

LAW AND PUBLIC SAFETY

NEW JERSEY RACING COMMISSION

Horse Racing

Claimed Horse

Proposed Amendment: N.J.A.C. 13:70-12.4

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 2007-220

Submit written comment by September 14, 2007 to:

Frank Zanzuccki, Executive Director
New Jersey Racing Commission
P.O. Box 088, 140 East Front Street
Trenton, New Jersey 08625-0088

The agency proposal follows:

Summary

The New Jersey Racing Commission is proposing an amendment to N.J.A.C. 13:70-12.4 to delete a portion of this rule that no longer applies. The second sentence of this rule which this amendment would delete reads: "Any subsequent changes in the official order of finish posted by the Stewards on the day which the horse was claimed shall not affect this requirement." A claiming race is a race with conditions designating a claiming price (sale price) for any horse competing in such a race and can be purchased by an eligible licensee for that designated claiming price (sale price). If no one claims said horse, it reverts back to its original owner.

By this rule a claimed horse must race for a minimum of a 25 percent raise or increase in claiming price for 20 days subsequent to the original claim. This was useful language when the claimed horse rule required only the first three finishers to run back on the raise when claimed. If one of these claimed horses came back with a positive test for an illegal medication and was disqualified from purse money and placing, this language covered that scenario. The rule now requires all claimed horses regardless of where they finish to race back at a 25 percent raise or increase in claiming price for the subsequent 20 days.

The present rule as it exists is ambiguous and inaccurate and should be corrected with the deletion of the language that no longer applies.

The Racing Commission is providing a 60 day comment period for the proposal. Therefore, this notice is excepted from the rulemaking calendar requirement in accordance with N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendment will have no social impact as the rule itself is not being changed.

Economic Impact

The proposed amendment deleting the second sentence of N.J.A.C. 13:70-12.4 is expected to have no economic impact as what is being dictated by said rule presently is not affected.

Federal Standards Statement

A Federal standards analysis is not necessary as there are no Federal standards or requirements applicable to the proposed amendment. The Racing Commission proposes this amendment pursuant to the rulemaking authority set forth in N.J.S.A. 5:5-30 and 5:5-22 et seq., respectively.

Jobs Impact

The proposed amendment will not result in the generation or loss of jobs.

Agriculture Industry Impact

The proposed amendment will have no impact on the agriculture industry in the State.

Regulatory Flexibility Statement

The proposed amendment does not impose any reporting, record-keeping or other compliance requirements on small businesses as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-1 et seq. The amendment eliminates a provision rendered of no effect by a previous amendment.

Smart Growth Impact

The proposed 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; (deletion indicated in brackets [thus]):

13:70-12.4 Claimed horse

For a period of 20 days after the claim, any claimed horse shall not race for a claiming price of less than 25 percent more than the price for which it was claimed. [Any subsequent changes in the order of finish posted by the Stewards on the day which the horse was claimed shall not affect this requirement].

Frank Zanzuccki, Executive Director