STATE OF NEW YORK

S. 6128 A. 6833

2021-2022 Regular Sessions

SENATE - ASSEMBLY

April 12, 2021

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

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Racing and Wagering

AN ACT to amend the executive law, in relation to requiring the state, through the governor, upon the written request of the Shinnecock Indian Nation, to commence good faith negotiations, for the purposes of entering a tribal-state compact permitting a Class III gaming facility or the awarding of a commercial gaming license; and said gaming facility shall not be located in the towns of East Hampton, Riverhead, Shelter Island, Southampton or Southold in the county of Suffolk; and that no Class II or Class III gaming or other commercial gaming activities shall be conducted on property of the Shinnecock Indian Nation located in the town of Southampton; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative findings. In recognition of the historic injustices suffered by the Shinnecock Indian Nation and its citizens, which have resulted in social inequities and conditions that have long kept Shinnecock citizens in the poverty cycle with substandard housing, education, and a lack of economic stability, the state of New York has a moral obligation and a compelling interest in rectifying these injustices by promoting the economic development of the Shinnecock Nation for the benefit of Shinnecock citizens and the People of the state of New York.

§ 2. The executive law is amended by adding a new section 13 to read as follows:

§ 13. Shinnecock Nation gaming compact. 1. Notwithstanding any other law, the state, through the governor, upon the written request of the

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

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Shinnecock Indian Nation to the governor, shall commence good faith negotiations with such Nation, for the purposes of: (a) entering into a tribal-state compact, pursuant to the Indian Gaming Regulatory Act of 1988 (P.L. 100-497; 25 U.S.C. §§ 2701-2721 and 18 U.S.C. §§ 1166-1168) for the purposes of permitting a Class III gaming facility; or (b) awarding of a commercial gaming license, pursuant to the laws of the state of New York.

2. Such gaming facility shall be located in the state, but shall not be located in the towns of East Hampton, Riverhead, Shelter Island, Southampton, or Southold in the county of Suffolk. Any tribal-state compact or license executed pursuant to this section shall also provide that the Shinnecock Indian Nation shall agree that no Class II or Class III gaming or other commercial gaming activities shall be conducted on property of the Shinnecock Indian Nation, located in the town of Southampton.

3. Except as otherwise specifically provided in the compact, the state specifically reserves all its rights, as attributes of its inherent sovereignty, recognized by the tenth and eleventh amendments to the United States Constitution.

§ 3. This act shall take effect immediately; provided, that this act shall expire and be deemed repealed if a tribal-state compact or license between the state of New York and the Shinnecock Indian Nation has not been executed within two years of the date on which this act shall have become a law; provided that the secretary of state shall notify the legislative bill drafting commission upon the passage of a concurrent resolution by the legislature provided for in section two of this act in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effecting the provisions of section 44 of the legislative law and section 70-b of the public officers law.