

5586

2013-2014 Regular Sessions

I N S E N A T E

May 23, 2013

Introduced by Sen. BONACIC -- 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, in relation to casino gambling; to amend the state finance law, in relation to establishing the real property tax reduction account and the Belmont revitalization account; to amend the tax law, in relation to expansion of video lottery terminals; to amend the tax law, in relation to allowing off-track betting corporations in the state to host video lottery terminals; and to amend the executive law and the racing, pari-mutuel wagering and breeding law, in relation to the terms of office and salaries of members of the state gaming commission

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

1 Section 1. The racing, pari-mutuel wagering and breeding law is
2 amended by adding a new article 13 to read as follows:

3 ARTICLE 13

4 CASINO GAMBLING

5 SECTION 1301. STATEMENT OF PURPOSE.

6 1302. ISSUANCE OF LICENSES FOR CASINO GAMBLING FACILITIES.

7 1303. LICENSES FOR CASINO GAMBLING FACILITIES.

8 1304. GENERAL CONDITIONS OF CASINO GAMBLING LICENSES.

9 1305. DECISIONS REVIEWABLE.

10 1306. STATE REVENUE FUND.

11 1307. ENHANCEMENT OF PURSES AND BREEDING.

12 S 1301. STATEMENT OF PURPOSE. THIS ARTICLE IS INTENDED TO PROVIDE THE
13 LEGISLATIVE AUTHORIZATION FOR THE ISSUANCE OF UP TO SEVEN LICENSES FOR
14 CASINO GAMBLING FACILITIES WHICH IS HEREBY LEGALIZED AS REGULATED BY THE
15 STATE GAMING COMMISSION UPON THE APPROVAL OF AN AMENDMENT TO THE CONSTI-
16 TUTION AUTHORIZING UP TO SEVEN CASINO GAMBLING FACILITIES. LABOR PEACE
17 AGREEMENTS FOR SUCH CASINO GAMBLING FACILITIES, AS PROVIDED FOR IN

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

LBD11242-03-3

SECTION ONE HUNDRED NINE-A OF THIS CHAPTER, SHALL BE REQUIRED AS IF SUCH FACILITY WERE A "GAMING FACILITY" AS DEFINED BY SUCH SECTION ONE HUNDRED NINE-A. THE COMMISSION SHALL UTILIZE ITS BEST, INDEPENDENT JUDGMENT IN AWARDED ANY LICENSE AUTHORIZED HEREIN AND SHALL ENDEAVOR TO CREATE THE MAXIMUM PUBLIC BENEFIT IN TERMS OF QUALITY JOB CREATION, AS REASONABLY DETERMINED BY THE COMMISSION, IN AREAS SUFFERING FROM UNEMPLOYMENT AND UNDEREMPLOYMENT.

S 1302. ISSUANCE OF LICENSES FOR CASINO GAMBLING FACILITIES. 1. LICENSES FOR CASINO GAMBLING FACILITIES SHALL BE ISSUED BY THE STATE GAMING COMMISSION PURSUANT TO THIS ARTICLE.

2. PROHIBITION ON LICENSES IN EXCLUSIVITY ZONES. TO THE EXTENT THAT AN INDIAN NATION OR TRIBE HAS A VALID COMPACT WITH THE STATE OF NEW YORK WHICH PROVIDES FOR THE EXCLUSIVE RIGHT TO CONDUCT CLASS III GAMING PURSUANT TO THE INDIAN GAMING REGULATORY ACT, 25 U.S.C. S 2701 ET SEQ. IN A GEOGRAPHIC AREA DEFINED IN SUCH COMPACT, NO LICENSE FOR A CASINO GAMBLING FACILITY SHALL BE ISSUED UNDER THIS ARTICLE WITHIN ANY SUCH EXCLUSIVITY ZONE.

3. PROCESS FOR ISSUING LICENSES. (A) THE FOLLOWING SEVEN LICENSES SHALL BE ISSUED BY THE COMMISSION FOR FACILITIES OPERATING CASINO GAMBLING. THE LICENSES SHALL BE ISSUED TO AN ELIGIBLE OPERATOR, SITING A FACILITY IN THE FOLLOWING GEOGRAPHIC AREAS, AND SHALL ONLY BE ISSUED IN THE ORDER PROVIDED BUT SHALL BE EFFECTIVE ON THE DATE CHOSEN BY THE COMMISSION WITHIN THE PERIOD OF TIME PROVIDED AS THE LICENSE EFFECTIVE DATE BELOW:

| LICENSE DATE NUMBER | REGION | LICENSE EFFECTIVE |
|---------------------------|--|--|
| 1 | REGION 1, COMPRISED OF THE COUNTIES OF COLUMBIA, DELAWARE GREENE, SULLIVAN, AND ULSTER | NO SOONER THAN JANUARY 1, 2014 AND NO LATER THAN JANUARY 1, 2015 |
| 2 | REGION 2, COMPRISED OF THE COUNTIES OF BROOME, SENECA, TIOGA, TOMPKINS, CHEMUNG, SCHUYLER, AND WAYNE COUNTIES, EXCEPT ANY PORTIONS THEREOF WHERE THERE EXISTS A COMPACT WITH A NATIVE AMERICAN TRIBE OR NATION LIMITING THE LOCATION OF CASINO GAMBLING FACILITIES THEREIN. | NO SOONER THAN JULY 1, 2014 AND NO LATER THAN JULY 1, 2015 |
| 3 | REGION 3, COMPRISED OF THE COUNTIES OF ALBANY, FULTON, MONTGOMERY, RENSSELAER, SARATOGA, SCHENECTADY, SCHOHARIE AND WASHINGTON | NO SOONER THAN JULY 1, 2014 AND NO LATER THAN JULY 1, 2015 |
| 4 | REGION 4, COMPRISED OF THE COUNTIES OF DELAWARE, GREENE, SULLIVAN, AND ULSTER | NO SOONER THAN JULY 1, 2015 AND NO LATER THAN JULY 1, 2016 |
| 5 | REGION 5, COMPRISED OF THE COUNTIES OF DELAWARE, GREENE, SULLIVAN, ULSTER OR THE COUNTIES OF ALLEGANY, CATTARAUGUS, CHAUTAUQUA, ERIE, GENESEE, LIVINGSTON, MONROE, NIAGARA, ORLEANS, AND WYOMING AND THE PORTIONS OF THE COUNTIES OF CHEMUNG, ONTARIO, SCHUYLER, WAYNE AND YATES | NO SOONER THAN JULY 1, 2016 AND NO LATER THAN JULY 1, 2017 |

WEST OF NEW YORK STATE ROUTE 14 WHERE
A CASINO GAMBLING FACILITY WAS
NOT PERMITTED AT ANY TIME DUE
TO AN EXCLUSIVITY AGREEMENT
OR COMPACT WITH A NATIVE AMERICAN
OR INDIAN NATION OR TRIBE
QUEENS OR WESTCHESTER COUNTY OR ANY
LOCATION WHICH WAS WITHIN AN EXCLU-
SIVITY ZONE (AN AREA WHERE A CASINO
GAMBLING FACILITY WOULD NOT BE PER-
MITTED TO BE AUTHORIZED BY THE STATE
DUE TO AN AGREEMENT BETWEEN THE
STATE AND A NATIVE AMERICAN NATION
OR TRIBE), BUT WHICH IS NO LONGER
IN AN EXCLUSIVITY ZONE AS OF THE
DATE OF LICENSING SUCH CASINO GAM-
BLING FACILITY.

NO SOONER THAN JANUARY
1, 2019 AND NO LATER
THAN JANUARY 1, 2021

(B) EXTENSION OF TIME TO ISSUE LICENSE. THE COMMISSION SHALL AWARD THE
LICENSES IN THE ORDER LISTED IN PARAGRAPH (A) OF THIS SUBDIVISION.
HOWEVER, IF THERE IS NO APPLICANT THAT THE COMMISSION DEEMS ELIGIBLE AT
THE TIME SUCH LICENSE IS EFFECTIVE, THEN THE COMMISSION MAY BY RESOL-
UTION EXTEND THE TIME PERIOD FOR THE ACCEPTANCE OF ADDITIONAL LICENSE
APPLICATIONS FOR UP TO ONE YEAR. IF A LICENSE IS NOT ISSUED, THE FAILURE
TO AWARD A LICENSE IN ANY REGION SHALL NOT DELAY THE ISSUANCE OF OTHER
LICENSES, PROVIDED, HOWEVER THAT NO SECOND LICENSE SHALL BE ISSUED UNTIL
THE FIRST LICENSE IS EFFECTIVE.

(C) WITHIN THIRTY DAYS AFTER THE DEADLINE HAS PASSED FOR THE
SUBMISSION OF APPLICATIONS, THE COMMISSION SHALL SCHEDULE A PUBLIC HEAR-
ING IN A COUNTY IN WHICH AN APPLICANT PROPOSES TO LOCATE A CASINO GAMBL-
ING FACILITY. THE PUBLIC HEARING SHALL ALLOW TESTIMONY BY THE GENERAL
PUBLIC, AND SHALL REQUIRE THE ATTENDANCE OF A REPRESENTATIVE OF THE
APPLICANT AND AT LEAST THREE MEMBERS OF THE COMMISSION.

(D) THE COMMISSION SHALL SELECT A CASINO GAMBLING FACILITY SITE
SELECTION BOARD. SUCH BOARD SHALL BE COMPRISED OF FIVE INDIVIDUALS
APPOINTED BY MAJORITY VOTE OF THE COMMISSION. BOARD MEMBERS SHALL HAVE
EXPERTISE IN THE FIELDS OF REAL ESTATE OR FINANCE OR BOTH. BOARD MEMBERS
SHALL TOGETHER BY MAJORITY VOTE APPOINT A FINANCIAL ADVISOR, WHICH SHALL
INDEPENDENTLY EVALUATE EACH APPLICATION FOR FISCAL INTEGRITY, IN AN
EFFORT TO MAXIMIZE REVENUE FOR THE STATE. THE FINANCIAL ADVISOR SHALL
RECEIVE COMPENSATION IN AN AMOUNT FIXED BY THE COMMISSION WITHIN THE
AMOUNTS APPROPRIATED THEREFORE. BOARD MEMBERS SHALL SERVE WITHOUT
COMPENSATION, BUT SHALL BE REIMBURSED FOR THEIR REASONABLE AND NECESSARY
EXPENSES. THE BOARD SHALL RECOMMEND, BY MAJORITY VOTE, AN APPLICANT FOR
EACH LICENSE BASED UPON THE CRITERIA SET FORTH IN THIS CHAPTER, AND
SHALL TRANSMIT SUCH RECOMMENDATION TO THE COMMISSION. THE BOARD SHALL
HAVE THE FULL ASSISTANCE OF THE COMMISSION IN ITS REVIEW AND INVESTI-
GATION OF THE APPLICATIONS. IN THE EVENT SUCH APPLICANT IS UNABLE TO BE
LICENSED, PURSUANT TO SUBDIVISION TWO OF SECTION THIRTEEN HUNDRED THREE
OF THIS ARTICLE THE BOARD SHALL BE NOTICED TO RECOMMEND ANOTHER APPLI-
CANT FROM AMONG THE APPLICATIONS RECEIVED. UPON RECOMMENDATION OF THE
FINAL APPLICANT FOR THE SEVENTH LICENSE, SUCH BOARD SHALL BE DISSOLVED.
NOTHING SHALL PREVENT A SITE SELECTION COMMISSION FROM BEING ESTABLISHED
BY THE COMMISSION IN THE FUTURE IF FOR ANY REASON A LICENSE IS AVAILABLE
FOR SELECTION BY SUCH BOARD.

S 1303. LICENSES FOR CASINO GAMBLING FACILITIES. 1. (A) THE COMMISSION
SHALL ISSUE A REQUEST FOR APPLICATIONS FOR EACH OF THE SEVEN LICENSES.

1 ALL REQUESTS FOR APPLICATIONS SHALL INCLUDE: (1) THE TIME AND DATE FOR
2 RECEIPT OF RESPONSES TO THE REQUEST FOR APPLICATIONS, THE MANNER THEY
3 ARE TO BE RECEIVED AND THE ADDRESS OF THE OFFICE TO WHICH THE APPLICA-
4 TIONS SHALL BE DELIVERED; (2) THE FORM OF THE APPLICATION AND THE METHOD
5 FOR SUBMISSION; (3) A GENERAL DESCRIPTION OF THE ANTICIPATED SCHEDULE
6 FOR PROCESSING THE APPLICATION; (4) THE CONTACT INFORMATION OF COMMIS-
7 SION EMPLOYEES RESPONSIBLE FOR HANDLING APPLICANT QUESTIONS; AND (5) ANY
8 OTHER INFORMATION THAT THE COMMISSION DETERMINES.

9 (B) REQUESTS FOR APPLICATIONS PURSUANT TO PARAGRAPH (A) OF THIS SUBDI-
10 VISION SHALL BE ADVERTISED IN A MANNER CONSISTENT WITH A REQUEST FOR
11 PROPOSALS CONDUCTED PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THE
12 STATE FINANCE LAW AND ON THE OFFICIAL INTERNET WEBSITE OF THE COMMIS-
13 SION.

14 (C) THE COMMISSION SHALL PRESCRIBE THE FORM OF THE APPLICATION FOR
15 CASINO GAMING LICENSES WHICH SHALL REQUIRE, BUT NOT BE LIMITED TO:

16 (1) THE NAME OF THE APPLICANT;

17 (2) THE MAILING ADDRESS AND, IF A CORPORATION, THE NAME OF THE STATE
18 UNDER THE LAWS OF WHICH IT IS INCORPORATED, THE LOCATION OF ITS PRINCI-
19 PAL PLACE OF BUSINESS AND THE NAMES AND ADDRESSES OF ITS DIRECTORS AND
20 MAJOR STOCKHOLDERS OR MEMBERS IN THE DISCRETION OF THE COMMISSION;

21 (3) THE IDENTITY OF EACH PERSON HAVING A DIRECT OR INDIRECT INTEREST
22 IN THE BUSINESS AND THE NATURE OF SUCH INTEREST; PROVIDED, HOWEVER, THAT
23 IF THE DISCLOSED ENTITY IS A TRUST, THE APPLICATION SHALL DISCLOSE THE
24 NAMES AND ADDRESSES OF ALL BENEFICIARIES; PROVIDED FURTHER, THAT IF THE
25 DISCLOSED ENTITY IS A PARTNERSHIP, THE APPLICATION SHALL DISCLOSE THE
26 NAMES AND ADDRESSES OF ALL PARTNERS, BOTH GENERAL AND LIMITED; AND
27 PROVIDED FURTHER, THAT IF THE DISCLOSED ENTITY IS A LIMITED LIABILITY
28 COMPANY, THE APPLICATION SHALL DISCLOSE THE NAMES AND ADDRESSES OF ALL
29 MEMBERS;

30 (4) AN INDEPENDENT AUDIT REPORT OF ALL FINANCIAL ACTIVITIES AND INTER-
31 ESTS OF THE APPLICANT INCLUDING, BUT NOT LIMITED TO, THE DISCLOSURE OF
32 ALL CONTRIBUTIONS, DONATIONS, LOANS OR ANY OTHER FINANCIAL TRANSACTIONS
33 TO OR FROM A GAMING ENTITY OR OPERATOR IN THE PAST FIVE YEARS;

34 (5) EVIDENCE OF FINANCIAL STABILITY INCLUDING, BUT NOT LIMITED TO,
35 BANK REFERENCES, BUSINESS AND PERSONAL INCOME OF MAJOR SHAREHOLDERS,
36 PARTNERS OR MEMBERS IN THE DISCRETION OF THE COMMISSION, AND DISBURSE-
37 MENT SCHEDULES, TAX RETURNS AND OTHER REPORTS FILED BY GOVERNMENT AGEN-
38 CIES AND BUSINESS AND PERSONAL ACCOUNTING CHECK RECORDS AND LEDGERS;

39 (6) DESIGNS FOR THE PROPOSED CASINO GAMBLING FACILITY, AND A TIMELINE
40 OF CONSTRUCTION THAT INCLUDES DETAILED STAGES OF CONSTRUCTION FOR THE
41 CASINO GAMBLING FACILITY, NON-GAMING STRUCTURES AND RACETRACK, WHERE
42 APPLICABLE;

43 (7) A DESCRIPTION OF THE ANCILLARY ENTERTAINMENT SERVICES AND NON-GAM-
44 ING AMENITIES TO BE PROVIDED AT THE PROPOSED CASINO GAMBLING FACILITY;

45 (8) THE MINIMUM NUMBER OF EMPLOYEES TO BE EMPLOYED AT THE PROPOSED
46 CASINO GAMBLING FACILITY;

47 (9) COMPLETED STUDIES AND REPORTS AS REQUIRED BY THE COMMISSION, WHICH
48 SHALL INCLUDE, BUT NOT BE LIMITED TO, AN EXAMINATION OF THE PROPOSED
49 CASINO GAMBLING FACILITY:

50 (I) ECONOMIC BENEFITS TO THE REGION AND THE STATE;

51 (II) LOCAL AND REGIONAL ENVIRONMENTAL, TRAFFIC AND INFRASTRUCTURE
52 IMPACTS;

53 (III) IMPACT ON THE LOCAL AND REGIONAL ECONOMY, INCLUDING THE IMPACT
54 ON CULTURAL INSTITUTIONS AND ON SMALL BUSINESSES IN THE HOST COMMUNITY
55 AND SURROUNDING COMMUNITIES;

(IV) COST BENEFIT ANALYSIS OF THE PROJECT AS IT RELATES TO THE HOST COMMUNITY AND IMMEDIATELY SURROUNDING COMMUNITIES AND THE STATE FOR THE PROPOSED CASINO GAMBLING FACILITY TO BE LOCATED AT THE PROPOSED LOCATION; AND

(V) THE ESTIMATED MUNICIPAL AND STATE TAX REVENUE TO BE GENERATED BY THE CASINO GAMBLING FACILITY;

(10) THE TOTAL NEW INVESTMENT PROPOSED BY THE APPLICANT FOR THE PROPOSED PROJECT AND THE CURRENT AMOUNT INVESTED IN THE PROPOSED SITE, IF APPLICABLE;

(11) THE LOCATION OF THE PROPOSED CASINO GAMBLING FACILITY, WHICH SHALL INCLUDE A STATEMENT THAT THE BIDDER OWNS, CONTROLS OR OTHERWISE HAS RIGHTS SATISFACTORY TO THE COMMISSION TO OPERATE SUCH A FACILITY ON THE PROPERTY NAMED; AND

(12) WITH RESPECT TO LICENSES ONE THROUGH FIVE A RESOLUTION ADOPTED BY THE LOCAL GOVERNING BODY OF THE TOWN, VILLAGE OR MUNICIPALITY AND THE COUNTY, EXPRESSING SUPPORT FOR A CASINO GAMBLING FACILITY.

(D) A PROPOSED LICENSING FEE TO BE PAID BY APPLICANT, PRIOR TO THE EFFECTIVE DATE OF A LICENSE ISSUED BY THE COMMISSION TO OPERATE A CASINO GAMBLING FACILITY. SUCH FEE SHALL BE NO LESS THAN A MINIMUM AMOUNT TO BE PRESCRIBED BY THE COMMISSION FOR EACH COUNTY WHERE THE BIDDER PROPOSES A BID FOR SUCH LICENSE. ANY MINIMUM LICENSING FEE REQUIREMENT SHALL BE PROMULGATED NOT LATER THAN OCTOBER FIRST, TWO THOUSAND THIRTEEN.

(E) A PROPOSED TAX RATE BASED ON NET INCOME FOR SLOT MACHINES AND THE NET INCOME OF TABLE GAMES (GAMES OTHER THAN SLOT MACHINES). SUCH COMBINED AMOUNT SHALL BE THE GROSS GAMING REVENUE PAYMENT. THE COMMISSION SHALL STUDY AND ISSUE TO THE LEGISLATURE A REPORT DETAILING THE STATE AND LOCAL IMPACTS OF PROPOSED TAX RATES TO BE FIXED BY THE LEGISLATURE. SUCH REPORT, INCLUDING A RECOMMENDED MINIMUM RATE, SHALL BE ISSUED NO LATER THAN OCTOBER FIRST, TWO THOUSAND THIRTEEN.

(F) THE COMMISSION OR THE CASINO GAMBLING FACILITY SITE SELECTION BOARD MAY, PRIOR TO ISSUING A LICENSE CONDUCT PERSONAL INTERVIEWS OF REPRESENTATIVES OF BIDDERS AND REVIEW DOCUMENTS RELATED TO BIDDERS AND SHALL HAVE THE COOPERATION OF THE DIVISION OF CRIMINAL JUSTICE SERVICES AND THE DEPARTMENT OF TAXATION AND FINANCE IN REVIEWING THE BACKGROUNDS OF ENTITIES WHICH BID OR THE OFFICERS, DIRECTORS, SHAREHOLDERS, EXECUTIVES, OR MEMBERS THEREOF.

2. THE COMMISSION, UNLESS IT SHALL ISSUE A WRITTEN FINDING STATING ITS REASONS FOR HOLDING OTHERWISE, SHALL HONOR THE RECOMMENDATIONS FOR THE OPERATORS OF THE CASINO GAMBLING FACILITIES BY THE CASINO GAMBLING FACILITY SITE SELECTION BOARD, PURSUANT TO THE STANDARDS ESTABLISHED BY LAW AND MAY ENSURE THE OPERATOR IS OPERATING IN A MANNER WHICH COMPLIES WITH ALL APPLICABLE LAWS, RULES, AND REGULATIONS. THE COMMISSION SHALL TAKE SUCH STEPS AS ARE NECESSARY TO ENSURE THAT THE OWNERS, DIRECTORS, SHAREHOLDERS, OFFICERS, AND EMPLOYEES AND SUCH OTHER PERSONS ASSOCIATED WITH THE LICENSEE AS THE COMMISSION DEEMS NECESSARY, ARE FREE OF PAST CRIMINAL OR CIVIL CONDUCT WHICH WOULD IMPUGN THE INTEGRITY OR TRUSTWORTHINESS OF SUCH PERSONS. IN DETERMINING WHETHER AN APPLICANT SHALL RECEIVE A CASINO GAMBLING LICENSE, THE CASINO GAMBLING FACILITY SITE SELECTION BOARD SHALL EVALUATE WHETHER OR NOT AN APPLICANT MEETS THE FOLLOWING CRITERIA:

(A) MAXIMIZING REVENUES RECEIVED BY THE STATE;

(B) REALIZING MAXIMUM CAPITAL INVESTMENT EXCLUSIVE OF LAND ACQUISITION AND INFRASTRUCTURE IMPROVEMENTS;

(C) IMPLEMENTING A WORKFORCE DEVELOPMENT PLAN THAT UTILIZES THE EXISTING LABOR FORCE, INCLUDING THE ESTIMATED NUMBER OF CONSTRUCTION JOBS A PROPOSED CASINO GAMBLING FACILITY WILL GENERATE, THE DEVELOPMENT OF

1 WORKFORCE TRAINING PROGRAMS THAT SERVE THE UNEMPLOYED AND METHODS FOR
2 ACCESSING EMPLOYMENT AT THE CASINO GAMBLING FACILITY INCLUDING AGREE-
3 MENTS WITH COUNTY GOVERNMENTS IN ONE OR MORE COUNTIES FOUND TO HAVE HIGH
4 UNEMPLOYMENT RATES TO HIRE A PERCENTAGE OF EMPLOYEES FROM SUCH COUNTY;

5 (D) BUILDING A CASINO GAMBLING FACILITY OF HIGH CALIBER WITH A VARIETY
6 OF QUALITY NON-GAMING AMENITIES TO BE INCLUDED AS PART OF SUCH FACILITY;

7 (E) PROMOTING LOCAL BUSINESSES IN HOST AND SURROUNDING COMMUNITIES,
8 INCLUDING DEVELOPING CROSS-MARKETING STRATEGIES WITH LOCAL RESTAURANTS,
9 SMALL BUSINESSES, HOTELS, RETAIL OUTLETS, RACETRACKS, IF APPLICABLE, AND
10 IMPACTED LIVE ENTERTAINMENT VENUES;

11 (F) PROVIDING A HIGH NUMBER OF QUALITY JOBS IN THE CASINO GAMBLING
12 FACILITY;

13 (G) OFFERING THE HIGHEST AND BEST VALUE TO CREATE A SECURE AND ROBUST
14 GAMING MARKET IN THE REGION AND THE STATE; AND

15 (H) MITIGATION OF ADVERSE IMPACTS ON THE STATE RELATED TO PROBLEM
16 GAMBLING INCLUDING, BUT NOT LIMITED TO, TRAINING OF GAMING EMPLOYEES TO
17 IDENTIFY PATRONS EXHIBITING PROBLEMS WITH GAMBLING AND PREVENTION
18 PROGRAMS TARGETED TOWARD VULNERABLE POPULATIONS.

19 3. EXCEPT FOR THE COUNTY OF SULLIVAN, WHERE THERE MAY NOT BE MORE THAN
20 TWO SUCH LICENSES, THERE SHALL NOT BE MORE THAN ONE LICENSEE AUTHORIZED
21 TO OPERATE A CASINO GAMBLING FACILITY IN ANY COUNTY.

22 S 1304. GENERAL CONDITIONS OF LICENSES. 1. PERFORMANCE COLLATERAL.

23 (A) UPON AWARD OF A CASINO GAMBLING LICENSE BY THE COMMISSION, THE
24 APPLICANT SHALL BE REQUIRED TO DEPOSIT TEN PERCENT OF THE TOTAL INVEST-
25 MENT PROPOSED IN THE APPLICATION INTO AN INTEREST BEARING ACCOUNT.
26 MONIES RECEIVED FROM THE APPLICANT SHALL BE HELD IN ESCROW UNTIL THE
27 FINAL STAGE OF CONSTRUCTION, AS DETAILED IN THE TIMELINE OF CONSTRUCTION
28 SUBMITTED WITH THE LICENSEE'S APPLICATION AND APPROVED BY THE COMMIS-
29 SION, AT WHICH TIME THE DEPOSIT PLUS ALL ACCRUED INTEREST SHALL BE
30 RETURNED TO THE APPLICANT TO BE APPLIED FOR THE FINAL STAGE. SHOULD THE
31 APPLICANT BE UNABLE TO COMPLETE THE CASINO GAMBLING FACILITY, THE DEPOS-
32 IT PLUS ALL ACCRUED INTEREST SHALL BE FORFEITED TO THE STATE. IN PLACE
33 OF A CASH DEPOSIT, THE COMMISSION MAY ALLOW FOR AN APPLICANT TO SECURE A
34 DEPOSIT BOND INSURING THAT TEN PERCENT OF THE PROPOSED CAPITAL INVEST-
35 MENT SHALL BE FORFEITED TO THE STATE IF THE APPLICANT IS UNABLE TO
36 COMPLETE THE CASINO GAMBLING FACILITY.

37 (B) A LICENSEE WHO FAILS TO BEGIN GAMING OPERATIONS WITHIN ONE YEAR
38 AFTER THE DATE SPECIFIED IN ITS CONSTRUCTION TIMELINE, AS APPROVED BY
39 THE COMMISSION, SHALL BE SUBJECT TO SUSPENSION OR REVOCATION OF THE
40 CASINO GAMBLING LICENSE BY THE COMMISSION AND MAY, AFTER BEING FOUND BY
41 THE COMMISSION AFTER A HEARING TO HAVE ACTED IN BAD FAITH IN ITS APPLI-
42 CATION, BE ASSESSED A FINE OF UP TO FIFTY MILLION DOLLARS.

43 2. (A) THE COMMISSION SHALL PRESCRIBE THE FORM OF THE CASINO GAMBLING
44 LICENSE, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING
45 LICENSE CONDITIONS FOR EACH LICENSEE. THE LICENSEE SHALL:

46 (1) HAVE AN AFFIRMATIVE OBLIGATION TO ABIDE BY EVERY STATEMENT MADE IN
47 ITS APPLICATION TO THE COMMISSION, INCLUDING ALL EVALUATION CRITERIA AND
48 ELIGIBILITY REQUIREMENTS;

49 (2) COMPLY WITH ALL LAWS OF THE STATE, THE LAWS OF THE UNITED STATES
50 AND ALL RULES AND REGULATIONS PROMULGATED UNDER THIS CHAPTER;

51 (3) PAY WEEKLY TO THE COMMISSION THE GROSS GAMING REVENUE PAYMENT
52 PURSUANT TO THE TERMS OF THE LICENSE;

53 (4) MAKE, OR CAUSE TO BE MADE, CAPITAL EXPENDITURES TO ITS CASINO
54 GAMBLING FACILITY AS PART OF A MULTI-YEAR CAPITAL EXPENDITURE PLAN
55 APPROVED BY THE COMMISSION;

(5) NOT CHANGE ITS BUSINESS GOVERNING STRUCTURE WITHOUT THE NOTIFICATION AND APPROVAL OF THE COMMISSION;

(6) NOT OPERATE, INVEST IN OR OWN, IN WHOLE OR IN PART, ANOTHER CASINO GAMBLING LICENSEE'S LICENSE OR CASINO GAMBLING FACILITY;

(7) COOPERATE WITH THE COMMISSION AND THE ATTORNEY GENERAL IN ALL GAMING-RELATED INVESTIGATIONS. EACH CASINO GAMBLING LICENSEE SHALL MAKE READILY AVAILABLE ALL DOCUMENTS, MATERIALS, EQUIPMENT, PERSONNEL AND ANY OTHER ITEMS REQUESTED DURING AN INVESTIGATION; PROVIDED, HOWEVER, THAT MATERIAL THAT THE CASINO GAMBLING LICENSEE CONSIDERS A TRADE SECRET OR DETRIMENTAL TO THE CASINO GAMBLING LICENSEE IF IT WERE MADE PUBLIC SHALL, WITH THE COMMISSION'S APPROVAL, BE PROTECTED FROM PUBLIC DISCLOSURE;

(8) COOPERATE WITH THE COMMISSION AND THE ATTORNEY GENERAL WITH RESPECT TO THE INVESTIGATION OF ANY CRIMINAL MATTER; PROVIDED, HOWEVER, THAT THE CASINO GAMBLING LICENSEE SHALL, UPON RECEIPT OF A CRIMINAL OR CIVIL PROCESS COMPELLING TESTIMONY OR PRODUCTION OF DOCUMENTS IN CONNECTION WITH A CIVIL OR CRIMINAL INVESTIGATION, IMMEDIATELY DISCLOSE SUCH INFORMATION TO THE COMMISSION; AND PROVIDED FURTHER, THAT THIS PARAGRAPH SHALL NOT PROHIBIT PRIVATE PERSONS OR PUBLIC ENTITIES FROM SEEKING ANY REMEDY OR DAMAGES AGAINST A CASINO GAMBLING LICENSEE;

(9) ALLOW THE COMMISSION OR THE DIVISION OF STATE POLICE AND STATE POLICE OFFICERS ASSIGNED TO THE COMMISSION OR THE DIVISION OF STATE POLICE TO CONDUCT WARRANTLESS SEARCHES OF THE CASINO GAMBLING LICENSEE'S GAMING AREA (BOTH THOSE AREAS OPEN TO THE PUBLIC AND THOSE PRIVATE AREAS WHEN GAMING OPERATIONS ARE OVERSEEN OR CONTROLLED);

(10) COLLECT AND ANNUALLY REPORT TO THE COMMISSION A DETAILED STATISTICAL REPORT ON THE NUMBER, JOB TITLES, BENEFITS AND SALARIES OF EMPLOYEES HIRED AND RETAINED IN EMPLOYMENT AT THE CASINO GAMBLING FACILITY;

(11) EMPLOY ONLY THOSE PERSONS LICENSED OR REGISTERED BY THE COMMISSION WHICH LICENSES OR REGISTRATIONS ARE HEREBY AUTHORIZED;

(12) DO BUSINESS ONLY WITH THOSE VENDORS LICENSED OR REGISTERED BY THE COMMISSION WHICH LICENSES OR REGISTRATIONS ARE HEREBY AUTHORIZED;

(13) KEEP CONSPICUOUSLY POSTED IN THE GAMING AREA A NOTICE CONTAINING THE NAME AND A TELEPHONE NUMBER FOR PROBLEM GAMBLING ASSISTANCE;

(B) THE REQUIREMENTS OF THIS SUBDIVISION SHALL BE SUPPLEMENTARY TO ANY OTHER POWER OF THE COMMISSION AND SHALL NOT BE DEEMED TO RESTRICT THE POWERS OF THE COMMISSION AS OTHERWISE PROVIDED BY LAW.

(C) IN THE EVENT THAT A LICENSEE FAILS TO OPERATE THE CASINO GAMBLING FACILITY IN ACCORDANCE WITH THESE PROVISIONS OR FAILS TO COMPLY WITH OTHER TERMS OF THE LICENSE, THE COMMISSION SHALL BE EMPOWERED TO REVOKE THE LICENSE OF ANY ENTITY, MEMBER OR OFFICER OF THE CASINO GAMBLING FACILITY. THE COMMISSION SHALL TAKE SUCH ACTION AS IS NECESSARY TO ASSURE THE CONTINUATION OF THE GAMING ACTIVITIES AT THE CASINO GAMBLING FACILITY IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE LICENSE.

(D) THE COMMISSION IS HEREBY AUTHORIZED TO APPROVE THE OPENING OF A TEMPORARY FACILITY OF THE LICENSEE BEFORE THE CASINO GAMBLING FACILITY IS COMPLETE. SUCH TEMPORARY FACILITY SHALL BE APPROVED FOR A DURATION NOT TO EXCEED EIGHTEEN MONTHS. THE COMMISSION MAY AUTHORIZE THE TEMPORARY FACILITY AT A LOCATION OTHER THAN THE PLANNED LOCATION FOR THE PERMANENT CASINO GAMBLING FACILITY; HOWEVER SUCH TEMPORARY FACILITY MUST BE WITHIN THE SAME COUNTY AS THE PERMANENT CASINO GAMBLING FACILITY AND SHALL BE WITHIN FIFTEEN MILES OF THE PROPOSED PERMANENT CASINO GAMBLING FACILITY.

S 1305. DECISIONS REVIEWABLE. ALL FINAL DETERMINATIONS OF THE COMMISSION UNDER THIS ARTICLE SHALL BE REVIEWABLE BY A COURT OF COMPETENT JURISDICTION IN A PROCEEDING PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE

CIVIL PRACTICE LAW AND RULES. AN ACTION INSTITUTED FOR A DECLARATION THAT SUCH ACTION WAS ARBITRARY AND CAPRICIOUS BY AN AGGRIEVED PARTY SHALL BE INSTITUTED, IF AT ALL, WITHIN THIRTY CALENDAR DAYS OF THE COMMISSION'S FINAL DETERMINATION.

S 1306. STATE REVENUE FUND. 1. REVENUE DERIVED FROM THE AMOUNTS PAYABLE UNDER PARAGRAPH (E) OF SUBDIVISION ONE OF SECTION THIRTEEN HUNDRED THREE OF THIS ARTICLE, AND THE GROSS GAMING REVENUE DERIVED FROM THE COMBINED SALES TAX ON SLOT MACHINES AND TABLE GAMES AS PROVIDED IN PARAGRAPH (F) OF SUBDIVISION ONE OF SECTION THIRTEEN HUNDRED THREE OF THIS ARTICLE SHALL BE DISTRIBUTED AS FOLLOWS:

(A) EIGHTY PERCENT FOR ELEMENTARY AND SECONDARY EDUCATION; AND

(B) TWENTY PERCENT TO BE DEPOSITED INTO THE REAL PROPERTY TAX REDUCTION ACCOUNT CREATED BY SECTION NINETY-NINE-V OF THE STATE FINANCE LAW.

2. IF A CASINO GAMBLING FACILITY IS LICENSED IN QUEENS COUNTY, THE COMMISSION SHALL ENSURE THAT PRIOR TO DISBURSEMENT OF STATE REVENUE AS PROVIDED IN SUBDIVISION ONE OF THIS SECTION, THAT THE AMOUNT TO BE CONTRIBUTED TO PRIMARY AND SECONDARY EDUCATION SHALL BE NO LESS THAN THE AMOUNT PAID BY THE VIDEO LOTTERY GAMING VENDOR LICENSED TO OPERATE IN QUEENS COUNTY IN THE YEAR PRECEDING SUCH A CASINO GAMBLING FACILITY'S LICENSURE IN QUEENS COUNTY. AFTER PAYMENT OF SUCH AMOUNT, AND FOR THE FIRST THROUGH FIFTH FULL YEAR AFTER SUCH A CASINO GAMBLING FACILITY IS LICENSED IN QUEENS COUNTY, THE REVENUES SHALL BE DISTRIBUTED AS FOLLOWS:

SIXTY-FIVE PERCENT FOR ELEMENTARY AND SECONDARY EDUCATION;

TWENTY PERCENT TO BE DEPOSITED IN THE REAL PROPERTY TAX REDUCTION ACCOUNT CREATED BY SECTION NINETY-NINE-V OF THE STATE FINANCE LAW; AND

FIFTEEN PERCENT, NOT TO EXCEED SEVENTY-FIVE MILLION DOLLARS IN ANY CALENDAR YEAR, TO BE DEPOSITED IN THE BELMONT REVITALIZATION ACCOUNT CREATED BY SECTION NINETY-NINE-W OF THE STATE FINANCE LAW. ANY ADDITIONAL AMOUNTS ABOVE THE SEVENTY-FIVE MILLION DOLLARS SHALL BE DISTRIBUTED TO THE REAL PROPERTY TAX REDUCTION ACCOUNT. AT THE EXPIRATION OF THE FIFTH FULL YEAR OF OPERATIONS BY A CASINO GAMBLING FACILITY IN THE COUNTY OF QUEENS THE STATE REVENUE FROM SUCH CASINO GAMBLING FACILITY SHALL BE DISBURSED IN THE MANNER OF ANY OTHER CASINO GAMBLING FACILITY AUTHORIZED BY THIS ARTICLE.

S 1307. ENHANCEMENT OF PURSES AND BREEDING. NOTWITHSTANDING THE OTHER PROVISIONS OF THIS SECTION, THE COMMISSION AND ANY OTHER NECESSARY OFFICER OR EMPLOYEE OF THE STATE MAY TAKE SUCH ACTIONS AS ARE NECESSARY TO CAUSE PAYMENTS TO BE MADE FOR THE ENHANCEMENT OF PURSES AND TO PROMOTE NEW YORK HORSE BREEDING OR OTHER RACING SUPPORT PAYMENTS, AT THE MINIMUM LEVEL SUCH AMOUNTS WERE PROVIDED FOR IN THE YEAR TWO THOUSAND THIRTEEN PURSUANT TO SECTION SIXTEEN HUNDRED TWELVE OF THE TAX LAW. THE COMMISSION SHALL ISSUE A REPORT TO THE GOVERNOR AND THE LEGISLATURE ON A RECOMMENDED METHODOLOGY TO ENSURE CONTINUED INCREASES WITH A RATE STRUCTURE FOR THE SAME FOR THE ENHANCEMENT OF PURSES AND BREEDING AND THE RACING INDUSTRY BASED ON THE AMOUNT OF REVENUE DERIVED FROM CASINO GAMBLING VERSUS REVENUE FROM VIDEO LOTTERY TERMINALS IN THE YEAR TWO THOUSAND THIRTEEN, TAKING INTO ACCOUNT THE OVERALL GROWTH, IF ANY, OF THE HORSE RACING AND BREEDING INDUSTRY IN NEW YORK STATE. NOTHING HEREIN, HOWEVER, SHALL PERMIT ANY PAYMENTS TO EDUCATION TO BE DIMINISHED BELOW THEIR TWO THOUSAND THIRTEEN LEVELS AS PROVIDED FOR THROUGH VIDEO LOTTERY TERMINALS. THE REPORT SHALL, PRIOR TO BEING ISSUED IN FINAL FORM, BE SUBJECT TO A PUBLIC HEARING AT WHICH INTERESTED PARTIES FROM THE AGRICULTURAL INDUSTRY AND THOSE ENGAGED IN THE RACING OF HORSES AND THE SUPPORT WORKERS ASSOCIATED WITH THE HORSE RACING INDUSTRY, OR THEIR

1 REPRESENTATIVES, SHALL BE PERMITTED TO TESTIFY. SUCH REPORT SHALL BE
2 ISSUED NOT LATER THAN JANUARY FIRST, TWO THOUSAND FIFTEEN.

3 S 2. Section 109-a of the racing, pari-mutuel wagering and breeding
4 law is amended by adding three new subdivisions 4, 5 and 6 to read as
5 follows:

6 4. CONSTRUCTION. CONSTRUCTION FOR EACH CAPITAL PROJECT UNDERTAKEN BY A
7 GAMING FACILITY SHALL BE DEEMED A "PUBLIC WORK" TO BE PERFORMED IN
8 ACCORDANCE WITH THE PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW, AS
9 WELL AS SUBJECT TO SECTIONS TWO HUNDRED, TWO HUNDRED FORTY, TWO HUNDRED
10 FORTY-ONE AND TWO HUNDRED FORTY-TWO OF THE LABOR LAW AND ENFORCEMENT OF
11 PREVAILING WAGE REQUIREMENTS BY THE NEW YORK STATE DEPARTMENT OF LABOR.

12 5. CAPITAL PROJECTS. IF OTHERWISE APPLICABLE, CAPITAL PROJECTS UNDER-
13 TAKEN BY A GAMING FACILITY SHALL BE SUBJECT TO SECTION ONE HUNDRED THIR-
14 TY-FIVE OF THE STATE FINANCE LAW AND SECTION TWO HUNDRED TWENTY-TWO OF
15 THE LABOR LAW.

16 6. PROJECT LABOR AGREEMENTS. A. FOR THE PURPOSES OF THIS SECTION,
17 "PROJECT LABOR AGREEMENT" SHALL MEAN A PRE-HIRE COLLECTIVE BARGAINING
18 AGREEMENT BETWEEN A GAMING FACILITY OR CONTRACTOR THEREOF AND THE NEW
19 YORK STATE BUILDING AND CONSTRUCTION TRADES COUNCIL AND/OR A SUBDIVISION
20 THEREOF, DETERMINED BY THE GAMING COMMISSION AS REPRESENTING THE LARGEST
21 NUMBER OF EMPLOYEES LIKELY TO WORK ON THE PROJECT, ESTABLISHING THE
22 LABOR ORGANIZATION AS THE COLLECTIVE BARGAINING REPRESENTATIVE FOR ALL
23 PERSONS WHO WILL PERFORM WORK ON THE PROJECT, AND WHICH PROVIDES THAT
24 ONLY CONTRACTORS AND SUBCONTRACTORS WHO SIGN A PRE-NEGOTIATED AGREEMENT
25 WITH THE LABOR ORGANIZATION CAN PERFORM PROJECT WORK.

26 B. THE GAMING COMMISSION SHALL REQUIRE A GAMING FACILITY OR CONTRACTOR
27 THEREOF AWARDED A CONTRACT, SUBCONTRACT, LEASE, GRANT, BOND, COVENANT OR
28 OTHER AGREEMENT FOR A PROJECT TO ENTER INTO A PROJECT LABOR AGREEMENT
29 DURING AND FOR THE WORK INVOLVED WITH SUCH PROJECT WHEN SUCH REQUIREMENT
30 IS PART OF THE GAMING FACILITY PROJECT, BUT ONLY IF THE GAMING COMMIS-
31 SION DETERMINES THAT THE RECORD SUPPORTING THE DECISION TO ENTER INTO
32 SUCH AN AGREEMENT ESTABLISHES THAT THE INTERESTS OF THE STATE ARE BEST
33 MET BY REQUIRING A PROJECT LABOR AGREEMENT INCLUDING: OBTAINING THE BEST
34 WORK AT THE LOWEST POSSIBLE PRICE; PREVENTING FAVORITISM, FRAUD AND
35 CORRUPTION; THE IMPACT OF DELAY; THE POSSIBILITY OF COST SAVINGS; AND
36 ANY LOCAL HISTORY OF LABOR UNREST.

37 C. ANY CONTRACT TO WHICH THE GAMING FACILITY IS A PARTY, AND ANY
38 CONTRACT ENTERED INTO BY A THIRD PARTY ACTING IN PLACE OF, ON BEHALF OF
39 AND FOR THE BENEFIT OF THE GAMING FACILITY PURSUANT TO ANY LEASE, PERMIT
40 OR OTHER AGREEMENT BETWEEN SUCH THIRD PARTY AND THE GAMING FACILITY, FOR
41 THE CONSTRUCTION, RECONSTRUCTION, DEMOLITION, EXCAVATION, REHABILI-
42 TATION, REPAIR, RENOVATION, ALTERATION, OR IMPROVEMENT, OF A PROJECT
43 UNDERTAKEN PURSUANT TO THIS CHAPTER, SHALL BE SUBJECT TO ALL OF THE
44 PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW, INCLUDING THE ENFORCEMENT
45 OF PREVAILING WAGE REQUIREMENTS BY THE FISCAL OFFICER AS DEFINED IN
46 PARAGRAPH E OF SUBDIVISION FIVE OF SECTION TWO HUNDRED TWENTY OF THE
47 LABOR LAW TO THE SAME EXTENT AS A CONTRACT OF THE STATE, AND SHALL BE
48 DEEMED PUBLIC WORK FOR PURPOSES OF SUCH ARTICLE.

49 D. EVERY CONTRACT ENTERED INTO BY THE GAMING FACILITY FOR A PROJECT
50 SHALL CONTAIN A PROVISION THAT THE CONTRACTOR SHALL FURNISH A LABOR AND
51 MATERIAL BOND GUARANTEEING PROMPT PAYMENT OF MONEYS THAT ARE DUE TO ALL
52 PERSONS FURNISHING LABOR AND MATERIALS PURSUANT TO THE REQUIREMENTS OF
53 ANY CONTRACTS FOR A PROJECT UNDERTAKEN PURSUANT TO THIS SECTION AND A
54 PERFORMANCE BOND FOR THE FAITHFUL PERFORMANCE OF THE PROJECT, WHICH
55 SHALL CONFORM TO THE PROVISIONS OF SECTION ONE HUNDRED THREE-F OF THE
56 GENERAL MUNICIPAL LAW, AND THAT A COPY OF SUCH PERFORMANCE AND PAYMENT

1 BONDS SHALL BE KEPT BY THE GAMING COMMISSION AND SHALL BE OPEN TO PUBLIC
2 INSPECTION.

3 E. FOR THE PURPOSES OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW, ANY
4 PERSON ENTERING INTO A CONTRACT FOR A PROJECT AUTHORIZED PURSUANT TO
5 THIS SECTION SHALL BE DEEMED A STATE AGENCY AS THAT TERM IS DEFINED IN
6 SUCH ARTICLE AND SUCH CONTRACTS SHALL BE DEEMED STATE CONTRACTS WITHIN
7 THE MEANING OF THAT TERM AS SET FORTH IN SUCH ARTICLE.

8 F. WHENEVER A GAMING FACILITY ENTERS INTO A CONTRACT, SUBCONTRACT,
9 LEASE, GRANT, BOND, COVENANT OR OTHER AGREEMENT FOR CONSTRUCTION, RECON-
10 STRUCTION, DEMOLITION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION,
11 ALTERATION, OR IMPROVEMENT WITH RESPECT TO EACH PROJECT UNDERTAKEN
12 PURSUANT TO THIS CHAPTER, THE GAMING COMMISSION SHALL CONSIDER THE
13 FINANCIAL AND ORGANIZATIONAL CAPACITY OF CONTRACTORS AND SUBCONTRACTORS
14 IN RELATION TO THE MAGNITUDE OF WORK THEY MAY PERFORM, THE RECORD OF
15 PERFORMANCE OF CONTRACTORS AND SUBCONTRACTORS ON PREVIOUS WORK, THE
16 RECORD OF CONTRACTORS AND SUBCONTRACTORS IN COMPLYING WITH EXISTING
17 LABOR STANDARDS AND MAINTAINING HARMONIOUS LABOR RELATIONS, AND THE
18 COMMITMENT OF CONTRACTORS TO WORK WITH MINORITY AND WOMEN-OWNED BUSINESS
19 ENTERPRISES PURSUANT TO ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW THROUGH
20 JOINT VENTURES OR SUBCONTRACTOR RELATIONSHIPS.

21 G. THE GAMING COMMISSION SHALL FURTHER REQUIRE, ON ANY CONTRACT FOR
22 CONSTRUCTION IN EXCESS OF THREE MILLION DOLLARS WITH RESPECT TO ANY
23 CONTRACT FOR CONSTRUCTION, RECONSTRUCTION, DEMOLITION, EXCAVATION, REHA-
24 BILITATION, REPAIR, RENOVATION, ALTERATION, OR IMPROVEMENT THAT EACH
25 CONTRACTOR AND SUBCONTRACTOR SHALL PARTICIPATE IN APPRENTICE TRAINING
26 PROGRAMS IN THE TRADES OF WORK IT EMPLOYS THAT HAVE BEEN APPROVED BY THE
27 DEPARTMENT OF LABOR FOR NOT LESS THAN THREE YEARS. THE GAMING COMMISSION
28 SHALL FURTHER REQUIRE THAT EACH CONTRACTOR AND SUBCONTRACTOR SHALL HAVE
29 GRADUATED AT LEAST ONE APPRENTICE IN THE LAST THREE YEARS AND SHALL HAVE
30 AT LEAST ONE APPRENTICE CURRENTLY ENROLLED IN SUCH TRAINING PROGRAM.
31 ADDITIONALLY IT MUST BE DEMONSTRATED THAT THE PROGRAM HAS MADE SIGNIF-
32 ICANT EFFORTS TO ATTRACT AND RETAIN MINORITY APPRENTICES, AS DETERMINED
33 BY AFFIRMATIVE ACTION GOALS ESTABLISHED FOR SUCH PROGRAMS BY THE DEPART-
34 MENT OF LABOR.

35 S 3. The state finance law is amended by adding a new section 99-v to
36 read as follows:

37 S 99-V. REAL PROPERTY TAX REDUCTION ACCOUNT. 1. THERE IS HEREBY ESTAB-
38 LISHED IN THE CUSTODY OF THE COMPTROLLER AN ACCOUNT TO BE KNOWN AS THE
39 "REAL PROPERTY TAX REDUCTION ACCOUNT."

40 2. SUCH ACCOUNT SHALL CONSIST OF MONEYS TRANSFERRED THERETO FROM THE
41 STATE REVENUE FUND CREATED PURSUANT TO SECTION THIRTEEN HUNDRED SIX OF
42 THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW.

43 3. ALL PAYMENT OF MONEYS FROM THE REAL PROPERTY TAX REDUCTION ACCOUNT
44 SHALL BE MADE ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER.

45 4. SUCH MONIES SHALL BE DEVOTED TWENTY PERCENT TO THE HOST COMMUNITY
46 AS DETERMINED BY THE STATE GAMING COMMISSION AND EIGHTY PERCENT TO COUN-
47 TIES ACROSS THE STATE.

48 S 4. The state finance law is amended by adding a new section 99-w to
49 read as follows:

50 S 99-W. BELMONT REVITALIZATION ACCOUNT. 1. THERE IS HEREBY ESTABLISHED
51 IN THE CUSTODY OF THE STATE COMPTROLLER AN ACCOUNT TO BE KNOWN AS THE
52 "BELMONT REVITALIZATION ACCOUNT."

53 2. SUCH ACCOUNT SHALL CONSIST OF ALL AMOUNTS PAYABLE UNDER SUBDIVISION
54 TWO OF SECTION THIRTEEN HUNDRED THREE OF THE RACING, PARI-MUTUEL WAGER-
55 ING AND BREEDING LAW.

1 3. THE FUNDS IN THE ACCOUNT SHALL BE UTILIZED AS DETERMINED BY RESOL-
2 UTION OF A BOARD COMPRISED OF THE MAJORITY LEADER OF THE NASSAU COUNTY
3 LEGISLATURE, OR HIS OR HER DESIGNEE, THE MINORITY LEADER OF THE NASSAU
4 COUNTY LEGISLATURE, OR HIS OR HER DESIGNEE, AND THE COUNTY EXECUTIVE OF
5 THE COUNTY OF NASSAU, OR HIS OR HER DESIGNEE.

6 4. ALL PAYMENTS OF MONEYS FROM THE BELMONT REVITALIZATION ACCOUNT
7 SHALL BE MADE ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER.

8 5. SUCH RESOLUTION SHALL SPECIFY THE PROPOSED ECONOMIC DEVELOPMENT
9 PURPOSE OF THE FUNDS, WHICH MAY BE UTILIZED FOR THE ECONOMIC REVITALIZA-
10 TION OF NASSAU COUNTY, ASSOCIATED WITH THE HIGHEST AND BEST USE OF THE
11 BELMONT RACETRACK, ANCILLARY PROPERTIES, AND THE SURROUNDING COMMUNI-
12 TIES. PERMISSIBLE EXPENDITURES MAY BE FOR CAPITAL CONSTRUCTION COSTS, OR
13 LOCAL AID IN SUPPORT OF A PLAN OF DEVELOPMENT LOCATED WITHIN THE COUNTY.

14 S 5. The tax law is amended by adding a new section 1617-c to read as
15 follows:

16 S 1617-C. EXPANSION OF VIDEO LOTTERY TERMINALS. NOT LATER THAN JULY
17 FIRST, TWO THOUSAND FOURTEEN, THE COMMISSION SHALL ISSUE AN INTERIM
18 REPORT AND BY DECEMBER FIRST, TWO THOUSAND FOURTEEN A FINAL REPORT
19 RECOMMENDING WHETHER OR NOT VIDEO LOTTERY TERMINALS SHOULD BE EXPANDED
20 WITHIN THE STATE. PARTICULAR CONSIDERATION SHOULD BE GIVEN TO THE IMPACT
21 OF SUCH AN EXPANSION BASED ON POTENTIAL LOCATIONS OF CASINO GAMBLING
22 FACILITIES WITH RESPECT TO EXISTING VIDEO LOTTERY GAMING OPERATIONS AS
23 WELL AS AT SITES NOT AUTHORIZED TO HAVE CASINO GAMBLING FACILITIES AND
24 MAKING A RECOMMENDATION TO THE LEGISLATURE ON LEVELS OF TAXATION ASSOCI-
25 ATED WITH VIDEO LOTTERY TERMINALS AT EXISTING AND PROPOSED NEW VIDEO
26 LOTTERY GAMING FACILITIES.

27 S 6. Subdivision a of section 1617-a of the tax law, as amended by
28 section 2 of part O-1 of chapter 57 of the laws of 2009, is amended to
29 read as follows:

30 a. The division of the lottery is hereby authorized to license, pursu-
31 ant to rules and regulations to be promulgated by the division of the
32 lottery, the operation of video lottery gaming at (1) Aqueduct, Monti-
33 cello, Yonkers, Finger Lakes, and Vernon Downs racetracks, or at any
34 other racetrack licensed pursuant to article three of the racing, pari-
35 mutuel wagering and breeding law that are located in a county or coun-
36 ties in which video lottery gaming has been authorized pursuant to local
37 law, excluding the licensed racetrack commonly referred to in article
38 three of the racing, pari-mutuel wagering and breeding law as the "New
39 York state exposition" held in Onondaga county and the racetracks of the
40 non-profit racing association known as Belmont Park racetrack and the
41 Saratoga thoroughbred racetrack; AND (2) AT ONE REGIONAL OFF-TRACK
42 BETTING CORPORATION FACILITY LICENSED PURSUANT TO SECTION ONE THOUSAND
43 EIGHT OR ONE THOUSAND NINE OF THE RACING, PARI-MUTUEL WAGERING AND
44 BREEDING LAW WITHIN ANY REGIONAL CORPORATION DEFINED IN ARTICLE FIVE OF
45 THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW, IN WHICH NO PARTIC-
46 IPATING COUNTY CONTAINS EITHER A THOROUGHBRED OR STANDARD BRED RACETRACK
47 LICENSED TO OPERATE VIDEO LOTTERY GAMING BY THE STATE GAMING COMMISSION.
48 THE REGIONAL CORPORATION SHALL BE DEEMED A "VENDOR" FOR ALL PURPOSES
49 UNDER THIS ARTICLE. Such rules and regulations shall provide, as a
50 condition of licensure, that racetracks to be licensed are certified to
51 be in compliance with all state and local fire and safety codes, that
52 the division is afforded adequate space, infrastructure, and amenities
53 consistent with industry standards for such video gaming operations as
54 found at racetracks in other states, that racetrack employees involved
55 in the operation of video lottery gaming pursuant to this section are
56 licensed by the racing and wagering board, and such other terms and

1 conditions of licensure as the division may establish. Notwithstanding
2 any inconsistent provision of law, video lottery gaming at a racetrack
3 pursuant to this section shall be deemed an approved activity for such
4 racetrack under the relevant city, county, town, or village land use or
5 zoning ordinances, rules, or regulations. No entity licensed by the
6 division operating video lottery gaming pursuant to this section may
7 house such gaming activity in a structure deemed or approved by the
8 division as "temporary" for a duration of longer than eighteen-months.
9 Nothing in this section shall prohibit the division from licensing an
10 entity to operate video lottery gaming at an existing racetrack as
11 authorized in this subdivision whether or not a different entity is
12 licensed to conduct horse racing and pari-mutuel wagering at such race-
13 track pursuant to article two or three of the racing, pari-mutuel wager-
14 ing and breeding law.

15 The division, in consultation with the [racing and wagering board]
16 STATE GAMING COMMISSION, shall establish standards for approval of the
17 temporary and permanent physical layout and construction of any facility
18 or building devoted to a video lottery gaming operation. In reviewing
19 such application for the construction or reconstruction of facilities
20 related or devoted to the operation or housing of video lottery gaming
21 operations, the division, in consultation with the racing and wagering
22 board, shall ensure that such facility:

23 (1) possesses superior consumer amenities and conveniences to encour-
24 age and attract the patronage of tourists and other visitors from across
25 the region, state, and nation.

26 (2) has adequate motor vehicle parking facilities to satisfy patron
27 requirements.

28 (3) has a physical layout and location that facilitates access to and
29 from the horse racing track portion of such facility to encourage patro-
30 nage of live horse racing events that are conducted at such track.

31 S 7. Paragraphs (b) and (c) of subdivision 1 of section 169 of the
32 executive law, as amended by section 9 of part A of chapter 60 of the
33 laws of 2012, are amended to read as follows:

34 (b) commissioner of labor, chairman of public service commission,
35 commissioner of taxation and finance, superintendent of financial
36 services, commissioner of criminal justice services, [and] commissioner
37 of parks, recreation and historic preservation AND CHAIR OF THE GAMING
38 COMMISSION;

39 (c) commissioner of agriculture and markets, commissioner of alcohol-
40 ism and substance abuse services, adjutant general, commissioner and
41 president of state civil service commission, commissioner of economic
42 development, chair of the energy research and development authority,
43 president of higher education services corporation, commissioner of
44 motor vehicles, member-chair of board of parole, chair of public employ-
45 ment relations board, secretary of state, commissioner of alcoholism and
46 substance abuse services, executive director of the housing finance
47 agency, commissioner of housing and community renewal, executive direc-
48 tor of state insurance fund, commissioner-chair of state liquor authori-
49 ty, chair of the workers' compensation board AND COMMISSIONERS OF THE
50 GAMING COMMISSION;

51 S 8. Subdivisions 3, 4 and 5 of section 102 of the racing, pari-mutuel
52 wagering and breeding law, as added by section 1 of part A of chapter 60
53 of the laws of 2012, are amended to read as follows:

54 3. A member shall be designated as chair of the commission by the
55 governor to serve in such capacity at the pleasure of the governor or
56 until his or her term as commission member expires, whichever first

occurs. The members shall be appointed for terms of [five] NINE years; provided, however, that initial appointments to the commission shall be for terms as follows:

(a) one member appointed by the governor shall serve for a [one] SIX year term, one member appointed by the governor shall serve for a [two] SEVEN year term, one member appointed by the governor shall serve for a [three] EIGHT year term, [one member] TWO MEMBERS appointed by the governor shall EACH serve for a [four] NINE year term, [one member appointed by the governor shall serve for a five year term]; and

(b) each of the members appointed by the governor upon the recommendation of the temporary president of the senate and upon the recommendation of the speaker of the assembly shall serve for a [four] NINE year term.

4. The members shall[, when performing the work of the commission, be compensated at a rate of three hundred dollars per day, together with an allowance] BE REIMBURSED for actual and necessary expenses incurred in the discharge of their duties FOR TRAVEL AND OTHER EXPENSES.

5. The members of the commission shall not hold any other [public] office or [public] employment for which they shall receive compensation[, other than necessary travel or other expenses incurred in the performance of the duties of such office or employment. Members may engage in private employment or in a profession or business, provided, however, such employment does not interfere or conflict with the performance or proper discharge of his or her duties].

S 9. This act shall take effect immediately; provided that section six of this act shall take effect on the first of January next succeeding the date on which it shall have become a law provided, however that section six of this act shall not take effect until gambling facilities are authorized by amendment to subdivision 1 of section 9 of article 1 of the state constitution; and provided, further, that any license issued under article 13 of the racing, pari-mutuel wagering and breeding law, as added by section one of this act, shall not take effect until gambling facilities are authorized by amendment to subdivision 1 of section 9 of article 1 of the state constitution.