

# STATE OF NEW YORK

3465

2021-2022 Regular Sessions

## IN ASSEMBLY

January 26, 2021

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Racing 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 amended by chapter 243 of the laws of 2020, is amended to read as  
4 follows:

5 (iv) [The] In the absence of a contractual agreement between a racing  
6 association or corporation and the recognized horsemen's association at  
7 that track, the commission shall as a condition of racing require an  
8 association ~~[authorized to operate in areas other than Westchester or~~  
9 ~~Nassau county]~~ to withhold ~~[one percent of]~~ the same amount paid by  
10 contract in the most recent contractual agreement from all ~~[purses]~~  
11 purse funds from all sources and to pay such sum to the horsemen's  
12 organization representing the owners and trainers using the facilities  
13 of such association which had a contract with the association governing  
14 the conditions of racing on January first, nineteen hundred ninety-two,  
15 as determined by the commission.

16 § 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 243 of the laws of 2020, is amended to read as follows:

19 (ii) except as otherwise provided in this paragraph an amount equal to  
20 six and eight-tenths percent of the total pool resulting from on-track  
21 regular bets, an amount equal to seven and ninety-five one hundredths  
22 percent of the total pool resulting from on-track multiple bets, an  
23 amount equal to ten and one-half percent of the total pool resulting  
24 from on-track exotic bets, an amount equal to fifteen and one-half  
25 percent of the total daily pool resulting from on-track super exotic

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

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1 bets shall be used exclusively for purses, of which an amount of not  
2 less than ninety percent shall be used exclusively for purses for over-  
3 night races conducted by such association or corporation. Such amounts  
4 may be reduced upon an application approved by the commission and an  
5 agreement between the licensed harness racing corporation or association  
6 and the representative horsemen's organization as a condition to reduce  
7 the amounts of retained percentages as provided for in this section.  
8 However, of the total amount available for purses, [~~an amount as deter-~~  
9 ~~mined by contractual obligations between~~] in the absence of a contractu-  
10 al agreement between a racing association or corporation and the recog-  
11 nized horsemen's association at that track, the state gaming commission  
12 shall as a condition of racing require an association authorized to  
13 operate in Westchester county to withhold the same amount paid by  
14 contract in the most recent contractual agreement from all purse funds  
15 from all sources and to pay such sum to an organization representing at  
16 least fifty-one percent of the owners and trainers using the facilities  
17 of such association or corporation for racing, training or stabling  
18 purposes and the association or corporation, shall be used for the  
19 administrative purposes of said organization and for such welfare and  
20 medical plans for regularly employed backstretch employees principally  
21 employed at the facilities of such corporation or association as  
22 provided by said organization, provided, however, that eligibility for  
23 benefits in such plans shall not be conditioned upon membership in such  
24 organization by any employee or employer thereof, and any denial of  
25 eligibility for benefits in such plans which, upon investigation and  
26 review by the commission, is determined to have resulted from a person,  
27 firm, association, corporation or organization knowingly aiding in or  
28 permitting eligibility for benefits being conditioned upon membership in  
29 such organization shall subject such organization to the penalties  
30 imposed under sections three hundred ten and three hundred twenty-one of  
31 this article but the ratio between the amounts actually expended for  
32 such welfare and medical plans and the cost actually incurred in admin-  
33 istering such welfare and medical plans for fiscal years of such corpo-  
34 ration or association, on or after July twenty-fourth, nineteen hundred  
35 eighty-one, shall not be less than the ratio between such amounts actu-  
36 ally expended and such costs actually incurred for the fiscal year imme-  
37 diately prior to such date. Such organization shall annually on or  
38 before July first certify to the commission that it represents at least  
39 fifty-one percent of such owners and trainers and provide copies of such  
40 certification to such association or corporation. Any other organization  
41 claiming to represent at least fifty-one percent of such owners and  
42 trainers may file a challenge with the commission within fifteen days of  
43 such original certification. The commission shall examine such claim and  
44 may undertake studies and conduct hearings to determine the validity of  
45 such claim. Within sixty days of receiving such challenge and based  
46 upon the findings of such studies and hearings, the commission shall  
47 render a decision on the validity of such claim and advise such organ-  
48 izations and association or corporation of its determination. Upon  
49 receipt of such original certification by such organization, the associ-  
50 ation or corporation shall make such payments to said organization and,  
51 in the event of a challenge brought to any other organization, such  
52 payments shall continue to be made until such time as the commission  
53 renders its decision on such challenge; and

54 § 3. This act shall take effect immediately.