

# STATE OF NEW YORK

3294

2019-2020 Regular Sessions

## IN ASSEMBLY

January 29, 2019

Introduced by M. of A. ORTIZ, PICHARDO, HEVESI, ARROYO, TAYLOR, RODRIGUEZ -- 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 establishing the task force on mobile sports wagering for the purpose of conducting certain hearings regarding mobile sports wagering and reporting its finding to the governor and the legislature

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 1367 of the racing, pari-mutuel, wagering and  
2 breeding law is amended by adding a new subdivision 7 to read as  
3 follows:

4 7. Task force on mobile sports wagering. (a) As used in this section,  
5 "mobile sports wagering platform" or "platform" means the combination of  
6 hardware, software, and data networks used to facilitate, enable,  
7 manage, administer, or control sports wagering and any associated wagers  
8 accessible by any electronic means including mobile applications and  
9 internet websites accessed via a mobile device or computer, or otherwise  
10 facilitating or enabling sports wagering by use of a mobile device or  
11 computer.

12 (b) Prior to allowing use of a mobile sports wagering platform or  
13 otherwise facilitating or enabling sports wagering by use of a mobile  
14 device or computer, other than from inside a facility as authorized by  
15 this section, a task force consisting of thirteen members shall be  
16 appointed as follows: the executive director of the state gaming commis-  
17 sion or his/her designee, the director of the division of the budget or  
18 his/her designee, the state lottery director or his/her designee, the  
19 state comptroller or his/her designee, the state attorney general or  
20 his/her designee, three persons appointed by the speaker of the assem-  
21 bly, one person appointed by the minority leader in the assembly, three  
22 persons appointed by the temporary president of the senate, and one  
23 person appointed by the minority leader of the senate. After being duly

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

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1 constituted, such task force shall elect a chairperson by a simple  
2 majority. After being constituted, such task force shall promptly  
3 conduct at least four public hearings, of which at least two shall occur  
4 in an OTB region containing a facility authorized by this section,  
5 where, after proper notice of such hearing is given by such task force,  
6 comments, opinions and testimony will be solicited from the general  
7 public, interest groups, labor unions, and elected officials about any  
8 of the following matters, and such other matters as a simple majority of  
9 such task force may authorize:

10 (1) whether state constitution provisions permit any entity to use a  
11 mobile sports wagering platform within the state;

12 (2) whether use of mobile sports wagering platforms would adversely  
13 affect the tourism, business opportunities and employment at the exist-  
14 ing casinos operating under this article;

15 (3) a determination of technical measures that can be required to  
16 prevent minors using mobile sports wagering platforms, or prevent a  
17 problem gambler from doing so;

18 (4) whether permitting use of mobile sports wagering platforms would  
19 inadvertently eliminate prohibitions, state and federal, on other forms  
20 of gambling over the internet;

21 (5) the extent of the cannibalization of revenues to the host communi-  
22 ties of casinos operating pursuant to this article on January first, two  
23 thousand eighteen, caused by use of mobile sports wagering platforms;

24 (6) the extent of the cannibalization to existing state and local  
25 gambling revenue derived from thoroughbred and standard bred horse  
26 racing entities, regional off-track betting corporations operating on  
27 January first, two thousand nineteen, caused by use of mobile sports  
28 wagering platforms;

29 (7) the extent of the cannibalization of existing state and local  
30 lottery revenue caused by use of mobile sports wagering platforms;

31 (8) whether the privilege to use a mobile sports wagering platform by  
32 a facility operating under this section is delegable to any other  
33 person, firm, business or entity;

34 (9) whether the use of mobile sports wagering platforms would nega-  
35 tively impact existing and future jobs by automating sports wagering;  
36 and

37 (10) such other and further input from the public on subject matters  
38 as a majority of the task force deems appropriate and necessary.

39 (c) The task force shall submit to the legislature and governor on or  
40 before March first in the year following the effective date of this  
41 subdivision its public policy recommendations regarding the use of  
42 mobile sports wagering platforms at sites not operating under this  
43 section, together with draft legislation implementing such policy recom-  
44 mendations.

45 § 2. This act shall take effect immediately. Effective immediately the  
46 addition, amendment and/or repeal of any rule or regulation necessary  
47 for the implementation of this act on its effective date are authorized  
48 to be made on or before such date.