

5:5-62 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 5:5-62 et al

"Simulcast Racing Act"

LAWS OF: 1985

CHAPTER: 269

Bill No: S3096

Sponsor(s): Codey and others

Date Introduced: June 17, 1985

Committee: Assembly: -----

Senate: State Government, Federal and Interstate Relations and Veterans' Affairs.

Amended during passage: No

Date of Passage: Assembly: June 27, 1985

Senate: June 24, 1985

Date of Approval: August 2, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

See newspaper clipping--attached.

"Voters to decide fate of race simulcasting..." 8-6-85 Star Ledger

Supreme Court decision, referred to in statements: Atlantic City Racing Association v. Attorney General, 98 NJ 535 (1985)

SENATE, No. 3096

STATE OF NEW JERSEY

INTRODUCED JUNE 17, 1985

By Senators CODEY, RAND, GORMLEY and GAGLIANO

Referred to Committee on State Government, Federal and
Interstate Relations and Veterans Affairs

AN ACT concerning parimutuel wagering, amending and supplementing P. L. 1940, c. 17, providing for the submission of this amendatory and supplementary act to the legal voters of the State for their approval or rejection before it shall become operative within this State, and repealing P. L. 1983, c. 340.

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

1 1. (New section) Sections 1 through 12 of this act shall be known
2 and may be cited as the "Simulcasting Racing Act."

1 2. (New section) As used in this act:

2 a. "Horsemen's organization" means the Horsemen's Benevolent
3 and Protective Association, the Standardbred Breeders' and
4 Owners' Association, or another organization or group representing
5 a majority of horsemen engaged in competing for purses during
6 a regularly scheduled horse race meeting, as the case may be.

7 b. "Intertrack wagering" means parimutuel wagering on simul-
8 cast horse races held at an in-State sending track by patrons at a
9 receiving track and the electronic transmission of the wagers to the
10 in-State sending track.

11 c. "Intertrack wagering license" means a license issued by the
12 New Jersey Racing Commission permitting intertrack wagering.

13 d. "Receiving track" means a racetrack within the State which
14 is operated by the holder of an annual permit to conduct a horse
15 race meeting and which is equipped to receive simulcast horse
16 races and to conduct intertrack wagering on those races.

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 printed in italics *thus* is new matter.

17 e. "In-State sending track" means a racetrack within the State
18 which is operated by the holder of an annual permit to conduct a
19 horse race meeting and which is equipped to provide simulcast horse
20 races to a receiving track and to conduct intertrack wagering on
21 those races.

22 f. "Out-of-State sending track" means a race track in a jurisdic-
23 tion other than the State of New Jersey which is lawfully permitted
24 to conduct a horse race meeting and to provide simulcast horse races
25 to a racetrack in this State.

26 g. "Simulcast horse races" means horse races conducted at an
27 in-State sending track or an out-of-State sending track, as the case
28 may be, and transmitted simultaneously by picture to a receiving
29 track.

1 3. (New section) Upon the filing of a joint application by a reciv-
2 ing and an in-State sending track and after the holding of a public
3 hearing, the New Jersey Racing Commission may issue an inter-
4 track wagering license to a receiving track specifying the periods
5 of time during a calendar year and the hours during the day or
6 night when intertrack wagering is permitted and prescribing any
7 other conditions or terms the commission deems appropriate,
8 provided that:

9 a. The receiving track demonstrates to the satisfaction of the
10 commission that it has conducted a regularly scheduled horse race
11 meeting pursuant to an annual permit issued by the commission
12 and has complied with the terms of the permit, or the receiving
13 track agrees to conduct such a horse race meeting and to comply
14 with the terms of the permit for the meeting unless otherwise
15 directed or permitted by the commission.

16 b. The in-State sending track produces an agreement in writing,
17 or testimony at the public hearing, demonstrating that the horse-
18 men's organization engaged in competing for the purses at the
19 in-State sending track approves of intertrack wagering during the
20 period when an intertrack wagering license shall be in effect.

21 c. If intertrack wagering will occur at the receiving track at the
22 same time the receiving track is conducting a horse race meeting,
23 the receiving track produces an agreement in writing, or testimony
24 at the public hearing, demonstrating that the horsemen's organiza-
25 tion at the receiving track approves of intertrack wagering during
26 the period of the horse race meeting.

1 4. (New section) A joint application for an intertrack wagering
2 license shall include a written agreement between the receiving and
3 in-State sending tracks providing a detailed plan of operation for
4 the simultaneous picture transmission of races from the in-State

5 sending track to the receiving track, the transmission to the
6 in-State sending track of wagers placed at the receiving track, and
7 the distribution of the parimutuel pool to the winning ticketholders
8 at the receiving track.

1 5. (New section) Any holder of a permit to conduct a horse race
2 meeting within the State may file an objection to a joint application
3 prior to the public hearing required to be held on the application.
4 Any permit holder filing such an objection shall have the burden
5 to demonstrate at the public hearing good cause as to why the
6 issuance of an intertrack wagering license would be adverse to the
7 public interest, as defined in section 24 of P. L. 1940, c. 17 (C.
8 5:5-44).

1 6. (New section) Under no circumstances shall a receiving track
2 be permitted to substitute a race transmitted to it from an in-State
3 sending track for a live race or races scheduled during a horse race
4 meeting at the receiving track. Subject to the approval of the New
5 Jersey Racing Commission and agreement in writing from the
6 horsemen's organization at the receiving track, and in accordance
7 with applicable federal law, a receiving track may substitute a race
8 of national interest transmitted to it from an out-of-State sending
9 track for a live race or races scheduled during a horse race meeting
10 at the receiving track pursuant to section 10 of this act.

1 7. (New section) Except as otherwise provided in sections 8 and
2 10 of this act, sums wagered at the receiving track shall be deposited
3 in the appropriate parimutuel pool generated at the in-State send-
4 ing track for the race being transmitted and shall be distributed
5 pursuant to P. L. 1940, c. 17 (C. 5:5-22 et seq.) as if such sums
6 were wagered at the sending track. Payment to persons holding
7 winning tickets at the receiving track shall be made according to
8 the same odds as those generated at the in-State sending track.

1 8. (New section) The in-State sending track shall reserve and
2 set aside out of the portion of the parimutuel pool to be distributed
3 as purse money pursuant to section 46 of P. L. 1940, c. 17 (C. 5:5-66)
4 an amount equal to 25% of the amount that would be distributed as
5 purse money pursuant to that section on the basis of the parimutuel
6 pool generated at the receiving track. These sums shall be for-
7 warded to the receiving track and shall be used to supplement the
8 payment of overnight purses at the next horse race meeting to be
9 conducted by the receiving track.

1 9. (New section) Notwithstanding any other law to the contrary,
2 intertrack wagering shall be lawful provided that an intertrack
3 wagering license has been issued to the receiving track.

1 10. (New section) Notwithstanding any other law to the contrary,

2 the New Jersey Racing Commission, upon application by a receiv-
 3 ing track and in accordance with applicable federal law, may permit
 4 the track to receive simulcast horse races of national interest held
 5 at out-of-State sending tracks and to conduct parimutuel wagering
 6 thereon. All receipts from wagering under this section shall form a
 7 pool at the receiving track and shall be distributed pursuant to
 8 P. L. 1940, c. 17 (C. 5:5-22 et seq.) as if those receipts were the
 9 product of wagering on live races at that time at the receiving
 10 track.

1 11. (New section) Notwithstanding any other law to the contrary,
 2 the New Jersey Racing Commission, upon application by an in-State
 3 sending track and in accordance with applicable federal law, may
 4 permit the track to contract with an entity in another jurisdiction
 5 to permit any legal wagering entity in the other jurisdiction to
 6 receive simulcast horse races run live at the in-State sending track
 7 and to conduct parimutuel wagering thereon within the other juris-
 8 diction. The terms and conditions of the contract shall be estab-
 9 lished by the parties and may include as consideration therefor the
 10 receipt by the in-State sending track of a percentage of the sum
 11 wagered on a given race or races in accordance with the law of
 12 the receiving jurisdiction.

1 12. (New section) The commission shall promulgate and adopt
 2 such rules and regulations as are necessary to effectuate the pur-
 3 poses of this act.

1 13. Section 42 of P. L. 1940, c. 17 (C. 5:5-62) is amended to read
 2 as follows:

3 42. **Any** A permit holder **conducting a horse race meeting**
 4 **under this act** may provide a place or places in the race meeting
 5 grounds or enclosure at which such holder of a permit may conduct
 6 and supervise the parimutuel system of wagering by patrons on the
 7 result of the horse races conducted by such permit holder at **such**
 8 *a horse race meeting or on the result of simulcast horse races as*
 9 *provided by the "Simulcasting Racing Act," P. L. , c. . . .*
 10 *(C.) (now pending before the Legislature as this bill),*
 11 and such parimutuel system of wagering upon the result of such
 12 horse races **held at such horse race meeting and within such race-**
 13 **track and at such horse race meeting** shall not under any circum-
 14 stances, if conducted under the provisions of this act and in con-
 15 formity thereto, be held or construed to be unlawful, other statutes
 16 of the State of New Jersey to the contrary notwithstanding. Such
 17 place or places so provided in conformity with this section shall be
 18 equipped with such automatic ticket issuing and vending machines
 19 and with adding machine equipment capable of accurate and speedy

20 determination of the amount of money in each pool and on each
 21 horse and the amount of award or dividend to winning patrons and
 22 displaying the same to the patrons. Such machine shall further be
 23 equipped with automatic or hand operated machinery suitable for
 24 displaying on the mutuel board across the track, in plain view of
 25 the public, the total amount of sales on each and every race and the
 26 amount of award or dividend to winning patrons.

1 14. Section 43 of P. L. 1940, c. 17 (C. 5:5-63) is amended to read
 2 as follows:

3 43. The machine, or mutuel board, is also to display the approxi-
 4 mate odds on each horse in any race; the value of a \$2.00 mutuel
 5 ticket, straight, place and show, on the first three horses in any
 6 race; the elapsed time of the race; the value of a \$2.00 daily double
 7 ticket, if conducted, and any other information that may be neces-
 8 sary for the guidance of the general public. Any such machine
 9 must be approved by the commission before it may be used, and to
 10 prevent a monopoly in the use of any particular machine or type
 11 thereof the commission may in its discretion approve the use of
 12 any other machine. No other place or method of betting, pool
 13 making, wagering or gambling shall be used or permitted by the
 14 holder of a permit, nor shall the parimutuel system of wagering
 15 be conducted on any races except horse races at the racetrack
 16 where such parimutuel system of wagering is conducted *or simul-*
 17 *cast horse races as provided by the "Simulcasting Racing Act,"*
 18 *P. L., c. . . . (C.) (now pending before the*
 19 *Legislature as this bill).*

1 15. Section 53 of P. L. 1940, c. 17 (C. 5:5-73) is amended to read
 2 as follows:

3 53. Nothing herein, however, shall be construed to permit the
 4 parimutuel system of wagering upon any racetrack unless such
 5 race track be first granted a permit as provided by this act; and
 6 it is hereby declared to be unlawful for any person, partnership,
 7 association or corporation to permit, conduct or supervise upon
 8 any racetrack the parimutuel system of wagering except in
 9 accordance with the provisions of this act *or the "Simulcasting Rac-*
 10 *ing Act," P. L., c. . . . (C.) (now pending before*
 11 *the Legislature as this bill).*

1 16. (New section) For the purpose of complying with the pro-
 2 visions of the State Constitution, this act shall be submitted to the
 3 people for their approval or rejection at the next general election to
 4 be held 45 or more days following the date of its enactment.

1 17. (New section) There shall be printed on each official ballot to
 2 be used at such election the following:

3 If you favor making the act described below operative within the
4 State, make a cross (×), plus (+) or check (√) in the square
5 opposite the word "Yes."

6 If you are opposed to making the act described below operative,
7 make a cross (×), plus (+) or check (√) in the square opposite
8 the word "No."

	Yes.	<p style="text-align: center;">SIMULCASTING HORSE RACING</p> <p>Shall the "Simulcasting Racing Act" and amendments to the horse racing laws, which authorize the simultaneous transmission by picture of horse races from one racetrack to another and the wagering thereon, all as regulated by the State, be approved and become operative?</p>
	No.	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>Approval of this act would again permit horse racetracks to send and receive televised pictures of races and accept betting on those races. In addition, the act would permit "simulcasting" of certain races from out-of-State, such as the Kentucky Derby, and betting on those races. As shown while it was in effect, simulcasting would create off-season jobs at race tracks that would otherwise be closed, and would produce additional tax revenue to the State treasury at no cost to the taxpayer. Simulcasting would be licensed and regulated by the New Jersey Racing Commission.</p>

9 In any election district in which voting machines are used the
10 question shall be placed upon the official ballot to be used upon the
11 voting machines with the foregoing instructions to the voters but
12 with instruction to vote "Yes" or "No" by the use of those machines
13 without marking as aforesaid.

1 18. (New section) If at that election a majority of all the votes
2 cast both for and against the approval of this act shall be cast in
3 favor of the approval thereof, then all of its provisions shall forth-
4 with take effect throughout the State.

1 19. Sections 1 to 10 inclusive (C. 5:5-100 to 5:5-109), sections
2 11 to 13 inclusive, and section 15 of P. L. 1983, c. 340 are repealed.

1 20. This section and sections 16, 17, 18, and 19 of this act shall
2 take effect immediately and the remainder of the act shall take
3 effect as hereinbefore provided.

STATEMENT

This bill, to be known as the "Simulcasting Racing Act," provides for the simulcasting of and wagering on horse races conducted within and outside the State. To be operative, the act must be submitted to the voters and receive their approval. The bill repeals the prior law on simulcasting, P. L. 1983, c. 340, the provisions of which were held by the New Jersey Supreme Court to be ineffective because they were not submitted to and approved by a majority of the voters at a general election.

SENATE STATE GOVERNMENT, FEDERAL AND
INTERSTATE RELATIONS AND VETERANS AFFAIRS
COMMITTEE

STATEMENT TO
SENATE, No. 3096

STATE OF NEW JERSEY

DATED: JUNE 20, 1985

This bill provides for the simulcasting of horse races conducted within and outside the State. It permits New Jersey race tracks to send and receive televised pictures of races and to accept betting on those races. To be operative, this act must be submitted to the voters and receive their approval.

This bill repeals the prior law on simulcasting which was held invalid by the New Jersey Supreme Court because it had not been submitted to and approved by the voters.



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OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: CARL GOLDEN
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TRENTON, N.J. 08625

Release: MON., AUGUST 5, 1985

Governor Thomas H. Kean has signed legislation to place a referendum on the November General Election ballot to permit simulcasting of both in-state as well as out-of-state horse races at New Jersey tracks.

The legislation, S-3096, was sponsored by Senator Richard Codey, D-Essex, and provides for a referendum to amend the State Constitution to permit simulcasting and parimutuel wagering on the races.

"Approval of the simulcasting referendum will create jobs, produce additional State revenue and enable New Jersey to compete aggressively with racing interests in other states," Kean said. "Its approval is particularly critical to the survival of Atlantic City Race Track, the rebuilding of the Freehold Race Track and to the future of the Meadowlands racing complex."

The referendum is necessary to comply with a Supreme Court ruling in March of 1985 which held a simulcasting law unconstitutional because it was not approved by the voters at a general election.

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