

# SENATE, No. 2460

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED OCTOBER 9, 2014

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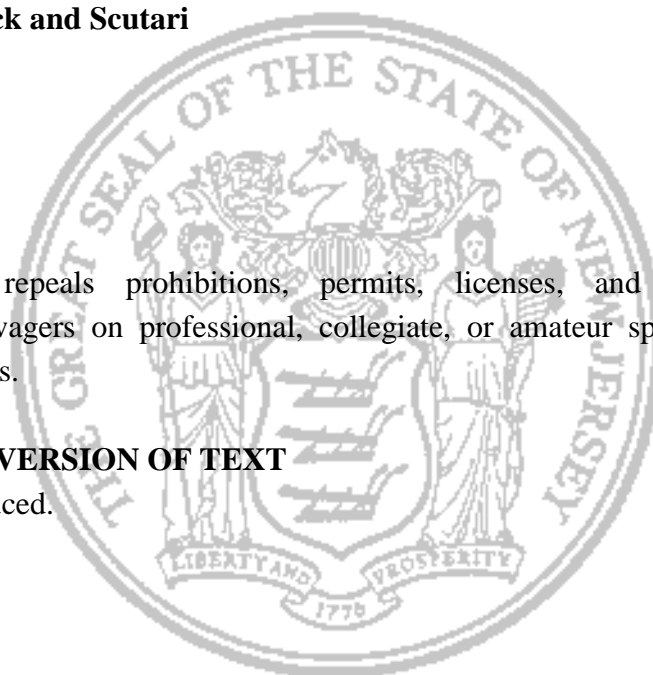
**Senators Beck and Scutari**

**SYNOPSIS**

Partially repeals prohibitions, permits, licenses, and authorizations concerning wagers on professional, collegiate, or amateur sport contests or athletic events.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 10/17/2014)**

1 AN ACT partially repealing the prohibitions, permits, licenses, and  
2 authorizations concerning wagers on professional, collegiate, or  
3 amateur sport contests or athletic events, deleting a portion of  
4 P.L.1977, c.110, and repealing sections 1 through 6 of P.L.2011,  
5 c.231.

6  
7 **BE IT ENACTED** by the Senate and General Assembly of the State  
8 of New Jersey:

9  
10 1. (New section) The provisions of chapter 37 of Title 2C of  
11 the New Jersey Statutes, chapter 40 of Title 2A of the New Jersey  
12 Statutes, chapter 5 of Title 5 of the Revised Statutes, and P.L.1977,  
13 c.110 (C.5:12-1 et seq.), as amended and supplemented, and any  
14 rules and regulations that may require or authorize any State agency  
15 to license, authorize, permit or otherwise take action to allow any  
16 person to engage in the placement or acceptance of any wager on  
17 any professional, collegiate, or amateur sport contest or athletic  
18 event, or that prohibit participation in or operation of a pool that  
19 accepts such wagers, are repealed to the extent they apply or may be  
20 construed to apply at a casino or gambling house operating in this  
21 State in Atlantic City or a running or harness horse racetrack in this  
22 State, to the placement and acceptance of wagers on professional,  
23 collegiate, or amateur sport contests or athletic events by persons 21  
24 years of age or older situated at such location or to the operation of  
25 a wagering pool that accepts such wagers from persons 21 years of  
26 age or older situated at such location, provided that the operator of  
27 the casino, gambling house, or running or harness horse racetrack  
28 consents to the wagering or operation.

29 As used in this act, P.L. , c. (C. ) (pending before the  
30 Legislature as this bill):

31 “collegiate sport contest or athletic event” shall not include a  
32 collegiate sport contest or collegiate athletic event that takes place  
33 in New Jersey or a sport contest or athletic event in which any New  
34 Jersey college team participates regardless of where the event takes  
35 place; and

36 “running or harness horse racetrack” means the physical facility  
37 where a horse race meeting with parimutuel wagering is conducted  
38 and includes any former racetrack where such a meeting was  
39 conducted within 15 years prior to the effective date of this act,  
40 excluding premises other than those where the racecourse itself was  
41 located.

42  
43 2. (New section) The provisions of this act, P.L. , c. (C. )  
44 (pending before the Legislature as this bill), are not intended and  
45 shall not be construed as causing the State to sponsor, operate,

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 advertise, promote, license, or authorize by law or compact the  
2 placement or acceptance of any wager on any professional,  
3 collegiate, or amateur sport contest or athletic event but, rather, are  
4 intended and shall be construed to repeal State laws and regulations  
5 prohibiting and regulating the placement and acceptance, at a casino  
6 or gambling house operating in this State in Atlantic City or a  
7 running or harness horse racetrack in this State, of wagers on  
8 professional, collegiate, or amateur sport contests or athletic events  
9 by persons 21 years of age or older situated at such locations.

10

11 3. Section 24 of P.L.1977, c.110 (C.5:12-24) is amended to  
12 read as follows:

13 24. "Gross Revenue"-- The total of all sums actually received by  
14 a casino licensee from gaming operations, [including operation of a  
15 sports pool,] less only the total of all sums actually paid out as  
16 winnings to patrons; provided, however, that the cash equivalent  
17 value of any merchandise or thing of value included in a jackpot or  
18 payout shall not be included in the total of all sums paid out as  
19 winnings to patrons for purposes of determining gross revenue.  
20 "Gross Revenue" shall not include any amount received by a casino  
21 from casino simulcasting pursuant to the "Casino Simulcasting  
22 Act," P.L.1992, c.19 (C.5:12-191 et al.).

23 (cf: P.L.2011, c.231, s.7)

24

25 4. (New section) The provisions of this act, P.L. , c. (C. )  
26 (pending before the Legislature as this bill), shall be deemed to be  
27 severable, and if any phrase, clause, sentence, word or provision of  
28 this act is declared to be unconstitutional, invalid, preempted or  
29 inoperative in whole or in part, or the applicability thereof to any  
30 person is held invalid, by a court of competent jurisdiction, the  
31 remainder of this act shall not thereby be deemed to be  
32 unconstitutional, invalid, preempted or inoperative and, to the  
33 extent it is not declared unconstitutional, invalid, preempted or  
34 inoperative, shall be effectuated and enforced.

35

36 5. Sections 1 through 6 of P.L.2011, c.231 (C.5:12A-1 through  
37 C.5:12A-6) are repealed.

38

39 6. This act shall take effect immediately.

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42

#### STATEMENT

43

44 This bill implements the decision of the United States Court of  
45 Appeals for the Third Circuit in *National Collegiate Athletic*  
46 *Association v. Governor of New Jersey*, 730 F.3d 208 (3d Cir.  
47 2013), wherein the court in interpreting the Professional and  
48 Amateur Sports Protection Act of 1992 (PASPA), 28 U.S.C. § 3701

1 *et seq.*, stated that it does “not read PASPA to prohibit New Jersey  
2 from repealing its ban on sports wagering.” *National Collegiate*  
3 *Athletic Association*, 730 F.3d at 232. The court further stated that  
4 “it is left up to each state to decide how much of a law enforcement  
5 priority it wants to make of sports gambling, or *what the exact*  
6 *contours of the prohibition will be.*” *Id.* at 233 (emphasis added).  
7 Moreover, the United States in its brief submitted to the Supreme  
8 Court of the United States in opposition to petitions for writs of  
9 certiorari in the above-referenced case wrote that “PASPA does not  
10 even obligate New Jersey to leave in place the state-law  
11 prohibitions against sports gambling that it had chosen to adopt  
12 prior to PASPA’s enactment. To the contrary, *New Jersey is free to*  
13 *repeal those prohibitions in whole or in part.*” United States Brief  
14 to the Supreme Court in Opposition to Petitions for Writs of  
15 Certiorari (Nos. 13-967, 13-979, 13-980), dated May 14, 2014, at  
16 11 (emphasis added).