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I N   S E N A T E

January 23, 2014

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Introduced by Sens. KRUEGER, TKACZYK -- read twice and ordered printed,  
and when printed to be committed to the Committee on Racing, Gaming  
and Wagering

AN ACT to amend the racing, pari-mutuel wagering and breeding law and  
the tax law, in relation to the casino siting home rule

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 2 of section 1314 of the racing, pari-mutuel  
2     wagering and breeding law, as added by chapter 174 of the laws of 2013,  
3     is amended to read as follows:

4     2. As a condition of filing, each potential license applicant [must]  
5     SHALL demonstrate to the [board's satisfaction] BOARD that local support  
6     has been demonstrated THROUGH THE ENACTMENT OF LOCAL LAWS OR RESOLUTIONS  
7     IN SUPPORT BY THE HOST MUNICIPALITY AND COUNTY.

8     S 2. Paragraph (b) of subdivision 2 of section 1320 of the racing,  
9     pari-mutuel wagering and breeding law, as added by chapter 174 of the  
10    laws of 2013, is amended to read as follows:

11    (b) gaining public support in the host and nearby municipalities which  
12    [may] SHALL be demonstrated through the [passage] ENACTMENT of local  
13    laws [or public comment received by the board or gaming applicant];

14    S 3. Section 1366 of the racing, pari-mutuel wagering and breeding  
15    law, as added by chapter 174 of the laws of 2013, is amended to read as  
16    follows:

17    S 1366. Zoning. 1. THE STATE, ANY MUNICIPAL CORPORATION OR ANY AGENCY  
18    OR AUTHORITY THEREOF SHALL BE PROHIBITED FROM ACQUIRING LAND NECESSARY  
19    FOR THE CONSTRUCTION OR DEVELOPMENT OF A CLASS THREE GAMING FACILITY  
20    PURSUANT TO THIS ARTICLE.

21    2. Notwithstanding any inconsistent provision of law, gaming author-  
22    ized at a location pursuant to this article shall be deemed an approved  
23    activity for such location under the relevant city, county, town, or  
24    village land use or zoning ordinances, rules, or regulations.

25    3. THE REQUIREMENTS SET FORTH HEREIN SHALL BE IN ADDITION TO THE  
26    REQUIREMENTS OF THE PROVISIONS OF THE STATE ENVIRONMENTAL QUALITY REVIEW  
27    ACT UNDER ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW AND ITS

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

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1 IMPLEMENTING REGULATIONS WHICH ARE CODIFIED IN 6 NYCRR 617 AND ANY OTHER  
2 GENERAL LAWS RELATING TO LAND USE AND ANY AMENDMENTS THERETO.

3 S 4. The opening paragraph of subdivision a of section 1617-a of the  
4 tax law, as amended by section 2 of part 01 of chapter 57 of the laws of  
5 2009, is amended to read as follows:

6 The division of the lottery is hereby authorized to license, pursuant  
7 to rules and regulations to be promulgated by the division of the  
8 lottery, the operation of video lottery gaming at Aqueduct, Monticello,  
9 Yonkers, Finger Lakes, and Vernon Downs racetracks, or at any other  
10 racetrack licensed pursuant to article three of the racing, pari-mutuel  
11 wagering and breeding law that are located in a county or counties in  
12 which video lottery gaming has been authorized pursuant to local law,  
13 excluding the licensed racetrack commonly referred to in article three  
14 of the racing, pari-mutuel wagering and breeding law as the "New York  
15 state exposition" held in Onondaga county and the racetracks of the  
16 non-profit racing association known as Belmont Park racetrack and the  
17 Saratoga thoroughbred racetrack. Such rules and regulations shall  
18 provide, as a condition of licensure, that racetracks to be licensed are  
19 certified to be in compliance with all state and local fire and safety  
20 codes, that the division is afforded adequate space, infrastructure, and  
21 amenities consistent with industry standards for such video gaming oper-  
22 ations as found at racetracks in other states, that racetrack employees  
23 involved in the operation of video lottery gaming pursuant to this  
24 section are licensed by the racing and wagering board, and such other  
25 terms and conditions of licensure as the division may establish.  
26 Notwithstanding any inconsistent provision of law, video lottery gaming  
27 at a racetrack pursuant to this section shall be deemed an approved  
28 activity for such racetrack under the relevant city, county, town, or  
29 village land use or zoning ordinances, rules, or regulations AND SHALL  
30 BE IN ADDITION TO THE REQUIREMENTS OF THE PROVISIONS OF THE STATE ENVI-  
31 RONMENTAL QUALITY REVIEW ACT UNDER ARTICLE EIGHT OF THE ENVIRONMENTAL  
32 CONSERVATION LAW AND ITS IMPLEMENTING REGULATIONS WHICH ARE CODIFIED IN  
33 6 NYCRR 617 AND ANY OTHER GENERAL LAWS RELATING TO LAND USE AND ANY  
34 AMENDMENTS HERETO. No entity licensed by the division operating video  
35 lottery gaming pursuant to this section may house such gaming activity  
36 in a structure deemed or approved by the division as "temporary" for a  
37 duration of longer than eighteen-months. Nothing in this section shall  
38 prohibit the division from licensing an entity to operate video lottery  
39 gaming at an existing racetrack as authorized in this subdivision wheth-  
40 er or not a different entity is licensed to conduct horse racing and  
41 pari-mutuel wagering at such racetrack pursuant to article two or three  
42 of the racing, pari-mutuel wagering and breeding law.

43 S 5. This act shall take effect immediately.