

Response: Outside of nine Adirondack counties, there should be no confusion: ice fishing is permitted unless specifically prohibited. Within those nine Adirondack counties, the existing ice fishing regulation prohibiting ice fishing in waters inhabited by trout unless otherwise specifically permitted will remain in effect. Ice fishing will continue to be prohibited in Brook Trout ponds. Special regulations prohibiting ice fishing for individual Brook Trout ponds outside of those nine counties are included in the proposed regulations.

## New York State Gaming Commission

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

#### Removing the Requirement to Couple Entries with Jockeys with Relationships Among Them or With Other Participants in the Race

I.D. No. SGC-13-22-00001-P

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

**Proposed Action:** Amendment of sections 4025.10 and 4040.2 of Title 9 NYCRR.

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

**Subject:** Removing the requirement to couple entries with jockeys with relationships among them or with other participants in the race.

**Purpose:** To enhance the integrity and safety of thoroughbred horse racing.

**Text of proposed rule:** Subdivision (f) of section 4025.10 and section 4040.2 of 9 NYCRR would be amended to read as follows:

§ 4025.10. Limitations on entries.

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(f) All horses trained or ridden by a spouse, parent, issue or member of a jockey's household [shall] *are not required to be coupled in the betting with any horse ridden by such jockey.*

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§ 4040.2. Owning race horses forbidden.

No jockey, nor such jockey's spouse, parent, issue nor member of such jockey's household, shall be the owner of any race horse. [All horses trained or ridden by a spouse, parent, issue or member of a jockey's household shall be coupled in the betting with any horse ridden by such jockey.]

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen Buckley, New York State Gaming Commission, 1 Broadway Center, PO Box 7500, Schenectady, NY 12301, (518) 388-3332, email: gamingrules@gaming.ny.gov

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

**Public comment will be received until:** 60 days after publication of this notice.

**This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.**

#### 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) and (19). Pursuant to 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 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 enable the Commission to enhance the integrity and safety of Thoroughbred horse racing and generate reasonable revenue for the support of government.

3. **NEEDS AND BENEFITS:** This rule making proposes to amend the Commission's regulations to remove the requirement to couple entries with jockeys with relationships among them or with other participants in the race. The Commission steward would retain the discretion to require

coupling in any circumstances in which such steward concludes coupling is necessary in the public interest, which should continue to protect the interests of the wagering public in unusual or unforeseen circumstances in a particular race.

#### 4. COSTS:

(a) Costs to the regulated parties for the implementation of and continuing compliance with these rules: These amendments will not add any new mandated costs to the existing rules.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: None anticipated. 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 Thoroughbred racing.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: Experience of agency staff.

5. **LOCAL GOVERNMENT MANDATES:** None. The Commission is the only governmental entity authorized to regulate Thoroughbred racing activities.

6. **PAPERWORK:** There will be no additional paperwork.

7. **DUPLICATION:** These rules do not duplicate, overlap or conflict with any existing State or federal requirements.

8. **ALTERNATIVES:** The Commission considered removing the requirement to couple entries with jockeys with relationships among them or with other participants in the race but requiring some form of notice or disclosure to bettors of relationships. Commission staff determined that such alternative would be impractical and inconsistent with wagering on out-of-state racing through simulcast betting and with sports wagering generally, where relationships among competitors may not be known or easily determined.

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

10. **COMPLIANCE SCHEDULE:** The Commission anticipates that the affected parties will be able to achieve compliance with these rules upon adoption.

#### Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and

The proposed changes do not require a Regulatory Flexibility Analysis, Rural Area Flexibility Analysis or Job Impact Statement. There will be no adverse impact on small businesses, local governments, rural areas or jobs.

The proposed rule making would remove the requirement to couple entries with jockeys with relationships among them or with other participants in the race.

The proposed rules will not impose any adverse economic impacts or reporting, recordkeeping or other compliance requirements on small businesses, local governments, rural areas or employment opportunities. No local government activities are involved.

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

#### Regulation of Charitable Gaming Games of Chance

I.D. No. SGC-13-22-00003-P

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

**Proposed Action:** This is a consensus rule making to amend Parts 4600, 4601, 4603, 4606, 4607, 4608, 4610, 4611, 4620, 4621, 4622, 4624; repeal sections 4608.13 and 4621.1 of Title 9 NYCRR.

**Statutory authority:** General Municipal Law, section 188-a(1), (9); Racing, Pari-Mutuel Wagering and Breeding Law, section 104(19)

**Subject:** Regulation of charitable gaming games of chance.

**Purpose:** To conform games of chance rules to current statutes and improve operations.

**Substance of proposed rule (Full text is posted at the following State website: <https://www.gaming.ny.gov/proposedrules.php>):** Amendments to section 4600.1 remove a prohibition against civic organizations being considered authorized organizations for games of chance, clarify that political action committees are not authorized organizations to conduct games of chance and eliminate verbatim repetition of statute.

An amendment to section 4601.1 makes a stylistic change.

Amendments to section 4603.8 eliminate verbatim repetition of statute, instead adding a cross-reference to statute.

An amendment to section 4606.12 adds a cross-reference to controlling statute.

Amendments to section 4607.10 eliminate verbatim repetition of statute, instead adding a cross-reference to controlling statute.