

6020--A

2013-2014 Regular Sessions

I N A S S E M B L Y

March 13, 2013

Introduced by M. of A. GIGLIO, CERETTO -- read once and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 two
2 new subdivisions (d) and (e) 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 ANY MUNICIPAL GOVERNMENT THAT HOSTS
9 GAMING AND RELATED FACILITIES PURSUANT TO THIS SUBDIVISION SHALL BE
10 DEEMED TO HAVE BEEN MADE IN SATISFACTION OF THE COMPACT, AND SUCH
11 PAYMENTS SHALL BE DEDUCTED FROM THE AMOUNTS THE STATE IS REQUIRED TO PAY
12 SUCH MUNICIPAL GOVERNMENT PURSUANT TO SUBDIVISION THREE OR FOUR OF SUCH
13 SECTION NINETY-NINE-H.
14 (E) ANY MUNICIPAL GOVERNMENT RECEIVING PAYMENT PURSUANT TO SUBDIVISION
15 (D) OF THIS SECTION SHALL BE AUTHORIZED TO EXPEND SUCH FUNDS IN THE SAME
16 MANNER AS IF SUCH PAYMENT HAD BEEN MADE BY THE STATE TO THE MUNICIPAL
17 GOVERNMENT PURSUANT TO SUBDIVISIONS THREE AND FOUR OF SECTION
18 NINETY-NINE-H OF THE STATE FINANCE LAW.
19 S 2. Subdivision 2 of section 99-h of the state finance law, as
20 amended by chapter 747 of the laws of 2006, is amended and a new subdi-
21 vision 2-a is added to read as follows:

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

LBD06922-05-4

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

8 2-A. A MUNICIPAL GOVERNMENT THAT HOSTS A TRIBAL CASINO MAY RECEIVE
9 PAYMENTS DIRECTLY FROM A NATIVE AMERICAN NATION OR TRIBE; PROVIDED,
10 HOWEVER, THAT THE CHIEF FISCAL OFFICER OF THE MUNICIPAL GOVERNMENT
11 SHALL, WITHIN SEVEN DAYS OF THE RECEIPT OF SUCH PAYMENTS, NOTIFY THE
12 STATE COMPTROLLER THAT SUCH PAYMENTS HAVE BEEN RECEIVED BY SUCH MUNICI-
13 PAL GOVERNMENT. ALL PAYMENTS RECEIVED BY ANY MUNICIPAL GOVERNMENT THAT
14 HOSTS A TRIBAL CASINO SHALL BE DEEMED TO HAVE BEEN MADE IN SATISFACTION
15 OF THE PROVISIONS OF THE TRIBAL-STATE COMPACT EXECUTED PURSUANT TO ARTI-
16 CLE TWO OF THE EXECUTIVE LAW AND A TRIBAL-STATE COMPACT WITH THE ST.
17 REGIS MOHAWK TRIBE EXECUTED PURSUANT TO CHAPTER FIVE HUNDRED NINETY OF
18 THE LAWS OF TWO THOUSAND FOUR, AND SUCH PAYMENTS SHALL BE DEDUCTED FROM
19 THOSE AMOUNTS THE STATE IS REQUIRED TO MAKE TO SUCH MUNICIPAL GOVERNMENT
20 PURSUANT TO SUBDIVISION THREE OR FOUR THIS SECTION.

21 S 3. Subdivision 2 of section 99-h of the state finance law, as
22 amended by chapter 174 of the laws of 2013, is amended and a new subdi-
23 vision 2-a is added to read as follows:

24 2. Such account shall consist of all revenues resulting from tribal-
25 state compacts executed pursuant to article two of the executive law, a
26 tribal-state compact with the St. Regis Mohawk tribe executed pursuant
27 to chapter five hundred ninety of the laws of two thousand four and the
28 Oneida Settlement Agreement referenced in section eleven of the execu-
29 tive law, LESS ANY PAYMENTS MADE DIRECTLY BY A NATIVE AMERICAN NATION OR
30 TRIBE, PURSUANT TO SUBDIVISION TWO-A OF THIS SECTION, TO ANY MUNICIPAL
31 GOVERNMENT THAT HOSTS A TRIBAL CASINO.

32 2-A. A MUNICIPAL GOVERNMENT THAT HOSTS A TRIBAL CASINO MAY RECEIVE
33 PAYMENTS DIRECTLY FROM A NATIVE AMERICAN NATION OR TRIBE; PROVIDED,
34 HOWEVER, THAT THE CHIEF FISCAL OFFICER OF THE MUNICIPAL GOVERNMENT
35 SHALL, WITHIN SEVEN DAYS OF THE RECEIPT OF SUCH PAYMENTS, NOTIFY THE
36 STATE COMPTROLLER THAT SUCH PAYMENTS HAVE BEEN RECEIVED BY SUCH MUNICI-
37 PAL GOVERNMENT. ALL PAYMENTS RECEIVED BY ANY MUNICIPAL GOVERNMENT THAT
38 HOSTS A TRIBAL CASINO SHALL BE DEEMED TO HAVE BEEN MADE IN SATISFACTION
39 OF THE PROVISIONS OF THE TRIBAL-STATE COMPACT EXECUTED PURSUANT TO ARTI-
40 CLE TWO OF THE EXECUTIVE LAW AND A TRIBAL-STATE COMPACT WITH THE ST.
41 REGIS MOHAWK TRIBE EXECUTED PURSUANT TO CHAPTER FIVE HUNDRED NINETY OF
42 THE LAWS OF TWO THOUSAND FOUR, AND SUCH PAYMENTS SHALL BE DEDUCTED FROM
43 THOSE AMOUNTS THE STATE IS REQUIRED TO MAKE TO SUCH MUNICIPAL GOVERNMENT
44 PURSUANT TO SUBDIVISION THREE OR FOUR OF THIS SECTION.

45 S 4. Subdivision 2 of section 99-h of the state finance law, as
46 amended by section 1 of part V of chapter 59 of the laws of 2006, is
47 amended and a new subdivision 2-a is added to read as follows:

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

55 2-A. A MUNICIPAL GOVERNMENT THAT HOSTS A TRIBAL CASINO MAY RECEIVE
56 PAYMENTS DIRECTLY FROM A NATIVE AMERICAN NATION OR TRIBE; PROVIDED,

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

12 S 5. This act shall take effect immediately; provided, however, that
13 section three of this act shall take effect on the same date as an
14 agreement between the Oneida Nation of New York and the state of New
15 York entered into on the sixteenth day of May, 2013 takes effect; and
16 provided, further, that the amendments to subdivision 2 of section 99-h
17 of the state finance law, made by sections two and three of this act,
18 shall not affect the expiration and reversion of such section and the
19 provisions of section two or three of this act shall expire and be
20 deemed repealed therewith; when upon such date section four of this act
21 shall take effect.