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News Coverage on Casino Gambling

Gambling, redistricting on constitutional amendment agenda

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ALBANY -- In order to resolve two of the more contentious issues facing state lawmakers in 2012, the Legislature will have to pass a bill -- twice.

And after that, it will have to be approved by the public.

Lawmakers and Gov. Andrew Cuomo face enormous pressure from lobbyists and advocates this year to finally settle a pair of perennially fractious Capitol debates: How to reform the state's redistricting process, and whether casino gambling should be legalized.

While the two issues on their face have been enough to split lawmakers for decades, the state's process for amending its constitution makes them even more difficult to tackle.

"Changing the constitution is supposed to be hard in the order of making law, so that's the intent," said Gerald Benjamin, a SUNY New Paltz political science professor.

Amending the state constitution, which has been in place in its current form since 1938, is a three-step process.

First, the state Legislature has to pass a bill. Then, the next separately elected Legislature has to pass the same exact bill.

After that, the amendment would be put to a public referendum on the November ballot.

There have been 16 constitutional amendments on the New York ballot since 1995, and all but two were either symbolic or technical. A total of six failed, including a 2005 amendment that

would have curbed the governor's power over the state budget process.

With all members of the state Senate and Assembly up for reelection in 2012, the Legislature would have to act on any gambling or redistricting amendments this year to have them on the ballot in 2013. If lawmakers don't act this year, the next time a constitutional amendment could take effect is 2015.

Gambling is prohibited by the constitution, save for numerous exceptions like the state lottery and bingo games organized by non-profits and charities.

When it comes to redistricting, the constitution clearly gives power to the state Legislature to draw its own district lines, a process that has long been criticized for allowing lawmakers to protect political majorities.

On Wednesday, Cuomo laid out his strategy for getting a casino gambling amendment passed. He has proposed an eight-word amendment that would broadly legalize state-regulated gambling.

While he wants lawmakers to pass the amendment this year and next, Cuomo said he would push for it to be accompanied by a law negotiated next year that would contain specifics. That law would include provisions for how to site new casinos and who would sit on a regulatory board, should the public approve the amendment.

"I think there will be a specific plan next year, and I think you'll need a specific plan to go to the people because they're going to have questions that they'll want answered," Cuomo said. "How many casinos? What's your plan on siting them? What's your plan on making sure they're operated well?"

Not all lawmakers agree with Cuomo's approach, however.

Sen. John Bonacic, R-Mt. Hope, Orange County, said he'd like to see a specific plan laid out in the amendment. Specifics laid out in a law, rather than an amendment, could be easily changed by future Legislatures.

"My opinion, for what it's worth, is we should have specificity of where casinos should go, and it should be part of the amendment on the first passage," Bonacic said. "There should be nothing vague about this."

Meanwhile, Cuomo and legislative leaders in the Assembly and Senate have been negotiating behind closed doors on a potential amendment to change the redistricting process.

Assemblyman John McEneny, D-Albany, who co-chairs the committee tasked with drawing new district lines, said he's in favor of changing the constitution.

In particular, McEneny said he'd like to see more specificity when it comes to the number of seats in the Senate. As it stands, the number of seats is determined by a complex formula based on the New York counties that existed in 1894 -- before the Bronx and Nassau County were founded.

Senate Republicans and Democrats have been locked in a legal battle over the number of seats there should be in the upper chamber. The GOP claims the constitutional formula calls for 63 seats, while the Democrats say Republicans are bending that formula to meet their needs.

Currently, the Senate has 62 members.

"This ... arcane, complicated formula last set up in the constitution of 1894 has caused nothing but confusion and ill-feeling," McEneny told reporters this week. "I want a simpler system."

Benjamin, the New Paltz professor, said the courts have interpreted the redistricting provisions so many times over the years that it's difficult to know what's what.

"It's completely messed up," he said. "What's in there -- it's hard to sort out what operates and what doesn't. There is a lot of really anomalous stuff."

Benjamin is part of the Citizens Committee for an Effective Constitution, a bipartisan group -- including Assembly Minority Leader Brian Kolb, R-Canandaigua, Ontario County, and Democratic activist Bill Samuels -- that is calling for a constitutional convention.

A convention would open up the entire constitution to interpretation and provide an easier route for getting amendments on the ballot. Voters are asked every 20 years to approve a convention, but the last time it was approved was 1967.

The next time a convention would be on the ballot is 2017, but the Legislature could vote for one before that.

"Usually, there has to be a compelling reason to take up an amendment," Kolb said. "Then you need a driving force, with widespread support from the Legislature and the public. It's more about the notoriety of an issue than it is the difficulty of passing an amendment."

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