

# STATE OF NEW YORK

1455

2023-2024 Regular Sessions

## IN ASSEMBLY

January 17, 2023

Introduced by M. of A. BLANKENBUSH, DeSTEFANO, BRABENEC, MILLER, McDO-  
NOUGH, SMULLEN, TAGUE -- read once and referred to the Committee on  
Racing and Wagering

### CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY

proposing an amendment to subdivision 2 of section 9 of article 1 of the  
constitution, in relation to the operation of games of chance

1 Section 1. Resolved (if the Senate concur), That subdivision 2 of  
2 section 9 of article 1 of the constitution be amended to read as  
3 follows:

4 2. Notwithstanding the foregoing provisions of this section, any city,  
5 town or village within the state may by an approving vote of the majori-  
6 ty of the qualified electors in such municipality voting on a proposi-  
7 tion therefor submitted at a general or special election authorize,  
8 subject to state legislative supervision and control, the conduct of one  
9 or both of the following categories of games of chance commonly known  
10 as: (a) bingo or lotto, in which prizes are awarded on the basis of  
11 designated numbers or symbols on a card conforming to numbers or symbols  
12 selected at random; (b) games in which prizes are awarded on the basis  
13 of a winning number or numbers, color or colors, or symbol or symbols  
14 determined by chance from among those previously selected or played,  
15 whether determined as the result of the spinning of a wheel, a drawing  
16 or otherwise by chance. If authorized, such games shall be subject to  
17 the following restrictions, among others which may be prescribed by the  
18 legislature: (1) only bona fide religious, charitable or non-profit  
19 organizations of veterans, volunteer firefighter and similar non-profit  
20 organizations shall be permitted to conduct such games; (2) the entire  
21 net proceeds of any game shall be exclusively devoted to the lawful  
22 purposes of such organizations; (3) no person except a bona fide member  
23 or employee of any such organization shall participate in the management  
24 or operation of such game; and (4) no person shall receive any remunera-  
25 tion for participating in the management or operation of any such game,  
26 except when an employee of such organization, who is compensated for

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

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1 work unrelated to the management or operation of games of chance,  
2 participates in the management or operation of any such game. Unless  
3 otherwise provided by law, no single prize shall exceed two hundred  
4 fifty dollars, nor shall any series of prizes on one occasion aggregate  
5 more than one thousand dollars. The legislature shall pass appropriate  
6 laws to effectuate the purposes of this subdivision, ensure that such  
7 games are rigidly regulated to prevent commercialized gambling, prevent  
8 participation by criminal and other undesirable elements and the diver-  
9 sion of funds from the purposes authorized hereunder and establish a  
10 method by which a municipality which has authorized such games may  
11 rescind or revoke such authorization. Unless permitted by the legisla-  
12 ture, no municipality shall have the power to pass local laws or ordi-  
13 nances relating to such games. Nothing in this section shall prevent the  
14 legislature from passing laws more restrictive than any of the  
15 provisions of this section.

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