

STATE OF NEW YORK

7526

2023-2024 Regular Sessions

IN ASSEMBLY

May 25, 2023

Introduced by M. of A. MORINELLO -- read once and referred to the
Committee on Racing and Wagering

AN ACT to amend the state finance law, in relation to the tribal-state
compact revenue account

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

1 Section 1. Section 99-h of the state finance law, as amended by
2 section 1 of part V of chapter 59 of the laws of 2006, is amended by
3 adding a new subdivision 4 to read as follows:

4 4. (a) Monies which are appropriated and received each year by the
5 state as a portion of the negotiated percentage of the net drop from
6 electronic gaming devices the state receives in relation to the opera-
7 tion of a gaming facility in the city of Niagara Falls, county of
8 Niagara as required under subdivision three of this section, shall be
9 budgeted and disbursed by the city of Niagara Falls in the following
10 manner:

11 (i) eighty percent of the total annual amount received shall be avail-
12 able for expenditure by the city of Niagara Falls for such public
13 purposes as are determined, by the city, to be necessary and desirable
14 to accommodate and enhance economic development, neighborhood revitali-
15 zation, public health and safety, and infrastructure improvement in the
16 city, shall be deposited into the tribal revenue account of the city and
17 any and all interest and income derived from the deposit and investment
18 of such monies shall be deposited into the general operating fund of the
19 city; provided however, that any amount allocated to the not-for-profit
20 organization known as the Niagara Falls underground railroad interpre-
21 tive center created to continue the Niagara Falls Underground Railroad
22 Heritage Commission's mission to operate an underground railroad museum,
23 to the extent that its share pursuant to the formula established in
24 clause four of subparagraph (ii) of this paragraph exceeds one percent,

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

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1 such amounts shall be distributed from the funds available to the city
2 for its public purposes pursuant to this paragraph; and

3 (ii) the remaining twenty percent of the total annual amount received
4 shall be allocated for the city of Niagara Falls to be available for
5 expenditure in the following manner:

6 (1) within thirty-five days upon receipt of such funds by such city,
7 five and one-half percent of the total annual amount received in each
8 year, not to exceed seven hundred fifty thousand dollars annually, shall
9 be transferred to Niagara Falls memorial medical center to be used for
10 capital construction projects; and

11 (2) within thirty-five days upon receipt of such funds by such city,
12 five and one-half percent of the total annual amount received in each
13 year, not to exceed seven hundred fifty thousand dollars annually, shall
14 be transferred to the Niagara Falls city school district for capital
15 construction projects; and

16 (3) within thirty-five days upon receipt of such funds by such city,
17 seven percent of the total amount received in each year not to exceed
18 one million dollars, shall be transferred to the Niagara tourism and
19 convention center corporation for marketing and tourism promotion in the
20 county of Niagara including the city of Niagara Falls; and

21 (4) within thirty-five days upon receipt of such funds by such city,
22 one percent or two hundred thousand dollars, whichever is greater, of
23 the total annual amount received in each year shall be transferred to
24 the not-for-profit organization known as the Niagara Falls underground
25 railroad interpretive center created to continue the Niagara Falls
26 Underground Railroad Heritage Commission's mission to operate an under-
27 ground railroad museum, to be used for, but not limited to, development,
28 capital improvements, acquisition of real property, and acquisition of
29 personal property within the heritage area in the city of Niagara Falls
30 as established pursuant to the commission; provided in the event the
31 distribution available pursuant to this clause exceeds one percent, it
32 shall be distributed from the moneys available pursuant to subparagraph
33 (i) of this paragraph; and

34 (5) within thirty-five days upon receipt of such funds by such city,
35 fifty thousand dollars of the total amount received in each year shall
36 be transferred to Mount Saint Mary's Neighborhood Health Center; and

37 (6) within thirty-five days upon receipt of such funds by such city,
38 fifty thousand dollars of the total annual amount received in each year
39 shall be transferred to the Niagara Falls housing authority established
40 pursuant to title twelve of article thirteen of the public housing law
41 for upgrades to their facilities; and

42 (7) all other monies appropriated or received for distribution pursu-
43 ant to this subdivision after the transfer of money pursuant to this
44 subparagraph and subparagraph (i) of this paragraph in each year shall
45 be allocated to the city of Niagara Falls for infrastructure and road
46 improvement projects.

47 (b) On or before the first of April, each entity receiving moneys
48 pursuant to subparagraphs (i) and (ii) of paragraph (a) of this subdivi-
49 sion, shall annually submit a report to the governor, temporary presi-
50 dent of the senate, speaker of the assembly, minority leader of the
51 senate, minority leader of the assembly, mayor of the city of Niagara
52 Falls and leader of the city council of the city of Niagara Falls. Each
53 such report shall include an accounting of all moneys received by such
54 entity pursuant to paragraph (a) of this subdivision and the expenditure
55 of any such moneys.

1 (c) Notwithstanding any other provision of law to the contrary, fail-
2 ure by the city of Niagara Falls to disburse funds as such city is
3 required pursuant to clauses one, two, three and four of subparagraph
4 (ii) of paragraph (a) of this subdivision within thirty-five days of the
5 actual receipt of the funds or the submission of the subentity expendi-
6 ture report due by April first of each year, whichever is later, shall
7 result in an additional payment by the city of Niagara Falls of one-half
8 percent per week not to exceed eighteen percent of the amount which was
9 to have been disbursed pursuant to such clauses. Any such additional
10 payment required to be made by the city shall be disbursed from the
11 city's share described in subparagraph (i) of paragraph (a) of this
12 subdivision.

13 (d) In the event that any monies to be distributed pursuant to clauses
14 one, three and four of subparagraph (ii) of paragraph (a) of this subdi-
15 vision cannot, for any reason, be received or utilized, such monies
16 shall be distributed to the city of Niagara Falls for economic develop-
17 ment projects within such city.

18 § 2. This act shall take effect on the same date and in the same
19 manner as section 1 of part V of chapter 59 of the laws of 2006, takes
20 effect.