STATE OF NEW YORK

7771

2023-2024 Regular Sessions

IN ASSEMBLY

June 9, 2023

Introduced by M. of A. PRETLOW, PEOPLES-STOKES -- read once and referred to the Committee on Ways and Means

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 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. Moreover, the legislature finds that gaming should be conducted in a manner that adequately protects the environment and the public health and safety, which is a stated requirement for the conduct of class III gaming activities pursuant to the Indian Gaming Regulatory Act.

§ 2. Subdivision (a) of section 12 of the executive law, as amended by section 9 of part O of chapter 56 of the laws of 2010, is amended to read as follows:

(a) **(i)** Notwithstanding any other law, the state, through the governor, may execute a tribal-state compact with the Seneca Nation of Indians 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) consistent with a memorandum of understanding between the governor and the president of the Seneca Nation of Indians executed on June twentieth, two thousand one and filed with the department of state on June twenty-first, two thousand one. Such tribal-state compact shall be deemed ratified by the

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

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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, by a memorandum of understanding or other agreement between the state and Nation, by a Nation's ordinance or resolution, by statute, by executive order, or by the terms of any other agreement entered into by or on behalf of the Nation, provides: [~~(i)~~] **(1)** assurances that the Nation will provide [~~(1)~~] **(A)** reasonable access to the gaming and related facilities to labor union organizers for purposes of a campaign to solicit employee support for labor union representation; [~~(2)~~] **(B)** permission for labor union organizers to distribute labor union authorization cards on site for the purpose of soliciting employee support for labor union representation; and [~~(3)~~] **(C)** recognition of labor unions as the exclusive collective bargaining representatives of employees in appropriate bargaining units based upon a demonstration of majority employee support of such labor unions by union authorization card check as verified, if necessary, by an independent arbitrator appointed by the Public Employment Relations Board in consultation with the Nation and the labor union; [~~(ii)~~] **(2)** assurances that the Nation has an adequate civil recovery system which guarantees fundamental due process to visitors and guests of the facility and related facilities; and [~~(iii)~~] **(3)** assurances that the Nation will maintain during the term of the compact sufficient liability insurance to assure that visitors and guests will be compensated for their injuries.

(ii) The governor is authorized to amend and continue the tribal-state compact entered into pursuant to paragraph (i) of this subdivision. 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). 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 provide (1) reasonable access to the gaming and related facilities to labor union organizers for purposes of a campaign to solicit employee support for labor union representation; (2) permission for labor union organizers to distribute labor union authorization cards on site for the purpose of soliciting employee support for labor union representation; and (3) recognition of labor unions as the exclusive collective bargaining representatives of employees in appropriate bargaining units based upon a demonstration of majority employee support of such labor unions by union authorization card check as verified, if necessary, by an independent arbitrator appointed by the Public Employment Relations Board in consultation with the Nation and the labor union. In addition, the Nation will maintain an adequate civil recovery system which guarantees fundamental due process to visitors and guests of the facility and related facilities, and maintain sufficient liability insurance to assure that visitors and guests will be compensated for their injuries.

§ 3. This act shall take effect immediately.