

7043

I N S E N A T E

April 25, 2012

Introduced by Sen. ADDABBO -- 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 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:

1 Section 1. Section 104 of the racing, pari-mutuel wagering and breed-
2 ing law, as amended by chapter 919 of the laws of 1986, is amended to
3 read as follows:
4 S 104. Prohibition of wagering by certain officials, employees and
5 minors. No member, secretary, deputy, officer, representative, employee
6 or counsel of the board shall wager either upon the outcome of any horse
7 race conducted at a track at which pari-mutuel betting is conducted by
8 any licensee or franchisee of the board. No association or corporation
9 which is licensed or franchised by the board shall permit any person who
10 is actually and apparently under [eighteen] TWENTY-ONE years of age to
11 bet on a horse race conducted by it nor shall such person be permitted
12 to bet at an establishment of a regional corporation conducting off-
13 track betting. No individual employed by an off-track betting corpo-
14 ration as a pari-mutuel clerk, cashier or seller shall be permitted to
15 bet during those periods of any day on which such person is actually
16 employed in such capacity.
17 S 2. Subdivision 2 of section 108 of the racing, pari-mutuel wagering
18 and breeding law, as added by section 1 of part A of chapter 60 of the
19 laws of 2012, is amended to read as follows:
20 2. No corporation, association or person that holds a license, regis-
21 tration, franchise, certificate or permit issued by the commission shall
22 permit any person who is actually or apparently under [eighteen] TWEN-
23 TY-ONE years of age to bet on gaming activity, as defined in subdivision
24 five of section one hundred one of this article.

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

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

4 a. The division of the lottery is hereby authorized to license, pursu-
5 ant to rules and regulations to be promulgated by the division of the
6 lottery, the operation of video lottery gaming at Aqueduct, Monticello,
7 Yonkers, Finger Lakes, and Vernon Downs racetracks, or at any other
8 racetrack licensed pursuant to article three of the racing, pari-mutuel
9 wagering and breeding law that are located in a county or counties in
10 which video lottery gaming has been authorized pursuant to local law,
11 excluding the licensed racetrack commonly referred to in article three
12 of the racing, pari-mutuel wagering and breeding law as the "New York
13 state exposition" held in Onondaga county and the racetracks of the
14 non-profit racing association known as Belmont Park racetrack and the
15 Saratoga thoroughbred racetrack. Such rules and regulations shall
16 provide, as a condition of licensure, that racetracks to be licensed are
17 certified to be in compliance with all state and local fire and safety
18 codes, THAT NO PERSON WHO IS ACTUALLY AND APPARENTLY UNDER TWENTY-ONE
19 YEARS OF AGE SHALL BE PERMITTED TO PARTICIPATE IN VIDEO LOTTERY GAMING,
20 that the division is afforded adequate space, infrastructure, and amen-
21 ities 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. No entity
30 licensed by the division operating video lottery gaming pursuant to this
31 section may house such gaming activity in a structure deemed or approved
32 by the division as "temporary" for a duration of longer than eighteen-
33 months. Nothing in this section shall prohibit the division from licens-
34 ing an entity to operate video lottery gaming at an existing racetrack
35 as authorized in this subdivision whether or not a different entity is
36 licensed to conduct horse racing and pari-mutuel wagering at such race-
37 track pursuant to article two or three of the racing, pari-mutuel wager-
38 ing and breeding law.

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