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I N   S E N A T E

October 18, 2010

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Introduced by Sens. YOUNG, MAZIARZ, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law and the state finance law, in relation to authorizing municipal governments hosting tribal casinos to receive payments directly from Native American nations or tribes

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

1     Section 1. Section 12 of the executive law is amended by adding a new  
2     subdivision (d) to read as follows:  
3     (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY MUNICIPAL GOVERN-  
4     MENT THAT HOSTS GAMING AND RELATED FACILITIES OF THE NATION MAY RECEIVE  
5     PAYMENTS DIRECTLY FROM THE NATION PURSUANT TO SUBDIVISION TWO-A OF  
6     SECTION NINETY-NINE-H OF THE STATE FINANCE LAW, AS ADDED BY CHAPTER  
7     THREE HUNDRED EIGHTY-THREE OF THE LAWS OF TWO THOUSAND ONE. ANY PAYMENTS  
8     MADE BY THE NATION DIRECTLY TO A MUNICIPAL GOVERNMENT THAT HOSTS GAMING  
9     AND RELATED FACILITIES PURSUANT TO THIS SUBDIVISION SHALL BE DEEMED TO  
10    HAVE BEEN MADE IN SATISFACTION OF THE COMPACT, AND SUCH PAYMENTS SHALL  
11    BE DEDUCTED FROM THE AMOUNTS THE STATE IS REQUIRED TO PAY SUCH MUNICIPAL  
12    GOVERNMENT PURSUANT TO SUBDIVISION THREE OR FOUR OF SUCH SECTION NINE-  
13    TY-NINE-H.  
14    S 2. Subdivision 2 of section 99-h of the state finance law, as  
15    amended by chapter 747 of the laws of 2006, is amended and a new subdi-  
16    vision 2-a is added to read as follows:  
17    2. Such account shall consist of all revenues resulting from tribal-  
18    state compacts executed pursuant to article two of the executive law and  
19    a tribal-state compact with the St. Regis Mohawk tribe executed pursuant  
20    to chapter five hundred ninety of the laws of two thousand four, LESS  
21    ANY PAYMENTS MADE DIRECTLY BY A NATIVE AMERICAN NATION OR TRIBE, PURSU-  
22    ANT TO SUBDIVISION TWO-A OF THIS SECTION, TO A MUNICIPAL GOVERNMENT THAT  
23    HOSTS A TRIBAL CASINO.  
24    2-A. A MUNICIPAL GOVERNMENT THAT HOSTS A TRIBAL CASINO MAY RECEIVE  
25    PAYMENTS DIRECTLY FROM A NATIVE AMERICAN NATION OR TRIBE; PROVIDED,  
26    HOWEVER, THAT THE CHIEF FISCAL OFFICER OF THE MUNICIPAL GOVERNMENT

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

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1 SHALL, WITHIN SEVEN DAYS OF THE RECEIPT OF SUCH PAYMENTS, NOTIFY THE  
2 STATE COMPTROLLER THAT SUCH PAYMENTS HAVE BEEN RECEIVED BY SUCH MUNICI-  
3 PAL GOVERNMENT. ALL PAYMENTS RECEIVED BY A MUNICIPAL GOVERNMENT THAT  
4 HOSTS A TRIBAL CASINO SHALL BE DEEMED TO HAVE BEEN MADE IN SATISFACTION  
5 OF THE PROVISIONS OF THE TRIBAL-STATE COMPACT EXECUTED PURSUANT TO ARTI-  
6 CLE TWO OF THE EXECUTIVE LAW AND A TRIBAL-STATE COMPACT WITH THE ST.  
7 REGIS MOHAWK TRIBE EXECUTED PURSUANT TO CHAPTER FIVE HUNDRED NINETY OF  
8 THE LAWS OF TWO THOUSAND FOUR, AND SUCH PAYMENTS SHALL BE DEDUCTED FROM  
9 THOSE AMOUNTS THE STATE IS REQUIRED TO MAKE TO SUCH MUNICIPAL GOVERNMENT  
10 PURSUANT TO SUBDIVISION THREE OR FOUR THIS SECTION.

11 S 3. Subdivision 2 of section 99-h of the state finance law, as  
12 amended by section 1 of part V of chapter 59 of the laws of 2006, is  
13 amended and a new subdivision 2-a is added to read as follows:

14 2. Such account shall consist of all revenues resulting from tribal-  
15 state compacts executed pursuant to article two of the executive law and  
16 a tribal-state compact with the St. Regis Mohawk tribe executed pursuant  
17 to chapter five hundred ninety of the laws of two thousand four, LESS  
18 ANY PAYMENTS MADE DIRECTLY BY A NATIVE AMERICAN NATION OR TRIBE, PURSU-  
19 ANT TO SUBDIVISION TWO-A OF THIS SECTION, TO A MUNICIPAL GOVERNMENT THAT  
20 HOSTS A TRIBAL CASINO.

21 2-A. A MUNICIPAL GOVERNMENT THAT HOSTS A TRIBAL CASINO MAY RECEIVE  
22 PAYMENTS FROM A NATIVE AMERICAN NATION OR TRIBE; PROVIDED, HOWEVER, THAT  
23 THE CHIEF FISCAL OFFICER OF THE MUNICIPAL GOVERNMENT SHALL, WITHIN SEVEN  
24 DAYS OF THE RECEIPT OF SUCH PAYMENTS, NOTIFY THE STATE COMPTROLLER THAT  
25 SUCH PAYMENTS HAVE BEEN RECEIVED BY SUCH MUNICIPAL GOVERNMENT. ALL  
26 PAYMENTS RECEIVED BY A MUNICIPAL GOVERNMENT THAT HOSTS A TRIBAL CASINO  
27 SHALL BE DEEMED TO HAVE BEEN MADE IN SATISFACTION OF THE TRIBAL-STATE  
28 COMPACT EXECUTED PURSUANT TO ARTICLE TWO OF THE EXECUTIVE LAW AND A  
29 TRIBAL-STATE COMPACT WITH THE ST. REGIS MOHAWK TRIBE EXECUTED PURSUANT  
30 TO CHAPTER FIVE HUNDRED NINETY OF THE LAWS OF TWO THOUSAND FOUR, AND  
31 SUCH PAYMENTS SHALL BE DEDUCTED FROM THOSE PAYMENTS THE STATE IS  
32 REQUIRED TO MAKE TO THE MUNICIPAL GOVERNMENT PURSUANT TO SUBDIVISION  
33 THREE OF THIS SECTION.

34 S 4. This act shall take effect immediately; provided, however, that  
35 the amendments to subdivision 2 of section 99-h of the state finance  
36 law, made by section two of this act, shall not affect the expiration  
37 and reversion of such section and the provisions of section two of this  
38 act shall expire and be deemed repealed therewith; when upon such date  
39 section three of this act shall take effect.