

STATE OF NEW YORK

5267

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 2023

Introduced by M. of A. GLICK -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law and the state finance law, in relation to enabling certain taxpayers to donate money towards horse retirement and rescue programs; 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-Q to
2 read as follows:

3 § 209-Q. 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-1 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
22 the amount of the state tax owed by such taxpayer. The commissioner

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

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

7 § 3. The state finance law is amended by adding a new section 95-1 to
8 read as follows:

9 § 95-1. New York state horse retirement and rescue fund. 1. There is
10 hereby established in the sole custody of the commissioner of taxation
11 and finance a special fund to be known as the "New York state horse
12 retirement and rescue fund". Moneys in the fund shall be kept separate
13 from and not commingled with other funds held in the sole custody of the
14 commissioner of taxation and finance.

15 2. Such fund shall consist of all revenues received by the department
16 of taxation and finance pursuant to the provisions of sections two
17 hundred nine-0 and six hundred twenty-five-b of the tax law and all
18 other moneys appropriated, credited, or transferred thereto from any
19 other fund or source pursuant to law. Nothing contained in this section
20 shall prevent the state from receiving grants, gifts or bequests for the
21 purposes of the fund as defined in this section and depositing them into
22 the fund according to law.

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

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

32 (ii) recipients of awards from the fund;

33 (iii) the amount awarded to each;

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

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

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

44 5. The moneys in the fund shall be expended for the purpose of
45 supporting horse retirement and rescue programs approved by the commis-
46 sioner of agriculture and markets.

47 § 4. The commissioner of agriculture and markets shall compile a list
48 of approved horse retirement and rescue programs eligible to receive
49 funding from the New York state horse retirement and rescue fund. The
50 eligibility of a rescue program shall be determined based upon the
51 economic sustainability of such rescue, such rescue's long term stabili-
52 ty, such rescue's demonstration of an ongoing commitment to the proper
53 care of horses, and such other factors as the commissioner shall deem
54 appropriate after consultation with the farm bureau, horse breeder asso-
55 ciations and societies for the prevention of cruelty to animals. All
56 approved rescues shall be non-profit organizations which are tax-exempt

1 pursuant to the provisions of section 501(c)(3) of the Internal Revenue
2 Code.
3 § 5. This act shall take effect January 1, 2024 and shall apply to all
4 fiscal years commencing on and after that date.