

# 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:

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 § 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 § 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 § 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.

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

6 § 4. The opening paragraph of subdivision b of section 1617-a of the  
7 tax law, as amended by section 1 of part SS of chapter 60 of the laws of  
8 2016, is amended to read as follows:

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

35 § 5. This act shall take effect immediately.