

1 **2006 Fall Seminar**
2 **Standing Committee on Native American Affairs & Gaming**
3 **Resolution #03**

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5 **RESOLUTION CALLING FOR THE ENFORCEMENT OF NEW YORK STATE**
6 **LAWS GOVERNING THE DEVELOPMENT OF GAMING COMPACTS**
7

8 **WHEREAS**, recent court decisions by the United States Supreme Court in the
9 *City of Sherrill v. Oneida Indian Nation of New York (No. 03-855)* and by the Second
10 Circuit Court of Appeals in the *Cayuga Indian Nation of New York, et al. vs. Pataki, et*
11 *al. (2nd Cir. Docket No 02-6111(L))* and by the New York State Court of Appeals not to
12 reverse *Peterman v. Pataki* have significantly altered the legal landscape of pending land
13 claims, property rights, gaming compacts and tribal jurisdiction affecting county
14 governments, their citizens, as well as state and local jurisdiction across New York State;
15 and
16

17 **WHEREAS**, these court decisions unequivocally bolstered state and local
18 jurisdiction over taxation, gaming, land use and other areas of regulatory control; and
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20 **WHEREAS**, tribal governments in every part of New York State: from Long
21 Island to the Canadian border; from Lake Ontario to the Pennsylvania border; from the
22 Hudson Valley to the Finger Lakes and the Niagara frontier and Central New York
23 continue to raise significant controversy through litigation focused on jurisdiction,
24 property rights, Indian gaming and tribal sovereignty; and
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26 **WHEREAS**, thirty-one of the state's 62 counties are potentially affected by tribal
27 claims of jurisdiction, land rights and sovereignty, with many being named as defendants
28 of convenience in various actions; and
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30 **WHEREAS**, the New York State Association of Counties (NYSAC) believes that
31 the best solution to issues with tribal governments in New York will not be found in
32 courtrooms; and
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34 **WHEREAS**, it is the sense of NYSAC and its constituent counties that, where
35 significant, real controversy exists, and where the parties are willing to negotiate in good
36 faith, it may be constructive and efficient to settle differences with New York's tribes
37 peacefully through negotiations if possible; and
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39 **WHEREAS**, the Governor of New York State may negotiate and present
40 proposals for the settlement of issues involving state, local and tribal jurisdiction,
41 property rights and governance for approval by the State Legislature and county
42 governments;
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44 **NOW THEREFORE BE IT FURTHER RESOLVED**; that NYSAC hereby
45 requests that affected county government must have a continuous presence and a

1 meaningful role in any negotiations for casino compacts in New York State to include
2 local legislative approval, and

3
4 **BE IT FURTHER RESOLVED**, that the New York State Association of
5 Counties hereby calls on the Governor of New York State to present existing proposals
6 for gaming compacts with tribal jurisdictions to the New York State Legislature for
7 discussion, debate and vote; and

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9 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this
10 Resolution to the Governor, the New York State Legislature and all others deemed
11 necessary and proper.