

CHAPTER 32
SIRE STAKES PROGRAM

Authority

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

Source and Effective Date

R.2015 d.151, effective August 19, 2015.
See: 47 N.J.R. 1280(a), 47 N.J.R. 2350(a).

Chapter Expiration Date

Chapter 32, Sire Stakes Program, expires on August 19, 2022.

Chapter Historical Note

Chapter 32, Sire Stakes Program, was adopted as R.1973 d.154, effective June 11, 1973. See: 5 N.J.R. 134(a), 5 N.J.R. 214(b).

Subchapter 2, New Jersey Sire Stakes Conditions, was adopted as R.1983 d.84, effective March 21, 1983. See: 15 N.J.R. 69(a), 15 N.J.R. 439(a).

Subchapter 2, New Jersey Sire Stakes Conditions, was amended by R.1984 d.161, effective May 7, 1984. See: 16 N.J.R. 297(a), 16 N.J.R. 1069(a); R.1985 d.108, effective March 4, 1985. See: 17 N.J.R. 3(a), 17 N.J.R. 573(b); R.1985 d.135, effective March 18, 1985. See: 17 N.J.R. 3(a), 17 N.J.R. 686(a); and R.1985 d.521, effective October 21, 1985. See: 17 N.J.R. 1956(a), 17 N.J.R. 2535(a).

Subchapter 3, Appeals, was adopted as R.1986 d.18, effective February 3, 1986. See: 17 N.J.R. 2320(a), 18 N.J.R. 266(a). Subchapter 2 was recodified by R.1986 d.84, effective April 7, 1986. See: 18 N.J.R. 236(a), 18 N.J.R. 635(a).

Chapter 32, Sire Stakes Program, was repealed and a new Chapter 32, Sire Stakes Program, was adopted as R.1987 d.236, effective June 1, 1987. See: 19 N.J.R. 480(a), 19 N.J.R. 924(a).

Pursuant to Executive Order No. 66(1978), Chapter 32, Sire Stakes Program, was readopted as R.1992 d.239, effective May 13, 1992. See: 24 N.J.R. 1142(a), 24 N.J.R. 2241(a). Pursuant to Executive Order No. 66(1978), Chapter 32, Sire Stakes Program, expired on May 13, 1997.

Chapter 32, Sire Stakes Program, was adopted as R.1997 d.329, effective August 4, 1997. See: 29 N.J.R. 1435(a), 29 N.J.R. 3449(a).

Chapter 32, Sire Stakes Program, was readopted as R.2002 d.326, effective September 12, 2002. See: 34 N.J.R. 1765(a), 34 N.J.R. 3497(a).

Administrative change: Pursuant to Reorganization Plan No. 003-2002, the Division of Markets was renamed Division of Marketing and Development, effective February 27, 2003. See: 35 N.J.R. 3(a), 35 N.J.R. 1539(b).

Chapter 32, Sire Stakes Program, was readopted as R.2008 d.73, effective February 27, 2008. See: 39 N.J.R. 4359(a), 40 N.J.R. 1825(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 32, Sire Stakes Program, was scheduled to expire on February 27, 2015. See: 43 N.J.R. 1203(a).

Chapter 32, Sire Stakes Program, was readopted as R.2015 d.151, effective August 19, 2015. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. SIRE STAKES PROGRAM

2:32-1.1 General provisions

SUBCHAPTER 2. NEW JERSEY SIRE STAKES CONDITIONS

- 2:32-2.1 Adoption of by-laws
- 2:32-2.2 Qualifying standards
- 2:32-2.3 Requirements for Sire Stakes stallions
- 2:32-2.4 Stallion standing full season
- 2:32-2.5 List of mares bred
- 2:32-2.6 Fund policy
- 2:32-2.7 Transfer of race
- 2:32-2.8 (Reserved)
- 2:32-2.9 Yearling nominations
- 2:32-2.10 Sustaining fees
- 2:32-2.11 Payment dates
- 2:32-2.12 Eligibility
- 2:32-2.13 Dishonored checks
- 2:32-2.14 No cash or partial payments
- 2:32-2.15 Refunds
- 2:32-2.16 Time of declaration
- 2:32-2.17 (Reserved)
- 2:32-2.18 Name change notification
- 2:32-2.19 Entry fee deadlines
- 2:32-2.20 Entry fees
- 2:32-2.21 Purse distribution
- 2:32-2.22 Qualifying standards
- 2:32-2.23 Splitting races
- 2:32-2.24 Number of starters
- 2:32-2.25 (Reserved)
- 2:32-2.26 Splitting and carrying over divisions
- 2:32-2.27 Final races
- 2:32-2.28 Separate Green Acres Division
- 2:32-2.29 (Reserved)
- 2:32-2.30 Broadcasting revenues

SUBCHAPTER 3. APPEALS

- 2:32-3.1 Appeal from decision of Supervising Race Secretary
- 2:32-3.2 Right of appeal
- 2:32-3.3 Nature of proceedings
- 2:32-3.4 Appeal procedure
- 2:32-3.5 Hearing; costs
- 2:32-3.6 Acting on appeals

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. Copies of the most current regulations may be procured online at <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.

Amended by R.2008 d.73, effective April 7, 2008.
See: 39 N.J.R. 4359(a), 40 N.J.R. 1825(a).

Rewrote the section.

Amended by R.2015 d.151, effective September 21, 2015.
See: 47 N.J.R. 1280(a), 47 N.J.R. 2350(a).

Rewrote the section.

SUBCHAPTER 2. NEW JERSEY SIRE STAKES
CONDITIONS

2:32-2.1 Adoption of by-laws

(a) The by-laws of the New Jersey Sire Stakes Board are hereby adopted as follows:

1. There is hereby established in the State of New Jersey a Sire Stakes Program for Standardbred horses, bred in the State of New Jersey and to be the product of a registered New Jersey stallion, registered with the Standardbred Breeders and Owners Association of New Jersey as such and listed in their registry books.

2. Those horses eligible to race under the Sire Stakes Program shall be any foal of any registered New Jersey stallion standing at a New Jersey breeding farm and either owned by a resident of the State of New Jersey or leased by a resident thereof for a period of not less than 10 years to stand the full season on a New Jersey breeding farm. A copy of any such lease shall be filed with the Standardbred Breeders and Owners Association of New Jersey and the New Jersey Sire Stakes.

3. The Sire Stakes Program shall be administered by a Board of Trustees consisting of five members, four appointed by the Governor, two of whom shall be members of the Standardbred Breeders and Owners Association of New Jersey, two representatives of racing interests generally, and the Secretary of Agriculture ex-officio. Of the members first appointed, the term of office of one appointee from the Breeders and Owners Association shall be for two years, and the other appointed member of such association shall be for a term of one year; the term of office for one appointee representing racing interests generally shall be for two years, and the other appointee representing racing interests generally shall be for a term of one year. Thereafter, appointments shall be for terms of two years.

4. No member of the Board of Trustees shall be compensated for his services; however, reasonable travel and other expenses incurred in connection with duties as members of the Board may be reimbursed.

5. The Board of Trustees is authorized to do all that is necessary for the proper administration of the Sire Stakes Program and shall prepare, issue, and promulgate rules providing for:

i. Classes and divisions of races, eligibility of horses and owners therefor, and prizes and awards to be awarded;

ii. Nominating, sustaining, and entry fees for horses and races;

iii. Such temporary programs including eligibility of horses, breeding, and other matters as may be necessary to make the Sire Stakes Program operable as soon as possible;

iv. Registration and certification of New Jersey stallions, mares bred to such stallions, and foals produced thereby; and

v. Such other matters as the Board determines to be necessary and appropriate for the proper administration and implementation of the Sire Stakes Program.

6. The funds for the Sire Stakes Program pursuant to N.J.S.A. 5:5-91 and the nominating, sustaining, and entry fees provided for herein, shall be administered by the New Jersey Department of Agriculture by deposit in a trust account entitled Sire Stakes Fund.

7. All disbursements from the Sire Stakes fund for the payment of purses and awards, cost of administration, reimbursement of expenses of members of the Board of Trustees, and any other appropriate expenses, shall be made by the Secretary of Agriculture or his designee.

8. A report shall be prepared and filed annually by the Secretary with the Racing Commission setting forth an itemization of all deposits to and expenditures from the Sire Stakes fund.

9. Sire Stakes Races shall be run only at licensed harness tracks in the State of New Jersey. The races, purses and awards awarded therefor shall be pursuant to the rules of the Board of Trustees hereunder and the New Jersey Racing Commission.

10. The five-member Board of Trustees shall elect a chairman and a vice-chairman at the meeting in January of each year.

11. The secretary of the Sire Stakes Board of Trustees need not be a member of the Board and shall be appointed each year by the New Jersey Secretary of Agriculture.

12. The Sire Stakes Board of Trustees shall meet bi-monthly during the year. The date, time, and place will be selected by the chairman, and the secretary shall notify all Board members by letter 10 days prior to each meeting.

13. In order for the Board of Trustees to conduct any official business at special monthly meetings, a quorum must be present. A quorum is defined as consisting of at least three of the five members.

14. The chairman is authorized to call special meetings when necessary by instructing the secretary to give each member 10 days' notice in writing.

15. The Board of Trustees by-laws can be amended by a four-out-of-five vote of the membership of the Board of Trustees.

Amended by R.1988 d.189, effective May 2, 1988.
See: 20 N.J.R. 323(a), 20 N.J.R. 975(a).

Deleted the "United States Trotting Association" and "Racing Commission" and added "Sire Stakes".

Amended by R.1994 d.271, effective June 6, 1994.

See: 26 N.J.R. 1181(a), 26 N.J.R. 2256(a).

Amended by R.1997 d.329, effective August 4, 1997.

See: 29 N.J.R. 1435(a), 29 N.J.R. 3449(a).

In (a)10, changed month of meeting to July from June.

Amended by R.2000 d.161, effective April 17, 2000.
See: 32 N.J.R. 179(a), 32 N.J.R. 1418(a).

In (a)10, substituted a reference to January for a reference to July.

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 N.J.A.C. 2:32-2.3 and 2.4.

1. A foal which meets the criteria of (a) above, and which is the result of a breeding which 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 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 Development, New Jersey Department of Agriculture, Health-Agriculture Building, John Fitch Plaza, Trenton, New Jersey), as follows:

1. Beginning with the 2010 breeding season and for foals of 2011 and thereafter, a foal conceived by semen that has been frozen, 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, 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;
- ii. Only a donor mare's first born embryo/ovum transplant foal each year will be eligible for registration; and
- iii. The donor mare is at least two years of age or older at the time of the embryo/ovum transplant.

Amended by R.1989 d.95, effective February 21, 1989.
See: 20 N.J.R. 2952(a), 21 N.J.R. 443(a).

Added text to (b) "or by embryo transplant".

Amended by R.1997 d.329, effective August 4, 1997.
See: 29 N.J.R. 1435(a), 29 N.J.R. 3449(a).

In (a), substituted "be bred on a farm in New Jersey" for "be shipped to the farm on which the stallion stands when impregnated"; and in (b), substituted "transported outside the State of New Jersey" for "desiccated, transported off the premises where it is produced, or not implanted on the same day it is collected".

Amended by R.1998 d.179, effective April 6, 1998.

See: 30 N.J.R. 3(a), 30 N.J.R. 1283(a).

Added (c).

Amended by R.2003 d.337, effective August 18, 2003.

See: 34 N.J.R. 3450(a), 35 N.J.R. 3856(a).

Rewrote the section.

Amended by R.2008 d.73, effective April 7, 2008.

See: 39 N.J.R. 4359(a), 40 N.J.R. 1825(a).

In the introductory paragraph of (b), inserted a comma following "semen" and "frozen", inserted the last sentence; and added (b)1 through (b)4.

Amended by R.2015 d.151, effective September 21, 2015.

See: 47 N.J.R. 1280(a), 47 N.J.R. 2350(a).

Rewrote (b).

2:32-2.3 Requirements for Sire Stakes stallions

(a) A Sire Stakes stallion shall be a registered Standardbred stallion standing on a farm in New Jersey for breeding purposes in accordance with N.J.A.C. 2:32-2.4, and shall be owned by a resident of the State of New Jersey or leased by a resident of the State of New Jersey for a period of at least 10 years.

(b) A stallion must be registered with the Standardbred Breeders and Owners Association of New Jersey (SBOA-NJ) as a Sire Stakes stallion in order for his foals to be eligible to be nominated to the New Jersey Sire Stakes Program. Each Sire Stakes stallion shall be registered annually for a registration period beginning January 1 and ending December 31, which shall be referred to hereinafter as the "breeding season." In order for foals that are a result of the interstate shipment of fresh semen of a Sire Stakes stallion to be eligible for nomination to the Sire Stakes Program, the stallion of said foal must have been registered with the SBOA-NJ for participation in the interstate program.

(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) 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, completed by a licensed New Jersey veterinarian who examined the stallion between January 1 and January 21 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. A Certificate of Good Health 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) 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 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.

Amended by R.1988 d.189, effective May 2, 1988.

See: 20 N.J.R. 323(a), 20 N.J.R. 975(a).

Deleted old (c) and substituted new.

Amended by R.1989 d.95, effective February 21, 1989.

See: 20 N.J.R. 2952(a), 21 N.J.R. 443(a).

Added "Open and Filly Division" and "Fair and Pari-Mutuel"; deleted (g)11.

Amended by R.1991 d.241, effective May 6, 1991.

See: 23 N.J.R. 252(a), 23 N.J.R. 1408(b).

Corrected address and title of organization issuing Certificate of Good Health.

Amended by R.1992 d.239, effective June 15, 1992.

See: 24 N.J.R. 1142(a), 24 N.J.R. 2241(a).

Revised text.

Amended by R.1997 d.329, effective August 4, 1997.

See: 29 N.J.R. 1435(a), 29 N.J.R. 3449(a).

In (c), (d)2, and (f), inserted provisions relating to dual hemisphere stallions; and in (f), amended internal cite.

Amended by R.2001 d.137, effective May 7, 2001.

See: 33 N.J.R. 390(a), 33 N.J.R. 1369(a).

In (g), deleted 6 and 9 and recodified former 7 and 8 as new 6 and 7 and former 10 and 11 as new 9 and 10.

Repeal and New Rule, R.2003 d.337, effective August 18, 2003.

See: 34 N.J.R. 3450(a), 35 N.J.R. 3856(a).

Section was "Registration of stallions".

Amended by R.2005 d.290, effective September 6, 2005.

See: 36 N.J.R. 5026(a), 37 N.J.R. 3284(b).

In (d), substituted "64 Business Route 33, Manalapan, NJ 07726" for "Box 839, Freehold, NJ 07728".

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 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 is registered as a dual hemisphere stallion must be present on the farm on which he is registered to stand by February 15 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 Sire Stakes stallion shall be moved before the end of the breeding season from the farm on which he is registered to stand without the prior permission (excluding medical emergency) of the Sire Stakes Board of Trustees.

(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) 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) 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) 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.