

STATE OF NEW YORK

3475

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 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
23 purposes and the association or corporation, or in the absence of a

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

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