

1609

2015-2016 Regular Sessions

I N A S S E M B L Y

January 12, 2015

Introduced by M. of A. PRETLOW -- Multi-Sponsored by -- M. of A. SIMA-
NOWITZ -- read once and referred to the Committee on Racing and Wager-
ing

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 ASSEM-
BLY, 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 S 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

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

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