

STATE OF NEW YORK

7579

2023-2024 Regular Sessions

IN SENATE

June 8, 2023

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

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:

1 Section 1. Legislative intent. The state legislature finds that the
2 state continues to have a significant interest in ensuring that any
3 tribal-state compact is consistent with, to the fullest extent possible,
4 certain state laws, including, but not limited to, the labor law, the
5 workers' compensation law, and the human rights law. These laws provide
6 for the granting of benefits, rights and privileges which improve the
7 economic quality of life and personal safety of persons who will be
8 employed within a gaming facility either by the Nation or by any person,
9 corporation, firm or entity engaged by the Nation, to operate, adminis-
10 ter or manage the gaming facility. Moreover, the legislature finds that
11 gaming should be conducted in a manner that adequately protects the
12 environment and the public health and safety, which is a stated require-
13 ment for the conduct of class III gaming activities pursuant to the
14 Indian Gaming Regulatory Act.

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

18 (a) (i) Notwithstanding any other law, the state, through the gover-
19 nor, may execute a tribal-state compact with the Seneca Nation of Indi-
20 ans pursuant to the Indian Gaming Regulatory Act of 1988 (P.L. 100-497;
21 25 U.S.C. §§ 2701-2721 and 18 U.S.C. §§ 1166-1168) consistent with a
22 memorandum of understanding between the governor and the president of
23 the Seneca Nation of Indians executed on June twentieth, two thousand
24 one and filed with the department of state on June twenty-first, two
25 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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1 legislature upon the governor's certification to the temporary president
2 of the senate, the speaker of the assembly, and the secretary of state,
3 that such compact, through its terms, by a memorandum of understanding
4 or other agreement between the state and Nation, by a Nation's ordinance
5 or resolution, by statute, by executive order, or by the terms of any
6 other agreement entered into by or on behalf of the Nation, provides:
7 [~~(1)~~] (1) assurances that the Nation will provide [~~(1)~~] (A) reasonable
8 access to the gaming and related facilities to labor union organizers
9 for purposes of a campaign to solicit employee support for labor union
10 representation; [~~(2)~~] (B) permission for labor union organizers to
11 distribute labor union authorization cards on site for the purpose of
12 soliciting employee support for labor union representation; and [~~(3)~~]
13 (C) recognition of labor unions as the exclusive collective bargaining
14 representatives of employees in appropriate bargaining units based upon
15 a demonstration of majority employee support of such labor unions by
16 union authorization card check as verified, if necessary, by an inde-
17 pendent arbitrator appointed by the Public Employment Relations Board in
18 consultation with the Nation and the labor union; [~~(1)~~] (2) assurances
19 that the Nation has an adequate civil recovery system which guarantees
20 fundamental due process to visitors and guests of the facility and
21 related facilities; and [~~(1)~~] (3) assurances that the Nation will
22 maintain during the term of the compact sufficient liability insurance
23 to assure that visitors and guests will be compensated for their inju-
24 ries.

25 (ii) The governor is authorized to amend and continue the tribal-state
26 compact entered into pursuant to paragraph (i) of this subdivision. Any
27 such amendment and continuation of the compact shall be consistent with
28 the Indian Gaming Regulatory Act of 1988 (P.L. 100-497; 25 U.S.C. §§
29 2701-2721 and 18 U.S.C. §§ 1166-1168). Such amendment and continuation
30 shall be deemed ratified by the legislature upon the governor's certif-
31 ication to the temporary president of the senate, the speaker of the
32 assembly, and the secretary of state, that such compact, through its
33 terms, or by the terms of any other agreement entered into by or on
34 behalf of the Nation, continues to provide assurances that the Nation
35 will provide (1) reasonable access to the gaming and related facilities
36 to labor union organizers for purposes of a campaign to solicit employee
37 support for labor union representation; (2) permission for labor union
38 organizers to distribute labor union authorization cards on site for the
39 purpose of soliciting employee support for labor union representation;
40 and (3) recognition of labor unions as the exclusive collective bargain-
41 ing representatives of employees in appropriate bargaining units based
42 upon a demonstration of majority employee support of such labor unions
43 by union authorization card check as verified, if necessary, by an inde-
44 pendent arbitrator appointed by the Public Employment Relations Board in
45 consultation with the Nation and the labor union. In addition, the
46 Nation will maintain an adequate civil recovery system which guarantees
47 fundamental due process to visitors and guests of the facility and
48 related facilities, and maintain sufficient liability insurance to
49 assure that visitors and guests will be compensated for their injuries.

50 § 3. This act shall take effect immediately.