

# STATE OF NEW YORK

7338--A

2025-2026 Regular Sessions

## IN ASSEMBLY

March 25, 2025

Introduced by M. of A. KAY -- read once and referred to the Committee on Racing and Wagering -- 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 providing exceptions to the three-year prohibition of employment with the commission

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

1 Section 1. Subdivision 1 of section 107 of the racing, pari-mutuel  
2 wagering and breeding law, as amended by section 1 of part BB of chapter  
3 59 of the laws of 2019, is amended to read as follows:

4 1. ~~1.~~ (a) Except as provided in paragraph (b) of this subdivision,  
5 no person shall be appointed to or employed by the commission if, during  
6 the period commencing three years prior to appointment or employment,  
7 such person held any direct or indirect interest in, or employment by,  
8 any corporation, association or person engaged in gaming activity within  
9 the state.

10 (b) (i) The restrictions of paragraph (a) of this subdivision shall  
11 not apply to current or former employees of any corporation or associ-  
12 ation engaged in gaming activity within the state if, during employment,  
13 such employee held no stake in gaming outcomes as a benefit of employ-  
14 ment; was not a shareholder, board member, or member of upper-management  
15 of any such corporation, association, or other gaming entity; and such  
16 employee's role was merely incidental to the function of the business,  
17 including, but not limited to disinterested roles in gaming functions,  
18 such as starters, provided such employee meets all other criteria  
19 provided in this paragraph.

20 (ii) Such current or former employee, if hired by the commission,  
21 shall terminate employment with such corporation or association prior to  
22 commencing employment at the commission.

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

LBD09882-02-5

1 (c) Prior to appointment or employment, each member, officer or  
2 employee of the commission shall swear or affirm that [~~he or she~~] such  
3 member, officer or employee possesses no interest in any corporation or  
4 association holding a franchise, license, registration, certificate or  
5 permit issued by the commission. Thereafter, no member or officer of the  
6 commission shall hold any direct interest in or be employed by any  
7 applicant for or by any corporation, association or person holding a  
8 license, registration, franchise, certificate or permit issued by the  
9 commission for a period of four years commencing on the date [~~his or~~  
10 ~~her~~] such member, officer or employee's membership with the commission  
11 terminates.

12 (d) Further, no employee of the commission may acquire any direct or  
13 indirect interest in, or accept employment with, any applicant for or  
14 any person holding a license, registration, franchise, certificate or  
15 permit issued by the commission for a period of two years commencing at  
16 the termination of employment with the commission.

17 (e) The commission may, by resolution adopted by unanimous vote at a  
18 properly noticed public meeting, waive for good cause the pre-employment  
19 restrictions enumerated in this subdivision for a prospective employee  
20 whose duties and responsibilities are primarily on racetrack grounds.  
21 Such adopted resolution shall state the reasons for waiving the pre-em-  
22 ployment conditions for the prospective employee, including a finding  
23 that there were no other qualified candidates with the desired experi-  
24 ence for the specified position.

25 § 2. This act shall take effect immediately.