

LAW AND PUBLIC SAFETY

NEW JERSEY RACING COMMISSION

Horse Racing

Eligibility; Registration Required

Adopted Rule: N.J.A.C. 13:70-6.53

Proposed: January 2, 2007 at 39 N.J.R. 23(a)

Adopted: March 19, 2007 by the New Jersey Racing Commission,

Frank Zanzuccki, Executive Director

Filed: March 26, 2007 as R. 2007 d. 121, **without change**

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

Effective Date: May 7, 2007

Expiration Date: June 17, 2010

Summary of Public Comments and Agency Responses:

COMMENT:

Peter A. Roberts of Allentown, NJ questions the effectiveness of the existing rule N.J.A.C. 13:70-6.53 and to a lesser extent the proposed amendments to that rule. Regarding the existing rule, he questions the wisdom of permitting thoroughbreds sired in NJ but foaled in other states being eligible for all NJ State-bred restricted races and the September 1 return to NJ requirement. Mr. Roberts also objects to the September 1 return date for non resident mares in the proposed amendments and suggests that the date be changed to October 1.

Response: The September 1 return date was carefully selected, in 2003, by the rule's proponent, the Thoroughbred Breeders' Association of New Jersey, and although the suggested date change might benefit some breeder's operations, they are in the minority. More specifically, the breeding schedule in Kentucky, the most popular breeding state, states that mares must be bred by July 15. This gives the New Jersey mares ample time to be returned to New Jersey by September 1. This rule amendment provides an exception to that rule allowing the mare to return to New Jersey at a later date, but with additional breeding requirements once back in New Jersey. Moreover, there is an economic benefit to New Jersey by having the mares returned to New Jersey by September 1 rather than October 1. Boarding fees for broodmares average \$24.00 per day or \$720.00 for the month. If the date were set later than September 1, New Jersey would lose that revenue, or more, to other states for each broodmare not standing in New Jersey. Regarding the weanling issue, most breeders prefer an early spring foal. The September 1 date provides sufficient time to wean the foal in most cases. The Commission, therefore, does not accept the comment received.

The portion of the comment that addresses the designation of those foals that are eligible for New Jersey State-bred restricted races as a result of being sired in New Jersey but foaled in other states is not the subject of the proposed amendment and thus is beyond the scope of this rulemaking.

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

The full text of the adopted rule can be found in the New Jersey Register at 39 N.J.R. 23(a) .