SENATE CONCURRENT RESOLUTION No. 38

STATE OF NEW JERSEY
216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:
Senator JENNIFER BECK
District 11 (Monmouth)
Senator PETER J. BARNES, III
District 18 (Middlesex)

SYNOPSIS
Proposes constitutional amendment to allow electronic wagering terminals at racetracks, off-track wagering facilities, and casinos for wagering on horse races conducted in the past.

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel

(Sponsorship Updated As Of: 8/1/2014)
A CONCURRENT RESOLUTION to amend Article IV, Section VII, paragraph 2 of the Constitution of the State of New Jersey.

BE IT RESOLVED by the Senate of the State of New Jersey (the General Assembly concurring):

1. The following proposed amendment to the Constitution of the State of New Jersey is hereby agreed to:

PROPOSED AMENDMENT

Amend Article IV, Section VII, paragraph 2 to read as follows:

2. No gambling of any kind shall be authorized by the Legislature unless the specific kind, restrictions and control thereof have been heretofore submitted to, and authorized by a majority of the votes cast by, the people at a special election or shall hereafter be submitted to, and authorized by a majority of the votes cast thereon by, the legally qualified voters of the State voting at a general election, except that, without any such submission or authorization:

A. It shall be lawful for bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first-aid or rescue squads to conduct, under such restrictions and control as shall from time to time be prescribed by the Legislature by law, games of chance of, and restricted to, the selling of rights to participate, the awarding of prizes, in the specific kind of game of chance sometimes known as bingo or lotto, played with cards bearing numbers or other designations, 5 or more in one line, the holder covering numbers as objects, similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement of numbers on such a card, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and in the case of senior citizen associations or clubs to the support of such organizations, in any municipality, in which a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by the Legislature by law, shall authorize the conduct of such games of chance therein;

B. It shall be lawful for the Legislature to authorize, by law, bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first-aid or rescue squads to conduct games of chance of, and restricted to, the selling of rights

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.
to participate, and the awarding of prizes, in the specific kinds of
games of chance sometimes known as raffles, conducted by the
drawing for prizes or by the allotment of prizes by chance, when the
entire net proceeds of such games of chance are to be devoted to
educational, charitable, patriotic, religious or public-spirited uses,
and in the case of senior citizen associations or clubs to the support
of such organizations, in any municipality, in which such law shall
be adopted by a majority of the qualified voters, voting thereon, at a
general or special election as the submission thereof shall be
prescribed by law and for the Legislature, from time to time, to
restrict and control, by law, the conduct of such games of chance;

C. It shall be lawful for the Legislature to authorize the conduct
of State lotteries restricted to the selling of rights to participate
therein and the awarding of prizes by drawings when the entire net
proceeds of any such lottery shall be for State institutions and State
aid for education; provided, however, that it shall not be competent
for the Legislature to borrow, appropriate or use, under any pretense
whatevsoever, lottery net proceeds for the confinement, housing,
supervision or treatment of, or education programs for, adult
criminal offenders or juveniles adjudged delinquent or for the
construction, staffing, support, maintenance or operation of an adult
or juvenile correctional facility or institution;

D. It shall be lawful for the Legislature to authorize by law the
establishment and operation, under regulation and control by the
State, of gambling houses or casinos within the boundaries, as
heretofore established, of the city of Atlantic City, county of
Atlantic, and to license and tax such operations and equipment used
in connection therewith. Any law authorizing the establishment and
operation of such gambling establishments shall provide for the
State revenues derived therefrom to be applied solely for the
purpose of providing funding for reductions in property taxes,
rental, telephone, gas, electric, and municipal utilities charges of
eligible senior citizens and disabled residents of the State, and for
additional or expanded health services or benefits or transportation
services or benefits to eligible senior citizens and disabled
residents, in accordance with such formulae as the Legislature shall
by law provide. The type and number of such casinos or gambling
houses and of the gambling games which may be conducted in any
such establishment shall be determined by or pursuant to the terms
of the law authorizing the establishment and operation thereof.

It shall also be lawful for the Legislature to authorize by law
wagering at casinos or gambling houses in Atlantic City on the
results of any professional, college, or amateur sport or athletic
event, except that wagering shall not be permitted on a college sport
or athletic event that takes place in New Jersey or on a sport or
athletic event in which any New Jersey college team participates
regardless of where the event takes place;
E. It shall be lawful for the Legislature to authorize, by law, (1) the simultaneous transmission by picture of running and harness horse races conducted at racetracks located within or outside of this State, or both, to gambling houses or casinos in the city of Atlantic City and (2) the specific kind, restrictions and control of wagering at those gambling establishments on the results of those races. The State's share of revenues derived therefrom shall be applied for services to benefit eligible senior citizens as shall be provided by law; and

F. It shall be lawful for the Legislature to authorize, by law, the specific kind, restrictions and control of wagering on the results of live or simulcast running and harness horse races conducted within or outside of this State. The State's share of revenues derived therefrom shall be used for such purposes as shall be provided by law.

It shall also be lawful for the Legislature to authorize by law wagering at current or former running and harness horse racetracks in this State on the results of any professional, college, or amateur sport or athletic event, except that wagering shall not be permitted on a college sport or athletic event that takes place in New Jersey or on a sport or athletic event in which any New Jersey college team participates regardless of where the event takes place; and

G. It shall be lawful for the Legislature to authorize, by law, the specific kind, restrictions and control of wagering on horse races conducted in the past, which wagers shall be placed through electronic wagering terminals located at licensed racetracks, off-track wagering facilities, and casinos in this State by persons who are physically present at those racetracks, off-track wagering facilities, and casinos. The State’s share of revenues derived therefrom shall be used for such purposes as shall be provided by law.

(cf: Art. IV, Sec. VII, par. 2, amended effective December 8, 2011)

2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after the final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the General Assembly and the Secretary of State, not less than three months prior to the general election.

3. This proposed amendment to the Constitution shall be submitted to the people at that election in the following manner and form:

There shall be printed on each official ballot to be used at the general election, the following:
a. In every municipality in which voting machines are not used, a legend which shall immediately precede the question as follows:

If you favor the proposition printed below make a cross (X), plus (+), or check (✓) in the square opposite the word "Yes." If you are opposed thereto make a cross (X), plus (+) or check (✓) in the square opposite the word "No."

b. In every municipality the following question:

**CONSTITUTIONAL AMENDMENT TO ALLOW WAGERING ON PAST HORSE RACES USING BETTING MACHINES**

Do you approve amending the Constitution to allow the Legislature to pass a law to permit betting machines at New Jersey horse racetracks, off-track wagering facilities, and casinos for betting on past horse races?

**INTERPRETIVE STATEMENT**

This constitutional amendment allows the Legislature to pass a law to permit betting machines at Thoroughbred and Standardbred racetracks, off-track wagering facilities, and casinos for persons to bet on past horse races. The betting machines will contain recordings of horse races that were held in the past. The law will specify the kind of betting that will be permitted on past horse races and the restrictions and controls that will be placed on that betting. It will also specify how the State will use its share of revenues from such betting.

**STATEMENT**

This constitutional amendment would allow the Legislature to authorize, by law, the establishment of electronic wagering machines at New Jersey’s Thoroughbred and Standardbred racetracks, off-track wagering facilities, and casinos for the placement of wagers by persons physically present at those locations on horse races conducted in the past. Under this amendment, and subsequent enabling legislation, the State’s racetracks, off-track wagering facilities, and casinos would be able to offer electronic gaming on horse races previously conducted, which in other states is currently being implemented under the term “instant racing.” In general, instant racing refers to an electronic wagering machine game that utilizes previously-recorded horse
races, generated at random, upon which patrons place wagers. The player does not know the outcome of the race until the race is run on the betting machine. Upon approval of this amendment, the specific kind, restrictions, and control of such electronic wagering on horse races, and the State's share of revenues derived from such wagering, would be provided for by law.