

2009-2010 Regular Sessions

I N   S E N A T E

January 9, 2009

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Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

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 county

1     Section 1. Resolved (if the Assembly concur), That section 9 of arti-  
2     cle 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 WAGERING ON PROFESSIONAL  
20    SPORTS AND PARI-MUTUEL WAGERING ON HORSE RACING, PROVIDED HOWEVER, THAT  
21    SUCH AUTHORIZATIONS SHALL BE PRECEDED BY LOCAL APPROVAL, RESULTING FROM  
22    PASSAGE OF A SINGLE COUNTY-WIDE REFERENDUM OFFERED PURSUANT TO APPLICA-  
23    BLE STATE AND COUNTY LAWS, THE PROCEEDS OF WHICH SHALL BE DISTRIBUTED AT  
24    THE DIRECTION OF THE LEGISLATURE WHICH MAY FROM TIME TO TIME REVISE THE  
25    DISTRIBUTION FORMULAS, PROVIDED HOWEVER, THAT IN NO EVENT SHALL SHARES  
26    TO ANY LOCAL GOVERNMENTS BE LESS THAN REASONABLE, AS DETERMINED BY THE

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

LBD89003-02-9

1 LEGISLATURE, TO OFFSET COSTS ATTRIBUTABLE TO THE CONDUCT OF CASINO  
2 GAMING, shall hereafter be authorized or allowed within this state; and  
3 the legislature shall pass appropriate laws to prevent offenses against  
4 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 munic-  
38 ipality 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 Assembly concur), That the foregoing amendment  
44 be 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.