

December 31 of the previous year, except that days may be assigned after that date to a licensee whose license is issued after that date.

Approved May 7, 1987

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### CHAPTER 69—S.F.No. 922

*An act relating to horse racing; regulating license suspensions and revocations of class C licenses; modifying the time periods and dollar limitations used to trigger contested case hearings; requiring rules that prohibit horses from carrying foreign substances when they race; requiring medical testing fee rules; making permanent the statutory provisions authorizing the use of certain medications; amending Minnesota Statutes 1986, sections 240.08, subdivision 5; 240.16, subdivision 1; 240.22; 240.24, subdivisions 1 and 3; and Laws 1985, chapter 211, section 5.*

#### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1986, section 240.08, subdivision 5, is amended to read:

Subd. 5. **REVOCATION AND SUSPENSION.** The commission may revoke a class C license for a violation of law or rule which in the commission's opinion adversely affects the integrity of horse racing in Minnesota, or for an intentional false statement made in a license application.

The commission may suspend a class C license for up to one year for a violation of law, order or rule.

The commission may delegate to its designated agents the authority to impose suspensions of class C licenses, and the suspension may be appealed to the commission according to its rules.

A license revocation or suspension for more than ~~30~~ 90 days is a contested case under sections 14.57 to 14.69 of the administrative procedure act and is in addition to criminal penalties imposed for a violation of law or rule. The commission may summarily suspend a license for more than ~~30~~ 90 days prior to a contested case hearing where it is necessary to insure the integrity of racing. A contested case hearing must be held within 20 days of the summary suspension and the administrative law judge's report must be issued within 20 days from the close of the hearing record. In all cases involving summary suspension the commission must issue its final decision within 30 days from receipt of the report of the administrative law judge and subsequent exceptions and argument under section 14.61.

Sec. 2. Minnesota Statutes 1986, section 240.16, subdivision 1, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. **POWERS AND DUTIES.** All horse races run at a licensed racetrack must be presided over by a board of three stewards, who must be appointees of the commission or persons approved by it. The commission shall designate one steward as chair. At least two stewards for all races either shall be employees of the commission who shall serve in the unclassified service, or shall be under contract with the commission to serve as stewards. The commission may delegate the following duties and powers to a board of stewards:

- (a) to ensure that races are run in accordance with the commission's rules;
- (b) to supervise the conduct of racing to ensure the integrity of the sport;
- (c) to settle disputes arising from the running of horse races, and to certify official results;
- (d) to impose on licensees, for violation of law or commission rules, fines not exceeding ~~\$500~~ \$2,000 and license suspensions not exceeding ~~30~~ 90 days;
- (e) to recommend to the commission where warranted penalties in excess of those in clause (d);
- (f) to otherwise enforce the laws and rules of racing; and
- (g) to perform other duties and have other powers assigned by the commission.

Sec. 3. Minnesota Statutes 1986, section 240.22, is amended to read:

**240.22 FINES.**

The commission shall by rule establish a graduated schedule of civil fines for violations of laws related to horse racing or of the commission's rules. The schedule must include minimum and maximum fines for each violation and be based on and reflect the culpability, frequency and severity of the violator's actions. The commission may impose a fine from this schedule on a licensee for a violation of those rules or laws relating to horse racing. The fine is in addition to any criminal penalty imposed for the same violation. Fines imposed by the commission must be paid to the commission and forwarded to the state treasurer for deposit in the general fund. A fine in excess of ~~\$500~~ \$2,000 is a contested case under the administrative procedure act.

Sec. 4. Minnesota Statutes 1986, section 240.24, subdivision 1, is amended to read:

Subdivision 1. **RULES.** The commission shall make and enforce rules governing medication and medical testing for horses running at licensed racetracks. The rules must provide that no medication, as the commission defines that term by rule, may be administered to a horse within 48 hours of a race it runs at a licensed racetrack. The rules must also provide that no horse participating in a race shall carry in its body any substance foreign to the natural

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horse. The commission shall by rule establish the qualifications for laboratories used by it as testing laboratories to enforce its rules under this section.

Sec. 5. Minnesota Statutes 1986, section 240.24, subdivision 3, is amended to read:

Subd. 3. **FEES.** The commission shall establish by rule a fee or schedule of fees to recover the costs of medical testing of horses running at racetracks licensed by the commission. Fees charged for the testing of horses shall cover ~~part of~~ the cost of the medical testing laboratory ~~but not exceed \$30 per horse.~~ Fee receipts shall be deposited in the state treasury and credited to the general fund.

Sec. 6. Laws 1985, chapter 211, section 5, is amended to read:

Sec. 5. **EFFECTIVE DATE.**

Sections 1 to 4 are effective the day following final enactment. ~~Section 2, subdivision 2, is repealed effective December 31, 1987.~~

Sec. 7. **EFFECTIVE DATE.**

Sections 1 to 6 are effective the day following final enactment.

Approved May 7, 1987

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**CHAPTER 70—S.F.No. 1015**

*An act relating to public safety; regulating boilers and their operation; amending Minnesota Statutes 1986, sections 183.375, subdivision 2; 183.411, subdivision 2, and by adding a subdivision; 183.42; 183.545, subdivision 4; and 183.56; repealing Minnesota Statutes 1986, section 183.545, subdivision 5.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1986, section 183.375, subdivision 2, is amended to read:

Subd. 2. **CHIEF OF DIVISION.** Subject to the provisions of chapter 43A, the commissioner shall appoint a chief and may appoint a deputy chief of the division of boiler inspection. ~~They~~ The appointee shall be a qualified steam ~~engineers~~ engineer with at least ten years of operation experience as such, five years of boiler inspection experience, and shall be licensed as a chief Grade A ~~engineers~~ engineer in this state and shall possess a current commission issued by the national board of boiler and pressure vessel inspectors. Inspectors employed in the division of boiler inspection may utilize up to five years of equivalent experience as inspectors, in satisfying the requirement of ten years of experience as steam engineers for the chief and deputy chief positions.

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