

1 **NYSAC 2021 Legislative Conference**
2 **Standing Committee on Native American Affairs and Gaming**
3 **Resolution #2**

4 **Resolution Calling on the State of New York to Immediately Make All**
5 **Municipalities Whole that have Been Impacted by the State and Seneca**
6 **Nation Dispute**

7 **WHEREAS**, in 2002, the State of New York and the Seneca Nation entered into a
8 compact with a provision that gaming revenue would be shared with the State in return
9 for certain gaming exclusivity rights in Western New York; and

10 **WHEREAS**, the State of New York shares with local governments, including 16
11 counties in Western New York, a portion of revenue they receive from the Seneca
12 Nation; and

13 **WHEREAS**, the counties rely on that revenue to maintain infrastructure and provide
14 public safety for all residents as well as provide services needed to help support this
15 growing gaming industry; and

16 **WHEREAS**, in 2017, a dispute between the Seneca Nation and the State arose over the
17 language within the compact, leading the Nation to stop revenue sharing payments to
18 the State; and

19 **WHEREAS**, it is now four years later and no significant progress has been made in the
20 State's negotiation efforts to resolve this matter nor has the needed revenue been
21 allocated to the local governments in this time period; and

22 **WHEREAS**, under New York Law, this revenue is first sent to the State of New York,
23 after which the State sends a portion to local governments to support local service costs;
24 and

25 **WHEREAS**, this revenue loss amounts to approximately \$50 million annually to the 16
26 counties in Western New York; and

27 **WHEREAS**, to date, this equates to over \$200 million in county funding that is needed
28 to fix roads, support social services, and provide for public health and safety; and

29 **WHEREAS**, municipalities have suffered significant loses, both financial and
30 personal; and

31 **WHEREAS**, the Seneca Nation and the counties of New York have a long history of
32 productive partnerships and respect, and the Nation leaders have expressed in the past
33 they would be open to direct fiscal support to local governments.

1 **NOW, THEREFORE, BE IT RESOLVED**, the New York State Association of
2 Counties (NYSAC) calls on the State of New York to immediately make municipalities
3 whole for past and current losses caused by the State's dispute with the Seneca Nation of
4 Indians in order to avoid further catastrophic harm to public safety and county services;
5 and

6 **BE IT FURTHER RESOLVED**, in the alternative if the State is unwilling to make the
7 local governments whole, and the Seneca Nation desires to assist local governments
8 directly, the State will not see this as a violation, nor will this act be subject to the terms,
9 of the Seneca Nation and New York State Compact; and

10 **BE IT FURTHER RESOLVED**, that copies of this resolution be sent to the counties
11 of New York State encouraging member counties to enact similar resolutions; and

12 **BE IT FURTHER RESOLVED**, that NYSAC shall forward copies of this resolution to
13 Governor Andrew M. Cuomo, the New York State Legislature, Seneca Nation of Indians,
14 and all others deemed necessary and proper.