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

7187--A

2015-2016 Regular Sessions

I N A S S E M B L Y

April 27, 2015

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:

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

ARTICLE 7-A

COMMISSION ON RETIRED RACEHORSES

SECTION 710. COMMISSION ON RETIRED RACEHORSES.
711. POWERS AND DUTIES OF COMMISSION.
712. REPORTS ON RETIRED RACEHORSES.

S 710. COMMISSION ON RETIRED RACEHORSES. 1. THERE IS HEREBY ESTABLISHED A COMMISSION ON RETIRED RACEHORSES. SUCH COMMISSION ON RETIRED RACEHORSES SHALL CONSIST OF SEVEN MEMBERS, THREE OF WHOM SHALL BE APPOINTED BY THE GOVERNOR, TWO OF WHOM SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND TWO OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY. OF THE THREE MEMBERS APPOINTED BY THE GOVERNOR, TWO SHALL BE APPOINTED UPON THE RECOMMENDATION OF THE GAMING COMMISSION. ONE OF THE APPOINTED MEMBERS OF THE COMMISSION ON RETIRED RACEHORSES SHALL BE REPRESENTATIVE OF OWNERS AND BREEDERS OF STANDARDBRED HORSES AND ONE SHALL BE REPRESENTATIVE OF OWNERS AND BREEDERS OF THOROUGHBRED HORSES. THREE OF THE APPOINTED MEMBERS OF THE COMMISSION ON RETIRED RACEHORSES SHALL BE REPRESENTATIVE OF: (A) PERSONS WITH EXPERTISE IN TRAINING HORSES FOR USES OTHER THAN RACING, SUCH AS RIDING SCHOOLS, STEEPLECHASE COMPETITIONS, SHOW HORSE COMPETITIONS (E.G., DRESSAGE, 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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RECREATIONAL USES, (B) PERSONS WITH EXPERIENCE IN THE POTENTIAL FARM OR OTHER RURAL ECONOMIC BUSINESS APPLICATIONS FOR HORSES, AND (C) PERSONS FAMILIAR WITH THE USE OF HORSES FOR RECREATIONAL OR THERAPEUTIC USES.

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

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

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

S 711. POWERS AND DUTIES OF COMMISSION. 1. THE COMMISSION ON RETIRED RACEHORSES, IN COOPERATION WITH THE GAMING COMMISSION, SHALL BE RESPONSIBLE FOR THE OVERSIGHT OF RETIRED RACEHORSES, INCLUDING THE TRACKING OF SUCH RACEHORSES. FOR THE PURPOSES OF THIS ARTICLE, A RETIRED RACEHORSE SHALL MEAN (A) A NEW YORK-BRED THOROUGHBRED AS DEFINED BY SUBDIVISION THREE OF SECTION TWO HUNDRED FIFTY-ONE OF THIS CHAPTER WHICH IS NO LONGER ENGAGED IN HORSERACING OR (B) A STANDARDBRED WHICH MEETS OR EVER MET THE STANDARDS SET FORTH IN SUBDIVISION ONE OF SECTION THREE HUNDRED THIRTY-FOUR OF THIS CHAPTER AND WHICH IS NO LONGER ENGAGED IN HORSE RACING.

2. THE COMMISSION ON RETIRED RACEHORSES, IN COOPERATION WITH THE GAMING COMMISSION, SHALL BE RESPONSIBLE FOR THE CREATION OF A REGISTRY WHICH WOULD TRACK RETIRED RACEHORSES. SUCH REGISTRY SHALL INCLUDE INFORMATION PROVIDED BY EACH OWNER AND SUBSEQUENT OWNER OF A RETIRED RACEHORSE, AS PROVIDED IN SECTION SEVEN HUNDRED TWELVE OF THIS ARTICLE. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COMMISSION ON RETIRED RACEHORSES SHALL MAINTAIN AND UPDATE THIS REGISTRY. THE COMMISSION ON RETIRED RACEHORSES MAY ACCESS ANY RELEVANT INFORMATION IN THE REGISTRIES DESIGNATED AND ADMINISTERED BY THE NEW YORK STATE THOROUGHBRED BREEDING AND DEVELOPMENT FUND AND THE AGRICULTURE AND NEW YORK STATE HORSE BREEDING DEVELOPMENT FUND.

3. THE COMMISSION ON RETIRED RACEHORSES SHALL WORK WITH THE GAMING COMMISSION TO IDENTIFY METHODS BY WHICH THE INFORMATION IN THE RETIRED RACEHORSE REGISTRY MAY BE UTILIZED TO ADDRESS THE WELL-BEING AND/OR EMPLOYMENT OF RETIRED RACEHORSES, INCLUDING BUT NOT LIMITED TO STRATEGIES TO ADDRESS THE ISSUE OF ABANDONED RACEHORSES AND TO PREVENT THE SLAUGHTER OF RETIRED RACEHORSES. THE COMMISSION ON RETIRED RACEHORSES SHALL ALSO FURNISH RELATED FUTURE RECOMMENDATIONS REGARDING THE FUNDING, CARE AND TREATMENT OF RETIRED RACEHORSES. SUCH RECOMMENDATIONS AND RELEVANT DATA THAT SUPPORT SUCH RECOMMENDATIONS SHALL BE SUBMITTED TO THE GAMING COMMISSION, THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE CHAIR OF THE SENATE RACING, GAMING AND WAGERING COMMITTEE, THE SPEAKER OF THE ASSEMBLY AND THE CHAIR OF THE ASSEMBLY RACING AND WAGERING COMMITTEE NO LESS OFTEN THAN BIANNUALLY.

4. THE COMMISSION ON RETIRED RACEHORSES SHALL WORK WITH THE GAMING COMMISSION TO PUBLISH ON THE GAMING COMMISSION WEBSITE AT LEAST QUARTERLY, IN SUCH FORMS AS THE GAMING COMMISSION MAY DEEM PROPER, A REPORT OF AGGREGATE DATA FROM THE RETIRED RACEHORSE REGISTRY INCLUDING THE NUMBER OF RETIRED RACEHORSES AND ANY OTHER INFORMATION WHICH THE GAMING COMMISSION MAY DEEM PROPER. SUCH REPORT SHALL ALSO INCLUDE INFORMATION ON HOW TO REPORT VIOLATIONS AS PROVIDED IN SUBDIVISION THREE OF SECTION SEVEN HUNDRED TWELVE OF THIS ARTICLE TO THE COMMISSION ON RETIRED RACEHORSES.

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

S 712. REPORTS ON RETIRED RACEHORSES. 1. WITHIN SEVENTY-TWO HOURS AFTER ANY CHANGE IN OWNERSHIP REGARDING A RETIRED RACEHORSE, THE NEW OWNER OR OWNERS OF THE HORSE SHALL REPORT TO THE COMMISSION ON RETIRED RACEHORSES THAT SUCH OWNERSHIP HAS CHANGED AND SHALL FILE A STATEMENT LISTING THE NAME OR NAMES OF THE PREVIOUS OWNER OR OWNERS AND THE LICENSE NUMBER OF ANY LICENSE ISSUED BY THE GAMING COMMISSION TO THE PREVIOUS OWNER OR OWNERS, THE NAME OR NAMES, TELEPHONE NUMBER OR TELEPHONE NUMBERS AND ADDRESS OR ADDRESSES OF THE NEW OWNER OR OWNERS, THE LICENSE NUMBER OF ANY LICENSE ISSUED BY THE GAMING COMMISSION TO THE NEW OWNER OR OWNERS, THE TATTOO NUMBER OF SUCH HORSE AND ANY OTHER INFORMATION WHICH THE COMMISSION ON RETIRED RACEHORSES MAY REQUIRE.

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

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

S 2. Severability. If any clause, sentence, subdivision, paragraph, section or part of this act be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which such judgement shall have been rendered.

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