STATE OF NEW YORK

S. 7117 A. 7358

2023-2024 Regular Sessions

SENATE - ASSEMBLY

May 18, 2023

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

IN ASSEMBLY -- Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to amendments to a tribal-state compact with the Seneca Nation of Indians

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

Section 1. Legislative intent. The state legislature finds that the continued operation of the Seneca Nation of Indians' Class III gaming operations will create continued economic benefit for the people of the state of New York, and further recognizes that the state and the Seneca Nation of Indians must negotiate a tribal-state compact in good faith in compliance with the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq. The state legislature also acknowledges that the prior tribal-state compact between the state and the Seneca Nation of Indians granted certain gaming exclusivity rights to the Nation, and that any new tribal-state gaming compact must preserve the exclusivity rights within the exclusivity zone. The state legislature also finds that the state continues to have a significant interest in ensuring that any tribal-state compact is consistent with, to the fullest extent possible, certain state laws, including, but not limited to, the labor law, the workers' compensation law, and the human rights law. These laws provide for the granting of benefits, rights and privileges which improve the economic quality of life and personal safety of persons who will be employed within a gaming facility either by the Nation or by any person, corporation, firm or entity engaged by the Nation, to operate, administer or manage the gaming facility.

§ 2. Section 12 of the executive law is amended by adding a new subdivision (a-1) to read as follows:

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

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(a-1) (i) The governor is authorized to amend and continue the tribal-state compact entered into pursuant to subdivision (a) of this section. Any such amendment and continuation of the compact shall be consistent with the Indian Gaming Regulatory Act of 1988 (P.L. 100-497; 25 U.S.C. §§ 2701-2721 and 18 U.S.C. §§ 1166-1168) and provide the Seneca Nation of Indians the exclusive right to conduct gaming within the following geographic area: (1) to the east, State Route 14 from Sodus Point to the Pennsylvania border with New York; (2) to the north, the border between New York and Canada; (3) to the south, the Pennsylvania border with New York; and (4) to the west, the border between New York and Canada and the border between Pennsylvania and New York. (ii) Such amendment and continuation shall be deemed ratified by the legislature upon the governor's certification to the temporary president of the senate, the speaker of the assembly, and the secretary of state, that such compact, through its terms, or by the terms of any other agreement entered into by or on behalf of the Nation, continues to provide assurances that the Nation will (1) allow employees to participate in organized labor unions if so desired, (2) maintain an adequate civil recovery system which guarantees fundamental due process to visitors and guests of the facility and related facilities, and (3) maintain sufficient liability insurance to assure that visitors and guests will be compensated for their injuries. (iii) If the governor fails to enter into negotiations with the Indian tribe or fails to negotiate in good faith with respect to the request, this state waives its sovereign immunity to permit the Indian tribe to initiate an action against the governor in his or her official capacity in either state court or in federal court and obtain those remedies as authorized in 25 USC 2710(d)(7).

§ 3. This act shall take effect immediately.