

2888--C

2011-2012 Regular Sessions

I N S E N A T E

February 3, 2011

Introduced by Sens. GRISANTI, MAZIARZ, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

1 Section 1. Subdivision 2 of section 99-h of the state finance law, as
2 amended by chapter 747 of the laws of 2006, is amended and a new subdi-
3 vision 2-a is added to read as follows:
4 2. Such account shall consist of all revenues resulting from tribal-
5 state compacts executed pursuant to article two of the executive law and
6 a tribal-state compact with the St. Regis Mohawk tribe executed pursuant
7 to chapter five hundred ninety of the laws of two thousand four, LESS
8 ANY PAYMENTS MADE DIRECTLY BY A NATIVE AMERICAN NATION OR TRIBE, PURSU-
9 ANT TO SUBDIVISION TWO-A OF THIS SECTION, TO ANY MUNICIPAL GOVERNMENT
10 THAT HOSTS A TRIBAL CASINO.
11 2-A. A MUNICIPAL GOVERNMENT THAT HOSTS A TRIBAL CASINO MAY RECEIVE
12 PAYMENTS DIRECTLY FROM A NATIVE AMERICAN NATION OR TRIBE; PROVIDED,
13 HOWEVER, THAT THE CHIEF FISCAL OFFICER OF THE MUNICIPAL GOVERNMENT
14 SHALL, WITHIN SEVEN DAYS OF THE RECEIPT OF SUCH PAYMENTS, NOTIFY THE
15 STATE COMPTROLLER THAT SUCH PAYMENTS HAVE BEEN RECEIVED BY SUCH MUNICI-
16 PAL GOVERNMENT. ALL PAYMENTS RECEIVED BY ANY MUNICIPAL GOVERNMENT THAT
17 HOSTS A TRIBAL CASINO SHALL BE DEEMED TO HAVE BEEN MADE IN SATISFACTION

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

LBD07932-05-2

1 OF THE PROVISIONS OF THE TRIBAL-STATE COMPACT EXECUTED PURSUANT TO ARTI-
2 CLE TWO OF THE EXECUTIVE LAW AND A TRIBAL-STATE COMPACT WITH THE ST.
3 REGIS MOHAWK TRIBE EXECUTED PURSUANT TO CHAPTER FIVE HUNDRED NINETY OF
4 THE LAWS OF TWO THOUSAND FOUR, AND SUCH PAYMENTS SHALL BE DEDUCTED FROM
5 THOSE AMOUNTS THE STATE IS REQUIRED TO MAKE TO SUCH MUNICIPAL GOVERNMENT
6 PURSUANT TO SUBDIVISION THREE OR FOUR THIS SECTION.

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

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

17 2-A. A MUNICIPAL GOVERNMENT THAT HOSTS A TRIBAL CASINO MAY RECEIVE
18 PAYMENTS DIRECTLY FROM A NATIVE AMERICAN NATION OR TRIBE; PROVIDED,
19 HOWEVER, THAT THE CHIEF FISCAL OFFICER OF THE MUNICIPAL GOVERNMENT
20 SHALL, WITHIN SEVEN DAYS OF THE RECEIPT OF SUCH PAYMENTS, NOTIFY THE
21 STATE COMPTROLLER THAT SUCH PAYMENTS HAVE BEEN RECEIVED BY SUCH MUNICI-
22 PAL GOVERNMENT. ALL PAYMENTS DIRECTLY RECEIVED BY ANY MUNICIPAL GOVERN-
23 MENT THAT HOSTS A TRIBAL CASINO SHALL BE DEEMED TO HAVE BEEN MADE IN
24 SATISFACTION OF THE TRIBAL-STATE COMPACT EXECUTED PURSUANT TO ARTICLE
25 TWO OF THE EXECUTIVE LAW AND A TRIBAL-STATE COMPACT WITH THE ST. REGIS
26 MOHAWK TRIBE EXECUTED PURSUANT TO CHAPTER FIVE HUNDRED NINETY OF THE
27 LAWS OF TWO THOUSAND FOUR, AND SUCH PAYMENTS SHALL BE DEDUCTED FROM
28 THOSE PAYMENTS THE STATE IS REQUIRED TO MAKE TO THE MUNICIPAL GOVERNMENT
29 PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

30 S 3. Subdivision 3 of section 99-h of the state finance law, as
31 amended by section 1 of part W of chapter 60 of the laws of 2011, is
32 amended to read as follows:

33 3. Moneys of the account, following the segregation of appropriations
34 enacted by the legislature, shall be available for purposes including
35 but not limited to: (a) reimbursements or payments to municipal govern-
36 ments that host tribal casinos pursuant to a tribal-state compact for
37 costs incurred in connection with services provided to such casinos or
38 arising as a result thereof, for economic development opportunities and
39 job expansion programs authorized by the executive law; provided, howev-
40 er, that for any gaming facility located in the city of Buffalo, the
41 city of Buffalo shall receive a minimum of [twenty-five] FIFTY percent
42 of the negotiated percentage of the net drop from electronic gaming
43 devices the state receives pursuant to the compact, and provided further
44 that for any gaming facility located in the city of Niagara Falls, coun-
45 ty of Niagara a minimum of [twenty-five] FIFTY percent of the negotiated
46 percentage of the net drop from electronic gaming devices the state
47 receives pursuant to the compact shall be distributed in accordance with
48 subdivision four of this section, and provided further that for any
49 gaming facility located in the county or counties of Cattaraugus, Chau-
50 tauqua or Allegany, the municipal governments of the state hosting the
51 facility shall collectively receive a minimum of [twenty-five] FIFTY
52 percent of the negotiated percentage of the net drop from electronic
53 gaming devices the state receives pursuant to the compact; and provided
54 further that pursuant to chapter five hundred ninety of the laws of two
55 thousand four, a minimum of twenty-five percent of the revenues received
56 by the state pursuant to the state's compact with the St. Regis Mohawk

1 tribe shall be made available to the counties of Franklin and St.
2 Lawrence, and affected towns in such counties. Each such county and its
3 affected towns shall receive fifty percent of the moneys made available
4 by the state; and (b) support and services of treatment programs for
5 persons suffering from gambling addictions. Moneys not segregated for
6 such purposes shall be transferred to the general fund for the support
7 of government during the fiscal year in which they are received.

8 S 4. Section 12 of the executive law is amended by adding two new
9 subdivisions (d) and (e) to read as follows:

10 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY MUNICIPAL GOVERN-
11 MENT THAT HOSTS GAMING AND RELATED FACILITIES OF THE NATION MAY RECEIVE
12 PAYMENTS DIRECTLY FROM THE NATION PURSUANT TO SUBDIVISION TWO-A OF
13 SECTION NINETY-NINE-H OF THE STATE FINANCE LAW, AS ADDED BY CHAPTER
14 THREE HUNDRED EIGHTY-THREE OF THE LAWS OF TWO THOUSAND ONE. ANY PAYMENTS
15 MADE BY THE NATION DIRECTLY TO ANY MUNICIPAL GOVERNMENT THAT HOSTS
16 GAMING AND RELATED FACILITIES PURSUANT TO THIS SUBDIVISION SHALL BE
17 DEEMED TO HAVE BEEN MADE IN SATISFACTION OF THE COMPACT, AND SUCH
18 PAYMENTS SHALL BE DEDUCTED FROM THE AMOUNTS THE STATE IS REQUIRED TO PAY
19 SUCH MUNICIPAL GOVERNMENT PURSUANT TO SUBDIVISION THREE OR FOUR OF SUCH
20 SECTION NINETY-NINE-H.

21 (E) ANY MUNICIPAL GOVERNMENT RECEIVING PAYMENT PURSUANT TO SUBDIVISION
22 (D) OF THIS SECTION SHALL BE AUTHORIZED TO EXPEND SUCH FUNDS IN THE SAME
23 MANNER AS IF SUCH PAYMENT HAD BEEN MADE BY THE STATE TO THE MUNICIPAL
24 GOVERNMENT PURSUANT TO SUBDIVISIONS THREE AND FOUR OF SECTION
25 NINETY-NINE-H OF THE STATE FINANCE LAW.

26 S 5. This act shall take effect immediately; provided, however, that
27 the amendments to subdivision 2 of section 99-h of the state finance
28 law, made by section one of this act, shall be subject to the expiration
29 and reversion of such section pursuant to section 2 of chapter 747 of
30 the laws of 2006, when upon such date the provisions of section two of
31 this act shall take effect provided, further, that the amendments to
32 subdivision 3 of section 99-h of the state finance law made by section
33 three of this act shall not affect the expiration of such subdivision as
34 provided in section 3 of part W of chapter 60 of the laws of 2011 and
35 shall be deemed to expire therewith; provided, however, that the amend-
36 ments to subdivision 3 of section 99-h of the state finance law made by
37 section three of this act shall not affect the expiration of such
38 section as provided in section 2 of chapter 747 of the laws of 2006 and
39 shall be deemed to expire therewith.