S T A T E O F N E W Y O R K

4696

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

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

AN ACT to amend the state finance law, in relation to the tribal-state compact revenue account; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Subdivision 3 of section 99-h of the state finance law, as amended by chapter 747 of the laws of 2006, is amended to read as follows:

3. Moneys of the account, following appropriation by the legislature, shall be available for purposes including but not limited to: (a) reimbursements or payments to municipal governments that host tribal casinos pursuant to a tribal-state compact for costs incurred in connection with services provided to such casinos or arising as a result thereof, for economic development opportunities and job expansion programs authorized by the executive law; provided, however, that for any gaming facility located in the CITY OF BUFFALO, county of Erie, [the municipal governments hosting the facility shall collectively receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact] A MINIMUM OF TWENTY-FIVE PERCENT OF THE NEGOTIATED PERCENTAGE OF THE NET DROP FROM ELECTRONIC GAMING DEVICES THE STATE RECEIVES PURSUANT TO THIS COMPACT SHALL BE DISTRIBUTED IN ACCORDANCE WITH SUBDIVISION FIVE OF THIS SECTION, and provided further that for any gaming facility located in the city of Niagara Falls, county of Niagara a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact shall be distributed in accordance with subdivision four of this section, and provided further that for any gaming facility located in the county or counties of Cattaraugus, Chautauqua or Allegany, the

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

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municipal governments of the state hosting the facility shall collectively receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact; and provided further that pursuant to chapter five hundred ninety of the laws of two thousand four, a minimum of twenty-five percent of the revenues received by the state pursuant to the state's compact with the St. Regis Mohawk tribe shall be made available to the counties of Franklin and St. Lawrence, and affected towns in such counties. Each such county and its affected towns shall receive fifty percent of the moneys made available by the state; and (b) support and services of treatment programs for persons suffering from gambling addictions. Moneys not appropriated for such purposes shall be transferred to the general fund for the support of government during the fiscal year in which they are received.

S 2. Subdivision 3 of section 99-h of the state finance law, as amended by section 1 of part V of chapter 59 of the laws of 2006, is amended to read as follows:

3. Moneys of the account, following appropriation by the legislature, shall be available for purposes including but not limited to: (a) reimbursements or payments to municipal governments that host tribal casinos pursuant to a tribal-state compact for costs incurred in connection with services provided to such casinos or arising as a result thereof, for economic development opportunities and job expansion programs authorized by the executive law; provided, however, that for any gaming facility located in the county of [Erie or] Niagara, the municipal governments hosting the facility shall collectively receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact; PROVIDED FURTHER THAT FOR ANY GAMING FACILITY LOCATED IN THE CITY OF BUFFALO, COUNTY OF ERIE, A MINIMUM OF TWENTY-FIVE PERCENT OF THE NEGOTIATED PERCENTAGE OF THE NET DROP FROM ELECTRONIC GAMING DEVICES THE STATE RECEIVES PURSUANT TO THIS COMPACT SHALL BE DISTRIBUTED IN ACCORDANCE WITH SUBDIVISION FIVE OF THIS SECTION; and provided further that for any gaming facility located in the county or counties of Cattaraugus, Chautauqua or Allegany, the municipal governments of the state hosting the facility shall collectively receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact; and provided further that pursuant to chapter five hundred ninety of the laws of two thousand four, a minimum of twenty-five percent of the revenues received by the state pursuant to the state's compact with the St. Regis Mohawk tribe shall be made available to the counties of Franklin and St. Lawrence, and affected towns in such counties. Each such county and its affected towns shall receive fifty percent of the moneys made available by the state; and (b) support and services of treatment programs for persons suffering from gambling addictions. Moneys not appropriated for such purposes shall be transferred to the general fund for the support of government during the fiscal year in which they are received.

S 3. Section 99-h of the state finance law, as amended by chapter 747 of the laws of 2006, is amended by adding a new subdivision 5 to read as follows:

5. (A) MONIES WHICH ARE APPROPRIATED AND RECEIVED EACH YEAR BY THE STATE AS A PORTION OF THE NEGOTIATED PERCENTAGE OF THE NET DROP FROM ELECTRONIC GAMING DEVICES THE STATE RECEIVES IN RELATION TO THE OPERATION OF A GAMING FACILITY IN THE CITY OF BUFFALO, COUNTY OF ERIE WHICH SUBDIVISION THREE OF THIS SECTION REQUIRES TO BE A MINIMUM OF

TWENTY-FIVE PERCENT, SHALL BE BUDGETED AND DISBURSED IN THE FOLLOWING MANNER:

(I) FIFTY PERCENT OF THE TOTAL ANNUAL AMOUNT RECEIVED SHALL BE ALLOCATED TO THE COUNTY OF ERIE. THE COUNTY OF ERIE SHALL RETAIN FORTY-SIX AND ONE-HALF PERCENT OF THE TOTAL ANNUAL AMOUNT RECEIVED AND THREE AND ONE-HALF PERCENT OF THE TOTAL ANNUAL AMOUNT RECEIVED SHALL BE TRANSFERRED BY THE COUNTY TO THE BUFFALO NIAGARA CONVENTION AND VISITORS BUREAU FOR MARKETING AND TOURISM PROMOTION IN THE COUNTY OF ERIE, INCLUDING IN THE CITY OF BUFFALO, WITHIN THIRTY-FIVE DAYS OF RECEIPT OF SUCH FUNDS; AND

(II) FIFTY PERCENT OF THE TOTAL ANNUAL AMOUNT RECEIVED SHALL BE ALLOCATED TO THE CITY OF BUFFALO. THE CITY OF BUFFALO SHALL RETAIN FORTY-SIX AND ONE-HALF PERCENT OF THE TOTAL ANNUAL AMOUNT RECEIVED AND THREE AND ONE-HALF PERCENT OF THE TOTAL ANNUAL AMOUNT RECEIVED SHALL BE TRANSFERRED BY THE CITY TO THE BUFFALO NIAGARA CONVENTION AND VISITORS BUREAU FOR MARKETING AND TOURISM PROMOTION IN THE COUNTY OF ERIE, INCLUDING IN THE CITY OF BUFFALO, WITHIN THIRTY-FIVE DAYS OF RECEIPT OF SUCH FUNDS.

(B) ON OR BEFORE THE FIRST OF APRIL, EACH ENTITY RECEIVING MONEYS PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION, SHALL ANNUALLY SUBMIT A REPORT TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE, SPEAKER OF THE ASSEMBLY, THE ERIE COUNTY EXECUTIVE, CHAIR OF THE ERIE COUNTY LEGISLATURE, MAYOR OF THE CITY OF BUFFALO AND PRESIDENT OF THE COMMON COUNCIL OF THE CITY OF BUFFALO. EACH SUCH REPORT SHALL INCLUDE AN ACCOUNTING OF ALL MONEYS RECEIVED BY SUCH ENTITY PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION AND THE EXPENDITURE OF ANY SUCH MONEYS.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, FAILURE BY THE COUNTY OF ERIE OR THE CITY OF BUFFALO TO DISBURSE FUNDS AS SUCH COUNTY OR CITY IS REQUIRED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION WITHIN THIRTY-FIVE DAYS OF THE ACTUAL RECEIPT OF THE FUNDS OR THE SUBMISSION OF THE SUBENTITY EXPENDITURE REPORT DUE BY APRIL FIRST OF EACH YEAR, WHICHEVER IS LATER, SHALL RESULT IN AN ADDITIONAL PAYMENT BY THE COUNTY OF ERIE OR THE CITY OF BUFFALO OF ONE-HALF PERCENT PER WEEK NOT TO EXCEED EIGHTEEN PERCENT OF THE AMOUNT WHICH WAS TO HAVE BEEN DISBURSED PURSUANT TO SUCH SUBPARAGRAPH. ANY SUCH ADDITIONAL PAYMENT REQUIRED TO BE MADE BY THE COUNTY OR CITY SHALL BE DISBURSED FROM THE COUNTY'S OR CITY'S FIFTY PERCENT SHARE DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION.

(D) IN THE EVENT THAT ANY MONIES TO BE DISTRIBUTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (A) OF THIS SUBDIVISION CANNOT, FOR ANY REASON, BE RECEIVED OR UTILIZED, SUCH MONIES SHALL BE DISTRIBUTED TO THE COUNTY OF ERIE AND THE CITY OF BUFFALO FOR ECONOMIC DEVELOPMENT PROJECTS WITHIN SUCH COUNTY AND CITY.

S 4. This act shall take effect immediately, provided that:

(a) the amendments to subdivision 3 of section 99-h of the state finance law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 2 of chapter 747 of the laws of 2006, as amended, when upon such date the provisions of section two of this act shall take effect;

(b) the amendments made by section two of this act shall expire December 31, 2019 and that if chapter 747 of the laws of 2006 is extended beyond such date, the amendments made by sections one and two of this act shall expire and be deemed repealed December 31, 2019; and

(c) section three of this act shall expire and be deemed repealed December 31, 2019.