

[Third Reprint]

ASSEMBLY, No. 4149

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED JUNE 6, 2013

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

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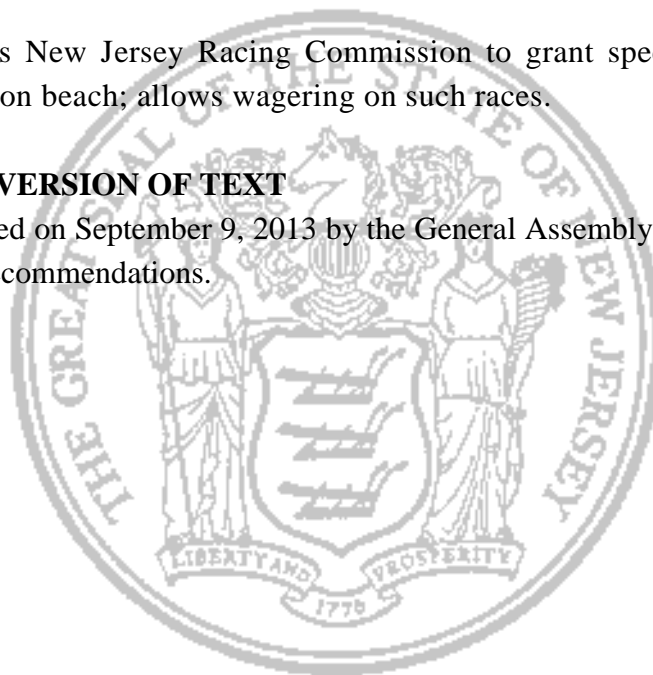
**Assemblymen Coughlin, C.A.Brown, DiMaio, Assemblywoman Handlin,
Senators Norcross, Bateman, O'Toole and Whelan**

SYNOPSIS

Authorizes New Jersey Racing Commission to grant special permit for horse racing on beach; allows wagering on such races.

CURRENT VERSION OF TEXT

As amended on September 9, 2013 by the General Assembly pursuant to the Governor's recommendations.



(Sponsorship Updated As Of: 6/28/2013)

1 AN ACT ²**[concerning a special horse racing permit]** authorizing
 2 special horse racing permits for beach racing, ³**[and steeplechase**
 3 **racing,]** ³and wagering thereon, ² and supplementing chapter 5 of
 4 Title 5 of the Revised Statutes.

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

8
 9 1. a. Notwithstanding the provisions of ¹section 1 of P.L.1949,
 10 c.26 (C.5:5-39.1) or ¹ any other law to the contrary, the commission
 11 may grant a special permit, to a ¹**[running race permit holder that**
 12 **leases a State-owned racetrack]** permit holder in good standing
 13 authorized to conduct running races in this State ¹, for the holding or
 14 conducting of a special running race meeting on a beach in an area
 15 that extends landward from the mean high water line of the ocean to
 16 either the vegetation line or a man-made feature generally parallel
 17 to the ocean, such as a retaining structure, seawall, bulkhead, road,
 18 or boardwalk. ¹A special permit granted pursuant to this subsection
 19 shall be subject to the jurisdiction of the commission. ¹

20 b. The commission may grant only one special permit ¹**[,]** ¹
 21 pursuant to subsection a. of this section ¹**[, to an eligible running**
 22 **race permit holder]** per calendar year, which shall be valid only for
 23 the calendar year in which it is issued. Any running race permit
 24 holder in good standing may apply for the special permit ¹. The
 25 number of racing days authorized pursuant to the special permit
 26 shall not exceed two days in a calendar year. Any racing day that is
 27 run pursuant to the special permit shall count toward the total
 28 number of racing days allotted to the running race permit holder.

29 c. A permit holder that is granted a special permit pursuant to
 30 this section shall keep and maintain separate books and records for
 31 the special running race meeting to the same extent as is required of
 32 a permit holder and shall file such report and audits as may
 33 otherwise be required on or before such date as the commission
 34 may designate.

35 d. Sums in the parimutuel pools shall be distributed as if the
 36 special running race meeting is held at the location for which the
 37 special permit holder holds a running race permit, as provided in
 38 chapter 5 of Title 5 of the Revised Statutes.

39 ¹**[e.** The commission shall promulgate rules and regulations
 40 providing for:

41 (1) the procedure for application for and approval of a special

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:

¹Assembly ABU committee amendments adopted June 17, 2013.

²Senate floor amendments adopted June 27, 2013.

³Assembly amendments adopted in accordance with Governor's recommendations September 9, 2013.

1 permit authorized by this section;

2 (2) any conditions to which a special permit holder or special
3 running race meeting may be subject; and

4 (3) such other matters as the commission deems appropriate.¹

5 ²e. No running race permit holder may be granted a special
6 permit pursuant to subsection a. of this section to hold or conduct a
7 special running race meeting on a beach located within twenty-five
8 miles of any racetrack authorized to conduct running races unless
9 the permit holder authorized to conduct running races at that
10 racetrack consents in writing to the special running race meeting.

11 f. Notwithstanding the provisions of any other law to the
12 contrary, simulcasting of a special running race meeting authorized
13 by this section shall be conducted as if the special running race
14 meeting is held at the location for which the special permit holder
15 holds a running race permit, except that the special permit holder
16 may also transmit the simulcast signal to the racetrack for which the
17 special permit holder holds a running race permit. The simulcasting
18 ³within this State³ of a special running race meeting authorized by
19 this section shall not require the consent of any horsemen's
20 organization and shall be made available at the industry standard
21 rate. Upon application to and approval by the commission, the
22 holder of a special permit granted pursuant to subsection a. of this
23 section may transmit simulcast horse races of the special running
24 race meeting to any facility outside of New Jersey with which the
25 special permit holder has entered into an agreement.

26 g. Nothing in this section shall be construed to prohibit the
27 commission from granting a special permit pursuant to subsection a.
28 of this section to a running race permit holder that holds a special
29 permit pursuant to subsection a. of section 2 of P.L. , c. (C.)
30 (pending before the Legislature as this bill).²

31

32 ³[²2. a. Notwithstanding the provisions of section 1 of
33 P.L.1949, c.26 (C.5:5-39.1) or any other law to the contrary, the
34 commission may grant a special permit, to a permit holder in good
35 standing authorized to conduct running races in this State, for the
36 holding or conducting of a special steeplechase race meeting at a
37 location other than a racetrack, provided that the special
38 steeplechase race meeting is conducted in conjunction with an
39 organization that has experience conducting steeplechase races
40 pursuant to section 54 of P.L.1940, c.17 (C.5:5-74) and provided
41 that the special steeplechase race meeting is recognized by the
42 National Steeplechase and Hunt Association. A special permit
43 granted pursuant to this subsection shall be subject to the
44 jurisdiction of the commission.

45 b. The commission may grant only one special permit pursuant
46 to subsection a. of this section per calendar year, which shall be
47 valid only for the calendar year in which it is issued. Any running
48 race permit holder in good standing may apply for the special

1 permit. The number of racing days authorized pursuant to the
2 special permit shall not exceed two days in a calendar year. Any
3 racing day that is run pursuant to the special permit shall count
4 toward the total number of racing days allotted to the running race
5 permit holder.

6 c. A permit holder that is granted a special permit pursuant to
7 this section shall keep and maintain separate books and records for
8 the special steeplechase race meeting to the same extent as is
9 required of a permit holder and shall file such report and audits as
10 may otherwise be required on or before such date as the
11 commission may designate.

12 d. Sums in the parimutuel pools shall be distributed as if the
13 special steeplechase race meeting is held at the location for which
14 the special permit holder holds a running race permit, as provided in
15 chapter 5 of Title 5 of the Revised Statutes, except that the special
16 permit holder may enter into a contractual agreement with the
17 organization with which the permit holder is conducting the special
18 steeplechase race meeting providing for the distribution of money
19 that would otherwise statutorily be distributed to the permit holder.

20 e. Notwithstanding the provisions of any other law to the
21 contrary, simulcasting of a special running race meeting authorized
22 by this section shall be conducted as if the special running race
23 meeting is held at the location for which the special permit holder
24 holds a running race permit, except that the special permit holder
25 may also transmit the simulcast signal to the racetrack for which the
26 special permit holder holds a running race permit. The simulcasting
27 of a special running race meeting authorized by this section shall
28 not require the consent of any horsemen's organization and shall be
29 made available at the industry standard rate. Upon application to
30 and approval by the commission, the holder of a special permit
31 granted pursuant to subsection a. of this section may transmit
32 simulcast horse races of the special running race meeting to any
33 facility outside of New Jersey with which the special permit holder
34 has entered into an agreement.

35 f. Nothing in this section shall be construed to prohibit the
36 commission from granting a special permit pursuant to subsection a.
37 of this section to a running race permit holder that holds a special
38 permit pursuant to subsection a. of section 1 of P.L. , c. (C.)
39 (pending before the Legislature as this bill).²]³

40
41 ²[2.] ³[3.2] 2.³ This act shall take effect immediately.