

# STATE OF NEW YORK

1821

2017-2018 Regular Sessions

## IN ASSEMBLY

January 13, 2017

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Racing and Wagering

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to horsemen's health insurance

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (iv) of paragraph b of subdivision 1 of  
2 section 318 of the racing, pari-mutuel wagering and breeding law, as  
3 added by chapter 281 of the laws of 1994, is amended to read as follows:

4 (iv) ~~[The]~~ In the absence of a contractual agreement between a racing  
5 association or corporation and the recognized horsemen's association at  
6 that track, the state ~~[racing and wagering board]~~ gaming commission  
7 shall as a condition of racing require an association ~~[authorized to~~  
8 ~~operate in areas other than Westchester or Nassau county]~~ to withhold  
9 ~~[one percent of]~~ the same amount paid by contract in the most recent  
10 contractual agreement from all ~~[purses]~~ purse funds from all sources and  
11 to pay such sum to the horsemen's organization representing the owners  
12 and trainers utilizing the facilities of such association which had a  
13 contract with the association governing the conditions of racing on  
14 January first, nineteen hundred ninety-two, as determined by the ~~[board]~~  
15 commission.

16 § 2. Subparagraph (ii) of paragraph a of subdivision 1 of section 318  
17 of the racing, pari-mutuel wagering and breeding law, as amended by  
18 chapter 281 of the laws of 1994, is amended to read as follows:

19 (ii) except as otherwise provided in this paragraph an amount equal to  
20 six and eight-tenths per centum of the total pool resulting from  
21 on-track regular bets, an amount equal to seven and ninety-five one  
22 hundredths per centum of the total pool resulting from on-track multiple  
23 bets, an amount equal to ten and one-half per centum of the total pool  
24 resulting from on-track exotic bets, an amount equal to fifteen and  
25 one-half per centum of the total daily pool resulting from on-track  
26 super exotic bets shall be used exclusively for purses, of which an  
27 amount of not less than ninety per centum shall be used exclusively for  
28 purses for overnight races conducted by such association or corporation.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 Such amounts may be reduced upon an application approved by the [~~board~~]  
2 commission and an agreement between the licensed harness racing corpo-  
3 ration or association and the representative horsemen's organization as  
4 a condition to reduce the amounts of retained percentages as provided  
5 for in this section. However, of the total amount available for purses,  
6 [~~an amount as determined by contractual obligations between~~] in the  
7 absence of a contractual agreement between a racing association or  
8 corporation and the recognized horsemen's association at that track, the  
9 state gaming commission shall as a condition of racing require an asso-  
10 ciation authorized to operate in Westchester county to withhold the same  
11 amount paid by contract in the most recent contractual agreement from  
12 all purse funds from all sources and to pay such sum to an organization  
13 representing at least fifty-one per centum of the owners and trainers  
14 utilizing the facilities of such association or corporation for racing,  
15 training or stabling purposes and the association or corporation, shall  
16 be used for the administrative purposes of said organization and for  
17 such welfare and medical plans for regularly employed backstretch  
18 employees principally employed at the facilities of such corporation or  
19 association as provided by said organization, provided, however, that  
20 eligibility for benefits in such plans shall not be conditioned upon  
21 membership in such organization by any employee or employer thereof, and  
22 any denial of eligibility for benefits in such plans which, upon inves-  
23 tigation and review by the [~~board~~] commission, is determined to have  
24 resulted from a person, firm, association, corporation or organization  
25 knowingly aiding in or permitting eligibility for benefits being condi-  
26 tioned upon membership in such organization shall subject such organiza-  
27 tion to the penalties imposed under sections three hundred ten and three  
28 hundred twenty-one of this article but the ratio between the amounts  
29 actually expended for such welfare and medical plans and the cost actu-  
30 ally incurred in administering such welfare and medical plans for fiscal  
31 years of such corporation or association, on or after July twenty-  
32 fourth, nineteen hundred eighty-one, shall not be less than the ratio  
33 between such amounts actually expended and such costs actually incurred  
34 for the fiscal year immediately prior to such date. Such organization  
35 shall annually on or before July first certify to the state [~~racing and~~  
36 ~~wagering board~~] gaming commission that it represents at least fifty-one  
37 per centum of such owners and trainers and provide copies of such  
38 certification to such association or corporation. Any other organization  
39 claiming to represent at least fifty-one per centum of such owners and  
40 trainers may file a challenge with the state [~~racing and wagering board~~]  
41 gaming commission within fifteen days of such original certification.  
42 The state [~~racing and wagering board~~] gaming commission shall examine  
43 such claim and may undertake studies and conduct hearings to determine  
44 the validity of such claim. Within sixty days of receiving such chal-  
45 lenge and based upon the findings of such studies and hearings, the  
46 state [~~racing and wagering board~~] gaming commission shall render a deci-  
47 sion on the validity of such claim and advise such organizations and  
48 association or corporation of its determination. Upon receipt of such  
49 original certification by such organization, the association or corpo-  
50 ration shall make such payments to said organization and, in the event  
51 of a challenge brought to any other organization, such payments shall  
52 continue to be made until such time as the state [~~racing and wagering~~  
53 ~~board~~] gaming commission renders its decision on such challenge; and  
54 § 3. This act shall take effect immediately.