

7796

I N S E N A T E

June 10, 2014

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming 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

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

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