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

6753

2011-2012 Regular Sessions

I N A S S E M B L Y

March 28, 2011

Introduced by M. of A. TENNEY -- 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 casino gambling in the state

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

S 9. 1. No law shall be passed abridging the rights of the people peaceably to assemble and to petition the government, or any department thereof; nor shall any divorce be granted otherwise than by due judicial proceedings; AND except as hereinafter provided, no lottery or the sale of lottery tickets, pool-selling, book-making, or any other kind of gambling, except lotteries operated by the state and the sale of lottery tickets in connection therewith as may be authorized and prescribed by the legislature, the net proceeds of which shall be applied exclusively to or in aid or support of education in this state as the legislature may prescribe, and except pari-mutuel betting on horse races as may be prescribed by the legislature and from which the state shall derive a reasonable revenue for the support of government, shall hereafter be authorized or allowed within this state; and the legislature shall pass appropriate laws to prevent offenses against any of the provisions of this section.

2. Notwithstanding the foregoing provisions of this section, any city, town or village within the state may by an approving vote of the majority of the qualified electors in such municipality voting on a proposition therefor submitted at a general or special election authorize, subject to state legislative supervision and control, the conduct of one or both of the following categories of games of chance commonly known as: (a) bingo or lotto, in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random; (b) games in which prizes are awarded on the basis of a winning number or numbers, color or colors, or symbol or symbols

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

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determined by chance from among those previously selected or played, whether determined as the result of the spinning of a wheel, a drawing or otherwise by chance. If authorized, such games shall be subject to the following restrictions, among others which may be prescribed by the legislature: (1) only bona fide religious, charitable or non-profit organizations of veterans, volunteer firefighter and similar non-profit organizations shall be permitted to conduct such games; (2) the entire net proceeds of any game shall be exclusively devoted to the lawful purposes of such organizations; (3) no person except a bona fide member of any such organization shall participate in the management or operation of such game; and (4) no person shall receive any remuneration for participating in the management or operation of any such game. Unless otherwise provided by law, no single prize shall exceed two hundred fifty dollars, nor shall any series of prizes on one occasion aggregate more than one thousand dollars. The legislature shall pass appropriate laws to effectuate the purposes of this subdivision, ensure that such games are rigidly regulated to prevent commercialized gambling, prevent participation by criminal and other undesirable elements and the diversion of funds from the purposes authorized hereunder and establish a method by which a municipality which has authorized such games may rescind or revoke such authorization. Unless permitted by the legislature, no municipality shall have the power to pass local laws or ordinances relating to such games. Nothing in this section shall prevent the legislature from passing laws more restrictive than any of the provisions of this section.

3. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SECTION, GAMES OF CHANCE, ANY CARD GAMES OF CHANCE, ELECTRONIC OR ELECTROMECHANICAL FACSIMILES OF ANY GAMES OF CHANCE MAY BE CONDUCTED OR OPERATED, AND SLOT MACHINES MAY BE OPERATED IN PRIVATELY OWNED AND OPERATED LAND-BASED CASINOS WITHIN ANY COUNTY WITHIN THE STATE, AS MAY BE AUTHORIZED AND PRESCRIBED BY THE LEGISLATURE, BUT ONLY IF APPROVED BY COUNTY REFERENDUM AS A SEPARATE QUESTION, PLACED UPON THE BALLOT BY A MAJORITY VOTE OF THE COUNTY LEGISLATIVE BODY PURSUANT TO COUNTY LAW, IN THE COUNTY IN WHICH SUCH GAMES OF CHANCE AND SLOT MACHINES ARE TO BE AUTHORIZED; PROVIDED, HOWEVER, THAT IN ANY COUNTY WHOLLY ENCOMPASSED BY A CITY HAVING A POPULATION OF ONE MILLION OR MORE, AS MAY BE AUTHORIZED AND PRESCRIBED BY THE LEGISLATURE, BUT ONLY IF APPROVED BY A REFERENDUM AS A SEPARATE QUESTION IN THE COUNTY IN WHICH SUCH GAMES OF CHANCE AND SLOT MACHINES ARE TO BE AUTHORIZED. UNLESS PERMITTED BY THE LEGISLATURE, NO MUNICIPALITY SHALL HAVE THE POWER TO REGULATE SUCH GAMES OF CHANCE OR SLOT MACHINES IF SUCH ARE AUTHORIZED PURSUANT TO THIS PARAGRAPH. A PORTION, TO BE DETERMINED BY THE LEGISLATURE, OF THE PROCEEDS FROM SUCH GAMES OF CHANCE AND SLOT MACHINES SHALL BE APPLIED TO OR IN AID OR SUPPORT OF PROGRAMS TO PROMOTE THE COMMUNITY DEVELOPMENT OF THE LOCALITY AND REGION, THE RACING AND BREEDING INDUSTRY IN NEW YORK STATE, SERVICES FOR AND TREATMENT OF PERSONS ADDICTED TO GAMBLING, AND FOR SUPPORT OF STATE AND LOCAL GOVERNMENT.

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, to be published for 3 months previous to the time of such election.