STATE OF NEW YORK

7338

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

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:

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

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

(b) (i) The prohibitions of paragraph (a) of this subdivision shall not apply to current or former employees of any corporation or association engaged in gaming activity within the state if, during employment, such employee held no stake in gaming outcomes as a benefit of employment; employee or former employee is or was not a shareholder, board member, or member of upper-management of any such corporation, association, or other gaming entity; and such employee's role is or was merely incidental to the function of the business, including, but not necessarily limited to:

(A) Disinterested roles in gaming functions, such as starters, provided such employee meets all other criteria provided in this paragraph; and

(B) Any other position deemed acceptable by the commission's hiring committee by policy or individual employment application.

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

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

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

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

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

§ 2. This act shall take effect immediately.