

# STATE OF NEW YORK

7502

2023-2024 Regular Sessions

## IN SENATE

June 1, 2023

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

AN ACT to amend the state finance law, in relation to comptroller oversight of tribal-state compacts prior to federal approval

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

1 Section 1. Section 8 of the state finance law is amended by adding a  
2 new subdivision 21 to read as follows:

3 21. Notwithstanding any inconsistent provision of law, review and  
4 provide a recommendation of approval or modifications, for submission  
5 for federal approval of any tribal-state compact approved or executed  
6 between the state of New York, the governor, or his or her designee and  
7 an Indian nation or tribe, pursuant to the Indian Gaming Regulatory Act  
8 of 1988 (P.L. 100-497; 25 U.S.C. §§ 2701-2721 and 187 U.S.C. §§  
9 1166-1168). When reviewing and providing a recommendation of approval or  
10 modifications, the comptroller shall consider the following factors:

11 a. whether proper procedures were followed by the governor or his or  
12 her designee and any other parties that have entered into a recusal  
13 agreement if a recusal was warranted and/or occurred;

14 b. direct lobbying by interested parties and continued compliance with  
15 any applicable recusal agreements;

16 c. whether the agreement to revenue share between an Indian nation or  
17 tribe and the state is commensurate with exclusivity value as required  
18 by federal law; and

19 d. any other factor the comptroller deems relevant.

20 Nothing in this section shall be construed to affect the existing  
21 authority of the governor under the state constitution and laws to  
22 execute tribal-state compacts, provided however such tribal-state  
23 compact shall not be sent for federal approval until such tribal-state  
24 compact shall have been reviewed and either recommended for approval or

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

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1 modification by the state comptroller within thirty calendar days after  
2 receipt.  
3 § 2. This act shall take effect immediately.