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 Assembly, do enact as follows:

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

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

§ 2. Section 1321-b 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 to read as follows:

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

§ 3. Subdivision 3 of section 1321-d 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 and two new subdivisions 5 and 6 are added to read as follows:

3. (a) For each applicant who proposes a gaming facility located in 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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committee. **The establishment of such committees shall occur within thirty days of the appointing authorities receiving notice from the community consultant, hired pursuant to paragraph (d) of this subdivision, that all applications have been submitted to the board; provided however, that the community consultant shall provide such notification to the appointing authorities within thirty days of the receipt of all applications.** Each committee shall consist of six members, one to be appointed by the governor, one to be appointed by the senator representing the senate district where the proposed facility is to be located, one to be appointed by the assemblymember representing the assembly district where the proposed facility is to be located, one to be appointed by the borough president where the facility is proposed to be located, one to be appointed by the city councilmember representing the district where the facility is proposed to be located, and one to be appointed by the New York city mayor.

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

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

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

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

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

(d) The commission [~~may~~] **shall** hire a consultant to serve as a community consultant to assist and manage the community advisory committee process. The commission or community consultant shall provide administrative support and technical assistance for the establishment and activities of committees constituted pursuant to this subdivision**, provided, however, that such consultant shall be hired by August thirty-first, two thousand twenty-four**.

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

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

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

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

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

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

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

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

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

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

~~(x)~~] **(viii)** upon a two-thirds vote, each committee shall issue a finding either establishing public support approving or disapproving the application **within one hundred twenty days of establishment of such committee**.

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

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

(ii) following such notification, the applicant must comply and receive approval under the applicable state and local zoning requirements;

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

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

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

§ 4. This act shall take effect immediately.