S T A T E O F N E W Y O R K

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:

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

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

LBD08943-02-3

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

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

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

There is a concern that the existing video lottery product offered by the state division of the lottery, the net proceeds of which are dedicated to fund education, could be negatively impacted by the expanded gambling authorized by this bill. It is the intent of the legislature not to harm existing revenue streams to education from current authorized video lottery terminals. Accordingly, there shall be a requirement that each commercial casino licensed by this act shall have at least an equal number of video lottery machines to slot machines within their facility. Additionally, as the legislature wants to hold harmless the current state revenue derived from the video lottery products by requiring new commercial casino licensees to indemnify and hold harmless the state from such losses.

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

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

ARTICLE 12-A
LOCAL EMPOWERMENT THROUGH
GAMING OPPORTUNITIES ACT OF 2013

SECTION 210. CASINO GAMBLING.
211. VIDEO LOTTERY REVENUE PROTECTIONS FOR EDUCATION.
212. PREVAILING WAGE REQUIREMENT.
213. ECONOMIC IMPACT REPORT.
214. CASINO SITE SELECTION PROCESS.
215. ENVIRONMENTAL IMPACT, STATE ENVIRONMENTAL QUALITY REVIEW PROCESS AND BUILDING CODE NOT WAIVED.
216. TEMPORARY STATE COMMISSION ON CASINO GOVERNANCE.

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

A. NO MORE THAN TWO COMMERCIAL CASINOS IN COUNTIES HAVING A POPULATION OF ONE MILLION OR MORE ACCORDING TO THE TWO THOUSAND TEN FEDERAL DECENNIAL CENSUS OR ANY COUNTY ADJACENT THERETO PROVIDED, HOWEVER, IF BOTH ENTITIES SELECTED TO OPERATE COMMERCIAL CASINOS IN SUCH COUNTIES PRESENTLY OPERATE LICENSED VIDEO LOTTERY TERMINALS IN ANY SUCH COUNTY, THEN THE AGGREGATE NUMBER OF COMMERCIAL CASINOS IN SUCH COUNTIES SHALL NOT EXCEED THREE;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

II. LOCAL TRAINING AND EDUCATION PROGRAMS DESIGNED TO INCREASE THE SKILL SETS OF LOCAL COMMUNITY MEMBERS IN THE COUNTY HOSTING THE COMMERCIAL CASINO;

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

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

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

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

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

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

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

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

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

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

B. IN THE CASE OF A CASINO PROPOSED BY THE APPLICANT TO BE LOCATED IN ANY OTHER COUNTY, THE GREATER OF THE AREA WITHIN THE COUNTY LIMITS, OR THE AREA EXTENDING FORTY MILES IN ALL DIRECTIONS FROM THE PROPOSED CASINO.

2. ANY ENTITY SUBMITTING A BID TO OPERATE A COMMERCIAL CASINO AUTHORIZED BY THIS ARTICLE SHALL FIRST CAUSE TO BE PREPARED, AT THE APPLICANT'S SOLE COST, AND SUBMIT WITH ITS APPLICATION AN ECONOMIC IMPACT REPORT. THE ECONOMIC IMPACT REPORT SHALL BE PREPARED BY A PRIVATE ENTITY, WHOLLY INDEPENDENT FROM THE APPLICANT, WHICH SHALL BE QUALIFIED BY EDUCATION, TRAINING, AND EXPERIENCE TO CONDUCT ECONOMIC AND FISCAL IMPACT ANALYSES.

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

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

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

I. THE NUMBER OF PERSONS EMPLOYED IN EXISTING ENTERTAINMENT, HOSPITALITY, AND RETAIL OPERATIONS IN THE MARKET AREA.

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

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

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

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

D. A PROJECTION OF THE PUBLIC REVENUES RESULTING FROM THE CONSTRUCTION AND OPERATION OF THE PROPOSED CASINO AND THE INCIDENCE OF THOSE REVENUES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. AFFIRMATIVE ACTION EQUITY INTEREST IN THE APPLICANT. OTHER THAN A PUBLICLY TRADED CORPORATION, OR AN INDIVIDUAL APPLICANT WHO IS A PERSON WHO IS A MEMBER OF A HISTORICALLY DISADVANTAGED AND UNDERREPRESENTED RACIAL AND ETHNIC MINORITY GROUP AS DEFINED IN STATE LAW, ANY OTHER APPLICANT SHALL BE A CONSORTIUM OF OWNERS, AT LEAST TWENTY-FIVE PERCENT OF WHOM ARE PERSONS WHO ARE MEMBERS OF HISTORICALLY DISADVANTAGED AND UNDERREPRESENTED RACIAL AND ETHNIC MINORITY GROUPS AS DEFINED IN STATE LAW. AN APPLICATION MUST CONTAIN A BINDING COMMITMENT TO A COGNIZABLE, WORKABLE BUSINESS PLAN DESIGNED TO EXCEED MINIMUM STATUTORY REQUIREMENTS TO PROMOTE AND ENSURE DIVERSITY IN THE OPERATION OF THE COMMERCIAL CASINO, AND TO INCREASE AND IMPROVE ECONOMIC OPPORTUNITIES FOR MWBE ENTERPRISES IN THE HOST, LOCAL AND STATE ECONOMIES.

D. NEUTRALITY AND CARD CHECK. EVERY APPLICATION FOR A COMMERCIAL CASINO SHALL INCLUDE A BINDING COMMITMENT TO A COGNIZABLE, WORKABLE BUSINESS PLAN DESIGNED SO THE APPLICANT CAN ASSURE REASONABLE ACCESS TO THE GAMING AND RELATED FACILITIES TO LABOR ORGANIZERS FOR THE PURPOSES OF A CAMPAIGN TO SOLICIT EMPLOYEE SUPPORT FOR LABOR UNION REPRESENTATION; INCLUDING PERMITTING UNION ORGANIZERS TO DISTRIBUTE LABOR UNION AUTHORIZING CARDS ON SITE FOR THE PURPOSE OF SOLICITING EMPLOYEE SUPPORT FOR LABOR UNION REPRESENTATION; AND PLEDGING TO REMAIN NEUTRAL DURING ANY SUCH CAMPAIGN AND COMMITTING TO DIVULGE CONTACT INFORMATION OF EMPLOYEES TO SUCH ORGANIZERS; AND PLEDGING TO RECOGNIZE THE EXCLUSIVE COLLECTIVE BARGAINING REPRESENTATION OF ANY UNION DEMONSTRATING A MAJORITY OF EMPLOYEE SUPPORT FOR A COLLECTIVE BARGAINING UNIT VIA CARD CHECK.

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

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

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

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

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

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

S 215. ENVIRONMENTAL IMPACT, STATE ENVIRONMENTAL QUALITY REVIEW PROCESS AND BUILDING CODE NOT WAIVED. THE MERE FACT THAT A LICENSE TO OPERATE A COMMERCIAL CASINO HAS BEEN ISSUED BY THE STATE WILL NOT EXEMPT THE LICENSEE FROM COMPLYING WITH ALL OBLIGATIONS, REGULATIONS AND REQUIREMENTS RELATING TO THE COMPLETION AND SUBMISSION OF AN ENVIRONMENTAL IMPACT STATEMENT, COMPLYING AND COMPLETING THE STATE ENVIRONMENTAL QUALITY REVIEW PROCESS, AND COMPLYING WITH ALL APPLICABLE STATE AND LOCAL BUILDING CODES.

S 216. TEMPORARY STATE COMMISSION ON CASINO GOVERNANCE. 1. THE GOVERNOR SHALL PROMPTLY APPOINT A TEMPORARY COMMISSION ON CASINO GOVERNANCE IF THE VOTERS ELECT TO ADOPT AN AMENDMENT TO THE STATE CONSTITUTION AUTHORIZING COMMERCIAL CASINO GAMBLING IN A GENERAL ELECTION HELD IN NOVEMBER, TWO THOUSAND FOURTEEN, WHOSE DUTY IT WILL BE TO STUDY THE BEST PRACTICES FOR GOVERNING COMMERCIAL CASINO GAMBLING IN ANY JURISDICTION THAT PERMITS SUCH ACTIVITY, INCLUDING PRACTICES TO PROMOTE AND ENSURE DIVERSITY IN ALL ASPECTS OF CASINO GAMING, AND REPORT TO THE GOVERNOR AND LEGISLATURE NO LATER THAN MARCH THIRTY-FIRST, TWO THOUSAND FIFTEEN, ITS RECOMMENDATIONS WHICH SHALL INCLUDE MODEL LEGISLATION FOR ENACTMENT OF SUCH GOVERNING STRUCTURE.

2. SUCH TEMPORARY COMMISSION SHALL CONSIST OF THE FOLLOWING APPOINTMENTS:

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

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

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

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

E. THE COMPTROLLER OR HIS OR HER DESIGNEE.

F. THE ATTORNEY GENERAL OR HIS OR HER DESIGNEE.

S 4. This act shall take effect upon the passage of an amendment to the New York state constitution by the people of the state that effectively permits casino gambling in the state.