

STATE OF NEW YORK

9894--A

IN ASSEMBLY

February 20, 2018

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Racing 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-
25 cle to pay the annual costs required by this section and the funds from

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

LBD14725-03-8

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

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

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

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

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

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

44 § 4. This act shall take effect immediately.