

S T A T E O F N E W Y O R K

5669--B

2009-2010 Regular Sessions

I N A S S E M B L Y

February 17, 2009

Introduced by M. of A. PRETLOW, GUNTHER, SPANO -- read once and referred to the Committee on Ways and Means -- reference changed to the Committee on Racing and Wagering -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to rules and regulations necessary for the implementation of video lottery gaming

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

1 Section 1. Subdivisions b, c and d of section 1617-a of the tax law,
2 as amended by section 2 of part Z3 of chapter 62 of the laws of 2003,
3 are amended to read as follows:
4 b. Video lottery gaming shall [only] be permitted for [no more than
5 sixteen consecutive hours per day and on no day shall such operation be
6 conducted past 2:00 a.m.] A VENDOR TRACK HAVING FEWER THAN ONE THOUSAND
7 FIVE HUNDRED SEVENTY-FIVE VIDEO GAMING MACHINES OPERATED DAILY FOR A
8 MAXIMUM OF ONE HUNDRED TWENTY-EIGHT HOURS PER WEEK AND A MINIMUM OF ONE
9 HUNDRED TWELVE HOURS PER WEEK, AND FOR A VENDOR TRACK HAVING ONE THOU-
10 SAND FIVE HUNDRED SEVENTY-FIVE OR MORE VIDEO GAMING MACHINES OPERATED
11 DAILY FOR A MAXIMUM OF ONE HUNDRED FORTY HOURS PER WEEK AND A MINIMUM OF
12 ONE HUNDRED TWELVE HOURS PER WEEK, WITH THE ACTUAL DAILY HOURS OF OPERA-
13 TION SET BY EACH VENDOR TRACK AND APPROVED BY THE DIRECTOR.
14 c. The division shall promulgate such rules and regulations as may be
15 necessary for the implementation of video lottery gaming in accordance
16 with the provisions of this section [and paragraph five of subdivision a
17 of section sixteen hundred twelve of this article]. SUCH RULES AND REGU-
18 LATIONS SHALL PROVIDE FOR, BUT NOT BE LIMITED TO, AUTHORIZATION OF VIDEO
19 LOTTERY VERSIONS OF ANY ELECTRONIC TABLE GAME CAPABLE OF GENERATING
20 RANDOM RESULTS SUCH AS ROULETTE, BACCARAT, POKER AND "TWENTY-ONE".

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

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1 d. THE DIVISION, IN CONSULTATION WITH THE RACING AND WAGERING BOARD,
2 SHALL ENSURE THAT:

3 (1) ALL ENTITIES LICENSED BY THE DIVISION TO OPERATE VIDEO LOTTERY
4 GAMING HAVE ENTERED INTO A LABOR PEACE AGREEMENT, AS SET FORTH BELOW,
5 WITH EACH LABOR ORGANIZATION THAT IS ACTIVELY ENGAGED IN REPRESENTING OR
6 ATTEMPTING TO REPRESENT VIDEO LOTTERY AND HOSPITALITY INDUSTRY WORKERS
7 IN THE STATE;

8 (2) THE LABOR PEACE AGREEMENT IS VALID AND ENFORCEABLE UNDER 29 U.S.C.
9 SECTION 185;

10 (3) THE LABOR PEACE AGREEMENT PROTECTS THE STATE'S REVENUES BY PROHIB-
11 ITING THE LABOR ORGANIZATION AND ITS MEMBERS FROM ENGAGING IN PICKETING,
12 WORK STOPPAGES, BOYCOTTS, AND ANY OTHER ECONOMIC INTERFERENCE WITH THE
13 OPERATION OF THE VIDEO LOTTERY FACILITY; AND

14 (4) IF A RACETRACK FACILITY EXISTING AS OF THE EFFECTIVE DATE OF THE
15 CHAPTER OF THE LAWS OF TWO THOUSAND NINE WHICH AMENDED THIS SUBDIVISION
16 ADDS VIDEO LOTTERY ELECTRONIC TABLE GAMES AND SUCH VIDEO LOTTERY ELEC-
17 TRONIC TABLE GAMES, IN THE SOLE DISCRETION OF THE VIDEO LOTTERY AGENT,
18 ARE OPERATED BY AN ATTENDANT OR A DEALER, SUCH LABOR PEACE AGREEMENT
19 NEED ONLY APPLY TO SUCH ATTENDANTS AND DEALERS OF ELECTRONIC TABLE GAMES
20 AT SUCH FACILITY, WHETHER OR NOT SUCH VIDEO LOTTERY OPERATIONS ARE
21 CONDUCTED BY A LESSEE OR TENANT OR UNDER A MANAGEMENT AGREEMENT. FOR ALL
22 OTHER FACILITIES, THE LABOR PEACE AGREEMENT APPLIES TO ALL OPERATIONS AT
23 A FACILITY WITH VIDEO LOTTERY CAPABILITIES, WHETHER OR NOT SUCH OPER-
24 ATIONS ARE CONDUCTED BY A LESSEE OR TENANT OR UNDER A MANAGEMENT AGREE-
25 MENT. THE FOREGOING LABOR PEACE PROVISIONS SHALL NOT APPLY TO THE
26 BUFFALO RACEWAY/FAIRGROUNDS IN ERIE COUNTY.

27 D-1. All workers engaged in the construction, reconstruction, develop-
28 ment, rehabilitation, or maintenance of any area for the purpose of the
29 installation, maintenance, or removal of video lottery terminals shall
30 be subject to the provisions of articles eight and nine of the labor law
31 to the extent provided in such articles.

32 S 2. This act shall take effect on the thirtieth day after it shall
33 have become a law; provided that the amendments made to section 1617-a
34 of the tax law by section one of this act shall not affect the repeal of
35 such section and shall expire and be deemed repealed therewith.