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

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2013-2014 Regular Sessions

I N  S E N A T E

January 10, 2013

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

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:

Section 1. 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.

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

3. Moneys of the account, following the segregation of appropriations enacted 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, the city of Buffalo shall receive a minimum of [twenty-five] FIFTY percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact, and provided further that for any gaming facility located in the city of Niagara Falls, county of Niagara a minimum of [twenty-five] FIFTY 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 municipal governments of the state hosting the facility shall collectively receive a minimum of [twenty-five] FIFTY 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 segregated 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 4. 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.

S 5. This act shall take effect immediately; provided, however, that the amendments to subdivision 2 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 section pursuant to section 2 of chapter 747 of the laws of 2006, when upon such date the provisions of section two of this act shall take effect provided, further, that the amendments to subdivision 3 of section 99-h of the state finance law made by section three of this act shall not affect the expiration of such subdivision as provided in section 3 of part W of chapter 60 of the laws of 2011 and shall be deemed to expire therewith; provided, however, that the amendments to subdivision 3 of section 99-h of the state finance law made by section three of this act shall not affect the expiration of such section as provided in section 2 of chapter 747 of the laws of 2006 and shall be deemed to expire therewith.