

**5:5-156**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2009                    **CHAPTER:** 92

**NJSA:** 5:5-156 (Permits standardbred permit holder at Meadowlands Racetrack to decrease annual number of race dates to no less than 141, and permit holders at Freehold Raceway to no less than 168, upon agreement with representative horsemen's organization)

**BILL NO:** A3879 (Substituted for S2792)

**SPONSOR(S)** Dancer and Others

**DATE INTRODUCED:** May 7, 2009

**COMMITTEE:**                    **ASSEMBLY:** Tourism and Gaming

**SENATE:** ---

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                    **ASSEMBLY:** June 25, 2009

**SENATE:** June 25, 2009

**DATE OF APPROVAL:** July 31, 2009

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (First Reprint enacted)

**A3879**

<b>SPONSOR’S STATEMENT:</b> (Begins on page 3 of original bill)	Yes
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> Yes
	<b>SENATE:</b> No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

<b>FLOOR AMENDMENT STATEMENT:</b>	No
<b>LEGISLATIVE FISCAL ESTIMATE:</b>	No

**S2792**

<b>SPONSOR’S STATEMENT:</b> (Begins on page 3 of original bill)	Yes
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> No
	<b>SENATE:</b> Yes
<b>FLOOR AMENDMENT STATEMENT:</b>	No

(continued)

**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

**NEWSPAPER ARTICLES:**

No

974.90 H817, 2008

Public hearing before Senate Wagering, Tourism and Historic Preservation Committee : testimony from invited speakers regarding the horse racing industry in New Jersey : [May 9, 2008, Trenton, New Jersey] / hearing recorded and transcribed by the Office of Legislative Services, Public Information Office, Hearing Unit.

<http://www.njstatelib.org/digit/h817/h8172008.pdf>

LAW/RWH

[First Reprint]  
**ASSEMBLY, No. 3879**

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**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

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INTRODUCED MAY 7, 2009

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 30 (Burlington, Mercer, Monmouth and Ocean)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**Co-Sponsored by:**

**Assemblyman O'Scanlon, Assemblywoman Casagrande, Senators Sarlo  
and Beck**

**SYNOPSIS**

Permits standardbred permit holder at Meadowlands Racetrack to decrease annual number of race dates to no less than 141, and permit holders at Freehold Raceway to no less than 168, upon agreement with representative horsemen's organization.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Tourism and Gaming Committee on June 4, 2009, with amendments.

**(Sponsorship Updated As Of: 6/26/2009)**

1 AN ACT concerning the annual number of horse race dates required  
2 to be scheduled by the standardbred permit holders and  
3 amending P.L.2001, c.199 <sup>1</sup>and P.L.1992, c.19<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 30 of P.L.2001, c.199 (C.5:5-156) is amended to  
9 read as follows:

10 30. a. The permit holder at Monmouth Park and the  
11 thoroughbred permit holder at Meadowlands Racetrack together  
12 shall schedule (1) no fewer than 120 thoroughbred race dates in the  
13 aggregate in each of calendar years 2004 through 2007; (2) no  
14 fewer than 141 thoroughbred race dates in the aggregate in each of  
15 calendar years 2008 through 2016; and (3) beginning in calendar  
16 year 2017 and in each calendar year thereafter, no fewer than 141  
17 thoroughbred race dates in the aggregate, provided that in calendar  
18 year 2017 and in each calendar year thereafter the permit holders  
19 may schedule fewer than 141 thoroughbred race dates in the  
20 aggregate if the commission determines, upon application by the  
21 permit holders, that scheduling fewer dates in that calendar year is  
22 in the best interest of the racing industry and the State. In making  
23 its determination, the commission shall consider all factors,  
24 including, but not limited to, handle, number of starters, interstate  
25 competition, and export marketability. Notwithstanding the  
26 foregoing in (3), in no calendar year shall the permit holders  
27 schedule, in the aggregate, fewer than 120 thoroughbred race dates.

28 b. The standardbred permit holder at Meadowlands Racetrack  
29 shall schedule annually no fewer than 151 standardbred race dates,  
30 except that the standardbred permit holder may decrease the annual  
31 number of scheduled standardbred race dates to no fewer than 141  
32 standardbred race dates upon mutual written agreement with the  
33 representative horsemen's organization.

34 c. The permit holders at Freehold Raceway shall schedule  
35 annually no fewer than 192 standardbred race dates, except that the  
36 permit holders may decrease the annual number of scheduled race  
37 dates to no fewer than 168 standardbred race dates upon mutual  
38 written agreement with the representative horsemen's organization.

39 d. Notwithstanding subsection a. of this section, the permit  
40 holder at Monmouth Park and the thoroughbred permit holder at  
41 Meadowlands Racetrack may schedule 120 thoroughbred race dates  
42 in the aggregate in each calendar year from 2004 through 2007 only  
43 if the thoroughbred permit holder at Meadowlands Racetrack or the  
44 permit holder at Monmouth Park guarantee in each calendar year  
45 from 2004 through 2007 at least \$4,200,000 in thoroughbred stakes

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 underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ATG committee amendments adopted June 4, 2009.

1 at Meadowlands Racetrack and Monmouth Park, and guarantee the  
2 average daily overnight purses for thoroughbred race meetings at  
3 the following levels: (1) at least \$300,000 at Meadowlands  
4 Racetrack in each calendar year from 2004 through 2007; (2) for the  
5 traditional meet at Monmouth Park, at least \$320,000 in calendar  
6 year 2004, at least \$325,000 in calendar year 2005, at least  
7 \$330,000 in calendar year 2006 and at least \$335,000 in calendar  
8 year 2007; and (3) for the 18-day supplemental meet at Monmouth  
9 Park, at least \$300,000 in each calendar year from 2004 through  
10 2006. In any calendar year from 2004 through 2007 in which the  
11 permit holder at the Meadowlands Racetrack or the permit holder at  
12 Monmouth Park, as appropriate, fails to guarantee the required  
13 minimum for thoroughbred stakes or the required minimum in  
14 average in daily overnight purses pursuant to this subsection, the  
15 permit holder at Monmouth Park and the thoroughbred permit  
16 holder at Meadowlands Racetrack together shall schedule no fewer  
17 than 141 thoroughbred race dates in the aggregate in that calendar  
18 year.

19 (cf: P.L.2004, c.116, s.10)

20

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

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

34 a. in the case of harness races, each permit holder shall conduct  
35 at least **75%** of the average number of live racing programs  
36 conducted by that permit holder during calendar years 1990 and  
37 1991] the number of live racing programs required under  
38 subsections b. and c. of section 30 of P.L.2001, c.199 (C.5:5-156);  
39 and

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

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

A3879 [1R] DANCER, BURZICHELLI  
4

1 the New Jersey Racing Commission.<sup>1</sup>  
2 (cf: P.L.2001, c.198, s.1)  
3  
4 <sup>1</sup>**[2.] 3.**<sup>1</sup> This act shall take effect immediately.

1 at Meadowlands Racetrack and Monmouth Park, and guarantee the  
2 average daily overnight purses for thoroughbred race meetings at  
3 the following levels: (1) at least \$300,000 at Meadowlands  
4 Racetrack in each calendar year from 2004 through 2007; (2) for the  
5 traditional meet at Monmouth Park, at least \$320,000 in calendar  
6 year 2004, at least \$325,000 in calendar year 2005, at least  
7 \$330,000 in calendar year 2006 and at least \$335,000 in calendar  
8 year 2007; and (3) for the 18-day supplemental meet at Monmouth  
9 Park, at least \$300,000 in each calendar year from 2004 through  
10 2006. In any calendar year from 2004 through 2007 in which the  
11 permit holder at the Meadowlands Racetrack or the permit holder at  
12 Monmouth Park, as appropriate, fails to guarantee the required  
13 minimum for thoroughbred stakes or the required minimum in  
14 average in daily overnight purses pursuant to this subsection, the  
15 permit holder at Monmouth Park and the thoroughbred permit  
16 holder at Meadowlands Racetrack together shall schedule no fewer  
17 than 141 thoroughbred race dates in the aggregate in that calendar  
18 year.  
19 (cf: P.L.2004, c.116, s.10)

20

21 2. This act shall take effect immediately.

22

23

#### 24 SPONSOR'S STATEMENT

25

26 This bill authorizes the standardbred permit holders in this State  
27 to decrease the annual number of required horse race dates, upon  
28 agreement with the representative standardbred horsemen's  
29 organization.

30 Under current law, the standardbred permit holder at the  
31 Meadowlands Racetrack is required to schedule annually no fewer  
32 than 151 standardbred race dates. Under this bill, this permit holder  
33 would be permitted to decrease the annual number of scheduled  
34 standardbred race dates to no fewer than 141, upon mutual written  
35 agreement with the representative horsemen's organization.

36 Current law also requires the permit holders at Freehold  
37 Raceway to schedule annually no fewer than 192 standardbred race  
38 dates. This bill would allow these permit holders to decrease the  
39 annual number of scheduled race dates to no fewer than 168  
40 standardbred race dates, upon mutual written agreement with the  
41 representative horsemen's organization.

# ASSEMBLY TOURISM AND GAMING COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 3879**

with committee amendments

## **STATE OF NEW JERSEY**

DATED: JUNE 4, 2009

The Assembly Tourism and Gaming Committee reports favorably and with committee amendments Assembly, No. 3879.

As amended by the committee, this bill authorizes the standardbred permit holders in this State to decrease the annual number of required horse race dates, upon agreement with the representative standardbred horsemen's organization.

Under the "Off-Track and Account Wagering Act," N.J.S.A.5:5-127 et seq., the standardbred permit holder at the Meadowlands Racetrack is required to schedule annually no fewer than 151 standardbred race dates. Under the bill, this permit holder would be permitted to decrease the annual number of scheduled standardbred race dates to no fewer than 141, upon mutual written agreement with the representative horsemen's organization. This provision of law also requires the permit holders at Freehold Raceway to schedule annually no fewer than 192 standardbred race dates. The bill would allow these permit holders to decrease the annual number of scheduled race dates to no fewer than 168 standardbred race dates, upon mutual written agreement with the representative horsemen's organization.

As amended by the committee, the bill conforms the number of standardbred race dates required under the "Casino Simulcasting Act," N.J.S.A.5:12-191 et seq., to the number of standardbred race dates required under the "Off-Track and Account Wagering Act." At present, under the simulcasting act, each of the harness or standardbred permit holders are required to conduct annually at least 75% of the average number of live racing programs conducted by that permit holder during calendar years 1990 and 1991 as a condition for approval to conduct casino simulcasting. According to the New Jersey Racing Commission, that minimum number is 151 races for the standardbred permit holder at Meadowlands Racetrack, and 173 races for the permit holders at Freehold Raceway. As amended, this bill preserves the standardbred permit holders' eligibility to conduct casino simulcasting when the reduced number of races permitted under the bill is in effect.



COMMITTEE AMENDMENTS

The committee amended the bill to conform the number of standardbred race dates required under the “Casino Simulcasting Act,” N.J.S.A.5:12-191 et seq., to the number of standardbred race dates required under the “Off-Track and Account Wagering Act,” N.J.S.A.5:5-127 et seq., as amended by the bill.

1 at Meadowlands Racetrack and Monmouth Park, and guarantee the  
2 average daily overnight purses for thoroughbred race meetings at  
3 the following levels: (1) at least \$300,000 at Meadowlands  
4 Racetrack in each calendar year from 2004 through 2007; (2) for the  
5 traditional meet at Monmouth Park, at least \$320,000 in calendar  
6 year 2004, at least \$325,000 in calendar year 2005, at least  
7 \$330,000 in calendar year 2006 and at least \$335,000 in calendar  
8 year 2007; and (3) for the 18-day supplemental meet at Monmouth  
9 Park, at least \$300,000 in each calendar year from 2004 through  
10 2006. In any calendar year from 2004 through 2007 in which the  
11 permit holder at the Meadowlands Racetrack or the permit holder at  
12 Monmouth Park, as appropriate, fails to guarantee the required  
13 minimum for thoroughbred stakes or the required minimum in  
14 average in daily overnight purses pursuant to this subsection, the  
15 permit holder at Monmouth Park and the thoroughbred permit  
16 holder at Meadowlands Racetrack together shall schedule no fewer  
17 than 141 thoroughbred race dates in the aggregate in that calendar  
18 year.  
19 (cf: P.L.2004, c.116, s.10)

20

21 2. This act shall take effect immediately.

22

23

24 *SPONSOR'S* STATEMENT

25

26 This bill authorizes the standardbred permit holders in this State  
27 to decrease the annual number of required horse race dates, upon  
28 agreement with the representative standardbred horsemen's  
29 organization.

30 Under current law, the standardbred permit holder at the  
31 Meadowlands Racetrack is required to schedule annually no fewer  
32 than 151 standardbred race dates. Under this bill, this permit holder  
33 would be permitted to decrease the annual number of scheduled  
34 standardbred race dates to no fewer than 141, upon mutual written  
35 agreement with the representative horsemen's organization.

36 Current law also requires the permit holders at Freehold  
37 Raceway to schedule annually no fewer than 192 standardbred race  
38 dates. This bill would allow these permit holders to decrease the  
39 annual number of scheduled race dates to no fewer than 168  
40 standardbred race dates, upon mutual written agreement with the  
41 representative horsemen's organization.

SENATE WAGERING, TOURISM & HISTORIC  
PRESERVATION COMMITTEE

STATEMENT TO

**SENATE, No. 2792**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 11, 2009

The Senate Wagering, Tourism & Historic Preservation Committee reports favorably and with committee amendments Senate, No. 2792.

As amended by the committee, this bill authorizes the standardbred permit holders in this State to decrease the annual number of required horse race dates, upon agreement with the representative standardbred horsemen's organization.

Under the "Off-Track and Account Wagering Act," N.J.S.A.5:5-127 et seq., the standardbred permit holder at the Meadowlands Racetrack is required to schedule annually no fewer than 151 standardbred race dates. Under the bill, this permit holder would be permitted to decrease the annual number of scheduled standardbred race dates to no fewer than 141, upon mutual written agreement with the representative horsemen's organization. This provision of law also requires the permit holders at Freehold Raceway to schedule annually no fewer than 192 standardbred race dates. The bill would allow these permit holders to decrease the annual number of scheduled race dates to no fewer than 168 standardbred race dates, upon mutual written agreement with the representative horsemen's organization.

As amended by the committee, the bill conforms the number of standardbred race dates required under the "Casino Simulcasting Act," N.J.S.A.5:12-191 et seq., to the number of standardbred race dates required under the "Off-Track and Account Wagering Act." At present, under the simulcasting act, each of the harness or standardbred permit holders are required to conduct annually at least 75% of the average number of live racing programs conducted by that permit holder during calendar years 1990 and 1991 as a condition for approval to conduct casino simulcasting. According to the New Jersey Racing Commission, that minimum number is 151 races for the standardbred permit holder at Meadowlands Racetrack, and 173 races for the permit holders at Freehold Raceway. As amended, this bill preserves the standardbred permit holders' eligibility to conduct casino

simulcasting when the reduced number of races permitted under the bill is in effect.

As amended, this bill identical to Assembly, No. 3879 (1R).

COMMITTEE AMENDMENTS

The committee amended the bill to conform the number of standardbred race dates required under the “Casino Simulcasting Act,” N.J.S.A.5:12-191 et seq., to the number of standardbred race dates required under the “Off-Track and Account Wagering Act,” N.J.S.A.5:5-127 et seq., as amended by the bill.