P.L. 2010, CHAPTER 18, ***approved May 22, 2010***
Assembly, No. 2507 ***(First Reprint)***

AN ACT concerning [1]**[**the annual number of Thoroughbred horse race dates required to be scheduled by Monmouth Park Racetrack and Meadowlands Racetrack**]** horse racing[1] and amending P.L.2001, c.199 and P.L.1992, c.19.

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

1. Section 30 of P.L.2001, c.199 (C.5:5-156) is amended to read as follows:

30. a. The permit holder at Monmouth Park and the thoroughbred permit holder at Meadowlands Racetrack together shall schedule (1) no fewer than 120 thoroughbred race dates in the aggregate in each of calendar years 2004 through 2007; (2) no fewer than 141 thoroughbred race dates in the aggregate in each of calendar years 2008 through 2016, except that in calendar year 2010 the permit holder at Monmouth Park and the thoroughbred permit holder at Meadowlands Racetrack may schedule no fewer than 71 race dates in the aggregate and all to take place at Monmouth Park; and (3) beginning in calendar year 2017 and in each calendar year thereafter, no fewer than 141 thoroughbred race dates in the aggregate, provided that in calendar year 2017 and in each calendar year thereafter the permit holders may schedule fewer than 141 thoroughbred race dates in the aggregate if the commission determines, upon application by the permit holders, that scheduling fewer dates in that calendar year is in the best interest of the racing industry and the State. In making its determination, the commission shall consider all factors, including, but not limited to, handle, number of starters, interstate competition, and export marketability. Notwithstanding the foregoing in (3), in no calendar year shall the permit holders schedule, in the aggregate, fewer than 120 thoroughbred race dates.

b. The standardbred permit holder at Meadowlands Racetrack shall schedule annually no fewer than 151 standardbred race dates, except that the standardbred permit holder may decrease the annual number of scheduled standardbred race dates to no fewer than 141 standardbred race dates upon mutual written agreement with the representative horsemen's organization.

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:
[1]Assembly ARG committee amendments adopted May 6, 2010.

c. The permit holders at Freehold Raceway shall schedule annually no fewer than 192 standardbred race dates, except that the permit holders may decrease the annual number of scheduled race dates to no fewer than 168 standardbred race dates upon mutual written agreement with the representative horsemen's organization.

d. Notwithstanding subsection a. of this section, the permit holder at Monmouth Park and the thoroughbred permit holder at Meadowlands Racetrack may schedule 120 thoroughbred race dates in the aggregate in each calendar year from 2004 through 2007 only if the thoroughbred permit holder at Meadowlands Racetrack or the permit holder at Monmouth Park guarantee in each calendar year from 2004 through 2007 at least $4,200,000 in thoroughbred stakes at Meadowlands Racetrack and Monmouth Park, and guarantee the average daily overnight purses for thoroughbred race meetings at the following levels: (1) at least $300,000 at Meadowlands Racetrack in each calendar year from 2004 through 2007; (2) for the traditional meet at Monmouth Park, at least $320,000 in calendar year 2004, at least $325,000 in calendar year 2005, at least $330,000 in calendar year 2006 and at least $335,000 in calendar year 2007; and (3) for the 18-day supplemental meet at Monmouth Park, at least $300,000 in each calendar year from 2004 through 2006. In any calendar year from 2004 through 2007 in which the permit holder at the Meadowlands Racetrack or the permit holder at Monmouth Park, as appropriate, fails to guarantee the required minimum for thoroughbred stakes or the required minimum in average in daily overnight purses pursuant to this subsection, the permit holder at Monmouth Park and the thoroughbred permit holder at Meadowlands Racetrack together shall schedule no fewer than 141 thoroughbred race dates in the aggregate in that calendar year.

(cf: P.L.2009, c.92, s.1)

2. Section 5 of P.L.1992, c.19 (C.5:12-195) is amended to read as follows:

5. A permit holder which wishes to conduct casino simulcasting shall request the approval of the New Jersey Racing Commission in its annual application for horse race meeting dates filed with that commission pursuant to section 23 of P.L.1940, c.17 (C.5:5-43), or, if applying between the submittal of annual applications, through such supplemental application as that commission shall deem appropriate. The New Jersey Racing Commission shall not approve the request of any permit holder to conduct casino simulcasting unless the permit holder will conduct a number of live racing programs during the period for which the permit is issued which is equal to the following:

a. in the case of harness races, each permit holder shall conduct at least the number of live racing programs required under

subsections b. and c. of section 30 of P.L.2001, c.199 (C.5:5-156); and

b. in the case of running races, Monmouth Racetrack shall conduct at least the same number of live racing programs conducted in 1991 and each of the other permit holders conducting running races shall conduct at least five live racing programs, except that in calendar year 2010 Monmouth Racetrack may conduct at least 71 live racing programs and Meadowlands Racetrack may conduct zero live racing programs.

For the purpose of satisfying the requirements of this section for the conduct of live racing programs, any live racing program or part thereof which is cancelled because of weather or another act of God shall be deemed to have been conducted, subject to the approval of the New Jersey Racing Commission.

(cf: P.L.2009, c.92, s.2)

[1]3. Notwithstanding the provisions of any other law to the contrary, of the monies distributed in calendar years 2009 and 2010 for purses and programs designed to aid the horsemen pursuant to:

section 46(a)(4) of P.L.1940, c.17 (C.5:5-66),
section 38(a)(4)(a) of P.L.1992, c.19 (C.5:5-126),
section 38(b)(4)(a) of P.L.1992, c.19 (C.5:5-126),
section 38(c)(2)(a) of P.L.1992, c.19 (C.5:5-126), and
section 7(f)(1)(b) of P.L.1971, c.137 (C.5:10-7),

the Standardbred Breeders' and Owners' Association of New Jersey is hereby authorized to utilize up to a total of $3,000,000 thereof for a grant to the New Jersey Sports and Exposition Authority to promote financially the continued viability and success of standardbred racing at the Meadowlands Racetrack and the continued viability and success of thoroughbred racing at Monmouth Park Racetrack.[1]

[1]4. Notwithstanding the provisions of any other law to the contrary, of the monies distributed in calendar years 2009 and 2010 for purses and programs designed to aid the horsemen pursuant to:

section 46(b)(1)(d) of P.L.1940, c.17 (C.5:5-66),
section 46(b)(2)(d) of P.L.1940, c.17 (C.5:5-66),
section 38(a)(4)(b) of P.L.1992, c.19 (C.5:5-126),
section 38(b)(4)(b) of P.L.1992, c.19 (C.5:5-126),
section 38(c)(2)(b) of P.L.1992, c.19 (C.5:5-126), and
section 7(f)(2)(b) of P.L.1971, c.137 (C.5:10-7),

the New Jersey Thoroughbred Horsemen's Association is hereby authorized to utilize up to a total of $2,000,000 thereof for a loan to the New Jersey Sports and Exposition Authority for use as purse money in calendar year 2010 at Monmouth Park Racetrack. The loan shall be repaid pursuant to the contract between the Thoroughbred Horsemen's Association and the authority entered into on March 15, 2010.[1]

[1]5. Notwithstanding the provisions of section 7(f)(2) of P.L.1971, c.137 (C.5:10-7) or any other law to the contrary, if any purse underpay exists on November 21, 2010 in connection with thoroughbred racing at Monmouth Park Racetrack in calendar year 2010, the New Jersey Sports and Exposition Authority shall distribute any such underpay on or before January 15, 2011 to the New Jersey Thoroughbred Horsemen's Association for programs designed to aid the New Jersey thoroughbred horsemen in calendar year 2011. The authority is hereby authorized to recapture any purse overpay up to $1,000,000 in connection with thoroughbred racing at Monmouth Park Racetrack in calendar years 2010 and 2011.[1]

[1]6. Notwithstanding the provisions of section 46(b)(1)(e) of P.L.1940, c.17 (C.5:5-66) or any other law to the contrary, during 2010, and during that portion of 2011 which precedes the start of the regular 2011 thoroughbred racing season in New Jersey, funds in the special trust account established by that section 46(b)(1)(e) may be used to pay awards to breeders and owners of registered New Jersey bred horses who earn portions of purses in races at an out-of-State racetrack even if a surplus in the special trust account does not exist for those races conducted at an out-of-State racetrack during the period of time which shall begin 15 days after the end of thoroughbred racing at Monmouth Park Racetrack in the year 2010 and end 15 days prior to the start of the 2011 thoroughbred meet at Monmouth Park Racetrack.[1]

[1]7. Notwithstanding the provisions of section 46(b)(2)(e) of P.L.1940, c.17 (C.5:5-66) or any other law to the contrary, during 2010 and 2011, awards to breeders and owners of registered New Jersey bred horses who earn portions of purses in races at an out-of-State racetrack may be paid pursuant to that section 46(b)(2)(e) even if a surplus of these funds in the special trust account does not exist in that calendar year.[1]

[1]8. Notwithstanding the provisions of section 38(a)(4)(b) of P.L.1992, c.19 (C.5:5-126) or any other law to the contrary, the New Jersey Sports and Exposition Authority is hereby authorized to use the underpay in purses from the 2009 thoroughbred meet totaling $2,270,000 to pay purses for the thoroughbred meet at Monmouth Park Racetrack beginning on September 11, 2010 and concluding on November 21, 2010.[1]

[1]9. Notwithstanding the provisions of section 29 of P.L.1940, c.17 (C.5:5-49) or any other law to the contrary, during the year 2010, the New Jersey Sports and Exposition Authority shall not pay the 25 percent purse enhancement for thoroughbred races conducted

at Monmouth Park Racetrack, and funds that would have been used to increase purses by 25 percent as provided by that section 29, but not more than $2,250,000, shall be used, instead, to increase purses payable to New Jersey bred foals finishing in first, second, or third place in open races by 20 percent, but not more than $20,000 per horse per race, with any amount not used for that purpose to be paid to the Thoroughbred Breeders' Association of New Jersey not later than two weeks after the last day of the 2010 Monmouth Park meet and used by the association to pay incentive awards to breeders and owners.[1]

[1]10. Notwithstanding the provisions of any other law to the contrary, if the New Jersey Horse Racing Injury Compensation Board determines that a surplus exists in the monies collected from the thoroughbred industry pursuant to subsection b. of section 6 of P.L.1995, c.329 (C.34:15-134) after the insurance or self-insurance coverage for calendar year 2010 and all additional costs necessary to carry out the board's other duties in calendar year 2010 have been paid, the board is hereby authorized to utilize $2,000,000 from the surplus monies existing in calendar year 2010 to make a loan of $2,000,000 in calendar year 2010 to the Thoroughbred Breeders' Association of New Jersey. The loan shall have a term of four years commencing on January 1, 2012 and be paid at an annual interest rate of 4 percent. The Thoroughbred Breeders' Association of New Jersey shall use $1,500,000 of this loan to pay those breeders' awards that accrued in calendar years 2008 and 2009 that remain unpaid and $500,000 of this loan to pay awards to breeders and owners of registered New Jersey bred horses who earn portions of purses in races conducted at an out-of-State racetrack during the period of time that shall begin 15 days after the end of thoroughbred racing at Monmouth Park Racetrack in 2010 and end 15 days prior to the start of the 2011 thoroughbred meet at Monmouth Park Racetrack. The Thoroughbred Breeders' Association of New Jersey or the association's successor shall repay any such loan, interest and costs to the board utilizing all sources of revenue, including those monies distributed to it pursuant to law. In the years 2012 through 2015, any surplus may be saved to repay the loan from the Thoroughbred Breeders' Association of New Jersey's statutory sources and other revenue instead of out-of-State awards.[1]

[1]**[**3.**]** 11.[1] This act shall take effect immediately.

Reduces 2010 minimum racing dates; makes various changes to breeders' awards during 2010; authorizes certain loans.