

# STATE OF NEW YORK

7745--A

## IN SENATE

February 14, 2018

Introduced by Sens. BONACIC, MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to funds held in trust by a franchised corporation for a recognized horsemen's organization to be used as collateral to secure workers' compensation insurance coverage

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

1 Section 1. The opening paragraph of subdivision 7 of section 221 of  
2 the racing, pari-mutuel wagering and breeding law, as amended by section  
3 2 of part SS of chapter 59 of the laws of 2017, is amended to read as  
4 follows:  
5 In order to pay the costs of the insurance required by this section  
6 and by the workers' compensation law and to carry out its other powers  
7 and duties and to pay for any of its liabilities under section four-  
8 teen-a of the workers' compensation law, the New York Jockey Injury  
9 Compensation Fund, Inc. shall ascertain the total funding necessary and  
10 establish the sums that are to be paid by all owners and trainers  
11 licensed or required to be licensed under section two hundred twenty of  
12 this article, to obtain the total funding amount required annually. In  
13 order to provide that any sum required to be paid by an owner or trainer  
14 is equitable, the fund shall establish payment schedules which reflect  
15 such factors as are appropriate, including where applicable, the  
16 geographic location of the racing corporation at which the owner or  
17 trainer participates, the duration of such participation, the amount of  
18 any purse earnings, the number of horses involved, or such other factors  
19 as the fund shall determine to be fair, equitable and in the best inter-  
20 ests of racing. In no event shall the amount deducted from an owner's  
21 share of purses exceed two per centum; provided, however, for two thou-  
22 sand [~~seventeen~~ **eighteen** the New York Jockey Injury Compensation Fund,  
23 Inc. may use up to two million dollars from the account established  
24 pursuant to subdivision nine of section two hundred eight of this arti-

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

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1 cle to pay the annual costs required by this section and the funds from  
2 such account shall not count against the two per centum of purses  
3 deducted from an owner's share of purses. The amount deducted from an  
4 owner's share of purses shall not exceed one per centum after April  
5 first, two thousand twenty. In the cases of multiple ownerships and  
6 limited racing appearances, the fund shall equitably adjust the sum  
7 required.

8 § 2. Paragraph (a) of subdivision 9 of section 208 of the racing,  
9 pari-mutuel wagering and breeding law, as amended by section 2 of part  
10 PP of chapter 60 of the laws of 2016, is amended to read as follows:

11 (a) The franchised corporation shall maintain a separate account for  
12 all funds held on deposit in trust by the corporation for individual  
13 horsemen's accounts. Purse funds shall be paid by the corporation as  
14 required to meet its purse payment obligations. Funds held in horsemen's  
15 accounts shall only be released or applied as requested and directed by  
16 the individual horseman. For two thousand [~~sixteen~~] eighteen the New  
17 York Jockey Injury Compensation Fund, Inc. may use up to two million  
18 dollars from the account established pursuant to this subdivision to pay  
19 the annual costs required by section two hundred twenty-one of this  
20 article.

21 § 3. Paragraph (c) of subdivision 9 of section 208 of the racing,  
22 pari-mutuel wagering and breeding law is relettered paragraph (e) and  
23 two new paragraphs (c) and (d) are added to read as follows:

24 (c) The franchised corporation shall establish and maintain a separate  
25 account for funds to be held on deposit in trust by the franchised  
26 corporation for the horsemen's organization recognized pursuant to  
27 section two hundred twenty-eight of this article. Starting in two thou-  
28 sand eighteen and annually thereafter, funds from the account estab-  
29 lished pursuant to this subdivision shall be deposited in the separate  
30 account established under this paragraph in an amount to be agreed upon  
31 by the franchised corporation and the horsemen's organization recognized  
32 pursuant to section two hundred twenty-eight of this article. Funds  
33 held in this account shall be used by the appropriately recognized  
34 horsemen's organization solely as collateral to secure workers' compen-  
35 sation insurance coverage, including loss sensitive programs, including  
36 through the New York Jockey Injury Compensation Fund, Inc.

37 (d) In the event the horsemen's organization recognized pursuant to  
38 section two hundred twenty-eight of this article determines that the  
39 funds are no longer needed as collateral to secure workers' compensation  
40 insurance coverage, then, upon agreement by the franchised corporation  
41 and the appropriately recognized horsemen's organization, funds in the  
42 separate account established under paragraph (c) of this subdivision  
43 shall be returned to the account established pursuant to this subdivi-  
44 sion.

45 § 4. This act shall take effect immediately.