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

3083--A

2013-2014 Regular Sessions

I N S E N A T E

January 29, 2013

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

Section 1. Section 12 of the executive law is amended by adding two new subdivisions (d) and (e) to read as follows:

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

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

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

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S 2. Subdivision 2 of section 99-h of the state finance law, as amended by chapter 747 of the laws of 2006, is amended and a new subdivision 2-a is added to read as follows:

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

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

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

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

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

S 4. Subdivision 2 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 and a new subdivision 2-a is added to read as follows:

2. Such account shall consist of all revenues resulting from tribal-state compacts executed pursuant to article two of the executive law and a tribal-state compact with the St. Regis Mohawk tribe executed pursuant to chapter five hundred ninety of the laws of two thousand four, LESS ANY PAYMENTS MADE DIRECTLY BY A NATIVE AMERICAN NATION OR TRIBE, PURSU-

ANT TO SUBDIVISION TWO-A OF THIS SECTION, TO ANY MUNICIPAL GOVERNMENT THAT HOSTS A TRIBAL CASINO.

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

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