

## New York State Gaming Commission

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Require Thoroughbred Horse Trainers to Complete Four Hours of Continuing Education Each Year

**I.D. No.** SGC-37-16-00007-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of section 4002.8 of Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 103(2), 104(1) and (19)

**Subject:** Require thoroughbred horse trainers to complete four hours of continuing education each year.

**Purpose:** To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government.

**Text of proposed rule:** Section 4002.8 of 9 NYCRR would be amended as follows:

§ 4002.8. Qualifications for license.

(a) If the commission [shall find] *finds* that the financial responsibility, experience, character and general fitness of the applicant are such that the participation of such person will be consistent with the public interest, convenience or necessity and with the best interests of racing generally in conformity with the purposes of the law, [it] *the commission* shall grant a license. In this connection, the commission may establish criteria to be met concerning specific license occupations as a condition for licensing. If the commission [shall find] *finds* that the applicant fails to meet any of said conditions, [it] *the commission* shall not grant such license and [it] *the commission* shall notify the applicant of the denial.

(b) *In order to maintain a current license, trainers and assistant trainers must complete at least four hours per calendar year of continuing education courses approved by the commission. Trainers and assistant trainers who are not domiciled in New York and have 12 or fewer starts during the previous 12 months may request a waiver of this requirement from the State steward.*

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen M. Buckley, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, New York 12301, (518) 388-3407, email: gamingrules@gaming.ny.gov

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 45 days after publication of this notice.

#### Regulatory Impact Statement

1. Statutory Authority: The New York State Gaming Commission ("Commission") is authorized to promulgate these rules pursuant to Racing Pari-Mutuel Wagering and Breeding Law ("Racing Law") Sections 103(2) and 104(1, 19). Under Section 103(2), the Commission is responsible for supervising, regulating and administering all horse racing and pari-mutuel wagering activities in the State. Subdivision (1) of Section 104 confers upon the Commission general jurisdiction over all such gaming activities within the State and over the corporations, associations and persons engaged in such activities. Subdivision (19) of Section 104 authorizes the Commission to promulgate any rules and regulations that it deems necessary to carry out its responsibilities.

2. Legislative Objectives: To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government.

3. Needs and Benefits: This rule making proposes to amend the minimum qualifications for a thoroughbred trainer license to require the completion of four hours of continuing education each year.

The current rule, 9 NYCRR § 4002.8, does not require that any thoroughbred trainers (including assistant and private trainers) complete a continuing education requirement. The national model rule of the Association of Racing Commissioners International, Inc. recommends requiring four hours of such continuing education for thoroughbred trainers. The Jockey Club provides online continuing education training modules, free of charge, to thoroughbred trainers. In addition, the stewards have provided continuing education programs for interested trainers for many years at New York racetracks, also without charge.

This proposal would require that all thoroughbred trainers (including

assistant and private trainers) complete at least four hours of continuing education each year. It is anticipated that such programs will be offered (and required) in most racing jurisdictions, and that the process of finding such programs and demonstrating compliance will be available online. The proposal includes an exemption for a trainer who rarely participates in New York racing, subject to the approval of the State steward.

This proposal should result in more competitive racing in New York, safer and better conditions for race horses, and greater wagering activity and revenue for government.

The proposal also makes changes in style to clarify the rules.

#### 4. Costs:

(a) Costs to regulated parties for the implementation of and continuing compliance with the rule: The amendment will not add any new mandated costs to the existing rules at this time. Continuing trainer education programs are currently available without charge from The Jockey Club and from the stewards. These programs are online or available conveniently at New York racetracks. The Commission has no indication at this time that anyone intends to charge for this type of program, but it is likely that future programs might arise that would impose a fee for attendance and that trainers might have to take such a program, particularly if the trainer does not attempt to comply with the new requirement until the last moment. The well-established, voluntary and free continuing education programs are the basis for the cost estimate.

(b) Costs to the agency, the state and local governments for the implementation and continuation of the rule: None. The amendments will not add any new costs. There will be no costs to local government because the Commission is the only governmental entity authorized to regulate pari-mutuel harness racing.

(c) The information, including the source(s) of such information and the methodology upon which the cost analysis is based: N/A.

5. Local Government Mandates: None. The Commission is the only governmental entity authorized to regulate pari-mutuel thoroughbred racing activities.

6. Paperwork: The trainer is required to maintain a record of completion of the continuing education course. The provider of such training will be required to report such information electronically to the Commission.

7. Duplication: No relevant rules or other legal requirements of the state and/or federal government exist that duplicate, overlap or conflict with this rule.

8. Alternatives: The Commission considered not requiring this program, but rejected this alternative because of the national movement toward the adoption of this requirement and the benefits of continuing education.

9. Federal Standards: There are no minimum standards of the Federal government for this or a similar subject area.

10. Compliance Schedule: The Commission believes that regulated persons will be able to achieve compliance with the rule upon adoption of this rule.

#### Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

A regulatory flexibility analysis for small business and local governments, a rural area flexibility analysis, and a job impact statement are not required for this rulemaking proposal because it will not adversely affect small businesses, local governments, rural areas, or jobs.

This proposal would require that all thoroughbred trainers (including assistant and private trainers) complete at least four hours of continuing education each year. The Jockey Club has developed and is offering online programs for trainers. The stewards have provided continuing education programs for interested trainers for many years at New York racetracks. These programs are free of charge. The proposal includes an exemption for a trainer who rarely participates in New York racing, subject to the permission of the State steward.

This rule will not impose an adverse economic impact or reporting, record keeping, or other compliance requirements on small businesses in rural or urban areas or on employment opportunities. No local government activities are involved.

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Accounting Standards for a Licensed Gaming Facility

**I.D. No.** SGC-37-16-00016-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Addition of Part 5315 to Title 9 NYCRR.

**Statutory authority:** Racing, Pari-Mutuel Wagering and Breeding Law, sections 104(19), 1307(1), (2)(f), (m) through (o), 1334, 1351, 1353 and 1354