STATE OF NEW YORK

7728

2023-2024 Regular Sessions

IN ASSEMBLY

June 6, 2023

Introduced by M. of A. MORINELLO, J. M. GIGLIO -- read once and referred to the Committee on Governmental Operations

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:

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

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

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

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

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

d. any other factor the comptroller deems relevant.

Nothing in this section shall be construed to affect the existing authority of the governor under the state constitution and laws to execute tribal-state compacts, provided however such tribal-state compact shall not be sent for federal approval until such tribal-state compact shall have been reviewed and either recommended for approval or modification by the state comptroller within thirty calendar days after receipt.

§ 2. This act shall take effect immediately.

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

LBD11692-02-3