S T A T E O F N E W Y O R K

5430--A

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

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:

Section 1. The tax law is amended by adding a new section 209-I to read as follows:

S 209-I. GIFT FOR THE NEW YORK STATE HORSE RETIREMENT AND RESCUE FUND. EFFECTIVE FOR ANY TAX YEAR COMMENCING ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION, A TAXPAYER IN ANY TAXABLE YEAR MAY ELECT TO CONTRIBUTE TO THE SUPPORT OF THE NEW YORK STATE HORSE RETIREMENT AND RESCUE FUND. SUCH CONTRIBUTION SHALL BE IN ANY WHOLE DOLLAR AMOUNT AND SHALL NOT REDUCE THE AMOUNT OF THE STATE TAX OWED BY SUCH TAXPAYER. THE COMMISSIONER SHALL INCLUDE SPACE ON THE CORPORATE INCOME TAX RETURN TO ENABLE A TAXPAYER TO MAKE SUCH CONTRIBUTION. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL REVENUES COLLECTED PURSUANT TO THIS SECTION SHALL BE CREDITED TO THE NEW YORK STATE HORSE RETIREMENT AND RESCUE FUND AND SHALL BE USED ONLY FOR THOSE PURPOSES ENUMERATED IN SECTION NINETY-FIVE-H OF THE STATE FINANCE LAW.

S 2. The tax law is amended by adding a new section 625-a to read as follows:

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

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

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

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

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

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

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

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

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