

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

ATTORNEY GENERAL

June 20, 1988

MARY MAGNUSON
Special Assistant Attorney General
Second Floor, Ford Building

MARTHA J. CASSERLY
Special Assistant Attorney General
515 Transportation Building

6-6839

In the Matter of the Adopted Rule Relating to
Horse Racing

The above-referenced rule has been approved as to its legality by the Attorney General on June 20, 1988.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth 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 a permanent rule without a hearing to become effective, your agency must establish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

MJC:bbl
Enclosures

cc: Maryanne Hruby
Duane Harves

RULE REVIEW CHECKLIST

mjc

File No. 1494 Docket No. 05-0009.0733

DATE RECEIVED 6/9/88 ADOPTED W/O HEARING X

REVIEW DATE 6/20/88 EMERGENCY RULE _____

DUE DATE 6/23/88 REVISOR APPROVED _____

APPROVED 6.20.88 mjc REVISOR DISAPPROVED _____

DISAPPROVED _____ FILED W/SEC. OF STATE _____

WITHDRAWN _____ RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

_____ ~~Notice to Solicit Outside Information/Opinion (if applicable)~~

_____ ~~Date published in State Register~~
_____ ~~Comments~~

_____ ~~Petition for Adoption of a Rule (if applicable)~~

✓ Board's Authorizing Resolution

5/25/88 Date adopted

✓ Proposed Rule

yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

240.23-240.24 Statutory Authority
yes Small Business Statement
yes Expenditure of public money statement
yes Signature

✓ Statement of Need and Reasonableness (if applicable)

yes Small Business Statement
n/a Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

3/24/88 Date (30)/25 days before adoption
no Notice attached (called)
no Copy of rule or summary attached

✓ Publication in State Register

2/22/88 Date (30)/25 days before adoption

_____ 180-day deadline from:

4/18/88 end of comment period (§ 14.26) (rules without hearing)
_____ ~~effective date of statutory authority (§ 14.29) (emergency rules)~~

✓ Resolution Adopting

5/25/88 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting

5/25/88 Date

_____ ~~Written requests, submissions or comments~~

✓ Declaration of attorney

Mary Magnuson Name of SAAG representing agency

_____ ~~Notice of Submission to Atty. Gen. (if applicable)~~

✓ Aff. of ~~Mailing~~ additional Notice ~~to Atty. Gen. (if applicable)~~

Minnesota Racing Commission

Adopted Permanent Rules Relating to Horse Racing

Rules as Adopted

7869.0100 DEFINITIONS.

Subpart 1. to 14. [Unchanged.]

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

Subp. 16. to 69. [Unchanged.]

7870.0490 CARE OF HORSES.

A racetrack facility must provide the following facilities, equipment, and personnel for horses:

A. an individual box stall for each horse;

B. a fence surrounding the stabling facilities;

C. stabling and training facilities available at least three weeks before the start of the first race meeting for a breed of horse in any year;

D. a licensed outrider mounted and on duty whenever a facility is open for exercising horses; and

E. a horse ambulance available for the safe and expedient removal of crippled animals. The ambulance must be equipped with a screen for use when an animal must be euthanized in view of the public, a winch to lift dead or injured animals onto the ambulance, and a removable floor or any other devices which enable a dead or injured horse to be loaded. Whenever the racetrack facility is open for racing or exercising horses, the ambulance must be tended by a driver who is capable of assisting in the safe and expedient removal of injured animals from the racetrack surface.

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

Subpart 1. to 3. [Unchanged.]

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. to S. [Unchanged.]

T. steward;

U. and V. [Unchanged.]

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 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.

Under no circumstances shall an identifier, placing judge, or patrol judge be approved by the commission unless he or she has satisfactorily passed an optical examination within 90 days prior to approval evidencing 20-20 vision (corrected) and the ability to distinguish colors.

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

Subpart 1. [Unchanged.]

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

A. and B. [Unchanged.]

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 commission shall consider any positive test to be prima facie evidence that the trainer is responsible for such positive test unless he or she can prove 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 in contravention of the provisions of chapter 7890.

D. to S. [Unchanged.]

Subp. 2a. to 9. [Unchanged.]

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

Subpart 1. to 7. [Unchanged.]

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

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

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

C. horses that are bleeders, pursuant to part

7890.0140, subpart 1; and

D. horses otherwise considered unfit to race in the professional judgment of the commission veterinarian or the association veterinarian.

The 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 five calendar days, or until the commission veterinarian or association veterinarian removes it from the list, whichever is later. For purposes of this subpart, the five-day period during which a horse is ineligible to enter begins to run on the first day the horse is placed on the list. The veterinarian's list is binding on all racetracks under the jurisdiction of the commission.

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 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. 8a. **Association veterinarian.** The association may, with the prior approval of the commission, appoint an association veterinarian. The responsibilities of the association veterinarian may include, but are not limited to, the following:

A. conduct racing soundness examinations pursuant to part 7891.0100;

B. notify the stewards of any horse he or she considers unfit to race;

C. provide the names of horses which shall be placed

on or removed from the veterinarian's list;

D. monitor horses in the paddock, post parade, and starting gate for signs of illness or injury; and

E. tend to crippled or disabled horses pursuant to part 7883.0160, subpart 14.

Subp. 9. to 15. [Unchanged.]

7883.0160 POST TO FINISH.

Subpart 1. to 13. [Unchanged.]

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 euthanized on the 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 course until the horse-ambulance arrives and the horse is removed under the direction of the commission veterinarian or association veterinarian.

C. If euthanasia of the horse is determined necessary, the euthanasia shall be performed by a veterinarian licensed by the commission through the use of a needle preferably in a place out of vision of the public. If euthanasia within view of the public is necessary, an ambulance screen must be used. Removal of the horse after euthanasia shall be the responsibility of the association.

D. If euthanasia of a horse is determined necessary, the jockey will not be required to weigh in.

7884.0170 SCRATCHES.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **On advice of veterinarian.** A horse scratched by the stewards on the advice of the commission veterinarian or the association veterinarian shall not be allowed to enter for a

minimum of five days as determined by part 7877.0175, subpart 8, or until approved for entry by the commission veterinarian or the association veterinarian.

7890.0100 DEFINITIONS.

Subpart 1. to 20. [Unchanged.]

Subp. 21. **Veterinarian's list.** "Veterinarian's list" means the tabulation of horses required to be maintained by part 7877.0175, subpart 8.

7890.0140 BLEEDERS.

Subpart 1. to 8. [Unchanged.]

Subp. 9. **Administration of Lasix®.** Lasix® shall be administered intravenously by a veterinarian employed by the owner or trainer of the horse under the visual supervision of a person employed by the commission. The practicing veterinarian must deposit with the commission veterinarian at the detention barn an unopened supply of Lasix® and sterile hypodermic needles and syringes to be used for the administrations. The dose level of Lasix® must not exceed 250 milligrams (five milliliters of a 50 milligrams/milliliter or five percent solution) per administration.

Subp. 10. [Unchanged.]

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. The examination shall be conducted by the commission veterinarian or the association veterinarian in or near the stall to which the horse is assigned.

Subp. 2. [Unchanged.]

7895.0100 GENERAL PROVISIONS.

Subpart 1. to 5. [Unchanged.]

Subp. 5a. **False statements.** A person who knowingly makes a false statement in a document or application required to be

submitted to the commission under this chapter may be denied participation in the breeders' fund for a period not to exceed five years.

Subp. 6. [Unchanged.]

Subp. 6a. **Awards and purse supplements forfeited.** A person denied participation in the breeders' fund under subpart 5a shall forfeit and return to the commission any awards and purse supplements received based upon the submission of the false statement.

Subp. 7. [Unchanged.]

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUN 20 1988
Secretary of State

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUN 20 1988

Joan Anderson Growe

Secretary of State

11:08 AM

APPROVED AS TO FORM AND LEGALITY

June 20 1988

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Cassedy

SPECIAL ASSISTANT ATTORNEY GENERAL

MINNESOTA RACING COMMISSION

CERTIFICATE OF COMMISSION'S
AUTHORIZING RESOLUTION

I, Ray Eliot, do hereby certify that I am 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 17th day of February, 1988, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

RESOLVED, that Don Price, Executive Director of the Minnesota Racing Commission, is hereby granted the authority and directed to sign and to give the Notice of the Commission's Proposed Adoption of a rule without a public hearing governing amendments to the existing rule to all persons who have registered their names with the Commission for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto.

In the event a public hearing becomes necessary, the Executive Director is hereby 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 25th day of May, 1988.

Ray Eliot

RAY ELIOT
Minnesota Racing Commission

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Horse Racing

AGENCY: Minnesota Racing Commission

MINNESOTA RULES: Chapters 7869, 7870, 7877, 7883, 7884, 7890, 7891, and 7895

The attached rules are approved for publication
in the State Register

Paul M. Marinac
Assistant Deputy Revisor

Minnesota Racing Commission

Proposed Permanent Rules Relating to Horse Racing

Rules as Proposed

7869.0100 DEFINITIONS.

Subpart 1. to 14. [Unchanged.]

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

Subp. 16. to 69. [Unchanged.]

7870.0490 CARE OF HORSES.

A racetrack facility must provide the following facilities, equipment, and personnel for horses:

A. an individual box stall for each horse;

B. a fence surrounding the stabling facilities;

C. stabling and training facilities available at least three weeks before the start of the first race meeting for a ~~species~~ breed of horse in any year;

D. a licensed outrider mounted and on duty whenever a facility is open for exercising horses; and

E. a horse ambulance available for the safe and expedient removal of crippled animals. The ambulance must be equipped with a screen for use when an animal must be ~~destroyed~~ euthanized in view of the public, a winch to lift dead or injured animals onto the ambulance, and a removable floor or any other devices which enable a dead or injured horse to be loaded. Whenever the racetrack facility is open for racing or exercising horses, the ambulance must be tended by a driver who is capable of assisting in the safe and expedient removal of injured animals from the racetrack surface.

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

Subpart 1. to 3. [Unchanged.]

Approved by Revisor

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. to S. [Unchanged.]

T. ~~**stewards**~~ steward;

U. and V. [Unchanged.]

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 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.

Under no circumstances shall an identifier, placing judge, or patrol judge be approved by the commission unless he or she has satisfactorily passed an optical examination within 90 days prior to approval evidencing 20-20 vision (corrected) and the ability to distinguish colors.

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

Subpart 1. [Unchanged.]

Approved
by Revisor _____

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

A. and B. [Unchanged.]

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 commission shall consider any positive test ~~sample~~ to be prima facie evidence that the trainer is responsible for such positive test ~~sample~~ unless he or she can ~~show~~ prove 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~~ in contravention of the provisions of chapter 7890.

D. to S. [Unchanged.]

Subp. 2a. to 9. [Unchanged.]

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

Subpart 1. to 7. [Unchanged.]

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;

C. horses that are bleeders, pursuant to part

Approved by Revisor _____

7890.0140, subpart 1; and

D. horses otherwise considered unfit to race in the professional judgment of the commission veterinarian or the association veterinarian.

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 five calendar days, or until the commission veterinarian or association veterinarian removes it from the list, whichever is later. For purposes of this subpart, the five-day period during which a horse is ineligible to enter begins to run on the first day the horse is placed on the list. The veterinarian's list is binding on all racetracks under the jurisdiction of the commission.

The commission veterinarian ~~or his or her designee~~ 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 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. 8a. **Association veterinarian.** The association may, with the prior approval of the commission, appoint an association veterinarian. The responsibilities of the association veterinarian may include, but are not limited to, the following:

A. conduct racing soundness examinations pursuant to part 7891.0100;

B. notify the stewards of any horse he or she considers unfit to race;

C. provide the names of horses which shall be placed

Approved
by Revisor _____

on or removed from the veterinarian's list;

D. monitor horses in the paddock, post parade, and starting gate for signs of illness or injury; and

E. tend to crippled or disabled horses pursuant to part 7883.0160, subpart 14.

Subp. 9. to 15. [Unchanged.]

7883.0160 POST TO FINISH.

Subpart 1. to 13. [Unchanged.]

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~~ euthanized on the 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 course until the horse-ambulance arrives and ~~removes it~~ the horse is removed under the direction of the commission veterinarian or association veterinarian.

C. If ~~destruction~~ euthanasia of the horse is determined necessary, the ~~destruction~~ euthanasia shall be performed by ~~the commission~~ a veterinarian licensed by the commission through the use of a needle preferably in a place out of vision of the public. If ~~destruction~~ euthanasia within view of the public is necessary, an ambulance screen must be used. Removal of the horse after ~~destruction~~ euthanasia shall be the responsibility of the association.

D. If ~~destruction~~ euthanasia of a horse is determined necessary, the jockey will not be required to weigh in.

7884.0170 SCRATCHES.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **On advice of commission veterinarian.** A horse scratched by the stewards on the advice of the commission

Approved by Revisor _____

veterinarian or the association 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~~ five days as determined by part 7877.0175, subpart 8, or until approved for entry by the commission veterinarian or the association veterinarian.

7890.0100 DEFINITIONS.

Subpart 1. to 20. [Unchanged.]

Subp. 21. **Veterinarian's list.** "Veterinarian's list" means ~~a~~ the tabulation of horses required to be maintained by ~~the-commission-veterinarian-that-are-prohibited-from-entering-a race-for-a-minimum-of-five-calendar-days-and-not-until-such-time as-the-commission-veterinarian-deems-the-horse-in-fit-condition to-race~~ part 7877.0175, subpart 8.

7890.0140 BLEEDERS.

Subpart 1. to 8. [Unchanged.]

Subp. 9. **Administration of Lasix®.** Lasix® shall be administered intravenously by a veterinarian employed by the owner or trainer of the horse under the visual supervision of a person employed by the commission ~~veterinarian~~. The practicing veterinarian must deposit with the commission veterinarian at the detention barn an unopened supply of Lasix® and sterile hypodermic needles and syringes to be used for the administrations. The dose level of Lasix® must not exceed 250 milligrams (five milliliters of a 50 milligrams/milliliter or five percent solution) per administration.

Subp. 10. [Unchanged.]

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. The examination shall be conducted by the commission veterinarian or ~~a~~ the association veterinarian ~~designated-by-the-commission veterinarian~~ in or near the stall to which the horse is assigned.

Approved by Revisor _____

Subp. 2. [Unchanged.]

7895.0100 GENERAL PROVISIONS.

Subpart 1. to 5. [Unchanged.]

Subp. 5a. **False statements.** A person who knowingly makes a false statement in a document or application required to be submitted to the commission under this chapter may be denied participation in the breeders' fund for a period not to exceed five years.

Subp. 6. [Unchanged.]

Subp. 6a. **Awards and purse supplements forfeited.** A person denied participation in the breeders' fund under subpart 5a shall forfeit and return to the commission any awards and purse supplements received based upon the submission of the false statement.

Subp. 7. [Unchanged.]

Approved
by Revisor _____

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

In the Matter of the Proposed Adoption of Rules of the Minnesota Racing Commission Rule Amending Existing Rules	Notice of Proposed Adoption of Rules Without A Public Hearing

NOTICE is hereby given that the Minnesota Racing Commission proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Statutes, sections 240.23 and 240.24 (1986).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Donald Price
Minnesota Racing Commission
11000 West 78th Street, Suite 201
Eden Prairie, MN 55344
Telephone: (612) 341-7555

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Minnesota Racing Commission upon request.

Promulgation of the proposed rule will not result in the expenditure of public monies by local public bodies, fix or adjust any fees, or have an impact on agricultural land. The affect, if any, that the proposed rule may have on small businesses is discussed in the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to the Minnesota Racing Commission at the address listed above.

Donald R. Price

Donald R. Price
Executive Director
Minnesota Racing Commission

DATE: March 18, 1988

RECEIVED
MAR 21 1988
ATTORNEY GENERAL'S OFFICE
FORD BLDG, SECOND FLOOR
ST. PAUL, MN 55155

STATE OF MINNESOTA
MINNESOTA RACING COMMISSION

In the Matter of the Proposed Adoption of Rules of the Minnesota Racing Commission Amending Existing Rules.

STATEMENT OF NEED AND REASONABLENESS

I. GENERAL

In an effort to improve the quality of horse racing in this state, the Minnesota Racing Commission ("Commission") has proposed minor amendments to the Rules of Racing. The proposed amendments are consistent with rules in other racing jurisdictions and are necessary to make Minnesota competitive in the horse racing industry. The Commission believes the proposed amendments are reasonable because they are customary in other racing jurisdictions. Moreover, the burdens imposed on the participants are not undue, and compliance with similar rules has been obtained in other jurisdictions.

II. STATUTORY AUTHORITY

The Commission is empowered by Minnesota Statute, section 240.03 to: (1) regulate horse racing in Minnesota to ensure that it is conducted in the public interest; (2) enforce all laws and rules governing horse racing; (3) supervise the conduct of parimutual betting on horse races; and (4) take all necessary steps to ensure the integrity of racing in Minnesota.

The Commission is also specifically authorized by Minn. Stat. § 240.23 to promulgate rules governing "the conduct of horse

races held at licensed racetracks in Minnesota, including but not limited to the rules of racing, standards of entry, operation of claiming races, filing and handling of objections, carrying of weights, and declaration of official results" and "any other aspect of horse racing or parimutual betting which in its opinion effects the integrity of racing or the public health, welfare or safety." Moreover, the legislature has specifically directed the Commission to promulgate rules governing medication and medical testing for horses running at licensed racetracks. Minn. Stat. § 240.24 (1986 and Supp. 1987).

These broad statutory provisions clearly authorize the Commission to amend the rules governing horse racing at licensed racetracks in Minnesota.

III. RULE-BY-RULE ANALYSIS

7869.0100 DEFINITIONS

This part contains the definitions relevant to Minn. Rule Chapters 7869-7899. The Commission proposes to amend subpart 15 of this part. The remaining subparts are unchanged.

7869.0100, Subp. 15

This subpart contains the definition of "Commission Veterinarian" applicable to all rules promulgated by the Minnesota Racing Commission. The Commission proposes to change this subpart by deleting the reference in the rule to "the medical officer" and inserting the phrase "a licensed veterinarian." This subpart, as currently written, seems to imply that the Commission has the authority to employ only one

Commission veterinarian. Pursuant to Minnesota Statutes, Section 240.04, subd. 4, the Commission has the authority to appoint a Commission veterinarian as well as several assistant Commission veterinarians. Accordingly, the Commission has appointed several assistant Commission veterinarians to whom specific duties and responsibilities are delegated. The proposed rule change amends the definition of Commission veterinarian to clarify that it includes all assistant Commission veterinarians.

The proposed amendment is reasonable because it clarifies the status and authority of the assistant Commission veterinarians, and does not place any additional demands on licensees.

7870.0490 CARE OF HORSES

This part sets forth several pieces of equipment that must be purchased and available at a licensed racetrack for the care of horses. The Commission proposes minor amendments to subparts C and E. The remainder of the part is unchanged.

7870.0490, Subpart C.

The Commission proposes to amend this subpart by deleting the reference to the word "species" and inserting the word "breed." This amendment is necessary and reasonable because it eliminates a grammatical error in the rule. All horses are the same species, however there may be two to three different breeds of horses racing at a licensed racetrack during a race meeting. For the rule to make sense, it must refer to the different breeds of horses.

7870.0490, Subpart E

The Commission proposes to amend this subpart by deleting the reference to the word "destroyed", and inserting the word "euthanized". The proposed amendment is necessary and reasonable because it does not change the substance of the rule but merely refers to an unpleasant act in a more humane manner.

The Commission also proposes to amend this subpart by requiring that, in addition to an ambulance, every licensed racetrack must employ an ambulance driver who is capable of assisting in the safe and expedient removal of injured animals from the racetrack surface. This rule is necessary to insure that the ambulance is tended at all times during the racing or exercising of horses, and that the driver is capable of assisting in the removal of injured horses from the racetrack. The current rule did not require a racetrack to employ a driver nor did it require that injured horses be tended in a capable manner.

The proposed amendment is reasonable because it will preclude an individual from attempting to remove an injured animal from the racetrack, possibly causing greater injury to the animal, if the individual is inexperienced or incapable. Moreover, the amendment clarifies that the racetrack must employ a driver, and ensures that an injured horse will be treated in a safe and humane manner.

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE

The Commission proposes to amend subpart 4, item T of this part by deleting the "s" from the word "stewards". This

technical change is necessary and reasonable because it conforms the rule to Minnesota Statutes, Section 240.16 which specifically limits to one the number of stewards that may be employed by a racetrack facility.

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES

This part sets forth the duties and responsibilities of all persons issued Class C Occupational Licenses by the Minnesota Racing Commission. The Commission proposes to amend subpart 2. The rest of the part remains unchanged.

7877.0170, Subpart 2

The Commission proposes to amend this subpart by deleting the references to "sample" in item C(2). This change is necessary to conform this subpart to the definition of "positive test" contained in Minn. Rule 7890.0100, subpart 15. Thus, the amendment eliminates any confusion that may be caused because of the reference in this item to a "positive test sample", rather than to "positive test".

The Commission also proposes to modify the language relative to the standard of proof required of a trainer to avoid responsibility for a positive test. The proposed amendment requires a trainer to "prove", rather than "show", by substantial evidence that he or she was not responsible for the administration of the medication causing the positive test. The rule is necessary and reasonable because it is primarily a grammatical change which does not change the substance of the rule. The proposed change conforms the language of the rule to

typical legal terminology, but does not impose any undue hardship or additional responsibility on the trainers affected by the rule.

The Commission also proposes a technical change in item C(3) by striking the phrase "prohibited by" Chapter 7890. This amendment is necessary to clarify the rule because all medications are 'prohibited' by Chapter 7890, subject to a few narrow exceptions. The proposed amendment is reasonable because it makes it clear that medication may be administered so long as the medication comports with the specific requirements of Chapter 7890.

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS

This part sets forth the duties and responsibilities of the various racing officials employed by the racetrack and by the Racing Commission. The Commission proposes to amend subpart 8 of this part, and to add a new subpart 8a to this part. The rest of the part remains unchanged.

7877.0175, Subpart 8

The Commission proposes to amend this subpart by consolidating into one rule the information which must be contained on the veterinarian's list. In addition, the proposed amendment gives the association veterinarian the authority to place horses on or remove horses from the veterinarian's list. Currently, the association veterinarian has the responsibility for conducting pre-race soundness examinations. However, the rules do not specifically provide that the association

veterinarian has the authority to place a horse unfit to race on the veterinarian's list. Because the association veterinarian is charged with the responsibility of examining horses, the association veterinarian must be given the responsibility to deem which horses shall be placed on the list, and which horses may be removed from the list once they are in satisfactory condition to race. Therefore, the proposed amendment is necessary and reasonable.

The Commission also proposes to amend this subpart by specifically defining the five-day period during which a horse is ineligible to race because it has been placed on the veterinarian's list. The proposed amendment merely clarifies the rule and specifically indicates to horsemen the exact period of time during which their horses are ineligible to run.

The Commission also proposes to amend this subpart by providing that the veterinarians' list is binding on all racetracks under the jurisdiction of the Commission. With the likelihood of additional racetracks in Minnesota, this amendment is necessary to insure that any horse deemed unfit to race at one racetrack will not be permitted to to enter a race at another racetrack. The proposed amendment is necessary and reasonable because it ensures that horses racing at all racetracks under the jurisdiction of the Commission are fit to race and do not pose a safety hazard to themselves or the other horses and jockeys participating in a race.

The Commission also proposes to delete the reference to "or his or her designee" from this subpart. This amendment is necessary and reasonable because the proposed addition of subpart 8a specifically gives the association veterinarian the authority to conduct racing soundness examinations. The association veterinarian was the only "designee" authorized to perform racing soundness exams. Because the association veterinarian has the specific authority to perform soundness exams, the Commission no longer needs to delegate the authority to perform the exams to the association veterinarian.

7877.0175, Subpart 8a

The Commission proposes to add this subpart to define the duties and responsibilities of the association veterinarian. The association veterinarian is employed by the racetrack and is currently listed in the rules as a racing official who may be employed by the racetrack during the course of a race meeting. However, unlike other racing officials, the rules do not specifically contain the duties and responsibility of the association veterinarian. Therefore, the proposed addition of subpart 8a is necessary to specifically define the duties and responsibilities of the association veterinarian. The proposed amendment reflects the current responsibilities of the association veterinarian, and does not impose any additional responsibilities on the veterinarian or on any licensees effected by the duties of the veterinarian.

7883.0160 POST TO FINISH

This part sets forth the rules of racing from the starting gate to the finish line. The Commission proposes to amend subpart 14 of this part. The remainder of the part is unchanged.

7883.0170, Subpart 14

The Commission proposes to amend subpart 14, items A, C and D by eliminating all references to "destroyed" or "destruction" of an injured horse. The proposed amendment is necessary and reasonable because it is simply a grammatical change which refers to the death of a horse in a more humane manner.

The Commission also proposes to amend item B by providing that no horse may be removed from the racetrack surface without the supervision of the Commission veterinarian or the association veterinarian. This rule is necessary to ensure that an injured horse is removed from the racetrack in a safe and humane manner. The proposed amendment also ensures that immediate medical care can be rendered prior to the removal of the horse, and that all efforts can be made to save the life of an injured horse.

The Commission proposes to amend item C by providing that in the event a horse must be euthanized, the euthanasia may be performed by a veterinarian employed by the owner of the horse, provided that the veterinarian is licensed by the Racing Commission. As a general practice, euthanasia of a horse is generally performed well after racing and only after consultation with the veterinarian employed by the owner of the horse. As a result, it is reasonable to allow the veterinarian employed by

the owner to participate in the decision and to perform the euthanasia. As a practical matter, it is the private veterinarian who has examined the horse and who ultimately makes the recommendation for euthanasia. It is unreasonable to require that the Commission veterinarian leave his or her other duties to perform, what is generally considered, a private veterinarian function.

7884.0170 SCRATCHES

This part lists the circumstances under which a horse may be scratched from a race. The Commission proposes to amend subpart 3 of this part. The remainder of the part is unchanged.

7884.0170, Subpart 3

The Commission proposes to delete the reference in the rule heading to the "Commission" veterinarian. This change is necessary and reasonable to conform the rule to the proposed amendments in 7877.0175, subpart 8a governing the association veterinarian. Moreover, the Commission proposes to amend this subpart by allowing the association veterinarian to conduct a pre-race examination of a horse and to recommend to the stewards that the horse be scratched from a race because it is unfit to race. This change is also necessary to conform this subpart to 7877.0175, subpart 8a.

The Commission also proposes to amend this rule by conforming the period of time during which a horse is ineligible to race to that contained in part 7877.0175, subpart 8. This is necessary to eliminate a conflict that exists between this

subpart and 7877.0175, subpart 8. Thus, both subparts provide that a horse is ineligible to race for a period of five days as prescribed by 7877.0175, subpart 8.

7890.0100 DEFINITIONS

This part sets forth the definitions relative to Chapter 7890. The Commission proposes to amend Subpart 21 of this part. The rest of the part remains unchanged.

7890.0100, Subpart 21

The Commission proposes to amend the definition of "veterinarians' list", to conform to the changes made in part 7877.0175, subpart 8. The proposed amendment eliminates the conflict between this subpart and 7877.0175, subpart 8, and ensures that there is no duplication of or inconsistent definition of veterinarians' list in the rules.

7890.0140 BLEEDERS

The Commission proposes to amend Subpart 9 of this part by providing that a horse may be administered Lasix under the visual supervision of a person employed by the Commission, rather than under the visual supervision of the Commission veterinarian. This change is necessary because supervising the administration of Lasix does not require the expertise of a veterinarian, particularly when Lasix is administered by a licensed veterinarian employed by the owner or trainer of the horse. Moreover, the Commission veterinarian is sometimes needed at the post-race detention barn or at the scene of an emergency and may not be available for a scheduled Lasix treatment. Therefore, the

proposed amendment is needed to allow the Commission veterinarian to respond to other responsibilities while not jeopardizing the integrity of the controlled medication program. The change in the rule is reasonable because it does not place any undue or additional burdens on licensees. Moreover, the amendment ensures that the Lasix treatment will not be jeopardized due to the unavailability of the Commission veterinarian.

7891.0100 RACING SOUNDNESS EXAMINATION

The Commission proposes to amend this subpart by specifically indicating that a racing soundness examination may be performed by the Commission veterinarian or the association veterinarian employed by the racetrack. The proposed amendment is necessary to conform this subpart to the provisions of 7877.0175, Subpart 8a, which sets forth the duties and responsibilities of the association veterinarian. Because the proposed amendment merely conforms this subpart to the specific duties of the association veterinarian contained in 7877.0175, subpart 8a, the proposed amendment is reasonable.

7895.0100 GENERAL PROVISIONS

This part sets forth the general provisions governing the administration of the Minnesota Breeders Fund by the Racing Commission. The Commission proposes to adopt a new Subpart 5a, and a new subpart 6a. The rest of the subpart remains unchanged.

7895.0100, Subpart 5a

The Commission proposes to amend this subpart to provide that any person who knowingly makes a false statement in a

document or application required to be submitted for purposes of the Breeders' Fund may be denied participation in the Breeders' Fund for a period not to exceed 5 years. This amendment is necessary because currently the rules prohibit the submission of false statements or documents to the Racing Commission. However, the rules do not contain a specific penalty for the submission of such false documents. Therefore, because the Commission has been faced with the submission of false and/or misleading information in documents or applications for Breeders' Fund eligibility, this rule is necessary to prescribe a penalty for the submission of such false information. The proposed amendment clearly provides that anyone submitting such false information may be denied participation in the Breeders' Fund for a period not to exceed 5 years.

The five year prohibition from participation in the Breeders' Fund is necessary to provide effective deterrence from the submission of false information. The five year period was based on penalties imposed by other racing jurisdictions, and was therefore deemed to be a suitable period of time to prohibit participation in the fund.

7895.0100, Subpart 6a

The Commission proposes to amend this subpart to insure that any individual denied participation in the Breeders' Fund pursuant to Subpart 5a, shall forfeit and return any Breeders' Fund awards and purse supplements received due to the submission of the false information or statement. This rule is necessary to

insure that the Breeders' Fund monies are distributed to those persons legitimately eligible for them, and to preclude an ineligible person from receiving awards based on false or misleading information.

IV. OTHER STATUTORY REQUIREMENTS

Minn. Stat. § 14.115 requires agencies, when proposing a new rule or amending existing rules which may affect small businesses, to consider certain methods for reducing the impact of the rule on small business.

The proposed amendments to the racing rule indirectly impact small businesses. However, the rule does not affect small businesses disproportionately nor does the rule prevent small businesses from participating in horse racing. The Commission considered the impact of the amendments on small business and determined that because of the nature of the industry, the Commission cannot be less rigorous in its regulation of one type of business than another.

Minn. Stat. § 14.11, subd. 2 is inapplicable because the proposed amendments will not have any direct and substantial adverse impact on agricultural land. Sections 115.43, subd. 1, 116.07, subd. 6 and 144A.29, subd. 4 are not applicable. Section 16A.128, subd. 1 does not apply because the proposed amendments do not set any fee. Likewise, a fiscal note is not required pursuant to section 3.892 as the rule will not force any local agency or school district to incur costs.

CONCLUSION

Based on the foregoing, the Minnesota Racing Commission's proposed amendments to the existing rules governing horse racing are both necessary and reasonable.

Donald R. Price

DONALD PRICE
Minnesota Racing Commission

RECEIVED
APR 15 1988
ATTORNEY GENERAL'S OFFICE
FORD BLDG, SECOND FLOOR
ST. PAUL, MN 55155

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

In the Matter of the Proposed Adoption of Rules of the Minnesota Racing Commission Rule Amending Existing Rules

AFFIDAVIT OF MAILING THE NOTICE OF PROPOSED ADOPTION OF RULES WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

I, Donald R. Price, being first duly sworn deposes and says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a. and 14.22 or 14.30, that their names be placed on the Minnesota Racing Commission's rulemaking list is accurate, complete, and current as of this 24th day of March, 1988.

That on the 24th day of March, 1988, at the City of Eden Prairie, County of Hennepin, State of Minnesota, I mailed the attached Notice of Proposed Adoption of A Rule without A Public Hearing by depositing in the United States mail, a copy thereof with postage prepaid, to all persons and associations on the aforementioned list.

Donald R. Price

DONALD R. PRICE
Executive Director

Subscribed and sworn to before me this 24th day of March, 1988.

Sharon A. Beighley

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(BOARD of NURSING)

6310.3600 REGISTRATION FEES.

Subpart 1. **Amount.** The amount of fees shall be as follows:

A. registration renewal, ~~$20~~ $25 per registration period effective May 1, 1988, and $26 effective August 1, 1988;

B. late application, ~~$15~~ $20 effective May 1, 1988;

C. replacement license, ~~$10~~ $20 effective May 1, 1988;

D. replacement registration certificate, ~~$10~~ $20 effective May 1, 1988;

E. verification of licensure status, ~~$15~~ $20 effective May 1, 1988;

F. verification of examination scores, ~~$15~~ $20 effective May 1, 1988;

G. a copy of licensure application materials, ~~$10~~ $20 effective May 1, 1988; and

H. service charge for a dishonored check, $15.

Subp. 2. ~~Effective date~~ Nonrefundable. ~~The fees in subpart 1 are effective January 1, 1987, unless specified otherwise.~~ All fees are nonrefundable.

Minnesota Racing Commission

Proposed Permanent Rules Relating to Horse Racing

Notice of Proposed Adoption of a Rule Without a Public Hearing

NOTICE is hereby given that the Minnesota Racing Commission proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, sections 240.23 and 240.24 (1986).

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Donald Price
Minnesota Racing Commission
11000 West 78th Street, Suite 201
Eden Prairie, MN 55344
Telephone: (612) 341-7555

The proposed rule may be modified if the modifications are supported by data and views and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from the Minnesota Racing Commission upon request.

Promulgation of the proposed rule will not result in the expenditure of public monies by local public bodies, fix or adjust any fees, or have an impact on agricultural land. The affect, if any, that the proposed rule may have on small businesses is discussed in the Statement of Need and Reasonableness.

If no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. 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 adopted rule, must submit the written request to the Minnesota Racing Commission at the address listed above.

Donald Price
Executive Director
Minnesota Racing Commission

Rules as Proposed

7873.0190 PICK SIX.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Calculation of pool.** The pick six pari-mutuel pool shall be calculated ~~as follows~~ according to one of the two following methods as approved by the commission:

A. ~~One hundred~~ (1) Seventy-five 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. Twenty-five percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among holders of pari-mutuel tickets which correctly designate the second greatest number of official winners of the six races comprising the pick six.

~~B.~~ (2) 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 among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the pick six pool that day.

B. (1) Fifty 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. Fifty percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among holders of pari-mutuel tickets which correctly designate the second greatest number of official winners of the six races comprising the pick six.

(2) In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner of each of the six races comprising the pick six, 50 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as a distributable amount 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 among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the pick six pool that day. The remaining ~~25~~ 50 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.

The method of distribution shall be selected by the racing association and implemented after approval by the commission.

C. Should no distribution be made pursuant to item A or B 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 or 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 as an additional net amount to be distributed.

Subp. 7. to 10. [Unchanged.]

7875.0200 EQUIPMENT.

Subpart 1. to 7. [Unchanged.]

Subp. 8. **Preservation.** All photo-finish film or videotape records shall be preserved for at least ~~90~~ 30 days after a the close of a meeting or until legal proceedings involving a recorded race are concluded, whichever is later.

Subp. 9. [Unchanged.]

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.

7877.0125 CRITERIA FOR DETERMINING ELIGIBILITY.

Subpart 1. [Unchanged.]

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, or has engaged in conduct that the commission determines would adversely affect the public health, welfare, and safety or the integrity of racing in Minnesota, 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. [Unchanged.]

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 horse, provided:

(1) the horse is claimed during the same race meeting that the horse was lost; or

(2) the horse is claimed at another racetrack licensed by the Minnesota Racing Commission during a race meet operating concurrently with the race meet during which the horse was lost.

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. and D. [Unchanged.]

Subp. 2. to 30. [Unchanged.]

7890.0110 MEDICATIONS PROHIBITED.

No person shall administer or cause to be administered to a horse within 48 hours of a race in which it is scheduled to run any medication (except as permitted by part 7890.0100, subpart 13, items A to D) by injection, oral or topical administration, rectal infusion or suppository, or by inhalation and no horse participating in a race shall carry in its body any substance foreign to the natural horse, except as permitted by part 7890.0100, subpart 13, items A to D.

7890.0130 FINDINGS OF CHEMIST.

Subpart 1. **Prima facie evidence.** A finding by a chemist ~~that~~ of any medication, substance foreign to the natural horse, or Bute exceeding the allowable test level provided in part 7890.0100, subpart 13, item A, in the test sample of a horse shall be considered prima facie evidence that ~~such~~ the medication ~~or~~, substance, or Bute was administered to the horse and carried in the body of the horse while participating in a race. ~~Such finding shall also be considered prima facie evidence that the trainer and, if applicable, the assistant trainer or substitute trainer was negligent in the handling or care of the horse.~~

Subp. 2. [Unchanged.]

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~~ three wash ~~rack~~ racks not less than ~~12~~ ten feet by 12 feet;

C. not fewer than ~~four~~ six stalls ten feet by ten feet each, with dutch doors and observation holes;

D. a refrigerator of not less than ten cubic feet;

E. a freezer not less than 16 cubic feet;

F. hot and cold running water; ~~and~~

~~F.~~ G. a walking ring; and

H. other equipment considered necessary by the commission for the bathing and watering of horses.

Subp. 2. **Security.** Each association shall furnish ~~a~~ not less than one security officer to guard the detention barn during racing hours and until the last specimen is ~~taken~~ secured for the day.

7895.0110 THOROUGHBRED BREEDERS' FUND.

Subpart 1. **Definitions.** For purposes of this part, the following terms have the meaning given them unless another intention clearly appears.

A. ~~"Minnesota-owned" means:~~

~~(1) In the case of a horse owned by an individual, the owner must reside in Minnesota, declare himself or herself to be a resident of Minnesota for purposes of Minnesota Statutes, chapter 290, and declare that he or she is not a resident of any other state.~~

~~(2) In the case of a horse owned by a corporation, the corporation must:~~

~~(a) be legally incorporated in the state of Minnesota;~~

~~(b) have its principal place of business in Minnesota;~~

~~(c) have at least 51 percent of all outstanding shares of stock owned by shareholders who are residents of Minnesota for purposes of Minnesota Statutes, chapter 290, and who declare that they are not residents of any other state.~~

~~(3) In the case of a horse owned by a limited partnership, the general partners and at least 51 percent of the limited partners must be residents of Minnesota for purposes of Minnesota Statutes, chapter 290, and declare that they are not residents of any other state.~~

~~(4) In the case of a horse owned by a partnership, all partners must be residents of Minnesota for purposes of Minnesota Statutes, chapter 290, and declare that they are not residents of any other state.~~

~~Every owner of a Minnesota-owned horse must hold a Class C owner's license issued by the commission as required in part 7877.0130, subparts 1 and 2.~~

~~B.~~ "Minnesota-foaled" or "Minnesota-bred" means a horse foaled in Minnesota.

~~C. "Minnesota-bred" means a horse foaled in Minnesota.~~

~~D.~~ B. "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~~ January 31 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. ~~31~~ Thirty-one percent shall be set aside and paid to breeders of Minnesota-bred horses as breeders' awards;.

~~B. 31 percent shall be set aside and paid to owners of Minnesota-bred horses as owners' awards;~~

~~C. 31~~ Sixty-two percent shall be paid to supplement purses in races which are restricted to Minnesota-bred or ~~Minnesota-owned~~ Minnesota-foaled 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.

~~D.~~ C. Seven percent shall be set aside and paid as stallion awards to the owners of the Minnesota-sire at the time of breeding.

Subp. 3. **Distribution of money.** The money available from the thoroughbred breeders' fund, other than purse supplements, shall be distributed as follows:

A. "Breeders' awards" shall be paid to the breeder of a Minnesota-bred horse, as reflected on the Jockey Club certificate, that finishes ~~fifth~~ third or better in any pari-mutuel race.

~~B. "Owners' awards" shall be paid to the owners of Minnesota-bred horses that finish fifth or better in any race.~~

~~C.~~ "Stallion awards" shall be paid to the owners of the Minnesota-sire of a Minnesota-bred horse that finishes ~~fifth~~ third or better in any pari-mutuel race.

Subp. 4. **Methods of payment.** The amount of money distributed by the commission for awards or purse supplements pursuant to subpart 3 shall be paid out in the same percentage as the purse money in the race. Purse supplements earned shall not be included in determining breeders' or stallion awards. The amount of money to be distributed shall be in accordance with subpart 5.

Subp. 5. **Adjustments.** The racing commission shall set percentages to be applied to ~~each category of the breeders' fund for the~~

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.

~~purpose of determining the amount of awards and~~ purse supplements that may be earned during the current race meeting. The racing commission may, in its discretion, during the course of a race meeting vary the percentages set ~~in each category~~ for the purpose of keeping ~~awards and~~ purse supplements consistent with the amount of money being earned in the breeders' fund ~~and subsequent awards disbursements~~. The racing commission shall consider the following criteria in determining the applicable percentages:

A. ~~the number of potential award recipients;~~

~~B.~~ the total amount of ~~awards and~~ purse supplements to be distributed;

~~C.~~ B. the need to distribute ~~awards and~~ purse supplements ~~among Minnesota breeders and owners~~ in a fair and equitable manner with a view toward encouraging the continued support of the horse industry in Minnesota, thereby providing incentive to breeders and owners of thoroughbred horses within the state; and

~~D.~~ C. that the set amount of the ~~awards and~~ purse supplements or any adjustments made thereto are in the best interest of horse racing within the state.

Subp. 6. **Time of payment.** Purse supplements are part of the purse and shall be credited to owners' accounts at the time ~~such~~ the purses are earned. All money allocated for breeders' awards~~, owners' awards,~~ and stallion awards shall be distributed within 30 days of the end of the thoroughbred race meeting.

Subp. 7. [See Repealer.]

Subp. 8. **Residual funds.** ~~After complying with subparts 4 to 7:~~

~~A. any remaining funds in the stallion awards account shall be transferred to and distributed through the owners' account; and~~

~~B. any remaining funds in the owners' awards account and the breeders' awards account shall be distributed in proportion to the award money earned by each individual Minnesota-bred horse to the total award money earned by Minnesota-bred horses as a group.~~

~~After complying with subparts 4 to 8, any remaining funds in the breeders' and owners' accounts, and~~ All unearned purse supplements~~,~~ shall be retained and carried forward to be included as net distributable funds in the succeeding thoroughbred race meeting.

7895.0125 THOROUGHBRED REGISTRATION.

Subpart 1. [Unchanged.]

Subp. 2. **Stallion registration.** To be eligible to receive any stallion award payments, the following requirements must be met:

A. Stallions must be in Minnesota and registered or the registration renewed with the racing commission or official registering agency by ~~February 1~~ January 31 of the current breeding year. The stallion's original jockey club certificate must be received by the racing commission or official registering agency. If the stallion is leased, a copy of the lease must accompany the registration application. The lease must include a statement that the lessee is authorized to sign the breeding certificate.

B. Stallions must remain in Minnesota for the entire breeding season from ~~February 15~~ January 31 to July 31.

~~C. Stallion reports (record of mares bred) must be received by the racing commission or official registering agency by September 30 of the immediately preceding breeding season~~

A newly acquired stallion which has not been in Minnesota for breeding purposes before January 31 of the current breeding season may be eligible for stallion awards if the stallion has been properly registered with the commission prior to servicing any mare and the stallion has not serviced any mare after December 31 of the preceding year.

~~D. Failure to submit stallion reports (record of mares bred) by the September 30 cutoff date will disqualify any subsequent claims for stallion award payments.~~

Subp. 3. [Unchanged.]

Subp. 4. to 6. [See Repealer.]

7895.0250 STANDARDBRED BREEDERS' FUND.

Subpart 1. **Definitions.** For purposes of this part, the following terms have the meaning given them unless another intention clearly appears.

A. to C. [Unchanged.]

D. ~~"Minnesota-owned" means:~~

~~(1) In the case of a horse owned by an individual, the owner must reside in Minnesota, declare himself or herself to be~~

~~a resident of Minnesota for purposes of Minnesota Statutes, chapter 290, and declare that he or she is not a resident of any other state.~~

~~(2) In the case of a horse owned by a corporation, the corporation must:~~

~~(a) be legally incorporated in the state of Minnesota;~~

~~(b) have its principal place of business in Minnesota;~~

~~(c) have at least 51 percent of all outstanding shares of stock owned by shareholders who are residents of Minnesota for purposes of Minnesota Statutes, chapter 290, and who declare that they are not residents of any other state.~~

~~(3) In the case of a horse owned by a limited partnership, the general partners and at least 51 percent of the limited partners must be residents of Minnesota for purposes of Minnesota Statutes, chapter 290, and declare that they are not residents of any other state.~~

~~(4) In the case of a horse owned by a partnership, all partners must be residents of Minnesota for purposes of Minnesota Statutes, chapter 290, and declare that they are not residents of any other state.~~

~~Every owner of a Minnesota-owned horse must hold a Class C owner's license issued by the commission as required in part 7877.0130, subparts 1 and 2.~~

~~E.~~ "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, from January ~~1 to September 1~~ 31 to July 31 in Minnesota.

Subp. 2. **Division of money.** The money available from the breeders' fund for the standardbred breed category shall be divided as follows:

A. 25 percent shall be set aside and paid to breeders as breeders' awards; and

B. 75 percent shall be paid to supplement purses in races which are restricted to horses that are Minnesota-bred~~,~~ or Minnesota-foaled~~, or Minnesota-owned~~. ~~In all such races, Minnesota-bred and Minnesota-foaled shall have first preference, and Minnesota-owned horses shall have second preference.~~

Subp. 3. [Unchanged.]

Subp. 4. **Methods of payment.** The amount of money distributed for breeders' awards or purse supplements pursuant to subpart 3, shall be paid out in the same percentage as the purse money in the race. Purse supplements earned shall not be included in determining breeders' or stallion awards.

Subp. 5. **Adjustments.** The racing commission shall set percentages to be applied to each category of the breeders' fund for the purpose of determining the amount of awards and purse supplements that may be earned during the current race meeting. The racing commission may, in its discretion, during the course of a race meeting vary the percentages set in each category for the purpose of keeping awards and purse supplements consistent with the amount of money being earned in the breeders' fund and subsequent breeders' award disbursements. The racing commission shall consider the following criteria in determining the applicable percentages:

A. the number of potential breeders' award recipients;

B. the total amount of breeders' awards and purse supplements to be distributed;

C. the need to distribute breeders' awards and purse supplements ~~among the Minnesota breeders and owners~~ in a fair and equitable manner with a view toward encouraging the continued support of the horse industry in Minnesota, thereby providing incentive to breeders and owners of standardbred horses within the state; and

D. that the set amount of the breeders' awards and purse supplements or any adjustments made thereto are in the best interest of horse racing within the state.

Subp. 6. **Time of payment.** Purse supplements are part of the purse and shall be credited to owners' accounts at the time ~~such~~ the purses are earned. All money allocated for breeders' awards and stallion awards shall be distributed within 30 days of the end of the standardbred race meeting.

Subp. 7. [See Repealer.]

Subp. 8. **Residual funds.** After complying with subparts 4 to ~~7~~ 6, any remaining funds in the breeders' awards account, and all

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unearned purse supplements, shall be retained and carried forward to be included as net distributable funds in the succeeding standardbred race meeting.

7895.0275 STANDARDBRED REGISTRATION.

Subpart 1. **Stallion registration.** To be eligible to participate in the standardbred breeders' fund program, the following requirements must be met:

A. Stallions must be in Minnesota and registered or the registration renewed with the racing commission or official registering agency by January ~~1~~ 31 of the current breeding year. The stallion's original United States Trotting Association (USTA) certificate must be received by the racing commission or official registering agency. If the stallion is leased, a copy of the lease must accompany the registration application or renewal. The lease agreement must contain a statement that the lessee is authorized to sign the breeding certificate.

B. Stallions must remain in Minnesota for the entire breeding season from January ~~1 to September 1~~ 31 to July 31.

~~C. Stallion reports (record of mares bred) must be received by the racing commission or official registering agency by September 30 (excluding Saturday and Sunday) of the current breeding season~~

A newly acquired stallion which has not been in Minnesota for breeding purposes before January 31 of the current breeding season may be eligible for stallion awards if the stallion has been properly registered with the commission prior to servicing any mare and the stallion has not serviced any mare after December 31 of the preceding year.

Subp. 2. [Unchanged.]

Subp. 3. to 5. [See Repealer.]

7895.0300 QUARTER HORSE BREEDERS' FUND.

Subpart 1. **Definitions.** For purposes of this part, the following terms have the meaning given them unless another intention clearly appears:

A. "Breeder" means the owner or lessee of the dam at the time of conception in Minnesota.

B. "Minnesota-foaled" means a horse foaled in Minnesota.

C. "Minnesota-bred" means:

(1) a horse sired by a registered stallion who stood his entire breeding season in Minnesota; and

(2) a horse born in Minnesota.

D. ~~"Minnesota-owned" means:~~

~~(1) in the case of a horse owned by an individual, the owner must reside in Minnesota, declare himself or herself to be a resident of Minnesota for purposes of Minnesota Statutes, chapter 290, and declare that he or she is not a resident of any other state.~~

~~(2) in the case of a horse owned by a corporation, the corporation must:~~

~~(a) be legally incorporated in the state of Minnesota;~~

~~(b) have its principal place of business in Minnesota;~~

~~(c) have at least 51 percent of all outstanding shares of stock owned by shareholders who are residents of Minnesota for purposes of Minnesota Statutes, chapter 290, and who declare that they are not residents of any other state.~~

~~(3) in the case of a horse owned by a limited partnership, the general partners and at least 51 percent of the limited partners must be residents of Minnesota for purposes of Minnesota Statutes, chapter 290, and declare that they are not residents of any other state.~~

~~(4) in the case of a horse owned by a partnership, all partners must be residents of Minnesota for purposes of Minnesota Statutes, chapter 290, and declare that they are not residents of any other state.~~

~~Every owner of a Minnesota-owned horse must hold a Class C owner's license issued by the commission as required in part 7877.0130, subparts 1 and 2.~~

~~E.~~ "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, from ~~February 15~~ January 31 through July 31, in Minnesota.

Subp. 2. **Division of money.** The money available from the breeders' fund for the quarter horse category shall be divided as follows:

A. 35 percent shall be set aside and paid as breeders' awards to:

~~(1) until December 31, 1988,~~ breeders of Minnesota-bred or Minnesota-foaled horses; and

~~(2) January 1, 1989, and thereafter breeders of a Minnesota-bred horse or a horse born in Minnesota prior to 1987;~~

B. 35 percent shall be set aside and paid as owners' awards to:

~~(1) until December 31, 1988,~~ owners of Minnesota-bred or Minnesota-foaled horses; and

~~(2) January 1, 1989, and thereafter owners of a Minnesota-bred horse or a horse born in Minnesota prior to 1987;~~

C. 20 percent shall be paid to supplement purses in races which are restricted to Minnesota-bred~~,~~ or Minnesota-foaled~~, or Minnesota-owned~~ horses. ~~In all such races Minnesota-bred or Minnesota-foaled horses shall be preferred, and~~ The purse supplements shall be apportioned in accordance with the quality of the race as determined by the commission~~.~~; and

D. 10 percent shall be set aside and paid as stallion awards to the owners of the Minnesota-sire at the time of breeding.

Subp. 3. [Unchanged.]

Subp. 4. **Methods of payment.** The amount of money distributed by the commission for awards or purse supplements pursuant to subpart 3 shall be paid out in the same percentage as the purse money in the race. The amount of money to be distributed shall be in accordance with subpart 5. Purse supplements earned shall not be included in determining breeder's or stallion awards.

Subp. 5. [Unchanged.]

Subp. 6. **Time of payment.** Purse supplements are part of the purse and shall be credited to owners' accounts at the time ~~such~~ the purses are earned. All money allocated for breeders' awards, owners' awards, and stallion awards shall be distributed ~~by December 31 of the year in which they are earned~~ within 30 days of the end of the quarterhorse race meeting.

7895.0350 QUARTER HORSE REGISTRATION.

Subpart 1. [Unchanged.]

Subp. 2. **Stallion registration.** To be eligible to receive any stallion award payments, the following requirements must be met:

A. Stallions must be in Minnesota and registered or the initial registration renewed with the racing commission or official registering agency by ~~February 1~~ January 31 of the current breeding year. The stallion's original American Quarter Horse Association (AQHA) certificate must be received by the racing commission or official registering agency. If the stallion is leased, a copy of the lease must accompany the registration application. The lease must include a statement that the lessee is authorized to sign the breeding certificate.

B. Stallions must remain in Minnesota for the entire breeding season from ~~February 15~~ January 31 through July 31.

~~C. Stallion reports (roster of mares bred) must be received by the racing commission or official registering agency by September 30 (excluding Saturday and Sunday) of the immediately preceding breeding season~~

A newly acquired stallion which has not been in Minnesota for breeding purposes before January 31 of the current breeding season may be eligible for stallion awards if the stallion has been properly registered with the commission prior to servicing any mare and the stallion has not serviced any mare after December 31 of the preceding year.

~~D. Failure to submit stallion reports (roster of mares bred) by the September 30 cutoff date will disqualify any subsequent claims for the stallion award payments.~~

Subp. 3. [Unchanged.]

Subp. 4. to 6. [See Repealer.]

7897.0100 PROHIBITED ACTS.

Subpart 1. **Scope.** The following activities are considered prohibited acts ~~if they are committed, or attempted to be committed, while on the grounds of an association~~.

Subp. 2. to 5. [Unchanged.]

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Subp. 6. **Altercations.** No person shall provoke or engage in a physical altercation while on the grounds of an association.

Subp. 7. to 9. [Unchanged.]

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~~ the indebtedness is due. All financial responsibility complaints against a licensee shall be made in writing, signed by the complainant, and accompanied by (a) a judgment from a court of competent jurisdiction; or (b) a check, issued by the licensee or by a business entity owned or controlled by the licensee, which indicates on its face that the bank upon which the check is drawn has refused payment due to insufficient funds, alteration, forgery, or because the check was written on a closed or nonexistant account.

Subp. 11. to 18. [Unchanged.]

Subp. 19. **Abusive language.** No person shall use profane, abusive, or indecent language to a racing official.

REPEALER. Minnesota Rules, parts 7895.0100, subpart 7; 7895.0110, subpart 7; 7895.0125, subparts 4, 5, and 6; 7895.0250, subpart 7; 7895.0275, subparts 3, 4, and 5; and 7895.0350, subparts 4, 5, and 6; are repealed.

Secretary of State

Proposed Permanent Rules Relating to Bonding of Vendors

Notice of Intent to Adopt a Rule Without a Public Hearing

Notice is hereby given that the Secretary of State intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rules is *Minnesota Statutes*, section 206.57, subd. 1.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Jeff Sigurdson
Election Division
180 State Office Building
St. Paul, MN 55155
(612) 296-6011

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed. A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available form the Election Division upon request.

You are hereby advised, pursuant to *Minnesota Statute* 14.115, that the proposed rules will have a probable quantitative and qualitative impact on small businesses that provide voting and vote tabulation equipment or programs related to such equipment for sale or lease in the state of Minnesota. The probable qualitative effect of these rules will be to (1) provide the mechanism for small business vendors of these products to post a bond with the secretary of state as required by *Minnesota Statutes* 206.57 and 206.82 and (2) forfeit all or part of the bond if the vendor offers these products in a manner other than required by *Minnesota Statutes* and *Rules*. In addition notice of any such forfeiture by any vendor will be sent to public vendees in Minnesota.

The probable quantitative effect will be to impose an additional expense to small business vendors of these products to the extent that the bond requirement imposes additional expenses. Such additional expense may be off set to the extent that public vendees of these products remove their bonding requirements in light of the new requirement to post a bond with the secretary of state.

CERTIFICATE OF THE

MINNESOTA RACING COMMISSION

RESOLUTION ADOPTING THE RULE

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 25th day of May, 1988, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that the rule amending the existing rule governing horse racing is approved and adopted, pursuant to authority vested in the Minnesota Racing Commission by Minnesota Statutes, Sections 240.23 and 240.24 (1986). Donald R. Price, the Executive Director of the Minnesota Racing Commission, is authorized to sign the findings of fact, conclusions, and order adopting the rule and to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have subscribed my name this 25th day of May, 1988.

RAY ELIOT
Minnesota Racing Commission

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

In the Matter of the Proposed Adoption of the Rule of the Minnesota Racing Commission Amending the Existing Rules Governing Horse Racing.

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

Notice of the Commission's intent to adopt the above-entitled rule was published in the State Register on April 4, 1988 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22, on March 24, 1988. The Statement of Need and Reasonableness was prepared before the Notice of Intent to Adopt a Rule Without a Public Hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rule were received by the agency.

No submissions or comments on the rule were received by the agency. No requests for notice of submission to the Attorney General were received by the agency.

Based on the evidence in the record before the Minnesota Racing Commission, I find that the above-captioned rules is needed and reasonable.

NOW THEREFORE, IT IS ORDERED that the rule identified as the Rule of the Minnesota Racing Commission Amending Existing Rules Governing Horse Racing is adopted this 25th day of May, 1988, pursuant to authority vested in the Minnesota Racing Commission by Minnesota Statutes, section 240.23.

Donald R. Price

DONALD R. PRICE
Executive Director
Minnesota Racing Commission

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

In the Matter of the
Proposed Adoption of the
Rules of the Minnesota Racing
Commission Amending the Existing
Rule Governing Horse Racing

DECLARATION
OF COUNSEL

I, Mary B. Magnuson, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. For Attorney General billing purposes, the four-digit client code is 0733.

MARY B. MAGNUSON
Special Assistant
Attorney General

Dated: May 31, 1988

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

In the Matter of the Proposed
Adoption of Rules of the
Minnesota Racing Commission
Amending Existing Rules

AFFIDAVIT OF
ADDITIONAL NOTICE

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Donald R. Price, under oath states that:

Notice of the proposed rules was given on March 24, 1988 to the following organizations who are not presently on the Racing Commission's mailing list for the purpose of receiving notice of the proposed adoption of rules.

HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION

CANTERBURY DOWNS

MINNESOTA THOROUGHBRED ASSOCIATION

STATE OF MINNESOTA

Donald R. Price
Donald R. Price
Executive Director

Subscribed and sworn to before me
this 24th day of March, 1988.



Sharon A. Beighley
NOTARY PUBLIC

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : June 9, 1988

TO : ATTORNEY GENERAL
ADMINISTRATION DIVISION

FROM : MARY B. MAGNUSON
Special Assistant
Attorney General

PHONE : 6-7574

SUBJECT : Minnesota Racing Commission Rules

Enclosed please find for your review the Rules of the Minnesota Racing Commission. Please contact me upon the conclusion of your review process. Thank you.

MBM:pai