

# RULE REVIEW

## RACING AND WAGERING BOARD

Review of existing rules pursuant to State Administrative Procedure Act Section 207.

Section 207 of the State Administration Procedure Act (SAPA) requires that each agency review, after five years and thereafter at five year intervals, each of its rules which is adopted on or after January 1, 1997 to determine whether such rules should be modified or continued without modification.

Pursuant to SAPA section 207, the New York State Racing and Wagering Board submits the following rules that were adopted during calendar year 1999 that the Board has reviewed and determined should be continued without modification. All section and part references are to Title 9E of the New York Code of Rules and Regulations.

1. Rule I.D. No: RWB-02-99-00009-A

Section 4011.23(g) of Title 9 NYCRR

Description: This rule amends thoroughbred Pick Six bet regulations by providing an alternate in the Pick Six wager in the event the bettor's original pick is scratched or declared as a non-starter.

Analysis of Need for the Rule: This rule amendment gives the track operator the option of offering bettors an alternate betting interest to fall back on in the event of a scratched entry or non-starter when placing a Pick Six wager. This amendment enhances the desirability of the wager and increases both the likelihood of a larger pari-mutuel pool and greater out-of-state participation due to the compatibility of the rule governing Pick Six wagers with those in other racing jurisdictions.

Legal Basis for the Rule: Racing, Pari-Mutuel Wagering and Breeding Law, Section 101.

Assessment for Public Comment: No comments were received.

2. Rule I.D. No: RWB-07-99-00005-A

Section 5624.21 of Title 9 NYCRR

Description: Removal of organization of Veterans from the New York State Racing and Wagering Board's pre-approval requirement for expenditure of proceeds from the conduct of Games of Chance as well as removal of certain expenditures prohibitions.

Analysis of Need for the Rule: The purpose of the rule is to implement the amendments to the GML that remove organizations of veterans from the requirement of obtaining pre-approval for the expenditure of proceeds from the conduct of games of chance. The rules also remove organizations of veterans from certain prohibitions for the use of proceeds obtained from the conduct of games of chance. The rules require that the organizations submit to the Board a copy of the minutes of the membership meeting authorizing the expenditure of games of chance proceeds for certain purposes. Notification to the Board following authorization of expenditures by membership of the organization of veterans is consistent with the Board's legislative mandate to monitor the disbursement of games of chance proceeds in order to prevent the diversion of charitable funds.

Legal Basis for the Rule: General Municipal Law, art. 9-A, sections 186 and 188-a.

Assessment of Public Comment: No comments were received.

3. Rule I.D. No: RWB-51-98-00004-A

Repeal of sections 4011.15(b), 4011.23(a), 4122.9(a), 4122.39(b), 4122.41(b), 4122.42(b), 4217.10(b), 4217.13(b), 4217.14(b) and amendment of sections 4122.45(a), 4122.46(c), 5204.4, 5210.2 (b), 5210.3(d) and 5210.4(d) of Title 9 NYCRR.

Description: To eliminate the mandatory minimum dollar wagering amounts in order to provide NYS racetracks and off-track betting corporations with flexibility in pricing their wagers under certain minimums presently in existence.

Analysis of Need for the Rule: This rule provides tracks and off-track betting corporations with flexibility to price their wagers below denominations of \$1.00 and \$2.00 minimum dollar amounts, as currently required in certain instances.

Legal Basis for the Rule: Racing, Wagering, Pari-Mutuel and Breeding Law, Section 101.

Assessment of Public Comment: No comments were received.

4. Rule I.D. No: RWB-18-99-00001-A

Sections 4003.54, 4101.40, 4204.14, and 5204.17 to Title 9 NYCRR

Description: Addition of Sections 4003.54, 4101.40, 4204.14, and 5204.17 to Title 9 NYCRR in order provide for the posting on internet sites of signs designed to assist compulsive gamblers.

Analysis of Need for the Rule: The Office of Mental Health estimates that more than one quarter million adults in New York State and as many as 40,000 adolescents may currently have a compulsive gambling problem. OMH further reports that three-quarter million adults have had problems due to gambling at some point during the course of their lives and as many as 190,000 underage teens are at risk of developing difficulties. Horse racing is a very popular form of State sanctioned gambling. This amendment is intended to inform those persons who suffer from compulsive gambling can seek help for their problem. This rule will assist compulsive gamblers by notifying them of the availability of organizations, which offer assistance in dealing with this problem. Since the Internet is widely used and there are web pages of race tracks and OTB corporations in New York that have information containing horse racing information, it is appropriate to require that these web sites and any further web sites contain information where to obtain help for compulsive gamblers. The high exposure from Internet postings will allow this information to be easily obtained and reach large numbers of people. This rule is consistent with the mandate of Section 108 of the Racing, Pari-Mutuel Wagering and Breeding Law, in that the law states that the Chairman of the Board shall cooperate with the commissioner of mental health to ensure the posting of signs designed to assist compulsive gamblers.

Legal Basis for the Rule: Racing, Pari-Mutuel Wagering and Breeding Law, sections 101, 108, 518, and 520.

Assessment of Public Comment: No comments were received.

5. Rule I.D. No: RWB-30-99-00022-A

Sections 5601.1-5601.7 of Title 9E NYCRR

Description: To simplify the games of chance identification number application form and remove the requirements of details of former rule regarding specific information and form.

Analysis of Need for the Rule: The proposed rule simplifies the application form used in securing a Game of Chance Identification Number by removing the requirement of detailed information set forth in the former rule and form and references to a specific form (GC-1A) adopted by the board, thereby facilitating compliance with the prerequisites of (a) registration with the Board and (b) obtaining a Game of Chance Identification Number prior to the filing of an application for a license to conduct or assist in conducting games of chance.

Legal Basis for the Rule: General Municipal Law, art. 9-A, section 188-a(1)

Assessment of Public Comment: No comments were received.