

selection finished first in the greatest number of pick-five contests for that performance.

\* \* \*

(4) With the written approval of the commission, the [association] track operator may contribute to the pick-four carryover a sum of money up to the amount of any designated cap.

\* \* \*

(m) Final distribution. The track operator shall select, with the approval of the commission, a date and program during the final week of the annual assigned racing dates of the track operator, and also during the year during the final week of a meeting at a track after which such track operator will operate at another track, when there shall be a final distribution of all accumulated [carry-overs] carryovers together with the net pool of the pick-five pool conducted during such program to the holders of wagers selecting the winners of the most pick-five races contested during such program. If all pick-five races on the program designated for final distribution are cancelled and no further programs are conducted at the meeting, then no other pick-five pools shall be conducted during such week and the commission shall require that a pick-five pool be conducted on the first program of the next race meeting conducted at such track by such track operator to provide for final distribution for such prior meeting. The commission may also order a final distribution for an earlier time in the commission's discretion.

(n) Suspension of wager. The [association or corporation] track operator may suspend previously approved pick-five wagering with the prior approval of the commission. Any carryover shall be held until the suspended pick-five wagering is reinstated. [An association or corporation] A track operator may request approval of a pick-five wager or separate wagering pool for specific performances.

\* \* \*

(p) Other occurrences. In the event of occurrences not encompassed within the explicit provisions of this section, distribution shall be formulated on the basis of established pari-mutuel practice and in accordance with the distribution philosophy set forth in this section; provided, nevertheless, that if full distribution of the pool is made on the basis of outstanding tickets, then the method of formulation announced by the track and the basis upon which payments have been made shall be deemed conclusively correct and not subject to review.

\* \* \*

(s) Betting information. A [racing association] track operator may display publicly information in regard to combinations wagered upon, amounts wagered on such combinations, numbers of tickets sold or number of tickets still capable of winning a pick-five pool. The operation of the totalisator equipment and reports generated thereby shall be subject to the strict supervision of the commission.

\* \* \*

(x) Rule availability. Copies of this section shall be made available free of charge by the track operator to the public in the public betting area of the track.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen Buckley, Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500, (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.

**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 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 Commission's Thoroughbred pick-five wagering rule to enhance interest in the pick-five wager by allowing each Thoroughbred racetrack the option of offering a consolation payout. This proposal is similar to rules al-

ready in effect in other prominent jurisdictions. These jurisdictions offer choices as to what method each track chooses to use for its pick-n wagers, which mirror the Model Rules of Racing issued by The Association of Racing Commissioners International.

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 alternative of not revising the pick-five wagering rule was considered and rejected. The current rule is not consistent with other prominent racing jurisdictions and the Model Rules of Racing issued by The Association of Racing Commissioners International. These changes provide racetracks more flexibility to help increase their handle.

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 Job Impact Statement**

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 amendments are a revision to the Commission's Thoroughbred pick-five wagering rule to enhance interest in the pick-five wager by allowing racetracks the option of offering a consolation payout.

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**

**Claiming Rules Revisions in Thoroughbred Racing**

**I.D. No.** SGC-06-24-00004-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 4038.1, 4038.3 and 4038.4 of Title 9 NYCRR. This rule was previously proposed as a consensus rule making under I.D. No. SGC-34-23-00009-P.

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

**Subject:** Claiming rules revisions in Thoroughbred racing.

**Purpose:** To improve the claiming process in Thoroughbred racing.

**Text of proposed rule:** Sections 4038.1, 4038.3, and 4038.4 of 9 NYCRR would be amended to read as follows:

§ 4038.1. Who may make claim.

(a) Licensed and participating owners. Claims may be made by an owner licensed for the current year, or duly authorized agent, if the owner is presently registered in good faith for racing at that meeting and [has nominated a starter in the previous or current race meet of the licensed or franchised racing association, up to or including the race in which the claim is made] *the owner has started a horse:*

(1) *within the previous 120 days, including the race in which such horse started, in a race meeting of the licensed or franchised association; or*

(2) *in the current or previous race meeting of the licensed or franchised racing association.*

Such claim shall be in the name of the owner making the claim, or in the name of the entity of which the potential claimant is the managing owner.

(b) Holder of a certificate of eligibility to claim. A person who has not previously been licensed in any state as an owner, upon application for an owner's license in this State, may apply to the stewards for a certificate authorizing him or her to claim one horse during the next 30 racing days following the issuance of the certificate. The stewards may grant an extension [if deemed appropriate] of 30 racing days if the certificate holder had entered a claim but had lost the disposition by lot pursuant to section 4038.5(b) of this Part. The certificate shall be valid for claiming only at the track of the racing association at which it was issued. Such certificate shall be issued by the stewards only after the stewards have been advised by the commission that after an initial background check, and from the face of the application, the applicant appears to be qualified to be licensed and only after the applicant has designated a licensed trainer who will assume care and responsibility for the horse to be claimed.

\* \* \*

§ 4038.3. Conditions for starting claimed horse.

If a horse is claimed the horse shall not start in a claiming race for a period of [30] 20 days from the date of the claim for less than 25 percent more than the amount for which such horse was claimed. For a period of 10 days thereafter, a horse is eligible to start for a claiming price equal to or greater than the price at which the horse had been claimed. On the 31st day, the horse may start in a claiming race for any price.

§ 4038.4. Sale, transfer restricted.

If a horse is claimed the horse shall not be sold or transferred to anyone wholly or in part, except in a claiming race, for a period of 30 days from the date of the claim. A claimed horse shall not, unless reclaimed, remain in the same stable or under the control or management of its former owner or trainer for a like period. A claimed horse shall not race outside New York State for a period of [30] 60 days from the date of the claim or the end of the meeting at which such horse was claimed, whichever period of time is longer, except that a horse may run:

- (a) in a sweepstakes elsewhere for which the horse was nominated by its former owner or trainer[.];
- (b) after a period of 30 days from the end of a Finger Lakes racing season, if the horse had been claimed at Finger Lakes racetrack; or
- (c) if permission is granted by the stewards.

**Text of proposed rule and any required statements and analyses may be obtained from:** Kristen M. Buckley, Gaming Commission, One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500, (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.

**Consensus Withdrawal Objection**

The Commission received a public comment disagreeing with the proposal. The commenter stated that 30 days "was plenty" to require a claimed horse to not race outside New York State after a claim. The commenter cited the "free enterprise system" and stated that this aspect of the proposed rule would make it "more difficult for horse ownership to be cost efficient."

**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 improve the claiming process in Thoroughbred racing.

3. **NEEDS AND BENEFITS:** The proposed rulemaking would amend Thoroughbred claiming regulations. A claiming race is a race in which the entrants are available to be purchased by certain licensed owners for a predetermined amount. Interested buyers place a claim prior to the race. If only one qualified person submits a claim for a horse, ownership of that horse is transferred following the race. If there are multiple qualified claimants for one horse, a random drawing determines which person receives ownership.

Some horse owners and their representatives have communicated to Commission staff that the claiming rules need revisions. Commission staff met with personnel of The New York Racing Association, Inc.; Finger Lakes Racing Association, Inc.; New York Thoroughbred Breeders, Inc.; New York Thoroughbred Horsemen's Association, Inc.; and the Finger

Lakes Horsemen's Benevolent and Protective Association to hear concerns and develop changes that would retain the integrity of the claiming process, while recognizing horsemen's and track issues.

NYRA conducts race meetings of varying lengths and horse populations. Consequently, the current rule, which requires an owner, in order to be eligible to claim, to have entered a starter in the previous race meeting, precludes some otherwise active owners from claiming horses. Some owners may not have participated in a previous meeting because of the meeting's short duration or because racing opportunities had been incompatible with the owner's stable of horses. The proposed rule would address these concerns by allowing claimants who have raced on a circuit within 120 days, which would increase the number of owners qualified to make claims.

Additionally, due to the frequency of multiple claims on a single horse, it is possible that someone actively trying to claim may not succeed in acquiring a horse within 30 racing days, which the current rule requires. Allowing 30 additional days for holders of a certificate of eligibility would provide an owner with an opportunity to claim when the owner has not been successful within the first 30 days of a race meeting, because the owner has lost the opportunity to claim to another claimant when multiple claims had been made on the same horse. Creating an opportunity to extend claiming eligibility for unsuccessful claimants would allow these owners additional chances to claim a horse.

Additionally, current Commission regulations provide that when a horse is claimed from a particular value class, the horses is ineligible to start in the same value class for 30 days. A review of recent data, however, indicates that horses generally run on a 28-day schedule and condition books generally schedule a value class every 28 days. Under current regulations, a claimant who wants to start a horse again in the same class may be effectively forced to wait 56 days from the date of the claim. The position has been advanced that such period is unnecessarily long and causes issues for owners, trainers and the racetrack, which seeks to fill competitive races. By reducing the requisite waiting period, owners will have a greater opportunity to start a horse for the price at which the horse had been claimed, given that the owners would be able to gain access to races that had already been written in the track's condition book 28 days in advance.

Finally, current rules prohibit a claimed horse from running outside New York for a period of 30 days. The proposal would extend that general prohibition to 60 days, which would mitigate entry shortages that have been experienced at New York tracks. An exception is proposed for horses claimed at Finger Lakes Racetrack toward the end of the Finger Lakes racing season, in which case the prohibition would be limited to 30 days from the end of the Finger Lakes racing season.

4. **COSTS:**

(a) Costs to the regulated parties for the implementation of and/or continuing compliance with this rule: The anticipated cost of implementing and complying with the proposed regulations is negligible.

(b) Costs to the regulating agency, the State, and local governments for the implementation of and continued administration of the rule: The costs to the Commission for the implementation of and continued administration of the rules will be negligible. This rule will not impose any additional costs on local governments.

(c) The information, including the source or sources of such information, and methodology upon which the cost analysis is based: The cost estimates are based on the Commission's experience regulating gaming activities within the State.

5. **LOCAL GOVERNMENT MANDATES:** There are no local government mandates associated with these rules.

6. **PAPERWORK:** The rules are not expected to impose any significant paperwork or reporting requirements on the regulated entities.

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

8. **ALTERNATIVES:** The alternative of not proposing this rulemaking was considered and rejected. The proposed rulemaking addresses concerns with, and develops changes that would retain, the integrity of the claiming process, while recognizing horsemen's and track issues.

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 Job Impact Statement**

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.

This proposed rulemaking will amend the New York State Gaming Commission's Thoroughbred claiming regulations. The proposed amend-

ments will address concerns communicated to Commission staff by some horse owners and their representatives.

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

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## New York State Police

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### INFORMATION NOTICE

#### AMENDMENT TO THE RULES OF THE NEW YORK STATE POLICE PURSUANT TO ARTICLE 39-BB OF THE GENERAL BUSINESS LAW OF THE STATE OF NEW YORK

Part 482 of Subtitle K of Title 9 of the Official Compilation of Codes, Rules and Regulations is renamed "Licensed Firearm Dealers and Gunsmiths"; and

A new Subpart 482-1 of Part 482 of Subtitle K of Title 9 of the Official Compilation of Codes, Rules and Regulations is established, titled "Licensed Gunsmiths Engaged in the Business of Assembling or Manufacturing Firearms"; and

The existing Sections 482.1 through 482.7 of Part 482 of Subtitle K of Title 9 of the Official Compilation of Codes, Rules and Regulations are renumbered as Sections 482-1.1 through 482-1.7 of Subpart 482-1 of Part 482 of Subtitle K of Title 9 of the Official Compilation of Codes, Rules and Regulations; and

A new Subpart 482-2 of Part 482 of Subtitle K of Title 9 of the Official Compilation of Codes, Rules and Regulations is established, titled "Licensed Firearm Dealer and Gunsmith Business Practices"; and

Rule 23, "Licensed Firearm Dealer and Gunsmith Business Practices" of the Rules of the New York State Police, is filed with and published by the Department of State as Sections 482-2.1 through 482-2.6 of Subpart 482-2 of Part 482 of Subtitle K of Title 9 of the Official Compilation of Codes, Rules and Regulations, to read as follows:

#### PART 482

(Statutory Authority: Executive Law, section 223; *General Business Law*, sections 875-b, 875-e, 875-f, 875-g, and 875-h)

LICENSED FIREARM DEALERS AND GUNSMITHS [ENGAGED IN THE BUSINESS OF ASSEMBLING OR MANUFACTURING FIREARMS]

#### SUBPART 482-2

LICENSED FIREARM DEALER AND GUNSMITH BUSINESS PRACTICES

(Rule 23 of the New York State Police)

Section 482 - 2.1 Purpose and Scope. (Rule 23.1)

(a) Pursuant to Article 39-BB of the New York General Business Law, the Division of State Police is responsible for promulgating rules and regulations related to certain business practices of dealers in firearms and gunsmiths.

(b) This Subpart shall implement the provisions of sections 875-b, 875-e, 875-f, 875-g, and 875-h of the New York General Business Law.

Section 482 - 2.2 Definitions. (Rule 23.2)

As used in this Subpart (Rule 23), the following terms are defined as follows:

(a) "Dealer" means a gunsmith or dealer in firearms licensed pursuant to section 400.00 of the New York Penal Law.

(b) "Employee" means a person hired by a dealer or agent of the dealer who works for the dealer in return for compensation, financial or otherwise.

(c) "Firearm" has the same meaning as that term is defined in subdivision three of section 265.00 of the New York Penal Law.

(d) "Rifle" has the same meaning as that term is defined in subdivision eleven of section 265.00 of the New York Penal Law.

(e) "Shotgun" has the same meaning as that term is defined in subdivision twelve of section 265.00 of the New York Penal Law.

Section 482 - 2.3. Minimum Standards for Security Alarm Systems. (Rule 23.3)

Security alarm systems installed and maintained on a dealer's business premises pursuant to the requirements of subdivision two of section 875-b of the New York General Business Law must satisfy the following minimum standards:

(a) The alarm system must be installed and maintained by a security alarm operator who is properly licensed pursuant to Article 6-D of the New York General Business Law;

(b) The alarm system must be monitored by a central station;

(c) The alarm system shall, at a minimum, monitor and provide protection at each point of entry into areas containing firearms, rifles, shotguns, and/or ammunition, including doorways and windows; and

(d) The alarm system shall provide motion detection within other areas of the premises containing firearms, rifles, shotguns, and/or ammunition, as deemed appropriate by the licensed installer.

Section 482 - 2.4 Minimum Standards for Employee Training Records. (Rule 23.4)

Records documenting the successful completion of the employee training required by section 875-e of the New York General Business Law must be maintained by dealers for at least five (5) years following the completion of such training by each employee.

Section 482 - 2.5 Minimum Standards for Firearm, Rifle, and Shotgun Transaction Records. (Rule 23.5)

Records documenting the acquisition, disposition, tracing, or other transactions involving firearms, rifles and shotguns required by subdivisions one through four of section 875-f of New York General Business Law must be maintained by dealers for at least twenty (20) years following such transaction.

Section 482 - 2.6 Compliance Program. (Rule 23.6)

(a) The annual compliance certification required by paragraph b of subdivision 1 of section 875-g of the New York General Business Law must be submitted to the Division of State Police no later than the thirty-first day of January each year.

(b) Such certification shall identify the dealer's name, address, and telephone number; a primary contact person for such dealer; e-mail addresses for the dealer and the primary contact person; the dealer or gunsmith license number; and the county in which the dealer is licensed. The certification shall be signed by a person duly authorized to act on behalf of the dealer, and must include the following certification language:

"By signing this document I hereby certify that I am authorized to endorse and submit this certification on behalf of the dealer in firearms and/or gunsmith identified herein, and that to the best of my knowledge such dealer in firearms and/or gunsmith is in full compliance with all of the requirements contained within Article 39-BB of the New York General Business Law."

(c) Pursuant to paragraph a of subdivision 2 of section 875-g of the New York General Business Law, every dealer is subject to periodic inspection by the Division of State Police at least once every three years to determine whether such dealer is in compliance with the requirements contained within Article 39-BB of the New York General Business Law. The Division of State Police will provide notice of at least one business day prior to conducting such inspection, which will occur during the dealer's regular and usual business hours. Dealers will be notified by the State Police of any compliance violations discovered during such inspections.

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## Public Service Commission

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### NOTICE OF ADOPTION

#### Interconnection Contract

**I.D. No.** PSC-22-22-00014-A

**Filing Date:** 2024-01-18

**Effective Date:** 2024-01-18

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

**Action taken:** On 1/18/24, the PSC adopted an order approving modifications to the Standardized Interconnection Requirements (SIR) implementing an Interconnection Contract for State agencies.

**Statutory authority:** Public Service Law, sections 5, 65 and 66

**Subject:** Interconnection Contract.

**Purpose:** To approve modifications to the SIR implementing an Interconnection Contract for State agencies.

**Substance of Final Rule:** The Commission, on January 18, 2024, adopted an order approving modifications to the Standardized Interconnection Requirements (SIR) implementing an Interconnection Contract for State agencies. Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Orange and Rockland Utilities, Inc.,