STATE OF NEW YORK

1335

2021-2022 Regular Sessions

IN SENATE

January 11, 2021

Introduced by Sen. KRUEGER -- 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 and the tax law, in relation to the casino siting home rule

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

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

2. As a condition of filing, each potential license applicant [~~must~~] **shall** demonstrate to the [~~board's satisfaction~~] **board** that local support has been demonstrated **through the enactment of local laws or resolutions in support by the host municipality and county**.

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

(b) gaining public support in the host and nearby municipalities which [~~may~~] **shall** be demonstrated through the [~~passage~~] **enactment** of local laws [~~or public comment received by the board or gaming applicant~~];

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

§ 1366. Zoning. **1. The state, any municipal corporation or any agency or authority thereof shall be prohibited from acquiring land necessary for the construction or development of a class three gaming facility pursuant to this article.**

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

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

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3. The requirements set forth in this section shall be in addition to the requirements of the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations which are codified in 6 NYCRR 617 and any other general laws relating to land use and any amendments thereto.

§ 4. The opening paragraph of subdivision b of section 1617-a of the tax law, as amended by section 1 of part SS of chapter 60 of the laws of 2016, is amended to read as follows:

Such rules and regulations shall provide, as a condition of licensure, that racetracks to be licensed are certified to be in compliance with all state and local fire and safety codes, that the gaming commission is afforded adequate space, infrastructure, and amenities consistent with industry standards for such video lottery gaming operations as found at racetracks in other states, that racetrack employees involved in the operation of video lottery gaming pursuant to this section are licensed by the gaming commission and such other terms and conditions of licensure as the gaming commission may establish. Notwithstanding any inconsistent provision of law, video lottery gaming at a racetrack pursuant to this section shall be deemed an approved activity for such racetrack under the relevant city, county, town, or village land use or zoning ordinances, rules, or regulations **and shall be in addition to the requirements of the provisions of the state environmental quality review act under article eight of the environmental conservation law and its implementing regulations which are codified in 6 NYCRR 617 and any other general laws relating to land use and any amendments hereto**. No entity licensed by the gaming commission operating video lottery gaming pursuant to this section may house such gaming activity in a structure deemed or approved by the division as "temporary" for a duration of longer than eighteen-months. Nothing in this section shall prohibit the gaming commission from licensing an entity to operate video lottery gaming at an existing racetrack as authorized in this subdivision whether or not a different entity is licensed to conduct horse racing and pari-mutuel wagering at such racetrack pursuant to article two or three of the racing, pari-mutuel wagering and breeding law.

§ 5. This act shall take effect immediately.