

Article IV, Section VII, Paragraph 2 New Jersey Constitution

LEGISLATIVE HISTORY CHECKLIST

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(Authorizes Legislature by law to allow wagering at Atlantic City Casinos and at horse racetracks on sports events)

New Jersey Constitution: Article IV, Section VII, Paragraph 2

BILL NO: ACR167 (SCR132)

SPONSOR: Lesniak, Beck, Milam, Albano, Caputo, Wagner, Ramos, Kean

DATE INTRODUCED: 11/15/2010

COMMITTEE: **Assembly:** Regulatory Oversight and Gaming

Senate: State Government, Wagering, Tourism & Historic Preservation; Economic Growth

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 12/13/2010

SENATE: 12/13/2010

FILED WITH SECRETARY OF STATE: 12/14/2010

DATE OF ADOPTION: 11/8/2011

EFFECTIVE: 12/8/2011

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced bill enacted) Yes

SPONSOR'S STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

REPORTS: No

HEARINGS: Yes

974.90 Public hearing before Senate Economic Growth Committee : Senate concurrent resolution no. 132
G191 (proposes constitutional amendment authorizing Legislature by law to allow wagering at Atlantic City casinos
2010b and at horse racetracks on sports events : [December 9, 2010, Trenton, New Jersey]

NEWSPAPER ARTICLES:

Yes

Ruth, Joao-Pierre, 'Hoping legislation is a game changer for Atlantic City', *NJBIZ*, 12/14/2010

Brennan, John, 'Christie Betoos Online Gambling Measure', *Herald News*, 3/4/2011, pg A03

Spoto, Maryann, ' Judge says N.J. lawmakers have no standing to challenge federal sports-betting ban', *northjersey.com*, 3/8/2011

Spoto, Maryann, 'N.J. sports betting lawsuit tossed out – Judge regeccts bid – to overturn state ban', *The Star-Ledger*, 3/9/2011, pg 011

Staff Writers, ' Our View: Online gaming in N.J. / Backward approach', *The Press of Atlantic City*, 7/31/2011, pg A14

Kitchenman, Andrew, 'Senator hopes sports betting saves gaming – Study: Wagering could bring \$6.7 billion into New Jersey', *NJBIZ*, 10/24/2011

Brennan, John, 'Sports betting debate lacking', *northjersey.com*, 11/2/2011

KA

**ASSEMBLY CONCURRENT
RESOLUTION No. 167**

**STATE OF NEW JERSEY
214th LEGISLATURE**

INTRODUCED DECEMBER 6, 2010

Sponsored by:

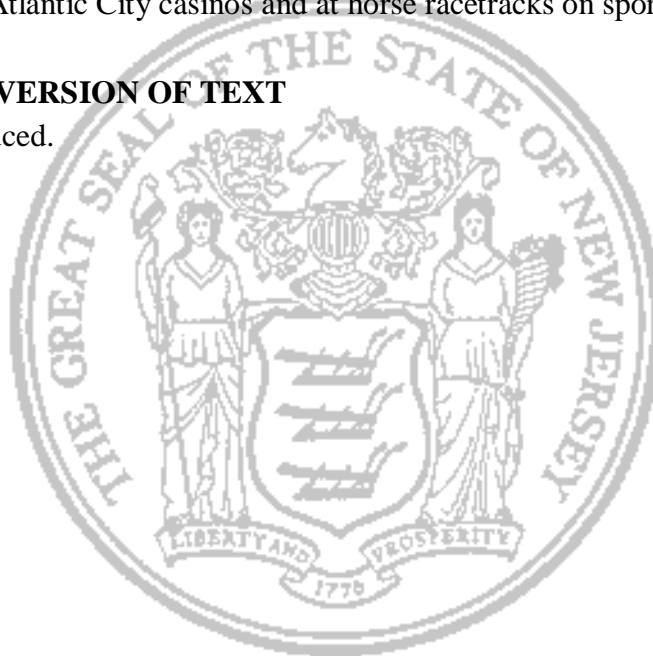
**Assemblyman MATTHEW W. MILAM
District 1 (Cape May, Atlantic and Cumberland)
Assemblyman NELSON T. ALBANO
District 1 (Cape May, Atlantic and Cumberland)
Assemblyman RALPH R. CAPUTO
District 28 (Essex)
Assemblywoman CONNIE WAGNER
District 38 (Bergen)
Assemblyman RUBEN J. RAMOS, JR.
District 33 (Hudson)**

SYNOPSIS

Proposes constitutional amendment authorizing Legislature by law to allow wagering at Atlantic City casinos and at horse racetracks on sports events.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/14/2010)

1 **A CONCURRENT RESOLUTION** to amend Article IV, Section VII,
2 paragraph 2 of the Constitution of the State of New Jersey.

3

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

6

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

9

10 **PROPOSED AMENDMENT**

11

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

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

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

41 B. It shall be lawful for the Legislature to authorize, by law,
42 bona fide veterans, charitable, educational, religious or fraternal
43 organizations, civic and service clubs, senior citizen associations or
44 clubs, volunteer fire companies and first-aid or rescue squads to
45 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.

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

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

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

41 It shall also be lawful for the Legislature to authorize by law
42 wagering at casinos or gambling houses in Atlantic City on the
43 results of any professional, college, or amateur sport or athletic
44 event, except that wagering shall not be permitted on a college sport
45 or athletic event that takes place in New Jersey or on a sport or
46 athletic event in which any New Jersey college team participates
47 regardless of where the event takes place;

1 E. It shall be lawful for the Legislature to authorize, by law, (1)
2 the simultaneous transmission by picture of running and harness
3 horse races conducted at racetracks located within or outside of this
4 State, or both, to gambling houses or casinos in the city of Atlantic
5 City and (2) the specific kind, restrictions and control of wagering
6 at those gambling establishments on the results of those races. The
7 State's share of revenues derived therefrom shall be applied for
8 services to benefit eligible senior citizens as shall be provided by
9 law; and

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

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

23 (cf: Art. IV, Sec. VII, par. 2, amended effective December 2, 1999)

24

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

33

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

37 There shall be printed on each official ballot to be used at the
38 general election, the following:

39 a. In every municipality in which voting machines are not used,
40 a legend which shall immediately precede the question as follows:

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

45 b. In every municipality the following question:

1

	<p>YES</p>	<p>CONSTITUTIONAL AMENDMENT AUTHORIZING LEGISLATURE BY LAW TO ALLOW WAGERING ON SPORTS EVENTS AT ATLANTIC CITY CASINOS AND AT HORSE RACETRACKS Shall the amendment to Article IV, Section VII, paragraph 2 of the Constitution of the State of New Jersey, agreed to by the Legislature, providing that it shall be lawful for the Legislature to authorize by law wagering at casinos or gambling houses in Atlantic City and at current or former running and harness horse racetracks on the results of professional, certain college, or amateur sport or athletic events, be approved?</p>
	<p>NO</p>	<p>INTERPRETIVE STATEMENT A “Yes” vote on this question would allow the Legislature, when permitted by federal law, to legalize the placing of bets on certain sports events at casinos, racetracks, and former racetrack sites. Currently, federal law only permits this type of betting in Nevada and Delaware. It also occurs through illegal betting operations. If legalized in New Jersey, bets could be placed on professional, college, or amateur sports or athletic events, except that bets could not be placed on any college sports or athletic event that takes place in New Jersey or in which a New Jersey college team is playing.</p>

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STATEMENT

This constitutional amendment would authorize the Legislature to enact laws allowing betting on sports or athletic events at casinos in Atlantic City and at running or harness horse racetracks, including former racetracks. Bets could be placed at a casino or racetrack site on the results of professional, college, or amateur sport or athletic events, except that bets could not be placed on college games that take place in New Jersey or in which a New Jersey college team participates regardless of where the game takes place.

ACR167 MILAM, ALBANO

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1 The online gaming authorization in Senate Concurrent
2 Resolution No. 49 of 2010 was not necessary to be included in this
3 concurrent resolution because it is not a new form of wagering that
4 requires an amendment to the State Constitution and can be
5 authorized by enabling legislation.

**SENATE CONCURRENT
RESOLUTION No. 132**

**STATE OF NEW JERSEY
214th LEGISLATURE**

INTRODUCED NOVEMBER 15, 2010

Sponsored by:

Senator RAYMOND J. LESNIAK

District 20 (Union)

Senator JENNIFER BECK

District 12 (Mercer and Monmouth)

Assemblyman MATTHEW W. MILAM

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman NELSON T. ALBANO

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman RALPH R. CAPUTO

District 28 (Essex)

Assemblywoman CONNIE WAGNER

District 38 (Bergen)

Assemblyman RUBEN J. RAMOS, JR.

District 33 (Hudson)

Co-Sponsored by:

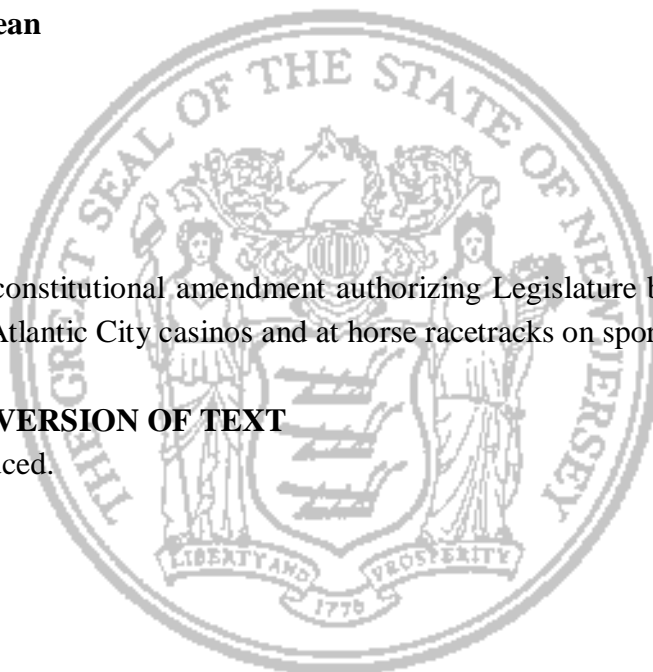
Senator S.Kean

SYNOPSIS

Proposes constitutional amendment authorizing Legislature by law to allow wagering at Atlantic City casinos and at horse racetracks on sports events.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/14/2010)

SCR132 LESNIAK, BECK

2

1 A **CONCURRENT RESOLUTION** to amend Article IV, Section VII,
2 paragraph 2 of the Constitution of the State of New Jersey.

3

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

6

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

9

10 PROPOSED AMENDMENT

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

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

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

41 B. It shall be lawful for the Legislature to authorize, by law,
42 bona fide veterans, charitable, educational, religious or fraternal
43 organizations, civic and service clubs, senior citizen associations or
44 clubs, volunteer fire companies and first-aid or rescue squads to
45 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
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1 to participate, and the awarding of prizes, in the specific kinds of
2 games of chance sometimes known as raffles, conducted by the
3 drawing for prizes or by the allotment of prizes by chance, when the
4 entire net proceeds of such games of chance are to be devoted to
5 educational, charitable, patriotic, religious or public-spirited uses,
6 and in the case of senior citizen associations or clubs to the support
7 of such organizations, in any municipality, in which such law shall
8 be adopted by a majority of the qualified voters, voting thereon, at a
9 general or special election as the submission thereof shall be
10 prescribed by law and for the Legislature, from time to time, to
11 restrict and control, by law, the conduct of such games of chance;

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

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

41 It shall also be lawful for the Legislature to authorize by law
42 wagering at casinos or gambling houses in Atlantic City on the
43 results of any professional, college, or amateur sport or athletic
44 event, except that wagering shall not be permitted on a college sport
45 or athletic event that takes place in New Jersey or on a sport or
46 athletic event in which any New Jersey college team participates
47 regardless of where the event takes place;

1 E. It shall be lawful for the Legislature to authorize, by law, (1)
2 the simultaneous transmission by picture of running and harness
3 horse races conducted at racetracks located within or outside of this
4 State, or both, to gambling houses or casinos in the city of Atlantic
5 City and (2) the specific kind, restrictions and control of wagering
6 at those gambling establishments on the results of those races. The
7 State's share of revenues derived therefrom shall be applied for
8 services to benefit eligible senior citizens as shall be provided by
9 law; and

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

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

23 (cf: Art. IV, Sec. VII, par. 2, amended effective December 2, 1999)

24

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

33

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

37 There shall be printed on each official ballot to be used at the
38 general election, the following:

39 a. In every municipality in which voting machines are not used,
40 a legend which shall immediately precede the question as follows:

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

45 b. In every municipality the following question:

1

	YES	<p style="text-align: center;">CONSTITUTIONAL AMENDMENT AUTHORIZING LEGISLATURE BY LAW TO ALLOW WAGERING ON SPORTS EVENTS AT ATLANTIC CITY CASINOS AND AT HORSE RACETRACKS</p> <p>Shall the amendment to Article IV, Section VII, paragraph 2 of the Constitution of the State of New Jersey, agreed to by the Legislature, providing that it shall be lawful for the Legislature to authorize by law wagering at casinos or gambling houses in Atlantic City and at current or former running and harness horse racetracks on the results of professional, certain college, or amateur sport or athletic events, be approved?</p>
	NO	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>A “Yes” vote on this question would allow the Legislature, when permitted by federal law, to legalize the placing of bets on certain sports events at casinos, racetracks, and former racetrack sites. Currently, federal law only permits this type of betting in Nevada and Delaware. It also occurs through illegal betting operations. If legalized in New Jersey, bets could be placed on professional, college, or amateur sports or athletic events, except that bets could not be placed on any college sports or athletic event that takes place in New Jersey or in which a New Jersey college team is playing.</p>

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STATEMENT

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This constitutional amendment would authorize the Legislature to enact laws allowing betting on sports or athletic events at casinos in Atlantic City and at running or harness horse racetracks, including former racetracks. Bets could be placed at a casino or racetrack site on the results of professional, college, or amateur sport or athletic events, except that bets could not be placed on college games that take place in New Jersey or in which a New

SCR132 LESNIAK, BECK

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1 Jersey college team participates regardless of where the game takes
2 place.

3 The online gaming authorization in Senate Concurrent
4 Resolution No. 49 of 2010 was not necessary to be included in this
5 concurrent resolution because it is not a new form of wagering that
6 requires an amendment to the State Constitution and can be
7 authorized by enabling legislation.

ASSEMBLY REGULATORY OVERSIGHT AND GAMING
COMMITTEE

STATEMENT TO

ASSEMBLY CONCURRENT RESOLUTION No. 167

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2010

The Assembly Regulatory Oversight and Gaming Committee reports favorably Assembly Concurrent Resolution, No. 167.

This constitutional amendment would authorize the Legislature to enact laws allowing betting on sports or athletic events at casinos in Atlantic City and at running or harness horse racetracks, including former racetracks. Bets could be placed at a casino or racetrack site on the results of professional, college, or amateur sport or athletic events, except that bets could not be placed on college games that take place in New Jersey or in which a New Jersey college team participates regardless of where the game takes place.

The online gaming authorization in Senate Concurrent Resolution No. 49 of 2010 was not necessary to be included in this concurrent resolution because it is not a new form of wagering that requires an amendment to the State Constitution and can be authorized by enabling legislation.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE CONCURRENT RESOLUTION No. 132

STATE OF NEW JERSEY

DATED: NOVEMBER 22, 2010

The Senate Economic Growth Committee reports favorably Senate Concurrent Resolution, No. 132.

This constitutional amendment would authorize the Legislature to enact laws allowing betting on sports or athletic events at casinos in Atlantic City and at running or harness horse racetracks in this State, including former racetracks. Bets could be placed at a casino or racetrack site on the results of professional, college, or amateur sport or athletic events, except that bets could not be placed on college games that take place in New Jersey or in which a New Jersey college team participates regardless of where the game takes place. Current law does not provide such authorization.

The online gaming authorization in Senate Concurrent Resolution No. 49 of 2010 was not necessary to be included in this concurrent resolution because it is not a new form of wagering that requires an amendment to the State Constitution and can be authorized by enabling legislation.