

5430--A

2013-2014 Regular Sessions

I N   S E N A T E

May 16, 2013

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Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law and the state finance law, in relation to providing a tax check-off box on personal income tax and corporate franchise tax returns for gifts to the New York state horse retirement and rescue fund; and directing the commissioner of agriculture and markets to compile a list of approved horse retirement and rescue programs

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The tax law is amended by adding a new section 209-I to  
2     read as follows:  
3     S 209-I. GIFT FOR THE NEW YORK STATE HORSE RETIREMENT AND RESCUE FUND.  
4     EFFECTIVE FOR ANY TAX YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF  
5     THIS SECTION, A TAXPAYER IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO  
6     THE SUPPORT OF THE NEW YORK STATE HORSE RETIREMENT AND RESCUE FUND. SUCH  
7     CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE  
8     THE AMOUNT OF THE STATE TAX OWED BY SUCH TAXPAYER. THE COMMISSIONER  
9     SHALL INCLUDE SPACE ON THE CORPORATE INCOME TAX RETURN TO ENABLE A  
10    TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION  
11    OF LAW, ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDIT-  
12    ED TO THE NEW YORK STATE HORSE RETIREMENT AND RESCUE FUND AND SHALL BE  
13    USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-FIVE-H OF THE  
14    STATE FINANCE LAW.  
15    S 2. The tax law is amended by adding a new section 625-a to read as  
16    follows:

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

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1 S 625-A. GIFT FOR THE NEW YORK STATE HORSE RETIREMENT AND RESCUE FUND.  
2 EFFECTIVE FOR ANY TAX YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF  
3 THIS SECTION, A TAXPAYER IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO  
4 THE SUPPORT OF THE NEW YORK STATE HORSE RETIREMENT AND RESCUE FUND. SUCH  
5 CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE  
6 THE AMOUNT OF THE STATE TAX OWED BY SUCH TAXPAYER. THE COMMISSIONER  
7 SHALL INCLUDE SPACE ON THE PERSONAL INCOME TAX RETURN TO ENABLE A  
8 TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION  
9 OF LAW, ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDIT-  
10 ED TO THE NEW YORK STATE HORSE RETIREMENT AND RESCUE FUND AND SHALL BE  
11 USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-FIVE-H OF THE  
12 STATE FINANCE LAW.

13 S 3. The state finance law is amended by adding a new section 95-h to  
14 read as follows:

15 S 95-H. NEW YORK STATE HORSE RETIREMENT AND RESCUE FUND. 1. THERE IS  
16 HEREBY ESTABLISHED IN THE SOLE CUSTODY OF THE COMMISSIONER OF TAXATION  
17 AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "NEW YORK STATE HORSE  
18 RETIREMENT AND RESCUE FUND". MONIES IN THE FUND SHALL BE KEPT SEPARATE  
19 FROM AND NOT COMMINGLED WITH OTHER FUNDS HELD IN THE SOLE CUSTODY OF THE  
20 COMMISSIONER OF TAXATION AND FINANCE.

21 2. SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT  
22 OF TAXATION AND FINANCE PURSUANT TO THE PROVISIONS OF SECTIONS TWO  
23 HUNDRED NINE-I AND SIX HUNDRED TWENTY-FIVE-A OF THE TAX LAW AND ALL  
24 OTHER MONEY APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY  
25 OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED HEREIN SHALL  
26 PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE  
27 PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO  
28 THE FUND ACCORDING TO LAW.

29 3. THE MONEYS IN SAID ACCOUNT SHALL BE RETAINED BY THE FUND AND SHALL  
30 BE PAYABLE FROM THE FUND BY THE COMMISSIONER OF TAXATION AND FINANCE ON  
31 VOUCHERS CERTIFIED OR APPROVED BY THE COMMISSIONER OF AGRICULTURE AND  
32 MARKETS OR HIS OR HER DESIGNEE AND ONLY FOR THE PURPOSES SET FORTH IN  
33 THIS SECTION.

34 4. THE MONEYS IN SUCH FUND SHALL BE EXPENDED FOR THE PURPOSE OF  
35 SUPPORTING ELIGIBLE HORSE RETIREMENT AND RESCUE PROGRAMS. ELIGIBLE HORSE  
36 RETIREMENT AND RESCUE PROGRAMS ARE THOSE APPROVED BY THE COMMISSIONER OF  
37 AGRICULTURE AND MARKETS.

38 S 4. The commissioner of agriculture and markets shall compile a list  
39 of approved horse retirement and rescue programs eligible to receive  
40 funding from the New York state horse retirement and rescue fund. The  
41 eligibility of a rescue program shall be determined based upon the  
42 economic sustainability of the rescue, the rescue's long term stability,  
43 the rescue's demonstration of an ongoing commitment to the proper care  
44 of horses, and such other factors as the commissioner shall deem appro-  
45 priate after consultation with the farm bureau, horse breeder associ-  
46 ations and societies for the prevention of cruelty to animals. All  
47 approved rescues must be non-profit organizations which are tax-exempt  
48 pursuant to the provisions of section 501(c)(3) of the Internal Revenue  
49 Code.

50 S 5. This act shall take effect January 1, 2015 and shall apply to all  
51 fiscal years commencing on and after that date.