

LEGISLATIVE HISTORY OF R.S. 5:5-66

COPY NO. 1

(Horse Racing - License Fees or Taxes -
No Tax Assessed Except as Provided in Act)

Constitution amended by: ACR 2 of 1937, passed in 1937 and 1938. Voted on at special election, 1939.

Laws 1940, Chapter 17 - A-131 - Introduced January 29, 1940 by Mr. Haneman
Not amended during passage. No statement on the bill.

This provision (last sentence of section 46) remained unchanged until the 1963 amendment, Chapter 35.

February 19 - Passed Assembly
March 11 - Passed Senate
March 18 - Approved

We have searched through the extensive newspaper accounts of the passage of the 1940 bill, but none mention this section.

A 1944 study of horse racing in New Jersey was:

974.90 New Jersey. Commission on State Administrative Reorganization.
R424 Special Report on Horse Racing and the Pari-Mutuel System.
1944 February, 1946.
1946a ~~February~~ (copy enclosed)

Laws 1947, Chapter 107, sec. 2 - A-443

Laws 1948, Chapter 33, sec. 2 - A-25

Laws 1949, Chapter 26, sec. 4

Laws 1954, Chapter 87, sec. 2

These amendments did not affect the last sentence of this section.

In 1960, a study was made of New Jersey's pari-mutuel system:

974.90 Blunno, V. P.
G191 A Study of Pari-Mutuel Tax Revenues in New Jersey
1960 June 26, 1960.
(copy enclosed)

Laws 1962, Chapter 17 - A-588 - Introduced March 19, 1962 by Matthews and Savino

Not amended during passage. No statement (copy of original bill enclosed). A hearing was held on this bill:

974.90 New Jersey Legislature. Senate. Judiciary Committee
H817 Public Hearing ... on A-588 (increasing racing days)
1962 Held March 23, 1962.
(copy enclosed)

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DEPOSITORY COPY

Laws 1963, Chapter 35 - sec. 4 - A-609 - Introduced March 18, 1963 by Mr. Crabiel.

This bill was amended before passage by Assembly Committee. Section 4 was not changes. Bill had no statement. (copy of original bill and amendments enclosed.)

This legislation was recommended by the Racing Commission. See:

974.901 New Jersey Racing Commission.
R12 23rd Annual Report ... 1962, especially p. 12-13

Later in 1963, the Senate investigated the 1962 horse racing season. See:

974.90 New Jersey. Special Senate Committee ... to examine ...
H817 horse race meetings held in 1962.
1963 Public hearings ... 3 volumes.
(copy enclosed)

We also have an extensive newspaper clipping file on the 1962 and 1963 legislation, should you wish to consult it.

RS/jmk

CHAPTER 17 LAWS OF N. J. 1962-

APPROVED 3-29-62

ASSEMBLY, No. 588

STATE OF NEW JERSEY

INTRODUCED MARCH 19, 1962

By Assemblymen MATTHEWS and SAVINO

(Without Reference)

AN ACT to amend and supplement "An act creating the New Jersey Racing Commission and defining its powers and duties; providing for the granting of permits and licenses for the operation of race meetings whereat the running, steeplechase racing or harness racing of horses only may be conducted; providing for the licensing of concessionaires and operators and their employees; regulating the system of pari-mutuel betting and fixing the license fees, taxes and revenues imposed hereunder and fixing penalties for violations of the provisions of this act," approved March 18, 1940 (P. L. 1940, c. 17), as said title was amended by chapter 137 of the laws of 1941 and making an appropriation therefor.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 24 of the act of which this act is amendatory is amended to
2 read as follows:

3 24. In the event any person, partnership, association or corporation is
4 granted a permit under this act to conduct a race meeting pursuant to provi-
5 sions thereof, such permit shall be renewed upon application of the permit
6 holder yearly for the next succeeding 10 years, for the same dates allotted to
7 such permit holder during the preceding year or for such other dates (not
8 exceeding 50 racing days in the aggregate for running racing and not exceed-

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

9 ing [50] 60 days in the aggregate for harness racing) as such permit holder
10 shall request; provided, however, that such permit holder has not violated
11 any of the provisions of this act.

1 2. Section 27 of the act of which this act is amendatory is amended to
2 read as follows:

3 27. Upon compliance with the foregoing conditions, the commission shall
4 issue a permit to such applicant to hold or conduct such horse race meeting
5 as authorized by this act. Such permit shall specify the person, partnership,
6 association or corporation to whom the same is issued; the dates upon which
7 such horse race meeting is to be held or conducted; the hours of such days
8 between which such horse racing will be permitted, which shall be between
9 the hours of 12 o'clock noon and 6 o'clock post meridian Eastern Standard
10 Time (excluding Sundays), the location of the place, track or enclosure at, on
11 or within which said horse race meeting is to be held or conducted; and shall
12 acknowledge receipt of the payment of the deposit and the filing of the bond
13 provided for in this act. No permit shall be issued to permit running racing
14 on any track that is less than 1 mile in circumference nor harness racing on
15 any track that is less than $\frac{1}{2}$ mile in circumference. No such permit shall be
16 transferable nor shall it apply to any place, track or enclosure other than the
17 one specified therein. No such permit shall be issued so as to permit horse
18 racing at any place, track or enclosure except on week days between the
19 hours of 12 o'clock noon and 6 o'clock post meridian Eastern Standard Time.
20 No permit shall be granted under this act to any person, partnership, associa-
21 tion or corporation so as to permit upon any race track, place or enclosure
22 more than 50 horse racing days in the aggregate in any one calendar year for
23 running races nor more than [50] 60 racing days in the aggregate in any one
24 calendar year for harness races; nor shall any permit be granted to the same
25 person, partnership, association or corporation for the holding or conducting
26 of a horse race meeting except at one track, place or enclosure in this State,
27 nor shall any permit be granted for the holding or conducting of a horse race
28 meeting at any place in this State prior to April 1 in any calendar year or

29 after the last day of November in any calendar year. No such permit shall
30 be issued to any person, partnership, association or corporation that is in any
31 way in default in the payment of any obligation or debt due to the State of
32 New Jersey under the provisions of this act, nor shall any permit be issued
33 to any corporation under the provisions of this act unless said corporation
34 be organized under and by virtue of the laws of the State of New Jersey, nor
35 shall any permit be issued to any applicant who shall be deemed by said com-
36 mission not to be of sufficient financial integrity and moral responsibility to
37 hold a horse race meeting conducive to the best interests of legitimate racing.

1 3. Section 44 of the act of which this act is amendatory is amended to
2 read as follows:

3 44. Each holder of a permit shall distribute all sums deposited in any
4 pool to the winners thereof, less an amount which in harness races shall not
5 exceed 16% of the total deposits plus the breaks and which in other races
6 shall not exceed 13%, *except that during calendar year 1962 such amount for*
7 *such other races shall not exceed 13 1/2%*, of the total deposits plus the
8 breaks. Every permit holder shall distribute to the persons holding winning
9 tickets, as a minimum, a sum not exceeding \$0.10, calculated on the basis of
10 each dollar deposited in any pool after the deduction of the said 16% or 13%
11 *or 13 1/2%*, as the case may be. Should the amount remaining in the pool be
12 insufficient to pay the winners the minimum, the breakage accruing in that
13 race, or any necessary portion thereof, shall be applied toward making up
14 any such deficiency. The breaks are hereby defined as the odd cents over
15 any multiple of \$0.10, calculated on the basis of \$1.00 otherwise payable to a
16 patron. Every permit holder engaged in the business of conducting running
17 *or harness* race meetings under this act shall pay to the commission for the use
18 of the State the breaks as herein defined, except as the same shall have been
19 applied toward making up a deficiency in a pool as herein provided. Payment
20 of such breaks shall be made every seventh day of any and every race meeting
21 and shall be accompanied by a report under oath showing the daily and total
22 amount of such breaks together with such other information as the commis-

sion may require. All sums held by any permit holder for payment of outstanding pari-mutuel tickets not claimed by the person or persons entitled thereto within 60 days from the time such tickets are issued shall be paid to the commission upon the expiration of such 60-day holding period.

4. Section 46 of the act of which this act is amendatory is amended to read as follows:

46. Every permit holder engaged in the business of conducting horse race meetings under this act shall pay to the commission in each calendar year a sum equal to 6% in the case of harness races, and 7% in the case of other races, *except during the calendar year 1962 when such sum for such other races shall be equal to 7 1/2%*, of so much of the total contributions to all pari-mutuel pools conducted or made during such calendar year on any and every horse race track granted a permit under this act as does not exceed \$40,000,000.00; and 7% in the case of harness races, and 8% in the case of other races, *except during the calendar year 1962 when such sum for such other races shall be equal to 8 1/2%*, of so much of such total contributions as exceeds \$40,000,000.00. Payment on account of such sum shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. No admission or amusement tax, excise tax, license or horse racing fee of any kind, except as expressly provided in this act, shall be assessed or collected from any permit holder by the State of New Jersey, or by any county or municipality, or by any other body having power to assess or collect license fees or taxes.

5. Notwithstanding any of the provisions of the act to which this is a supplement, the commission may grant a special permit, upon joint application of the holders of the outstanding permits authorizing running races in this State, for the holding or conducting of a special running race meeting at one or more of the otherwise authorized running race tracks on such days, other than Sunday, during the entire calendar year of 1962 as the commission

7 may designate. Such special running race meeting shall not exceed 30 racing
8 days in the aggregate during such calendar year.

1 6. A special permit holder shall keep and maintain separate books and
2 records for the special running race meeting to the same extent as is required
3 of a permit holder and shall file such report and audits as may otherwise
4 be required on or before such date as the commission may designate.

1 7. Notwithstanding any amount paid by any permit holder pursuant to
2 the provisions of section 46 of the act to which this is a supplement and in
3 satisfaction of any obligation of the special permit holder thereunder, the
4 special permit holder shall pay to the commission for the special running race
5 meeting held during 1962 a sum equal to $7\frac{1}{2}\%$ of so much of the total con-
6 tributions to all pari-mutuel pools conducted or made during such special
7 running race meeting as does not exceed \$40,000,000.00, and $8\frac{1}{2}\%$ of so much
8 of such total contributions as exceeds \$40,000,000.00.

1 8. (a) In addition to the amounts otherwise provided in section 7 of this
2 act, a special permit holder for the special running race meeting conducted
3 during calendar year 1962 shall pay to the commission a sum equal to 6% of
4 so much of the total contributions to all pari-mutuel pools conducted or made
5 during such special running race meeting as does not exceed \$40,000,000.00,
6 and 5% of so much of such total contributions as exceed \$40,000,000.00, but
7 shall be entitled to deduct from such sum all expenses applicable to the
8 holding of such running race meeting as shall be approved by the commission.
9 The commission shall approve the following expenses:

10 (1) Purses and stakes.

11 (2) Salaries and wages, including the welfare and pension fund contribu-
12 tions and payroll taxes payable by the employer, of police and security per-
13 sonnel, pari-mutuel employees, track maintenance personnel and all personnel
14 employed in connection with the actual conduct of the race.

15 (3) Expenses in connection with jockeys including necessary supplies,
16 insurance, laundry and meals.

17 (4) Office equipment and supplies, including postage, stationery and
18 printing costs, in connection with pari-mutuel department and the actual
19 operation of racing.

20 (5) Rental charges for totalisator, daily double machine and other equip-
21 ment, including actual repair charges thereto, used in connection with pari-
22 mutuel department and the actual operation of racing.

23 (6) Any other expenses incurred in connection with the pari-mutuel
24 department and the actual operation of racing, including but not limited to
25 bank service charges, cash over and short and claims, saliva and other tests,
26 stable supplies, valet pool, uniforms and trophies.

27 All of the above expenses shall be allowed only to the extent that they are
28 actually incurred in connection with the holding of the special running race
29 meeting.

30 (b) A special permit holder shall pay the sum required in subsection
31 (a) of this section to the commission within 15 days of the last day of the
32 running race meeting.

1 9. Except to the extent the provisions of this act are inconsistent there-
2 with, the provisions of the act to which this is a supplement, shall apply in
3 their entirety to any special running race meeting and any special permit
4 holder.

1 10. There is hereby appropriated to the Division of Racing of the Depart-
2 ment of the Treasury the sum of \$45,000.00, or so much thereof as may be
3 required, to defray the expenses of the special running race meeting author-
4 ized by this act.

1 11. This act shall take effect immediately.

ASSEMBLY, No. 609

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1963

By Senator CRABIEL

Referred to Committee on Appropriations

AN Act to amend and supplement "An act creating the New Jersey Racing Commission and defining its powers and duties; providing for the granting of permits and licenses for the operation of race meetings whereat the running, steeplechase racing or harness racing of horses only may be conducted; providing for the licensing of concessionaires and operators and their employees; regulating the system of pari-mutuel betting and fixing the license fees, taxes and revenues imposed hereunder and fixing penalties for violations of the provisions of this act," approved March 18, 1940 (P. L. 1940, c. 17), as said title was amended by chapter 137 of the laws of 1941, making an appropriation therefor and repealing certain sections of chapter 17, P. L. 1962.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Section 24 of the act of which this act is amendatory is amended to
2 read as follows:

3 24. In the event any person, partnership, association or corporation is
4 granted a permit under this act to conduct a race meeting pursuant to pro-
5 visions thereof, such permit shall be renewed upon application of the permit
6 holder yearly for the next succeeding 10 years, for the same dates allotted
7 to such permit holder during the preceding year or for such other dates (not
8 exceeding 50 racing days in the aggregate for running racing and not exceed-

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

ing 60 days in the aggregate for harness racing) as such permit holder shall request; provided, however, *that commencing with the year 1963 the commission may also allot among the existing permit holders up to 20 additional racing days for running racing, such allotment to be on a basis which in the discretion of the commission appears most appropriate for the purpose of providing continuity of racing in the State but which does not result in allotting more than 10 such additional days to any one permit holder; and provided, further, that such permit holder has not violated any of the provisions of this act.*

2. Section 27 of the act of which this act is amendatory is amended to read as follows:

27. Upon compliance with the foregoing conditions, the commission shall issue a permit to such applicant to hold or conduct such horse race meeting as authorized by this act. Such permit shall specify the person, partnership, association or corporation to whom the same is issued; the dates upon which such horse race meeting is to be held or conducted; the hours of such days between which such horse racing will be permitted, which shall be between the hours of 12:00 o'clock noon and 6:00 o'clock post meridian Eastern Standard Time (excluding Sundays), the location of the place, track or enclosure at, on or within which said horse race meeting is to be held or conducted; and shall acknowledge receipt of the payment of the deposit and the filing of the bond provided for in this act. No permit shall be issued to permit running racing on any track that is less than one mile in circumference nor harness racing on any track that is less than $\frac{1}{2}$ mile in circumference. No such permit shall be transferable nor shall it apply to any place, track or enclosure other than the one specified therein. No such permit shall be issued so as to permit horse racing at any place, track or enclosure except on week days between the hours of 12:00 o'clock noon and 6:00 o'clock post meridian Eastern Standard Time. **[No]** *Except to the extent provided in section 24 of this act, no permit shall be granted under this act to any person, partnership, association or corporation so as to permit upon any race*

23 track, place or enclosure more than 50 horse racing days in the aggregate
 24 in any one calendar year for running races nor more than 60 racing days in
 25 the aggregate in any one calendar year for harness races; nor shall any per-
 26 mit be granted to the same person, partnership, association or corporation
 27 for the holding or conducting of a horse race meeting except at one track,
 28 place or enclosure in this State, nor shall any permit be granted for the
 29 holding or conducting of a horse race meeting at any place in this State prior
 30 to April 1 in any calendar year or after the last day of November in any
 31 calendar year. No such permit shall be issued to any person, partnership,
 32 association or corporation that is in any way in default in the payment of
 33 any obligation or debt due to the State of New Jersey under the provisions
 34 of this act, nor shall any permit be issued to any corporation under the pro-
 35 visions of this act unless said corporation be organized under and by virtue
 36 of the laws of the State of New Jersey, nor shall any permit be issued to any
 37 applicant who shall be deemed by said commission not to be of sufficient
 38 financial integrity and moral responsibility to hold a horse race meeting con-
 39 ducive to the best interests of legitimate racing.

1 3. Section 44 of the act of which this act is amendatory is amended to read
 2 as follows:

3 44. Each holder of a permit shall distribute all sums deposited in any
 4 pool to the winners thereof, less an amount which in harness races shall not
 5 exceed 16% of the total deposits plus the breaks and which in other races
 6 shall not exceed [13%, except that during calendar year 1962 such amount
 7 for such other races shall not exceed 13½%,] 14% of the total deposits plus
 8 the breaks. Every permit holder shall distribute to the persons holding win-
 9 ning tickets, as a minimum, a sum not exceeding \$0.10, calculated on the basis
 10 of each dollar deposited in any pool after the deduction of the said 16% or
 11 [13% or 13½%] 14%, as the case may be. Should the amount remaining in
 12 the pool be insufficient to pay the winners the minimum, the breakage accruing
 13 in that race, or any necessary portion thereof, shall be applied toward making
 14 up any such deficiency. The breaks are hereby defined as the odd cents over

15 any multiple of \$0.10, calculated on the basis of \$1.00 otherwise payable to a
 16 patron. Every permit holder engaged in the business of conducting running
 17 or harness race meetings under this act shall pay to the commission for the use
 18 of the State the breaks as herein defined, except as the same shall have been
 19 applied toward making up a deficiency in a pool as herein provided. Payment
 20 of such breaks shall be made every seventh day of any and every race meeting
 21 and shall be accompanied by a report under oath showing the daily and total
 22 amount of such breaks together with such other information as the commis-
 23 sion may require. All sums held by any permit holder for payment of out-
 24 standing pari-mutuel tickets not claimed by the person or persons entitled
 25 thereto within 60 days from the time such tickets are issued shall be paid to
 26 the commission upon the expiration of such 60-day holding period.

1 4. Section 46 of the act of which this act is amendatory is amended to read
 2 as follows:

3 46. Every permit holder engaged in the business of conducting horse race
 4 meetings under this act shall pay to the commission in each calendar year
 5 a sum equal to 6% in the case of harness races, and **[7%]** 7 1/2% in the case
 6 of other races, **[except during the calendar year 1962 when such sum for such**
 7 **other races shall be equal to 7 1/2%,]** of so much of the total contributions to
 8 all pari-mutuel pools conducted or made during such calendar year on any and
 9 every horse race track granted a permit under this act as does not exceed
 10 \$40,000,000.00; and 7% in the case of harness races, and **[8%]** 8 1/2% in the
 11 case of other races, **[except during the calendar year 1962 when such sum**
 12 **for such other races shall be equal to 8 1/2%,]** of so much of such total con-
 13 tributions as exceeds \$40,000,000.00. Payment on account of such sum shall
 14 be made every seventh day of any and every race meeting in the amount then
 15 due as determined in the manner provided above, and shall be accompanied by
 16 a report under oath showing the total of all such contributions, together with
 17 such other information as the commission may require. **[No]** *Except as other-*
 18 *wise provided by law, no admission or amusement tax, excise tax, license or*
 19 *horse racing fee of any kind* **[, except as expressly provided in this act,]** shall

20 be assessed or collected from any permit holder by the State of New Jersey, or
21 by any county or municipality, or by any other body having power to assess
22 or collect license fees or taxes.

1 5. There is hereby appropriated to the Division of Racing of the Depart-
2 ment of the Treasury the sum of \$25,000.00, or so much thereof as may be re-
3 quired, to defray the expenses incurred as a result of the additional days of
4 racing authorized by this act.

1 6. The provisions of this amendatory and supplemental act shall be appli-
2 cable to race meetings held in 1963. In order to effectuate the intent of this
3 legislation that the commission should be authorized to allot up to 20 addi-
4 tional racing days for running racing among the existing permit holders dur-
5 ing the year 1963 and thereafter, the provisions of the act to which this act is
6 a supplement relative to the time for filing applications for horse race meet-
7 ings, and for commission action with respect to such applications, and such
8 other provisions shall be inconsistent with the intent and purpose of this act
9 shall be inoperative as to the allotment of such additional days during 1963.

1 7. Sections 5, 6, 7 and 8 of chapter 17, P. L. 1962 are repealed.

1 8. This act shall take effect immediately.

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 609

STATE OF NEW JERSEY

ADOPTED MAY 6, 1963

Amend page 1, Title, line 10, delete "and repealing certain sections of chapter 17, P. L. 1962".

Amend page 1, section 1, line 8, delete "50" and insert in lieu thereof "56".

Amend page 2, section 1, line 11, delete "up to 20" and insert in lieu thereof "the".

Amend page 2, section 1, line 12, after "running racing" insert "herein authorized".

Amend page 2, section 2, lines 20 and 21, delete "Except to the extent provided in section 24 of this act, no" and insert in lieu thereof "No".

Amend page 3, section 2, line 23, delete "50" and insert in lieu thereof "56".

Amend page 5, section 6, line 3, delete "up to 20" and insert in lieu thereof "the".

Amend page 5, section 6, line 4, after "running racing" insert "herein authorized".

Amend page 5, section 7, line 1, delete 7 in its entirety.

Amend page 5, section 8, line 1, delete "8" and insert in lieu thereof "7".

CHAPTER 35 LAWS OF N. J. 1963

APPROVED MAY 13 - 1963

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 609

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1963

By Senator CRABIEL

Referred to Committee on Appropriations

AN Act to amend and supplement "An act creating the New Jersey Racing Commission and defining its powers and duties; providing for the granting of permits and licenses for the operation of race meetings whereat the running, steeplechase racing or harness racing of horses only may be conducted; providing for the licensing of concessionaires and operators and their employees; regulating the system of pari-mutuel betting and fixing the license fees, taxes and revenues imposed hereunder and fixing penalties for violations of the provisions of this act," approved March 18, 1940 (P. L. 1940, c. 17), as said title was amended by chapter 137 of the laws of 1941, making an appropriation therefor [and repealing certain sections of chapter 17, P. L. 1962].

1. ~~BE IT ENACTED~~ *by the Senate and General Assembly of the State of New Jersey:*

1. Section 24 of the act of which this act is amendatory is amended to read as follows:

24. In the event any person, partnership, association or corporation is granted a permit under this act to conduct a race meeting pursuant to provisions thereof, such permit shall be renewed upon application of the permit holder yearly for the next succeeding 10 years, for the same dates allotted to such permit holder during the preceding year or for such other dates (not exceeding [50] 56 racing days in the aggregate for running racing and not ex-

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

ceeding 60 days in the aggregate for harness racing) as such permit holder shall request; provided, however, *that commencing with the year 1963 the commission may also allot among the existing permit holders [up to 20] the additional racing days for running racing herein authorized, such allotment to be on a basis which in the discretion of the commission appears most appropriate for the purpose of providing continuity of racing in the State but which does not result in allotting more than 10 such additional days to any one permit holder; and provided, further, that such permit holder has not violated any of the provisions of this act.*

2. Section 27 of the act of which this act is amendatory is amended to read as follows:

27. Upon compliance with the foregoing conditions, the commission shall issue a permit to such applicant to hold or conduct such horse race meeting as authorized by this act. Such permit shall specify the person, partnership, association or corporation to whom the same is issued; the dates upon which such horse race meeting is to be held or conducted; the hours of such days between which such horse racing will be permitted, which shall be between the hours of 12:00 o'clock noon and 6:00 o'clock post meridian Eastern Standard Time (excluding Sundays), the location of the place, track or enclosure at, on or within which said horse race meeting is to be held or conducted; and shall acknowledge receipt of the payment of the deposit and the filing of the bond provided for in this act. No permit shall be issued to permit running racing on any track that is less than one mile in circumference nor harness racing on any track that is less than $\frac{1}{2}$ mile in circumference. No such permit shall be transferable nor shall it apply to any place, track or enclosure other than the one specified therein. No such permit shall be issued so as to permit horse racing at any place, track or enclosure except on week days between the hours of 12:00 o'clock noon and 6:00 o'clock post meridian Eastern Standard Time. **[No]** *[Except to the extent provided in section 24 of this act, no]* No permit shall be granted under this act to any person, partnership, association or corporation so as to permit upon any race

23 track, place or enclosure more than [50] 56 horse racing days in the aggregate
24 in any one calendar year for running races nor more than 60 racing days in
25 the aggregate in any one calendar year for harness races; nor shall any per-
26 mit be granted to the same person, partnership, association or corporation
27 for the holding or conducting of a horse race meeting except at one track,
28 place or enclosure in this State, nor shall any permit be granted for the
29 holding or conducting of a horse race meeting at any place in this State prior
30 to April 1 in any calendar year or after the last day of November in any
31 calendar year. No such permit shall be issued to any person, partnership,
32 association or corporation that is in any way in default in the payment of
33 any obligation or debt due to the State of New Jersey under the provisions
34 of this act, nor shall any permit be issued to any corporation under the pro-
35 visions of this act unless said corporation be organized under and by virtue
36 of the laws of the State of New Jersey, nor shall any permit be issued to any
37 applicant who shall be deemed by said commission not to be of sufficient
38 financial integrity and moral responsibility to hold a horse race meeting con-
39 duive to the best interests of legitimate racing.

1 3. Section 44 of the act of which this act is amendatory is amended to read
2 as follows:

3 44. Each holder of a permit shall distribute all sums deposited in any
4 pool to the winners thereof, less an amount which in harness races shall not
5 exceed 16% of the total deposits plus the breaks and which in other races
6 shall not exceed [13%, except that during calendar year 1962 such amount
7 for such other races shall not exceed 13½%,] 14% of the total deposits plus
8 the breaks. Every permit holder shall distribute to the persons holding win-
9 ning tickets, as a minimum, a sum not exceeding \$0.10, calculated on the basis
10 of each dollar deposited in any pool after the deduction of the said 16% or
11 [13% or 13½%] 14%, as the case may be. Should the amount remaining in
12 the pool be insufficient to pay the winners the minimum, the breakage accruing
13 in that race, or any necessary portion thereof, shall be applied toward making
14 up any such deficiency. The breaks are hereby defined as the odd cents over

any multiple of \$0.10, calculated on the basis of \$1.00 otherwise payable to a patron. Every permit holder engaged in the business of conducting running or harness race meetings under this act shall pay to the commission for the use of the State the breaks as herein defined, except as the same shall have been applied toward making up a deficiency in a pool as herein provided. Payment of such breaks shall be made every seventh day of any and every race meeting and shall be accompanied by a report under oath showing the daily and total amount of such breaks together with such other information as the commission may require. All sums held by any permit holder for payment of outstanding pari-mutuel tickets not claimed by the person or persons entitled thereto within 60 days from the time such tickets are issued shall be paid to the commission upon the expiration of such 60-day holding period.

4. Section 46 of the act of which this act is amendatory is amended to read as follows:

46. Every permit holder engaged in the business of conducting horse race meetings under this act shall pay to the commission in each calendar year a sum equal to 6% in the case of harness races, and ~~[7%]~~ 7 1/2% in the case of other races, ~~[except during the calendar year 1962 when such sum for such other races shall be equal to 7 1/2%,]~~ of so much of the total contributions to all pari-mutuel pools conducted or made during such calendar year on any and every horse race track granted a permit under this act as does not exceed \$40,000,000.00; and 7% in the case of harness races, and ~~[8%]~~ 8 1/2% in the case of other races, ~~[except during the calendar year 1962 when such sum for such other races shall be equal to 8 1/2%,]~~ of so much of such total contributions as exceeds \$40,000,000.00. Payment on account of such sum shall be made every seventh day of any and every race meeting in the amount then due as determined in the manner provided above, and shall be accompanied by a report under oath showing the total of all such contributions, together with such other information as the commission may require. ~~[No] Except as otherwise provided by law, no admission or amusement tax, excise tax, license or horse racing fee of any kind [, except as expressly provided in this act,] shall~~

20 be assessed or collected from any permit holder by the State of New Jersey, or
 21 by any county or municipality, or by any other body having power to assess
 22 or collect license fees or taxes.

1 5. There is hereby appropriated to the Division of Racing of the Depart-
 2 ment of the Treasury the sum of \$25,000.00, or so much thereof as may be re-
 3 quired, to defray the expenses incurred as a result of the additional days of
 4 racing authorized by this act.

1 6. The provisions of this amendatory and supplemental act shall be appli-
 2 cable to race meetings held in 1963. In order to effectuate the intent of this
 3 legislation that the commission should be authorized to allot [up to 20] the
 4 additional racing days for running racing *herein authorized* among the exist-
 5 ing permit holders during the year 1963 and thereafter, the provisions of the
 6 act to which this act is a supplement relative to the time for filing applications
 7 for horse race meetings, and for commission action with respect to such ap-
 8 plications, and such other provisions shall be inconsistent with the intent and
 9 purpose of this act shall be inoperative as to the allotment of such additional
 10 days during 1963.

1 [7. Sections 5, 6, 7 and 8 of chapter 17, P. L. 1962 are repealed.]

1 [8.] 7. This act shall take effect immediately.