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

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I N S E N A T E

January 13, 2009

Introduced by Sens. KLEIN, BONACIC, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading -- recommitted to the Committee on Racing, Gaming and Wagering in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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:

Section 1. Subdivisions b, c and d of section 1617-a of the tax law, as amended by section 2 of part Z3 of chapter 62 of the laws of 2003, are amended to read as follows:

b. Video lottery gaming shall [only] be permitted for [no more than sixteen consecutive hours per day and on no day shall such operation be conducted past 2:00 a.m] A VENDOR TRACK HAVING FEWER THAN ONE THOUSAND FIVE HUNDRED SEVENTY-FIVE VIDEO GAMING MACHINES OPERATED DAILY FOR A MAXIMUM OF ONE HUNDRED TWENTY-EIGHT HOURS PER WEEK AND A MINIMUM OF ONE HUNDRED TWELVE HOURS PER WEEK, AND FOR A VENDOR TRACK HAVING ONE THOUSAND FIVE HUNDRED SEVENTY-FIVE OR MORE VIDEO GAMING MACHINES OPERATED DAILY FOR A MAXIMUM OF ONE HUNDRED FORTY HOURS PER WEEK AND A MINIMUM OF

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

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ONE HUNDRED TWELVE HOURS PER WEEK, WITH THE ACTUAL DAILY HOURS OF OPERATION SET BY EACH VENDOR TRACK AND APPROVED BY THE DIRECTOR.

c. The division shall promulgate such rules and regulations as may be necessary for the implementation of video lottery gaming in accordance with the provisions of this section [and paragraph five of subdivision a of section sixteen hundred twelve of this article]. SUCH RULES AND REGULATIONS SHALL PROVIDE FOR, BUT NOT BE LIMITED TO, AUTHORIZATION OF VIDEO LOTTERY VERSIONS OF ANY ELECTRONIC TABLE GAME CAPABLE OF GENERATING RANDOM RESULTS SUCH AS ROULETTE, BACCARAT, POKER AND "TWENTY-ONE".

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

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

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

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

(4) IF A RACETRACK FACILITY EXISTING AS OF THE EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND TEN WHICH AMENDED THIS SUBDIVISION ADDS VIDEO LOTTERY ELECTRONIC TABLE GAMES AND SUCH VIDEO LOTTERY ELECTRONIC TABLE GAMES, IN THE SOLE DISCRETION OF THE VIDEO LOTTERY AGENT, ARE OPERATED BY AN ATTENDANT OR A DEALER, SUCH LABOR PEACE AGREEMENT NEED ONLY APPLY TO SUCH ATTENDANTS AND DEALERS OF ELECTRONIC TABLE GAMES AT SUCH FACILITY, WHETHER OR NOT SUCH VIDEO LOTTERY OPERATIONS ARE CONDUCTED BY A LESSEE OR TENANT OR UNDER A MANAGEMENT AGREEMENT. FOR ALL OTHER FACILITIES, THE LABOR PEACE AGREEMENT APPLIES TO ALL OPERATIONS AT A FACILITY WITH VIDEO LOTTERY CAPABILITIES, WHETHER OR NOT SUCH OPERATIONS ARE CONDUCTED BY A LESSEE OR TENANT OR UNDER A MANAGEMENT AGREEMENT. THE FOREGOING LABOR PEACE PROVISIONS SHALL NOT APPLY TO THE BUFFALO RACEWAY/FAIRGROUNDS IN ERIE COUNTY.

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

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