

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PRETLOW -- Multi-Sponsored by -- M. of A. GUNTHER
-- read once and referred to the Committee on Racing and Wagering

CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to section 9 of article 1 of the constitution, in
relation to authorizing and limiting casino gambling in Sullivan coun-
ty

1 Section 1. Resolved (if the Senate concur), That section 9 of article
2 1 of the constitution be amended to read as follows:
3 S 9. 1. No law shall be passed abridging the rights of the people
4 peaceably to assemble and to petition the government, or any department
5 thereof; nor shall any divorce be granted otherwise than by due judicial
6 proceedings; except as hereinafter provided, no lottery or the sale of
7 lottery tickets, pool-selling, book-making, or any other kind of gambl-
8 ing, except lotteries operated by the state and the sale of lottery
9 tickets in connection therewith as may be authorized and prescribed by
10 the legislature, the net proceeds of which shall be applied exclusively
11 to or in aid or support of education in this state as the legislature
12 may prescribe, and except pari-mutuel betting on horse races as may be
13 prescribed by the legislature and from which the state shall derive a
14 reasonable revenue for the support of government, AND EXCEPT FOR NO MORE
15 THAN THREE PRIVATELY OWNED CASINOS WHICH MAY BE AUTHORIZED BY THE LEGIS-
16 LATURE FOR OPERATIONS IN SULLIVAN COUNTY, IN A MANNER PRESCRIBED BY THE
17 LEGISLATURE FOR OFFERING AND CONDUCTING GAMING, WHICH MAY INCLUDE GAMES
18 OF CHANCE, SLOT MACHINES AND CARD AND BOARD GAMES COMMONLY AND TRADI-
19 TIONALLY OFFERED AT CASINOS, AND INCLUDING PARI-MUTUEL WAGERING ON HORSE
20 RACING, PROVIDED HOWEVER, THAT SUCH AUTHORIZATIONS SHALL BE PRECEDED BY
21 LOCAL APPROVAL, RESULTING FROM PASSAGE OF A SINGLE COUNTY-WIDE REFEREN-
22 DUM OFFERED PURSUANT TO APPLICABLE STATE AND COUNTY LAWS, THE PROCEEDS
23 OF WHICH SHALL BE DISTRIBUTED AT THE DIRECTION OF THE LEGISLATURE WHICH
24 MAY FROM TIME TO TIME REVISE THE DISTRIBUTION FORMULAS, PROVIDED HOWEV-
25 ER, THAT IN NO EVENT SHALL SHARES TO ANY LOCAL GOVERNMENTS BE LESS THAN

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD89004-01-9

1 REASONABLE, AS DETERMINED BY THE LEGISLATURE, TO OFFSET COSTS ATTRIBUT-
2 ABLE TO THE CONDUCT OF CASINO GAMING, shall hereafter be authorized or
3 allowed within this state; and the legislature shall pass appropriate
4 laws to prevent offenses against any of the provisions of this section.

5 2. Notwithstanding the foregoing provisions of this section, any city,
6 town or village within the state may by an approving vote of the majori-
7 ty of the qualified electors in such municipality voting on a proposi-
8 tion therefor submitted at a general or special election authorize,
9 subject to state legislative supervision and control, the conduct of one
10 or both of the following categories of games of chance commonly known
11 as: (a) bingo or lotto, in which prizes are awarded on the basis of
12 designated numbers or symbols on a card conforming to numbers or symbols
13 selected at random; (b) games in which prizes are awarded on the basis
14 of a winning number or numbers, color or colors, or symbol or symbols
15 determined by chance from among those previously selected or played,
16 whether determined as the result of the spinning of a wheel, a drawing
17 or otherwise by chance. If authorized, such games shall be subject to
18 the following restrictions, among others which may be prescribed by the
19 legislature: (1) only bona fide religious, charitable or non-profit
20 organizations of veterans, volunteer firefighter and similar non-profit
21 organizations shall be permitted to conduct such games; (2) the entire
22 net proceeds of any game shall be exclusively devoted to the lawful
23 purposes of such organizations; (3) no person except a bona fide member
24 of any such organization shall participate in the management or opera-
25 tion of such game; and (4) no person shall receive any remuneration for
26 participating in the management or operation of any such game. THE
27 AMOUNTS TO BE OFFERED AS PRIZES FOR SUCH GAMES SHALL BE SUBJECT TO THE
28 APPROVAL OF THE LEGISLATURE WHICH FROM TIME TO TIME SHALL REVISE PRIZE
29 LEVELS AS IT DETERMINES NECESSARY TO KEEP PRIZE LEVELS COMPETITIVE WITH
30 THOSE OFFERED AT COMPARABLE VENUES. Unless otherwise provided by law, no
31 single prize shall exceed two hundred fifty dollars, nor shall any
32 series of prizes on one occasion aggregate more than one thousand
33 dollars. The legislature shall pass appropriate laws to effectuate the
34 purposes of this subdivision, ensure that such games are rigidly regu-
35 lated to prevent commercialized gambling, prevent participation by crim-
36 inal and other undesirable elements and the diversion of funds from the
37 purposes authorized hereunder and establish a method by which a munici-
38 pality which has authorized such games may rescind or revoke such
39 authorization. Unless permitted by the legislature, no municipality
40 shall have the power to pass local laws or ordinances relating to such
41 games. Nothing in this section shall prevent the legislature from pass-
42 ing laws more restrictive than any of the provisions of this section.

43 S 2. Resolved (if the Senate concur), That the foregoing amendment be
44 referred to the first regular legislative session convening after the
45 next succeeding general election of members of the assembly, and, in
46 conformity with section 1 of article 19 of the constitution, be
47 published for 3 months previous to the time of such election.