

5:5-44.2 to 5:5-44.6

LEGISLATIVE HISTORY CHECKLIST

HJSA 5:5-44.2 to 5:5-44.6 ("Charity Racing Day for the Developmentally Disabled")

LAWS OF 1977 CHAPTER 200

Bill No. A1516

Sponsor(s) Kozloski and others

Date Introduced February 19, 1976

Committee: Assembly Taxation

Senate State Gov't., Federal & Interstate Relations &

Veterans Affairs

Also Amended ~~in accordance with Governor's recommendations~~ Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly July 22, 1976 Re'enacted June 30, 1977

Senate Nov. 8, 1976 Re'enacted July 17, 1977

Date of approval August 30, 1977

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly No

Senate Yes

Fiscal Note No

Veto Message Yes

Message on signing No

Following were printed:

Reports No

Hearings No

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ASSEMBLY, No. 1516

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 19, 1976

By Assemblymen KOZLOSKI, BORNHEIMER, Assemblywoman MISZKIEWICZ, Assemblymen T. GALLO, PATERO, RYS, LITTELL, PELLECCIA, FLYNN, VAN WAGNER, STEWART and SCANLON

Referred to Committee on Taxation

A SUPPLEMENT to "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 parimutuel 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 P. L. 1941, c. 137.

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

1 1. Each holder of a permit to hold or conduct horse race meet-
2 ings ****[is]**** ***shall, with the approval of the New Jersey Racing*
2A *Commission be*** allotted one racing day in addition to the days
3 authorized by the New Jersey Racing Commission pursuant to P. L.
4 1940, c. 17 (C. 5:5-22 et seq.); provided, however, that should any
5 permit holder reject the additional day, the commission may allot it
6 among the remaining permit holders**, *and provided further that*
7 *the provisions of this section shall not apply where to do so would*
8 *require the breach of an agreement entered into by the commis-*
9 *sion***. Said additional day shall be known as "Charity Racing
10 Day for the Developmentally Disabled."

1 2. All moneys received by the commission, pursuant to section 46
2 of P. L. 1940, c. 71 (C. 5:5-66), as its share of the total contribu-

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

3 tions to all parimutuel pools conducted or made on the additional
 4 racing day hereinbefore provided for shall be distributed to the
 5 organizations and in the amounts designated by the New Jersey
 6 State Developmental Disabilities Council, created pursuant to
 7 Executive Order Number 20 of 1971 as modified pursuant to Execu-
 8 tive Order Number 49 of 1973 **and Executive Order Number 42 of*
 9 *1976**, as hereinafter prescribed.

1 3. The New Jersey State Developmental Disabilities Council
 2 shall determine annually which organizations in New Jersey shall
 3 receive the moneys to be distributed pursuant to section 2 of this
 4 supplemental act; provided, however, that such organizations shall
 5 be nonprofit organizations which expend funds for direct services
 6 in full-time programs to New Jersey residents who are develop-
 7 mentally disabled, and provided further, however, that each such
 8 organization shall be affiliated with a national organization of the
 9 same type and purpose. As used herein, "developmentally dis-
 10 abled" means a disability **[which (a) is attributable to mental*
 11 *retardation, cerebral palsy, or epilepsy; or to other neurological*
 12 *conditions found by the Secretary of the United States Department*
 13 *of Health, Education and Welfare to be closely related to mental*
 14 *retardation or to require treatment similar to that required for*
 15 *mentally retarded individuals; (b) originated before the individual*
 16 *attained age 18 and has continued or can be expected to continue*
 17 *indefinitely; and (c) constitutes a substantial handicap to the in-*
 18 *dividual]* *of a person which (1) is attributable to:*

- 19 *(a) mental retardation, cerebral palsy, epilepsy or autism;*
 20 *(b) any other condition found to be closely related to mental*
 21 *retardation because such condition results in impairment of*
 22 *general intellectual functioning or adaptive behavior similar to*
 23 *impairment resulting from mental retardation or which requires*
 24 *treatment and services similar to those required for mental re-*
 25 *tardation; or*
 26 *(c) dyslexia resulting from a disability described in subpara-*
 27 *graphs (a) and (b);*
 28 *(2) originates before such person attains age 18;*
 29 *(3) has continued or can be expected to continue indefinitely; and*
 30 *(4) constitutes a substantial handicap to such person's ability to*
 31 *function normally in society.**

1 4. The New Jersey State Developmental Disabilities Council
 2 shall allocate annually the amount each eligible organization shall
 3 receive. Such allocation shall be made in the following manner:
 4 one-half of the total amount available for distribution shall be

5 distributed proportionally among the eligible organizations on the
6 basis of the officially-accepted incident rate of each type of dis-
7 ability in relation to the total number of developmentally-disabled
8 residents of this State; and one-half shall be distributed propor-
9 tionally among the eligible organizations on the basis of the number
10 of developmentally-disabled residents of this State who are served
11 by each organization in relation to the total number of develop-
12 mentally-disabled residents of this State who are served by all
13 such organizations.

1 5. The New Jersey State Developmental Disabilities Council shall
2 keep books and records to clearly show the number of children and
3 adults served by the organizations receiving moneys under the
4 provisions of this act and shall submit no later than December 15
5 of each year said books and records to the Office of Fiscal Affairs
6 for a complete audit by said office. The Office of Fiscal Affairs
7 shall at all reasonable times have access to said books and records
8 of the council for the purpose of examining and checking the same
9 and ascertaining whether or not the bases prescribed in this sup-
10 plemental act for the distribution of the moneys received pursuant
11 to this supplemental act have been correctly applied. Any organi-
12 zation which has received more than the amount to which it is
13 entitled shall refund the amount in excess, and said amount shall
14 be distributed among the remaining eligible organizations in the
15 manner prescribed in this supplemental act.

1 6. This act shall take effect January 1, 1977. However, the
2 commission may take action in advance of said date for reviewing
3 and approving applications for running race and harness racing
4 dates for 1977.

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14 be distributed among the remaining eligible organizations in the
15 manner prescribed in this supplemental act.

1 6. This act shall take effect January 1, 1977. However, the
2 commission may take action in advance of said date for reviewing
3 and approving applications for running race and harness racing
4 dates for 1977.

STATEMENT

This bill provides for an extra racing day, to be known as "Charity Racing Day for the Developmentally Disabled," at each race meeting held each year. The State's share of the proceeds from the parimutuel polls for that day shall be distributed among the nonprofit organizations serving the developmentally-disabled residents of New Jersey. The funds so distributed will be of great assistance to those organizations in conducting their programs, such as early childhood education, vocational training, work activity, and recreation programs, for the developmentally-disabled persons in all communities.

A1516 (1977)

REFERENCE USE ONLY

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

STATEMENT TO
ASSEMBLY, No. 1516
with Senate committee amendment

STATE OF NEW JERSEY

DATED: OCTOBER 7, 1976

This bill supplements P. L. 1940, c. 17 (C. 5:5-22 et seq.) to allot to each holder of a permit an extra racing day each year which is to be known as "Charity Racing Day for the Developmentally Disabled."

The State's share of the proceeds from the parimutuel polls for that day shall be distributed among the nonprofit organizations serving the developmentally-disabled through the agency of the New Jersey State Developmental Disabilities Council which was constituted by Executive Order in the Department of Institutions and Agencies. Among the groups which would benefit from the distribution are the Association for Retarded Children, the Association for Autistic Children, and the New Jersey Association for Retarded Citizens, Inc.

The New Jersey Association for Retarded Citizens was represented at the committee meeting and submitted a statement in behalf of the bill. They estimate the total number of individuals who require the kind of services offered by their organization, and others like them in the State, at approximately 750,000.

The committee amended the bill to up-date the citation of the Executive Order and to incorporate the language used by the Federal Government in defining "developmentally disabled."

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT
ASSEMBLY BILL No. 1516 (OCR)

June 27, 1977

Pursuant to Article V, Section I, Paragraph 14 (b) of the Constitution, I herewith return Assembly Bill No. 1516, with my objections, for reconsideration.

This bill would allot to each holder of a permit to conduct horse race meetings one racing day in addition to the days authorized by the New Jersey Racing Commission pursuant to P.L. 1940, c. 17. All moneys received by the Racing Commission from that additional racing day would be distributed by the New Jersey State Developmental Disabilities Council to organizations which (1) expend funds for direct services in full-time programs to New Jersey residents who are developmentally disabled and (2) are affiliated with a national organization of the same type and purpose.

The objective of this bill is clearly meritorious. The needs of developmentally disabled citizens in the State are substantial and deserve special attention. That is clearly reflected in the action taken by the Legislature and I am confident that any future bills that may be introduced to deal with the needs of different groups of citizens will be given the same careful consideration. Obviously, however many and meritorious other causes may be, this fund raising device must not be overutilized and to ensure equitable treatment I recommend that the ultimate decision should lie within the discretion of the Racing Commission.

In addition, in order to avoid competition with Keystone Race Track in Pennsylvania and a competitive war for the watering dollar between New Jersey's Garden State Track and Keystone, the State of New Jersey has entered into an agreement which provides that there will be no racing in Central and South Jersey from Labor Day through the end of the year and during the month of January in the following year. All available racing days are thus being run between February 1 and Labor Day. Should the Commission be compelled to add one racing day, it would, in effect, breach the agreement with Pennsylvania. While Garden State Track was recently destroyed by fire and thus, is not currently operating, I have indicated my intention to see that racetrack returned to operation in 1978. Thus, the agreement must still be considered a factor in implementation of this legislation. To meet problems of this nature as well, the Commission should have the discretionary authority to approve extra racing days.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

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ASSEMBLY BILL No. 1516 (OCR)

Accordingly, I herewith return Assembly Bill No. 1516 for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 2 - DELETE "is" and INSERT "shall,
with the approval of the New Jersey Racing Commission, be".

Page 1, Section 1, Line 6 - After "permit holders" insert
", and provided further that the provisions of this
section shall not apply where to do so would require the
breach of an agreement entered into by the Commission".

Respectfully,

/s/ Brendan Byrne

GOVERNOR

(seal)

ATTEST:

/s/ Henry N. Luther III

Executive Secretary to the Governor