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NATIVE AM.

GAMBLING

Plan allows non-Indian casinos

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ALBANY - Frustrated by the absence of casino construction in Buffalo and the Catskills by Indian tribes, state lawmakers are pressing a new plan to change the state constitution to permit non-Indian casinos in those areas. The effort, similar to one that failed several years ago, faces many hurdles, though Republican leaders, including Gov. George E. Pataki, are voicing interest in the new proposal and Assembly Democrats aren't ruling out the idea's chances. Whether the new push is designed merely to jump-start Indian casino efforts is unclear, but even the measure's top backers say they hope the Indian tribes are listening.

In the Senate, legislation was introduced this week calling for a constitutional amendment permitting Las Vegas-style casinos in several areas, including Buffalo. Additionally, full-blown casinos would be allowed at nearly all of the state's racetracks, including Buffalo Raceway and Batavia Downs, which already are moving to open new gambling halls featuring slot-like machines.

The measure would have to pass two successive sessions of the State Legislature. If successful this year and next, the earliest a statewide referendum could be held is November 2005.

The state has been stalled in talks with several tribes, including the Senecas, to locate three casinos in the economically ailing Catskills that were permitted under a 2001 law that also gave the Senecas rights to have three casinos in Western New York.

Seneca Niagara Casino opened New Year's Eve 2002 in Niagara Falls, and the Senecas are building a casino on the Allegany reservation, but a third one, originally slated for Buffalo, has been delayed as the tribe considers downtown or Cheektowaga.

Sen. John J. Bonacic, a Republican who represents the Catskills region, said his plan is meant "to empower the people to decide about casino gambling." He said he has long supported a constitutional amendment to expanding gambling in New York.

But he acknowledged what he called "an ancillary benefit" to his plan. "It will be a benefit for the governor to put pressure on Native Americans to bring closure" to the stalled Indian casino plans.

Unlike past proposals for constitutional amendments on casino gaming, the latest version does not permit any more casinos in Niagara Falls. Instead it calls for one casino in Buffalo, which would be in addition to the one facility already approved for the Senecas in the county under the 2001 law.

Bonacic, who said he consulted with Western New York lawmakers before submitting the new measure, said he doubts any Seneca casinos will be built in Erie County unless the tribe is willing to settle land claim issues or resolve the dispute over sales taxes on goods sold by tribal merchants to non-Indians.

"If the people of the state approve this legislation, non-Native entrepreneurs would come in and we'd not have these problems of land claims and sales tax issues," the Republican lawmaker said.

Seneca President Rickey L. Armstrong Sr. did not return calls to comment. But Mickey Brown, president of the Seneca casino operation, said the state would lose its revenue sharing arrangements if it breaks the exclusivity deal that the tribe now has on casinos in Western New York.

Brown also took exception to notions that the Senecas or other tribes are delaying casino expansions. "The Seneca Nation has been trying to identify a site in the city of Buffalo since the summer of 2002, and we've made every effort to be as cooperative and agreeable as possible," he said.

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On Thursday, a spokesman for Pataki did not rule out backing the Bonacic proposal.

Many observers said they believe the chief motivation behind the latest plan is to motivate the Indian tribes to cut casino deals with the state. On the other hand, there have long been Atlantic City casino operators, led by Donald Trump, who have alternated between being interested in getting a gambling foothold in New York and stopping nearby competition for their New Jersey casinos.

Bonacic said he has been working with Senate Majority Leader Joseph L. Bruno on the plan and said his colleagues back him.

Mark Hansen, a Bruno spokesman, said Bonacic's proposal is being given "serious consideration" in the Senate.

In the Assembly, which has backed similar casino amendments, Assembly Speaker Sheldon Silver, D-Manhattan, did not return calls to comment.

Besides Buffalo, the plan would allow casinos in Greene, Sullivan and Ulster counties. If the plan passes the Legislature and a statewide referendum, a separate referendum in each county where a casino is proposed would also have to be held.

Bratton said.

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