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

8997--A

I N A S S E M B L Y

March 6, 2014

Introduced by M. of A. GLICK, MOSLEY, ROSENTHAL, COOK, GOTTFRIED, FINCH, LUPINACCI -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law, in relation to the creation of the responsible retirement of racehorses fund; to amend the racing, pari-mutuel wagering and breeding law, in relation to a horse registration fee; and to amend the agriculture and markets law, in relation to the responsible retirement of racehorses

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

Section 1. The state finance law is amended by adding a new section 95-h to read as follows:

S 95-H. RESPONSIBLE RETIREMENT OF RACEHORSES 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 "RESPONSIBLE RETIREMENT OF RACEHORSES 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. (A) SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPARTMENT OF TAXATION AND FINANCE PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION 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.

(B) THE SOURCES OF THE "RESPONSIBLE RETIREMENT OF RACEHORSES FUND" SHALL BE AS FOLLOWS:

(I) ONE-HALF OF ONE PERCENT OF THE COMMISSIONS FROM VIDEO LOTTERY GAMING REVENUE FROM NEW YORK'S TRACKS AND RESORTS WORLD CASINO NEW YORK CITY AND ANY VIDEO LOTTERY GAMING ADDED AFTER THIS SECTION SHALL HAVE BECOME A LAW;

(II) ONE-HALF OF ONE PERCENT OF ALL PURSES AT THE NEW YORK STATE TRACKS;

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

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(III) FIVE PERCENT OF THE NEW YORK STATE THOROUGHBRED BREEDING AND DEVELOPMENT FUND ANNUAL REVENUE; AND

(IV) TEN PERCENT OF FEES GENERATED BY THE AGRICULTURE AND NEW YORK STATE HORSE BREEDING DEVELOPMENT FUND PURSUANT TO SECTION THREE HUNDRED THIRTY OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING 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 RESPONSIBLE HORSE RETIREMENT OF THOROUGHBREDS AND STANDARD-BREDS IN NEW YORK STATE. ELIGIBLE HORSE RETIREMENT AND RESCUE PROGRAMS ARE THOSE APPROVED BY THE COMMISSIONER OF AGRICULTURE AND MARKETS.

S 2. Section 330 of the racing, pari-mutuel wagering and breeding law is amended by adding a new subdivision 6 to read as follows:

6. THE FUND IS DIRECTED TO ESTABLISH A HORSE REGISTRATION FEE FOR EACH HORSE REGISTERED PURSUANT TO THIS CHAPTER, WITH THE PROCEEDS OF SUCH FEE TO BE CREDITED TO THE FUND.

S 3. The agriculture and markets law is amended by adding a new section 380 to read as follows:

S 380. RESPONSIBLE RETIREMENT OF RACEHORSES. 1. THE COMMISSIONER SHALL COMPILE A LIST OF APPROVED HORSE RETIREMENT AND RESCUE PROGRAMS ELIGIBLE TO RECEIVE FUNDING FROM THE RESPONSIBLE RETIREMENT OF RACEHORSES FUND ESTABLISHED PURSUANT TO SECTION NINETY-FIVE-H OF THE STATE FINANCE LAW. 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 AND HUMANE SOCIETIES. 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.

2. FOR PURPOSES OF THIS SECTION THE TERM RACEHORSE SHALL INCLUDE THE FOLLOWING:

(A) "NEWLY RETIRED" MEANS HORSES THAT HAVE STOPPED RACING AND HAVE LEFT THE TRACK FOR UP TO SIX MONTHS. HORSES LEAVING THE TRACK SHOULD BE EVALUATED FOR PHYSICAL AND BEHAVIORAL SOUNDNESS BY THE TRAINER AND VETERINARIAN ASSOCIATED WITH THE HORSE TO DETERMINE THE INITIAL RETIREMENT CLASSIFICATION.

(B) "INITIAL RETIREMENT CLASSIFICATIONS" MEANS:

I. "PERFORMANCE SPORT RETIRED" MEANS A HORSE WHOSE RACING CAREER HAS CONCLUDED BUT WHO HAS BEEN DETERMINED TO BE PHYSICALLY AND BEHAVIORALLY SUITABLE FOR SECOND PERFORMANCE BASED CAREERS IN RIDING OR DRIVING ACTIVITIES, WHETHER THEY BE HIGH PERFORMANCE COMPETITIVE OR DEMANDING PLEASURE SPORT USE.

II. "PLEASURE SPORT RETIRED" MEANS A HORSE WHOSE RACING CAREER HAS CONCLUDED BUT NOT WHO HAS BEEN DETERMINED TO BE PHYSICALLY AND BEHAVIORALLY SUITABLE FOR SECOND PERFORMANCE-BASED CAREERS THAT ARE LESS DEMANDING SUCH AS PLEASURE SPORT TRAIL RIDING, RIDING LESSONS AND THERAPEUTIC RIDING USE.

III. "COMPANION RETIRED" MEANS A HORSE WHOSE RACING CAREER HAS CONCLUDED AND HAS BEEN DETERMINED TO BE PHYSICALLY AND BEHAVIORALLY SUITABLE FOR SERVICE AS A COMPANION ANIMAL. THIS SERVICE MAY INCLUDE LIMITED LIGHT RIDING AT THE WALK BUT IS OFTEN CONFINED TO PASTURE ANIMAL

COMPANION STATUS AND/OR SERVICE SUCH AS NON-RIDING THERAPEUTIC ACTIVITIES. COMPANION RETIRED HORSES CAN LIVE PRODUCTIVE LIVES BUT MAY WELL REQUIRE MANAGEMENT CARE (MEDICAL AND/OR NUTRITIONAL) THAT MAKES THEM UNSUITABLE TO PERFORMANCE OR PLEASURE SPORT USE.

IV. "FULLY RETIRED" MEANS A HORSE WHOSE RACING CAREER HAS CONCLUDED AND HAS BEEN DETERMINED TO BE PHYSICALLY AND BEHAVIORALLY UNSUITABLE FOR PERFORMANCE OR COMPANION RETIRED STATUS. FULLY RETIRED HORSES MAY STILL LIVE PRODUCTIVE LIVES IF PASTURE SOUND IN FULL PASTURE RETIREMENT BUT MAY REQUIRE MANAGEMENT CARE FOR BEHAVIORAL, PHYSICAL AND/OR NUTRITIONAL CHALLENGES.

(C) "FORMER RACEHORSE" MEANS A HORSE WHOSE RACING CAREER HAS CONCLUDED AT LEAST SIX MONTHS PRIOR AND WHO WILL NOT BE RACING IN THE FUTURE.

(D) "UNRACED HORSE" MEANS A RACEHORSE THAT WAS BRED TO RACE BUT NEVER COMPETED IN A RACE. IT MAY HAVE BEEN IN RACE TRAINING AND FAILED TO SHOW ABILITY OR SUFFERED AN INJURY BEFORE OR DURING TRAINING. ANOTHER COMMON SCENARIO IS THE HORSE WAS BRED WITH INTENT TO RACE BUT CIRCUMSTANCES PREVENTED IT FROM ENTERING TRAINING. FOR INSTANCE, THE OWNER OR BREEDER LACKED THE RESOURCES TO PUT THE HORSE IN TRAINING, OR THE YOUNG HORSE MAY HAVE HAD AN INJURY PRECLUDING IT FROM A RACING CAREER BUT NOT FROM ALTERNATIVE PURSUITS.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law.