

CHAPTER 7895
MINNESOTA RACING COMMISSION
HORSES; BREEDERS' FUND

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7895.0100 GENERAL PROVISIONS.

Subpart 1. **Scope.** The purpose of this chapter is to administer the breeders' fund under Minnesota Statutes, section 240.18, and the required race provision of Minnesota Statutes, section 240.29.

Subp. 2. **Registration.** To qualify for payment of awards and for entry into restricted races, all foal certificates must have the Minnesota registration seal affixed upon them. The seal shall be proof that the requirements of this part have been met.

Subp. 3. **Decisions regarding eligibility for registration.** Questions regarding the registration, eligibility for registration, or breeding of a Minnesota-bred horse shall be decided by the commission. An official registering agency may be designated by the commission and empowered to act in matters relative to registration, eligibility for registration, or breeding. A decision of the official registering agency shall be subject to review by the commission which retains the right to make the final decision as to any right or liability under this chapter. All original foal registration certificates must be submitted for inspection to the commission or official registering agency. Affidavits or other substantive proof, as the commission or official registering agency deems necessary, may be required to support any claim for Minnesota-bred registration.

Subp. 4. **Decision regarding eligibility to enter restricted races.** Questions as to the eligibility for nomination or entry in restricted races shall be decided by the commission or the official registering agency.

Subp. 5. **Basis for allocation.** The amount of money allocated for any particular race should reflect the quality of the race being run.

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

Subp. 6. **Breeders' fund advisory committees.** All money allocated pursuant to this chapter shall be determined by the commission after consultation with the appropriate breeders' fund advisory committee.

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

Subp. 7. [Repealed, 12 SR 2393]

Subp. 8. **Late fees.** All late fees collected for late registration of horses shall be allocated to the breeders' fund administration account.

Statutory Authority: *MS s 240.18; 240.23; 240.24; 240.29*

History: *10 SR 1908; 11 SR 2201; 13 SR 38; 15 SR 2307*

Published Electronically: *June 7, 2007*

7895.0110 THOROUGHBRED BREEDERS' FUND.

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

A. "Minnesota-foaled" or "Minnesota-bred" means a horse foaled in Minnesota by a Minnesota registered broodmare.

B. "Minnesota-sire" means a stallion owned at least 50 percent by residents of Minnesota or leased entirely by Minnesota residents, and which has stood the entire breeding season, between January 31 and July 31, in Minnesota.

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

A. Eighty percent shall be set aside and paid to breeders of Minnesota-bred horses as breeders' awards.

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

Subp. 3. **Distribution of money.** The money available from the Thoroughbred breeders' fund, other than purse supplements earned pursuant to Minnesota Statutes, section 240.135, shall be distributed as follows:

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

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

Subp. 4. **Methods and time of payment.** The amount of money distributed by the commission for awards or purse supplements pursuant to subpart 3 shall be paid out according to one of the two following methods as approved by the commission:

A. purse supplements shall be paid out for Minnesota-bred and registered stakes races in the same percentage as the purse money in the race and shall be paid out in overnight races to Minnesota-bred and registered horses that finish third or better and all such payments shall be credited to the owners' accounts at the time the purses are earned; or

B. purse supplements shall be paid out at the same time as breeders' and stallion awards. These supplements for overnight races shall be paid to owners of Minnesota-bred horses that finish third or better. Purse supplements earned shall not be included in determining breeders' or stallion awards.

The amount of money to be distributed in item A or B shall be according to subpart 5.

Subp. 5. **Adjustments.** The Racing Commission may set fixed amounts for stakes races and varying percentages for overnight races to be applied to purse supplements that may be earned during the current race meeting. The Racing Commission may, in its discretion, during the course of a race meeting vary the percentages set for the purpose of keeping purse supplements consistent with the amount of money being earned in the breeders' fund. The Racing Commission shall consider the following criteria in determining the applicable percentages:

A. the total amount of purse supplements to be distributed;

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

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

Subp. 6. **Time of payment.** All money allocated for breeders' awards, stallion awards, and those purse supplements to be distributed according to subpart 4, item B, shall be distributed within 45 days of the end of the Thoroughbred race meeting.

Subp. 7. [Repealed, 12 SR 2393]

Subp. 8. **Residual funds.** All unearned purse supplements shall be retained and carried forward to be included as net distributable funds in the succeeding Thoroughbred race meeting.

Statutory Authority: *MS s 240.18; 240.23; 240.24*

History: *10 SR 1908; 12 SR 2393; 14 SR 332; 14 SR 2008; 16 SR 2684; 19 SR 2307; 20 SR 2592; 37 SR 1503*

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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 March 15 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.

B. In the event an unregistered broodmare should foal in Minnesota before March 15, the owner 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 from the owner or agent is true and correct.

C. Late fees for late broodmare registration will be imposed as follows:

(1) A late fee of \$50 will be imposed for broodmare registrations received March 16 to April 14 (excluding Saturday and Sunday) of the foaling year.

(2) A late fee of \$100 will be imposed for broodmare registrations received April 15 to June 13 (excluding Saturday and Sunday) of the foaling year.

D. Failure to submit broodmare registration forms on or before June 13 of the foaling year (excluding Saturday and Sunday) will require a late fee of \$300 to qualify for any subsequent claims for breeders' award payments or for the foal to be registered as Minnesota-bred.

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 March 15 of the foaling year.

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

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

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

C. Late fees for late stallion registration will be imposed as follows:

(1) A late fee of \$50 will be imposed for stallion registrations received February 1 to March 1 (excluding Saturday and Sunday) of the breeding year.

(2) A late fee of \$100 will be imposed for stallion registrations received March 2 to May 1 (excluding Saturday and Sunday) of the breeding year.

D. Failure to submit stallion registration forms on or before May 1 of the breeding year (excluding Saturday and Sunday) will require a late fee of \$300 to qualify for any subsequent claims for stallion award payments.

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.

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

A. Within 30 days of the date a horse is foaled in Minnesota, the foal must be registered with the Racing Commission or official registering agency. The registration form must contain the following information: the date, the name of the owner of the foaling dam, the jockey club registration number of the foaling broodmare, the date that the foal was born, an owner's statement that the foal was born in Minnesota, and the signature and veterinary license number of the veterinarian submitting the report. Failure to submit the veterinarian's report will disqualify any subsequent claim to register the foal as Minnesota-bred.

B. Late fees for late foal registration will be imposed as follows:

(1) A late fee of \$50 will be imposed for foal registrations received up to 30 days late (excluding Saturday and Sunday).

(2) A late fee of \$100 will be imposed for foal registrations received 31 to 90 days late (excluding Saturday and Sunday).

C. Failure to submit foal registration forms on or before 120 days of the date of foaling will require a late fee of \$300 to qualify for any subsequent claims to enter the horse in a restricted race or to earn any breeders' fund payments.

D. The original foal certificate must be embossed by the Racing Commission or official registering agency prior to entry into any restricted race.

E. Failure to have foal certificate embossed shall disqualify any claim to enter the horse in a restricted race or to earn any breeders' fund payments.

Subp. 4. [Repealed, 12 SR 2393]

Subp. 5. [Repealed, 12 SR 2393]

Subp. 6. [Repealed, 12 SR 2393]

Statutory Authority: *MS s 240.18; 240.23; 240.24*

History: *10 SR 2161; 12 SR 2393; 14 SR 2008; 15 SR 2307; 16 SR 2684; 20 SR 2592; 23 SR 832*

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7895.0250 STANDARDBRED BREEDERS' FUND.

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

A. "Breeder" means the owner or lessee of the dam as reflected on the United States Trotting Association (USTA) certificate of registration.

B. "Minnesota-bred" means:

(1) the horse was sired by a stallion standing in the state of Minnesota as reflected on the USTA stallion report; or

(2) foals must have been sired by a stallion registered with the Racing Commission that stood in the state of Minnesota for the entire breeding season and is registered pursuant to part 7895.0275, subpart 1.

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

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

B. 75 percent shall be paid to supplement purses in races which are restricted to horses that are Minnesota-bred.

Subp. 3. **Distribution of money.** The money available from the standardbred breeders' fund shall be distributed as breeders' awards and paid to the breeder, as reflected on the USTA foal certificate, of a Minnesota-bred horse that finishes fifth or better in any pari-mutuel or sanctioned USTA non-pari-mutuel race in Minnesota.

Subp. 4. **Methods of payment.** The amount of money distributed for breeders' awards or purse supplements pursuant to subpart 3, shall be paid out in the same percentage as the purse money in the race.

Subp. 5. **Adjustments.** The Racing Commission shall set percentages to be applied to each category of the breeders' fund for the purpose of determining the amount of awards and purse supplements that may be earned during the current race meeting. The Racing Commission may, in its discretion, during the course of a race meeting vary the percentages set in each category for the purpose of keeping awards and purse supplements consistent with the amount of money being

earned in the breeders' fund and subsequent breeders' award disbursements. The Racing Commission shall consider the following criteria in determining the applicable percentages:

- A. the number of potential breeders' award recipients;
- B. the total amount of breeders' awards and purse supplements to be distributed;
- C. the need to distribute breeders' awards and purse supplements in a fair and equitable manner with a view toward encouraging the continued support of the horse industry in Minnesota, thereby providing incentive to breeders and owners of standardbred horses within the state; and
- D. that the set amount of the breeders' awards and purse supplements or any adjustments made thereto are in the best interest of horse racing within the state.

Subp. 6. **Time of payment.** Purse supplements are part of the purse and shall be credited to owners' accounts at the time the purses are earned. All money allocated for breeders' awards and stallion awards shall be distributed within 45 days of the end of the standardbred race season.

Subp. 7. [Repealed, 12 SR 2393]

Subp. 8. **Residual funds.** After complying with subparts 4 to 6, any remaining funds in the breeders' awards account, and all unearned purse supplements, shall be retained and carried forward to be included as net distributable funds in the succeeding standardbred race meeting.

Subp. 9. **Exceptions.** Money accrued to the standardbred breeders' fund from standardbred simulcasting will be deposited with the commission to be used as purse supplements pursuant to Minnesota Statutes, section 240.18, paragraph 3, clause (b), as approved by the commission for standardbred racing conducted in the state for either a pari-mutuel or non pari-mutuel meet or both.

Statutory Authority: *MS s 240.18; 240.23; 240.24*

History: *10 SR 2161; 12 SR 2393; 14 SR 2008; 16 SR 2684; 28 SR 1482; 31 SR 1731*

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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:

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

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

- (1) the commission is notified in writing by certified mail; and

(2) the stallion is leaving 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 outside Minnesota.

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.

C. Late fees for late stallion registration will be imposed as follows:

(1) A late fee of \$50 will be imposed for stallion registrations received February 1 to March 1 (excluding Saturday and Sunday) of the breeding year.

(2) A late fee of \$100 will be imposed for stallion registrations received March 2 to May 1 (excluding Saturday and Sunday) of the breeding year.

D. Failure to submit stallion registration forms on or before May 1 of the breeding year (excluding Saturday and Sunday) will require a late fee of \$300 to qualify for any subsequent claims for stallion award payments.

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.

Subp. 2. **Foal certification.** In order for a horse bred in Minnesota to be registered and subsequently certified as Minnesota-bred, the requirements in items A to C must be met.

A. The USTA certificate of registration must be available for review through the official registering agency prior to entry into any restricted race.

B. Failure to have the foal registered with the Racing Commission by December 31 of the year of its birth will require a late fee to qualify for any subsequent claims to enter the horse in a restricted race or to earn any breeders' fund payments.

C. Late fees for foal registration will be imposed as follows:

(1) \$50 will be imposed for foal registrations received January 1 to January 30 (excluding Saturday and Sunday) of the year after the foaling year.

(2) \$100 will be imposed for foal registrations received January 31 to March 31 (excluding Saturday and Sunday) of the year after the foaling year.

(3) \$300 will be imposed for foal registrations received after March 31 of the year after the foaling year (excluding Saturday and Sunday).

Subp. 3. [Repealed, 12 SR 2393]

Subp. 3. **Artificial insemination.** Beginning with the 2006 breeding season, foals conceived by transported semen (including semen shipped out of Minnesota) shall be considered

Minnesota-bred as long as they meet the requirements of Rule 26, Section 6, of the United States Trotting Association rules for artificial insemination. The stallion must still meet the requirements in part 7895.0275 for stallion registration in Minnesota.

Subp. 4. [Repealed, 12 SR 2393]

Subp. 5. [Repealed, 12 SR 2393]

Statutory Authority: *MS s 240.03; 240.18; 240.23; 240.24*

History: *10 SR 2161; 12 SR 2393; 14 SR 2008; 15 SR 2307; 16 SR 2684; 28 SR 1482; 31 SR 1731; 33 SR 2095; 41 SR 1322*

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7895.0300 QUARTER HORSE BREEDERS' FUND.

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

A. "Artificial insemination" means the introduction of semen, either fresh, cooled, or frozen, into the vagina or uterus of the mare without sexual contact.

B. "Breeder" means the owner or lessee of the dam at the time of conception.

C. "Broodmare" means either a recipient mare, or a mare in foal by natural cover or artificial insemination.

D. "Donor mare" means the genetic dam of the embryo, oocyte, or fertilized egg, but not the mare carrying the foal.

E. "Embryo" means an egg that has been fertilized by sperm and undergone one or more divisions.

F. "Embryo transfer" means the transfer of an embryo from a donor horse into the uterus of a recipient mare for the duration of the pregnancy.

G. "Fertilized egg" means intercytoplasmic sperm injection and conventional in vitro fertilization. The fertilized egg is generally transferred to the uterus of a recipient mare.

H. "Minnesota-bred" shall be defined in three different and distinct categories:

(1) "Minnesota-bred sired and foaled" means a horse that is:

(a) sired by a registered Minnesota-sire who stood his entire breeding season in Minnesota; and

(b) Minnesota-foaled.

(2) "Minnesota-bred foaled" means a Minnesota-foaled horse.

(3) "Minnesota-bred sired" means a Minnesota-sired horse.

I. "Minnesota-foaled" means a horse foaled in Minnesota, and registered with the Racing Commission.

J. "Minnesota-sire" means a stallion owned at least 50 percent by residents of Minnesota or leased entirely by Minnesota residents, and which has stood the entire breeding season, from January 31 through July 31, in Minnesota.

K. "Minnesota-sired" means a horse sired by a registered Minnesota-sire and registered with the commission. Horses can be sired by natural cover, artificial insemination, or by transfer of an embryo, oocyte, or fertilized egg.

L. "Natural cover" means natural breeding occurring between a mare and stallion.

M. "Recipient mare" means a mare carrying a foal by means of transfer of an embryo, oocyte, or fertilized egg from a donor mare. The recipient mare must be identified on a copy of the donor mare's original papers as required by the American Quarter Horse Association (AQHA) and registered with the Racing Commission.

N. "Oocyte" means an egg or female reproductive cells.

O. "Oocyte transfer" means the transfer of a retrieved, unfertilized egg(s) from a donor mare into a recipient mare and then the mare is bred.

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

A. 80 percent shall be set aside and paid as awards to the owner of the broodmare at the time of foaling of Minnesota-bred sired and foaled, Minnesota-bred sired, and Minnesota-bred foaled horses; and

B. 20 percent shall be set aside and paid as stallion awards to the owners of the Minnesota-sire of Minnesota-bred sired horses at the time of breeding.

Subp. 3. **Distribution of money.** The award money available from the Quarter Horse breeders' fund shall be distributed as follows:

A. "Awards" shall be paid to the owner of the broodmare at the time of foaling of a Minnesota-bred sired and foaled horse, a Minnesota-bred foaled horse, or a Minnesota-bred sired horse as registered with the Minnesota Racing Commission, that earns money in any race. An award equal to 80 percent of the purse supplement paid in open company races to the owner of a Minnesota-bred sired and foaled horse will be paid to the owner of the broodmare at the time of foaling of the Minnesota-bred sired and foaled horse at the time Breeders' Awards are paid. This award will be paid from the Breeders' Award pool first and then the remaining money will be divided according to subpart 4.

B. "Stallion awards" shall be paid to the stallion owner or recorded lessee (at the time of breeding) of a Minnesota-bred sired and foaled horse or a Minnesota-bred sired horse that earns money in any race. An award equal to 20 percent of the purse supplement paid in open company races to the owner of a Minnesota-bred sired and foaled horse will be paid to the stallion owner of

the Minnesota-bred sired and foaled horse at the time stallion awards are paid. This award will be paid from the stallion award pool first and then the remaining money will be divided according to subpart 4.

Subp. 4. **Methods of payment.** The amount of money distributed by the commission for awards or purse supplements pursuant to subpart 3, other than the matching purse supplement awards described in subpart 3, shall be paid out for stakes or handicap races in the same percentage as the purse money in the race and shall be paid out in open overnight races and restricted overnight races to Minnesota-bred horses that finish fifth or better. However, the commission may, prior to the beginning of each race meet, establish the maximum amount of earnings per race for a single horse that may be used in calculation of the breeders' fund awards. (For example: if the maximum amount of earnings per race per horse is set at \$10,000, then in the event a horse earns any amount over \$10,000 in one race, the breeders' fund awards will be calculated based on \$10,000 earnings for that race.) The amount of money to be distributed shall be in accordance with subpart 5. Purse supplements earned shall not be included in determining breeders' or stallion awards.

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

- A. the number of potential award recipients;
- B. the total amount of awards and purse supplements to be distributed;
- C. 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 45 days of the end of the Quarter Horse race meeting.

Subp. 7. **Residual funds.** All unearned purse supplements shall be retained and carried forward to be included as net distributable funds in the succeeding Quarter Horse race meeting.

Statutory Authority: *MS s 240.18; 240.23; 240.24*

History: 10 SR 2161; 12 SR 2393; 14 SR 2008; 16 SR 2684; 18 SR 886; 19 SR 2307; 28 SR 1482; 31 SR 1731; 39 SR 1115

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7895.0350 QUARTER HORSE REGISTRATION.

Subpart 1. **Broodmare registration, Minnesota-bred sired and foaled.** To be eligible to receive any award payments and to make a mare's foal eligible for restricted races, 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 (or Jockey Club certificate in the case of a Thoroughbred mare in foal to a Minnesota-sire registered in the Permanent Registry of the American Quarter Horse Association) 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.

B. In the event a broodmare that is not registered with the Racing Commission 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 sired and born in Minnesota. The affidavit will be considered evidence that the foal is a Minnesota-bred sired and 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. In the event that a broodmare is in foal to a Minnesota-bred sire by means of artificial insemination or transfer of an embryo, oocyte, or fertilized egg the broodmare must be in Minnesota prior to foaling. The recipient mare must be identified on the registration form of the donor mare that is submitted to the Racing Commission on or before January 31 of the year in which the recipient mare will foal. If there are multiple foals from each mare/stallion combination, only one of these foals from each breeding season may be registered as Minnesota-bred. The breeder retains the right to decide which foal is Minnesota-bred if this event occurs. The registration must be made according to subpart 3 or 4.

Subp. 1a. **Broodmare registration, Minnesota-bred foaled.** To make a mare's foal eligible for restricted races and awards, the following requirements must be met:

A. If a mare is in foal to a stallion other than a Minnesota-sire, 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 certificate (or Jockey Club certificate in the case of a Thoroughbred mare in foal to a

stallion registered in the Permanent Registry of the American Quarter Horse Association) must be received by the Racing Commission or official registering agency.

B. In the event a broodmare that is not registered with the Racing Commission 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-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. The mare or the recipient mare must be in Minnesota on or before January 31 prior to foaling. The recipient mare must be identified on the registration form of the donor mare that is submitted to the Racing Commission on or before January 31 of the year in which the recipient mare will foal. If there are multiple foals from each mare/stallion combination, only one of these foals from each breeding season may be registered as Minnesota-bred. The breeder retains the right to decide which foal is Minnesota-bred registered if this event occurs. The registration must be made according to subpart 3 or 4. This rule will be retroactive to the 2013 foaling season and registrations.

Subp. 1b. **Broodmare registration, Minnesota-bred sired.** To make a mare's foal eligible for Minnesota-bred restricted races and eligible for awards, the following requirements must be met:

A. If a mare is not expected to foal in the state of Minnesota, she must be in foal to a Minnesota-sire that is properly registered with the Racing Commission in the year of breeding. Prior to foaling, mares in foal to Minnesota-sires, but not foaling in Minnesota, must be 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 certificate (or Jockey Club Certificate in the case of a Thoroughbred mare in foal to a Minnesota-sire registered in the permanent registry of the American Quarter Horse Association) must be received by the Racing Commission or official registering agency.

B. In the event a broodmare that is not registered with the Racing Commission should foal before January 31, the owner or lessee must submit a sworn affidavit attesting to the date the foal was born and the state in which it was foaled. The affidavit will be considered evidence that the foal is a Minnesota-sired horse and the owner of the broodmare or his or her agent must register the broodmare in accordance with item A. The attending veterinarian must certify on information and belief that the information provided by the owner, lessee, or agent is true and correct.

Subp. 1c. **Fines.**

A. Fines for all late broodmare registration will be imposed as follows:

(1) A fine of \$50 will be imposed for broodmare registrations received February 1 to March 1 (excluding Saturday and Sunday) of the foaling year.

(2) A fine of \$100 will be imposed for broodmare registrations received March 2 to May 1 (excluding Saturday and Sunday) of the foaling year.

B. Failure to submit broodmare registration forms on or before May 1 of the foaling year (excluding Saturday and Sunday) will require payment of a fine of \$300 to qualify for any subsequent claims for breeders' award payments or for the foal to be registered as a Minnesota-bred sired and foaled horse, Minnesota-bred foaled horse, or Minnesota-bred sired horse.

C. 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, in the case of Minnesota-bred sired and foaled horses or Minnesota-bred foaled horses.

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, 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.

C. Late fees for late stallion registration will be imposed as follows:

(1) A late fee of \$50 will be imposed for stallion registrations received February 1 to March 1 (excluding Saturday and Sunday) of the breeding year.

(2) A late fee of \$100 will be imposed for stallion registrations received March 2 to May 1 (excluding Saturday and Sunday) of the breeding year.

D. Failure to submit stallion registration forms on or before May 1 of the breeding year (excluding Saturday and Sunday) will require payment of a fine of \$300 to qualify for any subsequent claims for stallion award payments.

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.

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

A. Within 30 days of the date a horse is foaled in Minnesota, the foal must be registered with the Racing Commission or official registering agency. The registration must include the following information: the date, the name of the owner or lessee of the dam at time of conception, the date that the foal was born, an owner's or lessee's statement that the foal was born in Minnesota, and the signature and veterinary license number of the attending veterinarian. Failure to submit the veterinarian's report will disqualify any subsequent claim to register the foal as a Minnesota-bred or Minnesota-foaled horse. If there are multiple foals from each mare/stallion combination, only one of these foals from each breeding season may be registered as Minnesota-bred. The breeder retains the right to decide which foal is Minnesota-bred registered if this event occurs.

B. Late fees for late foal registration will be imposed as follows:

(1) A late fee of \$50 will be imposed for foal registrations received up to 30 days late (excluding Saturday and Sunday).

(2) A late fee of \$100 will be imposed for foal registrations received 31 to 90 days late (excluding Saturday and Sunday).

C. Failure to submit foal registration forms on or before 120 days of the date of foaling will require payment of a fine of \$300 to qualify for any subsequent claims to enter the horse in a restricted race or to earn any breeders' fund payments.

D. The original foal certificate must be embossed by the Racing Commission or official registering agency prior to entry into any restricted race.

E. Failure to have foal certificate embossed shall disqualify any claim to enter the horse in a restricted race or to earn breeders' fund payments.

Subp. 4. [Repealed, 12 SR 2393]

Subp. 4. **Foal registration and certification, Minnesota-bred sired.** For a horse sired by a Minnesota-sire, but not foaled in Minnesota, to be registered and subsequently certified as a Minnesota-bred sired horse, the following requirements must be met:

A. Within 30 days of the date a horse is foaled, the foal must be registered with the Racing Commission or official registering agency. The registration must include the following information: the date, the name of the owner or lessee of the dam at the time of conception, the date the foal was born, an owner's or lessee's statement as to which state the foal was born in, and the signature and veterinary license number of the attending veterinarian. Failure to submit the veterinarian's report will disqualify any subsequent claim to register the foal as a Minnesota-sired horse. If there are multiple foals from each mare/stallion combination, only one of these foals from each breeding season may be registered as Minnesota-bred. The breeder retains the right to decide which foal is Minnesota-bred registered if this event occurs.

B. Fines for late foal registration will be imposed as follows:

(1) A fine of \$50 will be imposed for foal registrations received up to 30 days late (excluding Saturday and Sunday).

(2) A fine of \$100 will be imposed for foal registrations received 31 to 90 days late (excluding Saturday and Sunday).

C. Failure to submit foal registration forms on or before 120 days of the date of foaling will require payment of a fine of \$300 to qualify for any subsequent claims to enter the horse in a restricted race or to earn any breeders' fund payments.

D. The original foal certificate must be embossed by the Racing Commission or official registering agency prior to entry into any restricted race.

E. Failure to have foal certificate embossed shall disqualify any claim to enter the horse in a restricted race or to earn breeders' fund payments.

Subp. 5. [Repealed, 12 SR 2393]

Subp. 6. [Repealed, 12 SR 2393]

Statutory Authority: *MS s 240.18; 240.23; 240.24*

History: *10 SR 2161; 12 SR 2393; 14 SR 332; 14 SR 2008; 15 SR 2307; 16 SR 2684; 31 SR 1731; 39 SR 1115*

Published Electronically: *April 22, 2020*

7895.0400 ARABIAN BREEDERS' FUND.

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

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

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

C. "Minnesota-sire" means a stallion owned at least 50 percent by residents of Minnesota or leased entirely by Minnesota residents, and which has stood the entire breeding, between January 31 and August 31, in Minnesota, or has had transported semen to a specific mare in another state but the stallion has stood the entire breeding season in Minnesota.

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

A. 25 percent shall be set aside and paid to breeders of Minnesota-bred horses as breeders' awards;

B. 55 percent shall be paid to supplement purses. The purse supplements shall be apportioned in accordance with the quality of the race as determined by the commission;

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

D. ten percent shall be set aside and paid as owners' awards to the owners of Minnesota-bred or Minnesota-foaled horses.

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

A. "Breeders' awards" shall be paid to the breeder of a Minnesota-bred horse, as reflected on the Arabian Horse Registry of America, Inc. certificate, that finishes third or better in any pari-mutuel race.

B. "Stallion awards" shall be paid to the stallion owner of a Minnesota-bred or Minnesota-foaled horse that finishes third or better in any pari-mutuel race.

C. "Owner awards" shall be paid to the owner of a Minnesota-bred horse, as defined by the Arabian Horse Registry of America, Inc. certificate, that finishes third or better in any pari-mutuel race.

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

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

A. the total amount of purse supplements to be distributed;

B. the need to distribute purse supplements 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 Arabian horses within the state; and

C. that the set amount of the 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 45 days of the end of the Arabian race meeting.

Subp. 7. **Residual funds.** All unearned purse supplements shall be retained and carried forward to be included as net distributable funds in the succeeding Arabian race meeting.

Statutory Authority: *MS s 240.23*

History: 16 SR 2684

Published Electronically: October 8, 2013

7895.0450 ARABIAN REGISTRATION.

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

A. Prior to foaling, the broodmare must be in Minnesota and registered or the registration renewed with the Racing Commission or official registering agency on or before January 31 of the year in which the broodmare will foal. The broodmare's original Arabian Horse Registry of America, Inc. 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 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 from the owner or agent is true and correct.

C. Fines for late broodmare registration will be imposed as follows:

(1) A fine of \$50 will be imposed for broodmare registrations received February 1 to March 1 (excluding Saturday and Sunday) of the foaling year.

(2) A fine of \$100 will be imposed for broodmare registrations received March 2 to May 1 (excluding Saturday and Sunday) of the foaling year.

D. Failure to submit broodmare registration forms on or before May 1 of the foaling year (excluding Saturday and Sunday) will require payment of a fine of \$300 to qualify for any subsequent claims for breeders' award payments or for the foal to be registered as Minnesota-bred.

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:

A. Stallions must be in Minnesota and registered or the registration renewed with the Racing Commission or official registering agency by January 31 of the current breeding year. The stallion's original Arabian Horse Registry of America, Inc. 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 to August 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 not serviced any mare after December 31 of the previous year.

C. Fines for late stallion registration will be imposed as follows:

(1) A fine of \$50 will be imposed for stallion registrations received February 1 to March 1 (excluding Saturday and Sunday) of the breeding year.

(2) A fine of \$100 will be imposed for stallion registrations received March 2 to May 1 (excluding Saturday and Sunday) of the breeding year.

D. Failure to submit stallion registration forms on or before May 1 of the breeding year (excluding Saturday and Sunday) will require payment of a fine of \$300 to qualify for any subsequent claims for stallion award payments.

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.

F. Any stallion outside Minnesota that is licensed in the semen transport program governed by the Arabian Horse Registry of America, Inc. must be registered with the Racing Commission or official registering agency. A special affidavit will be signed and notarized by the stallion owner and registered with the Racing Commission or official registering agency. All requirements in subpart 2 will apply to the stallion in question.

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

A. Within 30 days of the date a horse is foaled in Minnesota, the foal must be registered with the racing commission or official registering agency. The registration form must contain the following information: the date, the name of the owner of the foaling dam at the time of conception, the date that the foal was born, an owner's statement that the foal was born in Minnesota, and the signature and veterinary license number of the veterinarian submitting the report. Failure to submit the veterinarian's report will disqualify any subsequent claim to register the foal as Minnesota-bred.

B. Fines for late foal registration will be imposed as follows:

(1) A fine of \$50 will be imposed for foal registrations received up to 30 days late (excluding Saturday and Sunday).

(2) A fine of \$100 will be imposed for foal registrations received 31 to 90 days late (excluding Saturday and Sunday).

C. Failure to submit foal registration forms on or before 120 days of the date of foaling will require payment of a fine of \$300 to qualify for any subsequent claims to enter the horse in a restricted race or to earn any breeders' fund payments.

D. The original foal certificate must be embossed by the racing commission or official registering agency prior to entry into any restricted race.

E. Failure to have foal certificate embossed shall disqualify any claim to enter a horse in a restricted race or to earn any breeders' fund payments.

Statutory Authority: *MS s 240.23*

History: *16 SR 2684*

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