

5:5-66

LEGISLATIVE HISTORY CHECKLIST
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(Horse-racing--award program--
Thoroughbred Breeders)

NJSA: 5:5-66

LAWS OF: 1993 **CHAPTER:** 128

BILL NO: S1190

SPONSOR(S) Dimon

DATE INTRODUCED: October 1, 1992

COMMITTEE: **ASSEMBLY:** Financial Institutions
SENATE: Senior Citizens

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** May 13, 1993
SENATE: January 25, 1993

DATE OF APPROVAL: June 2, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

1 AN ACT concerning the administration of the thoroughbred
2 award program and amending P.L.1940, c.17.

3

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

6 1. Section 46 of P.L.1940, c.17 (C.5:5-66) is amended to read
7 as follows:

8 46. Every permitholder engaged in the business of conducting
9 horse race meetings under this act, except the New Jersey Sports
10 and Exposition Authority established pursuant to P.L.1971, c.137
11 (C.5:10-1 et seq.) and the Garden State Racetrack as provided in
12 section 5 of P.L.1982, c.201 (C.5:5-98), shall make disposition of
13 the deposits remaining undistributed pursuant to section 44 as
14 follows:

15 a. In the case of harness races:

16 (1) Pay to the commission 1.25% of so much of the total
17 contributions to all parimutuel pools conducted or made during
18 such calendar year on any and every horse race track granted a
19 permit under this act. Notwithstanding the foregoing, for pools
20 where the patron is required to select two horses, the
21 permitholder shall pay to the commission 2.25% of the total
22 contributions and for pools where the patron is required to select
23 three or more horses, the permitholder shall pay to the
24 commission 5.25% of the total contributions.

25 Payment on account of such sums to be paid to the commission
26 shall be made every seventh day of any and every race meeting in
27 the amount then due, as determined in the manner provided
28 above, and shall be accompanied by a report under oath showing
29 the total of all such contributions, together with such other
30 information as the commission may require. Except as otherwise
31 provided by law, no admission or amusement tax, excise tax,
32 license or horse racing fee of any kind shall be assessed or
33 collected from any permitholder by the State of New Jersey, or
34 by any county or municipality, or by any other body having power
35 to assess or collect license fees or taxes.

36 (2) Hold and set aside in an account designated as a special
37 trust account 1.15% of such total contributions in all pools, to be
38 used and distributed as hereinafter provided and as provided in
39 section 5 of P.L. 1967, c. 40, for the following purposes and no
40 other:

41 (a) 37% thereof to increase purses and grant awards for

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.

1 starting horses, as provided or as may be provided by rules of the
2 New Jersey Racing Commission, with payment to be made in the
3 same manner as payment of other purses and awards;

4 (b) 55% thereof for the establishment of a Sire Stakes Program
5 for standardbred horses, with payment to be made to the
6 Department of Agriculture for administration as hereinbefore
7 provided;

8 (c) 5% thereof for contributions and awards designed to
9 improve and promote the standardbred breeding industry in New
10 Jersey through payment of awards to owners and breeders of New
11 Jersey bred horses which are registered with the Standardbred
12 Breeders' and Owners' Association of New Jersey and which earn
13 portions of purses in open events on New Jersey tracks, and to
14 owners of stallions posted on the official stallion roster of the
15 Standardbred Breeders' and Owners' Association of New Jersey,
16 which sire such registered New Jersey bred money earners;

17 (d) 3% thereof for other New Jersey horse breeding and
18 promotion conducted by the New Jersey Department of
19 Agriculture.

20 (3) Retain 7.20% of so much of such total contributions for his
21 own uses and purposes. Notwithstanding the foregoing, for pools
22 where the patron is required to select two horses, the
23 permitholder shall retain 7.70% of the total contributions and for
24 pools where the patron is required to select three or more horses,
25 the permitholder shall retain 9.20% of the total contributions.
26 Each permitholder shall contribute out of its 9.20% share of
27 pools, where the patron is required to select three or more
28 horses, a sum deemed necessary by the racing commission, to
29 finance a prerace blood testing program, and such other testing
30 programs which the commission shall deem proper and necessary
31 and which shall be subject to the regulation and control of said
32 commission.

33 (4) Distribute as purse money and for programs designed to aid
34 the horsemen and the Standardbred Breeders' and Owners'
35 Association of New Jersey 7.40% of such total contributions.
36 Expenditures for programs designed to aid the horsemen and the
37 Standardbred Breeders' and Owners' Association of New Jersey
38 shall not exceed 3.2% of the sum available for distribution as
39 purse money. The formula for distribution of the purse money as
40 either overnight purses or special stakes shall be determined by
41 an agreement between the Standardbred Breeders' and Owners'
42 Association of New Jersey and the tracks. Notwithstanding the
43 foregoing, for pools where the patron is required to select two or
44 more horses, the permitholder shall distribute as purse money
45 7.90% of the total contributions and for pools where the patron is
46 required to select three or more horses, the permitholder shall
47 distribute as purse money 9.40% of the total contributions.
48 Notwithstanding the foregoing, for pools where a patron is
49 required to select three or more horses, each permitholder shall
50 retain out of the 9.40% to be distributed as purse money a sum
51 deemed necessary by the racing commission, for use by the
52 commission to finance a prerace blood testing program, and such
53 other testing programs which the commission shall deem proper
54 and necessary and which shall be subject to the regulation and

1 control of said commission.

2 b. In the case of running races:

3 (1) Where the amount derived from the parimutuel handle,
4 excluding the handle derived from intertrack wagering, does not
5 exceed \$1 million per day based on such contributions
6 accumulated and averaged during the calendar year, the
7 permitholder shall:

8 (a) Pay to the commission 30% of 1% of so much of the total
9 contributions to all parimutuel pools conducted or made during
10 such calendar year; but notwithstanding the foregoing, for pools
11 where the patron is required to select three or more horses, the
12 permitholder shall pay to the commission 1.30% of the total
13 contributions.

14 Payment on account of such sums to be paid to the commission
15 shall be made every seventh day of any and every race meeting in
16 the amount then due, as determined in the manner provided
17 above, and shall be accompanied by a report under oath showing
18 the total of all such contributions, together with such other
19 information as the commission may require. Except as otherwise
20 provided by law, no admission or amusement tax, excise tax,
21 license or horse racing fee of any kind shall be assessed or
22 collected from any permitholder by the State of New Jersey, or
23 by any county or municipality, or by any other body having power
24 to assess or collect license fees or taxes.

25 (b) Hold and set aside in an account designated as a special
26 trust account 5% of 1% of such total contributions to be used and
27 distributed

28 for State horse breeding and development programs, research,
29 fairs, horse shows, youth activities, promotion and
30 administration, as provided in section 5 of P.L.1967, c.40
31 (C.5:5-88).

32 (c) Retain 9.85% of such total contributions for his own uses
33 and purposes. For pools where the patron is required to select
34 two horses, the permitholder shall retain 10.92% of the total
35 contributions and for pools where the patron is required to select
36 three or more horses, the permitholder shall retain 13.33% of the
37 total contributions. Each permitholder shall contribute out of its
38 13.33% share of pools, where the patron is required to select
39 three or more horses, a sum deemed necessary by the racing
40 commission, to finance a prerace blood testing program, and such
41 other testing programs which the commission shall deem proper
42 and necessary and which shall be subject to the regulation and
43 control of the commission.

44 (d) Distribute as purse money and for programs designed to aid
45 the horsemen and the New Jersey Horsemen's Benevolent and
46 Protective Association 6.00% of such contributions.
47 Notwithstanding the foregoing, for pools where the patron is
48 required to select two horses, the permitholder shall distribute as
49 purse money 6.93% of such contributions and for pools where the
50 patron is required to select three or more horses, the
51 permitholder shall distribute as purse money 9.02% of the total
52 contributions. Expenditures for programs designed to aid the
53 horsemen and the New Jersey Horsemen's Benevolent and
54 Protective Association shall not exceed 2.5% of the sum available

1 for distribution as purse money from all parimutuel pools. The
2 formula for distribution of the purse money as either overnight
3 purses or special stakes shall be determined by an agreement
4 between the New Jersey Horsemen's Benevolent and Protective
5 Association and the permitholder. Notwithstanding the foregoing,
6 for pools where a patron is required to select three or more
7 horses, each permitholder shall retain out of the 9.02% to be
8 distributed as purse money a sum deemed necessary by the racing
9 commission, for use by the commission to finance a prerace blood
10 testing program, and such other testing programs which the
11 commission shall deem proper and necessary and which shall be
12 subject to the regulation and control of the commission.

13 (e) 80% of 1% of all pools shall be deducted and set aside in a
14 special trust account for the establishment and support by the
15 commission of the thoroughbred breeding industry in New Jersey;
16 to improve purses for closed races; to provide awards for owners
17 and breeders of registered New Jersey bred horses who earn
18 portions of purses in open and closed races at New Jersey race
19 tracks and to owners of stallions posted on the official stallion
20 roster of the Thoroughbred Breeders' Association of New Jersey,
21 which sire such New Jersey bred money earners and awards to the
22 New Jersey Thoroughbred Breeders' Association for programs
23 beneficial to thoroughbred breeding in this State. The New Jersey
24 thoroughbred award program shall be administered and disbursed
25 by the Thoroughbred Breeders' Association of New Jersey subject
26 to the approval of the commission. The special trust account to
27 be established pursuant to this paragraph shall be separate and
28 apart from the special trust account established and maintained
29 pursuant to subparagraph (b) of this paragraph.

30 (f) (Deleted by amendment, P.L.1986, c.19.)

31 (g) Notwithstanding the foregoing, for pools where a patron is
32 required to select three or more horses, 50% of 1% of the total
33 contributions shall be held and set aside in the special trust
34 account referred to in subparagraph (e) of this paragraph.

35 (2) Where the amount derived from the parimutuel handle,
36 excluding the handle derived from intertrack wagering, exceeds
37 \$1 million per day based on such contributions accumulated and
38 averaged during the calendar year, the permitholder shall:

39 (a) Pay to the commission 50% of 1% of so much of the total
40 contributions to all parimutuel pools conducted or made during
41 such calendar year.

42 Payment on account of such sums to be paid to the commission
43 shall be made every seventh day of any and every race meeting in
44 the amount then due, as determined in the manner provided
45 above, and shall be accompanied by a report under oath showing
46 the total of all such contributions, together with such other
47 information as the commission may require. Except as otherwise
48 provided by law, no admission or amusement tax, excise tax,
49 license or horse racing fee of any kind shall be assessed or
50 collected from any permitholder by the State of New Jersey, or
51 by any county or municipality, or by any other body having power
52 to assess or collect license fees or taxes.

53 (b) Hold and set aside in an account designated as a special
54 trust account 50% of 1% of such total contributions to be used and

1 distributed for State horse breeding and development programs,
2 research, fairs, horse shows, youth activities, promotion and
3 administration, as provided in section 5 of P.L.1967, c.40
4 (C.5:5-88).

5 (c) Retain 9.07% of such total contributions for his own uses
6 and purposes. For pools where the patron is required to select
7 two horses, the permitholder shall retain 10.14% of the total
8 contributions and for pools where the patron is required to select
9 three or more horses, the permitholder shall retain 13.31% of the
10 total contributions. Each permitholder shall contribute out of its
11 13.31% share of pools, where the patron is required to select
12 three or more horses, a sum deemed necessary by the racing
13 commission, to finance a prerace blood testing program, and such
14 other testing programs which the commission shall deem proper
15 and necessary and which shall be subject to the regulation and
16 control of the commission.

17 (d) Distribute as purse money and for programs designed to aid
18 the horsemen and the New Jersey Horsemen's Benevolent and
19 Protective Association 6.58% of such contributions.
20 Notwithstanding the foregoing, for pools where the patron is
21 required to select two horses, the permitholder shall distribute as
22 purse money 7.51% of such contributions and for pools where the
23 patron is required to select three or more horses, the
24 permitholder shall distribute as purse money 9.85% of the total
25 contributions. Expenditures for programs designed to aid the
26 horsemen and the New Jersey Horsemen's Benevolent and
27 Protective Association shall not exceed 2.5% of the sum available
28 for distribution as purse money from all parimutuel pools. The
29 formula for distribution of the purse money as either overnight
30 purses or special stakes shall be determined by an agreement
31 between the New Jersey Horsemen's Benevolent and Protective
32 Association and the permitholder. Notwithstanding the foregoing,
33 for pools where a patron is required to select three or more
34 horses, each permitholder shall retain out of the 9.85% to be
35 distributed as purse money a sum deemed necessary by the racing
36 commission, for use by the commission to finance a prerace blood
37 testing program, and such other testing programs which the
38 commission shall deem proper and necessary and which shall be
39 subject to the regulation and control of the commission.

40 (e) 80% of 1% of all pools shall be deducted and set aside in a
41 special trust account for the establishment and support by the
42 commission of the thoroughbred breeding industry in New Jersey;
43 to improve purses for closed races; to provide awards for owners
44 and breeders of registered New Jersey bred horses who earn
45 portions of purses in open and closed races at New Jersey race
46 tracks and to owners of stallions posted on the official stallion
47 roster of the Thoroughbred Breeders' Association of New Jersey,
48 which sire such New Jersey bred money earners and awards to
49 New Jersey thoroughbred breeders' associations for programs
50 beneficial to thoroughbred breeding in this State. The New Jersey
51 thoroughbred award program shall be administered and disbursed
52 by the Thoroughbred Breeders' Association of New Jersey subject
53 to the approval of the commission. The special trust account to
54 be established pursuant to this paragraph shall be separate and

1 apart from the special trust account established and maintained
2 pursuant to subparagraph (b) of this paragraph.

3 (f) (Deleted by amendment, P.L.1986, c.19.)

4 (g) Notwithstanding the foregoing, for pools where a patron is
5 required to select three or more horses, 99% of 1% of the total
6 contributions shall be held and set aside in the special trust
7 account referred to in subparagraph (e) of this paragraph.

8 (cf: P.L.1986, c.19, s.3)

9 2. This act shall take effect immediately.

10

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12 STATEMENT

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14 At present the thoroughbred award program is administered
15 and disbursed by the New Jersey Racing Commission. This bill
16 provides for the program to be administered and disbursed by the
17 Thoroughbred Breeders' Association of New Jersey subject to the
18 approval of the commission.

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23 Changes administration and disbursement of thoroughbred award
24 program from Racing Commission to Thoroughbred Breeders'
25 Association subject to approval of the commission.

ASSEMBLY FINANCIAL INSTITUTIONS COMMITTEE

STATEMENT TO

SENATE, No. 1190

STATE OF NEW JERSEY

DATED: MARCH 22, 1993

The Assembly Financial Institutions Committee favorably reports Senate Bill No. 1190.

This bill provides for the thoroughbred award program to be administered and disbursed by the Thoroughbred Breeders' Association of New Jersey subject to the approval of the commission. This program provides improved purses for closed races and awards for: owners and breeders of registered New Jersey bred horses who earn portions of purses in open and closed races at New Jersey race tracks; owners of stallions posted on the official stallion roster of the Thoroughbred Breeders' Association of New Jersey, which sire such New Jersey bred money earners; and the New Jersey Thoroughbred Breeders' Association for programs beneficial to thoroughbred breeding in this State. At present the thoroughbred award program is administered and disbursed by the New Jersey Racing Commission.

SENATE SENIOR CITIZENS, VETERANS
AFFAIRS AND AGRICULTURE COMMITTEE

STATEMENT TO

SENATE, No. 1190

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1992

The Senate Senior Citizens, Veterans Affairs and Agriculture Committee favorably reports Senate Bill No. 1190.

At present the thoroughbred award program is administered and disbursed by the New Jersey Racing Commission. This bill provides for the program to be administered and disbursed by the Thoroughbred Breeders' Association of New Jersey subject to the approval of the commission.