

10004--B

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, Simanowitz) -- read once and referred to the Committee on Racing and Wagering -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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 S 2. Subparagraph (ii) of paragraph a of subdivision 1 of section 318
16 of the racing, pari-mutuel wagering and breeding law, as amended by
17 chapter 281 of the laws of 1994, is amended to read as follows:
18 (ii) except as otherwise provided in this paragraph an amount equal to
19 six and eight-tenths per centum of the total pool resulting from
20 on-track regular bets, an amount equal to seven and ninety-five one
21 hundredths per centum of the total pool resulting from on-track multiple
22 bets, an amount equal to ten and one-half per centum of the total pool
23 resulting from on-track exotic bets, an amount equal to fifteen and
24 one-half per centum of the total daily pool resulting from on-track
25 super exotic bets shall be used exclusively for purses, of which an
26 amount of not less than ninety per centum shall be used exclusively for
27 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 S 3. This act shall take effect immediately.