STATE OF NEW YORK

7411--A

2023-2024 Regular Sessions

IN SENATE

May 23, 2023

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law, in relation to the tribal-state compact revenue account; to repeal certain provisions of such law relating thereto and 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 extending the effectiveness thereof

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

Section 1. 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4 of section 99-h of the state finance law, as amended by section 2 of part QQ of chapter 59 of the laws of 2009 is REPEALED and a new subdivision 4 is added to read as follows:

4. (a) 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 as required under subdivision three of this section, shall be budgeted and disbursed by the city of Niagara Falls in the following manner:

(i) eighty percent of the total annual amount 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 not-for-profit organization known as the Niagara Falls underground railroad interpre-

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

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tive center created to continue the Niagara Falls Underground Railroad Heritage Commission's mission to operate an underground railroad museum, to the extent that its share pursuant to the formula established in clause four 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 percent of the total annual amount 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 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 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 total amount received in each year not to exceed one million dollars, 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) within thirty-five days upon receipt of such funds by such city, one percent or two hundred thousand dollars, whichever is greater, of the total annual amount received in each year shall be transferred to the 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

(5) within thirty-five days upon receipt of such funds by such city, fifty thousand dollars of the total amount received in each year shall be transferred to Mount Saint Mary's Neighborhood Health Center; and

(6) within thirty-five days upon receipt of such funds by such city, fifty thousand dollars of the total annual amount received in each year shall be transferred to the Niagara Falls housing authority established pursuant to title twelve of article thirteen of the public housing law for upgrades to their facilities; and

(7) all other monies appropriated or received for distribution pursuant to this subdivision after the transfer of money pursuant to this subparagraph and subparagraph (i) of this paragraph in each year shall be allocated to the city of Niagara Falls for infrastructure and road improvement projects.

(b) On or before the first of April, each entity receiving moneys pursuant to subparagraphs (i) and (ii) of paragraph (a) of this subdivision, shall annually submit a report to the governor, temporary president of the senate, speaker of the assembly, minority leader of the senate, minority leader 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 (a) 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) 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, whichever 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 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) 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.

§ 2. Section 99-h of the state finance law, as amended by section 1 of part V of chapter 59 of the laws of 2006, is amended by adding a new subdivision 4 to read as follows:

4. (a) 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 as required under subdivision three of this section, shall be budgeted and disbursed by the city of Niagara Falls in the following manner:

(i) eighty percent of the total annual amount 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 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 the extent that its share pursuant to the formula established in clause four 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 percent of the total annual amount 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 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 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 total amount received in each year not to exceed one million dollars, 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) within thirty-five days upon receipt of such funds by such city, one percent or two hundred thousand dollars, whichever is greater, of the total annual amount received in each year shall be transferred to the 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

(5) within thirty-five days upon receipt of such funds by such city, fifty thousand dollars of the total amount received in each year shall be transferred to Mount Saint Mary's Neighborhood Health Center; and

(6) within thirty-five days upon receipt of such funds by such city, fifty thousand dollars of the total annual amount received in each year shall be transferred to the Niagara Falls housing authority established pursuant to title twelve of article thirteen of the public housing law for upgrades to their facilities; and

(7) all other monies appropriated or received for distribution pursuant to this subdivision after the transfer of money pursuant to this subparagraph and subparagraph (i) of this paragraph in each year shall be allocated to the city of Niagara Falls for infrastructure and road improvement projects.

(b) On or before the first of April, each entity receiving moneys pursuant to subparagraphs (i) and (ii) of paragraph (a) of this subdivision, shall annually submit a report to the governor, temporary president of the senate, speaker of the assembly, minority leader of the senate, minority leader 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 (a) 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) 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, whichever 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 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) 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.

§ 3. Section 2 of chapter 747 of the laws of 2006, amending the state finance law relating to the tribal-state compact revenue account, as amended by section 1 of part R of chapter 57 of the laws of 2016, is amended to read as follows:

§ 2. This act shall take effect immediately, and shall expire and be deemed repealed December 31, [~~2023~~] **2030**.

§ 4. This act shall take effect immediately; provided, however, that the amendments to section 99-h of the state finance law made by section one of this act shall take effect January 1, 2024; and provided further that the amendments to 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 section pursuant to section 2 of chapter 747 of the laws of 2006, as amended, when upon such date the provisions of section two of this act shall take effect.