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I N   S E N A T E

February 23, 2016

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Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to the sharing of revenue from gaming devices located within the county of Niagara; and to amend chapter 747 of the laws of 2006 amending the state finance law, relating to the tribal-state compact revenue account, in relation to extending the effectiveness thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 3 of section 99-h of the state finance law, as  
2     amended by section 7 of chapter 174 of the laws of 2013, is amended to  
3     read as follows:  
4     3. Moneys of the account, following the segregation of appropriations  
5     enacted by the legislature, shall be available for purposes including  
6     but not limited to: (a) reimbursements or payments to municipal govern-  
7     ments that host tribal casinos pursuant to a tribal-state compact for  
8     costs incurred in connection with services provided to such casinos or  
9     arising as a result thereof, for economic development opportunities and  
10    job expansion programs authorized by the executive law; provided, howev-  
11    er, that for any gaming facility located in the city of Buffalo, the  
12    city of Buffalo shall receive a minimum of twenty-five percent of the  
13    negotiated percentage of the net drop from electronic gaming devices the  
14    state receives pursuant to the compact, and provided further that for  
15    any gaming facility located in the city of Niagara Falls, county of  
16    Niagara a minimum of [twenty-five] SEVENTY-FIVE percent of the negoti-  
17    ated percentage of the net drop from electronic gaming devices the state  
18    receives pursuant to the compact shall be distributed in accordance with  
19    subdivision four of this section, and provided further that for any  
20    gaming facility located in the county or counties of Cattaraugus, Chau-  
21    tauqua or Allegany, the municipal governments of the state hosting the  
22    facility shall collectively receive a minimum of twenty-five percent of  
23    the negotiated percentage of the net drop from electronic gaming devices  
24    the state receives pursuant to the compact; and provided further that  
25    pursuant to chapter five hundred ninety of the laws of two thousand

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

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1 four, a minimum of twenty-five percent of the revenues received by the  
2 state pursuant to the state's compact with the St. Regis Mohawk tribe  
3 shall be made available to the counties of Franklin and St. Lawrence,  
4 and affected towns in such counties. Each such county and its affected  
5 towns shall receive fifty percent of the moneys made available by the  
6 state; and provided further that the state shall annually make twenty-  
7 five percent of the negotiated percentage of the net drop from all  
8 gaming devices the state actually receives pursuant to the Oneida  
9 Settlement Agreement confirmed by section eleven of the executive law as  
10 available to the county of Oneida, and a sum of three and one-half  
11 million dollars to the county of Madison. Additionally, the state shall  
12 distribute for a period of nineteen and one-quarter years, an additional  
13 annual sum of two and one-half million dollars to the county of Oneida.  
14 Additionally, the state shall distribute the one-time eleven million  
15 dollar payment received by the state pursuant to such agreement with the  
16 Oneida Nation of New York to the county of Madison by wire transfer upon  
17 receipt of such payment by the state; and (b) support and services of  
18 treatment programs for persons suffering from gambling addictions.  
19 Moneys not segregated for such purposes shall be transferred to the  
20 general fund for the support of government during the fiscal year in  
21 which they are received.

22 S 2. Subdivision 3 of section 99-h of the state finance law, as  
23 amended by section 7-a of chapter 174 of the laws of 2013, is amended to  
24 read as follows:

25 3. Moneys of the account, following appropriation by the legislature,  
26 shall be available for purposes including but not limited to: (a)  
27 reimbursements or payments to municipal governments that host tribal  
28 casinos pursuant to a tribal-state compact for costs incurred in  
29 connection with services provided to such casinos or arising as a result  
30 thereof, for economic development opportunities and job expansion  
31 programs authorized by the executive law; provided, however, that for  
32 any gaming facility located in the city of Buffalo, the city of Buffalo  
33 shall receive a minimum of twenty-five percent of the negotiated  
34 percentage of the net drop from electronic gaming devices the state  
35 receives pursuant to the compact, and provided further that for any  
36 gaming facility located in the city of Niagara Falls, county of Niagara  
37 a minimum of [twenty-five] SEVENTY-FIVE percent of the negotiated  
38 percentage of the net drop from electronic gaming devices the state  
39 receives pursuant to the compact shall be distributed in accordance with  
40 subdivision four of this section, and provided further that for any  
41 gaming facility located in the county or counties of Cattaraugus, Chau-  
42 tauqua or Allegany, the municipal governments of the state hosting the  
43 facility shall collectively receive a minimum of twenty-five percent of  
44 the negotiated percentage of the net drop from electronic gaming devices  
45 the state receives pursuant to the compact; and provided further that  
46 pursuant to chapter five hundred ninety of the laws of two thousand  
47 four, a minimum of twenty-five percent of the revenues received by the  
48 state pursuant to the state's compact with the St. Regis Mohawk tribe  
49 shall be made available to the counties of Franklin and St. Lawrence,  
50 and affected towns in such counties. Each such county and its affected  
51 towns shall receive fifty percent of the moneys made available by the  
52 state; and provided further that the state shall annually make twenty-  
53 five percent of the negotiated percentage of the net drop from all  
54 gaming devices the state actually receives pursuant to the Oneida  
55 Settlement Agreement as confirmed by section eleven of the executive law  
56 as available to the county of Oneida, and a sum of three and one-half

1 million dollars to the county of Madison. Additionally, the state shall  
2 distribute for a period of nineteen and one-quarter years, an additional  
3 annual sum of two and one-half million dollars to the county of Oneida.  
4 Additionally, the state shall distribute the one-time eleven million  
5 dollar payment received by the state pursuant to such agreement with the  
6 Oneida Nation of New York to the county of Madison by wire transfer upon  
7 receipt of such payment by the state; and (b) support and services of  
8 treatment programs for persons suffering from gambling addictions.  
9 Moneys not appropriated for such purposes shall be transferred to the  
10 general fund for the support of government during the fiscal year in  
11 which they are received.

12 S 3. Subdivision 3 of section 99-h of the state finance law, as  
13 amended by section 8 of chapter 174 of the laws of 2013, is amended to  
14 read as follows:

15 3. Moneys of the account, following the segregation of appropriations  
16 enacted by the legislature, shall be available for purposes including  
17 but not limited to: (a) reimbursements or payments to municipal govern-  
18 ments that host tribal casinos pursuant to a tribal-state compact for  
19 costs incurred in connection with services provided to such casinos or  
20 arising as a result thereof, for economic development opportunities and  
21 job expansion programs authorized by the executive law; provided, howev-  
22 er, that for any gaming facility located in the county of Erie [or  
23 Niagara], the municipal governments hosting the facility shall collec-  
24 tively receive a minimum of twenty-five percent of the negotiated  
25 percentage of the net drop from electronic gaming devices the state  
26 receives pursuant to the compact, AND FOR ANY GAMING FACILITY LOCATED IN  
27 THE COUNTY OF NIAGARA THE MUNICIPAL GOVERNMENT HOSTING THE FACILITY  
28 SHALL COLLECTIVELY RECEIVE A MINIMUM OF SEVENTY-FIVE PERCENT OF THE  
29 NEGOTIATED PERCENTAGE OF THE NET DROP FOR ELECTRONIC GAMING DEVICES THE  
30 STATE RECEIVES PURSUANT TO THE COMPACT, and provided further that for  
31 any gaming facility located in the county or counties of Cattaraugus,  
32 Chautauqua or Allegany, the municipal governments of the state hosting  
33 the facility shall collectively receive a minimum of twenty-five percent  
34 of the negotiated percentage of the net drop from electronic gaming  
35 devices the state receives pursuant to the compact; and provided further  
36 that pursuant to chapter five hundred ninety of the laws of two thousand  
37 four, a minimum of twenty-five percent of the revenues received by the  
38 state pursuant to the state's compact with the St. Regis Mohawk tribe  
39 shall be made available to the counties of Franklin and St. Lawrence,  
40 and affected towns in such counties. Each such county and its affected  
41 towns shall receive fifty percent of the moneys made available by the  
42 state; and provided further that the state shall annually make twenty-  
43 five percent of the negotiated percentage of the net drop from all  
44 gaming devices the state actually receives pursuant to the Oneida  
45 Settlement Agreement confirmed by section eleven of the executive law  
46 available to the county of Oneida, and a sum of three and one-half  
47 million dollars to the county of Madison. Additionally, the state shall  
48 distribute, for a period of nineteen and one-quarter years, an addi-  
49 tional annual sum of two and one-half million dollars to the county of  
50 Oneida. Additionally, the state shall distribute the one-time eleven  
51 million dollar payment actually received by the state pursuant to the  
52 Oneida Settlement Agreement to the county of Madison by wire transfer  
53 upon receipt of such payment by the state; and (b) support and services  
54 of treatment programs for persons suffering from gambling addictions.  
55 Moneys not segregated for such purposes shall be transferred to the

1 general fund for the support of government during the fiscal year in  
2 which they are received.

3 S 4. Paragraph (a) of subdivision 4 of section 99-h of the state  
4 finance law, as amended by section 2 of part W of chapter 60 of the laws  
5 of 2011, is amended to read as follows:

6 (a) Monies which are appropriated and received each year by the state  
7 as a portion of the negotiated percentage of the net drop from electron-  
8 ic gaming devices the state receives in relation to the operation of a  
9 gaming facility in the city of Niagara Falls, county of Niagara which  
10 subdivision three of this section requires to be a minimum of [twenty-  
11 five] SEVENTY-FIVE percent, shall be budgeted and disbursed by the city  
12 of Niagara Falls in the following manner:

13 (i) [seventy-three] FIFTY-EIGHT and one-half percent of the total  
14 annual amount received shall be available for expenditure by the city of  
15 Niagara Falls for such public purposes as are determined, by the city,  
16 to be necessary and desirable to accommodate and enhance economic devel-  
17 opment, neighborhood revitalization, public health and safety, and  
18 infrastructure improvement in the city, shall be deposited into the  
19 tribal revenue account of the city and any and all interest and income  
20 derived from the deposit and investment of such monies shall be deposit-  
21 ed into the general operating fund of the city; provided however, that  
22 [any amount allocated to the Niagara Falls Underground Railroad Heritage  
23 Commission, to the extent that its share pursuant to the formula estab-  
24 lished in clause five of subparagraph (ii) of this paragraph exceeds one  
25 percent, such amounts shall be distributed from the funds available to  
26 the city for its public purposes pursuant to this paragraph] FORTY  
27 PERCENT OF SUCH AMOUNT SHALL BE USED TO FUND DOWNTOWN ECONOMIC DEVELOP-  
28 MENT AND JOB CREATION TO BE ALLOCATED BY THE DOWNTOWN NIAGARA FALLS  
29 ECONOMIC DEVELOPMENT ADVISORY GROUP. THE ADVISORY GROUP SHALL BE MADE UP  
30 OF NINE MEMBERS APPOINTED AS FOLLOWS: ONE BY THE GOVERNOR, ONE BY THE  
31 SENATE MAJORITY LEADER, ONE BY THE SPEAKER OF THE ASSEMBLY, ONE BY THE  
32 SENECA NATION OF INDIANS, ONE BY THE MAYOR OF THE CITY OF NIAGARA FALLS,  
33 ONE BY THE NIAGARA COUNTY LEGISLATURE, ONE BY THE NIAGARA USA CHAMBER,  
34 ONE BY THE NIAGARA COUNTY BUILDING TRADES COUNCIL, AND ONE BY THE  
35 NIAGARA FRONTIER TRANSPORTATION AUTHORITY. THE DOWNTOWN NIAGARA FALLS  
36 ECONOMIC DEVELOPMENT ADVISORY GROUP SHALL ALLOCATE FUNDS FOR THE PURPOSE  
37 OF ASSISTING BUSINESSES LOCATED IN DOWNTOWN NIAGARA FALLS TO CREATE NEW  
38 JOB OPPORTUNITIES AND TO INCENTIVIZE NEW BUSINESSES TO LOCATE WITHIN  
39 DOWNTOWN NIAGARA FALLS. FUNDS MAY BE USED FOR, BUT NOT LIMITED TO, THE  
40 REHABILITATION OF BUILDINGS, INSTALLATION OF SIGNAGE, TRAINING OF EXIST-  
41 ING OR NEW EMPLOYEES IN TECHNIQUES RELATED TO THEIR INDUSTRY, AND  
42 INSTALLATION OF APPROPRIATE INDUSTRY RELATED MACHINERY. NO FUNDS SHALL  
43 BE ALLOCATED FOR GENERAL OBLIGATIONS AND RESPONSIBILITIES TRADITIONALLY  
44 PROVIDED BY THE CITY OF NIAGARA FALLS; and

45 (ii) the remaining [twenty-six] FORTY-ONE and one-half percent of the  
46 total annual amount received shall be allocated for the city of Niagara  
47 Falls to be available for expenditure in the following manner:

48 (1) within thirty-five days upon receipt of such funds by such city,  
49 five and one-half percent of the total annual amount received in each  
50 year, not to exceed [seven] TWO MILLION TWO hundred fifty thousand  
51 dollars annually AND NOT LESS THAN THE AMOUNT RECEIVED BY SUCH ENTITY IN  
52 FISCAL YEAR TWO THOUSAND FOURTEEN, shall be transferred to Niagara Falls  
53 memorial medical center to be used for capital construction projects;  
54 and

55 (2) within thirty-five days upon receipt of such funds by such city,  
56 five and one-half percent of the total annual amount received in each

1 year, not to exceed [seven] TWO MILLION TWO hundred fifty thousand  
2 dollars annually AND NOT LESS THAN THE AMOUNT RECEIVED BY SUCH ENTITY IN  
3 FISCAL YEAR TWO THOUSAND FOURTEEN, shall be transferred to the Niagara  
4 Falls city school district for capital construction projects; and

5 (3) within thirty-five days upon receipt of such funds by such city,  
6 seven percent OF THE TOTAL AMOUNT RECEIVED in each year NOT TO EXCEED  
7 TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS shall be transferred to  
8 the Niagara tourism and convention center corporation for marketing and  
9 tourism promotion in the county of Niagara including the city of Niagara  
10 Falls; and

11 (4) an amount equal to the lesser of one million dollars or seven  
12 percent of the total amount in each year shall be transferred to the  
13 city of Niagara Falls and held in an escrow account maintained by the  
14 city of Niagara Falls and, if additional funding has been secured by the  
15 Niagara frontier transportation authority to finance construction of a  
16 new terminal at Niagara Falls, such amount held in escrow shall be  
17 transferred to the Niagara frontier transportation authority for such  
18 purpose provided however that if such additional funding has not been  
19 secured or construction of a new terminal has not commenced within two  
20 years of the date which such monies were received by the city of Niagara  
21 Falls such amounts held in escrow by the city of Niagara Falls shall be  
22 distributed pursuant to subparagraph (iii) of this paragraph; and

23 (5) [within thirty-five days upon receipt of such funds by such city,  
24 one percent or three hundred fifty thousand dollars, whichever is great-  
25 er, of the total annual amount received in each year shall be trans-  
26 ferred to the Niagara Falls Underground Railroad Heritage Commission,  
27 established pursuant to article forty-three of the parks, recreation and  
28 historic preservation law to be used for, but not limited to, develop-  
29 ment, capital improvements, acquisition of real property, and acquisi-  
30 tion of personal property within the heritage area in the city of  
31 Niagara Falls as established pursuant to the commission; provided in the  
32 event the distribution available pursuant to this clause exceeds one  
33 percent, it shall be distributed from the moneys available pursuant to  
34 subparagraph (i) of this paragraph] WITHIN THIRTY-FIVE DAYS UPON RECEIPT  
35 OF SUCH FUNDS BY SUCH CITY, ONE AND ONE-HALF PERCENT OF THE TOTAL  
36 AMOUNTS RECEIVED IN EACH YEAR, NOT TO EXCEED TWO MILLION TWO HUNDRED  
37 FIFTY THOUSAND DOLLARS SHALL BE TRANSFERRED TO THE NIAGARA FALLS HOUSING  
38 AUTHORITY; AND

39 (6) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY,  
40 SEVEN PERCENT OF THE TOTAL AMOUNT RECEIVED IN EACH YEAR, NOT TO EXCEED  
41 TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS SHALL BE TRANSFERRED TO  
42 THE NIAGARA FALLS AQUARIUM; AND

43 (7) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY,  
44 SEVEN PERCENT OF THE TOTAL AMOUNT RECEIVED IN EACH YEAR, NOT TO EXCEED  
45 TWO MILLION TWO HUNDRED FIFTY THOUSAND DOLLAR SHALL BE TRANSFERRED TO  
46 THE WESTERN NEW YORK STATE FIRST RESPONSE AND PREPAREDNESS CENTER; AND

47 (8) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY,  
48 ONE PERCENT OF THE TOTAL AMOUNT RECEIVED IN EACH YEAR, NOT TO BE LESS  
49 THAN ONE HUNDRED FIFTY THOUSAND DOLLARS SHALL BE TRANSFERRED TO MOUNT  
50 SAINT MARY'S NEIGHBORHOOD HEALTH CENTER; and

51 (iii) all other monies appropriated or received for distribution  
52 pursuant to this subdivision after the transfer of money pursuant to  
53 this subparagraph and subparagraphs (i) and (ii) of this paragraph in  
54 each year shall be allocated to the city of Niagara Falls for infras-  
55 tructure and road improvement projects.

1 S 5. Section 2 of chapter 747 of the laws of 2006 amending the state  
2 finance law, relating to the tribal-state compact revenue account, is  
3 amended to read as follows:

4 S 2. This act shall take effect immediately, and shall expire and be  
5 deemed repealed December 31, [2016] 2026.

6 S 6. This act shall take effect immediately, provided that:

7 1. the amendments to subdivision 3 of section 99-h of the state  
8 finance law made by section one of this act shall be subject to the  
9 expiration and reversion of such subdivision as provided in section 3 of  
10 part W of chapter 60 of the laws of 2011, as amended when upon such date  
11 the provisions of section two of this act shall take effect;

12 2. the amendments to subdivision 3 of section 99-h of the state  
13 finance law made by section two of this act shall be subject to the  
14 expiration and reversion of such section as provided in section 2 of  
15 chapter 747 of the laws of 2006, as amended when upon such date the  
16 provisions of section three of this act shall take effect; and

17 3. the amendments to paragraph (a) of subdivision 4 of section 99-h of  
18 the state finance law made by section four of this act shall be subject  
19 to the expiration of such subdivision as provided in chapter 747 of the  
20 laws of 2006, as amended and shall be deemed expired and repealed there-  
21 with.