

5:5-23

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 32
NJSA: 5:5-23 (Membership of New Jersey Racing Commission)
BILL NO: S1038 (Substituted for A2528)

SPONSOR(S): Bark and others

DATE INTRODUCED: February 21, 2002

COMMITTEE: **ASSEMBLY:** ----
SENATE: Economic Growth

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** October 28, 2002; Re-enacted March 13, 2003
SENATE: October 31, 2002; Re-enacted February 27, 2003

DATE OF APPROVAL: March 24, 2003

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (4th reprint enacted)
(Amendments during passage denoted by superscript numbers)

S1038

[SPONSORS STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENTS: Yes [10-7-2002 \(Senate\)](#)
[10-17-2002 \(Assembly\)](#)

LEGISLATIVE FISCAL ESTIMATE: No

A2528

[SPONSORS STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

SENATE: No

[FLOOR AMENDMENT STATEMENT:](#) [Yes](#)
Identical to Statement of 10-7-2002

LEGISLATIVE FISCAL ESTIMATE: No

[VETO MESSAGE:](#) [Yes](#)

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"New law changes racing commission," 3-25-2003 Burlington County Times, pB2.

P.L. 2003, CHAPTER 32, *approved March 24, 2003*
Senate, No. 1038 (*Fourth Reprint*)

1 AN ACT reconstituting the membership of the New Jersey Racing
2 Commission ¹and amending P.L.1940, c.17 (5:5-22 et seq.)¹.

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

6
7 ¹1. Section 2 of P.L.1940, c.17 (C.5:5-23) is amended to read as
8 follows:

9 2. The commission shall consist of nine members, all of whom shall
10 be appointed by the Governor, by and with the advice and consent of
11 the Senate, and not more than five of whom shall be of the same
12 political party, and one of whom [of the first to be appointed
13 hereunder] shall be designated by the Governor to be the chairman of
14 the commission[; said chairman thereafter shall be annually elected by
15 the members of said commission]. Each commissioner, at the time of
16 [his] appointment and qualification, shall: (1) be a resident of the
17 State of New Jersey[, and shall]; (2) have resided in [said] the State
18 for a period of at least seven years next preceding [his] appointment
19 and qualification; and [he shall also] (3) be a qualified voter therein
20 and not less than 30 years of age.

21 At least three [of the members] commissioners shall be residents
22 of South Jersey, which, for the purposes of this section, shall consist
23 of the counties of Atlantic, Burlington, Camden, Cape May,
24 Cumberland, Gloucester, Mercer, ²[¹Monmouth,¹]² Ocean, and
25 Salem.

26 ²At least one commissioner shall be a resident of Monmouth
27 county.²

28 Two commissioners shall be ⁴[an owner or trainer of a] persons
29 with knowledge of⁴ thoroughbred ⁴[horse] horses⁴, and ⁴shall be
30 recommended for nomination by the New Jersey Thoroughbred
31 Horsemen's Association, not more than one of whom shall be from the
32 same political party.⁴ ⁴[two] Two⁴ commissioners shall be ⁴[an
33 owner or trainer of a] persons with knowledge of⁴ standardbred
34 ⁴[horse] horses and shall be recommended for nomination by the
35 Standardbred Breeders' and Owners' Association of New Jersey, not
36 more than one of whom shall be from the same political party. No

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:

¹ Senate SEG committee amendments adopted June 6, 2002.

² Senate floor amendments adopted October 7, 2002.

³ Assembly floor amendments adopted October 17, 2002.

⁴ Senate amendments adopted in accordance with Governor's recommendations January 23, 2003.

1 commissioner shall breed a horse in New Jersey or hold a license to
2 train or race a horse in New Jersey⁴. ³[²A commissioner who is an
3 owner or trainer of a horse shall not hold a license to race a horse in
4 New Jersey. Nothing in this section shall preclude a commissioner
5 who is an owner or trainer of a horse from holding a license to race a
6 horse in any other state, or to breed or train a horse in this State or
7 any other state.²]³

8 Each commissioner shall hold office for a term of six years and until
9 a successor has been appointed and qualified. The term of office of
10 each [member of the first commission] commissioner shall commence
11 on confirmation after appointment. [One of said commissioners shall
12 hold office for two years from the beginning of his term of office and
13 until his successor shall qualify; one of said commissioners shall hold
14 office for four years from the beginning of his term of office and until
15 his successor shall qualify; and two of said commissioners shall hold
16 office for six years from the beginning of their terms of office and until
17 their successors shall qualify; provided, however, that the two
18 members whose terms shall expire in six years shall not be of the same
19 political party. The Governor, at the time of making and announcing
20 the appointment of said four commissioners, shall designate which of
21 said commissioners shall serve for the term of two years, which of said
22 commissioners shall serve for the term of four years, and which of said
23 commissioners shall serve for the term of six years, as aforesaid, and
24 also who shall be the chairman of said commission.] Upon the
25 expiration of the [terms] term of [such respective commissioners]
26 each commissioner, the Governor, by and with the advice and consent
27 of the Senate, shall appoint [their successors] a successor, [each] to
28 hold office for a term of six years and until his or her successor has
29 been appointed and qualified. ⁴The successor of a commissioner
30 appointed upon the recommendation of the New Jersey Thoroughbred
31 Horsemen's Association or the Standardbred Breeders' and Owners'
32 Association of New Jersey shall be recommended for nomination by
33 that Association.⁴ Any vacancy in the commission shall be filled for
34 the unexpired term. Each commissioner shall be eligible for
35 reappointment in the discretion of the Governor.

36 [Of the three additional members appointed pursuant to this 1984
37 amendatory and supplementary act, one shall be appointed for a term
38 of two years, one for a term of four years, and one for a term of
39 six years, and all shall serve until their successors have been appointed
40 and qualified. Each of the successors of these additional members shall
41 be appointed for a term of six years, and shall serve until his successor
42 is appointed and qualified.

43 Of the two additional members appointed pursuant to this 1987
44 amendatory act, one shall be appointed for a term of four years and
45 one for a term of six years, and both shall serve until their successors
46 have been appointed and qualified. Each of the successors of these

1 additional members shall be appointed for a term of six years and shall
2 serve until his successor is appointed and qualified.]¹

3 (cf: P.L.1987, c.413, s.1)

4

5 ¹[1.] 2.¹ Notwithstanding the provisions of any other law to the
6 contrary, the members of the New Jersey Racing Commission serving
7 on the effective date of this act are terminated as of that effective date
8 and the resulting vacancies shall be filled for the remainder of the
9 unexpired terms in the manner provided by section 2 of P.L.1940, c.17
10 (C.5:5-23). A member terminated pursuant to this section shall
11 holdover in office until a successor is appointed and qualified and shall
12 be eligible for reappointment at the discretion of the Governor.

13 ⁴The Governor shall establish a task force to study the issues
14 contributing to the current status of horseracing in this state.⁴

15

16 ¹[2.] 3.¹ This act shall take effect ⁴[immediately] on the 60th day
17 following enactment⁴.

18

19

20

21

22 Reconstitutes membership of NJ Racing Commission and requires 4 of
23 9 commissioners to be owners or trainers of thoroughbred or
24 standardbred horses.

SENATE, No. 1038

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED FEBRUARY 21, 2002

Sponsored by:

Senator MARTHA W. BARK

District 8 (Burlington)

SYNOPSIS

Reconstitutes membership of New Jersey Racing Commission.

CURRENT VERSION OF TEXT

As introduced.



S1038 BARK

2

1 **AN ACT** reconstituting the membership of the New Jersey Racing
2 Commission.

3

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

6

7 1. Notwithstanding the provisions of any other law to the contrary,
8 the members of the New Jersey Racing Commission serving on the
9 effective date of this act are terminated as of that effective date and
10 the resulting vacancies shall be filled for the remainder of the
11 unexpired terms in the manner provided by section 2 of P.L.1940, c.17
12 (C.5:5-23). A member terminated pursuant to this section shall
13 holdover in office until a successor is appointed and qualified and shall
14 be eligible for reappointment at the discretion of the Governor.

15

16 2. This act shall take effect immediately.

17

18

19

STATEMENT

20

21 This bill reconstitutes the membership of the New Jersey Racing
22 Commission. It provides that the members of the commission are
23 terminated on the bill's effective date and the resulting vacancies will
24 be filled by the Governor for the remainder of the unexpired terms.
25 Terminated members will serve in a holdover capacity until successors
26 are appointed. Terminated members will be eligible for reappointment
27 at the discretion of the Governor.

SENATE ECONOMIC GROWTH, AGRICULTURE AND
TOURISM COMMITTEE

STATEMENT TO

SENATE, No. 1038

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 6, 2002

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably Senate Bill No. 1038 with committee amendments.

This bill, as amended, reconstitutes the membership of the New Jersey Racing Commission. It provides that the members of the commission are terminated on the bill's effective date and the resulting vacancies will be filled by the Governor for the remainder of the unexpired terms. Terminated members will serve in a holdover capacity until successors are appointed. Terminated members will be eligible for reappointment at the discretion of the Governor.

The bill changes the requirements for qualification to the commission by requiring that four members of the commission are to be horsemen (two standardbred and two thoroughbred) and that Monmouth County is to be considered a South Jersey county since, under current law, three commission members shall be residents of a South Jersey county. The bill specifies that the chairman of the commission shall be appointed by the Governor. Currently, the commission chairman is elected by members of the commission.

The committee amended the bill to provide that: (1) four members of the commission are to be horsemen; (2) Monmouth County is to be considered a South Jersey county; and (3) the chairman of the commission is to be appointed by the Governor.

STATEMENT TO

[First Reprint]

SENATE, No. 1038

with Senate Floor Amendments
(Proposed By Senator BARK)

ADOPTED: OCTOBER 7, 2002

These amendments provide that:

- C a member of the New Jersey Racing Commission who is an owner or trainer of a horse is prohibited from holding a license to race a horse in New Jersey, but is permitted to hold a license to race a horse in any other state, and to hold a license to breed or train a horse in New Jersey or any other state; and
- C for the purpose of representation on the commission, Monmouth County is not considered part of South Jersey; and
- C one member of the commission will be a resident of Monmouth County.

STATEMENT TO
[Second Reprint]
SENATE, No. 1038

with Assembly Floor Amendments
(Proposed By Assemblyman CARABALLO)

ADOPTED: OCTOBER 17, 2002

This amendment removes the provision under the bill that prohibits a member of the New Jersey Racing Commission who is an owner or trainer of a horse from holding a license to race a horse in New Jersey.

ASSEMBLY, No. 2528

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED JUNE 17, 2002

Sponsored by:

Assemblyman WILFREDO CARABALLO

District 29 (Essex and Union)

Assemblyman FRANCIS L. BODINE

District 8 (Burlington)

Assemblywoman LINDA STENDER

District 22 (Middlesex, Somerset and Union)

Assemblyman PATRICK DIEGNAN, JR.

District 18 (Middlesex)

Co-Sponsored by:

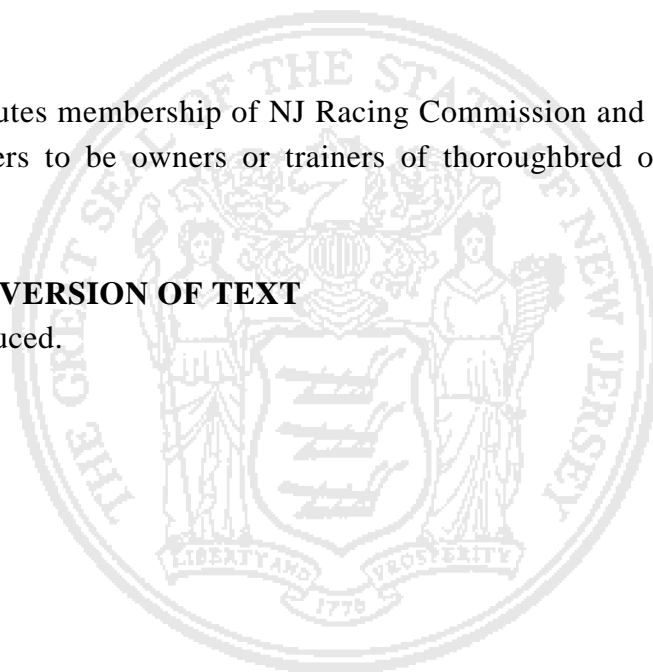
Assemblymen Gear, Arnone, Chatzidakis, Thompson, Gusciora and Sarlo

SYNOPSIS

Reconstitutes membership of NJ Racing Commission and requires 4 of 9 commissioners to be owners or trainers of thoroughbred or standardbred horses.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/8/2002)

A2528 CARABALLO, BODINE

2

1 AN ACT reconstituting the membership of the New Jersey Racing
2 Commission and amending P.L.1940, c.17 (C.5:5-22 et seq.).

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

6
7 1. Section 2 of P.L.1940, c.17 (C.5:5-23) is amended to read as
8 follows:

9 2. The commission shall consist of nine members, all of whom shall
10 be appointed by the Governor, by and with the advice and consent of
11 the Senate, and not more than five of whom shall be of the same
12 political party, and one of whom [of the first to be appointed
13 hereunder] shall be designated by the Governor to be the chairman of
14 the commission[; said chairman thereafter shall be annually elected by
15 the members of said commission]. Each commissioner, at the time of
16 [his] appointment and qualification, shall: (1) be a resident of the
17 State of New Jersey[, and shall]; (2) have resided in [said] the State
18 for a period of at least seven years next preceding [his] appointment
19 and qualification; and [he shall also] (3) be a qualified voter therein
20 and not less than 30 years of age.

21 At least three [of the members] commissioners shall be residents
22 of South Jersey, which, for the purposes of this section, shall consist
23 of the counties of Atlantic, Burlington, Camden, Cape May,
24 Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem.

25 Two commissioners shall be an owner or trainer of a thoroughbred
26 horse, and two commissioners shall be an owner or trainer of a
27 standardbred horse.

28 Each commissioner shall hold office for a term of six years and until
29 a successor has been appointed and qualified. The term of office of
30 each [member of the first commission] commissioner shall commence
31 on confirmation after appointment. [One of said commissioners shall
32 hold office for two years from the beginning of his term of office and
33 until his successor shall qualify; one of said commissioners shall hold
34 office for four years from the beginning of his term of office and until
35 his successor shall qualify; and two of said commissioners shall hold
36 office for six years from the beginning of their terms of office and until
37 their successors shall qualify; provided, however, that the two
38 members whose terms shall expire in six years shall not be of the same
39 political party. The Governor, at the time of making and announcing
40 the appointment of said four commissioners, shall designate which of
41 said commissioners shall serve for the term of two years, which of said
42 commissioners shall serve for the term of four years, and which of said

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 commissioners shall serve for the term of six years, as aforesaid, and
2 also who shall be the chairman of said commission.] Upon the
3 expiration of the [terms] term of [such respective commissioners]
4 each commissioner, the Governor, by and with the advice and consent
5 of the Senate, shall appoint [their successors] a successor, [each] to
6 hold office for a term of six years and until his or her successor has
7 been appointed and qualified. Any vacancy in the commission shall be
8 filled for the unexpired term. Each commissioner shall be eligible for
9 reappointment in the discretion of the Governor.

10 [Of the three additional members appointed pursuant to this 1984
11 amendatory and supplementary act, one shall be appointed for a term
12 of two years, one for a term of four years, and one for a term of
13 six years, and all shall serve until their successors have been appointed
14 and qualified. Each of the successors of these additional members shall
15 be appointed for a term of six years, and shall serve until his successor
16 is appointed and qualified.

17 Of the two additional members appointed pursuant to this 1987
18 amendatory act, one shall be appointed for a term of four years and
19 one for a term of six years, and both shall serve until their successors
20 have been appointed and qualified. Each of the successors of these
21 additional members shall be appointed for a term of six years and shall
22 serve until his successor is appointed and qualified.]
23 (cf: P.L.1987, c.413, s.1)

24
25 2. Notwithstanding the provisions of any other law to the contrary,
26 the members of the New Jersey Racing Commission serving on the
27 effective date of this act are terminated as of that effective date and
28 the resulting vacancies shall be filled for the remainder of the
29 unexpired terms in the manner provided by section 2 of P.L.1940, c.17
30 (C.5:5-23). A member terminated pursuant to this section shall
31 holdover in office until a successor is appointed and qualified and shall
32 be eligible for reappointment at the discretion of the Governor.

33
34 3. This act shall take effect immediately.

35

36

37

STATEMENT

38

39 This bill reconstitutes the membership of the New Jersey Racing
40 Commission. It provides that the members of the commission are
41 terminated on the bill's effective date and the resulting vacancies will
42 be filled by the Governor for the remainder of the unexpired terms.
43 Terminated members will serve in a holdover capacity until successors
44 are appointed. Terminated members will be eligible for reappointment
45 at the discretion of the Governor.

A2528 CARABALLO, BODINE

1 The bill changes the requirements for qualification to the
2 commission by requiring that four members of the commission be an
3 owner or trainer of a horse (two standardbred and two thoroughbred)
4 and that Monmouth County be considered a South Jersey county.
5 Under current law, three commission members are required to be
6 residents of a South Jersey county; two of the remaining racetracks in
7 this State are located in Monmouth County.

8 The bill specifies that the chairman of the commission shall be
9 appointed by the Governor. Currently, the commission chairman is
10 elected by members of the commission.

ASSEMBLY TOURISM AND GAMING COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2528

STATE OF NEW JERSEY

DATED: SEPTEMBER 19, 2002

The Assembly Tourism and Gaming Committee reports favorably Assembly, No. 2528.

This bill reconstitutes the membership of the New Jersey Racing Commission. It provides that the members of the commission are terminated on the bill's effective date and the resulting vacancies will be filled by the Governor for the remainder of the unexpired terms. Terminated members will serve in a holdover capacity until successors are appointed. Terminated members will be eligible for reappointment at the discretion of the Governor.

The bill changes the requirements for qualification to the commission by requiring that four members of the commission be an owner or trainer of a horse (two standardbred and two thoroughbred) and that Monmouth County be considered a South Jersey county. Under current law, three commission members are required to be residents of a South Jersey county; two of the remaining racetracks in this State are located in Monmouth County.

The bill specifies that the chairman of the commission shall be appointed by the Governor. Currently, the commission chairman is elected by members of the commission.

STATEMENT TO
ASSEMBLY, No. 2528

with Assembly Floor Amendments
(Proposed By Assemblyman CARABALLO)

ADOPTED: OCTOBER 7, 2002

These amendments provide that:

- C a member of the New Jersey Racing Commission who is an owner or trainer of a horse is prohibited from holding a license to race a horse in New Jersey, but is permitted to hold a license to race a horse in any other state, and to hold a license to breed or train a horse in New Jersey or any other state; and
- C for the purpose of representation on the commission, Monmouth County is not considered part of South Jersey; and
- C one member of the commission will be a resident of Monmouth County.

SENATE BILL NO. 1038
(Third Reprint)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1038 (Third Reprint) with my recommendations for reconsideration.

A. Summary of Bill

This bill calls for the termination of the existing members of the New Jersey Racing Commission and reconstitutes that nine-member Commission, giving each commissioner a term of six years. At least three of the commissioners are to reside in South Jersey and at least one commissioner shall be a resident of Monmouth County. In addition, the bill directs that two commissioners be an owner or trainer of a thoroughbred horse and two commissioners be an owner or trainer of a standardbred horse.

B. Recommended Action

I commend the sponsors of this bill and the Legislature for working to create a measure which seeks to address the critical conditions currently facing the New Jersey horseracing industry. Both thoroughbred and standardbred horseracing are important components of New Jersey history and economy. In addition, the preservation of these industries is directly linked to the continued existence of New Jersey's farmland and open space.

I have been advised by the Office of the Attorney General, however, that allowing commissioners to retain an ownership, breeding or training interest in horses within the State creates the potential for a conflict of interest for those commissioners. In an attempt to ensure that each commissioner will carry out his or her duties in a completely objective and disinterested manner, the bill should provide that no commissioner shall breed horses in New Jersey or hold a license to train or race any horse in this State. Accordingly, it is my recommendation that the bill simply direct that two commissioners be persons with knowledge of thoroughbred horses and two commissioners have knowledge of

standardbreds, but that no commissioner be allowed to breed a horse in New Jersey nor be licensed to train or race a horse in this State.

In addition, in an effort to make certain that persons with industry knowledge specific, respectively, to thoroughbreds and standardbreds are present on the Commission, I believe that the bill should permit that the breed associations recommend potential nominees to the Governor.

As a result of the above considerations, I recommend that the bill be conditionally vetoed to ensure that the legislation avoids the potential ethical concerns while, at the same time, guarantees that the voice of both the thoroughbred and standardbred industries are represented on the New Jersey Racing Commission.

Therefore, I herewith return Senate Bill No. 1038 (Third Reprint) and recommend that it be amended as follows:

Page 2, Section 1, Line 28: Delete "an owner or trainer of a" and replace with "persons with knowledge of"

Page 2, Section 1, Line 29: Delete "horse," and insert "horses" and after "and" insert "shall be recommended for nomination by the New Jersey Thoroughbred Horsemen's Association, not more than one of whom shall be from the same political party." Delete "two" and insert "Two". Delete "an owner or a trainer of a" and replace with "persons with knowledge of"

Page 2, Section 1, Line 30: Delete "horse" and insert "horses and shall be recommended for nomination by the Standardbred Breeders' and Owners' Association of New Jersey, not more than one of whom shall be from the same political party. No commissioner shall breed a horse in New Jersey or hold a license to train or race a horse in New Jersey"

Page 3, Section 1, Line 17: After "." insert "The successor of a commissioner appointed upon the recommendation of the New Jersey Thoroughbred Horsemen's Association"

or the Standardbred Breeders' and Owners' Association of New Jersey shall be recommended for nomination by that Association."

Page 3, Section 2, Line 42: After "Governor." insert new paragraph as follows: "The Governor shall establish a task force to study the issues contributing to the current status of horseracing in this state."

Page 3, Section 3, Line 44: Delete "immediately" and replace with "on the 60th day following enactment"

Respectfully,

/s/ James E. McGreevey
Governor

[seal]

Attest:

/s/ Paul A. Levinsohn
Chief Counsel to the Governor