

STATE OF NEW YORK

2095

2021-2022 Regular Sessions

IN SENATE

January 19, 2021

Introduced by Sen. JORDAN -- read twice and ordered printed, and when printed to be committed to the Committee on Budget and Revenue

AN ACT to amend the tax law and the state finance law, in relation to providing a tax check-off box on personal income tax and corporate franchise tax returns for gifts to the New York state horse retirement and rescue fund; and directing the commissioner of agriculture and markets to compile a list of approved horse retirement and rescue programs

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The tax law is amended by adding a new section 209-N to
2 read as follows:

3 § 209-N. Gift for the New York state horse retirement and rescue fund.
4 Effective for any tax year commencing on or after the effective date of
5 this section, a taxpayer in any taxable year may elect to contribute to
6 the support of the New York state horse retirement and rescue fund. Such
7 contribution shall be in any whole dollar amount and shall not reduce
8 the amount of the state tax owed by such taxpayer. The commissioner
9 shall include space on the corporate income tax return to enable a
10 taxpayer to make such contribution. Notwithstanding any other provision
11 of law, all revenues collected pursuant to this section shall be credit-
12 ed to the New York state horse retirement and rescue fund and shall be
13 used only for those purposes enumerated in section ninety-five-j of the
14 state finance law.

15 § 2. The tax law is amended by adding a new section 625-b to read as
16 follows:

17 § 625-b. Gift for the New York state horse retirement and rescue fund.
18 Effective for any tax year commencing on or after the effective date of
19 this section, a taxpayer in any taxable year may elect to contribute to
20 the support of the New York state horse retirement and rescue fund. Such
21 contribution shall be in any whole dollar amount and shall not reduce

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

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1 the amount of the state tax owed by such taxpayer. The commissioner
2 shall include space on the personal income tax return to enable a
3 taxpayer to make such contribution. Notwithstanding any other provision
4 of law, all revenues collected pursuant to this section shall be credit-
5 ed to the New York state horse retirement and rescue fund and shall be
6 used only for those purposes enumerated in section ninety-five-j of the
7 state finance law.

8 § 3. The state finance law is amended by adding a new section 95-j to
9 read as follows:

10 § 95-j. New York state horse retirement and rescue fund. 1. There is
11 hereby established in the sole custody of the commissioner of taxation
12 and finance a special fund to be known as the "New York state horse
13 retirement and rescue fund". Moneys in the fund shall be kept separate
14 from and not commingled with other funds held in the sole custody of the
15 commissioner of taxation and finance.

16 2. Such fund shall consist of all revenues received by the department
17 of taxation and finance pursuant to the provisions of sections two
18 hundred nine-N and six hundred twenty-five-b of the tax law and all
19 other moneys appropriated, credited, or transferred thereto from any
20 other fund or source pursuant to law. Nothing contained herein shall
21 prevent the state from receiving grants, gifts or bequests for the
22 purposes of the fund as defined in this section and depositing them into
23 the fund according to law.

24 2-a. On or before the first day of February each year, the commission-
25 er of agriculture and markets shall provide a written report to the
26 temporary president of the senate, speaker of the assembly, chair of the
27 senate finance committee, chair of the assembly ways and means commit-
28 tee, the state comptroller and the public. Such report shall include how
29 the monies of the fund were utilized during the preceding calendar year,
30 and shall include:

31 (i) the amount of money dispersed from the fund and the award process
32 used for such disbursements;

33 (ii) recipients of awards from the fund;

34 (iii) the amount awarded to each;

35 (iv) the purposes for which such awards were granted; and

36 (v) a summary financial plan for such monies which shall include esti-
37 mates of all receipts and all disbursements for the current and succeed-
38 ing fiscal years, along with the actual results from the prior fiscal
39 year.

40 3. The moneys in said account shall be retained by the fund and shall
41 be payable from the fund by the commissioner of taxation and finance on
42 vouchers certified or approved by the commissioner of agriculture and
43 markets or his or her designee and only for the purposes set forth in
44 this section.

45 4. The moneys in such fund shall be expended for the purpose of
46 supporting eligible horse retirement and rescue programs. Eligible horse
47 retirement and rescue programs are those approved by the commissioner of
48 agriculture and markets.

49 § 4. The commissioner of agriculture and markets shall compile a list
50 of approved horse retirement and rescue programs eligible to receive
51 funding from the New York state horse retirement and rescue fund. The
52 eligibility of a rescue program shall be determined based upon the
53 economic sustainability of the rescue, the rescue's long term stability,
54 the rescue's demonstration of an ongoing commitment to the proper care
55 of horses, and such other factors as the commissioner shall deem appro-
56 priate after consultation with the farm bureau, horse breeder associ-

1 ations and societies for the prevention of cruelty to animals. All
2 approved rescues must be non-profit organizations which are tax-exempt
3 pursuant to the provisions of section 501(c)(3) of the Internal Revenue
4 Code.

5 § 5. This act shall take effect January 1, 2023 and shall apply to all
6 fiscal years commencing on and after that date.