STATE OF NEW YORK

6232

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

Introduced by M. of A. WOERNER -- 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 conflicts of interest of certain public employees

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

Section 1. Subdivision 1 of section 101 of the racing, pari-mutuel wagering and breeding law, as added by section 1 of part A of chapter 60 of the laws of 2012, is amended and two new subdivisions 7 and 8 are added to read as follows:

1. "Public officer" shall mean every elected state and local officer and every other state and local officer, as defined in section two of the public officers law, whose duties relate to **the conduct of** pari-mutuel racing activities or the taxation thereof, who is required to devote all or substantially all of his or her time to the duties of his or her office for which he or she receives compensation or if employed on a part-time or other basis receives compensation in excess of twelve thousand dollars per annum, a member or officer of the state legislature, a member, director or officer of the state gaming commission, or any regional off-track betting corporation, or a member of a local legislative body.

7. "Conduct" shall mean to direct or take part in the operation or management of.

8. "Participant" shall mean a horse owner, trainer, driver, jockey or groom.

§ 2. Subdivisions 7 and 8 of section 107 of the racing, pari-mutuel wagering and breeding law, as added by section 1 of part A of chapter 60 of the laws of 2012, are amended to read as follows:

7. **(a)** No public officer, public employee or party officer shall:

[~~(a)~~] **(i)** own or hold, directly or indirectly, any proprietary interest, stock or obligation of any firm, association or corporation [~~(i)~~]

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

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(1) which is licensed by the commission to conduct video lottery gaming or horse racing activities, or [~~(ii)~~] (2) which conducts its occupation, trade, or business at a racetrack at which pari-mutuel race meets are conducted or facility where video lottery gaming activity is conducted whether or not a license is required, or [~~(iii)~~] (3) which owns or leases to any enfranchised or licensed association or corporation a racetrack at which pari-mutuel racing is conducted or facility where video lottery gaming activity is conducted, or [~~(iv)~~] (4) which participates in the management of any franchise holder or licensee conducting video lottery gaming or horse racing activities; or

[~~(b)~~] (ii) hold any office or employment with any firm, association or corporation specified in [~~paragraph (a) of this subdivision~~] subparagraph (i) of this paragraph, except as provided in subdivision eight of this section; or

[~~(c)~~] (iii) sell, or be a member of a firm, or own ten per centum or more of the stock of any corporation, which sells any goods or services to any firm, association or corporation specified in [~~paragraph (a) of this subdivision~~] subparagraph (i) of this paragraph. For purposes of this subdivision, a direct or indirect interest shall not include an interest in a mutual fund or any other diversified investments over which the recipient does not know the identity of the primary source of income.

(b) Notwithstanding the foregoing, the provisions of this subdivision shall not apply to the licensing of a participant in horse racing activities, provided such participant is not otherwise prohibited by this subdivision.

8. The provisions of [~~paragraph (b)~~] subparagraph (ii) of paragraph (a) of subdivision seven of this section shall not apply to a public employee other than an employee of the commission, a police officer or a peace officer employed by a sheriff's office, district attorney's office or other state or local law enforcement agency, or those employees classified as management confidential employees pursuant to section two hundred fourteen of the civil service law who are employed by a state or local law enforcement agency or regional off-track betting corporation; provided, however, that employment of employees of a political subdivision may be prohibited by ordinance, resolution or local law adopted by the local legislative body or other governing board of such political subdivision. Notwithstanding the foregoing, the provisions of this subdivision shall not apply to the licensing of any public employee who is a participant in horse racing activities, provided such participant is not otherwise prohibited by this subdivision.

§ 3. This act shall take effect on the sixtieth day after it shall become a law.