

CHAPTER 7872
MINNESOTA RACING COMMISSION
ASSIGNMENT OF HORSE RACING DAYS

7872.0100 APPLICATION FOR RACING DAYS.

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

- A. a signed request for assignment of racing days;
- B. a statement of the precise nature and extent of the assignment requested, including dates, breeds of horses, number of races per program, types of races, purses, and hours of racing;
- C. a detailed statement of how the request meets each of the criteria in part 7872.0110; and
- D. any other documentation the licensee deems necessary to ensure a complete understanding of the request.

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

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

B. The commission shall conduct a public hearing on the request no sooner than 25 nor later than 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.

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

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

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

F. Within 30 days after action on an application, the commission shall submit in writing to the applicant and persons who submitted written comments the reasons for its action.

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

- A. racing on a day not previously assigned by the commission;
- B. not racing on a day previously assigned by the commission; or
- C. adding or eliminating a breed of horse not previously assigned to race during a meet by the commission.

Change requests concerning post times or the number of races must instead be submitted to the executive director with letters of concurrence by the horsepersons' organizations affected at least three days before the proposed change.

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

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

Subp. 6. **Submission of televised racing dates request.** A Class B licensee may apply for an assignment of televised racing dates no later than 30 days before the requested commencement of televised racing days. Each request for televised racing dates must include an original and an electronic copy of the following:

- A. a signed request for assignment of racing days;
- B. a statement that includes dates requested, breeds of horses, types of races, number of races per program, and a tentative list of potential host racetracks and their days and post times of racing; and
- C. any other documentation the licensee or commission reasonably deems necessary to ensure a complete understanding of the request.

Subp. 7. **Variations to televised racing days within dates previously approved by commission.** The commission's director, deputy director, or director of pari-mutuel racing may

approve variations and changes in racing programs and host racetracks if requested by the licensee, provided that the association representative requesting the variations submits documentation of the variations to the director, deputy director, or director of pari-mutuel racing within 24 hours following the request.

Statutory Authority: *MS s 240.03; 240.08; 240.23; 240.24*

History: *9 SR 2527; 14 SR 1419; 15 SR 2307; 20 SR 2592; 22 SR 1785; 33 SR 8; 42 SR 1258*

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

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

- A. the integrity of the licensee and the host racetrack;
- B. the financial strength of the licensee and the host racetrack;
- C. the ability of the licensee and the host racetrack to conduct horse racing, including licensee's facilities, systems, policymakers, managers, and personnel;
- D. past compliance of the licensee and the host racetrack with all laws, rules, and orders regarding pari-mutuel horse racing;
- E. the licensee's market, including area, population, and demographics;
- F. the performance of the licensee and host racetrack with previously assigned dates;
- G. the impact of the assignment of racing days on the economic viability of the racetrack, including attendance and pari-mutuel handle;
- H. the quantity and quality of economic activity and employment generated;
- I. state tax revenues from racing and related economic activity;
- J. the entertainment and recreation opportunities for Minnesota citizens;
- K. the variety of racing;
- L. the quality of racing;
- M. the availability and quality of horses;
- N. the development of horse racing;

- O. the quality of racetrack facilities;
- P. security;
- Q. purses;
- R. benefits to Minnesota breeders and horse owners;
- S. stability in racing dates;
- T. competition among racetracks and with other providers of entertainment and recreation as well as its effects;
- U. the social effects;
- V. ecology;
- W. community and government support;
- X. sentiment of horsepersons; and
- Y. any other factors related to assignment of racing days which the commission deems crucial to its decision-making as long as the same factors are considered with regard to all requests.

Statutory Authority: *MS s 240.23*

History: *9 SR 2527; 14 SR 1419*

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