

10004

I N   A S S E M B L Y

June 6, 2014

---

Introduced by COMMITTEE ON RULES -- (at request of 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 state [racing and wagering board] GAMING COMMISSION shall as  
5     a condition of racing require an association [authorized to operate in  
6     areas other than Westchester or Nassau county] to withhold [one] SEVEN  
7     percent of all [purses] PURSE FUNDS FROM ALL SOURCES and to pay such sum  
8     to the horsemen's organization representing the owners and trainers  
9     utilizing the facilities of such association which had a contract with  
10    the association governing the conditions of racing on January first,  
11    nineteen hundred ninety-two, as determined by the board.  
12    S 2. Subparagraph (ii) of paragraph a of subdivision 1 of section 318  
13    of the racing, pari-mutuel wagering and breeding law, as amended by  
14    chapter 281 of the laws of 1994, is amended to read as follows:  
15    (ii) except as otherwise provided in this paragraph an amount equal to  
16    six and eight-tenths per centum of the total pool resulting from  
17    on-track regular bets, an amount equal to seven and ninety-five one  
18    hundredths per centum of the total pool resulting from on-track multiple  
19    bets, an amount equal to ten and one-half per centum of the total pool  
20    resulting from on-track exotic bets, an amount equal to fifteen and  
21    one-half per centum of the total daily pool resulting from on-track  
22    super exotic bets shall be used exclusively for purses, of which an  
23    amount of not less than ninety per centum shall be used exclusively for  
24    purses for overnight races conducted by such association or corporation.  
25    Such amounts may be reduced upon an application approved by the [board]  
26    COMMISSION and an agreement between the licensed harness racing corpo-  
27    ration or association and the representative horsemen's organization as  
28    a condition to reduce the amounts of retained percentages as provided

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

LBD15489-01-4

1 for in this section. However, of the total amount available for purses,  
2 [an amount as determined by contractual obligations between] THE STATE  
3 GAMING COMMISSION SHALL AS A CONDITION OF RACING REQUIRE AN ASSOCIATION  
4 AUTHORIZED TO OPERATE IN WESTCHESTER COUNTY TO WITHHOLD SEVEN PERCENT OF  
5 ALL PURSE FUNDS FROM ALL SOURCES AND TO PAY SUCH SUM TO an organization  
6 representing at least fifty-one per centum of the owners and trainers  
7 utilizing the facilities of such association or corporation for racing,  
8 training or stabling purposes and the association or corporation, shall  
9 be used for the administrative purposes of said organization and for  
10 such welfare and medical plans for regularly employed backstretch  
11 employees principally employed at the facilities of such corporation or  
12 association as provided by said organization, provided, however, that  
13 eligibility for benefits in such plans shall not be conditioned upon  
14 membership in such organization by any employee or employer thereof, and  
15 any denial of eligibility for benefits in such plans which, upon inves-  
16 tigation and review by the board, is determined to have resulted from a  
17 person, firm, association, corporation or organization knowingly aiding  
18 in or permitting eligibility for benefits being conditioned upon member-  
19 ship in such organization shall subject such organization to the penal-  
20 ties imposed under sections three hundred ten and three hundred twenty-  
21 one of this article but the ratio between the amounts actually expended  
22 for such welfare and medical plans and the cost actually incurred in  
23 administering such welfare and medical plans for fiscal years of such  
24 corporation or association, on or after July twenty-fourth, nineteen  
25 hundred eighty-one, shall not be less than the ratio between such  
26 amounts actually expended and such costs actually incurred for the  
27 fiscal year immediately prior to such date. Such organization shall  
28 annually on or before July first certify to the state [racing and wager-  
29 ing board] GAMING COMMISSION that it represents at least fifty-one per  
30 centum of such owners and trainers and provide copies of such certif-  
31 ication to such association or corporation. Any other organization  
32 claiming to represent at least fifty-one per centum of such owners and  
33 trainers may file a challenge with the state [racing and wagering board]  
34 GAMING COMMISSION within fifteen days of such original certification.  
35 The state [racing and wagering board] GAMING COMMISSION shall examine  
36 such claim and may undertake studies and conduct hearings to determine  
37 the validity of such claim. Within sixty days of receiving such chal-  
38 lenge and based upon the findings of such studies and hearings, the  
39 state [racing and wagering board] GAMING COMMISSION shall render a deci-  
40 sion on the validity of such claim and advise such organizations and  
41 association or corporation of its determination. Upon receipt of such  
42 original certification by such organization, the association or corpo-  
43 ration shall make such payments to said organization and, in the event  
44 of a challenge brought to any other organization, such payments shall  
45 continue to be made until such time as the state [racing and wagering  
46 board] GAMING COMMISSION renders its decision on such challenge; and  
47 S 3. This act shall take effect immediately.