

5670

2015-2016 Regular Sessions

I N   S E N A T E

May 26, 2015

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Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, the Indian law and the state finance law, in relation to the sharing of revenue from gaming devices located within the county of Madison

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

1     Section 1. Subdivision 1 of section 11 of the executive law, as added  
2     by chapter 174 of the laws of 2013, is amended to read as follows:  
3     [1.] Oneida settlement agreement. Notwithstanding any other provision  
4     of law, upon filing with the secretary of state, the settlement agree-  
5     ment executed between the governor, the counties of Oneida and Madison,  
6     and the Oneida Nation of New York dated the sixteenth day of May, two  
7     thousand thirteen, to be known as the Oneida Settlement Agreement,  
8     including, without limitation, THE SUPPLEMENTAL AGREEMENT THERETO ENTI-  
9     TLED "SUPPLEMENTAL AGREEMENT BETWEEN THE COUNTY OF MADISON AND THE STATE  
10    OF NEW YORK" REGARDING THE SHARING OF REVENUE FROM GAMING DEVICES  
11    LOCATED WITHIN MADISON COUNTY, the provisions contained therein relating  
12    to arbitration and judicial review in state or federal courts and, for  
13    the sole purpose thereof, a limited waiver of the state's Eleventh  
14    Amendment sovereign immunity from suit, shall upon its effective date be  
15    deemed approved, ratified, validated and confirmed by the legislature.  
16    It is the intention of the legislature in enacting this section to  
17    ensure that the settlement agreement shall be fully enforceable in all  
18    respects as to the rights, benefits, responsibilities and privileges of  
19    all parties thereto.  
20    S 2. Section 16 of the Indian law, as added by chapter 174 of the laws  
21    of 2013, is amended to read as follows:  
22    S 16. Indian settlement agreements. Notwithstanding any other  
23    provision of law, the provisions of the Oneida Settlement Agreement  
24    referenced in section eleven of the executive law, TOGETHER WITH THE

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

LBD11339-02-5

1 SUPPLEMENTAL AGREEMENT THERETO ENTITLED "SUPPLEMENTAL AGREEMENT BETWEEN  
2 THE COUNTY OF MADISON AND THE STATE OF NEW YORK" REGARDING THE SHARING  
3 OF REVENUE FROM GAMING DEVICES LOCATED WITHIN MADISON COUNTY, shall be  
4 deemed to supersede any inconsistent laws and regulations.

5 S 3. Subdivision 3 of section 99-h of the state finance law, as  
6 amended by section 7 of chapter 174 of the laws of 2013, is amended to  
7 read as follows:

8 3. Moneys of the account, following the segregation of appropriations  
9 enacted by the legislature, shall be available for purposes including  
10 but not limited to: (a) reimbursements or payments to municipal govern-  
11 ments that host tribal casinos pursuant to a tribal-state compact for  
12 costs incurred in connection with services provided to such casinos or  
13 arising as a result thereof, for economic development opportunities and  
14 job expansion programs authorized by the executive law; provided, howev-  
15 er, that for any gaming facility located in the city of Buffalo, the  
16 city of Buffalo shall receive a minimum of twenty-five percent of the  
17 negotiated percentage of the net drop from electronic gaming devices the  
18 state receives pursuant to the compact, and provided further that for  
19 any gaming facility located in the city of Niagara Falls, county of  
20 Niagara a minimum of twenty-five percent of the negotiated percentage of  
21 the net drop from electronic gaming devices the state receives pursuant  
22 to the compact shall be distributed in accordance with subdivision four  
23 of this section, and provided further that for any gaming facility  
24 located in the county or counties of Cattaraugus, Chautauqua or Allega-  
25 ny, the municipal governments of the state hosting the facility shall  
26 collectively receive a minimum of twenty-five percent of the negotiated  
27 percentage of the net drop from electronic gaming devices the state  
28 receives pursuant to the compact; and provided further that pursuant to  
29 chapter five hundred ninety of the laws of two thousand four, a minimum  
30 of twenty-five percent of the revenues received by the state pursuant to  
31 the state's compact with the St. Regis Mohawk tribe shall be made avail-  
32 able to the counties of Franklin and St. Lawrence, and affected towns in  
33 such counties. Each such county and its affected towns shall receive  
34 fifty percent of the moneys made available by the state; and provided  
35 further that the state shall annually make twenty-five percent of the  
36 negotiated percentage of the net drop from all gaming devices the state  
37 actually receives pursuant to the Oneida Settlement Agreement confirmed  
38 by section eleven of the executive law as available to the county of  
39 Oneida, TWENTY-FIVE PERCENT OF THE NEGOTIATED PERCENTAGE OF THE NET DROP  
40 FROM ALL GAMING DEVICES LOCATED WITHIN THE COUNTY OF MADISON FOR WHICH  
41 THE STATE ACTUALLY RECEIVES PAYMENT PURSUANT TO THE ONEIDA SETTLEMENT  
42 AGREEMENT CONFIRMED BY SECTION ELEVEN OF THE EXECUTIVE LAW AS AVAILABLE  
43 TO THE COUNTY OF MADISON, and a sum of three and one-half million  
44 dollars to the county of Madison. Additionally, the state shall distrib-  
45 ute for a period of nineteen and one-quarter years, an additional annual  
46 sum of two and one-half million dollars to the county of Oneida. Addi-  
47 tionally, the state shall distribute the one-time eleven million dollar  
48 payment received by the state pursuant to such agreement with the Oneida  
49 Nation of New York to the county of Madison by wire transfer upon  
50 receipt of such payment by the state; and (b) support and services of  
51 treatment programs for persons suffering from gambling addictions.  
52 Moneys not segregated for such purposes shall be transferred to the  
53 general fund for the support of government during the fiscal year in  
54 which they are received.

1 S 4. Subdivision 3 of section 99-h of the state finance law, as  
2 amended by section 7-a of chapter 174 of the laws of 2013, is amended to  
3 read as follows:

4 3. Moneys of the account, following appropriation by the legislature,  
5 shall be available for purposes including but not limited to: (a)  
6 reimbursements or payments to municipal governments that host tribal  
7 casinos pursuant to a tribal-state compact for costs incurred in  
8 connection with services provided to such casinos or arising as a result  
9 thereof, for economic development opportunities and job expansion  
10 programs authorized by the executive law; provided, however, that for  
11 any gaming facility located in the city of Buffalo, the city of Buffalo  
12 shall receive a minimum of twenty-five percent of the negotiated  
13 percentage of the net drop from electronic gaming devices the state  
14 receives pursuant to the compact, and provided further that for any  
15 gaming facility located in the city of Niagara Falls, county of Niagara  
16 a minimum of twenty-five percent of the negotiated percentage of the net  
17 drop from electronic gaming devices the state receives pursuant to the  
18 compact shall be distributed in accordance with subdivision four of this  
19 section, and provided further that for any gaming facility located in  
20 the county or counties of Cattaraugus, Chautauqua or Allegany, the  
21 municipal governments of the state hosting the facility shall collec-  
22 tively receive a minimum of twenty-five percent of the negotiated  
23 percentage of the net drop from electronic gaming devices the state  
24 receives pursuant to the compact; and provided further that pursuant to  
25 chapter five hundred ninety of the laws of two thousand four, a minimum  
26 of twenty-five percent of the revenues received by the state pursuant to  
27 the state's compact with the St. Regis Mohawk tribe shall be made avail-  
28 able to the counties of Franklin and St. Lawrence, and affected towns in  
29 such counties. Each such county and its affected towns shall receive  
30 fifty percent of the moneys made available by the state; and provided  
31 further that the state shall annually make twenty-five percent of the  
32 negotiated percentage of the net drop from all gaming devices the state  
33 actually receives pursuant to the Oneida Settlement Agreement as  
34 confirmed by section eleven of the executive law as available to the  
35 county of Oneida, TWENTY-FIVE PERCENT OF THE NEGOTIATED PERCENTAGE OF  
36 THE NET DROP FROM ALL GAMING DEVICES LOCATED WITHIN THE COUNTY OF MADI-  
37 SON FOR WHICH THE STATE ACTUALLY RECEIVES PAYMENT PURSUANT TO THE ONEIDA  
38 SETTLEMENT AGREEMENT CONFIRMED BY SECTION ELEVEN OF THE EXECUTIVE LAW AS  
39 AVAILABLE TO THE COUNTY OF MADISON, and a sum of three and one-half  
40 million dollars to the county of Madison. Additionally, the state shall  
41 distribute for a period of nineteen and one-quarter years, an additional  
42 annual sum of two and one-half million dollars to the county of Oneida.  
43 Additionally, the state shall distribute the one-time eleven million  
44 dollar payment received by the state pursuant to such agreement with the  
45 Oneida Nation of New York to the county of Madison by wire transfer upon  
46 receipt of such payment by the state; and (b) support and services of  
47 treatment programs for persons suffering from gambling addictions.  
48 Moneys not appropriated for such purposes shall be transferred to the  
49 general fund for the support of government during the fiscal year in  
50 which they are received.

51 S 5. Subdivision 3 of section 99-h of the state finance law, as  
52 amended by section 8 of chapter 174 of the laws of 2013, is amended to  
53 read as follows:

54 3. Moneys of the account, following the segregation of appropriations  
55 enacted by the legislature, shall be available for purposes including  
56 but not limited to: (a) reimbursements or payments to municipal govern-

ments 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 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 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, TWENTY-FIVE PERCENT OF THE NEGOTIATED PERCENTAGE OF THE NET DROP FROM ALL GAMING DEVICES LOCATED WITHIN THE COUNTY OF MADISON FOR WHICH THE STATE ACTUALLY RECEIVES PAYMENT PURSUANT TO THE ONEIDA SETTLEMENT AGREEMENT CONFIRMED BY SECTION ELEVEN OF THE EXECUTIVE LAW AS AVAILABLE TO THE COUNTY OF MADISON, 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 6. This act shall take effect immediately, provided that:

1. sections two and three of this act shall take effect on the same date as the 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;

2. that the amendments to subdivision 3 of section 99-h of the state finance law made by section three of this act shall be subject to the expiration and reversion of such subdivision as provided in section 3 of part W of chapter 60 of the laws of 2011, as amended when upon such date the provisions of section four of this act shall take effect; and

3. that the amendments to subdivision 3 of section 99-h of the state finance law made by section four of this act shall be subject to the expiration and reversion of such section as provided in section 2 of chapter 747 of the laws of 2006, as amended when upon such date the provisions of section five of this act shall take effect.