

RULE REVIEW

Racing and Wagering Board

Pursuant to section 207 of the State Administrative Procedure Act, notice is hereby provided of rules adopted by the New York State Racing and Wagering Board for the calendar years 1999 and 2004. Public comments on the continuation or modification of these rules are invited and those received by July 1, 2010, will be considered. Please forward comments to the Secretary of the New York State Racing and Wagering Board, 1 Broadway Center, Suite 600, Schenectady, New York 12305-2553 or by electronic mail at info@racing.state.ny.us.

The following contains a brief description of each rule, including the statutory authority therefore, and a statement setting forth the justification for the need for each rule and its continuation without further modification.

2004

RWB-50-03-00001-A: Steward's Discretion Rule Involving Fouls in Thoroughbred Racing. Pari-Mutuel Thoroughbred Racing Rules and Regulations. Amendments made to 9 NYCRR Section 4035.2(b). The statutory authority for this amendment is in Racing, Pari-Mutuel Wagering, and Breeding Law, sections 101 and 212. This amendment vested the stewards with discretion and authority to consider -- based upon their unique knowledge and experience -- whether a racing foul altered the finish of a race and whether a disqualification is merited. This rule is necessary to provide for the prompt and judicious resolution of questions that arise when a foul occurs during a thoroughbred horse race. In the absence of this rule, such questions may require resolution through prolonged administrative review and hearings (where the testimony and opinion of the steward will be required), resulting in the withholding of race purses or loss of opportunity to qualify for stakes races. This amendment is still necessary and should be continued without modification.

RWB-25-04-00003-A: Comprehensive Bingo Amendments. Bingo Rules and Regulations. Amendments to 9 NYCRR sections 5812.9, 5814.15, 5815.11, 5815.14, 5815.20, 5820.8, 5820.12 through 5820.20, 5820.27, 5820.30, 5820.34, 5820.39, 5820.42, 5820.47, 5820.49, 5820.51 through 5820.54, 5820.56, 5821.18, 5822.5, 5822.10 and 5822.11. The statutory authority for these amendments is in Executive Law, article 19-B, section 435(1)(a). These amendments include comprehensive revisions to the New York State bingo rules in order to better clarify and instruct, to permit the conduct of new games, to offer new prizes, and to remove antiquated and unnecessary restrictions, including but not limited to items, such as: eliminating the restrictions on games offering bonus prizes, increase fees to bookkeepers, allow sales of bingo cards in packages, approve tiered bingo games with tiered prize amounts, eliminate assistant caller where a video camera and monitors are used, and approve use of multi-colored balls. These rules were, and continue to be necessary, to update many of the outdated rules of bingo. They have proven to be effective in bolstering the popularity of bingo, which provides essential financial support to thousands of charitable, religious and veterans organizations throughout New York State. These amendments have proven to be necessary and should be continued without modification.

RWB-20-04-00006-A: Trifecta Wagering With Five-Entry Fields. Pari-Mutuel Thoroughbred Racing Rules and Regulations. Amendment made to section 4011.22(i) of Title 9 NYCRR. The statutory authority for this amendment is Racing, Pari-Mutuel Wagering, and Breeding Law, sections 101(1) and 227. This amendments authorized the conduct of trifecta wagering in thoroughbred stakes races or allowable races in those situations where there are five betting entries at the discretion of the board steward. This avoids the mandatory cancellation of the trifecta betting pool, thereby preserving the wagering opportunities and corresponding revenues associated with this type of wager. This revision is necessary to sustain robust pari-mutuel wagering activities while preserving the integrity of racing and should be continued without modification.

RWB-34-00003-A: Voluntary Exclusion Rule. Pari-Mutuel Thoroughbred Racing Rules and Regulations, Harness Racing Rules and Regulations, Quarter Horse Racing Rules and Regulations, and Off-Track Betting Rules and Regulations. The statutory authority for these amendments is Racing, Pari-Mutuel Wagering and Breeding Law, section 108 as amended by Chapter 434 of the Laws of 2002. Amendments are made to Parts 4044, 4123, 4237 and 5212 of Title 9 of NYCRR. These amendments establish procedures whereby persons may voluntarily exclude themselves from entering the premises of thoroughbred, quarter horse and harness racetracks, simulcast theaters and off-track betting simulcast facilities. The operators of such tracks or facilities would not be liable to any self-excluded person as a result of such person's gambling activity while on the list of self-excluded persons. The rule would also implement a procedure so that a person with a telephone wagering account may voluntarily place limits on the amounts of his or her potential wagers on a daily or weekly basis. All of the aforementioned exclusions and limitations would remain effective until seven days after the individual removes the voluntary order or limitation. This rule is necessary to give force and effect to Chapter 434 of the Laws of 2002, and should be continued without modification.

1999

RWB-02-99-00009-A: Pick Six Wagering Alternatives. Amendment to 9 NYCRR 4011.23(g). Statutory authority for this rule is in Racing, Pari-Mutuel, Wagering and Breeding Law, Section 101. This rule amended the Pick Six Rule in instances when there is a scratch or non-starter, to allow track operators the option of having bettors choose an alternate when placing a pick six bet. Previously, the bettor who wished to preserve his pick six wager had no choice in selecting an alternate entry, and the betting favorite or the race entry with the lowest program number was selected as the default entry. This rule should be continued without modification.

RWB-51-98-00004-A: Mandatory Minimum Wagering Dollar Amounts. Repealed 9 NYCRR 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 amended 9 NYCRR sections 4122.45(a), 4122.46(c), 5204.4, 5210.2(b), 5210.3(d), and 5210.4(d). The statutory authority is in Racing, Pari-Mutuel, Wagering and Breeding Law, Sections 101. This eliminated the mandatory minimum dollar wagering amounts in order to provide New York State race tracks and off-

track betting corporations the flexibility in pricing wagers. In doing so, a bettor is able to wager more interesting and more entertaining betting combinations at a lower cost, if offered by the racing association or off-track betting corporation. This amendment should be continued without modification.

RWB-18-99-00001-A: Internet Posting to Assist Compulsive Gamblers. Amendments to 9 NYCRR, sections 4003.54, 4101.40, 4204.14, and 5204.17. The statutory authority is in Racing, Pari-Mutuel, Wagering and Breeding Law, Sections 101, 108, 518 and 520. This required that racing associations, racing corporations, and off-track betting corporations that maintain a website on the internet post on their homepage a message designed to assist compulsive gamblers, including information on organizations which offer assistance in dealing with compulsive gambling. This rule should be continued without modification.

RWB-7-99-00005-A: Veterans' Organization Amendment to Games of Chance Expenditure Rule. Games of Chance Regulations. Amendments to 9 NYCRR 5624.21. Statutory authority is General Municipal Law, article 9-a, section 186 and 188-a. and amendments thereto enacted in Chapter 190 of the Laws of 1997. This amendment was enacted to remove veterans' organizations from the New York State Racing and Wagering Board pre-approval requirement for expenditure of proceeds from the conduct of games of chance. It also removed certain restrictions on expenditures imposed on veterans' organization by rules and regulations. This rule should be continued without modification to give force and effect to the Games of Chance Law.

RWB-30-99-00022-A: Games of Chance Identification Number Forms. Games of Chance Regulations. Amendments to 9 NYCRR 5601.1 through 5601.7. Statutory authority is General Municipal Law, article 9-a, section 188-a. These amendments simplified the game of chance identification number application form and removed onerous requirements of the previous rule. This rule is necessary to simplify the application form used in assigning Game of Chance Identification Numbers to charitable organizations. The information is used to determine if an organization qualifies as an authorized organization for the conduct of charitable gaming. The new form has been reduced to a single page and reduces paperwork for both the applicants and the Board. The rule should be continued without modification.