

STATE OF NEW YORK

10338

IN ASSEMBLY

May 17, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Pretlow) --
read once and referred to the Committee on Racing and Wagering

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 on or before March thir-
14 ty-first, two thousand twenty-five.

15 § 2. Section 1321-a of the racing, pari-mutuel wagering and breeding
16 law is amended by adding a new subdivision 4 to read as follows:

17 4. As a condition of licensure, licensees shall be required to present
18 evidence of compliance and approval with all required state and local
19 zoning requirements as required under subdivision three of this section
20 and section thirteen hundred twenty-one-k of this title no more than
21 twenty-four months following license award.

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

25 § 1321-b. Requests for applications. 1. Requests for applications
26 shall be handled in the same manner as provided for in section thirteen
27 hundred twelve of this article for gaming licenses authorized but not
28 awarded, provided however that any requests for applications for gaming

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

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1 facility licenses authorized but not awarded may be for gaming facility
2 licenses in any region in zone one or in regions one, two and five in
3 zone two.

4 2. All applications under this section must be submitted by July thir-
5 ty-first, two thousand twenty-four, at which point the board shall imme-
6 diately commence the preliminary review of such applications. Such
7 preliminary review shall determine if the application is sufficient to
8 be delivered to the appropriate community advisory committee within
9 thirty days of receipt of the applications. The board shall have the
10 authority to communicate with the applicant during the preliminary
11 review, to the extent necessary to resolve any clarifications required
12 from the applicant. To be deemed sufficient by the board, applicants
13 shall include the following information:

- 14 (a) capital investment;
- 15 (b) revenues received by the state and localities;
- 16 (c) number of jobs created by the gaming facility;
- 17 (d) details relating to the variety of amenities created by the facil-
18 ity;
- 19 (e) benefits of the site location of the gaming facility and an esti-
20 imated recapture rate of gaming-related spending by residents travelling
21 to an out-of-state gaming facility;
- 22 (f) construction schedule to completion of the full gaming facility;
- 23 (g) mitigation impacts on host and nearby municipalities undertaken by
24 applicant;
- 25 (h) partnerships with local hotels, restaurants, and retail facili-
26 ties;
- 27 (i) partnerships with live entertainment venues;
- 28 (j) workforce development plan, including utilization of the existing
29 labor force, estimated number of construction jobs the facility will
30 generate, development of workforce training programs that serve the
31 unemployed and methods for accessing employment at the gaming facility;
- 32 (k) measures taken to address problem gambling;
- 33 (l) utilization of sustainable development principles;
- 34 (m) human resource hiring and training practices that promote a
35 skilled and diverse workforce and access to promotion opportunities;
- 36 (n) workforce training program;
- 37 (o) number of employees to be employed at the gaming facility, includ-
38 ing detailed information on the pay rate and benefits for employees and
39 contractors in the gaming facility and all infrastructure improvements
40 related to the project;
- 41 (p) detailed plans for assuring labor harmony during the phases of the
42 construction, reconstruction, renovation, development and operation of
43 the gaming facility; and
- 44 (q) workforce demographics including diversity framework factors.

45 3. Upon completion of the board's preliminary review, the board shall
46 provide the applicant with written notice of its determination. Where
47 the board determines that the application is not sufficient for delivery
48 to the community advisory board, the board must provide the applicant,
49 in writing, the reasons for such determination. The applicant shall have
50 twenty-one days from receipt of the written notice to amend their appli-
51 cation and resubmit to the board in the same manner as the original
52 application. The board shall then have seven days to review the amended
53 application and issue a final determination on sufficiency.

54 § 4. Subdivision 3 of section 1321-d of the racing, pari-mutuel wager-
55 ing and breeding law, as added by section 7 of part RR of chapter 56 of

1 the laws of 2022, is amended and a new subdivision 5 is added to read as
2 follows:

3 3. (a) For each applicant who proposes a gaming facility located in
4 region two of zone one, there shall be established a community advisory
5 committee, which shall be established within thirty days of receipt of
6 an application by the board. Each committee shall consist of six
7 members, one to be appointed by the governor, one to be appointed by the
8 senator representing the senate district where the proposed facility is
9 to be located, one to be appointed by the assemblymember representing
10 the assembly district where the proposed facility is to be located, one
11 to be appointed by the borough president where the facility is proposed
12 to be located, one to be appointed by the city councilmember represent-
13 ing the district where the facility is proposed to be located, and one
14 to be appointed by the New York city mayor.

15 (b) For each applicant who proposes a gaming facility located in
16 regions one or three of zone one, or regions one, two or five of zone
17 two there shall be established a community advisory committee, which
18 shall be established within thirty days of receipt of an application by
19 the board. Each committee shall consist of five members, one to be
20 appointed by the governor, one to be appointed by the senator represent-
21 ing the senate district where the proposed facility is to be located,
22 one to be appointed by the assemblymember representing the assembly
23 district where the proposed facility is to be located, one to be
24 appointed by the county executive of the county where the facility is
25 proposed to be located, and one to be appointed as follows:

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

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

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

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

36 (d) The commission ~~[may]~~ shall hire a consultant to serve as a commu-
37 nity consultant to assist and manage the community advisory committee
38 process. The commission or community consultant shall provide adminis-
39 trative support and technical assistance for the establishment and
40 activities of committees constituted pursuant to this subdivision,
41 provided, however, that such consultant shall be hired by July 31, 2024.

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

44 (i) ~~[Upon the majority of members of the board being appointed]~~ by
45 July thirty-first, two thousand twenty-four, a community consultant
46 ~~[may]~~ shall be hired by the commission to manage the process and any
47 other activities as determined by the commission;

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

51 ~~(iii)]~~ interested entities may submit an application to the board by
52 July thirty-first, two thousand twenty-four, who shall provide such
53 application to the community consultant and the community advisory
54 committee, immediately upon a finding that such application is suffi-
55 cient for review;

1 ~~[(iv)]~~ (iii) the community consultant shall notify the commission of
2 all applications and notify the appropriate appointing authorities of
3 their responsibility to submit appointments for each required community
4 advisory committee established pursuant to this section, provided,
5 however, such appointments shall be made within thirty days of the
6 receipt of an application by the board;

7 ~~[(v)]~~ (iv) the community consultant shall ensure the formation of each
8 committee within thirty days of receiving an application, as necessary;

9 ~~[(vi)]~~ (v) upon notification, the appointing authority shall appoint
10 their respective appointees within thirty days of the receipt of an
11 application by the board;

12 ~~[(vii) upon a committee's first meeting the respective appointees~~
13 ~~shall elect by majority vote a committee chair;~~

14 ~~[(viii)]~~ (vi) the community consultant shall assign applications to
15 each appropriate committee immediately upon the board's determination
16 that such application is sufficient;

17 ~~[(ix)]~~ (vii) each committee's first meeting shall take place within
18 seven days of receiving an application, and upon a committee's first
19 meeting the respective appointees shall elect by majority vote a commit-
20 tee chair;

21 (viii) each committee shall review, solicit public comments and writ-
22 ten submissions of such comments, and hold public hearings;

23 ~~[(x)]~~ (ix) upon a two-thirds vote, each committee shall issue a find-
24 ing either establishing public support approving or disapproving the
25 application within one hundred twenty days of formation of the community
26 advisory committee.

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

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

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

37 (iii) the board ~~[shall not]~~ may issue a decision ~~[on the]~~ approving an
38 application ~~[until the applicant presents]~~ only upon sufficient evidence
39 ~~[of compliance and approval with]~~ presented by the applicant that all
40 necessary state and local zoning requirements are being complied with
41 and such approval is likely to be granted if an award is issued, and
42 upon a determination that the applicant is able to satisfy the commit-
43 ments it made to the community advisory committee, and which were
44 approved by such committee, with regard to the relevant requirements
45 established pursuant to paragraph (a) of subdivision three of section
46 thirteen hundred twenty-one-k of this title.

47 5. The board shall complete a review of all applications and make
48 recommendations for licensing up to three applicants to the commission
49 prior to March thirty-first, two thousand twenty-five. If no applicant
50 meets the requirements or receives all required state and local zoning
51 requirements as required under section thirteen hundred twenty-one-d and
52 section thirteen hundred twenty-one-k of this title, as of March thir-
53 ty-first, two thousand twenty-five, the board is authorized to grant a
54 single extension of the deadline. Such extension shall not exceed six
55 months beyond March thirty-first, two thousand twenty-five. All license
56 fees due to the commission must be transferred to the commission by June

thirtieth, two thousand twenty-five, except in the case of a subsequent request for applications issued pursuant to subdivision three of section thirteen hundred twenty-one-k of this title, in which case such license fees shall be due upon expiration of the eighteen months so specified in such subdivision.

§ 5. Subdivision 2 of section 1321-e of the racing, pari-mutuel wagering and breeding law, as added by section 7 of part RR of chapter 56 of the laws of 2022, is amended as follows:

2. Each applicant shall submit its proposed capital investment with its application to the board which shall include stages of construction of the gaming facility and the deadline by which the stages and overall construction and any infrastructure improvements will be completed in accordance with all required state and local zoning requirements as required under section thirteen hundred twenty-one-d and section thirteen hundred twenty-one-k of this title. In awarding a license, the commission shall determine at what stage of construction a licensee shall be approved to open for gaming; provided, however, that a licensee shall not be approved to open for gaming until the commission has determined that at least the gaming area and other ancillary entertainment services and non-gaming amenities, as required by the board, have been built and are of a superior quality as set forth in the conditions of licensure. The commission shall not approve a gaming facility to open before the completion of the permanent casino area.

§ 6. Section 1321-k of the racing, pari-mutuel wagering and breeding law is amended by adding a new subdivision 3 to read as follows:

3. (a) Notwithstanding any provision of this section to the contrary, where the board evaluates and makes a determination that the objectives of section thirteen hundred twenty-one-j of this title are met and the application reflects the state's desire to create gaming facilities of the highest caliber, the board may make an award absent completion of all required state and local zoning requirements as required under section thirteen hundred twenty-one-d and this section; provided however, that the board may only issue an award contingent upon an applicant meeting certain requirements as proposed to and approved by such applicant's community advisory committee, which shall include but not be limited to, a minimum number of hotel rooms if the proposal includes a hotel component, a minimum number of slot machines if the proposal includes slot machines, a minimum number of table games if the proposal includes table games, commitments with regard to community benefits if the proposal makes such commitments, commitments with regard to the construction and/or maintenance of ancillary facilities if the proposal makes such commitments, commitments with regard to specific goals for the utilization of minorities, women, and veterans on construction jobs if the proposal makes such commitments, commitments with regard to investments in public safety if the proposal makes such commitments, commitments with regard to workforce training programs if the proposal makes such commitments, commitments with regard to organized labor and labor harmony if the proposal makes such commitments, and any other requirements the commission may establish as requirements that may not deviate from what is approved by the community advisory committees; and provided further, that any applicant whose gaming facility does not (i) comply with the commitments proposed to and approved by the community advisory committees, except any such commitments that pertain to ongoing and long-term obligations, and (ii) satisfy all required state and local zoning requirements, within twenty-four months of license approval, shall have their license rescinded and a subsequent request for applica-

1 tions shall be issued pursuant to this title for any remaining licenses;
2 and provided further, that any such licenses issued pursuant to such
3 subsequent request for applications shall receive final decisions from
4 the commission within eighteen months of such request.

5 (b) Where the board takes such action pursuant to paragraph (a) of
6 this subdivision to approve a license prior to all required state and
7 local zoning requirements being satisfied, the award shall be subject to
8 public presentations by the applicant, wherein the applicant describes
9 the reasons that the required state and local zoning requirements have
10 not yet been met. The applicant must also provide sufficient evidence
11 that all required state and local zoning requirements shall be satis-
12 fied, and all required commitments made to and approved by the community
13 advisory committees shall be satisfied, within twenty-four months
14 following a license award.

15 § 7. This act shall take effect immediately.