

# RULE PROPOSALS

## INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

## AGRICULTURE

### (a)

#### DIVISION OF MARKETING AND DEVELOPMENT

#### New Jersey Sire Stakes Program

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

Authorized By: New Jersey Sire Stakes Board of Trustees, Michael Gulotta, Chair.

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

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

Proposal Number: PRN 2022-062.

Submit written comments by July 15, 2022, to:

[pr-markets@ag.nj.gov](mailto:pr-markets@ag.nj.gov)

or

Lynn Mathews, New Jersey Sire Stakes Program  
Department of Agriculture, Division of Markets  
PO Box 330  
Trenton, NJ 08625-0330  
(609) 913-6514

The agency proposal follows:

#### Summary

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" or "Sire Stakes 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 approximately four million dollars. The Sire Stakes Program is funded by a small percentage of the pari-mutuel handle (wagering) at the two commercial harness tracks (the Meadowlands and Freehold Raceway), by payments made by standardbred owners, by legislative appropriation, and by raceway contributions.

The New Jersey Sire Stakes Board of Trustees ("Board" or "Board of Trustees") solicits suggestions for proposed amendments 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 proposes and then adopts amendments, when necessary. The readoption 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 the standing of stallions, nomination of yearlings, sustaining payments, and the racing of New Jersey-sired horses at New Jersey tracks. The rules have provided definitive guidelines for the operation of the Sire Stakes Program for the past five decades and have operated well during that period.

N.J.A.C. 2:32 was scheduled to expire on April 5, 2022, pursuant to N.J.S.A. 52:14B-5.1.c. The Department of Agriculture (Department) determined the rules remain necessary, reasonable, and proper for their original purposes, as changed over time, pursuant to Executive Order No. 66 (1978). As the Department filed this notice of readoption with the Office of Administrative Law on that date, the expiration date is extended 180 days to October 1, 2022, pursuant to N.J.S.A. 52:14B-5.1.c(1).

Subchapter 1, Sire Stakes Program, covers the general provisions of the Sire Stakes Program.

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.

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.

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.

N.J.A.C. 2:32-2.10, Sustaining fees, provides fee amounts and schedule.

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.

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 the 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.

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.

N.J.A.C. 2:32-2.26, Splitting and carrying over divisions, addresses purse share.

N.J.A.C. 2:32-2.27, Final races, provides schedule and points awards process.

N.J.A.C. 2:32-2.28, Separate Standardbred Development Fund Division, provides for payment.

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

Subchapter 3, Appeals, 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

Proposed amendments at N.J.A.C. 2:32-1.1 include updated contact information for the New Jersey Department of Agriculture and provides the link to the current (2021) U.S. Trotting Association (USTA) Rule Book online.

Proposed amendments at N.J.A.C. 2:32-2.2 remove language concerning the year 2002, which is no longer applicable. A provision that required breeding to occur on a New Jersey farm has been removed. A provision at subsection (b) that addresses embryo/ovum transplants has been rewritten for clarity and with no substantive change.

Proposed amendments at N.J.A.C. 2:32-2.3 delete subsection (c), which included registration requirements for dual hemisphere stallions because registration of dual hemisphere stallions is no longer necessary. Recodified subsection (d) clarifies that all stallions properly registered with Sire Stakes are eligible for all races associated with this chapter. A list of specific races has been removed because some no longer exist and the provision states that the remaining races are also subject to cancellation or having their names changed. In addition, the section heading is amended for uniformity with other Department rules and to change the date by which the required veterinary inspection must be completed and by which that certificate and other documentation must be submitted to the Standardbred Breeders and Owners Association of New Jersey (SBOA-NJ).

Proposed amendments at N.J.A.C. 2:32-2.4 change the date at subsection (a) by which a stallion must be present on the farm in New Jersey on which he is registered to stand to conform to the dates published by SBOA-NJ. A further amendment removes a restriction at subsection (b) that a stallion used for breeding can only race in the same season if special permission is granted by the Board of Trustees. Such a stallion will now be eligible without special permission. Subsection (b) will now also require that semen must be available for pickup where the stallion is registered, which is necessary for the efficiency of the Program.

Proposed amendments at N.J.A.C. 2:32-2.5 eliminate the requirement for a stallion owner to supply a list of mares bred on a weekly basis during the breeding season because that frequency is not needed.

Proposed amendments at N.J.A.C. 2:32-2.6 provide flexibility to the Board of Trustees of the New Jersey Sire Stakes Program in its determination of Sire Stakes purse moneys. In addition, reference to the Green Acres Division has been removed because the Green Acres Division has been renamed the Standardbred Development Fund Division (this change is proposed throughout the chapter).

Proposed amendments at N.J.A.C. 2:32-2.9 clarify at paragraph (a)1 that yearlings registered under the Premier Division are also eligible for the Standardbred Development Fund Division. The proposed amendments

at paragraph (a)2 clarify that the higher yearling nomination fee amount applies to all yearlings that are not foals or mares resident or bred while in the State, and reduce the amount of that fee from \$250.00 to \$100.00. Additionally, at paragraphs (a)3 and 4, the Lou Babic Pace has been renamed to the Renaissance Pace (this change is proposed throughout the chapter), and the supplement fee has increased from \$500.00 to \$700.00.

Proposed amendments at N.J.A.C. 2:32-2.10 set the default sustaining fees amounts that may be reduced by a majority vote of the Board of Trustees. The Breeders Maturity is now included in the rules, which is a race created for four-year-olds and it requires a sustaining fee of \$200.00.

Proposed amendments at N.J.A.C. 2:32-2.11 change the name of the Pari-mutuel Division to the Premier Division and the name of the Green Acres Division to the Standardbred Development Fund Division.

Proposed amendments at N.J.A.C. 2:32-2.12 will now permit horses to regain eligibility for their two-year-old year if the late payment is made within 30 days. The provision currently permits two-year-olds to regain eligibility only for their three-year-old season upon such late payment of a first sustaining payment.

Proposed amendments at N.J.A.C. 2:32-2.20 reduce the entry fee for three-year-olds from \$600.00 to \$500.00. Proposed new subsection (d) permits the Board of Trustees to reduce entry fees in the interest of the Program.

Proposed amendments at N.J.A.C. 2:32-2.22 change the name of the Pari-mutuel Division to the Premier Division and the name of the Green Acres Division to the Standardbred Development Fund Division.

Proposed amendments at N.J.A.C. 2:32-2.27(c) permit the Board of Trustees to reduce the entry fee in the interests of the Sire Stakes Program.

At N.J.A.C. 2:32-2.28, a provision that restricted horses from participating in Standardbred Development Fund Division races if they won in excess of \$25,000 in the Premier Division has been deleted.

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.

#### 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 Program 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 space 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 approximately four million dollars. 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), by payments made by standardbred owners, by legislative appropriation, and by raceway contributions. Expanding the Program to accommodate the Standardbred Development Fund Division has resulted 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 results in a greater dollar amount to be distributed to the Program's participants.

#### Federal Standards Statement

Executive Order No. 27 (1994) and P.L. 1995, c. 65, require State agencies that adopt, readopt, or amend State rules 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 rules of the Sire Stakes Program are dictated by the Sire Stakes Program Establishment Act, N.J.S.A. 5:5-91 et seq., and are not subject to any Federal requirements or standards.

#### Jobs Impact

The Board does not anticipate that the rules proposed for readoption with 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 required. 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 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 pursuant to 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 the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules proposed for readoption with amendments would evoke a change in the average costs associated with housing because the rules proposed for readoption with amendments provide for the 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 proposed for readoption with amendments 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 the establishment, eligibility, and administration of a horse breeding and racing program within New Jersey.

#### Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Board has evaluated the proposed readoption with amendments and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State. Accordingly, no further analysis is required.

**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 incorporates herein by reference, as amended and supplemented, the [2014 United States Trotting Association's Racing Guide for Stakes and Futurities] **2021 U.S. Trotting Rule Book**. Copies of the most current regulations may be procured online at [<http://www.ustrotting.com/pdf/USTARuleBook.pdf>] <https://www.ustrotting.com/rulebook/> and are available for inspection by contacting the [Division of Marketing and Development, the] New Jersey Department of Agriculture, [Health-Agriculture Building, John Fitch Plaza,] **Division of Marketing and Development, 200 Riverview Plaza, Trenton, New Jersey. The Division's contact information can be found at: <https://www.nj.gov/agriculture/divisions/md/about/contacts.html>.**

(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] **Rule Book referenced at (a) above.**

### SUBCHAPTER 2. NEW JERSEY SIRE STAKES CONDITIONS

#### 2:32-2.2 Qualifying standards

(a) In order to be eligible for nomination to the New Jersey Sire Stakes Program, a foal must be the product of the mating of a Standardbred mare with a resident New Jersey Sire Stakes stallion meeting the requirements [of] **at** N.J.A.C. 2:32-2.3 and 2.4.

1. A foal [which] **that** meets the criteria [of] **at** (a) above, and which is the result of a breeding [which] **that** occurred [after January 1, 2002, either] on a farm in New Jersey, or as a result of the intra-or inter-state transportation of the fresh semen of a qualifying stallion, may be eligible for nomination to the Sire Stakes Program.

[2. A foal which meets the criteria of (a) above, and which is the result of a breeding which occurred before January 1, 2002, may be eligible for nomination to the New Jersey Sire Stakes Program only if the breeding occurred on a farm in New Jersey.]

(b) A foal that **otherwise** meets the criteria [of] **at** (a) above, **but was** 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/USTARuleBook.pdf>] <https://www.ustrotting.com/rulebook/> 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), as follows:] **the New Jersey Department of Agriculture, Division of Marketing and Development at <https://www.nj.gov/agriculture/divisions/md/about/contacts.html>, and if the following requirements are satisfied:**

1. Beginning with the 2010 breeding season and for foals of 2011 and thereafter, [a] **the foal was** conceived by semen that has been frozen, [if] **and:**

i.-ii. (No change.)

2. After January 1, 2006, [a] **the foal was** conceived through embryo/ovum transplant, **and** [if] the following conditions have been met:

[i. Prior to the embryo/ovum transplant approval for the embryo/ovum transplant has been received from the Registrar of the United States Trotting Association;]

**i. The Registrar of the United States Trotting Association granted approval for the embryo/ovum transplant before the transplant took place;**

ii.-iii. (No change.)

#### 2:32-2.3 Requirements for Sire Stakes stallions

(a)-(b) (No change.)

[(c) A dual hemisphere stallion is a stallion which stands in New Jersey from February through July and in the Southern Hemisphere from July

through February. The foals of a dual hemisphere stallion will be eligible for nomination to the Sire Stakes Program only if that stallion is registered with the SBOA-NJ both as a Sire Stakes stallion and as a dual hemisphere stallion.]

[(d)] (c) [Completed] **A completed** stallion registration application must be received by the SBOA-NJ at: SBOA-NJ, 64 Business Route 33, Manalapan, NJ 07726, not later than December 1 of the year prior to that in which the stallion is to stand. In addition, a Certificate of [Good Health] **Veterinary Inspection**, completed by a licensed New Jersey veterinarian who examined the stallion [between January 1 and January 21] **at the beginning** of the current breeding season, shall be submitted to the SBOA-NJ, along with a copy of the EIA-AGID test chart, [by February 15 of the breeding season] **no later than March 1**. A Certificate of [Good Health] **Veterinary Inspection** shall be submitted for each dual hemisphere stallion on or before March 15 of the current breeding season by a licensed New Jersey veterinarian who examined the stallion prior to its first breeding of the season, and not later than March 1 of the year the stallion is registered and standing.

[(e)] (d) Provided that they meet all other eligibility requirements set forth in these rules, the foals of stallions registered in accordance with [N.J.A.C. 2:32-2.3] **this section** shall be eligible to be nominated to [the following:

1. Charles I. Smith Trotting Classic (Open and Filly Division);
2. Harold R. Dancer Memorial Trot (foals of participating stallions only) (Open and Filly Division);
3. Lou Babic Two-Year Old Pace (Open and Filly Division);
4. Miss New Jersey Pacing Classic;
5. New Jersey Sired Races;
6. New Jersey Futurity;
7. New Jersey Pacing Classic;
8. New Jersey Sire Stakes;
9. New Jersey Yearling Show; and
10. New Jersey Sired Overnight Events.] **all Premier Division races, all Standardbred Development Fund Division races, and any other races administered by the New Jersey Sire Stakes Program.**

2:32-2.4 Stallion standing full season

(a) In order to establish and maintain the eligibility of his foals for the Sire Stakes Program, a stallion must be present on the farm in New Jersey on which he is registered to stand by [January 1] **the dates published by the SBOA-NJ** for the year for which he is registered as a Sire Stakes stallion and shall stand on that farm for breeding purposes for the full breeding season. A Sire Stakes stallion [which] **that** is registered as a dual hemisphere stallion must be present on the farm on which he is registered to stand by [February 15] **the dates published by the SBOA-NJ** of the year of registration, and shall stand on that farm for breeding purposes for the remainder of the breeding season, except that the Sire Stakes Board of Trustees may grant permission allowing a dual hemisphere stallion to leave the farm after July 15 of the breeding season in order to return to the southern hemisphere.

1. (No change.)

(b) A stallion [shall not] **may** 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] **so long as all proper registration paperwork is submitted**. 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) 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. **Semen must be available for pick up at the farm where the stallion is registered**. 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) If a registered Sire Stakes stallion [races or] is moved during a breeding season without having obtained the prior permission of the Sire Stakes Board of Trustees, the foals of that stallion which were bred during that breeding season shall not be eligible for the Sire Stakes Program.

(d) (No change.)

2:32-2.5 List of mares bred

The stallion owner must supply the New Jersey Standardbred Breeders and Owners Association, the New Jersey Sire Stakes, and the United States Trotting Association a list of mares bred, on a form prescribed by the Sire Stakes Board of Trustees, identifying each mare that has been bred to said stallion including those mares that were bred [via] **through** transported semen. [This list is to be supplied on a weekly basis during the breeding season.] A final list of mares bred is to be supplied by not later than September 15 of the breeding season and shall contain all breeding activity of said stallion for the entire breeding season, including those mares that were bred [via] **through** transported semen.

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 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[, 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 Premier and [Green Acres] **Standardbred Development Fund** divisions shall be received along with the nomination fee payment, by 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. **Yearlings that are registered for the Premier Division shall also be eligible to participate in the Standardbred Development Fund Division.**

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 this chapter, but which were [foaled as a result of the interstate transportation of the fresh semen of a registered New Jersey stallion] **not the foals of mares resident or bred while in the State**, shall be \$[250.00]**100.00** 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]

**Standardbred Development Fund** and Premier divisions. Thereafter, each division will have separate sustaining payments. Nomination payments are to be made to the New Jersey Sire Stakes, PO Box 330, Trenton, NJ 08625.

3. The yearling nomination payment form will also provide for nomination to the [Lou Babic] **Renaissance** Pace upon payment of an additional fee of \$25.00 for colts and \$15.00 for fillies, which is also due by May 15.

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 \$300.00. For nominations received after September 15, but on or before February 15 of the two-year-old year, the cost will be \$650.00 in addition to the original nomination fee. An additional \$[500.00]**700.00** is required to supplement the [Lou Babic] **Renaissance** Open Pace or \$400.00 for the [Lou Babic] **Renaissance** Filly division by February 15 of the two-year-old year.

2:32-2.10 Sustaining fees

The **Board of Trustees may reduce sustaining fees by majority vote; otherwise, the** sustaining fee schedule will be as follows:

PREMIER DIVISION

Age	First Sustaining Fee	Second Sustaining Fee
2	\$300.00 (Feb. 15)	\$500.00 (Apr. 15)
3	\$300.00 (Feb. 15)	\$500.00 (Apr. 15)

[GREEN ACRES] **STANDARDBRED DEVELOPMENT FUND** DIVISION

Age	First Sustaining Fee	Second Sustaining Fee
2	\$100.00 (Feb. 15)	\$150.00 (Apr. 15)
3	\$100.00 (Feb. 15)	\$150.00 (Apr. 15)

[LOU BABIC MEMORIAL] **RENAISSANCE PACE**

Age	Sustaining Fee
2YO Open	\$700.00 (Mar. 15)
2YO Filly	\$400.00 (Mar. 15)

**BREEDERS MATURITY**

Age	Sustaining Fee
4YO Open	\$200.00 (Feb. 15)
4YO Mares	\$200.00 (Feb. 15)

2:32-2.11 Payment dates

(a) In the [Pari-mutuel] **Premier** Division, the first sustaining payment on a two- or three-year-old must be made on or before February 15 of a year and the second sustaining payment on a two- or three-year-old must be made on or before April 15 of a year in order to remain eligible in that year.

(b) In the [Green Acres] **Standardbred Development Fund** Division, the first sustaining payment on a [two-or] **two- or** three-year-old must be made on or before February 15 of a year and the second sustaining payment on a [two-or] **two- or** three-year-old must be made on or before April 15 of a year in order to remain eligible in that year. In the event that the 15th day of the aforementioned months falls on a Saturday, Sunday, or holiday, the payment must be postmarked on or before the next business day following the 15th of that month.

2:32-2.12 Eligibility

(a) In order for Sire Stakes eligible two-year-old horses to remain eligible as three-year-olds, their owners must have made the yearling nomination and the first two-year-old sustaining payment. This condition

applies to both the [Green Acres] **Standardbred Development Fund** and [Pari-mutuel] **Premier** Divisions.

(b) A two-year-old's owner who makes the nomination payment but fails to make the first sustaining payment in either the [Green Acres] **Standardbred Development Fund** or [Pari-mutuel] **Premier** Program may regain his or her horse's eligibility for its **two-year-old** and three-year-old seasons by payment of a penalty of \$1,000 plus the amount of the first sustaining payment within 30 days of the original due date of the payment. [The horse will not be eligible to compete as a two-year-old in the program to which the payment was missed but will be able to compete as a three-year-old provided those payments are made in a timely fashion.]

2:32-2.20 Entry fees

(a) Entry fees will be added to the basic purse in [Green Acres] **Standardbred Development Fund** and [Pari-mutuel] **Premier** series races. Entry fees will be:

[Pari-mutuel] <b>Premier</b> Division	[Green Acres] <b>Standardbred Development Fund</b> Division
2 year olds . . . \$500.00	2 year olds . . . \$200.00
3 year olds . . . \$[600.00] <b>500.00</b>	3 year olds . . . \$200.00

(b) Entry fees for [Pari-mutuel] **Premier** Finals will be \$1,500. [at The Meadowlands and \$1,000 at Freehold Raceway.]

(c) Entry fees for all [Green Acres] **Standardbred Development Fund** finals will be \$500.00.

**(d) The Sire Stakes Board of Trustees may reduce entry fees by majority vote in the interest of the Sire Stakes Program.**

2:32-2.22 Qualifying standards

All starters in the New Jersey Sire Stakes [Pari-mutuel] **Premier** Division and the New Jersey Sires Stakes [Green Acres] **Standardbred Development Fund** Division must meet all track qualifying standards at the track where the race is being contested and be eligible at time of entry.

2:32-2.27 Final races

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

(b) (No change.)

(c) Each Premier Final will have a \$1,500 entry fee at The Meadowlands and is open to the highest New Jersey Sire Stakes point winners in the series that are declared in and can be drawn to a post position in the first tier. Each [Green Acres] **Standardbred Development Fund** Final will have a \$500.00 entry fee and is open to the highest New Jersey Sire Stakes [Green Acres] **Standardbred Development Fund** 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. **The entry fee is subject to reduction by the Sire Stakes Board of Trustees in the interest of the Sire Stakes Program.**

(d) All horses competing in both the Premier and [Green Acres] **Standardbred Development Fund** 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.-9. (No change.)

(e)-(i) (No change.)

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

2:32-2.28 Separate [Green Acres] **Standardbred Development Fund** Division

A separate New Jersey Sire Stakes [Green Acres] **Standardbred Development Fund** Division with a separate payment schedule 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.]