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I N   A S S E M B L Y

March 16, 2016

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Introduced by M. of A. CERETTO, PEOPLES-STOKES -- read once and referred  
to the Committee on Local Governments

AN ACT to amend the state finance law, in relation to allocations of the tribal-state compact revenue account to the city of Niagara Falls; to amend chapter 747 of the laws of 2006, amending the state finance law relating to the tribal-state compact revenue account, in relation to the effectiveness thereof; and to amend chapter 60 of the laws of 2011, amending the state finance law relating to disbursements from the tribal-state compact revenue account to certain municipalities, in relation to the effectiveness thereof

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

1     Section 1. Subdivision 3 of section 99-h of the state finance law, as  
2     amended by section 7 of chapter 174 of the laws of 2013, is amended to  
3     read as follows:  
4     3. Moneys of the account, following the segregation of appropriations  
5     enacted by the legislature, shall be available for purposes including  
6     but not limited to: (a) reimbursements or payments to municipal govern-  
7     ments that host tribal casinos pursuant to a tribal-state compact for  
8     costs incurred in connection with services provided to such casinos or  
9     arising as a result thereof, for economic development opportunities and  
10    job expansion programs authorized by the executive law; provided, howev-  
11    er, that for any gaming facility located in the city of Buffalo, the  
12    city of Buffalo shall receive a minimum of twenty-five percent of the  
13    negotiated percentage of the net drop from electronic gaming devices the  
14    state receives pursuant to the compact, and provided further that for  
15    any gaming facility located in the city of Niagara Falls, county of  
16    Niagara a minimum of [twenty-five] SEVENTY-FIVE percent of the negoti-  
17    ated percentage of the net drop from electronic gaming devices the state  
18    receives pursuant to the compact shall be distributed in accordance with  
19    subdivision four of this section, and provided further that for any  
20    gaming facility located in the county or counties of Cattaraugus, Chau-  
21    tauqua or Allegany, the municipal governments of the state hosting the  
22    facility shall collectively receive a minimum of twenty-five percent of

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

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1 the negotiated percentage of the net drop from electronic gaming devices  
2 the state receives pursuant to the compact; and provided further that  
3 pursuant to chapter five hundred ninety of the laws of two thousand  
4 four, a minimum of twenty-five percent of the revenues received by the  
5 state pursuant to the state's compact with the St. Regis Mohawk tribe  
6 shall be made available to the counties of Franklin and St. Lawrence,  
7 and affected towns in such counties. Each such county and its affected  
8 towns shall receive fifty percent of the moneys made available by the  
9 state; and provided further that the state shall annually make twenty-  
10 five percent of the negotiated percentage of the net drop from all  
11 gaming devices the state actually receives pursuant to the Oneida  
12 Settlement Agreement confirmed by section eleven of the executive law as  
13 available to the county of Oneida, and a sum of three and one-half  
14 million dollars to the county of Madison. Additionally, the state shall  
15 distribute for a period of nineteen and one-quarter years, an additional  
16 annual sum of two and one-half million dollars to the county of Oneida.  
17 Additionally, the state shall distribute the one-time eleven million  
18 dollar payment received by the state pursuant to such agreement with the  
19 Oneida Nation of New York to the county of Madison by wire transfer upon  
20 receipt of such payment by the state; and (b) support and services of  
21 treatment programs for persons suffering from gambling addictions.  
22 Moneys not segregated for such purposes shall be transferred to the  
23 general fund for the support of government during the fiscal year in  
24 which they are received.

25 S 2. Subdivision 3 of section 99-h of the state finance law, as  
26 amended by section 7-a of chapter 174 of the laws of 2013, is amended to  
27 read as follows:

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

1 gaming devices the state actually receives pursuant to the Oneida  
2 Settlement Agreement as confirmed by section eleven of the executive law  
3 as available to the county of Oneida, and a sum of three and one-half  
4 million dollars to the county of Madison. Additionally, the state shall  
5 distribute for a period of nineteen and one-quarter years, an additional  
6 annual sum of two and one-half million dollars to the county of Oneida.  
7 Additionally, the state shall distribute the one-time eleven million  
8 dollar payment received by the state pursuant to such agreement with the  
9 Oneida Nation of New York to the county of Madison by wire transfer upon  
10 receipt of such payment by the state; and (b) support and services of  
11 treatment programs for persons suffering from gambling addictions.  
12 Moneys not appropriated for such purposes shall be transferred to the  
13 general fund for the support of government during the fiscal year in  
14 which they are received.

15 S 3. Subdivision 3 of section 99-h of the state finance law, as  
16 amended by section 8 of chapter 174 of the laws of 2013, is amended to  
17 read as follows:

18 3. Moneys of the account, following the segregation of appropriations  
19 enacted by the legislature, shall be available for purposes including  
20 but not limited to: (a) reimbursements or payments to municipal govern-  
21 ments that host tribal casinos pursuant to a tribal-state compact for  
22 costs incurred in connection with services provided to such casinos or  
23 arising as a result thereof, for economic development opportunities and  
24 job expansion programs authorized by the executive law; provided, howev-  
25 er, that for any gaming facility located in the county of Erie [or  
26 Niagara], the municipal [governments] GOVERNMENT hosting the facility  
27 shall [collectively] receive a minimum of twenty-five percent of the  
28 negotiated percentage of the net drop from electronic gaming devices the  
29 state receives pursuant to the compact, PROVIDED FURTHER THAT FOR ANY  
30 GAMING FACILITY LOCATED IN THE COUNTY OF NIAGARA, THE MUNICIPAL GOVERN-  
31 MENT HOSTING THE FACILITY SHALL RECEIVE A MINIMUM OF SEVENTY-FIVE  
32 PERCENT OF THE NEGOTIATED PERCENTAGE OF THE NET DROP FROM ELECTRONIC  
33 GAMING DEVICES THE STATE RECEIVES PURSUANT TO THE COMPACT, and provided  
34 further that for any gaming facility located in the county or counties  
35 of Cattaraugus, Chautauqua or Allegany, the municipal governments of the  
36 state hosting the facility shall collectively receive a minimum of twen-  
37 ty-five percent of the negotiated percentage of the net drop from elec-  
38 tronic gaming devices the state receives pursuant to the compact; and  
39 provided further that pursuant to chapter five hundred ninety of the  
40 laws of two thousand four, a minimum of twenty-five percent of the  
41 revenues received by the state pursuant to the state's compact with the  
42 St. Regis Mohawk tribe shall be made available to the counties of Frank-  
43 lin and St. Lawrence, and affected towns in such counties. Each such  
44 county and its affected towns shall receive fifty percent of the moneys  
45 made available by the state; and provided further that the state shall  
46 annually make twenty-five percent of the negotiated percentage of the  
47 net drop from all gaming devices the state actually receives pursuant to  
48 the Oneida Settlement Agreement confirmed by section eleven of the exec-  
49 utive law available to the county of Oneida, and a sum of three and  
50 one-half million dollars to the county of Madison. Additionally, the  
51 state shall distribute, for a period of nineteen and one-quarter years,  
52 an additional annual sum of two and one-half million dollars to the  
53 county of Oneida. Additionally, the state shall distribute the one-time  
54 eleven million dollar payment actually received by the state pursuant to  
55 the Oneida Settlement Agreement to the county of Madison by wire trans-  
56 fer upon receipt of such payment by the state; and (b) support and

1 services of treatment programs for persons suffering from gambling  
2 addictions. Moneys not segregated for such purposes shall be trans-  
3 ferred to the general fund for the support of government during the  
4 fiscal year in which they are received.

5 S 4. Subdivision 4 of section 99-h of the state finance law, as  
6 amended by section 2 of part QQ of chapter 59 of the laws of 2009, para-  
7 graph (a) as amended by section 2 of part W of chapter 60 of the laws of  
8 2011, is amended to read as follows:

9 4. (a) [Monies] THE FIRST TWENTY-FIVE MILLION DOLLARS OF THE MONIES  
10 which are appropriated and received each year by the state as a portion  
11 of the negotiated percentage of the net drop from electronic gaming  
12 devices the state receives in relation to the operation of a gaming  
13 facility in the city of Niagara Falls, county of Niagara which subdivi-  
14 sion three of this section requires to be a minimum of [twenty-five]  
15 SEVENTY-FIVE percent, shall be budgeted and disbursed by the city of  
16 Niagara Falls in the following manner:

17 (i) seventy-three and one-half percent of the [total annual amount]  
18 FIRST TWENTY-FIVE MILLION DOLLARS received shall be available for  
19 expenditure by the city of Niagara Falls for such public purposes as are  
20 determined, by the city, to be necessary and desirable to accommodate  
21 and enhance economic development, neighborhood revitalization, public  
22 health and safety, and infrastructure improvement in the city, shall be  
23 deposited into the tribal revenue account of the city and any and all  
24 interest and income derived from the deposit and investment of such  
25 monies shall be deposited into the general operating fund of the city;  
26 [provided however, that any amount allocated to the Niagara Falls Under-  
27 ground Railroad Heritage Commission, to the extent that its share pursu-  
28 ant to the formula established in clause five of subparagraph (ii) of  
29 this paragraph exceeds one percent, such amounts shall be distributed  
30 from the funds available to the city for its public purposes pursuant to  
31 this paragraph;] and

32 (ii) the remaining twenty-six and one-half percent of the [total annu-  
33 al amount] FIRST TWENTY-FIVE MILLION DOLLARS received shall be allocated  
34 for the city of Niagara Falls to be available for expenditure in the  
35 following manner:

36 (1) within thirty-five days upon receipt of such funds by such city,  
37 five and one-half percent of the [total annual amount] FIRST TWENTY-FIVE  
38 MILLION DOLLARS received in each year, not to exceed seven hundred fifty  
39 thousand dollars annually, shall be transferred to Niagara Falls memori-  
40 al medical center to be used for capital construction projects; and

41 (2) within thirty-five days upon receipt of such funds by such city,  
42 five and one-half percent of the [total annual amount] FIRST TWENTY-FIVE  
43 MILLION DOLLARS received in each year, not to exceed seven hundred fifty  
44 thousand dollars annually, shall be transferred to the Niagara Falls  
45 city school district for capital construction projects; and

46 (3) within thirty-five days upon receipt of such funds by such city,  
47 seven percent OF THE FIRST TWENTY-FIVE MILLION DOLLARS in each year  
48 shall be transferred to the Niagara tourism and convention center corpo-  
49 ration for marketing and tourism promotion in the county of Niagara  
50 including the city of Niagara Falls; and

51 (4) an amount equal to the lesser of one million dollars or seven  
52 percent of the [total amount] FIRST TWENTY-FIVE MILLION DOLLARS in each  
53 year shall be transferred to the city of Niagara Falls and held in an  
54 escrow account maintained by the city of Niagara Falls and, if addi-  
55 tional funding has been secured by the Niagara frontier transportation  
56 authority to finance construction of a new terminal at Niagara Falls,

1 such amount held in escrow shall be transferred to the Niagara frontier  
2 transportation authority for such purpose provided however that if such  
3 additional funding has not been secured or construction of a new termi-  
4 nal has not commenced within two years of the date which such monies  
5 were received by the city of Niagara Falls such amounts held in escrow  
6 by the city of Niagara Falls shall be distributed pursuant to subpara-  
7 graph (iii) of this paragraph; and

8 (5) within thirty-five days upon receipt of such funds by such city,  
9 one percent or [three hundred fifty] TWO HUNDRED thousand dollars,  
10 whichever is [greater] LESS, of the total annual amount received in each  
11 year shall be transferred to the [Niagara Falls Underground Railroad  
12 Heritage Commission, established pursuant to article forty-three of the  
13 parks, recreation and historic preservation law] NOT-FOR-PROFIT ORGAN-  
14 IZATION, KNOWN AS THE NIAGARA FALLS UNDERGROUND RAILROAD INTERPRETIVE  
15 CENTER, CREATED TO CONTINUE THE NIAGARA FALLS UNDERGROUND RAILROAD  
16 HERITAGE COMMISSION'S MISSION TO OPERATE AN UNDERGROUND RAILROAD MUSEUM,  
17 to be used for, but not limited to, development, capital improvements,  
18 acquisition of real property, and acquisition of personal property with-  
19 in the heritage area in the city of Niagara Falls [as established pursu-  
20 ant to the commission; provided in the event the distribution available  
21 pursuant to this clause exceeds one percent, it shall be distributed  
22 from the moneys available pursuant to subparagraph (i) of this para-  
23 graph]; and

24 (iii) all other monies appropriated or received for distribution  
25 pursuant to this subdivision after the transfer of money pursuant to  
26 this subparagraph and subparagraphs (i) and (ii) of this paragraph in  
27 each year shall be allocated to the city of Niagara Falls for infras-  
28 tructure and road improvement projects. A MINIMUM OF ONE HUNDRED FIFTY  
29 THOUSAND DOLLARS OF SUCH MONEY SHALL BE ALLOCATED ANNUALLY TO THE  
30 NIAGARA FALLS HOUSING AUTHORITY FOR UPGRADES TO THEIR FACILITIES.

31 (A-1) ALL MONIES IN EXCESS OF TWENTY-FIVE MILLION DOLLARS WHICH ARE  
32 APPROPRIATED AND RECEIVED EACH YEAR BY THE STATE AS A PORTION OF THE  
33 NEGOTIATED PERCENTAGE OF THE NET DROP FROM ELECTRONIC GAMING DEVICES THE  
34 STATE RECEIVES IN RELATION TO THE OPERATION OF A GAMING FACILITY IN THE  
35 CITY OF NIAGARA FALLS, COUNTY OF NIAGARA, WHICH SUBDIVISION THREE OF  
36 THIS SECTION REQUIRES TO BE A MINIMUM OF SEVENTY-FIVE PERCENT, SHALL BE  
37 BUDGETED AND DISBURSED IN THE FOLLOWING MANNER:

38 (I) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY,  
39 TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT RECEIVED IN EACH YEAR SHALL BE  
40 DEPOSITED INTO AN ECONOMIC DEVELOPMENT FUND ANNUALLY AND SHALL BE ADMIN-  
41 ISTERED BY THE CITY OF NIAGARA FALLS IN CONJUNCTION WITH THE EMPIRE  
42 STATE DEVELOPMENT CORPORATION AND USA NIAGARA DEVELOPMENT CORPORATION  
43 FOR THE SOLE PURPOSE OF PROMOTING ECONOMIC OPPORTUNITY WITHIN THE CITY  
44 OF NIAGARA FALLS; AND

45 (II) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY,  
46 TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT RECEIVED IN EACH YEAR SHALL BE  
47 DEPOSITED INTO AN INFRASTRUCTURE FUND ANNUALLY AND SHALL BE JOINTLY  
48 ADMINISTERED BY THE CITY OF NIAGARA FALLS AND THE NIAGARA FALLS WATER  
49 BOARD FOR THE PURPOSES OF REPLACING AND REPAIRING WATER, SEWER AND  
50 STORMWATER INFRASTRUCTURE; AND

51 (III) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY,  
52 TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT RECEIVED IN EACH YEAR SHALL BE  
53 TRANSFERRED TO THE NIAGARA FALLS COMMUNITY DEVELOPMENT DEPARTMENT ANNU-  
54 ALLY AND SHALL BE USED FOR THE PURPOSE OF NEIGHBORHOOD REVITALIZATION,  
55 COMMUNITY PROJECTS AND TO ENCOURAGE HOME OWNERSHIP; AND

(IV) THE REMAINING TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT RECEIVED IN EACH YEAR SHALL BE USED FOR ROAD AND SIDEWALK REPAIR IN THE CITY OF NIAGARA FALLS.

(b) On or before the first of April, each entity receiving moneys pursuant to subparagraphs (i), (ii) and (iii) of paragraph (a) OR PARAGRAPH (A-1) of this subdivision, shall annually submit a report to the governor, temporary president of the senate, speaker of the assembly, mayor of the city of Niagara Falls and leader of the city council of the city of Niagara Falls. Each such report shall include an accounting of all moneys received by such entity pursuant to [paragraph] PARAGRAPHS (a) AND (A-1) of this subdivision and the expenditure of any such moneys.

(c) Notwithstanding any other provision of law to the contrary, failure by the city of Niagara Falls to disburse funds as such city is required pursuant to clauses one, two, three and four of subparagraph (ii) of paragraph (a) OR PARAGRAPH (A-1) of this subdivision within thirty-five days of the actual receipt of the funds or the submission of the subentity expenditure report due by April first of each year, which ever is later, shall result in an additional payment by the city of Niagara Falls of one-half percent per week not to exceed eighteen percent of the amount which was to have been disbursed pursuant to such clauses. Any such additional payment required to be made by the city shall be disbursed from the city's seventy-five percent share described in subparagraph (i) of paragraph (a) of this subdivision.

(d) In the event that any monies to be distributed pursuant to clauses one, three and four of subparagraph (ii) of paragraph (a) OR PARAGRAPH (A-1) of this subdivision cannot, for any reason, be received or utilized, such monies shall be distributed to the city of Niagara Falls for economic development projects within such city.

S 5. Section 2 of chapter 747 of the laws of 2006, amending the state finance law relating to the tribal-state compact revenue account, is amended to read as follows:

S 2. This act shall take effect immediately, and shall expire and be deemed repealed December 31, [2016] 2023.

S 6. Section 3 of part W of chapter 60 of the laws of 2011, amending the state finance law relating to disbursements from the tribal-state compact revenue account to certain municipalities, as amended by section 22 of part HH of chapter 57 of the laws of 2013, is amended to read as follows:

S 3. This act shall take effect immediately; provided that:

(a) the amendments to subdivision 3 of section 99-h of the state finance law made by section one of this act shall expire and be deemed repealed December 31, [2016] 2023; and

(b) the amendments to paragraph (a) of subdivision 4 of section 99-h of the state finance law made by section two of this act shall not affect the expiration of such section and shall be deemed to expire therewith.

S 7. This act shall take effect immediately; provided, however, that the amendments to subdivision 3 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 subdivision pursuant to section 3 of part W of chapter 60 of the laws of 2011, as amended, when upon such date the provisions of section two of this act shall take effect; provided, however, that the amendments to subdivision 3 of section 99-h of the state finance law made by section two of this act shall be subject to the expiration and reversion of such subdivision pursuant to chapter 747 of the laws of

1 2006, as amended, when upon such date the provisions of section three of  
2 this act shall take effect; provided, further, that the amendments to  
3 section 99-h of the state finance law made by sections one, two, three  
4 and four of this act shall not affect the expiration of such section and  
5 shall be deemed to expire therewith.