

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1152

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 4-16-85
DATE FOR REVIEW 4-25-85
DATE DUE 4-30-85

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 4-29-85 Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 5-6-85 Revisor approved _____ disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed See SR.

✓ Order Adopting 3.8.85. Date

✓ Notice of Intent to Solicit Outside Opinion SR. 9.12.83.

✓ Order for rulemaking
N/A date of Hearing

✓ Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking includes small biz statement.
_____ Sufficiency

✓ Affidavits of Mailing Notice or rulemaking
12.28.84 et seq. At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
12.24.84 At least 30/~~20~~ days prior to ~~hearing~~/adoption
12.31.84

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules (labelled "Authorizing")

_____ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness contains small biz statement.

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: LESLIE ALTMAN
BARRY R. GRELLER
Special Assistant Attorneys General

DATE: 5-2-85

FROM: ROBERT R. NARDI
Special Assistant Attorney General

PHONE: 296-6204

SUBJECT: MINNESOTA RACING COMMISSION PROPOSED RULES

This memo is for the purpose of advising you that it is my opinion that the Resolution of the Minnesota Racing Commission which authorizes the adoption of rules presently before you contains sufficient authorization for either the Chair or Vice-Chair of the Minnesota Racing Commission to make any changes to the proposed rules subsequent to the adoption of the Resolution as long as the changes do not result in a substantial change to the rule. The changes that have been made as discussed in the Supplemental Findings of Fact are not substantial.

RRN:sz

MINNESOTA RACING COMMISSION

312 Central Avenue, Suite #400
Minneapolis, Minnesota 55414
(612) 341-7555

April 15, 1985

The Honorable Hubert H. Humphrey III
Attorney General
STATE OF MINNESOTA
102 State Capitol
St. Paul, Minnesota 55155

Re: Minnesota Racing Commission:
Rules As Proposed For Adoption

Dear Attorney General Humphrey:

Enclosed for review by the Attorney General's Office pursuant to Minn. Stat. §14.26 (1984) are copies of the following documents relating to rules as proposed for adoption by the Minnesota Racing Commission (MRC):

(1) Notice of Intent to Solicit Outside Opinion (Note: the MRC did not receive any comments pursuant to this Notice.)
(2) Certificate of MRC's Authorizing Resolution.
(3) Order for Notice of Intent to Adopt Rules Without Hearing (duplicate copies).
(4) Notice of Intent to Adopt Rules Without Hearing (duplicate copies).
(5) Certificate #1 Regarding Official Mailing List.
(6) Certificate #2 Regarding Official Mailing List.
(7) Affidavit of Mailing.
(8) Affidavit of Additional Notice.
(9) Rules as Proposed.
(10) Rules as Adopted (Original and 3 copies).
(11) Findings of Fact and Conclusions (duplicate copies).
(12) State of Need and Reasonableness (duplicate copies).
(13) Written Comments Received on the Proposed Rules or Request for Public Hearing Received (Note: the MRC did not receive any requests for a public hearing).
(14) Certificate of Compliance With Rulemaking Process.
(15) Certificate of MRC's Authorizing Resolution.
(16) Order Adopting Rules (duplicate copies).

Please be advised that the MRC did not receive any requests for notice of submission to the Attorney General.

Thank you for your consideration in this matter.

Sincerely,

Rick

RICHARD G. EVANS
Executive Secretary

RGE:sb
enclosures

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

In the Matter of the proposed Adoption of Rules of the Minnesota Racing Commission Governing Strikes and Lock-outs, Contract Approval, Assignment of Racing Days, Pari-Mutuel Pools, Facilities and Equipment, Stabling, Class C Licenses, Security Officers, Thoroughbred and Quarter Horse Races, Harness Races, Horse Medication, Racing Soundness Exams, Medical Testing, Breeders Fund, Prohibited Acts, Disciplinary and Appeal Procedures, Variances, and all other aspects of Pari-Mutuel Horse Racing

ORDER ADOPTING RULES

Notice of the Racing Commission's intent to adopt the above-entitled rules without a public hearing was published in the State Register on December 31, 1984 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, section 14.14, subdivision 1 on December 28, 1984. After affording interested and affected persons an opportunity to submit comments for 30 days after notice, receiving no written request for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as Minn. Rules pts. 7870.0439 - 7892.0160 and 7897.0100 - 7899.0100 are adopted this 8th day of March, 1985 pursuant to authority vested in me by the Racing Commission and by Minnesota Statutes, Ch. 240.

MINNESOTA RACING COMMISSION

By Rosemary T. Fruehling
ROSEMARY FRUEHLING
Vice-Chair

Minnesota Racing Commission

Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Parimutuel Horse Racing in Minnesota

Notice is hereby given that the Minnesota Racing Commission is seeking information or opinions from sources outside the agency in preparing to promulgate rules governing all aspects of parimutuel horse racing in Minnesota, including the development of criteria for setting the number of racing days, the issuance of Class A, B, C and D licenses and the promulgation of procedural rules to govern the commission. The commission is authorized to promulgate rules under Laws 1983, chapter 214.

The Minnesota Racing Commission requests information and comments concerning the subject matter of these rules. Interested or affected persons may submit statements of information or comment in writing to: Minnesota Racing Commission, Suite 400, 312 Central Avenue, Minneapolis, Minnesota 55414.

All statements of information and comments will be accepted with respect to each set of rules until such set has progressed to the point at which public comment is terminated pursuant to the Minnesota Administrative Procedure Act. Any written material received by the Minnesota Racing Commission shall become part of the record in the event that the rules are promulgated.

Notice of Public Meetings to Hear Statements of Information and Comment Prior to Drafting of Rules

Notice is hereby given that the Minnesota Racing Commission will hold the following meetings at United Labor Centre, 312 Central Avenue, Minneapolis, Minnesota 55414:

Thursday, September 15, 1983 at 10 a.m., to hear Statements of Information and Comment from Potential Investors in Racetrack Construction.

Wednesday, September 21, 1983 at 4 p.m., to hear Statements of Information and Comment from Interested and Affected Persons and Groups other than Potential Investors in Racetrack Construction.

Ray Eliot, Chairman
Minnesota Racing Commission

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

In the Matter of the proposed Adoption of Rules of the Minnesota Racing Commission Governing Strikes and Lockouts, Contract Approval, Assignment of Racing Days, Pari-Mutuel Pools, Facilities and Equipment, Stabling, Class C Licenses, Security Officers, Thouroughbred and Quarter Horse Races, Harness Races, Horse Medication, Racing Soundness Exams, Medical Testing, Breeders Fund, Prohibited Acts, Disciplinary and Appeal Procedures, Variances, and all other aspects of Pari-Mutuel Horse Racing

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 12th day of December, 1984, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Minnesota Racing Commission for that purpose and be published in the State Register.

STATE OF MINNESOTA

Ray Eliot

RAY ELIOT, Chairman

MINNESOTA RACING COMMISSION

CERTIFICATE OF COMMISSION'S AUTHORIZING RESOLUTION

I, Ray Eliot, do hereby certify that I am a member and the Chair of the Minnesota Racing Commission, a Commission duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a Resolution adopted at a meeting of the Minnesota Racing Commission duly and properly called and held on the 12th day of December, 1984; that a quorum was present at said meeting; that a majority of those present voted for the Resolution; and that said Resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that RAY ELIOT, Chair of the Minnesota Racing Commission, be and hereby is granted the authority and directed to sign an Order of the Commission directing that Notice be given of the Commission's intent to adopt without a public hearing rules governing:

Strikes and Lockouts
Contract Approval (amendment of Minn. Rules pt. 7870.0500)
Definitions
Application for and Assignment of Racing Days
Pari-Mutuel Pools (criteria, application, approval and betting)
Tip Sheets
Simulcast Wagering
Telephone Account Wagering
Facilities and Equipment
On-Track and Off-Track Stabling
Class C Licenses (criteria, licensing procedures, qualifications)
Fees (Class C License and jockey mount fees)
Duties and Responsibilities of Racing Officials
Conflicts
Security Officers (qualifications and standards of conduct)
Security Cooperation
Thoroughbred and Quarter Horse Races
Harness Races
Horse Medication
Physical Examination of Horses
Medical Testing (laboratory standards)
Breeders' Fund (Thoroughbred)
Prohibited Acts
Use of Drugs and Alcohol by Licensees
Disciplinary Sanctions
Schedule of Fines
Disciplinary and Appeal Procedures
Variances

The Chair is further authorized to sign and issue said Notice, and to perform any and all acts incidental thereto.

In the event a public hearing becomes necessary, the Chair hereby is granted the authority and directed to call a hearing for the purpose of promulgating said rules, as well as perform any and all acts incidental thereto, including but not limited to, signing an Order for Hearing and Notice of Hearing as well as act as the Commission's representative at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12th day of December, 1984.

RAY ELIOT, CHAIR
MINNESOTA RACING COMMISSION

ROSEMARY T. FRUEHLING
VICE-CHAIR
MINNESOTA RACING COMMISSION

MINNESOTA RACING COMMISSION

CERTIFICATE OF COMMISSION'S AUTHORIZING RESOLUTION

I, Rosemary T. Fruehling, do hereby certify that I am a member and the Vice Chair of the Minnesota Racing Commission, a Commission duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a Resolution adopted at a meeting of the Minnesota Racing Commisison duly and properly called and held on the 8th day of March, 1985; that a quorum was present at said meeting; that a majority of those present voted for the Resolution; and that said Resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

"RESOLVED, that the Minnesota Racing Commission (MRC), pursuant to the authority vested in it by Minn. Stat. ch. 240 (1984), hereby approves and adopts the proposed rules relating to horse racing, which were published in 9 S.R. 1412-1477 on December 24, 1985, with certain amendments made thereto as indicated on the attached copy of the proposed rules, and with the exception of the proposed thoroughbred breeders' fund rules which are hereby withdrawn.

BE IT FURTHER RESOLVED, that prior to publishing the rule amendments as adopted in the State Register, the MRC Executive Secretary is authorized to make any form changes in the rules that the Revisor of Statutes requires in order to obtain the Revisor's Certificate as required in Minn. Stat. §14.08 (1984).

BE IT FURTHER RESOLVED, that the MRC Chair or Vice Chair is authorized to sign an Order of the Minnesota Racing Commission adopting the proposed rules described above and to perform any acts incidental thereto.

IN WITNESS WHEREOF, I have hereunto subscribed my hand this 8th day of March, 1985.

Rosemary T. Fruehling

ROSEMARY T. FRUEHLING, VICE CHAIR
MINNESOTA RACING COMMISSION

MINNESOTA RACING COMMISSION

MINNESOTA RACING COMMISSION

IN THE MATTER OF THE PROPOSED RULES OF THE MINNESOTA RACING COMMISSION GOVERNING STRIKES AND LOCKOUTS, CONTRACT APPROVAL, ASSIGNMENT OF RACING DAYS, PARI-MUTUEL POOLS, FACILITIES AND EQUIPMENT, STABLING, CLASS C LICENSES, SECURITY OFFICERS, THOROUGHBRED AND QUARTER HORSE RACES, HARNESS RACES, HORSE MEDICATION, RACING SOUNDNESS EXAMS, MEDICAL TESTING, BREEDERS FUND, PROHIBITED ACTS, DISCIPLINARY AND APPEAL PROCEDURES, VARIANCES, AND ALL OTHER ASPECTS OF PARI-MUTUEL HORSE RACING.

Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules with a Public Hearing if Twenty-Five or More Persons Request a Hearing

Notice is hereby given that the Minnesota Racing Commission proposes to adopt the above-entitled rules without a public hearing unless twenty-five or more persons submit written requests for a public hearing. The Commission has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21-14.28.

PLEASE NOTE, HOWEVER, THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD PURSUANT TO MINN. STAT. §§ 14.13-14.20 AND IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THE STATE REGISTER OF EVEN DATE AND MAILED ON THIS DATE.

Persons or groups interested in these rules shall have 30 days to submit comments on these proposed rules. Each comment should identify the portion of the proposed rules, address the reason for the comment and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Commission and do not result in a substantial change in the proposed language.

Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Richard G. Evans, Executive Secretary
Suite 400, United Labor Centre
312 Central Avenue
Minneapolis, Minnesota 55414
Telephone: (612) 341-7555

Authority for the adoption of these rules is contained in Minn. Stat. §§ 240.08, 240.10, 240.13, 240.16, 240.18, 240.19, 240.22, 240.23, 240.24, 240.28 and 240.29. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Richard G. Evans upon request.

From a qualitative point of view, most if not all of the proposed rules may impact on small businesses. The quantitative effect of the proposed rules is broadbased because the rules address licensing and related requirements and costs, prohibited acts, affirmative responsibilities of licensees and disciplinary actions for violation of the rules. The potential effects of these proposed rules on small businesses are further discussed in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard G. Evans.

The text of the proposed rules follows the notice in the State Register.

Additional copies of this Notice and the proposed rules are available and may be obtained by contacting Richard G. Evans.

Ray Eliot, Chairman
Minnesota Racing Commission

MINNESOTA RACING COMMISSION

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE MINNESOTA RACING COMMISSION GOVERNING STRIKES AND LOCKOUTS, CONTRACT APPROVAL, ASSIGNMENT OF RACING DAYS, PARI-MUTUEL POOLS, FACILITIES AND EQUIPMENT, STABLING, CLASS C LICENSES, SECURITY OFFICERS, THOROUGHBRED AND QUARTER HORSE RACES, HARNESS RACES, HORSE MEDICATION, RACING SOUNDNESS EXAMS, MEDICAL TESTING, BREEDERS FUND, PROHIBITED ACTS, DISCIPLINARY AND APPEAL PROCEDURES, VARIANCES, AND ALL OTHER ASPECTS OF PARI-MUTUEL HORSE RACING.

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Hearing

A public hearing concerning the above-entitled matter will be held in the Metropolitan Council Chambers, Room 300, Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota on February 5, 1985, commencing at 9:00 a.m. and continuing until all interested persons have an opportunity to be heard. PLEASE NOTE, HOWEVER, THAT THIS HEARING WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A HEARING PUBLISHED IN THE STATE REGISTER OF EVEN DATE AND MAILED THE SAME DATE AS THIS NOTICE.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or materials may be submitted to George A. Beck, Office of Administrative Hearings, Fourth Floor, Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, (612) 341-7601, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment

period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during this three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in Minn. Stat. § 14.50. The rule hearing procedure is governed by Minn. Stat. §§ 14.01-14.56 and by Minn. Rules pts. 1400.0200-.1200. If you have any questions about the procedure, call or write the Administrative Law Judge.

The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the above-entitled matter, you are urged to participate in the rule hearing process.

Authority for the adoption of these rules is contained in Minn. Stat. §§ 240.08, 240.10, 240.13, 240.16, 240.18, 240.19, 240.22, 240.23, 240.24, 240.28 and 240.29.

Notice is hereby given that a Statement of Need and Reasonableness is available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

From a qualitative point of view, most if not all of the proposed rules may impact on small businesses. The quantitative effect of the proposed rules is broadbased because the rules address licensing and related requirements and costs, prohibited acts, affirmative responsibilities of licensees and disciplinary actions for violation of the rules. The potential effects of these proposed rules on small businesses are further discussed in the Statement of Need and Reasonableness.

The text of the proposed rules follows this notice in the State Register. Additional copies of the proposed rules are now available and at least one free copy may be obtained by writing to Richard G. Evans, Executive Secretary, Suite 400, United Labor Centre, 312 Central Avenue, Minneapolis, Minnesota 55414, telephone (612) 341-7555. Additional copies will be available at the hearing. If you have any questions on the content of the rules, contact Richard G. Evans.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's Report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the Rule has been adopted and filed with the Secretary of State. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge (in the case of the Administrative Law Judge's Report), or to the agency (in the case of the agency's adoption and filing with the Secretary of State).

Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. stat. § 10A.01, subd. 11., as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

Ray Eliot, Chairman
Minnesota Racing Commission

In the Matter of the Proposed
Adoption of Rules of the **Minnesota Racing Commission** Governing Pari-Mutuel Horse Racing in the State of Minnesota

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

RICHARD G. EVANS, under oath states that:

1. I am Executive Secretary of the Minnesota Racing Commission (MRC) and, in that capacity, serve as chief administrative officer for the MRC.

2. On December 24, 1984, proposed rules of the MRC, along with a related Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Hearing was published in the State Register. (A copy of said Notice is attached as Exhibit "A".)

3. The State Register inadvertantly omitted from its December 24 edition the Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules With a Public Hearing if Twenty-Five or More Persons Request A Hearing related to the MRC's proposed rules.

4. On December 31, 1984, the State Register republished the Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Hearing, and published the Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules With a Public Hearing if Twenty-Five or More Persons Request A Hearing. (Copies of those Notices are attached as Exhibit "B".)

5. On December 22, 1984, at the City of Minneapolis, County of Hennepin, State of Minnesota, I served the attached Notice (Exhibit "A") by depositing in the United States mail a copy thereof, properly enveloped with first-class postage prepaid, on all persons and associations who had requested that their names be placed on file with the MRC for the purpose of receiving notice of the proposed adoption of rules by the MRC.

6. On December 28, 1984, at the City of Minneapolis, County of Hennepin, State of Minnesota, I served the attached Notices (Exhibit "B") by depositing in the United States mail a copy thereof, properly enveloped with first-class postage prepaid, on all persons and associations who had requested that their names be placed on file with the MRC for the purpose of receiving notice of the proposed adoption of rules by the MRC.

FURTHER AFFIANT SAYETH NOT.

Richard G. Evans
RICHARD G. EVANS

Subscribed and sworn to before me
this 11th day of January, 1985.

Sharon A. Beighley
NOTARY PUBLIC

SHARON A. BEIGHLEY
NOTARY PUBLIC — MINNESOTA
HENNEPIN COUNTY
My Commission Expires Oct 31, 1985

Racing Commission

Proposed Rules Relating to Horse Racing

In the Matter of the Proposed Rules Governing Strikes and Lockouts, Contract Approval, Assignment of Racing Days, Pari-Mutuel Pools, Facilities and Equipment, Stabling, Class C Licenses, Security Officers, Thoroughbred and Quarter Horse Races, Harness Races, Horse Medication, Racing Soundness Exams, Medical Testing, Breeders Fund, Prohibited Acts, Disciplinary and Appeal Procedures, Variances, and All Other Aspects of Pari-Mutuel Horse Racing

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules without a Hearing

A public hearing concerning the above-entitled matter will be held in the Metropolitan Council Chambers, Room 300, Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota on February 5, 1985, commencing at 9:00 a.m. and continuing until all interested persons have an opportunity to be heard. PLEASE NOTE, HOWEVER, THAT THIS HEARING WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A HEARING PUBLISHED IN THE *STATE REGISTER* OF EVEN DATE AND MAILED THE SAME DATE AS THIS NOTICE.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity ~~to ask~~ questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or materials may be submitted to George A. Beck, Office of Administrative Hearings, Fourth Floor, Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, (612) 341-7601, either before the hearing or within five working days after the public hearing ends. The Administrative Law

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

EXHIBIT "A"

Judge may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during this three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in Minn. Stat. § 14.50. The rule hearing procedure is governed by Minn. Stat. §§ 14.01-14.56 and by Minn. Rule pts. 1400.0200-.1200. If you have any questions about the procedure, call or write the Administrative Law Judge.

The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the above-entitled matter, you are urged to participate in the rule hearing process.

Authority for the adoption of these rules is contained in Minn. Stat. §§ 240.08, 240.10, 240.13, 240.16, 240.18, 240.19, 240.22, 240.23, 240.24, 240.28 and 240.29.

Notice is hereby given that a Statement of Need and Reasonableness is available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

From a qualitative point of view, most if not all of the proposed rules may impact on small businesses. The quantitative effect of the proposed rules is broadbased because the rules address licensing and related requirements and costs, prohibited acts, affirmative responsibilities of licensees and disciplinary actions for violation of the rules. The potential effects of these proposed rules on small businesses are further discussed in the Statement of Need and Reasonableness.

The text of the proposed rules follows this notice in the *State Register*. Additional copies of the proposed rules are now available and at least one free copy may be obtained by writing to Richard G. Evans, Executive Secretary, Suite 400, United Labor Centre, 312 Central Avenue, Minneapolis, Minnesota 55414, telephone (612) 341-7555. Additional copies will be available at the hearing. If you have any questions on the content of the rules, contact Richard G. Evans.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's Report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the Rule has been adopted and filed with the Secretary of State. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge (in the case of the Administrative Law Judge's Report), or to the agency (in the case of the agency's adoption and filing with the Secretary of State).

Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11, as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

Ray Eliot, Chairman
Minnesota Racing Commission

Rules as Proposed

7870.0439 STRIKES AND LOCKOUTS.

A licensee constructing a horse racing facility must enter into a no-strike, no-lockout agreement with the statewide labor organization which represents the largest number of construction employees in Minnesota.

7870.0500 CONTRACT APPROVAL.

Subpart 1. Contracts and subcontracts subject to prior commission approval. Contracts entered into, renewed, or extended by Class A, B, and D licensees and their contractors for goods and services are subject to prior approval by the commission.

Contracts and subcontracts must include affirmative action plans establishing goals and timetables consistent with Minnesota Statutes, chapter 363. All Class A, B, and D licensees must submit copies of any written contracts and subcontracts to the commission. No contract or subcontract is valid, nor are either of the parties bound by the contract until it has been approved by the commission. The commission shall approve or disapprove contracts and subcontracts within 30 days, as computed pursuant to Minnesota Statutes, section 645.15, after submission.

Subp. 2. Information required. If a contract or subcontract is in an amount more than $50,000 or of a duration longer than 30 days, a Class A, B, or D licensee also must submit to the commission:

A. The name, address, and telephone number of the contractor or subcontractor.

B. The name, address, date of birth, in the case of individuals, and social security number, if provided, of every director, officer, general partner, or other policymaker and holder of a direct or indirect record or beneficial ownership or other voting interest or control, whether absolute or contingent, of five percent or more in the contractor or subcontractor and the nature and extent of such interest or control. If a nonindividual holds more than a 25 percent interest or control of a contractor or subcontractor, the disclosure required by this item must be made of policymakers and holders of interests or control of ten percent or more in that entity.

C. A description of any contract, agreement, or understanding entered into by an individual or other entity identified in item B with regard to performance of the contract or subcontract or its benefits.

D. Descriptions of the most recent five contracts or subcontracts performed or being performed, date, and for whom.

E. Claims of delay or failure in meeting tax, financial, or other obligations, including bankruptcy proceedings, and any other litigation or administrative proceedings in which the contractor or subcontractor was a party during the past five years.

F. The signature, name, address, and title of an individual providing the information. The licensee must notify the commission promptly of any change in the information required by items A to F before performance is completed.

Subp. 3. Basis for commission approval. The commission shall approve the contract or subcontract if it determines that approval will not adversely affect racing or the public interest, is in accordance with applicable laws and rules, and will not adversely affect the public health, safety, and welfare. In making that determination, the commission must consider the contractor or subcontractor's competence, experience, reputation, record of law abidance, and financial responsibility.

Subp. 4. Rescission of approval. The commission, after notice and an opportunity to be heard, may rescind its approval of a contract or subcontract during its performance if the commission determines that the contractor or subcontractor no longer meets the criteria in subpart 3.

Subp. 5. Economic opportunities for racial minorities. Class A and B licensees are required, to the extent feasible, to establish the following goals to assist in providing economic opportunities for racial minorities:

A. establish a minimum goal of ten percent for construction subcontracts/material suppliers with minority business enterprises during construction of the facility, and establish a labor and employment goal of ten percent for racial minorities in on-site construction jobs;

B. establish a minimum goal of ten percent for hiring racial minorities in all job categories of the licensee's postconstruction workforce, including clerical, laborers, officials and managers, professionals, technicians, and salesworkers, and achieve this goal within two years of commencing racing operations;

C. establish a minimum goal of 15 percent of its total vendor, supplier, and other contracts with minority business enterprises for the postconstruction period, and achieve this goal within two years after completion of the initial construction; and

D. establish a minimum goal of making available up to ten percent of the available equity ownership to racial minorities.

Subp. 6. Economic opportunities for women. Class A and B licensees also are required, to the extent feasible, to establish the following goals to assist in providing economic opportunities for women:

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A. establish a minimum goal of four percent for construction subcontracts/material suppliers with women business enterprises during construction of the facility, and establish a labor and employment goal of four percent for women in on-site construction jobs;

B. establish a minimum goal of 51.4 percent for hiring women in all job categories of all the licensee's postconstruction workforce, including clerical, laborers, officials and managers, professionals, technicians, and salesworkers, and achieve this goal within two years of commencing racing operations;

C. establish a minimum goal of 15 percent of its total vendor, supplier, or other contracts with women business enterprises for the postconstruction period, and achieve this goal within two years after completion of the initial construction; and

D. establish a minimum goal of making available up to ten percent of the available equity ownership to women.

Subp. 7. Economic opportunities for disabled. Class A and B licensees are required, to the extent feasible, to establish reasonable goals to assist in providing economic opportunities for disabled individuals. These affirmative action goals must be set with respect to the Class A and B licensees' construction subcontracts/material suppliers during facility construction, on-site construction jobs, postconstruction labor force, postconstruction vendor, supplier and other contracts, and available equity ownership opportunities.

Subp. 8. Compliance reports. Class A and B licensees are required to file semiannual reports with the commission demonstrating compliance with the requirements of this part on forms provided by the commission.

Subp. 9. Definitions. For the purpose of this part, the following words have the following meaning:

A. "Disabled individual" means a person who has a physical or mental impairment which substantially limits one or more major life activity; it does not include an alcohol or drug abuser whose current use of alcohol or drugs renders that individual a hazard to the individual or others.

B. "Minority business enterprise" is a business owned and controlled by minority individuals and is a small business concern (1) which is at least 51 percent owned by one or more minority individuals or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more minority individuals, and (2) whose management and daily business operations are controlled by one or more of such individuals.

C. "Owned and controlled" means a business with at least 51 percent of the economic beneficial interest, at least 51 percent of the voting interest, and whose management and daily business operation are legitimately held by a person (or persons in any combination) who is a racial minority or woman.

D. "Racial minority" means:

(1) Blacks, persons having origins in any of the Black African racial groups not of Hispanic origin;

(2) Hispanic, persons of Mexican, Puerto Rican, Cuban, Central American, South American, or other Spanish culture or origin, regardless of race;

(3) Asian and Pacific Islander, persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; and

(4) American or Alaskan Native, persons having origins in any of the original peoples of North America and mantaining identifiable tribal affiliations through membership and participation or community identification.

E. "Women owned business enterprise" is a business owned and controlled by women and is a small business concern (1) which is at least 51 percent owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women, and (2) whose management and daily business operations are controlled by one or more of such individuals.

CHAPTER 7869
MINNESOTA RACING COMMISSION
GENERAL DEFINITIONS

Rules as Proposed (all new material)

7869.0100 DEFINITIONS.

Subpart 1. Scope. For the purpose of chapters 7869 to 7899, the following terms have the meaning given them unless another intention clearly appears.

Subp. 2. Actual favorite. "Actual favorite" means a horse that has the lowest win odds as determined by the most amount of money wagered on that horse to win.

Subp. 3. Added money. "Added money" means the amount an association adds to the nominating and starting fees in a race.

Subp. 4. Age. "Age" means the age of a horse as computed from the first day of January in the year in which the horse is foaled.

Subp. 5. Allowance. "Allowance" means a specified amount of weight that may be subtracted from a horse starting weight based upon that horse's past performance, money won, or sex as they relate to the conditions of a race.

Subp. 6. Also-eligible. "Also-eligible" means a horse officially entered and appearing on the overnight sheet, but not permitted to start unless the field is reduced by scratches at scratch time below a specified number.

Subp. 7. Association. "Association" means the holder of a Class B or D license.

Subp. 8. Authorized agent. "Authorized agent" means a person duly appointed by an owner or trainer to act on their behalf in racing matters.

Subp. 9. Break. "Break" means the act of a harness horse altering either its pacing or trotting stride.

Subp. 10. Breeder. "Breeder" of a thoroughbred horse means the owner of the dam at the time of foaling.

Subp. 11. Breeding place. "Breeding place" means the place of birth of a horse.

Subp. 12. Claim. "Claim" means the act of attempting to purchase a horse from a claiming race.

Subp. 13. Claiming authorization. "Claiming authorization" means approval granted by the commission to a person that is not licensed as an owner to claim a horse from a claiming race.

Subp. 14. Commission. "Commission" means the Minnesota Racing Commission.

Subp. 15. Commission veterinarian. "Commission veterinarian" means the medical officer appointed by the commission pursuant to Minnesota Statutes, section 240.04, subdivision 4.

Subp. 16. Condition book. "Condition book" means the publication issued by the association and approved by the commission advertising races for upcoming racing days.

Subp. 17. Coupled. "Coupled" means two or more horses grouped together for wagering purposes.

Subp. 18. Course. "Course" means the track over which horses race.

Subp. 19. Day. "Day" means 24 hours ending at midnight.

Subp. 20. Dead heat. "Dead heat" means two or more horses crossing the finish line at exactly the same time.

Subp. 21. Declaration. "Declaration" means the act of withdrawing an entered horse from a race.

Subp. 22. Disqualification. "Disqualification" means an order of the stewards or commission which revises the order of finish in a race.

Subp. 23. Entrance fee. "Entrance fee" means a fee set by the association which must be paid in order to make a horse eligible for a stakes race.

Subp. 4. Entry. "Entry" means, according to its context, either:

A. the act of entering a horse to race;

B. a horse eligible and entered in a race; or

C. two or more horses that are entered in a race and are owned in whole or in part by the same owner, or are trained by a trainer who owns any interest in any of the other horses in the race and are coupled for wagering purposes.

Subp. 25. Equipment. "Equipment," as applied to a horse, means whips, blinkers, tongue straps, muzzles, hoods, nose bands, shadow rolls, martingales, breast plates, bandages, boots, plates (shoes), sulkies, head poles, and all other paraphernalia that is or might be used on or attached to a horse while racing.

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Subp. 26. Field. "Field" means:

A. the entire group of horses in a race; or

B. the highest numbered horse within the capacity of the totalizator, and all horses of a higher number grouped together for wagering purposes.

Subp. 27. Fine. "Fine" means the imposition of a monetary penalty upon a license holder by the stewards or commission.

Subp. 28. Foul. "Foul" means any action by a horse or jockey which interferes with another horse or jockey in the running of a race.

Subp. 29. Gait. "Gait" means any of the ways a horse may move by lifting the feet in different order or rhythm, and specifically in harness racing, trotting, or pacing.

Subp. 30. Grounds. "Grounds" mean the entire area used by the association to conduct a race meeting, including the track, grandstand, stables, concession areas, and parking facilities.

Subp. 31. Heat. "Heat" means one of a number of races to determine the ultimate winner of an event.

Subp. 32. Horse. "Horse" includes filly, mare, colt, horse, gelding, and ridgling.

Subp. 33. Lapped on break. "Lapped on break" means a harness horse that is breaking stride at the finish line and is even with an opponent, or the breaking horse's nose is at least opposite its opponent's hind quarters.

Subp. 34. Maiden. "Maiden" means a horse which at the time of starting has never won a race, on the flat in any country on a recognized racetrack, or that has been disqualified after finishing first.

Subp. 35. Meeting. "Meeting" means the entire period for which a license to conduct racing has been granted to any association by the commission.

Subp. 36. Morning line. "Morning line" means the projected approximate win odds of each horse printed in the official program prior to wagering.

Subp. 37. Nerved. "Nerved" means any procedure whereby any nerve or nerves of a horse have been removed or desensitized.

Subp. 38. Nominating fee. "Nominating fee" means an amount by the association which must be paid in order to make a horse eligible for a stakes race.

Subp. 39. Nomination. "Nomination" means the naming of a horse or its foal in utero to compete in a specific race or series of races, eligibility for which may be conditional upon the payment of a fee at the time of naming.

Subp. 40. Nominator. "Nominator" means the person in whose name a horse is nominated for a stakes or handicap race.

Subp. 41. Official. "Official" means the act of the stewards declaring the results of the race final and authorizing winnings to be paid out.

Subp. 42. Owner. "Owner" means any person or entity possessing all or part of the legal title to a horse.

Subp. 43. Photo-finish. "Photo-finish" means the equipment and cameras used to aid the placing judges in determining the exact order of finish in a race.

Subp. 44. Place. "Place" means either the position in which a horse finishes a race or more specifically, finishing second in a race.

Subp. 45. Pool. "Pool" means the total amount of money bet in each form of pari-mutuel wagering.

Subp. 46. Post position. "Post position" means the starting position assigned to a horse for a race.

Subp. 47. Post time. "Post time" means the time set for the arrival of horses at the starting point in a race.

Subp. 48. Program. "Program" means:

A. an entire days racing schedule; or

B. the official publication of a day's races.

Subp. 49. Purse. "Purse" means the amount of money to be paid the participants of a race.

Subp. 50. Qualifying list. "Qualifying list" means the tabulation compiled by the stewards of horses that must perform in qualifying races before being eligible to be entered.

Subp. 51. Race. "Race" means a contest among horses for purse, stakes, premium, or wager for money, run in the presence of racing officials of the association and the commission. The following are categories of races:

A. "Allowance race" means a race, other than claiming, in which certain conditions are drafted.

B. "Claiming race" means a race in which any horse entered may be purchased in conformity with the rules of the commission.

C. "Conditioned race" means an overnight event to which eligibility is determined according to specified qualifications.

D. "Handicap" means:

(1) in thoroughbred and quarter horse racing a race in which weights to be carried by the entered horses are adjusted by a handicapper for the purpose of equalizing their respective chances of winning;

(2) in harness racing the assignment of positions for the purpose of equalizing their respective chances of winning.

E. "Invitational race" means a race restricted to horses asked to race by the racing secretary.

F. "Matinee race" means a race where an entrance fee may be charged and where the premiums, if any, are other than money.

G. "Match race" means a race between two or more horses, each the property of different owners, on terms agreed upon by the owners, and approved by the commission.

H. "Overnight race" means a race for which entries close 96 hours or less before the time set for the first race of the day on which the races are to be run.

I. "Purse race" means a race for money or other prize to which the owners of the horses engaged in the race do not contribute an entry fee.

J. "Quarter horse race" means a race on the flat at 870 yards or less.

K. "Race on the flat" means a race over a course in which no jumps or other obstacles are placed.

L. "Stakes races" or "sweepstakes" means a race to which nominators of the engaged entries contribute to a purse, and to which money or any other award may be added. No overnight race, regardless of its conditions, may be deemed a stakes race.

Subp. 52. Recall. "Recall" means the starter declaring that the field be assembled for a restart prior to the word "go" being given.

Subp. 53. Recognized racetrack. "Recognized racetrack" means a racetrack where pari-mutuel wagering is authorized by law, or which is recognized by the American Quarter Horse Association.

Subp. 54. Ruled off. "Ruled off" means the act of barring a licensee from the grounds of an association and denying the licensee all racing privileges.

Subp. 55. Scratch. "Scratch" means the act of withdrawing an entered horse from a race.

Subp. 56. Scratch time. "Scratch time" means the time set by the association for the closing of applications requesting permission of the stewards to withdraw from a race.

Subp. 57. Simulcast. "Simulcast" means a televised race transmitted or received by an association on a racing day when pari-mutuel wagering is conducted.

Subp. 58. Start. "Start" means the beginning of an officially recognized race.

Subp. 59. Starter. "Starter" means:

A. a horse whose stall door of the starting gate opens in front of it at the time all of the horses are dispatched in a race; or

B. the official whose duty it is to give the starting signal at the beginning of a race.

Subp. 60. Starter's school list. "Starter's schooling list" means a tabulation of horses compiled by the starter that are ineligible to be entered until they have demonstrated their ability to the starter that they are capable of performing in a satisfactory manner at the starting gate.

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Subp. 61. Starting fee. "Starting fee" means a charge, specified by the conditions of the race and set by the association, that must be paid in order to start in a race.

Subp. 62. Stewards' list. "Stewards' list" means a tabulation of horses compiled by the stewards of horses who are ineligible to race due to poor performance, ownership by a suspended or nonlicensed person, or for other reasons that might affect the integrity or welfare of racing.

Subp. 63. Supplemental fee. "Supplemental fee" means a fee set by the association that must be paid at a prescribed time to make a horse eligible for a stakes race.

Subp. 64. Suspended. "Suspended" means that all privileges granted by the commission are temporarily withdrawn.

Subp. 65. Sustaining fees. "Sustaining fees" mean fees which must be paid periodically, as prescribed by the conditions of the race, in order to keep a horse eligible for that race.

Subp. 66. Totalizator. "Totalizator" means the system by which all pari-mutuel activity including selling of tickets, calculation of odds and payoffs, and displaying of pari-mutuel information is accomplished.

Subp. 67. Track. "Track" means the course over which races take place.

Subp. 68. USTA. "USTA" means the United States Trotting Association.

Subp. 69. Walkover. "Walkover" means a race in which there are not two or more horses of separate interest sent postward.

CHAPTER 7872
MINNESOTA RACING COMMISSION
ASSIGNMENT OF RACING DAYS

7820.0100 APPLICATION FOR RACING DAYS.

Subpart 1. Submission of racing days requests. On or before May 15 of any year, a Class B or Class D licensee may apply for an assignment of racing days for the next three calendar years by submitting an original and 15 copies of the following:

A. a signed request for assignment of racing days;

B. a statement of the precise nature and extent of the assignment requested, including dates, breeds of horses, number of races per program, types of races, purses, and hours of racing;

C. a detailed statement of how the request meets each of the criteria in part 7872.0110; and

D. any other documentation the licensee deems necessary to ensure a complete understanding of the request.

Subp. 2. Disposition of racing days requests. The commission must act on a request for assignment of racing days pursuant to the following procedures:

A. Upon receipt of an application, the commission shall send written notice of the application to all persons registered with the commission for the purpose of notification of rulemaking proceedings or assignments of racing days and all other Class B and D licensees. The notice must include a brief description of the request, a statement that all persons wishing to comment may do so in writing within 20 days after issuance of the notice, the time and place of a public hearing on the application, and the earliest and latest date on which the commission may act.

B. The commission shall conduct a public hearing on the request no sooner than 25 nor later than 30 days after an application is filed. The commission shall issue a press release no later than five days after an application is filed announcing the filing and the time and place of the public hearing.

C. If, after an application is filed, the commission determines that additional information from the applicant is necessary to fully consider the request, the commission must direct the applicant to submit the additional data.

D. If the commission further determines it necessary to fully understand an application, the commission shall request the applicant or a person submitting comments to appear before the commission. The commission shall request the appearance in writing at least five days in advance.

E. If an applicant fails to comply with subpart 1 and this subpart, the commission shall deny the request.

F. Within 30 days after action on an application, the commission shall submit in writing to the applicant and persons who submitted written comments the reasons why the commission approved or denied the request.

Subp. 3. Revision of racing days. A holder of a Class B or D license may apply for, or the commission on its own motion may make, a revision of an assignment of racing days as provided in Minnesota Statutes, section 240.14, subdivision 2, paragraph (b), except that the commission shall perform the duties imposed on an applicant as provided in this part.

Subp. 4. Rescission of racing days. The commission on its own motion may rescind one or more racing days assigned to a licensee as provided in Minnesota Statutes, section 240.14, subdivision 4, if the commission determines the licensee has not or will not meet the terms of the license. Any days rescinded may be reassigned to another licensee.

Subp. 5. Licenses after July 1. If a Class B or D license is issued after July 1 of any year, the commission upon application may approve an assignment of racing days to the licensee as provided in Minnesota Statutes, section 240.14, subdivision 1, except that the application must have been filed no later than the time of application for the license.

7872.0110 ASSIGNMENT OF RACING DAYS.

Subpart 1. Request. Upon the written request of a Class B or D licensee, the commission shall assign racing days, including maximum number of days of racing per year, months and weeks during which racing may be conducted, days on which racing may be conducted, dark days, types of racing, maximum number of races per program, hours of racing, period of time between race meetings and other issues related to Minnesota Statutes, chapter 240, and the rules of the commission.

Subp. 2. Basis for assignment of racing days. When considering a request for assignment of racing days, the commissioner must consider the success and integrity of racing; the public health, safety, and welfare; public interest, necessity, and convenience; as well as the following factors:

A. the integrity of the licensee;

B. the financial strength of the licensee;

C. the ability of the licensee to conduct horse racing, including licensee's facilities, systems, policymakers, managers, and personnel;

D. past compliance of the licensee with statutes, rules, and orders regarding pari-mutuel horse racing;

E. the licensee's market, including area, population, and demographics;

F. the performance of the racetrack with previously assigned dates;

G. the impact of the assignment of racing days on the economic viability of the racetrack, including attendance and pari-mutuel handle;

H. the quantity and quality of economic activity and employment generated;

I. state tax revenues from racing and related economic activity;

J. the entertainment and recreation opportunities for Minnesota citizens;

K. the variety of racing;

L. the quality of racing;

M. the availability and quality of horses;

N. the development of horse racing;

O. the quality of racetrack facilities;

P. security;

Q. purses;

R. benefits to Minnesota breeders and horse owners;

S. stability in racing dates;

T. competition among racetracks and with other providers of entertainment and recreation as well as its effects;

U. the social effects;

V. ecology;

W. community and government support;

X. sentiment of horsepersons; and

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Y. any other factors related to assignment of racing days which the commission deems crucial to its decision-making as long as the same factors are considered with regard to all requests.

CHAPTER 7873
MINNESOTA RACING COMMISSION
PARI-MUTUEL RULES

7873.0100 APPLICATION FOR PARI-MUTUEL POOLS.

Subpart 1. Submission of pari-mutuel requests. A Class B or D licensee may apply for approval of a pari-mutuel pool by submitting an original and 15 copies of the following:

A. a signed request for approval of pari-mutuel pool;

B. a statement of the precise nature and extent of the pool requested, including type of betting and placement in racing programs;

C. a detailed statement of how the request meets each of the criteria in part 7873.0110, subpart 1; and

D. any other documentation the licensee deems necessary to ensure a complete understanding of the request.

Subp. 2. Disposition of requests. The commission must act on a request for approval of pari-mutuel pool pursuant to the following procedures:

A. Upon receipt of an application, the commission shall send written notice of the application to all persons registered with the commission for the purpose of notification of rulemaking proceedings or approval of pari-mutuel pools, and all other Class B and D licensees. The notice must include a brief description of the request, a statement that all persons wishing to comment may do so in writing within 20 days after issuance of the notice, the time and place of any public hearing on the application, and the earliest and latest date on which the commission may act.

B. The commission may conduct a public hearing on the request no sooner than 25 nor later than 30 days after an application is filed. The commission shall issue a press release no later than five days after an application is filed announcing the filing and the time and place of any public hearing.

C. If, after an application is filed, the commission determines that additional information from the applicant is necessary to fully consider the request, the commission shall direct the applicant to submit the additional data.

D. If the commission further determines it necessary to fully understand an application, the commission shall request the applicant or a person submitting comments to appear before the commission. The commission shall request the appearance in writing at least five days in advance.

E. If an applicant fails to comply with subpart 1 and this subpart, the commission shall deny the request.

F. The commission shall approve or deny an application for approval of a pari-mutuel pool not sooner than 30 nor later than 45 days after filing of the application.

G. Within 30 days after action on an application, the commission shall submit in writing to the applicant and persons who submitted written comments the reasons why the commission approved or denied the request.

Subp. 3. Motion of commission. The commission on its own motion may designate pari-mutuel pools as provided in Minnesota Statutes, section 240.13, subdivision 3, except that the commission shall perform the duties imposed on an applicant by subpart 1.

7873.0110 APPROVAL OF PARI-MUTUEL POOLS.

Subpart 1. Request. Upon written request of a Class B or D licensee, or on its own motion, the commission may approve pari-mutuel pools, including types of betting, number and placement of exotics in racing programs, and other issues related to pari-mutuel pools which promote the purposes of Minnesota Statutes, chapter 240, and the rules of the commission.

Subp. 2. Basis for approving pari-mutuel pools. When considering a request for approval of pari-mutuel pools, the commission must consider the success and integrity of racing; the public health, safety, and welfare; public interest, necessity, and convenience; as well as the following factors:

A. the integrity of the licensee;

B. the financial strength of the licensee;

C. the ability of the licensee to operate a racetrack and conduct horse racing, including licensee's facilities, systems, policymakers, managers, and personnel;

D. past compliance of the licensee with statutes, rules, and orders regarding pari-mutuel horse racing;

E. the licensee's market, including area, population, and demographics;

F. the performance of the racetrack with previously approved pari-mutuel pools;

G. the impact approving the pari-mutuel pool will have on the economic viability of the racetrack, including attendance and pari-mutuel handle;

H. the quantity and quality of economic activity and employment generated;

I. state tax revenues from racing and related economic activity;

J. the entertainment and recreation opportunities for Minnesota citizens;

K. the variety of racing;

L. the quality of racing;

M. the availability and quality of horses;

N. the development of horse racing;

O. the quality of racetrack facilities;

P. security;

Q. purses;

R. benefits to Minnesota breeders and horse owners;

S. competition among racetracks and with other providers of entertainment and recreation as well as its effects;

T. the social effects;

U. community and government support;

V. sentiment of horsepersons; and

W. any factors related to pari-mutuel pools which the commission deems crucial to its decision-making, as long as the same factors are considered with regard to all racetracks.

Subp. 3. Limitation on pari-mutuel pools. The commission shall not approve a pari-mutuel pool in which a participant is required to select more than two horses in any race.

7873.0120 PARI-MUTUEL BETTING.

In the event there is insufficient money available in a net pari-mutuel pool to return $2.10 on each winning $2 wager, the association conducting the pari-mutuel betting shall pay the deficiency from its share of the pool.

7873.0125 CALCULATION OF PAYOFFS.

Subpart 1. No money wagered on horse to win. If a horse wins and there is no money wagered on it to win, the win pool shall be apportioned among the holders of place tickets on that horse, if any; otherwise among holders of the show tickets on that horse.

Subp. 2. No money wagered on horse to place. If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among the holders of the place tickets on the other horse which was placed first or second.

Subp. 3. No money wagered on horse to show. If no money has been wagered to show on a horse which has placed first, second, or third in a race, the show pool in that race shall be apportioned among the holders of show tickets on the other horses which are placed first, second, or third in that race.

Subp. 4. Failure of horses to finish in pools. If only two horses finish in any one race, the show pool shall be figured the same as the place pool and the money apportioned to holders of show tickets on the two finishing horses. If only one horse finishes in any one race, all three pools shall be figured separately as straight holders of the finishing horse. If no horse finishes the race, then the entire amount wagered in all pools shall be refunded to all ticket holders.

Subp. 5. Dead heats. If two horses finish in a dead heat for:

A. first, the pay-off price shall be figured as in a place pool;

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B. second, the winner of the race receives its half share of the profits in that pool, and each of the two horses that dead heats for second receives one-half of the remaining half of the profits; or

C. third, the first and second horses each receive a normal one-third of the profits in that pool; and the two horses that dead heat for third, each receives one-half of the remaining third of the profits.

Subp. 6. Coupled entry finishing in the money. If two horses coupled in the betting as an "entry" or the "field" finish first and second, first and third, or second and third, the division of the net show pool shall be as follows: two-thirds of the net show pool shall be allotted to the pool of the entry and the remaining one-third to the other horse.

Subp. 7. Coupled entry in dead heat finishing in the money. If one horse of an entry or field finishes first or second and the other part of the same entry or field finishes in a dead heat for third with another horse, the division of the net show pool shall be as follows: one-half of the pool to the entry, one-third to the other first or second place finisher, and one-sixth to the horse finishing in the dead heat.

Subp. 8. Field or entry finishing first, second, and third. If the coupled entry or field horses finishes first, second, and third, the money in each pool goes to the entry or field tickets, no other tickets participating.

7873.0130 PREVENTION TO START.

In a thoroughbred or quarter horse race, if the doors in front of a stall in a mechanically or electronically operated starting gate should fail to open simultaneously with the other stall doors, thereby preventing a horse from obtaining a fair start when the starter dispatches the field, the following shall apply:

A. If any horse is so prevented from starting, the entire amount in the win, place, and show pools wagered on that horse shall be promptly refunded unless the horse finishes first, second, or third, in which case the horse shall be considered a starter for all pools in which the horse earned a placing and a non-starter in all other pools. However, there shall be no refund if the horse is part of a coupled entry or field.

B. In races on which multiple wagering is permitted, except on the second half of the daily double or pick six, if a horse is so prevented from starting, the entire amount wagered on any combination including that horse shall be promptly refunded.

7873.0140 FAILURE TO START.

In the event of horses failing to start, the following shall apply:

A. If fewer than five horses in different betting interests leave the stalls, the entire amount wagered in the show pool shall be promptly refunded.

B. If fewer than four horses in different betting interests leave the stalls, the entire amount wagered in the place snd show pools shall be promptly refunded.

C. If fewer than two horses leave the stalls, the entire amount wagered to win, place, and show pools shall be promptly refunded.

7873.0150 SCRATCHES.

For all wagers other than the daily double or pick six, a refund at face value shall be made to all holders of pari-mutuel tickets on horses that have been withdrawn, dismissed, or have participated in a race in which no horse finished. No refund shall be made if the scratched, withdrawn, or dismissed horse is part of a coupled entry or field.

7873.0160 DAILY DOUBLE.

Subpart 1. Scope. The daily double wager combines two horses in two successive races, selecting the horses which will finish first in the official order of finish of each of the two races. The first of these races is designated as the first half of the daily double and the subsequent race the second half. All daily double wagers must be calculated in an entirely separate pool.

Subp. 2. No winning combinations sold. The following calculations shall be used when no winning daily double combinations are sold:

A. If no winning combination is sold, the total money is computed as a place pool with those who have picked the winner of the first half and those who have picked the winner of the second half participating in the pool.

B. If no ticket is sold on the winner of the second half, the entire pool is apportioned to holders of the tickets on the winner of the first half.

C. If no ticket is sold on the winner of the first half, the entire pool is apportioned to the holders of tickets on the winner of the second half participating in the pool.

D. If no tickets are sold containing the numbers of either winner, the pool shall be allotted to those having tickets on horses finishing next to the winners.

Subp. 3. Dead heats. If a dead heat should result in the first or second race of the daily double, the total pool is figured as a place pool.

Subp. 4. Scratches from daily double before first half is run. Should any horse or horses entered in the first or second half of the daily double be scratched, excused by the stewards, or prevented from racing before the first half of the daily double has been run, the money wagered on any horse or horses so scratched, excused, or prevented from racing shall be deducted from the daily double pool and refunded to the purchaser or purchasers of tickets on the horse or horses so scratched, excused, or prevented from racing.

Subp. 5. Scratches in second half to result in consolation pool. Should any horse be scratched, excused, or prevented from racing in the second half of the daily double, after the first half is official, all tickets combining the scratched horse with winner of first half of the daily double shall become consolation tickets and shall be paid a price per dollar denomination calculated as follows: The net daily double pool shall be divided by the total purchase price of all tickets combining the winner of the first half, and the quotient thus obtained shall be the price to be paid to holders of tickets combining the winner of the first half and the scratched or excused horse of horses in the second half. The entire consolation pool (number of eligible tickets times the consolation price) shall be deducted from the net daily double pool.

Subp. 6. Announcement of payoff prices. The possible payoff prices shall be posted or announced to the public before the start of the second half of the daily double.

7873.0170 QUINELLA.

Subpart 1. Scope. The winning quinella combination shall be the first two horses to finish the race. The order in which the horses finish is immaterial. All tickets on the quinella must be calculated in an entirely separate pool.

Subp. 2. No winning combinations sold. The following calculations shall be used when no winning quinella combinations are sold:

A. If there are no tickets sold on the winning combinations in a quinella race, all quinella tickets bearing the number of the individual win horse and all quinella tickets bearing the number of the individual place horse shall be deemed winning tickets and the payoff shall be calculated as a place pool.

B. If there are no tickets sold on the winning combination in a quinella race and if there are no quinella tickets sold with the number of the individual win horse, all quinella tickets bearing the number of the individual place horse shall be deemed winning tickets and the payoff shall be calculated as a win pool.

C. If there are no tickets sold on the winning combination in a quinella race and if there are no quinella tickets sold bearing the number of the individual place horse, all quinella tickets bearing the number of the individual win horse shall be deemed winning tickets and the payoff shall be calculated as a win pool.

D. If there are no tickets sold on the winning combinations in a quinella race and if there are no quinella tickets sold bearing the number of the individual win horse and if there are no quinella tickets sold bearing the number of the individual place horse, the quinella shall be deemed "no race" and all money in the quinella pool shall be promptly refunded.

Subp. 3. If only one horse finishes, race declared "no race." If only one horse finishes in a quinella race, the quinella shall be deemed "no race" and all money in the quinella pool shall be promptly refunded.

Subp. 4. Dead heats. The following calculations shall be used in the event of dead heats.

A. If there is a two horse dead heat for win in a quinella race, the two horses involved in the dead heat shall be the winning quinella combination.

B. If a multiple dead heat for win results, all horses involved in the dead heat shall be the winning combinations. Example: if numbers 1, 3, 5, and 7 dead heat for win, the winning quinella combinations would be 1-3, 1-5, 1-7, 3-5, 3-7, and 5-7. The net pool, after deducting the amounts wagered on the winning combinations will be equally distributed in payoff calculations on the winning combinations.

C. If there is a two horse dead heat for place in a quinella race, the total pool is calculated as a place pool.

D. If a multiple dead heat for place results in a quinella race, all combinations coupling the winning horse with the individual place horses shall be winners of the quinella race and payoffs calculated accordingly.

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7873.0180 PERFECTA OR EXACTA.

Subpart 1. Scope. A perfecta or exacta wager combines two horses in a single race, selecting the horse which will finish first and the horse which will finish second in that race in the official order of finish. All perfecta or exacta wagers must be calculated in a separate pool.

Subp. 2. No winning combination sold. If no ticket is sold on the winning perfecta or exacta combination, the net pool shall be distributed equally among holders of tickets selecting the winning horse to finish first and holders of tickets selecting the second place horse to finish second.

Subp. 3. Dead heats. The following calculations shall be used in the event of dead heats.

A. In case of a dead heat between two horses for first place, the net pool shall be calculated and distributed as a place pool to holders of tickets of the winning combination. Example: if numbers 2 and 5 dead heat for win, the winning combination would be 2-5 and 5-2.

B. In case of a dead heat between two horses for second place, the pool shall be figured as a place pool, the holders of tickets combining the winning horse and the two horses finishing second participating in the payoff. Example: if number 2 wins with numbers 5 and 6 a dead heat for second, the winning combinations would be 2-5 and 2-6.

C. If there is a dead heat for second place, if no ticket is sold on one of the two winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combination. Example: if number 2 won and numbers 5 and 6 were a dead heat for second, 2-5 and 2-6 would be the winning combination. However, if no ticket was sold with a 2-5 combination, the net pool would be distributed to holders of the 2-6 combination.

D. If no tickets combine the winning horse with either of the place horses in the dead heat, the pool shall be calculated and distributed as a place pool to holders of tickets representing any interest in the net pool. Example: if number 2 won and numbers 5 and 6 were a dead heat for second, 2-5 and 2-6 would be the winning combinations. However, if no ticket was sold with the 2-5 or 2-6 combination, the net pool would be distributed to holders of any ticket with 2 in the win position as part of the combination with any other number (2-1, 2-3, 2-4, 2-7, 2-8 of an eight horse field) and to holders of any ticket with 5 or 6 in the place position with any other number (1-5, 3-5, 4-5, 6-5, 7-5, 8-5, 1-6, 3-6, 4-6, 5-6, 7-6, 8-6 of an eight horse field).

Subp. 4. Refund of pool. A refund of the perfecta or exacta pool shall occur when:

A. No ticket is sold that would require distribution of a perfecta or exacta pool to winners as defined in this part.

B. Only one horse finishes in a perfecta or exacta race.

7873.0190 PICK SIX.

Subpart 1. Scope. The pick six pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place, and show pool shown on the totalisator, nor to the rules governing the distribution of such other pools.

Subp. 2. Ticket is evidence of binding contract. A pick six pari-mutuel ticket shall be evidence of a binding contract between the holder of the ticket and the association and the ticket shall constitute an acceptance of the pick six provisions and rules.

Subp. 3. Pick six may be given distinctive name. A pick six may be given a distinctive name by the association conducting the race meeting, subject to prior approval by the commission.

Subp. 4. Pick six pool. The pick six pari-mutuel pool consists of amounts contributed for a selection for win only in each of six races designated by the association with the approval of the commission. Each person purchasing a pick six ticket shall designate the winning horse in each of the six races comprising the pick six.

Subp. 5. Coupled entries and fields. Those horses constituting an entry of coupled horses, or those horses coupled to constitute the mutuel field in a race comprising the pick six, shall race as a single wagering interest for the purpose of the pick six pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race the entry of the field selection shall remain as the designated selection to win in that race for the pick six calculation and the selection shall not be deemed a scratch.

Subp. 6. Calculation of pool. The pick six pari-mutuel pool shall be calculated as follows:

A. One hundred percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the pick six.

B. In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner in each of the six races comprising the pick six, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick six pari-mutuel pool for the next

succeeding racing date as an additional net amount to be distributed. The remaining 25 percent shall be distributed among the holders of pick six tickets which correctly designate the most official winners of the six races comprising the pick six.

C. Should no distribution be made pursuant to item A on the last day of the association's meeting, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of tickets correctly designating the most winning selections of the six races comprising the pick six for that day.

Subp. 7. Actual favorite substituted for scratched horse. In the event a pick six pari-mutuel ticket designates a selection in any one or more of the races comprising the pick six and that selection is scratched, excused, or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs.

Subp. 8. Dead heats. In the event of a dead heat for win betweeen two or more horses in any pick six race, all such horses in the dead heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

Subp. 9. Cancellation of race comprising pick six. In the event one or more of the races comprising the pick six is canceled for any reason, or in the event one or more of the races comprising the pick six is declared as no contest by the stewards, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed. The remaining 25 percent shall be distributed among the holders of pick six tickets which correctly designate the most official winners of the remaining races comprising the pick six.

Subp. 10. No pick six ticket to be exchanged or canceled. No pari-mutuel ticket for the pick six pool shall be sold, exchanged, or canceled after the time of the closing of wagering in the first of the six races comprising the pick six, except for the refunds on pick six tickets as required by this part, and no person shall disclose the number of tickets sold in the pick six pool or the number or amount of tickets selecting winners of pick six each day to be official.

7873.0200 "OFFICIAL" SIGN.

Any ruling of the stewards with regard to the award of purse money made after the "official" sign has been posted shall have no bearing on the mutuel payoff.

7873.0210 LOST TICKETS.

No claims for lost pari-mutuel tickets shall be considered.

7873.0220 ALTERED OR MUTILATED TICKETS.

A mutilated or altered pari-mutuel ticket that is not easily identifiable as being a valid ticket shall not be accepted for payment.

7873.0230 INFORMATION WINDOW.

Each association shall provide at least one information or complaint window where complaints may be made by members of the public. A current set of all commission rules regarding the conduct of pari-mutuel wagering shall be available for public inspection during racing hours at every such window.

7873.0240 TIP SHEETS.

Subpart 1. Number of tip sheets. Not less than two independently-handicapped tip sheets shall be available at a racetrack. Each handicapper must sign and deliver the sheet at least one hour before post time for the first race to a commission representative at the racetrack.

Subp. 2. Previous day's sheet to be posted. The previous race day's tip sheet and its outcome must be displayed in a conspicuous place within the grandstand area of the racetrack for inspection by patrons.

Subp. 3. Tip sheet vendors must be licensed. All persons holding a tip sheet concession at the racetrack must be approved and licensed as a vendor by the commission.

7873.0300 SIMULCAST WAGERING.

Subpart 1. Request. Upon written request of a Class B or Class D licensee (association), the commission may approve wagering on races televised to Minnesota from another licensed racing jurisdiction. The request must be made not less than

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seven days prior to the race to be televised. The request must be accompanied by a signed reciprocal agreement among the racetrack originating (hosting) the broadcast, the association representing the horsepersons at the host track, the Minnesota racetrack receiving the broadcast, and the association representing the horsepersons at the Minnesota racetrack receiving the broadcast.

Subp. 2. Approval. All approved simulcast races must be conducted at the licensed racetrack on a racing day assigned to an association by the commission. Racing must be conducted on that racing day pursuant to Minnesota Statutes, section 240.14, subdivision 10.

Subp. 3. Pari-mutuel pools. All takeout and taxes on simulcast pari-mutuel pools must be in accordance with Minnesota Statutes, section 240.15, subdivision 1, paragraph (a).

Subp. 4. Purses. An amount equal to five percent of all pools on televised races must be set aside to be used for purses pursuant to Minnesota Statutes, section 240.13, subdivision 5.

Subp. 5. Compliance with laws. In addition to all state laws and applicable rules of the commission, simulcast wagering must be in compliance with United States Code, title 15, section 3001, et seq.

7873.0400 TELEPHONE ACCOUNT WAGERING.

Subpart 1. Request. Upon written request of a Class B or Class D licensee (association), the commission may approve telephone account wagering to be conducted on the premises of a licensed racetrack. The request must show how the telephone account wagering system will promote the success and integrity of racing, public interest, necessity, and convenience; and the impact on the economic viability of the applicant racetrack and all other racetracks licensed by the commission including pari-mutuel handle.

Subp. 2. Requirements. The association must meet the following requirements prior to conducting telephone account wagering:

A. A Minnesota-only "800" telephone system must be installed to receive wagers. No wagers may be accepted except by use of the required "800" telephone system.

B. The Minnesota-only "800" telephone system must be capable of recording all conversations and transactions conducted. The recording device must be used at all times when calls are received, and all recordings must be kept for a period of no less than 90 days for inspection by the commission.

C. Employees of the association receiving telephone account wagers must be holders of a current Class C pari-mutuel license issued by the commission.

D. The association must use a totalizator system capable of recording all transactions conducted by the telephone account wagering system.

Subp. 3. Conduct of telephone account wagering. Telephone account wagering shall be conducted in the following manner:

A. A person desiring to open a telephone wagering account must:

(1) be 18 years old or older and provide proof of identification and age;

(2) deposit with the association no less than $100 in cash or by certified check or money order; and

(3) obtain a code number and code name assigned by the association.

B. All wagering transactions must begin with the customer stating his or her code name and number. Thereafter, transactions shall be identified by the race number, the types and amounts of wagers, and by horse numbers. The information must be repeated by the pari-mutuel clerk and the customer's account balance must be given to the customer after each transaction.

C. The total amount of all telephone account wagers shall be included in the respective pools for each race. The amount wagered from individual accounts shall be debited accordingly, and any winnings shall be automatically credited to such accounts upon the race being declared "official."

D. Actual race results may not be divulged to telephone account customers during racing hours; however, account balances may be given.

Subp. 4. Reports to be filed. Each association conducting telephone account wagering must provide complete reports to the commission on a weekly basis. The reports must include a record of all debits, credits, balances, and any complaints received and the disposition of such complaints.

Subp. 5. Compliance with rules. Telephone account wagering shall be conducted in compliance with all state and federal laws and other applicable rules of the commission.

CHAPTER 7875
MINNESOTA RACING COMMISSION
FACILITIES AND EQUIPMENT

7875.0100 FACILITIES.

Subpart 1. Facilities. Each association must include a receiving barn, detention facility, paddock, room for jockeys and drivers, lighting, stalling, restrooms, medical facilities, racing officials' space, viewing room, commission office and parking space, space for the Bureau of Criminal Apprehension, and complaint desk which meet the needs of patrons, officials, horsepersons, other persons on the premises, and horses.

Subp. 2. Maintenance. Each association must maintain its facility so that it is neat and clean, painted, and in good repair with consideration for the safety, health, and comfort of persons on the premises, and safety and health of horses.

Subp. 3. Reports. No later than 30 days before the first day of any meeting, the association shall submit to the commission the most recent inspection reports issued by governmental authorities regarding the condition of facilities, sanitation, and fire prevention, detection, and suppression.

Subp. 4. Racing surfaces. The association conducting the first thoroughbred and harness meetings of the year at a racetrack must, within seven days after the meeting commences, submit to the commission evidence that the construction, elevation, and composition of racing and training surfaces have received engineering and veterinarian approval as safe and humane.

Subp. 5. Distance poles. Distance poles on a race course shall be the following colors:

A. quarterpoles, red and white;

B. eighth poles, green and white; and

C. 16th poles, black and white.

7875.0200 EQUIPMENT.

Subpart 1. Equipment. Each association must include equipment, devices, or apparatus necessary to start, time, film or tape, and photograph the finish of every race. Equipment necessary to view photographs, films, and tapes of each race must be provided. Each association must include pari-mutuel equipment, devices, or apparatus necessary to sell and cash tickets and calculate and display odds. An association also must include adequate internal communications equipment.

Subp. 2. Totalizator. Totalizator equipment must be designed to calculate, at intervals of not more than 60 seconds between each complete change, the total amounts wagered on each betting interest as wagering progresses. Approximate odds on each betting interest in the win pool shall be updated on the totalizator board at intervals of no more than 60 seconds. Approximate odds or approximate payoffs on all multiple pari-mutuel pools, except the pick six, shall be displayed on television monitors at regular intervals. The totalizator equipment shall provide a record of total amount wagered and amount wagered on each betting interest.

Subp. 3.Internal communications. An internal communications system shall link the stewards' stand, pari-mutuel department, patrol judges, and other locations which the commission determines necessary to internal communications.

Subp. 4. Starting gates. At least two starting gates must be in service on each race day and shall be tested daily prior to the first race. Two tractors or teams of draught horses shall be positioned to pull any gate from a racecourse. Thoroughbred starting gates must be padded to prevent injury to jockeys, assistant starters, and horses. The arms of a standardbred starting gate shall have a screen or shield in front of each horse, and the arms shall be perpendicular to the rail when extended.

Subp. 5. Photo-finish. A photo-finish system must simultaneously use a back-up camera in case of malfunction of the primary system.

Subp. 6. Timing. An association must use an electric timing system. An official shall be designated to use a hand-held stopwatch to record the time should the electric timing system fail.

Subp. 7. Film patrol. Color film or color videotape recordings shall show clearly the position and actions of horses, jockeys, and drivers at close range. At least three cameras shall be used for every race to provide panoramic and head-on views of the race.

Subp. 8. Preservation. All photo-finish film or videotape records shall be preserved for at least 90 days after a close of a

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meeting or until legal proceedings involving a recorded race are concluded, whichever is later.

Subp. 9. External communications. An association may have telephone or telegraph systems on the premises during a race meeting for the benefit of the public press or for transacting ordinary business, but no formation regarding the results of any race shall be transmitted out of the racetrack until the results are official, nor shall any message be sent over said wires transmitting money, or other things of value, or directing the placing of any wager on the result of a race.

No telephone calls, telegrams, or messages of any kind for any person attending or participating in the conduct of a race meeting shall be accepted, nor shall any notice be given pertaining to such message or telephone call during the hours indicated unless permission is first given by the stewards or the authorized representative of the commission.

A telephone on a private line shall be provided in the offices of the commission. All costs of the telephone service shall be borne by the association and the service shall not be interrupted at any time.

All telephones or other instruments of communication, other than those designated for the sole use of the commission or those approved by the commission for use during racing, must be rendered inoperable between the hours starting 30 minutes before post time for the first race and the flashing of the "official" sign following the last race.

CHAPTER 7876
MINNESOTA RACING COMMISSION
STABLING

7876.0100 ON-TRACK STABLING.

Subpart 1. Allocation of stalls. The racing secretary shall be responsible for stall allocation unless the association appoints a committee to perform that function and so notifies the commission.

Subp. 2. Forms. The association shall allocate stalls pursuant to a written stall application and agreement, on forms approved by the commission.

Subp. 3. Notice. The association shall give each applicant written notice with regard to each stall requested. The notice shall specify whether each application was accepted, denied, or placed on a pending status. The notice shall be given no later than five days before the first day of the race meeting, or ten days after receipt of the stall application, whichever shall be last to occur. The association shall give the applicant written notice of final action on an application.

Subp. 4. Discretion. The association shall be allowed broad discretion in allocating stalls, but its actions shall be governed by the best interests of racing and of the race meeting.

Subp. 5. Restrictions. No action on a stall application shall be based upon:

A. the race, color, creed, religion, national origin, or sex of the applicant;

B. an arbitrary or capricious decision, or a decision not related to the best interests of racing or of the race meeting; and

C. the payment, transfer, or delivery to the association or to any person designated by it, of money, property, or other thing of value, or upon the applicant's promise to make such payment, transfer, or delivery.

Subp. 6. Misuse of property. Previous misuse of racetrack property by an applicant may be considered when stall assignments are made.

Subp. 7. Minnesota residents have preference. In considering stall applications that are of substantially equal merit, the association shall give preference to applications submitted with respect to horses owned by Minnesota residents.

Subp. 8. Documents to be kept. The association shall cause all stall applications, stall agreements, correspondence, and documents that influenced its decision to grant or deny stalls, including past performance charts, to be retained until the close of the race meeting or for such longer periods as the commission may direct.

7876.0110 OFF-TRACK STABLING.

Subpart 1. Stabling. A horse racing at a licensed race meeting may be stabled within the confines of the racetrack, at another racetrack licensed by the commission or other racing jurisdiction, or at off-track facilities. The association conducting the meeting shall provide temporary stabling for horses eligible to race that are brought to a race from another racetrack or off-track facilities.

Subp. 2. Requirements of commission must be met at racetrack. All workout, tattooing, approval from the starting gate, and eligibility requirements of the commission or stewards must be secured at a licensed racetrack at which racing is being conducted.

Subp. 3. Horses must be at racetrack by scratch time. All horses shipped from another racetrack of off-track stabling facility to a racetrack for a race must be at the racetrack before scratch time for that race.

CHAPTER 7877
MINNESOTA RACING COMMISSION
CLASS C LICENSES

7877.0100 GENERAL REQUIREMENTS.

Subpart 1. Scope. Except as otherwise provided by rule, any person whose work, in whole or in part, is conducted at a licensed racetrack shall first obtain a Class C license from the commission.

Subp. 2. Licensing criteria. In issuing a Class C license, the commission shall first determine that the applicant's age, experience, reputation, competence, record of law abidance, and financial responsibility are consistent with the best interests of horse racing, the provisions of Minnesota Statutes, chapter 240, and that licensure will not adversely affect the public health, welfare, and safety within Minnesota.

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

Subpart 1. Application. A person desiring a Class C license shall make application on forms provided by the commission and, upon written request of the commission, shall provide information supplemental to the application. Applications may be obtained from and filed with the licensing office at any current race meeting regulated by the commission, or with the commission's main office.

Subp. 2. Application content. An application for a Class C license shall include the following information with respect to the applicant:

A. date of birth;

B. social security number;

C. home address;

D. home telephone number;

E. names, addresses, and telephone numbers of previous employers;

F. educational background;

G. a signed statement authorizing the release of information to the commission and the Minnesota Bureau of Criminal Apprehension; and

H. two completed FBI fingerprint cards.

Subp. 3. Application submission. An application shall not be considered filed until the application form has been filled out completely and all information requested by the commission has been supplied.

Subp. 4. Racing officials. Each association shall submit to the commission for its approval or disapproval the names of all persons whom the association has selected as racing officials, and other employees whose duties relate to the actual running of races. The list shall include, where applicable, the following racing officials:

A. assistant racing secretary;

B. association veterinarian;

C. claims clerk;

D. clerk of course (harness);

E. clerk of scales (thoroughbred);

F. clocker (thoroughbred);

G. director of security;

H. equipment inspector (harness);

I. general manager;

J. identifier;

K. jockeys' or drivers' room custodian;

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L. mutuels manager;

M. paddock judge;

N. patrol judge;

O. placing judge;

P. program director (harness);

Q. outrider;

R. racing secretary;

S. starter;

T. stewards;

U. timer; and

V. track superintendent.

The list of racing officials' names shall be submitted to the comm ssion in writing at least 30 days prior to the opening of each race meeting.

The association shall be responsible for filing a complete application for a Class C license with respect to each nominee who has not been previously licensed by the commission as a racing official.

The commission may request any person whose name is proposed as a racing official to submit to a physical examination and to forward the results of said examination to the commission. The request shall be made only where there is a reasonable basis for suggesting that the applicant's physical condition would hinder or prevent him or her from performing the duties of a racing official.

The commission shall act on the association's list of officials at a meeting of the commission. If commission staff recommends disapproval of an official, the association shall be notified of that recommendation in advance of the commission's meeting.

7877.0120 FEES.

Subpart 1. License fees. Each application for a Class C license, or its renewal, shall be accompanied by the payment of an annual fee according to the following schedule:

A. authorized agent, $25;

B. bloodstock agent, $100;

C. concessionaire/vendor, $100;

D. concessionaire/vendor employee, $10;

E. driver (harness), $25;

F. exercise rider, $15;

G. farrier, $25;

H. farrier's assistant, $10;

I. groom, $5;

J. horsepersons' bookkeeper, $25;

K. hotwalker, $5;

L. jockey, $25;

M. jockey agent, $25;

N. jockey, apprentice, $25;

O. owner, individual, $25;

P. owner, multiple, $100;

Q. owner/trainer/driver, $25;

R. pari-mutuel clerk, $10;

S. pharmaceutical representative, $100;

T. photo-finish operator, $100;

U. photographer, track, $100;

V. pony rider, $10;

W. racing official, $25;

X. stable foreman, $5;

Y. trainer, $25;

Z. trainer, assistant, $15;

AA. totalisator owner, $100;

BB. valet, $5;

CC. veterinarian, $100;

DD. veterinary assistant, $25; and

EE. others, $10.

Subp 2. Fingerprint charge. In addition to the license fee in subpart 1, each initial application for a Class C license, and each renewal application every third year thereafter, shall be accompanied by two completed FBI fingerprint cards and a properly executed certified check, cashier's check, or money order in the amount of $12 payable to "Federal Bureau of Investigation."

Subp. 3. Jockey mount fees. Except as otherwise specially agreed by the parties, the fees to be paid jockeys shall be according to the following fee scale:

Purse	Winning Mount	Second Mount	Third Mount	Losing Mount
$400 and Under	$27	$19	$17	$16
500	30	20	17	16
600	36	22	17	16
700-900	10% of win purse	25	22	20
1,000-1,400	10% of win purse	30	25	22
1,500-1,900	10% of win purse	35	30	28
2,000-3,400	10% of win purse	45	35	33
3,500-4,900	10% of win purse	55	45	35
5,000-9,900	10% of win purse	65	50	40
10,000-14,900	10% of win purse	5% of place purse	5% of show purse	45
15,000-24,900	10% of win purse	5% of place purse	5% of show purse	50
25,000-49,900	10% of win purse	5% of place purse	5% of show purse	60
50,000 and up	10% of win purse	5% of place purse	5% of show purse	75
100,000 and up	10% of win purse	5% of place purse	5% of show purse	100

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Subp. 4. Driver's fee. In the absence of a contract or special agreement, drivers' fees shall be $20 or five percent of the purse earned, whichever is greater.

A. For the purpose of this subpart "purse earned" means the amount paid the winning horse less the fees paid by the owner to enter the horse in the race.

B. The purpose of this subpart is not to set a minimum or a maximum fee, but merely to provide a fee in the event that the parties have not made any other written agreement to the contrary.

A driver's fee shall be considered earned when the horse which the driver has been engaged to drive leaves the paddock for the post; provided, however, that in the event of a substitution of drivers after the fee is considered earned, no additional driver fee or double driver fee need be paid except when so ordered by the stewards.

C. In the event the parties reach an agreement with respect to the fee to be paid the driver, a contract or agreement in writing signed by the driver (or his or her agent) and the owner (or his or her authorized agent) specifying the agreed upon fee shall be delivered to the horsepersons' bookkeeper prior to the running of the race in question. The horsepersons' bookkeeper shall debit the owner's account in accordance with the contract or written agreement.

D. If no contract or written agreement is submitted to the horsepersons' bookkeeper prior to the running of the race in question, the horseperson's bookkeeper shall debit the owner's purse account in accordance with the fee scale in subpart 2.

7877.0125 CRITERIA FOR DETERMINING ELIGIBILITY.

Subpart 1. Age. An applicant for a Class C license shall be at least 14 years of age unless an older age is required by statute or rule; however Class C licensees who work in proximity to horses shall be at least 16 years of age.

Subp. 2. Burden of proof. If an applicant for a Class C license has had a license denied or had his or her license suspended or revoked or been excluded by another racing jurisdiction, the commission shall consider such fact as prima facie evidence that the applicant is unfit to be granted a Class C license, and the burden of proof shall rest upon the applicant to establish his or her fitness. In reviewing such applications, the commission shall consider the factors provided in part 7877.0100, subpart 2.

Subp. 3. Compliance with laws. An applicant for a Class C license shall certify that he or she is in compliance with all applicable racing, tax, affirmative action, and workers' compensation laws and rules.

7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

Subpart 1. Individual owners. An applicant for an individual owner's license must own or lease a horse eligible to race in Minnesota which is under the care of a trainer licensed by the commission.

If younger than 18 years of age, an applicant for an individual owner's license must submit a notarized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual, and other obligations relating to the applicant's participation in racing. A parent or legal guardian submitting such an affidavit also shall submit information required in part 7877.0110, subpart 2. If the commission has reason to doubt the financial responsibility of an applicant for an individual owner's license, the applicant shall complete a verified financial statement.

Subp. 2. Multiple owners. Applicants for a multiple owner's license must comply with the following requirements.

A. A corporation, general partnership, limited partnership, trust, or any combination of two or more individuals which owns or leases a horse eligible to race in Minnesota (hereinafter referred to as "multiple owner") must obtain a Class C license issued by the commission.

B. Directors, officers, general partners, policymakers, and all holders of direct or indirect record or beneficial ownership or other voting interests or control, whether absolute or contingent, of five percent or more in a multiple owner also must obtain Class C licenses issued by the commission.

C. Individuals or entities required by items A and B to obtain a Class C license must make their best effort, as defined in part 7870.0030, subpart 2, item E, to disclose to the commission in writing at the time of each Class C license application and renewal request, any interest in a race horse other than horses owned or leased by the multiple owner, and any agreement or understanding entered into regarding the racing of horses owned or leased by the multiple owner or the benefits of racing the horses.

D. A multiple owner must make its best effort, as defined in part 7870.0030, subpart 2, item E, to disclose to the commission in writing at the time of each Class C license application and renewal request, the nature and extent of every direct or indirect record or beneficial ownership or other voting interest or control, whether absolute or contingent, in the multiple owner. The disclosure shall include the names and addresses of every individual and other entity. The individuals and other entities identified shall not be licensed and shall not have access to restricted areas at racetracks.

E. A corporation must file with the commission, at the time of application for a Class C license, a copy of its articles of incorporation and a notarized statement signed by its chief executive officer agreeing to represent the entire ownership and be responsible for the corporation's horses and all racing matters.

F. A general partnership shall file with the commission, at the time of its application for a Class C license, a copy of the partnership agreement and a notarized agreement signed by all the partners designating a partner to represent the entire ownership and be responsible for the partnership's horses and all racing matters.

G. A limited partnership shall file with the commission, at the time of its application for a Class C license, a copy of the partnership agreement and a notarized designation of a general partner to represent the entire ownership and be responsible for the partnership's horses and all racing matters.

Subp. 3. Trainers and assistant trainers. Applicants for a trainer's or assistant trainer's license must comply with the following requirements.

A. An applicant for a trainer's license or an assistant trainer's license must be at least 18 years old.

B. Any person applying for the first time in Minnesota for a trainer's or assistant trainer's license shall submit to the examination required of prospective trainers and assistant trainers under subpart 4, items B and C unless the applicant has been licensed as a trainer or assistant trainer in another racing jurisdiction for at least the two preceding years.

C. An applicant for a trainer's license shall have at lease one horse to train which is eligible to race in Minnesota. An applicant for an assistant trainer's license shall be employed by a licensed trainer with at least six horses in his or her stable at the time of filing the assistant trainer's application.

D. An applicant for a trainer's license shall provide proof of having complied with the workers' compensation laws, Minnesota Statutes, chapter 176, and all pertinent rules adopted thereunder, unless the trainer has no employees and contemplates none. If the trainer subsequently employs another person, he or she shall comply with applicable provisions of Minnesota Statutes, chapter 176, and all pertinent rules.

Subp. 4. Prospective trainers and assistant trainers. An applicant who has never been licensed by the commission or by another racing jurisdiction as a trainer or an assistant trainer must have at least two years' experience in an occupation that indicates a knowledge of horsemanship and racing practices.

A. The applicant must submit three letters of recommendation from former employers or currently licensed trainers attesting to the applicant's ability and experience.

B. The applicant must pass a written examination administered by the stewards, or their designee, covering such subjects as rules of racing, care and handling of horses, and proper use of racing equipment.

C. The applicant must pass a practical test of horsemanship administered by the stewards or their designee.

Subp. 5. Jockeys. Applicants for a jockey's license must comply with the following requirements.

A. An applicant for a jockey's license must be at least 16 years old.

B. The applicant must have been licensed previously as a jockey or apprentice jockey by the commission or by another racing jurisdiction.

C. The applicant must pass a physical examination by a licensed, practicing physician within a year prior to the first Minnesota race meeting at which he or she intends to ride.

D. An applicant for a jockey's license may not be the owner or trainer of a race horse.

Subp. 6. Apprentice jockeys. Applicants for an apprentice jockey's license must comply with the following requirements.

A. An applicant for an apprentice jockey's license must be at least 16 years old.

B. The applicant must have been licensed previously by the commission or another racing jurisdiction as an apprentice jockey or as an exercise rider, or have acquired comparable experience at a training facility or farm. If licensed as an exercise rider or acquired comparable experience, an applicant must demonstrate the ability to break a horse from a starting gate in company with other horses under the observation of a starter and, therefore, demonstrate to the stewards his or her ability to ride competitively in at least two races.

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C. An applicant must pass a physical examination by a licensed, practicing physician within a year prior to the first Minnesota race meeting at which he or she intends to ride.

D. Only thoroughbred races at authorized race meetings in the United States, Canada, or Mexico, which are reported in the Daily Racing Form or other recognized racing publication, shall be considered in determining eligibility for licensing as an apprentice jockey.

E. An applicant for an apprentice jockey's license may not be the owner or trainer of a race horse.

F. An apprentice jockey shall race under certificate issued by the commission in accordance with the standards in part 7877.0170, subpart 3, item B.

Subp., 7. Exercise rider. An applicant for an exercise rider's license must have been licensed as an exercise rider by the commission or by another racing jurisdiction. If unable to meet this requirement, an applicant shall demonstrate to the stewards, or their designee, the ability to ride a galloping race horse.

Subp. 8. Harness driver. Applicants for a harness driver's license must be at least 16 years old and must pass a physical examination administered by a licensed, practicing physician within a year prior to the first Minnesota race meeting at which he or she intends to drive. In addition:

A. The applicant must have been licensed previously as a harness driver by the commission or another racing jurisdiction.

B. If the applicant has never been licensed as a harness driver, he or she must demonstrate to the stewards the ability to drive a horse at training speeds and must pass a written examination demonstrating knowledge of harness racing rules and horsemanship administered by the stewards or their designee.

(1) If such an applicant successfully completes those prerequisites, he or she shall be issued a "Q" (qualifying) license to compete in qualifying and other non-wagering races only.

(2) The holder of a "Q" license must drive in at least 12 qualifying or non-wagering races, under supervision of the stewards, before being awarded a harness driver's license.

Subp. 9. Veterinarians. An applicant for a veterinarian's license must provide proof of current validation to practice veterinary medicine in Minnesota.

The applicant must demonstrate to the commission's veterinarian that he or she is familiar with current equine medical practices and possesses knowledge of the commission's medication rules as specified in chapter 7890.

Subp. 10. Farriers. An applicant for a farrier's license must have been licensed previously as a farrier by the commission or another racing jurisdiction, or must pass an examination related to the shoeing of race horses administered by the stewards or their designee.

Subp. 11. Pony riders. An applicant for a pony rider's license must have been licensed previously as a pony rider by the commission or by another racing jurisdiction. If unable to meet this requirement, the applicant must demonstrate his or her riding ability to the stewards or their designee.

Subp. 12. Stable foremen. An applicant for a stable foreman's license must have been licensed previously as a stable foreman by the commission or by another racing jurisdiction, or must have been licensed as a groom for at least one year in any racing jurisdiction.

Subp. 13. Jockey agents. An applicant for a jockey agent's license must have been licensed previously as a jockey agent by the commission or by another racing jurisdiction, and may represent no more than two jockeys and one apprentice jockey.

If never licensed as a jockey agent, the applicant must have at least one year's experience as a Class C licensee or have held an occupational license from another racing jurisdiction, and must pass a written examination administered by the stewards or their designee relating to jockey engagements, horse eligibility, and other topics relevant to his or her appointment as a jockey agent.

Subp. 14. Authorized agents. An applicant for an authorized agent's license must submit with his or her license application a written agency appointment authorizing him or her to act on behalf of a licensed owner or licensed trainer in racing matters not directly related to the care and training of horses. The authorization shall be on a form provided by the commission and shall define the powers, limits, and terms of the agency agreement. The authorization must be signed by the principals and notarized.

A separate notarized agency appointment is required for each principal an authorized agent intends to represent. All such agencies shall remain in effect for the duration of the licensing year unless written notice of revocation is submitted to the stewards at the meeting where the principal is racing.

Subp. 15. Bloodstock agents. Any person who for gain, gratuity, commission, or reward, in either money or goods, acts as an agent for the sale or purchase of any race horse not his or her own which is eligible to race at an authorized race meeting in Minnesota, and who offers for sale, offers to purchase for a client or for his or her own account for resale within 60 days, or offers his or her services as an agent in the purchase or sale of any race horse not his or her own which is eligible to race in Minnesota, must obtain a Class C license from the commission to act as a bloodstock agent.

7877.0135 DUAL LICENSING.

In determining whether to issue more than one Class C license to an applicant, the commission shall consider the nature of the licenses sought or already held, and whether holding multiple licenses would be a conflict of interest.

A. A person licensed as a jockey, veterinarian, or farrier may not be licensed in another capacity.

B. In addition to the prohibitions of item C, a person licensed as an owner may not be licensed as a jockey agent, nor may any person licensed as a jockey agent be licensed as an owner.

C. No racing official may serve or act in another capacity at a race meeting at which he or she is licensed as an official.

D. No Class C licensee shall act in any capacity other than that for which he or she is licensed.

7877.0140 TEMPORARY LICENSE.

Subpart 1. Issuance. Pending completion of an investigation of qualifications and fitness, and a decision by the commission to issue or deny a Class C license, the commission may grant a temporary license to a person who has filed a complete and sufficient application for a Class C liense and paid all applicable fees. A temporary liense must be granted if:

A. the applicant desires to act in a capacity for which a Class C license is required prior to the time the commission will make a decision on his or her application;

B. the applicant, in the exercise of reasonable care and diligence, could not have made application in time for the commission to make its decision before the applicant desires to commence the activity; and

C. the commission does not have reason to believe that the applicant is ineligible for the Class C license he or she seeks.

Subp. 2. Termination. A temporary license shall carry no presumption of qualifications or fitness and may be terminated summarily by the commission for cause.

A temporary license shall terminate upon a decision of the commission to issue or deny a Class C license, or 120 days after the grant of the temporary license, whichever occurs first.

In the event of termination of a temporary license, the Class C license fee shall be forfeited.

7877.0145 EMERGENCY LICENSE.

Subpart 1. Racing officials. If a racing official approved by the commission becomes incapacitated or is unable to perform his or her duties, the stewards may approve an emergency license. The approval shall be based on the standards in part 7877.0175, and must be reported to the commission for consideration at the next commission meeting. If the emergency licensee has not previously been considered by the commission, the association shall be responsible for immediately submitting a completed license application to the commission.

Subp. 2. Owners. If an owner is unable to complete an application for an owner's license because of absence or illness, the licensed trainer desiring to enter a horse in a race shall be permitted to apply for an emergency owner's license on behalf of the absent owner.

The trainer applying for an emergency owner's license on behalf of an absent owner must submit a notarized affidavit with the license application specifying the reasons the owner is unable to complete the application.

Any emergency owner's license shall be valid for a maximum of 21 days from the date issued.

7877.0150 REPLACEMENT LICENSE.

A person whose license (ID badge) is lost, destroyed, or mutilated must request issuance of a replacement license and pay a fee of $10.

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7877.0155 CONDITIONS PRECEDENT TO LICENSING.

Acceptance of a Class C license, including a temporary or emergency license, shall mean that the licensee consents and agrees to the following conditions:

A. The licensee will abide by commission rules.

B. The licensee will abide by all rulings and decisions of the stewards, unless the commission has modified or reversed a ruling or decision after a hearing.

C. The licensee will fully and truthfully provide information requested by the stewards or the commission in the course of an investigation, inquiry, or hearing.

D. The licensee will notify the stewards or the commission immediately about any bribe, attempted bribe, or any violation of a statute or rule relating to horse racing or gambling of which he or she has knowledge.

E. The licensee will submit to inspections and searches as hereinafter provided:

(1) When investigating for violations of law or rules upon racetrack grounds or at any location where horses eligible to race at a Minnesota race meeting are kept, the commission or the stewards may designate the Minnesota Bureau of Criminal Apprehension or another appropriate law enforcement agency as having authority to conduct searches of any Class C licensee, or any employee or agent of a Class A or Class B licensee under the commission's jurisdiction. This authority shall extend to searches and inspections of persons and personal effects in and about racetrack grounds or at locations where horses eligible to race are kept.

(2) Each applicant for a Class C license and each employee or agent of a Class A or Class B licensee consents to such searches and inspections, and waives all claims or possible actions for damages that he or she believes he or she may have suffered in connection with any such search or inspection.

F. The licensee will, upon request of the commission or stewards, provide a blood or urine sample for analysis if the duties of the licensee place him or her in a position of danger or he or she commits an act that endangers a horse or human.

G. The licensee shall, upon request, furnish the commission with additional sets of classifiable fingerprints on designated law enforcement agency cards.

H. The licensee will conduct himself or herself in a manner that is not detrimental to the best interests of racing.

7877.0160 DURATION AND EXTENT OF CLASS C LICENSES.

Subpart 1. Duration. A Class C license shall expire at midnight on December 31 of the third calendar year after its issuance.

Subp. 2. Extent. A Class C license issued at one race meeting during the calendar year shall be eligible for validation at any other race meeting regulated by the commission that year provided that:

A. the licensee is in good standing with the commission; and

B. the licensee furnishes proof of employment or other evidence that he or she is practicing the occupation for which he or she is licensed.

Subp. 3. Change of employers. A Class C licensee who changes employers must notify the commission's licensing office of the change no later than by the end of the next racing day of that race meeting.

Subp. 4. Validation. In the two calendar years after the year of issuance, each Class C license must be validated before the licensee engages in the activity for which the license was issued. The licensee must submit to the commission the current fee required by part 7877.0120 and a certificate on a form provided by the commission that he or she remains eligible to be licensed. The commission must validate a license after receipt of required submissions unless the licensee is determined to be ineligible. The commission may require fingerprints, a photograph, or other relevant data if it has reason to doubt the identity or eligibility of the licensee.

7877.0165 CREDENTIALS.

The commission shall issue an identification badge to each Class C licensee which must be validated for each racetrack at which the licensee's work is conducted.

The licensee must wear the badge on outer apparel at all times he or she is within any restricted area unless the activity for which he or she is licensed renders wearing of the badge on outer apparel unsafe or creates a substantial risk of loss, destruction, or mutilation of the badge, in which case the badge shall be in possession of the licensee.

No licensee shall permit any other person to use his or her badge for identification, entrance to the racetrack, or for any other purpose on or off the racetrack grounds.

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

Subpart 1. Owners. Horse owners shall have the following responsibilities:

A. Owners are responsible for stakes payment, jockeys' fees, and drivers' fees.

B. Any owner wagering for a jockey/driver on any horse that the jockey/driver is to ride/drive for the owner shall keep a written record of the wager.

C. Owners shall comply with rules of claiming as specified in chapter 7883.

D. Racing colors must be registered with the commission when filing an application for an owner's license and upon payment of a $10 annual fee. Authority for the use of racing colors must be sanctioned by the commission. Racing colors may not bear any advertising. Any difference between owners to the rights of particular colors shall be decided by the stewards. The registered colors of an owner may not be registered by another, except after five years of nonuse or abandonment by the original owner. Any temporary change from the registered colors of the owner must receive the prior approval of the stewards.

(1) The owner is responsible for the registration of colors and for their availability to, and use by, the jockey/driver engaged to ride the owner's horse.

(2) The colors to be worn by each jockey/driver in a race shall be described in the official racing program, and any change in colors from those described in the program shall be announced to the public prior to commencement of the race.

E. A licensed owner may register a stable name with the commission by filing an application on a form prescribed by the commission and paying a $50 annual fee. No person may be registered under more than one stable name at the same time. No person may use the real name of any owner of race horses as a stable name. No stable name registration may be used for advertising purposes. A stable name which has already been registered may not be registered by another owner.

(1) The granting of a stable name registration by the commission shall not relieve any person from the obligation to file or register a ficticious name as provided by the laws of Minnesota.

(2) An application to register a stable name shall disclose the real names of all interests participating in the stable and the percentage of ownership interest of each, including the interest owned by any corporation, general partnership, limited partnership, trust, estate, or individual.

(3) A stable name may be changed at any time by registering a new stable name and by paying the $50 annual fee. A stable name may be abandoned by giving written notice to the commission. Any change of five percent or more in ownership of a stable registered under a stable name shall be immediately reported to the commission.

(4) No owner may use his or her real name for racing purposes if he or she has a registered stable name, except with approval of the commission.

Subp. 2. Trainers. Trainers shall have the following responsibilities.

A. A trainer shall keep in his or her charge or under his or her supervision at the racetrack horses owned only by owners who are licensed by the commission.

B. A trainer shall ascertain the true identity of all horses in his or her charge.

C. A trainer shall be responsible for horses he or she enters as to eligibility; weight or other allowances claimed; physical fitness of the horse to perform credibly at the distance entered; absence of prohibited medication; proper shoeing, bandaging, and equipment; and timely arrival in the paddock.

(1) No trainer may start or permit a horse in his or her custody, care, or control to be started if he or she knows, or might have known, or has cause to believe, that the horse has received any medication in contravention of the provisions of chapter 7890.

(2) The trainer will be held responsible for any positive test sample unless he or she can show by substantial evidence that neither the trainer nor any employee or agent of the trainer was responsible for the administration of the medication.

(3) A trainer must guard each horse trained by him or her in such a manner and for such time prior to racing the horse as to prevent the administration of any medication prohibited by chapter 7890.

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D. A trainer must obtain a designated stall assignment from the association before occupying any stall on the racetrack grounds.

E. A trainer must register each horse in his or her charge within 24 hours of the horse's arrival at the racetrack by completing forms provided by the racing secretary. At the same time, any trainer of thoroughbred or quarter horses must submit with that registration a description of the owner's colors for each horse in his or her charge.

F. Each trainer must provide a list of all persons in his or her employ to the commission and must ensure that those persons are licensed by the commission no later than the next racing day after those employees arrive at the racetrack. Upon discharge of an employee, the trainer shall report that fact to the commission's licensing office by no later than the end of that racing day.

G. The trainer shall supply each horse in his or her care with adequate food, water, medical treatment, exercise, and shelter, and shall comply with all applicable provisions of Minnesota Statutes, chapter 343.

H. A trainer may use only veterinarians licensed by the commission to tend horses in his or her care that are entered to race.

I. No trainer may register under a stable name as trainer, but may be permitted to be the owner or part-owner of horses registered under the stable name.

J. A trainer shall represent an owner in making entries and scratches, and in all other matters pertaining to the running of a race.

K. A thoroughbred trainer shall personally attend his or her horses in the paddock, and shall supervise his or her horses' preparation to race, unless excused by the stewards because of illness or other emergency.

L. If a trainer is responsible for two or more horses in any race, the trainer shall instruct the jockeys or drivers he or she has engaged that each shall give his or her best effort and that each horse shall be ridden or driven to win.

M. If a horse entered to race becomes unfit for racing because of illness or injury, the trainer shall notify the stewards or the commission's veterinarian promptly.

N. A trainer is responsible for notifying the racing secretary of any circumstances that would necessitate changing a horse's registration or eligibility papers. This includes notifying the racing secretary when a horse is "nerved" pursuant to part 7897.0100, subpart 11.

O. A trainer is responsible for having each horse in his or her charge that is racing in Minnesota tested for equine infectious anemia (EIA) once every 12 months. The tests shall be performed by a laboratory approved by the United States Department of Agriculture. Trainers must maintain in their possession a written certificate of the EIA test.

P. A trainer must promptly report the death of any horse in his or her care at a licensed racetrack to the commisison veterinarian and must comply with part 7891.0110 governing post-mortem examinations.

Q. If a trainer must be absent because of illness or any other cause, the trainer shall appoint another licensed trainer to fulfill his or her duties, and promptly report the appointment to the stewards. The absent trainer and substitute trainer will have joint responsibility for the condition of the horses normally trained by the absent trainer.

R. Trainers licensed as owners must train all horses owned wholly or in part by them.

Subp. 3. Jockeys and apprentice jockeys. Jockeys and apprentice jockeys shall have the following responsibilities.

A. An apprentice jockey must ride with a five-pound weight allowance beginning with his or her first mount and for one full year thereafter. If after one full year from the date of his or her fifth winning mount the apprentice jockey has failed to ride 40 winners, he or she shall continue to ride with a five-pound weight allowance for up to two more years from the date of his or her fifth winning mount or until he or she has ridden a total of 40 winners, whichever comes first. In no event shall an apprenticeship extend more than four years from date of initial licensure as an apprentice jockey.

B. For purposes of the remainder of this subpart, reference to "jockey" also includes apprentice jockey.

C. Each jockey engaged to ride in a race must be in the jockey's room at the reporting time specified by the stewards on each day he or she is scheduled to ride. Upon arrival, the jockey shall report to the clerk of scales.

D. Each jockey reporting to the jockeys' room must remain there until he or she has fulfilled all of that day's riding engagements. While in the jockeys' room, the jockey may have no contact or communication with any person outside the jockeys' room other than with an owner or trainer for whom he or she is riding that day, or with the stewards or other commission officials.

E. Each jockey engaged to ride in a race shall report his or her riding weight to the clerk of scales at the time specified by the association.

F. Each jockey engaged to ride in a race must report to the clerk of scales for weighing-out not more than 30 minutes before post time for the first race, if he or she is riding in that race, nor sooner than the running of the preceding race, if he or she is riding in any other race.

G. The jockey's weight shall include his or her clothing (excluding helmet), boots, saddle, and saddle attachments.

H. No jockey may weigh-out if he or she is more than seven pounds over the weight assigned to his or her horse.

I. If employing an agent, a jockey is bound by all commitments made by the agent. If not employing an agent, the jockey shall conduct his or her business as if he or she were his or her own agent.

J. A jockey must fill his or her riding engagements. However, no jockey may be forced to ride a horse he or she believes to be unsafe, or to ride on a race course he or she believes to be unsafe.

K. A jockey unable to fulfill his or her riding engagements because of illness or injury must pass a physical examination conducted by a licensed physician before resuming race riding.

L. A jockey must wear the racing colors registered by the owner of the horse he or she is to ride, plus white riding pants, top boots, and a number on the right shoulder corresponding to the mount's number as shown on the saddle cloth and in the daily program.

M. A jockey must wear a fully padded fiberglass helmet with a buckled chin strap while mounted upon any horse at a licensed racetrack.

N. In any race, a jockey shall ride to win or to finish as near as possible to first. A jockey shall not ease his or her horse without cause, even if the horse has no apparent chance to earn a portion of the purse.

O. A jockey shall make his or her best effort to control and guide his or her horse in such a way so as not to endanger his or her own horse or other horses and jockeys, nor to cause a foul.

P. A jockey shall unsaddle his or her own horse before weighing-in, and shall weigh-in with the equipment with which he or she weighed-out.

Q. Each jockey shall check the stewards' daily video replay list in the jockeys' room and report to the stewards, at the time designated, if so required by the list.

R. A jockey shall notify the stewards in writing on a form provided by the commission if he or she intends to sever a business relationship with an agent or if he or she intends to change agents. The notification must be signed by both the jockey and agent.

S. A jockey not prohibited by contract may agree to give first or second call on his or her services to any licensed owner or trainer. such agreements must be in writing if for a period of more than 30 days.

T. A jockey employed by a racing stable on a regular salaried basis shall not ride against the stable. No owner or trainer shall employ or engage a jockey to prevent the jockey from riding another horse.

U. Conflicting claims for the services of a jockey shall be decided by the stewards.

V. A jockey mount fee shall be considered earned by a jockey when he or she is weighed-out by the clerk of scales, except in the following cases:

(1) When the jockey does not weigh-out and ride in a race for which engaged because an owner or trainer engaged more than one jockey for the same race. In such a case, the owner or trainer shall pay the appropriate fee to each jockey engaged for the race.

(2) When a jockey elects to take himself or herself off a mount without proper cause.

(3) When the stewards replace the jockey with a substitute jockey for reasons other than the jockey suffering an injury during the time between weighing-out and the start of the race.

W. Whenever a jockey from a foreign country, excluding Mexico or Canada, rides in Minnesota, the jockey must present a declaration sheet stating that he or she is a holder of a valid license and not under suspension, and that he or she agrees to be bound by the commission's rules. This sheet shall be retained by the clerk of scales and, at the conclusion of the jockey's participation in racing, shall be returned to the jockey properly endorsed by the clerk of scales stating whether or not the jockey incurred any penalty or had a fall.

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Subp. 4. Drivers. In every race a driver shall drive so as to win or to finish as near as possible to first. The driver shall not ease a horse without adequate cause, even if the horse has no apparent chance to earn a portion of the purse.

Each driver shall make his or her best effort to control and guide his or her horse in such a way so as not to endanger other drivers or horses, and so as not to cause a foul.

A driver shall fulfill a commitment to drive, unless excused by the stewards. A driver unable to fulfill a commitment because of illness or injury must pass a physical examination before resuming race driving.

Each driver shall wear the traditional driver's costume in any pre-race warmup, post parade, race, or time trial. The costume shall consist of racing colors, white pants, and a fully padded fiberglass helmet buckled whenever the driver is in a sulky.

Subp. 5. Pharmaceutical representatives. Each pharmaceutical representative must register with the commission veterinarian at the racetrack, and file with the veterinarian for his or her approval a list of the items proposed to be sold or delivered.

Subp. 6. Bloodstock agents. Every bloodstock agent who participates as an agent in the purchase or sale of a race horse where any warranty of soundness, condition, or racing ability is expressed or implied shall file with the commission within five days of the date of sale a memorandum report of warranty which shall set forth all warranties expressed or implied. In the absence of any such filing it shall be presumed that no warranties were expressed or implied by the seller. A memorandum report of warranty shall be signed by both seller and purchaser or by the bloodstock agent acting in their behalf.

Every bloodstock agent who participates as an agent in the purchase or sale of any race horse eligible to race in Minnesota, where any condition of such purchase or sale includes any lien upon such horse by the seller or other person, shall file a memorandum report of conditional sale with the commission within five days of the date of sale.

Any warranty or condition of sale set forth in any sale catalog, printed offer of sale, or sales agreement shall be considered as a memorandum of warranty or condition of sale, whether or not filed with the commission.

No bloodstock agent shall misrepresent any material fact, nor knowingly withhold any material fact from any person connected with the sale of a horse, nor misrepresent his or her personal interest in any horse.

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

Subpart 1. Racing secretary. The racing secretary shall have the following responsibilities.

A. The racing secretary shall be responsible for scheduling races during a meeting; compiling and publishing condition books or sheets; assigning weights or making allowances for handicap races; processing all entries, nominations, and scratches; compiling a registry of all horses and owners participating at the race meeting, plus their corresponding colors and, when applicable, stable names; and establishing a purse structure for the race meeting.

B. The racing secretary shall make stall assignments pursuant to chapter 7876 and shall maintain a record of the arrival and departure of all horses stabled on the racetrack grounds.

C. The racing secretary shall be responsible for publication of the official daily program, if the association does not employ a program director.

D. The racing secretary shall be responsible for the daily posting of entries.

E. The racing secretary shall be responsible for the safekeeping of registration certificates, eligibility certificates, and racing permits for horses; for recording required information on such documents; and for returning the documents to the owners, trainers, or authorized agents at the conclusion of the race meeting. However, an association employing a clerk of the course may assign these duties to the clerk of the course.

F. The racing secretary shall maintain a list of horses that were entered but denied an opportunity to race because they were eliminated from a race programmed in the printed condition book.

G. The racing secretary's office shall keep up-to-date performance records on all horses registered to race at the racetrack. Such files shall be kept current and furnished intact to the racing secretary of the succeeding race meeting.

H. The racing secretary shall establish a preference system for horses which have been excluded from races due to overfilling and shall maintain the system for the duration of a meeting. The racing secretary shall be allowed broad discretion with regard to the preference system but shall act in the best interest of racing and the meeting.

Subp. 2. Clerk of scales. The clerk of scales shall have the following responsibilities.

A. The clerk of scales shall be responsible for the security, regulation, and control of the jockeys' room.

B. The clerk of scales shall supervise all valets and the issuance of numbered saddle cloths and equipment for each jockey.

C. The clerk of scales shall be jointly responsible, with each jockey's valet, for the proper attire and neat appearance of the jockey.

D. The clerk of scales shall be responsible for having changes in colors or jockeys posted and announced to the public before any race if the colors or jockeys differ from those listed in the daily program.

E. The clerk of scales shall weigh-out every jockey riding in the first race not more than 30 minutes before post time for the race. The clerk of scales shall weigh-out jockeys riding in any other race no sooner than the preceding race. In weighing-out each jockey, the clerk of scales shall record any overweight, which shall be posted and announced to the public at the time specified by the association.

F. The clerk of scales shall weigh-in every jockey in public view immediately after the finish of each race.

G. The clerk of scales shall notify the stewards immediately if:

(1) a jockey fails to arrive in the jockeys' room at the designated time;

(2) a jockey does not present himself or herself to be weighed-in;

(3) a jockey is underweight or more than two pounds overweight, or if the jockey is guilty of any fraudulent practice with respect to weight or weighing;

(4) a jockey dismounts before reaching the scales, unless the jockey or the horse is ill or disabled; and

(5) the clerk of scales receives any complaint, objection, or protest from an owner, trainer, or jockey.

H. The clerk of scales shall notify the mutuels manager of every horse scratched pursuant to part 7883.0120.

I. The clerk of scales shall be responsible for maintaining and keeping up-to-date apprentice jockey's certificates and foreign jockey's declaration sheets.

Subp. 3. Starter. The starter shall have primary supervision over horses entered in any race from the moment they leave the paddock until the time that the start is effected.

A. The starter shall have radio or telephone communication with the stewards immediately available from the time the horses leave the paddock until the start is effected. The starter shall report to the stewards any disobedience of his or her orders or attempts to take unfair advantage at the starting gate.

B. The starter shall be responsible for providing a fair and equal start of all horses in a race by means of a starting gate. Whenever a horse is prevented from obtaining a fair start, the starter shall immediately notify the stewards.

C. The starter shall require and supervise schooling in the starting gate for any horse not sufficiently trained in starting gate procedures to ensure a fair and safe start. The starter shall maintain a list of any horses so ordered, and those horses shall be ineligible to start until they are sufficiently schooled in starting gate procedures and until the starter has removed their names from the schooling list.

D. The following starter's duties and responsibilities are applicable only to thoroughbred racing:

(1) The starter shall cause all horses to be loaded in order of post position, except for unruly horses, which may be loaded out of order with the consent of the stewards.

(2) The starter shall appoint and use the services of assistant starters as necessary, and shall daily change the gate position of each assistant starter without notice to the assistant starters until the field for the first race comes onto the track.

(3) The starter shall honor the written request of the trainer not to allow an assistant starter to "tail" or "tong" a horse, insofar as practical. However, the starter shall instruct assistants to handle any horse when he or she deems such handling necessary for a safe, orderly start.

(4) The starter shall report the cause of any delayed start to the stewards. If a delay occurs at the post, the starter may permit the jockeys to dismount and the horses to be cared for during the delay; otherwise, jockeys shall not be permitted to dismount.

(5) The starter shall maintain a daily written record showing the names of all horses starting, the assistant starter who handled each horse, and any equipment other than a lead strap used for each horse. The record shall be made available to the stewards upon request.

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(6) The starter shall observe anyone seeking an apprentice jockey's license breaking a horse from a starting gate in company with other horses. The starter shall report his or her observations to the stewards.

Subp. 4. Paddock judge. The paddock judge shall have the following responsibilities.

A. The paddock judge shall be in charge of the paddock, and shall notify the stewards of any apparent rule violation occurring in the paddock.

B. The paddock judge shall see that only authorized persons are in the paddock.

C. The paddock judge shall be responsible for the orderly saddling and equipping of all horses in any race. The saddling and equipping shall, in the case of thoroughbred racing, be open to public viewing and free from interference whenever possible. Horses shall leave the paddock for post in order of their program numbers.

D. The paddock judge shall assemble the horses in the paddock no later than 15 minutes before the scheduled post time for each thoroughbred race, and at least one hour before the scheduled post time for each harness race.

E. The paddock judge shall immediately report to the stewards the absence of, ineligibility of, or any other irregularity with respect to a horse or its equipment, or the paddock judge's inability to make a positive identification of a horse.

F. The paddock judge shall inspect and maintain a written record of all equipment worn by each horse in a race, and shall approve all equipment changes. The paddock judge shall immediately notify the stewards of any change, violation, or defect relating to equipment.

G. The paddock judge shall inspect the bandages worn by all horses arriving in the paddock and may order the bandages removed or replaced if he or she has reason to believe that a violation of statute or rule has, is, or will occur.

(1) The paddock judge shall not allow a horse in the paddock if it is wearing bandages at knee level or higher.

(4) Paddock boots and all bandages, except those bandages that will be worn during a race, must be removed immediately upon arrival in the paddock so that a satisfactory examination may be assured.

H. The paddock judge shall immediately report to the commission veterinarian the infirmity or unsoundness of any horse.

I. The paddock judge shall immediately notify the stewards of the reason for any horse returning to the paddock after having entered the track for the post parade and before the start of the race.

J. The paddock judge shall inspect and supervise the maintenance of emergency equipment kept in the paddock.

K. The paddock judge shall notify the stewards of any trainer or groom who leaves the paddock before the horse in his or her charge has left the paddock.

L. The paddock judge shall compile a schooling list of any horse that is fractious or unruly in the paddock, and shall supervise the paddock schooling of those horses.

Subp. 5. Identifier. The identifer shall check the identification of all horses entering the paddock by checking tattoo numbers, sex, color, and markings, and comparing those with documents of registration, eligibility, or breeding, as necessary to ascertain a horse's identity.

The identifier shall notify the stewards immediately upon detecting any discrepancy in a horse's tattoo numbers, markings, or other identifying characteristics.

The identifier shall supervise the identification of any horse at a licensed racetrack before approving the horse for tattooing.

Subp. 6. Equipment inspector (harness). Each association shall employ a person in the paddock who shall be responsible to the paddock judge for maintaining a card that will list all equipment worn, including shoes, and the tattoo number for each horse racing at the meeting. The equipment inspector shall compare the equipment actually being used on the horse with the approved equipment listed on the card.

Subp. 7. Claims clerk. The claims clerk shall ensure that the claim slip for a horse is deposited in the claim box in accordance with part 7883.0140.

The claims clerk shall open the claim box, search for claim envelopes according to designated race numbers, open any envelopes found, and examine the claim slip inside no sooner than ten minutes before post time for each race.

The claims clerk shall ascertain whether:

A. errors exist in the form or deposit of the claim;

B. the claimant has established eligibility to claim;

C. the claimant has the amount of the claim to his or her credit; and

D. persons acting on behalf of a claimant are authorized to do so.

The claims clerk shall immediately report all findings to the stewards, and shall issue a written authorization on behalf of the stewards for delivery of a horse to any claimant who is successful.

Subp. 8. Commission veterinarian. The commission veterinarian shall maintain a list of the following:

A. horses that are scratched because of illness or injury; and

B. horses that are pulled-up because of lameness or other injury during a race.

The commission veterinarian's list shall be posted in the racing secretary's office, and any horse whose name is on the list shall be ineligible to enter a race for at least five calendar days, or until the commission veterinarian removes it from the list.

The commission veterinarian shall conduct racing-soundness examinations pursuant to part 7891.0100. If the veterinarian finds that any horse is unfit to race he or she shall notify the stewards immediately.

The commission veterinarian shall supervise the operation of a barn for the detention and testing of horses after each race pursuant to chapter 7890.

The commission veterinarian shall have the authority to draw blood from any horse or pony at a licensed racetrack for the purpose of conducting an Agar-Gel immunodiffusion (Coggins) test, and shall supervise the removal from the racetrack of any horse or pony having positive Coggins test results.

Subp. 9. Patrol judge. Patrol judges shall be stationed at elevated locations specified by the stewards, and shall observe the running of each race. In the case of harness racing, a patrol judge may serve as a roving patrol judge by riding in the starting gate and observing activity on the race course at all times during a race program.

Patrol judges shall be in communication with the stewards during every race, and shall immediately notify the stewards of:

A. every apparent violation of commission rules;

B. any action on the race course that could improperly affect the result of a race;

C. any indication of a forthcoming claim of foul or other complaint of violation of the commission's rules;

D. the lameness or unfitness of any horse;

E. any lack of or broken racing equipment; and

F. any unusual or illegal behavior of horses, jockeys, or drivers.

When instructed by the stewards, patrol judges shall be present at video reviews of races to confirm or to clarify reported observations.

Subp. 10. Placing judge. At least two placing judges shall view each race from a stand directly above the finish line, and shall determine the order of horses as they cross the finish line. In making that determination, the placing judges shall take note of the horses' numbers, racing colors, and distinguishing equipment, and shall determine the order of finish by considering only the noses of the horses.

The placing judges shall be responsible for having the numbers of the first four horses to cross the finish line displayed on the result board.

The placing judges shall announce their decisions promptly, and those decisions shall be final unless an objection to any horse placed within the purse is made and sustained. However, this rule shall not prevent the judges from correcting any mistakes, subject to the stewards' confirmation.

The placing judges shall use photographs from the racetrack's photo-finish camera as an aid in determining the order of horses as they cross the finish line. The placing judges shall use the photographs of all finishes in which the winning margin is less than half a length, or in which the horses are widely spaced across the race course. Copies of those photographs shall be posted in convenient locations for public inspection.

Subp. 11. Timer. A timer shall determine the official time of each race, which shall be the period from the time the first horse crosses the timing beam or track marker at the start of the race until the first horse crosses the finish line.

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The timer shall verify the race time recorded by the racetrack's electric timing device. Should the timing device malfunction, the time shown on the watch of the timer shall be the official time of the race.

Subp. 12. Clocker (thoroughbred). A clocker shall accurately record all workouts on any race course at which a race meeting is being conducted, or on any race course used as a training facility for horses eligible to be entered at the race meeting.

Upon order of the stewards, a clocker shall be able to demonstrate knowledge and proficiency in accurately recording times of horses working out.

A clocker shall present daily records to the racing secretary and the stewards, post for the benefit of the public daily records of all workouts clocked, and make a record of daily workout times available to the news media.

Subp. 13. Outrider. The outriders shall be responsible for the orderly conduct of horses on the race course during training and racing hours.

The outriders shall be present on the race course, mounted and ready to assist in the control of any unruly horse or to recapture any loose horse, at all times that horses are permitted on the race course.

The outriders shall escort to the post all horses starting in any race, and shall remain on duty until all horses on that program have been returned to their handlers.

Subp. 14. Jockeys' room custodian. The jockeys' or drivers' room custodian shall:

A. supervise the orderly conduct of business in the jockeys' or drivers' room;

B. maintain cleanliness and neatness in the jockeys' or drivers' room; and

C. be responsible for the care and storage of racing colors.

Subp. 15. Jockey's agent. A jockey's agent shall keep a written record of all engagements made for jockeys he or she represents. The record shall be accurate and up-to-date, and shall be available at all times for inspection by the stewards.

A jockey's agent shall give no more than two calls per race for any jockey represented. Any agent arranging two calls for a jockey in any race shall designate one of the engagements as a first call and the other as a second call.

A jockey's agent shall be in the racing secretary's office, or shall check-in with the racing secretary's office, at scratch time to confirm a jockey's commitments for the day's program.

A jockey's agent shall notify the stewards in writing if he or she no longer intends to serve as agent for any jockey. When so notifying the stewards, the agent also shall turn over to the stewards a list of any unfulfilled engagements that he or she has made for the jockey.

Subp. 16. Clerk of the course (harness). The clerk of the course shall keep the stewards' sheets on which he or she shall record the following information:

A. names of all horses entered and their eligibility numbers;

B. names of owners and drivers;

C. drivers' license numbers;

D. a record of each race, noting positions of horses at the finish;

E. names of scratched or ruled-out horses;

F. recorded times; and

G. all protests, penalties, and appeals.

The clerk of the course shall see that the stewards' sheets are signed, and shall forward copies of them to the commission not later than the next day.

The clerk of the course shall check eligibility certificates before and after each race, and shall keep the certificates up-to-date.

When requested by an owner or owner's authorized agent, the clerk of the course shall return a horse's eligibility certificate after a race.

Subp. 17. Horseperson's bookkeeper. The horsepersons' bookkeeper shall:

A. be bonded;

B. receive all stakes, entrance money, jockeys' fees, drivers' fees, and purchase money in claiming races; and

C. keep a complete and accurate record of all money received, and make those records available for inspection by the commission.

7877.0180 CONFLICTS.

Subpart 1. Racing officials. No racing official, other than a general manager, shall own any interest in a Minnesota racetrack at which he or she is serving as an official, and no racing official shall own any interest in a horse eligible to race at a meeting at which he or she serves as an official.

No racing official shall buy or sell for himself or herself, or as an agent for anyone else, any horse eligible to race at a meeting at which he or she serves as an official.

No racing official shall hold any interest in the contract of a jockey or apprentice jockey riding at a meeting at which the official serves.

No racing official shall buy or sell for another person any right to a contract of any jockey or apprentice jockey riding at a meeting at which the racing official serves.

No racing official shall wager money or anything of value on any race in Minnesota during his or her term of employment.

Subp. 2. Veterinarians. No veterinarian designated as an official at a race meeting shall treat or prescribe treatment for a horse racing at that meeting, except in emergencies or if no other veterinarian licensed by the commission is on the racetrack grounds. In that case, the official veterinarian shall notify the commission of any compensation received.

7877.0185 APPLICABILITY OF RULES AND RULINGS.

Rules pertaining to Class C licensees and rulings against them shall apply equally to other persons if continued participation in an activity by the other person would circumvent the intent of a rule or ruling by permitting the person to serve, in essence, as a substitute for the ineligible licensee because:

A. the other person is legally liable for the conduct that violated the rule or is the subject of the ruling; or

B. the other person benefited financially from that conduct.

The fraudulent transfer of a horse in an effort to avoid application of a commission rule or ruling is prohibited.

CHAPTER 7878
MININESOTA RACING COMMISSION
SECURITY OFFICERS

7878.0100 DEFINITIONS.

Subpart 1. Scope. For purposes of this chapter, the following words and phrases have the meanings given to them unless another intention clearly appears.

Subp. 2. Appointing authority. "Appointing authority" means the holder of a Class A, Class B, or Class D license issued by the commission.

Subp. 3. Appointment. "Appointment" means an official declaration by the appointing authority that it has engaged an individual as a security officer.

Subp. 4. Basic course. "Basic course" means a course for training security officers prior to the assumption of their official duties.

Subp. 5. BCA. "BCA" means the Minnesota Bureau of Criminal Apprehension.

Subp. 6. Commission. "Commission" means the Minnesota Racing Commission.

Subp. 7. Continuing education. "Continuing education" mean refresher training for security officers.

Subp. 8. Firearms course. "Firearms course" means a training course that includes instruction in the legal limitations on the use of deadly force conducted by a person who has completed a firearms instructor's course recognized by the Peace Officer Standards and Training Board.

Subp. 9. First aid course. "First aid course" means any of the following officially recognized courses: Red Cross advanced first aid, emergency medical technician, or EMS first responder.

Subp. 10. POST Board. "POST Board" means the Minnesota Peace Officer Standards and Training Board.

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Subp. 11. Security officer. "Security officer" means a person whose principal duty is the protection of persons or property at a racetrack licensed by the commission.

7878.0110 MINIMUM SELECTION STANDARDS.

Subpart 1. Applicant must meet selection standards. A person eligible to be licensed by the commission as a security officer must be an employee of a Class A, Class B, or Class D licensee and shall meet the following minimum selection standards prior to being appointed a security officer. The appointing authority may certify that the applicant has already completed certain of these standards and provide documentation to that effect pursuant to subpart 2. In all cases, the security officer must:

A. be a citizen of the United States;

B. complete a comprehensive written application;

C. submit to a thorough background search by the BCA to disclose the existence of any criminal record or conduct which would adversely affect the performance of the security officer's duties;

D. not have been convicted of a felony in Minnesota (or in any other state or federal jurisdiction which would have been a felony if committed in Minnesota), or criminal theft, or a pari-mutuel horseracing or gambling crime;

E. provide fingerprint cards to the commission, with duplicate cards provided to the BCA;

F. undergo a thorough medical examination conducted by a licensed physician to determine that the individual is free from any physical defect which might adversely affect his or her performance as a security officer;

G. undergo an evaluation made by a licensed psychologist to determine that the individual is free from any emotional or mental condition that might adversely affect his or her performance as a security officer; and

H. pass an oral examination conducted by the appointing authority to demonstrate the existence of communication skills necessary to perform the duties and functions of a security officer.

Subp. 2. Documentation subject to review by commission. The appointing authority shall maintain documentation the commission deems necessary to show compliance with this chapter. The documentation is subject to periodic review by the commission and shall be made available upon request.

7878.0120 LICENSING OF SECURITY OFFICERS.

Subpart 1. Notice of intent. The appointing authority shall notify the commission of its intention to employ a security officer prior to his or her first day of employment. Notification shall be made on a form prescribed by the commission, along with an affirmation that the prospective appointee has met all the selection standards in part 7878.0110, subpart 1.

Subp. 2. Applicant shall apply for Class C license. If the prospective appointee does not already possess a Class C license as a security officer, he or she shall apply for such a license on a form prescribed by the commission. The applicant and the appointing authority shall affirm that the individual is eligible to be licensed as a security officer. The applicant shall also submit the license fee required by subpart 4.

Subp. 3. Duration of license. The commission may issue a Class C license to an applicant who has complied with the requirements in part 7878.0110, subpart 1, and whose affirmations are consistent with the commission's records. The period of licensure is for one year from date of issuance.

Subp. 4. License fee. The license fee for a Class C security officer's license is $25.

7878.0130 BASIC COURSE.

Subpart 1. Applicant shall successfully complete basic course. No security officer may be licensed unless the officer or his or her appointing authority furnishes proof to the commission that the prospective licensee has successfully completed a basic course which includes at least 40 hours of instruction in the following subject areas:

A. Minnesota criminal statutes;

B. Minnesota horse racing statutes;

C. criminal procedure;

D. rights of individuals (constitutional law);

E. human behavior;

F. security operations and procedures;

G. first aid;

H. firearms;

I. defense tactics;

J. report writing; and

K. testifying.

Subp. 2. Commission may waive requirements. Participation or continued instruction in a particular subject area listed in subpart 1 may be waived by the commission if the individual shows satisfactory evidence that he or she is licensed or eligible to be licensed by the POST Board.

Subp. 3. Appointing authority shall maintain information. The appointing authority shall be responsible for maintaining and making available to the commission pertinent information on courses of instruction and persons employed as security officers.

7878.0140 CONTINUING EDUCATION.

Subpart 1. Licensee shall successfully complete refresher training. No security officer's license may be renewed unless the licensee or his or her appointing authority furnishes the commission proof that the licensee has successfully completed, on an annual basis, at least 20 hours of refresher training in the areas of:

A. physical protection;

B. laws of arrest;

C. constitutional law;

D. handling of citizen complaints;

E. firearms training; and

F. first aid.

Subp. 2. Commission must approve courses. Prior to receiving credit for course approval, the appointing authority or the licensee must submit to the commission a detailed outline of the course and the instructors' credentials. All POST Board certified courses will be considered by the commission to be approved continuing education courses. Approval must be gained from the commission ten days prior to commencement of the course. Upon approval, the commission shall issue a letter to the appointing authority. Approval of continuing education courses shall be based on relevance to knowledge, skills, and abilities needed for security officers. Approved courses of continuing education credit will be granted at the rate of one hour for each 50 minutes of class sessions.

7878.0150 STANDARDS OF CONDUCT FOR SECURITY OFFICERS.

Subpart 1. Certain licensees must be POST Board licensed or POST Board eligible. Any security officer who carries a firearm or whose principal duty is to investigate violations of statutes or rules must be licensed or eligible to be licensed as a peace officer by the POST Board.

Subp. 2. Restrictions on security officers. No security officer may:

A. use deadly force unless authorized, or use unreasonable force;

B. obstruct, hinder, interfere, or prevent an investigation by the commission or a law enforcement agency;

C. linger on the backstretch while off-duty; or

D. while on duty, place a bet on a race run at the racetrack.

7878.0160 SECURITY COOPERATION.

Class A, Class B, and Class D licensees and all security officers must cooperate fully with federal, state, and local law enforcement agencies with jurisdiction to enforce criminal laws at horse racing facilities, and must report promptly all crimes suspected, investigated, or prevented at a licensed racetrack to the BCA.

CHAPTER 7883
MINNESOTA RACING COMMISSION
THOROUGHBRED AND QUARTER HORSE RACES

7883.0100 ENTRIES AND SUBSCRIPTIONS.

Subpart 1. Ownership. When a person is excluded from a racetrack or has his or her license or suspended, every horse

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owned in whole or in part or under the care and control of that person shall be ineligible to be entered or start in any race until the horse has been reinstated, either by the expiration of the owner's penalty or by the transfer through bona fide sale to an owner approved by the stewards. Such person whether acting as agent or otherwise, shall not be qualified to subscribe for, or to enter or run any horse in any race either in his or her own name or in that of any other person until expiration of such penalty.

Subp. 2. Horse must be registered and eligible. No horse shall be permitted to enter or start unless:

A. it is duly registered with and approved by the registry office of The Jockey Club (New York) or the American Quarter Horse Association;

B. its registration certificate showing the tattoo number of the horse is filed with the racing secretary by scratch time for that race, except in stakes races the registration certificate must be filed not less than two hours prior to the scheduled post time for the stakes races;

C. it is owned by a licensed owner and is in the care of a licensed trainer;

D. at the time of entry, the horse is eligible for the conditions of the race as specified by the racing secretary and remains eligible until the race; and

E. if a horse's name is changed, its new name shall be registered with The Jockey Club (New York) or the American Quarter Horse Association and its old, as well as its new name, shall be given in every entry list until it has run three races, and both names must be printed in the official program for those three races.

Subp. 3. Procedure for first time entrants. If entered for the first time at a race meeting, a horse shall be identified by stating its name, color, sex, age, and the name of its sire or sires and dam as registered. In every race thereafter, sufficient description shall be deemed to be provided if the name, color, sex, and age of a horse is furnished.

Subp. 4. Entering procedure. Nominations and entries shall be made in writing and signed by the owner or trainer of the horse, or the owner's authorized agent. Each association shall provide forms on which entries, scratches, and declarations are to be made for all races.

A. The racing secretary is the only person authorized to receive entries, scratches, and declarations.

B. Entries may be made by telephone or telegraph, but shall be confirmed promptly in writing.

C. In the case of sweepstakes, the closing of nominations, entries, interim payments, and declarations shall be in accordance with the conditions published by the association sponsoring the race.

D. A signed entry blank shall be prima facie evidence that the contents of the entry blank express the desires and intent of the person making entry.

Subp. 5. Entrance money. The nominator is liable for entrance money or stakes, and a mistake in the entry of a horse when eligible does not release the subscriber or transferee from liability for stakes or entrance money. Entrance money is not refunded on the death of a horse, nor on its failure to start.

Subp. 6. Prohibited entries. No person shall:

A. enter in his or her name a horse of which he or she is not the actual owner;

B. enter or cause to be entered, or start a horse which he or she knows or believes to be ineligible or disqualified;

C. enter a horse in more than one race on any day, stakes races excepted;

D. enter in a race a horse if it is wholly, or partly owned by, trained by, or under the management of an unlicensed person, a person whose license is under suspension, or a person who acts in concert with or under the control of a person whose license is under suspension. If any entry from an unlicensed person or a person whose license is under suspension or of an ineligible horse is received, the entry shall be void and any money paid for the entry shall be returned if the facts are disclosed one hour before post time for the race; otherwise, such money shall be paid to the winner.

Subp. 7. Coupled entries. Except in stakes races and races which are conditioned for horses eligible for specified stakes, not more than two horses of the same ownership or interest shall be entered and started in a race.

A. No trainer shall enter more than two horses in an overnight event, and in no case shall two horses start to the exclusion of a single entry.

B. Not more than two horses trained by the same trainer shall be drawn into any overnight race or placed on the also eligible list to the exclusion of another horse, except in split races.

C. Horses trained by a public stable trainer shall not be coupled with horses trained by another public stable trainer unless the horses in question are owned by the same person or are coupled as a field for wagering purposes.

D. All horses owned wholly or in part by the same person, or his or her spouse, or trained by the same trainer, shall be coupled and run as an entry.

E. Notwithstanding items A to D, where two or more horses are coupled as an entry only for the reason that the horses are trained by the same trainer, the association may run those horses as separate interests.

Subp. 8. Changing of races. Each association shall have the right to withdraw or change any race with the permission of the stewards. If a race is declared off because of insufficient entries, the association may split any other race.

Subp. 9. Closing of entries. When an hour for closing is designated, entries and declarations for sweepstakes may not be considered if received afterwards. If an hour is not designated, entries and declarations may be mailed or telegraphed up to midnight of the day of closing, provided they are received in time for compliance with every other condition of the race.

Subp. 10. Loss of entries. A person who alleges loss of an entry or declaration in a stakes race must provide satisfactory proof that it was mailed or telegraphed within a reasonable time before the designated time for closing or it shall not be considered received.

Subp. 11. Drawing of entries. The drawing of entries for post positions shall be governed by the following procedures.

A. When entries exceed the permitted number of starters, the number of starters shall be reduced to the proper number by lots. Lots may be drawn for the entire race or for each division of the race at the option of the association.

B. Each day after the entries have been closed, the racing secretary shall designate from an owner or trainer present in the entry office to draw the entry sheets and post position numbers. In every case, the entry shall be drawn from its approved receptacle before the number ball is released from the number box.

C. In divided races the starters in the separate divisions shall be determined by lot.

Subp. 12. Deceased owners. Nominations, entries, and rights of nomination and entry of a deceased owner shall be exercisable by and transferable by the deceased's personal representative subject to compliance with all applicable rules of the commission. The personal representative of a deceased owner shall be deemed to hold an owner's license with respect to horses belonging to the estate of the deceased until the commission declares that such owner's license is no longer in effect.

In the case of the death of a member of a multiple owner, nominations, entries, and rights of nomination and entry shall continue and may be exercised by the remaining members of the multiple owner or any of them.

Nominations and all entries or rights of entry under them become void on the death of the nominator, except in cases of multiple owners, or except with approval of the stewards when the personal representative of an estate in writing requests that the benefits of the nominations accrue to the estate of the deceased nominator for the purpose of selling or transfering a horse, and such representative agrees to assume any and all obligations incident to the original entries.

Subp. 13. Prohibitions on horses sold or transferred with engagements. Should a horse be sold with engagements, the seller shall not strike the horse out of any such engagements.

If, when a horse is sold or transferred or deemed to be sold or transferred with its engagements, the racing secretary requires evidence of such sale or transfer, the failure to produce such evidence shall render the horse ineligible to start in any stakes race.

No person shall make or receive the transfer of a horse or engagement for the purpose of avoiding disqualification.

Subp. 14. Responsibility for eligibility. A trainer shall be responsible for the eligibility of horses entered by him or her or his or her authorized agent, and an owner shall be responsible for the eligibility of horses personally entered by the owner.

Subp. 15. Horse must be properly entered. A horse shall not be qualified to start in any race unless it has been and continues to be properly entered therein. A horse which is improperly entered shall not be entitled to any part of the purse, but once the "Official" sign is posted, this rule shall in no way affect the wagering on the race.

Subp. 16. Workout requirements. In order to be eligible:

A. A horse which has not started for a period of 45 days or more shall not be eligible to be entered until it has completed one timed workout satisfactory to the stewards prior to the entry date. Any workout following the entry of a horse shall appear on the official daily racing program or shall be posted for the public.

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B. Horses that have not started within 60 days of time of entry into a race must have a minimum of two timed workouts satisfactory to the stewards prior to entering in any race.

C. First-time starters must have three gate approvals and a minimum of two timed workouts satisfactory to the stewards prior to the entry date.

Subp. 17. Refused entries. The nominations and entries of any person or transfer of any nomination or entry may be refused by the association for reasonable cause.

7883.0110 PREFERENCE SYSTEM.

Subpart 1. Preferred list. The racing secretary shall keep a list of all horses excluded from races because of too many entries, and such horses are to have preference in any race in which they may afterwards be entered in accordance with the rules adopted by the racing secretary for the meeting and approved by the stewards. This shall be known as the "preferred list."

Subp. 2. In-today horses. When a horse is entered on one day and has an opportunity to start other than in a stakes race and is also entered for the following race day, the second entry will be an "in-today" and will not be considered unless the race underfills, nor will such horse be considered on the preferred list.

Subp. 3. Second part of entry preferred over in-today horse. The second part of an entry shall receive preference over an "in-today" on the also eligible list in case the race overfills.

Subp. 4. Preference forfeited. No horse's name shall be placed on the preferred list and all preference shall be forfeited if the owner did not accept, when presented, the opportunity of starting.

7883.0120 DECLARATIONS AND SCRATCHES.

Subpart 1. Procedure for scratching horses. Scratches and declarations shall be made in writing and signed by the owner or trainer of the horse, or the owner's authorized agent. Each association shall provide forms on which scratches and declarations are to be made, and for all races:

A. no horse shall be scratched without permission of stewards;

B. all scratches shall be made by scratch time, designated by the association, except as provided by subparts 2 to 5;

C. should scratches reduce the body of a race, the horses left in the race shall move into the lower numbered post positions before any horses are drawn from the "also eligibles"; and

D. should scratches reduce the number of horses in a race below the number designated by the association, then such designated number of horses will be maintained by the drawing of lots from the "also eligibles" list after scratches have occurred and the horses so drawn will be required to race.

Subp. 2. Scratches from stakes races. A scratch from an early-closing stakes race shall be made not less than 45 minutes before post time of the race.

Subp. 3. Horse must be entered in stakes race. In a stakes race, if a horse is not named through the entry box at the usual time of closing, the horse is automatically out.

Subp. 4. Nomination may be altered or withdrawn. A nomination of a horse to a sweepstakes may be altered or withdrawn at any time prior to the closing time for nominations.

Subp. 5. Stewards may permit withdrawal. Notwithstanding subpart 1, item B, the stewards may permit the withdrawal of any horse after weighing out for any reason which they determine to be in the best interests of racing.

Subp. 6. Horse declared nonstarter. The stewards shall have the authority to declare that a horse is not a starter if they determine that any occurrence before the running of a race calls for such action by them.

Subp. 7. Declarations are irrevocable. The declaration of a horse out of an engagement is irrevocable.

7883.0130 PENALTIES AND ALLOWANCES.

Subpart 1. Determining penalties and allowances. Penalties and allowances shall be determined as follows.

A. Penalties and allowances are not cumulative, unless so declared by the conditions of the race, and shall take effect at the time of starting, except that in overnight events a horse will have only the allowance to which it was entitled at the time of entry.

B. Penalties are obligatory; allowances are optional as to all or part thereof, and in overnight events must be claimed at the time of entry.

C. No horse shall receive allowance of weight nor be relieved from extra weight for having been beaten in one or more

races, but this rule shall not prohibit maiden allowance or allowances to horses that have not won a race within a specified period or a race of specified value.

D. Failure to claim a weight allowance by oversight or omission is not cause for disqualification. Claims of weight allowance to which a horse is not entitled shall not disqualify unless such incorrect weight is carried in the race. However, a fine may be imposed upon the person claiming allowance to which his or her horse is not entitled.

E. Eligibility, penalties, and allowances of weight for all races will be determined only from the reports, records, and statistics published by the Daily Racing Form; but responsibility for weight carried and eligibility still remain with the owner and trainer as provided in part 7883.0100, subpart 15.

F. No horse shall incur a weight penalty for placement from which it is disqualified, but a horse placed through the disqualification of another horse shall incur the weight penalties of that placement. No such placement shall make a horse ineligible to a race which has already been run.

G. When a race is in dispute, both the horse that finished first and any horse claiming the race shall be liable to all penalties attached to the winner of that race until the matter is decided.

Subp. 2. Scale of weights or weight for age. Races written to be run under "scale of weights" or "weight for age" shall be run under the following weights:

Distance	Years of Age	Jan Feb	Mar Apr	May	Jun	Jul	Aug	Sep	Oct	Nov Dec
Half mile	2	. . .	. . .	. . .	. . .	. . .	105	108	111	114
	3	117	119	121	123	125	126	127	128	129
	4	130	130	130	130	130	130	130	130	130
	5 & up	130	130	130	130	130	130	130	130	130
Six furlongs	2	. . .	. . .	. . .	. . .	. . .	102	105	108	111
	3	114	117	119	121	123	125	126	127	128
	4	129	130	130	130	130	130	130	130	130
	5 & up	130	130	130	130	130	130	130	130	130
One mile	2	. . .	. . .	. . .	. . .	. . .	. . .	96	99	102
	3	107	111	113	115	117	119	121	122	123
	4	127	128	127	126	126	126	126	126	126
	5 & up	128	128	127	126	126	126	126	126	126
One and a quarter mile	2	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .
	3	101	107	111	113	116	118	120	121	122
	4	125	127	127	126	126	126	126	126	126
	5 & up	127	127	127	126	126	126	126	126	126
One and a half miles	2	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .	. . .
	3	98	104	108	111	114	117	119	121	122
	4	124	126	126	126	126	126	126	126	126
	5 & up	126	126	126	126	126	126	126	126	126
Two miles	3	96	102	106	109	112	114	117	119	120
	4	124	126	126	126	126	125	125	124	124
	5	126	126	126	126	126	125	125	124	124

Subp. 3. Racing secretary may write alternate weights. It shall be within the discretion of the racing secretary to write races either above or below the "scale of weights."

Subp. 4. Sex allowance. In all races against male horses, except handicaps and races where the conditions expressly state to the contrary, fillies two years old are allowed three pounds and fillies and mares three years old and upward are allowed five pounds before September 1 and three pounds thereafter.

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7883.0140 CLAIMING RACES.

Subpart 1. Who may claim. In claiming races any horse is subject to claim for its entered price by any person who is eligible to claim or by his or her authorized agent. The following persons shall be eligible to claim:

A. A licensed owner who has a horse registered to race at the current meeting.

B. A licensed owner who lost his or her last horse through fire, misfortune, or claim, may nevertheless claim (if he or she is otherwise eligible) for 30 racing days after he or she has lost his or her last horse. The 30 racing days may extend from one racing season to the next. A person claiming under this item is required to establish eligibility to claim with the stewards and to receive his or her confirmation in writing prior to making a claim.

C. An applicant for an owner's license who is approved by the stewards may be granted a claiming authorization. Each application for a claiming authorization must be signed by the prospective trainer who must be licensed by the commission. Under no circumstances shall the claiming authorization be issued until a background investigation, not to exceed ten days after filing the application, has been completed. An owner's license will not be granted until after the claiming authorization has been executed. Once the applicant has been granted a claiming authorization, he or she may open an account with the horsepersons' bookkeeper.

D. An applicant for an owner's license who has not previously had a horse registered to race at the current meeting and who purchases a horse registered to race by private sale, provided that 21 calendar days, not including the date of the sale, have elapsed between the date of the private sale and the date of the claim.

Subp. 2. Claiming procedure. Claims shall be made in writing on a form provided by the association and approved by the commission. Claims shall be signed and sealed in an envelope having no identification marks except:

A. the name of the track;

B. the number of the race from which the claim is being made; and

C. a time stamp provided by the track for that purpose reflecting that the claim was made not later than ten minutes prior to the post time of the race in which the horse to be claimed is entered.

Subp. 3. Examination claim envelopes. The claims clerk shall open the claim box, search for, open, and examine the claim envelopes no sooner than ten minutes prior to post time for each race.

Subp. 4. Information shall not be divulged. No information concerning such claims shall be divulged to anyone other than the racing secretary's staff and the horsepersons' bookkeeper until after the race has been run.

Subp. 5. Multiple claims determined by lot. If more than one claim is filed for the same horse, the successful claimant shall be determined by lot under the supervision of the stewards or the claims clerk.

Subp. 6. Claims are irrevocable. Once a claim is deposited in the claim box, the claim cannot be withdrawn or revoked.

Subp. 7. Invalid claims. A claim is invalid if:

A. the name of the horse to be claimed is erroneously spelled or is not specified in the space provided on the claim form;

B. the claimant does not have at least the amount of the claim and any applicable state sales tax on deposit or credited with the horsepersons' bookkeeper;

C. the claim form does not specify the designated price as printed in the program, or is not signed, or does not fully indicate the name of the party making claim, or is otherwise incorrectly completed; or

D. the claim envelope is inaccurate.

Subp. 8. Voided claims. If a claim is voided by the stewards, the horse claimed shall be returned to the original owner who, in turn, shall refund all claim money to the unsuccessful claimant.

Subp. 9. Prohibition on claims. No person or racing interest shall:

A. claim more than one horse from any one race;

B. claim their own horse or cause such horse to be claimed, directly or indirectly, for their own account;

C. refuse to deliver a claimed horse to the successful claimant;

D. remove any horse which has been entered in a claiming race from the racetrack where it has been entered to race, or fail or refuse to comply with any rule or any condition of the meeting for the purpose of avoiding or preventing a claim for such horse;

E. offer or enter into an agreement to claim or not to claim or attempt to prevent another person from claiming any horse in a claiming race;

F. attempt to intimidate or prevent anyone from running a horse in any claiming race;

G. claim horses owned or trained by their trainer or the trainer's spouse, child, sibling, parent, mother-in-law, or father-in-law;

H. claim a horse from an owner whose horse is trained by the claimant's trainer;

I. being a trainer, claim a horse from an owner for whom he or she trains; or

J. enter, or allow to be entered, any horse against which any claim is held, either by mortgage or lien of any kind without, prior to entering, having filed the written consent of the holder of the mortgage or lien with the racing secretary and horsepersons' bookkeeper.

Subp. 10. Affidavit may be required. Whenever the stewards have reasonable doubt about the validity of a claim, they shall require a claimant to execute an affidavit stating that the claimant is claiming the horse for the claimant's own account or as an authorized agent, and not for any other person.

Subp. 11. Claimant responsible for determining true age and sex. Determination of the true age and sex of a claimed horse shall be the sole responsibility of the claimant, and mistakes in that regard printed in the official program or elsewhere shall not be considered a basis for invalidating the claim.

Subp. 12. Disclosure of bred mare. If a filly or mare has been bred, she is ineligible to be entered into a claiming race unless:

A. full disclosure of that fact is on file with and posted in the office of the racing secretary; and

B. the breeding slip has been deposited with the racing secretary; and

C. all payments due for the service in question and for any live progeny resulting from that service are paid in full; and

D. the release of the breeding slip to the successful claimant at the time of the claim is guaranteed; or

E. in the alternative to items A to D, a licensed veterinarian's certificate dated at least 40 days after the last breeding of the mare or filly is on file with the racing secretary stating that the mare or filly is not in foal.

Subp. 13. Foal certificates remain in custody of racing secretary. The foal certificate or eligibility papers of a claimed horse shall remain in the custody of the racing secretary until the new owner removes the horse from the track.

Subp. 14. Stakes engagements transfer to claimant. The stakes engagements of a claimed horse transfer automatically with the horse to the claimant.

Subp. 15. Protest of claim. Not later than the next racing day after the race was won, a written protest of a claim may be submitted to the stewards who shall investigate the matter as quickly as possible.

Subp. 16. Title to claimed horse. Title to a horse which is claimed shall be vested in the successful claimant from the time the field has entered the racing strip for the race in which the horse is scheduled to run, unless the race is canceled or the horse is excused by the stewards. The claimant shall then become the owner of the horse whether it be alive or dead, sound or unsound, or injured during the race or after it.

Subp. 17. Horse shall run in interest of owner. On the day claimed, a claimed horse shall run in the interest of and for the account of the owner from whom the horse was claimed.

Subp. 18. Claimed horse to be delivered. Upon presentation of a written authorization from the racing secretary, the claimed horse shall be delivered by the original owner to the successful claimant without altering or removing the horse's shoes.

Subp. 19. Responsibility for post-race analysis. A trainer whose horse has been claimed and is designated for post-race testing remains responsible for the horse until after collection of the blood and/or urine specimens at the detention barn where delivery shall be made to the successful claimant.

Subp. 20. Excused horse eligible to be claimed for same claiming price in next start. If, in a claiming race, a horse is excused by the stewards, any claim or claims for the horse will be void. However, such a horse, in its next start, must race in a claiming race for a claiming price not greater than the amount for which it could have been claimed in the race from which it was excused. Should the horse be entered in an allowance or stakes race in its next start, said horse shall be subject to claim for the

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claiming price from the previous race from which it was excused. The provisions of this subpart shall apply for a period of 90 days from the date of the claiming race in which the horse was excused.

Subp. 21. Claimed horse must race for higher claiming price. For a period of 30 days after being claimed, a thoroughbred horse shall not start in a race in which the eligibility price is less than 25 percent more than the price at which it was claimed. The day claimed shall not count, and the horse may be entered whenever necessary so that it may start on the 31st calendar day following the original claim for any claiming price. In thoroughbred racing, this provision shall apply to starter handicaps and starter allowances.

Subp. 22. Claimed horse shall race at track claimed. No claimed horse shall race at any other racetrack until after the close of the race meeting at which it was claimed, or for 60 days, whichever is shorter, except to fulfill a previously committed stakes engagement.

Subp. 23. Claimed horse shall not be transferred. No horse claimed in a claiming race shall be sold or transferred wholly or in part to anyone within 30 days after the day it was claimed, except in another claiming race.

Subp. 24. Recognition of other racing jurisdictions' claiming rules. When a horse is claimed at a recognized meeting governed by the rules of another racing jurisdiction, Minnesota shall recognize title to the horse under those rules. However, while racing in Minnesota, such a horse must comply with this part.

Subp. 25. Charity meetings. When a charity meeting and a regular meeting are run consecutively, they shall be considered as one for claiming purposes.

Subp. 26. Claiming authorization. The commission or its appointed representatives shall issue a claiming authorization to any person who makes application therefor on forms prescribed for that purpose and who:

A. Meets all the requirements for the issuance of an owner's license, except that the applicant need not own a horse or have any previous experience in racing.

B. Has an agreement with a licensed trainer to take charge of, care for, and train any horse claimed pursuant to the claiming authorization. The holder of a claiming authorization and the trainer shall each promptly notify the stewards in writing if such agreement is terminated before a horse is successfully claimed.

C. Has at least the amount of the claim on deposit or credited with the horsepersons' bookkeeper.

Subp. 27. Claiming authorization valid for calendar year. A claiming authorization shall be valid for the calendar year in which it is issued, or until such time as the person to whom the authorization was issued becomes a horse owner either through use of the claiming authorization or through private purchase.

Subp. 28. Claiming authorization fee. The same fee charged for an owner's license shall be payable to the commission by the applicant prior to issuance of a claiming authorization. The holder of a claiming authorization shall not, by virtue thereof, be entitled to admission to the grandstand, clubhouse, or other spectator facility at prices less than those charged the general public. A holder of a claiming authorization who has not previously been granted an owner's license will be issued an owner's license without payment of any additional fees.

An application for claiming authorization may be denied or revoked for any reason that would justify denial, suspension, or revocation of an owner's license. Any person whose claiming authorization is denied or revoked shall have the same rights to notice and hearing as an owner whose license is denied, suspended, or revoked.

Subp. 29. Claiming prices for harness race horses. In standardbred racing, the following allowances shall be applicable with respect to claiming price:

A. For mares racing against colts or geldings, add 20 percent.

B. For two-year olds racing against older horses, add 100 percent.

C. For three-year olds racing against older horses, add 50 percent.

D. For four-year olds racing against older horses, add 25 percent.

E. Spayed mares shall not receive any sex allowance.

Subp. 30. Claiming races may be conditioned. Races strictly for two-year olds or three-year olds may be conditioned. Races for the lowest claiming price at a meeting may be conditioned.

7883.0150 PADDOCK TO POST.

Subpart 1. Horses must have identifying equipment. In a race each horse must carry a conspicuous saddle-cloth number and a head number corresponding to its number on the official program. In the case of any entry each horse making up the entry shall carry the same number (head and saddle-cloth) as the first part of the entry, along with a distinguishing letter, for

example: 1, 1a, or 1b. In the case of a field, the horses comprising the field shall carry an individual number, for example: 10, 11, 12; or a particular number followed by a distinguishing letter 10, 10A, 10B, or 10C.

Subp. 2. Trainer to have horse in paddock. A trainer shall have his or her horses in the paddock not less than 15 minutes before post time. The trainer shall also attend his or her horse in the paddock and be present to supervise its saddling, unless he or she has obtained permission of a steward to send an assistant trainer or another trainer as a substitute. Every horse must be saddled in the paddock unless permission has been granted by the stewards to saddle elsewhere.

Subp. 3. Bandages and blankets. Immediately upon arrival in the paddock, all blankets and bandages, except those bandages that will be worn during a race, must be removed. Should weather conditions so dictate, blankets may be worn after saddling with permission of the paddock judge. After saddling, all horses must be walked to allow a satisfactory examination.

Subp. 4. Horses excused from parading. The stewards may permit a horse to be excused from parading with the other horses and be led to the post, but such horse shall nevertheless pass the stewards' stand on its way to the post.

Subp. 5. Lead ponies. Lead ponies and their riders shall be permitted to enter the saddling paddock or walking ring only with the permission of the stewards.

Subp. 6. Duration of post-parade. After entering the track not more than 14 minutes shall be consumed in the parade of the horses to the post except in cases of unavoidable delay. After passing the steward's stand once, horses will be allowed to break formation and canter, warm up, or go as they please to the post unless otherwise directed by the stewards. When the horses have reached the post, they will be started without unnecessary delay.

Subp. 7. Horses must be free of attendants. After the horses enter the track, no jockey shall dismount and no horse shall be entitled to the care of an attendant without consent of the stewards or the starter, and the horse must be free of all hands other than those of the jockey or assistant starter before the field is dispatched by the starter. In case of accident to a jockey or to his or her mount or equipment, the stewards or the starter may permit the affected jockey to dismount and the horse to be cared for during the delay, and may permit all other jockeys to dismount and all other horses to be attended during the delay.

Subp. 8. Horse must carry weight from paddock to post. Each horse must carry its assigned weight from paddock to post and from post to finish. If a jockey is thrown on the way from the paddock to the post, the horse must be remounted, returned to the point where the jockey was thrown, and then proceed over the route of the parade to the post.

Subp. 9. Injury to jockey. If the jockey is so injured on the way to the post to require substitution of another jockey, the horse shall be returned to the paddock, another jockey mounted, and then ridden over any uncompleted portion of the exact route of the parade to the starting point.

Subp. 10. Horse leaves race course. If a horse leaves the course while moving from paddock to post; it shall return to the course at the nearest practical point to that at which it left the course, and shall complete its parade to the post from the point at which it left the course.

Subp. 11. No willful delays. No person shall willfully delay the arrival of a horse at the post.

Subp. 12. Prohibition on assisting a start. No person other than the jockey, starter, or assistant starter shall be permitted to strike a horse or attempt by shouting or otherwise to assist it in getting a start.

7883.0160 POST TO FINISH.

Subpart 1. Horse must be tattooed. No horse shall be permitted to start unless it has been tattooed and fully identified.

Subp. 2. Horses must load in post position. Horses shall take their positions in numerical order from the inside rail, that order to be determined by post positions.

Subp. 3. Horse deemed a starter. A horse is a starter for all purposes of the commission's rules when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses in a valid start.

Subp. 4. All horses shall be ridden out. All horses shall be ridden out past the finish line in every race and must carry their assigned weight from the post to finish.

Subp. 5. Horse shall not leave course. If during a race a horse leaves the course, it shall be disqualified.

Subp. 6. Interference and willful fouling. The following rules shall apply with respect to the running of a race.

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A. When clear, a horse may be taken to any part of the course but no horse shall cross or weave in front of other horses in such a way as to impede them or constitute or cause interference or intimidation such that it would affect the outcome of the race.

B. If a horse or jockey jostles another horse such that it would affect the outcome of the race, the aggressor may be disqualified, unless the jostled horse or its jockey was partly at fault, or the jostling was wholly caused by some other horse or jockey.

C. During a race no jockey shall willfully strike or touch another jockey or another jockey's horse or equipment for the purpose of interfering with that horse or jockey, nor shall a jockey strike his or her horse on or about the head area.

D. For willful fouling or careless riding a rider may be fined or set down or both by the stewards according to the nature and seriousness of the offense.

E. A jockey whose horse has been disqualified or who unnecessarily caused his or her horse to change or shorten its stride for the purpose of losing a race may be fined or suspended.

Subp. 7. Determination of disqualifications. The stewards are vested with sole and complete power and authority to determine when a disqualification is proper, its extent, and whether it applies to any other part of an entry. Their decision shall be final.

A. In determining the extent of disqualification of a horse in any race, the stewards may either place the disqualified horse behind such horse as in their judgment the disqualified horse interfered with, or they may place it last.

B. When a horse of one ownership or interest is coupled with a horse or horses of the same or another ownership or interest, the disqualification of one will not necessarily affect the placing of the other.

Subp. 8. Best effort must be made. All jockeys are expected to give their best efforts in races in which they ride, and any instructions or advice to jockeys to ride or handle their mounts otherwise than for the purpose of winning are prohibited and will subject all persons giving or following such instructions or advice to disciplinary action by the stewards and commission. If two horses run in one interest in any race, each shall give their best effort.

Subp. 9. Protests. Protests with regard to the running of the race shall be made only by the owner, trainer, or jockey of the horse alleged to be aggrieved, and shall be made to the stewards or the clerk of scales before or immediately after weighing in. An owner, trainer, or jockey who makes a frivolous protest may be fined.

Subp. 10. No assistance to jockey. No person shall assist a jockey in removing from his or her horse the equipment that is to be included in the jockey's weight, except by permission of the stewards.

Subp. 11. Coverings prohibited. No person shall throw any covering over any horse at the place of dismounting until the jockey has removed the equipment that is to be included in his or her weight.

Subp. 12. Dead heats. Dead heats shall be governed in the following manner.

A. When two or more horses run a dead heat, the dead heat shall not be run off.

B. In a dead heat for first place, each horse shall be considered a winner.

C. When two or more horses finish in a dead heat and a protest is made and allowed against a horse having finished in front of the dead heat, the horses which ran the dead heat shall be deemed to have run a dead heat from the higher position.

D. Owners of horses in a dead heat for any position shall divide equally all money and other prizes, and if no agreement can be reached as to which of them shall receive a cup, plate, or other indivisible prize, they shall draw lots for it in the presence of one or more of the stewards.

Subp. 13. Race declared no contest. If a race has been run by all the horses at the wrong weights or over a wrong distance, and if a protest is made and allowed before the flashing of the "Official" sign on the totalisator board, the stewards shall declare the race no contest.

Subp. 14. Horse becomes crippled or disabled. The following procedures shall apply if a horse during the running of a race becomes crippled or otherwise obviously unable to finish (broken bone, profuse bleeding, or other equally disabling condition):

A. It shall be dismounted, unsaddled, and removed from the course without passing the stand and may, under no circumstances, be destroyed on the track or in the presence of the public without the permission of the stewards.

B. If a bone is broken, the horse shall remain on the track until the horse-ambulance arrives and removes it.

C. If destruction of the horse is determined necessary, the destruction shall be performed by the commissoin veterinarian through the use of a needle preferably in a place out of vision of the public. If destruction within view of the public

is necessary, an ambulance screen must be used. Removal of the horse after destruction shall be the responsibility of the association.

D. If destruction of a horse is determined necessary, the jockey will not be required to weigh in.

CHAPTER 7884
MINNESOTA RACING COMMISSION
HARNESS RACES

7884.0100 SCOPE.

In addition to all other applicable rules of the commission, the provisions of this chapter shall apply to harness races.

7884.0110 TYPES OF RACES.

Subpart 1. Overnight events. Each association shall schedule the following types of overnight events:

A. conditioned races;

B. claiming races;

C. preferred races;

D. invitational races;

E. handicap races;

F. open or free-for-all races;

G. schooling races; and

H. matinee races.

Subp. 2. Stakes races. In addition to overnight events, the association must schedule stakes races.

Subp. 3. Substitute races. Substitute races may be provided for each race program and shall be so designated in condition sheets and may be used when a regularly scheduled race is not run because of lack of entries.

Subp. 4. Divided races. Regularly scheduled races or substitutes may, if necessary, be divided. When a race is divided, all horses shall, unless otherwise specified in the conditions of the race, be determined by lot after preference has been applied.

Subp. 5. Postponed races. All races that are not contested within two days of being postponed shall be canceled.

Subp. 6. Also eligible conditions. Not more than three also eligible conditions shall be used in writing conditions for overnight events.

7884.0120 ELIGIBILITY AND ENTERING.

Subpart 1. Time bars. No time records or bars shall be used as an element of eligibility.

Subp. 2. Horses to remain eligible. Horses eligible at the time of entry shall remain eligible for that race regardless of earnings accrued after such entry.

Subp. 3. Mixed race eligibility. To participate in mixed races, trotting and pacing, a horse must be eligible under the conditions for the gait stated for it in its entry.

Subp. 4. Only purse races considered starts. The word "start" in a condition includes only those performances in a purse race.

Subp. 5. Races limited to fastest horses. Eligibility to enter preferred, invitation, junior invitation, handicap, open, or free-for-all races is limited to the fastest horses competing at the meeting. The races shall be subject to the following provisions.

A. Horses shall be posted in the office of the racing secretary and listed with the stewards prior to closing entries.

B. Horses so posted shall not be eligible to enter conditioned races unless the conditions specifically include horses posted to any or all such races.

C. No two-year-old horse is eligible to be placed on the lists to race against older horses until it has won seven races.

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unless specifically requested by the owner or authorized agent, but the owner or authorized agent may withdraw a request after it has been made.

Subp. 6. Maximum number in field. The maximum size of fields for all races shall be determined by allowing eight feet per horse in the front tier and not more than two trailing horses.

Subp. 7. Conditions precedent to entering. No horse shall be permitted to enter to race unless:

A. a valid eligibility certificate has been granted or validated for that horse by the USTA;

B. the current ownership of the horse has been registered with the USTA;

C. the registration papers and a valid eligibility certificate have been filed with the racing secretary;

D. if the horse is leased,

(1) a copy of the lease is on file with the associatin and the USTA; and

(2) the horse races in the name of the lessee;

E. the horse has qualified as provided in part 7884.0190;

F. the horse has been lip tattooed;

G. the horse is at least two years old but not older than 14 years old; and

H. if it is a spayed mare, that fact is noted on the program, registration certificate, eligibility certificate, and the list of such horses is posted in the office of the racing secretary.

Subp. 8. Time for closing of entries. An association shall publish the time for closing of entries on the condition sheets.

Subp. 9. Entries received after closing time not accepted. An entry received after the specified time of closing shall not be accepted, except if it was omitted in error or because of an inadvertent mistake by an official or employee of the association.

Subp. 10. Horse shall be entered at only one racetrack. The same horse shall not be entered to compete in races scheduled for the same day at different racetracks.

Subp. 11. Entered horse may not be sold or transferred. After having been drawn to start, a horse shall not be sold or transferred prior to the particular race.

Subp. 12. Change of trainer. Trainers may be changed only with prior approval of the stewards.

Subp. 13. Horses denied entry. A horse that is on the qualifying list, starter's schooling list, stewards' list, veterinarian's list, or bleeder list, and not removed from that list, shall not be entered.

Subp. 14. Rejection of entries. The association may reject the entry into an overnight event of any horse whose past performance indicates that it would be below the competitive level of other horses entered in the particular race.

Subp. 15. Naming of drivers. Drivers shall be named no later than the time necessary to permit their names to be published in the official racetrack program. The deadline for naming of drivers shall be set by the association, and no driver may be changed after the deadline without the permission of the stewards.

7884.0130 PREFERENCE SYSTEM.

Subpart 1. Association to establish preference system. Each association shall keep a list of all horses excluded from races because of too many entries and such horses are to have preference in any race in which they may afterwards be entered.

Subp. 2. Preference system provisions. Notwithstanding subpart 1, preference may be given under the following circumstances:

A. If more than the required number of horses are entered in a race with the same preference date, the previous preference dates shall apply.

B. When a horse is racing for the first time at the gait entered for it, it shall have preference over other horses regardless of their preference dates.

C. If an entry is made for a horse that has already been drawn to start in a race that has not yet been contested, the date of that uncontested race shall be its preference date.

D. If a horse has been scratched, the date of the race from which it has been scratched shall be its preference date.

E. If a race has been reopened for additional entries, preference shall be given those horses eligible and entered at the time the race originally closed.

F. If conditions so specify, preference may be given to two-year-old horses regardless of preference date.

Subp. 3. Preference for also eligibles. No more than two horses may be drawn as "also eligibles," in accordance with the following provisions:

A. Also eligibles shall be drawn from horses having the best performance.

B. No horse shall be added to the race as an also eligible unless it was drawn as an also eligible at the time entries closed for that race.

C. No horse may be barred from another race to which it is eligible and has preference because it has been drawn as an also eligible.

7884.0140 COUPLED ENTRIES.

Subpart 1. Horses to be coupled as an entry. Horses shall be coupled as an entry if:

A. one person is the owner of two or more horses in a race;

B. the spouse of a person who is the owner of one horse in a race is the owner of another horse in that race;

C. the spouse of the driver of one of the horses in a race is the owner, trainer, or driver of another horse in that race; or

D. the trainer of one of the horses in a race is the owner, trainer, or driver of another horse in that race.

Subp. 2. Stewards may designate a coupled entry. Any two or more horses may be coupled as an entry by the stewards when they consider it in the public interest to do so.

Subp. 3. Split races. If a race is split into divisions or elimination heats, horses coupled as an entry shall be, insofar as possible, seeded in separate divisions or elimination heats in the following order:

A. owners;

B. trainers; and

C. stables.

The divisions or elimination heats in which such horses are to compete, and their post positions, shall be determined by lot.

7884.0150 LOST ENTRIES.

Subpart 1. Addition to overnight event. When there is conclusive evidence prior to the printing of the overnight sheets that a horse was properly entered in a race, but was inadvertently omitted from the drawing for post positions due to error of an official or employee of the association, the horse so omitted may be added to the race and the race redrawn. If the overnight sheet has been printed such horse shall not be permitted to start.

Subp. 2. Addition to stakes race. A horse that was nominated or entered in a stakes race, but was inadvertently omitted, shall be added to the race and the race redrawn. Should the addition result in more than the maximum number of starters allowed in a single field, the event shall be divided and the starters in each division and their post positions shall be redrawn by lot.

7884.0160 ALSO ELIGIBLES.

Subpart 1. Also eligibles to replace excused horses. If a horse is excused from a race by the stewards, an also eligible horse shall take the post position drawn for the excused horse, except as provided in subpart 5.

Subp. 2. Trainer to be notified. Also eligibles moved into races shall be posted in the office of the racing secretary and their trainers shall immediately be so notified by the racing secretary.

Subp. 3. Also eligibles released. Also eligibles not moved into a race by 10:00 a.m. of the day of the race shall be released.

Subp. 4. Horses drawn in to be scratched from other races. If an also eligible is moved into a race it shall be scratched from any subsequent race for which it has been drawn, unless preference otherwise allows.

Subp. 5. Handicap races. In handicap races an also eligible horse shall take the place of the excused horse so long as the handicap is the same. However, if the handicap is different:

A. the also eligible horse shall take the position on the outside of horses with a similar handicap; or

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B. when a trailing horse is scratched, the also eligible horse shall take the trailing position, regardless of the handicap.

7884.0170 SCRATCHES.

Subpart 1. Stewards to approve scratches. A horse entered to race shall not be scratched from a race without permission of the stewards.

Subp. 2. Scratches are irrevocable. A horse that is scratched from a race shall not be reinstated in that race.

Subp. 3. On advice of commission veterinarian. A horse scratched by the stewards on the advice of the commission veterinarian shall not be allowed to enter for a minimum of 72 hours from the time it was scratched, and then only if it has been approved for entry by the commission veterinarian.

7884.0180 TIME TRIALS.

The trial performances are permitted provided:

A. urine tests are required for all horses;

B. an approved electric timer is used, however, if a timing device fails during a time trial, no time trial performance record will be obtained;

C. they are held during the course of a race meeting and are officiated by stewards;

D. they are limited to two-year-olds who equal or beat 2:10, and three-year-olds and older who equal or beat 2:05;

E. they are designated on a horse's record and in the official racing program by preceding the time with "TT";

F. that when a horse has other horses accompanying it in a time trial performance, they may not precede it, be harnessed with it, or in any way be attached to it; and

G. a break during a time trial performance results in no time being given to the breaking horse.

7884.0190 QUALIFYING RACES.

Subpart 1. Scheduling of qualifying races. Qualifying races shall be scheduled at least once a week, weather conditions permitting, and shall be conducted under the supervision of the stewards.

Subp. 2. Horses required to compete in qualifying races. The following horses shall not be eligible to enter any race until they have competed in qualifying races:

A. A horse that does not have a charted race at the gait chosen.

B. A horse that does not show a charted line within the last six starts. For that purpose an uncharted race contested in heats or more than one dash and consolidated shall be considered to be a start.

C. A horse that has not started for a period of 45 days or more.

D. A horse which has raced at a meeting at which races were not charted.

E. A horse that is on the qualifying list.

F. A horse that chokes, bleeds, or falls during a warmup or a race.

G. A horse that has made breaks in two consecutive races or which breaks in its first start following a qualifying race.

H. A horse that has been distanced.

Subp. 3. Preferred or invitational horses. The stewards may permit a preferred or invitational horse to qualify by means of a timed workout consistent with the time of preferred or invitational races that have been completed at the race meeting.

Subp. 4. Stewards may set standards. The stewards may establish a qualifying time for an individual horse consistent with that horse's past performance.

Subp. 5. Qualifying drivers. If a race is conducted for the purpose of qualifying drivers and not horses, the race need not be charted, timed, or recorded, but this clause does not apply to races qualifying both horses and drivers.

Subp. 6. Qualifying times shall be posted. Qualifying times shall be established by the association and those times and any subsequent changes to them shall be approved by the stewards and posted so that they are available for inspection by participants.

Subp. 7. Trainers to be notified. Trainers of horses placed on the qualifying list shall be advised by the stewards or their designee of that fact by written notice which must also be posted in the racing office.

7884.0200 STAKE RACES.

Subpart 1. Conditions. Conditions for stakes races which are vague, inconsistent, or which conflict with the rules of the commission shall not be published. Conditions shall state whether the race will be:

A. raced in divisions; or

B. conducted in elimination heats if more horses than the maximum allowed to compete in one division are entered.

Subp. 2. Conditions shall not be changed. Published conditions shall not be changed after nominations have been received, nor shall the date and place of the event be changed after being advertised without the prior consent of the commission.

Subp. 3. Stakes nominations and sustaining fees. All nominations to stakes races must be:

A. made in writing;

B. signed by the owner, trainer, or the owner's authorized agent; and

C. made at least five days prior to the race for which the nomination is made.

Subp. 4. Fees are due on business days. If the day for closing of nomination or sustaining payments falls on a Sunday or legal holiday, the day of closing shall be the next business day.

Subp. 5. Entry fees. Entry fees shall become due and payable when a horse is properly entered, and the fees are nonrefundable.

Subp. 6. Nominations not affected by sale. The eligibility of a nominated horse is not affected by the sale of the horse after its nomination has been accepted unless the contrary is specified in the conditions.

Subp. 7. Nomination lists to be provided. An association shall provide a list of all stakes nominations to each nominator and to the commission within 30 days after the date on which payments were due. The list must be accompanied by a report indicating the current financial status of the race and listing the number of horses remaining eligible and the amounts of nomination and sustaining payments received by the association.

Subp. 8. Minimum number of starters may be required. An association may require at least five separate interests to start in a stakes race. If fewer horses than the number required are properly entered, the race may be declared off. In that case, the total of nomination and sustaining payments received shall be divided equally among the horses entered without being credited as purse winnings. If no entries are made, the total nomination and sustaining payments shall be divided equally and awarded among the horses remaining eligible after the last sustaining payment, without being credited as purse winnings.

Subp. 9. Restrictions against entering or starting. Any horse that is on the qualifying, veterinarian, starter's schooling, or stewards' list may be nominated but shall not be eligible to enter or start in a stakes's race unless it is removed from those lists before the time of entry or starting.

Subp. 10. Overfilled stakes to be run in divisions. If more horses than allowed in one field are entered to start a race, the race shall be conducted in divisions or eliminations, as specified in the conditions.

Subp. 11. Stakes races conducted in divisions. Stakes races conducted in divisions shall be subject to the following:

A. Starters shall be divided by lot with all nomination and sustaining payments divided in equal proportion to the number of entered horses that are drawn to each division.

B. The amount of the additional purse added to each division shall be approved by the stewards.

C. All divisions shall be raced on the same day.

Subp. 12. Stakes races conducted in eliminations. For stakes races conducted in eliminations:

A. The stewards shall draw by lot the post positions of the horses that have qualified for the final heat.

B. Elimination heats and the final heat shall be raced on the same day, unless the conditions provide otherwise, and in that case, elimination heats shall be contested not more than seven days prior to the date of the final heat.

C. The winner of the final heat shall be the winner of the stakes race, unless the conditions provide otherwise.

D. If there are two elimination heats, the first four finishers in each heat shall qualify for the final heat.

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E. If there are three or more elimination heats, no more than three horses from each elimination heat shall qualify for the final heat.

F. In all cases, the number of horses allowed to qualify for any final heat shall not exceed ten.

G. The stewards shall draw by lot the post positions for the final heat to determine which of the elimination heat winners shall have the pole position, and shall in that manner determine all of the other positions for the final heat.

Subp. 13. Canceled stakes races. The following procedures shall be followed when stakes races are canceled.

A. In stakes races that have not been contested before being canceled, all nomination and sustaining fees shall be divided equally among the owners of horses remaining eligible at the time of cancellation.

B. In stakes that have been started but remain unfinished before being canceled, the allotted shares of the remaining nominating, sustaining, and starting fees shall be distributed equally to the owners of all horses remaining eligible at the time of cancellation.

C. Unless otherwise provided in the conditions, canceled stakes races shall not be transferred to another race meeting.

7884.0210 CLAIMING RACES.

Claiming shall be conducted in accordance with part 7883.0140.

7884.0220 PADDOCK PROCEDURES.

Subpart 1. Horse to be in paddock. Horses must be in the harness paddock at least one hour prior to post time of the race in which they are to compete and, except for warmup trips, no horse shall leave the paddock until called to post.

Subp. 2. Driver to register. Drivers shall report to the paddock judge and sign the drivers' register at least one hour before post time of any race in which they are programmed to drive. After signing the drivers' register, no driver shall leave the drivers' room, except to drive in a race or to view the races from a point approved by the stewards, until all his or her driving engagements for the day have been fulfilled.

Subp. 3. Persons restricted from paddock. No person, except an official or an owner who has a horse racing, shall be allowed in the paddock until all race of that program have been completed, and not more than two members of a registered stable may be in the paddock on any race day.

Subp. 4. Blacksmith to be in paddock. Each association must during racing hours provide the services of a blacksmith within the paddock.

Subp. 5. Extra racing equipment to be in paddock. Each association must during racing hours provide to the equipment inspector all extra equipment in the paddock that may be necessary in emergencies to prevent unnecessary delay during the conduct of racing.

7884.0230 RACING EQUIPMENT.

Subpart 1. Sulkies. Sulkies will be permitted only if they are of the conventional dual-shaft and dual-hitch type as follows:

A. they have two shafts that are parallel to, and securely hitched on each side of the horse;

B. no point of a hitch and no part of a shaft of the sulky is above a horizontal level equal to the lowest point of the horse's back;

C. they are equipped with mud guards when so required by the stewards; and

D. they are equipped with plastic wheel discs on the inside and outside of each wheel with such discs being either clear or of a solid pastel color.

Subp. 2. Head poles. No horse may wear a head pole protruding beyond its nose.

Subp. 3. Helmets must be worn. All persons must wear an approved protective helmet with the chin strap properly fastened at all times when racing, jogging, training, or when warming-up a horse on the premises of a licensed racetrack.

Subp. 4. Time limit for equipment changes. No major equipment change may be allowed after 10:00 a.m. on the day of the race without the consent of the stewards, and all such changes must be posted and announced.

Subp. 5. Broken equipment. All broken equipment must be reported by the driver, in the first instance, to the starter, and then to the paddock judge who shall make an examination to verify the allegation.

Subp. 6. Warmup equipment. All persons driving a horse must wear silks and white pants when warming-up a horse prior to a race. Such horse shall have the proper head number and saddle cloth for the race in which it will be racing.

Subp. 7. Drivers' colors. Drivers must wear distinguished colors and shall not be permitted to drive in a race or other public performances unless they are properly dressed, their driving outfits are clean, and they are well-groomed. During inclement

weather conditions, drivers must wear rain suits or winter suits either of distinguishing colors or made of transparent material through which their colors may be distinguished.

7884.0240 POST TIME AND STARTING.

Subpart 1. Post time. The association shall establish the post time for each race and the stewards shall call the horses on the track at a time to prevent delay after the completion of one or two scores.

Subp. 2. Time between single race heats. The time between separate heats of a single race shall not be less than 40 minutes.

Subp. 3. Horses called to post have exclusive right. Horses called for a race have the exclusive right to occupy the course, and all the other horses shall vacate the course immediately.

Subp. 4. Scoring. Horses are permitted to take one or two scores before going to the post, and upon completion of the last score, the horses shall be gathered by the starter and immediately moved to their appropriate starting positions behind the gate.

Subp. 5. Post positions. The following procedures shall apply to post positions:

A. When a horse is withdrawn from the front tier, horses on the outside shall move in to fill the vacancy.

B. If there is only one trailing horse it may start from any trailing position.

C. If there is more than one trailing horse it shall start from inside the horse with a higher post position.

D. The withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the trailing horse, except as provided for in handicap claiming races.

Subp. 6. Starting gate. All races shall be started with a mobile starting gate of a design approved by the commission, and shall be equipped with two-way communications to the stewards and a mechanical loudspeaker for communicating instructions to drivers. No person except the starter, his or her driver, and a patrol judge, shall ride in a starting gate without the permission of the stewards.

Subp. 7. Starter has control of horses. The starter shall have control of the horses from the formation of the parade until a fair start has been determined.

Subp. 8. Determination of a fair start. The determination of a fair start is signified by the word "go" announced by the starter at the starting point. The starting point is a point that shall be marked on the inside rail a distance of not less than 200 feet from the first turn.

Subp. 9. Conduct of start. The following procedures shall be observed during the start of a race.

A. The horses shall be brought to the starting gate as near one-quarter of a mile before the start as the track will permit.

B. The starter shall cause the gate to move towards the starting point, gradually increasing speed of the gate to maximum speed.

C. When maximum speed has been reached in the course of a start there shall be no decrease, except in the case of a recall.

D. After the determination by the starter of a fair start all the horses shall race the course, except in the case of an occurrence that in the opinion of the stewards makes it impossible for the horses to race the course.

E. During the start of a race, if a horse is unmanageable or liable to cause an accident or injury to another horse or to a driver, it shall be scratched by the stewards.

7884.0250 RECALLS.

Subpart 1. Starter may at any time order a recall. The starter may, at any time before the word "go" is given, order a recall and restart the race. If a second recall is sounded because of the same horse, that horse shall be scratched.

Subp. 2. Reasons for recall. The starter shall sound a recall for the following reasons:

A. a horse scores ahead of the starting gate;

B. there is interference before the word "go" is given;

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C. a horse has broken equipment observed by the starter; or

D. a horse falls before the word "go" is given.

Subp. 3. Recall procedures. In case of a recall:

A. a light, plainly visible to the drivers, shall be flashed and a recall sounded;

B. if possible, the starter shall leave the wings of the starting gate open and gradually slow the speed of the gate to assist in stopping and turning the field; and

C. drivers shall take up their horses and return, without delay, to the point where the field is gathered for starts.

Subp. 4. Inquiry into failure to sound recall. If the starter fails to sound a recall when required, the stewards shall immediately cause the "Inquiry" sign to be displayed.

7884.0260 DRIVING RULES.

Subpart 1. Conduct before word "go" is given. Before the word "go" is given no driver shall:

A. delay a start;

B. pass the inside or the outside wing of the gate;

C. come to the starting gate in the wrong position;

D. cross over before reaching the starting point;

E. interfere with another horse or driver during the start; or

F. fail to come up into position and on the gate.

Subp. 2. Conduct after word "go" is given. After the word "go" is given no driver shall:

A. change course or position, swerve in or out, or bear in or out, during any part of the race in a manner that will compel another horse to shorten its stride or cause another driver to change course;

B. take his or her horse back or pull his or her horse out of its stride;

C. impede the progress of another horse or cause it to break from its gait;

D. cross over too sharply in front of another horse;

E. crowd another horse by "putting a wheel under it";

F. carry another horse out;

G. strike or hook wheels with another sulky;

H. allow another horse to pass needlessly on the inside, or commit any other act that helps another horse to improve its position;

I. take up or slow abruptly in front of other horses as to cause confusion or interference among the trailing horses;

J. lay off a normal pace and leave a hole when it is well within his or her horse's capacity to keep the hole closed;

K. drive in a careless, reckless, or unsatisfactory manner;

L. fail to set or maintain a pace comparable to the class in which he or she is racing, considering track conditions, weather, and circumstances of the race;

M. fail to properly contest an excessively slow pace;

N. back off from any position and subsequently come on when challenged;

O. fail to report any interference or any other infraction that occurred during a race and was observed by him or her;

P. lodge a claim of foul, violation of the rules, objection, or complaint which the stewards consider frivolous;

Q. drive a horse in a manner that prevents it from winning a race;

R. drive a horse to perpetrate or aid in a fraud or corrupt practice;

S. drive a horse in an inconsistent manner;

T. use a whip exceeding four feet in length or a snapper longer than eight inches in length, or use a whip in a brutal manner, or use the butt end of the whip, or whip under the arch or shaft of the sulky, or strike a wheel disc with his or her whip, or use a whip to interfere with or cause disturbance to any other horse or driver in a race;

U. punch, jab, or kick a horse; and

V. allow his or her horse to break from its gait for the purpose of losing a race.

Subp. 3. Breaks. When a horse breaks from its gait the driver shall:

A. take the horse to the outside of other horses or where clearance exists;

B. properly attempt to pull the horse to its gait; and

C. drop back from the field while on the break.

Subp. 4. Lapped on break. If there has been no violation of subpart 3, the stewards shall not set back the horse unless a competing horse on its gait is lapped on the hind quarter of the breaking horse at the finish.

Subp. 5. Breaks to be reported. Stewards shall record each break in the official race reports.

Subp. 6. Drivers must remain mounted. A driver must be mounted in his or her sulky from the start to the finish of the race or the horse he or she is driving shall be disqualified.

Subp. 7. Use of stirrups. After the word "go" is given, barring mishap, both of the driver's feet must be kept in the stirrups until the race has been completed.

Subp. 8. Claim of foul. A driver who desires to enter a claim of foul, violation of the rules, or other complaint shall notify the nearest patrol judge and shall proceed forthwith to the paddock telephone to communicate immediately with the stewards, unless the driver is prevented from doing so by an accident or injury or other reasonable excuse.

Subp. 9. Stewards shall view complaint. The stewards shall not cause the "Official" sign to be posted until the circumstances surrounding a claim of foul, violation of the rules, or other complaint has been viewed and decided.

Subp. 10. Stewards to determine extent of violation. The stewards shall determine the extent of the alleged violation and may place the offending horse either behind the horses that in their judgment were interferred with, or last in the field.

CHAPTER 7890
MINNESOTA RACING COMMISSION
HORSE MEDICATION

7890.0100 DEFINITIONS.

Subpart 1. Scope. The terms used in this chapter shall have the following meanings.

Subp. 2. Bleeder. "Bleeder" means a horse which during a race or exercise is observed by the commission veterinarian or stewards to be shedding blood from one or both nostrils, or which is suspected of having bled and is so confirmed by an endoscopic examination conducted by the commission veterinarian within one hour following the race or exercise.

Subp. 3. Bleeder list. "Bleeder list" means a tabulation of all bleeders maintained by the commission veterinarian.

Subp. 4. Chemist. "Chemist" means any official racing chemist designated by the commission.

Subp. 5. DMSO. "DMSO" means dimethylsulfoxide.

Subp. 6. Medication. "Medication" is a substance, compound, or element, or combination thereof, which is or can be administered to a horse for the purpose of preventing, curing, or alleviating the effects of any disease, condition, ailment, or informity, or symptom thereof, or for altering in any way the behavior, attitude, temperament, or performance of a horse, including athletic performance. Nothing herein shall be deemed to include:

A. topical applications, such as antiseptics, ointments, salves, DMSO, leg rubs and leg paints which may contain antibiotics (except procaine penicillin), but which may not contain benzocaine, steroids, or other medications; and

B. food additives, such as vitamins and electrolytes, provided such additives are administered orally and do not contain any medications.

Subp. 7. Positive test. "Positive test" means the detection of any medication or metabolites thereof in a test sample.

Subp. 8. Test sample. "Test sample" means any bodily substance including blood, urine, saliva, or other substance as directed by the commission, taken from a horse under the supervision of the commission veterinarian and in such manner as prescribed by the commission for the purpose of analysis.

Subp. 9. Veterinarian. "Veterinarian" means a veterinary practitioner licensed to practice at a Minnesota racetrack.

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7890.0110 MEDICATIONS AND REPORTING PROCEDURES.

Subpart 1. Medications prohibited. No person shall administer or cause to be administered to a horse any medication by injection, oral, or topical administration, rectal infusion or suppository, inhalation, or absorption within the time period prohibited by law.

Subp. 2. Veterinarians must keep records. Veterinarians must keep a logbook as to all medications and other substances as provided in part 7890.0100, subpart 7, items A and B prescribed or administered, and any other professional services performed at a licensed racetrack. Such logbook shall be made immediately available to the commission veterinarian or the stewards upon request.

7890.0130 FINDINGS OF CHEMIST.

Subpart 1. Prima facie evidence. A finding by a chemist that any medication as defined in part 7890.0100, subpart 7, shall be prima facie evidence that the medication was administered and carried in the body of the horse while participating in a race. The finding shall also be taken as prima facie evidence that the attending trainer was negligent in the handling or care of the horse.

Subp. 2. Distributed purse money. The fact that purse money has been distributed prior to the issuance of the chemist's report shall not be deemed a finding that no medication was administered to the horse earning such purse money in violation of this chapter.

7890.0140 BLEEDER LIST.

Subpart 1. Maintenance. An up-to-date bleeder list shall be maintained by the commission veterinarian. The list shall be posted in the office of the racing secretary.

Subp. 2. Horses placed on bleeder list. Horses which are bleeders, as defined in part 7890.0100, subpart 2, shall be placed on the bleeder list and shall be ineligible to be entered in a race.

Subp. 3. Endoscopic examination. Within one hour of the finish of the race or exercise in which a horse has participated, the commission veterinarian may require an endoscopic examination in order to confirm the horse's inclusion on the bleeder list. The endoscopic examination shall be conducted by a veterinarian employed by the horse's owner or the owner's agent, and shall be conducted in the presence of and in consultation with the commission veterinarian.

Subp. 4. Confirmation of bleeder must be certified. The confirmation of a bleeder must be certified in writing by the commission veterinarian and the horse must be entered by him or her on the bleeder list. Upon request, a copy of the certification shall be provided to the owner of the horse or the owner's agent.

Subp. 5. Restrictions on confirmed bleeders. Confirmed bleeders shall be subject to the following restrictions.

A. For the first observed bleeding, the horse shall be placed on the bleeder list and shall not be removed from the list for at least 14 days, and not until the commission veterinarian has approved its removal.

B. When a horse has been observed bleeding for the second time, the horse shall be placed on the bleeder list and shall not be removed from the list for at least 28 days and not until the commission veterinarian has approved its removal.

C. When a horse is observed bleeding a third time, the horse shall be barred from further pari-mutuel racing in Minnesota.

Subp. 6. Bleeders imported from other jurisdictions. A horse shipped into Minnesota from another jurisdiction may be considered a bleeder provided there is compliance with the following procedures:

A. the jurisdiction from which it was shipped considered the horse a bleeder pursuant to the criteria set forth in this part, and documentation to that effect is immediately transmitted to the stewards at the Minnesota racetrack to which it is shipped; and

B. the commission veterinarian certifies the horse as a bleeder pursuant to subpart 4.

CHAPTER 7891
MINNESOTA RACING COMMISSION
PHYSICAL EXAMINATION OF HORSES

7891.0100 RACING SOUNDNESS EXAMINATION.

Subpart 1. Horses subject to examination. Every horse entered to race at a licensed racetrack under the jurisdiction of the commission shall be subjected to a veterinary examination for racing soundness and health on race day conducted by the commission veterinarian in or near the stall to which the horse is assigned.

Subp. 2. Record of examination. The commission veterinarian shall maintain a continuing health and racing soundness record of each horse examined.

7891.0110 POST-MORTEM EXAMINATION.

Subpart 1. Horses that must undergo post-mortem examination. Every horse which suffers a breakdown at a licensed racetrack under the jurisdiction of the commission, in training or in competition, and which is destroyed, and every horse which expires while stabled at a licensed racetrack under the jurisdiction of the commission, shall undergo a post-mortem examination to be conducted by the commission veterinarian or his or her designee to determine the injury or illness which resulted in euthanasia or natural death.

Subp. 2. Test samples to be taken for analysis. Test samples must be obtained from every horse which undergoes a post-mortem examination. The samples shall be sent for analysis to a laboratory approved by the commission and the commission may direct the laboratory to retain and preserve such samples for future analysis.

When practical, both blood and urine test samples should be obtained prior to euthanasia.

Subp. 3. Owner and trainer responsible. The owner and attending trainer are responsible for reporting to the commission veterinarian the death of a horse within one hour of its death, and for having the post-mortem examination performed in accordance with this part.

Subp. 4. Report of exam. A report of every post-mortem examination shall be filed with the commission within 72 hours of the horse's death on a form prepared by the commission.

CHAPTER 7892
MINNESOTA RACING COMMISSION
MEDICAL TESTING

7892.0100 DETENTION BARN.

Subpart 1. Barn. Each association shall provide a detention barn suitable for taking test samples. The barn shall include:

A. an office area which can be locked, and which has a floor area of not less than 100 square feet;

B. a wash rack not less than 12 feet by 12 feet;

C. not fewer than four stalls ten feet by ten feet each, with dutch doors and observation holes;

D. a refrigerator of not less than ten cubic feet;

E. hot and cold running water; and

F. a walking ring.

Subp. 2. Security. Each association shall furnish a security officer to guard the detention barn during racing hours and until the last specimen is taken for the day.

7892.0120 TAKING OF SAMPLES.

Subpart 1. Horses tested. Blood and urine test samples shall be taken from the winning horse in every race, horses finishing second in races with quinella or exacta wagering, defeated favorites, horses selected at random during each racing program, and horses designated by the stewards or the commission veterinarian at any time upon suspicion that a violation of chapter 7890 has occurred. The stewards or veterinarian may require that specimens of saliva or other body fluid or excretion be taken from a tested horse as necessary to determine whether a violation of chapter 7890 has occurred. Any owner, trainer, or other person having care, custody, or control of a horse required to be tested must submit the horse immediately.

Subp. 2. Samples taken. All samples shall be taken in the detention barn unless the commission veterinarian determines it necessary to take a sample elsewhere. All samples shall be taken, sealed, identified, and delivered to the testing laboratory under the direction of the commission veterinarian or his or her designee.

Subp. 3. Witnesses. The taking and sealing of any test sample must be witnessed or acknowledged by the signature of the trainer of the horse or his or her designee. The owner and trainer of a horse, or their designees, may be present at all times during the taking and sealing of the test samples.

Subp. 4. Identification. An identification tag must be attached to each sealed sample. The commission veterinarian shall retain a stub from each tag. The portion of the tag accompanying a sample to the testing laboratory must bear all information

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necessary to allow for proper analysis, but the identity of the horse from which the sample was taken and of the identity of its owner, trainer, jockey, driver, or stable must not be revealed to laboratory personnel.

Subp. 5. Split samples. A portion of the sample from each horse tested must be preserved by the association. It must be available for testing at the request of a person accused of a violation of chapter 7890. A person so accused may request that the portion of the test sample retained by the association be sent to a laboratory other than the commission's official laboratory for testing. A person making a request must bear the cost of shipment and additional testing.

Subp. 6. Other materials. The stewards or commission veterinarian may direct that a sample be taken of any material on the premises of a licensed racetrack if the stewards or commission veterinarian suspect the material contains a substance which has been used or will be used in violation of chapter 7890.

7892.0130 TESTING.

Subpart 1. Laboratory. Any laboratory designated by the commission to analyze and report on the presence of prohibited substances in test samples must participate in and comply with the standards and procedures established by the Uniform Drug Testing and Quality Assurance Program of the National Association of State Racing Commissioners.

Subp. 2. Chemist. The chemist responsible for detecting and identifying prohibited substances at an official laboratory must be a member in good standing of the Association of Official Racing Chemists.

Subp. 3. Equipment. Every official laboratory must be equipped with the following:

A. extraction apparatus consisting of:

(1) direct column,

(2) rotation apparatus,

(3) concentration-distillation, and

(4) resin absorption apparatus, or any combination thereof;

B. at least one steam bath;

C. a hot water bath with a controlled temperature;

D. a water still;

E. a centrifuge;

F. a refrigerator;

G. an analytical balance;

H. laboratory scales;

I. a polarizing microscope;

J. a photomicrographic camera with attachments;

K. a paper strip chromatographic apparatus;

L. a thin layer chromatographic apparatus;

M. ultra-violet lamps including short and long wave lamps;

N. a laboratory oven with a heat range of 93.3 degrees Celsius to 120 degrees Celsius, and a sensitivity of plus or minus 1 degree Celsius;

O. photographic equipment for the purpose of photographing color spot tests and chromatographs;

P. a pH meter;

Q. a gas chromatograph equipped with electron capture, flame ionization, and thermionic specific detectors;

R. a mass spectrometer interfaced to a gas chromatograph with solid probe capability and with a computer based data library storage system;

S. a microcrystal testing kit;

T. a color spot testing kit;

U. a high performance liquid chromatograph equipped with ultra-violet and fluorescence detectors;

V. assorted laboratory glassware; and

W. other equipment the commission determines is necessary for the detection and identification of prohibited substances.

Subp. 4. Procedure. The method for analysis of test samples by an official laboratory shall be:

A. process by extraction of a sample:

(1) using direct column apparatus;

(2) using rotation or other agitation apparatus;

(3) by concentration-distillation;

(4) by resin absorption; or

(5) by any combination employing such solvents as are deemed appropriate by an official chemist; and

B. examination of the residue resulting from extraction by three separate tests selected from any of the following analytical methods:

(1) thin layer of chromatography;

(2) ultra-violet spectrophotometry;

(3) color spot test;

(4) gas liquid chromatography;

(5) high pressure liquid chromatography;

(6) mass spectrometry; or

(7) immuno assay.

If during a test an official chemist suspects the presence of a prohibited drug in a sample, the chemist shall continue analysis by any method he or she believes will ensure detection and identification of the substance.

Subp. 5. Reports. An official chemist shall report the results of tests promptly to the stewards and commission veterinarian.

7892.0140 RECORDS.

All documents relating to test samples must be retained for three years or until legal proceedings in which they may be evidence are concluded, whichever is later.

7892.0150 PURSES.

Upon receipt of a positive laboratory report, the stewards shall direct that no undistributed purse money won by the horse tested may be awarded pending final determination of the matter. The stewards shall order distributed purse money returned, and it must be returned. If it is determined finally that a violation of chapter 7890 has occurred, the purse money won by the horse involved shall be forfeited and redistributed among the other horses in the race according to their order of finish. No forfeiture and redistribution shall affect the distribution of pari-mutuel pools. Distribution of purse money prior to issuance of a laboratory report shall not be deemed a determination that chapter 7890 has not been violated.

7892.0160 COST RECOVERY.

The commission shall assess the association for the cost of establishing and initially staffing the official laboratory.

CHAPTER 7895
MINNESOTA RACING COMMISSION
BREEDERS' FUND

7895.0100 GENERAL PROVISIONS.

Subpart 1. Scope. For purposes of administering the breeders' fund under Minnesota Statutes, section 240.18, and the required race provision of Minnesota Statutes, section 240.29, the following parts are adopted.

Subp. 2. Registration. To qualify for payment of awards and for entry into restricted races, all foal certificates must have the Minnesota registration seal affixed upon them. The seal shall be proof that the requirements of this part have been met. The proof may be affidavits or investigative reports as the commission deems necessary.

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Subp. 3. Decisions regarding eligibility for registration. Questions regarding the registration, eligibility for registration, or breeding of a Minnesota-bred horse shall be decided by the commission. An official registering agency must be designated by the commission and empowered to act in matters relative to registration, eligibility for registration, or breeding. A decision of the official registering agency shall be subject to review by the commission which retains the right to make the final decision as to any right or liability under this chapter. The commission or the designated registering agency may demand and inspect any registration certificate or record of a Minnesota breeder, and may require affidavits or other substantive proof as the commission or official registering agency deems necessary to support any claim for Minnesota-bred registration.

Subp. 4. Decision regarding eligibility to enter restricted races. Questions as to the eligibility for nomination or entry in races restricted to Minnesota-bred horses shall be decided by the commission or the official registering agency.

Subp. 5. Basis for allocation. The amount of money allocated for any particular race should reflect the quality of the race being run.

Subp. 6. Breeders' fund advisory committees. All money allocated pursuant to this chapter shall be determined by the commission after consultation with the appropriate Breeders' Fund Advisory Committee.

7895.0110 THOROUGHBRED BREEDERS' FUND.

Subpart 1. Definitions. For the purposes of this part, the following terms have the meaning given them unless another intention clearly appears.

A. "Minnesota-owned" means a horse whose owner or owners reside in Minnesota, who declare themselves to be residents of Minnesota for purposes of Minnesota Statutes, chapter 290, who declare that they are not residents of any other state, and all of whom hold Class C licenses issued by the commission.

B. "Minnesota-foaled" means a horse foaled in Minnesota.

C. "Minnesota-bred" means a horse foaled in Minnesota.

D. "Minnesota-sire" means a stallion owned at least 50 percent by residents of Minnesota or leased entirely by Minnesota residents, and which has stood the entire breeding season, between February 15 and July 31, in Minnesota.

Subp. 2. Division of money. The money available from the breeders' fund for the thoroughbred breed category shall be divided as follows:

A. Thirty-one percent shall be set aside and paid to breeders of Minnesota-bred horses through breeders' awards.

B. Thirty-one percent shall be set aside and paid to owners of Minnesota-bred horses as owners' awards.

C. Thirty-one percent shall be set aside and paid to supplement purses in races which are restricted to Minnesota-bred or Minnesota-owned horses. In all such races Minnesota-bred horses shall be preferred, and the purse supplements shall be apportioned in accordance with the quality of the race as determined by the commission pursuant to part 7888.0140.

D. Seven percent shall be set aside as stallion awards and paid as an award to the certified Minnesota owners of the Minnesota-sire at the time of breeding.

Subp. 3. Distribution of money. The money available from the thoroughbred breed categories shall be distributed as follows:

A. "Breeders awards" shall be paid to the breeder of a Minnesota-bred horse who finished third or better in any allowance, handicap, or stake race, including maiden allowance.

B. "Owners awards" shall be paid to owners of Minnesota-bred horses who finish third or better in any claiming race for $10,000 or more, or in any allowance, handicap, or stake race, including maiden allowance.

C. "Stallion awards" shall be paid to the Minnesota owners of the Minnesota-sire of a Minnesota-bred horse that finished third or better in any allowance, handicap, stake, or maiden allowance race.

Subp. 4. Methods of payment. The amount of money allocated by the commission for awards or supplements for a qualifying race shall be paid out in the following percentages:

A. purse supplements shall be distributed in the same percentage as the purse money in the race; and

B. the money allocated to any race for owner or breeder awards shall be distributed as follows:

(1) 60 percent to the qualified winner;

(2) 30 percent to the qualified second-place finisher; and

(3) ten percent to the third-place qualified finisher.

Subp. 5. Undistributed awards transferred to residual funds. Money allocated for breeders' awards in any race which is not

distributed for lack of a qualifying horse shall be transferred to the breeders' residual fund. Money allocated for owners' awards in any race which is not distributed for lack of a qualifying horse shall be transferred to the owners' residual fund. The share of the stallion award allocation not distributed shall be transferred to the owners' residual award fund.

Subp. 6. Distribution of residual funds. The money in the respective residual funds shall be awarded at the end of the meet and paid to the breeders and owners in proportion to the individual purse money won by a Minnesota-bred horse to the total purse money won by Minnesota-bred horses as a group.

CHAPTER 7897
MINNESOTA RACING COMMISSION
PROHIBITED ACTS

7897.0100 PROHIBITED ACTS.

Subpart 1. Scope. The following activities are considered prohibited acts if they are committed, or attempted to be committed, within the enclosure of a licensed racetrack.

Subp. 2. Violations of laws. No person shall engage in conduct which is in violation of federal, state, or local criminal or civil laws.

Subp. 3. Possession of firearms or weapons. No unauthorized person shall possess within the enclosure of a licensed racetrack a firearm or other dangerous weapon as defined in Minnesota Statutes, section 609.02, subdivision 6.

Subp. 4. Destruction of property. No person shall damage or destroy property of the association or another by fire or any other means.

Subp. 5. Smoking. No person shall smoke in unauthorized areas.

Subp. 6. Altercations. No person shall provoke or engage in a physical altercation.

Subp. 7. Cooperation with security officers. No person shall fail to comply with orders of security officers or interfere with security officers in the performance of their official rules.

Subp. 8. Contact with jockeys. No unauthorized person shall communicate or attempt to communicate with a jockey or gain entrance to the jockeys' quarters during racing hours.

Subp. 9. Fraud. No person shall engage in any fraud or misrepresentation with regard to the breeding or racing of horses.

Subp. 10. Financial responsibility. No licensee shall willfully or deliberately refuse to pay any money when due for any service, supplies, or fees connected with his or her activities as a licensee, nor shall he or she falsely deny any such amount due or the validity of the claim therefor with the purpose of hindering or defrauding the person to whom such indebtedness is due. All financial responsibility complaints against a licensee shall be made in writing, signed by the complainant, and accompanied by a judgment from a court of competent jurisdiction.

Subp. 11. Nerved horses. No person shall bring onto the grounds of a racetrack for the purpose of racing or selling any horse which has had a nerve removed from its leg, other than a horse upon which a posterior digital neurectomy has been performed below the lowest aspect of the base of the proximal sesamoid bones.

Subp. 12. Horses with impaired vision. No person shall bring onto the grounds of a racetrack, or enter or cause to be entered in any race, or sell or offer for sale, any horse which has impaired vision in both eyes or suffers from periodic opthalmia (commonly referred to as "moon blindness").

Subp. 13. Veterinary negligence. Veterinarians shall not be negligent in the performance of their duties with respect to the health and welfare of a horse, or in the prescription or administration of an unauthorized medication or injectable substance, or in the use of equipment for hypodermic injection.

Subp. 14. Failure to obtain license. No person shall fail to secure a Class C license, if required, prior to the performance of his or her occupational duties.

Subp. 15. Employing unlicensed personnel. No licensee shall employ unlicensed personnel unless licenses are not required for such personnel.

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Subp. 16. Removing a horse without permission. No person shall remove from the stable area of a licensed racetrack any horse without the written permission of the racing secretary or the stewards.

Subp. 17. Helmets to be worn. No person shall ride or drive a horse in the stable area or on the main track or training track without a properly fastened protective riding helmet.

Subp. 18. Hypodermic equipment and injectable substances prohibited. The following shall apply to the possession of hypodermic equipment and injectable substances at racetracks:

A. While within a restricted area of a licensed racetrack no person, other than a veterinarian, shall have in his or her possession any equipment for hypodermic injection or any substance for hypodermic administration. Noninjectable medication prescribed by a veterinarian for an existing condition may be possessed, but its use shall be consistent with the purposes of this chapter.

B. Notwithstanding item A, any person may have in his or her possession within a restricted area of a licensed racetrack:

(1) a chemical or biological substance for his or her own personal use; provided, that if such chemical substance is prohibited from being dispensed by any federal or state law without prescription, he or she possesses documentary evidence that a valid prescription for such substance has been issued to him or her; and/or

(2) a hypodermic syringe or needle for the purpose of administering a prescribed chemical or biological substance to himself or herself, provided that he or she has notified the stewards of the possession of such device, the size of such device, and the chemical substance to be administered by the device.

7897.0110 USE OF DRUGS AND ALCOHOL.

Subpart 1. Drugs. The commission or stewards may, at any time after consultation with the track physician, require any licensee whose duties place him or her in a position of danger, or who commits an act that endangers a horse or human, to provide blood or urine samples for chemical analysis. If such a licensee fails to comply with this requirement, said licensee shall be suspended and referred to the commission to show cause for refusing to do so.

Should such licensee be found to have levels of any nonprescription, prohibited, or illegal drug, the licensee shall be subject to disciplinary action by the stewards and the commission.

Subp. 2. Alcohol. A blood-alcohol level of greater than 0.03 percent in jockeys or drivers, or 0.10 percent or greater in any other Class C licensee or employee or agent of a Class A or Class B licensee, while on the premises of a licensed racetrack, is prohibited.

7897.0120 DISCIPLINARY SANCTIONS.

Subpart 1. Licenses. Any licensee engaging in any prohibited act as provided in parts 7893.0100 and 7893.0110 is subject to license suspension or revocation, and/or the levying of a fine as provided in part 7893.0130.

Subp. 2. Exclusion from racetrack. Any person engaging in any prohibited act as provided in part 7893.0100 is subject to exclusion pursuant to Minnesota Statutes, section 240.27, from all licensed racetracks under the jurisdiction of the commission.

7897.0130 SCHEDULE OF FINES.

Subpart 1. Imposition of fines. The commission may impose a civil fine upon any licensee for a violation of laws related to horse racing or the commission's rules after a determination of the severity of the violation. The stewards may impose a civil fine upon a Class C licensee.

Subp. 2. Categories of violations. The commission or stewards shall assign a violation to one of the following categories:

A. A "serious violation" is a failure to comply with law or rule when the failure has a substantial adverse effect on the integrity of pari-mutuel horse racing, public welfare, health, or safety.

B. A "violation" is any failure, other than a serious violation, to comply with a law or rule.

Subp. 3. Assignment of categories. In assigning a violation to a category, the commission or stewards shall consider the following factors:

A. inherent severity of the conduct as indicated by the potential harm to person, property, or the integrity of racing;

B. culpability of the violator;

C. frequency of the violator's failure to comply with law or rule;

D. actual harm caused to person, property, or the integrity of racing; and

E. any other factors related to the seriousness of violations which the commission or stewards deem crucial to assignment as long as the same factors are considered with regard to all violators. The commission or stewards, in making a determination, shall consider both the number of factors applicable to a violation and the degree to which each applies.

Subp. 4. Serious violations. Violations of Minnesota Statutes, section 240.25, misrepresentation of the identity of a horse, possession of a firearm on the racetrack premises except by an authorized security officer, and setting or attempting to set a fire on the racetrack premises, shall be deemed per se serious violations.

Subp. 5. Amount of fines. The fine for a serious violation of law or rule shall be $500 to $5,000. The fine for other violations shall not exceed $499. The commission may impose a fine in excess of $5,000 but no more than $200,000 against a Class A, B, or D licensee as necessary to enforce parts 7870.0430, 7870.0450 to 7870.0470, or 7870.0500.

Subp. 6. Timetable for paying fines. All fines must be paid within 72 hours upon receipt of a ruling imposing the fine.

7897.0130 SUSPENSION OR REVOCATION.

Any ground for denial of a license also is a ground for imposition of a fine, suspension, or revocation of the license.

7897.0150 DISCIPLINARY AND APPEAL PROCEDURES.

Subpart 1. Stewards' meetings. Whenever the stewards at a racetrack have reasonable cause to believe that a Class C licensee has committed an act or engaged in conduct in violation of statute or rules of the commission or which in the opinion of the stewards otherwise adversely affects the integrity of horse racing, the following procedures will apply:

A. The licensee shall be immediately subject to such intermediate conditions, limitations, and restrictions as the stewards decide necessary to protect the public safety, health, and welfare and to ensure the integrity of racing.

B. Within three days of the matter coming to the attention of the stewards, the licensee shall be summoned to a meeting of the stewards called for the purpose of investigating suspected or alleged misconduct by the licensee at which all stewards or their appointed deputies shall be present; however, the licensee may request a continuance and such continuance need not necessarily stay any intermediate sanction.

C. The summons given to the licensee shall be in writing and give adequate notice of the date, time, place, and purpose of the stewards' meeting, and shall specify by number the statutes or rules allegedly violated.

D. Every person called to testify before the stewards at such meeting is entitled to have counsel or an observer of the person's choosing present at the meeting; however, such counsel or observer may only participate under such conditions or in such manner as the stewards direct.

E. If a licensee, after receiving adequate notice of a stewards' meeting, fails to appear as summoned, the licensee will be deemed to have waived any right to appear and present evidence to the stewards.

F. No special announcement of the meeting or of the alleged infraction of rules shall be made until after the stewards' meeting, when the stewards shall transmit a signed written decision to the commission and to the licensee containing the stewards' findings and the penalty imposed.

G. In the event the stewards are unable to arrive at a decision by a majority vote, the matter will automatically be referred to the commission and treated as an appeal.

Subp. 2. Penalties imposed by stewards. The stewards may suspend the license of the holder up to 30 days, and/or impose a fine of up to $500 in accordance with the schedule of fines in part 7897.0120; or they may order any other appropriate disciplinary or corrective action.

Subp. 3. Appeal to commission. A stewards' decision regarding a licensee may be appealed to the commission by:

A. The stewards or any person affected by the decision if such person believes that a greater sanction than that ordered by the stewards is warranted.

B. The licensee asking the commission to reverse the stewards' decision in whole or part or to lessen the sanction ordered by the stewards.

C. All appeals to the commission will be heard de novo and are not subject to the contested case procedures.

Subp. 4. Review or complaint by executive secretary or motion of commission. Nothing in this chapter precludes the

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commission from instituting proceedings to review a stewards' decision on its own motion or complaint of the executive secretary.

Subp. 5. Stays of stewards' decisions. An appeal of a stewards' decision will not automatically stay the decision. A party may request the executive secretary to stay the decision. The executive secretary may order a stay unless he or she determines that a stay would adversely affect the public welfare.

Subp. 6. Procedure for appeal of decision of stewards. Any affected party may appeal a decision of the stewards by filing with the executive secretary a written request for such an appeal within three days, excluding Saturday, Sunday, and holidays, after the stewards' decision is received. The written request shall contain the following information:

A. the name, address, and telephone number, if any, of the appellant;

B. a description of the objections to the decision of the stewards;

C. a statement of the relief sought;

D. the date on which the decision was made; and

E. whether the appellant desires to be present in person at the hearing of the appeal.

Subp. 7. Deposit shall be required. The appellant shall deposit with the commission at the time of filing his or her written request for an appeal the sum of $50. The sum will be refunded by the commission upon the conclusion of the appeal unless the commission finds that the appeal was frivolous, in which case the $50 will be forfeited.

Subp. 8. Commission shall set date for hearing. Within five days, excluding Saturday, Sunday, and holidays, of receipt of a written request for an appeal and the $50 deposit, the commission chair shall set a date, time, and place for the hearing, and shall give at least ten days' notice of the hearing to the appellant and any other party affected by the appeal. Such notice shall be in writing and shall set out the date, time, and place of the hearing, and shall be served personally or sent by mail to the last known address of the appellant and any other party affected by the appeal.

Subp. 9. Appeal by commission. When the commission institutes an appeal on its own motion or at the request of the stewards or executive secretary, a notice of appeal shall be served personally or sent by mail to each person who may be affected by the appeal, addressed to his or her last known place of residence, at least ten days prior to the hearing of the appeal. This notice of appeal shall contain the following:

A. the decision being appealed from;

B. the date on which the decision was made;

C. the grounds of the appeal; and

D. the date, time, and place on which the commission proposes to hear the appeal.

7897.0160 COMPOSITION OF HEARING PANEL.

Subpart 1. Designation of panel. All appeals of stewards' rulings may be heard by a panel of three commission members. The commission chair shall appoint the panel members and shall also designate one of them as the chair of the panel.

Subp. 2. Hearing panel's decision. All decisions of the hearing panel must be made by majority vote. In the event the hearing panel is unable to arrive at a decision by a majority vote, the commission will consider the appeal based on the record before the hearing panel. The hearing panel shall issue its written decision within ten days, excluding Saturday, Sunday, and holidays, based on the record and must include the hearing panel's findings of fact and conclusions on all material issues. A copy of the hearing panel's decision shall be served upon all parties by first class mail.

7897.0170 CONDUCT OF APPEAL HEARING.

Subpart 1. Rights of parties. All parties shall have the right to present evidence, rebuttal testimony, and argument with respect to the issues, and to cross-examine witnesses.

Subp. 2. Witnesses. Any party may be a witness or may present witnesses on his or her behalf at the hearing. All oral testimony at the hearing shall be under oath or affirmation. At the request of a party or upon the motion of the hearing panel, witnesses may be sequestered from the hearing room during the testimony of other witnesses.

Subp. 3. Admissible evidence. The hearing panel may admit all evidence which possesses probative value, including hearsay, if it is the type of evidence which reasonable, prudent persons are accustomed to rely upon in the conduct of their serious affairs. The hearing panel shall give effect to the rules of legal privilege recognized by law. Evidence which is incompetent, irrelevant, immaterial, or unduly repetitious may be excluded. All rulings on evidentiary matters shall be made by the chair of the hearing panel.

Subp. 4. Evidence part of record. All evidence to be considered in the case, including all records and documents in the

possession of the stewards or commission, or a true and accurate photocopy thereof, may be offered and made a part of the record in the case. No other factual information or evidence shall be considered in the determination of the case.

Subp. 5. Documents. Documentary evidence in the form of copies or excerpts may be received or incorporated into the record by reference in the discretion of the hearing panel, or upon agreement of the parties.

Subp. 6. Official notice of facts. The hearing panel may take notice of judicially cognizable facts but shall do so on the record and with the opportunity for any party to contest the facts so noticed.

Subp. 7. Burden of proof. The party proposing the certain action be taken must prove the facts at issue by a preponderance of the evidence, unless the substantive law provides a different burden or standard.

Subp. 8. Examination of adverse party. A party may call an adverse party or his or her managing agent or employees, or an officer, director, managing agent, or employee of the state or any political subdivision thereof or of a public or private corporation or of a partnership or association or body politic which is an adverse party, and interrogate him or her by leading questions and contradict and impeach him or her on material matters in all respects as if he or she had been called by the adverse party. The adverse party may be examined by his or her counsel upon the subject matter of his or her examination in chief under the rules applicable to direct examination, and may be cross-examined, contradicted, and impeached by any other party adversely affected by his or her testimony.

Subp. 9. Record of proceedings. All proceedings before the hearing panel must be recorded. Court reporters may be used upon the request of any party; however, the court reporter's cost shall be borne by the requesting party.

7897.0180 SUBPOENAS.

Subpart 1. Written request. Requests for subpoenas for the attendance of witnesses or the production of documents shall be made in writing to the hearing panel and shall contain a brief statement demonstrating the potential relevance of the testimony or evidence sought, and shall identify any documents sought with specificity, and shall name all persons to be subpoenaed.

Subp. 2. Service. A subpoena shall be served in the manner provided by the rules of civil procedure for the district court of Minnesota, unless otherwise provided by law. The cost of service, fees, and expenses of any witnesses subpoenaed shall be paid by the party at whose request the witness appears. When the subpoena is issued on behalf of the commission or employees thereof, fees and expenses need not be paid. The person serving the subpoena shall make proof of service by filing a copy of the subpoena with the hearing panel, together with an affidavit of service.

Subp. 3. Motion to quash. Upon motion made promptly and, in any event, at or before the time specified in the subpoena for compliance therewith, the hearing panel may quash or modify the subpoena if it finds that it is unreasonable or oppressive.

7897.0190 DISCIPLINARY ACTION BY COMMISSION.

Subpart 1. Contested case hearings. The commission may take the following disciplinary action only after a contested case hearing held in accordance with the contested case procedures in Minnesota Statutes, chapter 14 and rules adopted pursuant thereto:

A. revoke a Class A, B, C, or D license;

B. suspend or fine a Class A, B, or D license; and

C. suspend a Class C license for more than 30 days, and fine a Class C license in an amount exceeding $500.

Subp. 2. Procedure. The commission shall notify a licensee in writing of the charges and intended disciplinary action, and of the licensee's right to a contested case. Any contested case hearing shall be commenced in the manner provided for in Minnesota Statutes, chapter 14, and rules adopted pursuant thereto.

7897.0200 COMMISSION DECISION.

Subpart 1. Exceptions. Parties adversely affected by the report of the administrative law judge shall have 20 days from the date of service of the report to file exceptions with the commission and request an opportunity to present written arguments to the commission.

Subp. 2. Consideration of arguments. If there has been a request for an opportunity to present written arguments, the commission shall, as soon as practicable, set dates for the filing of such arguments and give reasonable notice thereof to all parties to the contested case.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Subp. 3. Decision or order. The decision or order shall be in writing or stated in the record and shall be accompanied by a statement of the reasons therefor. The statement of reasons shall consist of a concise statement of the conclusions upon each contested issue of fact necessary to the decision. Parties to the proceeding shall be personally served with a copy of the decision or order and accompanying statement of reasons, or by first class mail.

7897.0210 REHEARING.

Subpart 1. Limitations. The commission may, upon request or its own motion and for good cause shown, reopen, rehear, and redetermine a contested case after a final decision has been reached adverse to a party to the contested case other than the commission. This right may be exercised until it is lost by appeal or until a reasonable time has run, but in no event shall the time exceed the time allowed by statute for appeal or six months, whichever is shorter.

Subp. 2. Parties other than commission. At any time prior to the commission's loss of the right to rehear a contested case, any party to that case may request a rehearing by filing a petition for rehearing. Such petition shall contain the name and address of the petitioner, the commission designation for the case, and the basis for the petition.

Subp. 3. Commission's own motion. The commission may, on its own motion, for good cause stated in the record, reopen, rehear, and redetermine a contested case if the decision was adverse to a party to that case other than the commission.

Subp. 4. Default judgments. A party against whom a default has been adjudged pursuant to part 1400.6000 may obtain a rehearing upon a timely showing of good cause for his or her failure to appear or plead.

Subp. 5. Determination. The commission shall grant or deny a petition for rehearing as a part of the record in the case. Such petition shall be granted if there appears on the face of the petition and the record irregularities in the proceedings, errors of law occurring during the proceedings, newly discovered material evidence, a lack of substantial evidence to support the decision, or good cause for failure to appear or plead. Evidence and argument may be presented at the discretion of the commission in written or oral form, or both, by any party to the contested case with respect to the petition.

Subp. 6. Rehearing procedure. A rehearing in a contested case shall be conducted in the same manner prescribed by the rules of the office of administrative hearings.

Subp. 7. Decision after rehearing. The decision after rehearing shall be made in the same manner prescribed for the decision after the hearing.

7897.0220 APPEAL BY COMMISSION.

The commission may appeal pursuant to Minnesota Statutes, sections 14.63 to 14.68 any adverse decision. The commission shall be deemed a "person" for such purposes.

CHAPTER 7899
MINNESOTA RACING COMMISSION
VARIANCES

7899.0100 VARIANCES.

Subpart 1. Procedures and standards. The procedures and standards contained in this part govern the consideration and disposition of all variance requests submitted to the commission.

Subp. 2. Requests for a variance. A person desirous of obtaining a variance from the application of one or more of the commission's rules shall initiate the variance process by submitting to the commission 12 copies of the following information and documents:

A. a statement setting forth the precise nature and extent of the proposed variance and the reasons the variance is being requested;

B. any supporting documentation necessary to provide a complete description of the proposed variance; and

C. a detailed statement addressing each of the applicable variance criteria contained in this chapter, and setting forth the reasons as to why the variance request is in conformance with those criteria.

Subp. 3. Disposition of variance requests. The commission shall grant or deny a variance pursuant to the following procedures and standards:

A. Upon receipt of a variance request, the commission shall send written notice thereof to all persons who have registered their names with the commission for the purpose of being notified of rulemaking proceedings or variance requests, and the commission shall not act upon the variance for 30 calendar days after it has issued the notice. The notice shall contain a brief description of the variance request, a statement that any person wishing to comment on the request may do so in writing, and a statement that the commission will not act on the variance request until interested persons have been afforded at least 30 calendar days after the commission's issuance of the notice to submit their comments.

B. If, after receiving the variance request, the commission determines that additional information must be submitted by the requesting person, it may direct the person seeking the variance to submit additional data regarding the variance request to the commission, or appear before the commission to provide additional information thereon.

C. To facilitate full consideration of a variance request the commission may, in its discretion, request that the person seeking the variance and other persons who have submitted written comments regarding the variance appear before the commission and make arguments to the commission. In such event, the commission shall provide the aforementioned persons notice of the appearance request at least seven days before the commission meeting at which the variance request is to be considered. This procedure shall not constitute a contested case as defined in Minnesota Statutes, section 14.02, subdivision 3.

D. If a person requesting a variance fails to follow the variance procedures specified in this chapter, the variance shall be denied.

E. The commission shall set forth in writing and submit to the person requesting the variance and other persons who have submitted written comments thereon the reasons why it has granted or denied the variance request within 30 days after its disposition of the request.

Subp. 4. Standards for granting and denying variance requests. The commission shall grant a variance to the application of any of its rules only if it determines that all of the following criteria have been met:

A. strict application of the rule to which a variance is being requested would cause undue and substantial hardship to the person applying for the variance;

B. the granting of the variance does not confer a benefit on the person requesting the variance which is not enjoyed by other persons similarly situated;

C. the granting of the variance does not substantially impair the intent and purposes of the commission's rules;

D. the variance may be granted without material detriment to the integrity of racing or the public health, welfare, or safety;

E. the granting of the variance does not allow violation of the standards or requirements in Minnesota Statutes, chapter 240; and

F. with respect to variances concerning part 7870.0500, subparts 5 to 9, demographic or geographic evidence supports the variance request.

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MINNESOTA RACING COMMISSION

312 Central Avenue, Suite #400
Minneapolis, Minnesota 55414

(612) 341-7555

December 28, 1984

On December 22, 1984 I mailed to you a copy of the State Register which contained proposed rules of the Minnesota Racing Commission (MRC).

Unfortunately, the State Register inadvertantly omitted one of the two Notices that was required to have been published with those rules. Accordingly, both Notices are being published in the December 31 edition of the State Register (Vol. 9, No. 27), at pages 1513-1515. Since your name appears in the official MRC files as requesting formal notification of all rules, I am sending you photocopies of those pages of the State Register that contain the two Notices.

Should you have any questions relative to this matter please do not hesitate to contact Dave Freeman or me at (612) 341-7555.

Rick Evans

RICHARD G. EVANS
EXECUTIVE SECRETARY

EXHIBIT "B"

BOS

STATE REGISTER

STATE OF MINNESOTA



VOLUME 9, NUMBER 27

December 31, 1984

Pages 1501-1532

One of the following two notices was inadvertently omitted from the December 24, 1984 publication of the *State Register*. As a result of the omission, both notices are being republished.

The text of the proposed rules referenced in these notices was previously published and can be found at *State Register*, Volume 9, Number 26, pages 1412-1477, December 24, 1984.

Minnesota Racing Commission

In the Matter of the Proposed Adoption of Rules of the Minnesota Racing Commission Governing Strikes and Lockouts, Contract Approval, Assignment of Racing Days, Pari-Mutuel Pools, Facilities and Equipment, Stabling, Class C Licenses, Security Officers, Thoroughbred and Quarter Horse Races, Harness Races, Horse Medication, Racing Soundness Exams, Medical Testing, Breeders Fund, Prohibited Acts, Disciplinary and Appeal Procedures, Variances, and all Other Aspects of Pari-Mutuel Horse Racing

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Hearing

A public hearing concerning the above-entitled matter will be held in the Metropolitan Council Chambers, Room 300, Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota on February 5, 1985, commencing at 9:00 a.m. and continuing until all interested persons have an opportunity to be heard. PLEASE NOTE, HOWEVER, THAT THIS HEARING WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A HEARING PUBLISHED IN THE *STATE REGISTER* OF EVEN DATE AND MAILED THE SAME DATE AS THIS NOTICE.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or materials may be submitted to George A. Beck, Office of Administrative Hearing, Fourth Floor, Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, (612) 341-7601, either before the hearing or within five working days after the public hearing ends. The Administrative Law Judge may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during this three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in Minn. Stat. § 14.50. The rule hearing procedure is governed by Minn. Stat. §§ 14.01-14.56 and by Minn. Rules pts. 1400.0200-.1200. If you have any questions about the procedure, call or write the Administrative Law Judge.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the above-entitled matter, you are urged to participate in the rule hearing process.

Authority for the adoption of these rules is contained in Minn. Stat. §§ 240.08, 240.10, 240.13, 240.16, 240.18, 240.19, 240.22, 240.23, 240.24, 240.28 and 240.29.

Notice is hereby given that a Statement of Need and Reasonableness is available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

From a qualitative point of view, most if not all of the proposed rules may impact on small businesses. The quantitative effect of the proposed rules is broadbased because the rules address licensing and related requirements and costs, prohibited acts, affirmative responsibilities of licensees and disciplinary actions for violation of the rules. The potential effects of these proposed rules on small businesses are further discussed in the Statement of Need and Reasonableness.

The text of the proposed rules follows this notice in the *State Register*. (The text of the proposed rules was previously published and can be found at *State Register*, Volume 9, Number 26, pages 1412-1477, December 24, 1984.) Additional copies of the proposed rules are now available and at least one free copy may be obtained by writing to Richard G. Evans, Executive Secretary, Suite 400, United Labor Centre, 312 Central Avenue, Minneapolis, Minnesota 55414, telephone (612) 341-7555. Additional copies will be available at the hearing. If you have any questions on the content of the rules, contact Richard G. Evans.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's Report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the Rule has been adopted and filed with the Secretary of State. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge (in the case of the Administrative Law Judge's Report), or to the agency (in the case of the agency's adoption and filing with the Secretary of State).

Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. stat. § 10A.01, subd. 11., as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Question should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

Ray Eliot, Chairman
Minnesota Racing Commission

Minnesota Racing Commission

In the Matter of the Proposed Rules of the Minnesota Racing Commission Governing Strikes and Lockouts, Contract Approval, Assignment of Racing Days, Pari-Mutuel Pools, Facilities and Equipment, Stabling, Class C Licenses, Security Officers, Thoroughbred and Quarter Horse Races, Harness Races, Horse Medication, Racing Soundness Exams, Medical Testing, Breeders Fund, Prohibited Acts, Disciplinary and Appeal Procedures, Variances, and All Other Aspects of Pari-Mutuel Horse Racing

Notice of Intent to Adopt Rules Without a Public Hearing and Notice of Intent to Adopt Rules with a Public Hearing if Twenty-Five or More Persons Request a Hearing

Notice is hereby given that the Minnesota Racing Commission proposes to adopt the above-entitled rules without a public

hearing unless twenty-five or more persons submit written requests for a public hearing. The Commission has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §§ 14.21-14.28.

PLEASE NOTE, HOWEVER, THAT IF TWENTY-FIVE OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITHIN THE 30-DAY COMMENT PERIOD, A HEARING WILL BE HELD PURSUANT TO MINN. STAT. §§ 14.13-14.20 AND IN ACCORDANCE WITH THE NOTICE OF PUBLIC HEARING ON THESE SAME RULES PUBLISHED IN THE *STATE REGISTER* OF EVEN DATE AND MAILED ON THIS DATE.

Persons or groups interested in these rules shall have 30 days to submit comments on these proposed rules. Each comment should identify the portion of the proposed rules, address the reason for the comment and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Commission and do not result in a substantial change in the proposed language.

Any persons requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Richard G. Evans, Executive Secretary
Suite 400, United Labor Centre
312 Central Avenue
Minneapolis, Minnesota 55414
Telephone: (612) 341-7555

Authority for the adoption of these rules is contained in Minn. Stat. §§ 240.08, 240.10, 240.13, 240.16, 240.18, 240.19, 240.22, 240.23, 240.24, 240.28 and 240.29. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Richard G. Evans upon request.

From a qualitative point of view, most if not all of the proposed rules may impact on small businesses. The quantitative effect of the proposed rules is broadbased because the rules address licensing and related requirements and costs, prohibited acts, affirmative responsibilities of licensees and disciplinary actions for violation of the rules. The potential effects of these proposed rules on small businesses are further discussed in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard G. Evans.

The text of the proposed rules follows the notice in the *State Register*. (The texted of the proposed rules was previously published and can be found at *State Register*, Volume 9, Number 26, pages 1412-1477, December 24, 1984.)

Additional copies of this Notice and the proposed rules are available and may be obtained by contacting Richard G. Evans.

Ray Eliot, Chairman
Minnesota Racing Commission

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

In the Matter of the Proposed
Adoption of Rules of the **Minnesota Racing Commission** Governing Pari-Mutuel
Horse Racing in the State of Minnesota

AFFIDAVIT
OF ADDITIONAL NOTICE

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN

RICHARD G. EVANS, under oath states that:

1. I am Executive Secretary of the Minnesota Racing Commission (MRC) and, in that capacity, serve as chief administrative officer for the MRC.

2. I supervised the publication and distribution of the Notices promulgated by the MRC and published in the State Register at 9 S.R. 1411-1477, et seq., on December 24, 1984 and the two Notices relating to such rules which were published in the State Register at 9 S.R. 1513-1515 on December 31, 1984.

3. Between December 22, 1984 and January 10, 1985, the persons and organizations included on the attached list were mailed or delivered copies of the aforementioned Notices and rules.

FURTHER AFFIANT SAYETH NOT.

Richard G. Evans
RICHARD G. EVANS

Subscribed and sworn to before me
this 11th day of January, 1985.

Sharon A. Beighley
SHARON A. BEIGHLEY
Notary Public

SHARON A. BEIGHLEY
NOTARY PUBLIC — MINNESOTA
HENNEPIN COUNTY
My Commission Expires Oct 23, 1989

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In the Matter of the Proposed
Adoption of Rules of the **Minnesota Racing Commission** Governing Pari-Mutuel Horse Racing in the State of Minnesota

CERTIFICATE #1 REGARDING
OFFICIAL
MAILING LIST

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN

RICHARD G. EVANS, under oath states that:

1. I am Executive Secretary of the Minnesota Racing Commission (MRC) and, in that capacity, serve as chief administrative officer for the MRC.

2. I supervised the publication and distribution of the proposed rules promulgated by the MRC and published in the State Register at 9 S.R. 1411, et seq., on December 24, 1984.

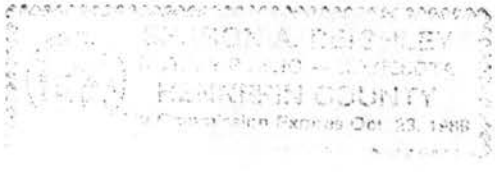
3. The attached list of persons and organizations who have requested, pursuant to Minn Stat. §§14.14, subd. 1a, and 14.22 (1984), that their names be placed on file with the MRC for the purpose of receiving notice of the proposed adoption of rules by the MRC, is accurate and complete as of 12:00 P.M. on December 22, 1984.

FURTHER AFFIANT SAYETH NOT.

Richard G. Evans
RICHARD G. EVANS

Subscribed and sworn to before me
this 8th day of January, 1985.

Sharon A. Beighley
SHARON A. BEIGHLEY
Notary Public



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In the Matter of the Proposed
Adoption of Rules of the **Minnesota Racing Commission** Governing Pari-Mutuel Horse Racing in the State of Minnesota

CERTIFICATE #2 REGARDING
OFFICIAL
MAILING LIST

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN

RICHARD G. EVANS, under oath states that:

1. I am Executive Secretary of the Minnesota Racing Commission (MRC) and, in that capacity, serve as chief administrative officer for the MRC.

2. I supervised the publication and distribution of the Notices promulgated by the MRC and published in the State Register at 9 S.R. 1513, et seq., on December 31, 1984.

3. The attached list of persons and organizations who have requested, pursuant to Minn Stat. §§14.14, subd. 1a, and 14.22 (1984), that their names be placed on file with the MRC for the purpose of receiving notice of the proposed adoption of rules by the MRC, is accurate and complete as of 5:00 P.M. on December 28, 1984.

FURTHER AFFIANT SAYETH NOT.

Richard G. Evans
RICHARD G. EVANS

Subscribed and sworn to before me
this 8th day of January, 1985.

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SHARON A. BEIGHLEY
Notary Public



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STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

In the Matter of Proposed Adoption of Rules Governing Strikes and Lockouts, Contract Approval, Assignment of Racing Days, Pari-Mutuel Pools, Facilities and Equipment, Stabling, Class C Licenses, Security Officers, Thoroughbred and Quarter Horse Races, Harness Races, Horse Medication, Racing Soundness Exams, Medical Testing, Breeders' Fund, Prohibited Acts, Disciplinary and Appeal Procedures, Variances, and All Other Aspects of Pari-Mutuel Horse Racing.

FINDINGS OF FACT AND CONCLUSIONS

The above-captioned proposed rules were published in the State Register, together with a "Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer Than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules Without a Hearing", on December 24, 1984 (9 S.R. 1411). Proper notice was served upon all interested persons or groups registered with the Minnesota Racing Commission (MRC) for that purpose as required by Minn. Stat. §14.22 (1984).

Due to an inadvertent mistake by the State Register, the aforementioned Notice that was originally published on December 24 was republished on December 31, 1984 (9 S.R. 1513), along with the previously omitted "Notice of Intent to Adopt Rules Without A Public Hearing and Notice of Intent to Adopt Rules With a Public Hearing if Twenty-Five or More Persons Request a Hearing" (9 S.R. 1514). Proper notice was again served upon all interested persons or groups registered with the MRC for that purpose as required by Minn. Stat. §§14.14 and 14.22(1984).

After affording interested persons and groups an opportunity to present written and oral data, statements and arguments, and having considered all of the evidence adduced upon the record, files and proceedings herein, the Minnesota Racing Commission finds the following:

A. During the 30-day comment period following publication of the Notices on December 31, 1984, written comments were received from:

1. Canterbury Downs
2. W.G. Schroeder, D.V.M., President
   Minnesota Association of Equine Practitioners
3. Joan F. Pew, Vice-President
   National Association of State Racing Commissioners
4. Sue E. Holbert, State Archivist
   Minnesota Historical Society
5. John D. Erksine, Superintendent
   Minnesota Bureau of Criminal Apprehension

Their comments and suggestions are the basis for some of the changes to the proposed rules described hereinafter.

B. The rationale for the nonsubstantial changes to the proposed rules as originally published are as follows:

1. Page 1, line 16. Part 7870.0500, subp. 1.

   The deletion of the words "and subcontracts" relieves the burden on Class A licensees (race track owners and operators), Class B licensees (sponsors of pari-mutuel racing at licensed race tracks), and Class D licensees (county fair boards) from having parties with whom they contract include affirmative action plans in all of their subcontracts. This change is being made to lessen the burden on such licensees.

2. Page 1, lines 19-35, through page 2, lines 1-14. Part 7870.0500, subp. 1.

   The deletion of the language contained on lines 19-21 (page 1), and the addition of the new language inserted thereafter relieves Class A, B and D licensees from the burden of having to submit for

prior approval all of their contracts and subcontracts. Instead, such licensees must provide the Minnesota Racing Commission (MRC) with certain basic information on contractors and subcontractors and, thereafter, the MRC will determine whether the contract or subcontract affects the integrity of racing. If such a determination is reached, then the licensee must submit to the MRC a copy of the contract or subcontract and any additional information requested. This was done to lessen the burden on licensees to have all contracts and subcontracts reviewed and approved by the MRC.

3. Page 2, lines 19-33. Part 7870.0500, subp. 2.

This new language makes it clear that the MRC may waive reviewing contracts and subcontracts which do not affect the integrity of racing and, thereby, relieve Class A, B and D licensees from having to submit those agreements to the MRC for prior approval.

4. Page 2, lines 34-36. Part 7870.0500, subp. 3 (new).

As originally proposed, this subpart requires Class A, B and D licensees to provide the MRC with certain information on contracts and subcontracts which are in excess of $50,000 or for a duration of longer than 30 days. The new language conforms the reporting requirements to those contracts and subcontracts which the MRC concludes affect the integrity of racing, supra.

5. Page 3, lines 30-32. Part 7870.0500, subp. 3, item F.

The added language makes it clear that licensees are required to only make their best efforts to notify the MRC of any changes in the information reported under five of the six requirements of this subpart. Accordingly, it reduces the burden on licensees.

6. Page 3, line 34. Part 7877.0500, subp. 4.

Clerical revision. Subpart is merely renumbered.

7. Page 4, lines 7, 11 and 12. Part 7870.0500, subps. 5 and 6.

Clerical revisions. Subparts are merely renumbered.

8. Page 4, line 25. Part 7870.0500, subp. 6, item B.

The added language makes it clear that licensees are required to make a good faith effort (defined infra) to achieve the affirmative action goals. Accordingly, it reduces the burden on licensees.

9. Page 4, line 35. Part 7870.0500, subp. 7.

Clerical revision. Subpart is merely renumbered.

10. Page 5, lines 12 and 16-17. Part 7870.0500, subp. 7, items B and C.

The added language makes it clear that licensees are required to make a good faith effort (defined infra) to achieve the affirmative action goals. Accordingly, it reduces the burden on licensees.

11. Page 5, lines 21, 31 and 35. Part 7870.0500, subps. 8, 9, and 10.

Clerical revisions. Subparts are merely renumbered.

12. Page 5, line 32. Part 7870.0500, subp. 7.

By deleting "semiannual" and inserting "quarterly" this requires that Class A and B licensees file affirmative action compliance reports with the MRC on a more frequent basis. Inasmuch as licensees are already voluntarily reporting to the MRC on a **monthly** basis, such a revision does not constitute a substantial change.

13. Page 6, lines 6-7. Part 7870.0500, subp. 10, item B (new).

This new language defines "good faith effort" which is used elsewhere in part 7870.0500. As previously stated, such a standard actually lessens the burden on licensees.

14. Page 6, lines 8, 16, 21 and 35. Part 7870.0500, subp. 10, items C (new), D, E and F.

Clerical revisions. Items are merely renumbered.

15. Page 6, lines 9-10 and 36. Part 7870.0500, subp. 10, items C and F.

Deletion of the phrase "and is a small business concern" in both item C and item F is necessitated since this language was inadvertently included in the original draft of the rule. By deleting the phrase licensees will be able to include **all** minority business enterprises and women owned business enterprises when attempting to meet their affirmative action goals. Such a change lessens the burden on licensees.

16. Page 7, lines 22 and 24. Part 7869.0100, subp. 5.

The change from "horse" to "horse's" is a grammatical change. The new language "or apprentice jockey" has been added to conform with part 7877.0170, subpart 3, item A, where an apprentice jockey is required to ride with a five pound allowance for a certain period of time. Therefore, the inclusion in the definition of "allowance" is necessary.

17. Page 9, lines 5 and 12. Part 7869.0100, subp. 24, item C.

The addition of the comma and the word "which" is a grammatical change.

18. Page 9, lines 12-13. Part 7869.0100, subp. 26.

The addition of the phrase "according to its context, either" is a grammatical change.

19. Page 9, lines 21 and 22. Part 7869.0100, subp. 28.

The new language "or driver" has been added to include harness racing drivers in the definition. As the action and result are the same for both flat and harness racing, the added language serves to make the definition of "foul" applicable to both types of racing.

20. Page 9, lines 29-30. Part 7869.0100, subp. 31.

By reversing the words "races" and "events", the purpose of the definition becomes more accurate. There may be many events that are run to lead to an eventual winner of a purse, stake or other award which would conform with the definition of "race".

21. Page 10, line 14. Part 7869.0100, subp. 38.

The addition of the word "set" is to correct a typographical error.

22. Page 10, line 21. Part 7869.0100, subp. 40.

The addition of the word "race" is a grammatical change.

23. Page 11, lines 4-5 and 6. Part 7869.100, subpart 48.

The addition of the language ",according to its context, either" is a grammatical change.

The addition of the word "day's" is a typographical correction.

24. Page 11, lines 25, 26 and 29. Part 7869.0100, subp. 51, item D(1).

The addition of the words "race" and "or" are grammatical changes.

25. Page 11, lines 30 and 31. Part 7869.0100, subp. 51, item D(2).

The addition of the language "post" and "of entered horses" are grammatical changes.

26. Page 11, line 34. Part 7869.0100, subp. 51, item E.

The deletion of the words "racing secretary" and the substitution of the word "association" removes the restrictive nature of the definition. Although the racing secretary may invite horses to invitational races on his or her own, there sometimes are committees made up of association personnel (i.e., director or racing, assistant racing secretary, handicapper) that consult in the invitation selection.

27. Page 12, lines 15-16. Part 7869.0100, subp. 51, item L.

The addition of "restricted race" to the definition's section makes complete the types of races that will be permitted to be scheduled.

Minn. Stat. §240.29 (1984) makes reference to required races for Minnesota-bred and Minnesota-owned horses. Because these races are restricted to horses of Minnesota ownership or breeding, the term "restricted races" has been used in the breeders' fund rules and inclusion of the definition in this section of the rules is therefore necessary.

28. Page 12, line 17. Part 7869.0100, subp. 51, item M (new).

The substitution and addition of the word "race" is a grammatical change.

29. Page 13, lines 6-7. Part 7869.0100, subpart 59.

The added language, ",according to its context, either" is a grammatical change.

30. Page 13, lines 18-19. Part 7869.0100, subpart 61.

The deleted language "a charge" and the substituted language "an amount" is a grammatical change.

31. Page 13, line 22. Part 7869.0100, subp. 62.

The deleted language "of horses" and "who" and the substituted word "that" are grammatical changes.

32. Page 13, line 35. Part 7869.0100, subp. 66.

The new language "and cashing" was added to more fully describe the total pari-mutuel function.

33. Page 14, line 33. Part 7872.0100, subp. 2, item A.

The words "rulemaking proceedings or" were deleted because they relate to the general rulemaking process. Part 7872.0100 deals specifically with the assignment of racing days to a Class B or D licensee and, therefore, notification should be made to parties interested in that particular operation.

34. Page 15, lines 23-24. Part 7872.0100, subp. 2, item F.

The language "why the commission approved or denied the request" was deleted and the words "for its action" were inserted. This clarification is necessary because, when assigning racing days, the MRC is not limited to only approving or denying the application. It may also modify or approve the application with certain conditions.

35. Page 16, line 18. Part 7872.0110, subp. 2.

The change is a typographical correction.

36. Page 17, lines 30, 32, 33 and 35. Part 7873.0100, subp. 1.

The changes, in all cases, from "pool" to "pools" are grammatical changes reflecting the fact that there are several pools within the pari-mutuel system of wagering.

37. Page 18, line 2. Part 7873.0100, subp. 1, item C.

Clerical revision. Correction of legal citation.

38. Page 18, line 6. Part 7873.0100, subp. 2.

The change from "pool" to "pools" is a grammatical change.

39. Page 18, line 11. Part 7873.0100, subp. 2, item A.

As in Part 7872.0100, the words "rulemaking proceedings or" were deleted because they relate to the general rulemaking process. Part 7873.0100 deals specifically with the approval of pari-mutuel pools offered by Class B or D licensees and, therefore, notification should be made to parties interested in that particular operation.

40. Page 18, lines 35-36. Part 7873.0100, subp. 1, item F.

The added language ", or give its qualified approval to" was added to give the MRC the ability to modify requests, rather than restricting Commission action to simply denying or approving such requests.

41. Page 19, line 1. Part 7873.0100, subp. 1, item E.

The new language "pools" substituted for "pool" is a grammatical change reflecting the fact that there are several pools within the pari-mutuel system.

42. Page 19, lines 5-6. Part 7873.0100, subp. 1, item G.

The new language "for its action" was inserted to clarify that the MRC's action may consist of more than merely approving or denying the application.

43. Page 19, line 16. Part 7873.0100, subp. 1.

The word "exotics" was deleted and the words "multiple pools" were substituted to parallel the language used both in the statutes (Minn. Stat. §240.01, subd. 8).

44. Page 23, line 10. Part 7873.0140.

The change from "to" to "in the" is a grammatical change.

45. Page 25, line 4. Part 7873.0170, subpart 1.

The language "of separate betting interests" was added to provide clarity to the subpart and to be consistent with part 7883.0100, subp. 7 (page 83). For example, any time a bet is made on the 1 and 1A entry, the ticket reflects only #1 and **both** horses are included as a single betting interest. As a result, a coupled entry (horse 1 and horse 1A) represents only one betting interest or one half of a quinella selection. Since the quinella bet requires two separate betting interests, the clarifying language was necessary.

46. Page 26, line 23. Part 7873.0180, subp. 1.

As in part 7873.0170, subp. 1, the added language "of separate betting interests" was added to provide clarity and to be consistent with part 7883.0100, subp. 7. For example, any time a bet is made on the 1 and 1A entry, the ticket reflects only #1 and both horses

are included as a single betting interest. As a result, a coupled entry (single betting interest) constitutes only half of the necessary combination required to win. The language was necessary to distinguish between separate betting interests.

47. Page 29, lines 19 through 25. Part 7873.0190, subp. 6, item C.

Language was added to clarify what would happen should a final day of racing be cancelled. For example, in California in late 1984, the final day of racing was cancelled due to inclement weather. A carry over of pick-six funds was to have been distributed on that day. Since there is no way to determine what previous day ticket holders are entitled to the funds, emergency rules had to be adopted to carry the pool forward to the next race meeting. The added language is needed to prevent this potential situation from occurring in Minnesota.

48. Page 32, lines 12 and 19. Part 7873.0400, subp. 1.

The deletion on line 12 is a typographical correction. The addition of the words "impact on" is a clarifying grammatical change.

49. Page 34, lines 4, 7 and 15. Part 7875.0100, subps. 1 and 3.

The deletion of the word "stalling" and substitution of the word "stabling" is a typographical correction.

The deletion of the word "which" and the addition of the phrase "The facilities must is a grammatical change to make the part read more clearly.

The addition of the word "race" is a grammatical change.

50. Page 34, lines 19-22. Part 7875.0100, subp. 4.

The first sentence was changed to simplify the subpart. When harness racing commences at a track, the surface over which the horses race

is changed to accomodate that breed. Subsequently, when the thoroughbreds and/or quarter horses commence racing, the surface must be changed back. This subpart states that at each change, the commission must receive evidence that the track surface is safe and humane for the breed that is racing.

51. Page 38, line 21. Part 7876.0100, subp. 3.

Replacing the word "or" for the word "of" is a grammatical change.

52. Page 39, lines 19 and 21. Part 7877.0110, subp. 2.

The requirement for telephone numbers of previous employers and educational background information was deleted since such information is not relevant to the issuance of a Class C license.

53. Page 40, lines 4 and 5. Part 7877.0100, subp. 4.

The addition of "or quarter horse" was made because the racing officials listed are utilized in quarter horse racing as well as thoroughbred racing. The words "or quarter horse" were inadvertently omitted in the original published version.

54. Page 41, lines 12, 17, 19-36. Part 7877.0120, subp. 1.

The change of "concessionare" to "concession" (item D) is a grammatical change. The term "hotwalker" was deleted (item K) and consolidated with "groom" (item I) since the jobs are often combined when working with horses.

The license categories of "pharmaceutical representative" (item S), "photo-finish operator", "photographer, track" (item U) and "totalisator owner" (item AA) were deleted as being redundant since they are all concessionaires/vendors. There is already a "conessionnaire/vendo category listed (item C) and the fee for such license is the same as for the deleted categories.

Items are re-lettered to reflect these changes.

55. Page 42, lines 8, and 10-14. Part 7877.0120, subp. 2.

The language "taken by the commission" was added for two reasons. First, the MRC fingerprint technician will be skilled in fingerprinting. By having this person take the fingerprints ensures that the prints will be readable and will avoid costly reprinting time. Second, having the technician on-site assists the applicant and relieves local law enforcement agencies from having to perform this time consuming task.

It is commonplace in racing for horse owners to have horses racing in many states during the year. The owners do not always go to where their horses are racing. The added language relieves the costly burden on out-of-state owners to come to Minnesota just for fingerprinting. They, therefore, have been made the sole exception to this part. All other licenses that are issued are for persons working on-site at the track.

56. Page 42, lines 19-22. Part 7877.0120, subp. 3.

The deleted language "Losing Mount" and the substituted language "Other Mounts" is a grammatical change which eliminates a negative connotation.

57. Page 42, lines 24-38. Part 7877.0120, subp. 3.

All changes are clerical revisions.

58. Page 43, lines 1 through 18. Part 7877.0120, subp. 3.

All changes are clerical revisions.

59. Page 44, lines 13-14. Part 7877.0120, subp. 4, item D.

The deletion of "fee scale in subpart 2" and the addition of the language "applicable fees found in this subpart" is necessary to correct a citation.

60. Page 46, lines 9-10. Part 7877.0130, subp. 1, item D.

Deleting "an" and inserting "and" is a typographical correction. The clause ",except those required to be licensed pursuant to item B," was added to clarify and eliminate inconsistencies in requirements stated elsewhere in the subpart. All persons or entities that hold 5% ownership interest or control must be licensed as individual owners pursuant to item B. As originally drafted item D unintentially would have eliminated that requirement.

61. Page 47, line 5. Part 7877.0130, subp. 3, item B.

The clause ",and meets the criteria in part 7877.0100, subpart 2" was added to ensure that an applicant for a trainer's license is not relieved of meeting all of the criteria for licensing. Minnesota racing rules do not provide for reciprocal licensing and, therefore, all applicants -- although they may be licensed in other jurisdictions -- must meet Minnesota's standards.

62. Page 48, line 21. Part 7877.0130, subp. 6, item B.

Although the stewards ultimately determine whether or not a person is eligible to be licensed as apprentice jockey, they routinely may delegate some of their assessment of ability to other racing officials. For example, they may instruct the starter to judge an applicant's ability to break horses from the starting gate. Similarly, the stewards may have the outriders observe an applicant's ability to maintain control of a horse, or have clockers observe how well an applicant finishes on a horse after a long workout. Accordingly, the phrase "or their designee" is added to clarify and expressly allow for this practice.

63. Page 51, lines 19-22, and lines 26-29. Part 7877.0130.

The items found in this part were restructured to be more concise, reflect accurate citations, and provide more continuity.

64. Page 52, lines 3, 19 and 21-22. Part 7877.0140, subps. 1 and 2.

The added language on line 3 "which are nonrefundable" is due to restructuring of subparts 1 and 2. Accoringly, lines 21-22 are deleted as being redundant.

The temporary license status has been reduced from "120" days to "60" days because, since the proposed rules were originally published, the FBI has put all fingerprints on computer and the MRC will receive a response in a much shorter time, thereby eliminating the need for the extensive temporary license period.

All temporary licenses will eventually terminate either after 60 days or upon the revocation of the license.

65. Page 53, lines 30-32. Part 7877.0155, item E (1).

The changes in this paragraph are twofold. First, the language "racetrack grounds" was changed to "the grounds of an association" to reflect the proper definition of what constitutes the racetrack area. Second, the language "or at any location where horses eligible to race at a Minnesota race meeting are kept" was deleted because horses may be kept off grounds at private facilities and the MRC does not have jurisdiction over private off-track facilities.

66. Page 54, lines 3-4. Part 7877.0155, item E (1).

The deleted language was a continuation of the language referencing "off-track" locations and has been deleted consistent with the explanation contained in paragraph 65, supra.

67. Page 55, line 35 and page 56, lines 1 and 2. Part 7877.0170, subp.

1, item D.

The deleted language "and upon payment of" and the added language "must accompany the registration" is a grammatical change for clarity.

68. Page 56, lines 19-20. Part 7877.0170, subp. 1, item E.

The language "No person may be registered under more than one stable name at the same time." was deleted for two reasons. First, with the increasing participation of horse owners in corporate ownership and partnership assignments, this provision is unnecessarily restrictive. Second, with the capabilities of the MRC's computerized licensing system, identifying members of multiple ownerships is easily accomplished.

69. Page 57, lines 4-6. Part 7877.0170, subp. 1, item E (4).

This paragraph has been deleted for the same reasons just mentioned.

70. Page 57, lines 25-27. Part 7877.0170, subp. 2, item C (2).

The deleted language "The trainer will be responsible for" and the added language "shall be prima facie evidence that the trainer is responsible for such positive test sample" is a grammatical change to be consistent with the language contained in Part 7890.0130, subpart 1 (page 122, infra.).

71. Page 58, lines 3-4, and 12-13. Part 7877.0170, subp. 2, items E and F.

The language "at the racetrack" was deleted and the new language "on the grounds of an association" is a grammatical change made to be consistent with the definition contained in part 7869.0100, subpart 30 (page 9, line 26, supra.)

72. Page 58, line 29. Part 7877.0170, subp. 2, item K.

The language "or quarter horses" is added to correct an inadvertent omission.

73. Page 59, lines 16-17. Part 7877.0170, subp. 2, item P.

The change is a grammatical change in nature to be consistent with the definitions section of the rules (page 9, line 26).

74. Page 60, lines 28-30. Part 7877.0170, subp. 3, item H.

The new language was added after consultation with the Jockeys' Guild. It retains the original restriction that no jockey shall participate in a race who is more than seven pounds over the assigned weight, and adds that an owner or trainer has the right to replace the jockey with another lighter jockey should the original jockey be more than two pounds over the weight that he or she agreed to ride. This practice is commonplace in horse racing.

75. Page 61, lines 15, 19, 23, 26 and 29. Part 7877.0170, subp. 3.

The changes from "shall" to "must" are grammatical changes to reflect proper construction of the sentences and to conform with the Revisor's guidelines in the rules drafting manual.

76. Page 64, lines 4-27. Part 7877.0170, subps. 7 and 8.

Subparts 7 and 8 are not additions but rather, merely have been moved to this part from page 74, lines 3 through 18. The positions of jockey agent and horsepersons' bookkeeper were inadvertently included in the racing officials section and are being moved to their proper location within the rules.

77. Page 64, lines 28-34. Part 7877.0170, subp. 9.

The first sentence is not new language, but has been moved from page 134, lines 13 through 17. The language was originally contained in the "prohibited acts" section, but it more properly belongs in this section describing veterinarians' duties and responsibilities. The second sentence has been added to require veterinarians to remove

from the race track all used needles, syringes and other paraphenalia that could mistakenly be linked to a trainer. Trainers are prohibited from possessing such paraphenalia and could conceivably be charged with possession of such material when, in fact, the materials were left behind by a licensed practicing veterinarian.

78. Page 65, lines 13 and 33. Part 7877.0175, subp. 1, item B and G.
The change is proportional in nature to be consistent with the definitions section of the rules (page 9, line 26). The deleted language on line 33 and the inserted phrase "a race meeting" is also a grammatical change.

79. Page 67, lines 32-33. Part 7877.0175, subp. 3, item D.
The language "or quarter horse" was added to correct an inadvertent omission.

80. Page 68, line 6. Part 7877.0175, subp. 3, item D (3).
The substituted word "course" is a grammatical change.

81. Page 69, lines 9-11. Part 7877.0175, subp. 4, item E.
The language "or the paddock judge's inability to make a positive identification of a horse" was deleted because the paddock judge is not responsible for horse identification. Identification is the responsiblity of the identifier and the clause was, therefore, deleted to remove any potential confilict of responsibilities. See, page 70, lines 6-16.

82. Page 69, line 32. Part 7877.0175, subp. 4, item E.
The change of the word "track" to "course" is part of a change being made throughout the rules to be consistent with the definition of where races are run.

83. Page 70, line 15. Part 7877.0175, subp. 5.
The added language "on the grounds of an association" is part of a change to reflect the definition of the racetrack premises (page 9, line 26).

84. Page 71, lines 14 and 16. Part 7877.0175, subp. 8, item B.

The deletion of the words "at least" is a grammatical change. The language ",whichever is later" was added for clarity. A horse may be required to remain on the veterinarian's list indefinitely should the veterinarian determine the horse has not fully recovered, and the new language makes that understanding more clear.

85. Page 71, lines 25-26. Part 7877.0175, subp. 8, item B.

Grammatical change. Part of the change being made to conform to the definition contained in part 7869.0100, subpart 30.

86. Page 73, lines 9 and 11-13. Part 7877.0175, subp. 12.

The language "or quarter horse" was added to correct an inadverdent omission.

Because previoulsy considered strict "off-track" stabling requirements were ultimately not included in these rules, because all horses will be required to work out under the supervision of a licensed clocker at a race track, certain language on lines 11 through 13 was deleted to correct conflicting requirements.

87. Page 74, lines 3-18. Part 7877.0175, subp. 15.

The language in this subpart was moved to page 64, lines 4 through 19, supra.

88. Page 75, lines 4-11. Part 7877.0175, subp. 17.

The language in this subpart was moved to page 64, lines 20 through 27, supra.

89. Page 75, line 33. Part 7877.0180, subp. 2.

Grammatical change. Part of the change being made to conform to the definition contained in part 7869.0100, subpart 30.

90. Page 82, lines 20-21. Part 7883.0100, subp. 4, item A.

The new language "and his or her designees are" was added to make the requirements less restrictive and more practical. The racing secretary normally has several office employees, (i.e., assistant racing secretary, secretary, entry clerks, etc.) that will be delegated clerical duties to receive entries, scratches and declarations.

91. Page 83, lines 16-18. Part 7883.0100, subp. 6, item D.

The language "returned if the facts are disclosed one hour before post time for the race; otherwise, such money shall be" was deleted because in horse racing, entry fees are not refunded regardless of circumstances (other than the race being cancelled). Also, it is unfair to participants in good standing to lose out on funds that are part of a purse, because a participant is not in good standing. A participants failure to be licensed, being suspended for wrongful acts or negligence in determining eligibility should not be grounds for refund of his/her entry fee.

92. Page 83, line 21. Part 7883.0100, subp. 7.

The word "licensed" was added to be consistent with the requirements of part 7877.0130, subpart 2, item B, (page 45, supra) which requires that only persons who hold a five percent or more ownership interest be licensed.

93. Page 88, lines 34-36; page 89, line 1. Part 7883.0130, subp. 1, item E.

The deletion of the word "only" is a grammatical change. The new language ",and from information contained on Jockey Club (New York) foal certificates" was added to be more precise in discerning eligibility of horses. The foal certificates contain the horses' names, foal dates (age), markings, races won and the money earned for those

races, the owner of the horses, and all other relevant data determining a horse's eligibility.

94. Page 91, line 28. Part 7883.0140, subp. 3.

The addition of the word "of" is a typographical correction.

95. Page 92, line 31. Part 7883.0140, subp. 9, item D.

Grammatical change. Part of the changes being made to conform to the definition contained in part 7869.0100, subpart 30.

96. Page 94, line 11. Part 7883.0140, subp. 13.

Grammatical change. Part of the change being made to conform to the definition contained in part 7869.0100, subpart 30.

97. Page 94, line 21. Part 7883.0140, subp. 16.

The addition of the word "course" is part of a language change to conform to the definition section (part 7869.0110, subp. 18) contained on page 8.

98. Page 95, line 17. Part 7883.0140, subp. 21.

The addition of the language "or quarter" was added to correct an inadverdent omission.

99. Page 95, line 36; page 96, line 1. Part 7883.0140, subp. 24.

The deletion of language and the addition of the new phrase "the claiming rules of the jurisdiction where (the horse) was claimed" was added to make it clear that Minnesota will recognize other states' claiming rules. This is important because there are many restrictions involved in claiming rules, such as the prohibition on the transfer of ownership within a specified time period, or the restriction against racing a horse in another racing jurisdiction within a specified time period. It is further important because by recognizing other states' rules, they in turn recognize Minnesota's rules. Competition

between states for racing stock is very keen, and protective measures that are built in the rules to keep horses within the state are necessary.

100. Page 98, lines 19 and 27. Part 7883.0150, subps. 6 and 7.

The substitution of the word "course" for "track" is a change to conform to the definition section.

101. Page 101, line 10. Part 7883.0160, subp. 8.

The substitution of the word "must" for "shall" is a grammatical change.

102. Page 102, lines 16 and 19. Part 7883.0160, subp. 14, items A and B.

The substitution of the word "course" for "track" is a change to conform to the definition section.

103. Page 111, line 12. Part 7884.0200, subpart 3.

The deletion of the phrase "nominations and sustaining" and the substitution of the word "nomination" therefore is a grammatical change.

104. Page 112, line 16. Part 7884.0200, subp. 9.

The deletion of the words "or starting" was necessary to remain in conformance with the rules of racing found elsewhere in the chapter. At all times, a horse must be eligible to race at the time it is entered.

105. Page 115, lines 4-5. Part 7884.0230, subp. 3.

The deleted and substituted language on lines 4 and 5 constitute a grammatical change necessary to conform to the definition section.

106. Page 115, line 29; page 117, lines 1-2. Part 7884.0240, subp. 1; part 7884.0240, subp. 9, item A.

The substitution of the word "course" is also a change to conform to the definition section.

107. Page 122, lines 2 and 9. Part 7890.0110, subp. 2; part 7890.0130, subp. 1.

The substitution of "6" for "7" is to correct a citation error.

108. Page 125, line 17. Part 7892.0120, subp. 1.

The word "/or" was added for two reasons. First, urine cannot always be obtained from a horse, so in such cases blood alone is taken. Second, blood samples are taken from horses (1) to quantitate the level of phenylbutazolodin (bute), and (2) for pre-race samples prior to administration of furosemide (Lasix®). If legislation is not passed during the pending session to allow these medications, then blood sampling is not always necessary since urine is preferred for testing purposes. Finally, not all horses racing use bute and/or Lasix®. In such cases blood sampling is not necessary for those horses.

109. Page 125, line 20. Part 7892.0120, subp. 1.

The term "defeated favorites," was deleted for three reasons. First, the national average of favorites winning races is under 35%. That would mean of the 30 horses that will be tested each racing day, 65% would be tested when there may be no real suspicion of wrongdoing, thereby reducing the number of random tests that could be made. Second, it is likely that many defeated favorites will be selected on a random basis. Third, the rules still provide for suspicion of medication violations as a basis for testing, and the defeated favorites could be selected on that basis.

110. Page 126, lines 14-15 and 24-25. Part 7892.0120, subps. 5 and 6.

The new language ",after a sufficient amount has been sent to the official laboratory," is necessary to protect the integrity of the sample being sent to the laboratory. A sample should be provided for trainers, but not at the cost of not being able to do proper initial testing due to insufficient amounts.

The substituted language "grounds of an association" for the deleted phrase is to conform language to the definition section (part 7869.0110, subpart 30).

111. Page 129, lines 15-16. Part 7892.0160.

The added language is a clarification which is necessary because the statutes allow for more than one race track in Minnesota. Accordingly, each race track that may be licensed by the MRC will be required to pay their equitable share for the costs of establishing and initially staffing the official racing laboratory.

112. Pages 129, line 18, through page 132, line 25. Chapter 7895.

This chapter was withdrawn for further consideration by the MRC.

113. Page 132, lines 32-33. Part 7897.0100, subp. 1.

The substituted language is necessary to confrom to the defintion section (part 7869.0110, subpart 30).

114. Page 133, lines 2-4. Part 7897.0100, subp. 3.

The deleted language "unauthorized" and the new language "except as authorized by the commission or association" is a grammatical change to provide clarity. It is difficult, without being absolutely specific or in the alternative, by drafting a definition of "unauthorized" to pinpoint just who cannot carry a firearm. It is clearer to merely designate authorized persons.

The substitution of the language "while on the grounds of an association"

is a change to conform to the definition section.

115. Page 133, lines 10-12. Part 7897.0100, subp. 5.

As was the difficulty in identifying "unauthorized persons" in subpart 3, the same is true with "unauthorized areas" in this subpart. It is clearer to merely designate nonsmoking areas.

116. Page 133, lines 19-24. Part 7897.0100, subp. 8.

For the same reasons, the term "unauthorized person" was replaced by the new language "persons, except as authorized by the stewards". The new phrase ",or attempt to gain entrance to the jockeys'/drivers' quarters at any time" was substituted for the deleted language in order to prevent unauthorized persons from ever gaining entrance to facilities used by the jockeys and drivers. This is important to preserve the security of the area.

117. Page 134, lines 13-17, 29-30 and 34-35. Part 7897.0100, subps. 13 (new), 16 and 17.

Subpart 13 as originally published was not deleted, but was moved to page 64 as part 7877.0170, subpart 9, supra.

The substituted phrase "while on the grounds of an association" for the deleted language in lines 29-30 and 34-35 is a change that is necessary to conform to the definition section.

118. Page 135, lines 3, 5-6. Part 7897.0100, subp. 17, item A.

The addition of the word "A" is a grammatical change. Deleting the word "but" and adding the new language "provided it has a valid current prescription and" was added to ensure that all prescription drugs are accountable to the person in whose possession the drug is found. This serves as an additional safeguard in keeping illegal drugs off the backstretch. Changing the phrase "shall be" to "is" is a grammatical change.

119. Page 136, lines 7, 8, 10 and 12. Part 7897.0120, subps. 1 and 2.

The changes are to correct legal citations.

120. Page 140, line 31. Part 7897.0160, subp. 1.

The new language "or more" was added for two reasons. First, by appointing more than three commissioners, a quorum can still be achieved although one or two commissioners may be absent. Second, the chair of the panel, may appoint rotating schedules, or disqualify certain members of the panel without loss of a quorum.

121. Page 144, lines 9-11. Part 7897.0200, subp. 3.

The language has been restructured to provide clarity.

C. Based on the foregoing, it is determined that the modifications made do not result in any substantial changes to the proposed rules as originally published.

It is further concluded that all proper rulemaking procedures were met in compliance with applicable State statutes and rules.

Respectfully submitted,

Dated: April 15, 1985

RAY ELIOT, Chair
MINNESOTA RACING COMMISSION

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

In the Matter of the Proposed Adoption of Rules Governing Strikes and Lockouts, Contract Approval, Assignment of Racing Days, Pari-Mutuel Pools, Facilities and Equipment, Stabling, Class C Licenses, Security Officers, Thoroughbred and Quarter Horse Racing, Harness Races, Horse Medication, Racing Soundness Exams, Medical Testing, Breeders' Fund, Prohibited Act, Disciplinary and Appeal Procedures, Variances, and All Other Aspects of Pari-Mutuel Horse Racing.

SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS

A. Pursuant to Minn. Stat. §14.26 (1984), the above-captioned rules as proposed for adoption by the Minnesota Racing Commission (MRC) as well as related documents, were submitted to the Attorney General on April 15, 1985. Based on the Attorney General's review, it was recommended that certain nonsubstantial revisions be made prior to publication of the adopted rules.

B. The rationale for those changes, which are incorporated in the attached copy of the rules, are:

1. **Page 18, line 6. Part 7873.0100, subp. 2.**
   Page 28, line 30. Part 7873.0190, subp. 5.
   Page 31, lines 14 and 22. Part 7873.0240, subp.2; part 7873.0300, subp. 1
   Page 45, line 5. Part 7877.0130, subp. 1.
   Page 46, line 7. Part 7877.0130, subp. 2, item D.
   Page 54, line 3. Part 7877.0155, item E (1).
   Page 69, line 22. Part 7877.0175, subp. 4, item G.
   Page 81, lines 1-2. Part 7878.0150, subp. 2, item D.
   Page 112, line 18. Part 7884.0200, subp. 9.
   Page 114, line 7. Part 7884.0220, subp. 2
   Page 116, line 36. Part 7884.0240, subp. 8.
   Page 122, line 1. Part 7890.0110, subp. 1.
   Page 142, line 11. Part 7897.0170, subp. 7.

The changes made in the foregoing provisions merely reflect clerical, grammatical or typographical revisions, or otherwise delete unnecessary or redundant language.

2. **Page 18, lines 18-23. Part 7873.0100, subp. 2, item B.**

As originally drafted, this paragraph arguably allowed the MRC unbridled discretion on whether to conduct a public hearing on a race track's request to establish certain pari-mutuel pools. In order to avoid the potential abuse of that discretion the entire paragraph is being deleted.

Further, as originally drafted the procedures for considering and approving pari-mutuel pools was modeled after the procedures used for establishing racing days (proposed Minn. Rules chapter 7872). Whereas, there clearly is a legitimate purpose served in conducting a public hearing on proposed racing days, such a hearing is unnecessary and, perhaps, useless when considering the complex technical nature of pari-mutuel pools.

3. **Page 18, lines 24, 29, 34 and 36; page 19, line 4. Part 7873.0100, subp. 2, items B through F (new).**

These paragraphs are merely being relettered.

4. **Page 30, lines 23-25. Part 7873.0190, subp. 10.**

The deletion of the phrase "each day to be official" and the addition of the new language merely corrects a clerical error by clarifying when information relative to a pick six betting pool may be disseminated.

5. **Page 31, line 22. Part 7873.0300, subp. 1.**

As originally drafted, the MRC would have unintended discretion as to whether to approve simulcast wagering arrangements at Minnesota race tracks. By substituting the word "shall" for "may", the MRC is making it clear that -- assuming the requirements of this part are met -- the Commission will approve requests for permission to simulcast out-of-state races.

6. **Page 31, line 35. Part 7873.0300, subp. 2.**

Deletion of the phrase "pursuant to" and substitution of the phase "as defined by" is a grammatical change.

7. **Page 32, line 1. Part 7873.0300, subp. 2.**

Substitution of "240.01" for "240.14" is a clerical change to correct an improper statutory reference. Minn. Stat. §240.14 (1984) establishes the procedure for assigning racing days, whereas section 240.01 defines "racing day". In the context of this particular rule, the reference to the definitions section (§240.01) is more appropriate.

In addition, as originally drafted the reference was to subdivision 10 of Minn. Stat. §240.14. Since that statutory section does not have a subdivision 10, the substitution of "240.01" merely corrects a clerical error.

8. **Page 36, lines 18-19. Part 7875.0200, subp. 9.**

New language has been added to make it clear that the restrictions contained in this particular rule on external communications from a race track to an outside party are not intended to apply to the telephone account wagering system authorized and addressed elsewhere in these rules (part 7873.0400).

9. **Page 44, lines 19-20. Part 7877.0125, subp. 1.**

The phrase "except an individual owner's license," has been added to allow race horses to be owned by children less than 14 years of age. Such a practice is not uncommon and this change merely allows Minnesota to conform to industry-wide standards. Another provision of these rules (part 7877.0130) currently recognizes that a horse owner may be younger than 18 and, in such cases, requires parental or guardian consent.

(Note: This revision was originally adopted by the MRC at its March 8, 1985 meeting and a formal resolution to that effect was passed at that meeting. This finding was inadvertantly omitted from the original Findings of Fact and Conclusions that were submitted to the Attorney General on April 15, 1985.)

10. **Page 45, line 32; page 46, line 4. Part 7877.0130, subp. 2, items C and D.**

Deletion of "subpart 2" corrects a clerical error since Minn. Rule part 7870.0030 does not have subparts.

11. **Page 46, lines 1-2. Part 7877.0130, subp. 2, item C.**

Addition of the phrase "distribution of the" is a clerical change. This phrase was inadvertantly omitted from the draft of this rule as originally printed.

12. **Page 48, lines 22-24. Part 7877.0130, subp. 6, item B.**

By deleting the original language and substituting therefor the phrase "under the observation of the stewards", the MRC is conforming the stewards' authority to that of the starter (lines 20-22) when determining whether an exercise rider is qualified for an apprentice jockey's license. As such, the revision reduces the possibility for abusing subjective discretion when deciding an applicant's qualifications.

13. **Page 49, line 1. Part 7877.0130, subp. 6, item F.**

The change from item "B" to item "A" merely corrects a clerical error in a citation.

14. **Page 54, line 3. Part 7877.0155, item E (1).**

By striking "or Class" the MRC is deleting unnecessary language. By adding the comma and "or D" the MRC is correcting an inadvertant omission and making it clear that this provision applies equally to Class D (county fair) employees and agents.

15. **Page 65, line 32. Part 7877.0175, subp. 1, item F.**

The new language clarifies that the reference to "condition books" is to the publications that are issued and maintained by the race track (association).

16. **Page 79, line 26. Part 7877.0130, subp. 2.**

By inserting "must" in lieu of "may", the MRC is making it clear that if an applicant for a security officer's license already holds a POST Board license (or is eligible to hold a POST Board license), he/she will not need to be retrained on the basic course subjects listed in the previous subpart.

17. **Page 81, lines 1-2. Part 7877.0150, subp. 2.**

By striking previous language and inserting in lieu thereof the phrase "association where he or she is employed" the MRC is conforming the language used in this provision to that contained elsewhere in the rules.

18. **Page 86, lines 11, 17 and 20. Part 7883.0100, subp. 16, items A-C.**

By striking the phrase "satisfactory to the stewards" in each of these paragraphs, the MRC is reducing the possibility of subjective determinations being made by the stewards.

19. **Page 116, lines 23-24. Part 7884.0240, subp. 6.**

The new language merely references a previous provision of the rules ("Part 7875.0200, subp. 4") and clarifies that the mobile starting gate used for harness races must comply with the design specifications set forth in the earlier rule.

20. **Page 124, lines 28-29. Part 7891.0110, subp. 2.**

By substituting "shall" in lieu of "should" the MRC is making it clear that, provided prevailing circumstances permit, both blood and urine samples are to be obtained prior to euthanasing a race horse.

21. **Pages 126, lines 34-36; page 127, lines 1-3. Part 7892.0130, subp. 1 (old).**

As originally drafted, this paragraph would have required the MRC's official laboratory to meet certain standards and procedures established by the NASRC. Because of concern that such a requirement may improperly rely on standards set by an outside third party, the MRC is withdrawing such a requirement from these rules.

22. **Page 127, lines 4 and 8; page 128, lines 12 and 35. Part 7892.0130, subps. 2 - 4 (new).**

These subparts are merely being renumbered.

C. Based on the foregoing considerations, it is determined that the additional modifications that have been made do not result in any substantial changes to the proposed rules as originally published.

It is further concluded that all proper rulemaking procedures were met in compliance with applicable State statutes and rules.

Respectfully submitted,

Dated: May 3, 1985

RAY ELIOT, Chair
MINNESOTA RACING COMMISSION

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

In the Matter of the Proposed Rules Governing Strikes and Lockouts, Contract Approval, Assignment of Racing Days, Pari-Mutuel Pools, Facilities and Equipment, Stabling, Class C Licenses, Security Officers, Thoroughbred and Quarter Horse Races, Harness Races, Horse Medication, Racing Soundness Exams, Medical Testing, Breeders Fund, Prohibited Acts, Disciplinary and Appeal Procedures, and All Other Aspects of Pari-Mutuel Horse Racing.

STATEMENT OF NEED AND REASONABLENESS

GENERAL

The Number 1, 2 and 3 commandments of citizens and the Minnesota Legislature to the Minnesota Racing Commission in approval of pari-mutuel horseracing in our state clearly were integrity, integrity and integrity again.

Minn. Laws 1983 ch. 214 §§2 and 3, codified as Minn. Stat. §§240.02 and 240.03, created the Racing Commission and empowered it to:

(1) Regulate horse racing in Minnesota to ensure that it is conducted in the public interest;

(2) Supervise the conduct of pari-mutuel betting on horse races;

(3) Take all necessary steps to ensure the integrity of racing in Minnesota; and

(4) Conduct necessary investigations and inquiries and compel the submission of information, documents and records it deems necessary.

License and disciplinary provisions of Minn. Stat. ch. 240 repeatedly refer to protection of the "integrity of racing," the "public interest" and "public health, welfare or safety." See, for example, Minn. Stat. §§240.06 subds. 4 and 7; 240.07 subds. 3 and 6; 240.08 subds., 1, 4 and 5; and 240.09 subds. 4 and 6.

Minn. Stat. §240.27 subd. 1 authorizes the Commission to exclude from racetracks persons who have been convicted of a felony, disciplined or denied a license by a racing authority or who are threats to the integrity of horse racing. Minn. Stat. §240.27 subd. 5 authorizes a racetrack to eject or exclude any person who is a threat to racing integrity or public safety.

Minn. Stat. §240.28 subd. 2 authorizes the Commission to restrict betting by licensees to protect the integrity of racing.

The licensing provisions of chapter 240 mandate disclosure of detailed financial, character and competence information. This data is necessary to a determination whether the integrity of racing is protected in a grant of a license. See, for example, Minn. Stat. §§240.06 subds. 1 and 6; 240.07 subds. 1 and 5; and 240.08 subd. 2.

Statutory licensing provisions also mandate an investigation of the background and finances of an applicant. Minn. Stat. §§240.06 subd. 3; 240.07 subd. 2 and 240.08 subd. 3.

Every licensee must consent to having his property or person subject to inspection at any time. Minn. Stat. §240.05 subd. 2. The Commission may inspect a racetrack and examine books and records at any time without a warrant. Minn. Stat. §240.21.

Many practices that would subvert the integrity of racing are prohibited by Minn. Stat. §240.25. Minn. Stat. §240.28 forbids commissioners and employees to have conflicts of interest and forbids those persons and stewards to bet.

Criminal penalties and fines are provided for violations of chapter 240 and rules promulgated thereunder.

The horseracing statute mandates or authorizes the Commission to adopt rules on a wide variety of issues. Minn. Stat. §240.23 authorizes rules on any aspect of horseracing or pari-mutuel betting which in its opinion affects the integrity of racing or public health, welfare or safety.

Minn. Stat. §240.05 subd. 3 provides that the Commission is not required to issue any license. Licenses may not be transferred. Minn. Stat. §240.11.

The statutory provisions authorize or mandate the Commission to promulgate rules to protect the integrity of pari-mutuel horseracing as well as the public interest and public health, welfare and safety.

Repeated references in statute to "integrity" in pari-mutuel betting and horseracing, "public interest" and "public health, welfare or safety" reflect a legislative intent and public sentiment that the Commission act to ensure the financial strength, good character and competence of individuals and organizations who construct, own and operate pari-mutuel horse-racing facilities; sponsor and manage races; officiate; participate; or provide goods and services to a racetrack. The Commission also must act to ensure the high quality of facilities, equipment, personnel and systems for patrons, other humans and animals.

Success will serve the public interest by contributing to the image of Minnesota and providing jobs for our people, revenues for the state treasury and recreational, sports and entertainment opportunities.

The Commission has worked hard to meet its responsibility as it strives for inauguration of pari-mutuel horseracing in Minnesota in early summer 1985.

The agency published a Notice of Intent to Solicit Outside Opinion Regarding Proposed Rules Governing Pari-Mutuel Horse Racing in Minnesota in the State Register on September 12, 1983. 8 S.R. 482. The Commission at that time noticed two Public Meetings to Hear Statements of Information and Comment Prior to Drafting Rules. 8 S.R. 482. The Commission retained a rulemaking consultant in September 1983.

The consultant solicited rules recommendations and obtained copies of pari-mutuel betting and horseracing statutes, rules, uniform rules, standards, policies, forms and procedures from government regulators throughout the United States and Canada as well as individuals and organizations participating in the horse and racing industries in Minnesota and the nation.

The Commission and its Rules Committee invited interested parties to participate in rule drafting sessions and to comment. As a result, many regulators, private individuals and organizations made contributions to the substance and form of rules.

In November 1983 the Commission proposed rules governing applications for Class A and B licenses, setting minimum standards for development of pari-mutuel horseracing facilities and providing for Commission approval of contracts and subcontracts. The rules were adopted in February 1984. Class A and B licenses were granted in March 1984 for construction and operation of Canterbury Downs in Shakopee. Commencement of racing is expected June 29, 1985.

After the licensing decision, the Commission and Rules Committee resumed consideration of rules to govern the development of pari-mutuel horseracing facilities and conduct of races.

The Commission Rules Committee met in working session approximately every two weeks to consider the remaining rules necessary to commencement of racing. Once more, many individuals and organizations accepted the invitation of the Commission to participate in Rules Committee sessions. Representatives of the Class A and B licensee in Minnesota participated in almost every session. Commission consultants Joseph O'Dea, New York, veterinarian and the former chairman of the National Association of Racing Commissioners, and David Hooper, Illinois, former executive secretary of the Illinois Racing Commission, provided information and opinion to the Commission. The Commission solicited and received expert opinion with regard to horseracing medication, security, veterinary science and other substantive issues. Representatives of thoroughbred, standardbred, quarter horse, human rights, jockey, veterinary, security, labor, humane society, law enforcement and other national and state organizations participated. Potential licensees attended. The minutes of Commission and Rules Committee meetings, writings submitted to the Commission, tape recordings and transcripts of testimony as well as periodicals considered by the Commission are available for inspection and copying in the Commission office, Room 400, United Labor Center, 312 Central Avenue, Minneapolis, Minnesota 55414, (612)341-7555, and will entered into the record of this proceeding.

Drafts of rules were circulated to interested persons prior to Rules Committee or Commission action. The press also reported Commission and Rules Committee deliberations.

David Freeman, who has expertise and long experience in literally every aspect of pari-mutuel horseracing, joined the Commission in summer 1984 as assistant executive secretary. The Rules Committee and Commission also received advice and counsel from the Minnesota Bureau of Criminal Apprehension, Attorney General and its rulemaking consultant.

The rules now proposed are the result of this open, informative, analytical and deliberative process. Copies have been distributed to all persons the Commission has reason to believe may be interested.

The Commission discovered that pari-mutuel horseracing is one of the most closely regulated businesses in the United States in order to ensure integrity and protection of the public interest and safety, health and welfare. As the Commission moved from consideration of Class A and B license rules to racetrack development issues and ultimately to conduct of races, detail and

similarity among statutes and rules of other jurisdictions in the United States and Canada, model and uniform rules, standards, policies, forms and procedures increased.

These precedents also are available for inspection and copying and will be entered into the record.

The Commission relied especially on statutes and rules of California, because they recently were revised; Illinois, in view of the fact they are most comprehensive and in the process of revision; Nebraska, because it is a state similar to Minnesota in many respects; Canada, since it regulates medical testing, facilities and equipment with more specificity than jurisdictions in the United States; New York and New Jersey, because the statutes and rules of those states are respected by regulators, horsemen and track operators; Colorado; and New Mexico.

The Commission adhered to the rules of the U.S. Trotting Association and American Quarter Horse Association, because those organizations will not sanction race meetings unless held in compliance with their rules. Lack of sanction discourages participation by horsemen. Performances in unsanctioned meetings are not entered on the record of a horse, and the value of the horse falls as a result. The Commission also looked to rules of the National Association of Racing Commissioners and Jockey Club of New York as the models they are.

The Commission sought consistency with the regulations of other states. Familiarity, absence of new obstacles or burdens and opportunity to maintain a routine encourage horsemen to participate in race meetings in new jurisdictions. Attraction of a sufficient quantity of high quality horses means crowds and pari-mutuel handle.

The Minnesota Racing Commission submits that the above-captioned proposed rules are necessary to the integrity of pari-mutuel betting and horseracing in our state, to the public interest and to public safety, health and welfare. They are necessary to ensure the financial health, good character and competence of individuals and organizations who construct, own and operate pari-mutuel horseracing facilities, sponsor and manage races, officiate, participate and provide goods and services to racetracks and to ensure high quality in facilities, equipment, personnel and systems for patrons, other humans and animals. Financial, sports, entertainment and recreational success will result. State revenues will grow.

The proposed rules also are necessary so that persons affected can know the nature of the business they seek to enter, the procedures and criteria for entry. The rules are necessary to intelligent effort to join the activity.

The Racing Commission believes the proposed rules are reasonable, because they generally are customary in pari-mutuel betting and horseracing. The burdens are not undue. Compliance has been obtained in other jurisdictions, entry and participation in the horse and racing industries has not been deterred and industry has prospered while meeting the highest standards.

The Commission, committed to a policy of avoiding over-regulation, deliberately eliminated rules provisions of other jurisdictions from the proposed Minnesota rules whenever the Commission believed the out-of-state rules did not contribute to the integrity of racing, public interest or public health, safety or welfare.

Statutory authority, necessity and reasonableness of specific rules is shown below.

STRIKES AND LOCKOUTS

Minn. Rule 7870.0439 requires a no-strike, no-lockout agreement with the statewide labor organization representing the largest number of construction workers in Minnesota during construction of a racetrack. At present the AFL-CIO is that labor organization.

The rule ensures that a horseracing facility will be completed on time, within budget and without labor-management strife. That, in turn, contributes to financial success, ensures integrity, serves the public interest and protects safety, health and welfare. Specification of the largest construction labor organization ensures legitimacy and minimizes the possibility of strife between labor organizations.

The Commission is mandated to approve contracts entered into by a licensee. Minn. Stat. §240.19; Minn. Rules 7870.0500. No-strike, no-lockout agreements are typically included in construction contracts, particularly for construction of facilities affecting the public interest.

The proposed rule is reasonable, because many other construction contracts, including Hubert Humphrey Metrodome construction contracts, have contained similar no-strike, no-lockout agreements. They have been performed successfully.

CONTRACT APPROVAL

Rule 7870.0500. Minnesota law presently provides that the Commission must approve contracts and subcontracts for goods

and services in connection with Class A, B or D licenses. Minn. Stat. §240.19; Minn. Rules 7870.0500. Subcontract approval is necessary to prevent circumvention of the contract approval requirement. The statute and existing rule mandate approval of all contracts; there is no distinction between contracts for development and post-construction agreements.

Every contract and subcontract must include an affirmative action plan establishing goals and timetables consistent with Minn. Stat. ch. 363. Minn. Stat. §240.19; Minn. Rules 7870.0500. See, Minn. Stat. §§363.073-363.075; proposed Minn. Rules 5000.3400-5000.3600, specifically 5000.3460 and 5000.3520. 9 S.R. 1307-1330, December 10, 1984.

1. Coverage and Effect.

The proposed amendment to 7870.0500 subpart 1 ensures that renewals and extensions of contracts do not escape approval and clarifies the consequences of failure to obtain approval.

2. Disclosure and Criteria

Proposed amendment to 7870.0500 requires in subpart 2 disclosure of owners, understandings with regard to performance of a contract or subcontract, recent contracts and financial claims against the contractor or subcontractor. Disclosure is mandated only with regard to contracts and subcontracts larger than $50,000 or longer than 30 days. Only 5 percent owners must be disclosed, along with owners of more than 10 percent of non-individual owners of 25 or more percent of a contractor or subcontractor.

Subpart 3 sets out criteria for approval. The Commission must approve a contract or subcontract if it determines that approval will not adversely affect racing or the public interest, is in accordance with applicable laws and rules and will not adversely affect public health, safety and welfare. In making that determination, the commission must consider competence, experience, reputation, record of law abidance and financial responsibility.

The information required to be disclosed is necessary to a determination whether a contract or subcontract that test. The financial strength, character and competence of a contractor or subcontractor can be determined with certainty only if the information is obtained.

Any contractor or subcontractor, because of its association with pari-mutuel horseracing, is in a position to harm the credibility of that industry if citizens discover that the contractor or subcontractor is incompetent, financially weak or

of poor character. The credibility of pari-mutuel horseracing is fragile due to scandals in its history. Every effort must be made to ensure a "clean" image for all connected with the industry.

Contractors and subcontractors who are incompetent, financially weak or of poor character may provide inferior goods or services. In addition, they may seek to influence pari-mutuel horseracing through extension of credit or otherwise if a licensee is unable to perform its contract.

Contractors or subcontractors who are incompetent, financially weak or of poor character are susceptible to influence by criminals who would seek to infiltrate pari-mutuel horseracing through them.

It should be noted that the Legislature was so concerned over the integrity of persons participating in pari-mutuel horseracing that it mandated the Commission prescribe by rule such restrictions on betting by its licensees as it deems necessary to protect the integrity of racing. Minn. Stat. §240.28 subd. 2.

The criteria in the rule not only protect the integrity of racing, public interest, public health, safety and welfare; they also are necessary to limit the Commission's discretion and inform contractors and subcontractors so that they know the nature of the business they seek to enter, the procedures and criteria for entry.

The rule is reasonable, because other states require disclosures by those who provide goods or services to racetracks. The providers are able to comply and are not unduly burdened. Pari-mutuel horseracing flourishes. Illinois requires concessionaires applying for occupational licenses to disclose owners of 5 percent or more of the applicant and persons extending credit to the applicant for more than a year or in excess of $10,000 for 30 days to a year. Illinois Rules B2.09. The requirement does not distinguish between owners or creditors who work on the premises of a racetrack and those who do not. Illinois also requires disclosure of owners of 10 percent or more of any corporation which owns 25 percent or more of a concessionaire. Changes in substantial owners or creditors also must be disclosed. Illinois Rule B2.10.

Although the potential evils outlined above apply to all contracts and subcontracts regardless of size, the proposed rule reasonably does not require disclosure if a contract or subcontract is $50,000 or smaller or of 30 days or less duration.

Canterbury Downs has complied with the proposed rule in development of its facility, and construction of the racetrack is meeting an accelerated schedule.

3. Recission

Subpart 4 allows the Commission to rescind approval of a contract or subcontract for the same reasons it may deny approval.

4. Affirmative Action

Subparts 5 to 7 require Class A and B licensees, to the extent feasible, to establish goals to assist in providing economic opportunities for racial minorities, women and disabled persons. The goals must relate to construction subcontracts/ material suppliers; on-site construction jobs; post-construction workforce; post-construction vendors, suppliers and other contracts; and equity ownership.

"Feasible" is a term with a clear meaning in the community and law. It means "capable of being successfully done or accomplished." Hillock v. Bailey, 223 A.2d 426, 434 (Maine Sup. Ct. 1966)

The rule sets minimum goals, if feasible, for racial minorities and women and mandates reasonable goals, if feasible, for disabled persons.

If establishment of goals is feasible for racial minorities and women with regard to post-construction workforce and vendor, supplier and other contracts, Class A and B licensees must make a good faith effort to achieve the goals within two years of commencement of racing or completion of construction, respectively. Subparts 5 to 9 should not, indeed cannot, be construed to establish or require affirmative action quotas. Regents of the University of California v. Bakke, 438 U.S. 265 (1978); Fullilove v. Klutznick, 448 U.S. 448 (1980); Manufactured Housing Institute v. Pettersen, 347 N.W.2d 238 (Minn. Sup. Ct. 1984).

"Good faith" is a term with clear meaning in the community and law. It is honest intent rather than diligence or an absence of negligence. Eldon's Super Fresh Stores v. Merrill Lynch, 296 Minn. 130, 136, 207 N.W.2d 282, 287 (1973). It is subjective. Proposed rules of the Minnesota Department of Human Rights would define a "good faith effort" as "a reasonable effort" to comply with goals, proposed Minn. Rule 5000.3400 subpart 14, and specify factors to be considered in determination of whether compliance efforts meet a good faith test, proposed

Minn. Rule 5000.3570 subparts 1 to 4. 9 S.R. 1308, 1325, December 10, 1984.

Subpart 8 requires licensees to report semi-annually on compliance with the economic opportunity provisions of subparts 5 to 7. Subpart 9 provides definitions.

Enforcement of subparts 5 to 7 is left to general enforcement provisions of statute and rule. The approval and recission sanctions of subparts 1 and 4 apply only to subparts 1 to 4.

Chapter 240 contains many broad grants of rulemaking authority to the Commission. Minn. Stat. §240.03, in part, allows the Commission to regulate horseracing in Minnesota to ensure it is conducted in the public interest and take all necessary steps to ensure the integrity of racing in our state. Additionally, Minn. Stat. §240.23 grants the Commission authority to adopt rules governing any "aspect of horseracing or pari-mutuel betting which in its opinion affects the integrity of racing or the public health, welfare or safety."

Subparts 5 to 9 are necessary to the integrity of pari-mutuel horseracing.

Minnesota has a proud tradition as an open society which offers equal opportunity to a full life, encourages participation of all citizens in the economic activity of our state and protects civil and human rights. A job and ownership of an interest in Minnesota's economic future are key to this open society. This tradition is especially strong in projects and activity with a public dimension, such as a pari-mutuel racetrack. The Commission, in recognition of this tradition, established an Affirmative Action Committee and solicited the participation of all segments of the community in deliberations which led to the proposed rule. It is in the public interest and necessary to the integrity of pari-mutuel horseracing that participants in that activity make strong affirmative action efforts.

Further, it is necessary to the integrity of pari-mutuel horseracing that it be financially successful. To be successful, its image must be wholesome entertainment, recreation and sport. Unfortunately, the image of racing in some jurisdictions is as an unsavory activity. Strong affirmative action effort will contribute to a positive image of racing and, in turn, to the financial success of pari-mutuel horseracing. Success ensures integrity.

Racing is viewed as an activity for and dominated by a white, male majority. To the extent an affirmative action effort is made, all Minnesota citizens will participate in racing as

patrons and bettors. That will contribute to financial success and integrity.

The affirmative action rule is reasonable because affirmative action plans are common in projects and activities of public concern. The proposed rule mandates goals only to the extent feasible. It requires good faith efforts to comply. It sets no quotas.

Further, all racial minority percentages in the rule are contained in a pact entered into by Canterbury Downs.

Canterbury Downs and representatives of protected classes participated fully in deliberations of the Commission Affirmative Action Committee concerning this rule.

DEFINITIONS

7869.100. Pari-mutuel horseracing literally has a language of its own. Many terms are not commonly used in communication among Minnesotans. See, for example, "morning line," "lapped on break" or "nerved." Some terms are commonly used but have different meanings when used in racing. See, for example, "scratch," "maiden" or "association."

Definitions of racing terms are essential to an understanding of these proposed rules by citizens who participate in racing as patrons and bettors. In fact, they are necessary to understanding of the rules by some members of the horse and racing industries.

Definitions are necessary, in part, because pari-mutuel horseracing is new in Minnesota. The definitions are reasonable because they are used in pari-mutuel horseracing throughout the United States and Canada.

ASSIGNMENT OF RACING DAYS

7872.0100 and 7872.0110. These proposed rules provide procedures for requests, assignments, revision and recission of racing days. 7872.0100. They also provide criteria for commission decisions with regard to assignment. 7872.0110.

The rules are necessary, because Minn. Stat. §240.14 mandates the Commission to assign racing days to each pari-mutuel horseracing facility. "Racing day" is defined as a day assigned by the Commission for racing and in which racing is conducted. Minn. Stat. §240.01 subd. 10.

The statute provides the Commission may assign racing days for up to three years. Minn. Stat. §240.14 subd. 1. Assignments must be made by July 1 of the previous year, except days may be assigned after that date if a license is issued after that date. The Commission must hold a public hearing before assigning or revising an assignment of racing days. Minn. Stat. §240.14 subd. 2. The commission may assign another racing day to a licensee for each day during a race meeting on which racing is not held for reasons beyond the control of the licensee.

The Commission may, after a public hearing, rescind racing days if it determines a licensee has not met or will not meet the terms of its license. Minn. Stat. §240.14 subd. 4. The Commission may reassign a rescinded racing day. The Commission may assign to a county fair Class D licensee only 10 racing days, and the days must coincide with the 10 calendar days on which the county fair is running or the weekend preceding or following.

The criteria of part 7872.0110 subpart 2 are necessary to deny the Commission impermissable discretion and inform racetracks of the bases for assignment of the racing days they need to conduct business successfully.

Assignment of racing days protects the economic vitality and, as a result, the integrity of pari-mutuel horseracing by preventing over-exposure of racing and harmful competition among facilities.

The rules are reasonable, because they are similar to procedures and criteria for assignment of racing days in other jurisdictions. See, for example, Nebraska Rule 2(5). Pari-mutuel horseracing is conducted in those jurisdictions successfully without undue burden on operators.

The procedures for request, assignment, revision and recission of racing days are similar to those for variances of the Minnesota Capital Area Board. Minn. Rules 2400.1500-2400.1520.

PARI-MUTUEL WAGERING

7873.0100-7873.0400. These proposed rules govern betting at pari-mutuel horseracing facilities.

Part 7873.0100 establishes procedures for request and approval of pari-mutuel pools. Part 78733.0100 subparts 1 and 2 provide criteria for approval, and subpart 3 prohibits any pool which requires a bettor to select more than two horses in a race. Part 7873.0120 provides for distribution of pools when various unusual situations, such as dead heats and failure of horses to finish races, occur. Part 7873.0130 provides for distribution of

pools when horses are prevented from starting a race by failure of doors in front of a horse or an electronically operated starting gate. Part 7873.0140 provides for distribution of pools when horses fail to start, and part 7873.0140 for distribution in the event horses are scratched, withdrawn or dismissed.

Parts 7873.0160 to 7873.0190 provide definitions and specific standards for operation of the types of multiple pari-mutuel pools allowed in Minnesota; namely, daily double, quinella, perfecta or exacta and pick six.

Part 7873.0200 specifies the effect of posting of an "official" sign on pari-mutuel payoffs. Part 7873.0210 provides for consequences of loss of a pari-mutuel ticket, 7872.0220 for altered or multilated tickets, 7873.0230 for an information window, 7873.0240 for tip sheets, 7873.0300 procedures and criteria for approval of simulcasts as well as procedures for operation and 7873.0400 procedures for approval of telephone account betting and operating procedures.

Minn. Stat. §240.13 provides that Class B and D licensees may conduct pari-mutuel betting and mandates the Commission to regulate it.

The licensees must provide equipment for issuing pari-mutuel tickets and displaying pari-mutuel information. Minn. Stat. §240.13 subd. 2. Licensees must deduct 17 percent from straight pari-mutuel pools and 23 percent from multiple pools. Minn. Stat. 240.13 subd. 4. Breakage must be computed on the basis of payoffs rounded down to the next lowest increment of 20 cents, with a minimum payoff of $2.20 on a $2.00 ticket except that a licensee may reduce the minimum payoff to $2.10 if there is not enough money in a pool to pay $2.20.

Licensee must deduct 5 percent from all pari-mutuel pools to use for purses. Minn. Stat. §240.13 subd. 5. A licensee must pay off on uncashed pari-mutuel tickets presented for payment within 90 days of the end of a race meeting and report unredeemed tickets to the Commission. Minn. Stat. §240.13 subd. 7. A licensee may not accept a bet from any person younger than 18 nor accept a bet of less than $2.00. Minn. Stat. §240.13 subd. 8.

The statute mandates the Commission to designate by rule the types of pari-mutuel pools permitted, Minn. Stat. §240.13 subd. 3, and prescribe the manner of distribution of each type of pool, Minn. Stat. §240.13 subd. 4.

Proposed parts 7873.0100 and 7873.0110 establish procedures for request and approval of pari-mutuel pools and criteria for approval. The rules are patterned after parts

7872.100 and 782.0110. They are necessary and reasonable for the same reasons.

Part 7873.0110 subpart 3 prohibits pari-mutuel pools that require a bettor to select more than two horses in a race. The prohibition rests on the Commission's concern for honesty in racing. The type of pool prohibited, as a practical matter, is the so-called trifecta. Scandals involving trifectas have rocked racing during the past 10 years.

Consultant David Hooper urged the Commission to "go slow" on approval of exotic pari-mutuel pools. Not only have most recent scandals in racing involved trifectas, Hooper testified, but also trifectas are "sucker bets" attractive to new bettors such as many Minnesotans will be during the first few years of racing in our state. Hooper also cautioned that it will be easier to add trifectas to Minnesota's betting fare in the future than later eliminate trifectas if approved now. Operators become dependent upon the betting handle generated by trifectas and oppose their elimination. Hooper added that trifectas will hurt development of the "pick six" pool. The pick six flourishes in California, which does not allow trifectas. In states that allow trifectas, the pick six has never taken hold among bettors.

The reason trifecta scandals have occurred is two-fold. Because of the odds against correctly selecting the order of finish of three horses in the same race, trifectas payoffs can be very large. At the same time a person attempting to "fix" a trifecta need only tamper with a single race and a few horses in that race. It is relatively easy to fix trifectas.

Parts 7873.0120 to 7873.0230 carry out the mandate of Minn. Stat. §240.13 subd. 4 that the Commission prescribe the manner of distribution of pari-mutuel pools. The rules are necessary to that prescription. Rules for distribution are the same in every jurisdiction, and Minnesota joins the roll of jurisdictions with these rules. Pick six regulation does vary somewhat among jurisdictions with regard to three issues. First, how often should the pick six betting pool be paid out -- only when a bettor accurately selects the winners of six races on a day's racing program or every day, weekly or at the end of a year's race meeting to bettors who pick the most winners on a specified day? Second, should the entire pick six pool be paid to a winning bettor, or should a portion of the pool be paid to bettors who selected the next greatest number of winning horses? Third, should pick six bettors who select a horse which does not start a race be placed in a consolidation pool to be paid to the bettor in the pool who selects the most winners?

The proposed pick six rule, part 7873.0190, provides that a pick six pool be paid out to bettors who select the most

winners on the last day of a meeting if no bettor picks all six winners before that day. Subpart 5 item C. The Commission feels that will allow a pick six pool to grow to an amount, conceivably millions of dollars, which will excite spectator and, more important, bettor interest. The rule also provides that if no bettor selects six winners on a day's program, 75 percent of the pick six pool is carried over to the next day, but 25 percent is paid out to bettors who selected the most winners that day. Subpart 5 item B.

The proposed rule provides that when a bettor accurately selects six winners, or the most winners the last day of a meeting, 100 percent of the pick six pool is paid to that bettor. Item A.

Last, the rule provides that if a pick six bettor selects a horse which does not start a race, the favorite in that race is assigned to the bettor as his selection in the race for pick six purposes. Subpart 7. The Commission felt creation of another pool for those pick six bettors who select non-starters would make the pick six too complex to be enjoyed by spectators or bettors, especially when pari-mutuel horse racing is new in Minnesota.

Minn. Stat. §240.23 specifically empowers the Commission to promulgate rules governing information sold on the premises of a racetrack. The statutory provision reflects the harm that can and has resulted to the integrity of racing from sales of inaccurate information. The Commission proposes part 7873.0240 regarding tip sheets as a result.

Subpart 1 requires at least two tip sheets at a track as a check on each other and to provide competition and spectator choice. It also requires delivery of each sheet to a Commission representative at least an hour before post time of the first race every day. Subpart 2 requires display of the previous day's tip sheet and outcome in the grandstand. Subpart 3 requires sellers of tip sheets to obtain vendors' licenses.

The rule is necessary to protect the integrity of racing and reasonable because it is in effect in other jurisdictions without causing problems.

Minn. Stat. §240.13 subd. 6 authorizes the Commission to approve simulcasts of horse races held in other states to the premises of a Minnesota racetrack and pari-mutuel betting at the Minnesota track on those races. Provisions of Minnesota law governing pari-mutuel horseracing apply. Televised races must occur on an assigned racing day. Money bet at the Minnesota track must not be commingled with any pool off the premises. The licensee may pay a fee to the person conducting the race and

costs of transmission. The takeout and taxes are as provided for other pools. Televised races must comply with the U.S. Interstate Horse Racing Act.

Part 7873.0300 regulates simulcast wagering. The rule provides a procedure for requesting approval of simulcasts. It requires an agreement signed by the two racetracks and two horsemen's organizations involved.

The rule is necessary to satisfy the desires of citizens for sport, entertainment, recreation and pari-mutuel betting. It is necessary to the financial success of licensees and, as a result, the integrity of racing. It is necessary to jobs and state revenues. The rule is reasonable because it is in effect successfully in other jurisdictions.

Minn. Stat. §240.13 subds. 3 and 4 mandate the Commission to regulate the types of allowable pari-mutuel betting and distribution of pools. The Commission proposes to allow telephone account wagering under part 7873.0400. Subpart 1 sets out the procedure for a request by a licensee to provide telephone account wagering and criteria for Commission approval. Subpart 2 requires an "800" phone system, recording of all telephone account bets, occupational licenses for all licensee employees receiving telephone wagers and a totalizator capable of recording such wagers. Subpart 3 requires telephone bettors to be 18 and prove their age, mandates deposit of at least $100 with the track and use of a code number and name, establishes minimum content of a telephone wagering transaction, prescribes accounting procedure; and limits information a bettor may receive during race hours. Subpart 4 requires weekly reports to the Commission with regard to telephone betting, and subpart 5 mandates compliance with federal and state laws and applicable Commission rules.

The Commission concluded that telephone account betting is necessary to make participating in pari-mutuel betting on horse races possible for citizens who cannot attend races. It also will contribute to the pari-mutuel handle and, as a result, financial strength of tracks and integrity of racing.

The rule is reasonable, because it is in place elsewhere without difficulty.

FACILITIES AND EQUIPMENT

7875.0100 and 7875.0200. High quality facilities and equipment are necessary to the financial success; public health, safety and welfare; public interest; and integrity of pari-mutuel horseracing.

Further, all facilities and equipment needed for conduct of pari-mutuel horseracing must be provided. The facilities and equipment must possess capabilities required to fulfill their functions.

Minn. Stat. §240.23 authorizes the Commission to regulate by rule the safety, security and sanitation of stabling.

Part 7875.0100 subpart 1 specifies facilities required at a racetrack. Subpart 2 requires adequate maintenance of a racing facility. Subpart 3 mandates submission of governmental inspection reports to the Commission, and subpart 4 requires submission of engineering and veterinarian approvals of the construction, elevation and composition of racing and training surfaces. Subpart 5 provides for distance poles to be customary colors.

Approvals of racing and training surfaces are especially important when a single surface is used for both thoroughbred/quarter horse racing and harness racing. The surface for the former must be soft and banked; the latter is hard and flat. Proper conversion of a track surface from one use to the other is difficult.

The rule is reasonable. It is consistent with regulation in other jurisdictions.

Part 7875.0200 specifies equipment required at a pari-mutuel horseracing facility and sets minimum capabilities of equipment. Subpart 1 specifies equipment required.

Subpart 2 sets minimum capabilities for totalizators, subpart 3 for internal communications, subpart 4 starting gates, subpart 5 photo-finish equipment, subpart 6 timing devices and subpart 7 film or videotape recordings of races. Subpart 8 requires preservation of race and finish recordings or photographs for 90 days after close of a meeting or until completion of legal proceedings, whichever is better.

This rule is reasonable because usual.

Minn. Stat. §240.23 authorizes the Commission to regulate wire transmissions between a racetrack and places outside the premises. It is essential to prevent communication of information with regard to horse races between persons inside and outside the track until after a race in order to prevent illegal betting and race tampering.

Part 7875.0200 subpart 9 generally prohibits external communications during races. The rule excepts press communications, conduct of ordinary business and communications approved

by the Commission or stewards into the race track. No information concerning the results of a race may be communicated externally until after the race, and no bet or thing of value shall be transmitted outside the racetrack premises. Instruments of communication, other than those designated for use by the Commission or approved by it, must be rendered inoperable 30 minutes before the first race of the day to the flashing of the "official" sign after the last race. A telephone line must be provided for the Commission.

The rule is necessary to prevent illegal activity. It is reasonable, because it permits communication by the press and in the ordinary course of business. It requires instruments of communication to be locked only during races. The rule is common.

STABLING

7876.0100 and 7876.0110. Minn. Stat. §240.23 authorizes the Commission to regulate stabling.

Part 7876.0100 provides procedures and criteria for allocation of stables at racetracks. It prohibits discrimination in allocation, gives the licensee broad discretion in allocation, permits consideration of previous misuse of property, gives a preference to Minnesota residents and requires records to be kept.

The rule is necessary to prevent discrimination in stable allocation. Such discrimination has occurred in other states. It is difficult to bring a horse to racing fitness if the horse is stabled in facilities inferior to those provided to competitors.

The rule is reasonable, because burdensome procedures for horsemen and track operators have been removed. Racing secretaries retain authority necessary to allocate stables in the best interest of racing and the meeting. The rule is in place elsewhere.

Part 7876.0110 allows use of off-track stabling. It requires tracks to provide temporary stabling, mandates that pre-race requirements of the Commission be met at the track and requires horses shipped to a track from off-site stabling to be at the track by scratch time.

The rule is necessary, because racetracks do not have enough stables for the number of horses required to fill a race meeting. Some horses perform better if stabled away from the track or stabled where they can swim. Some Minnesota citizens

will prefer to stable their horses at their farms to save money and for other reasons. Commercial off-track training centers will be developed. They will provide excellent stabling and training, and they will contribute to Minnesota's economy. The requirements of temporary stabling, on-track workouts and scratch time appearance protect racing.

The rule is reasonable because it does not impose licensing and inspection requirements. Other states permit off-track stabling. Some impose more burdens.

CLASS C OCCUPATIONAL LICENSES

7877.0100 to 7877.0185. Minn. Stat. §240.08 authorizes the Commission to issue Class C occupational licenses to persons who wish to be employed in pari-mutuel horse racing. Section 240.08 subdivision 1 specifies seven occupations to be licensed and empowers the Commission to license any others it "determines require licensing to ensure the integrity of horseracing" in Minnesota.

Subdivision 2 requires a license applicant to disclose information relating to financial responsibility and good character. Subdivision 3 mandates investigations of applicants and authorizes fingerprints. The subdivision authorizes examinations of the competence of an applicant in the occupation he seeks to practice. The Commission has access to all criminal history data of the Bureau of Criminal Apprehension on Class C applicants and licensees.

Subdivision 4 authorizes the Commission to issue a Class C license if it determines an applicant is qualified and will not adversely affect the public health, welfare, safety or integrity of racing. Licenses are effective for one year and are renewable.

Subdivision 5 provides for revocation of a Class C license for violation of law or rule which the Commission feels adversely affects the integrity of racing or for an intentional false statement in a license application.

Parts 7877.0100 to 7877.0185 implement section 240.08.

Part 7877.0100 subpart 1 provides that any person whose work is conducted in any part at a racetrack must obtain a Class C license. Subpart 2 establishes criteria for license approval; the criteria are the best interests of racing and absence of an adverse affect on public health, welfare or safety. The Commission will consider competence, good character and financial responsibility.

Part 7877.0110 prescribes application procedures and content.

Minn. Stat. §240.10 mandates that the Commission establish Class C license fees not to exceed $100. Part 7877.0120 subpart 1 establishes fees. Subpart 2 mandates fingerprints and sets a $12 charge for an FBI check of the prints. Subpart 3 establishes fees paid to jockeys in the absence of an agreement between the parties. Subpart 4 does the same for harness drivers' fees.

Part 7877.0125 provides criteria for determining eligibility for Class C licenses. Subpart 1 requires an applicant to be at least 14 unless another age is required by statute or rule. Class C licensees working near horses must be 16. Subpart 2 provides the burden of proof is on an applicant who has been disciplined in another jurisdiction to prove his fitness for a license. Subpart 3 requires an applicant to certify compliance with applicable tax, racing, affirmative action and workers' compensation statutes and rules.

Part 7877.0130 prescribes qualifications for some specific Class C licenses -- owners, trainers, assistant trainers, jockeys, apprentice jockeys, exercise riders, harness drivers, veterinarians, pony riders, stable foremen, jockey agents, authorized agents and bloodstock agents.

Part 7877.0135 prohibits the holding of multiple Class C licenses in situations of conflict.

Part 7877.0140 provides for temporary Class C licenses pending action on applications for permanent licenses. Part 7877.0145 provides for emergency licenses, and part 7877.0150 replacement licenses.

Part 7877.0155 establishes conditions precedent to license issue. By acceptance of a Class C license, a person consents to abide by Commission rules, rulings and decisions; provide information requested by the Commission or stewards; notify the Commission or stewards of attempted bribes or violations of horseracing and gambling laws and rules of which he has knowledge; submit to inspections and searches; provide a requested blood or urine sample if in a position of danger or if he endangers a horse or human; furnish additional fingerprints; and conduct himself in a manner not detrimental to the best interests of racing.

Part 7877.0160 provides for three-year licenses validated annually. Annual fees are required. Licensees must notify the Commission if they change employers.

Part 7877.0165 requires credentials. Class C licensees must wear the credentials.

Part 7877.0170 prescribes duties of some Class C licensees -- owners, trainers, jockeys and apprentice jockeys, drivers, pharmaceutical representatives and bloodstock agents.

Part 7877.0175 prescribes duties of Class C licensees who are racing officials -- racing secretary, clerk of scales, starter, paddock judge, identifier, equipment inspector, claims clerk, commission veterinarian, patrol judge, placing judge, time clocker, outrider, jockeys, room custodian, jockeys agent, clerk of course and horsemen's bookkeeper.

Part 7877.0180 prohibits specified conflicts of interest for racing officials and veterinarians.

Part 7877.0185 provides that rules and rulings relating to a Class C licensee shall apply equally to other persons if continued participation in an activity by the other person would circumvent the intent of the rule or ruling by permitting the person, in essence, to serve as a substitute for the ineligible licensee. That will occur if the other person is legally liable for the conduct that violated the rule or that is the subject of the ruling or if the other person benefited financially from that conduct. The fraudulent transfer of a horse in an effort to avoid application of a rule or ruling is prohibited.

The Class C occupational licensing rules are necessary to protect the integrity of racing by ensuring the competence, good character and financial responsibility of persons seeking to participate in pari-mutuel horseracing and are necessary to ensure appropriate conduct while licensed.

As the Commission moved to consideration of rules closely related to the actual conduct of races, it learned that the rules were similar from jurisdiction to jurisdiction. There is a need for uniformity to encourage horsemen and officials to participate in racing in Minnesota.

The rules are reasonable, because they are nearly identical to occupational licensing rules in other states where pari-mutuel horseracing is conducted successfully. The Commission refused to propose some burdensome regulation which is in place in other jurisdictions.

In a few places the proposed Class C rules reflect a choice among differing occupational licensing rules in other jurisdictions or plow new ground.

Part 7877.0130 subpart 2 sets standards for multiple owners for Class C licensees. Multiple ownership is a recent phenomenon exploding upon pari-mutuel horseracing as the value of horses shyrockets and new legal forms of ownership, such as limited partnerships and publicly owned corporations, are devised.

The proposed rule reflects a new model rule of the National Association of Racing Commissioners. The Commission is not aware that any other state has had an opportunity to adopt it yet. Some early state regulation of multiple ownership limited permissible forms of ownership -- for example, by requiring a certain number of owners or minimum percentages of ownership. The model rule simply requires disclosure of ownership and investigation of the owners. It appears to protect the integrity of racing without unduly restricting forms of multiple ownership.

Part 7877.0160 makes Class C licenses effective for three years but requires annual validation and payment of fees. New fingerprints, photograph or other information can be required anytime the Commission has reason to doubt the identity or eligibility of the licensee. A licensee must certify he is still eligible for licensing when he seeks validation each year.

Some states limit occupational licenses to one year. The Commission believes annual validation of three-year licenses adequately protects the integrity of racing and, at the same time, minimizes cost and burden on licensees.

Part 7877.0185 makes rules and rulings applicable to a second person only if that person has a financial interest in the conduct that is the subject of the rule or ruling or is legally liable for the conduct. Some states apply rules or rulings to family members in all cases. The Commission feels that approach is unfair and perhaps unconstitutional.

SECURITY OFFICERS

7878.0100 to 7878.0160. Because of its strong concern for the integrity of pari-mutuel horse racing, the Commission proposes to regulate security officers separately from other Class C occupational licensees.

The Commission proposes more stringent qualifications and in-service training requirements for security officers than for other Class C licensees. The Commission recognizes that security officers, more than any other persons at a racetrack, are in a position to protect, or harm, racing.

The Commission heard hours of testimony by law enforcement experts with regard to the content of these rules, and the Commission deliberated at great length over them.

Part 7878.0100 defines "security officer" as a person whose principal duty is protection of persons or property at a pari-mutuel horseracing facility. The definition excludes car parkers and ushers, for example, whose principal duty is showing patrons where to park or sit, not protecting persons or property.

Part 7878.0110 establishes qualifications for security officers. Subpart 1 requires a security officer to be an employee of the racetrack. The Commission felt it is essential that a security officer be responsible to the track rather than be an independent contractor. The track operator is at the facility, not across town or in some other city, and he is directly accountable to the Commission through licensure. The rule provides that a security officer must be a U.S. citizen; complete a comprehensive application; submit to a thorough background check; never have been convicted of a felony, criminal theft or a pari-mutuel horseracing or gambling crime; provide fingerprint cards; undergo a thorough medical examination; undergo a psychological exam; and pass an oral examination designed to demonstrate communications skills.

Part 7878.0120 establishes procedures for obtaining a Class C security officer's license. Subpart 2 provides that security officers' licenses are valid for only a year, as contrasted to three years for other Class C licenses. Subpart 4 sets a $25 license fee.

Part 7878.0130 mandates that an applicant for a security officer's license successfully have completed a 40-hour basic training course in 11 specific subject areas. Subpart 2 authorizes the Commission to waive the requirement if an applicant is licensed or eligible to be licensed by the Peace Officers Standards and Training (POST) Board.

Part 7878.0140 requires security officers to complete successfully a 20-hour refresher course every year in six subject areas. Subpart 2 requires the Commission to approve refresher courses on the basis of relevance to knowledge, skills and abilities needed for security officers. POST Board - certified courses are considered to be courses approved by the Commission.

Part 7878.0150 subpart 1 requires that security officers who carry firearms or whose principal duty is to investigate violations of statute must be licensed or eligible to be licensed as a peace officer by the POST Board. Typically, 15 to 20 percent of a security force at a racetrack will be affected by this rule. The Commission believes that if a security officer

performs functions of a peace officer, such as carrying a firearm or investigation, the security officer should be eligible to be a peace officer.

Subpart 2 forbids a security officer to use unauthorized deadly force or unreasonable force, interfere with an investigation by the Commission or a law enforcement agency, linger on the backstretch while off duty or place a bet while on duty on a race run at the racetrack. Part 7878.0160 requires track operators and security officers to cooperate with law enforcement agencies and report all crimes suspected, investigated or prevented to the BCA.

The proposed security officers rules are necessary to ensure the integrity of racing. Officers must be competent, healthy, financially responsible and of good character.

The rules are reasonable, because they closely parallel peace officer requirements in Minnesota. Those requirements work well in our state, and security officers perform many of the same functions. Some burdens have been avoided. An applicant for a security officer's license may provide evidence that he previously has satisfied the qualifications; he need not qualify again. The basic training course is waived if an applicant is licensed or eligible to be licensed by the POST Board. POST Board - certified courses are approved as refresher courses.

A security officer need be POST Board licensed or eligible only if he carries a firearm or is an investigator. An active POST Board license is not required, so a retired peace officer may serve as a security officer. A security officer need not be an off-duty peace officer, but may be. A security officer who carries a firearm or is an investigator need only be eligible for a POST Board license, so a newly trained individual who has not found a peace officer job yet may work as such a security officer. Actual work as a peace officer is required before a POST Board license is issued.

THOROUGHBRED AND QUARTER HORSE RACES
HARNESS HORSE RACES

7883.0100 to 7884.0260. Minn. Stat. §240.23 authorizes the Commission to promulgate rules governing the conduct of races, including, but not limited to, the rules of racing, standards of entry, operation of claiming races, filing and handling objections, carrying of weights and declaration of official results. Parts 7883.0100 to 7884.0260 do exactly that.

Horse races, as any other competition, must have rules. Such rules are essentially identical in all jurisdictions. Not only are the rules uniform, but they must be so; the U.S.

Trotting Association and American Quarter Horse Association will not sanction races in jurisdictions whose rules for actual conduct of races are not in compliance with the USTA or AQHA.

Uniformity will encourage horsemen to participate in pari-mutuel horseracing in Minnesota.

The rules are reasonable because usual.

Parts 7883.0100 to 7883.0160 govern thoroughbred and quarter horse racing, 7884.0100 to 7884.0260 harness races.

Part 7883.0100 governs thoroughbred and quarter horse entries and subscriptions, 7883.0110 establishes a preference system, 7883.0120 regulates declarations and scratches, 7883.0130 prescribes penalties and allowances, 7883.0140 regulates claiming races for both thoroughbreds/quarter horses and harness horses, 7883.0150 governs thoroughbred and quarter horse races paddock to post and 7883.0160 post to finish.

Part 7884.0100 sets the scope of rules for harness races, 7884.0100 defines types of harness races, 7884.0120 governs eligibility and entering, 7884.0130 establishes a preference system, 7884.0140 regulates coupled entries, 7884.0150 lost entries, 7884.0160 "also eligibles," 7884.0170 scratches, 7884.0190 qualifying races, 7884.0200 stakes races, 7884.0210 claiming races, 7884.0220 paddock procedures, 7884.0230 racing equipment, 7884.0240 post time and starting, 7884.0250 recalls and 7884.0260 driving rules.

The Commission proposes to toughen the rules of racing in two ways compared with rules in other states. Both changes relate to claiming.

Part 7883.0140 subpart 16 provides that title to a claimed horse transfers to the successful claimant when the field of horses for the race enters the racing surface. Most states provide for transfer at the time the race starts. The Commission believes that encourages riders to fall off a horse or run a horse off the racing surface before a race in order to avoid transfer of ownership to a claimant. The rule is in place in New Mexico.

Part 7883.0140 subpart 20 provides that a horse excused from a claiming race by stewards may be claimed in races in which it starts during the next 90 days for its claiming price in the race from which it was excused. This rule discourages attempts to avoid a claim by seeking to be excused from a race.

Subpart 20 takes a restriction which the U.S. Trotting Association imposes on harness races and extends the restriction to thoroughbred and quarter horse races.

HORSE MEDICATION
PHYSICAL EXAMINATION OF HORSES
MEDICAL TESTING

7890.0100-7890.0140, 7891.0100-7891.0100 and 7892.0100-7892.0160. The proposed rules govern horse medication, physical examination of horses and medical testing.

Minn. Stat. §240.24 mandates the Commission to make and enforce rules governing medication and medical testing for horses running at licensed race tracks and to establish by rule qualifications for laboratories used by it as testing laboratories.

The Commission believes proposed rules 7890.0100-7890.0140, 7891.0100-7891.0110 and 7892.0160 are necessary to ensure the integrity of racing and the health and welfare of horses.

The rules are necessary to the credibility of pari-mutuel horseracing by ensuring fair races. The proposed rules are necessary to create standards for the soundness of participating horses and to establish which medications may be used on a day-to-day basis to allow horses to perform to their maximum capability without altering performance levels in any contest.

The proposed rules are necessary to deter participants from administering illegal medications to horses running at licensed race tracks and to verify by laboratory testing that no medications were carried in a horse's system during a race.

The Commission believes that the proposed rules are reasonable, because they are customary in pari-mutuel betting and horse racing conducted in other jurisdictions in the United States and Canada. The burdens are not undue. Compliance has been obtained in other jurisdictions, while entrance into and participation in the horse racing industry has not been deterred. In developing the proposed rules, the Commission has directly solicited rules and recommendations from other jurisdictions. Copies of horse racing statutes, medication and testing rules, standards, policies and forms have been secured from governmental regulators throughout the United States and Canada. The Commission also received comments from veterinary and rules consultants and comments from veterinarians, chemists, humane society representatives, horse trainers, jockey representatives, track operators and regulators on an ongoing basis and at a seminar of related subjects hosted by the Commission in September 1984.

Many other regulators, private individuals and organizations, veterinary chemists and other interested parties have made significant contributions to the substance and form of the rules now proposed.

1. Medication

Chapter 7890 of the proposed rules is dedicated to satisfying the legislative mandate of Minn. Stat. §240.24 with regard to making and enforcing rules governing medication of race horses at licensed race tracks. The statute also mandates that the Commission, by rule, define medication and prohibit its administration within 48 hours of a race.

Part 7890.0100 subpart 6 is the proposed definition of medication. The definition describes what actions are necessary to take place to consider a substance a medication. The substance must have the ability to prevent, cure or alleviate the effects of any disease, condition, ailment or infirmity. Most important in the definition is the statement that medication may alter the behavior, attitude, temperament or performance of a horse.

The definition is necessary to put in perspective what a medication is, what it does and the effect that it may render in a horse. Items A and B of subpart 6 exclude from medications topical applications of antiseptics, ointments, salves, DMSO, leg rubs and leg paints and orally ingested food additives such as vitamins and electrolytes. It is necessary to make such exceptions to allow for the day-to-day care, health and welfare of the horse. The horse is an athlete and daily training in such a physical sport will cause wear and tear. The excepted substances are necessary to keep a horse in top competitive shape, thereby maximizing the horse's ability to compete at its optimum level.

The proposed definition is necessary to make known to owners, trainers, veterinarians and other participants what substances are permissible to be used and what effect the use of such substances will have on horses. The information is necessary for such participants to make sound judgments in their treatment of horses. Finally, the proposed definition is necessary to attain continuity and effect in the proposed medication rules.

The proposed definition of medication was modeled after California and Colorado's medication definition, but was supplemented with language submitted by veterinarians from New York and the University of Minnesota. The excluded substances were modeled after the definition found in the Arkansas rules of racing, a state that permits no medication.

The proposed definition is reasonable for at least three reasons. First, participants are informed what medications are so that they can identify the substances that may be in their possession or be prescribed to them. This assists the participants in avoiding the use of such substances in contravention of Minn. Stat. §240.24 prohibiting the use of any medication within 48 hours of post time for a race. Second, the exceptions made for certain leg rubs, antibiotics and food additives are reasonable because their use is not intended to alter a horse's behavior or performance, but rather is intended to provide proper humane care for the horse on a day-to-day basis. Third, the proposed definition of medication, including exceptions, is reasonable because horse owners and trainers, veterinarians and veterinary chemists, regulators and other participants in horse racing are accustomed to the terms in the definition due to their exposure to similar terms in other jurisdictions. It is common practice in all racing jurisdictions to allow the use of vitamins, leg rubs and antiseptics at any time to properly care for the horse. The proposed definition has been drafted in collaboration with other racing jurisdictions, regulators, chemists, veterinarians and existing rules. No undue burden is imposed. The definition is, therefore, reasonable.

Minn. Stat. §240.24 mandates that no medication shall be administered to a horse within 48 hours of post time of a race. Part 7890.0110 subpart 1 of the proposed rule satisfies the intent of the legislation by clarifying the types of administration that are prohibited, who is prohibited from performing such administration and the time period to which such prohibition is confined.

The proposed rule is necessary for many reasons. The sport of horse racing offers great amounts of prize money and the ability of persons to wager upon the outcome of such races. Temptation to abuse of the sport for personal gain is ever present. One area that is most suspect and at the same time vulnerable is that of illegal medication (drugging) of horses. Many professionally accepted therapeutic medications are available to owners and trainers. The administration of such medications in themselves are not a danger to the credibility and integrity of racing. However, if such medications are used to stimulate, depress, desensitize or alter the psychic state of a horse, such medications must not be allowed to be administered to a horse within close proximity to race time. Proposed rule 7890.0110 subpart 1 is necessary to enforce the prohibition of such medications being administered to a horse. The rule is explicit in its intent and is necessary to safeguard the integrity of racing.

Subpart 2 of part 7890.0110 of the proposed rule is structured to monitor all medications and related treatments to

horses. Veterinarians practicing at licensed race tracks are required by the proposed rule to maintain logbooks of all medications prescribed or administered and all other professional services performed. The proposed rule is necessary to provide close controls over all veterinary and medicinal activities being performed on the premises, and the time and manner of such practices. The proposed rule is also necessary to serve as a deterrent for veterinarians to administer any medications in contravention of Minn. Stat. §240.24 of the proposed medication rule and to establish a basis for veterinarians to act ethically and responsibly.

Subparts 1 and 2 of part 7890.0110 are reasonable. All racing jurisdictions have rules relating to practices of veterinarians at licensed race tracks and reporting procedures involved therewith. The records required to be kept by the proposed rule are not unusual nor are they severe. The rule places no undue burden upon the veterinarians, and it is reasonable to regulate their compliance.

Part 7890.0140 of the proposed rule places certain requirements upon veterinarians and trainers of horses that display symptoms of exercise induced pulmonary hemorrhaging or "bleeding." The proposed rule sets out what criteria must be met to consider a horse a bleeder, methods of detection and restrictions against such bleeders participating in races. The proposed rule is necessary to identify such horses, as their continued symptoms can become dangerous to the other horses involved in a race with them and jockeys who are riding such horses. The proposed rule is necessary to force trainers to give bleeder horses needed attention to alleviate the cause of the bleeding. The maintenance of a bleeder list in the proposed rule is also necessary to prospective buyers of such horses to assist them in making a decision whether or not to buy a horse.

The proposed rule is reasonable because it provides for identification of bleeder horses, creates situations for trainers to give such horses proper treatment and safeguards other horses and jockeys participating in races with bleeder horses. The burdens are not undue, and the proposed rule follows closely similar rules of all other racing jurisdictions.

2. Physical Examinations

Chapter 7891 of the proposed rules deals with physical examinations of race horses, both prerace and post-mortem in the case of horses that expire or are euthanized while on a licensed race track. Proposed part 7891.0100 requires that the Commission veterinarian examine horses entered to race on the day they are to race and maintain records of such examinations. The proposed rule is necessary to ensure that horses that are suffering from

an injury or ailment is not allowed to race. It is necessary to safeguard not only the horse and the jockey, but to protect the public from wagering on a horse that is not competitive in a race due to injury or infirmity.

Proposed part 7891.0100 is reasonable, because it protects the health and welfare of all horses and jockeys participating in races and also safeguards the public from wagering on horses that cannot perform competitively due to injury.

Part 7891.0110 requires that all horses that die or are destroyed while at a licensed race track undergo a post-mortem examination to determine the cause of death or the injury that necessitated euthanasia. The proposed rule also requires that, when practical, samples be taken for analyses to determine if there were illegal drugs, or other substances in the horse that may have caused the death. The proposed rule is necessary because it provides the owner of the horse and the Commission with the exact cause of death and assists in identifying and thereby preventing the potential for spread of disease.

The proposed rule is reasonable for at least two reasons. First, conducting post-mortem examinations afford the opportunity for research into equine injury and illness related to race horses, ultimately resulting in practices that can be applied to prevent such occurrences. This is a reasonable approach into protecting valuable animals and safeguarding the health and welfare of the participants. Second, by taking urine, blood and tissue samples of deceased horses for testing, it can be determined whether causes are related to yet unknown or illegal drugs. The burden is not undue and, in light of the benefit accrued, extremely justifiable.

3. Medical Testing

Minn. Stat. §240.24 requires the Commission to regulate the medical testing of race horses participating at licensed race tracks and to establish qualifications for laboratories conducting the tests for it. Part 7892.0100 requires an adequate and secure detention barn. Part 7892.0120 mandates blood and urine tests and prescribes procedures for taking and identifying samples. Part 7892.0130 sets qualifications of testing laboratories and chemists and specifies equipment and testing procedures to be used. Part 7892.0141 requires retention of test records for three years or completion of legal proceedings, whichever is later. Part 7892.0150 prohibits distribution of purses when positive samples are found. Part 7892.0160 provides for assessment of the costs of establishing and initially staffing the laboratory upon track operators.

The proposed rules are necessary to ensure the integrity of racing through enforcement of the proposed medication rules.

The proposed rules are further necessary to direct all Commission personnel, security personnel and the race tracks in their responsibilities for securing the test samples in an environment that is secure and closely scrutinized. The procedures incorporated ensure, if followed, the integrity of the evidence and the chain of custody of the samples and leave no room for tampering or error in identification. The proposed rules are necessary to identification of medications, illegal drugs or other substances. The rules ensure availability of test results until legal proceedings in which they may be evidence are concluded. The rules ensure no purse money shall be distributed to the owner of the horse from which such sample was taken and clarifies that the fact purse money has been distributed is not determinative that no violation of medication regulation has occurred. The rules provide for recovery of costs so that medical testing can continue.

Proposed chapter 7892 is necessary to provide the safeguards against the illegal drugging of race horses and also against the improper administration of medications. The proposed chapter is necessary to ensure the integrity of the contest and therefore the ultimate credibility of the industry. Without the proposed rules, all other components of racing become vulnerable if the credibility of the contest and the contestants are in question.

The proposed rules are reasonable for many reasons. All jurisdictions that conduct pari-mutuel horse racing have rules written for and practices in place for the testing of horses participating in racing. The burdens have not been proven to be undue. Participants, regulators and racetrack operators agree that it is reasonable to have such rules.

The credibility of racing is the main concern of all. That testing is necessary to ensure a fair contest to all contestants goes unchallenged. The standards for laboratory equipment, chemists and procedures are reasonable because to ensure the integrity of racing, it is reasonable to require that the laboratory has the capability to run all tests known today on state-of-the-art equipment. It is reasonable to require such standards of a laboratory if the laboratory wishes to secure and maintain an expensive contract with the Commission for testing services.

BREEDERS' FUND

7895.0100 to 7895.0110. Minn. Stat. §240.18 requires the Commission to establish a breeders' fund with money the Commission receives through the tax provisions of Minn. Stat. §240.15 subd. 1. That provision requires racetrack operators to pay ½ to 1 percent of pari-mutuel pools.

Section 240.18 mandates the Commission to distribute the net proceeds of the breeders' fund:

(1) Twenty percent in grants for equine research and related education at public post-secondary institutions in Minnesota; and

(2) The balance to categories corresponding with various breeds of horses racing in Minnesota in proportion to each breed's contribution through taxes on its races.

The funds in each of the breed categories may be spent by the Commission to:

(1) Supplement purses for exclusive races for Minnesota-bred, Minnesota-foaled and Minnesota-owned horses;

(2) Pay breeders or owners award to the breeders or owners of Minnesota-bred horses which win money at Minnesota racetracks; and

(3) Provide other financial incentives to encourage the horse-breeding industry in Minnesota.

Minn. Stat. §240.29 requires racetrack operators to conduct at least one race a day exclusively for Minnesota horses. If there are not enough Minnesota horses, the track may substitute another race.

Section 240.18 empowers the Commission to establish advisory committees to counsel the Commission on distribution of the breeders' fund.

The section mandates the Commission to adopt rules governing distribution of the fund.

Part 7895.0100 provides procedures regarding the fund. Subpart 2 provides for registration of Minnesota horses. Subpart 3 provides that the Commission must decide all questions regarding registration, eligibility for registration or breeding. Subpart 4 provides for decisions on eligibility for nomination and entry into races for Minnesota horses. Subpart 5 provides a criterion for allocation of fund assets to specific races. Subpart 6 requires the Commission to consult breed advisory committees.

The statute clearly mandates the Commission to distribute the breeders' fund, and that necessitates procedures for distribution.

The breeders' fund is very important to the growth of the horse industry in Minnesota. The fund will contain very

large sums of money. Breeders and owners of Minnesota horses will compete very strongly for money from the fund. Some will be tempted to act inappropriately in order to obtain that money.

The Commission provided as many safeguards as possible in the procedures of this rule to ensure that the breeders' fund reaches the persons it is intended to reach. The Commission also felt it must preserve final decisions on breeders' fund questions to itself for the same reasons. The Commission also felt it would be inappropriate, and perhaps illegal, for the Commission to delegate its responsibilities to private organizations.

The rule is reasonable, because it imposes no burden greater than other states impose successfully.

Part 7895.0110 provides for distribution of breeders' fund money to thorougbred breeders and owners.

This rule reflects the judgment of organized thoroughbred horsemen as to what definitions of Minnesota horses and what allocation of breeders' fund money will provide the greatest incentive to the thoroughbred industry in Minnesota. Subpart 1 provides definitions. Subpart 2 provides for allocation of breeders' fund money among breeders' awards, owners' awards, purse supplements and stallion awards. Subpart 3 provides who will receive breeders', owners' and stallion awards. Subpart 4 allocates purse supplements among horses in a specific race. Subparts 5 and 6 provide for distribution of award money not paid out for lack of a qualified horse. This residual money will be awarded at the end of a race meeting to breeders and owners in proportion to purse money won.

The rule is necessary to provide incentives for growth of the Minnesota thoroughbred industry. It is reasonable, because it is recommended by affected horsemen.

PROHIBITED ACTS

7897.0100 to 7897.0220. This chapter of the proposed rules governs prohibited practices, disciplinary sanctions and procedures.

Part 7897.0100 specifies acts prohibited at racetracks. The rule is necessary to the integrity of racing and reasonable because essentially identical to acts prohibited by other states.

Subpart 2 of the rule is not found in other states. It prohibits conduct which violates federal, state or local criminal law. Violation of this rule, as any Commission rule, will be a basis for fine or suspension or revocation of license. Among

other uses, the rule will enable the Commission to discipline a person who was an accomplice in a criminal act with another person, such as a narcotics violation, but was never charged criminally because he agreed to testify against the other participant in the act. The Commission could exclude the person from the racetrack, and do so quickly, under this rule.

This subpart of the rule is necessary to eliminating inappropriate activity from the track. It is reasonable because it penalizes such conduct, yet violators have the protection of Commission disciplinary procedures.

Part 7897.0110 subpart 1 requires licensees whose duties place them in danger or who commit endangering acts to provide blood or urine samples requested by the Commission or stewards after consultation with a physician. The subpart also makes a licensee found to have an illegal drug in his body subject to Commission disciplinary action.

Subpart 2 makes a blood alcohol level of .03 percent in jockeys or drivers or .10 percent in any other Class C licensee or employee or agent of a Class A or B licensee grounds for Commission disciplinary action.

Chemical abuse is a problem at racetracks as other places in the community. Abuse at a racetrack harms the credibility of racing and, in situations of proximity to horses and humans, can lead to property and personal injury. The power and monetary value of race horses magnifies the problem.

The rule is necessary to the integrity of racing. It is reasonable, because only persons in dangerous situations are required to take blood or urine tests, the prohibited chemical levels are commonly believed to be harmful, the .03 percent alcohol standard is applied only to jockeys and drivers who will control an animal weighing thousands of pounds, only licensees are covered and the Commission's disciplinary procedures provide safeguards.

Part 7897.0120 specifically provides sanctions for violators of the prohibited practices and chemical abuse rules. Subpart 1 expressly provides for license suspension or revocation or imposition of a fine. Subpart 2 expressly provides for exclusion of persons who commit prohibited acts from racetracks.

The rule is necessary. Enforcement of prohibitions and requirements is necessary to deterrence and exclusion of violators from a racetrack. The rule is reasonable, because it merely makes certain that the sanctions, which are provided elsewhere in statute and rule, apply to violators of the prohibited acts and chemical abuse rules.

Part 7897.0130 provides a schedule of fines for violations of horseracing statutes and rules by Commission licensees.

Minn. Stat. §240.22 mandates a graduated schedule of fines for such fines. It must include minimum and maximum fines for each violation reflecting the severity, culpability and frequency of a violator's actions. Minn. Stat. §§240.06 subd. 1, 240.07 subd. 1, 240.08 subd. 2 and 240.09 subd. 2 require applicants for Class A, B, C and D licenses to file an affidavit stating that they have not been found guilty of violation of a law or rule relating to horseracing, pari-mutuel betting or other form of gambling which the Commission defines by rule as serious.

Part 7897.0130 provides the schedule of fines and definition of "serious violation" mandated by statute. Subpart 2 provides for categories of violations, subpart 3 provides criteria for assignment of a violation to a category. Subpart 4 provides for per se serious violations. Subparts 5 and 6 establish amounts and a timetable for payment of fines, $500 being the breaking point. Fines up to $200,000 may be imposed against Class A, B or D licensees for misrepresentations in license applications, failure to obtain Commission approval of modifications of a racetrack facility or failure to comply with the Commission's contract rule. Fines must be paid within 72 hours.

The rule is necessary to protect the integrity of racing, public interest and public health, safety or welfare. The rule is reasonable, because fines reflect the gravity of violations, are comparable to criminal penalties, reflect ability to pay and can only be imposed in compliance with Minn. Stat. ch. 14 provisions and protections for contested cases.

Part 7897.0130 provides that the Commission may suspend or revoke a license or impose a fine on any ground that also would be a ground for denial of a license.

This rule is necessary to avoid the ridiculous result that a person could be denied a license for an act, but the person could keep his license if he committed the act after he received it. The provision is common.

Parts 7897.0150 to 7897.0220 provide procedures for Commission and stewards' disciplinary actions and appeals.

Minn. Stat. §240.03 empowers the Commission to enforce the horseracing statute and rules. Minn. Stat. §§240.06 subd. 7, 240.07 subd. 6, 240.08 subd. 5 and 240.09 subd. 6 empower the Commission to suspend or revoke licenses for violations of statute or rule which the Commission believes adversely affect

the integrity of racing. The Commission can suspend a Class C license for any violation of law, rule or order. Suspensions are up to a year except the Commission can suspend a Class A, B or D license for longer if it believes a licensee is inimical to the integrity of racing or cannot file the affidavit Minn. Stat. §240.06 subd. 1 requires Class A and B license applicants to file with regard to financial responsibility and character. License revocations and suspensions are contested cases under Minn. Stat. ch. 14.

Minn. Stat. §240.08 subd. 5 provides the Commission may delegate to designated agents its power to suspend Class C licenses, and the suspension may be appealed to the Commission pursuant to its rules.

Minn. Stat. §240.16 subd. 1 empowers the Commission to delegate to the stewards its power to levy fines of up to $500 against Class C licensees and impose license suspensions up to 30 days. Stewards may issue subpoenas, administer oaths, order production of evidence and regulate stewards' hearings pursuant to Commission rule. Only those provisions of Minn. Stat. ch. 14 which the Commission by rule makes applicable, apply to the stewards' hearings. Minn. Stat. §240.16. subd. 3. A stewards' ruling may be appealed to the Commission. Minn. Stat. §240.16 subd. 2. The Commission may hear appeals before less than a quorum of its members. A hearing must be granted upon request if it is on a penalty imposed by the stewards.

Parts 7897.0150 to 7897.0220 implement those statutory provisions. The rules are necessary to provide an enforcement mechanism to impose sanctions for violations of statutes and rules. That mechanism is necessary, in turn, to protect the integrity of racing. The rules also are necessary to protect the rights of persons the Commission and stewards' seek to discipline.

The rules are reasonable because they are similar to other Minnesota state agency disciplinary procedures.

The Commission proposes to give the Commission and stewards all possible authority to deal with disciplinary problems at a racetrack as quickly and effectively as possible. That is especially important when integrity and credibility are as essential to an activity as they are to pari-mutuel horseracing and when participants in racing have access every day to large amounts of money and valuable and powerful animals.

Subpart 1 provides powers of stewards and procedures for their meetings, including summary disciplinary power. Subpart 2 provides penalties stewards may impose. Subpart 3 provides for appeals to the Commission. Appeals are not heard de

novo, and contested case procedures of Minn. Stat. ch. 14 do not apply. Subpart 4 provides for Commission review of stewards' action on its own motion or complaint of the executive secretary. Subpart 5 provides for stays of stewards' decisions. Subpart 6 provides appeal procedures, subpart 7 a $50 deposit for appeals, subpart 8 setting a hearing date and subpart 9 procedures for appeals on motion of the Commission or request of stewards' or the executive secretary.

Part 7897.0160 provides for the composition of the appeals hearing panel, decision by majority vote, commission consideration of appeals on the record if a hearing panel is unable to decide and written decisions within 10 days. Part 7897.0170 provides for conduct of appeal hearings. Witnesses are sworn, parties may cross-examine and all evidence of probative value is admissible, including hearsay. Part 7897.0180 provides for issuance of subpoenas.

Part 7897.0190 provides that the Commission must comply with contested case procedures to revoke a license; suspend or fine a Class A, B or D license; or suspend a Class C license for more than 30 days or fine a Class C license more than $500.

Part 7897.0200 provides for exceptions to administrative law judges' reports, written arguments and Commission decisions. Part 7897.0210 provides for rehearings before the Commission. Part 7897.0220 provides that the Commission may appeal adverse decisions.

VARIANCES

7899.0100. Minn. Stat. §14.05 subd. 4 provides state agencies may grant variances to their rules. The agency must adopt rules setting forth procedures and standards for variances. It must provide written reasons for granting or denying a variance.

Part 7899.0100 is such a variance rule. Subpart 2 sets out procedures for requesting a variance. Subpart 3 provides for disposition of requests.

Subpart 4 sets standards for granting or denying variances. It requires submission of demographic or geographic evidence to support a request for variance from the affirmative action requirements of part 7870.0500 subparts 5 to 9.

The rule is necessary to alleviate undue and substantial hardship which may occur from application of a rule of the Commission. It is reasonable because customary.

This concludes the rule-by-rule statement of the authority, need and reasonableness of proposed Minn. Rules 7870.0439 to 7899.0100.

CLASSES OF PERSONS AFFECTED

The proposed rules will directly affect pari-mutuel horseracing track operators, horsemen, racing officials, persons who work at racetracks, participants in pari-mutuel horseracing, contractors and subcontractors, racing spectators and bettors. All Minnesotans are affected indirectly.

The rules impose burdens on all in the form of license fees; regulation that requires provision of equipment or facilities, employees, compensation and other actions with costs; completion of license applications; medical testing; affirmative action plans; and other requirements.

The affected persons also benefit from employment and profits from the successful pari-mutuel horseracing industry the proposed rules will assist. Racetrack operators also benefit from a screening process that helps keep financially irresponsible persons, incompetent persons and persons of poor character out of racing; its integrity and credibility are protected, and the industry will be successful as a result.

Racial minorities, women and disabled persons are protected and may be employed or obtain contracts. They face licensing and regulatory costs if they are successful. Racing spectators and bettors benefit from enjoyment and even winnings in a healthy Minnesota pari-mutuel horseracing industry.

All citizens benefit from the good reputation of a wholesome and successful industry. Those citizens also benefit from the state revenues generated by a successful industry that exceed regulatory costs in the tens of millions of dollars.

The costs of these rules, as the benefits, fall broadly and fairly. The more you benefit, the more you pay. The Commission was unable to come up with any methods of carrying out its responsibilities that were less intrusive and costly. The Commission worked as hard as it could to propose rules as little intrusive and costly as possible while protecting the public interest adequately.

CONSEQUENCES

Short-term, these rules permit a new industry to get under way with integrity and impose some costs. The economic costs will be felt before the benefits.

Also, costs will be greater at first while compliance is new to affected persons. Over time, affected persons will be able to comply more easily, more quickly, more effectively and less expensively as they become accustomed to the rules.

Compliance will be as efficient as possible from the beginning, because the Commission sought to minimize the burden and propose rules consistent with other jurisdictions.

Long-term economic and other benefits will greatly exceed costs.

SMALL BUSINESS CONSIDERATIONS

The Commission considered the impact of these rules on small business and considered less stringent requirements for small business, less stringent schedules or deadlines, consolidation or simplification, performance standards as an alternative to design or operational standards and exemptions for small business.

The rules do impact small business. The Commission would submit the rules do not affect small business disproportionately as a quantitative matter nor prevent participation of small business in Minnesota's new pari-mutuel horseracing industry as a qualitative matter.

The Commission's number 1, 2 and 3 responsibility is to protect the integrity of the industry. Good character, financial responsibility, competence and quality can only be determined by requiring copious disclosure by all participants and exhaustive evaluation of that information.

A small business can cause a scandal, fix a race or otherwise harm the integrity of racing. The Commission cannot be less rigorous in its regulation of one type of business than another.

The Commission submits that it tried to eliminate all unnecessary rules. It notes that it did establish a threshold of $50,000 or 30 days for the disclosure of detailed information by contractors and subcontractors. Proposed part 7870.0500 subpart 2.

DATA PRIVACY

The proposed rules require submission of private and confidential data by contractors/subcontractors and license applicants relating to financial responsibility, character and competence. The data will be stored, used and disseminated.

The collection, storage, use and dissemination are necessary to protection of the integrity of pari-mutuel horse-racing in Minnesota.

MINUTES

MINNESOTA RACING COMMISSION

September 15, 1983

312 Central Ave., Suite 215
Minneapolis, MN 55414

Members Present: C. Elmer Anderson, Carol Connolly, Joyce B. Farrell, Larry Coss, Rosemary T. Fruehling, Dan W. Gustafson, Kris Sanda. John Daniels, Jr.

Ray Eliot presided.

Judy Graham, Acting Secretary.

The meeting was called to order at 10:01 p.m. by Chairman Eliot.

Motion was made by Carol Connolly, seconded by C. Elmer Anderson to approve the minutes of the last meeting. Motion carried.

The normal agenda was dispensed with in order to facilitate the public hearing from individuals and organizations interested in developing race tracks in the State of Minnesota.

Mr. Mike O'Donnell of the Governor's Office spoke briefly to the Commission and to the audience. He reminded everyone that the Racing Commission members and staff had been carefully chosen as being individuals who could meet the challenges faced in the on-coming months, that the integrity and personal interest in a good Commission was first and that maintaining good public relations with special interest groups, the media and the people of Minnesota would always be in the minds of the racing commission members. He reminded the Commission that he is the liaison to the Governor and that we have at our disposal other agency heads including the Attorney General, Public Safety, Economic Development and Commerce.

The first speaker was Wayne Popham, representing Scotland; Brooks Fields, Brooks Hauser, investors for Scotland.

Mr. Popham described a potential racetrack site on the east side of Shakopee which would have 300-500 acres. The site is already in the City of Shakopee's comprehensive plan, has the backing of the City Chamber of Commerce and is surrounded by heavy residential. Scotland is under the control of a public groups and owns the site where the track is proposed. In order to inform the Minnesota group on race track site selection and operation, the owners of the Santa Anita Racetrack of California were contacted. A suggestion was made to have a shorter season for racing the first year, and lengthen it in subsequent years since this is a new sport to Minnesota, this would allow the wrinkles to be worked out. Scotland would like to race thoroughbreds, quarter horses and harness racing.

Brooks Fields of Shakopee spoke, said he didn't know anything about building race tracks, had contacted the Santa Anita folks to learn. Scotland would be 75% locally owned, and whatever is coming up its got to be the best race track in the world. The Scotland group has retained consultants and attorneys to help in the development of the track.

Brooks Fields introduced Robert Strube of the Santa Anita track. Mr. Strube's father had started the track in 1934. Mr. Strube stressed the maintenance of good public relations, a family-oriented atmosphere. Currently they lead the other U.S. tracks with 32,000 daily attendance on the average for 1982.

The racing season is 23 weeks - 5 days per week, a bit flexible for opening week and holidays, and they are not open Mondays and Tuesday. They do not own any other track outside California. They have a consessionaire who started with them in 1934 and gives good prices and good services. He does not recommend that the concessions be put out for bid. A low bid would subsequently cut good service and food, plus it would change yearly which would destroy continuity and credibility for the concessions.

Kris Sanda asked him to introduce the others in his group. President of Santa Anita Wes McKinley, Brooks Hauser, Les Malkerson, Jim Burdick, Gary Eastman.

John Daniels asked if Scotland ownership was 75%.

Mr. Strube replied that 75% ownership would be by Minnesota people, Scotland would be a partner, Hauser and Fields would be partners, and 25% ownership by Santa Anita. This is not yet formed, but there is a game plan. Santa Anita is on the New York stock exchange.

Mr. Wayne Field, Chairman of the Board of Rembrandt Enterprises spoke on the development of a Lakeville Racetrack which has been approved by the Lakeville Planning Commission on a 6-1 vote, and by the Lakeville City Council on a 5-0 vote in favor.

Ray Eliot asked Mr. Field where the track would be located and how large. Mr. Field answered that he would be the sole investor, he owns 136 acres, the other acres are under option for a total of 327 acres to develop. It is 4 miles south of Burnsville on Highway 35W past Minnregg Road. He has developed nursing homes in Edina, Hillhaven with consultants and advisors and has been very successful. Metro Council has the expertise to define and appraise the technical needs of the racetrack development. He wants what's best for Minnesota and its people.

Dan Gustafson cautioned to not assume the Metro Council will back a site.

Ray Eliot said the Metro Council could ascertain if the sites qualify, but the racing commission had the final say on issuing a license.

Kris Sanda questioned the letter sent to the Racing Commission from the "Minnesota Horseracing Facility" and why the list of Mayor's on the side of the letterhead. What are the Mayor's doing, why the Minnesota Horseracing Advisory Committee.

Mr. Field said that he would be reporting back to the advisory group on what the Racing Commission was doing.

Mr. Charles Weaver of the Anoka County Board and representing North Star Race Track Association spoke. He represented several municipalities in Anoka County that are interested in a nonprofit track. The 686 acre site has the infrastructure problems addressed and it will ultimately have sufficient highway access, water and sewer capacity and must not conflict with parks, airports and other region-wide systems.

Mr. Weaver had distributed a book of specifications and perspective on the Blaine Race Site to all members of the Commission. The site is located on I-35W north of 95th Ave. between Naples Street, Lexington Avenue and projected alignment of 109th Ave. N.E.

Mr. Weaver has spent some time at Ak-sar-ben learning about track operations and has noted that Denver's track has gone from profit to non-profit. He felt that a private non-profit track in Minnesota might be feasible.

Mr. Weaver noted that there is an excellent slide show presentation available at the request of the Commission.

Mr. Ron Signorelli, represented the Woodbury track development site. He said he was interested in a 12 month operation, using simulcast, wanted to provide employment year around, not with six months of unemployment. He defined the proposed site at a $35 to $50 million investment located at Highway 12 and Washington County Road 19. He also proposed a plan to use garbage as a heat source for the track and to use the natural waste from the track for disposal, processing and heat source. He referred to a Mr. Silverglide of Greylock and Associates as the advisory source for preparing economic data and feasibility studies necessary for the final development plans. He also included a gross profit projection for a 160 day race season which showed a negative balance of $824,000. He mentioned also Ladbrook who are consultants in Europe, but refused to identify any investors or other interested parties at this time.

Joyce Farrell said that year-round racing involved a split day, and that in Tucson, who uses simulcast, there are unbelievable costs.

Mr. Signorelli said also that Winnepeg track was open year around.

Joyce Farrell said it was unsuccessful.

Mr. Stephen Pflaum a Minneapolis attorney said he represented the Minnesota Jockey Club, Inc. and that the group does not own land but has an option on 500 acreas south of the proposed extension of I. 494 and Hwy. 56. They have financing and management lined up to develop a track in Eagen.

Mr. Rick Palmer, Director of Moorhead Clay County Redevelopment Authority wanted outstate Minnesota to be considered for a track, and said that private investors in the Moorhead area could come up with in excess of $50 million to build it. He would like to attract some of the gambling money to stay in Minnesota that now moves across to the gambling facilities in North Dakota. He said the willingness to travel to gambling sites was 200-400 miles, as far away as Kansas City and a lot of people coming in from Canada. He said that motel/hotel rooms were never available over the week-end in the Fargo-Moorhead area.

Mr. Robert Stegmeier of Farmington is a farmer who has 388 acres of farm land that currently has sewer, water and natural gas mains in place. His broker, Ford Anderson of Rochester told the commission that Mr. Stegmeier has investors and a project developer.

Ford Anderson named Bill Henning as a developer/contractor, and Fred Corrigan who has experience with the development of Valley Fair and the Rennaissance Fair. He said the site is close to the airport because jockeys and horses often fly in together.

Jim Torbert, chairman of the Heartland Racing Association wants to build a racetrack two miles north of Little Falls and handed out specifications and proposals. He said that the population has a summer base of 450,000 with people going north to cabins and the population of Camp Ripley. He expects to get support from similar groups in St. Cloud and Brainerd. They have option to purchase 300 to 2200 acres of level, well-drained sandy loam land located 2 miles north of Little Falls along Highway 371, 1 mile north of the junction of highways 371 and 10. Track operations would be handled by Glass and Associates. Projected construction cost would be $40,000,000.

He also advised that the proposed site is south of the line where the problem with black flies and horse flies is a major concern of horseowners.

Chairman Eliot thanked those potential developers and their associates for the input and information provided to the Racing Commission.

Kris Sanda read her letter directed to Chairman Eliot expressing concern for the co-operation needed between the Metro Council and the Racing Commission. She felt that the October 1 deadline established by the Metro Council would eliminate those potential developers who do not meet that deadline.

Ray Eliot responded that no decision for time deadlines had been made by him or the Racing Commission, that the Metro Council deadline was given to avoid a pile-up of developers down the road, and that our attorneys would follow-up so that no potential developer would be eliminated by having missed the Oct. 1 deadline set by Metro Council. Mike Miles will report back.

Dan Gustafson said that the Commission and Council would be intertwined, but that the Commission had not taken any authority away from the Metro Council.

Carol Connelly felt the need to establish an attitude of cooperation between the two units, and to define what the obligations are.

Ray Eliot addressed a question about licensing outstate tracks and county fair racing. The commission is charged with knowing the details of a well-managed track, security for the animals, security with money, drugs, etc. If the Commission has assurance that all the variables are met and adequately dealt with, there is a possibility of issuing a license prior to opening of a newly developed racetrack.

Joyce Farrell told the Commission that Sid Hutchcraft, Superintendent of Division of Fairs and Horseracing for the State of Illinois will be visiting with the Racing Commission later in October, and plans several days of seminars.

Bob Nardi said the Rules sub-committee will meet Tuesday at 4:00 in the Soo Line building, Room 925. (September 20).

Gov. C. Elmer Anderson said the Ethics subcommittee will meet Wednesday,

September 21, in Room 321, at 3:00, prior to the full Commission meeting.

There is a form available for those who want to be on the mailing list.

Ray Eliot again said that he feels strongly that the controls must be in place before issuing a license, that all criteria necessary will be met so that the integrity of the Racing Commission will be kept. This is the charge made by the Governor and the Legislature.

The next meeting of the Racing Commission will be Wednesday, September 21 at 4:00 p.m. and will hear from special interest groups for comment and information.

Meeting adjourned at 12:50 p.m.

Ray Eliot
Chairman

Judy Graham
Secretary

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

In the Matter of the proposed Adoption of Rules of the Minnesota Racing Commission Governing Strikes and Lock-outs, Contract Approval, Assignment of Racing Days, Pari-Mutuel Pools, Facilities and Equipment, Stabling, Class C Licenses, Security Officers, Thoroughbred and Quarter Horse Races, Harness Races, Horse Medication, Racing Soundness Exams, Medical Testing, Breeders Fund, Prohibited Acts, Disciplinary and Appeal Procedures, Variances, and all other aspects of Pari-Mutuel Horse Racing

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General, **ROBERT R. NARDI,** do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Robert R. Nardi

ROBERT R. NARDI
Special Assistant Attorney General

Dated: 4-15-85

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: RICHARD G. EVANS
Executive Secretary
Minnesota Racing Commission

DATE: 4/29/85

ATTENTION: ROBERT R. NARDI
Special Assistant Attorney General

FROM: LESLIE M. ALTMAN LMA
BARRY R. GRELLER
Special Assistant Attorneys General

PHONE: 297-2972

SUBJECT: **In the Matter of the Proposed Adoption of Rules Governing Strikes and Lockouts, Contract Approval, Assignment of Racing Days, Pari-Mutuel Pools, Facilities and Equipment, Stabling, Class C Licenses, Security Officers, Thoroughbred and Quarter Horse Racing, Harness Races, Horse Medication, Racing Soundness Exams, Medical Testing, Breeders' Fund, Prohibited Act, Disciplinary and Appeal Procedures, Variances, and All Other Aspects of Pari-Mutuel Horse Racing.**

The above-referenced rules have been approved as to their legality and form as it relates to legality by the Attorney General on April 29, 1985 pursuant to Minn. Stat. § 14.26 (1984).

Enclosed is the agency's copy of the approved rules. This office has already filed two copies of the approved rules with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for permanent rules without a hearing to become effective, your agency must publish a Notice of Adoption in the State Register in accordance with Minn. Stat. § 14.27. The rules will become effective five working days after publication in the State Register.

If you have any questions in this regard, please contact us.

LMA:sms
Enclosures
cc: Executive Director
Legislative Commission to Review
Administrative Rules
Chief Administrative Law Judge
Office of Administrative Hearings

Racing Commission

Adopted Rules Relating to Horse Racing

Rules as Adopted

7870.0439 STRIKES AND LOCKOUTS.

A licensee constructing a horse racing facility must enter into a no-strike, no-lockout agreement with the statewide labor organization which represents the largest number of construction employees in Minnesota.

7870.0500 CONTRACT APPROVAL.

Subpart 1. Contracts and subcontracts subject to prior commission approval. Contracts entered into, renewed, or extended by Class A, B, and D licensees and their contractors for goods and services are subject to prior approval by the commission. Contracts ~~and subcontracts~~ must include affirmative action plans establishing goals and timetables consistent with Minnesota Statutes, chapter 363. All Class A, B, and D licensees must submit ~~copies of any written contracts and subcontracts to the commission. No contract or subcontract is valid, nor are~~ as soon as practicable to the commission the name and the address of the contractor or subcontractor, amount and duration of the contract or subcontract, and a description of the good or service provided. The commission shall determine whether the contract or subcontract may affect the integrity of pari-mutuel racing, and the commission shall notify the licensee whether the commission intends to review and approve or disapprove the contract or subcontract. In making a determination that a contract or subcontract may affect the integrity of racing, the commission shall consider the amount and duration; the extent to which the contractor or subcontractor will be on the premises of the licensee; the relationship of the contract or subcontract to security; opportunity for contact between the contractor or subcontractor and horses, horsepersons, or patrons; opportunity for the

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contractor or subcontractor to influence the management and conduct of pari-mutuel racing; contact with admission, pari-mutuel, concession, or purse money; and whether the commission has reason to believe that the contractor or subcontractor is incompetent, financially irresponsible, or not of good character. If notified of the commission's intention to review and approve or disapprove a contract or subcontract, the licensee shall promptly submit to the commission copies of any written contracts or subcontracts as well as any documentation, records, or information the commission may request with regard to the contract. If the commission notifies a licensee of the commission's intention to review and approve or disapprove a contract or subcontract, the contract or subcontract is not valid, nor is either of the parties bound by the contract until it has been approved by the commission. The commission shall approve or disapprove contracts and subcontracts within 30 days, as computed pursuant to Minnesota Statutes, section 645.15, after submission.

Subp. 2. **Waiver of review.** The commission, by application of the criteria in subpart 1 to contract information received, may determine that contracts and subcontracts of certain types, amounts, or durations will not affect the integrity of pari-mutuel racing and need not be reviewed. If the commission so concludes, it shall give written notice to affected licensees of the types, amounts, or durations of contracts and subcontracts which will not be reviewed and affected licensees need not thereafter submit the information required in subpart 1 for those contracts or subcontracts. The commission, at any time, may by written notice to affected licensees, rescind its decision not to review contracts and subcontracts of certain types, amounts, or durations and require submission of the information required in subpart 1 if it determines that the integrity of pari-mutuel racing is affected.

Subp. 3. **Information required.** If a the commission notifies a licensee of its intention to review and approve or disapprove a contract or subcontract, and the contract or

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subcontract is in an amount more than $50,000 or of a duration longer than 30 days, a Class A, B, or D licensee also must submit to the commission:

A. The name, address, and telephone number of the contractor or subcontractor.

B. The name, address, date of birth, in the case of individuals, and social security number, if provided, of every director, officer, general partner, or other policymaker and holder of a direct or indirect record or beneficial ownership or other voting interest or control, whether absolute or contingent, of five percent or more in the contractor or subcontractor and the nature and extent of such interest or control. If a nonindividual holds more than a 25 percent interest or control of a contractor or subcontractor, the disclosure required by this item must be made of policymakers and holders of interests or control of ten percent or more in that entity.

C. A description of any contract, agreement, or understanding entered into by an individual or other entity identified in item B with regard to performance of the contract or subcontract or its benefits.

D. Descriptions of the most recent five contracts or subcontracts performed or being performed, date, and for whom.

E. Claims of delay or failure in meeting tax, financial, or other obligations, including bankruptcy proceedings, and any other litigation or administrative proceedings in which the contractor or subcontractor was a party during the past five years.

F. The signature, name, address, and title of an individual providing the information. The licensee must make its best effort to notify the commission promptly of any change in the information required by items A ~~to~~, B, C, E, and F before performance is completed.

Subp. ~~3~~ 4. **Basis for commission approval.** The commission shall approve the contract or subcontract if it determines that approval will not adversely affect racing or the public

interest, is in accordance with applicable laws and rules, and will not adversely affect the public health, safety, and welfare. In making that determination, the commission must consider the contractor or subcontractor's competence, experience, reputation, record of law abidance, and financial responsibility.

Subp. ~~4~~ 5. **Rescission of approval.** The commission, after notice and an opportunity to be heard, may rescind its approval of a contract or subcontract during its performance if the commission determines that the contractor or subcontractor no longer meets the criteria in subpart ~~3~~ 4.

Subp. ~~5~~ 6. **Economic opportunities for racial minorities.** Class A and B licensees are required, to the extent feasible, to establish the following goals to assist in providing economic opportunities for racial minorities:

A. establish a minimum goal of ten percent for construction subcontracts/material suppliers with minority business enterprises during construction of the facility, and establish a labor and employment goal of ten percent for racial minorities in on-site construction jobs;

B. establish a minimum goal of ten percent for hiring racial minorities in all job categories of the licensee's postconstruction workforce, including clerical, laborers, officials and managers, professionals, technicians, and salesworkers, and make a good faith effort to achieve this goal within two years of commencing racing operations;

C. establish a minimum goal of 15 percent of its total vendor, supplier, and other contracts with minority business enterprises for the postconstruction period, and achieve this goal within two years after completion of the initial construction; and

D. establish a minimum goal of making available up to ten percent of the available equity ownership to racial minorities.

Subp. 6 7. **Economic opportunities for women.** Class A and B licensees also are required, to the extent feasible, to

establish the following goals to assist in providing economic opportunities for women:

A. establish a minimum goal of four percent for construction subcontracts/material suppliers with women business enterprises during construction of the facility, and establish a labor and employment goal of four percent for women in on-site construction jobs;

B. establish a minimum goal of 51.4 percent for hiring women in all job categories of all the licensee's postconstruction workforce, including clerical, laborers, officials and managers, professionals, technicians, and salesworkers, and make a good faith effort to achieve this goal within two years of commencing racing operations;

C. establish a minimum goal of 15 percent of its total vendor, supplier, or other contracts with women business enterprises for the postconstruction period, and make a good faith effort to achieve this goal within two years after completion of the initial construction; and

D. establish a minimum goal of making available up to ten percent of the available equity ownership to women.

Subp. ~~7~~ 8. **Economic opportunities for disabled.** Class A and B licensees are required, to the extent feasible, to establish reasonable goals to assist in providing economic opportunities for disabled individuals. These affirmative action goals must be set with respect to the Class A and B licensees' construction subcontracts/material suppliers during facility construction, on-site construction jobs, postconstruction labor force, postconstruction vendor, supplier and other contracts, and available equity ownership opportunities.

Subp. 8 9. **Compliance reports.** Class A and B licensees are required to file ~~semiannual~~ quarterly reports with the commission demonstrating compliance with the requirements of this part on forms provided by the commission.

Subp. 9 10. **Definitions.** For the purpose of this part, the following words have the following meaning:

A. "Disabled individual" means a person who has a physical or mental impairment which substantially limits one or more major life activity; it does not include an alcohol or drug abuser whose current use of alcohol or drugs renders that individual a hazard to the individual or others.

B. "Good faith effort" means a reasonable effort to accomplish goals and timetables.

C. "Minority business enterprise" is a business owned and controlled by minority individuals ~~and is a small business concern~~ (1) which is at least 51 percent owned by one or more minority individuals or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more minority individuals, and (2) whose management and daily business operations are controlled by one or more of such individuals.

~~C~~ D. "Owned and controlled" means a business with at least 51 percent of the economic beneficial interest, at least 51 percent of the voting interest, and whose management and daily business operation are legitimately held by a person (or persons in any combination) who is a racial minority or woman.

~~D~~ E. "Racial minority" means:

(1) Blacks, persons having origins in any of the Black African racial groups not of Hispanic origin;

(2) Hispanic, persons of Mexican, Puerto Rican, Cuban, Central American, South American, or other Spanish culture or origin, regardless of race;

(3) Asian and Pacific Islander, persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; and

(4) American or Alaskan Native, persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification.

~~E~~ F. "Women owned business enterprise" is a business owned and controlled by women ~~and is a small business concern~~

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(1) which is at least 51 percent owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women, and (2) whose management and daily business operations are controlled by one or more of such individuals.

CHAPTER 7869

MINNESOTA RACING COMMISSION

GENERAL DEFINITIONS

7869.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of chapters 7869 to 7899, the following terms have the meaning given them unless another intention clearly appears.

Subp. 2. **Actual favorite.** "Actual favorite" means a horse that has the lowest win odds as determined by the most amount of money wagered on that horse to win.

Subp. 3. **Added money.** "Added money" means the amount an association adds to the nominating and starting fees in a race.

Subp. 4. **Age.** "Age" means the age of a horse as computed from the first day of January in the year in which the horse is foaled.

Subp. 5. **Allowance.** "Allowance" means a specified amount of weight that may be subtracted from a ~~horse~~ horse's starting weight based upon that horse's past performance, money won, ~~or~~ sex, or apprentice jockey as they relate to the conditions of a race.

Subp. 6. **Also-eligible.** "Also-eligible" means a horse officially entered and appearing on the overnight sheet, but not permitted to start unless the field is reduced by scratches at scratch time below a specified number.

Subp. 7. **Association.** "Association" means the holder of a Class B or D license.

Subp. 8. **Authorized agent.** "Authorized agent" means a person duly appointed by an owner or trainer to act on their behalf in racing matters.

Subp. 9. **Break.** "Break" means the act of a harness horse altering either its pacing or trotting stride.

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Subp. 10. **Breeder.** "Breeder" of a thoroughbred horse means the owner of the dam at the time of foaling.

Subp. 11. **Breeding place.** "Breeding place" means the place of birth of a horse.

Subp. 12. **Claim.** "Claim" means the act of attempting to purchase a horse from a claiming race.

Subp. 13. **Claiming authorization.** "Claiming authorization" means approval granted by the commission to a person that is not licensed as an owner to claim a horse from a claiming race.

Subp. 14. **Commission.** "Commission" means the Minnesota Racing Commission.

Subp. 15. **Commission veterinarian.** "Commission veterinarian" means the medical officer appointed by the commission pursuant to Minnesota Statutes, section 240.04, subdivision 4.

Subp. 16. **Condition book.** "Condition book" means the publication issued by the association and approved by the commission advertising races for upcoming racing days.

Subp. 17. **Coupled.** "Coupled" means two or more horses grouped together for wagering purposes.

Subp. 18. **Course.** "Course" means the track over which horses race.

Subp. 19. **Day.** "Day" means 24 hours ending at midnight.

Subp. 20. **Dead heat.** "Dead heat" means two or more horses crossing the finish line at exactly the same time.

Subp. 21. **Declaration.** "Declaration" means the act of withdrawing an entered horse from a race.

Subp. 22. **Disqualification.** "Disqualification" means an order of the stewards or commission which revises the order of finish in a race.

Subp. 23. **Entrance fee.** "Entrance fee" means a fee set by the association which must be paid in order to make a horse eligible for a stakes race.

Subp. 24. **Entry.** "Entry" means, according to its context, either:

A. the act of entering a horse to race;

B. a horse eligible and entered in a race; or

C. two or more horses that are entered in a race and are owned in whole or in part by the same owner, or are trained by a trainer who owns any interest in any of the other horses in the race, and which are coupled for wagering purposes.

Subp. 25. **Equipment.** "Equipment," as applied to a horse, means whips, blinkers, tongue straps, muzzles, hoods, nose bands, shadow rolls, martingales, breast plates, bandages, boots, plates (shoes), sulkies, head poles, and all other paraphernalia that is or might be used on or attached to a horse while racing.

Subp. 26. **Field.** "Field" means, according to its context, either:

A. the entire group of horses in a race; or

B. the highest numbered horse within the capacity of the totalizator, and all horses of a higher number grouped together for wagering purposes.

Subp. 27. **Fine.** "Fine" means the imposition of a monetary penalty upon a license holder by the stewards or commission.

Subp. 28. **Foul.** "Foul" means any action by a horse ~~or~~, jockey, or driver which interferes with another horse ~~or~~, jockey , or driver in the running of a race.

Subp. 29. **Gait.** "Gait" means any of the ways a horse may move by lifting the feet in different order or rhythm, and specifically in harness racing, trotting~~,~~ or pacing.

Subp. 30. **Grounds.** "Grounds" mean the entire area used by the association to conduct a race meeting, including the track, grandstand, stables, concession areas, and parking facilities.

Subp. 31. **Heat.** "Heat" means one of a number of ~~races~~ events to determine the ultimate winner of ~~an event~~ a race.

Subp. 32. **Horse.** "Horse" includes filly, mare, colt, horse, gelding, and ridgling.

Subp. 33. **Lapped on break.** "Lapped on break" means a harness horse that is breaking stride at the finish line and is even with an opponent, or the breaking horse's nose is at least opposite its opponent's hind quarters.

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Subp. 34. **Maiden.** "Maiden" means a horse which at the time of starting has never won a race, on the flat in any country on a recognized racetrack, or that has been disqualified after finishing first.

Subp. 35. **Meeting.** "Meeting" means the entire period for which a license to conduct racing has been granted to any association by the commission.

Subp. 36. **Morning line.** "Morning line" means the projected approximate win odds of each horse printed in the official program prior to wagering.

Subp. 37. **Nerved.** "Nerved" means any procedure whereby any nerve or nerves of a horse have been removed or desensitized.

Subp. 38. **Nominating fee.** "Nominating fee" means an amount set by the association which must be paid in order to make a horse eligible for a stakes race.

Subp. 39. **Nomination.** "Nomination" means the naming of a horse or its foal in utero to compete in a specific race or series of races, eligibility for which may be conditional upon the payment of a fee at the time of naming.

Subp. 40. **Nominator.** "Nominator" means the person in whose name a horse is nominated for a stakes race or handicap race.

Subp. 41. **Official.** "Official" means the act of the stewards declaring the results of the race final and authorizing winnings to be paid out.

Subp. 42. **Owner.** "Owner" means any person or entity possessing all or part of the legal title to a horse.

Subp. 43. **Photo-finish.** "Photo-finish" means the equipment and cameras used to aid the placing judges in determing the exact order of finish in a race.

Subp. 44. **Place.** "Place" means either the position in which a horse finishes a race or more specifically, finishing second in a race.

Subp. 45. **Pool.** "Pool" means the total amount of money bet in each form of pari-mutuel wagering.

Subp. 46. **Post position.** "Post position" means the

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starting position assigned to a horse for a race.

Subp. 47. **Post time.** "Post time" means the time set for the arrival of horses at the starting point in a race.

Subp. 48. **Program.** "Program" means, according to its context, either:

A. an entire ~~days~~ day's racing schedule; or

B. the official publication of a day's races.

Subp. 49. **Purse.** "Purse" means the amount of money to be paid the participants of a race.

Subp. 50. **Qualifying list.** "Qualifying list" means the tabulation compiled by the stewards of horses that must perform in qualifying races before being eligible to be entered.

Subp. 51. **Race.** "Race" means a contest among horses for purse, stakes, premium, or wager for money, run in the presence of racing officials of the association and the commission. The following are categories of races:

A. "Allowance race" means a race, other than claiming, in which certain conditions are drafted.

B. "Claiming race" means a race in which any horse entered may be purchased in conformity with the rules of the commission.

C. "Conditioned race" means an overnight event to which eligibility is determined according to specified qualifications.

D. "Handicap race" means:

(1) in thoroughbred ~~and~~ or quarter horse racing a race in which weights to be carried by the entered horses are adjusted by a handicapper for the purpose of equalizing their respective chances of winning; or

(2) in harness racing the assignment of post positions of entered horses for the purpose of equalizing their respective chances of winning.

E. "Invitational race" means a race restricted to horses asked to race by the ~~racing secretary~~ association.

F. "Matinee race" means a race where an entrance fee may be charged and where the premiums, if any, are other than

money.

G. "Match race" means a race between two or more horses, each the property of different owners, on terms agreed upon by the owners, and approved by the commission.

H. "Overnight race" means a race for which entries close 96 hours or less before the time set for the first race of the day on which the races are to be run.

I. "Purse race" means a race for money or other prize to which the owners of the horses engaged in the race do not contribute an entry fee.

J. "Quarter horse race" means a race on the flat at 870 yards or less.

K. "Race on the flat" means a race over a course in which no jumps or other obstacles are placed.

L. "Restricted race" means a race required pursuant to Minnesota Statutes, section 240.29.

M. "Stakes ~~races~~ race" or "sweepstakes race" means a race to which nominators of the engaged entries contribute to a purse, and to which money or any other award may be added. No overnight race, regardless of its conditions, may be deemed a stakes race.

Subp. 52. **Recall.** "Recall" means the starter declaring that the field be assembled for a restart prior to the word "go" being given.

Subp. 53. **Recognized racetrack.** "Recognized racetrack" means a racetrack where pari-mutuel wagering is authorized by law, or which is recognized by the American Quarter Horse Association.

Subp. 54. **Ruled off.** "Ruled off" means the act of barring a licensee from the grounds of an association and denying the licensee all racing privileges.

Subp. 55. **Scratch.** "Scratch" means the act of withdrawing an entered horse from a race.

Subp. 56. **Scratch time.** "Scratch time" means the time set by the association for the closing of applications requesting permission of the stewards to withdraw from a race.

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Subp. 57. **Simulcast.** "Simulcast" means a televised race transmitted or received by an association on a racing day when pari-mutuel wagering is conducted.

Subp. 58. **Start.** "Start" means the beginning of an officially recognized race.

Subp. 59. **Starter.** "Starter" means, according to its context, either:

A. a horse whose stall door of the starting gate opens in front of it at the time all of the horses are dispatched in a race; or

B. the official whose duty it is to give the starting signal at the beginning of a race.

Subp. 60. **Starter's schooling list.** "Starter's schooling list" means a tabulation of horses compiled by the starter that are ineligible to be entered until they have demonstrated their ability to the starter that they are capable of performing in a satisfactory manner at the starting gate.

Subp. 61. **Starting fee.** "Starting fee" means ~~a charge~~ an amount, specified by the conditions of the race and set by the association, that must be paid in order to start in a race.

Subp. 62. **Stewards' list.** "Stewards' list" means a tabulation ~~of horses~~ compiled by the stewards of horses ~~who~~ that are ineligible to race due to poor performance, ownership by a suspended or nonlicensed person, or for other reasons that might affect the integrity or welfare of racing.

Subp. 63. **Supplemental fee.** "Supplemental fee" means a fee set by the association that must be paid at a prescribed time to make a horse eligible for a stakes race.

Subp. 64. **Suspended.** "Suspended" means that all privileges granted by the commission are temporarily withdrawn.

Subp. 65. **Sustaining fees.** "Sustaining fees" mean fees which must be paid periodically, as prescribed by the conditions of the race, in order to keep a horse eligible for that race.

Subp. 66. **Totalizator.** "Totalizator" means the system by which all pari-mutuel activity including selling and cashing of tickets, calculation of odds and payoffs, and displaying of

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pari-mutuel information is accomplished.

Subp. 67. **Track.** "Track" means the course over which races take place.

Subp. 68. **USTA.** "USTA" means the United States Trotting Association.

Subp. 69. **Walkover.** "Walkover" means a race in which there are not two or more horses of separate interest sent postward.

CHAPTER 7872
MINNESOTA RACING COMMISSION
ASSIGNMENT OF RACING DAYS

7872.0100 APPLICATION FOR RACING DAYS.

Subpart 1. **Submission of racing days requests.** On or before May 15 of any year, a Class B or Class D licensee may apply for an assignment of racing days for the next three calendar years by submitting an original and 15 copies of the following:

A. a signed request for assignment of racing days;

B. a statement of the precise nature and extent of the assignment requested, including dates, breeds of horses, number of races per program, types of races, purses, and hours of racing;

C. a detailed statement of how the request meets each of the criteria in part 7872.0110; and

D. any other documentation the licensee deems necessary to ensure a complete understanding of the request.

Subp. 2. **Disposition of racing days requests.** The commission must act on a request for assignment of racing days pursuant to the following procedures:

A. Upon receipt of an application, the commission shall send written notice of the application to all persons registered with the commission for the purpose of notification of ~~rulemaking proceedings or~~ assignments of racing days and all other Class B and D licensees. The notice must include a brief description of the request, a statement that all persons wishing to comment may do so in writing within 20 days after issuance of

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the notice, the time and place of a public hearing on the application, and the earliest and latest date on which the commission may act.

B. The commission shall conduct a public hearing on the request no sooner than 25 nor later than 30 days after an application is filed. The commission shall issue a press release no later than five days after an application is filed announcing the filing and the time and place of the public hearing.

C. If, after an application is filed, the commission determines that additional information from the applicant is necessary to fully consider the request, the commission must direct the applicant to submit the additional data.

D. If the commission further determines it necessary to fully understand an application, the commission shall request the applicant or a person submitting comments to appear before the commission. The commission shall request the appearance in writing at least five days in advance.

E. If an applicant fails to comply with subpart 1 and this subpart, the commission shall deny the request.

F. Within 30 days after action on an appplication, the commission shall submit in writing to the applicant and persons who submitted written comments the reasons ~~why the commission approved or denied the request~~ for its action.

Subp. 3. Revision of racing days. A holder of a Class B or D license may apply for, or the commission on its own motion may make, a revision of an assignment of racing days as provided in Minnesota Statutes, section 240.14, subdivision 2, paragraph (b), except that the commission shall perform the duties imposed on an applicant as provided in this part.

Subp. 4. Recission of racing days. The commission on its own motion may rescind one or more racing days assigned to a licensee as provided in Minnesota Statutes, section 240.14, subdivision 4, if the commission determines the licensee has not or will not meet the terms of the license. Any days rescinded may be reassigned to another licensee.

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Subp. 5. **Licenses after July 1.** If a Class B or D license is issued after July 1 of any year, the commission upon application may approve an assignment of racing days to the licensee as provided in Minnesota Statutes, section 240.14, subdivision 1, except that the application must have been filed no later than the time of application for the license.

7872.0110 ASSIGNMENT OF RACING DAYS.

Subpart 1. **Request.** Upon the written request of a Class B or D licensee, the commission shall assign racing days, including maximum number of days of racing per year, months and weeks during which racing may be conducted, days on which racing may be conducted, dark days, types of racing, maximum number of races per program, hours of racing, period of time between race meetings and other issues related to Minnesota Statutes, chapter 240, and the rules of the commission.

Subp. 2. **Basis for assignment of racing days.** When considering a request for assignment of racing days, the ~~commissioner~~ commission must consider the success and integrity of racing; the public health, safety, and welfare; public interest, necessity, and convenience; as well as the following factors:

A. the integrity of the licensee;

B. the financial strength of the licensee;

C. the ability of the licensee to conduct horse racing, including licensee's facilities, systems, policymakers, managers, and personnel;

D. past compliance of the licensee with statutes, rules, and orders regarding pari-mutuel horse racing;

E. the licensee's market, including area, population, and demographics;

F. the performance of the racetrack with previously assigned dates;

G. the impact of the assignment of racing days on the economic viability of the racetrack, including attendance and pari-mutuel handle;

H. the quantity and quality of economic activity and

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employment generated;

I. state tax revenues from racing and related economic activity;

J. the entertainment and recreation opportunities for Minnesota citizens;

K. the variety of racing;

L. the quality of racing;

M. the availability and quality of horses;

N. the development of horse racing;

O. the quality of racetrack facilities;

P. security;

Q. purses;

R. benefits to Minnesota breeders and horse owners;

S. stability in racing dates;

T. competition among racetracks and with other providers of entertainment and recreation as well as its effects;

U. the social effects;

V. ecology;

W. community and government support;

X. sentiment of horsepersons; and

Y. any other factors related to assignment of racing days which the commission deems crucial to its decision-making as long as the same factors are considered with regard to all requests.

CHAPTER 7873
MINNESOTA RACING COMMISSION
PARI-MUTUEL RULES

7873.0100 APPLICATION FOR PARI-MUTUEL POOLS.

Subpart 1. **Submission of pari-mutuel requests.** A Class B or D licensee may apply for approval of a pari-mutuel ~~pool~~ pools by submitting an original and 15 copies of the following:

A. a signed request for approval of pari-mutuel ~~pool~~ pools;

B. a statement of the precise nature and extent of the ~~pool~~ pools requested, including type of betting and placement in racing programs;

C. a detailed statement of how the request meets each of the criteria in part 7873.0110, subpart ~~1~~ 2; and

D. any other documentation the licensee deems necessary to ensure a complete understanding of the request.

Subp. 2. **Disposition of requests.** The commission must act on a request for approval of a pari-mutuel ~~pool~~ pools pursuant to the following procedures:

A. Upon receipt of an application, the commission shall send written notice of the application to all persons registered with the commission for the purpose of notification of ~~rulemaking proceedings or~~ approval of pari-mutuel pools, and all other Class B and D licensees. The notice must include a brief description of the request, a statement that all persons wishing to comment may do so in writing within 20 days after issuance of the notice, the time and place of any public hearing on the application, and the earliest and latest date on which the commission may act.

B. The commission may conduct a public hearing on the request no sooner than 25 nor later than 30 days after an application is filed. The commission shall issue a press release no later than five days after an application is filed announcing the filing and the time and place of any public hearing.

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C. If, after an application is filed, the commission determines that additional information from the applicant is necessary to fully consider the request, the commission shall direct the applicant to submit the additional data.

D. If the commission further determines it necessary to fully understand an application, the commission shall request the applicant or a person submitting comments to appear before the commission. The commission shall request the appearance in writing at least five days in advance.

E. If an applicant fails to comply with subpart 1 and this subpart, the commission shall deny the request.

F. The commission shall approve ~~or~~, deny, or give its qualified approval to an application for ~~approval of a~~

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pari-mutuel ~~pool~~ pools not sooner than 30 nor later than 45 days after filing of the application.

G. Within 30 days after action on an application, the commission shall submit in writing to the applicant and persons who submitted written comments the reasons ~~why the commission approved or denied the request~~ for its action.

Subp. 3. **Motion of commission.** The commission on its own motion may designate pari-mutuel pools as provided in Minnesota Statutes, section 240.13, subdivision 3, except that the commission shall perform the duties imposed on an applicant by subpart 1.

7873.0110 APPROVAL OF PARI-MUTUEL POOLS.

Subpart 1. **Request.** Upon written request of a Class B or D licensee, or on its own motion, the commission may approve pari-mutuel pools, including types of betting, number and placement of ~~exotics~~ multiple pools in racing programs, and other issues related to pari-mutuel pools which promote the purposes of Minnesota Statutes, chapter 240, and the rules of the commission.

Subp. 2. **Basis for approving pari-mutuel pools.** When considering a request for approval of pari-mutuel pools, the commission must consider the success and integrity of racing; the public health, safety, and welfare; public interest, necessity, and convenience; as well as the following factors:

A. the integrity of the licensee;

B. the financial strength of the licensee;

C. the ability of the licensee to operate a racetrack and conduct horse racing, including licensee's facilities, systems, policymakers, managers, and personnel;

D. past compliance of the licensee with statutes, rules, and orders regarding pari-mutuel horse racing;

E. the licensee's market, including area, population, and demographics;

F. the performance of the racetrack with previously approved pari-mutuel pools;

G. the impact approving the pari-mutuel pool will

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have on the economic viability of the racetrack, including attendance and pari-mutuel handle;

H. the quantity and quality of economic activity and employment generated;

I. state tax revenues from racing and related economic activity;

J. the entertainment and recreation opportunities for Minnesota citizens;

K. the variety of racing;

L. the quality of racing;

M. the availability and quality of horses;

N. the development of horse racing;

O. the quality of racetrack facilities;

P. security;

Q. purses;

R. benefits to Minnesota breeders and horse owners;

S. competition among racetracks and with other providers of entertainment and recreation as well as its effects;

T. the social effects;

U. community and government support;

V. sentiment of horsepersons; and

W. any factors related to pari-mutuel pools which the commission deems crucial to its decision-making, as long as the same factors are considered with regard to all racetracks.

Subp. 3. Limitation on pari-mutuel pools. The commission shall not approve a pari-mutuel pool in which a participant is required to select more than two horses in any race.

7873.0120 PARI-MUTUEL BETTING.

In the event there is insufficient money available in a net pari-mutuel pool to return $2.10 on each winning $2 wager, the association conducting the pari-mutuel betting shall pay the deficiency from its share of the pool.

7873.0125 CALCULATION OF PAYOFFS.

Subpart 1. No money wagered on horse to win. If a horse wins and there is no money wagered on it to win, the win pool

shall be apportioned among the holders of place tickets on that horse, if any; otherwise among holders of the show tickets on that horse.

Subp. 2. **No money wagered on horse to place.** If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among the holders of the place tickets on the other horse which was placed first or second.

Subp. 3. **No money wagered on horse to show.** If no money has been wagered to show on a horse which has placed first, second, or third in a race, the show pool in that race shall be apportioned among the holders of show tickets on the other horses which are placed first, second, or third in that race.

Subp. 4. **Failure of horses to finish in pools.** If only two horses finish in any one race, the show pool shall be figured the same as the place pool and the money apportioned to holders of show tickets on the two finishing horses. If only one horse finishes in any one race, all three pools shall be figured separately as straight holders of the finishing horse. If no horse finishes the race, then the entire amount wagered in all pools shall be refunded to all ticket holders.

Subp. 5. **Dead heats.** If two horses finish in a dead heat for:

A. first, the pay-off price shall be figured as in a place pool;

B. second, the winner of the race receives its half share of the profits in that pool, and each of the two horses that dead heats for second receives one-half of the remaining half of the profits; or

C. third, the first and second horses each receive a normal one-third of the profits in that pool; and the two horses that dead heat for third, each receives one-half of the remaining third of the profits.

Subp. 6. **Coupled entry finishing in the money.** If two horses coupled in the betting as an "entry" or the "field" finish first and second, first and third, or second and third,

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the division of the net show pool shall be as follows: two-thirds of the net show pool shall be allotted to the pool of the entry and the remaining one-third to the other horse.

Subp. 7. **Coupled entry in dead heat finishing in the money.** If one horse of an entry or field finishes first or second and the other part of the same entry or field finishes in a dead heat for third with another horse, the division of the net show pool shall be as follows: one-half of the pool to the entry, one-third to the other first or second place finisher, and one-sixth to the horse finishing in the dead heat.

Subp. 8. **Field or entry finishing first, second, and third.** If the coupled entry or field horses finishes first, second, and third, the money in each pool goes to the entry or field tickets, no other tickets participating.

7873.0130 PREVENTION TO START.

In a thoroughbred or quarter horse race, if the doors in front of a stall in a mechanically or electronically operated starting gate should fail to open simultaneously with the other stall doors, thereby preventing a horse from obtaining a fair start when the starter dispatches the field, the following shall apply:

A. If any horse is so prevented from starting, the entire amount in the win, place, and show pools wagered on that horse shall be promptly refunded unless the horse finishes first, second, or third, in which case the horse shall be considered a starter for all pools in which the horse earned a placing and a non-starter in all other pools. However, there shall be no refund if the horse is part of a coupled entry or field.

B. In races on which multiple wagering is permitted, except on the second half of the daily double or pick six, if a horse is so prevented from starting, the entire amount wagered on any combination including that horse shall be promptly refunded.

7873.0140 FAILURE TO START.

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In the event of horses failing to start, the following shall apply:

A. If fewer than five horses in different betting interests leave the stalls, the entire amount wagered in the show pool shall be promptly refunded.

B. If fewer than four horses in different betting interests leave the stalls, the entire amount wagered in the place and show pools shall be promptly refunded.

C. If fewer than two horses leave the stalls, the entire amount wagered ~~to~~ in the win, place, and show pools shall be promptly refunded.

7873.0150 SCRATCHES.

For all wagers other than the daily double or pick six, a refund at face value shall be made to all holders of pari-mutuel tickets on horses that have been withdrawn, dismissed, or have participated in a race in which no horse finished. No refund shall be made if the scratched, withdrawn, or dismissed horse is part of a coupled entry or field.

7873.0160 DAILY DOUBLE.

Subpart 1. Scope. The daily double wager combines two horses in two successive races, selecting the horses which will finish first in the official order of finish of each of the two races. The first of these races is designated as the first half of the daily double and the subsequent race the second half. All daily double wagers must be calculated in an entirely separate pool.

Subp. 2. No winning combinations sold. The following calculations shall be used when no winning daily double combinations are sold:

A. If no winning combination is sold, the total money is computed as a place pool with those who have picked the winner of the first half and those who have picked the winner of the second half participating in the pool.

B. If no ticket is sold on the winner of the second half, the entire pool is apportioned to holders of the tickets

on the winner of the first half.

C. If no ticket is sold on the winner of the first half, the entire pool is apportioned to the holders of tickets on the winner of the second half participating in the pool.

D. If no tickets are sold containing the numbers of either winner, the pool shall be allotted to those having tickets on horses finishing next to the winners.

Subp. 3. **Dead heats.** If a dead heat should result in the first or second race of the daily double, the total pool is figured as a place pool.

Subp. 4. **Scratches from daily double before first half is run.** Should any horse or horses entered in the first or second half of the daily double be scratched, excused by the stewards, or prevented from racing before the first half of the daily double has been run, the money wagered on any horse or horses so scratched, excused, or prevented from racing shall be deducted from the daily double pool and refunded to the purchaser or purchasers of tickets on the horse or horses so scratched, excused, or prevented from racing.

Subp. 5. **Scratches in second half to result in consolation pool.** Should any horse be scratched, excused, or prevented from racing in the second half of the daily double, after the first half is official, all tickets combining the scratched horse with winner of first half of the daily double shall become consolation tickets and shall be paid a price per dollar denomination calculated as follows: The net daily double pool shall be divided by the total purchase price of all tickets combining the winner of the first half, and the quotient thus obtained shall be the price to be paid to holders of tickets combining the winner of the first half and the scratched or excused horse of horses in the second half. The entire consolation pool (number of eligible tickets times the consolation price) shall be deducted from the net daily double pool.

Subp. 6. **Announcement of payoff prices.** The possible payoff prices shall be posted or announced to the public before

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the start of the second half of the daily double.

7873.0170 QUINELLA.

Subpart 1. **Scope.** The winning quinella combination shall be the first two horses of separate betting interests to finish the race. The order in which the horses finish is immaterial. All tickets on the quinella must be calculated in an entirely separate pool.

Subp. 2. **No winning combinations sold.** The following calculations shall be used when no winning quinella combinations are sold:

A. If there are no tickets sold on the winning combinations in a quinella race, all quinella tickets bearing the number of the individual win horse and all quinella tickets bearing the number of the individual place horse shall be deemed winning tickets and the payoff shall be calculated as a place pool.

B. If there are no tickets sold on the winning combination in a quinella race and if there are no quinella tickets sold with the number of the individual win horse, all quinella tickets bearing the number of the individual place horse shall be deemed winning tickets and the payoff shall be calculated as a win pool.

C. If there are no tickets sold on the winning combination in a quinella race and if there are no quinella tickets sold bearing the number of the individual place horse, all quinella tickets bearing the number of the individual win horse shall be deemed winning tickets and the payoff shall be calculated as a win pool.

D. If there are no tickets sold on the winning combinations in a quinella race and if there are no quinella tickets sold bearing the number of the individual win horse and if there are no quinella tickets sold bearing the number of the individual place horse, the quinella shall be deemed "no race" and all money in the quinella pool shall be promptly refunded.

Subp. 3. **If only one horse finishes, race declared "no race."** If only one horse finishes in a quinella race, the

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quinella shall be deemed "no race" and all money in the quinella pool shall be promptly refunded.

Subp. 4. **Dead heats.** The following calculations shall be used in the event of dead heats.

A. If there is a two horse dead heat for win in a quinella race, the two horses involved in the dead heat shall be the winning quinella combination.

B. If a multiple dead heat for win results, all horses involved in the dead heat shall be the winning combinations. Example: if numbers 1, 3, 5, and 7 dead heat for win, the winning quinella combinations would be 1-3, 1-5, 1-7, 3-5, 3-7, and 5-7. The net pool, after deducting the amounts wagered on the winning combinations will be equally distributed in payoff calculations on the winning combinations.

C. If there is a two horse dead heat for place in a quinella race, the total pool is calculated as a place pool.

D. If a multiple dead heat for place results in a quinella race, all combinations coupling the winning horse with the individual place horses shall be winners of the quinella race and payoffs calculated accordingly.

7873.0180 PERFECTA OR EXACTA.

Subpart 1. **Scope.** A perfecta or exacta wager combines two horses <u>of separate betting interests</u> in a single race, selecting the horse which will finish first and the horse which will finish second in that race in the official order of finish. All perfecta or exacta wagers must be calculated in a separate pool.

Subp. 2. **No winning combination sold.** If no ticket is sold on the winning perfecta or exacta combination, the net pool shall be distributed equally among holders of tickets selecting the winning horse to finish first and holders of tickets selecting the second place horse to finish second.

Subp. 3. **Dead heats.** The following calculations shall be used in the event of dead heats.

A. In case of a dead heat between two horses for first place, the net pool shall be calculated and distributed as a place pool to holders of tickets of the winning combination.

Example: if numbers 2 and 5 dead heat for win, the winning combination would be 2-5 and 5-2.

B. In case of a dead heat between two horses for second place, the pool shall be figured as a place pool, the holders of tickets combining the winning horse and the two horses finishing second participating in the payoff. Example: if number 2 wins with numbers 5 and 6 a dead heat for second, the winning combinations would be 2-5 and 2-6.

C. If there is a dead heat for second place, if no ticket is sold on one of the two winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combination. Example: if number 2 won and numbers 5 and 6 were a dead heat for second, 2-5 and 2-6 would be the winning combination. However, if no ticket was sold with a 2-5 combination, the net pool would be distributed to holders of the 2-6 combination.

D. If no tickets combine the winning horse with either of the place horses in the dead heat, the pool shall be calculated and distributed as a place pool to holders of tickets representing any interest in the net pool. Example: if number 2 won and numbers 5 and 6 were a dead heat for second, 2-5 and 2-6 would be the winning combinations. However, if no ticket was sold with the 2-5 or 2-6 combination, the net pool would be distributed to holders of any ticket with 2 in the win position as part of the combination with any other number (2-1, 2-3, 2-4, 2-7, 2-8 of an eight horse field) and to holders of any ticket with 5 or 6 in the place position with any other number (1-5, 3-5, 4-5, 6-5, 7-5, 8-5, 1-6, 3-6, 4-6, 5-6, 7-6, 8-6 of an eight horse field).

Subp. 4. **Refund of pool.** A refund of the perfecta or exacta pool shall occur when:

A. No ticket is sold that would require distribution of a perfecta or exacta pool to winners as defined in this part.

B. Only one horse finishes in a perfecta or exacta race.

7873.0190 PICK SIX.

Subpart 1. **Scope.** The pick six pari-mutuel pool is not a parlay and has no connection with or relation to any other pari-mutuel pool conducted by the association, nor to any win, place, and show pool shown on the totalisator, nor to the rules governing the distribution of such other pools.

Subp. 2. **Ticket is evidence of binding contract.** A pick six pari-mutuel ticket shall be evidence of a binding contract between the holder of the ticket and the association and the ticket shall constitute an acceptance of the pick six provisions and rules.

Subp. 3. **Pick six may be given distinctive name.** A pick six may be given a distinctive name by the association conducting the race meeting, subject to prior approval by the commission.

Subp. 4. **Pick six pool.** The pick six pari-mutuel pool consists of amounts contributed for a selection for win only in each of six races designated by the association with the approval of the commission. Each person purchasing a pick six ticket shall designate the winning horse in each of the six races comprising the pick six.

Subp. 5. **Coupled entries and fields.** Those horses constituting an entry of coupled horses, or those horses coupled to constitute the mutuel field in a race comprising the pick six, shall race as a single wagering interest for the purpose of the pick six pari-mutuel pool calculations and payouts to the public. However, if any part of either an entry or the field racing as a single wagering interest is a starter in a race the entry of the field selection shall remain as the designated selection to win in that race for the pick six calculation and the selection shall not be deemed a scratch.

Subp. 6. **Calculation of pool.** The pick six pari-mutuel pool shall be calculated as follows:

A. One hundred percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel

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tickets which correctly designate the official winner in each of the six races comprising the pick six.

B. In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner in each of the six races comprising the pick six, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed. The remaining 25 percent shall be distributed among the holders of pick six tickets which correctly designate the most official winners of the six races comprising the pick six.

C. Should no distribution be made pursuant to item A on the last day of the association's meeting, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of tickets correctly designating the most winning selections of the six races comprising the pick six for that day. If, for any reason, the final day of racing is canceled and the pick six pool has not been distributed, the pool shall be escrowed by the association, and the pool, as well as all accrued interest, shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing date of the same breed as an additional net amount to be distributed.

Subp. 7. Actual favorite substituted for scratched horse. In the event a pick six pari-mutuel ticket designates a selection in any one or more of the races comprising the pick six and that selection is scratched, excused, or determined by the stewards to be a nonstarter in the race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time of the start of the race, will be substituted for the nonstarting selection for all purposes, including pool calculations and payoffs.

Subp. 8. Dead heats. In the event of a dead heat for win between two or more horses in any pick six race, all such horses

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in the dead heat for win shall be considered as winning horses in the race for the purpose of calculating the pool.

Subp. 9. Cancellation of race comprising pick six. In the event one or more of the races comprising the pick six is canceled for any reason, or in the event one or more of the races comprising the pick six is declared as no contest by the stewards, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed. The remaining 25 percent shall be distributed among the holders of pick six tickets which correctly designate the most official winners of the remaining races comprising the pick six.

Subp. 10. No pick six ticket to be exchanged or canceled. No pari-mutuel ticket for the pick six pool shall be sold, exchanged, or canceled after the time of the closing of wagering in the first of the six races comprising the pick six, except for the refunds on pick six tickets as required by this part, and no person shall disclose the number of tickets sold in the pick six pool or the number or amount of tickets selecting winners of pick six each day to be official. → (Clarify meaning)

7873.0200 "OFFICIAL" SIGN.

Any ruling of the stewards with regard to the award of purse money made after the "official" sign has been posted shall have no bearing on the mutuel payoff.

7873.0210 LOST TICKETS.

No claims for lost pari-mutuel tickets shall be considered.

7873.0220 ALTERED OR MUTILATED TICKETS.

A mutilated or altered pari-mutuel ticket that is not easily identifiable as being a valid ticket shall not be accepted for payment.

7873.0230 INFORMATION WINDOW.

Each association shall provide at least one information or

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complaint window where complaints may be made by members of the public. A current set of all commission rules regarding the conduct of pari-mutuel wagering shall be available for public inspection during racing hours at every such window.

7873.0240 TIP SHEETS.

Subpart 1. Number of tip sheets. Not less than two independently-handicapped tip sheets shall be available at a racetrack. Each handicapper must sign and deliver the sheet at least one hour before post time for the first race to a commission representative at the racetrack.

Subp. 2. Previous day's sheet to be posted. The previous race day's tip sheets and its outcome must be displayed in a conspicuous place within the grandstand area of the racetrack for inspection by patrons.

Subp. 3. Tip sheet vendors must be licensed. All persons holding a tip sheet concession at the racetrack must be approved and licensed as a vendor by the commission.

7873.0300 SIMULCAST WAGERING.

Subpart 1. Request. Upon written request of a Class B or Class D licensee (association), the commission may approve wagering on races televised to Minnesota from another licensed racing jurisdiction. The request must be made not less than seven days prior to the race to be televised. The request must be accompanied by a signed reciprocal agreement among the racetrack originating (hosting) the broadcast, the association representing the horsepersons at the host track, the Minnesota racetrack receiving the broadcast, and the association representing the horsepersons at the Minnesota racetrack receiving the broadcast.

Subp. 2. Approval. All approved simulcast races must be conducted at the licensed racetrack on a racing day assigned to an association by the commission. Racing must be conducted on that racing day ~~pursuant to~~ as defined by Minnesota Statutes, section 240.14, subdivision 10.

Subp. 3. Pari-mutuel pools. All takeout and taxes on

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simulcast pari-mutuel pools must be in accordance with Minnesota Statutes, section 240.15, subdivision 1, paragraph (a).

Subp. 4. **Purses.** An amount equal to five percent of all pools on televised races must be set aside to be used for purses pursuant to Minnesota Statutes, section 240.13, subdivision 5.

Subp. 5. **Compliance with laws.** In addition to all state laws and applicable rules of the commission, simulcast wagering must be in compliance with United States Code, title 15, section 3001, et seq.

7873.0400 TELEPHONE ACCOUNT WAGERING.

Subpart 1. **Request.** Upon written request of a Class B or Class D licensee ~~(association)~~, the commission may approve telephone account wagering to be conducted on the premises of a licensed racetrack. The request must show how the telephone account wagering system will promote the success and integrity of racing, public interest, necessity, and convenience; and the impact on the economic viability of the applicant racetrack and all other racetracks licensed by the commission, including impact on pari-mutuel handle.

Subp. 2. **Requirements.** The association must meet the following requirements prior to conducting telephone account wagering:

A. A Minnesota-only "800" telephone system must be installed to receive wagers. No wagers may be accepted except by use of the required "800" telephone system.

B. The Minnesota-only "800" telephone system must be capable of recording all conversations and transactions conducted. The recording device must be used at all times when calls are received, and all recordings must be kept for a period of no less than 90 days for inspection by the commission.

C. Employees of the association receiving telephone account wagers must be holders of a current Class C pari-mutuel license issued by the commission.

D. The association must use a totalizator system capable of recording all transactions conducted by the telephone account wagering system.

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Subp. 3. **Conduct of telephone account wagering.** Telephone account wagering shall be conducted in the following manner:

A. A person desiring to open a telephone wagering account must:

(1) be 18 years old or older and provide proof of identification and age;

(2) deposit with the association no less than $100 in cash or by certified check or money order; and

(3) obtain a code number and code name assigned by the association.

B. All wagering transactions must begin with the customer stating his or her code name and number. Thereafter, transactions shall be identified by the race number, the types and amounts of wagers, and by horse numbers. The information must be repeated by the pari-mutuel clerk and the customer's account balance must be given to the customer after each transaction.

C. The total amount of all telephone account wagers shall be included in the respective pools for each race. The amount wagered from individual accounts shall be debited accordingly, and any winnings shall be automatically credited to such accounts upon the race being declared "official."

D. Actual race results may not be divulged to telephone account customers during racing hours; however, account balances may be given.

Subp. 4. **Reports to be filed.** Each association conducting telephone account wagering must provide complete reports to the commission on a weekly basis. The reports must include a record of all debits, credits, balances, and any complaints received and the disposition of such complaints.

Subp. 5. **Compliance with rules.** Telephone account wagering shall be conducted in compliance with all state and federal laws and other applicable rules of the commission.

CHAPTER 7875

MINNESOTA RACING COMMISSION

FACILITIES AND EQUIPMENT

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

7875.0100 FACILITIES.

Subpart 1. **Facilities.** Each association must include a receiving barn, detention facility, paddock, room for jockeys and drivers, lighting, ~~stalling~~ stabling, restrooms, medical facilities, racing officials' space, viewing room, commission office and parking space, space for the Bureau of Criminal Apprehension, and complaint desk ~~which~~. The facilities must meet the needs of patrons, officials, horsepersons, other persons on the premises, and horses.

Subp. 2. **Maintenance.** Each association must maintain its facility so that it is neat and clean, painted, and in good repair with consideration for the safety, health, and comfort of persons on the premises, and safety and health of horses.

Subp. 3. **Reports.** No later than 30 days before the first day of any race meeting, the association shall submit to the commission the most recent inspection reports issued by governmental authorities regarding the condition of facilities, sanitation, and fire prevention, detection, and suppression.

Subp. 4. **Racing surfaces.** ~~The association conducting the first thoroughbred and harness meetings of the year at a racetrack must~~ Within seven days after ~~the~~ a race meeting commences, the association must submit to the commission evidence that the construction, elevation, and composition of racing and training surfaces have received engineering and veterinarian approval as safe and humane.

Subp. 5. **Distance poles.** Distance poles on a race course shall be the following colors:

A. quarterpoles, red and white;

B. eighth poles, green and white; and

C. 16th poles, black and white.

7875.0200 EQUIPMENT.

Subpart 1. **Equipment.** Each association must include equipment, devices, or apparatus necessary to start, time, film or tape, and photograph the finish of every race. Equipment necessary to view photographs, films, and tapes of each race

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must be provided. Each association must include pari-mutuel equipment, devices, or apparatus necessary to sell and cash tickets and calculate and display odds. An association also must include adequate internal communications equipment.

Subp. 2. **Totalizator.** Totalizator equipment must be designed to calculate, at intervals of not more than 60 seconds between each complete change, the total amounts wagered on each betting interest as wagering progresses. Approximate odds on each betting interest in the win pool shall be updated on the totalizator board at intervals of not more than 60 seconds. Approximate odds or approximate payoffs on all multiple pari-mutuel pools, except the pick six, shall be displayed on television monitors at regular intervals. The totalizator equipment shall provide a record of total amount wagered and amount wagered on each betting interest.

Subp. 3. **Internal communications.** An internal communications system shall link the stewards' stand, pari-mutuel department, patrol judges, and other locations which the commission determines necessary to internal communications.

Subp. 4. **Starting gates.** At least two starting gates must be in service on each race day and shall be tested daily prior to the first race. Two tractors or teams of draught horses shall be positioned to pull any gate from a racecourse. Thoroughbred starting gates must be padded to prevent injury to jockeys, assistant starters, and horses. The arms of a standardbred starting gate shall have a screen or shield in front of each horse, and the arms shall be perpendicular to the rail when extended.

Subp. 5. **Photo-finish.** A photo-finish system must simultaneously use a back-up camera in case of malfunction of the primary system.

Subp. 6. **Timing.** An association must use an electric timing system. An official shall be designated to use a hand-held stopwatch to record the time should the electric timing system fail.

Subp. 7. **Film patrol.** Color film or color videotape

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recordings shall show clearly the position and actions of horses, jockeys, and drivers at close range. At least three cameras shall be used for every race to provide panoramic and head-on views of the race.

Subp. 8. **Preservation.** All photo-finish film or videotape records shall be preserved for at least 90 days after a close of a meeting or until legal proceedings involving a recorded race are concluded, whichever is later.

Subp. 9. **External communications.** An association may have telephone or telegraph systems on the premises during a race meeting for the benefit of the public press or for transacting ordinary business, but no information regarding the results of any race shall be transmitted out of the racetrack until the results are official, nor shall any message be sent over said wires transmitting money, or other things of value, or directing the placing of any wager on the result of a race.

Refer to exception for telephone account wagering here

No telephone calls, telegrams, or messages of any kind for any person attending or participating in the conduct of a race meeting shall be accepted, nor shall any notice be given pertaining to such message or telephone call during the hours indicated unless permission is first given by the stewards or the authorized representative of the commission.

A telephone on a private line shall be provided in the offices of the commission. All costs of the telephone service shall be borne by the association and the service shall not be interrupted at any time.

All telephones or other instruments of communication, other than those designated for the sole use of the commission or those approved by the commission for use during racing, must be rendered inoperable between the hours starting 30 minutes before post time for the first race and the flashing of the "official" sign following the last race.

CHAPTER 7876

MINNESOTA RACING COMMISSION

STABLING

AS PUBLISHED IN THE REVISOR OF STATUTES

7876.0100 ON-TRACK STABLING.

Subpart 1. **Allocation of stalls.** The racing secretary shall be responsible for stall allocation unless the association appoints a committee to perform that function and so notifies the commission.

Subp. 2. **Forms.** The association shall allocate stalls pursuant to a written stall application and agreement, on forms approved by the commission.

Subp. 3. **Notice.** The association shall give each applicant written notice with regard to each stall requested. The notice shall specify whether each application was accepted, denied, or placed on a pending status. The notice shall be given no later than five days before the first day of the race meeting, or ten days after receipt of the stall application, whichever shall be last to occur. The association shall give the applicant written notice of final action on an application.

Subp. 4. **Discretion.** The association shall be allowed broad discretion in allocating stalls, but its actions shall be governed by the best interests of racing and of the race meeting.

Subp. 5. **Restrictions.** No action on a stall application shall be based upon:

A. the race, color, creed, religion, national origin, or sex of the applicant;

B. an arbitrary or capricious decision, or a decision not related to the best interests of racing or of the race meeting; and

C. the payment, transfer, or delivery to the association or to any person designated by it, of money, property, or other thing of value, or upon the applicant's promise to make such payment, transfer, or delivery.

Subp. 6. **Misuse of property.** Previous misuse of racetrack property by an applicant may be considered when stall assignments are made.

Subp. 7. **Minnesota residents have preference.** In considering stall applications that are of substantially equal merit, the association shall give preference to applications submitted with respect to horses owned by Minnesota residents.

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Subp. 8. **Documents to be kept.** The association shall cause all stall applications, stall agreements, correspondence, and documents that influenced its decision to grant or deny stalls, including past performance charts, to be retained until the close of the race meeting or for such longer period as the commission may direct.

7876.0110 OFF-TRACK STABLING.

Subpart 1. **Stabling.** A horse racing at a licensed race meeting may be stabled within the confines of the racetrack, at another racetrack licensed by the commission or other racing jurisdiction, or at off-track facilities. The association conducting the meeting shall provide temporary stabling for horses eligible to race that are brought to a race from another racetrack or off-track facilities.

Subp. 2. **Requirements of commission must be met at racetrack.** All workout, tattooing, approval from the starting gate, and eligibility requirements of the commission or stewards must be secured at a licensed racetrack at which racing is being conducted.

Subp. 3. **Horses must be at racetrack by scratch time.** All horses shipped from another racetrack ~~of~~ or off-track stabling facility to a racetrack for a race must be at the racetrack before scratch time for that race.

CHAPTER 7877
MINNESOTA RACING COMMISSION
CLASS C LICENSES

7877.0100 GENERAL REQUIREMENTS.

Subpart 1. **Scope.** Except as otherwise provided by rule, any person whose work, in whole or in part, is conducted at a licensed racetrack shall first obtain a Class C license from the commission.

Subp. 2. **Licensing criteria.** In issuing a Class C license, the commission shall first determine that the applicant's age, experience, reputation, competence, record of law abidance, and financial responsibility are consistent with

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the best interests of horse racing, the provisions of Minnesota Statutes, chapter 240, and that licensure will not adversely affect the public health, welfare, and safety within Minnesota.

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

Subpart 1. **Application.** A person desiring a Class C license shall make application on forms provided by the commission and, upon written request of the commission, shall provide information supplemental to the application. Applications may be obtained from and filed with the licensing office at any current race meeting regulated by the commission, or with the commission's main office.

Subp. 2. **Application content.** An application for a Class C license shall include the following information with respect to the applicant:

A. date of birth;

B. social security number;

C. home address;

D. home telephone number;

E. names, and addresses, ~~and telephone numbers~~ of previous employers;

~~F. educational background;~~

~~G.~~ a signed statement authorizing the release of information to the commission and the Minnesota Bureau of Criminal Apprehension; and

~~H.~~ G. two completed FBI fingerprint cards.

Subp. 3. **Application submission.** An application shall not be considered filed until the application form has been filled out completely and all information requested by the commission has been supplied.

Subp. 4. **Racing officials.** Each association shall submit to the commission for its approval or disapproval the names of all persons whom the association has selected as racing officials, and other employees whose duties relate to the actual running of races. The list shall include, where applicable, the following racing officials:

A. assistant racing secretary;

You may retain this & we won't deny approval; we feel this is open to attack, however.

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B. association veterinarian;

C. claims clerk;

D. clerk of course (harness);

E. clerk of scales (thoroughbred or quarter horse);

F. clocker (thoroughbred or quarter horse);

G. director of security;

H. equipment inspector (harness);

I. general manager;

J. identifier;

K. jockeys' or drivers' room custodian;

L. mutuels manager;

M. paddock judge;

N. patrol judge;

O. placing judge;

P. program director (harness);

Q. outrider;

R. racing secretary;

S. starter;

T. stewards;

U. timer; and

V. track superintendent.

The list of racing officials' names shall be submitted to the commission in writing at least 30 days prior to the opening of each race meeting.

The association shall be responsible for filing a complete application for a Class C license with respect to each nominee who has not been previously licensed by the commission as a racing official.

The commission may request any person whose name is proposed as a racing official to submit to a physical examination and to forward the results of said examination to the commission. The request shall be made only where there is a reasonable basis for suggesting that the applicant's physical condition would hinder or prevent him or her from performing the duties of a racing official.

The commission shall act on the association's list of

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officials at a meeting of the commission. If commission staff recommends disapproval of an official, the association shall be notified of that recommendation in advance of the commission's meeting.

7877.0120 FEES.

Subpart 1. License fees. Each application for a Class C license, or its renewal, shall be accompanied by the payment of an annual fee according to the following schedule:

A. authorized agent, $25;

B. bloodstock agent, $100;

C. concessionaire/vendor, $100;

D. ~~concessionaire~~ concession/vendor employee, $10;

E. driver (harness), $25;

F. exercise rider, $15;

G. farrier, $25;

H. farrier's assistant, $10;

I. groom/hotwalker, $5;

J. horsepersons' bookkeeper, $25;

~~K. hotwalker, $5;~~

~~L.~~ jockey, $25;

~~M.~~ L. jockey agent, $25;

~~N.~~ M. jockey, apprentice, $25;

~~O.~~ N. owner, individual, $25;

~~P.~~ O. owner, multiple, $100;

~~Q.~~ P. owner/trainer/driver, $25;

~~R.~~ Q. pari-mutuel clerk, $10;

~~S. pharmaceutical representative, $100;~~

~~T. photo finish operator, $100;~~

~~U. photographer, track, $100;~~

~~V.~~ R. pony rider, $10;

~~W.~~ S. racing official, $25;

~~X.~~ T. stable foreman, $5;

~~Y.~~ U. trainer, $25;

~~Z.~~ V. trainer, assistant, $15;

~~AA. totalisator owner, $100;~~

~~BB.~~ W. valet, $5;

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~~CC.~~ X. veterinarian, $100;

~~DD.~~ Y. veterinary assistant, $25; and

~~EE.~~ Z. others, $10.

Subp. 2. **Fingerprint charge.** In addition to the license fee in subpart 1, each initial application for a Class C license, and each renewal application every third year thereafter, shall be accompanied by two completed FBI fingerprint cards taken by the commission and a properly executed certified check, cashier's check, or money order in the amount of $12 payable to "Federal Bureau of Investigation." Any horse owner who does not make application in person must meet all requirements of this subpart, except that the owner may file two completed fingerprint cards taken by a law enforcement agency.

O.K. → But questionable statutory authority.

Subp. 3. **Jockey mount fees.** Except as otherwise specially agreed by the parties, the fees to be paid jockeys shall be according to the following fee scale:

Purse	Winning Mount	Second Mount	Third Mount	~~Losing~~ Mount Other Mounts
~~$400~~ $499 and Under	$ 27	$19	$17	$16
500-599	30	20	17	16
600-699	36	22	17	16
700-~~900~~ 999	10% of win purse	25	22	20
1,000-~~1,400~~ 1,499	10% of win purse	30	25	22
1,500-~~1,900~~ 1,999	10% of win purse	35	30	28
2,000-~~3,400~~ 3,499	10%	45	35	33

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	of win purse				
3,500-					
~~4,900~~ 4,999	10%	55	45		35
	of win purse				
5,000-					
~~9,900~~ 9,999	10%	65	50		40
	of win purse				
10,000-					
~~14,900~~ 14,999	10%	5% of place	5% of show		45
	of win purse	purse	purse		
15,000-					
~~24,900~~ 24,999	10%	5% of place	5% of show		50
	of win purse	purse	purse		
25,000-					
~~49,900~~ 49,999	10%	5% of place	5% of show		60
	of win purse	purse	purse		
50,000					
~~and up~~-99,999	10%	5% of place	5% of show		75
	of win purse	purse	purse		
100,000 and up	10%	5% of place	5% of show		100
	of win purse	purse	purse		

Subp. 4. **Driver's fee.** In the absence of a contract or special agreement, drivers' fees shall be $20 or five percent of the purse earned, whichever is greater.

A. For the purpose of this subpart "purse earned" means the amount paid the winning horse less the fees paid by the owner to enter the horse in the race.

B. The purpose of this subpart is not to set a minimum or a maximum fee, but merely to provide a fee in the event that the parties have not made any other written agreement to the contrary.

A driver's fee shall be considered earned when the horse which the driver has been engaged to drive leaves the paddock for the post; provided, however, that in the event of a substitution of drivers after the fee is considered earned, no additional driver fee or double driver fee need be paid except

when so ordered by the stewards.

C. In the event the parties reach an agreement with respect to the fee to be paid the driver, a contract or agreement in writing signed by the driver (or his or her agent) and the owner (or his or her authorized agent) specifying the agreed upon fee shall be delivered to the horsepersons' bookkeeper prior to the running of the race in question. The horsepersons' bookkeeper shall debit the owner's account in accordance with the contract or written agreement.

D. If no contract or written agreement is submitted to the horsepersons' bookkeeper prior to the running of the race in question, the horseperson's bookkeeper shall debit the owner's purse account in accordance with the ~~fee scale in subpart 2~~ applicable fees found in this subpart.

You must Adopt a Supplemental finding of fact to explain this chang

7877.0125 CRITERIA FOR DETERMINING ELIGIBILITY.

Subpart 1. **Age.** An applicant for a Class C license, except an individual owner's license, shall be at least 14 years of age unless an older age is required by statute or rule; however Class C licensees who work in proximity to horses shall be at least 16 years of age.

Subp. 2. **Burden of proof.** If an applicant for a Class C license has had a license denied or had his or her license suspended or revoked or been excluded by another racing jurisdiction, the commission shall consider such fact as prima facie evidence that the applicant is unfit to be granted a Class C license, and the burden ~~of proof~~ shall rest upon the applicant to establish his or her fitness. In reviewing such applications, the commission shall consider the factors provided in part 7877.0100, subpart 2. Staf:

Subp. 3. **Compliance with laws.** An applicant for a Class C license shall certify that he or she is in compliance with all applicable racing, tax, affirmative action, and workers' compensation laws and rules.

7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

Subpart 1. **Individual owners.** An applicant for an

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individual owner's license must own or lease a horse eligible to race in Minnesota which is under the care of a trainer licensed by the commission.

Have Revisor search for other examples of this error

If younger than 18 years of age, an applicant for an individual owner's license must submit a notorized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual, and other obligations relating to the applicant's participation in racing. A parent or legal guardian submitting such an affidavit also shall submit information required in part 7877.0110, subpart 2. If the commission has reason to doubt the financial responsibility of an applicant for an individual owner's license, the applicant shall complete a verified financial statement.

Subp. 2. **Multiple owners.** Applicants for a multiple owner's license must comply with the following requirements.

A. A corporation, general partnership, limited partnership, trust, or any combination of two or more individuals which owns or leases a horse eligible to race in Minnesota (hereinafter referred to as "multiple owner") must obtain a Class C license issued by the commission.

B. Directors, officers, general partners, policymakers, and all holders of direct or indirect record or beneficial ownership or other voting interests or control, whether absolute or contingent, of five percent or more in a multiple owner also must obtain Class C licenses issued by the commission.

C. Individuals or entities required by items A and B to obtain a Class C license must make their best effort, as defined in part 7870.0030, subpart 2, item E, to disclose to the commission in writing at the time of each Class C license application and renewal request, any interest in a race horse other than horses owned or leased by the multiple owner, and any agreement or understanding entered into regarding the racing of horses owned or leased by the multiple owner or the benefits of racing the horses.

CLARIFY

...ED IN THE ...N OF STATUTES

D. A multiple owner must make its best effort, as defined in part 7870.0030, subpart 2, item E, to disclose to the commission in writing at the time of each Class C license application and renewal request, the nature and extent of every direct or indirect record or beneficial ownership or other voting interest or control, whether absolute or contingent, in the multiple owner. The disclosure shall include the names and addresses of every individual and other entity. The individuals an and other entities identified, except those required to be licensed pursuant to item B, shall not be licensed and shall not have access to restricted areas at racetracks.

E. A corportion must file with the commission, at the time of application for a Class C license, a copy of its articles of incorporation and a notarized statement signed by its chief executive officer agreeing to represent the entire ownership and be responsible for the corporation's horses and all racing matters.

F. A general partnership shall file with the commission, at the time of its application for a Class C license, a copy of the partnership agreement and a notorized agreement signed by all the partners designating a partner to represent the entire ownership and be responsible for the partnership's horses and all racing matters.

G. A limited partnership shall file with the commission, at the time of its application for a Class C license, a copy of the partnership agreement and a notarized designation of a general partner to represent the entire ownership and be responsible for the partnership's horses and all racing matters.

Subp. 3. **Trainers and assistant trainers.** Applicants for a trainer's or assistant trainer's license must comply with the following requirements.

A. An applicant for a trainer's license or an assistant trainer's license must be at least 18 years old.

B. Any person applying for the first time in Minnesota for a trainer's or assistant trainer's license shall

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submit to the examination required of prospective trainers and assistant trainers under subpart 4, items B and C unless the applicant has been licensed as a trainer or assistant trainer in another racing jurisdiction for at least the two preceding years, and meets the criteria in part 7877.0100, subpart 2.

C. An applicant for a trainer's license shall have at least one horse to train which is eligible to race in Minnesota. An applicant for an assistant trainer's license shall be employed by a licensed trainer with at least six horses in his or her stable at the time of filing the assistant trainer's application.

D. An applicant for a trainer's license shall provide proof of having complied with the workers' compensation laws, Minnesota Statutes, chapter 176, and all pertinent rules adopted thereunder, unless the trainer has no employees and contemplates none. If the trainer subsequently employs another person, he or she shall comply with applicable provisions of Minnesota Statutes, chapter 176, and all pertinent rules.

Subp. 4. **Prospective trainers and assistant trainers.** An applicant who has never been licensed by the commission or by another racing jurisdiction as a trainer or an assistant trainer must have at least two years' experience in an occupation that indicates a knowledge of horsemanship and racing practices.

A. The applicant must submit three letters of recommendation from former employers or currently licensed trainers attesting to the applicant's ability and experience.

B. The applicant must pass a written examination administered by the stewards, or their designee, covering such subjects as rules of racing, care and handling of horses, and proper use of racing equipment.

C. The applicant must pass a practical test of horsemanship administered by the stewards or their designee.

Subp. 5. **Jockeys.** Applicants for a jockey's license must comply with the following requirements.

A. An applicant for a jockey's license must be at least 16 years old.

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B. The applicant must have been licensed previously as a jockey or apprentice jockey by the commission or by another racing jurisdiction.

C. The applicant must pass a physical examination by a licensed, practicing physician within a year prior to the first Minnesota race meeting at which he or she intends to ride.

D. An applicant for a jockey's license may not be the owner or trainer of a race horse.

Subp. 6. **Apprentice jockeys.** Applicants for an apprentice jockey's license must comply with the following requirements.

A. An applicant for an apprentice jockey's license must be at least 16 years old.

B. The applicant must have been licensed previously by the commission or another racing jurisdiction as an apprentice jockey or as an exercise rider, or have acquired comparable experience at a training facility or farm. If licensed as an exercise rider or acquired comparable experience, an applicant must demonstrate the ability to break a horse from a starting gate in company with other horses under the observation of a starter and, thereafter, demonstrate to the stewards or their designee his or her ability to ride ~~competitively~~ in at least two races.

Cover w/ standards w/ we stewards use of discretion

C. An applicant must pass a physical examination by a licensed, practicing physician within a year prior to the first Minnesota race meeting at which he or she intends to ride.

D. Only thoroughbred races at authorized race meetings in the United States, Canada, or Mexico, which are reported in the Daily Racing Form or other recognized racing publication, shall be considered in determining eligibility for licensing as an apprentice jockey.

E. An applicant for an apprentice jockey's license may not be the owner or trainer of a race horse.

F. An apprentice jockey shall race under certificate issued by the commission in accordance with the standards in part 7877.0170, subpart 3, item B. → A ?

Subp. 7. **Exercise rider.** An applicant for an exercise

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rider's license must have been licensed as an exercise rider by the commission or by another racing jurisdiction. If unable to meet this requirement, an applicant shall demonstrate to the stewards, or their designee, the ability to ride a galloping race horse.

Subp. 8. **Harness driver.** Applicants for a harness driver's license must be at least 16 years old and must pass a physical examination administered by a licensed, practicing physician within a year prior to the first Minnesota race meeting at which he or she intends to drive. In addition:

A. The applicant must have been licensed previously as a harness driver by the commission or another racing jurisdiction.

B. If the applicant has never been licensed as a harness driver, he or she must demonstrate to the stewards the ability to drive a horse at training speeds and must pass a written examination demonstrating knowledge of harness racing rules and horsemanship administered by the stewards or their designee.

(1) If such an applicant successfully completes those prerequisites, he or she shall be issued a "Q" (qualifying) license to compete in qualifying and other non-wagering races only.

(2) The holder of a "Q" license must drive in at least 12 qualifying or non-wagering races, under supervision of the stewards, before being awarded a harness driver's license.

Subp. 9. **Veterinarians.** An applicant for a veterinarian's license must provide proof of current validation to practice veterinary medicine in Minnesota.

The applicant must demonstrate to the commission's veterinarian that he or she is familiar with current equine medical practices and possesses knowledge of the commission's medication rules as specified in chapter 7890.

Subp. 10. **Farriers.** An applicant for a farrier's license must have been licensed previously as a farrier by the commission or another racing jurisdiction, or must pass an

examination related to the shoeing of race horses administered by the stewards or their designee.

Subp. 11. **Pony riders.** An applicant for a pony rider's license must have been licensed previously as a pony rider by the commission or by another racing jurisdiction. If unable to meet this requirement, the applicant must demonstrate his or her riding ability to the stewards or their designee.

Subp. 12. **Stable foremen.** An applicant for a stable foreman's license must have been licensed previously as a stable foreman by the commission or by another racing jurisdiction, or must have been licensed as a groom for at least one year in any racing jurisdiction.

Subp 13. **Jockey agents.** An applicant for a jockey agent's license must have been licensed previously as a jockey agent by the commission or by another racing jurisdiction, and may represent no more than two jockeys and one apprentice jockey.

If never licensed as a jockey agent, the applicant must have at least one year's experience as a Class C licensee or have held an occupational license from another racing jurisdiction, and must pass a written examination administered by the stewards or their designee relating to jockey engagements, horse eligibility, and other topics relevant to his or her appointment as a jockey agent.

Subp. 14. **Authorized agents.** An applicant for an authorized agent's license must submit with his or her license application a written agency appointment authorizing him or her to act on behalf of a licensed owner or licensed trainer in racing matters not directly related to the care and training of horses. The authorization shall be on a form provided by the commission and shall define the powers, limits, and terms of the agency agreement. The authorization must be signed by the principals and notarized.

A separate notarized agency appointment is required for each principal an authorized agent intends to represent. All such agencies shall remain in effect for the duration of the licensing year unless written notice of revocation is submitted

to the stewards at the meeting where the principal is racing.

Subp. 15. **Bloodstock agents.** Any person who for gain, gratuity, commission, or reward, in either money or goods, acts as an agent for the sale or purchase of any race horse not his or her own which is eligible to race at an authorized race meeting in Minnesota, and who offers for sale, offers to purchase for a client or for his or her own account for resale within 60 days, or offers his or her services as an agent in the purchase or sale of any race horse not his or her own which is eligible to race in Minnesota, must obtain a Class C license from the commission to act as a bloodstock agent.

7877.0135 DUAL LICENSING.

In determining whether to issue more than one Class C license to an applicant, the commission shall consider the nature of the licenses sought or already held, and whether holding multiple licenses would be a conflict of interest.

A. A person licensed as a jockey, veterinarian, or farrier may not be licensed in another capacity.

B. ~~In addition to the prohibitions of item C, a person licensed as an owner may not be licensed as a jockey agent, nor may any person licensed as a jockey agent be licensed as an owner.~~

~~C.~~ No racing official may serve or act in another capacity at a race meeting at which he or she is licensed as an official.

C. In addition to the prohibitions of item B, a person licensed as an owner may not be licensed as a jockey agent, nor may any person licensed as a jockey agent be licensed as an owner.

D. No Class C licensee shall act in any capacity other than that for which he or she is licensed.

7877.0140 TEMPORARY LICENSE.

Subpart 1. **Issuance.** Pending completion of an investigation of qualifications and fitness, and a decision by the commission to issue or deny a Class C license, the

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commission may grant a temporary license to a person who has filed a complete and sufficient application for a Class C license and paid all applicable fees, which are nonrefundable. A temporary license must be granted if:

Do you want to provide for fees on a temp. fee are nonrefundable (See 7877.01

A. the applicant desires to act in a capacity for which a Class C license is required prior to the time the commission will make a decision on his or her application;

B. the applicant, in the exercise of reasonable care and diligence, could not have made application in time for the commission to make its decision before the applicant desires to commence the activity; and

C. the commission does not have reason to believe that the applicant is ineligible for the Class C license he or she seeks.

Subp. 2. **Termination.** A temporary license shall carry no presumption of qualifications or fitness and may be terminated summarily by the commission for cause.

A temporary license shall terminate upon a decision of the commission to issue or deny a Class C license, or ~~120~~ 60 days after the grant of the temporary license, whichever occurs first.

~~In the event of termination of a temporary license, the Class C license fee shall be forfeited.~~

7877.0145 EMERGENCY LICENSE.

Subpart 1. **Racing officials.** If a racing official approved by the commission becomes incapacitated or is unable to perform his or her duties, the stewards may approve an emergency license. The approval shall be based on the standards in part 7877.0175, and must be reported to the commission for consideration at the next commission meeting. If the emergency licensee has not previously been considered by the commission, the association shall be responsible for immediately submitting a completed license application to the commission.

Subp. 2. **Owners.** If an owner is unable to complete an application for an owner's license because of absence or illness, the licensed trainer desiring to enter a horse in a race shall be permitted to apply for an emergency owner's

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license on behalf of the absent owner.

The trainer applying for an emergency owner's license on behalf of an absent owner must submit a notorized affidavit with the license application specifying the reasons the owner is unable to complete the application.

Any emergency owner's license shall be valid for a maximum of 21 days from the date issued.

7877.0150 REPLACEMENT LICENSE.

A person whose license (ID badge) is lost, destroyed, or mutilated must request issuance of a replacement license and pay a fee of $10.

7877.0155 CONDITIONS PRECEDENT TO LICENSING.

Acceptance of a Class C license, including a temporary or emergency license, shall mean that the licensee consents and agrees to the following conditions:

A. The licensee will abide by commission rules.

B. The licensee will abide by all rulings and decisions of the stewards, unless the commission has modified or reversed a ruling or decision after a hearing.

C. The licensee will fully and truthfully provide information requested by the stewards or the commission in the course of an investigation, inquiry, or hearing.

D. The licensee will notify the stewards or the commission immediately about any bribe, attempted bribe, or any violation of a statute or rule relating to horse racing or gambling of which he or she has knowlege.

E. The licensee will submit to inspections and searches as hereinafter provided:

(1) When investigating for violations of law or rules upon ~~racetrack~~ the grounds ~~or at any location where horses eligible to race at a Minnesota race meeting are kept~~ of an association, the commission or the stewards may designate the Minnesota Bureau of Criminal Apprehension or another appropriate law enforcement agency as having authority to conduct searches of any Class C licensee, or any employee or agent of a Class A

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or Class B licensee under the commission's jurisdiction. This authority shall extend to searches and inspections of persons and personal effects in and about racetrack grounds ~~or at locations where horses eligible to race are kept~~.

(2) Each applicant for a Class C license and each employee or agent of a Class A or Class B licensee consents to such searches and inspections, and waives all claims or possible actions for damages that he or she believes he or she may have suffered in connection with any such search or inspection.

F. The licensee will, upon request of the commission or stewards, provide a blood or urine sample for analysis if the duties of the licensee place him or her in a position of danger or he or she commits an act that endangers a horse or human.

G. The licensee shall, upon request, furnish the commission with additional sets of classifiable fingerprints on designated law enforcement agency cards.

H. The licensee will conduct himself or herself in a manner that is not detrimental to the best interests of racing.

7877.0160 DURATION AND EXTENT OF CLASS C LICENSES.

Subpart 1. **Duration.** A Class C license shall expire at midnight on December 31 of the third calendar year after its issuance.

Subp. 2. **Extent.** A Class C license issued at one race meeting during the calendar year shall be eligible for validation at any other race meeting regulated by the commission that year provided that:

A. the licensee is in good standing with the commission; and

B. the licensee furnishes proof of employment or other evidence that he or she is practicing the occupation for which he or she is licensed.

Subp. 3. **Change of employers.** A Class C licensee who changes employers must notify the commission's licensing office of the change no later than by the end of the next racing day of that race meeting.

Subp. 4. **Validation.** In the two calendar years after the

year of issuance, each Class C license must be validated before the licensee engages in the activity for which the license was issued. The licensee must submit to the commission the current fee required by part 7877.0120 and a certificate on a form provided by the commission that he or she remains eligible to be licensed. The commission must validate a license after receipt of required submissions unless the licensee is determined to be ineligible. The commission may require fingerprints, a photograph, or other relevant data if it has reason to doubt the identity or eligibility of the licensee.

7877.0165 CREDENTIALS.

The commission shall issue an identification badge to each Class C licensee which must be validated for each racetrack at which the licensee's work is conducted.

The licensee must wear the badge on outer apparel at all times he or she is within any restricted area unless the activity for which he or she is licensed renders wearing of the badge on outer apparel unsafe or creates a substantial risk of loss, destruction, or mutilation of the badge, in which case the badge shall be in possession of the licensee.

No licensee shall permit any other person to use his or her badge for identification, entrance to the racetrack, or for any other purpose on or off the racetrack grounds.

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

Subpart 1. **Owners.** Horse owners shall have the following responsibilities:

A. Owners are responsible for stakes payment, jockeys' fees, and drivers' fees.

B. Any owner wagering for a jockey/driver on any horse that the jockey/driver is to ride/drive for the owner shall keep a written record of the wager.

C. Owners shall comply with rules of claiming as specified in chapter 7883.

D. Racing colors must be registered with the commission when filing an application for an owner's license and

upon-payment-of. A $10 annual fee must accompany the registration. Authority for the use of racing colors must be sanctioned by the commission. Racing colors may not bear any advertising. Any difference between owners to the rights of particular colors shall be decided by the stewards. The registered colors of an owner may not be registered by another, except after five years of nonuse or abandonment by the original owner. Any temporary change from the registered colors of the owner must receive the prior approval of the stewards.

(1) The owner is responsible for the registration of colors and for their availability to, and use by, the jockey/driver engaged to ride the owner's horse.

(2) The colors to be worn by each jockey/driver in a race shall be described in the official racing program, and any change in colors from those described in the program shall be announced to the public prior to commencement of the race.

E. A licensed owner may register a stable name with the commission by filing an application on a form prescribed by the commission and paying a $50 annual fee. No-person-may-be registered-under-more-than-one-stable-name-at-the-same-time. No person may use the real name of any owner of race horses as a stable name. No stable name registration may be used for advertising purposes. A stable name which has already been registered may not be registered by another owner.

(1) The granting of a stable name registration by the commission shall not relieve any person from the obligation to file or register a ficticious name as provided by the laws of Minnesota.

(2) An application to register a stable name shall disclose the real names of all interests participating in the stable and the percentage of ownership interest of each, including the interest owned by any corporation, general partnership, limited partnership, trust, estate, or individual.

(3) A stable name may be changed at any time by registering a new stable name and by paying the $50 annual fee. A stable name may be abandoned by giving written notice to the

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commission. Any change of five percent or more in ownership of a stable registered under a stable name shall be immediately reported to the commission.

~~(4) No owner may use his or her real name for racing purposes if he or she has a registered stable name, except with approval of the commission.~~

Subp. 2. **Trainers.** Trainers shall have the following responsibilities.

A. A trainer shall keep in his or her charge or under his or her supervision at the racetrack horses owned only by owners who are licensed by the commission.

B. A trainer shall ascertain the true identity of all horses in his or her charge.

C. A trainer shall be responsible for horses he or she enters as to eligibility; weight or other allowances claimed; physical fitness of the horse to perform credibly at the distance entered; absence of prohibited medication; proper shoeing, bandaging, and equipment; and timely arrival in the paddock.

(1) No trainer may start or permit a horse in his or her custody, care, or control to be started if he or she knows, or might have known, or has cause to believe, that the horse has received any medication in contravention of the provisions of chapter 7890.

(2) ~~The trainer will be held responsible for~~ Any positive test sample ~~shall~~ to be prima facie evidence that the trainer is responsible for such positive test sample unless he or she can show by substantial evidence that neither the trainer nor any employee or agent of the trainer was responsible for the administration of the medication.

The Commission shall consider

(3) A trainer must guard each horse trained by him or her in such a manner and for such time prior to racing the horse as to prevent the administration of any medication prohibited by chapter 7890.

D. A trainer must obtain a designated stall assignment from the association before occupying any stall on

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the racetrack grounds.

E. A trainer must register each horse in his or her charge within 24 hours of the horse's arrival ~~at the racetrack~~ on the grounds of an association by completing forms provided by the racing secretary. At the same time, any trainer of thoroughbred or quarter horses must submit with that registration a description of the owner's colors for each horse in his or her charge.

F. Each trainer must provide a list of all persons in his or her employ to the commission and must ensure that those persons are licensed by the commission no later than the next racing day after those employees arrive ~~at the racetrack~~ on the grounds of an association. Upon discharge of an employee, the trainer shall report that fact to the commission's licensing office by no later than the end of that racing day.

G. The trainer shall supply each horse in his or her care with adquate food, water, medical treatment, exercise, and shelter, and shall comply with all applicable provisions of Minnesota Statutes, chapter 343.

H. A trainer may use only veterinarians licensed by the commission to tend horses in his or her care that are entered to race.

I. No trainer may register under a stable name as trainer, but may be permitted to be the owner or part-owner of horses registered under the stable name.

J. A trainer shall represent an owner in making entries and scratches, and in all other matters pertaining to the running of a race.

K. A thoroughbred or quarter horse trainer shall personally attend his or her horses in the paddock, and shall supervise his or her horses' preparation to race, unless excused by the stewards because of illness or other emergency.

L. If a trainer is responsible for two or more horses in any race, the trainer shall instruct the jockeys or drivers he or she has engaged that each shall give his or her best effort and that each horse shall be ridden or driven to win.

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M. If a horse entered to race becomes unfit for racing because of illness or injury, the trainer shall notify the stewards or the commission's veterinarian promptly.

N. A trainer is responsible for notifying the racing secretary of any circumstances that would necessitate changing a horse's registration or eligibility papers. This includes notifying the racing secretary when a horse is "nerved" pursuant to part 7897.0100, subpart 11.

O. A trainer is responsible for having each horse in his or her charge that is racing in Minnesota tested for equine infectious anemia (EIA) once every 12 months. The tests shall be performed by a laboratory approved by the United States Department of Agriculture. Trainers must maintain in their possession a written certificate of the EIA test.

P. A trainer must promptly report the death of any horse in his or her care ~~at-a-licensed-racetrack~~ on the grounds of an association to the commission veterinarian and must comply with part 7891.0110 governing post-mortem examinations.

Q. If a trainer must be absent because of illness or any other cause, the trainer shall appoint another licensed trainer to fulfill his or her duties, and promptly report the appointment to the stewards. The absent trainer and substitute trainer will have joint responsibility for the condition of the horses normally trained by the absent trainer.

R. Trainers licensed as owners must train all horses owned wholly or in part by them.

Subp. 3. **Jockeys and apprentice jockeys.** Jockeys and apprentice jockeys shall have the following responsibilities.

A. An apprentice jockey must ride with a five-pound weight allowance beginning with his or her first mount and for one full year thereafter. If after one full year from the date of his or her fifth winning mount the apprentice jockey has failed to ride 40 winners, he or she shall continue to ride with a five-pound weight allowance for up to two more years from the date of his or her fifth winning mount or until he or she has ridden a total of 40 winners, whichever comes first. In no

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event shall an apprenticeship extend more than four years from date of initial licensure as an apprentice jockey.

B. For purposes of the remainder of this subpart, reference to "jockey" also includes apprentice jockey.

C. Each jockey engaged to ride in a race must be in the jockey's room at the reporting time specified by the stewards on each day he or she is scheduled to ride. Upon arrival, the jockey shall report to the clerk of scales.

D. Each jockey reporting to the jockeys' room must remain there until he or she has fulfilled all of that day's riding engagements. While in the jockeys' room, the jockey may have no contact or communication with any person outside the jockeys' room other than with an owner or trainer for whom he or she is riding that day, or with the stewards or other commission officials.

E. Each jockey engaged to ride in a race shall report his or her riding weight to the clerk of scales at the time specified by the association.

F. Each jockey engaged to ride in a race must report to the clerk of scales for weighing-out not more than 30 minutes before post time for the first race, if he or she is riding in that race, nor sooner than the running of the preceding race, if he or she is riding in any other race.

G. The jockey's weight shall include his or her clothing (excluding helmet), boots, saddle, and saddle attachments.

H. No jockey may weigh-out if he or she is more than ~~seven~~ two pounds over the weight assigned to his or her horse without permission of the owner or trainer, and under no circumstances shall the overweight exceed seven pounds.

I. If employing an agent, a jockey is bound by all commitments made by the agent. If not employing an agent, the jockey shall conduct his or her business as if he or she were his or her own agent.

J. A jockey must fill his or her riding engagements. However, no jockey may be forced to ride a horse he or she

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believes to be unsafe, or to ride on a race course he or she believes to be unsafe.

K. A jockey unable to fulfill his or her riding engagements because of illness or injury must pass a physical examination conducted by a licensed physician before resuming race riding.

L. A jockey must wear the racing colors registered by the owner of the horse he or she is to ride, plus white riding pants, top boots, and a number on the right shoulder corresponding to the mount's number as shown on the saddle cloth and in the daily program.

M. A jockey must wear a fully padded fiberglass helmet with a buckled chin strap while mounted upon any horse at a licensed racetrack.

N. In any race, a jockey ~~shall~~ must ride to win or to finish as near as possible to first. A jockey shall not ease his or her horse without cause, even if the horse has no apparent chance to earn a portion of the purse.

O. A jockey ~~shall~~ must make his or her best effort to control and guide his or her horse in such a way so as not to endanger his or her own horse or other horses and jockeys, nor to cause a foul.

P. A jockey ~~shall~~ must unsaddle his or her own horse before weighing-in, and shall weigh-in with the equipment with which he or she weighed-out.

Q. Each jockey ~~shall~~ must check the stewards' daily video replay list in the jockeys' room and report to the stewards, at the time designated, if so required by the list.

R. A jockey ~~shall~~ must notify the stewards in writing on a form provided by the commission if he or she intends to sever a business relationship with an agent or if he or she intends to change agents. The notification must be signed by both the jockey and agent.

S. A jockey not prohibited by contract may agree to give first or second call on his or her services to any licensed owner or trainer. Such agreements must be in writing if for a

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period of more than 30 days.

T. A jockey employed by a racing stable on a regular salaried basis shall not ride against the stable. No owner or trainer shall employ or engage a jockey to prevent the jockey from riding another horse.

U. Conflicting claims for the services of a jockey shall be decided by the stewards.

V. A jockey mount fee shall be considered earned by a jockey when he or she is weighed-out by the clerk of scales, except in the following cases:

(1) When the jockey does not weigh-out and ride in a race for which engaged because an owner or trainer engaged more than one jockey for the same race. In such a case, the owner or trainer shall pay the appropriate fee to each jockey engaged for the race.

(2) When a jockey elects to take himself or herself off a mount without proper cause.

(3) When the stewards replace the jockey with a substitute jockey for reasons other than the jockey suffering an injury during the time between weighing-out and the start of the race.

W. Whenever a jockey from a foreign country, excluding Mexico or Canada, rides in Minnesota, the jockey must present a declaration sheet stating that he or she is a holder of a valid license and not under suspension, and that he or she agrees to be bound by the commission's rules. This sheet shall be retained by the clerk of scales and, at the conclusion of the jockey's participation in racing, shall be returned to the jockey properly endorsed by the clerk of scales stating whether or not the jockey incurred any penalty or had a fall.

Subp. 4. **Drivers.** In every race a driver shall drive so as to win or to finish as near as possible to first. The driver shall not ease a horse without adequate cause, even if the horse has no apparent chance to earn a portion of the purse.

Each driver shall make his or her best effort to control and guide his or her horse in such a way so as not to endanger

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other drivers or horses, and so as not to cause a foul.

A driver shall fulfill a commitment to drive, unless excused by the stewards. A driver unable to fulfill a commitment because of illness or injury must pass a physical examination before resuming race driving.

Each driver shall wear the traditional driver's costume in any pre-race warmup, post parade, race, or time trial. The costume shall consist of racing colors, white pants, and a fully padded fiberglass helmet buckled whenever the driver is in a sulky.

Subp. 5. **Pharmaceutical representatives.** Each pharmaceutical representative must register with the commission veterinarian at the racetrack, and file with the veterinarian for his or her approval a list of the items proposed to be sold or delivered.

Subp. 6. **Bloodstock agents.** Every bloodstock agent who participates as an agent in the purchase or sale of a race horse where any warranty of soundness, condition, or racing ability is expressed or implied shall file with the commission within five days of the date of sale a memorandum report of warranty which shall set forth all warranties expressed or implied. In the absence of any such filing it shall be presumed that no warranties were expressed or implied by the seller. A memorandum report of warranty shall be signed by both seller and purchaser or by the bloodstock agent acting in their behalf.

Every bloodstock agent who participates as an agent in the purchase or sale of any race horse eligible to race in Minnesota, where any condition of such purchase or sale includes any lien upon such horse by the seller or other person, shall file a memorandum report of conditional sale with the commission within five days of the date of sale.

Any warranty or condition of sale set forth in any sale catalog, printed offer of sale, or sales agreement shall be considered as a memorandum of warranty or condition of sale, whether or not filed with the commission.

No bloodstock agent shall misrepresent any material fact,

nor knowingly withhold any material fact from any person connected with the sale of a horse, nor misrepresent his or her personal interest in any horse.

Subp. 7. **Jockey's agent.** A jockey's agent shall keep a written record of all engagements made for jockeys he or she represents. The record shall be accurate and up-to-date, and shall be available at all times for inspection by the stewards.

A jockey's agent shall give no more than two calls per race for any jockey represented. Any agent arranging two calls for a jockey in any race shall designate one of the engagements as a first call and the other as a second call.

A jockey's agent shall be in the racing secretary's office, or shall check-in with the racing secretary's office, at scratch time to confirm a jockey's commitments for the day's program.

A jockey's agent shall notify the stewards in writing if he or she no longer intends to serve as agent for any jockey. When so notifying the stewards, the agent also shall turn over to the stewards a list of any unfulfilled engagements that he or she has made for the jockey.

Subp. 8. **Horsepersons' bookkeeper.** The horsepersons' bookkeeper shall:

A. be bonded;

B. receive all stakes, entrance money, jockeys' fees, drivers' fees, and purchase money in claiming races; and

C. keep a complete and accurate record of all money received, and make those records available for inspection by the commission.

Subp. 9. **Veterinary negligence.** Veterinarians shall not be negligent in the performance of their duties with respect to the health and welfare of a horse, or in the prescription or administration of a medication or injectable substance, or in the use of equipment for hypodermic injection. Veterinarians must remove from the grounds of an association all discardable equipment and injectable substance containers.

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

Subpart 1. **Racing secretary.** The racing secretary shall

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have the following responsibilities.

A. The racing secretary shall be responsible for scheduling races during a meeting; compiling and publishing condition books or sheets; assigning weights or making allowances for handicap races; processing all entries, nominations, and scratches; compiling a registry of all horses and owners participating at the race meeting, plus their corresponding colors and, when applicable, stable names; and establishing a purse structure for the race meeting.

B. The racing secretary shall make stall assignments pursuant to chapter 7876 and shall maintain a record of the arrival and departure of all horses stabled on the ~~racetrack~~ grounds of an association.

C. The racing secretary shall be responsible for publication of the official daily program, if the association does not employ a program director.

D. The racing secretary shall be responsible for the daily posting of entries.

E. The racing secretary shall be responsible for the safekeeping of registration certificates, eligibility certificates, and racing permits for horses; for recording required information on such documents; and for returning the documents to the owners, trainers, or authorized agents at the conclusion of the race meeting. However, an association employing a clerk of the course may assign these duties to the clerk of the course.

F. The racing secretary shall maintain a list of horses that were entered but denied an opportunity to race because they were eliminated from a race programmed in the printed condition book. Clarify? — "issued by the assn for the racing meeting"?

G. The racing secretary's office shall keep up-to-date performance records on all horses registered to race at ~~the racetrack~~ a race meeting. Such files shall be kept current and furnished intact to the racing secretary of the succeeding race meeting.

H. The racing secretary shall establish a preference

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system for horses which have been excluded from races due to overfilling and shall maintain the system for the duration of a meeting. The racing secretary shall be allowed broad discretion with regard to the preference system but shall act in the best interest of racing and the meeting.

Subp. 2. **Clerk of scales.** The clerk of scales shall have the following responsibilities.

A. The clerk of scales shall be responsible for the security, regulation, and control of the jockeys' room.

B. The clerk of scales shall supervise all valets and the issuance of numbered saddle cloths and equipment for each jockey.

C. The clerk of scales shall be jointly responsible, with each jockey's valet, for the proper attire and neat appearance of the jockey.

D. The clerk of scales shall be responsible for having changes in colors or jockeys posted and announced to the public before any race if the colors or jockeys differ from those listed in the daily program.

E. The clerk of scales shall weigh-out every jockey riding in the first race not more than 30 minutes before post time for the race. The clerk of scales shall weigh-out jockeys riding in any other race no sooner than the preceding race. In weighing-out each jockey, the clerk of scales shall record any overweight, which shall be posted and announced to the public at the time specified by the association.

F. The clerk of scales shall weigh-in every jockey in public view immediately after the finish of each race.

G. The clerk of scales shall notify the stewards immediately if:

(1) a jockey fails to arrive in the jockeys' room at the designated time;

(2) a jockey does not present himself or herself to be weighed-in;

(3) a jockey is underweight or more than two pounds overweight, or if the jockey is guilty of any fraudulent

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practice with respect to weight or weighing;

(4) a jockey dismounts before reaching the scales, unless the jockey or the horse is ill or disabled; and

(5) the clerk of scales receives any complaint, objection, or protest from an owner, trainer, or jockey.

H. The clerk of scales shall notify the mutuels manager of every horse scratched pursuant to part 7883.0120.

I. The clerk of scales shall be responsible for maintaining and keeping up-to-date apprentice jockey's certificates and foreign jockey's declaration sheets.

Subp. 3. **Starter.** The starter shall have primary supervision over horses entered in any race from the moment they leave the paddock until the time that the start is effected.

A. The starter shall have radio or telephone communication with the stewards immediately available from the time the horses leave the paddock until the start is effected. The starter shall report to the stewards any disobedience of his or her orders or attempts to take unfair advantage at the starting gate.

B. The starter shall be responsible for providing a fair and equal start of all horses in a race by means of a starting gate. Whenever a horse is prevented from obtaining a fair start, the starter shall immediately notify the stewards.

C. The starter shall require and supervise schooling in the starting gate for any horse not sufficiently trained in starting gate procedures to ensure a fair and safe start. The starter shall maintain a list of any horses so ordered, and those horses shall be ineligible to start until they are sufficiently schooled in starting gate procedures and until the starter has removed their names from the schooling list.

D. The following starter's duties and responsibilities are applicable only to thoroughbred <u>or quarter horse</u> racing:

(1) The starter shall cause all horses to be loaded in order of post position, except for unruly horses, which may be loaded out of order with the consent of the

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stewards.

(2) The starter shall appoint and use the services of assistant starters as necessary, and shall daily change the gate position of each assistant starter without notice to the assistant starters until the field for the first race comes onto the ~~track~~ course.

(3) The starter shall honor the written request of the trainer not to allow an assistant starter to "tail" or "tong" a horse, insofar as practical. However, the starter shall instruct assistants to handle any horse when he or she deems such handling necessary for a safe, orderly start.

(4) The starter shall report the cause of any delayed start to the stewards. If a delay occurs at the post, the starter may permit the jockeys to dismount and the horses to be cared for during the delay; otherwise, jockeys shall not be permitted to dismount.

(5) The starter shall maintain a daily written record showing the names of all horses starting, the assistant starter who handled each horse, and any equipment other than a lead strap used for each horse. The record shall be made available to the stewards upon request.

(6) The starter shall observe anyone seeking an apprentice jockey's license breaking a horse from a starting gate in company with other horses. The starter shall report his or her observations to the stewards.

Subp. 4. **Paddock judge.** The paddock judge shall have the following responsibilities.

A. The paddock judge shall be in charge of the paddock, and shall notify the stewards of any apparent rule violation occurring in the paddock.

B. The paddock judge shall see that only authorized persons are in the paddock.

C. The paddock judge shall be responsible for the orderly saddling and equipping of all horses in any race. The saddling and equipping shall, in the case of thoroughbred racing, be open to public viewing and free from interference

whenever possible. Horses shall leave the paddock for post in order of their program numbers.

D. The paddock judge shall assemble the horses in the paddock no later than 15 minutes before the scheduled post time for each thoroughbred race, and at least one hour before the scheduled post time for each harness race.

E. The paddock judge shall immediately report to the stewards the absence of, ineligibility of, or any other irregularity with respect to a horse or its equipment~~, or the paddock judge's inability to make a positive identification of a horse~~.

F. The paddock judge shall inspect and maintain a written record of all equipment worn by each horse in a race, and shall approve all equipment changes. The paddock judge shall immediately notify the stewards of any change, violation, or defect relating to equipment.

G. The paddock judge shall inspect the bandages worn by all horses arriving in the paddock and may order the bandages removed or replaced if he or she has reason to believe that a violation of statute or rule has (occurred), is (occurring), or will occur.

(1) The paddock judge shall not allow a horse in the paddock if it is wearing bandages at knee level or higher.

(2) Paddock boots and all bandages, except those bandages that will be worn during a race, must be removed immediately upon arrival in the paddock so that a satisfactory examination may be assured.

H. The paddock judge shall immediately report to the commission veterinarian the infirmity or unsoundness of any horse.

I. The paddock judge shall immediately notify the stewards of the reason for any horse returning to the paddock after having entered the ~~track~~ course for the post parade and before the start of the race.

J. The paddock judge shall inspect and supervise the maintenance of emergency equipment kept in the paddock.

K. The paddock judge shall notify the stewards of any

trainer or groom who leaves the paddock before the horse in his or her charge has left the paddock.

L. The paddock judge shall compile a schooling list of any horse that is fractious or unruly in the paddock, and shall supervise the paddock schooling of those horses.

Subp. 5. **Identifier.** The identifier shall check the identification of all horses entering the paddock by checking tattoo numbers, sex, color, and markings, and comparing those with documents of registration, eligibility, or breeding, as necessary to ascertain a horse's identity.

The identifier shall notify the stewards immediately upon detecting any discrepancy in a horse's tattoo numbers, markings, or other identifying characteristics.

The identifier shall supervise the identification of any horse ~~at a licensed racetrack~~ on the grounds of an association before approving the horse for tattooing.

Subp. 6. **Equipment inspector (harness).** Each association shall employ a person in the paddock who shall be responsible to the paddock judge for maintaining a card that will list all equipment worn, including shoes, and the tattoo number for each horse racing at the meeting. The equipment inspector shall compare the equipment actually being used on the horse with the approved equipment listed on the card.

Subp. 7. **Claims clerk.** The claims clerk shall ensure that the claim slip for a horse is deposited in the claim box in accordance with part 7883.0140.

The claims clerk shall open the claim box, search for claim envelopes according to designated race numbers, open any envelopes found, and examine the claim slip inside no sooner than ten minutes before post time for each race.

The claims clerk shall ascertain whether:

A. errors exist in the form or deposit of the claim;

B. the claimant has established eligibility to claim;

C. the claimant has the amount of the claim to his or her credit; and

D. persons acting on behalf of a claimant are

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authorized to do so.

The claims clerk shall immediately report all findings to the stewards, and shall issue a written authorization on behalf of the stewards for delivery of a horse to any claimant who is successful.

Subp. 8. **Commission veterinarian.** The commission veterinarian shall maintain a list of the following:

A. horses that are scratched because of illness or injury; and

B. horses that are pulled-up because of lameness or other injury during a race.

The commission veterinarian's list shall be posted in the racing secretary's office, and any horse whose name is on the list shall be ineligible to enter a race for ~~at least~~ five calendar days, or until the commission veterinarian removes it from the list, whichever is later.

The commission veterinarian shall conduct racing-soundness examinations pursuant to part 7891.0100. If the veterinarian finds that any horse is unfit to race he or she shall notify the stewards immediately.

The commission veterinarian shall supervise the operation of a barn for the detention and testing of horses after each race pursuant to chapter 7890.

The commission veterinarian shall have the authority to draw blood from any horse or pony ~~at a licensed racetrack~~ on the grounds of an association for the purpose of conducting an Agar-Gel immunodiffusion (Coggins) test, and shall supervise the removal from the racetrack of any horse or pony having positive Coggins test results.

Subp. 9. **Patrol judge.** Patrol judges shall be stationed at elevated locations specified by the stewards, and shall observe the running of each race. In the case of harness racing, a patrol judge may serve as a roving patrol judge by riding in the starting gate and observing activity on the race course at all times during a race program.

Patrol judges shall be in communication with the stewards

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during every race, and shall immediately notify the stewards of:

A. every apparent violation of commission rules;

B. any action on the race course that could improperly affect the result of a race;

C. any indication of a forthcoming claim of foul or other complaint of violation of the commission's rules;

D. the lameness or unfitness of any horse;

E. any lack of or broken racing equipment; and

F. any unusual or illegal behavior of horses, jockeys, or drivers.

When instructed by the stewards, patrol judges shall be present at video reviews of races to confirm or to clarify reported observations.

Subp. 10. **Placing judge.** At least two placing judges shall view each race from a stand directly above the finish line, and shall determine the order of horses as they cross the finish line. In making that determination, the placing judges shall take note of the horses' numbers, racing colors, and distinguishing equipment, and shall determine the order of finish by considering only the noses of the horses.

The placing judges shall be responsible for having the numbers of the first four horses to cross the finish line displayed on the result board.

The placing judges shall announce their decisions promptly, and those decisions shall be final unless an objection to any horse placed within the purse is made and sustained. However, this rule shall not prevent the judges from correcting any mistakes, subject to the stewards' confirmation.

The placing judges shall use photographs from the racetrack's photo-finish camera as an aid in determining the order of horses as they cross the finish line. The placing judges shall use the photographs of all finishes in which the winning margin is less than half a length, or in which the horses are widely spaced across the race course. Copies of those photographs shall be posted in convenient locations for public inspection.

Subp. 11. **Timer.** A timer shall determine the official time of each race, which shall be the period from the time the first horse crosses the timing beam or track marker at the start of the race until the first horse crosses the finish line.

The timer shall verify the race time recorded by the racetrack's electric timing device. Should the timing device malfunction, the time shown on the watch of the timer shall be the official time of the race.

Subp. 12. **Clocker (thoroughbred or quarter horse).** A clocker shall accurately record all workouts on any race course at which a race meeting is being conducted~~, or on any race course used as a training facility for horses eligible to be entered at the race meeting~~.

Upon order of the stewards, a clocker shall be able to demonstrate knowledge and proficiency in accurately recording times of horses working out.

A clocker shall present daily records to the racing secretary and the stewards, post for the benefit of the public daily records of all workouts clocked, and make a record of daily workout times available to the news media.

Subp. 13. **Outrider.** The outriders shall be responsible for the orderly conduct of horses on the race course during training and racing hours.

The outriders shall be present on the race course, mounted and ready to assist in the control of any unruly horse or to recapture any loose horse, at all times that horses are permitted on the race course.

The outriders shall escort to the post all horses starting in any race, and shall remain on duty until all horses on that program have been returned to their handlers.

Subp. 14. **Jockeys' room custodian.** The jockeys' or drivers' room custodian shall:

A. supervise the orderly conduct of business in the jockeys' or drivers' room;

B. maintain cleanliness and neatness in the jockeys' or drivers' room; and

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C. be responsible for the care and storage of racing colors.

~~Subp. 15. Jockey's agent. A jockey's agent shall keep a written record of all engagements made for jockeys he or she represents. The record shall be accurate and up-to-date, and shall be available at all times for inspection by the stewards.~~

~~A jockey's agent shall give no more than two calls per race for any jockey represented. Any agent arranging two calls for a jockey in any race shall designate one of the engagements as a first call and the other as a second call.~~

~~A jockey's agent shall be in the racing secretary's office, or shall check in with the racing secretary's office, at scratch time to confirm a jockey's commitments for the day's program.~~

~~A jockey's agent shall notify the stewards in writing if he or she no longer intends to serve as agent for any jockey. When so notifying the stewards, the agent also shall turn over to the stewards a list of any unfulfilled engagements that he or she has made for the jockey.~~

Subp. ~~16.~~ 15. Clerk of the course (harness). The clerk of the course shall keep the stewards' sheets on which he or she shall record the following information:

A. names of all horses entered and their eligibility numbers;

B. names of owners and drivers;

C. drivers' license numbers;

D. a record of each race, noting positions of horses at the finish;

E. names of scratched or ruled-out horses;

F. recorded times; and

G. all protests, penalties, and appeals.

The clerk of the course shall see that the stewards' sheets are signed, and shall forward copies of them to the commission not later than the next day.

The clerk of the course shall check eligibility certificates before and after each race, and shall keep the certificates up-to-date.

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When requested by an owner or owner's authorized agent, the clerk of the course shall return a horse's eligibility certificate after a race.

~~Subp. 17. Horsepersons' bookkeeper. The horsepersons' bookkeeper shall:~~

~~A. be bonded;~~

~~B. receive all stakes, entrance money, jockeys' fees, drivers' fees, and purchase money in claiming races, and~~

~~C. keep a complete and accurate record of all money received, and make those records available for inspection by the commission.~~

7877.0180 CONFLICTS.

Subpart 1. Racing officials. No racing official, other than a general manager, shall own any interest in a Minnesota racetrack at which he or she is serving as an official, and no racing official shall own any interest in a horse eligible to race at a meeting at which he or she serves as an official.

No racing official shall buy or sell for himself or herself, or as an agent for anyone else, any horse eligible to race at a meeting at which he or she serves as an official.

No racing official shall hold any interest in the contract of a jockey or apprentice jockey riding at a meeting at which the official serves.

No racing official shall buy or sell for another person any right to a contract of any jockey or apprentice jockey riding at a meeting at which the racing official serves.

No racing official shall wager money or anything of value on any race in Minnesota during his or her term of employment.

Subp. 2. Veterinarians. No veterinarian designated as an official at a race meeting shall treat or prescribe treatment for a horse racing at that meeting, except in emergencies or if no other veterinarian licensed by the commission is on the ~~racetrack~~ grounds <u>of the association</u>. In that case, the official veterinarian shall notify the commission of any compensation received.

7877.0185 APPLICABILITY OF RULES AND RULINGS.

Rules pertaining to Class C licensees and rulings against them shall apply equally to other persons if continued participation in an activity by the other person would circumvent the intent of a rule or ruling by permitting the person to serve, in essence, as a substitute for the ineligible licensee because:

A. the other person is legally liable for the conduct that violated the rule or is the subject of the ruling; or

B. the other person benefited financially from that conduct.

The fraudulent transfer of a horse in an effort to avoid application of a commission rule or ruling is prohibited.

CHAPTER 7878
MINNESOTA RACING COMMISSION
SECURITY OFFICERS

7878.0100 DEFINITIONS.

Subpart 1. **Scope.** For purposes of this chapter, the following words and phrases have the meanings given to them unless another intention clearly appears.

Subp. 2. **Appointing authority.** "Appointing authority" means the holder of a Class A, Class B, or Class D license issued by the commission.

Subp. 3. **Appointment.** "Appointment" means an official declaration by the appointing authority that it has engaged an individual as a security officer.

Subp. 4. **Basic course.** "Basic course" means a course for training security officers prior to the assumption of their official duties.

Subp. 5. **BCA.** "BCA" means the Minnesota Bureau of Criminal Apprehension.

Subp. 6. **Commission.** "Commission" means the Minnesota Racing Commission.

Subp. 7. **Continuing education.** "Continuing education" means refresher training for security officers.

Subp. 8. **Firearms course.** "Firearms course" means a

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training course that includes instruction in the legal limitations on the use of deadly force conducted by a person who has completed a firearms instructor's course recognized by the Peace Officer Standards and Training Board.

Subp. 9. **First aid course.** "First aid course" means any of the following officially recognized courses: Red Cross advanced first aid, emergency medical technician, or EMS first responder.

Subp. 10. **POST Board.** "POST Board" means the Minnesota Peace Officer Standards and Training Board.

Subp. 11. **Security officer.** "Security officer" means a person whose principal duty is the protection of persons or property at a racetrack licensed by the commission.

7878.0110 MINIMUM SELECTION STANDARDS.

Subpart 1. **Applicant must meet selection standards.** A person eligible to be licensed by the commission as a security officer must be an employee of a Class A, Class B, or Class D licensee and shall meet the following minimum selection standards prior to being appointed a security officer. The appointing authority may certify that the applicant has already completed certain of these standards and provide documentation to that effect pursuant to subpart 2. In all cases, the security officer must:

A. be a citizen of the United States;

We will okay, but Pe- this is open to attack as a denial of equal protection

B. complete a comprehensive written application;

C. submit to a thorough background search by the BCA to disclose the existence of any criminal record or conduct which would adversely affect the performance of the security officer's duties;

D. not have been convicted of a felony in Minnesota (or in any other state or federal jurisdiction which would have been a felony if committed in Minnesota), or criminal theft, or a pari-mutuel horseracing or gambling crime;

E. provide fingerprint cards to the commission, with duplicate cards provided to the BCA;

F. undergo a thorough medical examination conducted

by a licensed physician to determine that the individual is free from any physical defect which might adversely affect his or her performance as a security officer;

G. undergo an evaluation made by a licensed psychologist to determine that the individual is free from any emotional or mental condition that might adversely affect his or her performance as a security officer; and

H. pass an oral examination conducted by the appointing authority to demonstrate the existence of communication skills necessary to perform the duties and functions of a security officer.

Subp. 2. **Documentation subject to review by commission.** The appointing authority shall maintain documentation the commission deems necessary to show compliance with this chapter. The documentation is subject to periodic review by the commission and shall be made available upon request.

7878.0120 LICENSING OF SECURITY OFFICERS.

Subpart 1. **Notice of intent.** The appointing authority shall notify the commission of its intention to employ a security officer prior to his or her first day of employment. Notification shall be made on a form prescribed by the commission, along with an affirmation that the prospective appointee has met all the selection standards in part 7878.0110, subpart 1.

Subp. 2. **Applicant shall apply for Class C license.** If the prospective appointee does not already possess a Class C license as a security officer, he or she shall apply for such a license on a form prescribed by the commission. The applicant and the appointing authority shall affirm that the individual is eligible to be licensed as a security officer. The applicant shall also submit the license fee required by subpart 4.

Subp. 3. **Duration of license.** The commission may issue a Class C license to an applicant who has complied with the requirements in part 7878.0110, subpart 1, and whose affirmations are consistent with the commission's records. The period of licensure is for one year from date of issuance.

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Subp. 4. License fee. The license fee for a Class C security officer's license is $25.

7878.0130 BASIC COURSE.

Subpart 1. **Applicant shall successfully complete basic course.** No security officer may be licensed unless the officer or his or her appointing authority furnishes proof to the commission that the prospective licensee has successfully completed a basic course which includes at least 40 hours of instruction in the following subject areas:

A. Minnesota criminal statutes;

B. Minnesota horse racing statutes;

C. criminal procedure;

D. rights of individuals (constitutional law);

E. human behavior;

F. security operations and procedures;

G. first aid;

H. firearms;

I. defense tactics;

J. report writing; and

K. testifying.

Subp. 2. **Commission may waive requirements.** Participation or continued instruction in a particular subject area listed in subpart 1 ~~may~~ must be waived by the commission if the individual shows satisfactory evidence that he or she is licensed or eligible to be licensed by the POST Board.

Subp. 3. **Appointing authority shall maintain information.** The appointing authority shall be responsible for maintaining and making available to the commission pertinent information on courses of instruction and persons employed as security officers.

7878.0140 CONTINUING EDUCATION.

Subpart 1. **Licensee shall successfully complete refresher training.** No security officer's license may be renewed unless the licensee or his or her appointing authority furnishes the commission proof that the licensee has successfully completed, on an annual basis, at least 20 hours of refresher training in

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the areas of:

A. physical protection;

B. laws of arrest;

C. constitutional law;

D. handling of citizen complaints;

E. firearms training; and

F. first aid.

Subp. 2. Commission must approve courses. Prior to receiving credit for course approval, the appointing authority or the licensee must submit to the commission a detailed outline of the course and the instructors' credentials. All POST Board certified courses will be considered by the commission to be approved continuing education courses. Approval must be gained from the commission ten days prior to commencement of the course. Upon approval, the commission shall issue a letter to the appointing authority. Approval of continuing education courses shall be based on relevance to knowledge, skills, and abilities needed for security officers. Approved courses of continuing education credit will be granted at the rate of one hour for each 50 minutes of class sessions.

7878.0150 STANDARDS OF CONDUCT FOR SECURITY OFFICERS.

Subpart 1. Certain licensees must be POST Board licensed or POST Board eligible. Any security officer who carries a firearm or whose principal duty is to investigate violations of statutes or rules must be licensed or eligible to be licensed as a peace officer by the POST Board.

Subp. 2. Restrictions on security officers. No security officer may:

A. use deadly force unless authorized, or use unreasonable force;

B. obstruct, hinder, interfere, or prevent an investigation by the commission or a law enforcement agency;

C. linger on the backstretch while off-duty; or

D. while on duty, place a bet on a race run at the racetrack.

"assn. grounds" or "track"? — which is correct

7878.0160 SECURITY COOPERATION.

Class A, Class B, and Class D licensees and all security officers must cooperate fully with federal, state, and local law enforcement agencies with jurisdiction to enforce criminal laws at horse racing facilities, and must report promptly all crimes suspected, investigated, or prevented at a licensed racetrack to the BCA.

CHAPTER 7883

MINNESOTA RACING COMMISSION

THOROUGHBRED AND QUARTER HORSE RACES

7883.0100 ENTRIES AND SUBSCRIPTIONS.

Subpart 1. **Ownership.** When a person is excluded from a racetrack or has his or her license or suspended, every horse owned in whole or in part or under the care and control of that person shall be ineligible to be entered or start in any race until the horse has been reinstated, either by the expiration of the owner's penalty or by the transfer through bona fide sale to an owner approved by the stewards. Such person whether acting as agent or otherwise, shall not be qualified to subscribe for, or to enter or run any horse in any race either in his or her own name or in that of any other person until expiration of such penalty.

Subp. 2. **Horse must be registered and eligible.** No horse shall be permitted to enter or start unless:

A. it is duly registered with and approved by the registry office of The Jockey Club (New York) or the American Quarter Horse Association;

B. its registration certificate showing the tattoo number of the horse is filed with the racing secretary by scratch time for that race, except in stakes races the registration certificate must be filed not less than two hours prior to the scheduled post time for the stakes race;

C. it is owned by a licensed owner and is in the care of a licensed trainer;

D. at the time of entry, the horse is eligible for the conditions of the race as specified by the racing secretary

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and remains eligible until the race; and

E. if a horse's name is changed, its new name shall be registered with The Jockey Club (New York) or the American Quarter Horse Association and its old, as well as its new name, shall be given in every entry list until it has run three races, and both names must be printed in the official program for those three races.

Subp. 3. **Procedure for first time entrants.** If entered for the first time at a race meeting, a horse shall be identified by stating its name, color, sex, age, and the name of its sire or sires and dam as registered. In every race thereafter, sufficient description shall be deemed to be provided if the name, color, sex, and age of a horse is furnished.

Subp. 4. **Entering procedure.** Nominations and entries shall be made in writing and signed by the owner or trainer of the horse, or the owner's authorized agent. Each association shall provide forms on which entries, scratches, and declarations are to be made for all races.

A. The racing secretary ~~is~~ and his or her designees are the only ~~person~~ persons authorized to receive entries, scratches, and declarations.

B. Entries may be made by telephone or telegraph, but shall be confirmed promptly in writing.

C. In the case of sweepstakes, the closing of nominations, entries, interim payments, and declarations shall be in accordance with the conditions published by the association sponsoring the race.

D. A signed entry blank shall be prima facie evidence that the contents of the entry blank express the desires and intent of the person making entry.

Subp. 5. **Entrance money.** The nominator is liable for entrance money or stakes, and a mistake in the entry of a horse when eligible does not release the subscriber or transferee from liability for stakes or entrance money. Entrance money is not refunded on the death of a horse, nor on its failure to start.

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Subp. 6. **Prohibited entries.** No person shall:

A. enter in his or her name a horse of which he or she is not the actual owner;

B. enter or cause to be entered, or start a horse which he or she knows or believes to be ineligible or disqualified;

C. enter a horse in more than one race on any day, stakes races excepted;

D. enter in a race a horse if it is wholly, or partly owned by, trained by, or under the management of an unlicensed person, a person whose license is under suspension, or a person who acts in concert with or under the control of a person whose license is under suspension. If any entry from an unlicensed person or a person whose license is under suspension or of an ineligible horse is received, the entry shall be void and any money paid for the entry shall be ~~returned if the facts are disclosed one hour before post time for the race; otherwise, such money shall be~~ paid to the winner.

Subp. 7. **Coupled entries.** Except in stakes races and races which are conditioned for horses eligible for specified stakes, not more than two horses of the same licensed ownership or interest shall be entered and started in a race.

A. No trainer shall enter more than two horses in an overnight event, and in no case shall two horses start to the exclusion of a single entry.

B. Not more than two horses trained by the same trainer shall be drawn into any overnight race or placed on the also eligible list to the exclusion of another horse, except in split races.

C. Horses trained by a public stable trainer shall not be coupled with horses trained by another public stable trainer unless the horses in question are owned by the same person or are coupled as a field for wagering purposes.

D. All horses owned wholly or in part by the same person, or his or her spouse, or trained by the same trainer, shall be coupled and run as an entry.

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E. Notwithstanding items A to D, where two or more horses are coupled as an entry only for the reason that the horses are trained by the same trainer, the association may run those horses as separate interests.

Subp. 8. **Changing of races.** Each association shall have the right to withdraw or change any race with the permission of the stewards. If a race is declared off because of insufficient entries, the association may split any other race.

Subp. 9. **Closing of entries.** When an hour for closing is designated, entries and declarations for sweepstakes may not be considered if received afterwards. If an hour is not designated, entries and declarations may be mailed or telegraphed up to midnight of the day of closing, provided they are received in time for compliance with every other condition of the race.

Subp. 10. **Loss of entries.** A person who alleges loss of an entry or declaration in a stakes race must provide satisfactory proof that it was mailed or telegraphed within a reasonable time before the designated time for closing or it shall not be considered received.

Subp. 11. **Drawing of entries.** The drawing of entries for post positions shall be governed by the following procedures.

A. When entries exceed the permitted number of starters, the number of starters shall be reduced to the proper number by lot. Lots may be drawn for the entire race or for each division of the race at the option of the association.

B. Each day after the entries have been closed, the racing secretary shall designate from an owner or trainer present in the entry office to draw the entry sheets and post position numbers. In every case, the entry shall be drawn from its approved receptacle before the number ball is released from the number box.

C. In divided races the starters in the separate divisions shall be determined by lot.

Subp. 12. **Deceased owners.** Nominations, entries, and rights of nomination and entry of a deceased owner shall be

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exercisable by and transferable by the deceased's personal representative subject to compliance with all applicable rules of the commission. The personal representative of a deceased owner shall be deemed to hold an owner's license with respect to horses belonging to the estate of the deceased until the commission declares that such owner's license is no longer in effect.

In the case of the death of a member of a multiple owner, nominations, entries, and rights of nomination and entry shall continue and may be exercised by the remaining members of the multiple owner or any of them.

Nominations and all entries or rights of entry under them become void on the death of the nominator, except in cases of multiple owners, or except with approval of the stewards when the personal representative of an estate in writing requests that the benefits of the nominations accrue to the estate of the deceased nominator for the purpose of selling or transfering a horse, and such representative agrees to assume any and all obligations incident to the original entries.

Subp. 13. **Prohibitions on horses sold or transferred with engagements.** Should a horse be sold with engagements, the seller shall not strike the horse out of any such engagements.

If, when a horse is sold or transferred or deemed to be sold or transferred with its engagements, the racing secretary requires evidence of such sale or transfer, the failure to produce such evidence shall render the horse ineligible to start in any stakes race.

No person shall make or receive the transfer of a horse or engagement for the purpose of avoiding disqualification.

Subp. 14. **Responsibility for eligibility.** A trainer shall be responsible for the eligibility of horses entered by him or her or his or her authorized agent, and an owner shall be responsible for the eligibility of horses personally entered by the owner.

Subp. 15. **Horse must be properly entered.** A horse shall not be qualified to start in any race unless it has been and

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continues to be properly entered therein. A horse which is improperly entered shall not be entitled to any part of the purse, but once the "Official" sign is posted, this rule shall in no way affect the wagering on the race.

Subp. 16. **Workout requirements.** In order to be eligible:

A. A horse which has not started for a period of 45 days or more shall not be eligible to be entered until it has completed one timed workout ~~satisfactory to the stewards~~ prior to the entry date. Any workout following the entry of a horse shall appear on the official daily racing program or shall be posted for the public.

B. Horses that have not started within 60 days of time of entry into a race must have a minimum of two timed workouts ~~satisfactory to the stewards~~ prior to entering in any race.

C. First-time starters must have three gate approvals and a minimum of two timed workouts ~~satisfactory to the stewards~~ prior to the entry date.

Subp. 17. **Refused entries.** The nominations and entries of any person or transfer of any nomination or entry may be refused by the association for reasonable cause.

7883.0110 **PREFERENCE SYSTEM.**

Subpart 1. **Preferred list.** The racing secretary shall keep a list of all horses excluded from races because of too many entries, and such horses are to have preference in any race in which they may afterwards be entered in accordance with the rules adopted by the racing secretary for the meeting and approved by the stewards. This shall be known as the "preferred list."

Subp. 2. **In-today horses.** When a horse is entered on one day and has an opportunity to start other than in a stakes race and is also entered for the following race day, the second entry will be an "in-today" and will not be considered unless the race underfills, nor will such horse be considered on the preferred list.

Subp. 3. **Second part of entry preferred over in-today**

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horse. The second part of an entry shall receive preference over an "in-today" on the also eligible list in case the race overfills.

Subp. 4. **Preference forfeited.** No horse's name shall be placed on the preferred list and all preference shall be forfeited if the owner did not accept, when presented, the opportunity of starting.

7883.0120 DECLARATIONS AND SCRATCHES.

Subpart 1. **Procedure for scratching horses.** Scratches and declarations shall be made in writing and signed by the owner or trainer of the horse, or the owner's authorized agent. Each association shall provide forms on which scratches and declarations are to be made, and for all races:

A. no horse shall be scratched without permission of stewards;

B. all scratches shall be made by scratch time, designated by the association, except as provided by subparts 2 to 5;

C. should scratches reduce the body of a race, the horses left in the race shall move into the lower numbered post positions before any horses are drawn from the "also eligibles"; and

D. should scratches reduce the number of horses in a race below the number designated by the association, then such designated number of horses will be maintained by the drawing of lots from the "also eligibles" list after scratches have occurred and the horses so drawn will be required to race.

Subp. 2. **Scratches from stakes races.** A scratch from an early-closing stakes race shall be made not less than 45 minutes before post time of the race.

Subp. 3. **Horse must be entered in stakes race.** In a stakes race, if a horse is not named through the entry box at the usual time of closing, the horse is automatically out.

Subp. 4. **Nomination may be altered or withdrawn.** A nomination of a horse to a sweepstakes may be altered or withdrawn at any time prior to the closing time for nominations.

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Subp. 5. **Stewards may permit withdrawal.** Notwithstanding subpart 1, item B, the stewards may permit the withdrawal of any horse after weighing out for any reason which they determine to be in the best interests of racing.

Subp. 6. **Horse declared nonstarter.** The stewards shall have the authority to declare that a horse is not a starter if they determine that any occurrence before the running of a race calls for such action by them.

Subp. 7. **Declarations are irrevocable.** The declaration of a horse out of an engagement is irrevocable.

7883.0130 PENALTIES AND ALLOWANCES.

Subpart 1. **Determining penalties and allowances.** Penalties and allowances shall be determined as follows.

A. Penalties and allowances are not cumulative, unless so declared by the conditions of the race, and shall take effect at the time of starting, except that in overnight events a horse will have only the allowance to which it was entitled at the time of entry.

B. Penalties are obligatory; allowances are optional as to all or part thereof, and in overnight events must be claimed at the time of entry.

C. No horse shall receive allowance of weight nor be relieved from extra weight for having been beaten in one or more races, but this rule shall not prohibit maiden allowance or allowances to horses that have not won a race within a specified period or a race of specified value.

D. Failure to claim a weight allowance by oversight or omission is not cause for disqualification. Claims of weight allowance to which a horse is not entitled shall not disqualify unless such incorrect weight is carried in the race. However, a fine may be imposed upon the person claiming allowance to which his or her horse is not entitled.

E. Eligibility, penalties, and allowances of weight for all races will be determined ~~only~~ from the reports, records, and statistics published by the Daily Racing Form, and from information contained on Jockey Club (New York) foal

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certificates; but responsibility for weight carried and eligibility still remain with the owner and trainer as provided in part 7883.0100, subpart 15.

F. No horse shall incur a weight penalty for placement from which it is disqualified, but a horse placed through the disqualification of another horse shall incur the weight penalties of that placement. No such placement shall make a horse ineligible to a race which has already been run.

G. When a race is in dispute, both the horse that finished first and any horse claiming the race shall be liable to all penalties attached to the winner of that race until the matter is decided.

Subp. 2. **Scale of weights or weight for age.** Races written to be run under "scale of weights" or "weight for age" shall be run under the following weights:

Distance	Years of Age	Jan Feb	Mar Apr	May	Jun	Jul	Aug	Sep	Oct	Nov Dec
Half mile	2	...	...	...	...	...	105	108	111	114
	3	117	119	121	123	125	126	127	128	129
	4	130	130	130	130	130	130	130	130	130
	5 & up	130	130	130	130	130	130	130	130	130
Six furlongs	2	...	...	...	...	...	102	105	108	111
	3	114	117	119	121	123	125	126	127	128
	4	129	130	130	130	130	130	130	130	130
	5 & up	130	130	130	130	130	130	130	130	130
One mile	2	...	...	...	...	...	...	96	99	102
	3	107	111	113	115	117	119	121	122	123
	4	127	128	127	126	126	126	126	126	126
	5 & up	128	128	127	126	126	126	126	126	126
One and a quarter	2	...	...	...	...	...	...	...	...	...
	3	101	107	111	113	116	118	120	121	122

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mile	4	125	127	127	126	126	126	126	126	126
	5 & up	127	127	127	126	126	126	126	126	126
One and a	2	...	...	...	...	...	...	...	...	...
half miles	3	98	104	108	111	114	117	119	121	122
	4	124	126	126	126	126	126	126	126	126
	5 & up	126	126	126	126	126	126	126	126	126
Two miles	3	96	102	106	109	112	114	117	119	120
	4	124	126	126	126	126	125	125	124	124
	5	126	126	126	126	126	125	125	124	124

Subp. 3. **Racing secretary may write alternate weights.** It shall be within the discretion of the racing secretary to write races either above or below the "scale of weights."

Subp. 4. **Sex allowance.** In all races against male horses, except handicaps and races where the conditions expressly state to the contrary, fillies two years old are allowed three pounds and fillies and mares three years old and upward are allowed five pounds before September 1 and three pounds thereafter.

7883.0140 CLAIMING RACES.

Subpart 1. **Who may claim.** In claiming races any horse is subject to claim for its entered price by any person who is eligible to claim or by his or her authorized agent. The following persons shall be eligible to claim:

A. A licensed owner who has a horse registered to race at the current meeting.

B. A licensed owner who lost his or her last horse through fire, misfortune, or claim, may nevertheless claim (if he or she is otherwise eligible) for 30 racing days after he or she has lost his or her last horse. The 30 racing days may extend from one racing season to the next. A person claiming under this item is required to establish eligibility to claim with the stewards and to receive his or her confirmation in writing prior to making a claim.

C. An applicant for an owner's license who is

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approved by the stewards may be granted a claiming authorization. Each application for a claiming authorization must be signed by the prospective trainer who must be licensed by the commission. Under no circumstances shall the claiming authorization be issued until a background investigation, not to exceed ten days after filing the application, has been completed. An owner's license will not be granted until after the claiming authorization has been executed. Once the applicant has been granted a claiming authorization, he or she may open an account with the horsepersons' bookkeeper.

D. An applicant for an owner's license who has not previously had a horse registered to race at the current meeting and who purchases a horse registered to race by private sale, provided that 21 calendar days, not including the date of the sale, have elapsed between the date of the private sale and the date of the claim.

Subp. 2. **Claiming procedure.** Claims shall be made in writing on a form provided by the association and approved by the commission. Claims shall be signed and sealed in an envelope having no identification marks except:

A. the name of the track;

B. the number of the race from which the claim is being made; and

C. a time stamp provided by the track for that purpose reflecting that the claim was made not later than ten minutes prior to the post time of the race in which the horse to be claimed is entered.

Subp. 3. **Examination <u>of</u> claim envelopes.** The claims clerk shall open the claim box, search for, open, and examine the claim envelopes no sooner than ten mintues prior to post time for each race.

Subp. 4. **Information shall not be divulged.** No information concerning such claims shall be divulged to anyone other than the racing secretary's staff and the horsepersons' bookkeeper until after the race has been run.

Subp. 5. **Multiple claims determined by lot.** If more than

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one claim is filed for the same horse, the successful claimant shall be determined by lot under the supervision of the stewards or the claims clerk.

Subp. 6. **Claims are irrevocable.** Once a claim is deposited in the claim box, the claim cannot be withdrawn or revoked.

Subp. 7. **Invalid claims.** A claim is invalid if:

A. the name of the horse to be claimed is erroneously spelled or is not specified in the space provided on the claim form;

B. the claimant does not have at least the amount of the claim and any applicable state sales tax on deposit or credited with the horsepersons' bookkeeper;

C. the claim form does not specify the designated price as printed in the program, or is not signed, or does not fully indicate the name of the party making the claim, or is otherwise incorrectly completed; or

D. the claim envelope is inaccurate.

Subp. 8. **Voided claims.** If a claim is voided by the stewards, the horse claimed shall be returned to the original owner who, in turn, shall refund all claim money to the unsuccessful claimant.

Subp. 9. **Prohibition on claims.** No person or racing interest shall:

A. claim more than one horse from any one race;

B. claim their own horse or cause such horse to be claimed, directly or indirectly, for their own account;

C. refuse to deliver a claimed horse to the successful claimant;

D. remove any horse which has been entered in a claiming race from the ~~racetrack~~ <u>grounds of the association</u> where it has been entered to race, or fail or refuse to comply with any rule or any condition of the meeting for the purpose of avoiding or preventing a claim for such horse;

E. offer or enter into an agreement to claim or not to claim or attempt to prevent another person from claiming any

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horse in a claiming race;

F. attempt to intimidate or prevent anyone from running a horse in any claiming race;

G. claim horses owned or trained by their trainer or the trainer's spouse, child, sibling, parent, mother-in-law, or father-in-law;

H. claim a horse from an owner whose horse is trained by the claimant's trainer;

I. being a trainer, claim a horse from an owner for whom he or she trains; or

J. enter, or allow to be entered, any horse against which any claim is held, either by mortgage or lien of any kind without, prior to entering, having filed the written consent of the holder of the mortgage or lien with the racing secretary and horsepersons' bookkeeper.

Subp. 10. **Affidavit may be required.** Whenever the stewards have reasonable doubt about the validity of a claim, they shall require a claimant to execute an affidavit stating that the claimant is claiming the horse for the claimant's own account or as an authorized agent, and not for any other person.

Subp. 11. **Claimant responsible for determining true age and sex.** Determination of the true age and sex of a claimed horse shall be the sole responsibility of the claimant, and mistakes in that regard printed in the official program or elsewhere shall not be considered a basis for invalidating the claim.

Subp. 12. **Disclosure of bred mare.** If a filly or mare has been bred, she is ineligible to be entered into a claiming race unless:

A. full disclosure of that fact is on file with and posted in the office of the racing secretary; and

B. the breeding slip has been deposited with the racing secretary; and

C. all payments due for the service in question and for any live progeny resulting from that service are paid in full; and

D. the release of the breeding slip to the successful claimant at the time of the claim is guaranteed; or

E. in the alternative to items A to D, a licensed veterinarian's certificate dated at least 40 days after the last breeding of the mare or filly is on file with the racing secretary stating that the mare or filly is not in foal.

Subp. 13. **Foal certificates remain in custody of racing secretary.** The foal certificate or eligibility papers of a claimed horse shall remain in the custody of the racing secretary until the new owner removes the horse from the ~~track~~ grounds of the association.

Subp. 14. **Stakes engagements transfer to claimant.** The stakes engagements of a claimed horse transfer automatically with the horse to the claimant.

Subp. 15. **Protest of claim.** Not later than the next racing day after the race was run, a written protest of a claim may be submitted to the stewards who shall investigate the matter as quickly as possible.

Subp. 16. **Title to claimed horse.** Title to a horse which is claimed shall be vested in the successful claimant from the time the field has entered the ~~racing strip~~ course for the race in which the horse is scheduled to run, unless the race is canceled or the horse is excused by the stewards. The claimant shall then become the owner of the horse whether it be alive or dead, sound or unsound, or injured during the race or after it.

Subp. 17. **Horse shall run in interest of owner.** On the day claimed, a claimed horse shall run in the interest of and for the account of the owner from whom the horse was claimed.

Subp. 18. **Claimed horse to be delivered.** Upon presentation of a written authorization from the racing secretary, the claimed horse shall be delivered by the original owner to the successful claimant without altering or removing the horse's shoes.

Subp. 19. **Responsibility for post-race analysis.** A trainer whose horse has been claimed and is designated for post-race testing remains responsible for the horse until after

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collection of the blood and/or urine specimens at the detention barn where delivery shall be made to the successful claimant.

Subp. 20. **Excused horse eligible to be claimed for same claiming price in next start.** If, in a claiming race, a horse is excused by the stewards, any claim or claims for the horse will be void. However, such a horse, in its next start, must race in a claiming race for a claiming price not greater than the amount for which it could have been claimed in the race from which it was excused. Should the horse be entered in an allowance or stakes race in its next start, said horse shall be subject to claim for the claiming price from the previous race from which it was excused. The provisions of this subpart shall apply for a period of 90 days from the date of the claiming race in which the horse was excused.

Subp. 21. **Claimed horse must race for higher claiming price.** For a period of 30 days after being claimed, a thoroughbred or quarter horse shall not start in a race in which the eligibility price is less than 25 percent more than the price at which it was claimed. The day claimed shall not count, and the horse may be entered whenever necessary so that it may start on the 31st calendar day following the original claim for any claiming price. In thoroughbred racing, this provision shall apply to starter handicaps and starter allowances.

Subp. 22. **Claimed horse shall race at track claimed.** No claimed horse shall race at any other racetrack until after the close of the race meeting at which it was claimed, or for 60 days, whichever is shorter, except to fulfill a previously committed stakes engagement.

Subp. 23. **Claimed horse shall not be transferred.** No horse claimed in a claiming race shall be sold or transferred wholly or in part to anyone within 30 days after the day it was claimed, except in another claiming race.

Subp. 24. **Recognition of other racing jurisdictions' claiming rules.** When a horse is claimed at a recognized meeting governed by the rules of another racing jurisdiction, Minnesota shall recognize ~~title to~~ the claiming rules of the jurisdiction

where the horse ~~under those rules~~ was claimed. However, while racing in Minnesota, such a horse must comply with this part.

Subp. 25. **Charity meetings.** When a charity meeting and a regular meeting are run consecutively, they shall be considered as one for claiming purposes.

Subp. 26. **Claiming authorization.** The commission or its appointed representatives shall issue a claiming authorization to any person who makes application therefor on forms prescribed for that purpose and who:

A. Meets all the requirements for the issuance of an owner's license, except that the applicant need not own a horse or have any previous experience in racing.

B. Has an agreement with a licensed trainer to take charge of, care for, and train any horse claimed pursuant to the claiming authorization. The holder of a claiming authorization and the trainer shall each promptly notify the stewards in writing if such agreement is terminated before a horse is successfully claimed.

C. Has at least the amount of the claim on deposit or credited with the horsepersons' bookkeeper.

Subp. 27. **Claiming authorization valid for calendar year.** A claiming authorization shall be valid for the calendar year in which it is issued, or until such time as the person to whom the authorization was issued becomes a horse owner either through use of the claiming authorization or through private purchase.

Subp. 28. **Claiming authorization fee.** The same fee charged for an owner's license shall be payable to the commission by the applicant prior to issuance of a claiming authorization. The holder of a claiming authorization shall not, by virtue thereof, be entitled to admission to the grandstand, clubhouse, or other spectator facility at prices less than those charged the general public. A holder of a claiming authorization who has not previously been granted an owner's license will be issued an owner's license without payment of any additional fees.

An application for claiming authorization may be denied or

revoked for any reason that would justify denial, suspension, or revocation of an owner's license. Any person whose claiming authorization is denied or revoked shall have the same rights to notice and hearing as an owner whose license is denied, suspended, or revoked.

Subp. 29. **Claiming prices for harness race horses.** In standardbred racing, the following allowances shall be applicable with respect to claiming price:

A. For mares racing against colts or geldings, add 20 percent.

B. For two-year olds racing against older horses, add 100 percent.

C. For three-year olds racing against older horses, add 50 percent.

D. For four-year olds racing against older horses, add 25 percent.

E. Spayed mares shall not receive any sex allowance.

Subp. 30. **Claiming races may be conditioned.** Races strictly for two-year olds or three-year olds may be conditioned. Races for the lowest claiming price at a meeting may be conditioned.

7883.0150 PADDOCK TO POST.

Subpart 1. **Horses must have identifying equipment.** In a race each horse must carry a conspicuous saddle-cloth number and a head number corresponding to its number on the official program. In the case of any entry each horse making up the entry shall carry the same number (head and saddle-cloth) as the first part of the entry, along with a distinguishing letter, for example: 1, 1a, or 1b. In the case of a field, the horses comprising the field shall carry an individual number, for example: 10, 11, 12; or a particular number followed by a distinguishing letter 10, 10A, 10B, or 10C.

Subp. 2. Trainer to have horse in paddock. A trainer shall have his or her horses in the paddock not less than 15 minutes before post time. The trainer shall also attend his or her horse in the paddock and be present to supervise its

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saddling, unless he or she has obtained permission of a steward to send an assistant trainer or another trainer as a substitute. Every horse must be saddled in the paddock unless permission has been granted by the stewards to saddle elsewhere.

Subp. 3. **Bandages and blankets.** Immediately upon arrival in the paddock, all blankets and bandages, except those bandages that will be worn during a race, must be removed. Should weather conditions so dictate, blankets may be worn after saddling with permission of the paddock judge. After saddling, all horses must be walked to allow a satisfactory examination.

Subp. 4. **Horses excused from parading.** The stewards may permit a horse to be excused from parading with the other horses and be led to the post, but such horse shall nevertheless pass the stewards' stand on its way to the post.

Subp. 5. **Lead ponies.** Lead ponies and their riders shall be permitted to enter the saddling paddock or walking ring only with the permission of the stewards.

Subp. 6. **Duration of post-parade.** After entering the ~~track~~ course not more than 14 minutes shall be consumed in the parade of the horses to the post except in cases of unavoidable delay. After passing the steward's stand once, horses will be allowed to break formation and canter, warm up, or go as they please to the post unless otherwise directed by the stewards. When the horses have reached the post, they will be started without unnecessary delay.

Subp. 7. **Horses must be free of attendants.** After the horses enter the ~~track~~ course, no jockey shall dismount and no horse shall be entitled to the care of an attendant without consent of the stewards or the starter, and the horse must be free of all hands other than those of the jockey or assistant starter before the field is dispatched by the starter. In case of accident to a jockey or to his or her mount or equipment, the stewards or the starter may permit the affected jockey to dismount and the horse to be cared for during the delay, and may permit all other jockeys to dismount and all other horses to be attended during the delay.

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Subp. 8. **Horse must carry weight from paddock to post.** Each horse must carry its assigned weight from paddock to post and from post to finish. If a jockey is thrown on the way from the paddock to the post, the horse must be remounted, returned to the point where the jockey was thrown, and then proceed over the route of the parade to the post.

Subp. 9. **Injury to jockey.** If the jockey is so injured on the way to the post to require substitution of another jockey, the horse shall be returned to the paddock, another jockey mounted, and then ridden over any uncompleted portion of the exact route of the parade to the starting point.

Subp. 10. **Horse leaves race course.** If a horse leaves the course while moving from paddock to post, it shall return to the course at the nearest practical point to that at which it left the course, and shall complete its parade to the post from the point at which it left the course.

Subp. 11. **No willful delays.** No person shall willfully delay the arrival of a horse at the post.

Subp. 12. **Prohibition on assisting a start.** No person other than the jockey, starter, or assistant starter shall be permitted to strike a horse or attempt by shouting or otherwise to assist it in getting a start.

7883.0160 POST TO FINISH.

Subpart 1. **Horse must be tattooed.** No horse shall be permitted to start unless it has been tattooed and fully identified.

Subp. 2. **Horses must load in post position.** Horses shall take their positions in numerical order from the inside rail, that order to be determined by post positions.

Subp. 3. **Horse deemed a starter.** A horse is a starter for all purposes of the commission's rules when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses in a valid start.

Subp. 4. **All horses shall be ridden out.** All horses shall be ridden out past the finish line in every race and must carry their assigned weight from the post to finish.

Subp. 5. **Horse shall not leave course.** If during a race a horse leaves the course, it shall be disqualified.

Subp. 6. **Interference and willful fouling.** The following rules shall apply with respect to the running of a race.

A. When clear, a horse may be taken to any part of the course but no horse shall cross or weave in front of other horses in such a way as to impede them or constitute or cause interference or intimidation such that it would affect the outcome of the race.

B. If a horse or jockey jostles another horse such that it would affect the outcome of the race, the aggressor may be disqualified, unless the jostled horse or its jockey was partly at fault, or the jostling was wholly caused by some other horse or jockey.

C. During a race no jockey shall willfully strike or touch another jockey or another jockey's horse or equipment for the purpose of interfering with that horse or jockey, nor shall a jockey strike his or her horse on or about the head area.

D. For willful fouling or careless riding a rider may be fined or set down or both by the stewards according to the nature and seriousness of the offense.

E. A jockey whose horse has been disqualified or who unnecessarily caused his or her horse to change or shorten its stride for the purpose of losing a race may be fined or suspended.

Subp. 7. **Determination of disqualifications.** The stewards are vested with sole and complete power and authority to determine when a disqualification is proper, its extent, and whether it applies to any other part of an entry. Their decision shall be final.

A. In determining the extent of disqualification of a horse in any race, the stewards may either place the disqualified horse behind such horse as in their judgment the disqualified horse interfered with, or they may place it last.

B. When a horse of one ownership or interest is coupled with a horse or horses of the same or another ownership

or interest, the disqualification of one will not necessarily affect the placing of the other.

Subp. 8. **Best effort must be made.** All jockeys are expected to give their best efforts in races in which they ride, and any instructions or advice to jockeys to ride or handle their mounts otherwise than for the purpose of winning are prohibited and will subject all persons giving or following such instructions or advice to disciplinary action by the stewards and commission. If two horses run in one interest in any race, each ~~shall~~ must give their best effort.

Subp. 9. **Protests.** Protests with regard to the running of the race shall be made only by the owner, trainer, or jockey of the horse alleged to be aggrieved, and ~~shall~~ must be made to the stewards or the clerk of scales before or immediately after weighing in. An owner, trainer, or jockey who makes a frivolous protest may be fined.

Subp. 10. **No assistance to jockey.** No person shall assist a jockey in removing from his or her horse the equipment that is to be included in the jockey's weight, except by permission of the stewards.

Subp. 11. **Coverings prohibited.** No person shall throw any covering over any horse at the place of dismounting until the jockey has removed the equipment that is to be included in his or her weight.

Subp. 12. **Dead heats.** Dead heats shall be governed in the following manner.

A. When two or more horses run a dead heat, the dead heat shall not be run off.

B. In a dead heat for first place, each horse shall be considered a winner.

C. When two or more horses finish in a dead heat and a protest is made and allowed against a horse having finished in front of the dead heat, the horses which ran the dead heat shall be deemed to have run a dead heat from the higher position.

D. Owners of horses in a dead heat for any position shall divide equally all money and other prizes, and if no

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agreement can be reached as to which of them shall receive a cup, plate, or other indivisible prize, they shall draw lots for it in the presence of one or more of the stewards.

Subp. 13. **Race declared no contest.** If a race has been run by all the horses at the wrong weights or over a wrong distance, and if a protest is made and allowed before the flashing of the "Official" sign on the totalisator board, the stewards shall declare the race no contest.

Subp. 14. **Horse becomes crippled or disabled.** The following procedures shall apply if a horse during the running of a race becomes crippled or otherwise obviously unable to finish (broken bone, profuse bleeding, or other equally disabling condition):

A. It shall be dismounted, unsaddled, and removed from the course without passing the stand and may, under no circumstances, be destroyed on the ~~track~~ course or in the presence of the public without the permission of the stewards.

B. If a bone is broken, the horse shall remain on the ~~track~~ course until the horse-ambulance arrives and removes it.

C. If destruction of the horse is determined necessary, the destruction shall be performed by the commission veterinarian through the use of a needle preferably in a place out of vision of the public. If destruction within view of the public is necessary, an ambulance screen must be used. Removal of the horse after destruction shall be the responsibility of the association.

D. If destruction of a horse is determined necessary, the jockey will not be required to weigh in.

CHAPTER 7884
MINNESOTA RACING COMMISSION
HARNESS RACES

7884.0100 SCOPE.

In addition to all other applicable rules of the commission, the provisions of this chapter shall apply to harness races.

STATUTES

7884.0110 TYPES OF RACES.

Subpart 1. **Overnight events.** Each association shall schedule the following types of overnight events:

A. conditioned races;

B. claiming races;

C. preferred races;

D. invitational races;

E. handicap races;

F. open or free-for-all races;

G. schooling races; and

H. matinee races.

Subp. 2. **Stakes races.** In addition to overnight events, the association must schedule stakes races.

Subp. 3. **Substitute races.** Substitute races may be provided for each race program and shall be so designated in condition sheets and may be used when a regularly scheduled race is not run because of lack of entries.

Subp. 4. **Divided races.** Regularly scheduled races or substitutes may, if necessary, be divided. When a race is divided, all horses shall, unless otherwise specified in the conditions of the race, be determined by lot after preference has been applied.

Subp. 5. **Postponed races.** All races that are not contested within two days of being postponed shall be canceled.

Subp. 6. **Also eligible conditions.** Not more than three also eligible conditions shall be used in writing conditions for overnight events.

7884.0120 ELIGIBILITY AND ENTERING.

Subpart 1. **Time bars.** No time records or bars shall be used as an element of eligibility.

Subp. 2. **Horses to remain eligible.** Horses eligible at the time of entry shall remain eligible for that race regardless of earnings accrued after such entry.

Subp. 3. **Mixed race eligibility.** To participate in mixed races, trotting and pacing, a horse must be eligible under the conditions for the gait stated for it in its entry.

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Subp. 4. **Only purse races considered starts.** The word "start" in a condition includes only those performances in a purse race.

Subp. 5. **Races limited to fastest horses.** Eligibility to enter preferred, invitation, junior invitation, handicap, open, or free-for-all races is limited to the fastest horses competing at the meeting. The races shall be subject to the following provisions.

A. Horses shall be posted in the office of the racing secretary and listed with the stewards prior to closing entries.

B. Horses so posted shall not be eligible to enter conditioned races unless the conditions specifically include horses posted to any or all such races.

C. No two-year-old horse is eligible to be placed on the lists to race against older horses until it has won seven races, unless specifically requested by the owner or authorized agent, but the owner or authorized agent may withdraw a request after it has been made.

Subp. 6. **Maximum number in field.** The maximum size of fields for all races shall be determined by allowing eight feet per horse in the front tier and not more than two trailing horses.

Subp. 7. **Conditions precedent to entering.** No horse shall be permitted to enter to race unless:

A. a valid eligibility certificate has been granted or validated for that horse by the USTA;

B. the current ownership of the horse has been registered with the USTA;

C. the registration papers and a valid eligibility certificate have been filed with the racing secretary;

D. if the horse is leased,

(1) a copy of the lease is on file with the association and the USTA; and

(2) the horse races in the name of the lessee;

E. the horse has qualified as provided in part 7884.0190;

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F. the horse has been lip tattooed;

G. the horse is at least two years old but not older than 14 years old; and

H. if it is a spayed mare, that fact is noted on the program, registration certificate, eligibility certificate, and the list of such horses is posted in the office of the racing secretary.

Subp. 8. **Time for closing of entries.** An association shall publish the time for closing of entries on the condition sheets.

Subp. 9. **Entries received after closing time not accepted.** An entry received after the specified time of closing shall not be accepted, except if it was omitted in error or because of an inadvertent mistake by an official or employee of the association.

Subp. 10. **Horse shall be entered at only one racetrack.** The same horse shall not be entered to compete in races scheduled for the same day at different racetracks.

Subp. 11. **Entered horse may not be sold or transferred.** After having been drawn to start, a horse shall not be sold or transferred prior to the particular race.

Subp. 12. **Change of trainer.** Trainers may be changed only with prior approval of the stewards.

Subp. 13. **Horses denied entry.** A horse that is on the qualifying list, starter's schooling list, stewards' list, veterinarian's list, or bleeder list, and not removed from that list, shall not be entered.

Subp. 14. **Rejection of entries.** The association may reject the entry into an overnight event of any horse whose past performance indicates that it would be below the competitive level of other horses entered in the particular race.

Subp. 15. **Naming of drivers.** Drivers shall be named no later than the time necessary to permit their names to be published in the official racetrack program. The deadline for naming of drivers shall be set by the association, and no driver may be changed after the deadline without the permission of the

stewards.

7884.0130 PREFERENCE SYSTEM.

Subpart 1. Association to establish preference system. Each association shall keep a list of all horses excluded from races because of too many entries and such horses are to have preference in any race in which they may afterwards be entered.

Subp. 2. Preference system provisions. Notwithstanding subpart 1, preference may be given under the following circumstances:

A. If more than the required number of horses are entered in a race with the same preference date, the previous preference dates shall apply.

B. When a horse is racing for the first time at the gait entered for it, it shall have preference over other horses regardless of their preference dates.

C. If an entry is made for a horse that has already been drawn to start in a race that has not yet been contested, the date of that uncontested race shall be its preference date.

D. If a horse has been scratched, the date of the race from which it has been scratched shall be its preference date.

E. If a race has been reopened for additional entries, preference shall be given those horses eligible and entered at the time the race originally closed.

F. If conditions so specify, preference may be given to two-year-old horses regardless of preference date.

Subp. 3. Preference for also eligibles. No more than two horses may be drawn as "also eligibles," in accordance with the following provisions:

A. Also eligibles shall be drawn from horses having the best preference.

B. No horse shall be added to the race as an also eligible unless it was drawn as an also eligible at the time entries closed for that race.

C. No horse may be barred from another race to which it is eligible and has preference because it has been drawn as

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an also eligible.

7884.0140 COUPLED ENTRIES.

Subpart 1. **Horses to be coupled as an entry.** Horses shall be coupled as an entry if:

A. one person is the owner of two or more horses in a race;

B. the spouse of a person who is the owner of one horse in a race is the owner of another horse in that race;

C. the spouse of the driver of one of the horses in a race is the owner, trainer, or driver of another horse in that race; or

D. the trainer of one of the horses in a race is the owner, trainer, or driver of another horse in that race.

Subp. 2. **Stewards may designate a coupled entry.** Any two or more horses may be coupled as an entry by the stewards when they consider it in the public interest to do so.

Subp. 3. **Split races.** If a race is split into divisions or elimination heats, horses coupled as an entry shall be, insofar as possible, seeded in separate divisions or elimination heats in the following order:

A. owners;

B. trainers; and

C. stables.

The divisions or elimination heats in which such horses are to compete, and their post positions, shall be determined by lot.

7884.0150 LOST ENTRIES.

Subpart 1. **Addition to overnight event.** When there is conclusive evidence prior to the printing of the overnight sheets that a horse was properly entered in a race, but was inadvertently omitted from the drawing for post positions due to error of an official or employee of the association, the horse so omitted may be added to the race and the race redrawn. If the overnight sheet has been printed such horse shall not be permitted to start.

Subp. 2. **Addition to stakes race.** A horse that was

nominated or entered in a stakes race, but was inadvertently omitted, shall be added to the race and the race redrawn. Should the addition result in more than the maximum number of starters allowed in a single field, the event shall be divided and the starters in each division and their post positions shall be redrawn by lot.

7884.0160 ALSO ELIGIBLES.

Subpart 1. **Also eligibles to replace excused horses.** If a horse is excused from a race by the stewards, an also eligible horse shall take the post position drawn for the excused horse, except as provided in subpart 5.

Subp. 2. **Trainer to be notified.** Also eligibles moved into races shall be posted in the office of the racing secretary and their trainers shall immediately be so notified by the racing secretary.

Subp. 3. **Also eligibles released.** Also eligibles not moved into a race by 10:00 a.m. of the day of the race shall be released.

Subp. 4. **Horses drawn in to be scratched from other races.** If an also eligible is moved into a race it shall be scratched from any subsequent race for which it has been drawn, unless preference otherwise allows.

Subp. 5. **Handicap races.** In handicap races an also eligible horse shall take the place of the excused horse so long as the handicap is the same. However, if the handicap is different:

A. the also eligible horse shall take the position on the outside of horses with a similar handicap; or

B. when a trailing horse is scratched, the also eligible horse shall take the trailing position, regardless of the handicap.

7884.0170 SCRATCHES.

Subpart 1. **Stewards to approve scratches.** A horse entered to race shall not be scratched from a race without permission of the stewards.

Subp. 2. **Scratches are irrevocable.** A horse that is scratched from a race shall not be reinstated in that race.

Subp. 3. **On advice of commission veterinarian.** A horse scratched by the stewards on the advice of the commission veterinarian shall not be allowed to enter for a minimum of 72 hours from the time it was scratched, and then only if it has been approved for entry by the commission veterinarian.

7884.0180 TIME TRIALS.

Time trial performances are permitted provided:

A. urine tests are required for all horses;

B. an approved electric timer is used, however, if a timing device fails during a time trial, no time trial performance record will be obtained;

C. they are held during the course of a race meeting and are officiated by stewards;

D. they are limited to two-year-olds who equal or beat 2:10, and three-year-olds and older who equal or beat 2:05;

E. they are designated on a horse's record and in the official racing program by preceding the time with "TT";

F. that when a horse has other horses accompanying it in a time trial performance, they may not precede it, be harnessed with it, or in any way be attached to it; and

G. a break during a time trial performance results in no time being given to the breaking horse.

7884.0190 QUALIFYING RACES.

Subpart 1. **Scheduling of qualifying races.** Qualifying races shall be scheduled at least once a week, weather conditions permitting, and shall be conducted under the supervision of the stewards.

Subp. 2. **Horses required to compete in qualifying races.** The following horses shall not be eligible to enter any race until they have competed in qualifying races:

A. A horse that does not have a charted race at the gait chosen.

B. A horse that does not show a charted line within

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the last six starts. For that purpose an uncharted race contested in heats or more than one dash and consolidated shall be considered to be a start.

C. A horse that has not started for a period of 45 days or more.

D. A horse which has raced at a meeting at which races were not charted.

E. A horse that is on the qualifying list.

F. A horse that chokes, bleeds, or falls during a warmup or a race.

G. A horse that has made breaks in two consecutive races or which breaks in its first start following a qualifying race.

H. A horse that has been distanced.

Subp. 3. **Preferred or invitational horses.** The stewards may permit a preferred or invitational horse to qualify by means of a timed workout consistent with the time of preferred or invitational races that have been completed at the race meeting.

Subp. 4. **Stewards may set standards.** The stewards may establish a qualifying time for an individual horse consistent with that horse's past performance.

Subp. 5. **Qualifying drivers.** If a race is conducted for the purpose of qualifying drivers and not horses, the race need not be charted, timed, or recorded, but this clause does not apply to races qualifying both horses and drivers.

Subp. 6. **Qualifying times shall be posted.** Qualifying times shall be established by the association and those times and any subsequent changes to them shall be approved by the stewards and posted so that they are available for inspection by participants.

Subp. 7. **Trainers to be notified.** Trainers of horses placed on the qualifying list shall be advised by the stewards or their designee of that fact by written notice which must also be posted in the racing office.

7884.0200 STAKES RACES.

Subpart 1. Conditions. Conditions for stakes races which

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are vague, inconsistent, or which conflict with the rules of the commission shall not be published. Conditions shall state whether the race will be:

A. raced in divisions; or

B. conducted in elimination heats if more horses than the maximum allowed to compete in one division are entered.

Subp. 2. **Conditions shall not be changed.** Published conditions shall not be changed after nominations have been received, nor shall the date and place of the event be changed after being advertised without the prior consent of the commission.

Subp. 3. **Stakes ~~nominations-and-sustaining~~ nomination fees.** All nominations to stakes races must be:

A. made in writing;

B. signed by the owner, trainer, or the owner's authorized agent; and

C. made at least five days prior to the race for which the nomination is made.

Subp. 4. **Fees are due on business days.** If the day for closing of nomination or sustaining payments falls on a Sunday or legal holiday, the day of closing shall be the next business day.

Subp. 5. **Entry fees.** Entry fees shall become due and payable when a horse is properly entered, and the fees are nonrefundable.

Subp. 6. **Nominations not affected by sale.** The eligibility of a nominated horse is not affected by the sale of the horse after its nomination has been accepted unless the contrary is specified in the conditions.

Subp. 7. **Nomination lists to be provided.** An association shall provide a list of all stakes nominations to each nominator and to the commission within 30 days after the date on which payments were due. The list must be accompanied by a report indicating the current financial status of the race and listing the number of horses remaining eligible and the amounts of nomination and sustaining payments received by the association.

Subp. 8. **Minimum number of starters may be required.** An association may require at least five separate interests to start in a stakes race. If fewer horses than the number required are properly entered, the race may be ~~declared off~~ cancelled. In that case, the total of nomination and sustaining payments received shall be divided equally among the horses entered without being credited as purse winnings. If no entries are made, the total nomination and sustaining payments shall be divided equally and awarded among the horses remaining eligible after the last sustaining payment, without being credited as purse winnings.

Subp. 9. **Restrictions against entering or starting.** Any horse that is on the qualifying, veterinarian, starter's schooling, or stewards' list may be nominated but shall not be eligible to enter or start in a stakes race unless it is removed from those lists before the time of entry ~~or starting~~.

Subp. 10. **Overfilled stakes to be run in divisions.** If more horses than allowed in one field are entered to start a race, the race shall be conducted in divisions or eliminations, as specified in the conditions.

Subp. 11. **Stakes races conducted in divisions.** Stakes races conducted in divisions shall be subject to the following:

A. Starters shall be divided by lot with all nomination and sustaining payments divided in equal proportion to the number of entered horses that are drawn to each division.

B. The amount of the additional purse added to each division shall be approved by the stewards.

C. All divisions shall be raced on the same day.

Subp. 12. **Stakes races conducted in eliminations.** For stakes races conducted in eliminations:

A. The stewards shall draw by lot the post positions of the horses that have qualified for the final heat.

B. Elimination heats and the final heat shall be raced on the same day, unless the conditions provide otherwise, and in that case, elimination heats shall be contested not more than seven days prior to the date of the final heat.

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C. The winner of the final heat shall be the winner of the stakes race, unless the conditions provide otherwise.

D. If there are two elimination heats, the first four finishers in each heat shall qualify for the final heat.

E. If there are three or more elimination heats, no more than three horses from each elimination heat shall qualify for the final heat.

F. In all cases, the number of horses allowed to qualify for any final heat shall not exceed ten.

G. The stewards shall draw by lot the post positions for the final heat to determine which of the elimination heat winners shall have the pole position, and shall in that manner determine all of the other positions for the final heat.

Subp. 13. Canceled stakes races. The following procedures shall be followed when stakes races are canceled.

A. In stakes races that have not been contested before being canceled, all nomination and sustaining fees shall be divided equally among the owners of horses remaining eligible at the time of cancellation.

B. In stakes that have been started but remain unfinished before being canceled, the allotted shares of the remaining nominating, sustaining, and starting fees shall be distributed equally to the owners of all horses remaining eligible at the time of cancellation.

C. Unless otherwise provided in the conditions, canceled stakes races shall not be transferred to another race meeting.

7884.0210 CLAIMING RACES.

Claiming shall be conducted in accordance with part 7883.0140.

7884.0220 PADDOCK PROCEDURES.

Subpart 1. Horse to be in paddock. Horses must be in the harness paddock at least one hour prior to post time of the race in which they are to compete and, except for warmup trips, no horse shall leave the paddock until called to post.

Subp. 2. **Driver to register.** Drivers shall report to the paddock judge and sign the drivers' register at least one hour before post time of any race in which they are programmed to drive. After signing the ~~the~~ drivers' register, no driver shall leave the drivers' room, except to drive in a race or to view the races from a point approved by the stewards, until all his or her driving engagements for the day have been fulfilled.

Subp. 3. **Persons restricted from paddock.** No person, except an official or an owner who has a horse racing, shall be allowed in the paddock until all races of that program have been completed, and not more than two members of a registered stable may be in the paddock on any race day.

Subp. 4. **Blacksmith to be in paddock.** Each association must during racing hours provide the services of a blacksmith within the paddock.

Subp. 5. **Extra racing equipment to be in paddock.** Each association must during racing hours provide to the equipment inspector all extra equipment in the paddock that may be necessary in emergencies to prevent unnecessary delay during the conduct of racing.

7884.0230 RACING EQUIPMENT.

Subpart 1. **Sulkies.** Sulkies will be permitted only if they are of the conventional dual-shaft and dual-hitch type as follows:

A. they have two shafts that are parallel to, and securely hitched on each side of the horse;

B. no point of a hitch and no part of a shaft of the sulky is above a horizontal level equal to the lowest point of the horse's back;

C. they are equipped with mud guards when so required by the stewards; and

D. they are equipped with plastic wheel discs on the inside and outside of each wheel with such discs being either clear or of a solid pastel color.

Subp. 2. **Head poles.** No horse may wear a head pole protruding beyond its nose.

Subp. 3. **Helmets must be worn.** All persons must wear an approved protective helmet with the chin strap properly fastened at all times when racing, jogging, training, or when warming-up a horse on the ~~premises~~ grounds of ~~a licensed racetrack~~ an association.

Subp. 4. **Time limit for equipment changes.** No major equipment change may be allowed after 10:00 a.m. on the day of the race without the consent of the stewards, and all such changes must be posted and announced.

Subp. 5. **Broken equipment.** All broken equipment must be reported by the driver, in the first instance, to the starter, and then to the paddock judge who shall make an examination to verify the allegation.

Subp. 6. **Warmup equipment.** All persons driving a horse must wear silks and white pants when warming-up a horse prior to a race. Such horse shall have the proper head number and saddle cloth for the race in which it will be racing.

Subp. 7. **Drivers' colors.** Drivers must wear distinguishing colors and shall not be permitted to drive in a race or other public performances unless they are properly dressed, their driving outfits are clean, and they are well-groomed. During inclement weather conditions, drivers must wear rain suits or winter suits either of distinguishing colors or made of transparent material through which their colors may be distinguished.

7884.0240 POST TIME AND STARTING.

Subpart 1. **Post time.** The association shall establish the post time for each race and the stewards shall call the horses on the ~~track~~ course at a time to prevent delay after the completion of one or two scores.

Subp. 2. **Time between single race heats.** The time between separate heats of a single race shall not be less than 40 minutes.

Subp. 3. **Horses called to post have exclusive right.** Horses called for a race have the exclusive right to occupy the course, and all the other horses shall vacate the course

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immediately.

Subp. 4. **Scoring.** Horses are permitted to take one or two scores before going to the post, and upon completion of the last score, the horses shall be gathered by the starter and immediately moved to their appropriate starting positions behind the gate.

Subp. 5. **Post positions.** The following procedures shall apply to post positions:

A. When a horse is withdrawn from the front tier, horses on the outside shall move in to fill the vacancy.

B. If there is only one trailing horse it may start from any trailing position.

C. If there is more than one trailing horse it shall start from inside the horse with a higher post position.

D. The withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the trailing horses, except as provided for in handicap claiming races. (as specified by Part 7875.0200, subp.

Subp. 6. **Starting gate.** All races shall be started with a mobile starting gate of a design approved by the commission, and shall be equipped with two-way communications to the stewards and a mechanical loudspeaker for communicating instructions to drivers. No person except the starter, his or her driver, and a patrol judge, shall ride in a starting gate without the permission of the stewards.

Subp. 7. **Starter has control of horses.** The starter shall have control of the horses from the formation of the parade until a fair start has been determined.

Subp. 8. **Determination of a fair start.** The determination of a fair start is signified by the word "go" announced by the starter at the starting point. The starting point is a point that shall be marked on the inside rail at a distance of not less than 200 feet from the first turn.

Subp. 9. **Conduct of start.** The following procedures shall be observed during the start of a race.

A. The horses shall be brought to the starting gate

as near one-quarter of a mile before the start as the ~~track~~ course will permit.

B. The starter shall cause the gate to move towards the starting point, gradually increasing speed of the gate to maximum speed.

C. When maximum speed has been reached in the course of a start there shall be no decrease, except in the case of a recall.

D. After the determination by the starter of a fair start all the horses shall race the course, except in the case of an occurrence that in the opinion of the stewards makes it impossible for the horses to race the course.

E. During the start of a race, if a horse is unmanageable or liable to cause an accident or injury to another horse or to a driver, it shall be scratched by the stewards.

7884.0250 RECALLS.

Subpart 1. **Starter may at any time order a recall.** The starter may, at any time before the word "go" is given, order a recall and restart the race. If a second recall is sounded because of the same horse, that horse shall be scratched.

Subp. 2. **Reasons for recall.** The starter shall sound a recall for the following reasons:

A. a horse scores ahead of the starting gate;

B. there is interference before the word "go" is given;

C. a horse has broken equipment observed by the starter; or

D. a horse falls before the word "go" is given.

Subp. 3. **Recall procedures.** In case of a recall:

A. a light, plainly visible to the drivers, shall be flashed and a recall sounded;

B. if possible, the starter shall leave the wings of the starting gate open and gradually slow the speed of the gate to assist in stopping and turning the field; and

C. drivers shall take up their horses and return, without delay, to the point where the field is gathered for

starts.

Subp. 4. **Inquiry into failure to sound recall.** If the starter fails to sound a recall when required, the stewards shall immediately cause the "Inquiry" sign to be displayed.

7884.0260 DRIVING RULES.

Subpart 1. **Conduct before word "go" is given.** Before the word "go" is given no driver shall:

A. delay a start;

B. pass the inside or the outside wing of the gate;

C. come to the starting gate in the wrong position;

D. cross over before reaching the starting point;

E. interfere with another horse or driver during the start; or

F. fail to come up into position and on the gate.

Subp. 2. **Conduct after word "go" is given.** After the word "go" is given no driver shall:

A. change course or position, swerve in or out, or bear in or out, during any part of the race in a manner that will compel another horse to shorten its stride or cause another driver to change course;

B. take his or her horse back or pull his or her horse out of its stride;

C. impede the progress of another horse or cause it to break from its gait;

D. cross over too sharply in front of another horse;

E. crowd another horse by "putting a wheel under it";

F. carry another horse out;

G. strike or hook wheels with another sulky;

H. allow another horse to pass needlessly on the inside, or commit any other act that helps another horse to improve its position;

I. take up or slow abruptly in front of other horses as to cause confusion or interference among the trailing horses;

J. lay off a normal pace and leave a hole when it is well within his or her horse's capacity to keep the hole closed;

K. drive in a careless, reckless, or unsatisfactory

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manner;

L. fail to set or maintain a pace comparable to the class in which he or she is racing, considering track conditions, weather, and circumstances of the race;

M. fail to properly contest an excessively slow pace;

N. back off from any position and subsequently come on when challenged;

O. fail to report any interference or any other infraction that occurred during a race and was observed by him or her;

P. lodge a claim of foul, violation of the rules, objection, or complaint which the stewards consider frivolous;

Q. drive a horse in a manner that prevents it from winning a race;

R. drive a horse to perpetrate or aid in a fraud or corrupt practice;

S. drive a horse in an inconsistent manner;

T. use a whip exceeding four feet in length or a snapper longer than eight inches in length, or use a whip in a brutal manner, or use the butt end of the whip, or whip under the arch or shaft of the sulky, or strike a wheel disc with his or her whip, or use a whip to interfere with or cause disturbance to any other horse or driver in a race;

U. punch, jab, or kick a horse; and

V. allow his or her horse to break from its gait for the purpose of losing a race.

Subp. 3. **Breaks.** When a horse breaks from its gait the driver shall:

A. take the horse to the outside of other horses or where clearance exists;

B. properly attempt to pull the horse to its gait; and

C. drop back from the field while on the break.

Subp. 4. **Lapped on break.** If there has been no violation of subpart 3, the stewards shall not set back the horse unless a competing horse on its gait is lapped on the hind quarter of the

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breaking horse at the finish.

Subp. 5. **Breaks to be reported.** Stewards shall record each break in the official race reports.

Subp. 6. **Drivers must remain mounted.** A driver must be mounted in his or her sulky from the start to the finish of the race or the horse he or she is driving shall be disqualified.

Subp. 7. **Use of stirrups.** After the word "go" is given, barring mishap, both of the driver's feet must be kept in the stirrups until the race has been completed.

Subp. 8. **Claim of foul.** A driver who desires to enter a claim of foul, violation of the rules, or other complaint shall notify the nearest patrol judge and shall proceed forthwith to the paddock telephone to communicate immediately with the stewards, unless the driver is prevented from doing so by an accident or injury or other reasonable excuse.

Subp. 9. **Stewards shall view complaint.** The stewards shall not cause the "Official" sign to be posted until the circumstances surrounding a claim of foul, violation of the rules, or other complaint has been viewed and decided.

Subp. 10. **Stewards to determine extent of violation.** The stewards shall determine the extent of the alleged violation and may place the offending horse either behind the horses that in their judgment were interferred with, or last in the field.

CHAPTER 7890

MINNESOTA RACING COMMISSION

HORSE MEDICATION

7890.0100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in this chapter shall have the following meanings.

Subp. 2. **Bleeder.** "Bleeder" means a horse which during a race or exercise is observed by the commission veterinarian or stewards to be shedding blood from one or both nostrils, or which is suspected of having bled and is so confirmed by an endoscopic examination conducted by the commission veterinarian within one hour following the race or exercise.

Subp. 3. **Bleeder list.** "Bleeder list" means a tabulation

of all bleeders maintained by the commission veterinarian.

Subp. 4. **Chemist.** "Chemist" means any official racing chemist designated by the commission.

Subp. 5. **DMSO.** "DMSO" means dimethylsulfoxide.

Subp. 6. **Medication.** "Medication" is a substance, compound, or element, or combination thereof, which is or can be administered to a horse for the purpose of preventing, curing, or alleviating the effects of any disease, condition, ailment, or infirmity, or symptom thereof, or for altering in any way the behavior, attitude, temperament, or performance of a horse, including athletic performance. Nothing herein shall be deemed to include:

A. topical applications, such as antiseptics, ointments, salves, DMSO, leg rubs and leg paints which may contain antibiotics (except procaine penicillin), but which may not contain benzocaine, steroids, or other medications; and

B. food additives, such as vitamins and electrolytes, provided such additives are administered orally and do not contain any medications.

Subp. 7. **Positive test.** "Positive test" means the detection of any medication or metabolites thereof in a test sample.

Subp. 8. **Test sample.** "Test sample" means any bodily substance including blood, urine, saliva, or other substance as directed by the commission, taken from a horse under the supervision of the commission veterinarian and in such manner as prescribed by the commission for the purpose of analysis.

Subp. 9. **Veterinarian.** "Veterinarian" means a veterinary practitioner licensed to practice at a Minnesota racetrack.

7890.0110 MEDICATIONS AND REPORTING PROCEDURES.

Subpart 1. **Medications prohibited.** No person shall administer or cause to be administered to a horse any medication by injection, oral or topical administration, rectal infusion or suppository, inhalation, or absorption within the time period prohibited by law.

Subp. 2. **Veterinarians must keep records.** Veterinarians

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must keep a logbook as to all medications and other substances as provided in part 7890.0100, subpart ~~7~~ 6, items A and B, prescribed or administered, and any other professional services performed at a licensed racetrack. Such logbook shall be made immediately available to the commission veterinarian or the stewards upon request.

7890.0130 FINDINGS OF CHEMIST.

Subpart 1. **Prima facie evidence.** A finding by a chemist that any medication as defined in part 7890.0100, subpart ~~7~~ 6, shall be prima facie evidence that the medication was administered and carried in the body of the horse while participating in a race. The finding shall also be taken as prima facie evidence that the attending trainer was negligent in the handling or care of the horse.

Subp. 2. **Distributed purse money.** The fact that purse money has been distributed prior to the issuance of the chemist's report shall not be deemed a finding that no medication was administered to the horse earning such purse money in violation of this chapter.

7890.0140 BLEEDER LIST.

Subpart 1. **Maintenance.** An up-to-date bleeder list shall be maintained by the commission veterinarian. The list shall be posted in the office of the racing secretary.

Subp. 2. **Horses placed on bleeder list.** Horses which are bleeders, as defined in part 7890.0100, subpart 2, shall be placed on the bleeder list and shall be ineligible to be entered in a race.

Subp. 3. **Endoscopic examination.** Within one hour of the finish of the race or exercise in which a horse has participated, the commission veterinarian may require an endoscopic examination in order to confirm the horse's inclusion on the bleeder list. The endoscopic examination shall be conducted by a veterinarian employed by the horse's owner or the owner's agent, and shall be conducted in the presence of and in consultation with the commission veterinarian.

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Subp. 4. **Confirmation of bleeder must be certified.** The confirmation of a bleeder must be certified in writing by the commission veterinarian and the horse must be entered by him or her on the bleeder list. Upon request, a copy of the certification shall be provided to the owner of the horse or the owner's agent.

Subp. 5. **Restrictions on confirmed bleeders.** Confirmed bleeders shall be subject to the following restrictions.

A. For the first observed bleeding, the horse shall be placed on the bleeder list and shall not be removed from the list for at least 14 days, and not until the commission veterinarian has approved its removal.

B. When a horse has been observed bleeding for the second time, the horse shall be placed on the bleeder list and shall not be removed from the list for at least 28 days and not until the commission veterinarian has approved its removal.

C. When a horse is observed bleeding a third time, the horse shall be barred from further pari-mutuel racing in Minnesota.

Subp. 6. **Bleeders imported from other jurisdictions.** A horse shipped into Minnesota from another jurisdiction may be considered a bleeder provided there is compliance with the following procedures:

A. the jurisdiction from which it was shipped considered the horse a bleeder pursuant to the criteria set forth in this part, and documentation to that effect is immediately transmitted to the stewards at the Minnesota racetrack to which it is shipped; and

B. the commission veterinarian certifies the horse as a bleeder pursuant to subpart 4.

CHAPTER 7891

MINNESOTA RACING COMMISSION

PHYSICAL EXAMINATION OF HORSES

7891.0100 RACING SOUNDNESS EXAMINATION.

Subpart 1. **Horses subject to examination.** Every horse entered to race at a licensed racetrack under the jurisdiction

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of the commission shall be subjected to a veterinary examination for racing soundness and health on race day conducted by the commission veterinarian in or near the stall to which the horse is assigned.

Subp. 2. **Record of examination.** The commission veterinarian shall maintain a continuing health and racing soundness record of each horse examined.

7891.0110 POST-MORTEM EXAMINATION.

Subpart 1. **Horses that must undergo post-mortem examination.** Every horse which suffers a breakdown at a licensed racetrack under the jurisdiction of the commission, in training or in competition, and which is destroyed, and every horse which expires while stabled at a licensed racetrack under the jurisdiction of the commission, shall undergo a post-mortem examination to be conducted by the commission veterinarian or his or her designee to determine the injury or illness which resulted in euthanasia or natural death.

Subp. 2. **Test samples to be taken for analysis.** Test samples must be obtained from every horse which undergoes a post-mortem examination. The samples shall be sent for analysis to a laboratory approved by the commission and the commission may direct the laboratory to retain and preserve such samples for future analysis.

When practical, both blood and urine test samples shall ~~should~~ be obtained prior to euthanasia.

Subp. 3. **Owner and trainer responsible.** The owner and attending trainer are responsible for reporting to the commission veterinarian the death of a horse within one hour of its death, and for having the post-mortem examination performed in accordance with this part.

Subp. 4. **Report of exam.** A report of every post-mortem examination shall be filed with the commission within 72 hours of the horse's death on a form prepared by the commission.

CHAPTER 7892

MINNESOTA RACING COMMISSION

MEDICAL TESTING

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7892.0100 DETENTION BARN.

Subpart 1. Barn. Each association shall provide a detention barn suitable for taking test samples. The barn shall include:

A. an office area which can be locked, and which has a floor area of not less than 100 square feet;

B. a wash rack not less than 12 feet by 12 feet;

C. not fewer than four stalls ten feet by ten feet each, with dutch doors and observation holes;

D. a refrigerator of not less than ten cubic feet;

E. hot and cold running water; and

F. a walking ring.

Subp. 2. Security. Each association shall furnish a security officer to guard the detention barn during racing hours and until the last specimen is taken for the day.

7892.0120 TAKING OF SAMPLES.

Subpart 1. Horses tested. Blood and/or urine test samples shall be taken from the winning horse in every race, horses finishing second in races with quinella or exacta wagering, ~~defeated favorites,~~ horses selected at random during each racing program, and horses designated by the stewards or the commission veterinarian at any time upon suspicion that a violation of chapter 7890 has occurred. The stewards or veterinarian may require that specimens of saliva or other body fluid or excretion be taken from a tested horse as necessary to determine whether a violation of chapter 7890 has occurred. Any owner, trainer, or other person having care, custody, or control of a horse required to be tested must submit the horse immediately.

Subp. 2. Samples taken. All samples shall be taken in the detention barn unless the commission veterinarian determines it necessary to take a sample elsewhere. All samples shall be taken, sealed, identified, and delivered to the testing laboratory under the direction of the commission veterinarian or his or her designee.

Subp. 3. Witnesses. The taking and sealing of any test

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sample must be witnessed or acknowledged by the signature of the trainer of the horse or his or her designee. The owner and/or trainer of a horse, or their designees, may be present at all times during the taking and sealing of the test samples.

Subp. 4. **Identification.** An identification tag must be attached to each sealed sample. The commission veterinarian shall retain a stub from each tag. The portion of the tag accompanying a sample to the testing laboratory must bear all information necessary to allow for proper analysis, but the identity of the horse from which the sample was taken and of the identity of its owner, trainer, jockey, driver, or stable must not be revealed to laboratory personnel.

Subp. 5. **Split samples.** A portion of the sample from each horse tested, after a sufficient amount has been sent to the official laboratory, must be preserved by the association. It must be available for testing at the request of a person accused of a violation of chapter 7890. A person so accused may request that the portion of the test sample retained by the association be sent to a laboratory other than the commission's official laboratory for testing. A person making a request must bear the cost of shipment and additional testing.

Subp. 6. **Other materials.** The stewards or commission veterinarian may direct that a sample be taken of any material on the ~~premises of a licensed racetrack~~ grounds of an association if the stewards or commission veterinarian suspect the material contains a substance which has been used or will be used in violation of chapter 7890.

7892.0130 TESTING.

Subpart 1. **Laboratory.** Any laboratory designated by the commission to analyze and report on the presence of prohibited substances in test samples must participate in and comply with the standards and procedures established by the Uniform Drug Testing and Quality Assurance Program of the National Association of State Racing Commissioners.

Subp. ~~2~~ 1. **Chemist.** The chemist responsible for detecting and identifying prohibited substances at an official laboratory

must be a member in good standing of the Association of Official Racing Chemists.

Subp. 2~~3~~. **Equipment.** Every official laboratory must be equipped with the following:

A. extraction apparatus consisting of:

(1) direct column,

(2) rotation apparatus,

(3) concentration-distillation, and

(4) resin absorption apparatus, or any combination thereof;

B. at least one steam bath;

C. a hot water bath with a controlled temperature;

D. a water still;

E. a centrifuge;

F. a refrigerator;

G. an analytical balance;

H. laboratory scales;

I. a polarizing microscope;

J. a photomicrographic camera with attachments;

K. a paper strip chromatographic apparatus;

L. a thin layer chromatographic apparatus;

M. ultra-violet lamps including short and long wave lamps;

N. a laboratory oven with a heat range of 93.3 degrees Celsius to 120 degrees Celsius, and a sensitivity of plus or minus 1 degree Celsius;

O. photographic equipment for the purpose of photographing color spot tests and chromatographs;

P. a pH meter;

Q. a gas chromatograph equipped with electron capture, flame ionization, and thermionic specific detectors;

R. a mass spectrometer interfaced to a gas chromatograph with solid probe capability and with a computer based data library storage system;

S. a microcrystal testing kit;

T. a color spot testing kit;

U. a high performance liquid chromatograph equipped with ultra-violet and fluorescence detectors;

V. assorted laboratory glassware; and

W. other equipment the commission determines is necessary for the detection and identification of prohibited substances.

Subp. ~~3~~ 4. **Procedure.** The method for analysis of test samples by an official laboratory shall be:

A. process by extraction of a sample:

(1) using direct column apparatus;

(2) using rotation or other agitation apparatus;

(3) by concentration-distillation;

(4) by resin absorption; or

(5) by any combination employing such solvents as are deemed appropriate by an official chemist; and

B. examination of the residue resulting from extraction by three separate tests selected from any of the following analytical methods:

(1) thin layer chromatography;

(2) ultra-violet spectrophotometry;

(3) color spot test;

(4) gas liquid chromatography;

(5) high pressure liquid chromatography;

(6) mass spectrometry; or

(7) immuno assay.

If during a test an official chemist suspects the presence of a prohibited drug in a sample, the chemist shall continue analysis by any method he or she believes will ensure detection and identification of the substance.

Subp. ~~4~~ 5. **Reports.** An official chemist shall report the results of tests promptly to the stewards and commission veterinarian.

7892.0140 RECORDS.

All documents relating to test samples must be retained for three years or until legal proceedings in which they may be evidence are concluded, whichever is later.

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7892.0150 PURSES.

Upon receipt of a positive laboratory report, the stewards shall direct that no undistributed purse money won by the horse tested may be awarded pending final determination of the matter. The stewards shall order distributed purse money returned, and it must be returned. If it is determined finally that a violation of chapter 7890 has occurred, the purse money won by the horse involved shall be forfeited and redistributed among the other horses in the race according to their order of finish. No forfeiture and redistribution shall affect the distribution of pari-mutuel pools. Distribution of purse money prior to issuance of a laboratory report shall not be deemed a determination that chapter 7890 has not been violated.

7892.0160 COST RECOVERY.

The commission shall assess ~~the~~ each association for its share of the cost of establishing and initially staffing the official laboratory.

~~CHAPTER 7895~~

~~MINNESOTA RACING COMMISSION~~

~~BREEDERS' FUND~~

~~7895.0100 GENERAL PROVISIONS.~~

~~Subpart 1. Scope. For purposes of administering the breeders' fund under Minnesota Statutes, section 240.18, and the required race provision of Minnesota Statutes, section 240.29, the following parts are adopted.~~

~~Subp. 2. Registration. To qualify for payment of awards and for entry into restricted races, all foal certificates must have the Minnesota registration seal affixed upon them. The seal shall be proof that the requirements of this part have been met. The proof may be affidavits or investigative reports as the commission deems necessary.~~

~~Subp. 3. Decisions regarding eligibility for registration. Questions regarding the registration, eligibility for registration, or breeding of a Minnesota bred horse shall be decided by the commission. An official registering agency must~~

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be-designated-by-the-commission-and-empowered-to-act-in-matters relative-to-registration,-eligibility-for-registration,-or breeding.--A-decision-of-the-official-registering-agency-shall be-subject-to-review-by-the-commission-which-retains-the-right to-make-the-final-decision-as-to-any-right-or-liability-under this-chapter.--The-commission-or-the-designated-registering agency-may-demand-and-inspect-any-registration-certificate-or record-of-a-Minnesota-breeder,-and-may-require-affidavits-or other-substantive-proof-as-the-commission-or-official registering-agency-deems-necessary-to-support-any-claim-for Minnesota-bred-registration.

Subp.-4.--Decision-regarding-eligibility-to-enter restricted-races.--Questions-as-to-the-eligibility-for nomination-or-entry-in-races-restricted-to-Minnesota-bred-horses shall-be-decided-by-the-commission-or-the-official-registering agency.

Subp.-5.--Basis-for-allocation.--The-amount-of-money allocated-for-any-particular-race-should-reflect-the-quality-of the-race-being-run.

Subp.-6.--Breeders'-fund-advisory-committees.--All-money allocated-pursuant-to-this-chapter-shall-be-determined-by-the commission-after-consultation-with-the-appropriate-Breeders' Fund-Advisory-Committee.

7895.0110-THOROUGHBRED-BREEDERS'-FUND.

Subpart-1.--Definitions.--For-the-purposes-of-this-part, the-following-terms-have-the-meaning-given-them-unless-another intention-clearly-appears.

A.--"Minnesota-owned"-means-a-horse-whose-owner-or owners-reside-in-Minnesota,-who-declare-themselves-to-be residents-of-Minnesota-for-purposes-of-Minnesota-Statutes, chapter-290,-who-declare-that-they-are-not-residents-of-any other-state,-and-all-of-whom-hold-Class-C-licenses-issued-by-the commission.

B.--"Minnesota-foaled"-means-a-horse-foaled-in Minnesota.

C.--"Minnesota-bred"-means-a-horse-foaled-in-Minnesota.

D.--"Minnesota-sire"-means-a-stallion-owned-at-least 50-percent-by-residents-of-Minnesota-or-leased-entirely-by Minnesota-residents,-and-which-has-stood-the-entire-breeding season,-between-February-15-and-July-31,-in-Minnesota.

Subp.-2.--Division-of-money.--The-money-available-from-the breeders'-fund-for-the-thoroughbred-breed-category-shall-be divided-as-follows:

A.--Thirty-one-percent-shall-be-set-aside-and-paid-to breeders-of-Minnesota-bred-horses-through-breeders'-awards.

B.--Thirty-one-percent-shall-be-set-aside-and-paid-to owners-of-Minnesota-bred-horses-as-owners'-awards.

C.--Thirty-one-percent-shall-be-set-aside-and-paid-to supplement-purses-in-races-which-are-restricted-to Minnesota-bred-or-Minnesota-owned-horses.--In-all-such-races Minnesota-bred-horses-shall-be-preferred,-and-the-purse supplements-shall-be-apportioned-in-accordance-with-the-quality of-the-race-as-determined-by-the-commission-pursuant-to-part 7888.0140.

D.--Seven-percent-shall-be-set-aside-as-stallion awards-and-paid-as-an-award-to-the-certified-Minnesota-owners-of the-Minnesota-sire-at-the-time-of-breeding.

Subp.-3.--Distribution-of-money.--The-money-available-from the-thoroughbred-breed-categories-shall-be-distributed-as follows:

A.--"Breeders-awards"-shall-be-paid-to-the-breeder-of a-Minnesota-bred-horse-who-finished-third-or-better-in-any allowance,-handicap,-or-stake-race,-including-maiden-allowance.

B.--"Owners-awards"-shall-be-paid-to-owners-of Minnesota-bred-horses-who-finish-third-or-better-in-any-claiming race-for-$10,000-or-more,-or-in-any-allowance,-handicap,-or stake-race,-including-maiden-allowance.

C.--"Stallion-awards"-shall-be-paid-to-the-Minnesota owners-of-the-Minnesota-sire-of-a-Minnesota-bred-horse-that finished-third-or-better-in-any-allowance,-handicap,-stake,-or maiden-allowance-race.

Subp.-4.--Methods-of-payment.--The-amount-of-money

~~allocated by the commission for awards or supplements for a qualifying race shall be paid out in the following percentages:~~

~~A. purse supplements shall be distributed in the same percentage as the purse money in the race; and~~

~~B. the money allocated to any race for owner or breeder awards shall be distributed as follows:~~

~~(1) 60 percent to the qualified winner;~~

~~(2) 30 percent to the qualified second place finisher; and~~

~~(3) ten percent to the third place qualified finisher.~~

~~Subp. 5. Undistributed awards transferred to residual funds. Money allocated for breeders' awards in any race which is not distributed for lack of a qualifying horse shall be transferred to the breeders' residual fund. Money allocated for owners' awards in any race which is not distributed for lack of a qualifying horse shall be transferred to the owners' residual fund. The share of the stallion award allocation not distributed shall be transferred to the owners' residual award fund.~~

~~Subp. 6. Distribution of residual funds. The money in the respective residual funds shall be awarded at the end of the meet and paid to the breeders and owners in proportion to the individual purse money won by a Minnesota bred horse to the total purse money won by Minnesota bred horses as a group.~~

CHAPTER 7897

MINNESOTA RACING COMMISSION

PROHIBITED ACTS

7897.0100 PROHIBITED ACTS.

Subpart 1. Scope. The following activities are considered prohibited acts if they are committed, or attempted to be committed, ~~within the enclosure of a licensed racetrack~~ while on the grounds of an association.

Subp. 2. Violations of laws. No person shall engage in conduct which is in violation of federal, state, or local criminal or civil laws.

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Subp. 3. **Possession of firearms or weapons.** No ~~unauthorized~~ person except as authorized by the commission or association, shall possess ~~within the enclosure of a licensed racetrack~~ while on the grounds of an association a firearm or other dangerous weapon as defined in Minnesota Statutes, section 609.02, subdivision 6.

Subp. 4. **Destruction of property.** No person shall damage or destroy property of the association or another by fire or any other means.

Subp. 5. **Smoking.** No person shall smoke in ~~unauthorized~~ nonsmoking areas as designated by the commission of the association.

Subp. 6. **Altercations.** No person shall provoke or engage in a physical altercation.

Subp. 7. **Cooperation with security officers.** No person shall fail to comply with orders of security officers or interfere with security officers in the performance of their official duties.

Subp. 8. **Contact with jockeys/drivers.** No ~~unauthorized person~~ persons, except as authorized by the stewards, shall communicate or attempt to communicate with a jockey or ~~gain entrance to the jockeys' quarters~~ driver during racing hours, or attempt to gain entrance to the jockeys'/drivers' quarters at any time.

Subp. 9. **Fraud.** No person shall engage in any fraud or misrepresentation with regard to the breeding or racing of horses.

Subp. 10. **Financial responsibility.** No licensee shall willfully or deliberately refuse to pay any money when due for any service, supplies, or fees conected with his or her activities as a licensee, nor shall he or she falsely deny any such amount due or the validity of the claim therefor with the purpose of hindering or defrauding the person to whom such indebtedness is due. All financial responsibility complaints against a licensee shall be made in writing, signed by the complainant, and accompanied by a judgment from a court of

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competent jurisdiction.

Subp. 11. **Nerved horses.** No person shall bring onto the grounds of a racetrack for the purpose of racing or selling any horse which has had a nerve removed from its leg, other than a horse upon which a posterior digital neurectomy has been performed below the lowest aspect of the base of the proximal sesamoid bones.

Subp. 12. **Horses with impaired vision.** No person shall bring onto the grounds of a racetrack, or enter or cause to be entered in any race, or sell or offer for sale, any horse which has impaired vision in both eyes or suffers from periodic opthalmia (commonly referred to as "moon blindness").

~~Subp. 13. Veterinary negligence. Veterinarians shall not be negligent in the performance of their duties with respect to the health and welfare of a horse, or in the prescription or administration of an unauthorized medication or injectable substance, or in the use of equipment for hypodermic injection.~~

Subp. ~~14.~~ 13. **Failure to obtain license.** No person shall fail to secure a Class C license, if required, prior to the performance of his or her occupational duties.

Subp. ~~15.~~ 14. **Employing unlicensed personnel.** No licensee shall employ unlicensed personnel unless licenses are not required for such personnel.

Subp. ~~16.~~ 15. **Removing a horse without permission.** No person shall remove from the stable area of a licensed racetrack any horse without the written permission of the racing secretary or the stewards.

Subp. ~~17.~~ 16. **Helmets to be worn.** No person shall ride or drive a horse ~~in the stable area or on the main track or training track~~ while on the grounds of an association without a properly fastened protective riding helmet.

Subp. ~~18.~~ 17. **Hypodermic equipment and injectable substances prohibited.** The following shall apply to the possession of hypodermic equipment and injectable substances ~~at racetracks~~ while on the grounds of an association:

A. While within a restricted area of a licensed

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racetrack no person, other than a veterinarian, shall have in his or her possession any equipment for hypodermic injection or any substance for hypodermic administration. A noninjectable medication prescribed by a veterinarian for an existing condition may be possessed, ~~but~~ provided its user has a valid current prescription and its use ~~shall be~~ is consistent with the purposes of this chapter.

B. Notwithstanding item A, any person may have in his or her possession within a restricted area of a licensed racetrack:

(1) a chemical or biological substance for his or her own personal use; provided, that if such chemical substance is prohibited from being dispensed by any federal or state law without prescription, he or she possesses documentary evidence that a valid prescription for such substance has been issued to him or her; and/or

(2) a hypodermic syringe or needle for the purpose of administering a prescribed chemical or biological substance to himself or herself, provided that he or she has notified the stewards of the possession of such device, the size of such device, and the chemical substance to be administered by the device.

7897.0110 USE OF DRUGS AND ALCOHOL.

Subpart 1. **Drugs.** The commission or stewards may, at any time after consultation with the track physician, require any licensee whose duties place him or her in a position of danger, or who commits an act that endangers a horse or human, to provide blood or urine samples for chemical analysis. If such a licensee fails to comply with this requirement, said licensee shall be suspended and referred to the commission to show cause for refusing to do so.

Should such licensee be found to have levels of any nonprescription, prohibited, or illegal drug, the licensee shall be subject to disciplinary action by the stewards and the commission.

Subp. 2. Alcohol. A blood-alcohol level of greater than

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0.03 percent in jockeys or drivers, or 0.10 percent or greater in any other Class C licensee or employee or agent of a Class A or Class B licensee, while on the premises of a licensed racetrack, is prohibited.

7897.0120 DISCIPLINARY SANCTIONS.

Subpart 1. **Licenses.** Any licensee engaging in any prohibited act as provided in parts ~~7893.0100~~ 7897.0100 and ~~7893.0110~~ 7897.0110 is subject to license suspension or revocation, and/or the levying of a fine as provided in part ~~7893.0130~~ 7897.0130.

Subp. 2. **Exclusion from racetrack.** Any person engaging in any prohibited act as provided in part ~~7893.0100~~ 7897.0100 is subject to exclusion pursuant to Minnesota Statutes, section 240.27, from all licensed racetracks under the jurisdiction of the commission.

7897.0130 SCHEDULE OF FINES.

Subpart 1. **Imposition of fines.** The commission may impose a civil fine upon any licensee for a violation of laws related to horse racing or the commission's rules after a determination of the severity of the violation. The stewards may impose a civil fine upon a Class C licensee.

Subp. 2. **Categories of violations.** The commission or stewards shall assign a violation to one of the following categories:

A. A "serious violation" is a failure to comply with law or rule when the failure has a substantial adverse effect on the integrity of pari-mutuel horse racing, public welfare, health, or safety.

B. A "violation" is any failure, other than a serious violation, to comply with a law or rule.

Subp. 3. **Assignment of categories.** In assigning a violation to a category, the commission or stewards shall consider the following factors:

A. inherent severity of the conduct as indicated by the potential harm to person, property, or the integrity of

racing;

B. culpability of the violator;

C. frequency of the violator's failure to comply with law or rule;

D. actual harm caused to person, property, or the integrity of racing; and

E. any other factors related to the seriousness of violations which the commission or stewards deem crucial to assignment as long as the same factors are considered with regard to all violators. The commission or stewards, in making a determination, shall consider both the number of factors applicable to a violation and the degree to which each applies.

Subp. 4. Serious violations. Violations of Minnesota Statutes, section 240.25, misrepresentation of the identity of a horse, possession of a firearm on the racetrack premises except by an authorized security officer, and setting or attempting to set a fire on the racetrack premises, shall be deemed per se serious violations.

Subp. 5. Amount of fines. The fine for a serious violation of law or rule shall be $500 to $5,000. The fine for other violations shall not exceed $499. The commission may impose a fine in excess of $5,000 but no more than $200,000 against a Class A, B, or D licensee as necessary to enforce parts 7870.0430, 7870.0450 to 7870.0470, or 7870.0500.

Subp. 6. Timetable for paying fines. All fines must be paid within 72 hours upon receipt of a ruling imposing the fine.

7897.0130 SUSPENSION OR REVOCATION.

Any ground for denial of a license also is a ground for imposition of a fine, suspension, or revocation of the license.

7897.0150 DISCIPLINARY AND APPEAL PROCEDURES.

Subpart 1. Stewards' meetings. Whenever the stewards at a racetrack have reasonable cause to believe that a Class C licensee has committed an act or engaged in conduct in violation of statute or rules of the commission or which in the opinion of the stewards otherwise adversely affects the integrity of horse

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racing, the following procedures will apply:

A. The licensee shall be immediately subject to such intermediate conditions, limitations, and restrictions as the stewards decide necessary to protect the public safety, health, and welfare and to ensure the integrity of racing.

B. Within three days of the matter coming to the attention of the stewards, the licensee shall be summoned to a meeting of the stewards called for the purpose of investigating suspected or alleged misconduct by the licensee at which all stewards or their appointed deputies shall be present; however, the licensee may request a continuance and such continuance need not necessarily stay any intermediate sanction.

C. The summons given to the licensee shall be in writing and give adequate notice of the date, time, place, and purpose of the stewards' meeting, and shall specify by number the statutes or rules allegedly violated.

D. Every person called to testify before the stewards at such meeting is entitled to have counsel or an observer of the person's choosing present at the meeting; however, such counsel or observer may only participate under such conditions or in such manner as the stewards direct.

E. If a licensee, after receiving adequate notice of a stewards' meeting, fails to appear as summoned, the licensee will be deemed to have waived any right to appear and present evidence to the stewards.

F. No special announcement of the meeting or of the alleged infraction of rules shall be made until after the stewards' meeting, when the stewards shall transmit a signed written decision to the commission and to the licensee containing the stewards' findings and the penalty imposed.

G. In the event the stewards are unable to arrive at a decision by a majority vote, the matter will automatically be referred to the commission and treated as an appeal.

Subp. 2. Penalties imposed by stewards. The stewards may suspend the license of the holder up to 30 days, and/or impose a fine of up to $500 in accordance with the schedule of fines in

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part 7897.0120; or they may order any other appropriate disciplinary or corrective action.

Subp. 3. **Appeal to commission.** A stewards' decision regarding a licensee may be appealed to the commission by:

A. The stewards or any person affected by the decision if such person believes that a greater sanction than that ordered by the stewards is warranted.

B. The licensee asking the commission to reverse the stewards' decision in whole or part or to lessen the sanction ordered by the stewards.

C. All appeals to the commission will be heard de novo and are not subject to the contested case procedures.

Subp. 4. **Review or complaint by executive secretary or motion of commission.** Nothing in this chapter precludes the commission from instituting proceedings to review a stewards' decision on its own motion or complaint of the executive secretary.

Subp. 5. **Stays of stewards' decisions.** An appeal of a stewards' decision will not automatically stay the decision. A party may request the executive secretary to stay the decision. The executive secretary may order a stay unless he or she determines that a stay would adversely affect the public welfare.

Subp. 6. **Procedure for appeal of decision of stewards.** Any affected party may appeal a decision of the stewards by filing with the executive secretary a written request for such an appeal within three days, excluding Saturday, Sunday, and holidays, after the stewards' decision is received. The written request shall contain the following information:

A. the name, address, and telephone number, if any, of the appellant;

B. a description of the objections to the decision of the stewards;

C. a statement of the relief sought;

D. the date on which the decision was made; and

E. whether the appellant desires to be present in person at the hearing of the appeal.

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Subp. 7. **Deposit shall be required.** The appellant shall deposit with the commission at the time of filing his or her written request for an appeal the sum of $50. The sum will be refunded by the commission upon the conclusion of the appeal unless the commission finds that the appeal was frivolous, in which case the $50 will be forfeited.

Subp. 8. **Commission shall set date for hearing.** Within five days, excluding Saturday, Sunday, and holidays, of receipt of a written request for an appeal and the $50 deposit, the commission chair shall set a date, time, and place for the hearing, and shall give at least ten days' notice of the hearing to the appellant and any other party affected by the appeal. Such notice shall be in writing and shall set out the date, time, and place of the hearing, and shall be served personally or sent by mail to the last known address of the appellant and any other party affected by the appeal.

Subp. 9. **Appeal by commission.** When the commission institutes an appeal on its own motion or at the request of the stewards or executive secretary, a notice of appeal shall be served personally or sent by mail to each person who may be affected by the appeal, addressed to his or her last known place of residence, at least ten days prior to the hearing of the appeal. This notice of appeal shall contain the following:

A. the decision being appealed from;

B. the date on which the decision was made;

C. the grounds of the appeal; and

D. the date, time, and place on which the commission proposes to hear the appeal.

7897.0160 COMPOSITION OF HEARING PANEL.

Subpart 1. **Designation of panel.** All appeals of stewards' rulings may be heard by a panel of three or more commission members. The commission chair shall appoint the panel members and shall also designate one of them as the chair of the panel.

Subp. 2. **Hearing panel's decision.** All decisions of the hearing panel must be made by majority vote. In the event the hearing panel is unable to arrive at a decision by a majority

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vote, the commission will consider the appeal based on the record before the hearing panel. The hearing panel shall issue its written decision within ten days, excluding Saturday, Sunday, and holidays, based on the record and must include the hearing panel's findings of fact and conclusions on all material issues. A copy of the hearing panel's decision shall be served upon all parties by first class mail.

7897.0170 CONDUCT OF APPEAL HEARING.

Subpart 1. **Rights of parties.** All parties shall have the right to present evidence, rebuttal testimony, and argument with respect to the issues, and to cross-examine witnesses.

Subp. 2. **Witnesses.** Any party may be a witness or may present witnesses on his or her behalf at the hearing. All oral testimony at the hearing shall be under oath or affirmation. At the request of a party or upon the motion of the hearing panel, witnesses may be sequestered from the hearing room during the testimony of other witnesses.

Subp. 3. **Admissible evidence.** The hearing panel may admit all evidence which possesses probative value, including hearsay, if it is the type of evidence which reasonable, prudent persons are accustomed to rely upon in the conduct of their serious affairs. The hearing panel shall give effect to the rules of legal privilege recognized by law. Evidence which is incompetent, irrelevant, immaterial, or unduly repetitious may be excluded. All rulings on evidentiary matters shall be made by the chair of the hearing panel.

Subp. 4. **Evidence part of record.** All evidence to be considered in the case, including all records and documents in the possession of the stewards or commission, or a true and accurate photocopy thereof, may be offered and made a part of the record in the case. No other factual information or evidence shall be considered in the determination of the case.

Subp. 5. **Documents.** Documentary evidence in the form of copies or excerpts may be received or incorporated into the record by reference in the discretion of the hearing panel, or upon agreement of the parties.

Subp. 6. **Official notice of facts.** The hearing panel may take notice of judicially cognizable facts but shall do so on the record and with the opportunity for any party to contest the facts so noticed.

Subp. 7. **Burden of proof.** The party proposing that certain action be taken must prove the facts at issue by a preponderance of the evidence, unless the substantive law provides a different burden or standard.

Subp. 8. **Examination of adverse party.** A party may call an adverse party or his or her managing agent or employees, or an officer, director, managing agent, or employee of the state or any political subdivision thereof or of a public or private corporation or of a partnership or association or body politic which is an adverse party, and interrogate him or her by leading questions and contradict and impeach him or her on material matters in all respects as if he or she had been called by the adverse party. The adverse party may be examined by his or her counsel upon the subject matter of his or her examination in chief under the rules applicable to direct examination, and may be cross-examined, contradicted, and impeached by any other party adversely affected by his or her testimony.

Subp. 9. **Record of proceedings.** All proceedings before the hearing panel must be recorded. Court reporters may be used upon the request of any party; however, the court reporter's cost shall be borne by the requesting party.

7897.0180 SUBPOENAS.

Subpart 1. **Written request.** Requests for subpoenas for the attendance of witnesses or the production of documents shall be made in writing to the hearing panel and shall contain a brief statement demonstrating the potential relevance of the testimony or evidence sought, and shall identify any documents sought with specificity, and shall name all persons to be subpoenaed.

Subp. 2. **Service.** A subpoena shall be served in the manner provided by the rules of civil procedure for the district court of Minnesota, unless otherwise provided by law. The cost

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of service, fees, and expenses of any witnesses subpoenaed shall be paid by the party at whose request the witness appears. When the subpoena is issued on behalf of the commission or employees thereof, fees and expenses need not be paid. The person serving the subpoena shall make proof of service by filing a copy of the subpoena with the hearing panel, together with an affidavit of service.

Subp. 3. **Motion to quash.** Upon motion made promptly and, in any event, at or before the time specified in the subpoena for compliance therewith, the hearing panel may quash or modify the subpoena if it finds that it is unreasonable or oppressive.

7897.0190 DISCIPLINARY ACTION BY COMMISSION.

Subpart 1. **Contested case hearings.** The commission may take the following disciplinary action only after a contested case hearing held in accordance with the contested case procedures in Minnesota Statutes, chapter 14 and rules adopted pursuant thereto:

A. revoke a Class A, B, C, or D license;

B. suspend or fine a Class A, B, or D license; and

C. suspend a Class C license for more than 30 days, and/or fine a Class C license in an amount exceeding $500.

Subp. 2. **Procedure.** The commission shall notify a licensee in writing of the charges and intended disciplinary action, and of the licensee's right to a contested case. Any contested case hearing shall be commenced in the manner provided for in Minnesota Statutes, chapter 14, and rules adopted pursuant thereto.

7897.0200 COMMISSION DECISION.

Subpart 1. **Exceptions.** Parties adversely affected by the report of the administrative law judge shall have 20 days from the date of service of the report to file exceptions with the commission and request an opportunity to present written arguments to the commission.

Subp. 2. **Consideration of arguments.** If there has been a request for an opportunity to present written arguments, the

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commission shall, as soon as practicable, set dates for the filing of such arguments and give reasonable notice thereof to all parties to the contested case.

Subp. 3. **Decision or order.** The decision or order shall be in writing or stated in the record and shall be accompanied by a statement of the reasons therefor. The statement of reasons shall consist of a concise statement of the conclusions upon each contested issue of fact necessary to the decision. Parties to the proceeding shall be served personally ~~served~~ or by first-class mail with a copy of the decision or order and accompanying statement of reasons~~, or by first-class mail~~.

7897.0210 REHEARING.

Subpart 1. **Limitations.** The commission may, upon request or its own motion and for good cause shown, reopen, rehear, and redetermine a contested case after a final decision has been reached adverse to a party to the contested case other than the commission. This right may be exercised until it is lost by appeal or until a reasonable time has run, but in no event shall the time exceed the time allowed by statute for appeal or six months, whichever is shorter.

Subp. 2. **Parties other than commission.** At any time prior to the commission's loss of the right to rehear a contested case, any party to that case may request a rehearing by filing a petition for rehearing. Such petition shall contain the name and address of the petitioner, the commission designation for the case, and the basis for the petition.

Subp. 3. **Commission's own motion.** The commission may, on its own motion, for good cause stated in the record, reopen, rehear, and redetermine a contested case if the decision was adverse to a party to that case other than the commission.

Subp. 4. **Default judgments.** A party against whom a default has been adjudged pursuant to part 1400.6000 may obtain a rehearing upon a timely showing of good cause for his or her failure to appear or plead.

Subp. 5. **Determination.** The commission shall grant or deny a petition for rehearing as a part of the record in the

case. Such petition shall be granted if there appears on the face of the petition and the record irregularities in the proceedings, errors of law occurring during the proceedings, newly discovered material evidence, a lack of substantial evidence to support the decision, or good cause for failure to appear or plead. Evidence and argument may be presented at the discretion of the commission in written or oral form, or both, by any party to the contested case with respect to the petition.

Subp. 6. **Rehearing procedure.** A rehearing in a contested case shall be conducted in the same manner prescribed by the rules of the office of administrative hearings.

Subp. 7. **Decision after rehearing.** The decision after rehearing shall be made in the same manner prescribed for the decision after the hearing.

7897.0220 APPEAL BY COMMISSION.

The commission may appeal pursuant to Minnesota Statutes, sections 14.63 to 14.68 any adverse decision. The commission shall be deemed a "person" for such purposes.

CHAPTER 7899
MINNESOTA RACING COMMISSION
VARIANCES

7899.0100 VARIANCES.

Subpart 1. **Procedures and standards.** The procedures and standards contained in this part govern the consideration and disposition of all variance requests submitted to the commission.

Subp. 2. **Requests for a variance.** A person desirous of obtaining a variance from the application of one or more of the commission's rules shall initiate the variance process by submitting to the commission 12 copies of the following information and documents:

A. a statement setting forth the precise nature and extent of the proposed variance and the reasons the variance is being requested;

B. any supporting documentation necessary to provide a complete description of the proposed variance; and

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C. a detailed statement addressing each of the applicable variance criteria contained in this chapter, and setting forth the reasons as to why the variance request is in conformance with those criteria.

Subp. 3. **Disposition of variance requests.** The commission shall grant or deny a variance pursuant to the following procedures and standards:

A. Upon receipt of a variance request, the commission shall send written notice thereof to all persons who have registered their names with the commission for the purpose of being notified of rulemaking proceedings or variance requests, and the commission shall not act upon the variance for 30 calendar days after it has issued the notice. The notice shall contain a brief description of the variance request, a statement that any person wishing to comment on the request may do so in writing, and a statement that the commission will not act on the variance request until interested persons have been afforded at least 30 calendar days after the commission's issuance of the notice to submit their comments.

B. If, after receiving the variance request, the commission determines that additional information must be submitted by the requesting person, it may direct the person seeking the variance to submit additional data regarding the variance request to the commission, or appear before the commission to provide additional information thereon.

C. To facilitate full consideration of a variance request the commission may, in its discretion, request that the person seeking the variance and other persons who have submitted written comments regarding the variance appear before the commission and make arguments to the commission. In such event, the commission shall provide the aforementioned persons notice of the appearance request at least seven days before the commission meeting at which the variance request is to be considered. This procedure shall not constitute a contested case as defined in Minnesota Statutes, section 14.02, subdivision 3.

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D. If a person requesting a variance fails to follow the variance procedures specified in this chapter, the variance shall be denied.

E. The commission shall set forth in writing and submit to the person requesting the variance and other persons who have submitted written comments thereon the reasons why it has granted or denied the variance request within 30 days after its disposition of the request.

Subp. 4. **Standards for granting and denying variance requests.** The commission shall grant a variance to the application of any of its rules only if it determines that all of the following criteria have been met:

A. strict application of the rule to which a variance is being requested would cause undue and substantial hardship to the person applying for the variance;

B. the granting of the variance does not confer a benefit on the person requesting the variance which is not enjoyed by other persons similarly situtated;

C. the granting of the variance does not substantially impair the intent and purposes of the commission's rules;

D. the variance may be granted without material detriment to the integrity of racing or the public health, welfare, or safety;

E. the granting of the variance does not allow violation of the standards or requirements in Minnesota Statutes, chapter 240; and

F. with respect to variances concerning part 7870.0500, subparts 5 to 9, demographic or geographic evidence supports the variance request.

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY – 6 1985
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Secretary of State

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