

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:

1 Section 1. The state finance law is amended by adding a new section
2 95-h to read as follows:

3 S 95-H. RESPONSIBLE RETIREMENT OF RACEHORSES FUND. 1. THERE IS HEREBY
4 ESTABLISHED IN THE SOLE CUSTODY OF THE COMMISSIONER OF TAXATION AND
5 FINANCE A SPECIAL FUND TO BE KNOWN AS THE "RESPONSIBLE RETIREMENT OF
6 RACEHORSES FUND". MONIES IN THE FUND SHALL BE KEPT SEPARATE FROM AND NOT
7 COMMINGLED WITH OTHER FUNDS HELD IN THE SOLE CUSTODY OF THE COMMISSIONER
8 OF TAXATION AND FINANCE.

9 2. (A) SUCH FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE DEPART-
10 MENT OF TAXATION AND FINANCE PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVI-
11 SION AND ALL OTHER MONEY APPROPRIATED, CREDITED, OR TRANSFERRED THERETO
12 FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED HEREIN
13 SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE
14 PURPOSES OF THE FUND AS DEFINED IN THIS SECTION AND DEPOSITING THEM INTO
15 THE FUND ACCORDING TO LAW.

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

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

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

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

LBD13233-04-4

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

3 (IV) TEN PERCENT OF FEES GENERATED BY THE AGRICULTURE AND NEW YORK
4 STATE HORSE BREEDING DEVELOPMENT FUND PURSUANT TO SECTION THREE HUNDRED
5 THIRTY OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW.

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

11 4. THE MONEYS IN SUCH FUND SHALL BE EXPENDED FOR THE PURPOSE OF
12 SUPPORTING RESPONSIBLE HORSE RETIREMENT OF THOROUGHBREDS AND STANDARD-
13 BREDS IN NEW YORK STATE. ELIGIBLE HORSE RETIREMENT AND RESCUE PROGRAMS
14 ARE THOSE APPROVED BY THE COMMISSIONER OF AGRICULTURE AND MARKETS.

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

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

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

22 S 380. RESPONSIBLE RETIREMENT OF RACEHORSES. 1. THE COMMISSIONER
23 SHALL COMPILE A LIST OF APPROVED HORSE RETIREMENT AND RESCUE PROGRAMS
24 ELIGIBLE TO RECEIVE FUNDING FROM THE RESPONSIBLE RETIREMENT OF RACEHORS-
25 ES FUND ESTABLISHED PURSUANT TO SECTION NINETY-FIVE-H OF THE STATE
26 FINANCE LAW. THE ELIGIBILITY OF A RESCUE PROGRAM SHALL BE DETERMINED
27 BASED UPON THE ECONOMIC SUSTAINABILITY OF THE RESCUE, THE RESCUE'S LONG
28 TERM STABILITY, THE RESCUE'S DEMONSTRATION OF AN ONGOING COMMITMENT TO
29 THE PROPER CARE OF HORSES, AND SUCH OTHER FACTORS AS THE COMMISSIONER
30 SHALL DEEM APPROPRIATE AFTER CONSULTATION WITH THE FARM BUREAU, HORSE
31 BREEDER ASSOCIATIONS AND SOCIETIES FOR THE PREVENTION OF CRUELTY TO
32 ANIMALS AND HUMANE SOCIETIES. ALL APPROVED RESCUES MUST BE NON-PROFIT
33 ORGANIZATIONS WHICH ARE TAX-EXEMPT PURSUANT TO THE PROVISIONS OF SECTION
34 501(C)(3) OF THE INTERNAL REVENUE CODE.

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

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

42 (B) "INITIAL RETIREMENT CLASSIFICATIONS" MEANS:

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

48 II. "PLEASURE SPORT RETIRED" MEANS A HORSE WHOSE RACING CAREER HAS
49 CONCLUDED BUT NOT WHO HAS BEEN DETERMINED TO BE PHYSICALLY AND BEHAV-
50 IORALLY SUITABLE FOR SECOND PERFORMANCE-BASED CAREERS THAT ARE LESS
51 DEMANDING SUCH AS PLEASURE SPORT TRAIL RIDING, RIDING LESSONS AND THERA-
52 PEUTIC RIDING USE.

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

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

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

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

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

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