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

9564

I N A S S E M B L Y

March 16, 2016

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:

Section 1. Subdivision 3 of section 99-h of the state finance law, as amended by section 7 of chapter 174 of the laws of 2013, 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 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] SEVENTY-FIVE 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 percent of

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

LBD14355-07-6

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 provided further that the state shall annually make twenty-five percent of the negotiated percentage of the net drop from all gaming devices the state actually receives pursuant to the Oneida Settlement Agreement confirmed by section eleven of the executive law as available to the county of Oneida, and a sum of three and one-half million dollars to the county of Madison. Additionally, the state shall distribute for a period of nineteen and one-quarter years, an additional annual sum of two and one-half million dollars to the county of Oneida. Additionally, the state shall distribute the one-time eleven million dollar payment received by the state pursuant to such agreement with the Oneida Nation of New York to the county of Madison by wire transfer upon receipt of such payment 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 2. Subdivision 3 of section 99-h of the state finance law, as amended by section 7-a of chapter 174 of the laws of 2013, is amended to read as follows:

3. Moneys of the account, following appropriation 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 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] SEVENTY-FIVE 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 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 provided further that the state shall annually make twenty-five percent of the negotiated percentage of the net drop from all

gaming devices the state actually receives pursuant to the Oneida Settlement Agreement as confirmed by section eleven of the executive law as available to the county of Oneida, and a sum of three and one-half million dollars to the county of Madison. Additionally, the state shall distribute for a period of nineteen and one-quarter years, an additional annual sum of two and one-half million dollars to the county of Oneida. Additionally, the state shall distribute the one-time eleven million dollar payment received by the state pursuant to such agreement with the Oneida Nation of New York to the county of Madison by wire transfer upon receipt of such payment by the state; and (b) support and services of treatment programs for persons suffering from gambling addictions. Moneys not appropriated 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 3. Subdivision 3 of section 99-h of the state finance law, as amended by section 8 of chapter 174 of the laws of 2013, 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 county of Erie [or Niagara], the municipal [governments] GOVERNMENT hosting the facility shall [collectively] receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact, PROVIDED FURTHER THAT FOR ANY GAMING FACILITY LOCATED IN THE COUNTY OF NIAGARA, THE MUNICIPAL GOVERNMENT HOSTING THE FACILITY SHALL RECEIVE A MINIMUM OF SEVENTY-FIVE 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 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 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 provided further that the state shall annually make twenty-five percent of the negotiated percentage of the net drop from all gaming devices the state actually receives pursuant to the Oneida Settlement Agreement confirmed by section eleven of the executive law available to the county of Oneida, and a sum of three and one-half million dollars to the county of Madison. Additionally, the state shall distribute, for a period of nineteen and one-quarter years, an additional annual sum of two and one-half million dollars to the county of Oneida. Additionally, the state shall distribute the one-time eleven million dollar payment actually received by the state pursuant to the Oneida Settlement Agreement to the county of Madison by wire transfer upon receipt of such payment 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. Subdivision 4 of section 99-h of the state finance law, as amended by section 2 of part QQ of chapter 59 of the laws of 2009, paragraph (a) as amended by section 2 of part W of chapter 60 of the laws of 2011, is amended to read as follows:

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

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

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

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

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

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

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

such amount held in escrow shall be transferred to the Niagara frontier transportation authority for such purpose provided however that if such additional funding has not been secured or construction of a new terminal has not commenced within two years of the date which such monies were received by the city of Niagara Falls such amounts held in escrow by the city of Niagara Falls shall be distributed pursuant to subparagraph (iii) of this paragraph; and

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

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

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

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

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

(III) WITHIN THIRTY-FIVE DAYS UPON RECEIPT OF SUCH FUNDS BY SUCH CITY, TWENTY-FIVE PERCENT OF THE TOTAL AMOUNT RECEIVED IN EACH YEAR SHALL BE TRANSFERRED TO THE NIAGARA FALLS COMMUNITY DEVELOPMENT DEPARTMENT ANNUALLY AND SHALL BE USED FOR THE PURPOSE OF NEIGHBORHOOD REVITALIZATION, 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

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