

# STATE OF NEW YORK

9673--A

## IN SENATE

May 17, 2024

Introduced by Sens. ADDABBO, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Racing, Gaming and Wagering -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the racing, pari-mutuel wagering and breeding law, in relation to the acceleration of the downstate casino licenses

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

1 Section 1. Subdivision 7 of section 109-a of the racing, pari-mutuel  
2 wagering and breeding law, as amended by section 9 of part RR of chapter  
3 56 of the laws of 2022, is amended to read as follows:

4 7. Utilizing the powers and duties prescribed for it by article thir-  
5 teen of this chapter, the board shall select, through a competitive  
6 process consistent with provisions of article thirteen of this chapter,  
7 not more than seven gaming facility license applicants. Such selectees  
8 shall be authorized to receive a gaming facility license, if found suit-  
9 able by the commission. The board may select another applicant for  
10 authorization to be licensed as a gaming facility if a previous selectee  
11 fails to meet licensing thresholds, is revoked or surrenders a license  
12 opportunity. For the purposes of title two-a of article thirteen of  
13 this chapter, such selection shall take place pursuant to section thir-  
14 teen hundred twenty-one-d of this chapter.

15 § 2. Section 1321-b of the racing, pari-mutuel wagering and breeding  
16 law, as added by section 7 of part RR of chapter 56 of the laws of 2022,  
17 is amended to read as follows:

18 § 1321-b. Requests for applications. Requests for applications shall  
19 be handled in the same manner as provided for in section thirteen  
20 hundred twelve of this article for gaming licenses authorized but not  
21 awarded, provided however that any requests for applications for gaming  
22 facility licenses authorized but not awarded may be for gaming facility  
23 licenses in any region in zone one or in regions one, two and five in  
24 zone two. All applications under this section must be submitted by  
25 August thirty-first, two thousand twenty-four.

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

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1 § 3. Subdivision 3 of section 1321-d of the racing, pari-mutuel wager-  
2 ing and breeding law, as added by section 7 of part RR of chapter 56 of  
3 the laws of 2022, is amended and two new subdivisions 5 and 6 are added  
4 to read as follows:

5 3. (a) For each applicant who proposes a gaming facility located in  
6 region two of zone one, there shall be established a community advisory  
7 committee. The establishment of such committees shall occur within thirty  
8 days of the appointing authorities receiving notice from the communi-  
9 ty consultant, hired pursuant to paragraph (d) of this subdivision, that  
10 all applications have been submitted to the board; provided however,  
11 that the community consultant shall provide such notification to the  
12 appointing authorities within thirty days of the receipt of all applica-  
13 tions. Each committee shall consist of six members, one to be appointed  
14 by the governor, one to be appointed by the senator representing the  
15 senate district where the proposed facility is to be located, one to be  
16 appointed by the assemblymember representing the assembly district where  
17 the proposed facility is to be located, one to be appointed by the  
18 borough president where the facility is proposed to be located, one to  
19 be appointed by the city councilmember representing the district where  
20 the facility is proposed to be located, and one to be appointed by the  
21 New York city mayor.

22 (b) For each applicant who proposes a gaming facility located in  
23 regions one or three of zone one, or regions one, two or five of zone  
24 two there shall be established a community advisory committee. The  
25 establishment of such committees shall occur within thirty days of the  
26 appointing authorities receiving notice from the community consultant,  
27 hired pursuant to paragraph (d) of this subdivision, that all applica-  
28 tions have been submitted to the board. Each committee shall consist of  
29 five members, one to be appointed by the governor, one to be appointed  
30 by the senator representing the senate district where the proposed  
31 facility is to be located, one to be appointed by the assemblymember  
32 representing the assembly district where the proposed facility is to be  
33 located, one to be appointed by the county executive of the county where  
34 the facility is proposed to be located, and one to be appointed as  
35 follows:

36 (i) If the proposed facility is to be located in a city, one to be  
37 appointed by the mayor of such city;

38 (ii) If the proposed facility is to be located in a town, one to be  
39 appointed by the town supervisor of such town; or

40 (iii) If the proposed facility is to be located in a village, one  
41 representative to be appointed jointly by the village mayor and the town  
42 supervisor.

43 (c) The activities of the community advisory committees constituted  
44 pursuant to this subdivision shall be subject to the open meetings  
45 provisions contained in article seven of the public officers law.

46 (d) The commission [~~may~~] shall hire a consultant to serve as a commu-  
47 nity consultant to assist and manage the community advisory committee  
48 process. The commission or community consultant shall provide adminis-  
49 trative support and technical assistance for the establishment and  
50 activities of committees constituted pursuant to this subdivision,  
51 provided, however, that such consultant shall be hired by August thir-  
52 ty-first, two thousand twenty-four.

53 (e) Prior to a determination on any application by the board, the  
54 following community advisory committee process shall apply:

55 (i) [~~Upon the majority of members of the board being appointed~~] by  
56 August thirty-first, two thousand twenty-four, a community consultant

1 [~~may~~] shall be hired by the commission to manage the process and any  
2 other activities as determined by the commission;

3 (ii) [~~the commission shall issue a request for applications no later~~  
4 ~~than ninety days following the majority of members of the board being~~  
5 ~~appointed;~~

6 (~~iii~~) interested entities may submit an application to the board by  
7 August thirty-first, two thousand twenty-four, who shall immediately  
8 provide such application to the community consultant;

9 [~~iv~~] (iii) the community consultant shall [~~notify the commission of~~  
10 ~~all applications and~~] notify the appropriate appointing authorities of  
11 their responsibility to submit appointments for each required community  
12 advisory committee established pursuant to this section;

13 [~~v~~] (iv) the community consultant shall ensure the [~~formation~~]  
14 establishment of each committee, as necessary;

15 [~~vi~~] (v) upon notification, the appointing authority shall appoint  
16 their respective appointees;

17 [~~vii~~] (vi) upon a committee's first meeting the respective appoint-  
18 ees shall elect by majority vote a committee chair;

19 [~~viii~~] (vii) the community consultant shall assign applications to  
20 each appropriate committee upon the establishment of the applicable  
21 community advisory committee;

22 [~~ix~~] ~~each committee shall review, solicit public comments and written~~  
23 ~~submissions of such comments, and hold public hearings;~~

24 (~~x~~) (viii) upon a two-thirds vote, each committee shall issue a find-  
25 ing either establishing public support approving or disapproving the  
26 application within one hundred twenty days of establishment of such  
27 committee.

28 (f) Following a two-thirds vote by the applicable community advisory  
29 committee, the following shall apply:

30 (i) Upon notification of a finding of [~~support in~~] approval, or a  
31 finding of disapproval, of an application following a two-thirds vote by  
32 the appropriate committee, the community consultant shall notify the  
33 applicant, board, and commission immediately upon a finding of approval  
34 or disapproval following a two-thirds vote by the appropriate committee;

35 (ii) following such notification, the applicant must comply and  
36 receive approval under the applicable state and local zoning require-  
37 ments;

38 (iii) the board shall not issue a final decision on the application  
39 until the applicant presents evidence of compliance and approval with  
40 all necessary state and local zoning requirements.

41 5. The board shall complete a review of all applications that have  
42 received approval from the applicable community advisory committee  
43 pursuant to subparagraph (i) of paragraph (f) of subdivision three of  
44 this section and make recommendations to the commission for the  
45 selection of up to three licenses by either the date by which all appli-  
46 cants have received any land use entitlements, including but not limited  
47 to all necessary state and local zoning requirements, any required park-  
48 land alienation and the disposition and acquisition of related real  
49 property, or by December thirty-first, two thousand twenty-five, which-  
50 ever is earlier. If the board has not made recommendations to the  
51 commission by December thirty-first, two thousand twenty-five, the board  
52 may, for good cause shown, grant a thirty-day extension by which it must  
53 issue its recommendation to the commission.

54 6. The commission shall select up to three applicants to receive  
55 licenses within thirty days of the board making such recommendations  
56 outlined in subdivision five of this section. The commission may, for

1 good cause shown, extend the selection of up to three licenses for up to  
2 thirty days.

3 § 4. This act shall take effect immediately.