STATE OF NEW YORK

6232--A

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 -- recommitted to the Committee on Racing and Wagering in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. Subdivisions 6, 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:

6. **(a)** The following public employees are prohibited from holding any license from the commission:

[~~(a)~~] **(i)** an employee of the commission; any director or employee of a regional off-track betting corporation employed in a management, confidential or supervisory capacity for purposes of their position with off-track betting; or

[~~(b)~~] **(ii)** an employee of the state legislature; provided, however, that an employee of the state legislature whose duties in such position do not relate to gaming activities shall not be subject to the prohibitions of this section if he or she held a license from the former state racing and wagering board while employed by the state legislature prior to July first, nineteen hundred eighty; or

[~~(c)~~] **(iii)** an employee of any local legislative body whose duties involve gaming activities; or

[~~(d)~~] **(iv)** an employee of any state or local board, agency, authority or other state or local governmental body, the duties of which relate to gaming activities or the taxation thereof.

(b) Notwithstanding any other provision of law to the contrary, for the purpose of this section the term "gaming activity" shall mean to

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

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direct or take part in the operation or management of any form of legalized gaming, including, but not limited to, Class III gaming under the Indian Gaming Regulatory Act, 25 U.S.C. § 2701 et seq., pari-mutuel wagering, both on-track and off-track, bingo and charitable games of chance and the state lottery for education.

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)~~] **(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) The provisions of this subdivision shall not apply to the licensing of a participant in horse racing activities. For the purposes of this subdivision, the term "participant" shall mean a horse owner, trainer, driver, jockey or groom.

8. **(a)** 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.

(b) The provisions of this subdivision shall not apply to the licensing of a participant in horse racing activities. For the purposes of this subdivision, the term "participant" shall mean a horse owner, trainer, driver, jockey or groom.

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