

§§1,2,4 -
C.5:12A-7 to
5:12A-9
§5 - Repealer

P.L.2014, CHAPTER 62, *approved October 17, 2014*

Senate, No. 2460

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19 accepts such wagers, are repealed to the extent they apply or may be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

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 conducted within 15 years prior to the effective date of this act,
2 excluding premises other than those where the racecourse itself was
3 located.

4
5 2. (New section) The provisions of this act, P.L. , c. (C.)
6 (pending before the Legislature as this bill), are not intended and
7 shall not be construed as causing the State to sponsor, operate,
8 advertise, promote, license, or authorize by law or compact the
9 placement or acceptance of any wager on any professional,
10 collegiate, or amateur sport contest or athletic event but, rather, are
11 intended and shall be construed to repeal State laws and regulations
12 prohibiting and regulating the placement and acceptance, at a casino
13 or gambling house operating in this State in Atlantic City or a
14 running or harness horse racetrack in this State, of wagers on
15 professional, collegiate, or amateur sport contests or athletic events
16 by persons 21 years of age or older situated at such locations.

17
18 3. Section 24 of P.L.1977, c.110 (C.5:12-24) is amended to
19 read as follows:

20 24. "Gross Revenue"-- The total of all sums actually received by
21 a casino licensee from gaming operations, [including operation of a
22 sports pool,] less only the total of all sums actually paid out as
23 winnings to patrons; provided, however, that the cash equivalent
24 value of any merchandise or thing of value included in a jackpot or
25 payout shall not be included in the total of all sums paid out as
26 winnings to patrons for purposes of determining gross revenue.
27 "Gross Revenue" shall not include any amount received by a casino
28 from casino simulcasting pursuant to the "Casino Simulcasting
29 Act," P.L.1992, c.19 (C.5:12-191 et al.).
30 (cf: P.L.2011, c.231, s.7)

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

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

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46 6. This act shall take effect immediately.

STATEMENT

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3 This bill implements the decision of the United States Court of
4 Appeals for the Third Circuit in *National Collegiate Athletic*
5 *Association v. Governor of New Jersey*, 730 F.3d 208 (3d Cir.
6 2013), wherein the court in interpreting the Professional and
7 Amateur Sports Protection Act of 1992 (PASPA), 28 U.S.C. § 3701
8 *et seq.*, stated that it does “not read PASPA to prohibit New Jersey
9 from repealing its ban on sports wagering.” *National Collegiate*
10 *Athletic Association*, 730 F.3d at 232. The court further stated that
11 “it is left up to each state to decide how much of a law enforcement
12 priority it wants to make of sports gambling, or *what the exact*
13 *contours of the prohibition will be.*” *Id.* at 233 (emphasis added).
14 Moreover, the United States in its brief submitted to the Supreme
15 Court of the United States in opposition to petitions for writs of
16 certiorari in the above-referenced case wrote that “PASPA does not
17 even obligate New Jersey to leave in place the state-law
18 prohibitions against sports gambling that it had chosen to adopt
19 prior to PASPA’s enactment. To the contrary, *New Jersey is free to*
20 *repeal those prohibitions in whole or in part.*” United States Brief
21 to the Supreme Court in Opposition to Petitions for Writs of
22 Certiorari (Nos. 13-967, 13-979, 13-980), dated May 14, 2014, at
23 11 (emphasis added).

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