

S5426 GRIFFO No Same as
ON FILE: 05/20/11 Constitution, Concurrent Resolutions to Amend
TITLE....Constitutional amendment relating to gaming in New York state
05/19/11 REFERRED TO JUDICIARY
05/24/11 TO ATTORNEY-GENERAL FOR OPINION

SUMMARY:

GRIFFO, ADAMS

Amd Art 1 S9, Constn

Relates to gaming in New York state and applying certain proceeds from such gaming to the community development in the locality or region in which such gaming occurs.

SPONSORS MEMO:

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S5426

SPONSOR: GRIFFO

TITLE OF BILL:

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

PURPOSE:

To permit the construction and operation of casinos.

SUMMARY OF PROVISIONS:

- * Would allow for casino gaming at facilities that met the following criteria:
- * In a county with a population less than 500,000
- * The facility accepts para-mutual wagering and hosts live horse racing
- * Will not be applicable to those regions prohibited by applicable Native American compacts
- * Home Rule
- * Would have a home rule requirement, which mandates a county-wide referendum
- * Revenue applications
- * Development of local economy
- * Also offset costs to local economy of operating casino o Fire/police/etc.
- * Fund treatment of persons addicted to gambling
- * Provide revenue to State and local government

EFFECTS OF PRESENT LAW WHICH THIS BILL WOULD ALTER:

This amendment would provide for up to five privately owned and operated casinos: one in the in the counties of Saratoga, Oneida, Tioga and two in the county of Sullivan.

JUSTIFICATION:

To create jobs and otherwise stimulate the state and local economy by the expansion of gaming, which has not occurred as a result of the failure to act upon legislation passed in October 2001 and conferred the authority for Native American tribes to operate up to three casinos in Sullivan and Ulster counties. None are in operation or even under construction.

Given that the critical economic development intended for the Catskill Region by the legislature during 2001, has not materialized --- there are no casinos in operation --- the time has come for the legislature to authorize the construction and operation of casinos by other-than-tribal entrepreneurs. Such action requires an amendment to the state constitution which prohibits gambling of any kind unless specifically permitted by that document.

This resolution is presented for passage by the legislature as the required first step in the process of amending the state constitution. A second passage and public approval must follow for this proposed change to be adopted.

LEGISLATIVE HISTORY:

2010: A.11600 - Judiciary Committee/S.8119-A Passed Senate

FISCAL IMPLICATIONS:

None at this time.

EFFECTIVE DATE:

Resolved (if the Assembly 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.

BILL TEXT:

STATE OF NEW YORK

IN SENATE

May 19, 2011

Introduced by Sens. GRIFFO, ADAMS -- 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 applying certain gaming funds in New York state to community development

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

4 3. Notwithstanding subdivision one of this section, any county within
5 the state having a population of less than five hundred thousand may, by
6 an approving vote of the majority of qualified electors in such county
7 voting on a proposition therefor submitted at a general or special
8 election, authorize, subject to state legislative supervision and
9 control, the conduct of games of chance not provided for in subdivisions
10 one or two of this section in facilities that both conduct live horse
11 racing and accept pari-mutuel wagering on horse racing as authorized
12 pursuant to subdivision one of this section. No such authorization is
13 valid where precluded by a prior negotiated and approved compact between
14 the state and sovereign Indian Nation. The state shall derive a reason-
15 able revenue for the support of government from games authorized by this
16 subdivision. In addition, a portion of the proceeds from games author-
17 ized by this subdivision shall be applied to or in aid or support of
18 programs to promote the community development of the county and region
19 and services for and treatment of persons addicted to gambling. Unless
20 permitted by state law, no county shall have the power to pass laws or
21 otherwise regulate games authorized pursuant to this subdivision. The
22 legislature shall pass appropriate laws to establish and maintain their
23 supervision and control of the conduct of games of chance authorized
24 pursuant to this section, including but not limited to laws to describe
25 the games of chance that may be conducted, to prevent offenses against
26 any of the provisions of this subdivision, to effectuate the purposes of

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

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1 this subdivision, to prevent participation by criminal and other unde-
2 sirable elements, to prevent the diversion of funds from the purposes
3 authorized hereunder, and to establish a method by which a county may
4 rescind or revoke the authorization provided for in this subdivision.

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

