S T A T E O F N E W Y O R K

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I N A S S E M B L Y

June 30, 2010

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Magee, Townsend) -- 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 applying certain gaming funds in New York state to community development

Section 1. Resolved (if the Senate concur), That section 9 of article 1 of the constitution be amended by adding a new subdivision 3 to read as follows:

3. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, ANY COUNTY WITHIN THE STATE HAVING A POPULATION OF LESS THAN FIVE HUNDRED THOUSAND MAY, BY AN APPROVING VOTE OF THE MAJORITY OF QUALIFIED ELECTORS IN SUCH COUNTY VOTING ON A PROPOSITION THEREFOR SUBMITTED AT A GENERAL OR SPECIAL ELECTION, AUTHORIZE, SUBJECT TO STATE LEGISLATIVE SUPERVISION AND CONTROL, THE CONDUCT OF GAMES OF CHANCE NOT PROVIDED FOR IN SUBDIVISIONS ONE OR TWO OF THIS SECTION IN FACILITIES THAT BOTH CONDUCT LIVE HORSE RACING AND ACCEPT PARI-MUTUEL WAGERING ON HORSE RACING AS AUTHORIZED PURSUANT TO SUBDIVISION ONE OF THIS SECTION. NO SUCH AUTHORIZATION IS VALID WHERE PRECLUDED BY A PRIOR NEGOTIATED AND APPROVED COMPACT BETWEEN THE STATE AND SOVEREIGN INDIAN NATION. THE STATE SHALL DERIVE A REASONABLE REVENUE FOR THE SUPPORT OF GOVERNMENT FROM GAMES AUTHORIZED BY THIS SUBDIVISION. IN ADDITION, A PORTION OF THE PROCEEDS FROM GAMES AUTHORIZED BY THIS SUBDIVISION SHALL BE APPLIED TO OR IN AID OR SUPPORT OF PROGRAMS TO PROMOTE THE COMMUNITY DEVELOPMENT OF THE COUNTY AND REGION AND SERVICES FOR AND TREATMENT OF PERSONS ADDICTED TO GAMBLING. UNLESS PERMITTED BY STATE LAW, NO COUNTY SHALL HAVE THE POWER TO PASS LAWS OR OTHERWISE REGULATE GAMES AUTHORIZED PURSUANT TO THIS SUBDIVISION. THE LEGISLATURE SHALL PASS APPROPRIATE LAWS TO ESTABLISH AND MAINTAIN THEIR SUPERVISION AND CONTROL OF THE CONDUCT OF GAMES OF CHANCE AUTHORIZED PURSUANT TO THIS SECTION, INCLUDING BUT NOT LIMITED TO LAWS TO DESCRIBE THE GAMES OF CHANCE THAT MAY BE CONDUCTED, TO PREVENT OFFENSES AGAINST ANY OF THE PROVISIONS OF THIS SUBDIVISION, TO EFFECTUATE THE PURPOSES OF THIS SUBDIVISION, TO PREVENT PARTICIPATION BY CRIMINAL AND OTHER UNDESIRABLE ELEMENTS, TO PREVENT THE DIVERSION OF FUNDS FROM THE PURPOSES

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

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AUTHORIZED HEREUNDER, AND TO ESTABLISH A METHOD BY WHICH A COUNTY MAY RESCIND OR REVOKE THE AUTHORIZATION PROVIDED FOR IN THIS SUBDIVISION.

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