, if occasion shall
15 require, by order, refer to one or more of its members or officers, the
16 duty of taking testimony in such matter, and to report thereon to the
17 [board] COMMISSION, but no determination shall be made therein except by
18 the [board] COMMISSION. Within thirty days after the conclusion of such
19 hearing, the [board] COMMISSION shall make a final order in writing,
20 setting forth the reasons for the action taken by it and a copy thereof
21 shall be served on such applicant or licensee or party fined, as the
22 case may be. IN THE CASE OF AN EJECTMENT OR DENIAL OF ACCESS OF A
23 LICENSEE, THE RESPECTIVE CORPORATION OR ASSOCIATION SHALL HAVE THE
24 BURDEN OF PROOF TO ESTABLISH THAT THE PRESENCE AND PARTICIPATION OF THE
25 LICENSEE IS DETRIMENTAL TO THE BEST INTERESTS OF RACING OR TO THE ORDER-
26 LY CONDUCT OF A RACE MEET. The action of the [board] COMMISSION in
27 refusing to grant a license or in revoking or suspending a license or in
28 imposing a monetary fine, OR AFFIRMING, MODIFYING OR REVERSING THE
29 EJECTMENT OR DENIAL OF ACCESS OF A LICENSEE, shall be reviewable in the
30 supreme court in the manner provided by the provisions of article seven-
31 ty-eight of the civil practice law and rules.
32 S 2. This act shall take effect immediately.