

PART RR

Section 1. The opening paragraph and subdivisions 1 and 2 of section 1306 of the racing, pari-mutuel wagering and breeding law, the opening paragraph as amended by chapter 243 of the laws of 2020 and subdivisions 1 and 2 as added by chapter 174 of the laws of 2013, are amended to read as follows:

The New York state gaming facility location board shall select, following a competitive process and subject to the restrictions of this article, no more than [~~four~~] seven entities to apply to the commission for gaming facility licenses; provided however, that no more than three gaming facilities shall be located in zone one. In exercising its authority, the board shall have all powers necessary or convenient to fully carry out and effectuate its purposes including, but not limited to, the following powers. The board shall:

1. issue a request for applications for zone one or two gaming facility licenses pursuant to section one thousand three hundred twelve or section one thousand three hundred twenty-one-b of this article;
2. assist the commission in prescribing the form of the application for zone one or two gaming facility licenses including information to be furnished by an applicant concerning an applicant's antecedents, habits, character, associates, criminal record, business activities and financial affairs, past or present pursuant to section one thousand three hundred thirteen or section one thousand three hundred twenty-one-c of this article;

§ 2. Subparagraph 2 of paragraph (a) of subdivision 2 of section 1310 of the racing, pari-mutuel wagering and breeding law, as added by chapter 174 of the laws of 2013, is amended to read as follows:

(2) Region two shall consist of Bronx, Kings, New York, Queens and Richmond counties [~~. No gaming facility shall be authorized in region two~~]; and

§ 3. The title heading of title 2 of article 13 of the racing, pari-mutuel wagering and breeding law, as added by chapter 174 of the laws of 2013, is amended to read as follows:

FACILITY DETERMINATION AND LICENSING: UPSTATE GAMING FACILITIES

§ 4. Section 1310 of title 2 of article 13 of the racing, pari-mutuel wagering and breeding law is redesignated section 1310 of title 1 of such article.

§ 5. Subdivisions 1 and 3 of section 1311 of the racing, pari-mutuel wagering and breeding law, subdivision 1 as amended by chapter 175 of the laws of 2013 and subdivision 3 as added by section 6 of part Y of chapter 59 of the laws of 2021, are amended to read as follows:

1. The commission is authorized to award up to four gaming facility licenses, in regions one, two and five of zone two. The duration of such initial license shall be ten years. The term of renewal shall be determined by the commission. The commission may award a second license to a qualified applicant in no more than a single region. The commission is not empowered to award any license [~~in zone one. No gaming facilities are authorized~~] nor are any gaming facilities

authorized under this [~~article~~] title for the city of New York or any other portion of zone one.

As a condition of licensure, licensees are required to commence gaming operations no more than twenty-four months following license award. No additional licenses may be awarded during the twenty-four month period, nor for an additional sixty months following the end of the twenty-four month period. Should the state legislatively authorize additional gaming facility licenses within these periods, licensees shall have the right to recover the license fee paid pursuant to section one thousand three hundred six of this article.

This right shall be incorporated into the license itself, vest upon the opening of a gaming facility in zone one or in the same region as the licensee and entitle the holder of such license to bring an action in the court of claims to recover the license fee paid pursuant to section one thousand three hundred fifteen of this [~~article~~] title in the event that any gaming facility license in excess of the number authorized by this section as of the effective date of this section is awarded within seven years from the date that the initial gaming facility license is awarded. This right to recover any such fee shall be proportionate to the length of the respective period that is still remaining upon the vesting of such right.

Additionally, the right to bring an action in the court of claims to recover the fee paid to the state on the twenty-fourth day of September, two thousand ten, by the operator of a video lottery gaming facility in a city of more than one million shall vest with such operator upon the opening of any gaming facility licensed by the commission in zone one within seven years from the date that the initial gaming facility license is awarded; provided however that the amount recoverable shall be limited to the pro rata amount of the time remaining until the end of the seven year exclusivity period, proportionate to the period of time between the date of opening of the video lottery facility until the conclusion of the seven year period.

3. As a condition for continued licensure, licensees shall be required to house upon the physical premises of the licensed gaming facility, upon request, a mobile sports wagering platform provider's server or other equipment used for receiving mobile sports wagers pursuant to section [~~1367-a of the racing, pari-mutuel wagering and breeding law~~] 1367-a of this article; provided however, that such licensee shall be entitled to the reasonable and actual costs, as determined by the gaming commission, of physically housing and securing such server or other equipment used for receiving mobile sports wagers at such licensee's licensed gaming facility; and provided further, [~~that as consideration for housing and securing such server at the physical premises of the licensed gaming facility,~~] for the duration of the initial license term, a mobile sports wagering platform [~~providers~~] provider shall pay [~~to such licensed gaming facility, five~~] two and one-half million dollars per year [~~for the duration of the time that such server is housed and operating at the physical premises of such licensed gaming facility~~]. Each gaming facility licensed under title two of this article shall receive five million dollars per year, which shall be paid no later than May first of each year.

§ 6. The opening paragraph of subdivision 1 of section 1312 of the racing, pari-mutuel wagering and breeding law, as added by chapter 174 of the laws of 2013, is amended to read as follows:

The board shall issue within ninety days of a majority of members being appointed a request for applications for a gaming facility license in regions one, two and five in zone two; provided, however, that the board shall not issue any requests for applications for any region in zone one under this title; and further provided that the board shall not issue any requests for applications with respect to any gaming facility subsequently legislatively authorized until seven years following the commencement of gaming activities in zone two, unless such request for application with respect to any subsequently legislatively authorized gaming facility adheres to the procedure as described in section one thousand three hundred eleven of this title. All requests for applications shall include:

§ 7. Article 13 of the racing, pari-mutuel wagering and breeding law is amended by adding a new title 2-A to read as follows:

TITLE 2-A  
FACILITY DETERMINATION AND LICENSING: ADDITIONAL GAMING FACILITIES

Section 1321-a. License authorization; restrictions.

1321-b. Requests for applications.

1321-c. Form of application.

1321-d. License applicant eligibility.

1321-e. Required capital investment.

1321-f. Minimum license thresholds.

1321-g. Investigation of license applicants.

1321-h. Disqualifying criteria.

1321-i. Hearings.

1321-j. Siting evaluation.

1321-k. Zoning.

§ 1321-a. License authorization; restrictions.

1. The commission is authorized to award up to three additional gaming facility licenses. The duration of such initial license and the term of renewal shall be determined by the commission; provided however, that such initial license term shall be no less than ten years but no more than thirty years based on the proposed total investment of the applicant's project.

2. If any of the three additional gaming facility licenses are awarded to an entity that was licensed for video lottery gaming pursuant to section sixteen hundred seventeen-a of the tax law as of January first two thousand twenty-two, the education aid for the state resulting from taxes imposed pursuant to subdivision one-a of section thirteen hundred fifty-one of this article on the gaming facility operations of any such entity in a given state fiscal year shall be no less than the total of education aid deposits into the state lottery fund from the video lottery gaming operations of such entity for the full twelve month period immediately preceding its opening date as a gaming facility, provided however, that the twelve month period education aid total shall not be less than the education aid total from the video lottery

gaming operations of such entity for state fiscal year two thousand twenty-two.

Should the education aid for the state resulting from taxes imposed pursuant to subdivision one-a of section thirteen hundred fifty-one of this article on the gaming facility operations of such entity at the conclusion of a given state fiscal year be less than the total required under this subdivision, such entity shall remit the necessary payment to the commission for deposit into the commercial gaming revenue fund no later than the next occurring May first. Notwithstanding section ninety seven-nnnn of the state finance law, such payment into the commercial gaming revenue fund shall be available only for elementary and secondary education. For the purposes of this section, video lottery gaming operations of an entity shall include any hosted video lottery devices.

3. Notwithstanding the foregoing, no casino gaming facility shall be authorized:

(a) in the counties of Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, Saint Lawrence and Warren;

(b) within the following area: (1) to the east, State Route 14 from Sodus Point to the Pennsylvania border with New York; (2) to the north, the border between New York and Canada; (3) to the south, the Pennsylvania border with New York; and (4) to the west, the border between New York and Canada and the border between Pennsylvania and New York; and

(c) in the counties of Cayuga, Chenango, Cortland, Herkimer, Lewis, Madison, Oneida, Onondaga, Oswego and Otsego.

§ 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.

§ 1321-c. Form of application. The form of the application shall be the same as established under section thirteen hundred thirteen of this article.

§ 1321-d. License applicant eligibility.

1. Gaming facility licenses shall only be issued to applicants who are qualified under the criteria set forth in this article, as determined by the commission.

2. Prior to official review by the board, each potential license applicant must:

(a) demonstrate to the board's satisfaction that the applicant has acquired public support and presented evidence of compliance and approval with all required state and local zoning requirements as required under subdivision three of

this section and section thirteen hundred twenty-one-k of this title; and

(b) waive all rights they or any affiliated entity possess under section thirteen hundred eleven of this article to bring an action to recover a fee.

(c) pursuant to section thirteen hundred twenty-one-f of this title, an applicant shall pay to the commission an application fee of one million dollars to defray the costs associated with the processing of the application, commission expenses related to the community advisory committee, and investigation of the applicant; provided, however, that if the costs exceed the initial application fee, the applicant shall pay the additional amount to the commission within thirty days after notification of insufficient fees or the application shall be rejected and further provided that should the costs not exceed the fee remitted, any unexpended portion shall be returned to the applicant;

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. 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. 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 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.

(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, a community consultant may 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 who shall provide such application to the community consultant;

(iv) 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) the community consultant shall ensure the formation of each committee, as necessary;

(vi) upon notification, the appointing authority shall appoint their respective appointees;

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

(viii) the community consultant shall assign applications to each appropriate committee;

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

(x) upon a two-thirds vote, each committee shall issue a finding either establishing public support approving or disapproving the application.

(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 of an application following a two-thirds vote by the appropriate committee, the community consultant shall notify the applicant, board, and commission;

(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 decision on the application until the applicant presents evidence of compliance and approval with all necessary state and local zoning requirements.

4. The expiration of the seven year restricted period from the date that an initial gaming facility license was awarded is February twenty-eighth, two thousand twenty-three for the three initial casino licenses and November twenty-second, two thousand twenty-three for the final casino license awarded. Should an applicant or applicants commence gaming activities prior to such dates, such applicant or applicants shall be jointly and severally liable for payment of the proportionate fee for the respective period remaining as required by section thirteen hundred eleven of this article.

§ 1321-e. Required capital investment.

1. The board shall establish the minimum capital investment for each unawarded gaming facility license. Such investment may include, but not be limited to, a casino area, hotel and other amenities; and provided further, that the board shall determine whether it will include the purchase or lease price of the land where the gaming facility will be located or any infrastructure designed to support the site including, but not limited to, drainage, utility support, roadways, interchanges, fill and soil or groundwater or surface water contamination issues. The board may consider private capital investment made previous to the effective date of this title, but may, in its discretion, discount a percentage of the investment made.

Upon award of a gaming license by the commission, the commission shall require the applicant to deposit no less than five percent and no more than ten percent of the total investment proposed in the application into an interest-bearing account based on the liquidity of the applicant. Monies received from the applicant shall be held in escrow until the final stage of construction, as detailed in the timeline of construction submitted with the licensee's application and approved by the commission, at which time the deposit plus interest earned shall be returned to the applicant to be applied for the final stage. Should the applicant be unable to complete the gaming facility, the deposit shall be forfeited to the state. In place of a cash deposit, the commission may allow for an applicant to secure a deposit bond insuring that such percent of the proposed

capital investment shall be forfeited to the state if the applicant is unable to complete the gaming facility.

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 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.

3. The board shall determine a licensing fee to be paid by a licensee within thirty days after the award of the license which shall be deposited into the commercial gaming revenue fund, provided however that no licensing fee shall be less than five hundred million dollars. The license shall set forth the conditions to be satisfied by the licensee before the gaming facility shall be opened to the public. The commission shall set any renewal fee for such license based on the cost of fees associated with the evaluation of a licensee under this article which shall be deposited into the commercial gaming fund. Such renewal fee shall be exclusive of any subsequent licensing fees under this section.

4. The commission shall determine the sources and total amount of an applicant's proposed capitalization to develop, construct, maintain and operate a proposed gaming facility under this article. Upon award of a gaming license, the commission shall continue to assess the capitalization of a licensee for the duration of construction of the proposed gaming facility and the term of the license.

§ 1321-f. Minimum license thresholds. The minimum licensing thresholds shall be the same as those established under section thirteen hundred sixteen of this article.

§ 1321-g. Investigation of license applicants. The process used to investigate license applicants shall be the same process established under section thirteen hundred seventeen of this article.

§ 1321-h. Disqualifying criteria. The criteria to disqualify applicants shall be the same criteria used for upstate gaming facility licensing, which are enumerated in section thirteen hundred eighteen of this article.

§ 1321-i. Hearings. The process used for hearings shall be the same process established under section thirteen hundred nineteen of this article.

§ 1321-j. Siting evaluation. In determining whether an applicant shall be eligible for a gaming facility license, the board shall evaluate and make a determination of how each applicant proposes to advance the following objectives with consideration given to the differences



between proposed projects related to whether it is a conversion of an existing video lottery gaming facility or new facility construction, and the proposed location. The board shall also conduct an analysis of the revenue impact of each applicant's proposed gaming facility on existing facilities and potential new facilities.

1. The decision by the board to select a gaming facility license applicant shall be weighted by seventy percent based on economic activity and business development factors including:

(a) realizing capital investment exclusive of land acquisition and infrastructure improvements;

(b) maximizing revenues received by the state and localities;

(c) providing the highest number of quality jobs in the gaming facility;

(d) building a gaming facility of the highest caliber with a variety of quality amenities;

(e) offering the highest and best value to patrons to create a secure and robust gaming market in the region and the state;

(f) detailing the benefits of the site location of the gaming facility and the estimated recapture rate of gaming-related spending by residents travelling to an out-of-state gaming facility;

(g) offering a reasonable and feasible construction schedule to completion of the full gaming facility;

(h) demonstrating the ability to fully finance the gaming facility; and

(i) demonstrating experience in the development and operation of a quality gaming facility;

2. The decision by the board to select a gaming facility license applicant shall be weighted by ten percent based on local impact siting factors including:

(a) mitigating potential impacts on host and nearby municipalities which might result from the development or operation of the gaming facility;

(b) operating in partnership with and promoting local hotels, restaurants and retail facilities so that patrons experience the full diversified regional tourism industry; and

(c) establishing a fair and reasonable partnership with live entertainment venues that may be impacted by a gaming facility under which the gaming facility actively supports the mission and the operation of the impacted entertainment venues;

3. The decision by the board to select a gaming facility license applicant shall be weighted by ten percent based on workforce enhancement factors including:

(a) implementing a workforce development plan that utilizes the existing labor force, including the estimated number of construction jobs a proposed gaming facility will generate, the development of workforce training programs that serve the unemployed and methods for accessing employment at the gaming facility;

(b) taking additional measures to address problem gambling including, but not limited to, training of gaming employees to identify patrons exhibiting problems with gambling;

(c) utilizing sustainable development principles including, but not limited to:

(1) having new and renovation construction certified under the appropriate certification category in the Leadership in Energy and Environmental Design Green Building Rating System created by the United States Green Building Council;

(2) efforts to mitigate vehicle trips;

(3) efforts to conserve water and manage storm water;

(4) demonstrating that electrical and HVAC equipment and appliances will be Energy Star labeled where available;

(5) procuring or generating on-site ten percent of its annual electricity consumption from renewable sources; and

(6) developing an ongoing plan to submeter and monitor all major sources of energy consumption and undertake regular efforts to maintain and improve energy efficiency of buildings in their systems;

(d) establishing, funding and maintaining human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities through a workforce training program that:

(1) establishes transparent career paths with measurable criteria within the gaming facility that lead to increased responsibility and higher pay grades that are designed to allow employees to pursue career advancement and promotion;

(2) provides employee access to additional resources, such as tuition reimbursement or stipend policies, to enable employees to acquire the education or job training needed to advance career paths based on increased responsibility and pay grades; and

(3) establishes an on-site child day care program;

(e) purchasing, whenever possible, domestically manufactured slot machines for installation in the gaming facility;

(f) implementing a workforce development plan that:

(1) utilizes the existing labor force in the state;

(2) estimates the number of construction jobs a gaming facility will generate and provides for equal employment opportunities and which includes specific goals for the utilization of minorities, women and service-disabled veterans on those construction jobs;

(3) identifies workforce training programs offered by the gaming facility; and

(4) identifies the methods for accessing employment at the gaming facility; and

(5) incorporates a workforce diversity framework, which is scored under subdivision four of this section.

(g) demonstrating that the applicant has an agreement with organized labor, including hospitality services, and has the support of organized labor for its application, which specifies:

(1) the number of employees to be employed at the gaming facility, including detailed information on the pay rate and benefits for employees and contractors in the gaming facility and all infrastructure improvements related to the project; and

(2) detailed plans for assuring labor harmony during all phases of the construction, reconstruction, renovation, development and operation of the gaming facility.

4. The decision by the board to select a gaming facility license applicant shall be weighted by ten percent based on a diversity framework. Diversity framework factors shall include, but not be limited to, the following:

(a) workforce demographics including current employment of minorities, women and service-disabled veterans in permanent and part-time jobs at the applicant's gaming facilities;

(b) diversity in the ownership and leadership of the corporate entity;

(c) efforts the applicant is currently undertaking to ensure diversity at its facilities and plans to undertake at this proposed facility including:

(1) establishing mentorship opportunities and other business development programs;

(2) incorporating an affirmative action program of equal opportunity by which the applicant guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including minorities, women and persons with disabilities;

(3) providing specific goals for the inclusion of minorities, women and veterans on construction jobs;

(4) ensuring that any contractors or subcontractors to any contractor make good faith efforts to provide minorities, women and veterans an opportunity to participate in the workforce;

(5) working and partnering with minority-owned businesses;

(6) developing a plan of action that shall promote diversity in its business model, financing, employment goals, and other social and economic equity roles in the gaming industry; and

(7) any such further criteria as the board shall see fit for inclusion after consultation with the division of minority and women's business development in the department of economic development.

§ 1321-k. Zoning.

1. Notwithstanding section thirteen hundred sixty-six of this article, all gaming facilities licensed pursuant to this title shall comply with all relevant city, county, town, or village land use or zoning ordinances, rules, or regulations if applicable.

2. (a) In addition, for any gaming facility located within the city of New York, all applicable zoning provisions shall be subject to the uniform land use review procedure pursuant to section one hundred ninety-seven-c of the New York city charter if such provisions would otherwise be applicable; and

(b) Any determination on whether gaming is a permissible use or activity or whether any other activity taken pursuant to the uniform land use review procedure shall not be subject to a mayoral zoning override, special permit process, or any other action or decision that preempts, circumvents, or supersedes the usual and customary local zoning process.

§ 8. Section 1351 of the racing, pari-mutuel wagering and breeding law is amended by adding a new subdivision 1-a to read as follows:

1-a. For a gaming facility licensed pursuant to title two-A of this article, there is hereby imposed a tax on gross gaming revenues with the rates to be determined by the gaming commission pursuant to a competitive bidding process as outlined in title two-A of this article; provided however that the tax rate on gross gaming revenue from slot machines shall be no less than twenty-five percent and the tax rate on gross gaming revenue from all other sources shall be no less than ten percent.

§ 9. Section 109-a of the racing, pari-mutuel wagering and breeding law, as added by chapter 174 of the laws of 2013, is amended to read as follows:

§ 109-a. Separate board for facility siting. The commission shall establish a separate board to be known as the New York gaming facility location board to perform designated functions under article thirteen of this chapter, the following provisions shall apply to the board:

1. The commission shall select five members and name the chair of the board. Each member of the board shall be a resident of the state of New York. No member of the legislature or person holding any elective or appointive office in federal, state or local government shall be eligible to serve as a member of the board.

2. A majority of members of the board shall be appointed within one hundred eighty days of the date that title two-A of this article shall become law.

3. Qualifications of members. Members of the board shall each possess no less than ten years of responsible experience in fiscal matters and shall have any one or more of the following qualifications:

(a) significant service as an accountant economist, or financial analyst experienced in finance or economics;

(b) significant service in an academic field relating to finance or economics;

(c) significant service and knowledge of the commercial real estate industry; or

(d) significant service as an executive with fiduciary responsibilities in charge of a large organization or foundation.

~~[3-]~~ 4. No member of the board:

(a) may have a close familial or business relationship to a person that holds a license under this chapter;

(b) may have any direct or indirect financial interest, ownership, or management, including holding any stocks, bonds, or other similar financial interests in any gaming activities, including horse racing, lottery or gambling;

(c) may receive or share in, directly or indirectly, the receipts or proceeds of any gaming activities, including horse racing, lottery or gambling;

(d) may have a beneficial interest in any contract for the manufacture or sale of gaming devices, the conduct of any gaming activity, or the provision of any independent consulting services in connection with any establishment licensed under this chapter.

~~[4-]~~ 5. Board members are entitled to actual and necessary expenses incurred in the discharge of their duties but may not receive compensation for their service on the board.

[5-] 6. (a) The commission shall provide staff to the board.

(b) The board [~~shall~~] may contract with [~~an outside~~] a consultant to [~~provide~~] assist in the analysis of [~~the gaming industry and to support the board's comprehensive review and evaluation of the~~] applications submitted [~~to the board~~] for gaming facility licenses.

(c) The board may contract with attorneys, accountants, auditors and financial and other experts to render necessary services.

(d) All other state agencies shall cooperate with and assist the board in the fulfillment of its duties under this article and may render such services to the board within their respective functions as the board may reasonably request.

[6] 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 [~~four~~] 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.

§ 10. The opening paragraph of section 1348 of the racing, pari-mutuel wagering and breeding law, as added by chapter 174 of the laws of 2013, is amended to read as follows:

In addition to any other tax or fee imposed by this article, there shall be imposed an annual license fee of five hundred dollars for each slot machine and table approved by the commission for use by a gaming licensee at a gaming facility located in zone two; [provided] and there shall be imposed an annual license fee of seven hundred fifty dollars for each slot machine and table game approved by the commission for use by a gaming licensee at a gaming facility located in zone one. Provided, however, that not sooner than five years after award of an original gaming license, the commission may annually adjust the fee for inflation. The fee shall be imposed as of July first of each year for all approved slot machines and tables on that date and shall be assessed on a pro rata basis for any slot machine or table approved for use thereafter.

§ 11. Section 1355 of the racing, pari-mutuel wagering and breeding law is amended by adding a new subdivision 3 to read as follows:

3. As part of the final gaming facility license award process for licenses authorized under title two-A of this article, the commission shall determine the obligations of such entity or entities required to maintain certain racing support payments at the same dollar level realized in two thousand nineteen, to be adjusted annually pursuant to changes in the consumer price index for all urban consumers, as published annually by the United States department of labor bureau of labor statistics.

(a) In either region two or three of zone one, one or more licensees shall pay an amount to horsemen for the purpose of

enhancing purses at Aqueduct racetrack, Belmont Park racetrack and Saratoga race course, an amount to the franchise corporation, and an amount to the New York state thoroughbred breeding and development fund that, in aggregate, shall be equal to the racing support payments made from video lottery gaming operations to the relevant horsemen, breeders organizations or franchised corporation at the same dollar level realized in two thousand nineteen, to be adjusted annually pursuant to changes in the consumer price index for all urban consumers, as published annually by the United States department of labor bureau of labor statistics.

(b) In region one of zone one, one or more licensees shall pay an amount to the relevant horsemen and the breeders organizations at Yonkers Raceway at the same dollar level realized in two thousand nineteen, to be adjusted annually pursuant to changes in the consumer price index for all urban consumers, as published annually by the United States department of labor bureau of labor statistics.

§ 12. This act shall take effect immediately.