

# STATE OF NEW YORK

3522

2023-2024 Regular Sessions

## IN ASSEMBLY

February 3, 2023

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to rules and regulations necessary for the implementation of video lottery gaming

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

1 Section 1. Subdivisions e and f of section 1617-a of the tax law, as  
2 amended by section 1 of part SS of chapter 60 of the laws of 2016, are  
3 amended and a new subdivision f-1 is added to read as follows:

4 e. Video lottery gaming shall ~~[only]~~ be permitted for ~~[no more than~~  
5 ~~twenty consecutive hours per day and on no day shall such operation be~~  
6 ~~conducted past 6:00 a.m.]~~ a vendor track having fewer than one thousand  
7 five hundred seventy-five video gaming machines operated daily for a  
8 maximum of one hundred twenty-eight hours per week and a minimum of one  
9 hundred twelve hours per week, and for a vendor track having one thou-  
10 sand five hundred seventy-five or more video gaming machines operated  
11 daily for a maximum of one hundred forty hours per week and a minimum of  
12 one hundred twelve hours per week, with the actual daily hours of opera-  
13 tion set by each vendor track and approved by the director.

14 f. The gaming commission shall promulgate such rules and regulations  
15 as may be necessary for the implementation of video lottery gaming in  
16 accordance with the provisions of this section ~~[and paragraph five of~~  
17 ~~subdivision a of section sixteen hundred twelve of this article]~~. Such  
18 rules and regulations shall provide for, but not be limited to, authori-  
19 zation of video lottery versions of any electronic table game capable of  
20 generating random results such as roulette, baccarat, poker and "twen-  
21 ty-one".

22 f-1. The division, in consultation with the racing and wagering board,  
23 shall ensure that:

24 (1) all entities licensed by the division to operate video lottery  
25 gaming have entered into a labor peace agreement, as set forth below,

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

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1 with each labor organization that is actively engaged in representing or  
2 attempting to represent video lottery and hospitality industry workers  
3 in the state;

4 (2) the labor peace agreement is valid and enforceable under 29 U.S.C.  
5 Section 185;

6 (3) the labor peace agreement protects the state's revenues by prohib-  
7 iting the labor organization and its members from engaging in picketing,  
8 work stoppages, boycotts, and any other economic interference with the  
9 operation of the video lottery facility; and

10 (4) if a racetrack facility existing as of the effective date of this  
11 subdivision adds video lottery electronic table games and such video  
12 lottery electronic table games, in the sole discretion of the video  
13 lottery agent, are operated by an attendant or a dealer, such labor  
14 peace agreement need only apply to such attendants and dealers of elec-  
15 tronic table games at such facility, whether or not such video lottery  
16 operations are conducted by a lessee or tenant or under a management  
17 agreement. For all other facilities, the labor peace agreement applies  
18 to all operations at a facility with video lottery capabilities, whether  
19 or not such operations are conducted by a lessee or tenant or under a  
20 management agreement. The foregoing labor peace provisions shall not  
21 apply to the Buffalo Raceway/Fairgrounds in Erie county.

22 § 2. This act shall take effect on the thirtieth day after it shall  
23 have become a law.