STATE OF NEW YORK

3567

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

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to procedures for cancelling race days at a pari-mutuel harness track

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

Section 1. Subdivision 5-a of section 307 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 243 of the laws of 2020, is amended to read as follows:

5-a. The commission shall not issue a license pursuant to this section to any harness racing association or corporation that does not apply to conduct at its facilities a minimum number of pari-mutuel programs and pari-mutuel races at its facilities equal to at least seventy-five percent of the programs and races so conducted during nineteen hundred eighty-five or during nineteen hundred eighty-six, or one hundred percent of the programs and races so conducted during two thousand, whichever is greater; provided, however, that for a harness racing association or corporation located in Westchester and Erie counties, such minimum number of pari-mutuel programs and pari-mutuel races at its facilities shall equal at least one hundred percent of the programs and races conducted during two thousand. If the track did not conduct races during two thousand, such minimum number of pari-mutuel programs and pari-mutuel races at its facilities shall equal at least ninety percent of the programs and races conducted during two thousand at Buffalo raceway, in the town of Hamburg and county of Erie, unless cancellation of a race day because of an act of God, that the commission approves or because of weather conditions that are unsafe or hazardous that the commission approves shall not be construed as a failure to conduct a race day; provided**, however, that where cancellation is sought for a race date where the scheduled post-time is more than twenty-four hours**

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

LBD08401-01-3

after the cessation of accumulating snow or ice as reported by the National Weather Service, such race date shall only be excused upon unanimous consent of the horsemen's association representative recognized pursuant to section three hundred eighteen of this chapter, the track operator and a representative of the commission. All other race day cancellations from the annual allotment granted shall only be excused by the commission if made upon the unanimous consent of the horsemen's association representative, the track operator and a representative of the commission. Any unexcused dates occurring prior to November first of any calendar year shall be rescheduled during the calendar year of occurrence and any unexcused dates occurring after such date shall be added onto the next calendar year's plan of operation and submitted to the commission for approval. Provided further, the commission shall not grant a license to such association or corporation upon application unless such programs and races are conducted during the same calendar year period as were conducted during the applicable period above used to measure the minimum number of pari-mutuel programs and pari-mutuel races, as approved by the commission. Nothing in the foregoing paragraph shall affect any agreement in effect on or before the effective date of this paragraph. The commission may grant a license to such association or corporation to conduct fewer such programs and races for good cause shown due to factors beyond the control of such association or corporation, and upon consent of the representative horsemen's association, as determined pursuant to section three hundred eighteen of this article.

§ 2. This act shall take effect immediately.