

7187--A

2015-2016 Regular Sessions

I N   A S S E M B L Y

April 27, 2015

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Introduced by M. of A. PRETLOW, GLICK, WOERNER, SOLAGES, GARBARINO, SANTABARBARA, TEDISCO -- read once and referred to the Committee on Racing and Wagering -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to establishing the commission on retired racehorses

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

1     Section 1. The racing, pari-mutuel wagering and breeding law is  
2     amended by adding a new article 7-A to read as follows:

3                                     ARTICLE 7-A

4                                     COMMISSION ON RETIRED RACEHORSES

5     SECTION 710. COMMISSION ON RETIRED RACEHORSES.

6             711. POWERS AND DUTIES OF COMMISSION.

7             712. REPORTS ON RETIRED RACEHORSES.

8     S 710. COMMISSION ON RETIRED RACEHORSES. 1. THERE IS HEREBY ESTAB-  
9     LISHED A COMMISSION ON RETIRED RACEHORSES. SUCH COMMISSION ON RETIRED  
10    RACEHORSES SHALL CONSIST OF SEVEN MEMBERS, THREE OF WHOM SHALL BE  
11    APPOINTED BY THE GOVERNOR, TWO OF WHOM SHALL BE APPOINTED BY THE TEMPO-  
12    RARY PRESIDENT OF THE SENATE AND TWO OF WHOM SHALL BE APPOINTED BY THE  
13    SPEAKER OF THE ASSEMBLY. OF THE THREE MEMBERS APPOINTED BY THE GOVERNOR,  
14    TWO SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE GAMING COMMISSION.  
15    ONE OF THE APPOINTED MEMBERS OF THE COMMISSION ON RETIRED RACEHORSES  
16    SHALL BE REPRESENTATIVE OF OWNERS AND BREEDERS OF STANDARDBRED HORSES  
17    AND ONE SHALL BE REPRESENTATIVE OF OWNERS AND BREEDERS OF THOROUGHBRED  
18    HORSES. THREE OF THE APPOINTED MEMBERS OF THE COMMISSION ON RETIRED  
19    RACEHORSES SHALL BE REPRESENTATIVE OF: (A) PERSONS WITH EXPERTISE IN  
20    TRAINING HORSES FOR USES OTHER THAN RACING, SUCH AS RIDING SCHOOLS,  
21    STEEPLECHASE COMPETITIONS, SHOW HORSE COMPETITIONS (E.G., DRESSAGE,  
22    HUNTER/JUMPER, ENGLISH, WESTERN, AND COSTUME COMPETITIONS), AND OTHER

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

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1 RECREATIONAL USES, (B) PERSONS WITH EXPERIENCE IN THE POTENTIAL FARM OR  
2 OTHER RURAL ECONOMIC BUSINESS APPLICATIONS FOR HORSES, AND (C) PERSONS  
3 FAMILIAR WITH THE USE OF HORSES FOR RECREATIONAL OR THERAPEUTIC USES.

4 2. THE MEMBERS OF THE COMMISSION ON RETIRED RACEHORSES SHALL SERVE FOR  
5 TERMS OF TWO YEARS EACH.

6 3. EVERY MEMBER OF THE COMMISSION ON RETIRED RACEHORSES SHALL SERVE AT  
7 THE PLEASURE OF THE OFFICIAL WHO APPOINTED HIM OR HER. VACANCIES IN THE  
8 MEMBERSHIP OF SUCH COMMISSION SHALL BE FILLED IN THE MANNER PROVIDED FOR  
9 ORIGINAL APPOINTMENTS.

10 4. THE MEMBERS OF THE COMMISSION ON RETIRED RACEHORSES SHALL RECEIVE  
11 NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL  
12 AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES  
13 PURSUANT TO THIS SECTION.

14 S 711. POWERS AND DUTIES OF COMMISSION. 1. THE COMMISSION ON RETIRED  
15 RACEHORSES, IN COOPERATION WITH THE GAMING COMMISSION, SHALL BE RESPON-  
16 SIBLE FOR THE OVERSIGHT OF RETIRED RACEHORSES, INCLUDING THE TRACKING OF  
17 SUCH RACEHORSES. FOR THE PURPOSES OF THIS ARTICLE, A RETIRED RACEHORSE  
18 SHALL MEAN (A) A NEW YORK-BRED THOROUGHBRED AS DEFINED BY SUBDIVISION  
19 THREE OF SECTION TWO HUNDRED FIFTY-ONE OF THIS CHAPTER WHICH IS NO LONG-  
20 ER ENGAGED IN HORSERACING OR (B) A STANDARD BRED WHICH MEETS OR EVER MET  
21 THE STANDARDS SET FORTH IN SUBDIVISION ONE OF SECTION THREE HUNDRED  
22 THIRTY-FOUR OF THIS CHAPTER AND WHICH IS NO LONGER ENGAGED IN HORSE  
23 RACING.

24 2. THE COMMISSION ON RETIRED RACEHORSES, IN COOPERATION WITH THE  
25 GAMING COMMISSION, SHALL BE RESPONSIBLE FOR THE CREATION OF A REGISTRY  
26 WHICH WOULD TRACK RETIRED RACEHORSES. SUCH REGISTRY SHALL INCLUDE INFOR-  
27 MATION PROVIDED BY EACH OWNER AND SUBSEQUENT OWNER OF A RETIRED  
28 RACEHORSE, AS PROVIDED IN SECTION SEVEN HUNDRED TWELVE OF THIS ARTICLE.  
29 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSION ON RETIRED  
30 RACEHORSES SHALL MAINTAIN AND UPDATE THIS REGISTRY. THE COMMISSION ON  
31 RETIRED RACEHORSES MAY ACCESS ANY RELEVANT INFORMATION IN THE REGISTRIES  
32 DESIGNATED AND ADMINISTERED BY THE NEW YORK STATE THOROUGHBRED BREEDING  
33 AND DEVELOPMENT FUND AND THE AGRICULTURE AND NEW YORK STATE HORSE BREED-  
34 ING DEVELOPMENT FUND.

35 3. THE COMMISSION ON RETIRED RACEHORSES SHALL WORK WITH THE GAMING  
36 COMMISSION TO IDENTIFY METHODS BY WHICH THE INFORMATION IN THE RETIRED  
37 RACEHORSE REGISTRY MAY BE UTILIZED TO ADDRESS THE WELL-BEING AND/OR  
38 EMPLOYMENT OF RETIRED RACEHORSES, INCLUDING BUT NOT LIMITED TO STRATE-  
39 GIES TO ADDRESS THE ISSUE OF ABANDONED RACEHORSES AND TO PREVENT THE  
40 SLAUGHTER OF RETIRED RACEHORSES. THE COMMISSION ON RETIRED RACEHORSES  
41 SHALL ALSO FURNISH RELATED FUTURE RECOMMENDATIONS REGARDING THE FUNDING,  
42 CARE AND TREATMENT OF RETIRED RACEHORSES. SUCH RECOMMENDATIONS AND RELE-  
43 VANT DATA THAT SUPPORT SUCH RECOMMENDATIONS SHALL BE SUBMITTED TO THE  
44 GAMING COMMISSION, THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE,  
45 THE CHAIR OF THE SENATE RACING, GAMING AND WAGERING COMMITTEE, THE  
46 SPEAKER OF THE ASSEMBLY AND THE CHAIR OF THE ASSEMBLY RACING AND WAGER-  
47 ING COMMITTEE NO LESS OFTEN THAN BIENNUELY.

48 4. THE COMMISSION ON RETIRED RACEHORSES SHALL WORK WITH THE GAMING  
49 COMMISSION TO PUBLISH ON THE GAMING COMMISSION WEBSITE AT LEAST QUARTER-  
50 LY, IN SUCH FORMS AS THE GAMING COMMISSION MAY DEEM PROPER, A REPORT OF  
51 AGGREGATE DATA FROM THE RETIRED RACEHORSE REGISTRY INCLUDING THE NUMBER  
52 OF RETIRED RACEHORSES AND ANY OTHER INFORMATION WHICH THE GAMING COMMISS-  
53 ION MAY DEEM PROPER. SUCH REPORT SHALL ALSO INCLUDE INFORMATION ON HOW  
54 TO REPORT VIOLATIONS AS PROVIDED IN SUBDIVISION THREE OF SECTION SEVEN  
55 HUNDRED TWELVE OF THIS ARTICLE TO THE COMMISSION ON RETIRED RACEHORSES.

1 5. THE COMMISSION ON RETIRED RACEHORSES SHALL SHARE WITH THE GAMING  
2 COMMISSION ANY SUSPECTED VIOLATIONS AS PROVIDED IN SUBDIVISION THREE OF  
3 SECTION SEVEN HUNDRED TWELVE OF THIS ARTICLE AT A TIME AND IN A MANNER  
4 TO BE DETERMINED AND PRESCRIBED BY THE GAMING COMMISSION FOR THE PURPOSE  
5 OF ASSESSING CIVIL PENALTIES.

6 S 712. REPORTS ON RETIRED RACEHORSES. 1. WITHIN SEVENTY-TWO HOURS  
7 AFTER ANY CHANGE IN OWNERSHIP REGARDING A RETIRED RACEHORSE, THE NEW  
8 OWNER OR OWNERS OF THE HORSE SHALL REPORT TO THE COMMISSION ON RETIRED  
9 RACEHORSES THAT SUCH OWNERSHIP HAS CHANGED AND SHALL FILE A STATEMENT  
10 LISTING THE NAME OR NAMES OF THE PREVIOUS OWNER OR OWNERS AND THE  
11 LICENSE NUMBER OF ANY LICENSE ISSUED BY THE GAMING COMMISSION TO THE  
12 PREVIOUS OWNER OR OWNERS, THE NAME OR NAMES, TELEPHONE NUMBER OR TELE-  
13 PHONE NUMBERS AND ADDRESS OR ADDRESSES OF THE NEW OWNER OR OWNERS, THE  
14 LICENSE NUMBER OF ANY LICENSE ISSUED BY THE GAMING COMMISSION TO THE NEW  
15 OWNER OR OWNERS, THE TATTOO NUMBER OF SUCH HORSE AND ANY OTHER INFORMA-  
16 TION WHICH THE COMMISSION ON RETIRED RACEHORSES MAY REQUIRE.

17 2. WITHIN SEVENTY-TWO HOURS AFTER THE DEATH OF A RETIRED RACEHORSE,  
18 THE OWNER OR OWNERS OF THE HORSE SHALL REPORT SUCH DEATH TO THE COMMIS-  
19 SION ON RETIRED RACEHORSES AND SHALL FILE A STATEMENT INCLUDING A DEATH  
20 CERTIFICATE BY A LICENSED VETERINARIAN AND ANY OTHER INFORMATION WHICH  
21 THE COMMISSION ON RETIRED RACEHORSES MAY REQUIRE.

22 3. ANY SOLE OR JOINT OWNER OF A RETIRED RACEHORSE WHO IS A RESIDENT OF  
23 THE STATE AND WHO FAILS TO FILE A STATEMENT REQUIRED TO BE FILED BY THIS  
24 SECTION SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED FIVE HUNDRED  
25 DOLLARS FOR EACH VIOLATION.

26 S 2. Severability. If any clause, sentence, subdivision, paragraph,  
27 section or part of this act be adjudged by any court of competent juris-  
28 diction to be invalid, such judgement shall not affect, impair or inval-  
29 idate the remainder thereof, but shall be confined in its operation to  
30 the clause, sentence, subdivision, paragraph, section or part thereof  
31 directly involved in the controversy in which such judgement shall have  
32 been rendered.

33 S 3. This act shall take effect on the one hundred eightieth day after  
34 it shall have become a law.