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I N   A S S E M B L Y

February 12, 2014

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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.

LBD13244-02-4

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.