

5342

2015-2016 Regular Sessions

I N A S S E M B L Y

February 18, 2015

Introduced by M. of A. GLICK, ROSENTHAL, COOK, GOTTFRIED, MARKEY, FINCH,  
MOSLEY -- read once and referred to the Committee on Ways and Means

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;

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

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

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

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

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

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

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

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

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

24 S 380. RESPONSIBLE RETIREMENT OF RACEHORSES. 1. THE COMMISSIONER  
25 SHALL COMPILE A LIST OF APPROVED HORSE RETIREMENT AND RESCUE PROGRAMS  
26 ELIGIBLE TO RECEIVE FUNDING FROM THE RESPONSIBLE RETIREMENT OF RACEHORS-  
27 ES FUND ESTABLISHED PURSUANT TO SECTION NINETY-FIVE-H OF THE STATE  
28 FINANCE LAW. THE ELIGIBILITY OF A RESCUE PROGRAM SHALL BE DETERMINED  
29 BASED UPON THE ECONOMIC SUSTAINABILITY OF THE RESCUE, THE RESCUE'S LONG  
30 TERM STABILITY, THE RESCUE'S DEMONSTRATION OF AN ONGOING COMMITMENT TO  
31 THE PROPER CARE OF HORSES, AND SUCH OTHER FACTORS AS THE COMMISSIONER  
32 SHALL DEEM APPROPRIATE AFTER CONSULTATION WITH THE FARM BUREAU, HORSE  
33 BREEDER ASSOCIATIONS AND SOCIETIES FOR THE PREVENTION OF CRUELTY TO  
34 ANIMALS AND HUMANE SOCIETIES. ALL APPROVED RESCUES MUST BE NON-PROFIT  
35 ORGANIZATIONS WHICH ARE TAX-EXEMPT PURSUANT TO THE PROVISIONS OF SECTION  
36 501(C)(3) OF THE INTERNAL REVENUE CODE.

37 2. FOR PURPOSES OF THIS SECTION THE TERM RACEHORSE SHALL INCLUDE A  
38 HORSE WHOSE RACING CAREER HAS CONCLUDED OR A HORSE THAT WAS BRED TO RACE  
39 BUT HAS NEVER COMPETED IN A RACE.

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