



Bill and Sponsors Statement identical to A2598

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** Yes

Identical to Assembly Statement for A2598

**FLOOR AMENDMENT STATEMENT:** Yes

Identical to floor statement for A2598

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** Yes

974.90 New Jersey. Legislature.Senate. State Government, Banking and Financial Institutions Committee.

H817 Public hearing, proposes Constitutional amendment on the results of live or simulcast horse races,

1998 held May 21, 1998. Trenton, 1998.

974.90 New Jersey. Legislature. Assembly. Commerce Committee

H817 Public hearing, control of wagering on the results of live or simulcast running and harness horse races,

1998a held 6-15-1998, Trenton, 1998

**NEWSPAPER CLIPPINGS:** Yes

"State Oks off—track wagering," 8-6-2001 The Record, p. A1

"New law legalizes off-track betting sites, phone wagers," 8-6-2001 Asbury Park Press, p. A1

# ASSEMBLY, No. 2598

## STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED JUNE 15, 2000

**Sponsored by:**

**Assemblyman KENNETH C. LEFEVRE**

**District 2 (Atlantic)**

**SYNOPSIS**

Increases number of simulcast horse races for which casino may pay out-of-State sending track 6 % of parimutuel pool.

**CURRENT VERSION OF TEXT**

As introduced.



A2598 LEFEVRE

2

1 AN ACT concerning payments by casinos for transmission of certain  
2 simulcast horse races and amending P.L.1992, c.19.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 11 of P.L.1992, c.19 (C.5:12-201) is amended to read  
8 as follows:

9 11. a. Except as provided in subsection b. of this section, a casino  
10 which receives a simulcast horse race from an out-of-State sending  
11 track shall not pay the out-of-State sending track for the transmission  
12 an amount equal to more than 3% of the parimutuel pool on each race.  
13 If the casino negotiates an agreement to pay the out-of-State sending  
14 track an amount equal to less than 3% of the parimutuel pool, the  
15 casino shall be entitled to retain the difference between the amount  
16 agreed upon and 3%.

17 b. Subject to the approval of the New Jersey Racing Commission  
18 and with respect to no more than ~~[26]~~ 28 races per casino per  
19 calendar year, a casino may pay an out-of-State sending track an  
20 amount equal to not more than 6% of the parimutuel pool for the  
21 transmission of a race. If the casino negotiates an agreement to pay  
22 the out-of-State sending track an amount equal to less than 6% of the  
23 parimutuel pool, the casino shall be entitled to retain the difference  
24 between the amount agreed upon and 6%.  
25 (cf: P.L.1993, c.292, s.37)

26  
27 2. This act shall take effect immediately.  
28  
29

30 STATEMENT

31  
32 This bill increases from 26 to 28 the limit on the number of  
33 simulcast horse races per calendar year for which a casino may pay to  
34 an out-of-State sending track 6 percent of the parimutuel pool on each  
35 race for the transmission of the race, subject to the approval of the  
36 New Jersey Racing Commission. For all other simulcast horse races,  
37 the casino is limited to a payment of not more than 3 percent of the  
38 parimutuel pool on each race. The "Casino Simulcasting Act,"  
39 P.L.1992, c.19 (C.5:12-191 et seq.), was originally enacted with a  
40 limit of 20 on the number of races; this limit was increased to 26 in  
41 1993 upon the recommendation of the Racing Commission.

42 Another increase in the limit is now necessitated to ensure that the  
43 casino simulcasting industry can maintain a competitive edge in

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

**Matter underlined thus is new matter.**

**A2598 LEFEVRE**

3

1 negotiations for simulcast horse races, continue to competitively  
2 respond to growing interest from out-of-State tracks, meet future  
3 challenges, and provide a quality and popular attraction for casino  
4 visitors.

ASSEMBLY COMMERCE, TOURISM, GAMING AND  
MILITARY AND VETERANS' AFFAIRS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2598**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JANUARY 18, 2001

The Assembly Commerce, Tourism, Gaming and Military and Veterans' Affairs Committee reports favorably and with committee amendments Assembly Bill No. 2598.

As amended by the committee, this bill permits Garden State Racetrack, the Meadowlands and the Atlantic City Race Course to simulcast their live thoroughbred races to a casino simulcasting facility as long as each track runs five days of thoroughbred racing. Under current law, each track is required to run a certain minimum number of thoroughbred race dates in order to be eligible to simulcast those races to a casino simulcasting facility. This bill reduces the minimum live thoroughbred race date requirement for Garden State Racetrack, the Meadowlands and the Atlantic City Race Course.

The intent of the minimum race date requirement was to serve as a disincentive for racetracks to cut live race dates. However, that requirement has not had its intended effect. Most thoroughbred tracks have cut their live thoroughbred meets well below the required minimum number of days. Furthermore, it is not likely that Garden State Racetrack, the Meadowlands or the Atlantic City Race Course will increase their live thoroughbred meets enough to become eligible to participate in casino simulcasting in the future. Because these tracks are not eligible to participate in casino simulcasting of thoroughbred races, the thoroughbred horsemen, already hurt by the decline in race dates, are further harmed by not receiving a share of casino simulcasting revenue. The purpose of a lower minimum requirement is to allow these tracks to resume casino simulcasting of thoroughbred races so that the thoroughbred horsemen may share in casino simulcasting revenue.

This bill also increases from 26 to 28 the limit on the number of simulcast horse races per calendar year for which a casino may pay to an out-of-State sending track 6 percent of the parimutuel pool on each race for the transmission of the race, subject to the approval of the New Jersey Racing Commission. For all other simulcast horse races, the casino is limited to a payment of not more than 3 percent of the

parimutuel pool on each race. The "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et seq.), was originally enacted with a limit of 20 on the number of races; this limit was increased to 26 in 1993 upon the recommendation of the Racing Commission.

Another increase in the limit is now necessitated to ensure that the casino simulcasting industry can maintain a competitive edge in negotiations for simulcast horse races, continue to competitively respond to growing interest from out-of-State tracks, meet future challenges, and provide a quality and popular attraction for casino visitors.

The committee adopted amendments to eliminate the minimum thoroughbred race day requirement for participation in casino simulcasting for Garden State Park, the Meadowlands and the Atlantic City Race Course. This amendment makes this bill identical to Senate Bill No. 1590.

[First Reprint]

**ASSEMBLY, No. 2598**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

INTRODUCED JUNE 15, 2000

**Sponsored by:**

**Assemblyman KENNETH C. LEFEVRE**

**District 2 (Atlantic)**

**Co-Sponsored by:**

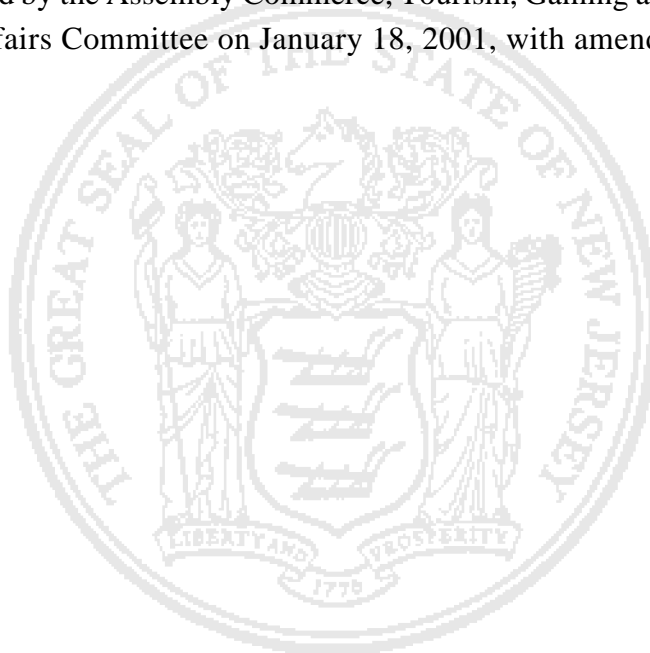
**Assemblyman Cottrell**

**SYNOPSIS**

Eliminates certain minimum thoroughbred race date requirements for participation in casino simulcasting; increases number of simulcast horse races for which casino may pay out-of-State sending track 6% of parimutuel pool.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Commerce, Tourism, Gaming and Military and Veterans' Affairs Committee on January 18, 2001, with amendments.



**(Sponsorship Updated As Of: 1/24/2001)**



1 AN ACT concerning <sup>1</sup>[payments by casinos for transmission of certain  
2 simulcast horse races] the casino simulcasting act<sup>1</sup> and amending  
3 P.L.1992, c.19.

4

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

7

8 <sup>1</sup>1. Section 5 of P.L.1992, c.19 (C.5:12-195) is amended to read  
9 as follows:

10 5. A permit holder which wishes to conduct casino simulcasting  
11 shall request the approval of the New Jersey Racing Commission in its  
12 annual application for horse race meeting dates filed with that  
13 commission pursuant to section 23 of P.L.1940, c.17 (C.5:5-43), or,  
14 if applying between the submittal of annual applications, through such  
15 supplemental application as that commission shall deem appropriate.  
16 The New Jersey Racing Commission shall not approve the request of  
17 any permit holder to conduct casino simulcasting unless the permit  
18 holder will conduct a number of live racing programs during the period  
19 for which the permit is issued which is equal to the following:

20 a. in the case of harness races, each permit holder shall conduct at  
21 least 75% of the average number of live racing programs conducted by  
22 that permit holder during calendar years 1990 and 1991; and

23 b. in the case of running races, Monmouth Racetrack shall conduct  
24 at least the same number of live racing programs conducted in 1991[,  
25 Garden State Racetrack shall conduct at least 60% of the live racing  
26 programs conducted by that permit holder in calendar year 1990,] and  
27 each of the other permit holders conducting running races shall  
28 conduct at least [75% of the] five live racing programs [conducted by  
29 that permit holder in calendar year 1990].

30 For the purpose of satisfying the requirements of this section for the  
31 conduct of live racing programs, any live racing program or part  
32 thereof which is cancelled because of weather or another act of God  
33 shall be deemed to have been conducted, subject to the approval of the  
34 New Jersey Racing Commission.

35 (cf: P.L.1992, c.19, s.5)<sup>1</sup>

36

37 <sup>1</sup>[1.] 2.<sup>1</sup> Section 11 of P.L.1992, c.19 (C.5:12-201) is amended to  
38 read as follows:

39 11. a. Except as provided in subsection b. of this section, a casino  
40 which receives a simulcast horse race from an out-of-State sending  
41 track shall not pay the out-of-State sending track for the transmission

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ACT committee amendments adopted January 18, 2001.

1 an amount equal to more than 3% of the parimutuel pool on each race.  
2 If the casino negotiates an agreement to pay the out-of-State sending  
3 track an amount equal to less than 3% of the parimutuel pool, the  
4 casino shall be entitled to retain the difference between the amount  
5 agreed upon and 3%.

6 b. Subject to the approval of the New Jersey Racing Commission  
7 and with respect to no more than [26] 28 races per casino per  
8 calendar year, a casino may pay an out-of-State sending track an  
9 amount equal to not more than 6% of the parimutuel pool for the  
10 transmission of a race. If the casino negotiates an agreement to pay  
11 the out-of-State sending track an amount equal to less than 6% of the  
12 parimutuel pool, the casino shall be entitled to retain the difference  
13 between the amount agreed upon and 6%.

14 (cf: P.L.1993, c.292, s.37)

15

16 <sup>1</sup>[2.] 3.<sup>1</sup> This act shall take effect immediately.

STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 2598**

with Senate Floor Amendments  
(Proposed By Senator KYRILLOS)

ADOPTED: JUNE 7, 2001

This Senate amendment authorizes the New Jersey Racing Commission to permit horse racing permit holders and casino simulcasting licensees to conduct interstate or intrastate thoroughbred or standardbred handicapping contests.

The commission will have the power to prescribe rules, regulations and conditions under which a permit is issued, including commission review and revision of proposed contest rules, procedures to conduct the contest, and prize amounts. The commission will also exercise oversight of the conduct of handicapping contests.

[Second Reprint]

**ASSEMBLY, No. 2598**

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

INTRODUCED JUNE 15, 2000

**Sponsored by:**

**Assemblyman KENNETH C. LEFEVRE**

**District 2 (Atlantic)**

**Co-Sponsored by:**

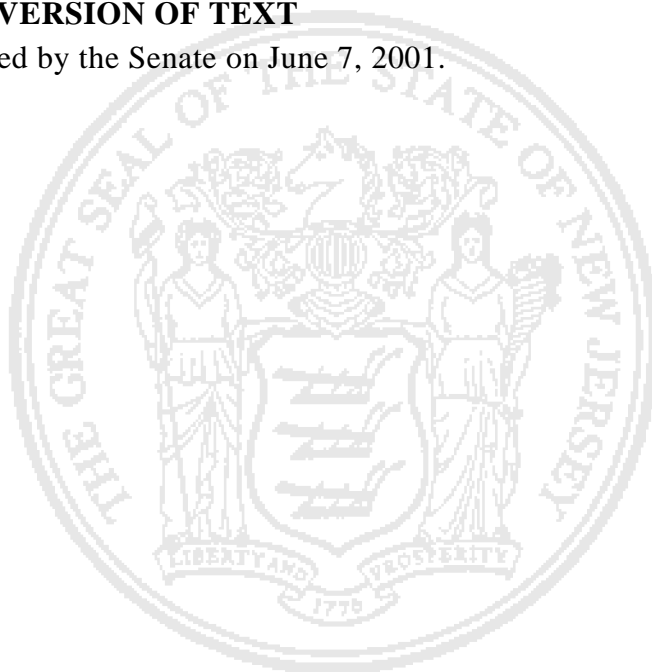
**Assemblyman Cottrell, Senators Kyrillos and Bark**

**SYNOPSIS**

Eliminates certain minimum thoroughbred races for casino simulcasting; increases number of simulcast horse races casino may pay 6% of parimutuel pool; authorizes handicapping contests.

**CURRENT VERSION OF TEXT**

As amended by the Senate on June 7, 2001.



**(Sponsorship Updated As Of: 6/29/2001)**

1 AN ACT concerning <sup>1</sup>[payments by casinos for transmission of certain  
2 simulcast horse races] <sup>2</sup>[the casino simulcasting act<sup>1</sup> and] horse  
3 racing.<sup>2</sup> amending P.L.1992, c.19 <sup>2</sup>and supplementing P.L.1940,  
4 c.17 (C.5:5-22 et seq.)<sup>2</sup>.

5  
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*

8  
9 <sup>1</sup>1. Section 5 of P.L.1992, c.19 (C.5:12-195) is amended to read  
10 as follows:

11 5. A permit holder which wishes to conduct casino simulcasting  
12 shall request the approval of the New Jersey Racing Commission in its  
13 annual application for horse race meeting dates filed with that  
14 commission pursuant to section 23 of P.L.1940, c.17 (C.5:5-43), or,  
15 if applying between the submittal of annual applications, through such  
16 supplemental application as that commission shall deem appropriate.  
17 The New Jersey Racing Commission shall not approve the request of  
18 any permit holder to conduct casino simulcasting unless the permit  
19 holder will conduct a number of live racing programs during the period  
20 for which the permit is issued which is equal to the following:

21 a. in the case of harness races, each permit holder shall conduct at  
22 least 75% of the average number of live racing programs conducted by  
23 that permit holder during calendar years 1990 and 1991; and

24 b. in the case of running races, Monmouth Racetrack shall conduct  
25 at least the same number of live racing programs conducted in 1991[,  
26 Garden State Racetrack shall conduct at least 60% of the live racing  
27 programs conducted by that permit holder in calendar year 1990,] and  
28 each of the other permit holders conducting running races shall  
29 conduct at least [75% of the] five live racing programs [conducted by  
30 that permit holder in calendar year 1990].

31 For the purpose of satisfying the requirements of this section for the  
32 conduct of live racing programs, any live racing program or part  
33 thereof which is cancelled because of weather or another act of God  
34 shall be deemed to have been conducted, subject to the approval of the  
35 New Jersey Racing Commission.

36 (cf: P.L.1992, c.19, s.5)<sup>1</sup>

37

38 <sup>1</sup>[1.] 2.<sup>1</sup> Section 11 of P.L.1992, c.19 (C.5:12-201) is amended to  
39 read as follows:

40 11. a. Except as provided in subsection b. of this section, a casino

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ACT committee amendments adopted January 18, 2001.

<sup>2</sup> Senate floor amendments adopted June 7, 2001.

1 which receives a simulcast horse race from an out-of-State sending  
2 track shall not pay the out-of-State sending track for the transmission  
3 an amount equal to more than 3% of the parimutuel pool on each race.  
4 If the casino negotiates an agreement to pay the out-of-State sending  
5 track an amount equal to less than 3% of the parimutuel pool, the  
6 casino shall be entitled to retain the difference between the amount  
7 agreed upon and 3%.

8 b. Subject to the approval of the New Jersey Racing Commission  
9 and with respect to no more than [26] 28 races per casino per  
10 calendar year, a casino may pay an out-of-State sending track an  
11 amount equal to not more than 6% of the parimutuel pool for the  
12 transmission of a race. If the casino negotiates an agreement to pay  
13 the out-of-State sending track an amount equal to less than 6% of the  
14 parimutuel pool, the casino shall be entitled to retain the difference  
15 between the amount agreed upon and 6%.  
16 (cf: P.L.1993, c.292, s.37)

17  
18 <sup>2</sup>3. (New section) The New Jersey Racing Commission is  
19 authorized to permit a permit holder or casino simulcasting licensee to  
20 conduct interstate or intrastate thoroughbred or standardbred  
21 handicapping contests, if the commission determines that the holding  
22 of such contests is in the best interest of horse racing and the State.  
23 The commission shall have the power to prescribe rules, regulations  
24 and conditions under which a permit to conduct handicapping contests  
25 is issued, including commission review and revision of proposed  
26 contest rules, procedures to conduct a contest, and prize amounts.  
27 The commission shall also exercise oversight of the conduct of  
28 handicapping contests. The permit holder or casino simlucasting  
29 licensee may impose an entry fee for participation in any such contest.  
30 The commission shall promulgate regulations pursuant to the  
31 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
32 seq.), to implement the provisions of this section.<sup>2</sup>

33  
34 <sup>1</sup>[2.]<sup>2</sup>[3.]<sup>1</sup>4.<sup>2</sup> This act shall take effect immediately.

**SENATE, No. 1590**

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**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

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INTRODUCED SEPTEMBER 21, 2000

**Sponsored by:**

**Senator JOSEPH M. KYRILLOS, JR.**

**District 13 (Middlesex and Monmouth)**

**Senator MARTHA W. BARK**

**District 8 (Atlantic, Burlington and Camden)**

**SYNOPSIS**

Eliminates certain minimum thoroughbred race date requirements for participation in casino simulcasting; increases number of simulcast horse races for which casino may pay out-of-State sending track 6% of parimutuel pool.

**CURRENT VERSION OF TEXT**

As introduced.



S1590 KYRILLOS, BARK

2

1 AN ACT concerning the casino simulcasting act and amending  
2 P.L.1992, c.19.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 5 of P.L.1992, c.19 (C.5:12-195) is amended to read as  
8 follows:

9 5. A permit holder which wishes to conduct casino simulcasting  
10 shall request the approval of the New Jersey Racing Commission in its  
11 annual application for horse race meeting dates filed with that  
12 commission pursuant to section 23 of P.L.1940, c.17 (C.5:5-43), or,  
13 if applying between the submittal of annual applications, through such  
14 supplemental application as that commission shall deem appropriate.  
15 The New Jersey Racing Commission shall not approve the request of  
16 any permit holder to conduct casino simulcasting unless the permit  
17 holder will conduct a number of live racing programs during the period  
18 for which the permit is issued which is equal to the following:

19 a. in the case of harness races, each permit holder shall conduct at  
20 least 75% of the average number of live racing programs conducted by  
21 that permit holder during calendar years 1990 and 1991; and

22 b. in the case of running races, Monmouth Racetrack shall conduct  
23 at least the same number of live racing programs conducted in 1991[,  
24 Garden State Racetrack shall conduct at least 60% of the live racing  
25 programs conducted by that permit holder in calendar year 1990,] and  
26 each of the other permit holders conducting running races shall  
27 conduct at least [75% of the] five live racing programs [conducted by  
28 that permit holder in calendar year 1990].

29 For the purpose of satisfying the requirements of this section for the  
30 conduct of live racing programs, any live racing program or part  
31 thereof which is cancelled because of weather or another act of God  
32 shall be deemed to have been conducted, subject to the approval of the  
33 New Jersey Racing Commission.

34 (cf: P.L.1992, c.19, s.5)

35

36 2. Section 11 of P.L.1992, c.19 (C.5:12-201) is amended to read  
37 as follows:

38 11. a. Except as provided in subsection b. of this section, a casino  
39 which receives a simulcast horse race from an out-of-State sending  
40 track shall not pay the out-of-State sending track for the transmission  
41 an amount equal to more than 3% of the parimutuel pool on each race.  
42 If the casino negotiates an agreement to pay the out-of-State sending  
43 track an amount equal to less than 3% of the parimutuel pool, the

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

**Matter underlined thus is new matter.**



1 casino shall be entitled to retain the difference between the amount  
2 agreed upon and 3%.

3 b. Subject to the approval of the New Jersey Racing Commission  
4 and with respect to no more than [26] 28 races per casino per  
5 calendar year, a casino may pay an out-of-State sending track an  
6 amount equal to not more than 6% of the parimutuel pool for the  
7 transmission of a race. If the casino negotiates an agreement to pay  
8 the out-of-State sending track an amount equal to less than 6% of the  
9 parimutuel pool, the casino shall be entitled to retain the difference  
10 between the amount agreed upon and 6%.

11 (cf: P.L.1993, c.292, s.37)

12

13 3. This act shall take effect immediately.

14

15

16

#### STATEMENT

17

18 This bill permits Garden State Racetrack, the Meadowlands and the  
19 Atlantic City Race Course to simulcast their live thoroughbred races  
20 to a casino simulcasting facility as long as each tracks runs five days  
21 of thoroughbred racing. Under current law, each track is required to  
22 run a certain minimum number of thoroughbred race dates in order to  
23 be eligible to simulcast those races to a casino simulcasting facility.  
24 This bill reduces the minimum live thoroughbred race date requirement  
25 for Garden State Racetrack, the Meadowlands and the Atlantic City  
26 Race Course.

27 The intent of the minimum race date requirement was to serve as a  
28 disincentive for racetracks to cut live race dates. However, that  
29 requirement has not had its intended effect. Most thoroughbred tracks  
30 have cut their live thoroughbred meets well below the required  
31 minimum number of days. Furthermore, it is not likely that Garden  
32 State Racetrack, the Meadowlands or the Atlantic City Race Course  
33 will increase their live thoroughbred meets enough to become eligible  
34 to participate in casino simulcasting in the future. Because these  
35 tracks are not eligible to participate in casino simulcasting of  
36 thoroughbred races, the thoroughbred horsemen, already hurt by the  
37 decline in race dates, are further harmed by not receiving a share of  
38 casino simulcasting revenue. The purpose of a lower minimum  
39 requirement is to allow these tracks to resume casino simulcasting of  
40 thoroughbred races so that the thoroughbred horsemen may share in  
41 casino simulcasting revenue.

42 This bill also increases from 26 to 28 the limit on the number of  
43 simulcast horse races per calendar year for which a casino may pay to  
44 an out-of-State sending track 6 percent of the parimutuel pool on each  
45 race for the transmission of the race, subject to the approval of the  
46 New Jersey Racing Commission. For all other simulcast horse races,

**S1590 KYRILLOS, BARK**

1 the casino is limited to a payment of not more than 3 percent of the  
2 parimutuel pool on each race. The "Casino Simulcasting Act,"  
3 P.L.1992, c.19 (C.5:12-191 et seq.), was originally enacted with a  
4 limit of 20 on the number of races; this limit was increased to 26 in  
5 1993 upon the recommendation of the Racing Commission.

6 Another increase in the limit is now necessitated to ensure that the  
7 casino simulcasting industry can maintain a competitive edge in  
8 negotiations for simulcast horse races, continue to competitively  
9 respond to growing interest from out-of-State tracks, meet future  
10 challenges, and provide a quality and popular attraction for casino  
11 visitors.

SENATE ECONOMIC GROWTH, AGRICULTURE AND  
TOURISM COMMITTEE

STATEMENT TO

**SENATE, No. 1590**

**STATE OF NEW JERSEY**

DATED: MAY 24, 2001

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably Senate Bill No. 1590.

This bill permits Garden State Racetrack, the Meadowlands and the Atlantic City Race Course to simulcast their live thoroughbred races to a casino simulcasting facility as long as each track runs five days of thoroughbred racing. Under current law, each track is required to run a certain minimum number of thoroughbred race dates in order to be eligible to simulcast those races to a casino simulcasting facility. This bill reduces the minimum live thoroughbred race date requirement for Garden State Racetrack, the Meadowlands and the Atlantic City Race Course.

The intent of the minimum race date requirement was to serve as a disincentive for racetracks to cut live race dates. However, that requirement has not had its intended effect. Most thoroughbred tracks have cut their live thoroughbred meets well below the required minimum number of days. Furthermore, it is not likely that Garden State Racetrack, the Meadowlands or the Atlantic City Race Course will increase their live thoroughbred meets enough to become eligible to participate in casino simulcasting in the future. Because these tracks are not eligible to participate in casino simulcasting of thoroughbred races, the thoroughbred horsemen, already hurt by the decline in race dates, are further harmed by not receiving a share of casino simulcasting revenue. The purpose of a lower minimum requirement is to allow these tracks to resume casino simulcasting of thoroughbred races so that the thoroughbred horsemen may share in casino simulcasting revenue.

This bill also increases from 26 to 28 the limit on the number of simulcast horse races per calendar year for which a casino may pay to an out-of-State sending track 6 percent of the parimutuel pool on each race for the transmission of the race, subject to the approval of the New Jersey Racing Commission. For all other simulcast horse races, the casino is limited to a payment of not more than 3 percent of the parimutuel pool on each race. The "Casino Simulcasting Act," P.L.1992, c.19 (C.5:12-191 et seq.), was originally enacted with a limit of 20 on the number of races; this limit was increased to 26 in

1993 upon the recommendation of the Racing Commission.

Another increase in the limit is now necessitated to ensure that the casino simulcasting industry can maintain a competitive edge in negotiations for simulcast horse races, continue to competitively respond to growing interest from out-of-State tracks, meet future challenges, and provide a quality and popular attraction for casino visitors.

As reported, Senate Bill, No. 1590, is identical to Assembly Bill No. 2598 (1R).

STATEMENT TO  
**SENATE, No. 1590**

with Senate Floor Amendments  
(Proposed By Senator KYRILLOS)

ADOPTED: JUNE, 7, 2001

This Senate amendment authorizes the New Jersey Racing Commission to permit horse racing permit holders and casino simulcasting licensees to conduct interstate or intrastate thoroughbred or standardbred handicapping contests.

The commission will have the power to prescribe rules, regulations and conditions under which a permit is issued, including commission review and revision of proposed contest rules, procedures to conduct the contest, and prize amounts. The commission will also exercise oversight of the conduct of handicapping contests.

[First Reprint]

**SENATE, No. 1590**

---

**STATE OF NEW JERSEY**  
**209th LEGISLATURE**

---

INTRODUCED SEPTEMBER 21, 2000

**Sponsored by:**

**Senator JOSEPH M. KYRILLOS, JR.**

**District 13 (Middlesex and Monmouth)**

**Senator MARTHA W. BARK**

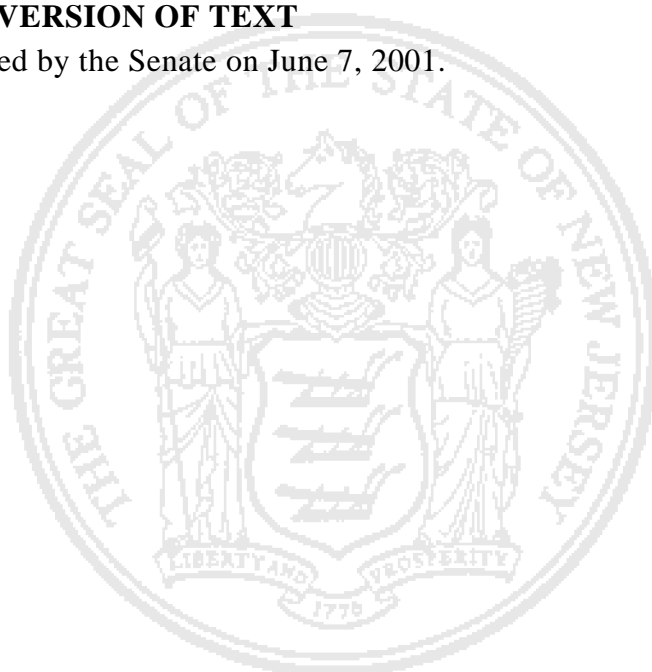
**District 8 (Atlantic, Burlington and Camden)**

**SYNOPSIS**

Eliminates certain minimum thoroughbred races for casino simulcasting; increases number of simulcast horse races casino may pay 6% of parimutuel pool; authorizes handicapping contests.

**CURRENT VERSION OF TEXT**

As amended by the Senate on June 7, 2001.



1 AN ACT concerning <sup>1</sup>[the casino simulcasting act and] horse racing.<sup>1</sup>  
2 amending P.L.1992, c.19 <sup>1</sup>and supplementing P.L.1940, c.17  
3 (C.5:5-22 et seq.)<sup>1</sup>.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 5 of P.L.1992, c.19 (C.5:12-195) is amended to read as  
9 follows:

10 5. A permit holder which wishes to conduct casino simulcasting  
11 shall request the approval of the New Jersey Racing Commission in its  
12 annual application for horse race meeting dates filed with that  
13 commission pursuant to section 23 of P.L.1940, c.17 (C.5:5-43), or,  
14 if applying between the submittal of annual applications, through such  
15 supplemental application as that commission shall deem appropriate.  
16 The New Jersey Racing Commission shall not approve the request of  
17 any permit holder to conduct casino simulcasting unless the permit  
18 holder will conduct a number of live racing programs during the period  
19 for which the permit is issued which is equal to the following:

20 a. in the case of harness races, each permit holder shall conduct at  
21 least 75% of the average number of live racing programs conducted by  
22 that permit holder during calendar years 1990 and 1991; and

23 b. in the case of running races, Monmouth Racetrack shall conduct  
24 at least the same number of live racing programs conducted in 1991[,  
25 Garden State Racetrack shall conduct at least 60% of the live racing  
26 programs conducted by that permit holder in calendar year 1990,] and  
27 each of the other permit holders conducting running races shall  
28 conduct at least [75% of the] five live racing programs [conducted by  
29 that permit holder in calendar year 1990].

30 For the purpose of satisfying the requirements of this section for the  
31 conduct of live racing programs, any live racing program or part  
32 thereof which is cancelled because of weather or another act of God  
33 shall be deemed to have been conducted, subject to the approval of the  
34 New Jersey Racing Commission.

35 (cf: P.L.1992, c.19, s.5)

36

37 2. Section 11 of P.L.1992, c.19 (C.5:12-201) is amended to read  
38 as follows:

39 11. a. Except as provided in subsection b. of this section, a casino  
40 which receives a simulcast horse race from an out-of-State sending  
41 track shall not pay the out-of-State sending track for the transmission

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate floor amendments adopted June 7, 2001.

1 an amount equal to more than 3% of the parimutuel pool on each race.  
2 If the casino negotiates an agreement to pay the out-of-State sending  
3 track an amount equal to less than 3% of the parimutuel pool, the  
4 casino shall be entitled to retain the difference between the amount  
5 agreed upon and 3%.

6 b. Subject to the approval of the New Jersey Racing Commission  
7 and with respect to no more than [26] 28 races per casino per  
8 calendar year, a casino may pay an out-of-State sending track an  
9 amount equal to not more than 6% of the parimutuel pool for the  
10 transmission of a race. If the casino negotiates an agreement to pay  
11 the out-of-State sending track an amount equal to less than 6% of the  
12 parimutuel pool, the casino shall be entitled to retain the difference  
13 between the amount agreed upon and 6%.

14 (cf: P.L.1993, c.292, s.37)

15

16 <sup>1</sup>3. (New section) The New Jersey Racing Commission is  
17 authorized to permit a permit holder or casino simulcasting licensee to  
18 conduct interstate or intrastate thoroughbred or standardbred  
19 handicapping contests, if the commission determines that the holding  
20 of such contests is in the best interest of horse racing and the State.  
21 The commission shall have the power to prescribe rules, regulations  
22 and conditions under which a permit to conduct handicapping contests  
23 is issued, including commission review and revision of proposed  
24 contest rules, procedures to conduct a contest, and prize amounts.  
25 The commission shall also exercise oversight of the conduct of  
26 handicapping contests. The permit holder or casino simlucasting  
27 licensee may impose an entry fee for participation in any such contest.

28 The commission shall promulgate regulations pursuant to the  
29 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
30 seq.), to implement the provisions of this section.<sup>1</sup>

31

32 <sup>1</sup>[3.] 4.<sup>1</sup> This act shall take effect immediately.



P.L. 2001, CHAPTER 198, *approved August 5, 2001*  
Assembly, No. 2598 (*Second Reprint*)

1 AN ACT concerning <sup>1</sup>[payments by casinos for transmission of certain  
2 simulcast horse races] <sup>2</sup>[the casino simulcasting act<sup>1</sup> and] horse  
3 racing,<sup>2</sup> amending P.L.1992, c.19 <sup>2</sup>and supplementing P.L.1940,  
4 c.17 (C.5:5-22 et seq.)<sup>2</sup>.

5

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

8

9 <sup>1</sup>1. Section 5 of P.L.1992, c.19 (C.5:12-195) is amended to read  
10 as follows:

11 5. A permit holder which wishes to conduct casino simulcasting  
12 shall request the approval of the New Jersey Racing Commission in its  
13 annual application for horse race meeting dates filed with that  
14 commission pursuant to section 23 of P.L.1940, c.17 (C.5:5-43), or,  
15 if applying between the submittal of annual applications, through such  
16 supplemental application as that commission shall deem appropriate.  
17 The New Jersey Racing Commission shall not approve the request of  
18 any permit holder to conduct casino simulcasting unless the permit  
19 holder will conduct a number of live racing programs during the period  
20 for which the permit is issued which is equal to the following:

21 a. in the case of harness races, each permit holder shall conduct at  
22 least 75% of the average number of live racing programs conducted by  
23 that permit holder during calendar years 1990 and 1991; and

24 b. in the case of running races, Monmouth Racetrack shall conduct  
25 at least the same number of live racing programs conducted in 1991[,  
26 Garden State Racetrack shall conduct at least 60% of the live racing  
27 programs conducted by that permit holder in calendar year 1990,] and  
28 each of the other permit holders conducting running races shall  
29 conduct at least [75% of the] five live racing programs [conducted by  
30 that permit holder in calendar year 1990].

31 For the purpose of satisfying the requirements of this section for the  
32 conduct of live racing programs, any live racing program or part  
33 thereof which is cancelled because of weather or another act of God  
34 shall be deemed to have been conducted, subject to the approval of the  
35 New Jersey Racing Commission.

36 (cf: P.L.1992, c.19, s.5)<sup>1</sup>

37

38 <sup>1</sup>[1.] 2.<sup>1</sup> Section 11 of P.L.1992, c.19 (C.5:12-201) is amended to  
39 read as follows:

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ACT committee amendments adopted January 18, 2001.

<sup>2</sup> Senate floor amendments adopted June 7, 2001.

1 11. a. Except as provided in subsection b. of this section, a casino  
 2 which receives a simulcast horse race from an out-of-State sending  
 3 track shall not pay the out-of-State sending track for the transmission  
 4 an amount equal to more than 3% of the parimutuel pool on each race.  
 5 If the casino negotiates an agreement to pay the out-of-State sending  
 6 track an amount equal to less than 3% of the parimutuel pool, the  
 7 casino shall be entitled to retain the difference between the amount  
 8 agreed upon and 3%.

9 b. Subject to the approval of the New Jersey Racing Commission  
 10 and with respect to no more than ~~[26]~~ 28 races per casino per  
 11 calendar year, a casino may pay an out-of-State sending track an  
 12 amount equal to not more than 6% of the parimutuel pool for the  
 13 transmission of a race. If the casino negotiates an agreement to pay  
 14 the out-of-State sending track an amount equal to less than 6% of the  
 15 parimutuel pool, the casino shall be entitled to retain the difference  
 16 between the amount agreed upon and 6%.

17 (cf: P.L.1993, c.292, s.37)

18

19 <sup>2</sup>3. (New section) The New Jersey Racing Commission is  
 20 authorized to permit a permit holder or casino simulcasting licensee to  
 21 conduct interstate or intrastate thoroughbred or standardbred  
 22 handicapping contests, if the commission determines that the holding  
 23 of such contests is in the best interest of horse racing and the State.  
 24 The commission shall have the power to prescribe rules, regulations  
 25 and conditions under which a permit to conduct handicapping contests  
 26 is issued, including commission review and revision of proposed  
 27 contest rules, procedures to conduct a contest, and prize amounts.  
 28 The commission shall also exercise oversight of the conduct of  
 29 handicapping contests. The permit holder or casino simulcasting  
 30 licensee may impose an entry fee for participation in any such contest.

31 The commission shall promulgate regulations pursuant to the  
 32 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
 33 seq.), to implement the provisions of this section.<sup>2</sup>

34

35 <sup>1</sup>[2.]<sup>2</sup>[3.]<sup>1</sup> 4.<sup>2</sup> This act shall take effect immediately.

36

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38

39

40 Eliminates certain minimum thoroughbred races for casino  
 41 simulcasting; increases number of simulcast horse races casino may  
 42 pay 6% of parimutuel pool; authorizes handicapping contests.

## CHAPTER 198

AN ACT concerning horse racing, amending P.L.1992, c.19 and supplementing P.L.1940, c.17 (C.5:5-22 et seq.).

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

1. Section 5 of P.L.1992, c.19 (C.5:12-195) is amended to read as follows:

C.5:12-195 Application to conduct casino simulcasting, conditions of approval.

5. A permit holder which wishes to conduct casino simulcasting shall request the approval of the New Jersey Racing Commission in its annual application for horse race meeting dates filed with that commission pursuant to section 23 of P.L.1940, c.17 (C.5:5-43), or, if applying between the submittal of annual applications, through such supplemental application as that commission shall deem appropriate. The New Jersey Racing Commission shall not approve the request of any permit holder to conduct casino simulcasting unless the permit holder will conduct a number of live racing programs during the period for which the permit is issued which is equal to the following:

- a. in the case of harness races, each permit holder shall conduct at least 75% of the average number of live racing programs conducted by that permit holder during calendar years 1990 and 1991; and

- b. in the case of running races, Monmouth Racetrack shall conduct at least the same number of live racing programs conducted in 1991 and each of the other permit holders conducting running races shall conduct at least five live racing programs.

For the purpose of satisfying the requirements of this section for the conduct of live racing programs, any live racing program or part thereof which is cancelled because of weather or another act of God shall be deemed to have been conducted, subject to the approval of the New Jersey Racing Commission.

2. Section 11 of P.L.1992, c.19 (C.5:12-201) is amended to read as follows:

C.5:12-201 Payment to out-of-State sending track.

11. a. Except as provided in subsection b. of this section, a casino which receives a simulcast horse race from an out-of-State sending track shall not pay the out-of-State sending track for the transmission an amount equal to more than 3% of the parimutuel pool on each race. If the casino negotiates an agreement to pay the out-of-State sending track an amount equal to less than 3% of the parimutuel pool, the casino shall be entitled to retain the difference between the amount agreed upon and 3%.

- b. Subject to the approval of the New Jersey Racing Commission and with respect to no more than 28 races per casino per calendar year, a casino may pay an out-of-State sending track an amount equal to not more than 6% of the parimutuel pool for the transmission of a race. If the casino negotiates an agreement to pay the out-of-State sending track an amount equal to less than 6% of the parimutuel pool, the casino shall be entitled to retain the difference between the amount agreed upon and 6%.

C.5:5-63.2 Interstate, intrastate handicapping contests, certain, authorized.

3. The New Jersey Racing Commission is authorized to permit a permit holder or casino simulcasting licensee to conduct interstate or intrastate thoroughbred or standardbred handicapping contests, if the commission determines that the holding of such contests is in the best interest of horse racing and the State. The commission shall have the power to prescribe rules, regulations and conditions under which a permit to conduct handicapping contests is issued, including commission review and revision of proposed contest rules, procedures to conduct a contest, and prize amounts. The commission shall also exercise oversight of the conduct of handicapping contests. The permit holder or casino simulcasting licensee may impose an entry fee for participation in any such contest.

The commission shall promulgate regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to implement the provisions of this section.

4. This act shall take effect immediately.

Approved August 5, 2001.