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:

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

§ 209-Q. Gift for the New York state horse retirement and rescue fund. Effective for any tax year commencing on or after the effective date of this section, a taxpayer in any taxable year may elect to contribute to the support of the New York state horse retirement and rescue fund. Such contribution shall be in any whole dollar amount and shall not reduce the amount of the state tax owed by such taxpayer. The commissioner shall include space on the corporate income tax return to enable a taxpayer to make such contribution. Notwithstanding any other provision of law, all revenues collected pursuant to this section shall be credited to the New York state horse retirement and rescue fund and shall be used only for those purposes enumerated in section ninety-five-l of the state finance law.

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

§ 625-b. Gift for the New York state horse retirement and rescue fund. Effective for any tax year commencing on or after the effective date of this section, a taxpayer in any taxable year may elect to contribute to the support of the New York state horse retirement and rescue fund. Such contribution shall be in any whole dollar amount and shall not reduce 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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shall include space on the personal income tax return to enable a taxpayer to make such contribution. Notwithstanding any other provision of law, all revenues collected pursuant to this section shall be credited to the New York state horse retirement and rescue fund and shall be used only for those purposes enumerated in section ninety-five-l of the state finance law.

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

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

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

3. On or before the first day of February each year, the commissioner of agriculture and markets shall provide a written report to the temporary president of the senate, speaker of the assembly, chair of the senate finance committee, chair of the assembly ways and means committee, the state comptroller and the public. Such report shall include how the monies of the fund were utilized during the preceding calendar year, and shall include:

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

(ii) recipients of awards from the fund;

(iii) the amount awarded to each;

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

(v) a summary financial plan for such monies which shall include estimates of all receipts and all disbursements for the current and succeeding fiscal years, along with the actual results from the prior fiscal year.

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

5. The moneys in the fund shall be expended for the purpose of supporting horse retirement and rescue programs approved by the commissioner of agriculture and markets.

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

pursuant to the provisions of section 501(c)(3) of the Internal Revenue Code.

§ 5. This act shall take effect January 1, 2024 and shall apply to all fiscal years commencing on and after that date.