

3822

2013-2014 Regular Sessions

I N S E N A T E

February 21, 2013

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering

AN ACT to amend the general business law, in relation to enacting the "local empowerment through gaming opportunities act of 2013"

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

1 Section 1. Legislative intent. The legislature finds and hereby
2 declares that responsible commercial casino gambling in New York can
3 greatly enhance commerce within the state, and stimulate various sectors
4 of its economy, most notably the construction, hospitality, hotel and
5 tourist segments of the existing state economy. It is an industry that
6 can maintain existing and generate new and substantial employment for
7 good paying, quality work. To ensure adequate wages on construction
8 projects building or renovating the casino facilities authorized in this
9 act, the legislature would require payment of prevailing wages, under
10 section 220 of the labor law, on all such projects unless such projects
11 are covered by a comprehensive project labor agreement. It further finds
12 that the location of a new, large scale commercial casino operation in a
13 supportive host community can be beneficial to that host community as
14 well as to its surrounding localities and the state, provided that the
15 host community is empowered to affirmatively choose to host a commercial
16 casino, and provided that appropriate measures are taken to ensure that
17 casino gambling revenues are reinvested into the local community. This
18 act will assist the public and private sectors of New York's existing
19 economy to obtain the necessary information from potential casino opera-
20 tors requisite for decision makers to select those who have business
21 plans which can be best assimilated with the least adverse impact on the
22 status quo and are most likely to grow the economies of the host, local
23 and state governments.

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

LBD08943-02-3

1 It is expected that the state, through its licensure process, will
2 secure commitments from, and set goals and metrics for potential commer-
3 cial casino operators, which will promote the general good and stimulate
4 new revenue to host community, local and state governments. It is
5 further expected that any deleterious impact arising from a large scale
6 commercial casino operated within the state will be minimized, paid for,
7 and mitigated by such enterprises so as not to create an additional
8 burden on host community, local and state government law enforcement,
9 infrastructure investment, human service resources and other related
10 public resources. Additionally, any not for profit provider who delivers
11 services dealing with the adverse impact of such an operating commercial
12 casino will be supported solely by revenues derived from such commercial
13 casino enterprises.

14 The licenses issued pursuant to this act will be geographically
15 distributed to maximize economic development without unduly concentrat-
16 ing licensees in densely populated areas or areas already saturated with
17 gambling enterprises within our state. Any licensed enterprise so
18 created will cater to its customers as well as promote benefits for its
19 host community. Its ownership, employment, and business practices will
20 reflect New York's diverse population, especially those segments of that
21 population that have traditionally been ethnically and culturally disad-
22 vantaged, complying with state law regarding the utilization of minori-
23 ty- and women-owned business enterprises. Any licensed commercial casino
24 will work to actively promote the success and prosperity of New York's
25 diverse group of emerging entrepreneurs.

26 It is the intent of the legislature to both ensure that operators earn
27 a fair profit, while contributing substantial revenues to be reinvested
28 and circulated in the host community, local and state public and private
29 sectors.

30 There is a concern that the existing video lottery product offered by
31 the state division of the lottery, the net proceeds of which are dedi-
32 cated to fund education, could be negatively impacted by the expanded
33 gambling authorized by this bill. It is the intent of the legislature
34 not to harm existing revenue streams to education from current author-
35 ized video lottery terminals. Accordingly, there shall be a requirement
36 that each commercial casino licensed by this act shall have at least an
37 equal number of video lottery machines to slot machines within their
38 facility. Additionally, as the legislature wants to hold harmless the
39 current state revenue derived from the video lottery products by requir-
40 ing new commercial casino licensees to indemnify and hold harmless the
41 state from such losses.

42 S 2. Short title. This act shall be known and cited as the "local
43 empowerment through gaming opportunities act of 2013".

44 S 3. The general business law is amended by adding a new article 12-A
45 to read as follows:

46 ARTICLE 12-A

47 LOCAL EMPOWERMENT THROUGH
48 GAMING OPPORTUNITIES ACT OF 2013

49 SECTION 210. CASINO GAMBLING.

50 211. VIDEO LOTTERY REVENUE PROTECTIONS FOR EDUCATION.

51 212. PREVAILING WAGE REQUIREMENT.

52 213. ECONOMIC IMPACT REPORT.

53 214. CASINO SITE SELECTION PROCESS.

54 215. ENVIRONMENTAL IMPACT, STATE ENVIRONMENTAL QUALITY REVIEW
55 PROCESS AND BUILDING CODE NOT WAIVED.

56 216. TEMPORARY STATE COMMISSION ON CASINO GOVERNANCE.

1 S 210. CASINO GAMBLING. 1. NO MORE THAN SEVEN COMMERCIAL CASINOS ARE
2 PERMISSIBLE WITHIN THE STATE, SUBJECT TO LOCAL APPROVAL, AND SUBJECT TO
3 THE FOLLOWING RESTRICTIONS:

4 A. NO MORE THAN TWO COMMERCIAL CASINOS IN COUNTIES HAVING A POPULATION
5 OF ONE MILLION OR MORE ACCORDING TO THE TWO THOUSAND TEN FEDERAL DECEN-
6 NIAL CENSUS OR ANY COUNTY ADJACENT THERETO PROVIDED, HOWEVER, IF BOTH
7 ENTITIES SELECTED TO OPERATE COMMERCIAL CASINOS IN SUCH COUNTIES PRES-
8 ENTLY OPERATE LICENSED VIDEO LOTTERY TERMINALS IN ANY SUCH COUNTY, THEN
9 THE AGGREGATE NUMBER OF COMMERCIAL CASINOS IN SUCH COUNTIES SHALL NOT
10 EXCEED THREE;

11 B. NO MORE THAN THREE COMMERCIAL CASINOS IN THE AGGREGATE IN THE AREA
12 DEFINED IN THIS ARTICLE AS THE CASINO GAMING DISTRICT;

13 C. OF THE REMAINDER, NO COMMERCIAL CASINO SHALL BE PERMITTED IN ANY
14 COUNTY HAVING A POPULATION GREATER THAN TWO HUNDRED FIFTY THOUSAND
15 ACCORDING TO THE TWO THOUSAND TEN FEDERAL DECENNIAL CENSUS, OR ANY COUN-
16 TY ADJACENT THERETO, UNLESS THE CASINO OPERATOR IS AN ENTITY PREVIOUSLY
17 LICENSED BY THE STATE TO CONDUCT VIDEO LOTTERY TERMINALS, PROVIDED
18 HOWEVER, ADDING A COMMERCIAL CASINO TO ANY COUNTY ALREADY CONTAINING TWO
19 OR MORE CASINO AND/OR VIDEO LOTTERY TERMINAL FACILITIES IN ANY COUNTY
20 OUTSIDE OF THE DEFINED CASINO GAMING DISTRICT SHALL BE PROHIBITED; AND

21 D. UNLESS OTHERWISE AUTHORIZED BY LAW, ANY CASINO GAMBLING THAT DOES
22 NOT COMPLY WITH THE PROVISIONS OF THIS ARTICLE IS PROHIBITED.

23 E. NOTWITHSTANDING ANY PROVISION OF THIS SECTION, NONE OF THE FIRST
24 THREE COMMERCIAL CASINOS SHALL BE LOCATED IN ANY CITY HAVING A POPU-
25 LATION OF ONE MILLION OR MORE ACCORDING TO THE TWO THOUSAND TEN FEDERAL
26 DECENNIAL CENSUS.

27 2. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING TERMS SHALL
28 HAVE THE MEANINGS SET FORTH HEREIN:

29 A. "COMMERCIAL CASINO" SHALL MEAN AN ENTITY LICENSED TO CONDUCT GAMING
30 OR GAMBLING PURSUANT TO THIS ARTICLE.

31 B. "GAMING", "GAMBLING", OR "CASINO GAMBLING" SHALL MEAN THE DEALING,
32 OPERATING, CARRYING ON, CONDUCTING, MAINTAINING OR EXPOSING FOR PAY OF
33 ANY GAME OR GAMBLING GAME.

34 C. "GAME" OR "GAMBLING GAME" SHALL MEAN ANY GAME PLAYED WITH CARDS,
35 DICE, TILES, A WHEEL, EQUIPMENT OR ANY MECHANICAL, ELECTROMECHANICAL OR
36 ELECTRONIC DEVICE OR MACHINE FOR MONEY, PROPERTY, CHECKS, CREDIT OR ANY
37 REPRESENTATIVE OF VALUE, INCLUDING, WITHOUT LIMITING THE GENERALITY OF
38 THE FOREGOING, AND WITHOUT ANY LIMITATION ON BETS OR RISKS UNDERTAKEN BY
39 THE PLAYERS OF SUCH GAMES, FARO, MONTE, ROULETTE, KENO, BINGO, FAN-TAN,
40 TWENTY-ONE, BLACKJACK, SEVEN-AND-A-HALF, KLONDIKE, CRAPS, POKER, CHUCK-
41 A-LUCK, CHINESE CHUCK-A-LUCK (DAI SHU), WHEEL OF FORTUNE, CHEMIN DE FER,
42 BACCARAT, PAI GOW, BEAT THE BANKER, PANGUINGUI, ANY BANKING OR PERCENT-
43 AGE GAME, ANY SLOT MACHINE OR VIDEO LOTTERY TERMINAL, OR ANY OTHER GAMES
44 WHERE THE WINNERS ARE DETERMINED BY OTHER RANDOMLY SELECTED MEANS, OR
45 ANY VARIATIONS OR DERIVATIONS OF SUCH GAMES, BUT DOES NOT INCLUDE GAMES
46 OF CHANCE OPERATED FOR THE PROMOTION OF BONA FIDE CHARITABLE, EDUCA-
47 TIONAL, SCIENTIFIC, HEALTH, RELIGIOUS AND PATRIOTIC CAUSES WHICH ARE
48 DULY AUTHORIZED AND APPROVED PURSUANT TO ARTICLE NINE-A OF THE GENERAL
49 MUNICIPAL LAW.

50 D. "BANKING GAME" MEANS ANY GAMBLING GAME IN WHICH PLAYERS COMPETE
51 AGAINST THE LICENSED COMMERCIAL CASINO RATHER THAN COMPETING AGAINST ONE
52 ANOTHER.

53 E. "PERCENTAGE GAME" MEANS ANY GAMBLING GAME THAT IS NOT A BANKING
54 GAME WHERE THE COMMERCIAL CASINO COLLECTS A FEE, SHARE, OR PERCENTAGE OF
55 MONEY FROM GAME, WHETHER COMPUTED AS A FLAT FEE OR RATE, A PERCENTAGE OF

1 THE AMOUNT OF MONEY WAGERED OR WON, A PORTION OR PERCENTAGE OF WINNINGS
2 COLLECTED, OR BY ANY OTHER MEANS.

3 F. "CASINO GAMING DISTRICT" SHALL MEAN ANY AREA WITHIN THE BOUNDARIES
4 OF SULLIVAN, GREENE AND ULSTER COUNTIES.

5 G. "LOCAL APPROVAL" SHALL MEAN IN THE CASE OF ANY COUNTY WHOLLY
6 CONTAINED WITHIN A CITY, APPROVAL BY A MAJORITY OF THE VOTERS IN A
7 GENERAL ELECTION THAT IS CITY WIDE, AND IN ANY OTHER COUNTY, APPROVAL BY
8 A MAJORITY OF THE VOTERS IN SUCH COUNTY.

9 H. "LOCAL COMMUNITY REINVESTMENT REQUIREMENTS" SHALL MEAN, PRIOR TO
10 THE PAYMENT OF DIVIDENDS, DISTRIBUTION OF PROFITS, SALARIES, MANAGEMENT
11 FEES, CONSULTING FEES, OR ANY OTHER PAYMENTS OF CASINO GAMBLING REVENUES
12 TO THE EQUITY OR BENEFICIAL OWNERS OF A COMMERCIAL CASINO ENTERPRISE,
13 THE COMMERCIAL CASINO ENTERPRISE MUST SET ASIDE ADEQUATE FUNDS TO FUND:

14 I. PROBLEM GAMBLING TREATMENT PROGRAMS, TELEPHONE HOTLINES, PUBLIC
15 AWARENESS CAMPAIGNS AND OTHER ACTIVITIES TO PREVENT AND TREAT GAMBLING
16 ADDICTION AND DEPENDENCE;

17 II. LOCAL TRAINING AND EDUCATION PROGRAMS DESIGNED TO INCREASE THE
18 SKILL SETS OF LOCAL COMMUNITY MEMBERS IN THE COUNTY HOSTING THE COMMER-
19 CIAL CASINO;

20 III. SUFFICIENT RESOURCES TO LOCAL LAW ENFORCEMENT, INCLUDING THE
21 DETECTION, APPREHENSION AND PROSECUTION OF FELONIES AND MISDEMEANORS
22 PROXIMATELY CAUSED BY THE COMMERCIAL CASINO OPERATION; AND

23 IV. VENDOR CONTRACTS WITH OTHER BUSINESS ENTITIES DOING BUSINESS WITH-
24 IN A FORTY MILE RADIUS OF THE COMMERCIAL CASINO FACILITY AMOUNTING TO AT
25 LEAST THIRTY-THREE PERCENT OF THE OVERALL CONTRACTING OUT FOR GOODS AND
26 SERVICES UTILIZED BY THE COMMERCIAL CASINO, PROVIDED FURTHER THAT AT
27 LEAST TWENTY PERCENT OF SUCH ENTITIES ARE DESIGNATED MINORITY OR WOMEN-
28 OWNED BUSINESS ENTERPRISES UNDER ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW
29 ("MWBS"); BUT IN THE EVENT, AFTER BEST EFFORTS HAVE BEEN EXHAUSTED,
30 SUFFICIENT MWBS ARE FOUND TO BE UNAVAILABLE WITHIN SUCH MILEAGE RADIUS,
31 THEN ANY MWBE DOING BUSINESS WITHIN THE STATE.

32 S 211. VIDEO LOTTERY REVENUE PROTECTIONS FOR EDUCATION. 1. NO COMMER-
33 CIAL CASINO OPERATOR MAY OFFER SLOT MACHINE GAMBLING UNLESS IT OFFERS AT
34 THE SAME FACILITY AN EQUAL NUMBER OF VIDEO LOTTERY TERMINALS, LICENSED
35 BY THE DIVISION OF THE LOTTERY.

36 2. THE DIVISION OF THE LOTTERY SHALL COMPUTE THE RESIDUAL REVENUE TO
37 THE STATE DERIVED FROM THE STATEWIDE VIDEO LOTTERY TERMINAL OPERATIONS
38 AS DEDICATED TO EDUCATION AFTER DECEMBER FIFTEENTH, TWO THOUSAND ELEVEN,
39 AND FOR EACH MONTH THEREAFTER. FOR CALCULATION PURPOSES, THE AVERAGE
40 MONTHLY RESIDUAL AMOUNT FROM DECEMBER FIFTEENTH, TWO THOUSAND ELEVEN TO
41 THE DATE OF THE COMMENCEMENT OF THE OPENING OF THE FIRST COMMERCIAL
42 CASINO AUTHORIZED BY THIS ACT SHALL BE THE BASELINE AMOUNT TO BE MET
43 MONTHLY THEREAFTER. THE ACTIVE COMMERCIAL CASINOS OPERATING IN THE STATE
44 PURSUANT TO THIS ACT SHALL, AS A CONDITION OF LICENSURE, PROMISE AND
45 AGREE TO INDEMNIFY AND HOLD HARMLESS THE STATE FOR ANY REDUCED REVENUES
46 COLLECTED BY THE STATE AS COMPARED TO THE BASELINE AMOUNT.

47 3. THE DIVISION OF THE LOTTERY SHALL, ON AUDIT BY THE COMPTROLLER,
48 QUARTERLY REPORT TO THE GOVERNOR AND THE LEGISLATURE AS TO THE PAYMENTS
49 MADE UNDER THIS SECTION.

50 S 212. PREVAILING WAGE REQUIREMENT. 1. ANY ENTITY SUBMITTING A BID TO
51 OPERATE A COMMERCIAL CASINO AUTHORIZED BY THIS ARTICLE SHALL ATTACH AN
52 INSTRUMENT CONTAINING A BINDING AND ENFORCEABLE OBLIGATION, AS CERTIFIED
53 BY THE ATTORNEY GENERAL, TO UTILIZE CONTRACTORS AND SUBCONTRACTORS ON
54 ANY DEMOLITION, CONSTRUCTION OR RECONSTRUCTION CONNECTED TO THE DEVELOP-
55 MENT OF A COMMERCIAL CASINO AND ANY RELATED STRUCTURES, WHO WILL PAY THE

1 PREVAILING WAGE IN THE REGION WHERE SUCH COMMERCIAL CASINO IS SITUATED
2 PURSUANT TO SECTION TWO HUNDRED TWENTY OF THE LABOR LAW.

3 2. ANY ENTITY RECEIVING A LICENSE TO OPERATE A COMMERCIAL CASINO
4 PURSUANT TO THIS ARTICLE MAY MEET ITS OBLIGATION UNDER SUBDIVISION ONE
5 OF THIS SECTION BY EXECUTING A COMPREHENSIVE, BALANCED AND FAIR PROJECT
6 LABOR AGREEMENT, AS CERTIFIED BY THE COMMISSIONER OF LABOR.

7 S 213. ECONOMIC IMPACT REPORT. 1. FOR PURPOSES OF THIS SECTION, THE
8 TERM "MARKET AREA" SHALL REFER TO:

9 A. IN THE CASE OF A CASINO PROPOSED BY THE APPLICANT TO BE LOCATED IN
10 ANY COUNTY WHOLLY CONTAINED WITHIN A CITY, THE AREA WITHIN THE CITY
11 LIMITS; OR

12 B. IN THE CASE OF A CASINO PROPOSED BY THE APPLICANT TO BE LOCATED IN
13 ANY OTHER COUNTY, THE GREATER OF THE AREA WITHIN THE COUNTY LIMITS, OR
14 THE AREA EXTENDING FORTY MILES IN ALL DIRECTIONS FROM THE PROPOSED CASI-
15 NO.

16 2. ANY ENTITY SUBMITTING A BID TO OPERATE A COMMERCIAL CASINO AUTHOR-
17 IZED BY THIS ARTICLE SHALL FIRST CAUSE TO BE PREPARED, AT THE APPLI-
18 CANT'S SOLE COST, AND SUBMIT WITH ITS APPLICATION AN ECONOMIC IMPACT
19 REPORT. THE ECONOMIC IMPACT REPORT SHALL BE PREPARED BY A PRIVATE ENTI-
20 TY, WHOLLY INDEPENDENT FROM THE APPLICANT, WHICH SHALL BE QUALIFIED BY
21 EDUCATION, TRAINING, AND EXPERIENCE TO CONDUCT ECONOMIC AND FISCAL
22 IMPACT ANALYSES.

23 3. THE ECONOMIC IMPACT REPORT SHALL INCLUDE, BUT IS NOT LIMITED TO,
24 ALL OF THE FOLLOWING:

25 A. AN ASSESSMENT OF HOW THE CONSTRUCTION AND OPERATION OF THE PROPOSED
26 CASINO WILL AFFECT THE SUPPLY AND DEMAND FOR RETAIL AND COMMERCIAL SPACE
27 IN THE MARKET AREA.

28 B. AN ASSESSMENT OF HOW THE CONSTRUCTION AND OPERATION OF THE PROPOSED
29 CASINO WILL AFFECT NET EMPLOYMENT IN THE MARKET AREA, INCLUDING ALL OF
30 THE FOLLOWING:

31 I. THE NUMBER OF PERSONS EMPLOYED IN EXISTING ENTERTAINMENT, HOSPITAL-
32 ITY, AND RETAIL OPERATIONS IN THE MARKET AREA.

33 II. AN ESTIMATE OF THE NUMBER OF PEOPLE WHO WILL LIKELY BE EMPLOYED BY
34 THE PROPOSED CASINO FACILITY, INCLUDING BOTH GAMING AND NON-GAMING OPER-
35 ATIONS.

36 III. AN ANALYSIS OF WHETHER THE PROPOSED CASINO FACILITY, INCLUDING
37 BOTH GAMING AND NON-GAMING OPERATIONS, WILL RESULT IN A NET INCREASE OR
38 DECREASE IN TOTAL EMPLOYMENT IN BOTH THE MARKET AREA AND THE STATE AS A
39 WHOLE.

40 IV. THE EFFECT ON WAGES AND BENEFITS OF EMPLOYEES OF OTHER EXISTING
41 ENTERTAINMENT, HOSPITALITY, AND RETAIL BUSINESSES, AND ON COMMUNITY
42 INCOME LEVELS IN THE MARKET AREA.

43 C. A PROJECTION OF THE COSTS OF PUBLIC SERVICES AND PUBLIC FACILITIES
44 RESULTING FROM THE CONSTRUCTION AND OPERATION OF THE PROPOSED CASINO AND
45 THE INCIDENCE OF THOSE COSTS.

46 D. A PROJECTION OF THE PUBLIC REVENUES RESULTING FROM THE CONSTRUCTION
47 AND OPERATION OF THE PROPOSED CASINO AND THE INCIDENCE OF THOSE REVEN-
48 UES.

49 E. AN ASSESSMENT OF THE EFFECT THAT THE CONSTRUCTION AND OPERATION OF
50 THE PROPOSED CASINO WILL HAVE ON EXISTING ENTERTAINMENT, HOSPITALITY,
51 AND RETAIL OPERATIONS IN THE SAME MARKET AREA, INCLUDING THE POTENTIAL
52 FOR BLIGHT RESULTING FROM EXISTING BUSINESS CLOSURES, AND THE NATURE OF
53 ANY BUSINESSES DISPLACED.

54 F. AN ASSESSMENT OF THE EFFECT THAT THE CONSTRUCTION AND OPERATION OF
55 THE PROPOSED CASINO WILL HAVE ON THE ABILITY OF THE CITY, COUNTY, OR
56 CITY AND COUNTY TO IMPLEMENT THE GOALS CONTAINED IN ITS GENERAL PLAN,

1 INCLUDING, BUT NOT LIMITED TO, LOCAL POLICIES AND STANDARDS THAT APPLY
2 TO LAND USE PATTERNS, TRAFFIC CIRCULATION, AFFORDABLE HOUSING, NATURAL
3 RESOURCES, INCLUDING WATER SUPPLIES, OPEN-SPACE LANDS, NOISE PROBLEMS,
4 AND SAFETY RISKS.

5 G. AN ASSESSMENT OF THE EFFECT THAT THE CONSTRUCTION AND OPERATION OF
6 THE PROPOSED CASINO WILL HAVE ON AVERAGE TOTAL TRAFFIC CONGESTION AND
7 TOTAL TRAVEL TIMES BY VEHICLES IN THE MARKET AREA.

8 H. AN ASSESSMENT OF WHETHER THE CASINO WOULD REQUIRE THE DEMOLITION OF
9 HOUSING OR ANY OTHER ACTION OR CHANGE THAT WOULD RESULT IN A DECREASE OR
10 NEGATIVE IMPACT ON THE CREATION OF EXTREMELY LOW, VERY LOW, LOW-, OR
11 MODERATE-INCOME HOUSING, OR THAT WOULD HAVE A DISPROPORTIONATE NEGATIVE
12 IMPACT ON COMMUNITIES IN WHICH THE MAJORITY OF RESIDENTS ARE PERSONS WHO
13 ARE MEMBERS OF HISTORICALLY DISADVANTAGED AND UNDERREPRESENTED RACIAL
14 AND ETHNIC MINORITY GROUPS AS DEFINED IN STATE LAW.

15 I. AN ASSESSMENT OF WHETHER THE CASINO WOULD RESULT IN THE DESTRUCTION
16 OR DEMOLITION OF PARK OR OTHER GREEN SPACE, HOUSES OF WORSHIP, PLAY-
17 GROUNDS, CHILD CARE FACILITIES, COMMUNITY CENTERS, OR OTHER SPACE FOR
18 COMMUNITY USE.

19 J. AN ASSESSMENT OF WHETHER THE CASINO WOULD RESULT IN ANY OTHER
20 ADVERSE OR POSITIVE ECONOMIC IMPACTS OR BLIGHT.

21 K. AN ASSESSMENT OF WHETHER ANY MEASURES ARE AVAILABLE THAT MAY MITI-
22 GATE ANY MATERIALLY ADVERSE ECONOMIC IMPACTS IDENTIFIED BY THE APPLI-
23 CANT.

24 4. THIS SECTION SHALL NOT PRECLUDE THE CASINO FACILITY SITE SELECTION
25 COMMISSION, PURSUANT TO SUBDIVISION THREE OF SECTION TWO HUNDRED FOUR-
26 TEEN OF THIS ARTICLE, FROM REQUIRING THAT THE APPLICANT CONDUCT, AT ITS
27 SOLE COST, ANY ADDITIONAL STUDIES OF THE EFFECTS OF THE CONSTRUCTION AND
28 OPERATION OF THE PROPOSED CASINO.

29 S 214. CASINO SITE SELECTION PROCESS. 1. THE GOVERNOR SHALL CREATE A
30 CASINO FACILITY SITE SELECTION COMMISSION FOR THE PURPOSE OF EVALUATING
31 AND RECOMMENDING APPLICATIONS FROM PRIVATE ENTITIES OR PERSONS SEEKING
32 TO OPERATE ANY COMMERCIAL CASINO WITHIN THE AREAS DEFINED IN SUBDIVISION
33 ONE OF SECTION TWO HUNDRED TEN OF THIS ARTICLE. THE CRITERIA FOR EVALU-
34 ATING ANY APPLICATION IS SET FORTH IN THIS SECTION, AND IN ANY RULES AND
35 REGULATIONS SUCH COMMISSION SHALL PROMULGATE TO SUPPLEMENT SUCH EVALU-
36 ATION. SUCH COMMISSION SHALL CONSIST OF MEMBERS APPOINTED AS FOLLOWS:

37 A. FOUR MEMBERS APPOINTED BY THE GOVERNOR TO SERVE AT THE PLEASURE OF
38 THE GOVERNOR, OF WHICH ONE WILL BE DESIGNATED AS CHAIR BY THE GOVERNOR;

39 B. TWO MEMBERS SELECTED BY THE SPEAKER OF THE ASSEMBLY TO SERVE AT THE
40 PLEASURE OF THE SPEAKER;

41 C. TWO MEMBERS SELECTED BY THE LEADER OF THE MAJORITY CONFERENCE IN
42 THE SENATE TO SERVE AT THE PLEASURE OF SUCH LEADER;

43 D. ONE MEMBER EACH BY THE LEADER OF THE LARGEST MINORITY CONFERENCE IN
44 THE ASSEMBLY AND SENATE TO SERVE AT THE PLEASURE OF SUCH LEADER; AND

45 E. EX-OFFICIO AND NON-VOTING MEMBERS OF THE EXECUTIVE BRANCH TO
46 INCLUDE THE CHAIR OF THE NEW YORK STATE GAMING COMMISSION, THE DIRECTOR
47 OF THE DIVISION OF THE LOTTERY, THE SUPERINTENDENT OF STATE POLICE, AND
48 THE DIRECTOR OF THE BUDGET, OR THEIR DESIGNEES.

49 2. A. INTEGRITY OF APPLICANT. ANY EQUITY OWNER OF AN APPLICANT OWNING,
50 DIRECTLY OR INDIRECTLY, IN EXCESS OF FIVE PERCENT OF THE TOTAL EQUITY OF
51 THE APPLICANT ENTITY SHALL NOT HAVE BEEN PREVIOUSLY CONVICTED OF ANY
52 FELONY OR OF ANY MORALLY ABHORRENT MISDEMEANOR. SUCH AN EQUITY OWNER
53 MUST ALSO BE A PERSON WHO IS CONTINUOUSLY OF GOOD MORAL CHARACTER,
54 HONESTY, AND INTEGRITY, AND WHOSE PRIOR ACTIVITIES, REPUTATION, HABITS
55 AND ASSOCIATIONS DO NOT POSE A THREAT TO THE PUBLIC INTEREST OR THE
56 EFFECTIVE REGULATION AND CONTROL OF CASINO GAMBLING. THE APPLICANT SHALL

1 SUBMIT BINDING COMMITMENT TO A COGNIZABLE, WORKABLE BUSINESS PLAN THAT
2 IS DESIGNED TO EXCEED STATUTORY AND REGULATORY MINIMUM REQUIREMENTS TO
3 ENSURE THE COMMERCIAL CASINO WILL MEET THE HIGHEST POSSIBLE STANDARDS
4 FOR INTEGRITY, AVOID EVEN THE APPEARANCE OF IMPROPRIETY OF ANY SORT, AND
5 ENSURE THAT NO ORGANIZED CRIMINAL ELEMENT WILL SHARE IN ITS PROFITS.

6 B. RESIDENCY. OTHER THAN A PUBLICLY TRADED CORPORATION, OR AN INDIVID-
7 UAL APPLICANT WHO IS A NEW YORK STATE RESIDENT, ANY OTHER APPLICANT
8 SHALL BE A CONSORTIUM OF OWNERS CONSISTING OF NEW YORK STATE RESIDENTS,
9 WHO ARE INDIVIDUAL PERSONS, THAT HAVE AN ULTIMATE AND BENEFICIAL EQUITY
10 INTEREST IN THE TOTAL OWNERSHIP OF SUCH CONSORTIUM AMOUNTING TO NO LESS
11 THAN TWENTY-FIVE PERCENT OF THE TOTAL EQUITY ULTIMATELY AND BENEFICIALLY
12 OWNED BY SUCH CONSORTIUM.

13 C. AFFIRMATIVE ACTION EQUITY INTEREST IN THE APPLICANT. OTHER THAN A
14 PUBLICLY TRADED CORPORATION, OR AN INDIVIDUAL APPLICANT WHO IS A PERSON
15 WHO IS A MEMBER OF A HISTORICALLY DISADVANTAGED AND UNDERREPRESENTED
16 RACIAL AND ETHNIC MINORITY GROUP AS DEFINED IN STATE LAW, ANY OTHER
17 APPLICANT SHALL BE A CONSORTIUM OF OWNERS, AT LEAST TWENTY-FIVE PERCENT
18 OF WHOM ARE PERSONS WHO ARE MEMBERS OF HISTORICALLY DISADVANTAGED AND
19 UNDERREPRESENTED RACIAL AND ETHNIC MINORITY GROUPS AS DEFINED IN STATE
20 LAW. AN APPLICATION MUST CONTAIN A BINDING COMMITMENT TO A COGNIZABLE,
21 WORKABLE BUSINESS PLAN DESIGNED TO EXCEED MINIMUM STATUTORY REQUIREMENTS
22 TO PROMOTE AND ENSURE DIVERSITY IN THE OPERATION OF THE COMMERCIAL CASI-
23 NO, AND TO INCREASE AND IMPROVE ECONOMIC OPPORTUNITIES FOR MWBE ENTER-
24 PRISES IN THE HOST, LOCAL AND STATE ECONOMIES.

25 D. NEUTRALITY AND CARD CHECK. EVERY APPLICATION FOR A COMMERCIAL CASI-
26 NO SHALL INCLUDE A BINDING COMMITMENT TO A COGNIZABLE, WORKABLE BUSINESS
27 PLAN DESIGNED SO THE APPLICANT CAN ASSURE REASONABLE ACCESS TO THE
28 GAMING AND RELATED FACILITIES TO LABOR ORGANIZERS FOR THE PURPOSES OF A
29 CAMPAIGN TO SOLICIT EMPLOYEE SUPPORT FOR LABOR UNION REPRESENTATION;
30 INCLUDING PERMITTING UNION ORGANIZERS TO DISTRIBUTE LABOR UNION AUTHOR-
31 IZING CARDS ON SITE FOR THE PURPOSE OF SOLICITING EMPLOYEE SUPPORT FOR
32 LABOR UNION REPRESENTATION; AND PLEDGING TO REMAIN NEUTRAL DURING ANY
33 SUCH CAMPAIGN AND COMMITTING TO DIVULGE CONTACT INFORMATION OF EMPLOYEES
34 TO SUCH ORGANIZERS; AND PLEDGING TO RECOGNIZE THE EXCLUSIVE COLLECTIVE
35 BARGAINING REPRESENTATION OF ANY UNION DEMONSTRATING A MAJORITY OF
36 EMPLOYEE SUPPORT FOR A COLLECTIVE BARGAINING UNIT VIA CARD CHECK.

37 E. COMMUNITY REINVESTMENT. AN APPLICATION MUST CONTAIN A BINDING
38 COMMITMENT TO A COGNIZABLE, WORKABLE BUSINESS PLAN DESIGNED TO MEET OR
39 EXCEED THE LOCAL COMMUNITY REINVESTMENT REQUIREMENTS SET FORTH IN PARA-
40 GRAPH H OF SUBDIVISION TWO OF SECTION TWO HUNDRED TEN OF THIS ARTICLE,
41 AND TO SUBSTANTIALLY REDUCE UNEMPLOYMENT IN THE HOST COMMUNITY.

42 3. THE COMMISSION SHALL ESTABLISH RULES AND PROCEDURES SUFFICIENT TO
43 ENSURE THAT IT RECEIVES THE INFORMATION NECESSARY TO EVALUATE AN APPLI-
44 CANT PURSUANT TO THIS SECTION, AND SHALL IMPOSE SUCH FEES ON APPLICANTS
45 TO ENSURE THAT THE COST OF EVALUATING APPLICANTS IS IMPOSED ON THE
46 APPLICANT RATHER THAN THE STATE.

47 4. THE COMMISSION SHALL NOT RECOMMEND THE SITING OF ANY COMMERCIAL
48 CASINO IN ANY AREA OF THE STATE THAT HAS NOT RENDERED LOCAL APPROVAL AS
49 DEFINED IN THIS ARTICLE BY THE GENERAL ELECTION HELD IN NOVEMBER, TWO
50 THOUSAND FOURTEEN.

51 5. THE COMMISSION SHALL RECOMMEND TO THE GOVERNOR UP TO THREE APPLI-
52 CANTS FOR EACH JURISDICTION AS SET FORTH IN SUBDIVISION ONE OF SECTION
53 TWO HUNDRED TEN OF THIS ARTICLE, LOCALLY APPROVING COMMERCIAL CASINO
54 GAMBLING IF THERE BE THREE OR MORE APPLICATIONS IN SUCH AREA, TOGETHER
55 WITH THE METRICS AND SUPPORTING DOCUMENTS UTILIZED BY THE COMMISSION.

1 THE COMMISSION SHALL ALSO CONCOMITANTLY PROVIDE THE IDENTICAL DATA TO
2 THE LEGISLATURE.

3 6. THE GOVERNOR SHALL SELECT THE WINNING APPLICANT OR APPLICANTS FROM
4 AMONG THOSE SUBMITTED TO HIM OR HER BY THE COMMISSION, HOWEVER, NO
5 LICENSE CAN BE AWARDED TO SUCH WINNING APPLICANT UNLESS AND UNTIL THEIR
6 SELECTION IS ALSO RATIFIED BY THE LEGISLATURE IN A JOINT RESOLUTION
7 PASSED BY A MAJORITY IN EACH HOUSE OF THE LEGISLATURE.

8 S 215. ENVIRONMENTAL IMPACT, STATE ENVIRONMENTAL QUALITY REVIEW PROC-
9 ESS AND BUILDING CODE NOT WAIVED. THE MERE FACT THAT A LICENSE TO OPER-
10 ATE A COMMERCIAL CASINO HAS BEEN ISSUED BY THE STATE WILL NOT EXEMPT THE
11 LICENSEE FROM COMPLYING WITH ALL OBLIGATIONS, REGULATIONS AND REQUIRE-
12 MENTS RELATING TO THE COMPLETION AND SUBMISSION OF AN ENVIRONMENTAL
13 IMPACT STATEMENT, COMPLYING AND COMPLETING THE STATE ENVIRONMENTAL QUAL-
14 ITY REVIEW PROCESS, AND COMPLYING WITH ALL APPLICABLE STATE AND LOCAL
15 BUILDING CODES.

16 S 216. TEMPORARY STATE COMMISSION ON CASINO GOVERNANCE. 1. THE GOVER-
17 NOR SHALL PROMPTLY APPOINT A TEMPORARY COMMISSION ON CASINO GOVERNANCE
18 IF THE VOTERS ELECT TO ADOPT AN AMENDMENT TO THE STATE CONSTITUTION
19 AUTHORIZING COMMERCIAL CASINO GAMBLING IN A GENERAL ELECTION HELD IN
20 NOVEMBER, TWO THOUSAND FOURTEEN, WHOSE DUTY IT WILL BE TO STUDY THE BEST
21 PRACTICES FOR GOVERNING COMMERCIAL CASINO GAMBLING IN ANY JURISDICTION
22 THAT PERMITS SUCH ACTIVITY, INCLUDING PRACTICES TO PROMOTE AND ENSURE
23 DIVERSITY IN ALL ASPECTS OF CASINO GAMING, AND REPORT TO THE GOVERNOR
24 AND LEGISLATURE NO LATER THAN MARCH THIRTY-FIRST, TWO THOUSAND FIFTEEN,
25 ITS RECOMMENDATIONS WHICH SHALL INCLUDE MODEL LEGISLATION FOR ENACTMENT
26 OF SUCH GOVERNING STRUCTURE.

27 2. SUCH TEMPORARY COMMISSION SHALL CONSIST OF THE FOLLOWING APPOINT-
28 MENTS:

29 A. SIX APPOINTEES BY THE GOVERNOR TO SERVE AT THE PLEASURE OF THE
30 GOVERNOR, AT LEAST ONE SHALL BE A RECOGNIZED EXPERT IN CASINO GAMBLING
31 OPERATIONS AND AT LEAST ONE SHALL BE A CERTIFIED ACCOUNTANT.

32 B. THE CHAIRS OF THE ASSEMBLY WAYS AND MEANS AND RACING AND WAGERING
33 COMMITTEES OR THEIR DESIGNEE.

34 C. THE CHAIRS OF THE SENATE FINANCE AND RACING AND WAGERING COMMITTEES
35 OR THEIR DESIGNEE.

36 D. THE DIRECTOR OF THE DIVISION OF THE BUDGET OR HIS OR HER DESIGNEE.

37 E. THE COMPTROLLER OR HIS OR HER DESIGNEE.

38 F. THE ATTORNEY GENERAL OR HIS OR HER DESIGNEE.

39 S 4. This act shall take effect upon the passage of an amendment to
40 the New York state constitution by the people of the state that effec-
41 tively permits casino gambling in the state.