

NEW JERSEY RACING COMMISSION

Horse Racing

Trifecta

Proposed Amendment: N.J.A.C. 13:70-29.53

Authorized By: New Jersey Racing Commission, Frank Zanzuccki, Executive Director

Authority: N.J.S.A. 5:5-30

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

Proposal Number: PRN 2004-176

Submit written comments by July 2, 2004 to:

Frank Zanzuccki, Executive Director
New Jersey Racing Commission
P.O. Box 088, 140 E. Front St.
Trenton, New Jersey 08625

The agency proposal follows:

Summary

The New Jersey Racing Commission is proposing an amendment to its trifecta regulation, N.J.A.C. 13:70-29.53(h), which requires a minimum of six wagering interests in order to offer trifecta wagering. The proposed amendment would reduce the number of wagering interests needed to conduct trifecta wagering from six to five which would be consistent with the minimum required in New York and Pennsylvania.

As the Racing Commission 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 social impact of the proposed amendment to N.J.A.C. 13:70-29.53(h) is positive in that the trifecta is a popular wager among patrons because of the potential for a significant return. The proposed amendment would provide for more of this type of wager to be offered by permit holders allowing the betting public a wider variety of product choice.

Economic Impact

The proposed amendment would likely have a positive economic impact for the bettors and track operators, as it promotes good will and provides permit holders the ability to offer more trifectas through their racing cards, thus keeping competitive with surrounding states and increasing their revenues since this wager is subject to a 25 percent take-out, the highest permitted under New Jersey statutes.

Federal Standards Statement

A Federal standards analysis is not required because the rules of racing are dictated by statute, N.J.S.A. 5:5-22 et seq., and the proposed amendment is not subject to any Federal requirements or standards.

Jobs Impact

The proposed amendment will not have an effect on the work force in the state. No jobs will be generated or lost as a result of the proposed amendment.

Agriculture Industry Impact

The proposed amendment will not have an impact on the agriculture industry in the State.

Regulatory Flexibility Statement

The proposed amendment imposes no reporting, recordkeeping or other compliance requirement on “small businesses,” as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16, et seq. The amendment reduces the number of wagering interests needed to conduct trifecta from six to five.

Smart Growth Impact

The proposed amendment will not have an effect on new growth into redevelopment of older urban and suburban areas, protect existing open space, conserve natural resources, increase transportation options and transit availability, reduce automobile traffic and dependency, stabilize property taxes or provide affordable housing. Therefore, the amendment will have no impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

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

13:70-29.53 Trifecta

(a) - (g) (No change.)

(h) Where a field in a trifecta race is less than [six] **five** at wagering time, said race will be run as an exacta. A late scratch after wagering starts will not affect the trifecta.

(i) - (j) (No change.)