

**ASSEMBLY, No. 2247**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**SYNOPSIS**

Prohibits requirement of advance notice to New Jersey Racing Commission in order to continue horse racing and simulcast activities during state of emergency.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1   **AN ACT** concerning the continuation of horse racing and simulcast  
2       activities during a state of emergency and amending P.L.2008,  
3       c.23.

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

7  
8       1.   Section 10 of P.L.2008, c.23 (C.5:5-22.3) is amended to read  
9 as follows:

10       10. a. In the event that a state of emergency is declared due to  
11 the failure to enact a general appropriation law by the deadline  
12 prescribed by Article VIII, Section II, paragraph 2 of the New  
13 Jersey Constitution, that prevents employees of the New Jersey  
14 Racing Commission from performing their normal duties, a holder  
15 of a permit to conduct a horse race meeting may continue to hold  
16 scheduled races and simulcast operations for a period not to exceed  
17 seven calendar days, notwithstanding that employees of the  
18 commission are unable to perform the functions usually required for  
19 the conduct of horse racing in this State, provided that the permit  
20 holder has complied with subsection b. of this section, and that the  
21 permit holder and its employees shall continue to comply with all  
22 relevant provisions of the New Jersey Constitution and all relevant  
23 State statutes and regulations, and shall maintain detailed records of  
24 that compliance.

25       If, during any period of time that racetrack facilities remain open  
26 pursuant to the provisions of this section, the Governor determines  
27 that a permit holder, or any employee thereof, may be engaged in  
28 what the Governor believes to be a violation of any State statute or  
29 regulation governing the operation of those facilities and the  
30 conduct of horse racing in this State, that would ordinarily subject a  
31 permit holder or employee to a possible suspension or revocation of  
32 its permit or license, the Governor shall have the authority to  
33 summarily suspend the permit or license of that permit holder or  
34 employee until such time as it is rescinded by the Governor, or the  
35 state of emergency ceases and the commission is able to address the  
36 matter.

37       Any violation of a statute or regulation that would ordinarily  
38 subject a permit holder or licensee to a fine, but which occurs while  
39 a racetrack facility remains open during a state of emergency  
40 pursuant to this section, which is not reported by the permit holder  
41 or licensee in accordance with commission rules and regulations  
42 pursuant to subsection b. of this section, shall be punishable by a  
43 fine of no less than five times and up to ten times the amount of the  
44 usual fine, depending on the nature and seriousness of the violation.  
45 When the state of emergency ceases, permit holders shall be

**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 responsible for any costs associated with implementing the  
2 provisions of this section, including any costs accrued by the  
3 commission and associated with re-implementing commission  
4 functions and duties.

5 b. Notwithstanding any law, rule, or regulation to the contrary,  
6 the New Jersey Racing Commission may develop, through rules and  
7 regulations, the necessary standards, criteria, safeguards, and  
8 procedures that a permit holder shall meet prior to, and as a  
9 condition of, being eligible to continue to conduct horse racing  
10 operations in this State in the event that a state of emergency is  
11 declared, as provided in subsection a. of this section, and  
12 commission employees are not able to perform their usual  
13 functions. Notwithstanding any provision of the "Administrative  
14 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
15 contrary, the commission may adopt immediately upon filing with  
16 the Office of Administrative Law such rules and regulations as the  
17 commission deems necessary to implement the provisions of this  
18 section, which shall be effective for a period not to exceed 270 days  
19 following enactment of P.L.2008, c.23, and may thereafter be  
20 amended, adopted, or readopted by the commission in accordance  
21 with the requirements of the "Administrative Procedure Act,"  
22 P.L.1968, c.410 (C.52:14B-1 et seq.).

23 c. Notwithstanding the provisions of any law, rule, or  
24 regulation to the contrary, the New Jersey Racing Commission shall  
25 not require a permit holder to submit to the commission by June 1,  
26 2018 advance written notice of the permit holder's intention to  
27 continue horse racing and simulcasting activities during a state of  
28 emergency and to provide a list of all qualified persons to be  
29 employed to fill the necessary functions. Beginning in calendar  
30 year 2019 and thereafter, the commission shall require each permit  
31 holder to submit the required notice at the time the permit holder's  
32 racing days are approved pursuant to current law, and all activities  
33 for which the permit holder has a license or permit shall continue,  
34 including live and simulcast horse racing, off-track wagering, and  
35 sports wagering operations. The commission shall not require, at  
36 any time, the submission of a list of all qualified persons to be  
37 employed to fill the necessary functions during a state of  
38 emergency.

39 (cf: P.L.2008, c.23, s.10)

40  
41 2. This act shall take effect immediately and shall be  
42 retroactive to May 30, 2018.

#### 43 44 45 STATEMENT

46  
47 Under current law, horse racing permit holders are permitted to  
48 continue conducting horse racing and simulcasting activities for

1 seven days during a state of emergency, notwithstanding that  
2 employees of the commission are unable to perform the functions  
3 usually required for the conduct of horse racing in this State. The  
4 permit holder is required to comply with all relevant provisions of  
5 the New Jersey Constitution, State statutes, and regulations, and to  
6 maintain detailed records of that compliance.

7 This bill prohibits the New Jersey Racing Commission from  
8 requiring a permit holder to submit to the commission by June 1,  
9 2018 advance written notice of the permit holder's intention to  
10 continue horse racing and simulcasting activities during a state of  
11 emergency and to provide a list of all qualified persons to be  
12 employed to fill the necessary regulatory functions.

13 The bill further provides that, beginning in calendar year 2019  
14 and thereafter, the commission would require each permit holder to  
15 submit the required notice at the time the permit holder's racing  
16 days are approved pursuant to current law, and that all activities for  
17 which the permit holder has a license or permit would continue,  
18 including live and simulcast horse racing, off-track wagering, and  
19 sports wagering operations. This bill prohibits the commission  
20 from requiring, at any time, the submission of a list of all qualified  
21 persons to be employed to fill the necessary functions during a state  
22 of emergency. The changes required under this bill will be  
23 retroactive to May 30, 2018.

24 Current regulations require the permit holder to provide such  
25 notice and list by June 1 each calendar year.