

STATE OF NEW YORK

3475--A

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

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 horsemen's health, welfare, pension and administrative benefits for harness racing licensees in the absence of contractual obligations

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

1 Section 1. Subparagraph (ii) of paragraph a 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 (ii) except as otherwise provided in this paragraph an amount equal to
6 six and eight-tenths percent of the total pool resulting from on-track
7 regular bets, an amount equal to seven and ninety-five one hundredths
8 percent of the total pool resulting from on-track multiple bets, an
9 amount equal to ten and one-half percent of the total pool resulting
10 from on-track exotic bets, an amount equal to fifteen and one-half
11 percent of the total daily pool resulting from on-track super exotic
12 bets shall be used exclusively for purses, of which an amount of not
13 less than ninety percent shall be used exclusively for purses for over-
14 night races conducted by such association or corporation. Such amounts
15 may be reduced upon an application approved by the commission and an
16 agreement between the licensed harness racing corporation or association
17 and the representative horsemen's organization as a condition to reduce
18 the amounts of retained percentages as provided for in this section.
19 However, of the total amount available for purses, an amount as deter-
20 mined by contractual obligations between an organization representing at
21 least fifty-one percent of the owners and trainers using the facilities
22 of such association or corporation for racing, training or stabling

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

LBD04614-02-3

1 purposes and the association or corporation, or in the absence of a
2 contract between the licensed harness racing corporation or association
3 and the representative horsemen's organization, the state gaming commis-
4 sion shall as a condition of racing require an association or corpo-
5 ration to withhold and pay eight percent of all unpaid and existing
6 monies and to pay such sum to the horsemen's organization quarterly
7 which shall be used for the administrative purposes of said organization
8 and for such welfare and medical plans for regularly employed back-
9 stretch employees principally employed at the facilities of such corpo-
10 ration or association as provided by said organization, provided, howev-
11 er, that eligibility for benefits in such plans shall not be conditioned
12 upon membership in such organization by any employee or employer there-
13 of, and any denial of eligibility for benefits in such plans which, upon
14 investigation and review by the commission, is determined to have
15 resulted from a person, firm, association, corporation or organization
16 knowingly aiding in or permitting eligibility for benefits being condi-
17 tioned upon membership in such organization shall subject such organiza-
18 tion to the penalties imposed under sections three hundred ten and three
19 hundred twenty-one of this article but the ratio between the amounts
20 actually expended for such welfare and medical plans and the cost actu-
21 ally incurred in administering such welfare and medical plans for fiscal
22 years of such corporation or association, on or after July twenty-
23 fourth, nineteen hundred eighty-one, shall not be less than the ratio
24 between such amounts actually expended and such costs actually incurred
25 for the fiscal year immediately prior to such date. Such organization
26 shall annually on or before July first certify to the commission that it
27 represents at least fifty-one percent of such owners and trainers and
28 provide copies of such certification to such association or corporation.
29 Any other organization claiming to represent at least fifty-one percent
30 of such owners and trainers may file a challenge with the commission
31 within fifteen days of such original certification. The commission shall
32 examine such claim and may undertake studies and conduct hearings to
33 determine the validity of such claim. Within sixty days of receiving
34 such challenge and based upon the findings of such studies and hearings,
35 the commission shall render a decision on the validity of such claim and
36 advise such organizations and association or corporation of its determi-
37 nation. Upon receipt of such original certification by such organiza-
38 tion, the association or corporation shall make such payments to said
39 organization and, in the event of a challenge brought to any other
40 organization, such payments shall continue to be made until such time as
41 the commission renders its decision on such challenge; and

42 § 2. This act shall take effect immediately.