

Amend Senate S6260, Assembly A9060, A BUDGET BILL, AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to supervision and regulation of the state gaming industry.....

Page	Line	Amendment
Page 4,	Between lines 22 and 23,	Insert " <u>115-a. Fee for the start of a horse in New York state pari-mutuel races.</u> "
Page 7,	Line 47,	After "7." strike out " <u>The</u> " and insert " <u>Each member of the</u> "
Page 7,	Line 47,	After " <u>commission</u> " insert " <u>, and such officers, employees or agents of the commission as may be designated by the commission for such purposes,</u> "
Page 8,	Line 42,	After "tax evasion." Insert " <u>Provided however, the attorney general or the commissioner of taxation and finance may withhold any information that (a) would identify a confidential source or disclose confidential information relating to a criminal investigation, (b) would interfere with law enforcement investigations or judicial proceedings, (c) reveal criminal investigative techniques or procedures, that, if disclosed, could endanger the life or safety of any person, or (d) constitutes records received from other state, local or federal agencies that the attorney general or the commissioner is prohibited by law, regulation or agreement from disclosing.</u> "
Page 8,	Line 43,	After " <u>15.</u> " strike out " <u>To keep a full and faithful record of its proceedings.</u> " And insert " <u>The chair shall appoint such deputies, secretary, officers, representatives and counsel as the commission may deem necessary, to serve at the chair's pleasure, and shall also appoint such employees as the commission may deem necessary, and whose duties shall be prescribed by the commission. It shall be the duty of the secretary to keep a full and faithful record of the proceedings of the commission, preserve at the general office of the commission all books, maps, documents and papers entrusted to his or her care, prepare for service such papers and notices as may be required by the commission, and perform such other duties as the commission may prescribe.</u> "
Page 9,	Line 14,	After " <u>graphs</u> " strike out " <u>(a) and (c)</u> " and insert " <u>(b) and (d)</u> "
Page 11,	Line 45,	After " <u>commissioner of</u> " strike out " <u>mental health</u> " and insert " <u>alcoholism and substance abuse services</u> "
Page 11,	Line 47,	After " <u>subdivision</u> " strikeout " <u>(g)</u> " and insert " <u>(h)</u> "

Page 11,	Line 48,	After " <u>section</u> " strike out " <u>7.09</u> " and insert " <u>19.09</u> "
Page 12,	Line 2,	After " <u>persons</u> " insert " <u>;</u> <u>provided that nothing contained in this paragraph shall limit the liability of any such association, corporation, or facility for any other acts or omissions under any other statutory law or under the common law</u> "
Page 12,	Line 36,	After " <u>on a</u> " strike out " <u>non-profit racing association</u> " and insert " <u>franchised corporation</u> "
Page 12,	Lines 43 through 53,	After " <u>§115. Regulatory fees.</u> " Strike out " <u>In addition to any other regulatory fees imposed by this chapter, all persons and entities required to obtain a license, permit or approval or subject to regulation by the commission shall submit to the commission fees in amounts and under such terms and conditions as are determined by the commission to be necessary to equitably defray the costs of regulating gaming activity within the state; provided, however, that nothing herein shall authorize the commission to collect any assessment relating to an Indian gaming facility that is operated pursuant to a tribal-state gaming compact that is in effect, except as provided in such tribal-state gaming compact pursuant to 25 U.S.C. 2701(d)(3)(C)(iii).</u> " and insert " <u>1. Payment of the regulatory fees imposed by this chapter shall be made to the commission by each entity required to make such payments on the last business day of each month and shall cover the fees due for the period from the sixteenth day of the preceding month through the fifteenth day of the current month, provided however that all such payments required to be made on March thirty-first shall include all fees due and accruing through the last full week of racing of the current year or as otherwise determined by the commission and shall be accompanied by a report under oath, showing such information as the commission may require. A penalty of five percent, and interest at the rate of one percent per month from the date the report is required to be filed to the date of the payment of the fee shall be payable in case any fee imposed by this chapter is not paid when due. If the commission determines that any regulatory fees received by it under this chapter were paid in error, the commission may cause the same to be refunded without interest out of any monies collected thereunder, provided an</u> "

		<p><u>application therefor is filed with the commission within one year from the time the erroneous payment is made.</u></p> <p><u>2. The commission or its duly authorized representatives shall have the power to examine or cause to be examined the books and records of each entity required to pay the regulatory fee imposed by this chapter for the purpose of examining and checking the same and ascertaining whether or not the proper amount or amounts due are being paid. If in the opinion of the commission, after such examination, any such report is incorrect, the commission is authorized to issue an assessment fixing the correct amount of such fee. Such assessments may be issued within three years from the filing of any report. Any such assessment shall be final and conclusive unless an application for a hearing is filed by the reporting entity within thirty days of the assessment. The action of the commission in making such final assessment shall be reviewable in the supreme court in the manner provided by and subject to the provisions of article seventy-eight of the civil practice law and rules.</u></p> <p><u>3. The commission shall submit to the director of the budget an annual plan that details the amount of money the commission deems necessary to maintain the operations, compliance and enforcement of the provisions of this chapter. Contingent upon approval of the director of the budget, the commission shall pay into an account, to be known as the racing regulation account, under the joint custody of the comptroller and the commission, the total amount of the regulatory fees collected pursuant to this chapter. With the approval of the director of the budget, monies to be utilized to maintain the operations necessary to implement the provisions of this chapter shall be paid out of such account on the audit and warrant of the comptroller on vouchers certified and approved by the director of the budget or his duly designated official.</u></p> <p><u>§115-a. Fee for the start of a horse in New York state pari-mutuel races</u></p> <p><u>1. In order to provide supplemental funding to support the operations of the commission, a fee in the amount of ten dollars shall be assessed and paid upon every horse entered in a pari-mutuel race in New York state that actually starts in the race. Such fee shall be refunded to the owner or credited to the owner's account in</u></p>
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		<p><u>the event the horse does not actually start in the race. The commission shall, as a condition of racing, require any corporation authorized under this chapter to conduct pari-mutuel betting at a race meeting or races run thereat, to require that each owner racing a horse shall have placed on deposit at the time of entry with the horsemen's bookkeeper or similar office of such corporation the required fee in the amount of ten dollars per horse entered in a pari-mutuel race. Unless refunded or credited, the total fee amount collected during the preceding month by the horsemen's bookkeeper or similar office of such corporation shall be paid to the commission on the first business day of each month. Payment shall be accompanied by a report, under oath, showing such information as the commission may require. A penalty of five percent, and interest at the rate of one percent per month from the date the report is required to be filed to the date of the payment of the fee, shall be payable in case any fee imposed by this subdivision is not paid when due. If the commission determines that any fees received by it under this subdivision were paid in error, the commission may cause the same to be refunded without interest out of any monies collected hereunder, provided an application therefor is filed with the commission within one year from the time the erroneous payment is made.</u></p> <p><u>2. The commission or its duly authorized representatives shall have the power to examine or cause to be examined the books and records of such corporations required to pay over the fee imposed by this section for the purpose of examining and checking the same and ascertaining whether the proper amount or amounts due are being paid. If in the opinion of the commission, after such examination, any such report is incorrect, the commission is authorized to issue an assessment fixing the correct amount of such fee. Such assessments may be issued within three years from the filing of any report. Any such assessment shall be final and conclusive unless an application for a hearing is filed by the reporting entity within thirty days of the assessment. The action of the commission in making such final assessment shall be reviewable in the supreme court in the manner provided by and subject to the provisions of article seventy-eight of the civil practice law and rules.</u></p>
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		<p>3. The commission shall pay into the racing regulation account, under the joint custody of the comptroller and the commission, the total amount of the fees collected pursuant to this section. With the approval of the director of the budget, monies to be utilized to pay the costs and expenses of the operations of the commission shall be paid out of such account on the audit and warrant of the comptroller on vouchers, certified and approved by the director of the budget or his or her duly designated official."</p>
Page 13,	Line 52,	After " <u>board</u> " insert " <u>and its predecessors</u> "
Page 16,	Line 24,	After " <u>lottery</u> " insert " <u>, except for purposes of paragraph four of subsection c of section one thousand six hundred thirteen and sections one thousand six hundred fourteen and one thousand six hundred fifteen of this chapter the term 'director' shall mean the 'commission'</u> "
Page 18,	Line 30,	After " <u>arts</u> " insert " <u>, members of the state gaming commission</u> "
Page 18,	Lines 35 and 36,	After " <u>board of parole,</u> " insert "[<u>" and after "the state" insert "]" and strike out "members of the state [racing and wagering board] <u>gaming commission,</u>"</u>
Page 18,	Line 48	After " <u>wherever the</u> " strike out " <u>terms</u> " and insert " <u>term</u> "
Page 18,	Lines 48 and 49,	After " <u>wagering board</u> " strike out " <u>, or "director of the division of the lottery" appear</u> " and insert " <u> appears</u> "
Page 18,	Line 49 and 50,	After " <u>in</u> " strike out " <u>article 34 of the tax law, or otherwise in</u> "
Page 18,	Line 51,	After " <u>such</u> " strike out " <u>terms are</u> " and insert " <u>term is</u> "
Page 43,	Line 38,	After " <u>ambulance</u> " insert " <u>or advanced life support first response</u> "
Page 44,	Lines 33-34,	After " <u>review all</u> " strike out " <u>determinations</u> " and insert " <u>recommendations</u> "
Page 44,	Line 35,	Before " <u>. All</u> " strike out " <u>determinations</u> " and insert " <u>recommendations</u> " and after " <u>All</u> " strike out " <u>determinations</u> " and insert " <u>recommendations</u> "
Page 49,	Line 27,	After " <u>be</u> " strike out "[<u>" and after "<u>one</u>" strike out "]" <u>three</u>"</u>

Page 53,	Line 36,	After "first" insert "[" and after "responder" insert "] <u>response</u> "
Page 53,	Line 41,	After "first" insert "[" and after "responder" insert "] <u>response</u> "
Page 53,	Line 47,	After "first" insert "[" and after "responder" insert "] <u>response</u> "
Page 54,	Line 6,	After "ambulance" insert " <u>or advanced life support response</u> "
Page 54,	Line 9,	After "ambulance" insert " <u>or advanced life support response</u> "
Page 54,	Line 11	Before "service" insert " <u>or advanced life support response</u> "
Page 54,	Line 22,	After "ambulance" insert " <u>or advanced life support response</u> " and after "certificate" insert "[" and after "registration" insert "]"
Page 54,	Line 29,	Before "service" insert " <u>or advanced life support response</u> "
Page 54,	Line 35,	Before "service" insert " <u>or advanced life support response</u> "
Page 54,	Line 48,	After "ambulance" insert " <u>or advanced life support response</u> "
Page 55,	Line 2,	After "operates a" insert "[" and after "certified" insert "]" and after "ambulance" insert " <u>or advanced life support response</u> "
Page 55,	Line 8,	After "ambulance" insert " <u>or advanced life support response</u> "
Page 60,	Line 1,	Before "service" insert " <u>or advanced life support response</u> "