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

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2011-2012 Regular Sessions

I N A S S E M B L Y

January 26, 2011

Introduced by M. of A. PRETLOW, GUNTHER, SPANO -- read once and referred to the Committee on Ways and Means

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, subdivision b as amended by section 5 of part K of chapter 57 of the laws of 2010 and subdivisions c and d 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 twenty consecutive hours per day and on no day shall such operation be conducted past 4:00 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 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,

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

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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 ELEVEN 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.