

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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§ 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 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

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.