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Changes to gambling law sought

Albany-- Bill would allow non- Native Americans to build casinos; similar measures in the past have failed

By **JAMES M. ODATO**, Capitol bureau
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Two lawmakers are proposing an amendment to the state constitution to allow non-Native Americans to build casinos in the Catskills, Buffalo and at racetracks, including Saratoga Race Course.

But the measure appears to be a long shot, and possibly a way to propel Indian nations to complete casino negotiations with the state. New York is counting on revenue from new Indian casinos to close multibillion-dollar deficits and meet a potentially huge education funding liability.

"It will certainly raise the stakes for them," said Sen. John Bonacic, R-Mount Hope, who proposed the constitutional amendment late Wednesday. His Catskills Assembly colleague, Aileen Gunther, D-Forestburgh, intends to redraft a bill she submitted last month to match his version.

The amendment would require passage by two separately elected Legislatures, potentially the current one and next year's body, before a public referendum is held as soon as November 2005. Similar attempts in the past have failed to gain the necessary double votes.

Bonacic said he is motivated by frustration. In October 2001, the Legislature authorized six new Native American casinos and so far only one has been built, in Niagara Falls, and a second is under construction on Seneca Indian Nation reservation land in western New York. The state has failed to reach deals with tribes interested in building in the Catskills.

"Native Americans are empowered and they used this empowerment not to bring closure," Bonacic said, asserting the casino expansion is bogged down in negotiations involving tribal land claims and taxes. He said he has been lobbied by gambling companies interested in the Catskills.

St. Regis Mohawk Tribal Chief Barbara Lazore said she doubts the bill proposals will have an impact on Mohawk negotiations.

"As far as using this against us, I don't think that is going to work," she said. "We're trying to move as quickly as we can."

Bonacic's legislation would authorize casinos in the counties of Greene, Ulster and Sullivan, the city of Buffalo and at all tracks except Belmont Park in Elmont, he said.

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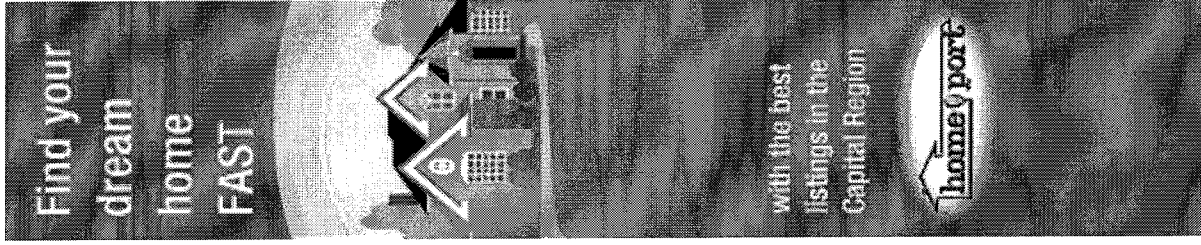
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The plan could cause problems with deals the Pataki administration has negotiated with tribes. For instance, in exchange for getting exclusive rights to operate slot machines, the Seneca Nation is sharing gambling revenues with the state. If the exclusivity is lost, the tribes could end the relationship.

A constitutional amendment could also make moot a pending lawsuit by the Saratoga County Chamber of Commerce president and other parties challenging the constitutionality of the state's expansion of gambling.

Spokesmen for Senate Majority Leader Joseph Bruno, R-Brunswick, and Republican Gov. George Pataki, said both leaders are open to Bonacic's proposal. But Assembly Speaker Sheldon Silver, D-Manhattan, has been cool to amendment plans. He could not be reached for comment.



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