

Second passage (A 8068 s/a S 5898) on 21 June by both chambers is no surprise. The so-called enabling legislation is riddled with flaws. The Upstate NY Gaming Economic Development Act of 2013 (A 8101 s/a S 5883) was passed by both chambers, also on 21 June.

- Press and public take note please: Per Attorney Cornelius Murray June 20 [http://cagnyinf.org/wp/20june2013\\_ny\\_legislature/](http://cagnyinf.org/wp/20june2013_ny_legislature/) the legislature has no power to authorize gambling that is illegal under current law; this includes non-tribal casinos. *All parts of the bill not wholly related to Indian gambling should be considered void.*
- An important part of the UNYGEDA2013 concerns the pact of May 16 with the Oneida Nation of Indians. Here the state reversed its long-held position and made huge concessions to the ONI. The pact was made expressly to ensure *in writing* the silence of the ONI on the casino amendment. Details at [http://cagnyinf.org/wp/10\\_june\\_2013\\_buying\\_silence/](http://cagnyinf.org/wp/10_june_2013_buying_silence/)  
*This portion of the act should have been separate, not a rider in an omnibus bill.*
- The 207-page Governor's program bill released around 7 June had a section 1347 prohibiting political contributions by casino entities or their representatives. The 223-page program bill #33 that followed in on June 18 (which became A 8101) has no section 1347 at all, no prohibitory language. The Newsday article below may explain why.

<http://newyork.newsday.com/news/region-state/gambling-interests-spent-20-million-on-ny-lawmakers-in-2-years-common-cause-finds-1.5544397>

- As is standard operating procedure in Albany, both bills were presented to both chambers at the very end of a tumultuous and divisive session in which amending the constitution had to compete with soccer goalposts.
- The amendment would legalize casinos, yet UNYGEDA2013 purports to authorize also two VLT establishments in Queens-Nassau. Slot barns there have nothing to do with upstate, or with economic development or with casinos. Why are they in this act?
- The "memo" for program bill 33 (the 223 page version dated June 18) says that if the amendment does not pass, the Lottery commission can place additional video gaming facilities in selected upstate regions, not confined to racinos. These facilities would not be confined to racinos. No numbers are given on p. 144. The Wall Street Journal says three or four with 5000 devices each were mentioned. No discussion what these slot barns would have to pay toward treatment and prevention of problem gambling.

<http://online.wsj.com/article/APbabc9a4fefdc488cb8a30eb9ec800e12.html>

- This contingency plan, floated after all three Indian entities had come into "good standing," must have been directed at other rich interests to which the amendment posed a threat -- NYS Gaming Association and casino companies not in NY. The former had come out against the Program Bill earlier in June, but reversed on seeing that money to

racing, breeding and tracks would not be lowered by competing casinos. They would have to kick in.

- Whether the hedge plan of (say) 20,000 more VLTs has as a co-target the penurious non-profits that oppose the amendment on principle is hard to say. It certainly does send to us, and to every voter in New York the message “Heads I win; tails you lose.”

This is not just bad sportsmanship, but very bad government. It will not stop CAGNY and allies from fighting the amendment. We oppose it not to make profits for ourselves or our bosses, but to protect New York’s people against an epidemic scourge that our state should resist, not roll over for.