

4415

2015-2016 Regular Sessions

I N S E N A T E

March 19, 2015

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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.