

STATE OF NEW YORK

10572

IN ASSEMBLY

June 6, 2024

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

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 Assem-
bly, 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.

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

30 3. (a) For each applicant who proposes a gaming facility located in
31 region two of zone one, there shall be established a community advisory

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

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1 committee. The establishment of such committees shall occur within thirty
2 days of the appointing authorities receiving notice from the communi-
3 ty consultant, hired pursuant to paragraph (d) of this subdivision, that
4 all applications have been submitted to the board; provided however,
5 that the community consultant shall provide such notification to the
6 appointing authorities within thirty days of the receipt of all applica-
7 tions. Each committee shall consist of six members, one to be appointed
8 by the governor, one to be appointed by the senator representing the
9 senate district where the proposed facility is to be located, one to be
10 appointed by the assemblymember representing the assembly district where
11 the proposed facility is to be located, one to be appointed by the
12 borough president where the facility is proposed to be located, one to
13 be appointed by the city councilmember representing the district where
14 the facility is proposed to be located, and one to be appointed by the
15 New York city mayor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 ~~[(viii)] (vii)~~ the community consultant shall assign applications to
15 each appropriate committee upon the establishment of the applicable
16 community advisory committee;

17 ~~[(ix) each committee shall review, solicit public comments and written~~
18 ~~submissions of such comments, and hold public hearings,~~

19 ~~(*) (viii)~~ upon a two-thirds vote, each committee shall issue a find-
20 ing either establishing public support approving or disapproving the
21 application within one hundred twenty days of establishment of such
22 committee.

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

25 (i) Upon notification of a finding of ~~[support in]~~ approval, or a
26 finding of disapproval, of an application following a two-thirds vote by
27 the appropriate committee, the community consultant shall notify the
28 applicant, board, and commission immediately upon a finding of approval
29 or disapproval following a two-thirds vote by the appropriate committee;

30 (ii) following such notification, the applicant must comply and
31 receive approval under the applicable state and local zoning require-
32 ments;

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

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

49 6. The commission shall select up to three applicants to receive
50 licenses within thirty days of the board making such recommendations
51 outlined in subdivision five of this section. The commission may, for
52 good cause shown, extend the selection of up to three licenses for up to
53 thirty days.

54 § 4. This act shall take effect immediately.