

# STATE OF NEW YORK

4220--A

2017-2018 Regular Sessions

## IN ASSEMBLY

February 1, 2017

Introduced by M. of A. GLICK, L. ROSENTHAL, COOK, GOTTFRIED, FAHY -- read once and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- 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-i to read as follows:

3 § 95-i. 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

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

LBD03145-03-8

1 City and any video lottery gaming added after this section shall have  
2 become a law;

3 (ii) one-half of one percent of all purses at the New York state  
4 tracks;

5 (iii) five percent of the New York state thoroughbred breeding and  
6 development fund annual revenue; and

7 (iv) ten percent of fees generated by the agriculture and New York  
8 state horse breeding development fund pursuant to section three hundred  
9 thirty of the racing, pari-mutuel wagering and breeding law.

10 3. The moneys in said account shall be retained by the fund and shall  
11 be payable from the fund by the commissioner of taxation and finance on  
12 vouchers certified or approved by the commissioner of agriculture and  
13 markets or his or her designee and only for the purposes set forth in  
14 this section.

15 4. The moneys in such fund shall be expended for the purpose of  
16 supporting responsible horse retirement of thoroughbreds and standard-  
17 bred in New York state. Eligible horse retirement and rescue programs  
18 are those approved by the commissioner of agriculture and markets.

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

21 6. The fund is directed to establish a horse registration fee for each  
22 horse registered pursuant to this chapter, with the proceeds of such fee  
23 to be credited to the fund.

§ 3. The agriculture and markets law is amended by adding a new section 381 to read as follows:

26 § 381. Responsible retirement of racehorses. 1. The commissioner  
27 shall compile a list of approved horse retirement and rescue programs  
28 eligible to receive funding from the responsible retirement of racehors-  
29 es fund established pursuant to section ninety-five-i of the state  
30 finance law. The eligibility of a rescue program shall be determined  
31 based upon the economic sustainability of the rescue, the rescue's long  
32 term stability, the rescue's demonstration of an ongoing commitment to  
33 the proper care of horses, and such other factors as the commissioner  
34 shall deem appropriate after consultation with the farm bureau, horse  
35 breeder associations and societies for the prevention of cruelty to  
36 animals and humane societies. All approved rescues must be non-profit  
37 organizations which are tax-exempt pursuant to the provisions of section  
38 501(c)(3) of the Internal Revenue Code.

39 2. For purposes of this section the term racehorse shall include a  
40 horse whose racing career has concluded or a horse that was bred to race  
41 but has never competed in a race.

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