

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

DEPARTMENT: Office of the Attorney General **STATE OF MINNESOTA**

OFFICE MEMORANDUM

DATE: April 4, 1991

TO: RICHARD KRUEGER
Minnesota Racing Commission

FROM: MARY JO MURRAY
Special Assistant Attorney General
525 Park Street, Suite 500 (55103)

PHONE: 296-3258

SUBJECT: In the Matter of the Adopted Rule Relating to Pari-mutuel Horse Racing

The above-referenced rule has been approved as to its legality by the Attorney General on April 3, 1991.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

MJM:sc
Enclosures
cc: Mary Magnuson
William Brown, Chief Judge
MaryAnn Hruby

3/25
MJM

RULE REVIEW CHECKLIST

File No. 1813
DATE RECEIVED 3-18-91
REVIEW DATE 3-27-91
DUE DATE 4-1-91
~~(DIS)~~APPROVED 4-1-91
WITHDRAWN

Docket No. 050009 0733
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 3/25/91
REVISOR (DIS)APPROVED
FILED W/SEC. OF STATE 4-3-91
RETURNED TO AGENCY 4-4-91

✓ 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

✓ Board's Authorizing Resolution
December 19, 1990 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
240.23 Statutory Authority
in SOAR Small Business Statement
NA Expenditure of public money statement
December 19, 1990 Signature

✓ Statement of Need and Reasonableness (if applicable)
✓ Small Business Statement
NA Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
January 17, 1991 Dated (30)/25 days before adoption
attached Notice attached indicates it is
___ Copy of rule or summary attached

✓ Publication in State Register
January 22, 1991 Date (30)/25 days before adoption

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
___ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
March 13, 1991 Date adopted

___ Findings of Fact, Conclusions & Order Adopting
~~March~~ March Date 13, 1991

✓ Written Requests, Submissions or Comments

✓ Declaration of Attorney
Mary Magnuson Name of SAAG representing agency

* March 15, 1991 Notice of Submission to Attorney See note

Minnesota Racing Commission

Adopted Permanent Rules Relating to Pari-mutuel Horse Racing

Rules as Adopted

7870.0400 DEADLINES FOR SUBMISSION OF CLASS A AND B LICENSE APPLICATIONS.

Deadlines for submission of a Class A or B license application are as follows:

A. Applications for a Class A license to own and a Class B license to operate a racetrack in the seven-county metropolitan area may be submitted at any time by filing the application with the commission at its administrative offices.

B. Applications for Class A licenses to own and Class B licenses to operate racetracks outside the seven-county metropolitan area may be submitted at any time. If the commission determines that applications will be submitted for Class A licenses to own and class B licenses to operate racetracks outside the seven-county metropolitan area which will compete significantly with each other, the commission must establish a deadline for submission of applications.

C. Notwithstanding items A and B, applications for Class B licenses must be submitted at least 60 days before the date on which the applicant proposes to commence horse races.

7871.0010 APPLICATION FOR PARI-MUTUEL POOLS.

[For text of subpart 1, see M.R.]

Subp. 2. **Disposition of requests.** The commission must act on a request for approval of pari-mutuel pools under the following procedures:

[For text of items A to D, see M.R.]

E. The commission shall approve, deny, or give its qualified approval to an application for pari-mutuel pools not sooner than 25 nor later than 45 days after filing of the application.

[For text of item F, see M.R.]

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[For text of subps 3 and 4, see M.R.]

7872.0100 APPLICATION FOR RACING DAYS.

[For text of subpart 1, see M.R.]

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

[For text of item A, see M.R.]

B. The commission shall conduct a public hearing on the request no sooner than 25 nor later than 45 days after an application is filed. The commission shall issue a press release no later than five days after an application is filed announcing the filing and the time and place of the public hearing.

[For text of items C to F, see M.R.]

[For text of subps 3 to 7, see M.R.]

7873.0100 APPLICATION FOR PARI-MUTUEL POOLS.

[For text of subpart 1, see M.R.]

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

[For text of items A to D, see M.R.]

E. The commission shall approve, deny, or give its qualified approval to an application for pari-mutuel pools not sooner than 25 nor later than 45 days after filing of the application.

[For text of item F, see M.R.]

[For text of subp 3, see M.R.]

7873.0110 APPROVAL OF PARI-MUTUEL POOLS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Live racing days; director of pari-mutuel racing authority.** The director of pari-mutuel racing is delegated the authority to approve variation and changes in the pari-mutuel pools previously approved by the commission, placement of pools in the program, and simulcasts requested by the licensee that

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meet the criteria in subpart 2. The director of pari-mutuel racing is delegated the authority to approve changes in the placement of pari-mutuel pools in the program, the addition of approved pari-mutuel pools to the program, and changes in simulcasting requests by the licensee that meet the criteria in subpart 2. Before approving a change in the pick six, pick seven, twin trifecta, and super-tri wagering pools, the director must consult with the commission's executive committee.

7873.0185 TRIFECTA.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Restrictions on trifecta races.** The restrictions in items A to C apply to trifecta races.

A. Coupled or uncoupled entries and mutuel fields are prohibited from starting in trifecta races.

B. There shall be no trifecta wagering on handicap races.

C. If fewer than eight horses are declared starters, trifecta wagering shall be canceled and all trifecta wagers shall be refunded. If time permits, the association may schedule exacta wagering in place of trifecta wagering.

[For text of subp 8, see M.R.]

7873.0186 TWIN TRIFECTA.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Procedures.** The twin trifecta pools shall be calculated according to one of the two following methods as approved by the commission.

A. (1) Each bettor purchasing twin trifecta tickets shall designate selections as the first three horses to finish in exact order in the first race of the two designated races.

(2) After wagering closes for the first race of the twin trifecta, the net pool will be divided with 25 percent of the net pool going to the first race of the twin trifecta and 75 percent of the net pool going to the second race of the twin trifecta.

(3) After the official declaration of the first

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race of the twin trifecta, 25 percent of the net pool will be distributed to the holders of the twin trifecta tickets selecting the first three horses in exact order, on the first designated twin trifecta race. Further, each bettor holding a ticket correctly selecting the first three horses in the exact order of finish must, before the running of the second twin trifecta race, exchange the winning tickets for both the monetary value as calculated by the totalisator equipment and twin trifecta exchange tickets and at such time shall select three horses to finish in the second race of the twin trifecta in the exact order as officially posted. No further money shall be required of the holders of the winning tickets in order to make the exchange.

(4) After the official declaration of the second race of the twin trifecta, the remaining 75 percent of the net pool will be distributed to the holders of the second half twin trifecta tickets selecting the first three horses in exact order, on the second designated twin trifecta race.

(5) If a winning twin trifecta ticket from the first race is not presented for cashing and exchange within the time provided, the bettor may still collect the monetary value of the ticket, but forfeits all rights to any distribution of the second race net pool of the twin trifecta.

B. (1) Each bettor purchasing twin trifecta tickets shall designate selections as the first three horses to finish in exact order in the first race of the two designated races.

(2) After wagering closes for the first race of the twin trifecta, the net pool will be divided with 50 percent of the net pool going to the first race of the twin trifecta and 50 percent of the net pool going to the second race of the twin trifecta.

(3) After the official declaration of the first race of the twin trifecta, 50 percent of the net pool will be distributed to the holders of the twin trifecta tickets selecting the first three horses in exact order, on the first designated twin trifecta race. Further, each bettor holding a

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ticket correctly selecting the first three horses in the exact order of finish must, before the running of the second twin trifecta race, exchange the winning tickets for both the monetary value as calculated by the totalisator equipment and twin trifecta exchange tickets and at such time shall select three horses to finish in the second race of the twin trifecta in the exact order as officially posted. No further money shall be required of the holders of the winning tickets in order to make the exchange.

(4) After the official declaration of the second race of the twin trifecta, the remaining 50 percent of the net pool will be distributed to the holders of the second half twin trifecta tickets selecting the first three horses in exact order, on the second designated twin trifecta race.

(5) If a winning twin trifecta ticket from the first race is not presented for cashing and exchange within the time provided, the bettor may still collect the monetary value of the ticket, but forfeits all rights to any distribution of the second race net pool of the twin trifecta.

[For text of subps 4 to 8, see M.R.]

Subp. 9. **Restrictions on twin trifecta races.** The restrictions in items A to C apply to twin trifecta races.

A. Coupled or uncoupled entries and mutuel fields are prohibited from starting in twin trifecta races.

B. There shall be no twin trifecta wagering on handicap races.

C. If fewer than eight horses are declared starters for the first race of the twin trifecta, twin trifecta wagering shall be canceled for that day and all twin trifecta wagers shall be refunded. However, any accumulated second race twin trifecta carryover will not be affected and will carry over to the next consecutive race day. In the event this occurs on the final program, the accumulated net pool of the second twin trifecta race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race twin

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trifecta net pool for the next consecutive racing date as an additional net amount to be distributed.

If fewer than eight horses are declared starters for the second race of the twin trifecta, all holders of exchange tickets to the second race of the twin trifecta will share equally in that part of the second race net pool added in that day. The amount carried over from previous days will not be distributed and will be carried over to the next consecutive race day. In the event this occurs on the final program, the accumulated net pool of the second twin trifecta race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race twin trifecta net pool for the next consecutive racing date as an additional net amount to be distributed.

[For text of subp 10, see M.R.]

7873.0190 PICK SIX.

[For text of subps 1 to 5, see M.R.]

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

[For text of items A to C, see M.R.]

D. With the permission of the commission before the start of racing, a licensee may declare a mandatory payout on the next consecutive race day after the pick six carryover pool has reached a previously approved amount. Should no distribution be made pursuant to item A or B, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of the tickets correctly designating the most winning selections of the six races comprising the pick six for that day. If, for any reason, the day of racing is canceled, or the pick six pool has not been distributed, the pool shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing day as an additional net amount to be distributed.

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[For text of subps 7 to 10, see M.R.]

Subp. 11. **Additional money added.** With the approval of the commission, the association may guarantee a minimum payout in the pick six. If the guaranteed payout exceeds the amount available for distribution from the amounts wagered, the association shall provide the difference by paying the holders of any winning ticket correctly designating the official winner in each of the six races comprising the pick six with its own funds.

7873.0192 SUPER-TRI WAGERING AND POOLS.

Subpart 1. **Scope.** The super-tri is a form of pari-mutuel wagering in which the bettor selects three runners that will finish first, second, and third in one designated race, then select the correct order of finish, first, second, third, and fourth in another designated race. All super-tri wagers will be calculated in an entirely separate pool, with no relation to any other pool.

Subp. 2. **Price of tickets.** Super-tri tickets shall be sold in not less than $2 denominations.

Subp. 3. **Procedures.** The procedures in items A to E apply to super-tri races.

A. Each bettor purchasing super-tri tickets shall designate selections as the first three runners to finish in exact order in the first race of the designated two races.

B. After the wagering closes on the first half of the super-tri, the net pool will then be divided into two separate pools of equal amounts.

C. The money in the first part of the pool will be distributed to the holders of the trifecta portion selecting the first three runners in order on the first designated super-tri race according to the established pari-mutuel practice.

After the official declaration of the first three runners to finish in the first race of the super-tri, each bettor holding a winning ticket with the exact order of finish must, prior to the running of the second super-tri race, exchange the

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winning ticket for both the monetary value established by the mutuels department and super-tri exchange tickets and at that time shall select the four runners to finish in the second race of the super-tri in the exact order of finish as officially posted. No further money shall be requested of the holders of the winning ticket in order to make the exchange.

In the first part of the super-tri, if no ticket is sold on a winning combination, selecting the first three finishers in exact order, there will be no exchange, only the consolation payoff, as described in subpart 4, with the exception of a mandatory payout according to subpart 7. Then an exchange will be given.

D. The second equal part of the divided pool will be distributed to holders of second half super-tri tickets selecting the first four runners in exact order of the second designated super-tri race.

E. No super-tri exchange for the second race shall be issued except upon surrender of the super-tri tickets from the first race as described in this subpart.

If a winning super-tri ticket from the first race is not presented for cashing and exchanging within the time provided, the bettor may still collect the monetary value attached to the ticket but forfeits all rights to any distribution of the second race super-tri pool.

Subp. 4. **Failure to select winning combination.** Items A to E govern payoffs in races where the winning combination has not been selected.

A. In the first race of the super-tri only, if no ticket is sold on a winning combination of a super-tri pool, the net pool shall be apportioned equally between those having tickets selecting the first and second place runners in exact order with all other horses. If no ticket is sold selecting the first and second runners in the super-tri pool, the net pool shall then be apportioned equally between those having tickets selecting the runner or runners that finish first and third, with all other horses finishing second in the super-tri race.

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Should no selection be made as above mentioned, the net pool shall be apportioned equally between those having selected the runner finishing second with the runner finishing third, with all other horses to win.

If no ticket is sold correctly selecting the second and third horse, the net pool shall be paid equally on those super-tri tickets selecting the horse that finished first, with all other horses finishing second and third.

B. Should no selection be made as described in this subpart, then a complete refund of the super-tri pool will be made and the super-tri will be canceled for that performance.

C. If less than three horses finish the first super-tri race, payoff shall be made equally on all tickets correctly selecting the actual finishing horses in order, ignoring the balance of the selection. In this event, there will be no exchange for the second race of the super-tri and the second race net pool will automatically carry over to the next consecutive race day.

D. If no ticket is sold that would require distribution of the net super-tri pool as described in item C, a full refund of the super-tri pool for that race shall be made.

If a full refund is required, any previous day's carryover will not be included and will carry over to the next consecutive race day.

E. In the event there is no super-tri ticket issued accurately selecting the officially declared first four finishers of the second super-tri race, in the exact order, the second race pool as divided earlier shall be held for the next consecutive racing day or night and combined with that program's second race super-tri net pool. Distribution of this cumulative second race super-tri net pool will be made only upon accurate selection, in exact order of the first four officially declared finishers of the second super-tri race.

Subp. 5. **Scratches.**

A. If fewer than eight horses are declared starters for the first race of the super-tri, super-tri wagering shall be

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canceled for that day and all super-tri wagers shall be refunded. However, any accumulated second race super-tri carryover will not be affected and will carry over to the next consecutive race day.

If fewer than eight horses are declared starters for the second race of the super-tri, all holders of exchange tickets to the second race of the super-tri will share equally in that part of the second race net pool added in that day. The amount carried over from previous days will not be distributed and will be carried over to the next consecutive race day.

B. If a runner is scratched in the first race of the super-tri prior to the running of the first half of the super-tri, then all super-tri tickets on the scratched runner will be refunded. A public address announcement will be made and a reasonable time will be given to make another selection.

If after the running of the first half of the super-tri, a runner is scratched in the second race of the super-tri, then all exchange tickets involving the scratched horse will be exchanged. A public address announcement will be made and a reasonable time will be given to make another selection.

C. For the second race of the super-tri only, all horses will be declared starters once the starting gate has opened. In this instance the prevention to start rule will not apply.

Subp. 6. **Dead heats.** In the event of a dead heat in either the first or second race of the super-tri races, all super-tri tickets with the correct order of finish counting a runner in a dead heat as finishing in any position dead-heated shall be a winning ticket and, the winning combinations shall be paid proportionately from the net super-tri pool.

Subp. 7. **Mandatory payout.** On the final program of any official race meeting, the entire accumulated second race super-tri net pool must be distributed.

A. With approval of the racing commission before the start of racing, the association may declare a mandatory payout on the accumulated second race super-tri pool on the next

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consecutive race day after the super-tri carryover pool has reached a previously approved amount. If there is a limit placed on the super-tri pool and there is no super-tri ticket issued selecting in the exact order of finish the officially declared first four finishers of the second super-tri race, the second race pool shall be apportioned according to the mandatory distribution rules in items C to G.

B. In the first half of the super-tri, if no ticket is sold on a winning combination of a super-tri pool, an exchange will be given along with the consolation payoff according to subpart 4, items A to D.

C. In the second half of the super-tri, if no ticket is sold on a winning combination, the net pool shall be apportioned equally between those having tickets selecting the first, second, and third runners in exact order with all others.

D. In the second half of the super-tri, if no ticket is sold selecting the first, second, and third runners in exact order, the net pool shall be apportioned equally between those having tickets selecting the first and second place runners in exact order with all others.

E. In the second half of the super-tri, if no ticket is sold selecting the first and second place runners, the net pool shall then be apportioned equally between those having tickets selecting the runner or runners that finish first with all others.

F. Should no selection be made as described in this subpart, the net pool shall be apportioned equally between those having selected the runner finishing second combined with the runner finishing third and combined with the runner finishing fourth in exact order with all others to win.

G. However, should no selection be made as provided for in items A to F, then the second part of that program's divided pool and any carryover will be evenly distributed to all holders of second race super-tri exchange tickets.

Subp. 8. **Cancellation of one or both super-tri races.**

A. If, for any reason, the first race of the

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super-tri is canceled, a full refund of all super-tri tickets will be made.

B. If, for any reason, the second race of the super-tri is canceled, not declared official, or less than three horses finish the race, the winning ticket holders on the first race of the super-tri will be entitled to equal distribution of the amount of the current program's net pool for the second half of the super-tri. The cumulative pool from previous programs shall not be distributed in this case and will be carried over to the next consecutive race day, unless the association has designated a mandatory payout pursuant to subpart 7.

Subp. 9. **Restrictions on super-tri races.**

A. Coupled or uncoupled entries and mutuel fields are prohibited from starting in super-tri races.

B. There shall be no super-tri wagering on handicap races.

C. If fewer than eight horses are declared starters for the first race of the super-tri, super-tri wagering shall be canceled for that day and all super-tri wagers shall be refunded. However, any accumulated second race super-tri carryover will not be affected and will carryover to the next consecutive race day, including mandatory distribution days. In the event this occurs on the final program, the accumulated net pool of the second race super-tri race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race super-tri net pool for the next consecutive racing date as an additional net amount to be distributed.

If fewer than eight horses are declared starters for the second race of the super-tri, all holders of exchange tickets to the second race of the super-tri will share equally in that part of the second race net pool added on that day. The amount carried over from previous days will not be distributed and will be carried over to the next consecutive race day, including mandatory distribution days. In the event this occurs on the final program, the accumulated net pool of the second super-tri

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race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race super-tri net pool for the next consecutive racing date as an additional net amount to be distributed.

Subp. 10. **Displaying super-tri rules.** Super-tri rules shall be prominently displayed at each track conducting super-tri wagering. Printed copies of super-tri rules shall be distributed to patrons upon request.

7873.0195 DISTRIBUTION OF PICK SEVEN, PICK SIX, AND PICK THREE POOLS.

The commission may authorize the distribution or carry over of the pick seven pool according to part 7873.0198, subpart 6, the pick six pool according to part 7873.0190, subpart 6 and the pick three pool according to part 7873.0191, subpart 6 on each final day of racing of a breed and on the final day of mixed breed racing within a race meeting. In determining whether to distribute or carry over the pick seven, pick six and/or pick three pools, the commission must consider the type of breed racing, assignment of future racing days, and the best interest of racing.

In cases where a carry over would occur, the commission must designate what constitutes the next succeeding racing date to which the escrowed funds are to be carried over.

7873.0198 PICK SEVEN.

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

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

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

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

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

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

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

(2) In the event there is no pari-mutuel ticket properly issued which correctly designated the official winner in each of the seven races comprising the pick seven, 75 percent

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of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding race date as an additional net amount to be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the seven races comprising the pick seven pool that day. The remaining 25 percent shall be distributed among the holders of pick seven tickets which correctly designate the most official winners of the seven races comprising the pick seven.

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

(2) In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner of each of the seven races comprising the pick seven, 50 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as a distributable amount and shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the seven races comprising the pick seven pool that day. The remaining 50 percent shall be distributed among the holders of pick seven tickets which correctly designate the most official winners of the seven races comprising the pick seven.

The method of distribution shall be selected by the racing association and implemented after approval by the commission; provided that the method of distribution benefits the wagering

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public and does not adversely affect the integrity of racing.

C. Should no distribution be made pursuant to item A or B on the last day of the association's meeting, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of tickets correctly designating the most winning selections of the seven races comprising the pick seven for that day. If, for any reason the final day of racing is canceled or the pick seven pool has not been distributed, the pool shall be escrowed by the association, and the pool, as well as all accrued interest, shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

D. With prior approval of the commission, the association may declare a mandatory payout of the accumulated carryover pool at a stated amount. Should no distribution be made pursuant to item A or B, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of the tickets correctly designating the most winning selections of the seven races comprising the pick seven for that day. If, for any reason, the day of racing is canceled or the pick seven pool has not been distributed, the pool shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing day as an additional net amount to be distributed.

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

The association may refund pick seven tickets that include the scratched selection prior to the beginning of wagering for

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the first race comprising the pick seven races.

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

Subp. 9. **Cancellation of race comprising pick seven.** In the event one or more of the races comprising the pick seven is canceled for any reason, or in the event one or more of the races comprising the pick seven is declared as no contest by the stewards, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed. The remaining 25 percent shall be distributed among the holders of pick seven tickets which correctly designate the most official winners of the remaining races comprising the pick seven. In the event of the cancellation of all seven races comprising the pick seven pool after wagering has been accepted on that day, a full and complete refund must be made of the pari-mutuel tickets sold on the pick seven on that day. One hundred percent of the remaining amount in the pick seven pari-mutuel pool shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

Subp. 10. **No pick seven ticket to be exchanged or canceled.** No pari-mutuel ticket for the pick seven pool shall be sold, exchanged, or canceled after the time of the close of wagering in the first of the seven races comprising the pick seven, except for the refunds on pick seven tickets as required by this part, and no person shall disclose the number of tickets sold in the pick seven pool or the number or amount of tickets selecting winners of pick seven races until such time as the stewards have declared "official" the last race comprising the pick seven.

Subp. 11. **Additional money added.** With the approval of

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the commission, the association may guarantee a minimum payout in the pick seven. If the guaranteed payout exceeds the amount available for distribution from the amounts wagered, the association shall provide the difference by paying the holders of any winning ticket correctly designating the official winner in each of the seven races comprising the pick seven with its own funds.

7875.0200 EQUIPMENT.

[For text of subps 1 to 8, see M.R.]

Subp. 9. **External communications.** An association may have telephone or telegraph systems on the premises during a race meeting for the benefit of the public, the press, or for transacting ordinary business. No information regarding the results of any race shall be transmitted out of the racetrack until the results are official except for races that are broadcast or televised live. Under no circumstances shall any message be sent over said wires transmitting money, or other things of value, or directing the placing of any wager on the result of a race except as permitted by part 7873.0400.

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

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

One public telephone is allowed per floor at an association track. Each phone must be monitored by association security and must be part of an "information center" provided by the association. All other instruments of communication, other than those designated for the sole use of the commission or those approved by the commission for use during racing, must be

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rendered inoperable between the hours starting 30 minutes before post time for the first race and the flashing of the "official" sign following the last race.

Any portable telephones, transmitters, or any other instrument that can be used for transmitting messages off the grounds of an association is subject to confiscation by security personnel or by the racing commission and its employees.

7876.0110 OFF-TRACK STABLING.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Horses must be at racetrack for race day inspection.** All horses shipped from another racetrack or off-track stabling facility to a racetrack for a race must be at the racetrack no later than 9:00 a.m. on the day on which the horse is scheduled to race.

7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

[For text of subps 1 and 2, see M.R.]

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

[For text of items A to C, see M.R.]

D. An applicant for a trainer's license shall provide proof of having complied with the workers' compensation laws, Minnesota Statutes, chapter 176, and all pertinent rules adopted thereunder.

[For text of subps 4 to 8, see M.R.]

Subp. 9. **Veterinarians.** An applicant for a veterinarian's license must:

A. provide proof of current validation to practice veterinary medicine in Minnesota;

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

C. provide proof of current United States Department of Agriculture Animal and Plant Inspection Service accreditation

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in Minnesota; and

D. provide proof of current registration status under the Controlled Substance Act of 1970, including the schedules for which the applicant has been approved by the Drug Enforcement Administration.

[For text of subps 10 to 15, see M.R.]

7877.0160 DURATION AND EXTENT OF CLASS C LICENSES.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Change of employees.** At the time a Class C licensee changes employees, the licensee must notify the association's validation office of the change no later than by the end of the next racing day of that race meeting.

[For text of subp 4, see M.R.]

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

[For text of subpart 1, see M.R.]

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

[For text of items A to E, see M.R.]

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

[For text of items G to S, see M.R.]

T. Each trainer shall comply with all provisions of Minnesota Statutes, chapter 176, and all rules adopted under that chapter.

[For text of subp 2a, see M.R.]

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

[For text of items A to C, see M.R.]

D. Each jockey reporting to the jockeys' room must remain there until he or she has fulfilled all of that day's

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riding engagements. While in the performance of his or her duties, the jockey may have no contact or communication with any person outside the jockeys' room other than with an owner or trainer for whom he or she is riding that day, or with the stewards or other commission officials.

[For text of items E to W, see M.R.]

[For text of subps 4 to 8, see M.R.]

Subp. 9. **Veterinarians.** The following shall apply to veterinarians licensed by the commission:

A. Veterinarians shall be responsible for the conduct of any veterinary assistant working with or employed by the veterinarian to ensure compliance with this subpart.

B. Veterinarians shall not be negligent in the performance of their duties with respect to the health and welfare of a horse, or in the prescription or administration of a medication or injectable substance, or in the use of equipment for hypodermic injection.

C. Veterinarians shall not be in possession of medications or substances which have not been approved for use in the United States by the Food and Drug Administration.

D. Veterinarians shall not be in possession of controlled substances in schedules for which they are not currently registered and approved by the Drug Enforcement Administration.

E. Veterinarians must remove from the grounds of an association all discardable equipment and injectable substance containers.

7879.0100 QUALIFICATIONS AND APPOINTMENT OF STEWARDS.

[For text of subpart 1, see M.R.]

Subp. 2. **Appointment and approval of stewards.** The following procedures must be observed in the appointment of stewards:

A. There shall be three stewards for each race meeting, at least two of whom shall be appointed by the commission. The third steward may be nominated by the

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association for approval by the commission if the commission determines that nomination by the association will be in the best interests of racing.

The commission must notify the association if it will accept an association's nomination for a steward. The name of the association nominee for steward must be submitted no later than 30 days before commencement of a race meeting and must be accompanied by biographical data setting forth the experience and qualifications of the nominee. No steward may serve until approved by the commission.

[For text of item B, see M.R.]

7883.0100 ENTRIES AND SUBSCRIPTIONS.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Prohibited entries.** No person shall:

[For text of items A and B, see M.R.]

C. enter a horse in more than one race on any day;

[For text of item D, see M.R.]

[For text of subps 7 to 15a, see M.R.]

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

A. A horse which has not started for a period of 30 days or more shall not be eligible to be entered until it has completed one timed workout prior to the entry date. Any workout following the entry of a horse shall appear on the official daily racing program or shall be posted for the public.

B. A horse which has not started for a period of 60 days or more shall not be eligible to be entered until it has completed two timed workouts prior to the entry date.

C. First-time starters must have gate approval and a minimum of two timed workouts, one of which must be out of the gate within 60 days prior to the entry date.

D. A horse, other than a first-time starter, which has not started for a period of one year or more shall not be eligible to be entered until it has completed three timed workouts, at least one of which must be before the commission veterinarian or the association veterinarian.

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[For text of subps 17 and 18, see M.R.]

7883.0130 PENALTIES AND ALLOWANCES.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Sex allowance.** In all races against male horses, except handicaps and races where the conditions expressly state to the contrary, fillies two years old are allowed three pounds and fillies and mares three years old and upward are allowed five pounds before September 1 and three pounds thereafter. The sex allowance may not be waived.

7883.0140 CLAIMING RACES.

[For text of subps 1 to 14, see M.R.]

Subp. 15. **Protest of claim.** Not later than the next racing day after the race was run, a written protest of a claim may be submitted to the stewards who shall investigate the matter as quickly as possible. In the event that a stewards' ruling is issued concerning a medication violation discovered through post-race drug testing of a claimed horse, a written protest of a claim may be submitted to the stewards within 24 hours of the posting of a ruling; however, a claimant may submit a written protest of a claim within 24 hours of the receipt of notification from the stewards of such a ruling.

[For text of subps 16 to 30, see M.R.]

7890.0100 DEFINITIONS.

[For text of subps 1 to 12, see M.R.]

Subp. 13. **Medication.** "Medication" is a substance, compound, or element, or combination thereof, which is or can be administered to a horse for the purpose of preventing, curing, or alleviating the effects of any disease, condition, ailment, or infirmity, or symptom thereof, or for altering in any way the behavior, attitude, temperament, or performance of a horse, including athletic performance. The term medication includes all analgesics, anesthetics, depressants, narcotics, stimulants, tranquilizers, and other classifications of medications. Nothing herein shall be deemed to include:

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[For text of item A, see M.R.]

B. Lasix®, provided, however, that if it is administered pursuant to the provisions of part 7890.0140, subpart 6.

[For text of items C and D, see M.R.]

[For text of subps 14 to 21, see M.R.]

7892.0120 TAKING OF SAMPLES.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Split samples.**

A. A portion of the sample from each horse tested, after a sufficient amount has been sent to the official laboratory, must be preserved by the commission. It must be available for testing at the request of a person accused of a violation of chapter 7890. ~~A person so accused may request that the portion of the test sample retained by~~ The commission shall approve a list of laboratories which may provide split sample testing. From this list, a person accused of a violation of chapter 7890 shall designate the laboratories in descending order of preference. The sample must be sent to the laboratory given the highest preference and that is capable of testing for the substance within 14 days. The commission veterinarian shall have overall responsibility for the storage, safeguarding, and shipment of the split sample and for the receipt of results from the drug testing laboratory to which the sample was sent.

B. A person making a request for split sample testing must do so in writing to the stewards within 72 hours of notice of the official laboratory's findings and must bear the cost of shipment and additional testing. The cost of additional testing shall be paid in the form of a check or money order payable to the Minnesota Racing Commission or in cash at the commission's administrative offices.

C. A person making a request for split sample testing must select from among the laboratories approved by the commission pursuant to item A, within 24 hours of receipt of the list.

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D. Failure to comply with the provisions of items B and C shall render the request for split sample testing null and void.

[For text of subp 6, see M.R.]

7895.0100 GENERAL PROVISIONS.

[For text of subps 1 to 6a, see M.R.]

Subp. 7. **Late fees.** All late fees collected for late registration of horses shall be allocated to the breeders' fund administration account.

7895.0125 THOROUGHBRED 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 and must remain in Minnesota until foaling. The broodmare's original jockey club certificate must be received by the racing commission or official registering agency.

[For text of items B to D, see M.R.]

E. The commission may, at its discretion, request written documentation from any persons seeking late registration that the broodmare was standing in Minnesota as of January 31 of the foaling year.

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

[For text of items A to D, see M.R.]

E. The commission may, at its discretion, request written documentation from any persons seeking late registration that the stallion was standing in Minnesota as of January 31 of the breeding year.

[For text of subp 3, see M.R.]

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7895.0275 STANDARDBRED REGISTRATION.

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

[For text of items A to D, see M.R.]

E. The commission may, at its discretion, request written documentation from any persons seeking late registration that the stallion was standing in Minnesota as of January 31 of the breeding year.

[For text of subp 2, see M.R.]

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 and must remain in Minnesota until foaling. The broodmare's original American Quarter Horse Association (AQHA) certificate must be received by the racing commission or official registering agency. The broodmare must be in foal to a Minnesota registered stallion which means a stallion owned at least 50 percent by residents of Minnesota or leased entirely by Minnesota residents, and which has stood the entire breeding season from January 31 to July 31 in Minnesota.

[For text of items B to E, see M.R.]

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

[For text of item A, see M.R.]

B. Stallions must remain in Minnesota for the entire breeding season from January 31 through July 31, unless the commission is notified in writing by certified mail in the event a stallion shall leave Minnesota for racing purposes, medical

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purposes, show purposes, or is sold through public auction or sold privately. A stallion may not breed any mares while in another state.

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

[For text of items C to E, see M.R.]

[For text of subp 3, see M.R.]

7897.0100 PROHIBITED ACTS.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Cooperation with security officers.** No person shall fail to comply with orders of security officers or racing officials or interfere with security officers or racing officials in the performance of their official duties. No racing official shall fail to comply with orders of a steward while in the performance of the steward's duties.

[For text of subps 8 and 9, see M.R.]

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 therefore 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, presenting facts sufficient to enable the stewards to determine that the claim is meritorious and is directly related to the licensee's activities in their state and that the debt became due within the last two years. Upon receipt of a complaint, the stewards may conduct an investigation and attempt to resolve the matter informally. If the stewards determine that the complaint has merit, and cannot resolve the matter informally or determine that it is not

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appropriate to settle the matter informally, then the stewards shall commence the appropriate disciplinary procedures in chapter ~~7879~~ 7897.

[For text of subps 11 to 18, see M.R.]

Subp. 19. **Driving violation.** No person may park or drive a vehicle on the grounds of the association in a manner which creates a potential hazard to persons or property.

7897.0110 USE OF DRUGS AND ALCOHOL.

Subpart 1. **Drugs.** The commission, the commission's director of security, or the stewards may, at any time, require any licensee having direct physical contact with horses or direct responsibility for some portion of the day's racing program, or whose duties place him or her in a position of danger, or who commits an act that endangers a horse or human, to provide blood or urine samples for chemical analysis. If such a licensee fails to comply with this requirement, the licensee shall be suspended and referred to the commission to show cause for refusing to do so.

Should a licensee be found to have levels of any nonprescription, prohibited, or illegal drug, or an alcohol concentration greater than 0.04 percent, the licensee shall be subject to disciplinary action by the stewards and the commission. For purposes of this part, "alcohol concentration" means:

A. the number of grams of alcohol per 100 milliliters of blood; or

B. the number of grams of alcohol per 210 liters of breath; or

C. the number of grams of alcohol per 67 milliliters of urine.

Subp. 2. [See repealer.]

7899.0100 VARIANCES.

[For text of subps 1 and 2, see M.R.]

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

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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 ten calendar days after it has issued the notice.

[For text of items B to E, see M.R.]

[For text of subp 4, see M.R.]

REPEALER. Minnesota Rules, part 7897.0110, subpart 2, is repealed.

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APPROVED AS TO FORM AND LEGALITY

April 1 19 91

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 03 1991
Joan Anderson Growe
Secretary of State
3:50 P.M.
M

MINNESOTA ATTORNEY GENERAL - Bremer

Rec March 18, 1991

M E M O R A N D U M

TO : PATTY NOLTE
Legal Assistant

FROM : MARY B. MAGNUSON
Special Assistant
Attorney General

DATE : March 18, 1991

PHONE : 296-3546

SUBJECT : RULES

Enclosed for filing, please find documents relating to Racing Commission rules. Please call when you are finished. Thank you.

MBM/psfs4
Enclosures

Minnesota Racing Commission

Proposed Permanent Rules Relating to Pari-mutuel Horse Racing

Rules as Proposed

7870.0400 DEADLINES FOR SUBMISSION OF CLASS A AND B LICENSE APPLICATIONS.

Deadlines for submission of a Class A or B license application are as follows:

A. Applications for a Class A license to own and a Class B license to operate a racetrack in the seven-county metropolitan area ~~must be received by the commission's designee before 5:00 p.m. on the 14th day, as computed pursuant to Minnesota Statutes, section 645.15, after these rules become effective or on March 1, 1984, whichever is later. The designee must deliver investigation fees to the commission promptly upon receipt. The designee must retain and safeguard until the deadline with seals intact all applications received. Promptly after the deadline, the designee must deliver the applications to the commission for opening~~ may be submitted at any time by filing the application with the commission at its administrative offices.

B. Applications for Class A licenses to own and Class B licenses to operate racetracks outside the seven-county metropolitan area ~~are not subject to the deadline imposed by item A~~ may be submitted at any time. If the commission determines that applications will be submitted for Class A licenses to own and class B licenses to operate racetracks outside the seven-county metropolitan area which will compete significantly with each other, the commission must establish a deadline for submission of applications.

C. Notwithstanding items A and B, applications for Class B licenses must be submitted at least ~~160~~ 60 days before the date on which the applicant proposes to commence horse races.

7871.0010 APPLICATION FOR PARI-MUTUEL POOLS.

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[For text of subpart 1, see M.R.]

Subp. 2. **Disposition of requests.** The commission must act on a request for approval of pari-mutuel pools under the following procedures:

[For text of items A to D, see M.R.]

E. The commission shall approve, deny, or give its qualified approval to an application for pari-mutuel pools not sooner than ~~30~~ 25 nor later than 45 days after filing of the application.

[For text of item F, see M.R.]

[For text of subps 3 and 4, see M.R.]

7872.0100 APPLICATION FOR RACING DAYS.

[For text of subpart 1, see M.R.]

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

[For text of item A, see M.R.]

B. The commission shall conduct a public hearing on the request no sooner than 25 nor later than ~~30~~ 45 days after an application is filed. The commission shall issue a press release no later than five days after an application is filed announcing the filing and the time and place of the public hearing.

[For text of items C to F, see M.R.]

[For text of subps 3 to 7, see M.R.]

7873.0100 APPLICATION FOR PARI-MUTUEL POOLS.

[For text of subpart 1, see M.R.]

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

[For text of items A to D, see M.R.]

E. The commission shall approve, deny, or give its qualified approval to an application for pari-mutuel pools not sooner than ~~30~~ 25 nor later than 45 days after filing of the application.

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[For text of item F, see M.R.]

[For text of subp 3, see M.R.]

7873.0110 APPROVAL OF PARI-MUTUEL POOLS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Live racing days; director of pari-mutuel racing authority.** The director of pari-mutuel racing is delegated the authority to approve variation and changes in the pari-mutuel pools previously approved by the commission, placement of pools in the program, and simulcasts requested by the licensee that meet the criteria in subpart 2. The director of pari-mutuel racing is delegated the authority to approve changes in the placement of pari-mutuel pools in the program, the addition of approved pari-mutuel pools to the program, and changes in simulcasting requests by the licensee that meet the criteria in subpart 2. Before approving a change in the pick six, pick seven, twin trifecta, and super-tri wagering pools, the director must consult with the commission's executive committee.

7873.0185 TRIFECTA.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Restrictions on trifecta races.** The restrictions in items A to ~~D~~ C apply to trifecta races.

A. Coupled or uncoupled entries and mutuel fields are prohibited from starting in trifecta races.

B. ~~There must be a minimum of ten horses entered in a race with trifecta wagering.~~

~~C.~~ There shall be no trifecta wagering on handicap races.

~~D.~~ C. If fewer than eight horses are declared starters, trifecta wagering shall be canceled and all trifecta wagers shall be refunded. If time permits, the association may schedule exacta wagering in place of trifecta wagering.

[For text of subp 8, see M.R.]

7873.0186 TWIN TRIFECTA.

[For text of subps 1 and 2, see M.R.]

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Subp. 3. **Procedures.** ~~The procedures in items A to E apply to twin trifecta races.~~ The twin trifecta pools shall be calculated according to one of the two following methods as approved by the commission.

A. (1) Each bettor purchasing twin trifecta tickets shall designate selections as the first three horses to finish in exact order in the first race of the two designated races.

~~B.~~ (2) After wagering closes for the first race of the twin trifecta, the net pool will be divided with 25 percent of the net pool going to the first race of the twin trifecta and 75 percent of the net pool going to the second race of the twin trifecta.

~~C.~~ (3) After the official declaration of the first race of the twin trifecta, 25 percent of the net pool will be distributed to the holders of the twin trifecta tickets selecting the first three horses in exact order, on the first designated twin trifecta race. Further, each bettor holding a ticket correctly selecting the first three horses in the exact order of finish must, before the running of the second twin trifecta race, exchange the winning tickets for both the monetary value as calculated by the totalisator equipment and twin trifecta exchange tickets and at such time shall select three horses to finish in the second race of the twin trifecta in the exact order as officially posted. No further money shall be required of the holders of the winning tickets in order to make the exchange.

~~D.~~ (4) After the official declaration of the second race of the twin trifecta, the remaining 75 percent of the net pool will be distributed to the holders of the second half twin trifecta tickets selecting the first three horses in exact order, on the second designated twin trifecta race.

~~E.~~ (5) If a winning twin trifecta ticket from the first race is not presented for cashing and exchange within the time provided, the bettor may still collect the monetary value of the ticket, but forfeits all rights to any distribution of the second race net pool of the twin trifecta.

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B. (1) Each bettor purchasing twin trifecta tickets shall designate selections as the first three horses to finish in exact order in the first race of the two designated races.

(2) After wagering closes for the first race of the twin trifecta, the net pool will be divided with 50 percent of the net pool going to the first race of the twin trifecta and 50 percent of the net pool going to the second race of the twin trifecta.

(3) After the official declaration of the first race of the twin trifecta, 50 percent of the net pool will be distributed to the holders of the twin trifecta tickets selecting the first three horses in exact order, on the first designated twin trifecta race. Further, each bettor holding a ticket correctly selecting the first three horses in the exact order of finish must, before the running of the second twin trifecta race, exchange the winning tickets for both the monetary value as calculated by the totalisator equipment and twin trifecta exchange tickets and at such time shall select three horses to finish in the second race of the twin trifecta in the exact order as officially posted. No further money shall be required of the holders of the winning tickets in order to make the exchange.

(4) After the official declaration of the second race of the twin trifecta, the remaining 50 percent of the net pool will be distributed to the holders of the second half twin trifecta tickets selecting the first three horses in exact order, on the second designated twin trifecta race.

(5) If a winning twin trifecta ticket from the first race is not presented for cashing and exchange within the time provided, the bettor may still collect the monetary value of the ticket, but forfeits all rights to any distribution of the second race net pool of the twin trifecta.

[For text of subps 4 to 8, see M.R.]

Subp. 9. **Restrictions on twin trifecta races.** The restrictions in items A to ~~D~~ C apply to twin trifecta races.

A. Coupled or uncoupled entries and mutuel fields are

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prohibited from starting in twin trifecta races.

B. ~~There must be a minimum of ten horses entered in a race with twin trifecta wagering.~~

~~C.~~ There shall be no twin trifecta wagering on handicap races.

~~D.~~ C. If fewer than eight horses are declared starters for the first race of the twin trifecta, twin trifecta wagering shall be canceled for that day and all twin trifecta wagers shall be refunded. However, any accumulated second race twin trifecta carryover will not be affected and will carry over to the next consecutive race day. In the event this occurs on the final program, the accumulated net pool of the second twin trifecta race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race twin trifecta net pool for the next consecutive racing date as an additional net amount to be distributed.

If fewer than eight horses are declared starters for the second race of the twin trifecta, all holders of exchange tickets to the second race of the twin trifecta will share equally in that part of the second race net pool added in that day. The amount carried over from previous days will not be distributed and will be carried over to the next consecutive race day. In the event this occurs on the final program, the accumulated net pool of the second twin trifecta race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race twin trifecta net pool for the next consecutive racing date as an additional net amount to be distributed.

[For text of subp 10, see M.R.]

7873.0190 PICK SIX.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Calculation of pool.** The pick six pari-mutuel pool shall be calculated according to one of the two following

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methods as approved by the commission:

[For text of items A to C, see M.R.]

D. With the permission of the commission before the start of racing, a licensee may declare a mandatory payout on the next consecutive race day after the pick six carryover pool has reached a previously approved amount. Should no distribution be made pursuant to item A or B, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of the tickets correctly designating the most winning selections of the six races comprising the pick six for that day. If, for any reason, the day of racing is canceled, or the pick six pool has not been distributed, the pool shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing day as an additional net amount to be distributed.

[For text of subps 7 to 10, see M.R.]

Subp. 11. **Additional money added.** With the approval of the commission, the association may guarantee a minimum payout in the pick six. If the guaranteed payout exceeds the amount available for distribution from the amounts wagered, the association shall provide the difference by paying the holders of any winning ticket correctly designating the official winner in each of the six races comprising the pick six with its own funds.

7873.0192 SUPER-TRI WAGERING AND POOLS.

Subpart 1. **Scope.** The super-tri is a form of pari-mutuel wagering in which the bettor selects three runners that will finish first, second, and third in one designated race, then select the correct order of finish, first, second, third, and fourth in another designated race. All super-tri wagers will be calculated in an entirely separate pool, with no relation to any other pool.

Subp. 2. **Price of tickets.** Super-tri tickets shall be sold in not less than $2 denominations.

Subp. 3. **Procedures.** The procedures in items A to E apply

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to super-tri races.

A. Each bettor purchasing super-tri tickets shall designate selections as the first three runners to finish in exact order in the first race of the designated two races.

B. After the wagering closes on the first half of the super-tri, the net pool will then be divided into two separate pools of equal amounts.

C. The money in the first part of the pool will be distributed to the holders of the trifecta portion selecting the first three runners in order on the first designated super-tri race according to the established pari-mutuel practice.

After the official declaration of the first three runners to finish in the first race of the super-tri, each bettor holding a winning ticket with the exact order of finish must, prior to the running of the second super-tri race, exchange the winning ticket for both the monetary value established by the mutuels department and super-tri exchange tickets and at that time shall select the four runners to finish in the second race of the super-tri in the exact order of finish as officially posted. No further money shall be requested of the holders of the winning ticket in order to make the exchange.

In the first part of the super-tri, if no ticket is sold on a winning combination, selecting the first three finishers in exact order, there will be no exchange, only the consolation payoff, as described in subpart 4, with the exception of a mandatory payout according to subpart 7. Then an exchange will be given.

D. The second equal part of the divided pool will be distributed to holders of second half super-tri tickets selecting the first four runners in exact order of the second designated super-tri race.

E. No super-tri exchange for the second race shall be issued except upon surrender of the super-tri tickets from the first race as described in this subpart.

If a winning super-tri ticket from the first race is not presented for cashing and exchanging within the time provided,

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the bettor may still collect the monetary value attached to the ticket but forfeits all rights to any distribution of the second race super-tri pool.

Subp. 4. **Failure to select winning combination.** Items A to E govern payoffs in races where the winning combination has not been selected.

A. In the first race of the super-tri only, if no ticket is sold on a winning combination of a super-tri pool, the net pool shall be apportioned equally between those having tickets selecting the first and second place runners in exact order with all other horses. If no ticket is sold selecting the first and second runners in the super-tri pool, the net pool shall then be apportioned equally between those having tickets selecting the runner or runners that finish first and third, with all other horses finishing second in the super-tri race. Should no selection be made as above mentioned, the net pool shall be apportioned equally between those having selected the runner finishing second with the runner finishing third, with all other horses to win.

If no ticket is sold correctly selecting the second and third horse, the net pool shall be paid equally on those super-tri tickets selecting the horse that finished first, with all other horses finishing second and third.

B. Should no selection be made as described in this subpart, then a complete refund of the super-tri pool will be made and the super-tri will be canceled for that performance.

C. If less than three horses finish the first super-tri race, payoff shall be made equally on all tickets correctly selecting the actual finishing horses in order, ignoring the balance of the selection. In this event, there will be no exchange for the second race of the super-tri and the second race net pool will automatically carry over to the next consecutive race day.

D. If no ticket is sold that would require distribution of the net super-tri pool as described in item C, a full refund of the super-tri pool for that race shall be made.

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If a full refund is required, any previous day's carryover will not be included and will carry over to the next consecutive race day.

E. In the event there is no super-tri ticket issued accurately selecting the officially declared first four finishers of the second super-tri race, in the exact order, the second race pool as divided earlier shall be held for the next consecutive racing day or night and combined with that program's second race super-tri net pool. Distribution of this cumulative second race super-tri net pool will be made only upon accurate selection, in exact order of the first four officially declared finishers of the second super-tri race.

Subp. 5. **Scratches.**

A. If fewer than eight horses are declared starters for the first race of the super-tri, super-tri wagering shall be canceled for that day and all super-tri wagers shall be refunded. However, any accumulated second race super-tri carryover will not be affected and will carry over to the next consecutive race day.

If fewer than eight horses are declared starters for the second race of the super-tri, all holders of exchange tickets to the second race of the super-tri will share equally in that part of the second race net pool added in that day. The amount carried over from previous days will not be distributed and will be carried over to the next consecutive race day.

B. If a runner is scratched in the first race of the super-tri prior to the running of the first half of the super-tri, then all super-tri tickets on the scratched runner will be refunded. A public address announcement will be made and a reasonable time will be given to make another selection.

If after the running of the first half of the super-tri, a runner is scratched in the second race of the super-tri, then all exchange tickets involving the scratched horse will be exchanged. A public address announcement will be made and a reasonable time will be given to make another selection.

C. For the second race of the super-tri only, all

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horses will be declared starters once the starting gate has opened. In this instance the prevention to start rule will not apply.

Subp. 6. **Dead heats.** In the event of a dead heat in either the first or second race of the super-tri races, all super-tri tickets with the correct order of finish counting a runner in a dead heat as finishing in any position dead-heated shall be a winning ticket and, the winning combinations shall be paid proportionately from the net super-tri pool.

Subp. 7. **Mandatory payout.** On the final program of any official race meeting, the entire accumulated second race super-tri net pool must be distributed.

A. With approval of the racing commission before the start of racing, the association may declare a mandatory payout on the accumulated second race super-tri pool on the next consecutive race day after the super-tri carryover pool has reached a previously approved amount. If there is a limit placed on the super-tri pool and there is no super-tri ticket issued selecting in the exact order of finish the officially declared first four finishers of the second super-tri race, the second race pool shall be apportioned according to the mandatory distribution rules in items C to G.

B. In the first half of the super-tri, if no ticket is sold on a winning combination of a super-tri pool, an exchange will be given along with the consolation payoff according to subpart 4, items A to D.

C. In the second half of the super-tri, if no ticket is sold on a winning combination, the net pool shall be apportioned equally between those having tickets selecting the first, second, and third runners in exact order with all others.

D. In the second half of the super-tri, if no ticket is sold selecting the first, second, and third runners in exact order, the net pool shall be apportioned equally between those having tickets selecting the first and second place runners in exact order with all others.

E. In the second half of the super-tri, if no ticket

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is sold selecting the first and second place runners, the net pool shall then be apportioned equally between those having tickets selecting the runner or runners that finish first with all others.

F. Should no selection be made as described in this subpart, the net pool shall be apportioned equally between those having selected the runner finishing second combined with the runner finishing third and combined with the runner finishing fourth in exact order with all others to win.

G. However, should no selection be made as provided for in items A to F, then the second part of that program's divided pool and any carryover will be evenly distributed to all holders of second race super-tri exchange tickets.

Subp. 8. **Cancellation of one or both super-tri races.**

A. If, for any reason, the first race of the super-tri is canceled, a full refund of all super-tri tickets will be made.

B. If, for any reason, the second race of the super-tri is canceled, not declared official, or less than three horses finish the race, the winning ticket holders on the first race of the super-tri will be entitled to equal distribution of the amount of the current program's net pool for the second half of the super-tri. The cumulative pool from previous programs shall not be distributed in this case and will be carried over to the next consecutive race day, unless the association has designated a mandatory payout pursuant to subpart 7.

Subp. 9. **Restrictions on super-tri races.**

A. Coupled or uncoupled entries and mutuel fields are prohibited from starting in super-tri races.

B. There shall be no super-tri wagering on handicap races.

C. If fewer than eight horses are declared starters for the first race of the super-tri, super-tri wagering shall be canceled for that day and all super-tri wagers shall be refunded. However, any accumulated second race super-tri carryover will not be affected and will carryover to the next

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consecutive race day, including mandatory distribution days. In the event this occurs on the final program, the accumulated net pool of the second race super-tri race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race super-tri net pool for the next consecutive racing date as an additional net amount to be distributed.

If fewer than eight horses are declared starters for the second race of the super-tri, all holders of exchange tickets to the second race of the super-tri will share equally in that part of the second race net pool added on that day. The amount carried over from previous days will not be distributed and will be carried over to the next consecutive race day, including mandatory distribution days. In the event this occurs on the final program, the accumulated net pool of the second super-tri race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race super-tri net pool for the next consecutive racing date as an additional net amount to be distributed.

Subp. 10. **Displaying super-tri rules.** Super-tri rules shall be prominently displayed at each track conducting super-tri wagering. Printed copies of super-tri rules shall be distributed to patrons upon request.

7873.0195 DISTRIBUTION OF PICK SEVEN, PICK SIX, AND PICK THREE POOLS.

The commission may authorize the distribution or carry over of the pick seven pool according to part 7873.0198, subpart 6, the pick six pool according to part 7873.0190, subpart 6 and the pick three pool according to part 7873.0191, subpart 6 on each final day of racing of a breed and on the final day of mixed breed racing within a race meeting. In determining whether to distribute or carry over the pick seven, pick six and/or pick three pools, the commission must consider the type of breed racing, assignment of future racing days, and the best interest

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of racing.

In cases where a carry over would occur, the commission must designate what constitutes the next succeeding racing date to which the escrowed funds are to be carried over.

7873.0198 PICK SEVEN.

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

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

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

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

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

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

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

(2) In the event there is no pari-mutuel ticket properly issued which correctly designated the official winner in each of the seven races comprising the pick seven, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding race date as an additional net amount to be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the seven races comprising the pick seven pool that day. The remaining 25 percent shall be distributed among the holders of pick seven tickets which correctly designate the most official winners of the seven races comprising the pick seven.

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

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(2) In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner of each of the seven races comprising the pick seven, 50 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as a distributable amount and shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the seven races comprising the pick seven pool that day. The remaining 50 percent shall be distributed among the holders of pick seven tickets which correctly designate the most official winners of the seven races comprising the pick seven.

The method of distribution shall be selected by the racing association and implemented after approval by the commission; provided that the method of distribution benefits the wagering public and does not adversely affect the integrity of racing.

C. Should no distribution be made pursuant to item A or B on the last day of the association's meeting, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of tickets correctly designating the most winning selections of the seven races comprising the pick seven for that day. If, for any reason the final day of racing is canceled or the pick seven pool has not been distributed, the pool shall be escrowed by the association, and the pool, as well as all accrued interest, shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

D. With prior approval of the commission, the association may declare a mandatory payout of the accumulated carryover pool at a stated amount. Should no distribution be made pursuant to item A or B, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of the tickets correctly designating the most winning selections of the seven races comprising the pick seven

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for that day. If, for any reason, the day of racing is canceled or the pick seven pool has not been distributed, the pool shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing day as an additional net amount to be distributed.

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

The association may refund pick seven tickets that include the scratched selection prior to the beginning of wagering for the first race comprising the pick seven races.

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

Subp. 9. **Cancellation of race comprising pick seven.** In the event one or more of the races comprising the pick seven is canceled for any reason, or in the event one or more of the races comprising the pick seven is declared as no contest by the stewards, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed. The remaining 25 percent shall be distributed among the holders of pick seven tickets which correctly designate the most official winners of the remaining races comprising the pick seven. In the event of the cancellation of all seven races comprising the pick seven pool after wagering has been accepted on that day, a full and complete refund must be made of the pari-mutuel tickets

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sold on the pick seven on that day. One hundred percent of the remaining amount in the pick seven pari-mutuel pool shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

Subp. 10. **No pick seven ticket to be exchanged or canceled.** No pari-mutuel ticket for the pick seven pool shall be sold, exchanged, or canceled after the time of the close of wagering in the first of the seven races comprising the pick seven, except for the refunds on pick seven tickets as required by this part, and no person shall disclose the number of tickets sold in the pick seven pool or the number or amount of tickets selecting winners of pick seven races until such time as the stewards have declared "official" the last race comprising the pick seven.

Subp. 11. **Additional money added.** With the approval of the commission, the association may guarantee a minimum payout in the pick seven. If the guaranteed payout exceeds the amount available for distribution from the amounts wagered, the association shall provide the difference by paying the holders of any winning ticket correctly designating the official winner in each of the seven races comprising the pick seven with its own funds.

7875.0200 EQUIPMENT.

[For text of subps 1 to 8, see M.R.]

Subp. 9. **External communications.** An association may have telephone or telegraph systems on the premises during a race meeting for the benefit of the public, the press, or for transacting ordinary business~~, but~~. No information regarding the results of any race shall be transmitted out of the racetrack until ~~15 minutes after~~ the results are official except for races that are broadcast or televised live. ~~For those races the results and payoffs may be announced as soon as the race is official.~~ Under no circumstances shall any message be sent over said wires transmitting money, or other things of value, or

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directing the placing of any wager on the result of a race except as permitted by part 7873.0400.

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

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

One public telephone is allowed per floor at an association track. Each phone must be monitored by association security and must be part of an "information center" provided by the association. All ~~telephones or~~ other instruments of communication, other than those designated for the sole use of the commission or those approved by the commission for use during racing, must be rendered inoperable between the hours starting 30 minutes before post time for the first race and the flashing of the "official" sign following the last race.

~~All~~ Any portable telephones, transmitters, or any other instrument ~~of communication~~ that can be used for transmitting messages off the grounds of an association is subject to confiscation by security personnel or by the racing commission and its employees.

7876.0110 OFF-TRACK STABLING.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Horses must be at racetrack ~~by scratch time~~ for race day inspection.** All horses shipped from another racetrack or off-track stabling facility to a racetrack for a race must be at the racetrack no later than 9:00 a.m. on the day on which the horse is scheduled to race.

7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

[For text of subps 1 and 2, see M.R.]

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

[For text of items A to C, see M.R.]

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

[For text of subps 4 to 8, see M.R.]

Subp. 9. **Veterinarians.** An applicant for a veterinarian's license must:

A. provide proof of current validation to practice veterinary medicine in Minnesota~~.~~;

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

C. provide proof of current United States Department of Agriculture Animal and Plant Inspection Service accreditation in Minnesota; and

D. provide proof of current registration status under the Controlled Substance Act of 1970, including the schedules for which the applicant has been approved by the Drug Enforcement Administration.

[For text of subps 10 to 15, see M.R.]

7877.0160 DURATION AND EXTENT OF CLASS C LICENSES.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Change of ~~employers~~ employees.** At the time a Class C licensee ~~who~~ changes ~~employers~~ employees, the licensee must notify the ~~commission's-licensing~~ association's validation office of the change no later than by the end of the next racing day of that race meeting.

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[For text of subp 4, see M.R.]

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

[For text of subpart 1, see M.R.]

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

[For text of items A to E, see M.R.]

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

[For text of items G to S, see M.R.]

T. Each trainer shall comply with all provisions of Minnesota Statutes, chapter 176, and all rules adopted under that chapter.

[For text of subp 2a, see M.R.]

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

[For text of items A to C, see M.R.]

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

[For text of items E to W, see M.R.]

[For text of subps 4 to 8, see M.R.]

Subp. 9. **~~Veterinary negligence~~ Veterinarians.** The following shall apply to veterinarians licensed by the commission:

A. Veterinarians shall be responsible for the conduct of any veterinary assistant working with or employed by the

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veterinarian to ensure compliance with this subpart.

B. Veterinarians shall not be negligent in the performance of their duties with respect to the health and welfare of a horse, or in the prescription or administration of a medication or injectable substance, or in the use of equipment for hypodermic injection.

C. Veterinarians shall not be in possession of medications or substances which have not been approved for use in the United States by the Food and Drug Administration.

D. Veterinarians shall not be in possession of controlled substances in schedules for which they are not currently registered and approved by the Drug Enforcement Administration.

E. Veterinarians must remove from the grounds of an association all discardable equipment and injectable substance containers.

7879.0100 QUALIFICATIONS AND APPOINTMENT OF STEWARDS.

[For text of subpart 1, see M.R.]

Subp. 2. **Appointment and approval of stewards.** The following procedures must be observed in the appointment of stewards:

A. There shall be three stewards for each race meeting, at least two of whom shall be appointed by the ~~commissioner~~ commission. The third steward may be nominated by the association for approval by the commission if the commission determines that nomination by the association will be in the best interests of racing.

The commission must notify the association if it will accept an association's nomination for a steward. The name of the association nominee for steward must be submitted no later than 30 days before commencement of a race meeting and must be accompanied by biographical data setting forth the experience and qualifications of the nominee. No steward may serve until approved by the commission.

[For text of item B, see M.R.]

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7883.0100 ENTRIES AND SUBSCRIPTIONS.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Prohibited entries.** No person shall:

[For text of items A and B, see M.R.]

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

[For text of item D, see M.R.]

[For text of subps 7 to 15a, see M.R.]

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

A. A horse which has not started for a period of ~~45~~ 30 days or more shall not be eligible to be entered until it has completed one timed workout prior to the entry date. Any workout following the entry of a horse shall appear on the official daily racing program or shall be posted for the public.

B. ~~Horses that have not started within 60 days of time of entry into a race must have a minimum of two timed workouts prior to entering in any race.~~ A horse which has not started for a period of 60 days or more shall not be eligible to be entered until it has completed two timed workouts prior to the entry date.

C. First-time starters must have gate approval and a minimum of two timed workouts, one of which must be out of the gate within 60 days prior to the entry date.

D. A horse, other than a first-time starter, which has not started for a period of one year or more shall not be eligible to be entered until it has completed three timed workouts, at least one of which must be before the commission veterinarian or the association veterinarian.

[For text of subps 17 and 18, see M.R.]

7883.0130 PENALTIES AND ALLOWANCES.

[For text of subps 1 to 3, see M.R.]

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

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five pounds before September 1 and three pounds thereafter. The sex allowance may not be waived.

7883.0140 CLAIMING RACES.

[For text of subps 1 to 14, see M.R.]

Subp. 15. **Protest of claim.** Not later than the next racing day after the race was run, a written protest of a claim may be submitted to the stewards who shall investigate the matter as quickly as possible. In the event that a stewards' ruling is issued concerning a medication violation discovered through post-race drug testing of a claimed horse, a written protest of a claim may be submitted to the stewards within 24 hours of the posting of a ruling; however, a claimant may submit a written protest of a claim within 24 hours of the receipt of notification from the stewards of such a ruling.

[For text of subps 16 to 30, see M.R.]

7890.0100 DEFINITIONS.

[For text of subps 1 to 12, see M.R.]

Subp. 13. **Medication.** "Medication" is a substance, compound, or element, or combination thereof, which is or can be administered to a horse for the purpose of preventing, curing, or alleviating the effects of any disease, condition, ailment, or infirmity, or symptom thereof, or for altering in any way the behavior, attitude, temperament, or performance of a horse, including athletic performance. The term medication includes all analgesics, anesthetics, depressants, narcotics, stimulants, tranquilizers, and other classifications of medications. Nothing herein shall be deemed to include:

[For text of item A, see M.R.]

B. Lasix®, provided, however, that if it is administered ~~to a confirmed bleeder on a day it is entered to race, it must be given intravenously under the visual supervision of the commission veterinarian and at a dose level not to exceed 250 milligrams (five milliliters of a 50 milligrams/milliliter or five percent solution) per administration~~ pursuant to the provisions of part 7890.0140,

Approved by Revisor _____

subpart 6.

[For text of items C and D, see M.R.]

[For text of subps 14 to 21, see M.R.]

7892.0120 TAKING OF SAMPLES.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Split samples.**

A. A portion of the sample from each horse tested, after a sufficient amount has been sent to the official laboratory, must be preserved by the commission. It must be available for testing at the request of a person accused of a violation of chapter 7890. A person so accused may request that the portion of the test sample retained by the commission ~~be sent to a laboratory selected from~~ shall approve a list of laboratories ~~approved by the commission for~~ which may provide split sample testing. From this list, a person accused of a violation of chapter 7890 shall designate the laboratories in descending order of preference. The sample must be sent to the laboratory given the highest preference and that is capable of testing for the substance within 14 days. The commission veterinarian shall have overall responsibility for the storage, safeguarding, and shipment of the split sample and for the receipt of results from the drug testing laboratory to which the sample was sent.

B. A person making a request for split sample testing must do so in writing to the stewards within 72 hours of notice of the official laboratory's findings and must bear the cost of shipment and additional testing. The cost of additional testing shall be paid in the form of a check or money order payable to the Minnesota Racing Commission or in cash at the commission's administrative offices.

C. A person making a request for split sample testing must select from among the laboratories approved by the commission pursuant to item A, within 24 hours of receipt of the list.

D. Failure to comply with the provisions of items B

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by Revisor _____

and C shall render the request for split sample testing null and void.

[For text of subp 6, see M.R.]

7895.0100 GENERAL PROVISIONS.

[For text of subps 1 to 6a, see M.R.]

Subp. 7. **Late fees.** All late fees collected for late registration of horses shall be allocated to the breeders' fund administration account.

7895.0125 THOROUGHBRED 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 and must remain in Minnesota until foaling. The broodmare's original jockey club certificate must be received by the racing commission or official registering agency.

[For text of items B to D, see M.R.]

E. The commission may, at its discretion, request written documentation from any persons seeking late registration that the broodmare was standing in Minnesota as of ~~February 15~~ January 31 of the foaling year.

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

[For text of items A to D, see M.R.]

E. The commission may, at its discretion, request written documentation from any persons seeking late registration that the stallion was standing in Minnesota as of ~~February 15~~ January 31 of the breeding year.

[For text of subp 3, see M.R.]

7895.0275 STANDARDBRED REGISTRATION.

Approved by Revisor _____

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

[For text of items A to D, see M.R.]

E. The commission may, at its discretion, request written documentation from any persons seeking late registration that the stallion was standing in Minnesota as of ~~February 15~~ January 31 of the breeding year.

[For text of subp 2, see M.R.]

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 and must remain in Minnesota until foaling. The broodmare's original American Quarter Horse Association (AQHA) certificate must be received by the racing commission or official registering agency. The broodmare must be in foal to a Minnesota registered stallion which means a stallion owned at least 50 percent by residents of Minnesota or leased entirely by Minnesota residents, and which has stood the entire breeding season from January 31 to July 31 in Minnesota.

[For text of items B to E, see M.R.]

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

[For text of item A, see M.R.]

B. Stallions must remain in Minnesota for the entire breeding season from January 31 through July 31, unless the commission is notified in writing by certified mail in the event a stallion shall leave Minnesota for racing purposes, medical purposes, show purposes, or is sold through public auction or

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sold privately. A stallion may not breed any mares while in another state.

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

[For text of items C to E, see M.R.]

[For text of subp 3, see M.R.]

7897.0100 PROHIBITED ACTS.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Cooperation with security officers.** No person shall fail to comply with orders of security officers or racing officials or interfere with security officers or racing officials in the performance of their official duties. No racing official shall fail to comply with orders of a steward while in the performance of the steward's duties.

[For text of subps 8 and 9, see M.R.]

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~~ therefore 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~~

Approved by Revisor _____

~~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.~~ presenting facts sufficient to enable the stewards to determine that the claim is meritorious and is directly related to the licensee's activities in their state and that the debt became due within the last two years. Upon receipt of a complaint, the stewards may conduct an investigation and attempt to resolve the matter informally. If the stewards determine that the complaint has merit, and cannot resolve the matter informally or determine that it is not appropriate to settle the matter informally, then the stewards shall commence the appropriate disciplinary procedures in chapter 7879.

[For text of subps 11 to 18, see M.R.]

Subp. 19. **Driving violation.** No person may park or drive a vehicle on the grounds of the association in a manner which creates a potential hazard to persons or property.

7897.0110 USE OF DRUGS AND ALCOHOL.

Subpart 1. **Drugs.** The commission, the commission's director of security, or the stewards may, at any time, require any licensee having direct physical contact with horses or direct responsibility for some portion of the day's racing program, or whose duties place him or her in a position of danger, or who commits an act that endangers a horse or human, to provide blood or urine samples for chemical analysis. If such a licensee fails to comply with this requirement, the licensee shall be suspended and referred to the commission to show cause for refusing to do so.

Should a licensee be found to have levels of any nonprescription, prohibited, or illegal drug, or an alcohol concentration greater than 0.04 percent, the licensee shall be subject to disciplinary action by the stewards and the commission. For purposes of this part, "alcohol concentration" means:

A. the number of grams of alcohol per 100 milliliters

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of blood; or

B. the number of grams of alcohol per 210 liters of breath; or

C. the number of grams of alcohol per 67 milliliters of urine.

Subp. 2. [See repealer.]

7899.0100 VARIANCES.

[For text of subps 1 and 2, see M.R.]

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~~ ten calendar days after it has issued the notice.

[For text of items B to E, see M.R.]

[For text of subp 4, see M.R.]

REPEALER. Minnesota Rules, part 7897.0110, subpart 2, is repealed.

Approved
by Revisor _____

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Pari-mutuel Horse Racing

AGENCY: Minnesota Racing Commission

MINNESOTA RULES: Chapters 7870, 7871, 7872, 7873, 7875, 7876, 7877, 7879, 7883, 7890, 7892, 7895, 7897, and 7899

The attached rules are approved for publication in the State Register

P. M. M.

Paul M. Marinac
Assistant Deputy Revisor

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 19th day of December, 1990, 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 Richard Krueger, Director of Parimutuel Racing, 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 rules to all persons who have registered their names with the Commission for that purpose and to publish the Notice and rule in the State Register, and perform any and all acts incidental thereto.
>
> In the event a public hearing becomes necessary, the 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 the hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 19th day of December, 1990.



Ralph Strangis.
Minnesota Racing Commission

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

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

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, section 240.23 (1990).

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:

Richard Krueger
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: December 19, 1990.

RICHARD KRUEGER
DIRECTOR
MINNESOTA RACING COMMISSION

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making a determination, shall consider both the number of factors applicable to a violation and the degree to which each applies.

Subp. 4. **Serious violations.** Violations of Minnesota Statutes, section 240.25, misrepresentation of the identity of a horse, possession of a firearm on the racetrack premises except by an authorized security officer, and setting or attempting to set a fire on the racetrack premises, shall be deemed per se serious violations.

Subp. 5. **Amount of fines.** The fine for a serious violation of law or rule shall be $500 to $5,000. The fine for other violations shall not exceed $499. The commission may impose a fine in excess of $5,000 but no more than $200,000 against a Class A, B, or D licensee as necessary to enforce parts 7870.0430, 7870.0450 to 7870.0470, or 7870.0500.

Subp. 6. **Timetable for paying fines.** All fines imposed by the stewards or commission must be paid within 72 hours of the date of the ruling imposing the fine. Failure to pay the fine within the required time is grounds for suspension.

Statutory Authority: *MS s 240.22; 240.23*

History: *9 SR 2527; 11 SR 2201*

7897.0140 SUSPENSION OR REVOCATION.

Any ground for denial of a license also is a ground for imposition of a fine, suspension, or revocation of the license.

Statutory Authority: *MS s 240.08; 240.22; 240.23*

History: *9 SR 2527*

7897.0150 DISCIPLINARY AND APPEAL PROCEDURES.

Subpart 1. **Stewards' meetings.** Whenever the stewards have reasonable cause to believe that a Class C licensee has committed an act or engaged in conduct in violation of statute or rules of the commission or which in the opinion of the stewards otherwise adversely affects the integrity of horse racing, the following procedures will apply:

A. The licensee shall be immediately subject to such intermediate conditions, limitations, and restrictions as the stewards decide necessary to protect the public safety, health, and welfare and to ensure the integrity of racing.

B. Within three days of the matter coming to the attention of the stewards, the licensee shall be summoned to a meeting of the stewards called for the purpose of investigating suspected or alleged misconduct by the licensee at which all stewards or their appointed deputies shall be present; however, the licensee may request a continuance and such continuance need not necessarily stay any intermediate sanction.

C. The summons given to the licensee shall be in writing and give adequate notice of the date, time, place, and purpose of the stewards' meeting, and shall specify by number the statutes or rules allegedly violated.

D. Every person called to testify before the stewards at such meeting is entitled to have counsel or an observer of the person's choosing present at the meeting; however, such counsel or observer may only participate under such conditions or in such manner as the stewards direct.

E. If a licensee, after receiving adequate notice of a stewards' meeting, fails to appear as summoned, the licensee will be deemed to have waived any right to appear and present evidence to the stewards.

F. No special announcement of the meeting or of the alleged infraction of rules shall be made until after the stewards' meeting, when the stewards shall transmit a signed written decision to the commission and to the licensee containing the stewards' findings and the penalty imposed.

G. In the event the stewards are unable to arrive at a decision by a

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

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

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

Statutory Authority: *MS s 240.23; 240.24*

History: *10 SR 2161; 12 SR 2393*

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 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. In the event an unregistered broodmare should foal in Minnesota before January 31, the owner or lessee must submit a sworn affidavit to the racing commission or the official registering agency attesting that the foal was born in Minnesota. The affidavit will be considered evidence that the foal is a Minnesota-bred or Minnesota-foaled horse and the owner of the broodmare or his or her agent must register the broodmare in accordance with item A. The attending veterinarian, licensed by the state of Minnesota, must certify on information and belief that the information provided by the owner, lessee, or agent is true and correct.

C. Failure to submit broodmare registration forms on or before the January 31 cutoff date (excluding Saturday and Sunday) will disqualify any subsequent claims for breeders' award payments or for the foal to be registered as a Minnesota-bred or Minnesota-foaled horse.

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

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

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

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

Subp. 3. **Foal registration and certification.** For a horse foaled in Minnesota to be registered and subsequently certified as a Minnesota-bred or Minnesota-foaled horse, the following requirements must be met:

A. Within 30 days of the date a horse is foaled in Minnesota, the foal

for sale, any horse which has impaired vision in both eyes or suffers from periodic ophthalmia (commonly referred to as "moon blindness").

Subp. 13. **Failure to obtain license.** No person shall fail to secure a Class C license, if required, prior to the performance of his or her occupational duties.

Subp. 14. **Employing unlicensed personnel.** No licensee shall employ unlicensed personnel unless licenses are not required for such personnel.

Subp. 15. **Removing a horse without permission.** No person shall remove from the stable area of a licensed racetrack any horse without the written permission of the racing secretary or the stewards.

Subp. 16. **Helmets to be worn.** No person shall ride or drive a horse while on the grounds of an association without a properly fastened protective riding helmet.

Subp. 17. **Hypodermic equipment and injectable substances prohibited.** The following shall apply to the possession of hypodermic equipment and injectable substances while on the grounds of an association:

A. While within a restricted area of a licensed racetrack no person, other than a veterinarian, shall have in his or her possession any equipment for hypodermic injection or any substance for hypodermic administration. A noninjectable medication prescribed by a veterinarian for an existing condition may be possessed, provided its user has a valid current prescription and its use is consistent with the purposes of this chapter.

B. Notwithstanding item A, any person may have in his or her possession within a restricted area of a licensed racetrack:

(1) a chemical or biological substance for his or her own personal use; provided, that if such chemical substance is prohibited from being dispensed by any federal or state law without prescription, he or she possesses documentary evidence that a valid prescription for such substance has been issued to him or her; and/or

(2) a hypodermic syringe or needle for the purpose of administering a prescribed chemical or biological substance to himself or herself, provided that he or she has notified the stewards of the possession of such device, the size of such device, and the chemical substance to be administered by the device.

Subp. 18. **Possession of electrical devices.** No person, while on the grounds of an association, shall have in his or her possession any electrical or mechanical device or other appliance, other than an ordinary riding whip, that could be used for the purpose of stimulating a horse or affecting its speed in a race or workout.

Statutory Authority: *MS s 240.23; 240.24*

History: *9 SR 2527; 10 SR 1908; 12 SR 2393*

7897.0110 USE OF DRUGS AND ALCOHOL.

Subpart 1. **Drugs.** The commission, the commission's director of security, or the stewards may, at any time, require any licensee whose duties place him or her in a position of danger, or who commits an act that endangers a horse or human, to provide blood or urine samples for chemical analysis. If such a licensee fails to comply with this requirement, the licensee shall be suspended and referred to the commission to show cause for refusing to do so.

Should a licensee be found to have levels of any nonprescription, prohibited, or illegal drug, the licensee shall be subject to disciplinary action by the stewards and the commission.

Subp. 2. **Alcohol.** A blood-alcohol level of greater than 0.03 percent in jockeys or drivers, or 0.10 percent or greater in any other Class C licensee or employee or agent of a Class A or Class B licensee, while on the premises of a licensed racetrack, is prohibited.

Statutory Authority: *MS s 240.16; 240.23*

History: *9 SR 2527; 11 SR 2201*

Stat Authority
240.23

The Commission has authority, in addition to other rulemaking authority granted elsewhere in Laws 1983, Chapter 214 to promulgate rules governing:

(i) any other aspect of horse racing or pari-mutuel betting which in its opinion affects the integrity of racing or the public health, welfare, or safety.

Notice of Submission to A.G. indicates that they mail the Notice on March 15
We received the rules on March 18

STATE OF MINNESOTA
MINNESOTA RACING COMMISSION

In the Matter of the Proposed Rule Governing Amendments to the Existing Rule

AFFIDAVIT REGARDING COMMENTS RECEIVED PURSUANT TO NOTICE OF INTENT TO ADOPT RULE WITHOUT A PUBLIC HEARING

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

RICHARD G. KRUEGER. being duly sworn on oath deposes and says:

1. That he is the person named in the Notice of Intent to Adopt Rules Without a Public Hearing (Volume 15 S.R., Pages 1627-1640, January 22, 1991) as the person to receive comments on the Commission's intent to adopt rules concerning the above-entitled subject.

2. That the comment period set forth in the notice terminated at 4:30 p.m. on February 22, 1991.

3. That during the comment period one comment was received. A copy of the comment is attached.

RICHARD G. KRUEGER

Subscribed and Sworn to before me
this 15th day of March, 1991.

Notary Public

SHARON A. BEIGHLEY
NOTARY PUBLIC – MINNESOTA
HENNEPIN COUNTY
My Commission Expires Oct. 23, 1995

Stephen A. Palmer
ATTORNEY AT LAW
LORETTO LAW BUILDING
110 West Railway Street
P.O. Box 385
Loretto, Minnesota 55357

Fax (612) 479-6801

(612) 479-1200
1-(800) 345-0760

January 29, 1991

Richard Krueger
Minnesota Racing Commission
11000 West 78th St., Suite 201
Eden Prairie, MN 55344

RE: Proposed Rule Change 7897.0100 subp. 10

Dear Mr. Krueger:

I would like to obtain a copy of the Statement of Need and Reasonableness concerning the above, as well as request notification of the date of submission to the Attorney General and copy of the adopted rule when available.

I would also like to comment on the substantial changes to this rule. I have, for a number of years, done collection work for a number of vendors, trainers and vets at Canterbury Downs. I believe that I have been successful with them as my business has grown over the years. I have been able to collect the debts using the civil court system. I have also discovered that a number of the debts were disputed and that some of my clients were more interested in causing a licensee problems and embarassment than in collecting the debt. In the proposed rule I see the opportunity for a tremendous amount of abuse by some creditors. I also see some due process questions as the Stewards will have the power to eliminate a licensee's ability to earn a living by doing their job because of a debt. I have approximately 150 debtors, most of which are track related, some of which are very well known.

I know that debts are a large and growing problem but I believe that the rule as written has the potential to create more problems than it solves.

Sincerely,

Stephen A. Palmer

SP/tp

Stephen A. Palmer
ATTORNEY AT LAW
LORETTO LAW BUILDING
110 West Railway Street
P.O. Box 385
Loretto, Minnesota 55357

Fax (612) 479-0801

(612) 479-1200
1-(800) 345-0760

January 29, 1991

Richard Krueger
Minnesota Racing Commission
11000 West 78th St., Suite 201
Eden Prairie, MN 55344

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I know that debts are a large and growing problem but I believe that the rule as written has the potential to create more problems than it solves.

Sincerely,

Stephen A. Palmer

SP/tp

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 13th day of March, 1991, 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 governing amendments to the existing rule is approved and adopted, pursuant to authority vested in the Minnesota Racing Commission by Minnesota Statutes 240.23.
>
> Richard G. Krueger, Director of the Division of Pari-mutuel Racing, 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 13st day of March, 1991.

RALPH STRANGIS
Chair

Rules as Proposed

2890.0080 INELIGIBLE COSTS.

All costs associated with actions that do not minimize, eliminate, or clean up a release to protect the public health and welfare or the environment are ineligible costs. Ineligible costs include, but are not limited to, any costs related to the permanent repair or replacement of a tank, upgrading tanks, removal of tanks, loss of income, attorney's fees, permanent relocation of residents, decreased property values, reimbursement for the responsible person's own time spent in planning and administering a corrective action plan, aesthetic improvements, or any work performed that is not in compliance with safety codes including but not limited to Occupational Safety and Health Administration requirements, well codes, and fire codes. Other ineligible costs include corrective action costs which are covered under an insurance or other contract for initial and supplemental applications received by the board after the effective date of this part.

Department of Health

Corrections to Proposed Permanent Rules Relating to Certification of Environmental Laboratories

Corrected Rule Citation and Phone Number for Comments

The *Minnesota Rules* cited in the notice appearing on page 1505 of Vol. 15, #27, Dec. 31, 1990 *State Register* were wrong. The correct citation in the first paragraph and the second to the last paragraph on that page should be *Minnesota Rules* part 4740.2040, subp. 4. The correct telephone number for comments is (612) 623-5680.

Minnesota Racing Commission

Proposed Permanent Rules Relating to Pari-mutuel Horse Racing

Notice of Proposed Adoption of a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Racing Commission proposes to adopt the above-entitled rule without a public hearing following the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes*, section 240.23 (1990).

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:

Richard Krueger
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.

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 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: December 19, 1990.

Richard Krueger
Director
Minnesota Racing Commission

Rules as Proposed

7870.0400 DEADLINES FOR SUBMISSION OF CLASS A AND B LICENSE APPLICATIONS.

Deadlines for submission of a Class A or B license application are as follows:

A. Applications for a Class A license to own and a Class B license to operate a racetrack in the seven-county metropolitan area ~~must be received by the commission's designee before 5:00 p.m. on the 14th day, as computed pursuant to *Minnesota Statutes*, section 645.15, after these rules become effective or on March 1, 1984, whichever is later. The designee must deliver investigation fees to the commission promptly upon receipt. The designee must retain and safeguard until the deadline with seals intact all applications received. Promptly after the deadline, the designee must deliver the applications to the commission for opening~~ may be submitted at any time by filing the application with the commission at its administrative offices.

B. Applications for Class A licenses to own and Class B licenses to operate racetracks outside the seven-county metropolitan area ~~are not subject to the deadline imposed by item A~~ may be submitted at any time. If the commission determines that applications will be submitted for Class A licenses to own and class B licenses to operate racetracks outside the seven-county metropolitan area which will compete significantly with each other, the commission must establish a deadline for submission of applications.

C. Notwithstanding items A and B, applications for Class B licenses must be submitted at least ~~160~~ 60 days before the date on which the applicant proposes to commence horse races.

7871.0010 APPLICATION FOR PARI-MUTUEL POOLS.

[For text of subpart 1, see M.R.]

Subp. 2. **Disposition of requests.** The commission must act on a request for approval of pari-mutuel pools under the following procedures:

[For text of items A to D, see M.R.]

E. The commission shall approve, deny, or give its qualified approval to an application for pari-mutuel pools not sooner than ~~30~~ 25 nor later than 45 days after filing of the application.

[For text of item F, see M.R.]

[For text of subps 3 and 4, see M.R.]

7872.0100 APPLICATION FOR RACING DAYS.

[For text of subpart 1, see M.R.]

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

[For text of item A, see M.R.]

B. The commission shall conduct a public hearing on the request no sooner than 25 nor later than ~~30~~ 45 days after an application is filed. The commission shall issue a press release no later than five days after an application is filed announcing the filing and the time and place of the public hearing.

[For text of items C to F, see M.R.]

[For text of subps 3 to 7, see M.R.]

7873.0100 APPLICATION FOR PARI-MUTUEL POOLS.

[For text of subpart 1, see M.R.]

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

[For text of items A to D, see M.R.]

E. The commission shall approve, deny, or give its qualified approval to an application for pari-mutuel pools not sooner than ~~30~~ 25 nor later than 45 days after filing of the application.

[For text of item F, see M.R.]

[For text of subp 3, see M.R.]

7873.0110 APPROVAL OF PARI-MUTUEL POOLS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Live racing days; director of pari-mutuel racing authority.** The director of pari-mutuel racing is delegated the authority to approve variation and changes in the pari-mutuel pools previously approved by the commission, placement of pools in the program, and simulcasts requested by the licensee that meet the criteria in subpart 2. The director of pari-mutuel racing is delegated the authority to approve changes in the placement of pari-mutuel pools in the program, the addition of approved pari-mutuel pools to the program, and changes in simulcasting requests by the licensee that meet the criteria in subpart 2. Before approving a change in the pick six, pick seven, twin trifecta, and super-tri wagering pools, the director must consult with the commission's executive committee.

7873.0185 TRIFECTA.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Restrictions on trifecta races.** The restrictions in items A to ~~D~~ C apply to trifecta races.

A. Coupled or uncoupled entries and mutuel fields are prohibited from starting in trifecta races.

B. ~~There must be a minimum of ten horses entered in a race with trifecta wagering.~~

~~C.~~ There shall be no trifecta wagering on handicap races.

~~D.~~ C. If fewer than eight horses are declared starters, trifecta wagering shall be canceled and all trifecta wagers shall be refunded. If time permits, the association may schedule exacta wagering in place of trifecta wagering.

[For text of subp 8, see M.R.]

7873.0186 TWIN TRIFECTA.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Procedures.** ~~The procedures in items A to E apply to twin trifecta races.~~ The twin trifecta pools shall be calculated according to one of the two following methods as approved by the commission.

A. (1) Each bettor purchasing twin trifecta tickets shall designate selections as the first three horses to finish in exact order in the first race of the two designated races.

~~B.~~ (2) After wagering closes for the first race of the twin trifecta, the net pool will be divided with 25 percent of the net pool going to the first race of the twin trifecta and 75 percent of the net pool going to the second race of the twin trifecta.

~~C.~~ (3) After the official declaration of the first race of the twin trifecta, 25 percent of the net pool will be distributed to the holders of the twin trifecta tickets selecting the first three horses in exact order, on the first designated twin trifecta race. Further, each bettor holding a ticket correctly selecting the first three horses in the exact order of finish must, before the running of the second twin trifecta race, exchange the winning tickets for both the monetary value as calculated by the totalisator equipment and twin trifecta exchange tickets and at such time shall select three horses to finish in the second race of the twin trifecta in the exact order as officially posted. No further money shall be required of the holders of the winning tickets in order to make the exchange.

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~~D.~~ (4) After the official declaration of the second race of the twin trifecta, the remaining 75 percent of the net pool will be distributed to the holders of the second half twin trifecta tickets selecting the first three horses in exact order, on the second designated twin trifecta race.

~~E.~~ (5) If a winning twin trifecta ticket from the first race is not presented for cashing and exchange within the time provided, the bettor may still collect the monetary value of the ticket, but forfeits all rights to any distribution of the second race net pool of the twin trifecta.

B. (1) Each bettor purchasing twin trifecta tickets shall designate selections as the first three horses to finish in exact order in the first race of the two designated races.

(2) After wagering closes for the first race of the twin trifecta, the net pool will be divided with 50 percent of the net pool going to the first race of the twin trifecta and 50 percent of the net pool going to the second race of the twin trifecta.

(3) After the official declaration of the first race of the twin trifecta, 50 percent of the net pool will be distributed to the holders of the twin trifecta tickets selecting the first three horses in exact order, on the first designated twin trifecta race. Further, each bettor holding a ticket correctly selecting the first three horses in the exact order of finish must, before the running of the second twin trifecta race, exchange the winning tickets for both the monetary value as calculated by the totalisator equipment and twin trifecta exchange tickets and at such time shall select three horses to finish in the second race of the twin trifecta in the exact order as officially posted. No further money shall be required of the holders of the winning tickets in order to make the exchange.

(4) After the official declaration of the second race of the twin trifecta, the remaining 50 percent of the net pool will be distributed to the holders of the second half twin trifecta tickets selecting the first three horses in exact order, on the second designated twin trifecta race.

(5) If a winning twin trifecta ticket from the first race is not presented for cashing and exchange within the time provided, the bettor may still collect the monetary value of the ticket, but forfeits all rights to any distribution of the second race net pool of the twin trifecta.

[For text of subps 4 to 8, see M.R.]

Subp. 9. **Restrictions on twin trifecta races.** The restrictions in items A to ~~D~~ C apply to twin trifecta races.

A. Coupled or uncoupled entries and mutuel fields are prohibited from starting in twin trifecta races.

B. ~~There must be a minimum of ten horses entered in a race with twin trifecta wagering.~~

~~C.~~ There shall be no twin trifecta wagering on handicap races.

~~D.~~ C. If fewer than eight horses are declared starters for the first race of the twin trifecta, twin trifecta wagering shall be canceled for that day and all twin trifecta wagers shall be refunded. However, any accumulated second race twin trifecta carryover will not be affected and will carry over to the next consecutive race day. In the event this occurs on the final program, the accumulated net pool of the second twin trifecta race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race twin trifecta net pool for the next consecutive racing date as an additional net amount to be distributed.

If fewer than eight horses are declared starters for the second race of the twin trifecta, all holders of exchange tickets to the second race of the twin trifecta will share equally in that part of the second race net pool added in that day. The amount carried over from previous days will not be distributed and will be carried over to the next consecutive race day. In the event this occurs on the final program, the accumulated net pool of the second twin trifecta race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race twin trifecta net pool for the next consecutive racing date as an additional net amount to be distributed.

[For text of subp 10, see M.R.]

7873.0190 PICK SIX.

[For text of subps 1 to 5, see M.R.]

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

[For text of items A to C, see M.R.]

D. With the permission of the commission before the start of racing, a licensee may declare a mandatory payout on the next consecutive race day after the pick six carryover pool has reached a previously approved amount. Should no distribution be made pursuant to item A or B, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of the tickets correctly designating the most winning selections of the six races comprising the pick six for that day. If, for any reason, the day of racing is canceled, or the pick six pool has not been distributed, the pool shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing day as an additional net amount to be distributed.

[For text of subps 7 to 10, see M.R.]

Subp. 11. **Additional money added.** With the approval of the commission, the association may guarantee a minimum payout in the pick six. If the guaranteed payout exceeds the amount available for distribution from the amounts wagered, the association shall provide the difference by paying the holders of any winning ticket correctly designating the official winner in each of the six races comprising the pick six with its own funds.

7873.0192 SUPER-TRI WAGERING AND POOLS.

Subpart 1. **Scope.** The super-tri is a form of pari-mutuel wagering in which the bettor selects three runners that will finish first, second, and third in one designated race, then select the correct order of finish, first, second, third, and fourth in another designated race. All super-tri wagers will be calculated in an entirely separate pool, with no relation to any other pool.

Subp. 2. **Price of tickets.** Super-tri tickets shall be sold in not less than $2 denominations.

Subp. 3. **Procedures.** The procedures in items A to E apply to super-tri races.

A. Each bettor purchasing super-tri tickets shall designate selections as the first three runners to finish in exact order in the first race of the designated two races.

B. After the wagering closes on the first half of the super-tri, the net pool will then be divided into two separate pools of equal amounts.

C. The money in the first part of the pool will be distributed to the holders of the trifecta portion selecting the first three runners in order on the first designated super-tri race according to the established pari-mutuel practice.

After the official declaration of the first three runners to finish in the first race of the super-tri, each bettor holding a winning ticket with the exact order of finish must, prior to the running of the second super-tri race, exchange the winning ticket for both the monetary value established by the mutuels department and super-tri exchange tickets and at that time shall select the four runners to finish in the second race of the super-tri in the exact order of finish as officially posted. No further money shall be requested of the holders of the winning ticket in order to make the exchange.

In the first part of the super-tri, if no ticket is sold on a winning combination, selecting the first three finishers in exact order, there will be no exchange, only the consolation payoff, as described in subpart 4, with the exception of a mandatory payout according to subpart 7. Then an exchange will be given.

D. The second equal part of the divided pool will be distributed to holders of second half super-tri tickets selecting the first four runners in exact order of the second designated super-tri race.

E. No super-tri exchange for the second race shall be issued except upon surrender of the super-tri tickets from the first race as described in this subpart.

If a winning super-tri ticket from the first race is not presented for cashing and exchanging within the time provided, the bettor may still collect the monetary value attached to the ticket but forfeits all rights to any distribution of the second race super-tri pool.

Subp. 4. **Failure to select winning combination.** Items A to E govern payoffs in races where the winning combination has not been selected.

A. In the first race of the super-tri only, if no ticket is sold on a winning combination of a super-tri pool, the net pool shall be apportioned equally between those having tickets selecting the first and second place runners in exact order with all other horses. If no ticket is sold selecting the first and second runners in the super-tri pool, the net pool shall then be apportioned equally between those having tickets selecting the runner or runners that finish first and third, with all other horses finishing second in the super-tri race. Should no selection be made as above mentioned, the net pool shall be apportioned equally between those having selected the runner finishing second with the runner finishing third, with all other horses to win.

If no ticket is sold correctly selecting the second and third horse, the net pool shall be paid equally on those super-tri tickets selecting the horse that finished first, with all other horses finishing second and third.

B. Should no selection be made as described in this subpart, then a complete refund of the super-tri pool will be made and the super-tri will be canceled for that performance.

C. If less than three horses finish the first super-tri race, payoff shall be made equally on all tickets correctly selecting the actual finishing horses in order, ignoring the balance of the selection. In this event, there will be no exchange for the second race of the super-tri and the second race net pool will automatically carry over to the next consecutive race day.

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D. If no ticket is sold that would require distribution of the net super-tri pool as described in item C, a full refund of the super-tri pool for that race shall be made.

If a full refund is required, any previous day's carryover will not be included and will carry over to the next consecutive race day.

E. In the event there is no super-tri ticket issued accurately selecting the officially declared first four finishers of the second super-tri race, in the exact order, the second race pool as divided earlier shall be held for the next consecutive racing day or night and combined with that program's second race super-tri net pool. Distribution of this cumulative second race super-tri net pool will be made only upon accurate selection, in exact order of the first four officially declared finishers of the second super-tri race.

Subp. 5. **Scratches.**

A. If fewer than eight horses are declared starters for the first race of the super-tri, super-tri wagering shall be canceled for that day and all super-tri wagers shall be refunded. However, any accumulated second race super-tri carryover will not be affected and will carry over to the next consecutive race day.

If fewer than eight horses are declared starters for the second race of the super-tri, all holders of exchange tickets to the second race of the super-tri will share equally in that part of the second race net pool added in that day. The amount carried over from previous days will not be distributed and will be carried over to the next consecutive race day.

B. If a runner is scratched in the first race of the super-tri prior to the running of the first half of the super-tri, then all super-tri tickets on the scratched runner will be refunded. A public address announcement will be made and a reasonable time will be given to make another selection.

If after the running of the first half of the super-tri, a runner is scratched in the second race of the super-tri, then all exchange tickets involving the scratched horse will be exchanged. A public address announcement will be made and a reasonable time will be given to make another selection.

C. For the second race of the super-tri only, all horses will be declared starters once the starting gate has opened. In this instance the prevention to start rule will not apply.

Subp. 6. **Dead heats.** In the event of a dead heat in either the first or second race of the super-tri races, all super-tri tickets with the correct order of finish counting a runner in a dead heat as finishing in any position dead-heated shall be a winning ticket and, the winning combinations shall be paid proportionately from the net super-tri pool.

Subp. 7. **Mandatory payout.** On the final program of any official race meeting, the entire accumulated second race super-tri net pool must be distributed.

A. With approval of the racing commission before the start of racing, the association may declare a mandatory payout on the accumulated second race super-tri pool on the next consecutive race day after the super-tri carryover pool has reached a previously approved amount. If there is a limit placed on the super-tri pool and there is no super-tri ticket issued selecting in the exact order of finish the officially declared first four finishers of the second super-tri race, the second race pool shall be apportioned according to the mandatory distribution rules in items C to G.

B. In the first half of the super-tri, if no ticket is sold on a winning combination of a super-tri pool, an exchange will be given along with the consolation payoff according to subpart 4, items A to D.

C. In the second half of the super-tri, if no ticket is sold on a winning combination, the net pool shall be apportioned equally between those having tickets selecting the first, second, and third runners in exact order with all others.

D. In the second half of the super-tri, if no ticket is sold selecting the first, second, and third runners in exact order, the net pool shall be apportioned equally between those having tickets selecting the first and second place runners in exact order with all others.

E. In the second half of the super-tri, if no ticket is sold selecting the first and second place runners, the net pool shall then be apportioned equally between those having tickets selecting the runner or runners that finish first with all others.

F. Should no selection be made as described in this subpart, the net pool shall be apportioned equally between those having selected the runner finishing second combined with the runner finishing third and combined with the runner finishing fourth in exact order with all others to win.

G. However, should no selection be made as provided for in items A to F, then the second part of that program's divided pool and any carryover will be evenly distributed to all holders of second race super-tri exchange tickets.

Subp. 8. **Cancellation of one or both super-tri races.**

A. If, for any reason, the first race of the super-tri is canceled, a full refund of all super-tri tickets will be made.

B. If, for any reason, the second race of the super-tri is canceled, not declared official, or less than three horses finish the race, the winning ticket holders on the first race of the super-tri will be entitled to equal distribution of the amount of the current

program's net pool for the second half of the super-tri. The cumulative pool from previous programs shall not be distributed in this case and will be carried over to the next consecutive race day, unless the association has designated a mandatory payout pursuant to subpart 7.

Subp. 9. **Restrictions on super-tri races.**

A. Coupled or uncoupled entries and mutuel fields are prohibited from starting in super-tri races.

B. There shall be no super-tri wagering on handicap races.

C. If fewer than eight horses are declared starters for the first race of the super-tri, super-tri wagering shall be canceled for that day and all super-tri wagers shall be refunded. However, any accumulated second race super-tri carryover will not be affected and will carryover to the next consecutive race day, including mandatory distribution days. In the event this occurs on the final program, the accumulated net pool of the second race super-tri race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race super-tri net pool for the next consecutive racing date as an additional net amount to be distributed.

If fewer than eight horses are declared starters for the second race of the super-tri, all holders of exchange tickets to the second race of the super-tri will share equally in that part of the second race net pool added on that day. The amount carried over from previous days will not be distributed and will be carried over to the next consecutive race day, including mandatory distribution days. In the event this occurs on the final program, the accumulated net pool of the second super-tri race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race super-tri net pool for the next consecutive racing date as an additional net amount to be distributed.

Subp. 10. **Displaying super-tri rules.** Super-tri rules shall be prominently displayed at each track conducting super-tri wagering. Printed copies of super-tri rules shall be distributed to patrons upon request.

7873.0195 DISTRIBUTION OF PICK SEVEN, PICK SIX, AND PICK THREE POOLS.

The commission may authorize the distribution or carry over of the pick seven pool according to part 7873.0198, subpart 6, the pick six pool according to part 7873.0190, subpart 6 and the pick three pool according to part 7873.0191, subpart 6 on each final day of racing of a breed and on the final day of mixed breed racing within a race meeting. In determining whether to distribute or carry over the pick seven, pick six and/or pick three pools, the commission must consider the type of breed racing, assignment of future racing days, and the best interest of racing.

In cases where a carry over would occur, the commission must designate what constitutes the next succeeding racing date to which the escrowed funds are to be carried over.

7873.0198 PICK SEVEN.

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

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

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

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

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

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

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

(2) In the event there is no pari-mutuel ticket properly issued which correctly designated the official winner in each of the seven races comprising the pick seven, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding race date as an additional net amount to be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the seven races comprising the pick seven pool that day. The remaining 25 percent shall be distributed among the holders of pick seven tickets which correctly designate the most official winners of the seven races comprising the pick seven.

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

(2) In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner of each of the seven races comprising the pick seven, 50 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as a distributable amount and shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the seven races comprising the pick seven pool that day. The remaining 50 percent shall be distributed among the holders of pick seven tickets which correctly designate the most official winners of the seven races comprising the pick seven.

The method of distribution shall be selected by the racing association and implemented after approval by the commission; provided that the method of distribution benefits the wagering public and does not adversely affect the integrity of racing.

C. Should no distribution be made pursuant to item A or B on the last day of the association's meeting, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of tickets correctly designating the most winning selections of the seven races comprising the pick seven for that day. If, for any reason the final day of racing is canceled or the pick seven pool has not been distributed, the pool shall be escrowed by the association, and the pool, as well as all accrued interest, shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

D. With prior approval of the commission, the association may declare a mandatory payout of the accumulated carryover pool at a stated amount. Should no distribution be made pursuant to item A or B, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of the tickets correctly designating the most winning selections of the seven races comprising the pick seven for that day. If, for any reason, the day of racing is canceled or the pick seven pool has not been distributed, the pool shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing day as an additional net amount to be distributed.

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

The association may refund pick seven tickets that include the scratched selection prior to the beginning of wagering for the first race comprising the pick seven races.

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

Subp. 9. **Cancellation of race comprising pick seven.** In the event one or more of the races comprising the pick seven is canceled for any reason, or in the event one or more of the races comprising the pick seven is declared as no contest by the stewards, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed. The remaining 25 percent shall be distributed among the holders of pick seven tickets which correctly designate the most official winners of the remaining races comprising the pick seven. In the event of the cancellation of all seven races comprising the pick seven pool after wagering has been accepted on that day, a full and complete refund must be made of the pari-mutuel tickets sold on the pick seven on that day. One hundred percent of the remaining amount in the pick seven pari-mutuel pool shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

Subp. 10. **No pick seven ticket to be exchanged or canceled.** No pari-mutuel ticket for the pick seven pool shall be sold, exchanged, or canceled after the time of the close of wagering in the first of the seven races comprising the pick seven, except for the refunds on pick seven tickets as required by this part, and no person shall disclose the number of tickets sold in the pick seven pool or the number or amount of tickets selecting winners of pick seven races until such time as the stewards have declared "official" the last race comprising the pick seven.

Subp. 11. **Additional money added.** With the approval of the commission, the association may guarantee a minimum payout in the pick seven. If the guaranteed payout exceeds the amount available for distribution from the amounts wagered, the association shall provide the difference by paying the holders of any winning ticket correctly designating the official winner in each of the seven races comprising the pick seven with its own funds.

7875.0200 EQUIPMENT.

[For text of subps 1 to 8, see M.R.]

Subp. 9. **External communications.** An association may have telephone or telegraph systems on the premises during a race meeting for the benefit of the public, the press, or for transacting ordinary business~~, but~~. No information regarding the results of any race shall be transmitted out of the racetrack until ~~15 minutes after~~ the results are official except for races that are broadcast or televised live. ~~For those races the results and payoffs may be announced as soon as the race is official.~~ Under no circumstances shall any message be sent over said wires transmitting money, or other things of value, or directing the placing of any wager on the result of a race except as permitted by part 7873.0400.

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

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

One public telephone is allowed per floor at an association track. Each phone must be monitored by association security and must be part of an "information center" provided by the association. All ~~telephones or~~ other instruments of communication, other than those designated for the sole use of the commission or those approved by the commission for use during racing, must be rendered inoperable between the hours starting 30 minutes before post time for the first race and the flashing of the "official" sign following the last race.

~~All~~ Any portable telephones, transmitters, or any other instrument ~~of communication~~ that can be used for transmitting messages off the grounds of an association is subject to confiscation by security personnel or by the racing commission and its employees.

7876.0110 OFF-TRACK STABLING.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Horses must be at racetrack ~~by scratch time~~ for race day inspection.** All horses shipped from another racetrack or off-track stabling facility to a racetrack for a race must be at the racetrack no later than 9:00 a.m. on the day on which the horse is scheduled to race.

7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

[For text of subps 1 and 2, see M.R.]

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

[For text of items A to C, see M.R.]

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

[For text of subps 4 to 8, see M.R.]

Subp. 9. **Veterinarians.** An applicant for a veterinarian's license must:

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A. provide proof of current validation to practice veterinary medicine in Minnesota.;

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

C. provide proof of current United States Department of Agriculture Animal and Plant Inspection Service accreditation in Minnesota; and

D. provide proof of current registration status under the Controlled Substance Act of 1970, including the schedules for which the applicant has been approved by the Drug Enforcement Administration.

[For text of subps 10 to 15, see M.R.]

7877.0160 DURATION AND EXTENT OF CLASS C LICENSES.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Change of ~~employers~~ employees.** At the time a Class C licensee ~~who~~ changes ~~employers~~ employees, the licensee must notify the ~~commission's licensing~~ association's validation office of the change no later than by the end of the next racing day of that race meeting.

[For text of subp 4, see M.R.]

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

[For text of subpart 1, see M.R.]

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

[For text of items A to E, see M.R.]

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

[For text of items G to S, see M.R.]

T. Each trainer shall comply with all provisions of *Minnesota Statutes*, chapter 176, and all rules adopted under that chapter.

[For text of subp 2a, see M.R.]

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

[For text of items A to C, see M.R.]

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

[For text of items E to W, see M.R.]

[For text of subps 4 to 8, see M.R.]

Subp. 9. **~~Veterinary negligence~~ Veterinarians.** The following shall apply to veterinarians licensed by the commission:

A. Veterinarians shall be responsible for the conduct of any veterinary assistant working with or employed by the veterinarian to ensure compliance with this subpart.

B. Veterinarians shall not be negligent in the performance of their duties with respect to the health and welfare of a horse, or in the prescription or administration of a medication or injectable substance, or in the use of equipment for hypodermic injection.

C. Veterinarians shall not be in possession of medications or substances which have not been approved for use in the United States by the Food and Drug Administration.

D. Veterinarians shall not be in possession of controlled substances in schedules for which they are not currently registered and approved by the Drug Enforcement Administration.

E. Veterinarians must remove from the grounds of an association all discardable equipment and injectable substance containers.

7879.0100 QUALIFICATIONS AND APPOINTMENT OF STEWARDS.

[For text of subpart 1, see M.R.]

Subp. 2. **Appointment and approval of stewards.** The following procedures must be observed in the appointment of stewards:

A. There shall be three stewards for each race meeting, at least two of whom shall be appointed by the ~~commissioner~~ commission. The third steward may be nominated by the association for approval by the commission if the commission determines that nomination by the association will be in the best interests of racing.

The commission must notify the association if it will accept an association's nomination for a steward. The name of the association nominee for steward must be submitted no later than 30 days before commencement of a race meeting and must be accompanied by biographical data setting forth the experience and qualifications of the nominee. No steward may serve until approved by the commission.

[For text of item B, see M.R.]

7883.0100 ENTRIES AND SUBSCRIPTIONS.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Prohibited entries.** No person shall:

[For text of items A and B, see M.R.]

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

[For text of item D, see M.R.]

[For text of subps 7 to 15a, see M.R.]

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

A. A horse which has not started for a period of ~~45~~ 30 days or more shall not be eligible to be entered until it has completed one timed workout prior to the entry date. Any workout following the entry of a horse shall appear on the official daily racing program or shall be posted for the public.

B. ~~Horses that have not started within 60 days of time of entry into a race must have a minimum of two timed workouts prior to entering in any race.~~ A horse which has not started for a period of 60 days or more shall not be eligible to be entered until it has completed two timed workouts prior to the entry date.

C. First-time starters must have gate approval and a minimum of two timed workouts, one of which must be out of the gate within 60 days prior to the entry date.

D. A horse, other than a first-time starter, which has not started for a period of one year or more shall not be eligible to be entered until it has completed three timed workouts, at least one of which must be before the commission veterinarian or the association veterinarian.

[For text of subps 17 and 18, see M.R.]

7883.0130 PENALTIES AND ALLOWANCES.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Sex allowance.** In all races against male horses, except handicaps and races where the conditions expressly state to the contrary, fillies two years old are allowed three pounds and fillies and mares three years old and upward are allowed five pounds before September 1 and three pounds thereafter. The sex allowance may not be waived.

7883.0140 CLAIMING RACES.

[For text of subps 1 to 14, see M.R.]

Subp. 15. **Protest of claim.** Not later than the next racing day after the race was run, a written protest of a claim may be submitted to the stewards who shall investigate the matter as quickly as possible. In the event that a stewards' ruling is issued concerning a medication violation discovered through post-race drug testing of a claimed horse, a written protest of a claim may be submitted to the stewards within 24 hours of the posting of a ruling; however, a claimant may submit a written protest of a claim within 24 hours of the receipt of notification from the stewards of such a ruling.

[For text of subps 16 to 30, see M.R.]

7890.0100 DEFINITIONS.

[For text of subps 1 to 12, see M.R.]

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Subp. 13. **Medication.** "Medication" is a substance, compound, or element, or combination thereof, which is or can be administered to a horse for the purpose of preventing, curing, or alleviating the effects of any disease, condition, ailment, or infirmity, or symptom thereof, or for altering in any way the behavior, attitude, temperament, or performance of a horse, including athletic performance. The term medication includes all analgesics, anesthetics, depressants, narcotics, stimulants, tranquilizers, and other classifications of medications. Nothing herein shall be deemed to include:

[For text of item A, see M.R.]

B. Lasix®, provided, however, that if it is administered ~~to a confirmed bleeder on a day it is entered to race, it must be given intravenously under the visual supervision of the commission veterinarian and at a dose level not to exceed 250 milligrams (five milliliters of a 50 milligrams/milliliter or five percent solution) per administration~~ pursuant to the provisions of part 7890.0140, subpart 6.

[For text of items C and D, see M.R.]

[For text of subps 14 to 21, see M.R.]

7892.0120 TAKING OF SAMPLES.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Split samples.**

A. A portion of the sample from each horse tested, after a sufficient amount has been sent to the official laboratory, must be preserved by the commission. It must be available for testing at the request of a person accused of a violation of chapter 7890. A person so accused may request that the portion of the test sample retained by the commission ~~be sent to a laboratory selected from~~ shall approve a list of laboratories ~~approved by the commission for~~ which may provide split sample testing. From this list, a person accused of a violation of chapter 7890 shall designate the laboratories in descending order of preference. The sample must be sent to the laboratory given the highest preference and that is capable of testing for the substance within 14 days. The commission veterinarian shall have overall responsibility for the storage, safeguarding, and shipment of the split sample and for the receipt of results from the drug testing laboratory to which the sample was sent.

B. A person making a request for split sample testing must do so in writing to the stewards within 72 hours of notice of the official laboratory's findings and must bear the cost of shipment and additional testing. The cost of additional testing shall be paid in the form of a check or money order payable to the Minnesota Racing Commission or in cash at the commission's administrative offices.

C. A person making a request for split sample testing must select from among the laboratories approved by the commission pursuant to item A, within 24 hours of receipt of the list.

D. Failure to comply with the provisions of items B and C shall render the request for split sample testing null and void.

[For text of subp 6, see M.R.]

7895.0100 GENERAL PROVISIONS.

[For text of subps 1 to 6a, see M.R.]

Subp. 7. **Late fees.** All late fees collected for late registration of horses shall be allocated to the breeders' fund administration account.

7895.0125 THOROUGHBRED 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 and must remain in Minnesota until foaling. The broodmare's original jockey club certificate must be received by the racing commission or official registering agency.

[For text of items B to D, see M.R.]

E. The commission may, at its discretion, request written documentation from any persons seeking late registration that the broodmare was standing in Minnesota as of ~~February 15~~ January 31 of the foaling year.

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

[For text of items A to D, see M.R.]

E. The commission may, at its discretion, request written documentation from any persons seeking late registration that the stallion was standing in Minnesota as of ~~February 15~~ January 31 of the breeding year.

[For text of subp 3, see M.R.]

7895.0275 STANDARDBRED REGISTRATION.

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

[For text of items A to D, see M.R.]

E. The commission may, at its discretion, request written documentation from any persons seeking late registration that the stallion was standing in Minnesota as of ~~February 15~~ January 31 of the breeding year.

[For text of subp 2, see M.R.]

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 and must remain in Minnesota until foaling. The broodmare's original American Quarter Horse Association (AQHA) certificate must be received by the racing commission or official registering agency. The broodmare must be in foal to a Minnesota registered stallion which means a stallion owned at least 50 percent by residents of Minnesota or leased entirely by Minnesota residents, and which has stood the entire breeding season from January 31 to July 31 in Minnesota.

[For text of items B to E, see M.R.]

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

[For text of item A, see M.R.]

B. Stallions must remain in Minnesota for the entire breeding season from January 31 through July 31, unless the commission is notified in writing by certified mail in the event a stallion shall leave Minnesota for racing purposes, medical purposes, show purposes, or is sold through public auction or sold privately. A stallion may not breed any mares while in another state.

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

[For text of items C to E, see M.R.]

[For text of subp 3, see M.R.]

7897.0100 PROHIBITED ACTS.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Cooperation with security officers.** No person shall fail to comply with orders of security officers or racing officials or interfere with security officers or racing officials in the performance of their official duties. No racing official shall fail to comply with orders of a steward while in the performance of the steward's duties.

[For text of subps 8 and 9, see M.R.]

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~~ therefore 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.~~ presenting facts sufficient to enable the stewards to determine that the claim is meritorious and is directly related to the licensee's activities in their state and that the debt became due within the last two years. Upon receipt of a complaint, the stewards may conduct an investigation and attempt to resolve the matter informally. If the

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stewards determine that the complaint has merit, and cannot resolve the matter informally or determine that it is not appropriate to settle the matter informally, then the stewards shall commence the appropriate disciplinary procedures in chapter 7879.

[For text of subps 11 to 18, see M.R.]

Subp. 19. **Driving violation.** No person may park or drive a vehicle on the grounds of the association in a manner which creates a potential hazard to persons or property.

7897.0110 USE OF DRUGS AND ALCOHOL.

Subpart 1. **Drugs.** The commission, the commission's director of security, or the stewards may, at any time, require any licensee having direct physical contact with horses or direct responsibility for some portion of the day's racing program, or whose duties place him or her in a position of danger, or who commits an act that endangers a horse or human, to provide blood or urine samples for chemical analysis. If such a licensee fails to comply with this requirement, the licensee shall be suspended and referred to the commission to show cause for refusing to do so.

Should a licensee be found to have levels of any nonprescription, prohibited, or illegal drug, or an alcohol concentration greater than 0.04 percent, the licensee shall be subject to disciplinary action by the stewards and the commission. For purposes of this part, "alcohol concentration" means:

A. the number of grams of alcohol per 100 milliliters of blood; or

B. the number of grams of alcohol per 210 liters of breath; or

C. the number of grams of alcohol per 67 milliliters of urine.

Subp. 2. [See repealer.]

7899.0100 VARIANCES.

[For text of subps 1 and 2, see M.R.]

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~~ ten calendar days after it has issued the notice.

[For text of items B to E, see M.R.]

[For text of subp 4, see M.R.]

REPEALER. *Minnesota Rules*, part 7897.0110, subpart 2, is repealed.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Board of Medical Examiners

Adopted Permanent Rules Relating to Licensing

The rules proposed and published at *State Register*, Volume 15, Number 13, pages 730-733, September 24, 1990 (15 SR 730) are adopted as proposed.

RECEIVED

MAR 15 91

ATTORNEY GENERAL'S OFFICE
1100 BREMER TOWER
7TH PLACE AND MINNESOTA ST
ST. PAUL, MN 55101

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

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

AFFIDAVIT OF MAILING THE NOTICE OF PROPOSED ADOPTION OF RULE AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) SS.
COUNTY OF HENNEPIN)

I, RICHARD G. KRUEGER, 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 17th day of JANUARY, ~~1990~~ XX 1991.

That on the 17th day of JANUARY, 199~~0~~1, 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.

Minnesota Racing Commission

Subscribed and sworn to before me this 17th day of JANUARY, ~~1990~~ XX 1991

NOTARY PUBLIC

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****
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January 29, 1991

Richard Krueger
Minnesota Racing Commission
11000 West 78th St., Suite 201
Eden Prairie, MN 55344

RE: Proposed Rule Change 7897.0100 subp. 10

Dear Mr. Krueger:

I would like to obtain a copy of the Statement of Need and Reasonableness concerning the above, as well as request notification of the date of submission to the Attorney General and copy of the adopted rule when available.

I would also like to comment on the substantial changes to this rule. I have, for a number of years, done collection work for a number of vendors, trainers and vets at Canterbury Downs. I believe that I have been successful with them as my business has grown over the years. I have been able to collect the debts using the civil court system. I have also discovered that a number of the debts were disputed and that some of my clients were more interested in causing a licensee problems and embarassment than in collecting the debt. In the proposed rule I see the opportunity for a tremendous amount of abuse by some creditors. I also see some due process questions as the Stewards will have the power to eliminate a licensee's ability to earn a living by doing their job because of a debt. I have approximately 150 debtors, most of which are track related, some of which are very well known.

I know that debts are a large and growing problem but I believe that the rule as written has the potential to create more problems than it solves.

Sincerely,

Stephen A. Palmer

SP/tp

STATE OF MINNESOTA
MINNESOTA RACING COMMISSION

In the Matter of the Proposed Rule Governing Amendments to the Existing Rule

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION OF RULE TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

RICHARD G. KRUEGER, being duly sworn, says:

That on the 15th day of March, 1991, in the City of Eden Prairie, County of Ramsey, State of Minnesota, I mailed the attached Notice of Submission of Rule to the Attorney General by depositing in the United States Mail a copy thereof, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter have been sent to the Attorney General.

RICHARD G. KRUEGER

Subscribed and Sworn to Before Me
This 15th day of March, 1991

Notary Public

SHARON A. BEIGHLEY
NOTARY PUBLIC – MINNESOTA
HENNEPIN COUNTY
My Commission Expires Oct. 23, 1995

STATE OF MINNESOTA
MINNESOTA RACING COMMISSION

In the Matter of the Proposed Rule Governing Amendments to the Existing Rule

NOTICE OF SUBMISSION OF RULES TO THE ATTORNEY GENERAL

Pursuant to your request and in accordance with Minn. Stat. §14.26 (1990):

PLEASE TAKE NOTICE that the above-captioned rule as adopted has been submitted to the Office of the Attorney General on this date, March 15, 1991, for review as to legality and form to the extent form relates to legality. The proposed rule, the rule as adopted, all the notices, all written comments received, and other required documents also have been submitted to the Attorney General.

The proposed rule which was published in the State Register and made available to the public on January 22, 1991 has been modified. A free copy of the rule as modified as well as the findings of fact, conclusions, and order explaining the amendments and adopting the rules is available upon request from the Minnesota Racing Commission, 11000 West 78th Street, #201, Eden Prairie, Minnesota 55344, telephone (612)341-7555.

The rule must be approved or disapproved by the Attorney General within fourteen days following date of receipt of the rules. You may submit written comments to the Attorney General. Any written comments must be submitted within seven working days of the date of this notice. Your comments must address only the issue of legality of the rule or the legality of the specific parts or subparts of the rules. The Attorney General standards for review are set forth in Minnesota Rules, pt. 2010.1000.

You may receive a copy of the Attorney General decision upon written request to the Attorney General. Your comments or requests for the decision must be directed to:

The Office of the Attorney General
525 Park Street
St. Paul, Minnesota 55155
(612) 297-2040

Any written comments submitted to the Attorney General must be submitted to Richard G. Krueger, Minnesota Racing Commission, 11000 West 78th Street, #201, Eden Prairie, Minnesota 55344, (612) 341-7555.

Dated: 3/15/91

Richard G. Krueger
Executive Director

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

In the Matter of the Proposed Adoption of Rules of the Minnesota Racing Commission Concerning Amendments and Additions 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 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 and new rules are reasonable because they are customery 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 empowered 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 (1990) to promulgate rules governing the "conduct of horse racing held at licensed

racetracks, including but not limited to the rules of racing, application for pari-mutuel pools and racing days, pari-mutuel wagering rules, Class A and B licenses, Off-Track Stabling, Class C Licenses, Stewards, Entries and Subscriptions, Claiming Races, Medication, Prohibited Acts, Penalties and Allowances, Taking of Samples, Breeders' Fund and "any other aspect of horse racing or pari-mutuel betting which, in its opinion, affects the integrity of racing or the public health, welfare or safety".

III. RULE-BY-RULE ANALYSIS

7870 CLASS A AND B LICENSES

7870.0400 Deadlines for Submission of Class A and B License Applications

This part contains information regarding the submission of Class A and B license applications from racetrack owners and operators. The Commission proposes to delete all language referring to the original application deadline of March, 1984, and to substitute language indicating that applications to own and operate a racetrack in Minnesota may be made at any time by the submission of the application to the Commission's administrative office. This proposed change is necessary because the one legislatively mandated racetrack within the seven-county metropolitan area has been in operation since 1985, and no further applications may be received for other racetracks. Further, the change is necessary to clarify that applications for ownership and operation of a racetrack outside of the seven-county metropolitan area may be submitted at any time. The rule change is reasonable because it clears up ambiguous language in the Commission's rules, and imposes no undue burdens on potential applicants or licensees. Indeed, the change simplifies the application process.

A change is also being proposed to allow Class B license applicants to make application for racing days 60 days prior to the date on which they propose to commence horse racing. The current rule requires a 160 day period because the rule was initially written to provide adequate time to complete the construction

of Canterbury Downs. The proposed change is necessary because a license application involving change of ownership of an existing facility does not require as much consideration as the 160 day time period does not permit racing to begin in the spring of any given year, which is customary in most racing jurisdictions. The proposed change is reasonable because it allows for greater ease in the application process, and allows the applicant to file his application for racing days at a more reasonable time.

7871 PARI-MUTUELS RULES ON TELEVISED RACE DAYS

7871.0010 Application for Pari-Mutuel Pools

The Commission proposes to make a change to subpart 2(e) of the existing rule, to allow the Commission from 25 to 45 days after the filing of an application to approve, deny, or give qualified approval to the application. The rule change is necessary to allow for more rapid processing of the application. The rule change is reasonable because it allows the Commission on the act on the application within 25 days as opposed to the 30-day requirement currently in the rule, and makes the timeframe for action by the Commission consistent with that for approval of race days and pari-mutuel pools in live racing days.

7872 ASSIGNMENT OF RACING DAYS

7872.0100 Application for Racing Days

The Commission proposes to make a change to subpart 2(B) of the existing rules, to allow the Commission an additional fifteen days in which to conduct a public hearing on racing days applications. The rule change is necessary to allow the Commission a longer period of time in which to schedule the public hearing. The rule change is reasonable because it does not impose an undue burden on the applicant, and it allows for greater ease in the scheduling of the hearing, and makes the timeframe for action by the Commission consistent with that for the approval of pari-mutuel pools.

7873 PARI-MUTUEL RULES

This section covers the application process for pari-mutuel pools, approval of pools, pari-mutuel betting, the various types of wagering permitted, and other areas specific to pari-mutuel wagering. The Commission proposes to make changes to chapter 7873.0100 (Application for Pari-Mutuel Pools); 7873.0110 (Approval of Pari-Mutuel Pools); 7873.0185 (Trifecta); 7873.0186 (Twin Trifecta); 7873.0190 (Pick Six); and to add two new sections: 7873.0192 (Super-Tri Wagering and Pools) and 7873.0198 (Pick Seven).

7873.0100 Application for Pari-Mutuel Pools

The Commission proposes to make a change to subpart 1(E) of the existing rule, to allow the Commission from 25 to 45 days after filing of the application to approve, deny, or give qualified approval to the application. The rule change is necessary to allow for more rapid processing of the application. The rule change is reasonable because it allows the Commission to act on the application within 25 days as opposed to the 30-day requirement currently in the rule, and makes the timeframe for action by the Commission consistent with that for approval of racing days and pari-mutuel pools on televised race days.

7873.0110 Approval of Pari-Mutuel Pools

The Commission proposes to add language to subpart 1 of the rule to allow the Commission's Director of Pari-Mutuel Racing to approve changes in the placement of pools, add previously approved pools to the program, and approve certain changes in simulcasting requests. The authority granted to the Director is minimal and the changes are administrative in nature. The change also provides for the Director of Pari-Mutuel Racing to consult with the Commission's Executive Committee prior to approving such changes in exotic wagering pools. The rule change is necessary to more efficiently process requests from a licensee without requiring full Commission approval. The rule change is reasonable because it imposes no undue burden on the licensee, and adds an extra measure of regulatory control by the Commission in the approval of certain changes to exotic pools.

7873.0185 Trifecta

The Commission proposes to make changes to subpart 7 of the rule to prohibit coupled or uncoupled entries from starting in trifecta races. The proposed change also deletes the reference to the ten horse minimum field for a race with trifecta wagering. The change is necessary to make it clear that coupled or uncoupled entries are prohibited from starting in trifecta races. The rule change is reasonable because it enhances the Commission's regulatory authority and reduces the possibility of trainers entering one or more horses in a trifecta race and scratching a horse at the last minutes. The rule change is also reasonable because it allows the licensee greater flexibility in scheduling trifecta races by removing the ten horse requirement.

7873.0186 Twin Trifecta

The Commission proposes to make changes to subpart 3 of the rule, to allow the association to calculate the twin trifecta pools according to one of two methods previously approved by the Commission. The rule change is necessary in order to permit the association to employ either one of those two methods. The rule change is reasonable because it imposes no undue burden on the licensee, and provides for greater flexibility and opportunity in the offering of twin trifecta wagering to the patrons. The dual calculation method is consistent with the rule governing the Pick Six and Pick Three wagers, a method which has proved successful during the past racing season.

The Commission proposes to make changes to subpart 9 of the rule to prohibit coupled or uncoupled entries from starting in twin trifecta races, and deleting the reference to a ten horse minimum field for a race with twin trifecta wagering. The rule change is necessary to make it clear that coupled or uncoupled entries are prohibited from starting in twin trifecta races. The rule change is necessary because it enhances the Commission's regulatory capability and reduces the possibility of trainers entering one or more horses in a twin trifecta race and

scratching a horse at the last minute. The rule change is also reasonable because it allows the licensee greater flexibility in scheduling twin trifecta races by removing the ten horse requirement. The change is identical to that proposed for trifecta races.

7873.0190 Pick Six

The Commission is proposing to add a new section to subpart D of the rule to allow the licensee to, before the start of any given race meet and with prior approval of the Commission, establish a mandatory payout date on the next consecutive race day after the pick six carryover pool has reached a previously approved amount. The rule change is necessary to allow the licensee the option to distribute carried over pick six monies more frequently during a race meet than is currently authorized by rule. The rule change is reasonable because it allows the association greater flexibility in paying the pools, may enhance attendance at the track, and imposes no undue burden on the licensee or wagering public.

The Commission is also proposing to add a new subpart, subpart 11, to the rule to allow the association to guarantee a minimum payout in the pick six. The addition of this language is necessary in order to allow the association to contribute its own funds, if necessary, to the pick six winner in order to meet the guaranteed minimum payout. The rule change is reasonable because it will provide the racetrack patron greater wagering opportunities but impose no burden on the wagering public.

7873.0192 Super-Tri Wagering and Pools

The Commission is proposing to write an entirely new rule to allow the association to apply to the Commission to conduct Super-Tri wagering, and delineating the calculation and payout procedures therein. This wager will allow the bettor to select three horses that will finish first, second and third in one designated race, and concurrently select the correct order of finish (first, second,

third and fourth) in another designated race. All Super-tri wagers would be calculated separately, and the Super-tri wagering pool will remain separate from all other pools as is customary. The new rule is necessary in order to allow the association to apply to the Commission to conduct Super-Tri wagering. The rule is reasonable because it imposes no undue burden on the licensee or the wagering public, and would serve provide additional wagering opportunities to patrons.

7873.0195 Distribution of Pick Seven, Pick Six and Pick Three Pools

The Commission is proposing to add the pick seven pool to the distribution requirements of other pools on the last day of racing of a race meet. This rule is necessary and reasonable in that it provides consistency in the payout of wagering in the pick seven, pick six, and pick three pools and will mitigate any potential confusion to the patrons as to the distribution of these pools on the final day of racing.

7873.0198 Pick Seven

The Commission is proposing to write an entirely new rule to allow the association to apply to the Commission to conduct Pick Seven wagering, and delineating the calculations and payout procedures therein. The language in this rule is exactly the same as the language in 7873.0190 (Pick Six), the only change being the substitution of the words "Pick Seven" for "Pick Six" throughout the rule. The rule is necessary in order to allow the association to apply to the Commission to conduct Pick Seven wagering. The rule is reasonable in that it imposes no burden on the licensee or the wagering public, and would serve to provide additional wagering opportunities for patrons.

7875 FACILITIES AND EQUIPMENT

7875.0200 Equipment

The Commission is proposing to make changes to subpart 9 of the rule to make it clear that information regarding the results of any race shall not be transmitted out of the track until the results are official, except for races that

are broadcast or televised live. The rule change is necessary to provide greater clarity to the rule. The rule change is reasonable in that it imposes no burden on the association and enhances the Commission's regulatory capabilities.

The Commission is also proposing a change to this subpart to allow for one public telephone at each floor of a licensed racetrack, further requiring this telephone to be monitored by association security and to be part of an information center provided by the association. The rule change is necessary to allow patrons to make important telephone calls out from the track while racing is being conducted. The rule change is reasonable in that the phones will be closely monitored by security to prevent and discourage improper use of these telephones. It is also reasonable because it will allow patrons greater ease in making personal telephone calls, particularly in cases of emergency.

7876 STABLING

7876.0110 Off-Track Stabling

The Commission is proposing a change to subpart 3 of the rule. The change is for clarification purposes, and simply makes it clear that horses shipping in from off-track stabling facilities must arrive at the track in time for a veterinary inspection prior to the race in which they are scheduled to run. The rule is necessary to clarify the language in the existing rule. The change is reasonable because it imposes no burden on the horsemen and enhances the Commission's regulatory capabilities.

7877 CLASS C LICENSES

7877.0130 Standards Required of Applicants for Specific Licenses

The Commission is proposing to make a change to subpart 3 of this rule to require trainers and assistant trainers to provide proof of compliance with Minnesota Workers' Compensation laws, and all pertinent rules adopted thereunder. The rule change is necessary because it simplifies the rule by simply requiring compliance rather than contemplating "change of employment" situations for

individual trainers. The rule change is reasonable because it places no burden on the licensee, and enhances the Commission's regulatory capabilities in monitoring compliance to all current Minnesota Workers' Compensation laws and rules.

A change is being proposes to subpart 9 to require private veterinarians operating at a licensed racetrack to provide proof of current USDA Animal and Plant Inspection Service accreditation in Minnesota and to provide proof of his/her current registration status under the Controlled Substances Act of 1970, including providing a list of schedules for which he/she is approved by the DEA. The rule change is necessary to assist the Commission in deciding whether or not to issue a Class C license to a veterinarian and to increase the Commission's regulatory capabilities in the critical area of drug use. The rule change is reasonable in that it imposes no burden on the licensee, and simply requires compliance with existing State and Federal laws and rules regarding controlled substances.

7877.0160 Duration and Extent of Class C Licenses

The Commission is proposing a change to subpart 3 of the rule to require Class C licensees who have employees at the track to inform the association's validation office of changes in employee status by no later than the end of the next race day following the change. The rule change is necessary in order for the Commission to more strictly enforce security measures on the backside of the racetrack. The rule change is reasonable because it imposes no burden on the licensee, allows for greater ease in locating individuals on the backside, and provides a greater degree of security to the horses.

7877.0170 Duties and Responsibilities of Class C Licensees

The Commission is proposing two changes to subpart 2 of the rule. One change would require a trainer to report the discharge of an employee to the association's validation office rather than the Commission's licensing office. This change is necessary to conform the rule to subpart 3 of section 7877.0160. The change is reasonable in that it imposes no burden on the licensee and eases the

procedure for reporting changes in employee status. A new section (Subpart T) is being proposed to require trainers to comply with all provisions of Minnesota Statutes, chapter 176 (Workers' Compensation) and all pertinent rules. The rule is necessary in order to more effectively enforce compliance with the Minnesota Workers' Compensation laws. The rule change is reasonable because it helps the Commission ensure that workers' compensation beneits will be available to injured racetrack workers.

A change is being proposes to Subpart 3 of the rule to make it clear that jockeys must have no communication with any person outside the jockeys' room (other than owner or trainer for whom he/she is riding that day, Stewards or other Commission officials) while the jockey is engaged in performing his/her duties. The rule is necessary for purposes of clarification and will help eliminate inappropriate betting and the transmission of information which may affect a race. The rule change is reasonable because it enhances the Commission's ability to insure the integrity of racing.

The Commission is proposing a change to subpart 9 of this rule to require veterinarians to be responsible for the conduct of their employees and/or veterinary assistants in insuring compliance with this subpart. New language is being added to prohibit veterinarians from being in possession of medications or substances which have not been approved for use in the United States by the FDA, and to prohibit them from having in their possession controlled substances in schedules for which they have not been approved by the DEA. The rule change is necessary to provide additional regulatory and disciplinary options to the Commission for violations of medications rules. Surprisingly, few state or federal laws address the problem of unapproved drug use. The rule is reasonable because it enhances the Commission's ability to maintain integrity of the sport by ensuring better control over the use and possession of dangerous substances.

7879 STEWARDS

7879.0100 Qualifications and Appointment of Stewards

A change is proposed to subpart 2(A) of this rule. The change is "housekeeping" in nature, and corrects a typographical error in line 2 (changing "Commissioner" to "Commission"). The rule change is necessary in order to clarify that stewards are appointed by the Commission. The rule change is reasonable because it simply corrects an error.

7883 THOROUGHBRED AND QUARTER HORSE RACES

7883.0100 Entries and Subscriptions

A change is being proposed to subpart 6 to make it clear that a horse cannot be entered in more than one race on any given race day. The change is necessary to prohibit trainers from scratching horses from races at the last minute thereby creating "short fields", or races with too few horses. The rule change is reasonable because it ensures more fairness in the sport to the wagering public by helping to ensure more betting interests in a single race.

Changes are being proposed to subpart 16 to require horses that have not started in a race for thirty days or more to complete one timed workout prior to entry, horses which have not started for sixty days or more to complete two timed workouts prior to entry, first-time starters to have gate approval and at least two timed workoutss, one of which must be out of the gate, within 60 days prior to entering. Horses other than first-time starters which have not started for a year or more must complete three timed workouts prior to entry, one of which must be before the Commission or Association veterinarian. The rule change is necessary to insure the racing fitness of all horses entered to race. Horses which have not raced due to injury or other reason may be more susceptible to breakdown, thereby causing injury to the jockey or the horse. The rule is reasonable because it protects the horses and assures the public of the racing fitness and performance of the horses.

7883.0130 Penalties and Allowances

A change is being proposed to subpart 4, adding language making it clear that the sex allowance may not be waived. The rule change is necessary in order to prohibit trainers from scratching horses from certain races where the sex allowance may be deemed to be a factor. The change is reasonable in that it contributes to the Commission's ability to regulate the sport and insure the integrity of racing.

7883.0140 Claiming Races

The Commission is proposing to add language to subpart 15 to allow a claimant to protest his/her claim if a stewards' ruling is subsequently issued concerning a medication violation on that particular horse. The rule is necessary in order to protect the claimant from owning a horse which has been involved in medications violations and which may have race in an uncharacteristic manner or which may be prohibited from racing for a time due to the violation. The rule is reasonable in that it provides a further means of protecting persons claiming horses from questionable and illegal activities.

7890 HORSE MEDICATION

7890.0100 Definitions

A change is being proposed to the definition of Lasix® referenced in Subpart 13(B) to delete certain language and to simply clarify that Lasix® is permitted if it is administered pursuant to the provisions of Minn. Rule 7890.0140, Subpart 6. The rule change is necessary to allow for the administration of Lasix® under the visual supervision of a designee of the Commission Veterinarian, rather than the Commission Veterinarian him/herself. A security agent or veterinarian assistant is capable of supervising the administration of Lasix® by a licensed veterinarian. The rule is reasonable because it allows the Commission veterinarian greater freedom in attending to more important regulatory matters.

7892.0129 TAKING OF SAMPLES

7892.0120, Subpart 5

The Commission is proposing changes and additions to this rule so as to strengthen its regulatory control and disposition of suspect blood and urine samples. This proposed amendment is necessary to assure prompt disposition and processing of positive samples so as to reduce the risk of deterioration of the split sample. This proposed amendment is reasonable in that it is to all participants' benefit that all suspect samples be handled in an expeditious and careful manner, analyzed by capable laboratories, and at the same time, not causing any unnecessary burdens or embarrassment to the participants alleged to be responsible for the positive test.

7895 BREEDERS FUND

7895.0100 General Provisions.

7895.0100, subpart 7.

The Commission proposes this new subpart so as to provide for the collection of the late fee revenues anticipated to be earned by rules 7895.0125, subps. 1C, 2C and 3B, 7895.0275, subp. 1C and 7895.0350, subps. 1C, 2C and 3B. This proposed rule is necessary because it will defray the costs of administering late registrations. The proposed rule is reasonable in that it will not cause unjustified financial burden on participants, will strengthen the Commission's regulatory responsibilities in registering eligible horses, and will hopefully eliminate the substantial number of late registrations.

7895.0125 Thoroughbred Registration

7895.0125, subp. 1

This proposed addition is necessary in that it clarifies the requirements needed to assure broodmare eligibility for registration. The proposed addition is reasonable in that it proposes explicit registration requirements which strengthen the Commission's regulatory oversight. The Commission further proposes to change this subpart by amending the date for registration eligibility. This is a housekeeping change necessary to correct an error made in drafting the rule in 1989. The

proposed change is reasonable because it simply corrects an error.

7895.0125, subp. 2.

The Commission proposes this housekeeping change to correct a date change that, due to oversight, was not made in rule changes in 1989. It is necessary to correct this error so that all registration dates are consistent. The proposed change is reasonable because it simply corrects an error.

7895.0275 Standardbred Registration

7895.0275, subp. 1E

The Commission proposes this housekeeping change to correct a date change that, due to oversight, was not made in rule changes in 1989. It is necessary to correct this error so that all registration dates are consistent. The proposed change is reasonable it simply corrects an error.

7895.0350 Quarter Horse Registration

7895.0350, subp. 1

The Commission proposes this housekeeping change to correct a date change that due to oversight was not made in rule changes in 1989. It is necessary to correct this error so that all registration dates are consistent. The proposed change is reasonable it simply corrects an error.

7895.0350, subp. 2

The Commission proposes to add language to this rule that will permit the movement of quarter horse stallions during the breeding season. This proposed change is necessary to allow adequate flexibility to Minnesota's quarter horsemen to effectively manage their racing stock, while at the same time remaining eligible for Minnesota breeders' fund registration. This proposed change is reasonable because it promotes and stimulates equine ownership and management.

7897 PROHIBITED ACTS

A change is being proposed in subpart 7 to require persons to comply with orders of racing officials in addition to security officers, and to require racing

officials to comply with the orders of a Steward while in the performance of his/her duties. The change is necessary in order to provide Stewards and Racing Officials additional authority in issuing disciplinary rulings and insuring compliance with all Commission rules. The change is reasonable because it imposes no undue burdens, and gives the Racing Officials and Stewards more regulatory capability and control.

Changes are also being proposed to subpart 10, deleting the requirement for complainants to obtain a judgment from a court of competent jurisdiction prior to filing a complaint with the stewards. The change allows the stewards to attempt to mediate and resolve financial disputes between licensees without over-burdening the court system. The rule change is necessary in order to allow the stewards to hear financial complaints and attempt to resolve them without receiving a copy of a court judgment from the complainant. The change is reasonable because it will speed up the process of resolving financial disputes, and will save licensees a substantial amount of money by avoiding court costs.

A new subpart (19) is being proposed to prohibit persons from parking or driving a vehicle on the grounds of an association in a manner which creates a potential hazard to persons, property or horses. The rule is necessary because it allows the stewards to impose disciplinary sanctions against violators. The rule is reasonable because it serves to further protect the public health, safety and welfare.

7897.0110 Use of Drugs and Alcohol

A change is being proposed to subpart 1 to broaden the scope of the rule to include any licensees having direct physical contact with horses or direct responsibility for some portion of the day's racing program. The rule change also defines the prohibited level of alcohol concentration in blood levels, breath levels and urine levels. The rule change is necessary to impose disciplinary sanctions on persons who are in a position to cause injury or death to racing participants

or horses. The rule change is reasonable because it provides more regulatory control by the Commission. The change also serves to promote chemical health awareness among persons at the track and encourage them to participate in available programs at the track.

7899 VARIANCES

A change is being proposed in subpart 3 to allow the Commission to act on variance requests within ten days of receipt of the request, as opposed to the 30-day requirement. The rule change is necessary in order to expedite variance procedures. The rule change is reasonable because it imposes no undue burdens on anyone, and will provide more rapid service to members of the racing and breeding industry who are seeking justified variances from the Commission's rules.

IV. OTHER STATUTORY REQUIREMENTS

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

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

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

rule will not force any local agency or school district to incur costs.

CONCLUSION

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

RICHARD G. KRUEGER
MINNESOTA RACING COMMISSION

1/17/91
DATE

Minnesota Racing Commission revised

Adopted Permanent Rules Relating to Pari-mutuel Horse Racing

Rules as Adopted

7870.0400 DEADLINES FOR SUBMISSION OF CLASS A AND B LICENSE APPLICATIONS.

Deadlines for submission of a Class A or B license application are as follows:

A. Applications for a Class A license to own and a Class B license to operate a racetrack in the seven-county metropolitan area may be submitted at any time by filing the application with the commission at its administrative offices.

B. Applications for Class A licenses to own and Class B licenses to operate racetracks outside the seven-county metropolitan area may be submitted at any time. If the commission determines that applications will be submitted for Class A licenses to own and class B licenses to operate racetracks outside the seven-county metropolitan area which will compete significantly with each other, the commission must establish a deadline for submission of applications.

C. Notwithstanding items A and B, applications for Class B licenses must be submitted at least 60 days before the date on which the applicant proposes to commence horse races.

7871.0010 APPLICATION FOR PARI-MUTUEL POOLS.

[For text of subpart 1, see M.R.]

Subp. 2. **Disposition of requests.** The commission must act on a request for approval of pari-mutuel pools under the following procedures:

[For text of items A to D, see M.R.]

E. The commission shall approve, deny, or give its qualified approval to an application for pari-mutuel pools not sooner than 25 nor later than 45 days after filing of the application.

[For text of item F, see M.R.]

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[For text of subps 3 and 4, see M.R.]

7872.0100 APPLICATION FOR RACING DAYS.

[For text of subpart 1, see M.R.]

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

[For text of item A, see M.R.]

B. The commission shall conduct a public hearing on the request no sooner than 25 nor later than 45 days after an application is filed. The commission shall issue a press release no later than five days after an application is filed announcing the filing and the time and place of the public hearing.

[For text of items C to F, see M.R.]

[For text of subps 3 to 7, see M.R.]

7873.0100 APPLICATION FOR PARI-MUTUEL POOLS.

[For text of subpart 1, see M.R.]

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

[For text of items A to D, see M.R.]

E. The commission shall approve, deny, or give its qualified approval to an application for pari-mutuel pools not sooner than 25 nor later than 45 days after filing of the application.

[For text of item F, see M.R.]

[For text of subp 3, see M.R.]

7873.0110 APPROVAL OF PARI-MUTUEL POOLS.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Live racing days; director of pari-mutuel racing authority.** The director of pari-mutuel racing is delegated the authority to approve variation and changes in the pari-mutuel pools previously approved by the commission, placement of pools in the program, and simulcasts requested by the licensee that

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meet the criteria in subpart 2. The director of pari-mutuel racing is delegated the authority to approve changes in the placement of pari-mutuel pools in the program, the addition of approved pari-mutuel pools to the program, and changes in simulcasting requests by the licensee that meet the criteria in subpart 2. Before approving a change in the pick six, pick seven, twin trifecta, and super-tri wagering pools, the director must consult with the commission's executive committee.

7873.0185 TRIFECTA.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Restrictions on trifecta races.** The restrictions in items A to C apply to trifecta races.

A. Coupled or uncoupled entries and mutuel fields are prohibited from starting in trifecta races.

B. There shall be no trifecta wagering on handicap races.

C. If fewer than eight horses are declared starters, trifecta wagering shall be canceled and all trifecta wagers shall be refunded. If time permits, the association may schedule exacta wagering in place of trifecta wagering.

[For text of subp 8, see M.R.]

7873.0186 TWIN TRIFECTA.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Procedures.** The twin trifecta pools shall be calculated according to one of the two following methods as approved by the commission.

A. (1) Each bettor purchasing twin trifecta tickets shall designate selections as the first three horses to finish in exact order in the first race of the two designated races.

(2) After wagering closes for the first race of the twin trifecta, the net pool will be divided with 25 percent of the net pool going to the first race of the twin trifecta and 75 percent of the net pool going to the second race of the twin trifecta.

(3) After the official declaration of the first

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race of the twin trifecta, 25 percent of the net pool will be distributed to the holders of the twin trifecta tickets selecting the first three horses in exact order, on the first designated twin trifecta race. Further, each bettor holding a ticket correctly selecting the first three horses in the exact order of finish must, before the running of the second twin trifecta race, exchange the winning tickets for both the monetary value as calculated by the totalisator equipment and twin trifecta exchange tickets and at such time shall select three horses to finish in the second race of the twin trifecta in the exact order as officially posted. No further money shall be required of the holders of the winning tickets in order to make the exchange.

(4) After the official declaration of the second race of the twin trifecta, the remaining 75 percent of the net pool will be distributed to the holders of the second half twin trifecta tickets selecting the first three horses in exact order, on the second designated twin trifecta race.

(5) If a winning twin trifecta ticket from the first race is not presented for cashing and exchange within the time provided, the bettor may still collect the monetary value of the ticket, but forfeits all rights to any distribution of the second race net pool of the twin trifecta.

B. (1) Each bettor purchasing twin trifecta tickets shall designate selections as the first three horses to finish in exact order in the first race of the two designated races.

(2) After wagering closes for the first race of the twin trifecta, the net pool will be divided with 50 percent of the net pool going to the first race of the twin trifecta and 50 percent of the net pool going to the second race of the twin trifecta.

(3) After the official declaration of the first race of the twin trifecta, 50 percent of the net pool will be distributed to the holders of the twin trifecta tickets selecting the first three horses in exact order, on the first designated twin trifecta race. Further, each bettor holding a

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ticket correctly selecting the first three horses in the exact order of finish must, before the running of the second twin trifecta race, exchange the winning tickets for both the monetary value as calculated by the totalisator equipment and twin trifecta exchange tickets and at such time shall select three horses to finish in the second race of the twin trifecta in the exact order as officially posted. No further money shall be required of the holders of the winning tickets in order to make the exchange.

(4) After the official declaration of the second race of the twin trifecta, the remaining 50 percent of the net pool will be distributed to the holders of the second half twin trifecta tickets selecting the first three horses in exact order, on the second designated twin trifecta race.

(5) If a winning twin trifecta ticket from the first race is not presented for cashing and exchange within the time provided, the bettor may still collect the monetary value of the ticket, but forfeits all rights to any distribution of the second race net pool of the twin trifecta.

[For text of subps 4 to 8, see M.R.]

Subp. 9. **Restrictions on twin trifecta races.** The restrictions in items A to C apply to twin trifecta races.

A. Coupled or uncoupled entries and mutuel fields are prohibited from starting in twin trifecta races.

B. There shall be no twin trifecta wagering on handicap races.

C. If fewer than eight horses are declared starters for the first race of the twin trifecta, twin trifecta wagering shall be canceled for that day and all twin trifecta wagers shall be refunded. However, any accumulated second race twin trifecta carryover will not be affected and will carry over to the next consecutive race day. In the event this occurs on the final program, the accumulated net pool of the second twin trifecta race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race twin

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trifecta net pool for the next consecutive racing date as an additional net amount to be distributed.

If fewer than eight horses are declared starters for the second race of the twin trifecta, all holders of exchange tickets to the second race of the twin trifecta will share equally in that part of the second race net pool added in that day. The amount carried over from previous days will not be distributed and will be carried over to the next consecutive race day. In the event this occurs on the final program, the accumulated net pool of the second twin trifecta race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race twin trifecta net pool for the next consecutive racing date as an additional net amount to be distributed.

[For text of subp 10, see M.R.]

7873.0190 PICK SIX.

[For text of subps 1 to 5, see M.R.]

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

[For text of items A to C, see M.R.]

D. With the permission of the commission before the start of racing, a licensee may declare a mandatory payout on the next consecutive race day after the pick six carryover pool has reached a previously approved amount. Should no distribution be made pursuant to item A or B, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of the tickets correctly designating the most winning selections of the six races comprising the pick six for that day. If, for any reason, the day of racing is canceled, or the pick six pool has not been distributed, the pool shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing day as an additional net amount to be distributed.

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[For text of subps 7 to 10, see M.R.]

Subp. 11. **Additional money added.** With the approval of the commission, the association may guarantee a minimum payout in the pick six. If the guaranteed payout exceeds the amount available for distribution from the amounts wagered, the association shall provide the difference by paying the holders of any winning ticket correctly designating the official winner in each of the six races comprising the pick six with its own funds.

7873.0192 SUPER-TRI WAGERING AND POOLS.

Subpart 1. **Scope.** The super-tri is a form of pari-mutuel wagering in which the bettor selects three runners that will finish first, second, and third in one designated race, then select the correct order of finish, first, second, third, and fourth in another designated race. All super-tri wagers will be calculated in an entirely separate pool, with no relation to any other pool.

Subp. 2. **Price of tickets.** Super-tri tickets shall be sold in not less than $2 denominations.

Subp. 3. **Procedures.** The procedures in items A to E apply to super-tri races.

A. Each bettor purchasing super-tri tickets shall designate selections as the first three runners to finish in exact order in the first race of the designated two races.

B. After the wagering closes on the first half of the super-tri, the net pool will then be divided into two separate pools of equal amounts.

C. The money in the first part of the pool will be distributed to the holders of the trifecta portion selecting the first three runners in order on the first designated super-tri race according to the established pari-mutuel practice.

After the official declaration of the first three runners to finish in the first race of the super-tri, each bettor holding a winning ticket with the exact order of finish must, prior to the running of the second super-tri race, exchange the

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winning ticket for both the monetary value established by the mutuels department and super-tri exchange tickets and at that time shall select the four runners to finish in the second race of the super-tri in the exact order of finish as officially posted. No further money shall be requested of the holders of the winning ticket in order to make the exchange.

In the first part of the super-tri, if no ticket is sold on a winning combination, selecting the first three finishers in exact order, there will be no exchange, only the consolation payoff, as described in subpart 4, with the exception of a mandatory payout according to subpart 7. Then an exchange will be given.

D. The second equal part of the divided pool will be distributed to holders of second half super-tri tickets selecting the first four runners in exact order of the second designated super-tri race.

E. No super-tri exchange for the second race shall be issued except upon surrender of the super-tri tickets from the first race as described in this subpart.

If a winning super-tri ticket from the first race is not presented for cashing and exchanging within the time provided, the bettor may still collect the monetary value attached to the ticket but forfeits all rights to any distribution of the second race super-tri pool.

Subp. 4. **Failure to select winning combination.** Items A to E govern payoffs in races where the winning combination has not been selected.

A. In the first race of the super-tri only, if no ticket is sold on a winning combination of a super-tri pool, the net pool shall be apportioned equally between those having tickets selecting the first and second place runners in exact order with all other horses. If no ticket is sold selecting the first and second runners in the super-tri pool, the net pool shall then be apportioned equally between those having tickets selecting the runner or runners that finish first and third, with all other horses finishing second in the super-tri race.

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Should no selection be made as above mentioned, the net pool shall be apportioned equally between those having selected the runner finishing second with the runner finishing third, with all other horses to win.

If no ticket is sold correctly selecting the second and third horse, the net pool shall be paid equally on those super-tri tickets selecting the horse that finished first, with all other horses finishing second and third.

B. Should no selection be made as described in this subpart, then a complete refund of the super-tri pool will be made and the super-tri will be canceled for that performance.

C. If less than three horses finish the first super-tri race, payoff shall be made equally on all tickets correctly selecting the actual finishing horses in order, ignoring the balance of the selection. In this event, there will be no exchange for the second race of the super-tri and the second race net pool will automatically carry over to the next consecutive race day.

D. If no ticket is sold that would require distribution of the net super-tri pool as described in item C, a full refund of the super-tri pool for that race shall be made.

If a full refund is required, any previous day's carryover will not be included and will carry over to the next consecutive race day.

E. In the event there is no super-tri ticket issued accurately selecting the officially declared first four finishers of the second super-tri race, in the exact order, the second race pool as divided earlier shall be held for the next consecutive racing day or night and combined with that program's second race super-tri net pool. Distribution of this cumulative second race super-tri net pool will be made only upon accurate selection, in exact order of the first four officially declared finishers of the second super-tri race.

Subp. 5. **Scratches.**

A. If fewer than eight horses are declared starters for the first race of the super-tri, super-tri wagering shall be

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canceled for that day and all super-tri wagers shall be refunded. However, any accumulated second race super-tri carryover will not be affected and will carry over to the next consecutive race day.

If fewer than eight horses are declared starters for the second race of the super-tri, all holders of exchange tickets to the second race of the super-tri will share equally in that part of the second race net pool added in that day. The amount carried over from previous days will not be distributed and will be carried over to the next consecutive race day.

B. If a runner is scratched in the first race of the super-tri prior to the running of the first half of the super-tri, then all super-tri tickets on the scratched runner will be refunded. A public address announcement will be made and a reasonable time will be given to make another selection.

If after the running of the first half of the super-tri, a runner is scratched in the second race of the super-tri, then all exchange tickets involving the scratched horse will be exchanged. A public address announcement will be made and a reasonable time will be given to make another selection.

C. For the second race of the super-tri only, all horses will be declared starters once the starting gate has opened. In this instance the prevention to start rule will not apply.

Subp. 6. **Dead heats.** In the event of a dead heat in either the first or second race of the super-tri races, all super-tri tickets with the correct order of finish counting a runner in a dead heat as finishing in any position dead-heated shall be a winning ticket and, the winning combinations shall be paid proportionately from the net super-tri pool.

Subp. 7. **Mandatory payout.** On the final program of any official race meeting, the entire accumulated second race super-tri net pool must be distributed.

A. With approval of the racing commission before the start of racing, the association may declare a mandatory payout on the accumulated second race super-tri pool on the next

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consecutive race day after the super-tri carryover pool has reached a previously approved amount. If there is a limit placed on the super-tri pool and there is no super-tri ticket issued selecting in the exact order of finish the officially declared first four finishers of the second super-tri race, the second race pool shall be apportioned according to the mandatory distribution rules in items C to G.

B. In the first half of the super-tri, if no ticket is sold on a winning combination of a super-tri pool, an exchange will be given along with the consolation payoff according to subpart 4, items A to D.

C. In the second half of the super-tri, if no ticket is sold on a winning combination, the net pool shall be apportioned equally between those having tickets selecting the first, second, and third runners in exact order with all others.

D. In the second half of the super-tri, if no ticket is sold selecting the first, second, and third runners in exact order, the net pool shall be apportioned equally between those having tickets selecting the first and second place runners in exact order with all others.

E. In the second half of the super-tri, if no ticket is sold selecting the first and second place runners, the net pool shall then be apportioned equally between those having tickets selecting the runner or runners that finish first with all others.

F. Should no selection be made as described in this subpart, the net pool shall be apportioned equally between those having selected the runner finishing second combined with the runner finishing third and combined with the runner finishing fourth in exact order with all others to win.

G. However, should no selection be made as provided for in items A to F, then the second part of that program's divided pool and any carryover will be evenly distributed to all holders of second race super-tri exchange tickets.

Subp. 8. **Cancellation of one or both super-tri races.**

A. If, for any reason, the first race of the

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super-tri is canceled, a full refund of all super-tri tickets will be made.

B. If, for any reason, the second race of the super-tri is canceled, not declared official, or less than three horses finish the race, the winning ticket holders on the first race of the super-tri will be entitled to equal distribution of the amount of the current program's net pool for the second half of the super-tri. The cumulative pool from previous programs shall not be distributed in this case and will be carried over to the next consecutive race day, unless the association has designated a mandatory payout pursuant to subpart 7.

Subp. 9. **Restrictions on super-tri races.**

A. Coupled or uncoupled entries and mutuel fields are prohibited from starting in super-tri races.

B. There shall be no super-tri wagering on handicap races.

C. If fewer than eight horses are declared starters for the first race of the super-tri, super-tri wagering shall be canceled for that day and all super-tri wagers shall be refunded. However, any accumulated second race super-tri carryover will not be affected and will carryover to the next consecutive race day, including mandatory distribution days. In the event this occurs on the final program, the accumulated net pool of the second race super-tri race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race super-tri net pool for the next consecutive racing date as an additional net amount to be distributed.

If fewer than eight horses are declared starters for the second race of the super-tri, all holders of exchange tickets to the second race of the super-tri will share equally in that part of the second race net pool added on that day. The amount carried over from previous days will not be distributed and will be carried over to the next consecutive race day, including mandatory distribution days. In the event this occurs on the final program, the accumulated net pool of the second super-tri

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race will be deposited in a trust account by the association, and the pool, as well as all accrued interest, shall be carried over and included in the second race super-tri net pool for the next consecutive racing date as an additional net amount to be distributed.

Subp. 10. **Displaying super-tri rules.** Super-tri rules shall be prominently displayed at each track conducting super-tri wagering. Printed copies of super-tri rules shall be distributed to patrons upon request.

7873.0195 DISTRIBUTION OF PICK SEVEN, PICK SIX, AND PICK THREE POOLS.

The commission may authorize the distribution or carry over of the pick seven pool according to part 7873.0198, subpart 6, the pick six pool according to part 7873.0190, subpart 6 and the pick three pool according to part 7873.0191, subpart 6 on each final day of racing of a breed and on the final day of mixed breed racing within a race meeting. In determining whether to distribute or carry over the pick seven, pick six and/or pick three pools, the commission must consider the type of breed racing, assignment of future racing days, and the best interest of racing.

In cases where a carry over would occur, the commission must designate what constitutes the next succeeding racing date to which the escrowed funds are to be carried over.

7873.0198 PICK SEVEN.

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

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

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

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

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

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

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

(2) In the event there is no pari-mutuel ticket properly issued which correctly designated the official winner in each of the seven races comprising the pick seven, 75 percent

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of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding race date as an additional net amount to be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the seven races comprising the pick seven pool that day. The remaining 25 percent shall be distributed among the holders of pick seven tickets which correctly designate the most official winners of the seven races comprising the pick seven.

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

(2) In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner of each of the seven races comprising the pick seven, 50 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as a distributable amount and shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the seven races comprising the pick seven pool that day. The remaining 50 percent shall be distributed among the holders of pick seven tickets which correctly designate the most official winners of the seven races comprising the pick seven.

The method of distribution shall be selected by the racing association and implemented after approval by the commission; provided that the method of distribution benefits the wagering

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public and does not adversely affect the integrity of racing.

C. Should no distribution be made pursuant to item A or B on the last day of the association's meeting, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of tickets correctly designating the most winning selections of the seven races comprising the pick seven for that day. If, for any reason the final day of racing is canceled or the pick seven pool has not been distributed, the pool shall be escrowed by the association, and the pool, as well as all accrued interest, shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

D. With prior approval of the commission, the association may declare a mandatory payout of the accumulated carryover pool at a stated amount. Should no distribution be made pursuant to item A or B, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of the tickets correctly designating the most winning selections of the seven races comprising the pick seven for that day. If, for any reason, the day of racing is canceled or the pick seven pool has not been distributed, the pool shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing day as an additional net amount to be distributed.

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

The association may refund pick seven tickets that include the scratched selection prior to the beginning of wagering for

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the first race comprising the pick seven races.

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

Subp. 9. **Cancellation of race comprising pick seven.** In the event one or more of the races comprising the pick seven is canceled for any reason, or in the event one or more of the races comprising the pick seven is declared as no contest by the stewards, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed. The remaining 25 percent shall be distributed among the holders of pick seven tickets which correctly designate the most official winners of the remaining races comprising the pick seven. In the event of the cancellation of all seven races comprising the pick seven pool after wagering has been accepted on that day, a full and complete refund must be made of the pari-mutuel tickets sold on the pick seven on that day. One hundred percent of the remaining amount in the pick seven pari-mutuel pool shall be carried over and included in the pick seven pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed.

Subp. 10. **No pick seven ticket to be exchanged or canceled.** No pari-mutuel ticket for the pick seven pool shall be sold, exchanged, or canceled after the time of the close of wagering in the first of the seven races comprising the pick seven, except for the refunds on pick seven tickets as required by this part, and no person shall disclose the number of tickets sold in the pick seven pool or the number or amount of tickets selecting winners of pick seven races until such time as the stewards have declared "official" the last race comprising the pick seven.

Subp. 11. **Additional money added.** With the approval of

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the commission, the association may guarantee a minimum payout in the pick seven. If the guaranteed payout exceeds the amount available for distribution from the amounts wagered, the association shall provide the difference by paying the holders of any winning ticket correctly designating the official winner in each of the seven races comprising the pick seven with its own funds.

7875.0200 EQUIPMENT.

[For text of subps 1 to 8, see M.R.]

Subp. 9. **External communications.** An association may have telephone or telegraph systems on the premises during a race meeting for the benefit of the public, the press, or for transacting ordinary business. No information regarding the results of any race shall be transmitted out of the racetrack until the results are official except for races that are broadcast or televised live. Under no circumstances shall any message be sent over said wires transmitting money, or other things of value, or directing the placing of any wager on the result of a race except as permitted by part 7873.0400.

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

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

One public telephone is allowed per floor at an association track. Each phone must be monitored by association security and must be part of an "information center" provided by the association. All other instruments of communication, other than those designated for the sole use of the commission or those approved by the commission for use during racing, must be

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rendered inoperable between the hours starting 30 minutes before post time for the first race and the flashing of the "official" sign following the last race.

Any portable telephones, transmitters, or any other instrument that can be used for transmitting messages off the grounds of an association is subject to confiscation by security personnel or by the racing commission and its employees.

7876.0110 OFF-TRACK STABLING.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Horses must be at racetrack for race day inspection.** All horses shipped from another racetrack or off-track stabling facility to a racetrack for a race must be at the racetrack no later than 9:00 a.m. on the day on which the horse is scheduled to race.

7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

[For text of subps 1 and 2, see M.R.]

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

[For text of items A to C, see M.R.]

D. An applicant for a trainer's license shall provide proof of having complied with the workers' compensation laws, Minnesota Statutes, chapter 176, and all pertinent rules adopted thereunder.

[For text of subps 4 to 8, see M.R.]

Subp. 9. **Veterinarians.** An applicant for a veterinarian's license must:

A. provide proof of current validation to practice veterinary medicine in Minnesota;

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

C. provide proof of current United States Department of Agriculture Animal and Plant Inspection Service accreditation

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in Minnesota; and

D. provide proof of current registration status under the Controlled Substance Act of 1970, including the schedules for which the applicant has been approved by the Drug Enforcement Administration.

[For text of subps 10 to 15, see M.R.]

7877.0160 DURATION AND EXTENT OF CLASS C LICENSES.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Change of employees.** At the time a Class C licensee changes employees, the licensee must notify the association's validation office of the change no later than by the end of the next racing day of that race meeting.

[For text of subp 4, see M.R.]

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

[For text of subpart 1, see M.R.]

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

[For text of items A to E, see M.R.]

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

[For text of items G to S, see M.R.]

T. Each trainer shall comply with all provisions of Minnesota Statutes, chapter 176, and all rules adopted under that chapter.

[For text of subp 2a, see M.R.]

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

[For text of items A to C, see M.R.]

D. Each jockey reporting to the jockeys' room must remain there until he or she has fulfilled all of that day's

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riding engagements. While in the performance of his or her duties, the jockey may have no contact or communication with any person outside the jockeys' room other than with an owner or trainer for whom he or she is riding that day, or with the stewards or other commission officials.

[For text of items E to W, see M.R.]

[For text of subps 4 to 8, see M.R.]

Subp. 9. **Veterinarians.** The following shall apply to veterinarians licensed by the commission:

A. Veterinarians shall be responsible for the conduct of any veterinary assistant working with or employed by the veterinarian to ensure compliance with this subpart.

B. Veterinarians shall not be negligent in the performance of their duties with respect to the health and welfare of a horse, or in the prescription or administration of a medication or injectable substance, or in the use of equipment for hypodermic injection.

C. Veterinarians shall not be in possession of medications or substances which have not been approved for use in the United States by the Food and Drug Administration.

D. Veterinarians shall not be in possession of controlled substances in schedules for which they are not currently registered and approved by the Drug Enforcement Administration.

E. Veterinarians must remove from the grounds of an association all discardable equipment and injectable substance containers.

7879.0100 QUALIFICATIONS AND APPOINTMENT OF STEWARDS.

[For text of subpart 1, see M.R.]

Subp. 2. **Appointment and approval of stewards.** The following procedures must be observed in the appointment of stewards:

A. There shall be three stewards for each race meeting, at least two of whom shall be appointed by the commission. The third steward may be nominated by the

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association for approval by the commission if the commission determines that nomination by the association will be in the best interests of racing.

The commission must notify the association if it will accept an association's nomination for a steward. The name of the association nominee for steward must be submitted no later than 30 days before commencement of a race meeting and must be accompanied by biographical data setting forth the experience and qualifications of the nominee. No steward may serve until approved by the commission.

[For text of item B, see M.R.]

7883.0100 ENTRIES AND SUBSCRIPTIONS.

[For text of subps 1 to 5, see M.R.]

Subp. 6. **Prohibited entries.** No person shall:

[For text of items A and B, see M.R.]

C. enter a horse in more than one race on any day;

[For text of item D, see M.R.]

[For text of subps 7 to 15a, see M.R.]

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

A. A horse which has not started for a period of 30 days or more shall not be eligible to be entered until it has completed one timed workout prior to the entry date. Any workout following the entry of a horse shall appear on the official daily racing program or shall be posted for the public.

B. A horse which has not started for a period of 60 days or more shall not be eligible to be entered until it has completed two timed workouts prior to the entry date.

C. First-time starters must have gate approval and a minimum of two timed workouts, one of which must be out of the gate within 60 days prior to the entry date.

D. A horse, other than a first-time starter, which has not started for a period of one year or more shall not be eligible to be entered until it has completed three timed workouts, at least one of which must be before the commission veterinarian or the association veterinarian.

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[For text of subps 17 and 18, see M.R.]

7883.0130 PENALTIES AND ALLOWANCES.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Sex allowance.** In all races against male horses, except handicaps and races where the conditions expressly state to the contrary, fillies two years old are allowed three pounds and fillies and mares three years old and upward are allowed five pounds before September 1 and three pounds thereafter. The sex allowance may not be waived.

7883.0140 CLAIMING RACES.

[For text of subps 1 to 14, see M.R.]

Subp. 15. **Protest of claim.** Not later than the next racing day after the race was run, a written protest of a claim may be submitted to the stewards who shall investigate the matter as quickly as possible. In the event that a stewards' ruling is issued concerning a medication violation discovered through post-race drug testing of a claimed horse, a written protest of a claim may be submitted to the stewards within 24 hours of the posting of a ruling; however, a claimant may submit a written protest of a claim within 24 hours of the receipt of notification from the stewards of such a ruling.

[For text of subps 16 to 30, see M.R.]

7890.0100 DEFINITIONS.

[For text of subps 1 to 12, see M.R.]

Subp. 13. **Medication.** "Medication" is a substance, compound, or element, or combination thereof, which is or can be administered to a horse for the purpose of preventing, curing, or alleviating the effects of any disease, condition, ailment, or infirmity, or symptom thereof, or for altering in any way the behavior, attitude, temperament, or performance of a horse, including athletic performance. The term medication includes all analgesics, anesthetics, depressants, narcotics, stimulants, tranquilizers, and other classifications of medications. Nothing herein shall be deemed to include:

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[For text of item A, see M.R.]

B. Lasix®, provided, however, that if it is administered pursuant to the provisions of part 7890.0140, subpart 6.

[For text of items C and D, see M.R.]

[For text of subps 14 to 21, see M.R.]

7892.0120 TAKING OF SAMPLES.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Split samples.**

A. A portion of the sample from each horse tested, after a sufficient amount has been sent to the official laboratory, must be preserved by the commission. It must be available for testing at the request of a person accused of a violation of chapter 7890. ~~A person so accused may request that the portion of the test sample retained by~~ The commission shall approve a list of laboratories which may provide split sample testing. From this list, a person accused of a violation of chapter 7890 shall designate the laboratories in descending order of preference. The sample must be sent to the laboratory given the highest preference and that is capable of testing for the substance within 14 days. The commission veterinarian shall have overall responsibility for the storage, safeguarding, and shipment of the split sample and for the receipt of results from the drug testing laboratory to which the sample was sent.

B. A person making a request for split sample testing must do so in writing to the stewards within 72 hours of notice of the official laboratory's findings and must bear the cost of shipment and additional testing. The cost of additional testing shall be paid in the form of a check or money order payable to the Minnesota Racing Commission or in cash at the commission's administrative offices.

C. A person making a request for split sample testing must select from among the laboratories approved by the commission pursuant to item A, within 24 hours of receipt of the list.

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D. Failure to comply with the provisions of items B and C shall render the request for split sample testing null and void.

[For text of subp 6, see M.R.]

7895.0100 GENERAL PROVISIONS.

[For text of subps 1 to 6a, see M.R.]

Subp. 7. **Late fees.** All late fees collected for late registration of horses shall be allocated to the breeders' fund administration account.

7895.0125 THOROUGHBRED 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 and must remain in Minnesota until foaling. The broodmare's original jockey club certificate must be received by the racing commission or official registering agency.

[For text of items B to D, see M.R.]

E. The commission may, at its discretion, request written documentation from any persons seeking late registration that the broodmare was standing in Minnesota as of January 31 of the foaling year.

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

[For text of items A to D, see M.R.]

E. The commission may, at its discretion, request written documentation from any persons seeking late registration that the stallion was standing in Minnesota as of January 31 of the breeding year.

[For text of subp 3, see M.R.]

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7895.0275 STANDARDBRED REGISTRATION.

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

[For text of items A to D, see M.R.]

E. The commission may, at its discretion, request written documentation from any persons seeking late registration that the stallion was standing in Minnesota as of January 31 of the breeding year.

[For text of subp 2, see M.R.]

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 and must remain in Minnesota until foaling. The broodmare's original American Quarter Horse Association (AQHA) certificate must be received by the racing commission or official registering agency. The broodmare must be in foal to a Minnesota registered stallion which means a stallion owned at least 50 percent by residents of Minnesota or leased entirely by Minnesota residents, and which has stood the entire breeding season from January 31 to July 31 in Minnesota.

[For text of items B to E, see M.R.]

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

[For text of item A, see M.R.]

B. Stallions must remain in Minnesota for the entire breeding season from January 31 through July 31, unless the commission is notified in writing by certified mail in the event a stallion shall leave Minnesota for racing purposes, medical

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purposes, show purposes, or is sold through public auction or sold privately. A stallion may not breed any mares while in another state.

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

[For text of items C to E, see M.R.]

[For text of subp 3, see M.R.]

7897.0100 PROHIBITED ACTS.

[For text of subps 1 to 6, see M.R.]

Subp. 7. **Cooperation with security officers.** No person shall fail to comply with orders of security officers or racing officials or interfere with security officers or racing officials in the performance of their official duties. No racing official shall fail to comply with orders of a steward while in the performance of the steward's duties.

[For text of subps 8 and 9, see M.R.]

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 therefore 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, presenting facts sufficient to enable the stewards to determine that the claim is meritorious and is directly related to the licensee's activities in their state and that the debt became due within the last two years. Upon receipt of a complaint, the stewards may conduct an investigation and attempt to resolve the matter informally. If the stewards determine that the complaint has merit, and cannot resolve the matter informally or determine that it is not

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appropriate to settle the matter informally, then the stewards shall commence the appropriate disciplinary procedures in chapter 7879.

[For text of subps 11 to 18, see M.R.]

Subp. 19. **Driving violation.** No person may park or drive a vehicle on the grounds of the association in a manner which creates a potential hazard to persons or property.

7897.0110 USE OF DRUGS AND ALCOHOL.

Subpart 1. **Drugs.** The commission, the commission's director of security, or the stewards may, at any time, require any licensee having direct physical contact with horses or direct responsibility for some portion of the day's racing program, or whose duties place him or her in a position of danger, or who commits an act that endangers a horse or human, to provide blood or urine samples for chemical analysis. If such a licensee fails to comply with this requirement, the licensee shall be suspended and referred to the commission to show cause for refusing to do so.

Should a licensee be found to have levels of any nonprescription, prohibited, or illegal drug, or an alcohol concentration greater than 0.04 percent, the licensee shall be subject to disciplinary action by the stewards and the commission. For purposes of this part, "alcohol concentration" means:

A. the number of grams of alcohol per 100 milliliters of blood; or

B. the number of grams of alcohol per 210 liters of breath; or

C. the number of grams of alcohol per 67 milliliters of urine.

Subp. 2. [See repealer.]

7899.0100 VARIANCES.

[For text of subps 1 and 2, see M.R.]

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

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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 ten calendar days after it has issued the notice.

[For text of items B to E, see M.R.]

[For text of subp 4, see M.R.]

REPEALER. Minnesota Rules, part 7897.0110, subpart 2, is repealed.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Pari-mutuel Horse Racing

AGENCY: Minnesota Racing Commission

MINNESOTA RULES: Chapters 7870, 7871, 7872, 7873, 7875, 7876, 7877, 7879, 7883, 7890, 7892, 7895, 7897, and 7899

The attached rules are approved for filing with the Secretary of State

Paul M. Marinac
Assistant Deputy Revisor

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

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

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

(1) Notice of the Minnesota Racing Commission intent to adopt the above-entitled rule was published in the State Register on January 22, 1991 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 January 17, 1991. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking. (3) No requests for a public hearing on the rule were received by the agency.

(7) One comment on the rule was received by the agency and was considered by the Minnesota Racing Commission. One request for notice of submission to the Attorney General were received by the agency.

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

FINDINGS OF FACT

1. Minn. Rule pt. 7892.0120, subp. 5, item A has been modified slightly to correct a typographical error that appeared in the rule as published. The modification deletes the phrase "[a] person so accused may request that the portion of the test sample retained by," thereby eliminating a confusing and grammatically incorrect sentence. The change is necessary to correct an inadvertent typographical error in the rule and eliminate potential confusion among the horseracing industry. The change is reasonable because it makes the rule readable, but does not change its substantive meaning.

2. 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 comment, nor does the rule go to new subject matter of significant substantive effect or make a major substantive change not raised by the original Notice of Intent to Adopt the Rule. Therefore, the modification is needed and reasonable.

CONCLUSION

The rule, as proposed and including the above-described modification, is needed and reasonable (8) and supported by the evidence in the rule-making record.

NOW, THEREFORE, IT IS ORDERED that the rule identified as governing amendments to existing rules is adopted this 13th day of March, 1991, pursuant to authority vested in the Minnesota Racing Commission by Minnesota Statutes, section 240.23 (1990).

(9)

RICHARD KRUEGER
Director
Division of Pari-Mutuel Racing

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

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

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

Notice of the Minnesota Racing Commission intent to adopt the above-entitled rule was published in the State Register on January 22, 1991 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 January 17, 1991. The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

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

One comment on the rule was received by the agency and was considered by the Minnesota Racing Commission. One request for notice of submission to the Attorney General was received by the agency.

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

FINDINGS OF FACT

1. Minn. Rule pt. 7892.0120, subp. 5, item A has been modified slightly to correct a typographical error that appeared in the rule as published. The modification deletes the phrase "(a) person so accused may request that the portion of the test sample retained by," thereby eliminating a confusing and grammatically incorrect sentence. The change is necessary to correct an inadvertent typographical error in the rule and eliminate potential confusion among the horse racing industry. The change is reasonable because it makes the rule readable, but does not change its substantive meaning.

2. Minn. Rule pt. 7897.0100, subp. 10 has been modified slightly to correct a typographical error that appeared in the rule as published. The modification corrects an inadvertent reference to "Chapter 7879" and changes that reference to "chapter 7897." The change is necessary to correct the inadvertent typographical error and eliminate potential confusion. The change is reasonable because it corrects a reference to an inappropriate provision of the Commission's rules.

3. 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 comment, nor does the rule go to new subject matter of significant substantive effect or make a major substantive change not raised by the original Notice of Intent to Adopt the Rule. Therefore, the modification is needed and reasonable.

CONCLUSION

The rule, as proposed and including the above-described modifications, is needed and reasonable and supported by the evidence in the rule-making record.

NOW, THEREFORE, IT IS ORDERED that the rule identified as governing amendments to existing rules is adopted this 1st day of April, 1991, pursuant to authority vested in the Minnesota Racing Commission by Minnesota Statutes, section 240.23 (1990).

RICHARD KRUEGER
Director
Division of Pari-Mutuel Racing

STATE OF MINNESOTA

MINNESOTA RACING COMMISSION

IN THE MATTER OF THE PROPOSED ADOPTION
OF RULES GOVERNING AMENDMENTS TO EXISTING
RULES,

DECLARATION OF COUNSEL

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

MARY B. MAGNUSON
Special Assistant Attorney General

Dated: Mar. 15, 1991