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I N A S S E M B L Y

February 12, 2014

Introduced by M. of A. BARRETT, GOTTFRIED, CLARK, THIELE, SIMOTAS,
ABINANTI, GALEF, COOK, JAFFEE, ZEBROWSKI, PAULIN, GOODELL, BRONSON --
Multi-Sponsored by -- M. of A. GIGLIO, GLICK, HIKIND, JACOBS, MOSLEY,
WEISENBERG -- 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 the casino siting home rule

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

1 Section 1. Subdivision 2 of section 1314 of the racing, pari-mutuel
2 wagering and breeding law, as added by chapter 174 of the laws of 2013,
3 is amended to read as follows:

4 2. As a condition of filing, each potential license applicant [must]
5 SHALL demonstrate to the [board's satisfaction] BOARD that local support
6 has been demonstrated THROUGH THE ENACTMENT OF LOCAL LAWS OR RESOLUTIONS
7 IN SUPPORT BY THE HOST MUNICIPALITY AND COUNTY.

8 S 2. Paragraph (b) of subdivision 2 of section 1320 of the racing,
9 pari-mutuel wagering and breeding law, as added by chapter 174 of the
10 laws of 2013, is amended to read as follows:

11 (b) gaining public support in the host and nearby municipalities which
12 [may] SHALL be demonstrated through the [passage] ENACTMENT of local
13 laws [or public comment received by the board or gaming applicant];

14 S 3. Section 1366 of the racing, pari-mutuel wagering and breeding
15 law, as added by chapter 174 of the laws of 2013, is amended to read as
16 follows:

17 S 1366. Zoning. 1. THE STATE, ANY MUNICIPAL CORPORATION OR ANY AGENCY
18 OR AUTHORITY THEREOF SHALL BE PROHIBITED FROM ACQUIRING LAND NECESSARY
19 FOR THE CONSTRUCTION OR DEVELOPMENT OF A CLASS THREE GAMING FACILITY
20 PURSUANT TO THIS ARTICLE.

21 2. Notwithstanding any inconsistent provision of law, gaming author-
22 ized at a location pursuant to this article shall be deemed an approved
23 activity for such location under the relevant city, county, town, or
24 village land use or zoning ordinances, rules, or regulations.

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

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1 3. THE REQUIREMENTS SET FORTH HEREIN SHALL BE IN ADDITION TO THE
2 REQUIREMENTS OF THE PROVISIONS OF THE STATE ENVIRONMENTAL QUALITY REVIEW
3 ACT UNDER ARTICLE EIGHT OF THE ENVIRONMENTAL CONSERVATION LAW AND ITS
4 IMPLEMENTING REGULATIONS WHICH ARE CODIFIED IN 6 NYCRR 617 AND ANY OTHER
5 GENERAL LAWS RELATING TO LAND USE AND ANY AMENDMENTS THERETO.

6 S 4. The opening paragraph of subdivision a of section 1617-a of the
7 tax law, as amended by section 2 of part 01 of chapter 57 of the laws of
8 2009, is amended to read as follows:

9 The division of the lottery is hereby authorized to license, pursuant
10 to rules and regulations to be promulgated by the division of the
11 lottery, the operation of video lottery gaming at Aqueduct, Monticello,
12 Yonkers, Finger Lakes, and Vernon Downs racetracks, or at any other
13 racetrack licensed pursuant to article three of the racing, pari-mutuel
14 wagering and breeding law that are located in a county or counties in
15 which video lottery gaming has been authorized pursuant to local law,
16 excluding the licensed racetrack commonly referred to in article three
17 of the racing, pari-mutuel wagering and breeding law as the "New York
18 state exposition" held in Onondaga county and the racetracks of the
19 non-profit racing association known as Belmont Park racetrack and the
20 Saratoga thoroughbred racetrack. Such rules and regulations shall
21 provide, as a condition of licensure, that racetracks to be licensed are
22 certified to be in compliance with all state and local fire and safety
23 codes, that the division is afforded adequate space, infrastructure, and
24 amenities consistent with industry standards for such video gaming oper-
25 ations as found at racetracks in other states, that racetrack employees
26 involved in the operation of video lottery gaming pursuant to this
27 section are licensed by the racing and wagering board, and such other
28 terms and conditions of licensure as the division may establish.
29 Notwithstanding any inconsistent provision of law, video lottery gaming
30 at a racetrack pursuant to this section shall be deemed an approved
31 activity for such racetrack under the relevant city, county, town, or
32 village land use or zoning ordinances, rules, or regulations AND SHALL
33 BE IN ADDITION TO THE REQUIREMENTS OF THE PROVISIONS OF THE STATE ENVI-
34 RONMENTAL QUALITY REVIEW ACT UNDER ARTICLE EIGHT OF THE ENVIRONMENTAL
35 CONSERVATION LAW AND ITS IMPLEMENTING REGULATIONS WHICH ARE CODIFIED IN
36 6 NYCRR 617 AND ANY OTHER GENERAL LAWS RELATING TO LAND USE AND ANY
37 AMENDMENTS HERETO. No entity licensed by the division operating video
38 lottery gaming pursuant to this section may house such gaming activity
39 in a structure deemed or approved by the division as "temporary" for a
40 duration of longer than eighteen-months. Nothing in this section shall
41 prohibit the division from licensing an entity to operate video lottery
42 gaming at an existing racetrack as authorized in this subdivision wheth-
43 er or not a different entity is licensed to conduct horse racing and
44 pari-mutuel wagering at such racetrack pursuant to article two or three
45 of the racing, pari-mutuel wagering and breeding law.

46 S 5. This act shall take effect immediately.