

STATE OF NEW YORK

7058

2023-2024 Regular Sessions

IN SENATE

May 17, 2023

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming 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:

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

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

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

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

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

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

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

LBD09859-02-3

1 ~~[(a)]~~ (i) own or hold, directly or indirectly, any proprietary inter-
2 est, stock or obligation of any firm, association or corporation ~~[(i)]~~
3 (1) which is licensed by the commission to conduct video lottery gaming
4 or horse racing activities, or ~~[(ii)]~~ (2) which conducts its occupation,
5 trade, or business at a racetrack at which pari-mutuel race meets are
6 conducted or facility where video lottery gaming activity is conducted
7 whether or not a license is required, or ~~[(iii)]~~ (3) which owns or leas-
8 es to any enfranchised or licensed association or corporation a race-
9 track at which pari-mutuel racing is conducted or facility where video
10 lottery gaming activity is conducted, or ~~[(iv)]~~ (4) which participates
11 in the management of any franchise holder or licensee conducting video
12 lottery gaming or horse racing activities; or

13 ~~[(b)]~~ (ii) hold any office or employment with any firm, association or
14 corporation specified in ~~[paragraph (a) of this subdivision]~~ subpara-
15 graph (i) of this paragraph, except as provided in subdivision eight of
16 this section; or

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

25 (b) Notwithstanding the foregoing, the provisions of this subdivision
26 shall not apply to the licensing of a participant in horse racing activ-
27 ities, provided such participant is not otherwise prohibited by this
28 subdivision.

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

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