

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

RULE REVIEW CHECKLIST
RESUBMITTED RULE

File No. 1604 Docket No. 05.0009.0733

RESUBMISSION DATE 7-3-89 ADOPTED W/O HEARING X
DATE DUE 7-17-89 EMERGENCY RULE

APPROVED 7-11-89 mjc REVISOR APPROVED X
DISAPPROVED REVISOR DISAPPROVED
WITHDRAWM FILED W/SEC. STATE
RETURNED TO AGENCY

NO **Does the revision raise significant new legal issues?**

7-5-89 Review date

✓ Rule as adopted (4 copies) - 2 need from Revisor

✓ Supplemental Findings of Fact, Conclusions & Order Adopting

~~Board's Supplemental Resolution Adopting~~

~~Notice of submission to Attorney General~~

~~Affidavit of Mailing Notice to Attorney General~~

mjc

RULE REVIEW CHECKLIST

File No. 1604

Docket No. 05.0009.0733

DATE RECEIVED 5-18-89

ADOPTED W/O HEARING X

REVIEW DATE 5-~~29~~-89 30 RMD

EMERGENCY RULE _____

DUE DATE 6-1-89

REVISOR APPROVED _____

APPROVED _____

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WITHDRAWN _____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
- 2/15/89 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)
- no Small Business Statement
- n/a Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
- 3/2/89 Date 30/25 days before adoption
- ok Notice attached
- _____ ~~Copy of rule or summary attached~~

✓ Publication in State Register
- 3/13/89 Date 30/25 days before adoption

_____ 180-day deadline from:
- n/a Effective date of law requiring rule (14.12) (both rules)
- 4/12/89 end of comment period (§ 14.26) (rules without hearing)
- _____ ~~effective date of statutory authority (§ 14.29) (emergency rules)~~

✓ Resolution Adopting
- 4/18/89 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
- 4/18/89 Date

_____ ~~Written requests, submissions or comments~~

✓ Declaration of attorney
- M. Magnuson Name of SAAG representing agency

✓ ~~Notice of Submission to Atty. Gen. (if applicable)~~ letter from Racing Commission

_____ Aff. of Mailing Notice to Atty. Gen. (if applicable)

SF-00006-05 (4/86)

DEPARTMENT : ATTORNEY GENERAL

STATE OF MINNESOTA

Office Memorandum

DATE : July 11, 1989

TO : MARY B. MAGNUSON
Special Assistant Attorney General

FROM : MARTY J. CASSERLY
Special Assistant Attorney General

PHONE : 6-6839

SUBJECT : In the Matter of the Adopted Permanent Rules Relating to Horse Racing in Minnesota

The above-referenced rule has been approved as to its legality by the Attorney General on July 11, 1989.

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, submission 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 publish a notice of adoption in the State Register in accoradance 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:klk
Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

William Brown
Chief Administrative Law Judge
Office of Administrative Hearings

Minnesota Racing Commission

Adopted Permanent Rules Relating to Horse Racing in Minnesota

Rules as Adopted

7869.0100 DEFINITIONS.

Subpart 1. to 50. [Unchanged.]

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

A. to L. [Unchanged.]

M. "Stakes race" or "sweepstakes race" means a race to which nominators of the engaged entries contribute to a purse, and to which money or any other award may be added.

N. [Unchanged.]

Subp. 52. to 69. [Unchanged.]

7873.0300 SIMULCAST WAGERING.

Subpart 1. [Unchanged.]

Subp. 2. **Approval.** All simulcast races must be conducted at the licensed racetrack and approved by the commission.

Subp. 3. [Unchanged.]

Subp. 4. [See Repealer.]

Subp. 5. [Unchanged.]

7873.0550 DISTRIBUTION OF PURSE MONEY.

Subpart 1. **Purse amounts.** Purse amounts must be set pursuant to Minnesota Statutes, section 240.13, subdivision 5. In making the distribution of purse money, an association must, to the extent possible, maintain purse amounts in proper relationship to actual pari-mutuel handles.

Subp. 2. to 6. [Unchanged.]

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

Subpart 1. [Unchanged.]

Subp. 2. **Application content.** An application for a Class

Approved by Revisor

C license shall include the following information with respect to the applicant:

A. date of birth;

B. social security number;

C. home address;

D. home telephone number;

E. names and addresses of previous employers;

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

G. if the applicant is 18 years of age or above, a completed FBI fingerprint card.

Subp. 3. and 4. [Unchanged.]

7877.0120 FEES.

Subpart 1. [Unchanged.]

Subp. 2. **Fingerprint charge.** In addition to the license fee in subpart 1, each initial application for a Class C license, and each renewal application every third year thereafter, shall be accompanied by a completed FBI fingerprint card taken by the commission and a cashier's check or money order in the amount of $14 payable to "Federal Bureau of Investigation." Any horse owner who does not make application in person must meet all requirements of this subpart, except that the owner may file a completed fingerprint card taken by a law enforcement agency. This subpart does not apply to applications submitted by persons under the age of 18.

Subp. 3. and 4. [Unchanged.]

7877.0160 DURATION AND EXTENT OF CLASS C LICENSES.

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

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

A. [Unchanged.]

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B. the licensee furnishes proof of employment or other evidence that he or she is practicing the occupation for which he or she is licensed at the race meeting other than the meeting for which the license was issued.

Subp. 3. [Unchanged.]

Subp. 4. **Renewal.** The commission may renew a license after receipt of required submissions unless the licensee is determined to be ineligible. The commission may require fingerprints, a photograph, or other relevant data if it has reason to doubt the identity or eligibility of the licensee.

7883.0100 ENTRIES AND SUBSCRIPTIONS.

Subpart 1. to 15a. [Unchanged.]

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

A. and B. [Unchanged.]

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

Subp. 17. [Unchanged.]

Subp. 18. **Protest.** Any time before the running of a race, an owner, trainer, or authorized agent may object to the eligibility of a horse participating in the race by filing a written protest with the stewards.

7883.0120 DECLARATIONS AND SCRATCHES.

Subpart 1. to 5. [Unchanged.]

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

Subp. 7. [Unchanged.]

7890.0140 BLEEDERS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Lasix® may be administered to certified bleeders.** Upon request, any horse placed on the bleeder list shall, in its next race, be permitted the use of Lasix®. Once a horse has

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raced with Lasix®, it must continue to race with Lasix® in all subsequent races unless a request is made to discontinue the use. If the use of Lasix® is discontinued, the horse shall be prohibited from again racing with Lasix® unless it is later observed to be bleeding pursuant to subpart 1 or meets the requirements of subpart 3. Requests for the use of or discontinuance of Lasix® must be made to the commission veterinarian by the horse's trainer or assistant trainer on a form prescribed by the commission on or before the day of entry into the race for which the request is made. Lasix® shall be administered intravenously by a veterinarian employed by the owner or trainer of the horse. The Lasix® must be administered at least four hours before scheduled post time for any horse entered to race and the dose level of Lasix® must not exceed 250 milligrams (five milliliters of a 50 milligram/milliliter or five percent solution) per administration. ~~Lasix®-must-be administered-as-follows:~~

~~A.~~ The practicing veterinarian must deposit with the commission veterinarian at the Lasix® detention barn an unopened supply of Lasix® and sterile hypodermic needles and syringes to be used for the administration. The horse must be brought to the Lasix® detention barn for treatment not less than four hours before scheduled post time for the race in which it is entered to start. The Lasix® must be administered under the supervision of a person employed by the commission. Once at the Lasix® detention barn, a horse shall remain there until it is taken to the paddock to be saddled or harnessed for a race.

~~B.--The-requirements-of-item-A-shall-not-apply-if:~~

~~(1)-the-commission-approves-a-scientifically recognized-test-to-determine-the-quantitative-level-of-Lasix®-in a-plasma-sample-of-the-treated-horse;~~

~~(2)-the-commission-establishes-the-permitted quantitative-level-determined-by-scientific-research-and accepted-as-the-recognized-standard-by-the-industry;-and~~

~~(3)-the-trainer-delivers-to-the-commission veterinarian-no-later-than-one-hour-before-post-time-of-the-race~~

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~~for which the horse is entered the following information, on a form provided by the commission:~~

~~(a) the racetrack name, date, and time of day Lasix® was administered to the entered horse;~~

~~(b) the dosage amount of Lasix® administered to the entered horse; and~~

~~(c) the printed name and signature of the veterinarian who administered the Lasix®;~~

Subp. 7. to 9. [See Repealer.]

Subp. 10. [Unchanged.]

7892.0120 TAKING OF SAMPLES.

Subpart 1. **Horses tested.**

A. Blood and/or urine test samples shall be taken from the winning horse in every race and horses finishing second in races with quinella or exacta wagering.

B. Blood and/or urine test samples may be taken from randomly selected horses during each racing program, from horses designated by the stewards or the commission veterinarian at any time upon suspicion that a violation of chapter 7890 has occurred, or for testing the quantitative level of furosemide in the plasma of treated horses.

C. The stewards or commission veterinarian may require that specimens of saliva or other body fluid or excretion may be taken from a tested horse as deemed necessary by the stewards or the commission veterinarian to determine whether a violation of chapter 7890 has occurred.

D. Any owner, trainer, or other person having care, custody, or control of a horse required to be tested must submit the horse immediately.

Subp. 2. to 6. [Unchanged.]

7895.0110 THOROUGHBRED BREEDERS' FUND.

Subpart 1. [Unchanged.]

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

Approved
by Revisor _____

A. [Unchanged.]

B. Sixty-two percent shall be paid to supplement purses. The purse supplements shall be apportioned in accordance with the quality of the race as determined by the commission.

C. [Unchanged.]

Subp. 3. to 8. [Unchanged.]

7895.0350 QUARTER HORSE REGISTRATION.

Subpart 1. **Broodmare registration.** To be eligible to receive any breeders' award payments, the following requirements must be met:

A. Prior to foaling, a broodmare must be in Minnesota and registered or the registration renewed with the racing commission or official registering agency on or before January 31 of the year in which the broodmare will foal. The broodmare's original American Quarter Horse Association (AQHA) certificate must be received by the racing commission or official registering agency.

B. and C. [Unchanged.]

Subp. 2. and 3. [Unchanged.]

7897.0100 PROHIBITED ACTS.

Subpart 1. 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 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,

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alteration, forgery, or because the check was written on a closed or nonexistent account; or (c) written documentation that a licensee is in arrears in an amount in excess of $2,000 but not to exceed $5,000 for goods or services for a period of time not to exceed 45 days from the date the goods or services were first provided.

Subp. 11. to 18. [Unchanged.]

7899.0100 VARIANCES.

Subpart 1. [Unchanged.]

Subp. 2. **Requests for a variance.** A person desirous of obtaining a variance from the application of one or more of the commission's rules shall initiate the variance process by submitting in writing to the commission the following information and documents:

A. to C. [Unchanged.]

Subp. 3. **Disposition of variance requests.** The commission shall grant or deny a variance pursuant to the following procedures and standards:

A. Upon receipt of a variance request, the commission shall send written notice of the time, date, and place of the variance hearing to all persons who have registered their names with the commission for that purpose. The commission shall not act upon the variance request for 30 calendar days after it has issued the notice.

B. to E. [Unchanged.]

Subp. 4. [Unchanged.]

REPEALER. Minnesota Rules, parts 7873.0300, subpart 4; and 7890.0140, subparts 7, 8, and 9 are repealed.

Approved
by Revisor _____

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUL 11 1989

Joan Anderson Growe

Secretary of State

10:40 AM

APPROVED AS TO FORM AND LEGALITY

July 11 19 89

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Carsley

SPECIAL ASSISTANT ATTORNEY GENERAL

MINNESOTA RACING COMMISSION

CERTIFICATE OF COMMISSION'S
AUTHORIZING RESOLUTION

I, Ralph Strangis, 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 15th day of February, 1989, 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 15th day of February, 1989.

Ralph Strangis
Minnesota Racing Commission

Minnesota Racing Commission

Proposed Permanent Rules Relating to Horse Racing in Minnesota

Rules as Proposed

7869.0100 DEFINITIONS.

Subpart 1. to 50. [Unchanged.]

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

A. to L. [Unchanged.]

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

N. [Unchanged.]

Subp. 52. to 69. [Unchanged.]

7873.0300 SIMULCAST WAGERING.

Subpart 1. [Unchanged.]

Subp. 2. **Approval.** All ~~approved~~ simulcast races must be conducted at the licensed racetrack ~~on a racing day assigned to an association~~ and approved by the commission. ~~Racing must be conducted on that racing day as defined by Minnesota Statutes, section 240.01, subdivision 10.~~

Subp. 3. [Unchanged.]

Subp. 4. [See Repealer.]

Subp. 5. [Unchanged.]

7873.0550 DISTRIBUTION OF PURSE MONEY.

Subpart 1. **Purse amounts.** Purse amounts must be set pursuant to Minnesota Statutes, section 240.13, subdivision 5, ~~an amount equal to not less than five percent of all money in all pools must be allocated for purses by an association~~

~~conducting horse racing~~. In making the distribution of purse money, an association must, to the extent possible, maintain purse amounts in proper relationship to actual pari-mutuel handles.

Subp. 2. to 6. [Unchanged.]

7877.0160 DURATION AND EXTENT OF CLASS C LICENSES.

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

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

A. [Unchanged.]

B. the licensee furnishes proof of employment or other evidence that he or she is practicing the occupation for which he or she is licensed at the race meeting other than the meeting for which the license was issued.

Subp. 3. [Unchanged.]

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

7883.0100 ENTRIES AND SUBSCRIPTIONS.

Subpart 1. to 15a. [Unchanged.]

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

A. and B. [Unchanged.]

C. First-time starters must have ~~three~~ gate ~~approvals~~

approval and a minimum of two timed workouts prior to the entry date.

Subp. 17. [Unchanged.]

Subp. 18. **Protest.** Any time before the running of a race, an owner, trainer, or authorized agent may object to the eligibility of a horse participating in the race by filing a written protest with the stewards.

7883.0120 DECLARATIONS AND SCRATCHES.

Subpart 1. to 5. [Unchanged.]

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

Subp. 7. [Unchanged.]

7890.0140 BLEEDERS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Lasix® may be administered to certified bleeders.** ~~Upon request, any horse placed on the bleeder list shall, in its next race, be permitted the use of Lasix®. Once a horse has raced with Lasix®, it must continue to race with Lasix® in all subsequent races unless a request is made to discontinue the use. If the use of Lasix® is discontinued, the horse shall be prohibited from again racing with Lasix® unless it is later observed to be bleeding pursuant to subpart 1 or meets the requirements of subpart 3. Requests for the use of or~~ discontinuance of Lasix® must be made to the commission ~~veterinarian by the horse's trainer or assistant trainer on a form prescribed by the commission on or before the day of entry into the race for which the request is made.~~ Lasix® shall be administered intravenously by a veterinarian employed by the owner or trainer of the horse. The Lasix® must be administered at least four hours before scheduled post time for any horse entered to race and the dose level of Lasix® must not exceed 250 milligrams (five milliliters of a 50 milligram/milliliter or

five percent solution) per administration. Lasix® must be administered as follows:

A. The practicing veterinarian must deposit with the commission veterinarian at the Lasix® detention barn an unopened supply of Lasix® and sterile hypodermic needles and syringes to be used for the administration. The horse must be brought to the Lasix® detention barn for treatment not less than four hours before scheduled post time for the race in which it is entered to start. The Lasix® must be administered under the supervision of a person employed by the commission. Once at the Lasix® detention barn, a horse shall remain there until it is taken to the paddock to be saddled or harnessed for a race.

B. The requirements of item A shall not apply if:

(1) the commission approves a scientifically recognized test to determine the quantitative level of Lasix® in a plasma sample of the treated horse;

(2) the commission establishes the permitted quantitative level determined by scientific research and accepted as the recognized standard by the industry; and

(3) the trainer delivers to the commission veterinarian no later than one hour before post time of the race for which the horse is entered the following information, on a form provided by the commission:

(a) the racetrack name, date, and time of day Lasix® was administered to the entered horse;

(b) the dosage amount of Lasix® administered to the entered horse; and

(c) the printed name and signature of the veterinarian who administered the Lasix®.

Subp. 7. to 9. [See Repealer.]

Subp. 10. [Unchanged.]

7892.0120 TAKING OF SAMPLES.

Subpart 1. **Horses tested.**

A. Blood and/or urine test samples shall be taken from the winning horse in every race~~,~~ and horses finishing

second in races with quinella or exacta wagering~~;~~.

B. Blood and/or urine test samples may be taken from randomly selected horses ~~selected at random~~ during each racing program, ~~and~~ from horses designated by the stewards or the commission veterinarian at any time upon suspicion that a violation of chapter 7890 has occurred, or for testing the quantitative level of furosemide in the plasma of treated horses.

C. The stewards or commission veterinarian may require that specimens of saliva or other body fluid or excretion may be taken from a tested horse as deemed necessary by the stewards or the commission veterinarian to determine whether a violation of chapter 7890 has occurred.

Discretionary

D. Any owner, trainer, or other person having care, custody, or control of a horse required to be tested must submit the horse immediately.

Subp. 2. to 6. [Unchanged.]

7895.0110 THOROUGHBRED BREEDERS' FUND.

Subpart 1. [Unchanged.]

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

A. [Unchanged.]

B. Sixty-two percent shall be paid to supplement purses ~~in races which are restricted to Minnesota bred or Minnesota foaled horses~~. The purse supplements shall be apportioned in accordance with the quality of the race as determined by the commission.

C. [Unchanged.]

Subp. 3. to 8. [Unchanged.]

7895.0350 QUARTER HORSE REGISTRATION.

Subpart 1. **Broodmare registration.** To be eligible to receive any breeders' award payments, the following requirements must be met:

A. Prior to foaling, a broodmare must be in Minnesota and registered or the registration renewed with the racing

commission or official registering agency on or before January 31 of the year in which the broodmare will foal. The broodmare's original American Quarter Horse Association (AQHA) certificate must be received by the racing commission or official registering agency.

B. and C. [Unchanged.]

Subp. 2. and 3. [Unchanged.]

7897.0100 PROHIBITED ACTS.

Subpart 1. 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 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 nonexistent account; or (c) written documentation that a licensee is in arrears in an amount in excess of $2,000 but not to exceed $5,000 for goods or services for a period of time not to exceed 45 days from the date the goods or services were first provided.

Subp. 11. to 18. [Unchanged.]

7899.0100 VARIANCES.

Subpart 1. [Unchanged.]

Subp. 2. **Requests for a variance.** A person desirous of obtaining a variance from the application of one or more of the commission's rules shall initiate the variance process by submitting in writing to the commission ~~12 copies of~~ the

following information and documents:

A. to C. [Unchanged.]

Subp. 3. **Disposition of variance requests.** The commission shall grant or deny a variance pursuant to the following procedures and standards:

A. Upon receipt of a variance request, the commission shall send written notice ~~thereof~~ of the time, date, and place of the variance hearing to all persons who have registered their names with the commission for ~~the~~ that purpose ~~of being notified of rulemaking proceedings or variance requests, and~~. The commission shall not act upon the variance request for 30 calendar days after it has issued the notice. ~~The notice shall contain a brief description of the variance request, a statement that any person wishing to comment on the request may do so in writing, and a statement that the commission will not act on the variance request until interested persons have been afforded at least 30 calendar days after the commission's issuance of the notice to submit their comments.~~

B. to E. [Unchanged.]

Subp. 4. [Unchanged.]

REPEALER. Minnesota Rules, parts 7873.0300, subpart 4; and 7890.0140, subparts 7, 8, and 9 are repealed.

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Horse Racing in Minnesota

AGENCY: Minnesota Racing Commission

MINNESOTA RULES: Chapters 7869, 7873, 7877, 7883, 7890, 7892, 7895, 7897, and 7899

The attached rules are approved for publication in the State Register

Paul M. Marinac
Assistant Deputy Revisor

AG Copy

Minnesota Racing Commission

Adopted Permanent Rules Relating to Horse Racing in Minnesota

Rules as Adopted

7869.0100 DEFINITIONS.

Subpart 1. to 50. [Unchanged.]

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

A. to L. [Unchanged.]

M. "Stakes race" or "sweepstakes race" means a race to which nominators of the engaged entries contribute to a purse, and to which money or any other award may be added.

N. [Unchanged.]

Subp. 52. to 69. [Unchanged.]

7873.0300 SIMULCAST WAGERING.

Subpart 1. [Unchanged.]

Subp. 2. **Approval.** All simulcast races must be conducted at the licensed racetrack and approved by the commission.

Subp. 3. [Unchanged.]

Subp. 4. [See Repealer.]

Subp. 5. [Unchanged.]

7873.0550 DISTRIBUTION OF PURSE MONEY.

Subpart 1. **Purse amounts.** Purse amounts must be set pursuant to Minnesota Statutes, section 240.13, subdivision 5. In making the distribution of purse money, an association must, to the extent possible, maintain purse amounts in proper relationship to actual pari-mutuel handles.

Subp. 2. to 6. [Unchanged.]

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

Subpart 1. [Unchanged.]

Subp. 2. **Application content.** An application for a Class

Approved by Revisor PMM

C license shall include the following information with respect to the applicant:

A. date of birth;

B. social security number;

C. home address;

D. home telephone number;

E. names and addresses of previous employers;

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

G. if the applicant is 18 years of age or above, a completed FBI fingerprint card.

Subp. 3. and 4. [Unchanged.]

7877.0120 FEES.

Subpart 1. [Unchanged.]

Subp. 2. **Fingerprint charge.** In addition to the license fee in subpart 1, each initial application for a Class C license, and each renewal application every third year thereafter, shall be accompanied by a completed FBI fingerprint card taken by the commission and a cashier's check or money order in the amount of $14 payable to "Federal Bureau of Investigation." Any horse owner who does not make application in person must meet all requirements of this subpart, except that the owner may file a completed fingerprint card taken by a law enforcement agency. This subpart does not apply to applications submitted by persons under the age of 18.

Subp. 3. and 4. [Unchanged.]

7877.0160 DURATION AND EXTENT OF CLASS C LICENSES.

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

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

A. [Unchanged.]

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by Revisor _____

B. the licensee furnishes proof of employment or other evidence that he or she is practicing the occupation for which he or she is licensed at the race meeting other than the meeting for which the license was issued.

Subp. 3. [Unchanged.]

Subp. 4. **Renewal.** The commission may renew a license after receipt of required submissions unless the licensee is determined to be ineligible. The commission may require fingerprints, a photograph, or other relevant data if it has reason to doubt the identity or eligibility of the licensee.

7883.0100 ENTRIES AND SUBSCRIPTIONS.

Subpart 1. to 15a. [Unchanged.]

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

A. and B. [Unchanged.]

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

Subp. 17. [Unchanged.]

Subp. 18. **Protest.** Any time before the running of a race, an owner, trainer, or authorized agent may object to the eligibility of a horse participating in the race by filing a written protest with the stewards.

7883.0120 DECLARATIONS AND SCRATCHES.

Subpart 1. to 5. [Unchanged.]

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

Subp. 7. [Unchanged.]

7890.0140 BLEEDERS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Lasix® may be administered to certified bleeders.** Upon request, any horse placed on the bleeder list shall, in its next race, be permitted the use of Lasix®. Once a horse has

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Subst change? This is how the rule originally read.

raced with Lasix®, it must continue to race with Lasix® in all subsequent races unless a request is made to discontinue the use. If the use of Lasix® is discontinued, the horse shall be prohibited from again racing with Lasix® unless it is later observed to be bleeding pursuant to subpart 1 or meets the requirements of subpart 3. Requests for the use of or discontinuance of Lasix® must be made to the commission veterinarian by the horse's trainer or assistant trainer on a form prescribed by the commission on or before the day of entry into the race for which the request is made. Lasix® shall be administered intravenously by a veterinarian employed by the owner or trainer of the horse. The Lasix® must be administered at least four hours before scheduled post time for any horse entered to race and the dose level of Lasix® must not exceed 250 milligrams (five milliliters of a 50 milligram/milliliter or five percent solution) per administration. Lasix® must be administered as follows:

A. The practicing veterinarian must deposit with the commission veterinarian at the Lasix® detention barn an unopened supply of Lasix® and sterile hypodermic needles and syringes to be used for the administration. The horse must be brought to the Lasix® detention barn for treatment not less than four hours before scheduled post time for the race in which it is entered to start. The Lasix® must be administered under the supervision of a person employed by the commission. Once at the Lasix® detention barn, a horse shall remain there until it is taken to the paddock to be saddled or harnessed for a race.

B. The requirements of item A shall not apply if:

(1) the commission approves a scientifically recognized test to determine the quantitative level of Lasix® in a plasma sample of the treated horse;

(2) the commission establishes the permitted quantitative level determined by scientific research and accepted as the recognized standard by the industry; and

(3) the trainer delivers to the commission veterinarian no later than one hour before post time of the race

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for which the horse is entered the following information, on a form provided by the commission:

(a) the racetrack name, date, and time of day Lasix® was administered to the entered horse;

(b) the dosage amount of Lasix® administered to the entered horse; and

(c) the printed name and signature of the veterinarian who administered the Lasix®.

Subp. 7. to 9. [See Repealer.]

Subp. 10. [Unchanged.]

7892.0120 TAKING OF SAMPLES.

Subpart 1. **Horses tested.**

A. Blood and/or urine test samples shall be taken from the winning horse in every race and horses finishing second in races with quinella or exacta wagering.

B. Blood and/or urine test samples may be taken from randomly selected horses during each racing program, from horses designated by the stewards or the commission veterinarian at any time upon suspicion that a violation of chapter 7890 has occurred, or for testing the quantitative level of furosemide in the plasma of treated horses.

C. The stewards or commission veterinarian may require that specimens of saliva or other body fluid or excretion may be taken from a tested horse as deemed necessary by the stewards or the commission veterinarian to determine whether a violation of chapter 7890 has occurred.

D. Any owner, trainer, or other person having care, custody, or control of a horse required to be tested must submit the horse immediately.

Subp. 2. to 6. [Unchanged.]

7895.0110 THOROUGHBRED BREEDERS' FUND.

Subpart 1. [Unchanged.]

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

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A. [Unchanged.]

B. Sixty-two percent shall be paid to supplement purses. The purse supplements shall be apportioned in accordance with the quality of the race as determined by the commission.

C. [Unchanged.]

Subp. 3. to 8. [Unchanged.]

7895.0350 QUARTER HORSE REGISTRATION.

Subpart 1. **Broodmare registration.** To be eligible to receive any breeders' award payments, the following requirements must be met:

A. Prior to foaling, a broodmare must be in Minnesota and registered or the registration renewed with the racing commission or official registering agency on or before January 31 of the year in which the broodmare will foal. The broodmare's original American Quarter Horse Association (AQHA) certificate must be received by the racing commission or official registering agency.

B. and C. [Unchanged.]

Subp. 2. and 3. [Unchanged.]

7897.0100 PROHIBITED ACTS.

Subpart 1. 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 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,

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by Revisor _____

alteration, forgery, or because the check was written on a closed or nonexistent account; or (c) written documentation that a licensee is in arrears in an amount in excess of $2,000 but not to exceed $5,000 for goods or services for a period of time not to exceed 45 days from the date the goods or services were first provided.

Subp. 11. to 18. [Unchanged.]

7899.0100 VARIANCES.

Subpart 1. [Unchanged.]

Subp. 2. **Requests for a variance.** A person desirous of obtaining a variance from the application of one or more of the commission's rules shall initiate the variance process by submitting in writing to the commission the following information and documents:

A. to C. [Unchanged.]

Subp. 3. **Disposition of variance requests.** The commission shall grant or deny a variance pursuant to the following procedures and standards:

A. Upon receipt of a variance request, the commission shall send written notice of the time, date, and place of the variance hearing to all persons who have registered their names with the commission for that purpose. The commission shall not act upon the variance request for 30 calendar days after it has issued the notice.

B. to E. [Unchanged.]

Subp. 4. [Unchanged.]

REPEALER. Minnesota Rules, parts 7873.0300, subpart 4; and 7890.0140, subparts 7, 8, and 9 are repealed.

Approved
by Revisor _____

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

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

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.

Dated: February 15, 1989

Donald R. Price

DONALD PRICE
EXECUTIVE DIRECTOR
MINNESOTA RACING COMMISSION

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

In the Matter of the
Proposed Adoption of
Rules of the Minnesota
Racing Commission concerning
Amendments to the Existing
Rules Governing Horse Racing.

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") proposes 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. 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 powered by Minn. Stat. § 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 pari-mutuel betting on horse races; and

4) Take all necessary steps to insure 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, 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 pari-mutuel 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 (1988).

These broad statutory provisions clearly authorize the Commission to promulgate the proposed amendments to the rule governing horse racing in Minnesota.

III. RULE-BY-RULE ANALYSIS

7869.0100 Definitions

This part contains the definitions relevant to Minn. Rule Ch. 7869 to 7899. The Commission proposes to amend subpart 51(M) of this part. The remaining subparts are unchanged.

7869.0100, subpart 51(M)

This subpart contains the definition of a stakes or sweepstakes race. The Commission proposes to change this subpart by deleting the portion of the subpart which reads:

No overnight race, regardless of its conditions, may be deemed a stakes race.

The proposed change is necessary to provide a definition of stakes or sweepstakes race that more closely conforms to accepted standards in the racing industry. The proposed change is reasonable because it creates a definition more easily understood by racing participants.

7873.0300 Simulcast Wagering

7873.0300, subpart 2

The Commission proposes to amend this subpart by requiring Commission approval of all simulcast races conducted at a licensed racetrack. The proposed amendment is necessary to conform the rule to an anticipated change in Minn. Stat. § 240.13, subd. 6 (1988). It is almost certain that the Legislature will permit a licensed racetrack to conduct televised horse racing at the racetrack facility on days that live horse racing is not conducted. Therefore, to avoid a conflict between a newly promulgated statute and the rule, the Commission proposes to amend this subpart accordingly.

7873.0550 Distribution of Purse Money

7873.0050, subpart 1

The 1988 Legislature amended Minn. Stat. § 240.13, subd. 5 to provide for a different method of calculating the amount of pari-mutuel money allocated for purses. The proposed amendment to this subpart is necessary and reasonable to conform the rule to the changes in the statutory language.

7877.0110 Procedure for Obtaining a Class C License

7877.0110, subpart 2

The Commission proposes to amend this subpart by deleting the requirement that persons under the age of 18 provide a fingerprint card as a condition of obtaining a Class C license. The proposed change is necessary and reasonable because the Racing Commission has been informed by the Federal Bureau of Investigation that fingerprint records on individuals under the age of 18 are not available. Accordingly, the fingerprinting of persons under the age of 18 is meaningless and an unnecessary expenditure of time and money.

7877.0120 Fees

7877.0120, subpart 2

The Commission proposes to change this subpart by deleting the requirement that persons under the age of 18 submit a fee of $14 to the Federal Bureau of Investigation for the completion of a fingerprint investigation. The proposed change is necessary and reasonable because the Commission has eliminated the requirement that persons under the age of 18 submit a fingerprint card with an application for a Class C license. Therefore, the submission of a $14 fee is also unnecessary.

7877.0160 Duration and Extent of Class C Licenses

7877.0160, subpart 1

The Commission proposes to amend this subpart by deleting the language that requires re-licensing the third calendar year after the issuance of a Class C license. This amendment is both needed

and reasonable because Minn. Stat. § 240.08, subd. 4 provides that Class C licenses are effective for only a period of one year. Therefore, the proposed amendment is necessary to conform this subpart to the statute.

7877.0160, subpart 2, item B

The Commission proposes to amend this subpart to allow licensees to work at all licensed racetracks in Minnesota without obtaining an additional license, provided that the licensee can demonstrate employment in racing at both operating racetracks. The employment restriction is necessary to preclude licensees from gaining access to the secured areas of a racing facility when that access is not necessary for legitimate employment on the grounds of the racetrack.

7877.0160, subpart 4

The Commission proposes to amend this rule by deleting references to the validation of licenses in the two calendar years after issuance. The amendment is necessary to conform this subpart to the proposed amendment to subpart 1 which establishes a license term of one calendar year rather than three calendar years.

7883.0100 Entries and Subscriptions

7883.0100, subpart 16, item C

The Commission proposes to amend this item by deleting the requirement that a first-time starter have three gate approvals prior to entry into a race. The requirement of three gate approvals is unnecessarily burdensome on the horses and the

trainers, and offers no additional protection to the horses or riders. The rule as proposed will place the burden of approving a first-time starter solely on the racing official assigned to the starting gate. Once a horse is approved by the official at the starting gate, the horse is free to enter a race.

7883.0100, subpart 18

The Commission proposes to add this subpart to create a mechanism to challenge the eligibility of a horse entered in a race. The rule is necessary because current rules provide no opportunity for such a challenge. Occasionally, an owner, trainer, or authorized agent of an owner may believe that a horse entered in a race does not meet the race conditions or other specific requirements imposed as a condition of entering a race. The proposed rule allows certain individuals to challenge the eligibility of a horse by filing a written protest with the stewards. If the stewards determine that the horse was ineligible to participate by virtue of the horses failure to meet specific conditions, the horse may be scratched and declared a non-starter.

7883.0120 Declarations and Scratches

7883.0120, subpart 6

The Commission proposes to amend this subpart by specifically stating that the stewards may declare a horse to be a non-starter if the horse was ineligible to participate in the race. The proposed amendment is both necessary and reasonable because it narrows the application of the rule and more clearly notifies

owners of the circumstances that may result in the scratch of a horse.

7890.0140 Bleeders

7890.0140, subpart 6

The Commission proposes to amend this subpart by providing an alternative for the administration of Lasix to qualified horses. Many racing jurisdictions including Minnesota, are exploring the possibility of eliminating the Lasix detention barn and substituting a scientifically sound test that is capable of determining the quantitative level of Lasix in the blood sample of a treated horse. Studies have shown that the detention of horses in a Lasix detention barn prior to a race may have a detrimental effect on the racing performance of the horse. Numerous recommendations have been made by other racing commissions and members of the racing industry to develop a controlled Lasix program that does not include the detention of a horse for a period of time prior to the running of a race.

Significant strides have recently been made in developing a test that would enable racing laboratories to determine the quantitative level of Lasix in the blood sample of a horse. By determining the quantitative level of Lasix in a blood sample, the lab could determine the time that the Lasix was administered to the horse. Accordingly, the lab could determine if the Lasix was administered within the time frame permitted under law.

It is conceivable that a scientifically reliable and recognized test may be developed during the course of the 1989

race meeting at Canterbury Downs. The proposed rule is therefore necessary to allow the Racing Commission to change the method for the administration of Lasix without the promulgation of formal rules. The proposed rule is reasonable because it simply provides an alternative mechanism for the Commission and allows the speedy development of a Lasix medication program that clearly benefits the horses, the owners, and the Commission as a regulatory agency.

7892.0120 Taking of Samples

7892.0120, subpart 1

The Commission proposes to amend this subpart by creating more easily understandable categories to determine which horses will be tested following the running of a race. Item A is amended simply by adding the word "and". The addition of the word "and" is necessary to make the rule clear and grammatically correct.

Item B is amended by making some necessary grammatical changes, and by allowing the random selection of horses for testing the quantitative level of furosimide (Lasix) in the plasma of treated horses. The proposed amendments to item B are necessary to allow the Commission to conduct random screenings prior to the implementation of a controlled Lasix program based on a determination of the quantitative level of Lasix in the plasma of a horse.

Item C is amended by adding some necessary grammatical changes. The substance of the rule remains unchanged.

Item D is added as a separate item of this subpart.

7895.0110 Thoroughbred Breeders Fund

7895.0110, subpart 2, item B

The Commission proposes to amend this item by deleting the reference to races which are restricted to Minnesota bred or Minnesota foaled horses. The amendment is necessary to conform the rule to a 1988 statutory change.

7895.0350 Quarterhorse Registration

7895.0350, subpart 1, item A

The Commission proposes to amend this item by inserting the word "be". The proposed change is both necessary and reasonable because it clarifies a minor language omission in the current rule.

7897.0100 Prohibited Acts

7897.0100, subpart 10

The Commission proposes to amend this subpart by providing an opportunity for the creditors of a licensee who willfully or deliberately refuses to pay money when due for any service supplies or fee connected with his or her activities as a licensee, to obtain relief from the Commission under certain specified circumstances. The proposed rule is necessary to eliminate and address the non-payment of bills by Racing Commission licensees. The proposed amendment allows a creditor to obtain redress for amounts in excess of $2,000 but not exceeding $5,000 for goods or services provided within a 45 day period. The limitations are necessary because the creditor may

easily obtain a judgment in conciliation court and present the judgment to the Racing Commission for action if the amount in controversy is less than $2,000. However, collection of amounts in excess of $2000 often requires the initiation of a legal proceeding in district court -- a proceeding that takes a substantial amount of time and money. Accordingly, for all amounts between $2000 and $5000, the Commission has provided a method of redress. The Commission is unwilling to provide a remedy unless the creditor brings the matter to the attention of the stewards before the amount in arrears exceeds $5,000 and 45 days of non-payment. This limitation requires creditors to take remedial action within a reasonable time after the debt is incurred, and before the debt becomes substantial. The rule is reasonable because it creates a mechanism for collection that was not previously available to creditors of Commission licensees.

7899.0100 Variances

7899.0100, subpart 2

The Commission proposes to amend this subpart by deleting the requirement that persons seeking variance requests must submit to the Commission 12 copies of all pertinent documents. The deletion is necessary because the Commission has delegated the handling of variances requests to a three-member panel. Therefore, the submission of 12 copies is unnecessary and burdensome to the applicant.

7899.0100, subpart 3

The Commission proposes to amend this subpart by deleting certain requirements contained in item A. The Commission proposes to delete the requirement that all persons who have registered their names with the Commission for the purpose of being notified of rulemaking proceedings receive copies of all variance requests. The deletion is necessary because many persons have notified the Commission that while they are interested in receiving notices of rulemaking, they are not interested in receiving notices of variance requests. Therefore, in the interests of administrative economy, the Commission has deleted the requirement that such notice be provided.

The Commission has also deleted a provision requiring notice of a variance hearing that contains a brief description of the variance request and a statement that any person wishing to comment on the request may do so in writing. The deletion is necessary because in the five years the Commission has been in existence and handling variance requests, not one person has submitted a comment or requested to attend a variance hearing.

Again, in the interests of administrative economy, the Commission proposes to streamline the variance procedure in a manner that is expedient, fair, and in conformance with the wishes and desires of members of the industry.

MINNESOTA RACING COMMISSION

Donald R. Price

DONALD R. PRICE
Executive Director

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

In the Matter of the Proposed Adoption of Rules of the Minnesota Racing Commission Concerning Amendments to the Existing Rule Governing Horse Racing.

AFFIDAVIT OF MAILING THE NOTICE OF PROPOSED ADOPTION OF RULE 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 2nd day of 3-2, 1989.

That on the 2nd day of March, 1989, at the City of Eden Prairie, County of Hennepin, State of Minnesota, I mailed the attached Notice of Proposed Adoption of a Rule by depositing in the United States mail, a copy thereof with postage prepaid, to all persons and associations on the aforementioned mailing list.

Donald R. Price
DONALD R. PRICE, Executive Director
Minnesota Racing Commission

Subscribed and sworn to before me this 2nd day of March, 1989.

Sharon A. Beighley
NOTARY PUBLIC

SHARON A. BEIGHLEY
NOTARY PUBLIC – MINNESOTA
HENNEPIN COUNTY
My Commission Expires Oct. 23, 1989

J. role and responsibilities of the agency's peace officer during intra-jurisdictional and inter-jurisdictional pursuits; and

K. methods of evaluation of the pursuit.

The written procedures must also state how peace officers will provide assistance to a person injured during the course of a pursuit.

6700.2702 TRAINING REQUIREMENTS.

The chief law enforcement officer of each law enforcement agency shall adopt specific training requirements concerning pursuits based on:

A. written procedures governing conduct of peace officers who are in pursuit of a vehicle being operated in violation of *Minnesota Statutes*, section 609.487;

B. type of agency and geographical location;

C. training needs of the peace officers within the agency;

D. overall training needs of the agency; and

E. an analysis of the evaluations of previous pursuits.

6700.2703 COPIES OF PROCEDURES.

Subpart 1. **Police pursuit copies.** Copies of the written procedures governing police pursuits, or any subsequent modifications, must specify the effective date.

Subp. 2. **Copies available to public.** Copies of current written procedures governing police pursuits must be available to the public on request. Copies of written procedures governing police pursuits and any subsequent modifications of the procedures must be distributed by the chief law enforcement officers to licensees who are employed or appointed by the agency.

6700.2704 AFFIRMATION OF COMPLIANCE.

The chief law enforcement officer of each law enforcement agency shall affirm to the board compliance with part 6700.2701 no later than October 15, 1989. The board will supply the compliance form to be used. If any agency begins operation after October 1, 1989, the chief law enforcement officer shall affirm to the board compliance with part 6700.2701 no later than 15 days after the agency begins operation.

REPEALER. *Minnesota Rules*, parts 6700.0100, subparts 5 and 9; 6700.1100; 6700.1200; and 6700.1201, are repealed.

EFFECTIVE DATE. Minnesota Rules, parts 6700.0100, subparts 5a, 7, 10, 11, 18, 19, 20, 21, 22, 23, and 24; 6700.0300; 6700.0400; 6700.0500; 6700.0501; 6700.0600; 6700.0700; and 6700.1000 are effective December 31, 1989. Parts 6700.0100, subpart 25; 6700.0401; 6700.0900; and 6700.0902, are effective July 1, 1989.

Minnesota Racing Commission

Proposed Permanent Rules Relating to Horse Racing in Minnesota

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

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.

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.

Dated: 15 February 1989

Donald Price
Executive Director
Minnesota Racing Commission

Rules as Proposed

7869.0100 DEFINITIONS.

Subpart 1. to 50. [Unchanged.]

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

A. to L. [Unchanged.]

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

N. [Unchanged.]

Subp. 52. to 69. [Unchanged.]

7873.0300 SIMULCAST WAGERING.

Subpart 1. [Unchanged.]

Subp. 2. **Approval.** All ~~approved~~ simulcast races must be conducted at the licensed racetrack ~~on a racing day assigned to an association~~ and approved by the commission. ~~Racing must be conducted on that racing day as defined by *Minnesota Statutes*, section 240.01, subdivision 10.~~

Subp. 3. [Unchanged.]

Subp. 4. [See Repealer.]

Subp. 5. [Unchanged.]

7873.0550 DISTRIBUTION OF PURSE MONEY.

Subpart 1. **Purse amounts.** Purse amounts must be set pursuant to *Minnesota Statutes*, section 240.13, subdivision 5~~, an amount equal to not less than five percent of all money in all pools must be allocated for purses by an association conducting horse racing~~.

In making the distribution of purse money, an association must, to the extent possible, maintain purse amounts in proper relationship to actual pari-mutuel handles.

Subp. 2. to 6. [Unchanged.]

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

Subpart 1. [Unchanged.]

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

A. date of birth;

B. social security number;

C. home address;

D. home telephone number;

E. names and addresses of previous employers;

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

G. if the applicant is 18 years of age or above, a completed FBI fingerprint card.

Subp. 3. and 4. [Unchanged.]

7877.0120 FEES.

Subpart 1. [Unchanged.]

Subp. 2. **Fingerprint charge.** In addition to the license fee in subpart 1, each initial application for a Class C license, and each renewal application every third year thereafter, shall be accompanied by a completed FBI fingerprint card taken by the commission and a cashier's check or money order in the amount of $14 payable to "Federal Bureau of Investigation." Any horse owner who does not make application in person must meet all requirements of this subpart, except that the owner may file a completed fingerprint card taken by a law enforcement agency. This subpart does not apply to applications submitted by persons under the age of 18.

Subp. 3. and 4. [Unchanged.]

7877.0160 DURATION AND EXTENT OF CLASS C LICENSES.

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

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

A. [Unchanged.]

B. the licensee furnishes proof of employment or other evidence that he or she is practicing the occupation for which he or she is licensed at the race meeting other than the meeting for which the license was issued.

Subp. 3. [Unchanged.]

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

7883.0100 ENTRIES AND SUBSCRIPTIONS.

Subpart 1. to 15a. [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.

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

A. and B. [Unchanged.]

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

Subp. 17. [Unchanged.]

Subp. 18. **Protest.** Any time before the running of a race, an owner, trainer, or authorized agent may object to the eligibility of a horse participating in the race by filing a written protest with the stewards.

7883.0120 DECLARATIONS AND SCRATCHES.

Subpart 1. to 5. [Unchanged.]

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

Subp. 7. [Unchanged.]

7890.0140 BLEEDERS.

Subpart 1. to 5. [Unchanged.]

Subp. 6. **Lasix® may be administered to certified bleeders.** ~~Upon request, any horse placed on the bleeder list shall, in its next race, be permitted the use of Lasix®. Once a horse has raced with Lasix®, it must continue to race with Lasix® in all subsequent races unless a request is made to discontinue the use. If the use of Lasix® is discontinued, the horse shall be prohibited from again racing with Lasix® unless it is later observed to be bleeding pursuant to subpart 1 or meets the requirements of subpart 3. Requests for the use of or discontinuance of Lasix® must be made to the commission veterinarian by the horse's trainer or assistant trainer on a form prescribed by the commission on or before the day of entry into the race for which the request is made.~~ Lasix® shall be administered intravenously by a veterinarian employed by the owner or trainer of the horse. The Lasix® must be administered at least four hours before scheduled post time for any horse entered to race and the dose level of Lasix® must not exceed 250 milligrams (five milliliters of a 50 milligram/milliliter or five percent solution) per administration. Lasix® must be administered as follows:

A. The practicing veterinarian must deposit with the commission veterinarian at the Lasix® detention barn an unopened supply of Lasix® and sterile hypodermic needles and syringes to be used for the administration. The horse must be brought to the Lasix® detention barn for treatment not less than four hours before scheduled post time for the race in which it is entered to start. The Lasix® must be administered under the supervision of a person employed by the commission. Once at the Lasix® detention barn, a horse shall remain there until it is taken to the paddock to be saddled or harnessed for a race.

B. The requirements of item A shall not apply if:

(1) the commission approves a scientifically recognized test to determine the quantitative level of Lasix® in a plasma sample of the treated horse;

(2) the commission establishes the permitted quantitative level determined by scientific research and accepted as the recognized standard by the industry; and

(3) the trainer delivers to the commission veterinarian no later than one hour before post time of the race for which the horse is entered the following information, on a form provided by the commission:

(a) the racetrack name, date, and time of day Lasix® was administered to the entered horse;

(b) the dosage amount of Lasix® administered to the entered horse; and

(c) the printed name and signature of the veterinarian who administered the Lasix®.

Subp. 7. to 9. [See Repealer.]

Subp. 10. [Unchanged.]

7892.0120 TAKING OF SAMPLES.

Subpart 1. **Horses tested.**

A. Blood and/or urine test samples shall be taken from the winning horse in every race~~,~~ and horses finishing second in races with quinella or exacta wagering~~,~~.

B. Blood and/or urine test samples may be taken from randomly selected horses ~~selected at random~~ during each racing program, ~~and~~ from horses designated by the stewards or the commission veterinarian at any time upon suspicion that a violation of chapter 7890 has occurred, or for testing the quantitative level of furosemide in the plasma of treated horses.

C. The stewards or commission veterinarian may require that specimens of saliva or other body fluid or excretion may be taken from a tested horse as deemed necessary by the stewards or the commission veterinarian to determine whether a violation of chapter 7890 has occurred.

D. Any owner, trainer, or other person having care, custody, or control of a horse required to be tested must submit the horse immediately.

Subp. 2. to 6. [Unchanged.]

7895.0110 THOROUGHBRED BREEDERS' FUND.

Subpart 1. [Unchanged.]

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

A. [Unchanged.]

B. Sixty-two percent shall be paid to supplement purses ~~in races which are restricted to Minnesota-bred or Minnesota-foaled horses~~. The purse supplements shall be apportioned in accordance with the quality of the race as determined by the commission.

C. [Unchanged.]

Subp. 3. to 8. [Unchanged.]

7895.0350 QUARTER HORSE REGISTRATION.

Subpart 1. **Broodmare registration.** To be eligible to receive any breeders' award payments, the following requirements must be met:

A. Prior to foaling, a broodmare must be in Minnesota and registered or the registration renewed with the racing commission or official registering agency on or before January 31 of the year in which the broodmare will foal. The broodmare's original American Quarter Horse Association (AQHA) certificate must be received by the racing commission or official registering agency.

B. and C. [Unchanged.]

Subp. 2. and 3. [Unchanged.]

7897.0100 PROHIBITED ACTS.

Subpart 1. 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 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 nonexistent account; or (c) written documentation that a licensee is in arrears in an amount in excess of $2,000 but not to exceed $5,000 for goods or services for a period of time not to exceed 45 days from the date the goods or services were first provided.

Subp. 11. to 18. [Unchanged.]

7899.0100 VARIANCES.

Subpart 1. [Unchanged.]

Subp. 2. **Requests for a variance.** A person desirous of obtaining a variance from the application of one or more of the commission's rules shall initiate the variance process by submitting in writing to the commission ~~12 copies of~~ the following information and documents:

A. to C. [Unchanged.]

Subp. 3. **Disposition of variance requests.** The commission shall grant or deny a variance pursuant to the following procedures and standards:

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.

A. Upon receipt of a variance request, the commission shall send written notice ~~thereof~~ of the time, date, and place of the variance hearing to all persons who have registered their names with the commission for ~~the~~ that purpose ~~of being notified of rulemaking proceedings or variance requests, and~~. The commission shall not act upon the variance request for 30 calendar days after it has issued the notice. ~~The notice shall contain a brief description of the variance request, a statement that any person wishing to comment on the request may do so in writing, and a statement that the commission will not act on the variance request until interested persons have been afforded at least 30 calendar days after the commission's issuance of the notice to submit their comments.~~

B. to E. [Unchanged.]

Subp. 4. [Unchanged.]

REPEALER. *Minnesota Rules,* parts 7873.0300, subpart 4; and 7890.0140, subparts 7, 8, and 9 are repealed.

Department of Trade and Economic Development

Proposed Permanent Rules Relating to Independent Wastewater Treatment Grants Program

Notice of Intent to Amend Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Commissioner of Trade and Economic Development proposes to amend the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, sections 14.22 to 14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, section 446.06, subdivision 2.

All persons have 30 days to submit comments in support of or in opposition to the proposed amendments to the rules. Comment is encouraged. Each comment should identify the portion of the proposed amendments to the rules addressed, the reason for the comment and any change proposed. The proposed amendments to the rules may be modified if the modifications are supported by the data and views submitted to the Authority and do not result in a substantial change.

Any person may make a written request for a public hearing 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 hearing should state his or her name and address, and is encouraged to identify the portion of the proposed amendments to the rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to the *Minnesota Statutes*, sections 14.13 to 14.20.

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

Martin English
Public Facilities Authority
900 American Center Building
150 Kellogg Boulevard
St. Paul, MN 55101

A Statement of Need and Reasonableness that describes the need for and reasonableness of the amendments to the rules and identifies the data and information relied upon to support the proposed amendments to the rules has been prepared and is available upon request from Martin English.

If no hearing is required, upon adoption of the amendments to the rules, the rules 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 persons 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 Martin English.

David J. Speer
Commissioner of Trade and Economic Development

Rules as Proposed

7380.0500 SCOPE OF RULES.

Parts 7380.0500 to 7380.0582 provide for the awarding of grants by the Minnesota Public Facilities Authority under *Minnesota*

CERTIFICATE OF THE
MINNESOTA RACING COMMISSION
RESOLUTION ADOPTING THE RULE

I, Ralph Strangis, 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 18th day of April 1989, 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 racing rule is approved and adopted, pursuant to authority vested in the Minnesota Racing Commission by Minnesota Statutes 240.23.
>
> 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 further is authorized to modify the rule if necessary to obtain approval of the rule by the Attorney General and to perform the necessary acts to provide that the rule shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 18th day of April, 1989.

RALPH STRANGIS

COMMISSIONER

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

In the Matter of the Proposed Adoption of the Rules of the Minnesota Racing Commission Concerning Amendments to the Existing Rules Governing Horse Racing

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

Notice of the Minnesota Racing Commission's intent to adopt the above-entitled rule was published in the State Register on March 13, 1989 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 2, 1989. 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 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 Minnesota Racing Commission.

No comments on the rule were received by the Agency, and no requests for notice of submission to the Attorney General were received.

Based on the evidence in the record before the Minnesota Racing Commission, I find the following:

1. The above-captioned rule as proposed is needed and reasonable and supported by the rulemaking record.

2. The rule has been modified to correct the inadvertent deletion of a portion of Minn. Rule pt. 7890.0140, subp. 6.

Thus, Minn. Rule 7890.0140, subp. 6 has been modified as follows:

Subp. 6. Lasix may be administered to certified bleeders. Upon request, any horse placed on the bleeder list shall, in its next race, be permitted the use of Lasix. Once a horse has raced with Lasix, it must continue to race with Lasix in all subsequent races unless a request is made to discontinue the use. If the use of Lasix is discontinued, the horse shall be prohibited from again racing with Lasix unless it is later observed to be bleeding pursuant to subpart 1 or meets the requirements of subpart 3. Requests for the use of or discontinuance of Lasix must be made to the commission veterinarian by the horses's trainer or assistant trainer on a form prescribed by the commission on or before the day of entry into the race for which the request is made. Lasix shall be administered intravenously by a veterinarian employed by the owner or trainer of the horse. The Lasix must be administered at least four hours before scheduled post time for any horse entered to race and the dose level of Lasix must not exceed 250 milligrams (five milliliters of a 50 milligram/milliliter or five percent solution) per administration. Lasix must be administered as follows:

A. The practicing veterinarian must deposit with the commission veterinarian at the Lasix detention barn an unopened supply of Lasix and sterile hypodermic needles and syringes to be used for the administration. The horse must be brought to the Lasix detention barn for treatment not less than four hours before scheduled post time for the race in which it is entered to start. The Lasix must be administered under the supervision of a person employed by the commission. Once at the Lasix detention barn, a horse shall remain there until it is taken to the paddock to be saddled or harnessed for a race.

B. The requirements of item A shall not apply if:

(1) the commission approves a scientifically recognized test to determine the quantitative level of Lasix in a plasma sample of the treated horse;

(2) the commission establishes the permitted quantitative level determined by scientific research and accepted as the recognized standard by the industry; and

(3) the trainer delivers to the commission veterinarian no later than one hour before post time of the race for which the horse is entered the following information, on a form provided by the commission:

(a) the racetrack name, date, and time of day Lasix was administered to the entered horse;

(b) the dosage amount of Lasix administered to the entered horse; and

(c) the printed name and signature of the veterinarian who administered the Lasix.

The modification is necessary to continue the current practice of controlling the administration of Lasix to certain racehorses. The modification is reasonable because it corrects an inadvertent deletion of a portion of the rule and returns the rule to its current form.

The rule, as modified, is not substantially different than the rule as originally published. The modified rule affects no classes of persons who could not have reasonably been expected to submit comments, nor does the rule go to new subject matter of significant substantive effect or make a major substantive change not raised by the original rule. Indeed, the rule, as modified, continues the accepted and understood method for the administration of Lasix -- a method which has been effectively employed in Minnesota since 1985.

ORDER

NOW THEREFORE, IT IS ORDERED that these rules, identified as amendments to the existing rules governing horse racing, are adopted this 18th day of April, 1989, pursuant to the authority vested in the Minnesota Racing Commission by Minn. Stat. § 240.23 (1986).

Donald R. Price

DONALD R. PRICE
Executive Director
Minnesota Racing Commission

STATE OF MINNESOTA
MINNESOTA RACING COMMISSION

In the Matter of the Proposed Rules of the Minnesota Racing Commission Concerning Amendments to the Existing Rules Governing Horse Racing.

SUPPLEMENTAL FINDINGS OF FACT, CONCLUSIONS AND ORDER

The Findings of Fact, Conclusions and Order in the above-entitled rule was prepared on April 18, 1989 and submitted to the Attorney General for review on or about May 17, 1989. Pursuant to Minn. Stat. § 14.26 (1988), the last day for approval of the rule by the Attorney General was June 1, 1989.

Prior to the Attorney General's action on the proposed rule, the Minnesota Racing Commission withdrew the rule for corrective action. The modified rule was resubmitted on or about June 29, 1989.

The rule has been modified by deleting Minn. Rule pt. 7890.0140, subpart 6, item B. This item would have allowed the Commission to approve a scientifically recognized test to determine the acceptable quantitative level of furosimide (Lasix) in the plasma sample of a treated race horse. The item would have established an alternative method for the administration and regulation of furosimide (Lasix).

The deletion of item B eliminates the ability of the Commission to change the current practice of administering furosimide without the formal promulgation of rules. The rule, as modified, continues the accepted and understood method for the

administration of furosimide -- a method which has been effectively used in Minnesota since the inception of horse racing in 1985. Accordingly, the modification does not constitute a substantial change. The modified rule affects no classes of persons who could not have reasonably been expected to submit comments, nor does the rule go to new subject matter of significant substantive effect or make a major substantive change not raised by the original proposed rule.

ORDER

NOW THEREFORE, IT IS ORDERED that the Findings of Fact, Conclusions and Order dated April 18, 1989 relative to the above-entitled rule is incorporated herein and the rule, as modified, is needed and reasonable and supported by the rulemaking record.

Dated: JUNE 23, 1989.

Donald R. Price

DONALD R. PRICE
Executive Director
Minnesota Racing Commission

STATE OF MINNESOTA
MINNESOTA RACING COMMISSION

In the Matter of the Adoption of the Rule 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. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0733.

MARY B. MAGNUSON
Special Assistant
Attorney General

Dated: April 21, 1989.

STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
ST. PAUL 55155

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

ADDRESS REPLY TO:
200 FORD BLDG.
117 UNIVERSITY AVE.
ST. PAUL, MN 55155
TELEPHONE: (612) 296-7575
FACSIMILE: (612) 297-4348

June 21, 1989

RECEIVED
JUL 03 1989
ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155

Martha Casserly
Special Assistant Attorney General
Administration/Finance Division
515 Department of Transportation Bldg.
St. Paul, MN 55155

RE: Rules of the Minnesota Racing Commission

Dear Marty:

In accordance with our telephone conversation, the Minnesota Racing Commission requests the withdrawal of the proposed rules submitted to you on or about May 17, 1989.

Enclosed please find four copies of the revised rules as well as Supplemental Findings of Fact, Conclusions and an Order. Please add these documents to the rulemaking record and consider the matter resubmitted for your review and approval.

I apologize for the delay. Apparently the revised rules were inadvertently held in limbo in the Revisor's Office. I would appreciate a call when your review is complete.

Thanks.

Very truly yours,

MARY B. MAGNUSON
Special Assistant
Attorney General

Public Safety Division
(612) 296-7574

MBM:pai
cc: Don Price