

1 Minnesota Racing Commission

2

3 Adopted Permanent Rules Governing Pari-Mutuel Horse Racing

4

5 Rules as Adopted

6 7869.0100 DEFINITIONS.

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

8 Subp. 2a. ADA. "ADA" means the Americans with

9 Disabilities Act, United States Code, title 42, section 12101,
10 et seq.

11 [For text of subs 3 to 69, see M.R.]

12 7870.0500 CONTRACT APPROVAL.

13 Subpart 1. Contracts and subcontracts subject to prior
14 commission approval. Contracts entered into, renewed, or
15 extended by Class A, B, and D licensees and their contractors
16 for goods and services are subject to prior approval by the
17 commission. Contracts must include affirmative action plans
18 establishing goals and timetables consistent with Minnesota
19 Statutes, chapter 363, where the contractor affirms compliance
20 with the ADA. All Class A, B, and D licensees must submit as
21 soon as practicable to the commission the name and the address
22 of the contractor or subcontractor, amount and duration of the
23 contract or subcontract, and a description of the good or
24 service provided. The commission shall determine whether the
25 contract or subcontract may affect the integrity of pari-mutuel
26 racing, and the commission shall notify the licensee whether the
27 commission intends to review and approve or disapprove the
28 contract or subcontract. In making a determination that a
29 contract or subcontract may affect the integrity of racing, the
30 commission shall consider the amount and duration; the extent to
31 which the contractor or subcontractor will be on the premises of
32 the licensee; the relationship of the contract or subcontract to
33 security; opportunity for contact between the contractor or
34 subcontractor and horses, horsepersons, or patrons; opportunity
35 for the contractor or subcontractor to influence the management

1 and conduct of pari-mutuel racing; contact with admission,
2 pari-mutuel, concession, or purse money; and whether the
3 commission has reason to believe that the contractor or
4 subcontractor is incompetent, financially irresponsible, or not
5 of good character. If notified of the commission's intention to
6 review and approve or disapprove a contract or subcontract, the
7 licensee shall promptly submit to the commission copies of any
8 written contracts or subcontracts as well as any documentation,
9 records, or information the commission may request with regard
10 to the contract. If the commission notifies a licensee of the
11 commission's intention to review and approve or disapprove a
12 contract or subcontract, the contract or subcontract is not
13 valid, nor is either of the parties bound by the contract until
14 it has been approved by the commission. The commission shall
15 approve or disapprove contracts and subcontracts within 30 days,
16 as computed pursuant to Minnesota Statutes, section 645.15,
17 after submission.

18 [For text of subps 2 to 5, see M.R.]

19 7870.0510 AFFIRMATIVE ACTION.

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

21 Subp. 3. Economic opportunities for disabled.

22 A. Class A, B, and D licensees are required to comply
23 with all provisions of the ADA.

24 B. Class A, B, and D licensees are required, to the
25 extent feasible, to establish reasonable goals to assist in
26 providing economic opportunities for disabled individuals.
27 These affirmative action goals must be set with respect to the
28 Class A, B, and D licensee's construction subcontracts/material
29 suppliers during facility construction, on-site construction
30 jobs, postconstruction labor force, postconstruction vendor,
31 supplier and other contracts, and available equity ownership
32 opportunities.

33 [For text of subps 4 and 5, see M.R.]

34 7871.0010 APPLICATION FOR PARI-MUTUEL POOLS.

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

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

4 A. Upon receipt of an application, the commission
5 shall send written notice of the application to all other Class
6 B licensees. The notice must include a brief description of the
7 request, a statement that all licensees wishing to comment may
8 do so in writing within seven days after issuance of the notice,
9 the time and place of any public hearing on the application, and
10 the earliest and latest date on which the commission may act.

11 B. If, after an application is filed, the commission
12 determines that additional information from the applicant is
13 necessary to fully consider the request, the commission shall
14 direct the applicant to submit the additional data.

15 C. If the commission further determines it is
16 necessary to fully understand an application, the commission
17 shall request the applicant or a licensee submitting comments to
18 appear before the commission. The commission shall request the
19 appearance in writing at least five days in advance.

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

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

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

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

31 7871.0110 DISTRIBUTION OF PURSE MONEY.

32 Subpart 1. Purse amounts. Pursuant to Minnesota Statutes,
33 section 240.13, subdivision 5, the amounts required to be
34 withheld from all pari-mutuel pools must be allocated for purses
35 by an association conducting televised horse racing.

1 Subp. 2. Escrow accounts. All money withheld for purses
2 by an association pursuant to subpart 1 must be placed in
3 interest-bearing escrow accounts and set aside for purse money
4 in the next racing meeting for the breed involved, except that
5 money may be first applied to any purse overpayment from the
6 previous live race meet as agreed to between the association and
7 the horsepersons' organization representing the breed involved.

8 7873.0100 APPLICATION FOR PARI-MUTUEL POOLS.

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

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

13 A. Upon receipt of an application, the commission
14 shall send written notice of the application to all other Class
15 B and D licensees. The notice must include a brief description
16 of the request, a statement that all licensees wishing to
17 comment may do so in writing within seven days after issuance of
18 the notice, the time and place of any public hearing on the
19 application, and the earliest and latest date on which the
20 commission may act.

21 B. If, after an application is filed, the commission
22 determines that additional information from the applicant is
23 necessary to fully consider the request, the commission shall
24 direct the applicant to submit the additional data.

25 C. If the commission further determines it necessary
26 to fully understand an application, the commission shall request
27 the applicant or a licensee submitting comments to appear before
28 the commission. The commission shall request the appearance in
29 writing at least five days in advance.

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

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

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

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

6 7873.0110 APPROVAL OF PARI-MUTUEL POOLS.

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

8 Subp. 4. Additional money added. With the approval of the
9 commission, the association may guarantee a minimum payout in
10 any pari-mutuel pool. If the guaranteed payout exceeds the
11 amount available for distribution from the amounts wagered, the
12 association shall provide the difference by paying the holders
13 of any winning ticket designating the official winners in the
14 pool.

15 7873.0130 PREVENTION TO START.

16 In a thoroughbred, quarter horse, arabian, or other breed
17 race, if the doors in front of a stall in a mechanically or
18 electronically operated starting gate should fail to open
19 simultaneously with the other stall doors, thereby preventing a
20 horse from obtaining a fair start when the starter dispatches
21 the field, the following shall apply:

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

23 B. If any horse is so prevented from starting, the
24 entire amount in the exacta pool wagered on that horse shall be
25 refunded unless the horse finishes first or second, in which
26 case the horse shall be considered a starter for the exacta pool
27 in which the horse earned a placing. In the case of a coupled
28 entry or field, it shall be left to the judgment of the stewards
29 as to whether or not to provide a refund.

30 [For text of item C, see M.R.]

31 7873.0150 SCRATCHES.

32 For all wagers other than the daily double, pick six, or
33 pick three, a refund at face value shall be made to all holders
34 of pari-mutuel tickets on horses that have been withdrawn,

1 dismissed, or have participated in a race in which no horse
2 finished. In the case of a coupled entry or field, it shall be
3 left to the judgment of the stewards as to whether or not to
4 provide a refund.

5 7873.0192 SUPER-TRI WAGERING AND POOLS.

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

7 Subp. 2. Price of tickets. Super-tri tickets shall be
8 sold in not less than \$1 denominations.

9 [For text of subps 3 to 8, see M.R.]

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

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

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

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

1 next consecutive racing date as an additional net amount to be
2 distributed.

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

4 7873.0198 PICK SEVEN.

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

6 Subp. 4. Pick seven pool. The pick seven pari-mutuel pool
7 consists of amounts contributed for a selection for win only, or
8 in the case of a place pick seven to win or place, in each of
9 seven races designated by the association with the approval of
10 the commission. Each person purchasing a pick seven ticket
11 shall designate at least one horse in each of the seven races
12 comprising the pick seven.

13 [For text of subps 5 to 11, see M.R.]

14 7873.0550 DISTRIBUTION OF PURSE MONEY.

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

16 Subp. 3. Overpayments carried over. If, at the end of
17 each race meeting, an overpayment of purses has occurred, the
18 overpayment shall be adjusted by contract between the licensee
19 and the horsepersons' organization representing the majority of
20 horsepersons racing the breed involved at the licensee's
21 facility. The association must make its best effort to recover
22 the overpayment on an even basis over the course of the race
23 meeting to prevent serious inconsistencies in purse levels
24 during the race meeting.

25 [For text of subps 4 to 6, see M.R.]

26 FACILITIES AND EQUIPMENT

27 7875.0100 FACILITIES.

28 Subpart 1. Facilities. Each association must include a
29 receiving barn, detention facility, paddock, room for jockeys
30 and drivers, lighting, stabling, restrooms, medical facilities,
31 racing officials' space, viewing room, commission office and
32 parking space, space for the Bureau of Criminal Apprehension,
33 and complaint desk. The facilities must meet the needs of
34 patrons, officials, horsepersons, other persons on the premises,

1 and horses. The facilities must be in compliance with the
2 requirements of the ADA.

3 [For text of subps 2 to 5, see M.R.]

4 7875.0200 EQUIPMENT.

5 Subpart 1. Equipment. Each association must include
6 equipment, devices, or apparatus necessary to start, time, film
7 or tape, and photograph the finish of every race. Equipment
8 necessary to view photographs, films, and tapes of each race
9 must be provided. Each association must include pari-mutuel
10 equipment, devices, or apparatus necessary to sell and cash
11 tickets and calculate and display odds. An association also
12 must include adequate internal communications equipment. The
13 facilities must be in compliance with the requirements of the
14 ADA insofar as offering special accommodations or alternative
15 equipment to disabled individuals.

16 [For text of subps 2 to 8, see M.R.]

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

27 The use of public or portable telephones, transmitters, or
28 any other instrument that can be used for transmitting or
29 receiving messages off the grounds to transmit wagering
30 information of any kind is strictly prohibited. Any one deemed
31 to have used such an instrument to transmit or receive wagering
32 information is subject to ejection and the equipment is subject
33 to confiscation.

34 No telephone calls, telegrams, or messages of any kind for
35 any person attending or participating in the conduct of a race

1 meeting shall be accepted, nor shall any notice be given
2 pertaining to such message or telephone call during the hours
3 indicated unless permission is first given by the stewards or
4 the authorized representative of the commission.

5 A telephone on a private line shall be provided in the
6 offices of the commission. All costs of the telephone service
7 shall be borne by the association and the service shall not be
8 interrupted at any time. At the request of the commission, TDD
9 devices shall be installed on all commission telephones at the
10 track, and costs associated with the devices shall be borne by
11 the association.

12 At least one of the public telephones allowed at an
13 association shall be equipped with a TDD device.

14 7877.0120 FEES.

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

16 Subp. 2. Fingerprinting and licensing reciprocity. The
17 commission may shall license persons holding valid permanent
18 licenses issued by Association of Racing Commissioners
19 International (RCI) member racing jurisdictions in North America
20 if the persons meet the criteria specified in this subpart. The
21 licensee must be in good standing, have cleared a Federal Bureau
22 of Investigation (FBI) or Royal Canadian Mounted Police (RCMP)
23 fingerprint check within the previous 36 months, file an
24 application and/or affidavit as may be required by the
25 commission, and pay the required applicable fees before
26 participating in racing.

27 A. The commission shall recognize racing licenses
28 from RCI member jurisdictions in North America for purposes of
29 issuing Minnesota licenses, provided the applicant meets the
30 licensing qualifications in Minnesota Statutes, chapter 240, and
31 rules of the commission.

32 B. Only permanent licenses in good standing shall be
33 considered. Temporary or probationary licenses shall not be
34 considered.

35 C. Applicants must be in good standing in each

1 jurisdiction where they hold or have held a racing license.

2 D. The applicant must have submitted fingerprints
3 within the past 36 months, for the purpose of a criminal records
4 check by the FBI or RCMP. The applicant shall provide the
5 commission with proof of licensure from another RCI member
6 jurisdiction to which fingerprints were submitted.

7 E. The applicant shall submit the license application
8 form and license fee required by the commission.

9 F. Provided the requirements in items A to E have
10 been met, the commission ~~may~~ shall issue either a license and/or
11 a validation sticker. The validation sticker shall be affixed
12 to either a license issued by the commission or a valid license
13 issued by another RCI member jurisdiction. The validation
14 sticker shall contain Minnesota's two-letter postal service
15 abbreviation, the year of the validation, and may contain the
16 audit trail code or serial number, if applicable. The
17 validation sticker shall be constructed of an approved
18 tamper-resistant material. The affixing of the validation
19 sticker shall constitute licensing. The commission shall
20 determine the period of time that the license is valid in
21 Minnesota.

22 G. In the event the licensee is absent from
23 Minnesota, and upon payment of the applicable fees, a receipt
24 shall be mailed to the licensee's permanent address. The
25 receipt may then be presented at the commission office by the
26 licensee so that a commission representative may affix the
27 proper validation sticker to the racing license badge. Any
28 horse owner who does not make application in person must meet
29 all requirements of this subpart, except that the owner may file
30 a completed fingerprint card taken by a law enforcement agency.

31 All reference to fingerprinting in this subpart does not
32 apply to applications submitted by persons under the age of 18
33 or over the age of 80.

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

35 7877.0125 CRITERIA FOR DETERMINING ELIGIBILITY.

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

2 Subp. 3. Compliance with laws. An applicant for a Class C
3 license shall certify that he or she is in compliance with all
4 applicable federal and state laws and rules including, but not
5 limited to, racing, tax, affirmative action, the ADA, and
6 workers' compensation.

7 7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

8 [For text of subps 1 to 7, see M.R.]

9 Subp. 8. Harness driver. Applicants for a harness
10 driver's license must be at least 16 years old and must pass a
11 physical examination administered by a licensed, practicing
12 physician within a year prior to the first Minnesota race
13 meeting at which he or she intends to drive. In addition:

14 A. The applicant must have been licensed previously
15 as a harness driver by the commission or another racing
16 jurisdiction, or the USTA. When licensed by the USTA and
17 applying to drive at a Class D race meet, the USTA license
18 classifications shall apply.

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

20 [For text of subps 9 to 15, see M.R.]

21 Subp. 16. Concessionaire or vendor. Any person or entity
22 that sells or distributes products or provides services at a
23 Class A or D facility, for longer than three consecutive days,
24 or more than a total of ten days in a calendar year, and which
25 products or services are sold or distributed in a restricted
26 area or are necessary for the running of a horserace, must be
27 licensed. The director of pari-mutuel racing shall request the
28 director of the division of gambling enforcement to investigate
29 the background, financial responsibility, security, and
30 integrity of any person or entity providing such products or
31 services to a licensed racetrack.

32 7877.0155 CONDITIONS PRECEDENT TO LICENSING.

33 Acceptance of a Class C license, including a provisional
34 license, shall mean that the licensee consents and agrees to the
35 following conditions:

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

2 C. The licensee will fully and truthfully provide
3 information requested by the stewards or the commission in the
4 course of an investigation, inquiry, hearing, or application for
5 a license.

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

7 E. The licensee will submit to inspections and
8 searches as hereinafter provided:

9 [For text of subitem (1), see M.R.]

10 (2) Each applicant for a Class C license and each
11 employee or agent of a Class A, B, or D licensee consents to
12 such searches and inspections, and waives all claims or possible
13 actions for damages that he or she believes he or she may have
14 suffered in connection with any such search or inspection.

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

16 7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.

17 [For text of subps 1 to 2a, see M.R.]

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

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

21 D. Each jockey reporting to the jockeys' room must
22 remain there until he or she has fulfilled all of that day's
23 riding engagements. While in the performance of his or her
24 duties, the jockey may have no contact or communication with any
25 person outside the jockeys' room, without the permission of the
26 stewards, other than with an owner or trainer for whom he or she
27 is riding that day, or with the stewards or other commission
28 officials.

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

30 M. A jockey must wear a fully padded fiberglass
31 helmet with a buckled chin strap while mounted upon any horse at
32 a licensed racetrack. A jockey must wear a safety vest when
33 riding in any official race. The safety vest shall weigh no
34 more than two pounds and be designed to provide shock absorbing
35 protection to the upper body of at least a rating of five, as

1 defined by the British Equestrian Trade Association.

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

3 [For text of subps 4 to 10, see M.R.]

4 7877.0180 CONFLICTS.

5 Subpart 1. Racing officials. No racing official, other
6 than a general manager, shall own any interest in a privately
7 held Minnesota racetrack at which he or she is serving as an
8 official. In the case of a publicly held corporation, no racing
9 official, other than a general manager, shall own more than five
10 percent of the outstanding shares of stock. No racing official
11 shall own any interest in a horse eligible to race at a meeting
12 at which he or she serves as an official.

13 No racing official shall buy or sell for himself or
14 herself, or as an agent for anyone else, any horse eligible to
15 race at a meeting at which he or she serves as an official.

16 No racing official shall hold any interest in the contract
17 of a jockey or apprentice jockey riding at a meeting at which
18 the official serves.

19 No racing official shall buy or sell for another person any
20 right to a contract of any jockey or apprentice jockey riding at
21 a meeting at which the racing official serves.

22 No racing official shall wager money or anything of value
23 on any race in Minnesota during his or her term of employment.

24 No racing official, detention barn employee, commission
25 staff, assistant starter, claims clerk, outrider, association
26 veterinarian, or track superintendent shall request or accept
27 any remuneration or honorarium in payment or kind from any
28 owner, trainer, or other person licensed by the commission.

29 [For text of subps 2 and 3, see M.R.]

30 7878.0170 CLASS D SECURITY OFFICERS.

31 Subpart 1. Security officers may be provided by sheriff's
32 office and police department. Security officers at a class D
33 racetrack may be provided by the sheriff's office in the county
34 and the police department in the city in which the class D
35 license is held.

1 Subp. 2. Designee. The sheriff and/or the chief of police
2 or a designee will be the director of security for the race meet.

3 Subp. 3. Assistance. The sheriff and/or the chief of
4 police may utilize deputies, reserve deputies, police officers,
5 reserve officers, or any individual who meets the minimum
6 standards as specified in part 7878.0110.

7 7879.0100 QUALIFICATIONS AND APPOINTMENT OF STEWARDS.

8 Subpart 1. Qualifications for stewards. No person may
9 qualify for commission appointment or approval as a steward
10 unless:

11 A. he or she has served as a steward, director of
12 racing, racing secretary, assistant racing secretary, starter,
13 placing judge, patrol judge, paddock judge, identifier, clerk of
14 scales, or other racing officials' position at one or more
15 recognized race meetings for a period of not less than 60 days
16 per year during at least three of the five preceding calendar
17 years or has had at least five years experience as a trainer or
18 a jockey. In the case of racing at a Class B facility, other
19 than in an emergency situation, all candidates must have
20 completed the course work for accreditation as a steward at a
21 steward accreditation program approved by the Association of
22 Racing Commissioners International;

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

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

25 7883.0140 CLAIMING RACES.

26 [For text of subps 1 to 21, see M.R.]

27 Subp. 22. Claimed horse shall race at track claimed. No
28 claimed horse shall race at any other racetrack until after the
29 close of the race meeting at which it was claimed, or for 60
30 days, whichever is shorter, except to fulfill a previously
31 committed stakes engagement or with permission of the
32 association.

33 [For text of subps 23 to 30, see M.R.]

34 7883.0160 POST TO FINISH.

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

2 Subp. 2. Loading in starting gate. The starter, with
3 approval of the stewards, shall determine the procedures for
4 loading horses into the starting gate.

5 [For text of subps 3 to 14, see M.R.]

6 7884.0125 ENTERING AND DRAWING OF HORSES AT CLASS D FACILITIES.

7 The entering and drawing of horses at Class D licensed
8 facilities shall be governed by the following:

9 A. Each Class D licensee must provide a locked entry
10 box with an aperture through which all entries shall be
11 deposited.

12 B. At the time specified by the licensee, the chief
13 steward, or an official designated by the chief steward, shall
14 unlock the entry box, sort the entries contained in it, and
15 immediately draw the post positions in the presence of owners or
16 an owner's representative as may be present.

17 C. At all Class D race meets the entry box shall be
18 opened by the chief steward, or an official designated by the
19 chief steward, at the advertised time. The chief steward or
20 official conducting the draw will be responsible to assure that
21 at least one owner or an official representative of the owner is
22 present. No owner or agent for a horse with an entry in the
23 entry box shall be denied the privilege of being present. Under
24 the supervision of the chief steward, or an official designated
25 by the chief steward, all entries shall be listed, the
26 eligibility verified, preference ascertained, starters selected,
27 and post positions drawn. If it is necessary to reopen any race
28 as determined by the chief steward, a public announcement
29 indicating such shall be made no fewer than two times and the
30 entry box reopened at a specific time.

31 D. Drawing of post positions for the second heat in
32 races of more than one dash or heat at pari-mutuel meetings, may
33 be conducted by the stewards from the stand for succeeding
34 dashes or heats.

35 E. Entries by mail, telegraph, or telephone actually

1 received and evidence of which is deposited in the entry box
2 before the time specified to enter, shall be drawn in the same
3 manner as the others. Such drawings shall be final. Mail,
4 telephone, and telegraph entries must state the name, age,
5 color, sex, sire, and dam of the horse; the name of the driver
6 and driver's colors; the date and place of last start; a current
7 summary, including the number of starts, firsts, seconds,
8 thirds, earnings, and best winning time for current year; and
9 the event in which the horse is to be entered. It shall state
10 any relevant medication information. It shall be the
11 responsibility of the racing secretary to assure that such
12 entries are signed by the person receiving same.

13 F. When a Class D licensee requires a horse to be
14 entered at a stated time, failure to enter as required shall be
15 considered a withdrawal from the event.

16 G. After entries have been made, no horse shall be
17 withdrawn from the race except by permission of the stewards. A
18 fine and/or a suspension shall be imposed for drawing a horse
19 without permission and the penalty shall apply to both the horse
20 and the party who violated this item.

21 H. Drawings shall be final unless there is conclusive
22 evidence that a horse properly entered was omitted from the race
23 through the error of a track or its agent or employee in which
24 event the horse shall be added to the race but given the last
25 post position, provided the error is discovered prior to either
26 scratch time or the printing of the program; however, in the
27 case of early closers of more than \$10,000 and stake and
28 futurity races, the race shall be redrawn. This shall not apply
29 at commercial pari-mutuel meetings in overnight events.

30 I. Entries shall state who shall drive the horse and
31 give the driver's colors. Drivers may be changed until the time
32 prescribed by the stewards, of the day preceding the race, after
33 which no driver may be changed without permission of the
34 stewards and for good cause. When a nominator starts two or
35 more horses, the stewards shall approve or disapprove the second
36 or third driver.

1 J. Entries shall state when a horse is to be raced
2 with furosemide (Lasix®) and, if it is the first time the horse
3 is to race with furosemide, that information is to be included
4 on the entry.

5 7884.0195 QUALIFYING RACES AT CLASS D LICENSED FACILITIES.

6 Horses may qualify under part 7869.0100, subpart 51, item
7 C, "conditioned race," if they have a current race line not to
8 exceed 60 days before entry. Entries for overnight events shall
9 be governed by the following:

10 A. Within two weeks of being entered, a horse that
11 has not raced previously at the gait chosen must compete in a
12 qualifying race under the supervision of a judge and acquire at
13 least one charted line by a licensed charter. In order to
14 provide complete and accurate chart information on time and
15 beaten lengths, a standard photo finish shall be used.

16 B. A horse that does not show a charted line for the
17 previous season, or a charted line within its last six starts
18 must compete in a qualifying race as set forth in item A.
19 Uncharted races contested in heats or more than one dash and
20 consolidated according to item D will be considered one start.

21 C. A horse that has not started at a charted meeting
22 by August first of a season must compete in a qualifying race as
23 set forth in item A.

24 D. When a horse has raced at a charted meeting during
25 the current season and subsequently started at meetings where
26 the races are not charted, the information from the uncharted
27 races may be summarized including each start, and consolidated
28 in favor of charted lines. The requirements of item B would
29 then not apply.

30 E. The consolidated line shall carry date, place,
31 time, driver, finish, track condition, and distance if the race
32 is not at one mile.

33 F. The judges may require any horse that has been on
34 the stewards' list to compete in a qualifying race. If a horse
35 has raced in individual time not meeting the qualifying

1 standards for that class of horses, the horse may be required to
2 compete in a qualifying race. During a season, after starting,
3 if a horse has not started in the last 30 days, the horse must
4 compete in a qualifying race as set forth in item A.

5 G. The judges may permit a fast-class horse to
6 qualify by means of a timed workout consistent with the time of
7 the races in which the horse will compete in the event adequate
8 competition is not available for a qualifying race. These shall
9 be limited to free-for-all preferred or invitational class
10 horses as defined by the rules of the USTA.

11 H. To enable a horse to qualify, qualifying races
12 should be held at least one full week prior to the opening of
13 any meeting that opens before the first of July of a season and
14 shall be scheduled at least once a week. Qualifying races shall
15 also be scheduled once a week during the meeting.

16 I. Where a race is conducted for the purpose of
17 qualifying drivers and not horses, the race need not be charted,
18 timed, or recorded. This item is not applicable to races
19 qualifying both drivers and horses.

20 If a horse takes a win race record in a qualifying race,
21 the record must be prefaced with the letter "Q" wherever it
22 appears, except in a case where, immediately prior to or
23 following the race, the horse taking the record has been given
24 an approved urine or blood test. It will be the responsibility
25 of the presiding judge to report the test on the judges' sheet.

26 7884.0270 EXPANDED HOMESTRETCH RACING.

27 Subpart 1. Authority. With the approval of the
28 commission, a Class D licensee may expand the width of its
29 homestretch by no less than ten feet nor more than 14 feet
30 inward in relation to the width of the remainder of the
31 racetrack.

32 Subp. 2. Rules. In the event the homestretch is expanded
33 pursuant to subpart 1, the following shall apply:

34 A. When entering or while going through the
35 homestretch for the first time in a race, no horse shall use the

1 expanded inside lane in an attempt to pass other horses or
2 improve its position. Any horse which does so shall be
3 disqualified and placed last in the order of finish.

4 B. The lead horse in the homestretch shall maintain
5 its position giving the trailing horses full access to the
6 expanded inside lane. If, in the opinion of the stewards, the
7 lead horse changes course in the homestretch in an attempt to
8 prevent a trailing horse from passing, said horse ~~may~~ shall be
9 placed accordingly.

10 C. Horses using the expanded inside lane, during the
11 homestretch drive for the finish of the race must first have
12 complete clearance of the pylons marking the inside boundary of
13 the race course. Any horse or sulky running over one or more of
14 the pylons or going inside the pylons, while attempting to use
15 the expanded inside lane, may be disqualified and placed last in
16 the order of finish.

17 D. During the final one-eighth mile of a race, a
18 horse may only be driven into the expanded homestretch lane for
19 the purpose of passing another horse and ~~may~~ shall not be driven
20 into the expanded homestretch lane for the purpose of blocking a
21 trailing horse. It shall be presumed that any horse driven into
22 the expanded homestretch lane which blocks a trailing horse,
23 without advancing on the horse it was allegedly attempting to
24 pass, was being driven for the purpose of blocking a trailing
25 horse. If, in the opinion of a majority of the stewards, a
26 horse is driven into the expanded homestretch lane for the
27 purpose of blocking a trailing horse, the driver of the blocking
28 horse may be fined and/or suspended and the horse may be placed
29 accordingly.

30 7892.0160 COST RECOVERY.

31 The commission shall assess each association for its share
32 of the total cost of medical testing.

33 7895.0110 THOROUGHBRED BREEDERS' FUND.

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

35 Subp. 4. Methods and time of payment. The amount of money

1 distributed by the commission for awards or purse supplements
2 pursuant to subpart 3 shall be paid out according to one of the
3 two following methods as approved by the commission:

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

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

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

17 Subp. 5. Adjustments. The racing commission may set fixed
18 amounts for stakes races and varying percentages for overnight
19 races to be applied to purse supplements that may be earned
20 during the current race meeting. The racing commission may, in
21 its discretion, during the course of a race meeting vary the
22 percentages set for the purpose of keeping purse supplements
23 consistent with the amount of money being earned in the
24 breeders' fund. The racing commission shall consider the
25 following criteria in determining the applicable percentages:

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

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

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

33 7895.0300 QUARTER HORSE BREEDERS' FUND.

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

35 Subp. 2. Division of money. The money available from the

1 breeders' fund for the quarter horse category shall be divided
2 as follows:

3 A. 45 percent shall be set aside and paid as
4 breeders' awards to breeders of Minnesota-bred sired and foaled
5 horses only (Minnesota-bred foaled horses and Minnesota-bred
6 sired horses are not eligible for breeders' awards);

7 B. 45 percent shall be paid to supplement purses for
8 Minnesota-bred sired and foaled horses, Minnesota-bred foaled
9 horses, and Minnesota-bred sired horses. The purse supplements
10 shall be apportioned in accordance with the quality of the race
11 as determined by the commission; and

12 [For text of item C, see M.R.]

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

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

30 [For text of subps 5 and 6, see M.R.]

31 7897.0110 USE OF DRUGS AND ALCOHOL.

32 Subpart 1. Drugs. The commission, the commission's
33 director of security, or the stewards may, at any time, require
34 any licensee having direct physical contact with horses or
35 direct responsibility for some portion of the day's racing

1 program, or whose racing duties place him or her in a position
 2 of danger, or who commits an act that endangers a horse or
 3 human, to provide blood or urine samples for chemical analysis.
 4 If such a licensee fails to comply with this requirement, the
 5 licensee shall be suspended and referred to the commission to
 6 show cause for refusing to do so.

7 Should any licensee other than a racing official, jockey,
 8 apprentice jockey, assistant starter, or driver, be found to
 9 have levels of any nonprescription, prohibited, or illegal drug,
 10 or prescription medication at a concentration greater than which
 11 has been prescribed, or an alcohol concentration greater than
 12 0.04 percent, the licensee shall be subject to disciplinary
 13 action by the stewards and the commission. For purposes of this
 14 part, "alcohol concentration" means:

- 15 A. the number of grams of alcohol per 100 milliliters
 16 of blood; or
 17 B. the number of grams of alcohol per 210 liters of
 18 breath; or
 19 C. the number of grams of alcohol per 67 milliliters
 20 of urine.

21 Should a licensee who is a racing official, jockey,
 22 apprentice jockey, assistant starter, or driver be found to have
 23 any level of any nonprescription, prohibited, or illegal drug,
 24 or alcohol, or prescription medication at a concentration
 25 greater than which has been described, shall be subject to
 26 disciplinary action by the stewards and the commission.

27 VARIANCES

28 7899.0100 VARIANCES.

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

30 Subp. 5. Exceptions. In order to fully comply with the
 31 provisions of the ADA, exceptions to all rules requiring
 32 submission of documentation "in writing on a form prescribed by
 33 the commission" will be granted for those persons who, because
 34 of a disability, are unable to write. Submission of the
 35 required documentation will be allowed through alternative means

05/03/95

[REVISOR] PMM/DE AR2537

1 agreed upon between the commission and the individual.