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RULE PROPOSALS

**AGRICULTURE
DIVISION OF MARKETING AND DEVELOPMENT**

47 N.J.R. 1280(a)

Proposed Readoption with Amendments: N.J.A.C. 2:32

[Click here to view Interested Persons Statement](#)

New Jersey Sire Stakes Program

Authorized By: New Jersey Sire Stakes Board of Trustees, Christopher Castens, Executive Director.

Authority: N.J.S.A. 5:5-91 et seq.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2015-032.

Submit written comments by August 14, 2015, to:

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or

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The agency proposal follows:

Summary

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 2:32, New Jersey Sire Stake Program rules, were scheduled to expire on February 27, 2015. The New Jersey Sire Stakes Board of Trustees (Board) has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Since this notice of rules proposed for re-adoption with amendments has been filed with the Office of Administrative Law prior to February 27, 2015, the expiration date of this chapter is extended 180 days to August 26, 2015, pursuant to N.J.S.A. 52:14B-5.1.c(2).

Pursuant to N.J.S.A. 5:5-91 et seq., N.J.A.C. 2:32 establishes the conditions for the operation of and participation in the New Jersey Sire Stakes Program (Program). The Program was established by law in 1971 to encourage the breeding of Standardbred horses, the trotters and pacers familiar to harness-racing fans. Because the program offers substantial purses for winning Standardbreds sired by registered New Jersey stallions, it has provided stallion owners an incentive to locate their stallions and horse farms in New Jersey. As a result, the Program has been instrumental in maintaining more than 100,000 acres of scenic open space around the State. Standardbreds remain the largest segment of New Jersey's horse population. The Program is currently worth in excess of \$ 2 million. The program is funded by a small percentage of the Premier handle (wagering) at the two commercial harness tracks (the Meadowlands and Freehold Raceway) and by payments made by Standardbred owners. The Program provides at least seven races a year for each division.

The New Jersey Sire Stakes Board of Trustees solicits suggestions for proposed changes from various groups of horsemen who participate in the Program. The Board considers the various suggestions, including concerns of their own and suggestions by staff, and adopts changes when necessary. The re-adoption of rules establishing conditions for participation is necessary for the continued operation of the Sire Stakes Program. The Program conditions are widely distributed among the participants and are reproduced in several industry publications. The conditions relate to standing of stallions, nomination of yearlings, sustaining payments, and the racing of New Jersey-sired horses at New Jersey tracks. They have provided definitive guidelines for the operation of the Sire Stakes Program for the past four decades and have operated well during that period.

Subchapter 1, General Provisions, covers the general provisions of the Sire Stakes Program with amendments summarized below.

Subchapter 2, New Jersey Sire Stakes Conditions, establishes the conditions for the operation of and participation in the New Jersey Sire Stakes Program.

N.J.A.C. 2:32-2.1, Adoption of by-laws, provides the by-laws for the Sire Stakes Program Board of Trustees, which establish eligibility, administration, funds, disbursements, and eligible tracks.

N.J.A.C. 2:32-2.2, Qualifying standards, provides specific eligibility standards for foals.

N.J.A.C. 2:32-2.3, Requirements for Sire Stakes stallions, provides registration, ownership, and eligibility requirements.

N.J.A.C. 2:32-2.4, Stallion standing full season, provides eligibility and limits with proposed amendments summarized below.

N.J.A.C. 2:32-2.5, List of mares bred, provides reporting requirements.

N.J.A.C. 2:32-2.6, Fund policy, provides for purse allocation, amount, and fees, with proposed amendments summarized below.

N.J.A.C. 2:32-2.7, Transfer of race, provides authority for race changes as and if necessary.

N.J.A.C. 2:32-2.9, Yearling nominations, provides for yearling registration and fees with proposed amendments summarized below.

N.J.A.C. 2:32-2.10, Sustaining fees, provides fee amounts and schedule with proposed amendments summarized below.

N.J.A.C. 2:32-2.11, Payment dates, provides the sustaining payments schedule.

N.J.A.C. 2:32-2.12, Eligibility, provides three-year-old eligibility requirements with proposed amendments summarized below.

N.J.A.C. 2:32-2.13, Dishonored checks, provides for payment and eligibility consequences.

N.J.A.C. 2:32-2.14, No cash or partial payments, provides allowable payments for nominating, sustaining, and entry fees.

N.J.A.C. 2:32-2.15, Refunds, provides requirements for refund requests.

N.J.A.C. 2:32-2.16, Time of declaration, disallows late entries and sets required time.

N.J.A.C. 2:32-2.18, Name change notification, requires notice of name and/or gait change and time of notice.

N.J.A.C. 2:32-2.19, Entry fee deadlines, provides time of payment and limits refund.

N.J.A.C. 2:32-2.20, Entry fees, provides entry fee amounts.

N.J.A.C. 2:32-2.21, Purse distribution, provides distribution method with proposed amendments summarized below.

[page=1281] N.J.A.C. 2:32-2.22, Qualifying standards, requires starters to meet track standards and be eligible at time of entry.

N.J.A.C. 2:32-2.23, Splitting races, allows Board adoption of a division racing method.

N.J.A.C. 2:32-2.24, Number of starters, gives judges discretion in first tier with proposed amendments summarized below.

N.J.A.C. 2:32-2.26, Splitting and carrying over divisions, addresses purse share with proposed amendments summarized below.

N.J.A.C. 2:32-2.27, Final races, provides schedule and points awards process with proposed amendments summarized below.

N.J.A.C. 2:32-2.28, Separate Green Acres Division, provides for payment schedule with proposed amendments summarized below.

N.J.A.C. 2:32-2.30, Broadcasting revenues, provides assignment to the Board for purses.

N.J.A.C. 2:32-3.1 through 3.6 address appeals rights, nature of proceedings, costs, and handling of appeals from decisions of supervising race secretary and/or actions or inactions of the Board of Trustees.

Proposed Amendments

The proposed amendments to N.J.A.C. 2:32-1.1 make clear that it is the most recent (2014) United States Trotting Association's Guide for Stakes and Futurities that has been adopted and incorporated by reference by the Board. This document establishes the rules for eligibility and participation for stakes races for standard bred horses in North America.

The proposed amendment to N.J.A.C. 2:32-2.2 would permit foals conceived by frozen semen of a resident New Jersey Sire Stakes stallion meeting the requirements of N.J.A.C. 2:32-2.3(a) to be eligible for nomination to the New Jersey Sire Stakes if the dam of said foal resides outside of the North American continent at the time she is impregnated. The Board recognizes that in recent years the stallions that have been attracted to New Jersey have been primarily trotters who have developed a great degree of interest among European breeders. The Board believes that this change may attract more yearlings to nominate to the program that would not otherwise have been eligible. The change should also encourage more owners of horses to stand stallions in New Jersey, as well. The proposed amendment to N.J.A.C. 2:32-2.4 would permit horses to concurrently race and serve as stallions if they have been granted special permission and limited to breeding or collection of semen on a farm within New Jersey and supervised by a responsible party and certified in writing by a New Jersey licensed veterinarian. Previously, horses were not allowed to race during a breeding season without special permission granted by the Sire Stakes Board of Trustees. The Program believes that this may encourage more owners of horses to stand them as stallions in New Jersey, thus increasing the amount of participation.

N.J.A.C. 2:32-2.2(b) and 2.4 have been further proposed to be amended to allow for frozen semen to be used in the event that a stallion should die during a breeding season. Previously, freezing of semen would have rendered a resulting foal ineligible to participate in the New Jersey Sire Stakes program. This, too, should allow for additional participation in the Program should a stallion die unexpectedly during the breeding season. The frozen semen could only be utilized for the remainder of the breeding season after the stallion's death and not in subsequent years.

Also in Subchapter 2, the proposed amendment to N.J.A.C. 2:32-2.6 sets forth changes to the manner in which monies are divided among the various age groups competing in the New Jersey Sire Stakes by removing fixed percentages in favor of sound discretion applying a ratio related to participating percentages necessary to promote fairness in allocation and the best interests of the program and includes reference to the Standardbred Development Fund program which is now also administered by the New Jersey Sire Stakes. Specifically, N.J.A.C. 2:32-2.6 sets forth the fund policy with regard to how purse money for the two-year-old and three-year-old Premier divisions shall be allocated. The proposed amendments provide that for foals nominated to the New Jersey Sire Stakes Premier division in 2014 and thereafter, purses shall be determined each year by the Board of Trustees of the New Jersey Sire Stakes. With increased competition for stallions from other states, it is difficult to predict from year-to-year the composition of the stallion roster in the State. This rule change would allow the Trustees greater flexibility in addressing those changes depending upon the number of stallion registered in a particular year.

N.J.A.C. 2:32-2.9 sets forth the deadline for nominating horses to the Premier Division, the Green Acres Division, and the newly-enacted Standardbred Development Fund. Due to the lack of participation in the Green Acres program in recent years, the Board of Trustees has elected to suspend the Green Acres series beginning with foals of 2014 and will offer in its place the Standardbred Development Fund series. The Standardbred Development Fund should attract more horses to the program than the Green Acres did and should increase participation in the races. This section also provides for a slight increase in the fees for supplemental nominations of yearlings from \$ 250.00 to \$ 300.00 for delinquent yearling nomination fees paid after May 15, but before September 15 of the yearling year. The fees are further amended to increase from \$ 550.00 to \$ 650.00 for nominations received after September 15, but "on or" before February 15 of the two-year-old year. For either of these late fees, when owed, the original nomination fee is also still due. The additional \$ 500.00 fee to supplement to Lou Babic Open Pace or \$ 400.00 for the Lou Babic Filly division by February 15 of the two-year-old year, which will offset increased costs in connection with processing these subsequent nominations remains unchanged.

N.J.A.C. 2:32-2.10 has been proposed to be amended to rename the Pari-Mutuel Division the Premier Division and to modify the sustaining fee schedule for maintaining eligibility in the Sire Stakes Program. The sustaining fees are

proposed to be decreased from \$ 350.00 and \$ 550.00 for two-year-olds and \$ 400.00 and \$ 600.00 for three-year-olds to \$ 300.00 and \$ 500.00 for both age groups. By reducing the sustaining fees, it is anticipated that more horses will sustain to the program which would result in greater participation in the actual races.

N.J.A.C. 2:32-2.21 is proposed for amendment to alter the distribution of purse money in certain cases where less than five horses enter a race.

N.J.A.C. 2:32-2.24 eliminates the reference to "Pari-mutuel and Fair" Sire Stakes races. Since the Sire Stakes no longer conducts "Fair Races" the distinction is no longer necessary.

N.J.A.C. 2:32-2.26 would require the New Jersey Sire Stakes Board of Trustees to establish the purse in the event that a Sire Stakes event is split into more than one division. Because the Sire Stakes budget is predicated on racetrack handle and the number of horses participating in the program this proposed change would provide greater flexibility in handling changing economic circumstances; however, each division shall race for an equal share of the total purse.

N.J.A.C. 2:32-2.27 represents a clarification of the term "Pari-mutuel Division." At one time the Sire Stakes conducted series of races at both pari-mutuel tracks and at remote fair locations that had no wagering capability. More than ten years ago, the fair races were discontinued and all races were conducted at pari-mutuel wagering facilities. The term "Pari-mutuel Division" became confusing to patrons and that series began to be marketed as the "Premier Division." The proposed amendments in this section reflect said change, as well as minor technical amendments to relocate language for better flow and correct typographical errors.

N.J.A.C. 2:32-2.28 makes reference to a Separate Green Acres Division and outlines the rules for crossing over between Green Acres races and pari-mutuel (Premier) races. At the time this rule was last readopted, the Sire Stakes conducted concurrent series. The Pari-mutuel series, now the Premier series, is no longer conducted at Freehold Raceway and thus there is no longer a temporal conflict to be concerned with. Accordingly, an amendment is proposed to delete language prohibiting horses from competing in Pari-mutuel events and concurrent Green Acres events. Another amendment is proposed to add that a separate Green Acres Division may be conducted and establishes that horses that earn in excess of \$ 25,000 in purse money in the Premier Division races in a particular year shall be ineligible to enter Green Acres Division races in that year. It is anticipated that the Green Acres Division will be suspended beginning with the foal crop of 2014. As a consequence of this realignment of the divisions the proposed amendment deletes previous timing and eligibility requirements that no longer apply.

As the Board has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

[page=1282] **Social Impact**

The impact of the rules proposed for readoption with amendments governing the Sire Stakes Program is primarily limited to the participants in the Sire Stakes Program. Currently, there are approximately 1,500 participants. While the social effects of the Sire Stakes rules have had a limited impact on the general public during their existence, the social impact of the rules proposed for readoption with amendments will be beneficial to the public insofar as they aid in the Program's ability to assist in preserving New Jersey's open spaces and farmland. Encouraging horses to participate in the Sire Stakes Program, regardless of whether they are based at a racetrack or training center in the State, means that more farms are required to board horses when they come to New Jersey, which means an increase in open space for the State. The Board does not anticipate that the rules proposed for readoption with amendments will have an adverse effect on any of the Program's participants or the general public.

Economic Impact

The Board anticipates that the rules proposed for readoption with amendments will have a positive economic

impact on the Program's participants and the many small businesses that comprise the equine industry. The New Jersey Sire Stakes Program is currently worth in excess of \$ 2 million. The Program is funded by a small percentage of the Pari-Mutuel handle (wagering) at the two commercial harness tracks (the Meadowlands and Freehold Raceway) and by payments made by Standardbred owners. Expanding the Program to accommodate the Standardbred Development Fund should result in an increase in the number of horses participating in the Program, thus allowing New Jersey to maintain a competitive edge with the programs from other jurisdictions. An increase in the number of horses that are eligible for the Program will also result in a greater dollar amount to be distributed to the Program's participants.

The reduction in sustaining fees for the Premier division and the further limitation on participating in both a Green Acres series and a Premier series should also result in an increase in the number of horses participating in the Program, as well as providing a savings to the owners of horses participating in the series. Such savings will most likely be placed into investments in additional horses, training facilities, and supplies.

Federal Standards Statement

Executive Order No. 27 (1994) and P.L. 1995, c. 65 require State agencies that adopt, readopt, or amend State regulations that exceed any Federal standards or requirements to include in the rulemaking document a comparison with Federal law. A Federal standards analysis is not required because the regulation of the Sire Stakes Program is dictated by the Sire Stakes Program Establishment Act, N.J.S.A. 5:5-91 et seq., and is not subject to any Federal requirements or standards.

Jobs Impact

The Board does not anticipate that the rules proposed for readoption or the proposed amendments will result in the generation or loss of jobs in the State.

Agriculture Industry Impact

The Sire Stakes Program, through its conditions, has had a positive impact on the agriculture community in New Jersey. The largest breed of horses in New Jersey is the standardbred, numbering over 10,000. The Program greatly contributes to open space and farmland preservation as it has attracted to the State a large Standardbred population, which is highly dependent on the Sire Stakes Program. It is anticipated that the rules proposed for readoption with amendments will have a positive impact on the agriculture industry in New Jersey for the reasons set forth in the Summary, Social, and Economic Impact statements above.

Regulatory Flexibility Analysis

Many of the participants in the New Jersey Sire Stakes Program are small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. Therefore, a regulatory flexibility analysis is appropriate. The purpose of the Sire Stakes Program is to provide competition for New Jersey-sired Standardbred horses that is sufficiently challenging to improve the breed, sufficiently open to encourage maximum participation, and provide economic incentives of sufficient magnitude to make participation worthwhile. The number of small businesses, approximately 4,500, that participate in the Program, has remained relatively stable each year. The Sire Stakes Board of Trustees believes that the Program is beneficial to such businesses.

The requirements imposed under the rules proposed for readoption with amendments are described in the Summary above. The proposed amendments include language that assures that all participants in the Sire Stakes Program are fairly and equitably treated regardless of the size of their business. Costs that may result from the amendments are discussed in the Economic Impact, above. Therefore, the rules are not considered such a burden to the participating small businesses as to require a separate standard based on business size. Further, in the interest of competitive fairness and to maintain the integrity of the Program, no differing standards based on business size are offered. The proposed

amendments do not require any additional reporting or recordkeeping, nor do they require participating businesses to incur any additional expenses for any professional services or capital expenditures in order to comply.

Housing Affordability Impact Analysis

The rules proposed for readoption with amendments will have an insignificant impact on affordable housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the rules proposed for readoption with amendments provide for establishment, eligibility, and administration of a horse breeding and racing program within New Jersey.

Smart Growth Development Impact Analysis

The rules proposed for readoption with amendments will have an insignificant impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan in New Jersey, because the rules proposed for readoption with amendments provide for establishment, eligibility, and administration of a horse breeding and racing program within New Jersey.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 2:32.

Full text of the proposed amendments follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. SIRE STAKES PROGRAM

2:32-1.1 General provisions

(a) The Sire Stakes Program [hereby adopts and] incorporates **herein** by reference, as amended and supplemented, the [2007] **2014** United States Trotting Association's Racing Guide for Stakes and Futurities [as amended and supplemented]. Copies of the most current regulations may be procured online at [<http://www.ustrotting.com/pdf/USTARuleBook06.pdf>] <http://www.ustrotting.com/pdf/USTARuleBook14.pdf> and are available for inspection by contacting the Division of Marketing and Development, New Jersey Department of Agriculture, Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.

(b) All rules utilized by the New Jersey Department of Agriculture in the Administration of the Sire Stakes Program shall conform to the United States Trotting Association's Racing Guide for Stakes and Futurities.

SUBCHAPTER 2. NEW JERSEY SIRE STAKES CONDITIONS

2:32-2.2 Qualifying standards

(a) (No change.)

(b) A foal that meets the criteria of (a) above, conceived using frozen semen or ovum/embryo transplant, may be eligible for nomination to the Sire Stakes Program (Program), provided all other registration requirements are met as set forth under Rule 26 of the United States Trotting Association's Rules and Regulations (available at <http://www.ustrotting.com/pdf/USTARuleBook14.pdf> or by contacting the Program at the Division of Marketing and [page=1283] Development, New Jersey Department of Agriculture, Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey), as follows:

1. [A] Beginning with the 2010 breeding season and for foals of 2011 and thereafter, a foal conceived by semen[, which] that has been frozen, [or by embryo transplant, shall not be eligible for nomination to the New Jersey Sire Stakes Program. Provided, however, a foal that meets the criteria of (a) above, and which is the result of a breeding which occurs after] if:

i. The dam of said foal resides outside of the North American continent at the time she is impregnated; or

ii. The requirements of N.J.A.C. 2:32-2.4(d) have been met.

2. After January 1, 2006, a foal conceived through embryo/ovum transplant, [shall be eligible to the New Jersey Sire Stakes,] if the following conditions have been met:

[1.] **i.** (No change in text.)

[2.] **ii.** Only a donor mare's first born embryo/ovum transplant foal each year will be eligible for registration; **and**

[3.] **iii.** The donor mare is at least two years of age or older at the time of the embryo/ovum transplant[; and] .

[4. All other registration requirements are met as set forth under Rule 26 of the United States Trotting Association's Rules and Regulations. The United States Trotting Association's Rules and Regulations are available at <http://www.ustrotting.com/pdf/USTARuleBook06.pdf> or by contacting the Program at the Division of Marketing and Development, New Jersey Department of Agriculture, Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey.]

2:32-2.4 Stallion standing full season

(a) (No change.)

(b) A stallion shall not race during a breeding season for which he is registered as a Sire Stakes stallion, except in accordance with special permission granted by the New Jersey Sire Stakes Board of Trustees. The Sire Stakes Board of Trustees may grant permission to compete in any stakes or invitational events only to a first year Sire Stakes stallion whose participation the Board of Trustees determines to be important to the betterment of the Sire Stakes Program. The granting of special permission to race pursuant to this section shall not relieve any stallion from the requirements of (a) [or (b)] above **or this subsection**, except that any stallion granted such special permission shall not be required to be on the farm on which he is registered to stand until March 1 of the breeding season. **In order to be eligible, any stallion granted special permission to continue racing may only breed or have semen collected on a farm within the boundaries of the State of New Jersey. Any semen collection of such a stallion must be supervised by a responsible party and then certified to in writing by a veterinarian licensed to practice in the State of New Jersey. A stallion's semen that is gathered outside of the State of New Jersey cannot be used to breed foals that are eligible to be nominated to the New Jersey Sire Stakes Program. Stallions that are registered in any jurisdiction other than the State of New Jersey shall be automatically disqualified from participation in the New Jersey Sire Stakes Program and any foals resulting from breedings to said stallions shall be ineligible to participate in the New Jersey Sire Stakes Program.**

(c) (No change.)

(d) In the event that a stallion based in New Jersey dies during a breeding season, frozen semen of the deceased stallion may be used to establish and maintain the eligibility of his foals for the Sire Stakes Program; however, no foal conceived after the July 1 immediately succeeding the stallion's death shall be eligible for registration.

2:32-2.6 Fund policy

(a) After consideration of the Green Acres Division **and/or the Standardbred Development Fund** portion of the Sire Stakes purse money and special event money is made, the [Pari-mutuel] **Premier** Division of the Sire Stakes purse money will be allocated as determined by the Board of Trustees.

(b) All Sire Stakes purse moneys[,] **shall be determined each year by the Board of Trustees of the New Jersey Sire Stakes**, [excluding fees, are to be divided as closely as possible to 40 percent to trotters and 60 percent to pacers. Beginning with foals nominated in 2006 and later, however, purses shall be divided as nearly as possible according to the proportion of all nominations received for a specific gait, either trotting or pacing, to the total number of yearling nominations received in a given year] **taking into account the participating percentage of trotters and pacers and applying a ratio to accommodate the numbers as necessary to preserve fairness in allocation on a case-by-case basis and to operate in the best interests of the program until such time as the reliability of a stated ratio can be demonstrated.**

(c)-(d) (No change.)

2:32-2.9 Yearling nominations

(a) All yearlings to be nominated to the Sire Stakes Program must be registered with the United States Trotting Association or any Standardbred Registry recognized by the United States Trotting Association and must hold a certificate of registration dated on or before the time of nomination.

1. Nominations of yearlings to the [Pari-Mutuel] **Premier** and Green Acres [Division] **divisions** shall be received along with the nomination fee payment, by [this] **the** office of the New Jersey Sire Stakes, not later than May 15 of each yearling year or, if May 15 falls on a Saturday, Sunday, or a holiday, on the next business day following that date. Nominations received after the closing date will not be accepted.

2. The yearling nomination fee for the foals of mares resident or bred while in the State of New Jersey shall be \$ 50.00 provided that a copy of the United States Trotting Association certificate of registration or a certificate of registration from a Standardbred Registry body recognized by the United States Trotting Association accompanies the yearling nomination form. An additional \$ 25.00 processing fee shall be due if the copy of the United States Trotting Association certificate of registration or a certificate of registration from a Standardbred Registry body recognized by a United States Trotting Association is not submitted. The nomination fee for those yearlings otherwise meeting all Sire Stakes eligibility requirements of [these rules] **this chapter**, but which were foaled as a result of the interstate transportation of the fresh semen of a registered New Jersey stallion, shall be \$ 250.00 if accompanied by a certificate of registration or a copy of a certificate of registration from the United States Trotting Association or from a Standardbred Registry Body recognized by the United States Trotting Association. An additional \$ 25.00 processing fee shall be due if said certificate of registration is not submitted. Payment of the nomination fee covers nomination to both the Green Acres and [Pari-Mutuel] **Premier** divisions. Thereafter, each division will have separate sustaining payments. Nomination payments are to be made to the New Jersey Sire Stakes, PO Box [34400] **330**, [Newark] **Trenton**, NJ [07189-4400] **08625**.

3. (No change.)

4. Supplemental nominations may be made to the New Jersey Sire Stakes commencing with foals of 1991. Parties delinquent in paying the May 15 yearling nomination fee date are given until September 15 of the yearling year to fulfill the aforementioned conditions of nomination and pay the nomination fee along with an additional late fee of [\$ 250.00] **\$ 300.00**. For nominations received after September 15 but **on or** before February 15 of the two-year-old year, the cost will be [\$ 550.00] **\$ 650.00** in addition to the original nomination fee. An additional \$ 500.00 is required to supplement

the Lou Babic Open Pace or \$ 400.00 for the Lou Babic Filly division by February 15 of the two-year-old year.

2:32-2.10 Sustaining fees

The sustaining fee schedule will be as follows:

[PARI-MUTUEL] **PREMIER DIVISION**

Age	First Sustaining Fee	Second Sustaining Fee
2	[\$ 350.00] \$ 300.00 (Feb. 15)	[\$ 550.00] \$ 500.00 (Apr. 15)
3	[\$ 400.00] \$ 300.00 (Feb. 15)	[\$ 650.00] \$ 500.00 (Apr. 15)

GREEN ACRES DIVISION

(No change.)

[page=1284] LOU BABIC MEMORIAL PACE

(No change.)

2:32-2.21 Purse distribution

(a) The purse will be distributed as follows:

1. (No change.)
2. [50-25-15-10] **55-25-12-8** if only 4 starters
3. [60-30-10] **60-28-12** if only 3 starters
- 4.-5. (No change.)

2:32-2.24 Number of starters

In all [Pari-mutuel and Fair] Sire Stakes races, the number of starters permitted in the first tier shall be at the discretion

of the judges. No more than two trailers will be permitted in the second tier. However, no trailers shall be permitted in the races designated as finals.

2:32-2.26 Splitting and carrying over divisions

In the event a Sire Stakes event is split into divisions, [the] **such** Sire Stakes event shall be divided and **the purse money for each division shall be established at the discretion of the Board of Trustees of the New Jersey Sire Stakes, however** each division shall race for an equal share of the total purse. [All Sire Stakes events shall be advertised, "added, divided."] In the event that a [Pari-mutuel] **Premier** event splits into more than three divisions, one or more of the divisions in excess of three may be carried over to the following racing day.

2:32-2.27 Final races

(a) There will be a [two-and] **two- and** three-year old ["final"] "**Final**" race in each [Pari-mutuel] **Premier** Division at the [Pari-mutuel] **pari-mutuel** raceways as scheduled by the New Jersey Sire Stakes Board of Trustees. There will be a Green Acres **series** "Final" race in each Division for two-and three-year-olds.

(b) Consolation races may be scheduled at the option of the track[s] and shall be conducted under track rules. Horses eligible to race in the final events must race in the finals and not in the consolation events.

[(b)] (c) Each [Pari-mutuel] **Premier** Final will have a \$ 1,500 entry fee at The Meadowlands and [a \$ 1,000 entry fee at Freehold Raceway and] is open to the highest New Jersey Sire Stakes point winners [at The Meadowlands or Freehold Raceway] **in the series** that are declared in and can be drawn to a post position in the first tier. [Trailers are not permitted to start in any New Jersey Sire Stakes Finals.] Each Green Acres Final [shall] **will** have a \$ 500.00 entry fee and is open to the highest New Jersey Sire Stakes Green Acres point earners that are declared in and can be drawn to post in the first tier. **Trailers are not permitted to start in any New Jersey Sire Stakes Finals.**

[(c)] (d) All horses competing in both the [Pari-mutuel] **Premier** and Green Acres Finals at all tracks will be determined on a point basis. **A horse must start and finish a heat in order to earn points.** The point value will be awarded as follows:

1.-8. (No change.)

9. One point for placing ninth, 10th, 11th, or 12th in a heat.

[(d)] (e) In the event of less than five starters, the points [will] **shall** be awarded in the same fashion as the purse breakdown with less than five starters as in N.J.A.C. 2:32-2.21.

[(e)] (f) In the event of a dead heat for any position in a New Jersey Sire Stakes race, the points shall be split evenly between the **two** horses, [involved] as is currently done with the purse moneys.

Recodify existing (f)-(h) as (g)-(i) (No change in text.)

[(i)] (j) Total points accumulated towards Final Race eligibility in the [Pari-mutuel] **Premier** Division shall include only [Pari-mutuel] **Premier** Division points. Only Green Acres Division race points count toward the Green Acres Final eligibility.

2:32-2.28 Separate Green Acres Division

A separate New Jersey Sire Stakes Green Acres Division[']s **with a** separate payment schedule [is set forth in N.J.A.C.

2:32-2.10 and 2.20. Horses starting in a New Jersey Sire Stakes Pari-mutuel event cannot race in a New Jersey Sire Stakes Green Acres event within seven days of that New Jersey Sire Stakes Pari-mutuel event. Horses starting in a New Jersey Sire Stakes Green Acres event cannot race in a New Jersey Sire Stakes Pari-mutuel event within seven days of that New Jersey Sire Stakes Green Acres event except after the New Jersey Sire Stakes Green Acres Finals have been completed. At tracks where both New Jersey Sire Stakes Pari-mutuel and Green Acres divisions are contested, horses starting in a specific numbered leg of a Pari-mutuel division cannot race in the same numbered leg of the Green Acres division. Horses starting in a specific numbered leg of a Green Acres division cannot race in the same numbered leg of the Pari-mutuel division. In the event that one division has more legs than another division, competing in the last leg or final of a division shall disqualify the horse from competing in the corresponding leg and all subsequent legs and final of the other division.] **may be in force. Horses that earn in excess of \$ 25,000 in purse monies in the Premier Division races in a particular year shall be ineligible to enter races in the Green Acres Division that year.**