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**STATE OF NEW YORK
RACING AND WAGERING BOARD**

Acting Secretary to the Board
Kristen Buckley

July 16, 2012

To Whom It May Concern:

The New York State Racing and Wagering Board is seeking public comment regarding a proposed amendment to the thoroughbred rules to require that the minimum price of a horse in a claiming race be at least 50 percent of the value of the purse for the race.

This rulemaking is necessary to ensure that the horses are competitive in class proportional to the purses for which they are racing. The current rule was adopted prior to 1974 and continued when the Board's comprehensive rules were codified in 1974, and does not take into account principles of proportional economics in relation to current purses, particularly in light of recent increased purses due to video lottery terminals (VLTs). This proposal is intended to reduce the incidence of injuries in claiming races.

Under the Board's proposal, Section 4038.2 of 9 NYCRR would be amended to read as follows:

4038.2. Minimum price for claim.

The minimum price for which a horse may be entered in a claiming race shall [be \$ 1,200.] not be less than fifty percent of the value of the purse for the race.

The underlined sections would be added as new language, while the language in [brackets] would be removed.

This rule is currently in effect as an emergency rule, and is scheduled to expire on July 29, 2012. It was published in the *State Register* on May 16, 2012.

The Board is considering the possible adoption of this rule or a variation as a permanent rule. If you wish to provide any comments on this rulemaking, please submit your comments to in

1 Broadway Center, Suite 600, Schenectady, NY 12305-2553
Telephone (518) 395-5400 FAX: (518) 347-1250
<http://www.racing.state.ny.us>

writing to John Googas at 1 Broadway Center, Suite 600, Schenectady, NY 12305-2553 or john.googas@racing.ny.gov no later than Tuesday, July 24, 2012.

Very truly yours,

A handwritten signature in blue ink that reads "Kristen M. Buckley". The signature is written in a cursive style with a loop at the end of the last name.

Kristen M. Buckley,
Acting Secretary to the Board