

[First Reprint]

ASSEMBLY, No. 4597

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED JUNE 17, 2024

Sponsored by:

Assemblyman CLINTON CALABRESE

District 36 (Bergen and Passaic)

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

Assemblyman STERLEY S. STANLEY

District 18 (Middlesex)

Co-Sponsored by:

Assemblywoman Speight

SYNOPSIS

Provides for automatic renewal of off-track wagering licenses.

CURRENT VERSION OF TEXT

As reported by the Assembly Budget Committee on June 26, 2024, with amendments.



(Sponsorship Updated As Of: 6/28/2024)

1 AN ACT concerning horse racing in this State and off-track
2 wagering licenses ¹**[and facility operations,]**¹ and amending
3 P.L.2001, c.199 ¹**[and P.L.2006, c.19]**¹.
4

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

8 ¹**[**1. Section 1 of P.L.2006, c.19 (C.5:5-22.2) is amended to read
9 as follows:

10 1. Notwithstanding the provisions of any other law to the
11 contrary, the New Jersey Racing Commission, in effectuating its
12 responsibilities under P.L.1940, c.17 (C.5:5-22 et seq.), the
13 "Simulcasting Racing Act," P.L.1985, c.269 (C.5:5-110 et seq.), the
14 "Off-Track and Account Wagering Act," P.L.2001, c.199 (C.5:5-
15 127 et seq.), and the "Casino Simulcasting Act," P.L.1992, c.19
16 (C.5:12-191 et seq.), and under such circumstances and for such
17 races as the commission shall deem appropriate, shall:

18 a. at the request of a permitholder, allow a permitholder to
19 offer a future wager consisting of wagering on prospective entrants
20 for specific races, with wagering conducted in advance, one or more
21 parimutuel pools formed and closed on dates prior to the date of the
22 race, and all wagers considered final and no refunds paid even if,
23 for any reason, an entrant fails to participate in the race;

24 b. provide that the minimum wager amount that may be placed
25 on a horse race may be \$0.10 or greater;

26 c. provide that, after **[three years]** one year following the date
27 of purchase, unclaimed cash vouchers shall be paid 50% to the
28 permitholder at the location where purchased and 50% to the purse
29 account at the location where purchased, provided that if the
30 permitholder conducts both harness and thoroughbred races the
31 purse amount shall be divided equally between the harness and
32 thoroughbred purse accounts;

33 d. at the request of a permitholder or the operator of a casino
34 simulcasting facility, allow the permitholder or the operator of a
35 casino simulcasting facility, whenever the permitholder or casino
36 simulcasting facility is open to the public for wagering, to accept a
37 wager in advance of a race or races at an in-State or out-of-State
38 sending track under a simulcast agreement without receiving a
39 simulcast transmission thereof or displaying live video of all races
40 from an in-State or out-of-State sending track thereof **[**when: (1)
41 the race is to be conducted between the hours of 11:00 PM and
42 11:00 AM local New Jersey time, or at such other times as the
43 commission shall permit due to extenuating circumstances; or (2) at
44 other times, as the commission shall permit, when a racetrack, off-

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 26, 2024.

1 track wagering facility, or casino simulcasting facility is
2 temporarily closed due to the hosting of an event at that facility that
3 warrants the closure of that facility for a period not to exceed 24
4 hours, provided that a simulcast transmission of that race is
5 received and displayed under a simulcast transmission agreement at
6 any other racetrack, off-track wagering facility, or casino
7 simulcasting facility in this State**】**; and

8 e. allow a permitholder to pay an amount due a winning
9 ticketholder, notwithstanding that the ticketholder is unable to
10 produce the actual ticket, if the permitholder is able to verify
11 independently through electronic or other means approved by the
12 commission that the ticketholder purchased the ticket.

13 (cf: P.L.2011, c.48, s.1)**】**¹

14

15 **1【2.】 1.**¹ Section 3 of P.L.2001, c.199 (C.5:5-129) is amended
16 to read as follows:

17 3. As used in this act:

18 "Account holder" means a resident of this State over age 18 who
19 establishes an account pursuant to this act through which account
20 wagers are placed.

21 "Account wagering" means a form of parimutuel wagering in
22 which an account holder may deposit money in an account with the
23 account wagering licensee and then use the account balance to pay
24 for parimutuel wagers by the account holder.

25 "Account wagering licensee" means the New Jersey Sports and
26 Exposition Authority or its assignee, provided that the commission
27 has granted its approval for the authority to establish an account
28 wagering system as provided for in this act.

29 "Account wagering system" means the system through which
30 account wagers are processed by the account wagering licensee
31 pursuant to this act.

32 **【**"Applicant" means the New Jersey Sports and Exposition
33 Authority or another entity that submits an application to the
34 commission for a license to establish and conduct an off-track
35 wagering facility pursuant to this act.**】**

36 "Authority" means the New Jersey Sports and Exposition
37 Authority created by section 4 of P.L.1971, c.137 (C.5:10-4).

38 "Backstretch Benevolency" means the Backstretch Benevolency
39 Programs Fund established pursuant to section 1 of P.L.1993, c.15
40 (C.5:5-44.8).

41 "Breeders and Stallions" means the distribution from the special
42 trust account created pursuant to section 46 a. (2) of P.L.1940, c.17
43 (C.5:5-66) for the purposes of subparagraph (c) of that citation.

44 "Breeding and Development" means the New Jersey Horse
45 Breeding and Development Account established pursuant to section
46 5 of P.L.1967, c.40 (C.5:5-88).

1 "Commission" means the New Jersey Racing Commission
2 created by section 1 of P.L.1940, c.17 (C.5:5-22).

3 "Executive Director" means the Executive Director of the
4 commission.

5 "Health and Welfare" means moneys distributed to the
6 Standardbred Breeders' and Owners' Association for the
7 administration of a health benefits program pursuant to section 46 a.
8 (5) of P.L.1940, c.17 (C.5:5-66).

9 "In-State host track" means a racetrack within this State which is
10 operated by a permit holder which conducts a horse race upon
11 which account wagers are placed pursuant to this act.

12 "In-State sending track" means a racetrack within this State
13 which is operated by a permit holder and is equipped to conduct
14 off-track simulcasting.

15 "In-State track" means an in-State host track or an in-State
16 sending track.

17 "Interstate common pool" means the parimutuel pool established
18 within this State or in another state or foreign nation within which
19 is combined parimutuel pools of one or more receiving tracks
20 located in one or more states or foreign nations upon a race at an
21 out-of-State sending track or out-of-State host track for the purpose
22 of establishing payoff prices in the various jurisdictions.

23 "Jockey's Health and Welfare" means a health and welfare trust
24 established by the organization certified by the New Jersey Racing
25 Commission as representing a majority of the active licensed
26 thoroughbred jockeys in New Jersey for the purpose of providing
27 health and welfare benefits to active, disabled and retired New
28 Jersey jockeys and their dependents based upon reasonable criteria
29 by that organization.

30 "New Jersey Racing Industry Special Fund" means the fund
31 established pursuant to section 27 of this act.

32 "New Jersey Thoroughbred Horsemen's Association" means the
33 association representing the majority of New Jersey thoroughbred
34 owners and trainers responsible for receiving and distributing funds
35 for programs designed to aid thoroughbred horsemen.

36 "Off-track simulcasting" means the simultaneous audio or visual
37 transmission of horse races conducted at in-State and out-of-State
38 racetracks to off-track wagering facilities and parimutuel wagering
39 at those off-track wagering facilities on the results of those races.

40 "Off-track wagering" means parimutuel wagering at an off-track
41 wagering facility as authorized under this act.

42 "Off-track wagering facility" means a licensed facility, other
43 than a racetrack, at which parimutuel wagering is conducted
44 pursuant to this act.

45 "Off-track wagering licensee" means the New Jersey Sports and
46 Exposition Authority or its assignee, **[or another entity to which]**
47 provided that the commission has granted its approval to conduct an
48 off-track wagering facility as provided for in this act.

1 "Out-of-State host track" means a racetrack in a jurisdiction
2 other than the State of New Jersey, the operator of which is lawfully
3 permitted to conduct a horse race meeting and which conducts horse
4 races upon which account wagers may be placed pursuant to this
5 act.

6 "Out-of-State sending track" means a racetrack in a jurisdiction
7 other than the State of New Jersey which is equipped to conduct
8 off-track simulcasting and the operator of which is lawfully
9 permitted to conduct a horse race meeting and to provide simulcast
10 horse races to off-track wagering facilities in this State.

11 "Out-of-State track" means an out-of-State host track or an out-
12 of-State sending track.

13 "Outstanding parimutuel ticket" means a winning parimutuel
14 ticket which is not claimed within 12 months of sale.

15 "Parimutuel" means any system whereby wagers with respect to
16 the outcome of a horse race are placed with, or in, a wagering pool
17 conducted by an authorized person, and in which the participants
18 are wagering with each other and not against the person conducting
19 the wagering pool.

20 "Participation agreement" means the written contract entered into
21 prior to the effective date of P.L.2011, c.26, that provides for the
22 establishment or implementation of either (a) an off-track wagering
23 facility or facilities or (b) an account wagering system. Each such
24 contract shall set forth the manner in which the off-track wagering
25 facility or facilities or the account wagering system shall be
26 managed, operated and capitalized, as well as how expenses and
27 revenues shall be allocated and distributed by and among the
28 authority and the other eligible participants **【subject to the**
29 **agreement】**.

30 "Permit holder" means the holder of an annual permit to conduct
31 a horse race meeting issued by the commission.

32 "Racetrack" means the physical facility where a permit holder
33 conducts a horse race meeting with parimutuel wagering.

34 "Racing costs" means the prospective and actual costs for all
35 licensing, investigation, operation, regulation, supervision and
36 enforcement activities and functions performed by the commission.

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

41 "Sire Stakes" means the Sire Stakes Program established
42 pursuant to section 1 of P.L.1971, c.85 (C.5:5-91).

43 "Standardbred Drivers' Health and Welfare" means a health and
44 welfare trust established by the Standardbred Breeders' and Owners'
45 Association of New Jersey for the purpose of providing health and
46 welfare benefits to active, disabled and retired New Jersey
47 standardbred drivers and their dependents based upon reasonable
48 criteria by that organization.

1 "Takeout" means that portion of a wager which is deducted from
2 or not included in the parimutuel pool, and which is distributed
3 other than to persons placing wagers.

4 "Thoroughbred Breeders and Stallions" means the special trust
5 account created pursuant to section 46 b.(1)(e) of P.L.1940, c.17
6 (C.5:5-66).
7 (cf: P.L.2021, c.89, s.3)

8
9 **1[3.] 2.**¹ Section 4 of P.L.2001, c.199 (C.5:5-130) is amended
10 to read as follows:

11 4. a. The commission is authorized to issue a license to the
12 authority to permit off-track wagering at a specified facility, upon
13 application of the authority and in accordance with the provisions of
14 this act. A license issued pursuant to this act shall be valid for a
15 period of time to be determined by the commission, but for not less
16 than one year. Any such license that is valid on, or issued after, the
17 effective date of P.L. _____, c. _____ (pending before the Legislature
18 as this bill), shall renew automatically upon filing of the necessary
19 renewal forms with the commission, and payment of any renewal
20 fees required by the commission.

21 The commission shall issue a license pursuant to this subsection
22 only if the permit holder at Monmouth Park and the thoroughbred
23 and standardbred permit holders at Meadowlands Racetrack
24 schedule at least the minimum number of race dates required in
25 section 30 of this act, P.L.2001, c.199 (C.5:5-156), and it is
26 satisfied that the authority has entered into a participation
27 agreement with each and every other person, partnership,
28 association, corporation, or authority or the successor in interest to
29 such person, partnership, association, corporation or authority that:

30 (1) held a valid permit to hold or conduct a race horse meeting
31 within this State in the calendar year 2000;

32 (2) has complied with the terms of such permit; and

33 (3) is in good standing with the commission and the State of
34 New Jersey.

35 An off-track wagering license may not be transferred or assigned
36 to a successor in interest without the approval of the commission
37 and the Attorney General, which approval may not be unreasonably
38 withheld.

39 b. **1**(1) As part of the license application process, any **1** Any
40 participation agreement entered into for the purposes of subsection
41 a. of this section, or any modification to the agreement made
42 thereafter, shall be reviewed by the commission and the Attorney
43 General to determine whether the agreement meets the requirements
44 of this act and shall be subject to the approval of the commission
45 and the Attorney General. **1**Notwithstanding any other law, rule, or
46 regulation to the contrary, a permit holder subject to a participation
47 agreement entered into prior to the effective date of P.L.2011, c.26
48 shall have made progress since the signing of that agreement toward

1 establishing the permit holder's share of the 15 off-track wagering
2 facilities authorized pursuant to section 10 of P.L.2001, c.199
3 (C.5:5-136), provided that any facility that has not received a
4 license under section 7 of P.L.2001, c.199 (C.5:5-133) on the
5 effective date of this act, P.L.2011, c.205 shall be subject to a cash
6 deposit, a bond, or an irrevocable letter of credit to be posted or
7 deposited by the permit holder in the amount of \$1 million for each
8 facility in the permit holder's share that remains to be licensed,
9 which deposit shall be paid to the commission within 180 days of
10 the effective date of this act, P.L.2011, c.205. A permit holder
11 making a deposit or posting a bond, or irrevocable letter of credit,
12 in connection with one or more of the off-track wagering facilities
13 in the permit holder's share that remain to be established shall
14 obtain the license and make substantial progress in the
15 commission's judgment pursuant to the progress benchmarks issued
16 by the commission and the New Jersey Economic Development
17 Authority under subsection e. of this section toward establishing the
18 off-track wagering facility or facilities within one year of making
19 the deposit, or posting the bond, or irrevocable letter of credit, and
20 if so the deposit, bond, or irrevocable letter of credit shall be
21 returned to the permit holder at the end of the one-year period, or
22 the amount deposited or posted shall be forfeited and distributed by
23 the commission to the representative horsemen's organization in this
24 State for use in establishing an off-track wagering facility or
25 facilities under paragraph (2) of this subsection. Any facility that
26 has not been licensed on the effective date of this act, P.L.2011,
27 c.205, and for which a deposit, bond, or irrevocable letter of credit
28 is not made or posted, and any facility for which a deposit, bond, or
29 irrevocable letter of credit is made or posted which has not been
30 licensed and made progress toward establishment within one year of
31 making such deposit or posting the bond, or irrevocable letter of
32 credit, shall no longer be considered as part of the permit holder's
33 share, and shall be available to be established by a horsemen's
34 organization in this State as provided by paragraph (2) of this
35 subsection. However, if the commission finds that a permit holder
36 is making progress toward obtaining an off-track wagering license
37 and establishing an off-track wagering facility according to
38 specified benchmarks developed by the commission, the
39 commission may allow a permit holder to retain its share of the off-
40 track wagering facilities to be established, provided the permit
41 holder continues to make progress on an annual basis. For the
42 purposes of this section, a permit holder shall be deemed to have
43 made progress toward establishing its share of off-track wagering
44 facilities, and shall not be subject to a cash deposit or be required to
45 post a bond or irrevocable letter of credit as set forth in this section,
46 if it has entered into an agreement, in connection with good faith
47 negotiations over the sale or lease of a racetrack under the permit
48 holder's control, to transfer allocated off-track wagering licenses or

1 facilities to an individual or entity that is a bona fide prospective
2 purchaser or lessee, or has demonstrated to the satisfaction of the
3 Commission that the execution of such an agreement is imminent
4 based upon the portions of such an agreement agreed upon in
5 principle by the parties as evidenced by a memorandum of
6 understanding or similar accord, or has demonstrated to the
7 satisfaction of the commission that negotiations concerning such an
8 agreement have been unsuccessful and the permit holder has plans
9 for soliciting new sources of interest or entering into new
10 negotiations that, in the judgment of the commission, have a
11 reasonable likelihood of resulting in a successful conclusion.

12 (2) The commission is authorized to issue a license or licenses
13 to any horsemen's organization in this State, for the establishment
14 of one or more of the remaining off-track wagering facilities in
15 partnership with other horsemen's organizations in this State, the
16 authority, or private investors, in accordance with all applicable
17 provisions of the "Off-Track and Account Wagering Act,"
18 P.L.2001, c.199 (C.5:5-127 et seq.). Notwithstanding any provision
19 of this paragraph to the contrary, a representative standardbred
20 horsemen's organization shall have the right to establish the off-
21 track wagering facilities not established by the permit holder at
22 Freehold Raceway as provided under paragraph (1) of this
23 subsection, and to receive any deposit, bond, or irrevocable letter of
24 credit forfeited by that permit holder for the establishment of one or
25 more of those off-track wagering facilities, except that if a
26 representative standardbred horsemen's organization does not make
27 application therefor, or fails to make progress in establishing the
28 facility or facilities as provided herein, any amounts received shall
29 be returned as provided in this paragraph and the facility or
30 facilities shall be available to be established in accordance with
31 subsection c. of this section. A horsemen's organization shall make
32 progress on an annual basis in establishing an off-track wagering
33 facility from the date the organization is eligible to apply for an
34 initial license pursuant to this subsection, provided that any facility
35 that has not received a license under section 7 of P.L.2001, c.199
36 (C.5:5-133) within a reasonable timeframe from the date the
37 horsemen's organization became eligible to apply for its initial
38 license shall no longer be considered eligible to be established by a
39 horsemen's organization under this paragraph, and shall be available
40 to be established by a well-suited entity pursuant to subsection c. of
41 this section. When a horsemen's organization under this paragraph
42 has received the sum of \$1 million as provided under paragraph (1)
43 of this subsection, the horsemen's organization shall have one year
44 from the date the funds are allocated to it by the commission to
45 obtain a license and make substantial progress in establishing the
46 off-track wagering facility or facilities, provided that, if the
47 horsemen's organization fails to make progress within that year, in
48 the commission's judgment pursuant to the progress benchmarks

1 issued by the commission and the New Jersey Economic
2 Development Authority under subsection e. of this section, the
3 horsemen's organization shall be liable to return to the commission
4 the funds allocated to it in their entirety at the end of the one-year
5 period, and the commission shall return such funds to the permit
6 holder originally making the deposit, or posting the bond or
7 irrevocable letter of credit, to be used for capital improvements at
8 the permit holder's racetrack.】

9 c. 【With respect to any licenses that remain to be issued under
10 paragraph (2) of subsection b. of this section, the commission is
11 also authorized to issue a license to a well-suited entity to permit
12 off-track wagering at a specified facility, upon application of the
13 entity and in accordance with the provisions of this act and the
14 provisions of section 14 of P.L.1940, c.17 (C.5:5-34). A license
15 issued pursuant to this act shall be valid for a period of one year
16 and, if the licensed entity is not a permit holder in this State, the
17 license shall be contingent upon the licensee showing simulcast
18 New Jersey races and allowing wagering thereon at the off-track
19 wagering facility, subject to the rules and regulations of the
20 commission, and shall be issued only if the permit holders schedule
21 at least the minimum number of race dates required in section 30 of
22 P.L.2001, c.199 (C.5:5-156). In assessing the qualifications of an
23 entity to establish and conduct an off-track wagering facility, the
24 commission shall apply substantially similar standards and criteria
25 to those applied to the authority, its assignees, and other permit
26 holders and licensees in the State. These standards and criteria
27 shall enable the commission to determine by clear and convincing
28 evidence in the opinion of the commission that the person or
29 persons applying for licensure on behalf of the entity are well-suited
30 to receive licensure, and shall include, but may not be limited to:

31 (1) proof of financial resources sufficient to enable the entity to
32 establish and conduct a quality off-track wagering facility or
33 facilities with appropriately staffed and managed operations;

34 (2) evidence of good character, honesty, competency and
35 integrity;

36 (3) the absence of a conviction for a crime involving fraud,
37 dishonesty or moral turpitude; and

38 (4) any additional standards and criteria the commission may
39 establish by rule or regulation in accordance with this act.】

40 (Deleted by amendment, P.L. _____, c. _____) (pending before
41 the Legislature as this bill).

42 d. 【(1) The commission, in consultation with the State
43 Treasurer, shall develop a process by which the commission will
44 accept bids for each off-track wagering license to be awarded under
45 this act, P.L.2001, c.199. An off-track wagering licensee and an
46 entity interested in establishing an off-track wagering facility and
47 being licensed as an off-track wagering licensee shall be eligible to
48 submit a bid. The bidding process shall include procedures for the

1 establishment of a minimum bid threshold, for the selection of a
2 successful bidder and, when the successful bidder is not yet
3 licensed as an off-track wagering licensee, for the awarding of a bid
4 to that successful bidder subject to its eligibility to be licensed as an
5 off-track wagering licensee in compliance with the provisions of
6 this act, P.L.2001, c.199. As part of the bidding process, and in
7 addition to submitting a monetary bid, a bidder shall submit to the
8 commission a conceptual plan of the off-track wagering facility the
9 bidder intends to establish, which shall include, but may not be
10 limited to, a description of the proposed facility and the amenities it
11 would offer, and its proposed or intended location. In selecting a
12 successful bidder, the commission shall consider and balance the
13 following: (a) the monetary value of the bid in comparison to other
14 bids submitted; (b) the level of quality of the proposed facility and
15 amenities in striving to be a first-rate experience for the customer
16 that includes the provision of first-class dining facilities; (c) the
17 potential of the proposed facility and amenities to generate greater
18 interest in the horse racing industry and the sport of horse racing in
19 the State; and (d) the proximity of the bidder's proposed or intended
20 location for the off-track wagering facility and its impact on other
21 planned or existing off-track wagering facilities and racetracks in
22 the State. For the purposes of this act, P.L.2001, c.199, a successful
23 bid shall be conditional upon the successful bidder's compliance
24 with all the provisions of this act, P.L.2001, c.199, and the
25 applicable rules and regulations promulgated by the commission.

26 (2) The commission shall consider the amount of a successful
27 bid pursuant to paragraph (1) of this subsection as a license fee in
28 connection with the issuance of an initial license to an off-track
29 wagering facility licensee. The initial license fee need not be
30 uniform for all off-track wagering facility licenses, and may vary
31 depending on the results of the bidding process for each license.
32 The proceeds generated by the initial license fee shall be distributed
33 as follows: 50% to the New Jersey Thoroughbred Horsemen's
34 Association for programs designed to aid the horsemen, and 50% to
35 the Standardbred Breeders' and Owners' Association of New Jersey
36 for programs designed to aid the horsemen. ~~(Deleted by~~
37 ~~amendment, P.L. _____, c. _____) (pending before the~~
38 ~~Legislature as this bill).~~

39 e. ~~[The commission shall, in consultation with the New Jersey~~
40 ~~Economic Development Authority, develop progress benchmarks,~~
41 ~~within three months of the effective date of P.L.2011, c.26, for each~~
42 ~~off-track wagering licensee to follow for the timely and expeditious~~
43 ~~establishment of each off-track wagering facility. Such benchmarks~~
44 ~~shall provide that a permit holder shall be deemed to have made~~
45 ~~progress toward establishing its share of off-track wagering~~
46 ~~facilities if it has entered into an agreement, in connection with~~
47 ~~good faith negotiations over the sale or lease of a racetrack under~~
48 ~~the permit holder's control, to transfer allocated off-track wagering~~

1 licenses or facilities to an individual or entity that is a bona fide
2 prospective purchaser or lessee, or has demonstrated to the
3 satisfaction of the Commission that the execution of such an
4 agreement is imminent based upon the portions of such an
5 agreement agreed upon in principle by the parties as evidenced by a
6 memorandum of understanding or similar accord, or has
7 demonstrated to the satisfaction of the commission that negotiations
8 concerning such an agreement have been unsuccessful and the
9 permit holder has plans for soliciting new sources of interest or
10 entering into new negotiations that, in the judgment of the
11 commission, have a reasonable likelihood of resulting in a
12 successful conclusion. The failure of a licensee to meet the
13 benchmarks shall constitute a basis for the denial by the
14 commission of the renewal of the off-track wagering license, except
15 that the licensee shall have the right to appeal the commission's
16 decision.】 (Deleted by amendment, P.L. _____, c. _____) (pending
17 before the Legislature as this bill).

18 f. Nothing in P.L.2001, c.199 (C.5:5-127 et seq.) shall be
19 construed to limit the ability of a horsemen's organization to enter
20 into or enforce a participation agreement or any other partnership
21 agreement with a horse racing permit holder for the operation of an
22 off-track wagering facility pursuant to a valid license issued
23 pursuant to P.L.2001, c.199 (C.5:5-127 et seq.).

24 (cf: P.L.2011, c.205, s.1)

25

26 ¹【4.】 ¹3. Section 5 of P.L.2001, c.199 (C.5:5-131) is amended to
27 read as follows:

28 5. a. At the time of filing an application for an off-track wagering
29 license, the applicant shall submit to the commission a non-refundable
30 filing fee in an amount established by regulation by the commission,
31 and a certification in a form prescribed by the commission which
32 specifies, but is not limited to, the following information:

33 (1) a plan depicting the proposed facility and improvements
34 thereon, including information about the size, seating capacity, parking
35 and services to be provided at the facility;

36 (2) the location of the proposed facility, and relevant demographic
37 or other information concerning the municipality and surrounding area
38 where the proposed facility is to be located;

39 (3) the number of permanent and part-time jobs expected to be
40 created at the proposed facility, and gross revenues expected to be
41 generated by the facility;

42 (4) the fire evacuation plan for the proposed facility;

43 (5) the type of food and beverages available, which shall include
44 the provision of first-class dining facilities; and

45 (6) such other information as the commission may require.

46 b. The applicant shall file a separate application and certification
47 for each proposed off-track wagering facility.

1 c. The commission shall charge each off-track wagering licensee
2 **【an annual】** a reasonable fee in connection with the renewal of the off-
3 track wagering license, and shall establish by regulation procedures
4 and **【conditions】** forms necessary for renewal of licenses issued under
5 this act. The amount of the **【annual】** license renewal fee shall be used
6 by the commission to cover commission expenses associated with
7 implementation of the provisions of this act, P.L.2001, c.199, and shall
8 reasonably reflect those costs.

9 ¹The commission shall not establish or enforce any requirements
10 for the renewal of an off-track wagering license other than the
11 submission of the necessary forms and payment of a reasonable fee
12 established pursuant to this subsection.¹

13 d. The commission shall by regulation establish the maximum
14 hours of operation of off-track wagering facilities.

15 e. (1) Notwithstanding R.S.33:1-42, priority for the service of
16 alcoholic beverages for on-premise consumption at an off-track
17 wagering facility shall be given to a Class C plenary retail
18 consumption licensee, by an agreement or contract with the off-track
19 wagering licensee, pursuant to the provisions of R.S.33:1-1 et seq. in
20 accordance with such procedures as established by statute and by
21 regulation of the Division of Alcoholic Beverage Control. When a
22 Class C plenary retail consumption license or licensee is available in
23 the municipality, the authority shall not hold a license to provide
24 alcoholic beverages at an off-track wagering facility. However, when
25 a Class C plenary retail consumption licensee or license is not
26 available in the municipality, the Director of the Division of Alcoholic
27 Beverage Control shall issue a special concessionaire permit to the
28 authority for the provision of alcoholic beverages at the off-track
29 wagering facility and, if the off-track wagering license is held by an
30 off-track wagering licensee other than the authority, the director may
31 issue a non-transferable special license to provide alcoholic beverages
32 at the off-track wagering facility pursuant to paragraph (2) of this
33 subsection.

34 (2) The Director of the Division of Alcoholic Beverage Control
35 may issue one special license to an individual, corporation, or other
36 type of legal entity to serve alcoholic beverages at an off-track
37 wagering facility located in the municipality where a Class C plenary
38 retail consumption licensee was not available to provide alcoholic
39 beverages at the off-track wagering facility pursuant to paragraph (1)
40 of this subsection. The license shall authorize the sale of alcoholic
41 beverages for immediate consumption on the premises of the off-track
42 wagering facility. The director may issue not more than 15 licenses
43 pursuant to this paragraph. Furthermore, licenses issued pursuant to
44 this paragraph shall be subject to the following requirements:

45 (a) No person who would fail to qualify as a licensee under Title
46 33 of the Revised Statutes shall be permitted to hold an interest in a
47 special license under the provisions of this paragraph;

- 1 (b) Licenses shall be subject to the provisions of Title 33 of the
2 Revised Statutes and rules and regulations promulgated by the
3 director, to the extent those provisions are not inconsistent with the
4 provisions of this act;
- 5 (c) No license issued pursuant to this paragraph shall be
6 transferred to any other premises;
- 7 (d) Application for the initial issuance and renewal of each license
8 shall be made to the director on an annual basis. The fee for the initial
9 issuance of the license shall be the average sale price for the three
10 most recent sales of plenary retail consumption licenses in the
11 municipality where the license is being issued during the preceding
12 five years. If the off-track wagering facility is located within the
13 boundaries of two or more municipalities, the highest average sale
14 price of the two or more municipalities shall be used. If less than three
15 plenary retail consumption licenses have been sold in the municipality
16 or municipalities, as the case may be, within the previous five years,
17 the director shall obtain an appraisal, at the applicant's expense, to
18 determine the appropriate fee for the license. The appraisal process
19 shall include an examination of previous transactions in the
20 municipality or municipalities, as the case may be, and shall reflect
21 what a willing buyer, under no pressure to buy, would pay a willing
22 seller, under no pressure to sell, for a plenary retail consumption
23 license in that municipality or municipalities, as the case may be. One
24 half of the amount of the application fee for the initial issuance of the
25 license shall be paid upon the issuance of the license and the other half
26 of that amount shall be paid one year later. The director shall establish
27 an annual fee for the license which shall not exceed the fee which may
28 be imposed by a municipality for a plenary retail consumption license
29 pursuant to R.S.33:1-12, a portion of which shall be paid by the
30 director to the New Jersey Racing Commission for the funding of
31 horse breeding incentive programs;
- 32 (e) The fee for the initial issuance of the license shall be
33 distributed in the following manner:
- 34 (i) Twenty-five percent shall be paid to the municipality where the
35 off-track wagering facility is located and if the off-track wagering
36 facility is located within the boundaries of two or more municipalities,
37 the fee shall be divided equally among those municipalities;
- 38 (ii) Twenty-five percent shall be paid to the Director of the
39 Division of Alcoholic Beverage Control;
- 40 (iii) Fifty percent shall be paid to the New Jersey Racing
41 Commission for the funding of horse breeding incentive programs;
- 42 (f) The individual corporation or entity holding the license shall
43 not be entitled to sell a license issued pursuant to this paragraph, and
44 the license shall expire upon the closure of the off-track wagering
45 facility;
- 46 (g) The director shall not issue a special concessionaire permit for
47 any off-track wagering facility or premises which is eligible to obtain a

1 license to serve alcoholic beverages under the provisions of this
2 paragraph; and

3 (h) Pursuant to the "Administrative Procedure Act," P.L.1968,
4 c.410 (C.52:14B-1 et seq.), the director shall adopt rules and
5 regulations to effectuate the purposes of this paragraph.

6 (3) Nothing in this subsection shall be construed to allow the
7 Director of the Division of Alcoholic Beverage Control to issue a
8 special concessionaire permit or a special license described in
9 paragraph (2) of this subsection to the authority pursuant to this act,
10 P.L.2001, c.199, or to issue a special license to any individual,
11 corporation, or other type of legal entity to serve alcoholic beverages
12 in a municipality that prohibits the retail sale of alcoholic beverages
13 within its boundaries.

14 f. Persons under the age of 18 years shall not be permitted in any
15 off-track wagering facility, except in dining areas if accompanied by a
16 parent or guardian.

17 g. The commission shall by regulation establish minimum
18 standards for off-track wagering facilities **and** timelines for their
19 establishment and completion], including, but not limited to, standards
20 for quality, size, seating capacity, the provision of first-class dining
21 facilities, and parking and services to be provided **and**, as well as
22 expected dates of construction, renovations and opening]. The failure
23 of an off-track wagering licensee to meet these standards shall be
24 sufficient cause for the commission to revoke **and** or suspend **and**
25 refuse to renew] a license pursuant to the provisions of section 8 of
26 P.L.2001, c.199 (C.5:5-134).

27 h. Notwithstanding the provisions of any law, rule, or regulation
28 to the contrary, an off-track wagering facility shall be a permitted use
29 in all commercial and industrial districts of a municipality.

30 i. In evaluating an application for an off-track wagering license,
31 the commission shall consider the proximity of the applicant's
32 proposed site to other planned or existing off-track wagering facilities
33 and to racetracks in this State. If, in the opinion of the commission,
34 the establishment of the facility at its proposed location would be
35 inimical to the interests of another planned or established off-track
36 wagering facility, or to a State racetrack, the commission shall require
37 the applicant to consider alternative sites for the proposed facility.

38 (cf: P.L.2011, c.26, s.4)

39

40 ¹**[5.] 4.**¹ Section 8 of P.L.2001, c.199 (C.5:5-134) is amended to
41 read as follows:

42 8. a. The commission shall have full power to prescribe rules,
43 regulations and conditions under which all off-track wagering

1 licenses are issued **and renewed** in the State, including requiring
2 an annual audit of the off-track wagering licensee's books and
3 records pertaining to off-track wagering, and to revoke **,** or
4 suspend **or refuse to renew** a license if in the opinion of the
5 commission the revocation **of,** or suspension of **or refusal to**
6 **renew** such license is in the public interest; provided, however,
7 that such rules, regulations and conditions shall be uniform in their
8 application.

9 b. The commission shall have no right or power to determine
10 who shall be officers, directors or employees of any off-track
11 wagering facility, or the salaries thereof; provided, however, that
12 the commission may compel the discharge of any official or
13 employee of the licensee at the off-track wagering facility who: (1)
14 fails or refuses for any reason to comply with the rules or
15 regulations of the commission; (2) fails or refuses for any reason to
16 comply with any of the provisions of this act; (3) fails to establish
17 by clear and convincing evidence in the opinion of the commission
18 good character, honesty, competency and integrity; or (4) has been
19 convicted of a crime involving fraud, dishonesty or moral turpitude.
20 (cf: P.L.2001, c.199, s.8)

21

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

24 30. a. The permit holder at Monmouth Park and the
25 thoroughbred permit holder at Meadowlands Racetrack together
26 shall schedule annually no fewer than 141 thoroughbred race dates,
27 except that the thoroughbred permit holder may decrease the annual
28 number of scheduled thoroughbred race dates to no fewer than **[50]**
29 25 thoroughbred race dates upon written consent from the New
30 Jersey Thoroughbred Horsemen's Association.

31 b. The standardbred permit holder at Meadowlands Racetrack
32 shall schedule annually no fewer than 151 standardbred race dates,
33 except that the standardbred permit holder may decrease the annual
34 number of scheduled standardbred race dates to no fewer than 75
35 standardbred race dates upon written consent from the Standardbred
36 Breeders' and Owners' Association of New Jersey.

37 c. The permit holders at Freehold Raceway shall schedule
38 annually no fewer than 192 standardbred race dates, except that the
39 permit holders may decrease the annual number of scheduled race
40 dates to no fewer than 75 standardbred race dates upon written
41 consent from the Standardbred Breeders' and Owners' Association
42 of New Jersey.

43 d. (Deleted by amendment, P.L.2017, c.172)
44 (cf: P.L.2017, c.172, s.1)¹

45

46 ¹**[7.] 5.**¹ This act shall take effect immediately.