

5:5-122

LEGISLATIVE HISTORY CHECKLIST  
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(Simulcasting)

NJSA: 5:5-122

LAWS OF: 1991 CHAPTER: 411

BILL NO: S3639

SPONSOR(S): Codey

DATE INTRODUCED: July 15, 1991

COMMITTEE: ASSEMBLY: Independent Authorities

SENATE: Institutions, Health & Welfare

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: ASSEMBLY: January 9, 1992

SENATE: July 25, 1991

DATE OF APPROVAL: January 17, 1992

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

P.L.1991, CHAPTER 411, approved January 17, 1992  
1991 Senate No. 3639

1 AN ACT concerning the use of interstate common pools in  
2 connection with certain simulcast horse races and amending  
3 and supplementing P.L.1985, c.269.  
4

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

7 1. Section 2 of P.L.1985, c.269 (C.5:5-111) is amended to read  
8 as follows:

9 2. As used in this act:

10 a. "Horsemen's organization" means the Horsemen's  
11 Benevolent and Protective Association, the Standardbred  
12 Breeders' and Owners' Association, or another organization or  
13 group representing a majority of horsemen engaged in competing  
14 for purses during a regularly scheduled horse race meeting, as the  
15 case may be.

16 b. "Intertrack wagering" means parimutuel wagering on  
17 simulcast horse races held at an in-State sending track by patrons  
18 at a receiving track and the electronic transmission of the wagers  
19 to the in-State sending track.

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

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

26 e. "In-State sending track" means a racetrack within the State  
27 which is operated by the holder of an annual permit to conduct a  
28 horse race meeting and which is equipped to provide simulcast  
29 horse races to a receiving track and to conduct intertrack  
30 wagering on those races.

31 f. "Out-of-State sending track" means a racetrack in a  
32 jurisdiction other than the State of New Jersey which is lawfully  
33 permitted to conduct a horse race meeting and to provide  
34 simulcast horse races to a racetrack in this State.

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

39 h. "Interstate common pool" means a parimutuel pool  
40 established within this State or in another state or foreign nation

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 within which is combined comparable parimutuel pools of one or  
2 more receiving tracks located in one or more states or foreign  
3 nations upon a race at a sending track located within or outside  
4 of this State for the purpose of establishing pay-off prices in the  
5 various jurisdictions.

6 (cf: P.L.1985, c.269, s.2)

7 2. Section 7 of P.L.1985, c.269 (C.5:5-116) is amended to read  
8 as follows:

9 7. Except as otherwise provided in sections 8 and 10 of this  
10 act, and in sections 7 and 8 of P.L. , c. , (C. ) (now  
11 pending before the Legislature as this bill) and by the rules and  
12 regulations of the commission with respect to interstate common  
13 pools, sums wagered at the receiving track shall be deposited in  
14 the appropriate parimutuel pool generated at the in-State sending  
15 track for the race being transmitted and shall be distributed  
16 pursuant to P.L.1940, c.17 (C.5:5-22 et seq.) as if such sums were  
17 wagered at the sending track. Payment to persons holding  
18 winning tickets at the receiving track shall be made according to  
19 the same odds as those generated at the in-State sending track.

20 (cf: P.L.1985, c.269, s.7)

21 3. Section 8 of P.L.1985, c.269 (C.5:5-117) is amended to read  
22 as follows:

23 8. [The] Except as provided by section 8 of P.L. , c.  
24 (C. ) (now pending before the Legislature as this bill) and by  
25 the rules and regulations of the commission with respect to  
26 interstate common pools, the in-State sending track shall reserve  
27 and set aside out of the portion of the parimutuel pool to be  
28 distributed as purse money pursuant to section 46 of P.L.1940,  
29 c.17 (C.5:5-66) an amount equal to 25%, of the amount that  
30 would be distributed as purse money pursuant to that section on  
31 the basis of the parimutuel pool generated at the receiving  
32 track. These sums shall be forwarded to the receiving track and  
33 shall be used to supplement the payment of overnight purses at  
34 the next horse race meeting to be conducted by the receiving  
35 track, except that if the receiving track is conducting a horse  
36 race meeting at the same time as the receipt of the simulcast  
37 horse races, the receiving track shall use those sums to  
38 supplement overnight purses at that horse race meeting.

39 (cf: P.L.1988, c.27, s.1)

40 4. Section 10 of P.L.1985, c.269 (C.5:5-119) is amended to  
41 read as follows:

42 10. Notwithstanding any other law to the contrary, the New  
43 Jersey Racing Commission, upon application by a receiving track  
44 and in accordance with applicable federal law, may permit the  
45 track to receive simulcast horse races of national interest held at  
46 out-of-State sending tracks and to conduct parimutuel wagering  
47 thereon. [All] Except as provided by section 7. of P.L. ,  
48 c. (C. ) (now pending before the Legislature as this bill)  
49 and by the rules and regulations of the commission with respect

1 to interstate common pools, all receipts from wagering under this  
2 section shall form a pool at the receiving track and shall be  
3 distributed pursuant to P.L.1940, c.17 (C.5:5-22 et seq.) as if  
4 those receipts were the product of wagering on live races at that  
5 time at the receiving track.

6 (cf: P.L.1985, c.269, s.10)

7 5. Section 11 of P.L.1985, c.269 (C.5:5-120) is amended to  
8 read as follows:

9 11. Notwithstanding any other law to the contrary, the New  
10 Jersey Racing Commission, upon application by an in-State  
11 sending track and in accordance with applicable federal law, may  
12 permit the track to contract with an entity in another jurisdiction  
13 to permit any legal wagering entity in the other jurisdiction to  
14 receive simulcast horse races run live at the in-State sending  
15 track and to conduct parimutuel wagering thereon within the  
16 other jurisdiction. The terms and conditions of the contract shall  
17 be established by the parties and may include as consideration  
18 therefor the receipt by the in-State sending track of a  
19 percentage of the sum wagered on a given race or races in  
20 accordance with the law of the receiving jurisdiction and may  
21 include participation in interstate common pools as provided by  
22 section 6. of P.L. , c. (C. ) (now pending before the  
23 Legislature as this bill).

24 (cf: P.L.1985, c.269, s.11)

25 6. (New section) Subject to applicable federal laws, the  
26 commission may permit receiving tracks which are authorized to  
27 receive simulcast horseraces of national interest held at  
28 out-of-State sending tracks pursuant to section 10 of P.L.1985,  
29 c.269 (C.5:5-114) and in-State sending tracks authorized to  
30 transmit simulcast horse races to other jurisdictions pursuant to  
31 section 11 of P.L.1985, c.269 (C.5:5-120) to participate in  
32 interstate common pools.

33 Except as provided in sections 7 and 8 of P.L. , c. ,  
34 (C. ) (now pending before the Legislature as this bill) and by  
35 rule or regulation of the commission, all provisions of the laws of  
36 this State governing parimutuel wagering shall apply to interstate  
37 common pools.

38 Except as otherwise provided by rule or regulation of the  
39 commission, participation in an interstate common pool shall not  
40 cause any participating party to be deemed to be doing business  
41 in any state other than the state in which it is physically located.

42 7. (New section) With the prior approval of the commission, a  
43 receiving track which the commission has permitted to receive  
44 simulcast horse races of national interest held at out-of-State  
45 sending tracks and to conduct parimutuel wagering thereon  
46 pursuant to section 10 of P.L.1985, c.269 (C.5:5-119) may  
47 combine parimutuel pools in this state with comparable pools at  
48 the out-of-State sending track. The types of wagering takeout,  
49 distribution of winnings and rules of racing in effect for

1 parimutuel pools at the sending racetrack shall govern wagers  
2 placed in this State and merged into the interstate common pool.  
3 Breakage for interstate common pools shall be calculated in  
4 accordance with the law or rules governing the sending racetrack  
5 and shall be distributed between participating jurisdictions in the  
6 manner agreed to between the receiving track and the  
7 out-of-State sending track.

8 With the prior approval of the commission and the concurrence  
9 of the out-of-State sending track, a receiving track and receiving  
10 tracks or entities in other states other than the state in which the  
11 sending track is located may form an interstate common pool.  
12 With respect to such interstate common pools the commission  
13 may approve types of wagering, takeout, distribution of winnings,  
14 rules of racing and method of calculating breakage which are  
15 different from those which would otherwise be applied in this  
16 State but which are consistent for all parties to the interstate  
17 common pool.

18 The receiving track may deduct from wagers placed in any  
19 interstate common pool any fee to the person or entity  
20 conducting the race for the privilege of conducting parimutuel  
21 wagering on the race and costs incurred in transmitting the  
22 broadcast of the race and participation in the interstate common  
23 pool.

24 Any provision of law or contract governing the distribution of  
25 shares of the takeout, from wagers placed in this State in  
26 separate parimutuel pools on races run in another state, to this  
27 State as parimutuel taxes or respectively to breeder awards and  
28 to purses in this State shall remain in effect for wagers placed in  
29 interstate common pools. However, if the commission shall have  
30 approved an adjustment in the takeout rates, the distribution of  
31 the takeout within this State shall be adjusted proportionately to  
32 reflect the adjustment in the takeout rate. In addition, with the  
33 approval of the receiving track and the organization representing  
34 respectively a majority of the breeders or other horse persons,  
35 their respective share may be modified.

36 8. (New section) With the prior approval of the commission,  
37 an in-State sending track which the commission has permitted to  
38 contract with a legal wagering entity in another jurisdiction to  
39 receive horse races run live at the in-State sending track and to  
40 conduct parimutuel wagering thereon within the other jurisdiction  
41 may permit parimutuel pools in other States to be combined with  
42 its comparable wagering pools or with wagering pools established  
43 by other states. The commission may modify its rules and adopt  
44 separate rules governing interstate common pools and may  
45 establish separate rules governing the calculation of breakage for  
46 interstate common pools.

47 Parimutuel taxes shall not be imposed upon any amounts  
48 wagered in an interstate common pool other than upon amounts  
49 wagered in this state.

1 Any provision of law or contract governing the distribution of  
2 shares of the takeout from wagers placed in other states in  
3 separate parimutuel pools on races run in this State, to this State  
4 as parimutuel taxes or respectively to breeders and to purses in  
5 this State shall remain in effect for wagers placed in interstate  
6 common pools. However, with the approval of the in-State  
7 sending track and the organization representing respectively a  
8 majority of the breeders or other horsepersons, their respective  
9 share may be modified.

10 9. This act shall take effect immediately.

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#### STATEMENT

14

15 This bill would allow racetracks located in this State which are  
16 authorized by the New Jersey Racing Commission to send or  
17 receive simulcast horse races to or from other jurisdictions to  
18 participate in interstate common pools. This arrangement would  
19 allow the participants to combine comparable parimutuel pools  
20 for the purpose of establishing pay-off prices in the various  
21 jurisdictions. Combining parimutuel pools would increase the  
22 incentive for bettors to participate in wagering on horse races  
23 which in turn would benefit this State's racetracks and State  
24 revenues.

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27

#### GAMBLING

28

29 Authorizes N.J. Racing Commission to permit use of common  
30 pools in connection with certain simulcast horse races.

SENATE, No. 3639

STATE OF NEW JERSEY

INTRODUCED JULY 15, 1991

By Senator CODEY

1 AN ACT concerning the use of interstate common pools in  
2 connection with certain simulcast horse races and amending  
3 and supplementing P.L.1985, c.269.

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

7 1. Section 2 of P.L.1985, c.269 (C.5:5-111) is amended to read  
8 as follows:

9 2. As used in this act:

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13 group representing a majority of horsemen engaged in competing  
14 for purses during a regularly scheduled horse race meeting, as the  
15 case may be.

16 b. "Intertrack wagering" means parimutuel wagering on  
17 simulcast horse races held at an in-State sending track by patrons  
18 at a receiving track and the electronic transmission of the wagers  
19 to the in-State sending track.

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

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

26 e. "In-State sending track" means a racetrack within the State  
27 which is operated by the holder of an annual permit to conduct a  
28 horse race meeting and which is equipped to provide simulcast  
29 horse races to a receiving track and to conduct intertrack  
30 wagering on those races.

31 f. "Out-of-State sending track" means a racetrack in a  
32 jurisdiction other than the State of New Jersey which is lawfully  
33 permitted to conduct a horse race meeting and to provide  
34 simulcast horse races to a racetrack in this State.

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

39 h. "Interstate common pool" means a parimutuel pool  
40 established within this State or in another state or foreign nation

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
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Matter underlined ~~thus~~ is new matter.

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2 more receiving tracks located in one or more states or foreign  
3 nations upon a race at a sending track located within or outside  
4 of this State for the purpose of establishing pay-off prices in the  
5 various jurisdictions.

6 (cf: P.L.1985, c.269, s.2)

7 2. Section 7 of P.L.1985, c.269 (C.5:5-116) is amended to read  
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9 7. Except as otherwise provided in sections 8 and 10 of this  
10 act, and in sections 7 and 8 of P.L. , c. , (C. ) (now  
11 pending before the Legislature as this bill) and by the rules and  
12 regulations of the commission with respect to interstate common  
13 pools, sums wagered at the receiving track shall be deposited in  
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15 track for the race being transmitted and shall be distributed  
16 pursuant to P.L.1940, c.17 (C.5:5-22 et seq.) as if such sums were  
17 wagered at the sending track. Payment to persons holding  
18 winning tickets at the receiving track shall be made according to  
19 the same odds as those generated at the in-State sending track.

20 (cf: P.L.1985, c.269, s.7)

21 3. Section 8 of P.L.1985, c.269 (C.5:5-117) is amended to read  
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27 and set aside out of the portion of the parimutuel pool to be  
28 distributed as purse money pursuant to section 46 of P.L.1940,  
29 c.17 (C.5:5-66) an amount equal to 25%, of the amount that  
30 would be distributed as purse money pursuant to that section on  
31 the basis of the parimutuel pool generated at the receiving  
32 track. These sums shall be forwarded to the receiving track and  
33 shall be used to supplement the payment of overnight purses at  
34 the next horse race meeting to be conducted by the receiving  
35 track, except that if the receiving track is conducting a horse  
36 race meeting at the same time as the receipt of the simulcast  
37 horse races, the receiving track shall use those sums to  
38 supplement overnight purses at that horse race meeting.

39 (cf: P.L.1988, c.27, s.1)

40 4. Section 10 of P.L.1985, c.269 (C.5:5-119) is amended to  
41 read as follows:

42 10. Notwithstanding any other law to the contrary, the New  
43 Jersey Racing Commission, upon application by a receiving track  
44 and in accordance with applicable federal law, may permit the  
45 track to receive simulcast horse races of national interest held at  
46 out-of-State sending tracks and to conduct parimutuel wagering  
47 thereon. [All] Except as provided by section 7. of P.L. ,  
48 c. (C. ) (now pending before the Legislature as this bill)  
49 and by the rules and regulations of the commission with respect



1 to interstate common pools, all receipts from wagering under this  
2 section shall form a pool at the receiving track and shall be  
3 distributed pursuant to P.L.1940, c.17 (C.5:5-22 et seq.) as if  
4 those receipts were the product of wagering on live races at that  
5 time at the receiving track.

6 (cf: P.L.1985, c.269, s.10)

7 5. Section 11 of P.L.1985, c.269 (C.5:5-120) is amended to  
8 read as follows:

9 11. Notwithstanding any other law to the contrary, the New  
10 Jersey Racing Commission, upon application by an in-State  
11 sending track and in accordance with applicable federal law, may  
12 permit the track to contract with an entity in another jurisdiction  
13 to permit any legal wagering entity in the other jurisdiction to  
14 receive simulcast horse races run live at the in-State sending  
15 track and to conduct parimutuel wagering thereon within the  
16 other jurisdiction. The terms and conditions of the contract shall  
17 be established by the parties and may include as consideration  
18 therefor the receipt by the in-State sending track of a  
19 percentage of the sum wagered on a given race or races in  
20 accordance with the law of the receiving jurisdiction and may  
21 include participation in interstate common pools as provided by  
22 section 6. of P.L. , c. (C. ) (now pending before the  
23 Legislature as this bill).

24 (cf: P.L.1985, c.269, s.11)

25 6. (New section) Subject to applicable federal laws, the  
26 commission may permit receiving tracks which are authorized to  
27 receive simulcast horseraces of national interest held at  
28 out-of-State sending tracks pursuant to section 10 of P.L.1985,  
29 c.269 (C.5:5-114) and in-State sending tracks authorized to  
30 transmit simulcast horse races to other jurisdictions pursuant to  
31 section 11 of P.L.1985, c.269 (C.5:5-120) to participate in  
32 interstate common pools.

33 Except as provided in sections 7 and 8 of P.L. , c. ,  
34 (C. ) (now pending before the Legislature as this bill) and by  
35 rule or regulation of the commission, all provisions of the laws of  
36 this State governing parimutuel wagering shall apply to interstate  
37 common pools.

38 Except as otherwise provided by rule or regulation of the  
39 commission, participation in an interstate common pool shall not  
40 cause any participating party to be deemed to be doing business  
41 in any state other than the state in which it is physically located.

42 7. (New section) With the prior approval of the commission, a  
43 receiving track which the commission has permitted to receive  
44 simulcast horse races of national interest held at out-of-State  
45 sending tracks and to conduct parimutuel wagering thereon  
46 pursuant to section 10 of P.L.1985, c.269 (C.5:5-119) may  
47 combine parimutuel pools in this state with comparable pools at  
48 the out-of-State sending track. The types of wagering takeout,  
49 distribution of winnings and rules of racing in effect for

1 parimutuel pools at the sending racetrack shall govern wagers  
2 placed in this State and merged into the interstate common pool.  
3 Breakage for interstate common pools shall be calculated in  
4 accordance with the law or rules governing the sending racetrack  
5 and shall be distributed between participating jurisdictions in the  
6 manner agreed to between the receiving track and the  
7 out-of-State sending track.

8 With the prior approval of the commission and the concurrence  
9 of the out-of-State sending track, a receiving track and receiving  
10 tracks or entities in other states other than the state in which the  
11 sending track is located may form an interstate common pool.  
12 With respect to such interstate common pools the commission  
13 may approve types of wagering, takeout, distribution of winnings,  
14 rules of racing and method of calculating breakage which are  
15 different from those which would otherwise be applied in this  
16 State but which are consistent for all parties to the interstate  
17 common pool.

18 The receiving track may deduct from wagers placed in any  
19 interstate common pool any fee to the person or entity  
20 conducting the race for the privilege of conducting parimutuel  
21 wagering on the race and costs incurred in transmitting the  
22 broadcast of the race and participation in the interstate common  
23 pool.

24 Any provision of law or contract governing the distribution of  
25 shares of the takeout, from wagers placed in this State in  
26 separate parimutuel pools on races run in another state, to this  
27 State as parimutuel taxes or respectively to breeder awards and  
28 to purses in this State shall remain in effect for wagers placed in  
29 interstate common pools. However, if the commission shall have  
30 approved an adjustment in the takeout rates, the distribution of  
31 the takeout within this State shall be adjusted proportionately to  
32 reflect the adjustment in the takeout rate. In addition, with the  
33 approval of the receiving track and the organization representing  
34 respectively a majority of the breeders or other horse persons,  
35 their respective share may be modified.

36 8. (New section) With the prior approval of the commission,  
37 an in-State sending track which the commission has permitted to  
38 contract with a legal wagering entity in another jurisdiction to  
39 receive horse races run live at the in-State sending track and to  
40 conduct parimutuel wagering thereon within the other jurisdiction  
41 may permit parimutuel pools in other States to be combined with  
42 its comparable wagering pools or with wagering pools established  
43 by other states. The commission may modify its rules and adopt  
44 separate rules governing interstate common pools and may  
45 establish separate rules governing the calculation of breakage for  
46 interstate common pools.

47 Parimutuel taxes shall not be imposed upon any amounts  
48 wagered in an interstate common pool other than upon amounts  
49 wagered in this state.

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2 shares of the takeout from wagers placed in other states in  
3 separate parimutuel pools on races run in this State, to this State  
4 as parimutuel taxes or respectively to breeders and to purses in  
5 this State shall remain in effect for wagers placed in interstate  
6 common pools. However, with the approval of the in-State  
7 sending track and the organization representing respectively a  
8 majority of the breeders or other horsepersons, their respective  
9 share may be modified.

10 9. This act shall take effect immediately.

11  
12  
13 STATEMENT  
14

15 This bill would allow racetracks located in this State which are  
16 authorized by the New Jersey Racing Commission to send or  
17 receive simulcast horse races to or from other jurisdictions to  
18 participate in interstate common pools. This arrangement would  
19 allow the participants to combine comparable parimutuel pools  
20 for the purpose of establishing pay-off prices in the various  
21 jurisdictions. Combining parimutuel pools would increase the  
22 incentive for bettors to participate in wagering on horse races  
23 which in turn would benefit this State's racetracks and State  
24 revenues.

25  
26  
27 GAMBLING  
28

29 Authorizes N.J. Racing Commission to permit use of common  
30 pools in connection with certain simulcast horse races.

ASSEMBLY INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

SENATE, No. 3639

STATE OF NEW JERSEY

DATED: OCTOBER 24, 1991

The Assembly Independent Authorities Committee reports favorably Senate Bill No. 3639.

As reported, this bill would allow racetracks located in the State which are authorized by the New Jersey Racing Commission to send or receive simulcast horse races to or from other jurisdictions, to participate in interstate common pools. This arrangement would allow the participants to combine comparable parimutuel pools for the purpose of establishing pay-off prices in the various jurisdictions. Combining parimutuel pools would increase the incentive for bettors to participate in wagering on horse races which in turn would benefit this State's racetracks and State revenues.

It is the committee's understanding that interstate common pool refers to the combined parimutuel pool from one or more receiving tracks in New Jersey or other jurisdictions together with the parimutuel pool from a sending track located within or outside New Jersey. Since the interstate common pool provides for payment at receiving tracks according to the same odds as those generated at the sending track regardless of where the sending and receiving tracks are located, the committee concurs with the view that authorization of interstate common pools between tracks in New Jersey and out-of state tracks will enhance racing revenues in this State by increasing the total number and size of bets placed on races in this State.

SENATE INSTITUTIONS, HEALTH AND WELFARE COMMITTEE

STATEMENT TO

**SENATE, No. 3639**

**STATE OF NEW JERSEY**

DATED: JULY 15, 1991

The Senate Institutions, Health and Welfare Committee favorably reports Senate Bill No. 3639.

This bill would allow racetracks located in the State which are authorized by the New Jersey Racing Commission to send or receive simulcast horse races to or from other jurisdictions, to participate in interstate common pools. This arrangement would allow the participants to combine comparable parimutuel pools for the purpose of establishing pay-off prices in the various jurisdictions.

Combining parimutuel pools would increase the incentive for bettors to participate in wagering on horse races which in turn would benefit this State's racetracks and State revenues.