

***LEGISLATIVE HISTORY CHECKLIST***

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**LAWS OF:** 1998

**CHAPTER:**11

**NJSA:** 34:15-131 et al

"Horse Racing Injury Compensation Board -- worker's compensation"

**BILL NO:** S91 (Substituted for A1083)

**SPONSOR(S):** Palaia and Codey

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:**

***ASSEMBLY:***Labor

***SENATE:***Economic Growth

**AMENDED DURING PASSAGE:**Yes

**DATE OF PASSAGE:**

***ASSEMBLY:*** March 23, 1998

***SENATE:*** March 30, 1998

**DATE OF APPROVAL:** May 1, 1998

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**THE FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL:** 1<sup>st</sup> reprint

(Amendments during passage denoted by superscript numbers)

**S91**

**SPONSORS STATEMENT:** *Yes* (Begins on page 4 of original bill)

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *Yes*

**SENATE:** *Yes*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *Yes*

**A1083**

**SPONSORS STATEMENT:** *Yes* (Begins on page 4 of original bill)  
(Bill and Sponsors Statement identical to S91)

**COMMITTEE STATEMENT:**

**ASSEMBLY:** *Yes* (Identical to Assembly Statement for S91)

**SENATE:** *No*

**FLOOR AMENDMENT STATEMENTS:** *No*

**LEGISLATIVE FISCAL ESTIMATE:** *No*

**VETO MESSAGE:** *No*

**GOVERNOR'S PRESS RELEASE ON SIGNING:** *Yes*

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**THE FOLLOWING WERE PRINTED:**

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**REPORTS:** *No*

**HEARINGS:** *No*

**NEWSPAPER ARTICLES:** *No*

[First Reprint]  
**SENATE, No. 91**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Senator JOSEPH A. PALAIA**  
**District 11 (Monmouth)**  
**Senator RICHARD J. CODEY**  
**District 27 (Essex)**

**Co-Sponsored by:**

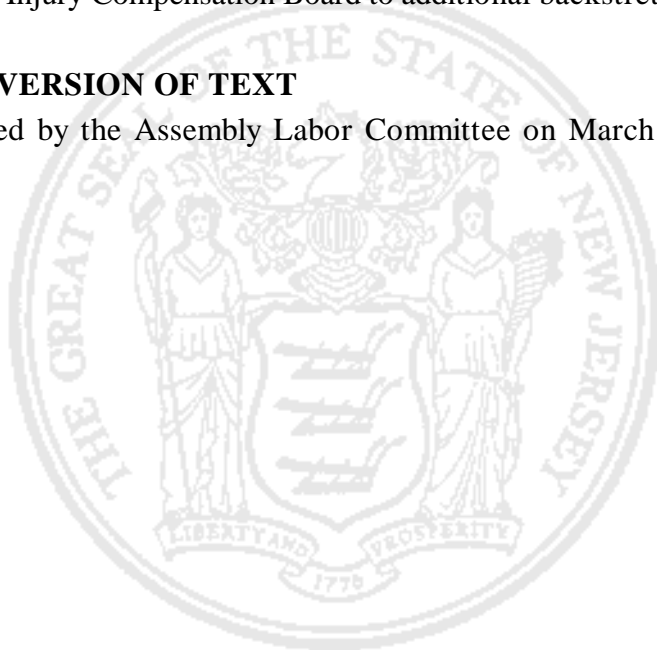
**Assemblyman Arnone and Assemblywoman Farragher**

**SYNOPSIS**

Extends workers' compensation coverage provided through the New Jersey Horse Racing Injury Compensation Board to additional backstretch employees.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Labor Committee on March 9, 1998, with amendments.



**(Sponsorship Updated As Of: 3/24/1998)**

1 AN ACT concerning workers' compensation coverage provided  
2 through the New Jersey Horse Racing Injury Compensation Board  
3 and amending P.L.1995, c.329.

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

7  
8 1. Section 3 of P.L.1995, c.329 (C.34:15-131) is amended to read  
9 as follows:

10 3. As used in this act:

11 "Board" means the New Jersey Horse Racing Injury Compensation  
12 Board established by section 4 of this act.

13 "Commission" means the New Jersey Racing Commission  
14 established pursuant to section 1 of P.L.1940, c.17 (C.5:5-22).

15 "Horse racing industry employee" means a jockey, jockey  
16 apprentice, exercise rider, driver, **[and]** driver-trainer, assistant  
17 trainer, stable employee, or any other person licensed by the  
18 commission, who is an employee of an owner or a trainer and engaged  
19 in performing services for an owner or a trainer in connection with the  
20 exercising or racing of a horse in New Jersey. In addition, a trainer  
21 who otherwise would be considered an employee of the owner  
22 pursuant to R.S.34:15-1 et seq. is a horse racing industry employee  
23 for the purposes of this act.

24 (cf: P.L.1995, c.329, s.3)

25

26 2. Section 6 of P.L.1995, c.329 (C.34:15-134) is amended to read  
27 as follows:

28 6. a. The board shall secure workers' compensation insurance  
29 coverage for horse racing industry employees.

30 b. The board shall assess and collect sufficient funds to pay the  
31 costs of the insurance or self insurance coverage required by this act  
32 and by the workers' compensation laws of this State and to pay any  
33 additional costs necessary to carry out its other duties. The board  
34 shall ascertain the total funding necessary, establish the sums that are  
35 to be paid and establish by regulation the method of assessing and  
36 collecting these moneys. Owners and trainers shall be assessed  
37 separately for the cost of insurance or self insurance attributable to the  
38 respective horse racing industry employees of owners and trainers.  
39 Assessments to pay the cost of insurance or self insurance attributable  
40 to horse racing industry employees employed by owners <sup>1</sup> **[and trainers**  
41 **shall] may**<sup>1</sup> include, but shall not be limited to, deductions from <sup>1</sup> **that**

**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:**

<sup>1</sup> Assembly ALA committee amendments adopted March 9, 1998.

1 portion of<sup>1</sup> gross overnight purses paid to owners, so long as such  
2 deductions do not exceed 3% of 'the owners' portion of<sup>1</sup> such purses,  
3 and additional assessments may be collected from horse owners as  
4 needed. 'Assessments to pay the cost of insurance or self insurance  
5 attributable to horse racing industry employees employed by trainers  
6 may include, but shall not be limited to, deductions from that portion  
7 of gross overnight purses paid to trainers, so long as such deductions  
8 do not exceed 3% of the trainers' portion of such purses, and  
9 additional assessments may be collected from trainers as needed.<sup>1</sup>

10 Track owners '[and trainers]'<sup>1</sup> shall not be assessed for such costs.

11 c. Assessments for workers' compensation insurance coverage  
12 pursuant to this act shall be calculated and allocated separately for the  
13 thoroughbred and standardbred industries, based on their respective  
14 loss experience, and any assessments pursuant to subsection b. of this  
15 section shall be allocated accordingly. No public funds, other than the  
16 moneys collected pursuant to subsection b. of this section, shall be  
17 used for the purpose of self insurance or for paying the costs of  
18 workers' compensation insurance or workers' compensation benefits  
19 pursuant to this act.

20 (cf: P.L.1995, c.329, s.6)

21

22 3. Section 7 of P.L.1995, c.329 (C.34:15-135) is amended to read  
23 as follows:

24 7. a. For the purposes of this act and R.S.34:15-36, a horse racing  
25 industry employee shall be deemed to be in the employment of the  
26 New Jersey Horse Racing Injury Compensation Board and in the  
27 employment of all owners or of all trainers, as appropriate, who are  
28 licensed or required to be licensed by the commission at the time of  
29 any occurrence for which workers' compensation benefits are payable  
30 pursuant to R.S.34:15-1 et seq. as supplemented by this act, and not  
31 solely in the employment of a particular owner or of a particular  
32 trainer. A horse racing industry employee shall not be deemed to be  
33 in the employment of the New Jersey Horse Racing Injury  
34 Compensation Board for any other purpose.

35 b. For the purposes of this act and R.S.34:15-36, the New Jersey  
36 Horse Racing Injury Compensation Board and all owners or all  
37 trainers, as appropriate, who are licensed or required to be licensed by  
38 the commission shall be deemed the employer of a horse racing  
39 industry employee at the time of any event for which workers'  
40 compensation benefits are payable pursuant to R.S.34:15-1 et seq. as  
41 supplemented by this act. The New Jersey Racing Injury  
42 Compensation Board shall not be deemed the employer of a horse  
43 racing industry employee for any other purpose.

44 c. With respect to horse racing industry employees, the  
45 requirements of R.S.34:15-1 et seq. regarding the provision of  
46 workers' compensation insurance by employers are satisfied in full by

1 compliance with the requirements imposed upon owners and upon  
2 trainers by this act and any rules or regulations promulgated  
3 hereunder. If the responsible owner or trainer fails to comply with the  
4 requirements of this act or any rules or regulations promulgated  
5 hereunder and if the board is still required to pay the award on behalf  
6 of that owner or trainer who has been found to have violated this act  
7 or any rule or regulation promulgated hereunder, then the board shall  
8 be entitled to collect from that owner or trainer any assessment which  
9 was not paid but which should have been paid by that owner or trainer  
10 as provided by this act.

11 d. The provisions of this act shall not apply to employees of an  
12 owner or a trainer who are not horse racing industry employees. To  
13 the extent that a horse racing industry employee is also covered by  
14 duplicate coverage procured pursuant to another policy of workers'  
15 compensation insurance, the coverage procured by the board pursuant  
16 to this act shall be considered primary.

17 (cf: P.L.1995, c.329, s.7)

18

19 4. This act shall take effect immediately.

# SENATE, No. 91

## STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Senator JOSEPH A. PALAIA**

**District 11 (Monmouth)**

**Senator RICHARD J. CODEY**

**District 27 (Essex)**

**SYNOPSIS**

Extends workers' compensation coverage provided through the New Jersey Horse Racing Injury Compensation Board to additional backstretch employees.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



S91 PALAIA, CODEY

2

1 AN ACT concerning workers' compensation coverage provided  
2 through the New Jersey Horse Racing Injury Compensation Board  
3 and amending P.L.1995, c.329.

4

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

7

8 1. Section 3 of P.L.1995, c.329 (C.34:15-131) is amended to read  
9 as follows:

10 3. As used in this act:

11 "Board" means the New Jersey Horse Racing Injury Compensation  
12 Board established by section 4 of this act.

13 "Commission" means the New Jersey Racing Commission  
14 established pursuant to section 1 of P.L.1940, c.17 (C.5:5-22).

15 "Horse racing industry employee" means a jockey, jockey  
16 apprentice, exercise rider, driver, **[and]** driver-trainer, assistant  
17 trainer, stable employee, or any other person licensed by the  
18 commission, who is an employee of an owner or a trainer and engaged  
19 in performing services for an owner or a trainer in connection with the  
20 exercising or racing of a horse in New Jersey. In addition, a trainer  
21 who otherwise would be considered an employee of the owner  
22 pursuant to R.S.34:15-1 et seq. is a horse racing industry employee  
23 for the purposes of this act.

24 (cf: P.L.1995, c.329, s.3)

25

26 2. Section 6 of P.L.1995, c.329 (C.34:15-134) is amended to read  
27 as follows:

28 6. a. The board shall secure workers' compensation insurance  
29 coverage for horse racing industry employees.

30 b. The board shall assess and collect sufficient funds to pay the  
31 costs of the insurance or self insurance coverage required by this act  
32 and by the workers' compensation laws of this State and to pay any  
33 additional costs necessary to carry out its other duties. The board  
34 shall ascertain the total funding necessary, establish the sums that are  
35 to be paid and establish by regulation the method of assessing and  
36 collecting these moneys. Owners and trainers shall be assessed  
37 separately for the cost of insurance or self-insurance attributable to the  
38 respective horse racing industry employees of owners and trainers.  
39 Assessments to pay the cost of insurance or self-insurance attributable  
40 to horse racing industry employees employed by owners shall include,  
41 but shall not be limited to, deductions from gross overnight purses  
42 paid to owners, so long as such deductions do not exceed 3% of such  
43 purses, and additional assessments may be collected from horse

**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 owners as needed. Track owners shall not be assessed for such costs.  
2 c. Assessments for workers' compensation insurance coverage  
3 pursuant to this act shall be calculated and allocated separately for the  
4 thoroughbred and standardbred industries, based on their respective  
5 loss experience, and any assessments pursuant to subsection b. of this  
6 section shall be allocated accordingly. No public funds, other than the  
7 moneys collected pursuant to subsection b. of this section, shall be  
8 used for the purpose of self insurance or for paying the costs of  
9 workers' compensation insurance or workers' compensation benefits  
10 pursuant to this act.

11 (cf: P.L.1995, c.329, s.6)

12

13 3. Section 7 of P.L.1995, c.329 (C.34:15-135) is amended to read  
14 as follows:

15 7. a. For the purposes of this act and R.S.34:15-36, a horse racing  
16 industry employee shall be deemed to be in the employment of the  
17 New Jersey Horse Racing Injury Compensation Board and in the  
18 employment of all owners or of all trainers, as appropriate, who are  
19 licensed or required to be licensed by the commission at the time of  
20 any occurrence for which workers' compensation benefits are payable  
21 pursuant to R.S.34:15-1 et seq. as supplemented by this act, and not  
22 solely in the employment of a particular owner or of a particular  
23 trainer. A horse racing industry employee shall not be deemed to be  
24 in the employment of the New Jersey Horse Racing Injury  
25 Compensation Board for any other purpose.

26 b. For the purposes of this act and R.S.34:15-36, the New Jersey  
27 Horse Racing Injury Compensation Board and all owners or all  
28 trainers, as appropriate, who are licensed or required to be licensed by  
29 the commission shall be deemed the employer of a horse racing  
30 industry employee at the time of any event for which workers'  
31 compensation benefits are payable pursuant to R.S.34:15-1 et seq. as  
32 supplemented by this act. The New Jersey Racing Injury  
33 Compensation Board shall not be deemed the employer of a horse  
34 racing industry employee for any other purpose.

35 c. With respect to horse racing industry employees, the  
36 requirements of R.S.34:15-1 et seq. regarding the provision of  
37 workers' compensation insurance by employers are satisfied in full by  
38 compliance with the requirements imposed upon owners and upon  
39 trainers by this act and any rules or regulations promulgated  
40 hereunder. If the responsible owner or trainer fails to comply with the  
41 requirements of this act or any rules or regulations promulgated  
42 hereunder and if the board is still required to pay the award on behalf  
43 of that owner or trainer who has been found to have violated this act  
44 or any rule or regulation promulgated hereunder, then the board shall  
45 be entitled to collect from that owner or trainer any assessment which  
46 was not paid but which should have been paid by that owner or trainer

1 as provided by this act.

2 d. The provisions of this act shall not apply to employees of an  
3 owner or a trainer who are not horse racing industry employees. To  
4 the extent that a horse racing industry employee is also covered by  
5 duplicate coverage procured pursuant to another policy of workers'  
6 compensation insurance, the coverage procured by the board pursuant  
7 to this act shall be considered primary.

8 (cf: P.L.1995, c.329, s.7)

9

10 4. This act shall take effect immediately.

11

12

13

#### STATEMENT

14

15 The New Jersey Horse Racing Injury Compensation Board was  
16 established by P.L.1995, c.329 (C.34:15-129 et seq.) to provide  
17 workers' compensation insurance coverage to certain racing industry  
18 employees (jockeys, apprentice jockeys, exercise riders, drivers and  
19 driver-trainers) employed by horse owners. The law addressed  
20 difficulties which, due to the unique nature of the racing industry, had  
21 arisen in regard to providing coverage to these employees.

22 This bill would extend the coverage provided through the board to  
23 additional backstretch employees by requiring the board to also cover  
24 an assistant trainer, stable employee, or any other person licensed by  
25 the New Jersey Racing Commission, who is the employee of an owner  
26 or a trainer and engaged in performing services in connection with the  
27 exercising or racing of a horse in New Jersey. Owners and trainers  
28 would be assessed separately for the cost of insurance or self-  
29 insurance attributable to the respective employees of owners and  
30 trainers. The thoroughbred and standardbred industries would  
31 continue to be assessed separately.

# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

### **SENATE, No. 91**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 9, 1998

The Assembly Labor Committee reports favorably and with committee amendments Senate, No. 91.

This bill amends the "New Jersey Horse Racing Injury Compensation Board Act," (P.L.1995, c.329 (C.34:15-129 et seq.)) to extend the coverage provided through the New Jersey Horse Racing Injury Compensation Board to additional backstretch employees by requiring the board to also cover an assistant trainer, stable employee, or any other person licensed by the New Jersey Racing Commission, who is the employee of an owner or a trainer and engaged in performing services in connection with the exercising or racing of a horse in New Jersey. Owners and trainers would be assessed separately for the cost of insurance or self insurance attributable to the respective employees of owners and trainers. The thoroughbred and standardbred industries would continue to be assessed separately.

The board was established to provide workers' compensation insurance coverage to certain racing industry employees (jockeys, apprentice jockeys, exercise riders, drivers and driver-trainers) employed by horse owners. The law addressed difficulties which, due to the unique nature of the racing industry, had arisen in regard to providing coverage to these employees.

The committee amendments clarify that the board may, at its discretion, assess up to 3% of that portion of gross overnight purses paid to owners to defray the cost of coverage for employees of owners and up to 3% of that portion of gross overnight purses paid to trainers to defray the cost of coverage for employees of trainers.

The amendments make this bill identical to Assembly Bill No. 1083 [1R].

SENATE ECONOMIC GROWTH, AGRICULTURE AND  
TOURISM COMMITTEE

STATEMENT TO

**SENATE, No. 91**

**STATE OF NEW JERSEY**

DATED: FEBRUARY 10, 1998

The Senate Economic Growth, Agriculture and Tourism Committee reports favorably Senate Bill No. 91.

This bill amends the "New Jersey Horse Racing Injury Compensation Board Act," (P.L.1995, c.329 (C.34:15-129 et seq.)) to extend the coverage provided through the New Jersey Horse Racing Injury Compensation Board to additional backstretch employees by requiring the board to also cover an assistant trainer, stable employee, or any other person licensed by the New Jersey Racing Commission, who is the employee of an owner or a trainer and engaged in performing services in connection with the exercising or racing of a horse in New Jersey. Owners and trainers would be assessed separately for the cost of insurance or self insurance attributable to the respective employees of owners and trainers. The thoroughbred and standardbred industries would continue to be assessed separately.

The board was established to provide workers' compensation insurance coverage to certain racing industry employees (jockeys, apprentice jockeys, exercise riders, drivers and driver-trainers) employed by horse owners. The law addressed difficulties which, due to the unique nature of the racing industry, had arisen in regard to providing coverage to these employees.

This bill was prefiled for introduction in the 1998 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

# LEGISLATIVE FISCAL ESTIMATE

## SENATE, No. 91

# STATE OF NEW JERSEY

## 208th LEGISLATURE

DATED: APRIL 29, 1998

Senate Bill No. 91 of 1998 extends workers' compensation insurance coverage provided through the New Jersey Horse Racing Injury Compensation Board to assistant trainers, stable employees, and any other person licensed by the New Jersey Racing Commission, who is an employee of an owner or a trainer and performs services in connection with the exercising or racing of a horse in New Jersey.

The New Jersey Horse Racing Injury Compensation Board, established by P.L.1995, c.329 (C.34:15-129 et seq.), currently provides workers compensation coverage to certain racing industry employees (jockeys, apprentice jockeys, exercise riders, drivers, and driver-trainers) employed by horse owners.

The board assesses and collects funds from gross racing purses and horse racing industry employers to purchase workers' compensation insurance.

Because this bill simply extends the coverage provided through the board to additional employees of the industry, and all costs incurred by the board would be borne by the horse racing industry, the Office of Legislative Services (OLS) estimates that enactment of this bill will have no fiscal impact on the State budget.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

# ASSEMBLY, No. 1083

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## STATE OF NEW JERSEY

### 208th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Assemblyman MICHAEL J. ARNONE**

**District 12 (Monmouth)**

**Assemblywoman CLARE M. FARRAGHER**

**District 12 (Monmouth)**

**SYNOPSIS**

Extends workers' compensation coverage provided through the New Jersey Horse Racing Injury Compensation Board to additional backstretch employees.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning workers' compensation coverage provided  
2 through the New Jersey Horse Racing Injury Compensation Board  
3 and amending P.L.1995, c.329.

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

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8 1. Section 3 of P.L.1995, c.329 (C.34:15-131) is amended to read  
9 as follows:

10 3. As used in this act:

11 "Board" means the New Jersey Horse Racing Injury Compensation  
12 Board established by section 4 of this act.

13 "Commission" means the New Jersey Racing Commission  
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16 apprentice, exercise rider, driver, **[and]** driver-trainer, assistant  
17 trainer, stable employee, or any other person licensed by the  
18 commission, who is an employee of an owner or a trainer and engaged  
19 in performing services for an owner or a trainer in connection with the  
20 exercising or racing of a horse in New Jersey. In addition, a trainer  
21 who otherwise would be considered an employee of the owner  
22 pursuant to R.S.34:15-1 et seq. is a horse racing industry employee  
23 for the purposes of this act.

24 (cf: P.L.1995, c.329, s.3)

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26 2. Section 6 of P.L.1995, c.329 (C.34:15-134) is amended to read  
27 as follows:

28 6. a. The board shall secure workers' compensation insurance  
29 coverage for horse racing industry employees.

30 b. The board shall assess and collect sufficient funds to pay the  
31 costs of the insurance or self insurance coverage required by this act  
32 and by the workers' compensation laws of this State and to pay any  
33 additional costs necessary to carry out its other duties. The board  
34 shall ascertain the total funding necessary, establish the sums that are  
35 to be paid and establish by regulation the method of assessing and  
36 collecting these moneys. Owners and trainers shall be assessed  
37 separately for the cost of insurance or self-insurance attributable to the  
38 respective horse racing industry employees of owners and trainers.  
39 Assessments to pay the cost of insurance or self-insurance attributable  
40 to horse racing industry employees employed by owners shall include,  
41 but shall not be limited to, deductions from gross overnight purses  
42 paid to owners, so long as such deductions do not exceed 3% of such  
43 purses, and additional assessments may be collected from horse

**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 owners as needed. Track owners shall not be assessed for such costs.  
2 c. Assessments for workers' compensation insurance coverage  
3 pursuant to this act shall be calculated and allocated separately for the  
4 thoroughbred and standardbred industries, based on their respective  
5 loss experience, and any assessments pursuant to subsection b. of this  
6 section shall be allocated accordingly. No public funds, other than the  
7 moneys collected pursuant to subsection b. of this section, shall be  
8 used for the purpose of self insurance or for paying the costs of  
9 workers' compensation insurance or workers' compensation benefits  
10 pursuant to this act.

11 (cf: P.L.1995, c.329, s.6)

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13 3. Section 7 of P.L.1995, c.329 (C.34:15-135) is amended to read  
14 as follows:

15 7. a. For the purposes of this act and R.S.34:15-36, a horse racing  
16 industry employee shall be deemed to be in the employment of the  
17 New Jersey Horse Racing Injury Compensation Board and in the  
18 employment of all owners or of all trainers, as appropriate, who are  
19 licensed or required to be licensed by the commission at the time of  
20 any occurrence for which workers' compensation benefits are payable  
21 pursuant to R.S.34:15-1 et seq. as supplemented by this act, and not  
22 solely in the employment of a particular owner or of a particular  
23 trainer. A horse racing industry employee shall not be deemed to be  
24 in the employment of the New Jersey Horse Racing Injury  
25 Compensation Board for any other purpose.

26 b. For the purposes of this act and R.S.34:15-36, the New Jersey  
27 Horse Racing Injury Compensation Board and all owners or all  
28 trainers, as appropriate, who are licensed or required to be licensed by  
29 the commission shall be deemed the employer of a horse racing  
30 industry employee at the time of any event for which workers'  
31 compensation benefits are payable pursuant to R.S.34:15-1 et seq. as  
32 supplemented by this act. The New Jersey Racing Injury  
33 Compensation Board shall not be deemed the employer of a horse  
34 racing industry employee for any other purpose.

35 c. With respect to horse racing industry employees, the  
36 requirements of R.S.34:15-1 et seq. regarding the provision of  
37 workers' compensation insurance by employers are satisfied in full by  
38 compliance with the requirements imposed upon owners and upon  
39 trainers by this act and any rules or regulations promulgated  
40 hereunder. If the responsible owner or trainer fails to comply with the  
41 requirements of this act or any rules or regulations promulgated  
42 hereunder and if the board is still required to pay the award on behalf  
43 of that owner or trainer who has been found to have violated this act  
44 or any rule or regulation promulgated hereunder, then the board shall  
45 be entitled to collect from that owner or trainer any assessment which  
46 was not paid but which should have been paid by that owner or trainer



1 as provided by this act.

2 d. The provisions of this act shall not apply to employees of an  
3 owner or a trainer who are not horse racing industry employees. To  
4 the extent that a horse racing industry employee is also covered by  
5 duplicate coverage procured pursuant to another policy of workers'  
6 compensation insurance, the coverage procured by the board pursuant  
7 to this act shall be considered primary.

8 (cf: P.L.1995, c.329, s.7)

9

10 4. This act shall take effect immediately.

11

12

13

#### STATEMENT

14

15 The New Jersey Horse Racing Injury Compensation Board was  
16 established by P.L.1995, c.329 (C.34:15-129 et seq.) to provide  
17 workers' compensation insurance coverage to certain racing industry  
18 employees (jockeys, apprentice jockeys, exercise riders, drivers and  
19 driver-trainers) employed by horse owners. The law addressed  
20 difficulties which, due to the unique nature of the racing industry, had  
21 arisen in regard to providing coverage to these employees.

22 This bill would extend the coverage provided through the board to  
23 additional backstretch employees by requiring the board to also cover  
24 an assistant trainer, stable employee, or any other person licensed by  
25 the New Jersey Racing Commission, who is the employee of an owner  
26 or a trainer and engaged in performing services in connection with the  
27 exercising or racing of a horse in New Jersey. Owners and trainers  
28 would be assessed separately for the cost of insurance or self-  
29 insurance attributable to the respective employees of owners and  
30 trainers. The thoroughbred and standardbred industries would  
31 continue to be assessed separately.

# ASSEMBLY LABOR COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 1083**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 9, 1998

The Assembly Labor Committee reports favorably and with committee amendments Assembly No. 1083.

This bill amends the "New Jersey Horse Racing Injury Compensation Board Act," (P.L.1995, c.329 (C.34:15-129 et seq.)) to extend the coverage provided through the New Jersey Horse Racing Injury Compensation Board to additional backstretch employees by requiring the board to also cover an assistant trainer, stable employee, or any other person licensed by the New Jersey Racing Commission, who is the employee of an owner or a trainer and engaged in performing services in connection with the exercising or racing of a horse in New Jersey. Owners and trainers would be assessed separately for the cost of insurance or self insurance attributable to the respective employees of owners and trainers. The thoroughbred and standardbred industries would continue to be assessed separately.

The board was established to provide workers' compensation insurance coverage to certain racing industry employees (jockeys, apprentice jockeys, exercise riders, drivers and driver-trainers) employed by horse owners. The law addressed difficulties which, due to the unique nature of the racing industry, had arisen in regard to providing coverage to these employees.

The committee amendments clarify that the board may, at its discretion, assess up to 3% of that portion of gross overnight purses paid to owners to defray the cost of coverage for employees of owners and up to 3% of that portion of gross overnight purses paid to trainers to defray the cost of coverage for employees of trainers.

The amendments make this bill identical to Senate Bill No. 91 [1R].

This bill was prefiled for introduction in the 1998 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

*Office of the Governor*  
**NEWS RELEASE**

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RELEASE: May 1, 1998

**Gov. Whitman Signs A-956, S-91, S-93 and S-465**

Gov. Christie Whitman today signed the following pieces of legislation:

A-956, sponsored by Assembly Members Alan Augustine (R-Middlesex/Morris/Somerset/Union) and Neil Cohen (D-Union) and Senator Peter Inverso (R-Mercer/Middlesex), which provides for the licensing and regulation of money transmitters. Under current law, only foreign money transmitters and money order issuers are regulated. This new law will expand regulation to include domestic money transmitters and third party payers.

S-91, Senators Joseph Palaia (R-Monmouth) and Richard Codey (D- Essex) and Assembly Members Michael Arnone (R-Monmouth) and Claire Farragher (R-Monmouth), which expands worker's compensation coverage provided through New Jersey Horse Racing Injury Compensation Board to additional backstretch employees. Currently coverage is provided only to jockeys, jockey apprentices, exercise riders, drivers and driver-trainers.

S-93, sponsored by Senators Joseph Palaia (R-Monmouth) and Diane Allen (R-Burlington/Camden) and Assembly Members John Kelly (R- Bergen/Essex/Passaic) and Guy Talarico (R-Bergen), which provides that federal or state-funded remedial programs for nonpublic school students may be held on the premises of the nonpublic school. The new law is consistent with the U.S. Supreme Court's ruling in *Agostini v. Felton* that publicly funded programs which provide supplemental instruction to nonpublic students held on the premises of church or sectarian schools do not violate the separation between Church and State.

S-465, sponsored by Senator Martha Bark (R- Atlantic/Burlington/Camden) and Assembly Members Francis Bodine (R- Atlantic/Burlington/Camden) and Larry Chatzidakis (R- Atlantic/Burlington/Camden), which extends the expiration date of appropriation for State Transfer of Development Rights Bank administrative costs.

BODY