

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 149.00: RACE HORSE DEVELOPMENT FUND

149.04: Race Horse Development Fund: Distributions; Escrow Accounts

(4) (a) The commission shall make distributions from the race horse development fund, or from a race horse development fund escrow account created under 205 CMR 149.03, **in the distribution percentage(s) approved by the commission upon a recommendation of the horse racing committee** ~~because of a harness racing association~~ **between thoroughbred and standardbred racing** as follows, in accordance with M.G.L. c. 23K, § 60 and 205 CMR 149.00:

1. 80% of the funds approved by the commission shall be paid weekly ~~into a harness racing association~~ **separate, interest bearing purse accounts in accordance with M.G.L. c. 23K, § 60(c)(i)**. If there is more than one ~~harness racing association~~ **within a particular breed**, ~~such~~ **the funds allocated to that breed** shall be divided between the ~~harness racing~~ associations at the discretion of the commission. ~~Such funds shall be paid into a separate, interest bearing purse account to be established by the harness racing association for the benefit of the harness racing horsemen.~~ The earned interest on this **those** accounts shall be credited to the **respective** purse accounts and shall be combined with revenues from existing purse agreements to fund purses for live ~~harness~~ races consistent with those agreements, with the advice and consent of the ~~harness racing horsemen~~ **applicable horsemen**.
2. 16% of the funds approved by the commission shall be deposited by the Commission **in accordance with M.G.L. c. 23K, § 60(c)(ii)** ~~into an account~~ for the benefit of the ~~Massachusetts Standardbred Breeding Program~~ **respective breeding programs** authorized by the commission.
3. 4% **of the funds approved by the commission** shall be used to fund health and pension benefits for the members of the horsemen's organizations representing the owners and trainers at ~~the harness~~ **a horse racing association's race track facility** for the benefit of the organization's members, their families, employees and others under the rules and eligibility requirements of the organization, as approved by the commission **in accordance with M.G.L. c. 23K, § 60(c)(iii)**, provided, however, that if there is more than one horsemen's organization **within a particular breed, the funds allocated to that breed shall be divided at the discretion of the commission**, ~~the commission shall divide the amount available under 205 CMR 149.04 evenly between the horsemen's organizations.~~ This amount shall be deposited by the Commission within five business days of the end of each month into a separate account to be established by each respective horsemen's organization at a banking institution of its choice. Of this amount, the commission shall determine how much shall be paid annually by the horsemen's organization to the **thoroughbred jockeys or standardbred drivers'** organization at the ~~harness horse racing associations race track~~ **facility** for health insurance, life and/or accident insurance or other

benefits to active and disabled **thoroughbred jockeys or** standardbred drivers under the rules and eligibility requirements of that organization.

~~(b) The commission shall make distributions from the race horse development fund or a race horse development fund escrow account created under 205 CMR 149.03 because of a horse racing association as follows, in accordance with M.G.L. c. 23K, § 60 and 205 CMR 149.00:~~

- ~~1. 80% of the funds approved by the commission shall be paid weekly to a horse racing association. If there is more than one horse racing association such funds shall be divided between the horse racing associations at the discretion of the commission. Such funds shall be paid into a separate, interest-bearing purse account to be established by the horse racing association for the benefit of the horse racing horsemen. The earned interest on this account shall be credited to the purse account and shall be combined with revenues from existing purse agreements to fund purses for live horse races consistent with those agreements, with the advice and consent of the horse racing horsemen.~~
- ~~2. 16% of the funds approved by the commission shall be deposited by the Commission into an account for the benefit of the Massachusetts Thoroughbred Breeding Program authorized by the commission.~~
- ~~3. 4% shall be used to fund health and pension benefits for the members of the horsemen's organizations representing the owners and trainers at the horse racing association's race track for the benefit of the organization's members, their families, employees and others under the rules and eligibility requirements of the organization, as approved by the commission provided, however, that if there is more than one horsemen's organization, the commission shall divide the amount available under 205 CMR 149.04 evenly between the horsemen's organizations. This amount shall be deposited by the Commission within five business days of the end of each month into a separate account to be established by each respective horsemen's organization at a banking institution of its choice. Of this amount the commission shall determine how much shall be paid annually by the horsemen's organization to the standardbred drivers' organization at the horse racing association's race track for health insurance, life and/or accident insurance or other benefits to active and disabled standardbred jockeys under the rules and eligibility requirements of that organization. **RESERVED**~~

(c) The commission may distribute less than the entire amount of the funds in 205 CMR 149.04(4)(a)1. ~~and (b)1.~~ if the commission determines in its sole discretion that such distribution shall be beneficial or if a lesser amount is requested by the harness racing association or the horse racing association. Funds under 205 CMR 149.04(4)(a)1. ~~or (b)1.~~ that remain after payment by the commission under 205 CMR 149.04 shall remain in the race horse development fund and shall be available for payment in future years in the commission's discretion, after applying the **distribution percentage recommendation** determination of the race horse racing committee ~~regarding allocation between harness racing and horse racing.~~