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

10229

I N A S S E M B L Y

May 15, 2012

Introduced by M. of A. GOLDFEDER -- read once and referred to the Committee on Racing and Wagering

AN ACT to amend the racing, pari-mutuel wagering and breeding law and the tax law, in relation to prohibiting individuals under the age of twenty-one from gambling

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

Section 1. Section 104 of the racing, pari-mutuel wagering and breeding law, as amended by chapter 919 of the laws of 1986, is amended to read as follows:

S 104. Prohibition of wagering by certain officials, employees and minors. No member, secretary, deputy, officer, representative, employee or counsel of the board shall wager either upon the outcome of any horse race conducted at a track at which pari-mutuel betting is conducted by any licensee or franchisee of the board. No association or corporation which is licensed or franchised by the board shall permit any person who is actually and apparently under [eighteen] TWENTY-ONE years of age to bet on a horse race conducted by it nor shall such person be permitted to bet at an establishment of a regional corporation conducting off-track betting. No individual employed by an off-track betting corporation as a pari-mutuel clerk, cashier or seller shall be permitted to bet during those periods of any day on which such person is actually employed in such capacity.

S 2. Subdivision 2 of section 108 of the racing, pari-mutuel wagering and breeding law, as added by section 1 of part A of chapter 60 of the laws of 2012, is amended to read as follows:

2. No corporation, association or person that holds a license, registration, franchise, certificate or permit issued by the commission shall permit any person who is actually or apparently under [eighteen] TWENTY-ONE years of age to bet on gaming activity, as defined in subdivision five of section one hundred one of this article.

S 3. The opening paragraph of subdivision a of section 1617-a of the tax law, as amended by section 2 of part O-1 of chapter 57 of the laws of 2009, is amended to read as follows:

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

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a. The division of the lottery is hereby authorized to license, pursuant to rules and regulations to be promulgated by the division of the lottery, the operation of video lottery gaming at Aqueduct, Monticello, Yonkers, Finger Lakes, and Vernon Downs racetracks, or at any other racetrack licensed pursuant to article three of the racing, pari-mutuel wagering and breeding law that are located in a county or counties in which video lottery gaming has been authorized pursuant to local law, excluding the licensed racetrack commonly referred to in article three of the racing, pari-mutuel wagering and breeding law as the "New York state exposition" held in Onondaga county and the racetracks of the non-profit racing association known as Belmont Park racetrack and the Saratoga thoroughbred racetrack. Such rules and regulations shall provide, as a condition of licensure, that racetracks to be licensed are certified to be in compliance with all state and local fire and safety codes, THAT NO PERSON WHO IS ACTUALLY AND APPARENTLY UNDER TWENTY-ONE YEARS OF AGE SHALL BE PERMITTED TO PARTICIPATE IN VIDEO LOTTERY GAMING, that the division is afforded adequate space, infrastructure, and amenities consistent with industry standards for such video gaming operations as found at racetracks in other states, that racetrack employees involved in the operation of video lottery gaming pursuant to this section are licensed by the racing and wagering board, and such other terms and conditions of licensure as the division may establish. Notwithstanding any inconsistent provision of law, video lottery gaming at a racetrack pursuant to this section shall be deemed an approved activity for such racetrack under the relevant city, county, town, or village land use or zoning ordinances, rules, or regulations. No entity licensed by the division operating video lottery gaming pursuant to this section may house such gaming activity in a structure deemed or approved by the division as "temporary" for a duration of longer than eighteen-months. Nothing in this section shall prohibit the division from licensing an entity to operate video lottery gaming at an existing racetrack as authorized in this subdivision whether or not a different entity is licensed to conduct horse racing and pari-mutuel wagering at such racetrack pursuant to article two or three of the racing, pari-mutuel wagering and breeding law.

S 4. This act shall take effect on the thirtieth day after it shall have become a law; provided that the amendments to section 104 of the racing, pari-mutuel wagering and breeding law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and provided further that section two of this act shall take effect on the same date and in the same manner as section 1 of part A of chapter 60 of the laws of 2012, as amended, takes effect.