

84, Dec. 24

STATE REGISTER

STATE OF MINNESOTA

RECEIVED
DEC 26 1984
LEGISLATIVE REFERENCE LIBRARY
STATE CAPITOL
ST. PAUL, MN. 55155



VOLUME 9, NUMBER 26

December 24, 1984

Pages 1389-1500



Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
SCHEDULE FOR VOLUME 9			
27	Friday Dec 14	Thursday Dec 20	Monday Dec 31
28	Thursday Dec 20	Thursday Dec 27	Monday Jan 7
29	Thursday Dec 27	Monday Jan 7	Monday Jan 7
30	Monday Jan 7	Monday Jan 14	Monday Jan 21

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at \$3.25 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

Rudy Perpich
Governor

Marsha Storck
Editor

Sandra J. Hale
Commissioner
Department of Administration

Robin PanLener, Paul Hoffman
Editorial Staff

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Margaret Connelly
State Register Index Editor

Debbie Kobold
Circulation Manager

CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Issues 1-26, cumulative 1392

MINNESOTA RULES AMENDMENTS AND ADDITIONS

Issues 1-26, cumulative 1393

PROPOSED RULES

Agriculture Department Planning Division

Proposed Rules for Administration of Agricultural
Development Grants 1396

Education State Board

Education Department Management Assistance Division

Proposed Rules Relating to Staffing Requirements
for Principals; Clarification on Out-of-State
Administrative Licensure 1401

Health Department

Health Resources Division

Proposed Rules Relating to Physician Assistants 1404
Withdrawal of Previously Proposed Rules
Relating to Physician Assistants 1411

Racing Commission

Proposed Rules Relating to Horse Racing 1411

Secretary of State Office

Proposed Rules Relating to Uniform Commercial
Code Standard Forms 1477

ADOPTED RULES

Energy and Economic Development Department

Adopted Rules Governing Allocation of Industrial
Development Bond Issuance Authority 1478

Labor and Industry Department

Adopted Rules Relating to Workers'
Compensation; Rehabilitation Claims Handling 1478

Waste Management Board

Adopted Rules Governing the Solid Waste
Processing Facilities Demonstration Program 1480

OFFICIAL NOTICES

Agriculture Department Agronomy Services Division

Notice of Special Local Need Registration for
Sodium TCA Weed Killer 1480

Metropolitan Council

Public Hearing on New Regional Solid Waste
Management Development Guide/Policy Plan 1480

Metropolitan Waste Control Commission

Public Meeting on Proposed Septage Management
Program 1481

Secretary of State's Office

Notice of Unscheduled Vacancies in
Multi-member State Agencies 1482

Transportation Department

Amended Order and Notice of Street and Highway
Routes Designated and Permitted to Carry the
Gross Weights Allowed Under Minnesota
Statute § 169.825—Trunk Highway 15 1483
Petition of Faribault County for a Variance from
State Aid Standards for Roadway Width 1483
Petition of Hennepin County for a Variance from
State Aid Standards for Street Width 1484
Petition of Stearns County for a Variance from
State Aid Standards for Design Speed 1484
Petition of Yellow Medicine County for a
Variance from State Aid Standards for Design
Speed and Bridge Capacity 1485

STATE CONTRACTS

Administration Department Procurement Division

Commodities Contracts and Requisitions
Currently Open for Bidding 1485

Education Department

Program Effectiveness Division

Request for Pre-Proposals for Providing Inservice
Training to School District Staff in the Subject
Area of Communications/Language Arts 1486

Energy and Economic Development Department

Request for Proposals for Contractor to Develop
and Promote Agri-Processing Industry 1487

Itasca County

Request for Proposals for Consultant to Prepare a
Classification and Compensation Study 1487

Pollution Control Agency

Solid and Hazardous Waste Division

Request for Proposals for Contractual Services to
Conduct a Remedial Investigation and
Feasibility Study of a Wood-Treater Hazardous
Waste Site (The MacGillis and Gibbs
Company) 1488

Transportation Department

Technical Services Division

Contract Available for Implementation of
Conceptual Market Plan 1488

SUPREME COURT

Decisions Filed Friday, December 14, 1984 1489

TAX COURT

Orders Dated December 13, 1984 1490

ERRATA

Health Department

Correction of Notice of Adoption of Rules
Relating to the Merit System Compensation
Plan 1493

NOTICE

How to Follow State Agency Rulemaking Action in the State Register

State agencies must publish notice of their rulemaking action in the State Register. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION also.

The PROPOSED RULES section contains:

- Calendar of public hearings on proposed rules.
• Proposed new rules (including notice of hearing and/or notice of intent to adopt rules without a hearing).
• Proposed amendments to rules already in existence in the Minnesota Rules.
• Proposed emergency rules.
• Withdrawal of proposed rules (option; not required).

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments adopted without change from the previously published proposed rules. (Unchanged adopted rules are not republished in full in the State Register unless an agency requests this.)
• Adopted amendments to new rules or rule amendments (adopted changes from the previously published proposed rules).
• Notice of adoption of emergency rules.
• Adopted amendments to emergency rules (changes made since the proposed version was published).
• Extensions of emergency rules beyond their original effective date.

The OFFICIAL NOTICES section includes (but is not limited to):

- Notice of intent to solicit outside opinion before promulgating rules.
• Additional hearings on proposed rules not listed in original proposed rules calendar.

ALL ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the State Register and filed with the Secretary of State before July 31, 1983 are published in the Minnesota Rules 1983. ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES filed after July 31, 1983 will be included in a supplement scheduled for publication in mid-1984. Proposed and adopted EMERGENCY (formerly called TEMPORARY) RULES appear in the State Register but are generally not published in the Minnesota Rules 1983 due to the short-term nature of their legal effectiveness. Those that are long-term may be published.

The State Register publishes partial and cumulative listings of rule in the MINNESOTA RULES AMENDMENTS AND ADDITIONS list on the following schedule:

Table with 2 columns: Issue range and Issue number. Includes: Issues 1-13, inclusive; Issues 14-25, inclusive; Issue 26, cumulative for 1-26; Issues 27-38, inclusive; Issue 39, cumulative for 1-39; Issues 40-51, inclusive; Issue 52, cumulative for 1-52.

The listings are arranged in the same order as the table of contents of the Minnesota Rules 1983.

MCAR AMENDMENTS AND ADDITIONS

TITLE 2 ADMINISTRATION

Part 1 Administration Department

2 MCAR §§ 1.10103-1.10104; 1.10109; 1.10111; 1.15501-1.15503; 1.18601; 1.18701; 1.18804, 1.18806; 1.18808; 1.18811; MHD 120-124; 126, 130-131 (proposed) 5

TITLE 3 AGRICULTURE

Part 1 Agriculture Department

3 MCAR §§ 1.1340-1.1348 [Emer] (proposed) 86
3 MCAR §§ 1.1340-1.1348 [Emer] (adopted) 593
3 MCAR §§ 1.4060-1.4070 [Emer] (extended) 56

Part 2 Animal Health Board

3 MCAR § 2.026 (adopted) 201

TITLE 4 COMMERCE

Part 1 Commerce Department

4 MCAR §§ 1.850-1.866 [Emer] (extended) 295
4 MCAR §§ 1.9011-1.9028; 1.90281 (adopted) 175
4 MCAR §§ 1.9260-1.9269 [Emer] (extended) 111
4 MCAR §§ 1.9420-1.9442 (adopted) 175
4 MCAR §§ 1.9500-1.9505 (adopted) 764

Part 4 Cable Communications Board

4 MCAR §§ 4.260-4.263 (adopted) 295

TITLE 5 EDUCATION

Part 1 Education Department

5 MCAR § 1.0790 (adopted) 332

TITLE 6 ENVIRONMENT

Part 2 Energy and Economic Development

6 MCAR §§ 2.2500-2.2509 [Emer] (adopted) 388
6 MCAR §§ 2.2501-2.2510 [Amend] (adopted) 252

Part 4 Pollution Control Agency

6 MCAR §§ 4.9100; 4.9102; 4.9104; 4.9128-4.9129; 4.9132; 4.9134-4.9135; 4.9210; 4.9214-4.9217; 4.9254-4.9255; 4.9285; 4.9289; 4.9296-4.9297; 4.9302; 4.9307-4.9308; 4.9310; 4.9314; 4.9317-4.9318; 4.9321; 4.9389; 4.9396; 4.9401; 4.9493; 4.9409; 4.9411; 4.9560 [Amend] (adopted) 115

TITLE 7 HEALTH

Part 1 Health Department

7 MCAR § 1.801 [Temp] (adopted) 554

TITLE 8 LABOR

Part 1 Labor and Industry Department

8 MCAR § 1.7001 [Amend] (adopted) 112
8 MCAR §§ 1.7220; 1.7240; 1.7243; 1.7245 (adopted) 56

MCAR AMENDMENTS AND ADDITIONS

TITLE 12 SOCIAL SERVICE	
Part 1 Human Rights Department	(extended) 735
12 MCAR §§ 1.061-1.076 [Emer] (adopted) 260	12 MCAR §§ 2.04601-2.04606 [Emer] (adopted) 912
Part 2 Public Welfare Department	12 MCAR §§ 2.0481-2.0484 [Emer] (extended) 735
(now Human Services)	12 MCAR §§ 2.05001-2.05016 [Temp] (extended) 1251
12 MCAR §§ 2.02001-2.02011 [Emer] (adopted) 112	12 MCAR §§ 2.05302, 2.05304, 2.05306, 2.05309, 2.05313, 2.05314 [Emer] (proposed) 980
12 MCAR §§ 2.02001-2.02011 [Emer]	12 MCAR § 2.200 [Amend] (adopted) 909

MINNESOTA RULES AMENDMENTS AND ADDITIONS

BOARD OF ACCOUNTANCY	
1130.3600 (adopted) 693	2725.0100-.0230 (proposed) 881
DEPARTMENT OF ADMINISTRATION	2730.0200-.0700 (proposed) 586
Division of Procurement	2730.0200-.0700 (adopted) 1187
1230.3000-.4300 (proposed) 362	2755.0400; .0500 (adopted) 1187
1230.3000-.4300 (adopted) 1186	2765.0100-.1500 (proposed) 366
OFFICE OF ADMINISTRATIVE HEARINGS	2765.0100-.1500 (adopted) 989
1400.0250-.1200 (proposed) 794	2767.0100-.0900; 2768.0950 [8 SR 2765] (hearing) 410
1400.5100; .5200; .5275; .5300; .5400; .5500; .5600; .5700; .5800; .5900; .5950; .6000; .6100; .6200; .6350; .6400; .6500; .6550; .6600; .6700; .6800; .6900; .7000; .7050; .7100; .7200; .7300; .7400; .7500; .7600; .7700; .7800; .7900; .8000; .8100; .8200; .8300 (proposed) 802	2770.6100-.7400 (adopted) 734
Workers' Compensation Hearings	2770.7500-.8500 (adopted) 764
1415.0100-.3600 (adopted) 333	2785.0100; .0200; .0300; .0400; .0500; .0600; .0700; .0800; .0900; .1000; .1100; .1200; .1300; .1400; .1500; .1600 (proposed) 946
DEPARTMENT OF AGRICULTURE	2880.0050-.0800 (proposed) 721
1505.1070 [Amend] (proposed) 365	2880.0050-.0800 [9 SR 721] (withdrawn) 960
1505.1070 [Amend] (adopted) 989	2880.0050-.0800 (proposed) 956
1511.0111; .0161; .0171; .0231; .0241; .0251; .0261; .0271; .0281; .0320; .0340; .0350; .0360 [Amend] (proposed) 133	2810.2100; .2150; .2170; .2700; .9940; .9950 (proposed) 588
1511.0111; .0161; .0171; .0231; .0241; .0251; .0261; .0271; .0281; .0320; .0340; .0350; .0360 [Amend] (adopted) 693	2875.0150; .0180; .0185; .1590; .2410; .2490; .2500; .2510; .3000 (proposed) 1296
1545.2050 (proposed) 150	CORRECTIONS DEPARTMENT
1545.2050 (adopted) 693	2920.0100; .0200; .0500; .0800-.1300; .1800; .1900; .2300; .2700; .3200; .3300; .3700; .4000; .4300; .4400; .4900-.5500; .5700-.6000; .6200-.6400; .6600; .6700; .6900; .7000; .7300-.7600 (proposed) 152
1552.0010-.0110 (proposed) 1396	2925.0100; .0200; .0500; .0600; .0800; .1000; .1200; .1400; .1800-.2900; .3100; .3300; .3500-.3900; .4100 (proposed) 160
1580.0100-.1200 [Emer] (proposed) 874	BOARD OF DENTISTRY
BOARD OF ANIMAL HEALTH	3100.2000 (adopted) 1098
1715.0200; .0210; .0230; .0240; .0270; .0280; .0290; .0330; .0340; .0360; .0370; .0380; .0390; .0400; .0410; .0420; .0440; .0460; .0490; .0500; .0520; .0550; .0570; .0580 (proposed) 538	DEPARTMENT OF ECONOMIC SECURITY
DEPARTMENT OF COMMERCE	3300.1000; .1200; .1300; .1400; .1910 (proposed) 1302
2605.0100-.0400 (proposed) 1018	3300.3300 (adopted) 424
2675.0200; .0300; .0901; .1100; .1110; .1130-.1150; .1180; .2000; .2050; .2100; .2110; .2130; .2140; .2170; .2200; .2220; .2240; .2246; .2250; .2420; .2500 (proposed) 960	3300.4010-.4110 (proposed) 292
2675.3160 (proposed) 377	3300.4010-.4110 (adopted) 1188
2675.3160 (adopted) 1337	3320.0005-.0030 (proposed) 290
2675.6100; .6110; .6111; .6120; .6141; .6142; .6143; .6180; .6210; .6220; .6230; .6250; .6270; .6290; .6301 (proposed) 816	3320.0005-.0030 [9 SR 290] (withdrawn) 1300
	3320.0005-.0030 [Emer] (proposed) 1300
	3320.0010; .0020; .0030 (proposed) 546
	3325.0010-.0040 (proposed) 762
	DEPARTMENT OF EDUCATION
	3500.0605; .3510.0600 (proposed) 1401
	3500.5000-.5070 (proposed) 168
	3500.2010-.2110 (adopted) 989
	3500.5000-.5070 (adopted) 834
	3550.0100 [Incorporation] (adopted) 251

MINNESOTA RULES AMENDMENTS AND ADDITIONS

ENERGY, PLANNING & DEVELOPMENT

Energy Division

4160.5100-.5900 (adopted)	694
4170.4105; .4110 [Emer] (proposed)	411
4170.4105; .4110 [Emer] (adopted)	1337

Planning Division

4340.0100 (proposed)	725
4340.0100 (adopted)	1478
4350.0200; .0400; .0600 (adopted)	111
4351.0100-.0800 (proposed)	90
4351.0100-.0800 (adopted)	990
4351.0500-.0800 [8 SR 2050] (withdrawn)	544

ENVIRONMENTAL QUALITY BOARD

4405.0100-.1300 (adopted)	333
---------------------------	-----

DEPARTMENT OF HEALTH

4650.0102-.0176 (republished)	834
4655.0510-.0520 [Temp] (proposed)	547
4655.0530-.0550 [Temp] (proposed)	547
4670.1320; .4200-.4240 (proposed)	634
4670.1320; .4200-.4240 (adopted)	1339
4730.1700 (proposed)	316

HIGHER EDUCATION COORDINATING BOARD

4830.0200-.0700 (adopted)	991
---------------------------	-----

MN HOUSING FINANCE AGENCY

4900.0290-.0296 (proposed)	552
4900.0290-.0296 (adopted)	1249
4900.0351-.0355 (proposed)	549
4900.0351-.0355 (adopted)	1249
4900.0550-.0580 (adopted)	112
4900.0581-.0584 (adopted)	295
4900.0590-.0594 [Emer] (proposed)	506
4900.0601-.0605 (proposed)	173
4900.0601-.0605 (adopted)	694
4900.1220-.1260 (adopted)	296
4900.1330 (proposed)	1234
4900.1600-.1650 (adopted)	296
4900.1630 [Amend] (proposed)	378
4900.1630 [Amend] (adopted)	1057
4900.1700-.1703 [Emer] (adopted)	333

DEPARTMENT OF HUMAN RIGHTS

5000.3400-.3600 [Emer] (proposed)	228
5000.3400-.3600 [Emer] (addendum)	523
5000.3400-.3600 (proposed)	1306

DEPARTMENT OF LABOR AND INDUSTRY

5200.0290-.0420 (proposed)	1090
5205.0010 [Standards] (proposed)	225
5205.0010 [Standards] (adopted)	663
5217.0010-.0270 (proposed)	414
5217.0010-.0270 (adopted)	1110
5220.0100; .0210; .0300; .0500; .1000; .1300; .1400; .1500; .1600; .1801; .1802; .1805; .1900; .1910 (proposed)	728
5220.0100; .0210; .0300; .0500; .1000; .1300; .1400; .1500; .1600; .1801; .1802; .1805; .1900; .1910 (adopted)	1478
5221.2900 [Amend] (proposed)	1035
5221.0100-.3200 (adopted)	601
5230.0100 (proposed)	726
5230.0100 [Amend] (proposed)	1033
5230.0100 [Amend] (withdrawn)	1097

BUREAU OF MEDIATION SERVICES

5510.0110-.3210 (adopted)	735
---------------------------	-----

BOARD OF MEDICAL EXAMINERS

5600.2600-.2665 (proposed)	1020
5600.2600-.2665 [9 SR 1020] (withdrawn)	1411
5600-.2600-.2665 (proposed)	1404

DEPARTMENT OF NATURAL RESOURCES

6100.3100 (adopted)	694
6100.5700 (proposed)	1037
6105.0100; .1681 (adopted)	296
6115.0010; .0020; .0030; .0060; .0080; .0090; 0110; .0130 (proposed)	1330
6131.0010-.0030; .0100-.0340 (proposed)	1236

BOARD OF NURSING

6310.2900; .7600; 6315.0100-.0700 (adopted)	765
---	-----

BOARD OF OPTOMETRY

6500.0900-.1100; .1500; .1600; .2000; .2100; .2300; .2400 (proposed)	690
6500.0900-.1100; .1500; .1600; .2000; .2100; .2300; .2400 (errata)	1296

MN BOARD OF PHARMACY

6800.0400; .1000; .1100; .3500; .4200-.4250 (proposed)	1038
6800.0900 (adopted)	260

POLLUTION CONTROL AGENCY

Water Quality Division

7044.0100-.1200 (adopted)	58
---------------------------	----

Solid and Hazardous Waste Division

7045.0020; .0261; .0302; .0476; .0582 (proposed)	985
7046.0010-.0050 (proposed)	1051

Water Quality Division

7050.0110; .0130-.0150; .0170-.0220 (adopted)	913
7050.0400-.0480 [Standards] (adopted)	914
7075.0100-.0200; .0400-.0401; .0405-.0406; .0409; .0411-.0414; .0416-.0417; .0419; .0425; .2000; .04115; .04211-.04214 [Emer] (adopted)	424

DEPARTMENT OF PUBLIC SAFETY

7410.0100; .0400 (adopted)	1252
7425.0110; .0150; .0160; .0500-.1100; .2000-.2600; .5000; .6000 (adopted)	1252
7520.0650; .1000; .1100 (proposed)	656
7520.0650; .1000; .1100 (adopted)	1339

PUBLIC SERVICE DEPARTMENT

7650.0100 (proposed)	422
7650.0100 (adopted)	1204

PUBLIC UTILITIES COMMISSION

7825.2390-.2850; .3000 (adopted)	1204
7835.0100-.6100; .9910 (proposed)	41
7835.0100-.6100; .9910 (adopted)	993

CHARITABLE GAMBLING CONTROL BOARD

7860.0010-.0310 (proposed)	1274
----------------------------	------

RACING COMMISSION

Chap. 7869; 7870; 7872; 7873; 7875; 7876; 7877; 7878; 7883; 7884; 7890; 7891; 7892; 7895; 7897; 7899 (proposed)	1411
---	------

MINNESOTA RULES AMENDMENTS AND ADDITIONS

REVENUE DEPARTMENT

Property Equalization Division

8105.0100-.9900 [Emer] (proposed)	96
8105.0100-.9900 [Emer] (adopted)	555
8110.0100-.0500 (adopted)	914

Alcohol, Tobacco and Special Taxes Div.

8121.0100-.0500 (proposed)	1370
----------------------------	------

SECRETARY OF STATE

8260.0100-.0500 [8 SR 2712] (renoticed)	1477
--	------

SMALL BUSINESS FINANCE AGENCY

8300.0100; .0300; .0500-.0600; .1000-.1200; .1500-.2200 (proposed)	111
8300.2400 [Emer] (proposed)	315
8300.2400 [Emer] (adopted)	734
8300.2500-.2509 (proposed)	822
8300.3000-.3004 [Emer] (proposed)	544
8300.3000-.3004 [Emer] (adopted)	1190
8300.3010-.3035 [Emer] (proposed)	826
8300.4010-.4014; .4020-.4038 [Emer] (proposed)	967

WASTE MANAGEMENT BOARD

9200.6000-.6009 [Emer] (adopted)	336
9200.8100; .8600; .8700; .8800; .9000; .9100; .9200 (proposed)	660
9200.8100; .8600; .8700; .8800; .9000; .9100; .9200 (adopted)	1480
9200.9500-.9508 (proposed)	328
9200.9500-.9508 (adopted)	994

DEPARTMENT OF PUBLIC WELFARE

(Now HUMAN SERVICES)

9500.0031; .0051; .0071; .0081; .0091; .0111; .0331-.0339; .0351-.0353 [Emer] (proposed)	450
9500.0031; .0051; .0071; .0081; .0091; .0111; 0331-.0339; .0351-.0353 [Emer] (adopted)	1190
9500.0530, .0361, .0531-.0533, 9555.3400-.3408 (adopted)	593
9500.1050-.1065 [Emer] (proposed)	464
9500.1050-.1065 [Emer] (adopted)	1203
9500.1450-.1475 [Emer] (proposed)	488
9505.0500-.0540 (proposed)	1027
9505.0500-.0540 (errata)	1265
9505.5000-.5030 [Emer] (proposed)	500
9505.5000-.5030 [Emer] (proposed)	1250
9510.1020-.1140 [Emer] (proposed)	379
9510.1020-.1140 [Emer] (adopted)	1062
9525.0015-.0145 [Emer] (proposed)	470
9525.0015-.0145 [Emer] (adopted)	1098
9525.1800-.1930 [Emer] (proposed)	317
9525.1800-.1930 [Emer] (adopted)	1066
9545.0315-.0445 (proposed)	887
9555.3410-.3412 [Emer] (proposed)	640
9555.3410-.3412 [Emer] (adopted)	1253
9555.3415 [Emer] (proposed)	412
9555.3417 [Emer] (proposed)	482
9555.3417 [Emer] (adopted)	1057
9575.0300; .1500 (proposed)	643
9575.0300; .1500 (adopted)	1339

PROPOSED RULES

Pursuant to Minn. Stat. of 1982, §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Agriculture Planning Division

Proposed Rules for Administration of Agricultural Development Grants

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Agriculture proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Agriculture has determined that the proposed adoption of these amendments will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, Sections 14.22-14.28 (1982).

Persons interested in these rules are encouraged to submit comment in support of or in opposition to the proposed amendments, and shall have 30 days to do so. Each comment should identify the portion of the proposed amendments addressed, the reason for the comment, and any change proposed. The proposed amendments may be modified if the modifications are supported by the data and views submitted to the department and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. Persons requesting a public hearing should state their name and address, and are encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any proposed change. In the event a public hearing is required, the department will proceed according to the provisions of Minnesota Statutes, Sections 14.11-14.20 (1982).

Persons who wish to submit comments or a written request for a public hearing should submit them to: Gerald Heil, Minnesota Department of Agriculture, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-1486.

Authority to adopt these rules is contained in Minnesota Statutes, Section 17.101, Subd. 2. Additionally, a Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed amendments and identifies the data and information relied upon to support the proposed amendments has been prepared and is available upon request from Mr. Heil.

Upon adoption of the final amended rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as adopted, should submit a written statement of such request to Mr. Heil.

The Department is authorized by Minnesota Statutes, Section 17.101, Subd. 2 to adopt rules for the administration of the Agricultural Development Grant Program. Temporary rules for the program were first adopted on January 23, 1984, and extended on July 2, 1984. Permanent rules for administration of the program are now being proposed. The purpose of the Agricultural Development Grants Program is to encourage and promote marketing of Minnesota agricultural products.

The rules as proposed include provisions for the amount and duration of grants; eligibility criteria for both projects and applicants; requirements for the content of grant applications; procedures in event of incomplete grant applications; review criteria for applications; notification procedures; and provisions governing the general terms and conditions of grant contracts. The rules also include provisions for monitoring, review and evaluation of projects funded by the program.

PROPOSED RULES

The proposed amendments will have a positive impact on small business as defined in Minnesota Statutes, Section 14.115. The agricultural development grants program was designed for small businesses to assist with market development, both foreign and domestic, and promotional activities. Since the program was intended for small businesses, the rules were written to make application procedures relevant and monitoring procedures unburdensome by requiring only necessary and pertinent records, reports and information.

One free copy of this notice and the proposed rules are available and may be obtained by contacting Mr. Heil.

December 10, 1984

Jim Nichols,
Commissioner of Agriculture

Rules as Proposed (all new material)

CHAPTER 1552 DEPARTMENT OF AGRICULTURE AGRICULTURAL DEVELOPMENT GRANTS

1552.0010 PURPOSE AND AUTHORITY.

Parts 1552.0010 to 1552.0110 are prescribed by the commissioner to provide for the administration of agricultural development grants pursuant to Minnesota Statutes, section 17.101, subdivision 2.

1552.0020 DEFINITIONS.

Subpart 1. Scope. For the purpose of parts 1552.0010 to 1552.0110, the terms defined in this part have the meanings given them.

Subp. 2. Advisory group. "Advisory group" means the ad hoc committee which may be selected by the commissioner pursuant to Minnesota Statutes, section 17.101 to assist in the evaluation of grant requests.

Subp. 3. Agricultural products. "Agricultural products" means animal and animal products, dairy products, poultry or poultry products, fruit, vegetables, horticultural crops, grain, bees and apiary products, and products of aquaculture, horticulture, and silviculture grown, raised, produced, fed, or processed within the state of Minnesota.

Subp. 4. Commissioner. "Commissioner" means the commissioner of agriculture or the commissioner's designee.

Subp. 5. Contract. "Contract" means an agreement between the commissioner and a grantee setting forth the terms of the grant.

Subp. 6. Department. "Department" means the Department of Agriculture.

Subp. 7. Fiscal year. "Fiscal year" means the period from July 1 of one year through June 30 of the following year.

Subp. 8. Grant. "Grant" means an agricultural development grant authorized by Minnesota Statutes, section 17.101.

Subp. 9. Grantee. "Grantee" means an applicant that has been awarded a grant under the program governed by parts 1552.0010 to 1552.0110.

Subp. 10. Termination date. "Termination date" means the ending date of a grant awarded under the program governed by parts 1552.0010 to 1552.0110.

1552.0030 GENERAL TERMS AND CONDITIONS OF GRANTS.

Subpart 1. Grant ratio. A grant made by the commissioner may not exceed 75 percent of the total cost of the grant project. The grantee must contribute at least 25 percent of the total project cost in the form of cash or contributed goods and services.

Subp. 2. Duration of grant. A grant will ordinarily be made for 12 months or less. Applications will be accepted for projects of longer duration, but grant funds will be committed for only 12 months. For projects extending beyond 12 months, a new application must be submitted and approved in accordance with parts 1552.0010 to 1552.0110 prior to the commitment of additional grant funds.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Subp. 3. Amount of assistance. An applicant may submit more than one grant application in a fiscal year. The grant amount for any project may not exceed \$70,000. The total of all grants to the same grantee may not exceed \$70,000 for the biennium.

Subp. 4. Application deadline. The commissioner shall establish an application deadline for each fiscal year and publish at least 60 days notice of the deadline in the *State Register*.

1552.0040 ELIGIBILITY OF PROJECTS AND APPLICANTS.

Subpart 1. Eligible projects. A proposed project is eligible for a grant if it will expand, improve, or develop markets for the products of Minnesota agriculture through one of the following:

- A. advertising Minnesota agricultural products;
- B. assisting state agricultural commodity organizations desiring to sell their agricultural products in national and international markets;
- C. developing methods to increase the processing and marketing of agricultural commodities including commodities not being produced in Minnesota on a commercial scale, but which may have economic potential in national and international markets;
- D. investigating and identifying new marketing technology and methods to enhance the competitive position of Minnesota agricultural products;
- E. evaluating livestock marketing opportunities;
- F. assessing and developing national and international markets for Minnesota agricultural products;
- G. studying the conversion of raw agricultural products to manufactured products including ethanol;
- H. hosting the visits of foreign trade teams to Minnesota and defraying the team's expenses;
- I. assisting Minnesota agricultural businesses desiring to sell their products in national and international markets; and
- J. other activities the commissioner deems reasonably related to promoting Minnesota agricultural products in national and international markets.

Subp. 2. Ineligible projects. Projects to develop or promote a trademark, tradename, or product identified by a trademark or tradename, are ineligible.

Subp. 3. Eligible applicants. In its application, the applicant must demonstrate that it has the capability to meet the proposed objectives of the project and the grant contribution requirements.

1552.0050 APPLICATION PROCEDURES.

Subpart 1. Submission of application. An applicant for an agricultural development grant shall submit to the commissioner an original and five copies of a completed application. Applications must be received by the commissioner by the application deadline.

Subp. 2. Application content. The application must include the following information:

- A. a brief description of the characteristics of the applicant, including the legal name, the federal and state tax identification or social security number, address, and a brief statement of the applicant's organizational structure, history, and interest in the proposed project;
- B. the name of the individual or individuals authorized to negotiate and sign contracts, and to receive and report on grant funds;
- C. a general statement regarding which of the agricultural promotion activities listed in part 1552.0040 will be pursued;
- D. a project description that includes the following:
 - (1) a statement of the project's objectives, and a statement of major work tasks, stated in measurable and quantifiable terms whenever possible;
 - (2) an identification of primary direct beneficiaries of the project;
 - (3) a statement of the results expected from the project;
 - (4) criteria for evaluating the success of the project; and
 - (5) a statement regarding the anticipated project starting and completion dates;
- E. a description of qualifications of personnel who would be assigned to the project;
- F. a budget showing total project costs and contributions, as follows:

(1) an identification of all sources of contributions and the amounts and types of contributions from each source:

(2) an itemization of costs and indication of the source and type of contribution for the following items: personnel, travel, rental of office space or equipment, supplies, printing, postage and telephone, promotional or demonstrational equipment to be purchased, or other costs, and a description of the source and amount of funds for each type of expenditure (either anticipated grant or applicant contribution);

G. a copy of the latest audit report, financial statement, or other appropriate statement of financial condition of the applicant; and

H. a statement certifying that the applicant will not use agricultural development grant funds to continue existing agricultural promotion activities.

Subp. 3. Incomplete application. The commissioner shall consider an application when a completed application is received. If an application is incomplete, the commissioner shall notify the applicant specifying the additional information required. The applicant has 20 days from the date on the commissioner's letter to provide the additional information. If there is no response to the commissioner's letter within 20 days, the commissioner shall not consider the application further.

Subp. 4. Additional information. The commissioner may require the applicant to submit other information reasonably related to a determination of applicant or project eligibility or project feasibility.

1552.0060 APPLICATION REVIEW; APPROVAL; AND NOTIFICATION.

Subpart 1. Advisory group review. If an advisory group is selected, the advisory group will convene at the call of the commissioner to review applications and will submit their evaluations to the commissioner.

Subp. 2. Commissioner's review and determination. The commissioner shall review all applications. The commissioner shall determine whether an application shall be granted, and the amount and terms of the grant. The commissioner shall weigh and compare all grant applications in light of the availability of funds.

Subp. 3. Criteria for approval. The following criteria shall be used by the commissioner in reviewing each grant application.

A. whether the applicant and the project are eligible under part 1552.0040 and meet the contribution requirements of part 1552.0030, subpart 1;

B. whether the proposed project is likely to expand, improve, or develop markets for Minnesota agricultural products by means of conducting one or more of the activities stated in part 1552.0040, subpart 1;

C. whether the project is feasible and likely to produce the desired objective;

D. the degree to which the proposed project employs novel, creative, and innovative ideas for the promotion of Minnesota agricultural products;

E. the degree to which the proposed project would have a generic impact upon the sector of Minnesota agriculture for which it is proposed;

F. whether the experience or capability of the applicant make likely the successful completion of the project;

G. the degree to which the proposed project is coordinated with or complementary to similar or related efforts to promote Minnesota agricultural products;

H. whether the proposed budget is adequate to accomplish the proposed project;

I. the degree to which similar or related projects by this applicant or other persons have been successful or unsuccessful;

J. whether the applicant appears able to apply generally accepted accounting principles and appears financially qualified for the project; and

K. the applicant's past performance as a grantee under this program, if applicable.

Subp. 4. Notification. The commissioner shall notify the applicant in writing of the approval or disapproval of its grant application.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

1552.0070 GRANT ADMINISTRATION.

Subpart 1. Contract. Each approved grant must be governed by a contract between the department and the grantee. The following terms among others must be specified in the contract:

- A. the total amount of the grant and the timing of grant payments;
- B. the starting and termination dates of the contract;
- C. dates for submitting progress reports;
- D. a list of the eligible costs of the project, in accordance with subpart 4, item C; and

E. a statement that the grantee must inform the commissioner of any significant change in implementation of the project, and must obtain prior approval before initiating the change.

Subp. 2. Rescission of grant. The individual authorized by the grantee must sign and return the contract with all attachments to the commissioner no later than 30 days after the date the grantee receives the contract. If the grantee does not sign and return the contract with all attachments to the commissioner within those 30 days, the commissioner may rescind the grant commitment.

Subp. 3. Commencement of spending. The grantee may not obligate or begin to spend money under the grant until the contract has been signed by all necessary parties and a fully executed copy has been returned to the grantee.

Subp. 4. Payments and use of funds.

A. Payments to the grantee must be made according to the schedule stated in the contract, if the grantee has complied with all contract provisions, including submission of progress reports. In all cases, payment of the final ten percent of the grant funds must be made upon the commissioner's receipt and acceptance of the final report required under part 1552.0090, subpart 5.

B. Grant funds may not be used for acquisition of land, buildings, general office equipment, and other capital expenditures.

C. Grant funds may be used for the following:

- (1) employment of personnel to carry out the objectives of the project;
- (2) consulting services but not consulting fees to develop the proposal submitted to the commissioner;
- (3) rental of office space or equipment;
- (4) purchase of supplies;
- (5) printing or publication services;
- (6) travel expenses;
- (7) charges for telephone service;
- (8) purchase of promotional or demonstrational equipment necessary for the project and specifically identified in the application as a proposed purchase; and
- (9) services, facilities, or goods specified in the application or the contract.

d. Grant funds used for the development, printing, or publication of books, reports, brochures, or films must be acknowledged with the phrase "funding assistance provided by the Minnesota Department of Agriculture."

1552.0080 EXTENSIONS.

The grantee must make a written request for an extension of the contract no later than 90 days prior to the termination date explaining the reasons an extension is needed. The commissioner may grant an extension up to six months if necessary for successful completion of the grant project and realization of grant objectives. As a condition of the contract extension, the commissioner may modify the terms of the contract.

1552.0090 MONITORING AND REVIEW.

Subpart 1. Records. The grantee must keep records of all activities undertaken in connection with implementation of the grant proposal. The books, records, documents, and accounting procedures and practices of the grantee related to the grant are subject to examination by the commissioner. The grantee must give the commissioner access during normal business hours to all business records related to the project.

Subp. 2. Progress reports. Grantees must submit progress reports to the commissioner on dates specified in the contract. Each progress report must include a narrative statement of the progress toward project objectives and work tasks, an itemized

statement of project funds, including grant funds received and the grantee's contributions, and an itemized statement of project expenditures.

Subp. 3. On-site visit. The commissioner may conduct on-site visits during the term of the grant to determine what progress has been made to accomplish project objectives and work tasks or if the grantee has been complying with all terms and conditions of the contract.

Subp. 4. Evaluation. If the commissioner determines through an examination that the grantee has not been complying with the terms of the contract, the commissioner may direct the grantee to adhere to the terms of the contract, may modify the terms of the grant contract as necessary to assure that project objectives are met, may terminate the contract, or may seek a legal remedy in a court of competent jurisdiction.

Subp. 5. Final report. A grantee must return all unexpended grant funds and submit a final written report on the project within 60 days of the termination date of the contract. A grantee may submit additional information in the final report, but the final report must include the following information:

A. an assessment regarding the completion of project objectives and work tasks as well as the results achieved, written, to the extent possible, in measurable and quantifiable terms;

B. an assessment of further work that may be necessary with respect to the objectives of the project, based on the experience gained through implementing the project;

C. an evaluation of the project stating both its immediate and long-term impact regarding the expansion, improvement, or development of markets for products of Minnesota agriculture; and

D. a complete financial statement accounting for all receipts and expenditures of grant funds and for all the grantee's contributions of money, goods, and services.

1552.0100 TERMINATION OF CONTRACT.

The contract terminates on the termination date specified in the contract unless it is extended under part 1552.0080 or terminated by the commissioner under part 1552.0090 or 1552.0110. Upon termination of the contract at any time, any unused supplies or materials and all unexpended grant funds must immediately be returned to the commissioner.

1552.0110 MISREPRESENTATION BY APPLICANT OR GRANTEE.

If any grant application, progress report, or final report contains material false or misleading statements or information, the commissioner may take one or more of the following actions, as appropriate: reject the grant application; conduct an examination of the use of grant funds; modify the terms of the grant contract as necessary to assure that project objectives are met; terminate the grant contract; or recover grant funds through available legal remedies.

State Board of Education Department of Education Management Assistance Division

Proposed Rules Relating to Staffing Requirements for Principals; Clarification on Out-of-State Administrative Licensure

Notice of Hearing

Notice is hereby given that a public hearing concerning the proposed rules will be held at Veterans Service Building, Room D, 20 West 12th Street and Columbus Avenue, St. Paul, Minnesota on January 30, 1985, commencing at 9:00 a.m. and continuing until all interested persons have had an opportunity to be heard. The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed rules, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written comments may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to Peter C. Erickson,

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, MN 55415, telephone (612) 341-7606 either before the hearing or within five working days after the close of the hearing. The Administrative Law Judge may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. In addition, following the close of the initial comment period, interested persons and the agency will be allowed to submit responses to any new information submitted in the comments received during the initial comment period. The responses must be filed within three working days of the close of the initial comment period. Additional evidence may not be submitted during this three-day period. The rule hearing procedure is governed by Minn. Stat. §§ 14.02 to 14.57, and by Minnesota Rules Parts 1400.0200-1400.1200. If you have any questions about the procedure, call or write the Administrative Law Judge.

Notice is hereby given that a Statement of Need and Reasonableness is available for review at the agency and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the Statement of Need and Reasonableness may be obtained from the agency or the Office of Administrative Hearings at the cost of reproduction.

The agency intends to present only a short summary of the Statement of Need and Reasonableness at the hearing but will answer questions raised by interested persons. You are therefore urged to review the Statement of Need and Reasonableness before the hearing. Additional copies will be available at the hearing. The rules will establish standards for the provision of administrative services and leadership to elementary, middle, and secondary schools; repeal obsolete language governing the renewal of a two-year entrance administrative license; and add clarifying language to the rule governing licensure of administrators prepared outside of Minnesota. The rules will establish standards for the provision of administrative services and leadership to elementary, middle, and secondary schools; repeal obsolete language governing the renewal of a two-year entrance administrative license; and add clarifying language to the rule governing licensure of administrators prepared outside of Minnesota.

The Board's statutory authority to adopt the proposed rules is provided by Minn. Stat. §§ 121.11, subds. 7, 12; 123.34, subd. 10 and 125.05.

The Board estimates that there will be no cost to local bodies in the State to implement the rules for the two years immediately following its adoption within the meaning of Minn. Stat. § 14.11. These proposed rules will not directly affect small businesses within the meaning of Minn. Stat. § 14.115.

A copy of the proposed rules is attached hereto. One free copy may be obtained by writing to George B. Droubie, Capitol Square Building, 550 Cedar Street, St. Paul, MN 55101. Additional copies will be available at the door on the date of the hearing. If you have any questions on the content of the proposed rules, contact George B. Droubie, (612) 296-2046.

Notice: Any person may request notification of the date on which the Administrative Law Judge's Report will be available, after which date the Board may not take any final action on the rules for the period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge. The agency will give notice of the adoption of and the filing of the rules with the Secretary of State. Any person wishing to have notice of the adoption and filing may so indicate at the hearing or send a written request to the agency.

Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any one month or more than \$250, not including travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, MN 55155, telephone (612) 296-5615.

November 14, 1984

Ruth E. Randall, Secretary
State Board of Education

Rule as Proposed (all new material)**3500.0605 STAFFING REQUIREMENTS FOR PRINCIPALS.**

Subpart 1. Licensed principal required. Every elementary, middle, and secondary school must be under the immediate direction of an appropriately licensed principal.

A. In any elementary school building enrolling 350 or more elementary pupils, at least one full-time nonteaching licensed elementary principal must be assigned for the administration and supervision of that building.

B. In any secondary school building enrolling 350 or more secondary pupils, at least one full-time nonteaching licensed secondary principal must be assigned for the administration and supervision of that building.

C. Notwithstanding the number of students, every middle school as defined in Minnesota Statutes, section 120.05, subdivision 2, clause (2) must be under the direction of a full-time licensed principal. Every person employed as a middle school principal must hold either an elementary principal's license or a secondary principal's license.

D. In any elementary school building enrolling at least 150, but fewer than 350 elementary pupils, at least one licensed elementary principal must be assigned to that building and must devote at least one-half time to administration and supervision.

E. In any secondary school building enrolling at least 150, but fewer than 350 secondary pupils, at least one licensed secondary principal must be assigned to that building and must devote at least one-half time to administration and supervision.

F. In any elementary school building enrolling fewer than 150 elementary pupils, at least one licensed elementary principal must be assigned to that building and must devote at least one-half time to administration and supervision. The superintendent may assume the duties of the elementary principalship if licensed as an elementary principal and must devote at least one-half time to such duties.

G. In any secondary school building enrolling fewer than 150 secondary pupils, at least one licensed secondary principal must be assigned to that building and must devote at least one-half time to administration and supervision. The superintendent may assume the duties of the secondary principalship if licensed as a secondary principal and must devote at least one-half time to such duties.

H. In any combination of two elementary school buildings pursuant to cooperative arrangements between districts with a combined enrollment not exceeding 350 elementary pupils, a full-time nonteaching licensed elementary principal must be assigned to those buildings and must devote one-half time to administration and supervision of each building.

I. In any combination of two secondary school buildings pursuant to cooperative arrangements between districts with a combined enrollment not exceeding 350 secondary pupils, a full-time nonteaching licensed secondary principal must be assigned to those buildings and must devote one-half time to administration and supervision of each building.

Subp. 2. Approval for exception. Subject to the following conditions, the commissioner of education may issue a letter of approval to a school district annually which will allow the district to employ a person who is not fully licensed to perform the duties of a principal if the school district is unable to employ a fully licensed elementary or secondary school principal.

A. Letters of approval must be issued to school districts only in instances where the individual is enrolled in an approved specialist degree or six-year program in school administration and can show evidence that the program can be completed within three school years.

B. Letters of approval must be applied for annually and may not exceed the three years stated in item A for any one individual.

C. The school superintendent must provide written verification of the district's inability to contract with a fully licensed elementary or secondary school principal for a position. The verification must state the means by which the position was advertised and that no licensed principal who wishes to assume the position has been placed on unrequested leave by the district.

EFFECTIVE DATE. Part 3500.0605 is effective September 1, 1987.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Rule as Proposed

3510.0600 ADMINISTRATIVE LICENSE COMPLETED OUTSIDE MINNESOTA.

An administrative licensure program completed outside Minnesota must be offered by a regionally accredited graduate school and be comparable to approved programs in Minnesota. Comparability of the program is determined by the commissioner of education. Experienced administrators entering Minnesota may offer one year of full-time experience in each administrative area where licensure is requested as a substitute for field experience required as part of the program of preparation, but otherwise must comply with part 3510.0500.

REPEALER. Minnesota Rules, parts 3500.1400, subpart 1; 3500.1800, subpart 1; 3500.3700, subpart 1; and 3510.0700 are repealed.

Department of Health Division of Health Resources

Proposed Rules Relating to Physician Assistants

Notice of Hearing

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat. § 14.14 (1982) in the above-entitled matter at Room 105, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414 on January 30, 1984, commencing at 9:30 AM and continuing until all interested persons and groups have had an opportunity to be heard concerning adoption of these proposed rules by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing by sending them to Richard C. Luis, Administrative Law Judge, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone: (612) 341-7610. The rule hearing procedure is governed by Minn. Stat. §§ 14.02 to 14.56 (1982) and Minn. Rules pts. 1400.0200 to 1400.1200 (1983). Questions regarding procedure may be directed to the administrative law judge at the above-listed address.

The Minnesota Department of Health proposes to adopt rules relating to the registration of physician assistants. The proposed rules, if adopted, will establish the administrative structure, the procedures, and the requirements for the registration of people qualified to be physician assistants. Authority for adoption of these rules is contained in Minn. Stat. § 214.13 (1982). A copy of the proposed rules is attached to this notice. The rulemaking process follows Minn. Laws ch. 640 (1984) which amends the statutes cited above.

Minn. Stat. ch. 10A requires each lobbyist to register with the Minnesota Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1982) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone: (612) 296-5148.

As a result of the hearing process, the proposed rule may be modified. Written material may be submitted and recorded in the hearing record for five working days after the public hearing ends. The comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day comment period the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during this three-day period.

Notice is hereby given that a Statement of Need and Reasonableness is available for review at the Department of Health and at the Office of Administrative Hearings. This Statement of Need and Reasonableness includes a summary of all the evidence and argument which the Minnesota Department of Health anticipates presenting at the hearing justifying both the

need for and the reasonableness of the proposed rule or rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

Notice: Any person may request notification of the date on which the Administrative Law Judge's Report will be available, after which date the Minnesota Department of Health may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the rule has been adopted and filed by the Department of Health with the Secretary of State. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge (in the case of the Administrative Law Judge's Report) or to the Department of Health (in the case of the agency's submission to the Secretary of State).

One free copy of this notice and the proposed rules may be obtained by contacting Mark Skubic, Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440. Additional copies will be available at the door on the date of the hearing.

The proposed rules governing the registration of physician assistants which were published at 9 S.R. 1020 on November 12, 1984, are hereby withdrawn.

This notice and the rules attached hereto supercede and replace the previous rules published on November 12, 1984.

Sister Mary Madonna Ashton
Commissioner of Health

Rules as Proposed (all new materials)

REGISTRATION OF PHYSICIAN ASSISTANTS

5600.2600 DEFINITIONS

Subpart 1. Scope. For the purposes of parts 5600.2600 to 5600.2665, the following terms have the meanings given them.

Subp. 2. Active status. "Active status" means the status of a person who has met all the qualifications of a physician assistant and has a physician-physician assistant agreement in force and approved by the board.

Subp. 3. Agreement. "Agreement" means a document signed by the physician and the physician assistant which includes contents specified in part 5600.2635, subpart 3.

Subp. 4. Alternate supervising physician. "Alternate supervising physician" means a Minnesota licensed physician listed in the physician-physician assistant agreement who shall be responsible for supervising the physician assistant when the supervising physician is unavailable. The alternate supervising physician shall accept full medical responsibility for the performance, practice, and activities of the physician assistant while under the supervision of the alternate supervising physician.

Subp. 5. Board. "Board" means the Minnesota Board of Medical Examiners.

Subp. 6. Commissioner. "Commissioner" means the commissioner of the Department of Health.

Subp. 7. Contact hour. "Contact hour" means an instructional session of 60 consecutive minutes, excluding coffee breaks, registration, meals with a speaker or without a speaker, and other social activities.

Subp. 8. Inactive status. "Inactive status" means the status of a person who has met all the qualifications of a physician assistant but does not have a physician-physician assistant agreement in force and approved by the board.

Subp. 9. Physician. "Physician" means a person currently licensed in good standing as a physician or osteopath under Minnesota Statutes chapter 147.

Subp. 10. Physician assistant; registered physician assistant. "Physician assistant" or "registered physician assistant" means a person registered pursuant to parts 5600.2600 to 5600.2665 who is qualified by academic or practical training or both to provide patient services as listed in part 5600.2615 under the supervision of a supervising physician.

Subp. 11. Registration. "Registration" is the process by which the board determines that an applicant has been found to meet the standards and qualifications specified in parts 5600.2680 to 5600.2665.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Subp. 12. Supervising physician. "Supervising physician" means a Minnesota licensed physician who accepts full medical responsibility for the performance, practice, and activities of a physician assistant under an agreement approved by the board and pursuant to part 5600.2615. "Supervising physician" shall include "alternate supervising physician" for the purposes of parts 5600.2600 to 5600.2665.

5600.2605 PURPOSE.

The purpose of parts 5600.2600 to 5600.2665 is to establish the administrative structure, the procedures, and the requirements for the registration of people qualified to be physician assistants.

5600.2610 RESTRICTIONS ON USE OF THE TITLE OF REGISTERED PHYSICIAN ASSISTANT.

Subpart 1. Physician assistant identification. A registered physician assistant in active status may use the title "physician assistant" or "registered physician assistant" without restriction. A registered physician assistant in active status shall identify himself or herself at the practice site by using a name tag or name plate or some other identifying device bearing the title "registered physician assistant."

Subp. 2. Inactive status. A registered physician assistant in inactive status may not use the title "registered physician assistant" in connection with the delivery of health care services. A registered physician assistant in inactive status may not use the title on a name tag or name plate at any medical or health care facility or office in providing patient services.

5600.2615 SCOPE OF PHYSICIAN ASSISTANT PRACTICE.

Subpart 1. General Limitation on scope of practice. Patient services must be limited to services within the training or experience of the physician assistant, services customary to the practice of the supervising physician, and services delegated by the supervising physician.

Subp. 2. Descriptive list of allowed services. Patient services may include:

- A. taking complete, detailed, and accurate patient histories and reviewing patient records to develop comprehensive medical status reports;
- B. performing physical examinations and recording all pertinent patient data;
- C. interpreting and evaluating patient data as authorized by the supervising physician for the purpose of determining management and treatment of patients;
- D. initiating requests for, or performing, diagnostic procedures as indicated by pertinent data, and as authorized by the supervising physician;
- E. performing therapeutic procedures as authorized by the supervising physician;
- F. providing instructions and guidance regarding medical care matters to patients; and
- G. assisting the supervising physician in the delivery of services to patients requiring medical care in the home and in health care institutions, including recording patient progress notes, issuing diagnostic orders which must be countersigned by the supervising physician within 24 hours, and transcribing or executing specific orders and direction of the supervising physician.

5600.2620 REQUIREMENTS FOR ADEQUATE SUPERVISION.

To ensure the supervising physician assumes full medical responsibility for patient services provided by the physician assistant, the supervising physician shall instruct and direct the physician assistant in the assistant's duties, oversee and check the assistant's work, and provide general direction to the assistant. The physician assistant and supervising physician shall comply with at least the following criteria:

- A. A supervising physician must be able to be contacted within 15 minutes either in person or by telecommunication for consultation with the assistant.
- B. A supervising physician shall review and evaluate patient services provided by the physician assistant on a daily basis from information in patient charts or records. Review may either be in person or by telecommunication.
- C. A supervising physician shall be on site at facilities staffed by a physician assistant if they are separate from the usual site of the supervising physician at least twice a week for at least eight hours a week during patient contact time.
- D. A supervising physician may not supervise more than two physician assistants.
- E. The prescribing, administering, and dispensing of legend drugs shall only be done in accordance with accordance with Minnesota Statutes, chapter 151.
- F. The physician assistant and supervising physician shall ensure that an alternate physician is available to supervise if the supervising physician is absent.

5600.2625 REQUIREMENTS FOR REGISTRATION.

Subpart 1. Requirements for registration in active status. An applicant for registration as a physician assistant in active status shall:

A. Successfully complete a physician assistant training program recognized by the board as approved by a national accrediting body for physician assistant training. To be recognized by the board the accrediting body must meet the following criteria:

- (1) It must be capable of evaluating physician assistant training programs throughout the United States.
- (2) It must be capable of conducting site visits to evaluate the facilities used by the physician assistant training program, including evaluation of libraries and laboratories.
- (3) It must be capable of evaluating the quality of the academic programs offered as well as evaluating the faculty.
- (4) It must use standards that ensure that graduates of the training program have the knowledge and training to practice as a physician assistant within the scope of practice defined by these rules.
- (5) It may not be affiliated with any individual physician assistant training program.

B. Successfully complete an examination which has been approved by the board as assessing physician assistant skills. The examination must meet the following criteria:

(1) The examination must be validated by a content validity study which consists of data showing that the examination covers a representative sample of the job tasks, work behavior, or performance skills essential to the job for which the applicant is to be evaluated; or the examination must be validated by a criterion-related validity study which consists of empirical data demonstrating that the selection is predictive of, or significantly correlated with job performance and which has a validity coefficient significant at the 0.05 level of significance.

(2) Validity studies must be based upon a review of information about the job for which the examination is to be used. The review must include at least an analysis of job tasks, work behavior, or performance skills that are relevant to the job.

(3) Job tasks, work behaviors, or performance skills used as a basis for test development or validity studies must include at least the procedures and techniques which may be delegated to physician assistants as outlined in part 5600.2615.

(4) The examination must be determined to be reliable utilizing the parallel forms or internal consistency methods of estimating reliability and the reliability coefficient must be not less than 0.70.

(5) The examination must be revised or a new form must be issued when technical advances indicate the examination should be updated to acknowledge related changes in the definition of physician assistant as outlined in part 5600.2615.

(6) The examination must be revised or a new form must be issued when it is necessary to meet additional standards or knowledge requirements adopted by the commissioner.

C. Have an agreement between the physician and physician assistant which complies with part 5600.2635, subpart 3.

Subp. 2. Requirements for registration in inactive status. An applicant for registration as a physician assistant in inactive status must meet the requirements of part 5600.2625, subpart 1, items A and B.

A physician assistant in inactive status may apply for registration in active status when the requirements of part 5600.2625, subpart 1, item C are met.

5600.2630 APPLICATION PROCESS FOR INITIAL REGISTRATION.

Subpart 1. Form required. All applicants for initial registration as physician assistants shall submit an application on forms provided by the board together with fees described under part 5600.2655. The application must include information sufficient to permit a complete evaluation of each applicant to determine whether the applicant meets the requirements for registration and must include information sufficient to permit an evaluation by the board of the proposed supervision of the physician assistant. For the purpose of confirming the applicant's qualifications or to clarify the proposed supervisory relationship, the board shall request that an applicant submit additional information if it is necessary to clarify incomplete or ambiguous information presented in the application.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Subp. 2. Contents of application form. The application form must include questions which require the applicant to do the following:

- A. provide demographic information as deemed necessary by the board;
- B. list or describe areas of specialization or special training or experience of the physician assistant including previous work history;
- C. provide certification from the director of the program or dean of the school of successful completion of an approved program as described in part 5600.2625, subpart 1, item A;
- D. provide certification demonstrating successful completion of an approved examination as described in part 5600.2625, subpart 1, item B; and
- E. provide the names and addresses of two individuals who can be contacted for a reference about the applicant, one of whom is a physician or osteopath licensed in the United States, other than the supervising physician, who personally know the applicant.

5600.2635 APPLICATION PROCESS FOR APPROVAL OF AGREEMENT BETWEEN PHYSICIAN AND PHYSICIAN ASSISTANT.

Subpart 1. Form required. An applicant seeking active status must submit an application on forms provided by the board and an agreement signed by the physician assistant and the supervising physician and any alternate supervising physician.

Subp. 2. Contents of form. The completed application form must contain the following information:

- A. identify the licensed supervising physician and any areas of specialization of the physician and alternate supervising physicians;
- B. describe the practice in which the physician assistant will be used and the current plans for use of the physician assistant;
- C. identify and describe the practice sites of the supervising physician and physician assistant;
- D. identify other physicians or physician assistants who may be involved;
- E. list or describe areas of specialization, special training, or experience of the physician assistant; and
- F. provide any other information which is judged to be necessary by the board to answer questions regarding supervision of the physician assistant.

Subp. 3. Contents of agreement. The agreement must include at least the following:

- A. specific plans for supervision of the physician assistant by the supervising physician as well as alternate supervising physicians if more than one physician will be working with the physician assistant;
- B. plans for supervision when the supervising physician is not available;
- C. restrictions or instructions regarding the functions or practices of the physician assistant and any letters of agreement or other protocols to or with any health care facility concerning the practice of the physician assistant when functioning in the facility, including letters of agreement made for or with pharmacists regarding the practice of the physician assistant in carrying out the directions of the physician;
- D. a statement that the supervising physician and alternate supervising physician assume full medical responsibility for all patient services provided by the physician assistant; and
- E. any other information which will assist the board in determining whether the physician assistant will be adequately supervised by the supervising physician.

Subp. 4. Modification or termination of agreement. The physician assistant and the supervising physician shall notify the board upon the modification or termination of the agreement. Upon termination of the agreement, the board shall classify the physician assistant in inactive status until a new agreement is approved. If the modification results in an expansion of a physician assistant's duties, the modification must be approved by the board before the physician assistant begins the new duties.

5600.2640 TEMPORARY REQUIREMENTS DURING TRANSITION.

Subpart 1. Initial registration requirements. An applicant for initial registration as a physician assistant is not required to meet the requirements of part 5600.2625, subparts 1, items A and B; and 2, until two years after the effective date of parts 5600.2600 to 5600.2665 if the applicant provides documented evidence that the following requirements have been met:

- A. An applicant has completed a course of study in medical care which was at least 18 months full time and which had

course content judged by the board to be equivalent to the program content of an accredited physician assistant program. An applicant may petition the board to accept informal training which the board judges to be equivalent in program content to an accredited program.

B. An applicant has been employed as a full-time physician assistant for at least four of the last five years under the supervision of a licensed physician. This experience must be recorded on forms provided by the board.

Subp. 2. Examination requirements. A physician assistant who qualified for initial registration by meeting the requirements of subpart 1 must successfully complete an examination which meets the requirements of part 5600.2625, subpart 1, item B within two years of the date initial registration was approved by the board. If the physician assistant successfully completes the examination within the two years, a physician assistant is exempt from meeting the requirements for registration of part 5600.2625, subpart 1, item A. If the physician assistant does not successfully complete the examination within the two years, the board will revoke the physician assistant's registration and the physician assistant shall then meet all the requirements of part 5600.2625 for registration.

Subp. 3. Active status requirements. A physician assistant who qualified for initial registration by meeting the requirements of subpart 1 must also meet the requirements of part 5600.2625, subpart 1, item C if the physician assistant wishes to be registered in active status.

5600.2645 APPLICATION PROCESS FOR REREGISTRATION.

A physician assistant's registration expires each year on July 1. Each physician assistant must reregister on or before July 1 of each year by submitting a completed application for reregistration on a form provided by the board together with the annual reregistration fee. The information supplied on the application for reregistration must be sufficient for the board to determine whether the physician assistant continues to meet the requirements for registration in part 5600.2625 or 5600.2640. In addition, the applicant must meet the continuing education requirements of part 5600.2650. The board may request a physician assistant to submit additional information to clarify information presented in the application for reregistration. An application submitted after the reregistration deadline date must be accompanied by a late fee.

5600.2650 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. Amount of education required. Applicants for reregistration must either attest to and document successful completion of at least 50 contact hours of board-approved continuing education or the equivalent within the two years immediately preceding reregistration, or attest to and document taking the national certifying examination within the past two years.

Subp. 2. Type of education required. Approved continuing education activities are learning experiences designed to promote continuing competency in the procedures and techniques outlined in part 5600.2615. The activities must receive board approval for continuing education.

The board shall base its approval of a continuing education activity on the following criteria:

- A. It must have specific, written objectives which describe expected outcomes for the participant.
- B. It must be presented by knowledgeable persons who have reviewed the development in the subject being covered in the program within the last two years. The presenting person must have specialized training in the subject matter, experience in teaching the subject matter, or experience in working in the subject areas.
- C. It must last at least one contact hour.
- D. It must utilize a mechanism to validate participation, such as earned credits or verification of attendance. Program sponsors shall maintain attendance sheets for three years.

Subp. 3. Restrictions on earning credits through contact hour equivalents. Contact hour equivalents can include medical teaching, publication of books or papers, lectures, exhibits, and self-teaching. No more than ten hours of credit may be obtained in any renewal period through medical teaching. No more than ten hours of credit may be obtained in any renewal period through a combination of publications, lectures, and exhibits. No more than ten hours of credit may be obtained through self-teaching. Credits may be obtained in the following ways:

- A. five hours of credit for a scientific paper or book chapter published in a peer-reviewed ~~medical journal or book~~;
- B. an hour of credit for each hour spent lecturing at a course which qualifies for board approval under ~~subpart 2~~;

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

C. an hour of credit for each hour spent self-teaching; and

D. five hours of credit for a paper or exhibit presented before a professional or allied health audience. Credit may be claimed only once for such a presentation.

Subp. 4. Verification of continuing education reports. Periodically, the board shall select a sample of the registered physician assistants and request evidence of continuing education to which they attested. Documentation may come directly from the registrant or from a national accrediting or certifying organization which maintains those types of records.

5600.2655 APPLICATION FEES.

Subpart 1. Initial registration fees. The initial registration fee shall be \$100.

Subp. 2. Annual reregistration fee. The annual fee for reregistration shall be \$20.

Subp. 3. Penalty fee for late renewals. The penalty fee for late submission of an application for reregistration shall be \$5.

Subp. 4. Fee for approval of agreements. The fee for approval of an agreement between a physician and physician assistant by the board shall be \$30.

Subp. 5. Notice of fee changes. The board shall notify physician assistants about fee changes under subparts 1 to 4 in the same manner as it notifies physicians about those types of fee changes.

5600.2660 PROCESS AND GROUNDS FOR DISCIPLINARY ACTION.

Subpart 1. Investigation of complaints. Upon receiving a complaint or other oral or written communication, which alleges or implies the existence of grounds for revocation of registration or disciplinary actions as specified in subpart 2, the physician assistant council established in part 5600.2665 may initiate an investigation. The council may request the physician assistant to appear before it to determine the merits of the situation in question. In each case, the council shall make a recommendation to the board as to whether proceedings under the contested case provisions of the Administrative Procedure Act, Minnesota Statutes, sections 14.57 to 14.70, would be appropriate and should be initiated. Before any disciplinary action, a written complaint must be obtained from a complaining party.

Subp. 2. Disciplinary options of board. The board shall refuse to grant or renew a registration, or shall suspend or revoke a registration, or use any reasonable lesser remedy against a physician assistant if the assistant:

A. submits false or misleading information or credentials in order to obtain or renew registration;

B. fails to meet the requirements for initial or reregistration;

C. incompetently, negligently, or inappropriately performs patient services;

D. performs patient service beyond the scope of practice authorized by this part;

E. violates parts 5600.2600 to 5600.2665; or

F. is unable to perform patient services with reasonable skill and safety to patients due to physical or mental illness or use of alcohol, drugs, or other substance.

Subp. 3. Disciplinary actions. If the board finds that a physician assistant should be disciplined pursuant to subpart 2, the board may take any one or more of the following actions:

A. refuse to grant or renew a registration;

B. revoke a registration;

C. suspend any registration for a definite period;

D. administer a public or private reprimand;

E. condition, limit, or restrict a registration; or

F. place the physician assistant on probation, which probation may be vacated upon compliance with such reasonable terms as the board may impose.

Subp. 4. Consequences of disciplinary action. Upon the revocation or suspension, the registrant shall return to the board his or her registration and current renewal document.

Subp. 5. Reinstatement requirements after disciplinary action. A physician assistant who has had registration revoked cannot apply for reinstatement until at least one year after the effective date of the revocation or for a longer period of time specified by the board. A suspended registration shall be reinstated upon fulfillment of the terms of suspension. All requirements of part 5600.2645 for renewing registration, if applicable, must also be met before reinstatement.

5600.2665 PHYSICIAN ASSISTANT ADVISORY COUNCIL.

Subpart 1. Membership. Subject to approval by the board, the commissioner shall appoint seven persons to a physician assistant advisory council. The seven persons must include:

- A. two public members, as defined in Minnesota Statutes, section 214.02;
- B. three physician assistants registered under parts 5600.2600 to 5600.2665; and
- C. two licensed physicians one of whom must be a representative of the board.

Subp. 2. Organization. The council shall be organized and administered under Minnesota Statutes, section 15.059.

Subp. Duties. The council shall:

- A. advise the board regarding physician assistant registration standards;
- B. advise the board on enforcement of parts 5600.2600 to 5600.2665;
- C. provide for distribution of information regarding physician assistant registration standards;
- D. review applications and recommend applicants for registration or reregistration;
- E. perform disciplinary investigations; and
- F. perform other duties as directed by the board.

Department of Health

Withdrawal of Previously Proposed Rules Relating to Physician Assistants

Notice is hereby given that the proposed rules governing registration of Physician (Minnesota Rules 5600.2600-.2665) Assistants which were previously published at 9 S.R. 1020 on November 12, 1984, are hereby withdrawn. A modified form of those rules is currently being proposed and is being published on page 1404 in this issue of the *State Register*.

Racing Commission

Proposed Rules Relating to Horse Racing

In the Matter of the Proposed Rules Governing Strikes and Lockouts, Contract Approval, Assignment of Racing Days, Pari-Mutuel Pools, Facilities and Equipment, Stabling, Class C Licenses, Security Officers, Thoroughbred and Quarter Horse Races, Harness Races, Horse Medication, Racing Soundness Exams, Medical Testing, Breeders Fund, Prohibited Acts, Disciplinary and Appeal Procedures, Variances, and All Other Aspects of Pari-Mutuel Horse Racing

Notice of Hearing and Notice of Intent to Cancel Hearing if Fewer than Twenty-Five Persons Request a Hearing in Response to Notice of Intent to Adopt Rules without a Hearing

A public hearing concerning the above-entitled matter will be held in the Metropolitan Council Chambers, Room 300, Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota on February 5, 1985, commencing at 9:00 a.m. and continuing until all interested persons have an opportunity to be heard. PLEASE NOTE, HOWEVER, THAT THIS HEARING WILL BE CANCELLED IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE OF INTENT TO ADOPT THESE SAME RULES WITHOUT A HEARING PUBLISHED IN THE *STATE REGISTER* OF EVEN DATE AND MAILED THE SAME DATE AS THIS NOTICE.

Following the agency's presentation at the hearing, all interested or affected persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or materials may be submitted to George A. Beck, Office of Administrative Hearings, Fourth Floor, Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, (612) 341-7601, either before the hearing or within five working days after the public hearing ends. The Administrative Law

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Judge may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. Following the close of the comment period the agency and all interested persons have three business days to respond in writing to any new information submitted during the comment period. During the three-day period, the agency may indicate in writing whether there are amendments suggested by other persons which the agency is willing to adopt. Additional evidence may not be submitted during this three-day period. The written responses shall be added to the rulemaking record. Upon the close of the record the Administrative Law Judge will write a report as provided for in Minn. Stat. § 14.50. The rule hearing procedure is governed by Minn. Stat. §§ 14.01-14.56 and by Minn. Rule pts. 1400.0200-.1200. If you have any questions about the procedure, call or write the Administrative Law Judge.

The proposed rules may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the above-entitled matter, you are urged to participate in the rule hearing process.

Authority for the adoption of these rules is contained in Minn. Stat. §§ 240.08, 240.10, 240.13, 240.16, 240.18, 240.19, 240.22, 240.23, 240.24, 240.28 and 240.29.

Notice is hereby given that a Statement of Need and Reasonableness is available for review at the agency and at the Office of Administrative Hearings. The Statement of Need and Reasonableness includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rule or rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Administrative Hearings at a minimal charge.

From a qualitative point of view, most if not all of the proposed rules may impact on small businesses. The quantitative effect of the proposed rules is broadbased because the rules address licensing and related requirements and costs, prohibited acts, affirmative responsibilities of licensees and disciplinary actions for violation of the rules. The potential effects of these proposed rules on small businesses are further discussed in the Statement of Need and Reasonableness.

The text of the proposed rules follows this notice in the *State Register*. Additional copies of the proposed rules are now available and at least one free copy may be obtained by writing to Richard G. Evans, Executive Secretary, Suite 400, United Labor Centre, 312 Central Avenue, Minneapolis, Minnesota 55414, telephone (612) 341-7555. Additional copies will be available at the hearing. If you have any questions on the content of the rules, contact Richard G. Evans.

NOTICE: Any person may request notification of the date on which the Administrative Law Judge's Report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the Rule has been adopted and filed with the Secretary of State. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Administrative Law Judge (in the case of the Administrative Law Judge's Report), or to the agency (in the case of the agency's adoption and filing with the Secretary of State).

Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11, as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including his own traveling expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

Ray Eliot, Chairman
Minnesota Racing Commission

Rules as Proposed

7870.0439 STRIKES AND LOCKOUTS.

A licensee constructing a horse racing facility must enter into a no-strike, no-lockout agreement with the statewide labor organization which represents the largest number of construction employees in Minnesota.

7870.0500 CONTRACT APPROVAL.

Subpart 1. Contracts and subcontracts subject to prior commission approval. Contracts entered into, renewed, or extended by Class A, B, and D licensees and their contractors for goods and services are subject to prior approval by the commission.

PROPOSED RULES

Contracts and subcontracts must include affirmative action plans establishing goals and timetables consistent with Minnesota Statutes, chapter 363. All Class A, B, and D licensees must submit copies of any written contracts and subcontracts to the commission. No contract or subcontract is valid, nor are either of the parties bound by the contract until it has been approved by the commission. The commission shall approve or disapprove contracts and subcontracts within 30 days, as computed pursuant to Minnesota Statutes, section 645.15, after submission.

Subp. 2. Information required. If a contract or subcontract is in an amount more than \$50,000 or of a duration longer than 30 days, a Class A, B, or D licensee also must submit to the commission:

A. The name, address, and telephone number of the contractor or subcontractor.

B. The name, address, date of birth, in the case of individuals, and social security number, if provided, of every director, officer, general partner, or other policymaker and holder of a direct or indirect record or beneficial ownership or other voting interest or control, whether absolute or contingent, of five percent or more in the contractor or subcontractor and the nature and extent of such interest or control. If a nonindividual holds more than a 25 percent interest or control of a contractor or subcontractor, the disclosure required by this item must be made of policymakers and holders of interests or control of ten percent or more in that entity.

C. A description of any contract, agreement, or understanding entered into by an individual or other entity identified in item B with regard to performance of the contract or subcontract or its benefits.

D. Descriptions of the most recent five contracts or subcontracts performed or being performed, date, and for whom.

E. Claims of delay or failure in meeting tax, financial, or other obligations, including bankruptcy proceedings, and any other litigation or administrative proceedings in which the contractor or subcontractor was a party during the past five years.

F. The signature, name, address, and title of an individual providing the information. The licensee must notify the commission promptly of any change in the information required by items A to F before performance is completed.

Subp. 3. Basis for commission approval. The commission shall approve the contract or subcontract if it determines that approval will not adversely affect racing or the public interest, is in accordance with applicable laws and rules, and will not adversely affect the public health, safety, and welfare. In making that determination, the commission must consider the contractor or subcontractor's competence, experience, reputation, record of law abidance, and financial responsibility.

Subp. 4. Rescission of approval. The commission, after notice and an opportunity to be heard, may rescind its approval of a contract or subcontract during its performance if the commission determines that the contractor or subcontractor no longer meets the criteria in subpart 3.

Subp. 5. Economic opportunities for racial minorities. Class A and B licensees are required, to the extent feasible, to establish the following goals to assist in providing economic opportunities for racial minorities:

A. establish a minimum goal of ten percent for construction subcontracts/material suppliers with minority business enterprises during construction of the facility, and establish a labor and employment goal of ten percent for racial minorities in on-site construction jobs;

B. establish a minimum goal of ten percent for hiring racial minorities in all job categories of the licensee's postconstruction workforce, including clerical, laborers, officials and managers, professionals, technicians, and salesworkers, and achieve this goal within two years of commencing racing operations;

C. establish a minimum goal of 15 percent of its total vendor, supplier, and other contracts with minority business enterprises for the postconstruction period, and achieve this goal within two years after completion of the initial construction; and

D. establish a minimum goal of making available up to ten percent of the available equity ownership to racial minorities.

Subp. 6. Economic opportunities for women. Class A and B licensees also are required, to the extent feasible, to establish the following goals to assist in providing economic opportunities for women:

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

A. establish a minimum goal of four percent for construction subcontracts/material suppliers with women business enterprises during construction of the facility, and establish a labor and employment goal of four percent for women in on-site construction jobs;

B. establish a minimum goal of 51.4 percent for hiring women in all job categories of all the licensee's postconstruction workforce, including clerical, laborers, officials and managers, professionals, technicians, and salesworkers, and achieve this goal within two years of commencing racing operations;

C. establish a minimum goal of 15 percent of its total vendor, supplier, or other contracts with women business enterprises for the postconstruction period, and achieve this goal within two years after completion of the initial construction;
and

D. establish a minimum goal of making available up to ten percent of the available equity ownership to women.

Subp. 7. Economic opportunities for disabled. Class A and B licensees are required, to the extent feasible, to establish reasonable goals to assist in providing economic opportunities for disabled individuals. These affirmative action goals must be set with respect to the Class A and B licensees' construction subcontracts/material suppliers during facility construction, on-site construction jobs, postconstruction labor force, postconstruction vendor, supplier and other contracts, and available equity ownership opportunities.

Subp. 8. Compliance reports. Class A and B licensees are required to file semiannual reports with the commission demonstrating compliance with the requirements of this part on forms provided by the commission.

Subp. 9. Definitions. For the purpose of this part, the following words have the following meaning:

A. "Disabled individual" means a person who has a physical or mental impairment which substantially limits one or more major life activity; it does not include an alcohol or drug abuser whose current use of alcohol or drugs renders that individual a hazard to the individual or others.

B. "Minority business enterprise" is a business owned and controlled by minority individuals and is a small business concern (1) which is at least 51 percent owned by one or more minority individuals or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more minority individuals, and (2) whose management and daily business operations are controlled by one or more of such individuals.

C. "Owned and controlled" means a business with at least 51 percent of the economic beneficial interest, at least 51 percent of the voting interest, and whose management and daily business operation are legitimately held by a person (or persons in any combination) who is a racial minority or woman.

D. "Racial minority" means:

(1) Blacks, persons having origins in any of the Black African racial groups not of Hispanic origin;

(2) Hispanic, persons of Mexican, Puerto Rican, Cuban, Central American, South American, or other Spanish culture or origin, regardless of race;

(3) Asian and Pacific Islander, persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; and

(4) American or Alaskan Native, persons having origins in any of the original peoples of North America and maintaining identifiable tribal affiliations through membership and participation or community identification.

E. "Women owned business enterprise" is a business owned and controlled by women and is a small business concern (1) which is at least 51 percent owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women, and (2) whose management and daily business operations are controlled by one or more of such individuals.

CHAPTER 7869 MINNESOTA RACING COMMISSION GENERAL DEFINITIONS

Rules as Proposed (all new material)

7869.0100 DEFINITIONS.

Subpart 1. Scope. For the purpose of chapters 7869 to 7899, the following terms have the meaning given them unless another intention clearly appears.

Subp. 2. Actual favorite. "Actual favorite" means a horse that has the lowest win odds as determined by the most amount of money wagered on that horse to win.

Subp. 3. Added money. "Added money" means the amount an association adds to the nominating and starting fees in a race.

Subp. 4. Age. "Age" means the age of a horse as computed from the first day of January in the year in which the horse is foaled.

Subp. 5. Allowance. "Allowance" means a specified amount of weight that may be subtracted from a horse starting weight based upon that horse's past performance, money won, or sex as they relate to the conditions of a race.

Subp. 6. Also-eligible. "Also-eligible" means a horse officially entered and appearing on the overnight sheet, but not permitted to start unless the field is reduced by scratches at scratch time below a specified number.

Subp. 7. Association. "Association" means the holder of a Class B or D license.

Subp. 8. Authorized agent. "Authorized agent" means a person duly appointed by an owner or trainer to act on their behalf in racing matters.

Subp. 9. Break. "Break" means the act of a harness horse altering either its pacing or trotting stride.

Subp. 10. Breeder. "Breeder" of a thoroughbred horse means the owner of the dam at the time of foaling.

Subp. 11. Breeding place. "Breeding place" means the place of birth of a horse.

Subp. 12. Claim. "Claim" means the act of attempting to purchase a horse from a claiming race.

Subp. 13. Claiming authorization. "Claiming authorization" means approval granted by the commission to a person that is not licensed as an owner to claim a horse from a claiming race.

Subp. 14. Commission. "Commission" means the Minnesota Racing Commission.

Subp. 15. Commission veterinarian. "Commission veterinarian" means the medical officer appointed by the commission pursuant to Minnesota Statutes, section 240.04, subdivision 4.

Subp. 16. Condition book. "Condition book" means the publication issued by the association and approved by the commission advertising races for upcoming racing days.

Subp. 17. Coupled. "Coupled" means two or more horses grouped together for wagering purposes.

Subp. 18. Course. "Course" means the track over which horses race.

Subp. 19. Day. "Day" means 24 hours ending at midnight.

Subp. 20. Dead heat. "Dead heat" means two or more horses crossing the finish line at exactly the same time.

Subp. 21. Declaration. "Declaration" means the act of withdrawing an entered horse from a race.

Subp. 22. Disqualification. "Disqualification" means an order of the stewards or commission which revises the order of finish in a race.

Subp. 23. Entrance fee. "Entrance fee" means a fee set by the association which must be paid in order to make a horse eligible for a stakes race.

Subp. 4. Entry. "Entry" means, according to its context, either:

A. the act of entering a horse to race;

B. a horse eligible and entered in a race; or

C. two or more horses that are entered in a race and are owned in whole or in part by the same owner, or are trained by a trainer who owns any interest in any of the other horses in the race and are coupled for wagering purposes.

Subp. 25. Equipment. "Equipment," as applied to a horse, means whips, blinkers, tongue straps, muzzles, hoods, nose bands, shadow rolls, martingales, breast plates, bandages, boots, plates (shoes), sulkies, head poles, and all other paraphernalia that is or might be used on or attached to a horse while racing.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Subp. 26. Field. "Field" means:

- A. the entire group of horses in a race; or
- B. the highest numbered horse within the capacity of the totalizator, and all horses of a higher number grouped together for wagering purposes.

Subp. 27. Fine. "Fine" means the imposition of a monetary penalty upon a license holder by the stewards or commission.

Subp. 28. Foul. "Foul" means any action by a horse or jockey which interferes with another horse or jockey in the running of a race.

Subp. 29. Gait. "Gait" means any of the ways a horse may move by lifting the feet in different order or rhythm, and specifically in harness racing, trotting, or pacing.

Subp. 30. Grounds. "Grounds" mean the entire area used by the association to conduct a race meeting, including the track, grandstand, stables, concession areas, and parking facilities.

Subp. 31. Heat. "Heat" means one of a number of races to determine the ultimate winner of an event.

Subp. 32. Horse. "Horse" includes filly, mare, colt, horse, gelding, and ridgling.

Subp. 33. Lapped on break. "Lapped on break" means a harness horse that is breaking stride at the finish line and is even with an opponent, or the breaking horse's nose is at least opposite its opponent's hind quarters.

Subp. 34. Maiden. "Maiden" means a horse which at the time of starting has never won a race, on the flat in any country on a recognized racetrack, or that has been disqualified after finishing first.

Subp. 35. Meeting. "Meeting" means the entire period for which a license to conduct racing has been granted to any association by the commission.

Subp. 36. Morning line. "Morning line" means the projected approximate win odds of each horse printed in the official program prior to wagering.

Subp. 37. Nerved. "Nerved" means any procedure whereby any nerve or nerves of a horse have been removed or desensitized.

Subp. 38. Nominating fee. "Nominating fee" means an amount by the association which must be paid in order to make a horse eligible for a stakes race.

Subp. 39. Nomination. "Nomination" means the naming of a horse or its foal in utero to compete in a specific race or series of races, eligibility for which may be conditional upon the payment of a fee at the time of naming.

Subp. 40. Nominator. "Nominator" means the person in whose name a horse is nominated for a stakes or handicap race.

Subp. 41. Official. "Official" means the act of the stewards declaring the results of the race final and authorizing winnings to be paid out.

Subp. 42. Owner. "Owner" means any person or entity possessing all or part of the legal title to a horse.

Subp. 43. Photo-finish. "Photo-finish" means the equipment and cameras used to aid the placing judges in determining the exact order of finish in a race.

Subp. 44. Place. "Place" means either the position in which a horse finishes a race or more specifically, finishing second in a race.

Subp. 45. Pool. "Pool" means the total amount of money bet in each form of pari-mutuel wagering.

Subp. 46. Post position. "Post position" means the starting position assigned to a horse for a race.

Subp. 47. Post time. "Post time" means the time set for the arrival of horses at the starting point in a race.

Subp. 48. Program. "Program" means:

- A. an entire days racing schedule; or
- B. the official publication of a day's races.

Subp. 49. Purse. "Purse" means the amount of money to be paid the participants of a race.

Subp. 50. Qualifying list. "Qualifying list" means the tabulation compiled by the stewards of horses that must perform in qualifying races before being eligible to be entered.

Subp. 51. Race. "Race" means a contest among horses for purse, stakes, premium, or wager for money, run in the presence of racing officials of the association and the commission. The following are categories of races:

A. "Allowance race" means a race, other than claiming, in which certain conditions are drafted.

B. "Claiming race" means a race in which any horse entered may be purchased in conformity with the rules of the commission.

C. "Conditioned race" means an overnight event to which eligibility is determined according to specified qualifications.

D. "Handicap" means:

(1) in thoroughbred and quarter horse racing a race in which weights to be carried by the entered horses are adjusted by a handicapper for the purpose of equalizing their respective chances of winning;

(2) in harness racing the assignment of positions for the purpose of equalizing their respective chances of winning.

E. "Invitational race" means a race restricted to horses asked to race by the racing secretary.

F. "Matinee race" means a race where an entrance fee may be charged and where the premiums, if any, are other than money.

G. "Match race" means a race between two or more horses, each the property of different owners, on terms agreed upon by the owners, and approved by the commission.

H. "Overnight race" means a race for which entries close 96 hours or less before the time set for the first race of the day on which the races are to be run.

I. "Purse race" means a race for money or other prize to which the owners of the horses engaged in the race do not contribute an entry fee.

J. "Quarter horse race" means a race on the flat at 870 yards or less.

K. "Race on the flat" means a race over a course in which no jumps or other obstacles are placed.

L. "Stakes races" or "sweepstakes" means a race to which nominators of the engaged entries contribute to a purse, and to which money or any other award may be added. No overnight race, regardless of its conditions, may be deemed a stakes race.

Subp. 52. Recall. "Recall" means the starter declaring that the field be assembled for a restart prior to the word "go" being given.

Subp. 53. Recognized racetrack. "Recognized racetrack" means a racetrack where pari-mutuel wagering is authorized by law, or which is recognized by the American Quarter Horse Association.

Subp. 54. Ruled off. "Ruled off" means the act of barring a licensee from the grounds of an association and denying the licensee all racing privileges.

Subp. 55. Scratch. "Scratch" means the act of withdrawing an entered horse from a race.

Subp. 56. Scratch time. "Scratch time" means the time set by the association for the closing of applications requesting permission of the stewards to withdraw from a race.

Subp. 57. Simulcast. "Simulcast" means a televised race transmitted or received by an association on a racing day when pari-mutuel wagering is conducted.

Subp. 58. Start. "Start" means the beginning of an officially recognized race.

Subp. 59. Starter. "Starter" means:

A. a horse whose stall door of the starting gate opens in front of it at the time all of the horses are dispatched in a race;
or

B. the official whose duty it is to give the starting signal at the beginning of a race.

Subp. 60. Starter's school list. "Starter's schooling list" means a tabulation of horses compiled by the starter that are ineligible to be entered until they have demonstrated their ability to the starter that they are capable of performing in a satisfactory manner at the starting gate.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Subp. 61. Starting fee. "Starting fee" means a charge, specified by the conditions of the race and set by the association, that must be paid in order to start in a race.

Subp. 62. Stewards' list. "Stewards' list" means a tabulation of horses compiled by the stewards of horses who are ineligible to race due to poor performance, ownership by a suspended or nonlicensed person, or for other reasons that might affect the integrity or welfare of racing.

Subp. 63. Supplemental fee. "Supplemental fee" means a fee set by the association that must be paid at a prescribed time to make a horse eligible for a stakes race.

Subp. 64. Suspended. "Suspended" means that all privileges granted by the commission are temporarily withdrawn.

Subp. 65. Sustaining fees. "Sustaining fees" mean fees which must be paid periodically, as prescribed by the conditions of the race, in order to keep a horse eligible for that race.

Subp. 66. Totalizator. "Totalizator" means the system by which all pari-mutuel activity including selling of tickets, calculation of odds and payoffs, and displaying of pari-mutuel information is accomplished.

Subp. 67. Track. "Track" means the course over which races take place.

Subp. 68. USTA. "USTA" means the United States Trotting Association.

Subp. 69. Walkover. "Walkover" means a race in which there are not two or more horses of separate interest sent postward.

CHAPTER 7872 MINNESOTA RACING COMMISSION ASSIGNMENT OF RACING DAYS

7820.0100 APPLICATION FOR RACING DAYS.

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

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

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

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

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

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

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

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

F. Within 30 days after action on an application, the commission shall submit in writing to the applicant and persons who submitted written comments the reasons why the commission approved or denied the request.

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

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

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

7872.0110 ASSIGNMENT OF RACING DAYS.

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

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

- A. the integrity of the licensee;
- B. the financial strength of the licensee;
- C. the ability of the licensee to conduct horse racing, including licensee's facilities, systems, policymakers, managers, and personnel;
- D. past compliance of the licensee with statutes, rules, and orders regarding pari-mutuel horse racing;
- E. the licensee's market, including area, population, and demographics;
- F. the performance of the racetrack with previously assigned dates;
- G. the impact of the assignment of racing days on the economic viability of the racetrack, including attendance and pari-mutuel handle;
- H. the quantity and quality of economic activity and employment generated;
- I. state tax revenues from racing and related economic activity;
- J. the entertainment and recreation opportunities for Minnesota citizens;
- K. the variety of racing;
- L. the quality of racing;
- M. the availability and quality of horses;
- N. the development of horse racing;
- O. the quality of racetrack facilities;
- P. security;
- Q. purses;
- R. benefits to Minnesota breeders and horse owners;
- S. stability in racing dates;
- T. competition among racetracks and with other providers of entertainment and recreation as well as its effects;
- U. the social effects;
- V. ecology;
- W. community and government support;
- X. sentiment of horsepersons; and

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Y. any other factors related to assignment of racing days which the commission deems crucial to its decision-making as long as the same factors are considered with regard to all requests.

CHAPTER 7873 MINNESOTA RACING COMMISSION PARI-MUTUEL RULES

7873.0100 APPLICATION FOR PARI-MUTUEL POOLS.

Subpart 1. Submission of pari-mutuel requests. A Class B or D licensee may apply for approval of a pari-mutuel pool by submitting an original and 15 copies of the following:

- A. a signed request for approval of pari-mutuel pool;
- B. a statement of the precise nature and extent of the pool requested, including type of betting and placement in racing programs;
- C. a detailed statement of how the request meets each of the criteria in part 7873.0110, subpart 1; and
- D. any other documentation the licensee deems necessary to ensure a complete understanding of the request.

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

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

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

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

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

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

F. The commission shall approve or deny an application for approval of a pari-mutuel pool not sooner than 30 nor later than 45 days after filing of the application.

G. Within 30 days after action on an application, the commission shall submit in writing to the applicant and persons who submitted written comments the reasons why the commission approved or denied the request.

Subp. 3. Motion of commission. The commission on its own motion may designate pari-mutuel pools as provided in Minnesota Statutes, section 240.13, subdivision 3, except that the commission shall perform the duties imposed on an applicant by subpart 1.

7873.0110 APPROVAL OF PARI-MUTUEL POOLS.

Subpart 1. Request. Upon written request of a Class B or D licensee, or on its own motion, the commission may approve pari-mutuel pools, including types of betting, number and placement of exotics in racing programs, and other issues related to pari-mutuel pools which promote the purposes of Minnesota Statutes, chapter 240, and the rules of the commission.

Subp. 2. Basis for approving pari-mutuel pools. When considering a request for approval of pari-mutuel pools, the commission must consider the success and integrity of racing; the public health, safety, and welfare; public interest, necessity, and convenience; as well as the following factors:

- A. the integrity of the licensee;
- B. the financial strength of the licensee;
- C. the ability of the licensee to operate a racetrack and conduct horse racing, including licensee's facilities, systems, policymakers, managers, and personnel;
- D. past compliance of the licensee with statutes, rules, and orders regarding pari-mutuel horse racing;
- E. the licensee's market, including area, population, and demographics;

- F. the performance of the racetrack with previously approved pari-mutuel pools;
- G. the impact approving the pari-mutuel pool will have on the economic viability of the racetrack, including attendance and pari-mutuel handle;
- H. the quantity and quality of economic activity and employment generated;
- I. state tax revenues from racing and related economic activity;
- J. the entertainment and recreation opportunities for Minnesota citizens;
- K. the variety of racing;
- L. the quality of racing;
- M. the availability and quality of horses;
- N. the development of horse racing;
- O. the quality of racetrack facilities;
- P. security;
- Q. purses;
- R. benefits to Minnesota breeders and horse owners;
- S. competition among racetracks and with other providers of entertainment and recreation as well as its effects;
- T. the social effects;
- U. community and government support;
- V. sentiment of horsepersons; and
- W. any factors related to pari-mutuel pools which the commission deems crucial to its decision-making, as long as the same factors are considered with regard to all racetracks.

Subp. 3. Limitation on pari-mutuel pools. The commission shall not approve a pari-mutuel pool in which a participant is required to select more than two horses in any race.

7873.0120 PARI-MUTUEL BETTING.

In the event there is insufficient money available in a net pari-mutuel pool to return \$2.10 on each winning \$2 wager, the association conducting the pari-mutuel betting shall pay the deficiency from its share of the pool.

7873.0125 CALCULATION OF PAYOFFS.

Subpart 1. No money wagered on horse to win. If a horse wins and there is no money wagered on it to win, the win pool shall be apportioned among the holders of place tickets on that horse, if any; otherwise among holders of the show tickets on that horse.

Subp. 2. No money wagered on horse to place. If no money has been wagered to place on a horse which is placed first or second in a race, the place pool for that race shall be apportioned among the holders of the place tickets on the other horse which was placed first or second.

Subp. 3. No money wagered on horse to show. If no money has been wagered to show on a horse which has placed first, second, or third in a race, the show pool in that race shall be apportioned among the holders of show tickets on the other horses which are placed first, second, or third in that race.

Subp. 4. Failure of horses to finish in pools. If only two horses finish in any one race, the show pool shall be figured the same as the place pool and the money apportioned to holders of show tickets on the two finishing horses. If only one horse finishes in any one race, all three pools shall be figured separately as straight holders of the finishing horse. If no horse finishes the race, then the entire amount wagered in all pools shall be refunded to all ticket holders.

Subp. 5. Dead heats. If two horses finish in a dead heat for:

- A. first, the pay-off price shall be figured as in a place pool;

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

B. second, the winner of the race receives its half share of the profits in that pool, and each of the two horses that dead heats for second receives one-half of the remaining half of the profits; or

C. third, the first and second horses each receive a normal one-third of the profits in that pool; and the two horses that dead heat for third, each receives one-half of the remaining third of the profits.

Subp. 6. Coupled entry finishing in the money. If two horses coupled in the betting as an "entry" or the "field" finish first and second, first and third, or second and third, the division of the net show pool shall be as follows: two-thirds of the net show pool shall be allotted to the pool of the entry and the remaining one-third to the other horse.

Subp. 7. Coupled entry in dead heat finishing in the money. If one horse of an entry or field finishes first or second and the other part of the same entry or field finishes in a dead heat for third with another horse, the division of the net show pool shall be as follows: one-half of the pool to the entry, one-third to the other first or second place finisher, and one-sixth to the horse finishing in the dead heat.

Subp. 8. Field or entry finishing first, second, and third. If the coupled entry or field horses finishes first, second, and third, the money in each pool goes to the entry or field tickets, no other tickets participating.

7873.0130 PREVENTION TO START.

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

A. If any horse is so prevented from starting, the entire amount in the win, place, and show pools wagered on that horse shall be promptly refunded unless the horse finishes first, second, or third, in which case the horse shall be considered a starter for all pools in which the horse earned a placing and a non-starter in all other pools. However, there shall be no refund if the horse is part of a coupled entry or field.

B. In races on which multiple wagering is permitted, except on the second half of the daily double or pick six, if a horse is so prevented from starting, the entire amount wagered on any combination including that horse shall be promptly refunded.

7873.0140 FAILURE TO START.

In the event of horses failing to start, the following shall apply:

A. If fewer than five horses in different betting interests leave the stalls, the entire amount wagered in the show pool shall be promptly refunded.

B. If fewer than four horses in different betting interests leave the stalls, the entire amount wagered in the place and show pools shall be promptly refunded.

C. If fewer than two horses leave the stalls, the entire amount wagered to win, place, and show pools shall be promptly refunded.

7873.0150 SCRATCHES.

For all wagers other than the daily double or pick six, a refund at face value shall be made to all holders of pari-mutuel tickets on horses that have been withdrawn, dismissed, or have participated in a race in which no horse finished. No refund shall be made if the scratched, withdrawn, or dismissed horse is part of a coupled entry or field.

7873.0160 DAILY DOUBLE.

Subpart 1. Scope. The daily double wager combines two horses in two successive races, selecting the horses which will finish first in the official order of finish of each of the two races. The first of these races is designated as the first half of the daily double and the subsequent race the second half. All daily double wagers must be calculated in an entirely separate pool.

Subp. 2. No winning combinations sold. The following calculations shall be used when no winning daily double combinations are sold:

A. If no winning combination is sold, the total money is computed as a place pool with those who have picked the winner of the first half and those who have picked the winner of the second half participating in the pool.

B. If no ticket is sold on the winner of the second half, the entire pool is apportioned to holders of the tickets on the winner of the first half.

C. If no ticket is sold on the winner of the first half, the entire pool is apportioned to the holders of tickets on the winner of the second half participating in the pool.

D. If no tickets are sold containing the numbers of either winner, the pool shall be allotted to those having tickets on horses finishing next to the winners.

Subp. 3. Dead heats. If a dead heat should result in the first or second race of the daily double, the total pool is figured as a place pool.

Subp. 4. Scratches from daily double before first half is run. Should any horse or horses entered in the first or second half of the daily double be scratched, excused by the stewards, or prevented from racing before the first half of the daily double has been run, the money wagered on any horse or horses so scratched, excused, or prevented from racing shall be deducted from the daily double pool and refunded to the purchaser or purchasers of tickets on the horse or horses so scratched, excused, or prevented from racing.

Subp. 5. Scratches in second half to result in consolation pool. Should any horse be scratched, excused, or prevented from racing in the second half of the daily double, after the first half is official, all tickets combining the scratched horse with winner of first half of the daily double shall become consolation tickets and shall be paid a price per dollar denomination calculated as follows: The net daily double pool shall be divided by the total purchase price of all tickets combining the winner of the first half, and the quotient thus obtained shall be the price to be paid to holders of tickets combining the winner of the first half and the scratched or excused horse of horses in the second half. The entire consolation pool (number of eligible tickets times the consolation price) shall be deducted from the net daily double pool.

Subp. 6. Announcement of payoff prices. The possible payoff prices shall be posted or announced to the public before the start of the second half of the daily double.

7873.0170 QUINELLA.

Subpart 1. Scope. The winning quinella combination shall be the first two horses to finish the race. The order in which the horses finish is immaterial. All tickets on the quinella must be calculated in an entirely separate pool.

Subp. 2. No winning combinations sold. The following calculations shall be used when no winning quinella combinations are sold:

A. If there are no tickets sold on the winning combinations in a quinella race, all quinella tickets bearing the number of the individual win horse and all quinella tickets bearing the number of the individual place horse shall be deemed winning tickets and the payoff shall be calculated as a place pool.

B. If there are no tickets sold on the winning combination in a quinella race and if there are no quinella tickets sold with the number of the individual win horse, all quinella tickets bearing the number of the individual place horse shall be deemed winning tickets and the payoff shall be calculated as a win pool.

C. If there are no tickets sold on the winning combination in a quinella race and if there are no quinella tickets sold bearing the number of the individual place horse, all quinella tickets bearing the number of the individual win horse shall be deemed winning tickets and the payoff shall be calculated as a win pool.

D. If there are no tickets sold on the winning combinations in a quinella race and if there are no quinella tickets sold bearing the number of the individual win horse and if there are no quinella tickets sold bearing the number of the individual place horse, the quinella shall be deemed "no race" and all money in the quinella pool shall be promptly refunded.

Subp. 3. If only one horse finishes, race declared "no race." If only one horse finishes in a quinella race, the quinella shall be deemed "no race" and all money in the quinella pool shall be promptly refunded.

Subp. 4. Dead heats. The following calculations shall be used in the event of dead heats.

A. If there is a two horse dead heat for win in a quinella race, the two horses involved in the dead heat shall be the winning quinella combination.

B. If a multiple dead heat for win results, all horses involved in the dead heat shall be the winning combinations. Example: if numbers 1, 3, 5, and 7 dead heat for win, the winning quinella combinations would be 1-3, 1-5, 1-7, 3-5, 3-7, and 5-7. The net pool, after deducting the amounts wagered on the winning combinations will be equally distributed in payoff calculations on the winning combinations.

C. If there is a two horse dead heat for place in a quinella race, the total pool is calculated as a place pool.

D. If a multiple dead heat for place results in a quinella race, all combinations coupling the winning horse with the individual place horses shall be winners of the quinella race and payoffs calculated accordingly.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

7873.0180 PERFECTA OR EXACTA.

Subpart 1. Scope. A perfecta or exacta wager combines two horses in a single race, selecting the horse which will finish first and the horse which will finish second in that race in the official order of finish. All perfecta or exacta wagers must be calculated in a separate pool.

Subp. 2. No winning combination sold. If no ticket is sold on the winning perfecta or exacta combination, the net pool shall be distributed equally among holders of tickets selecting the winning horse to finish first and holders of tickets selecting the second place horse to finish second.

Subp. 3. Dead heats. The following calculations shall be used in the event of dead heats.

A. In case of a dead heat between two horses for first place, the net pool shall be calculated and distributed as a place pool to holders of tickets of the winning combination. Example: if numbers 2 and 5 dead heat for win, the winning combination would be 2-5 and 5-2.

B. In case of a dead heat between two horses for second place, the pool shall be figured as a place pool, the holders of tickets combining the winning horse and the two horses finishing second participating in the payoff. Example: if number 2 wins with numbers 5 and 6 a dead heat for second, the winning combinations would be 2-5 and 2-6.

C. If there is a dead heat for second place, if no ticket is sold on one of the two winning combinations, the entire net pool shall be calculated as a win pool and distributed to those holding tickets on the other winning combination. Example: if number 2 won and numbers 5 and 6 were a dead heat for second, 2-5 and 2-6 would be the winning combination. However, if no ticket was sold with a 2-5 combination, the net pool would be distributed to holders of the 2-6 combination.

D. If no tickets combine the winning horse with either of the place horses in the dead heat, the pool shall be calculated and distributed as a place pool to holders of tickets representing any interest in the net pool. Example: if number 2 won and numbers 5 and 6 were a dead heat for second, 2-5 and 2-6 would be the winning combinations. However, if no ticket was sold with the 2-5 or 2-6 combination, the net pool would be distributed to holders of any ticket with 2 in the win position as part of the combination with any other number (2-1, 2-3, 2-4, 2-7, 2-8 of an eight horse field) and to holders of any ticket with 5 or 6 in the place position with any other number (1-5, 3-5, 4-5, 6-5, 7-5, 8-5, 1-6, 3-6, 4-6, 5-6, 7-6, 8-6 of an eight horse field).

Subp. 4. Refund of pool. A refund of the perfecta or exacta pool shall occur when:

A. No ticket is sold that would require distribution of a perfecta or exacta pool to winners as defined in this part.

B. Only one horse finishes in a perfecta or exacta race.

7873.0190 PICK SIX.

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

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

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

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

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

Subp. 6. Calculation of pool. The pick six pari-mutuel pool shall be calculated as follows:

A. One hundred percent of the net amount in the pari-mutuel pool subject to distribution among winning ticket holders shall be distributed among the holders of pari-mutuel tickets which correctly designate the official winner in each of the six races comprising the pick six.

B. In the event there is no pari-mutuel ticket properly issued which correctly designates the official winner in each of the six races comprising the pick six, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick six pari-mutuel pool for the next

succeeding racing date as an additional net amount to be distributed. The remaining 25 percent shall be distributed among the holders of pick six tickets which correctly designate the most official winners of the six races comprising the pick six.

C. Should no distribution be made pursuant to item A on the last day of the association's meeting, then the entire distributable pool and all money accumulated in the pool shall be distributed to the holders of tickets correctly designating the most winning selections of the six races comprising the pick six for that day.

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

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

Subp. 9. Cancellation of race comprising pick six. In the event one or more of the races comprising the pick six is canceled for any reason, or in the event one or more of the races comprising the pick six is declared as no contest by the stewards, 75 percent of the pari-mutuel pool shall not be distributed but shall be retained by the association as distributable amounts and shall be carried over and included in the pick six pari-mutuel pool for the next succeeding racing date as an additional net amount to be distributed. The remaining 25 percent shall be distributed among the holders of pick six tickets which correctly designate the most official winners of the remaining races comprising the pick six.

Subp. 10. No pick six ticket to be exchanged or canceled. No pari-mutuel ticket for the pick six pool shall be sold, exchanged, or canceled after the time of the closing of wagering in the first of the six races comprising the pick six, except for the refunds on pick six tickets as required by this part, and no person shall disclose the number of tickets sold in the pick six pool or the number or amount of tickets selecting winners of pick six each day to be official.

7873.0200 "OFFICIAL" SIGN.

Any ruling of the stewards with regard to the award of purse money made after the "official" sign has been posted shall have no bearing on the mutuel payoff.

7873.0210 LOST TICKETS.

No claims for lost pari-mutuel tickets shall be considered.

7873.0220 ALTERED OR MUTILATED TICKETS.

A mutilated or altered pari-mutuel ticket that is not easily identifiable as being a valid ticket shall not be accepted for payment.

7873.0230 INFORMATION WINDOW.

Each association shall provide at least one information or complaint window where complaints may be made by members of the public. A current set of all commission rules regarding the conduct of pari-mutuel wagering shall be available for public inspection during racing hours at every such window.

7873.0240 TIP SHEETS.

Subpart 1. Number of tip sheets. Not less than two independently-handicapped tip sheets shall be available at a racetrack. Each handicapper must sign and deliver the sheet at least one hour before post time for the first race to a commission representative at the racetrack.

Subp. 2. Previous day's sheet to be posted. The previous race day's tip sheet and its outcome must be displayed in a conspicuous place within the grandstand area of the racetrack for inspection by patrons.

Subp. 3. Tip sheet vendors must be licensed. All persons holding a tip sheet concession at the racetrack must be approved and licensed as a vendor by the commission.

7873.0300 SIMULCAST WAGERING.

Subpart 1. Request. Upon written request of a Class B or Class D licensee (association), the commission may approve wagering on races televised to Minnesota from another licensed racing jurisdiction. The request must be made not less than

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

seven days prior to the race to be televised. The request must be accompanied by a signed reciprocal agreement among the racetrack originating (hosting) the broadcast, the association representing the horsepersons at the host track, the Minnesota racetrack receiving the broadcast, and the association representing the horsepersons at the Minnesota racetrack receiving the broadcast.

Subp. 2. Approval. All approved simulcast races must be conducted at the licensed racetrack on a racing day assigned to an association by the commission. Racing must be conducted on that racing day pursuant to Minnesota Statutes, section 240.14, subdivision 10.

Subp. 3. Pari-mutuel pools. All takeout and taxes on simulcast pari-mutuel pools must be in accordance with Minnesota Statutes, section 240.15, subdivision 1, paragraph (a).

Subp. 4. Purses. An amount equal to five percent of all pools on televised races must be set aside to be used for purses pursuant to Minnesota Statutes, section 240.13, subdivision 5.

Subp. 5. Compliance with laws. In addition to all state laws and applicable rules of the commission, simulcast wagering must be in compliance with United States Code, title 15, section 3001, et seq.

7873.0400 TELEPHONE ACCOUNT WAGERING.

Subpart 1. Request. Upon written request of a Class B or Class D licensee (association), the commission may approve telephone account wagering to be conducted on the premises of a licensed racetrack. The request must show how the telephone account wagering system will promote the success and integrity of racing, public interest, necessity, and convenience; and the impact on the economic viability of the applicant racetrack and all other racetracks licensed by the commission including pari-mutuel handle.

Subp. 2. Requirements. The association must meet the following requirements prior to conducting telephone account wagering:

A. A Minnesota-only "800" telephone system must be installed to receive wagers. No wagers may be accepted except by use of the required "800" telephone system.

B. The Minnesota-only "800" telephone system must be capable of recording all conversations and transactions conducted. The recording device must be used at all times when calls are received, and all recordings must be kept for a period of no less than 90 days for inspection by the commission.

C. Employees of the association receiving telephone account wagers must be holders of a current Class C pari-mutuel license issued by the commission.

D. The association must use a totalizator system capable of recording all transactions conducted by the telephone account wagering system.

Subp. 3. Conduct of telephone account wagering. Telephone account wagering shall be conducted in the following manner:

A. A person desiring to open a telephone wagering account must:

- (1) be 18 years old or older and provide proof of identification and age;
- (2) deposit with the association no less than \$100 in cash or by certified check or money order; and
- (3) obtain a code number and code name assigned by the association.

B. All wagering transactions must begin with the customer stating his or her code name and number. Thereafter, transactions shall be identified by the race number, the types and amounts of wagers, and by horse numbers. The information must be repeated by the pari-mutuel clerk and the customer's account balance must be given to the customer after each transaction.

C. The total amount of all telephone account wagers shall be included in the respective pools for each race. The amount wagered from individual accounts shall be debited accordingly, and any winnings shall be automatically credited to such accounts upon the race being declared "official."

D. Actual race results may not be divulged to telephone account customers during racing hours; however, account balances may be given.

Subp. 4. Reports to be filed. Each association conducting telephone account wagering must provide complete reports to the commission on a weekly basis. The reports must include a record of all debits, credits, balances, and any complaints received and the disposition of such complaints.

Subp. 5. Compliance with rules. Telephone account wagering shall be conducted in compliance with all state and federal laws and other applicable rules of the commission.

**CHAPTER 7875
MINNESOTA RACING COMMISSION
FACILITIES AND EQUIPMENT**

7875.0100 FACILITIES.

Subpart 1. Facilities. Each association must include a receiving barn, detention facility, paddock, room for jockeys and drivers, lighting, stalling, restrooms, medical facilities, racing officials' space, viewing room, commission office and parking space, space for the Bureau of Criminal Apprehension, and complaint desk which meet the needs of patrons, officials, horsepersons, other persons on the premises, and horses.

Subp. 2. Maintenance. Each association must maintain its facility so that it is neat and clean, painted, and in good repair with consideration for the safety, health, and comfort of persons on the premises, and safety and health of horses.

Subp. 3. Reports. No later than 30 days before the first day of any meeting, the association shall submit to the commission the most recent inspection reports issued by governmental authorities regarding the condition of facilities, sanitation, and fire prevention, detection, and suppression.

Subp. 4. Racing surfaces. The association conducting the first thoroughbred and harness meetings of the year at a racetrack must, within seven days after the meeting commences, submit to the commission evidence that the construction, elevation, and composition of racing and training surfaces have received engineering and veterinarian approval as safe and humane.

Subp. 5. Distance poles. Distance poles on a race course shall be the following colors:

- A. quarterpoles, red and white;
- B. eighth poles, green and white; and
- C. 16th poles, black and white.

7875.0200 EQUIPMENT.

Subpart 1. Equipment. Each association must include equipment, devices, or apparatus necessary to start, time, film or tape, and photograph the finish of every race. Equipment necessary to view photographs, films, and tapes of each race must be provided. Each association must include pari-mutuel equipment, devices, or apparatus necessary to sell and cash tickets and calculate and display odds. An association also must include adequate internal communications equipment.

Subp. 2. Totalizator. Totalizator equipment must be designed to calculate, at intervals of not more than 60 seconds between each complete change, the total amounts wagered on each betting interest as wagering progresses. Approximate odds on each betting interest in the win pool shall be updated on the totalizator board at intervals of no more than 60 seconds. Approximate odds or approximate payoffs on all multiple pari-mutuel pools, except the pick six, shall be displayed on television monitors at regular intervals. The totalizator equipment shall provide a record of total amount wagered and amount wagered on each betting interest.

Subp. 3. Internal communications. An internal communications system shall link the stewards' stand, pari-mutuel department, patrol judges, and other locations which the commission determines necessary to internal communications.

Subp. 4. Starting gates. At least two starting gates must be in service on each race day and shall be tested daily prior to the first race. Two tractors or teams of draught horses shall be positioned to pull any gate from a racecourse. Thoroughbred starting gates must be padded to prevent injury to jockeys, assistant starters, and horses. The arms of a standardbred starting gate shall have a screen or shield in front of each horse, and the arms shall be perpendicular to the rail when extended.

Subp. 5. Photo-finish. A photo-finish system must simultaneously use a back-up camera in case of malfunction of the primary system.

Subp. 6. Timing. An association must use an electric timing system. An official shall be designated to use a hand-held stopwatch to record the time should the electric timing system fail.

Subp. 7. Film patrol. Color film or color videotape recordings shall show clearly the position and actions of horses, jockeys, and drivers at close range. At least three cameras shall be used for every race to provide panoramic and head-on views of the race.

Subp. 8. Preservation. All photo-finish film or videotape records shall be preserved for at least 90 days after a close of a

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

meeting or until legal proceedings involving a recorded race are concluded, whichever is later.

Subp. 9. External communications. An association may have telephone or telegraph systems on the premises during a race meeting for the benefit of the public press or for transacting ordinary business, but no formation regarding the results of any race shall be transmitted out of the racetrack until the results are official, nor shall any message be sent over said wires transmitting money, or other things of value, or directing the placing of any wager on the result of a race.

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

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

All telephones or other instruments of communication, other than those designated for the sole use of the commission or those approved by the commission for use during racing, must be rendered inoperable between the hours starting 30 minutes before post time for the first race and the flashing of the "official" sign following the last race.

CHAPTER 7876 MINNESOTA RACING COMMISSION STABLING

7876.0100 ON-TRACK STABLING.

Subpart 1. Allocation of stalls. The racing secretary shall be responsible for stall allocation unless the association appoints a committee to perform that function and so notifies the commission.

Subp. 2. Forms. The association shall allocate stalls pursuant to a written stall application and agreement, on forms approved by the commission.

Subp. 3. Notice. The association shall give each applicant written notice with regard to each stall requested. The notice shall specify whether each application was accepted, denied, or placed on a pending status. The notice shall be given no later than five days before the first day of the race meeting, or ten days after receipt of the stall application, whichever shall be last to occur. The association shall give the applicant written notice of final action on an application.

Subp. 4. Discretion. The association shall be allowed broad discretion in allocating stalls, but its actions shall be governed by the best interests of racing and of the race meeting.

Subp. 5. Restrictions. No action on a stall application shall be based upon:

- A. the race, color, creed, religion, national origin, or sex of the applicant;
- B. an arbitrary or capricious decision, or a decision not related to the best interests of racing or of the race meeting; and
- C. the payment, transfer, or delivery to the association or to any person designated by it, of money, property, or other thing of value, or upon the applicant's promise to make such payment, transfer, or delivery.

Subp. 6. Misuse of property. Previous misuse of racetrack property by an applicant may be considered when stall assignments are made.

Subp. 7. Minnesota residents have preference. In considering stall applications that are of substantially equal merit, the association shall give preference to applications submitted with respect to horses owned by Minnesota residents.

Subp. 8. Documents to be kept. The association shall cause all stall applications, stall agreements, correspondence, and documents that influenced its decision to grant or deny stalls, including past performance charts, to be retained until the close of the race meeting or for such longer periods as the commission may direct.

7876.0110 OFF-TRACK STABLING.

Subpart 1. Stabling. A horse racing at a licensed race meeting may be stabled within the confines of the racetrack, at another racetrack licensed by the commission or other racing jurisdiction, or at off-track facilities. The association conducting the meeting shall provide temporary stabling for horses eligible to race that are brought to a race from another racetrack or off-track facilities.

Subp. 2. Requirements of commission must be met at racetrack. All workout, tattooing, approval from the starting gate, and eligibility requirements of the commission or stewards must be secured at a licensed racetrack at which racing is being conducted.

Subp. 3. Horses must be at racetrack by scratch time. All horses shipped from another racetrack or off-track stabling facility to a racetrack for a race must be at the racetrack before scratch time for that race.

**CHAPTER 7877
MINNESOTA RACING COMMISSION
CLASS C LICENSES**

7877.0100 GENERAL REQUIREMENTS.

Subpart 1. Scope. Except as otherwise provided by rule, any person whose work, in whole or in part, is conducted at a licensed racetrack shall first obtain a Class C license from the commission.

Subp. 2. Licensing criteria. In issuing a Class C license, the commission shall first determine that the applicant's age, experience, reputation, competence, record of law abidance, and financial responsibility are consistent with the best interests of horse racing, the provisions of Minnesota Statutes, chapter 240, and that licensure will not adversely affect the public health, welfare, and safety within Minnesota.

7877.0110 PROCEDURE FOR OBTAINING CLASS C LICENSE.

Subpart 1. Application. A person desiring a Class C license shall make application on forms provided by the commission and, upon written request of the commission, shall provide information supplemental to the application. Applications may be obtained from and filed with the licensing office at any current race meeting regulated by the commission, or with the commission's main office.

Subp. 2. Application content. An application for a Class C license shall include the following information with respect to the applicant:

- A. date of birth;
- B. social security number;
- C. home address;
- D. home telephone number;
- E. names, addresses, and telephone numbers of previous employers;
- F. educational background;

G. a signed statement authorizing the release of information to the commission and the Minnesota Bureau of Criminal Apprehension; and

- H. two completed FBI fingerprint cards.

Subp. 3. Application submission. An application shall not be considered filed until the application form has been filled out completely and all information requested by the commission has been supplied.

Subp. 4. Racing officials. Each association shall submit to the commission for its approval or disapproval the names of all persons whom the association has selected as racing officials, and other employees whose duties relate to the actual running of races. The list shall include, where applicable, the following racing officials:

- A. assistant racing secretary;
- B. association veterinarian;
- C. claims clerk;
- D. clerk of course (harness);
- E. clerk of scales (thoroughbred);
- F. clocker (thoroughbred);
- G. director of security;
- H. equipment inspector (harness);
- I. general manager;
- J. identifier;
- K. jockeys' or drivers' room custodian;

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

- L. mutuels manager;
- M. paddock judge;
- N. patrol judge;
- O. placing judge;
- P. program director (harness);
- Q. outrider;
- R. racing secretary;
- S. starter;
- T. stewards;
- U. timer; and
- V. track superintendent.

The list of racing officials' names shall be submitted to the commission in writing at least 30 days prior to the opening of each race meeting.

The association shall be responsible for filing a complete application for a Class C license with respect to each nominee who has not been previously licensed by the commission as a racing official.

The commission may request any person whose name is proposed as a racing official to submit to a physical examination and to forward the results of said examination to the commission. The request shall be made only where there is a reasonable basis for suggesting that the applicant's physical condition would hinder or prevent him or her from performing the duties of a racing official.

The commission shall act on the association's list of officials at a meeting of the commission. If commission staff recommends disapproval of an official, the association shall be notified of that recommendation in advance of the commission's meeting.

7877.0120 FEES.

Subpart 1. License fees. Each application for a Class C license, or its renewal, shall be accompanied by the payment of an annual fee according to the following schedule:

- A. authorized agent, \$25;
- B. bloodstock agent, \$100;
- C. concessionaire/vendor, \$100;
- D. concessionaire/vendor employee, \$10;
- E. driver (harness), \$25;
- F. exercise rider, \$15;
- G. farrier, \$25;
- H. farrier's assistant, \$10;
- I. groom, \$5;
- J. horsepersons' bookkeeper, \$25;
- K. hotwalker, \$5;
- L. jockey, \$25;
- M. jockey agent, \$25;
- N. jockey, apprentice, \$25;
- O. owner, individual, \$25;
- P. owner, multiple, \$100;
- Q. owner/trainer/driver, \$25;
- R. pari-mutuel clerk, \$10;
- S. pharmaceutical representative, \$100;

- T. photo-finish operator, \$100;
- U. photographer, track, \$100;
- V. pony rider, \$10;
- W. racing official, \$25;
- X. stable foreman, \$5;
- Y. trainer, \$25;
- Z. trainer, assistant, \$15;
- AA. totalisator owner, \$100;
- BB. valet, \$5;
- CC. veterinarian, \$100;
- DD. veterinary assistant, \$25; and
- EE. others, \$10.

Subp 2. Fingerprint charge. In addition to the license fee in subpart 1, each initial application for a Class C license, and each renewal application every third year thereafter, shall be accompanied by two completed FBI fingerprint cards and a properly executed certified check, cashier's check, or money order in the amount of \$12 payable to "Federal Bureau of Investigation."

Subp. 3. Jockey mount fees. Except as otherwise specially agreed by the parties, the fees to be paid jockeys shall be according to the following fee scale:

Purse	Winning Mount	Second Mount	Third Mount	Losing Mount
\$400 and Under	\$27	\$19	\$17	\$16
500	30	20	17	16
600	36	22	17	16
700-900	10%	25	22	20
	of win purse			
1,000-1,400	10%	30	25	22
	of win purse			
1,500-1,900	10%	35	30	28
	of win purse			
2,000-3,400	10%	45	35	33
	of win purse			
3,500-4,900	10%	55	45	35
	of win purse			
5,000-9,900	10%	65	50	40
	of win purse			
10,000-14,900	10%	5% of place	5% of show	45
	of win purse	purse	purse	
15,000-24,900	10%	5% of place	5% of show	50
	of win purse	purse	purse	
25,000-49,900	10%	5% of place	5% of show	60
	of win purse	purse	purse	
50,000 and up	10%	5% of place	5% of show	75
	of win purse	purse	purse	
100,000 and up	10%	5% of place	5% of show	100
	of win purse	purse	purse	

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Subp. 4. Driver's fee. In the absence of a contract or special agreement, drivers' fees shall be \$20 or five percent of the purse earned, whichever is greater.

A. For the purpose of this subpart "purse earned" means the amount paid the winning horse less the fees paid by the owner to enter the horse in the race.

B. The purpose of this subpart is not to set a minimum or a maximum fee, but merely to provide a fee in the event that the parties have not made any other written agreement to the contrary.

A driver's fee shall be considered earned when the horse which the driver has been engaged to drive leaves the paddock for the post; provided, however, that in the event of a substitution of drivers after the fee is considered earned, no additional driver fee or double driver fee need be paid except when so ordered by the stewards.

C. In the event the parties reach an agreement with respect to the fee to be paid the driver, a contract or agreement in writing signed by the driver (or his or her agent) and the owner (or his or her authorized agent) specifying the agreed upon fee shall be delivered to the horsepersons' bookkeeper prior to the running of the race in question. The horsepersons' bookkeeper shall debit the owner's account in accordance with the contract or written agreement.

D. If no contract or written agreement is submitted to the horsepersons' bookkeeper prior to the running of the race in question, the horseperson's bookkeeper shall debit the owner's purse account in accordance with the fee scale in subpart 2.

7877.0125 CRITERIA FOR DETERMINING ELIGIBILITY.

Subpart 1. Age. An applicant for a Class C license shall be at least 14 years of age unless an older age is required by statute or rule; however Class C licensees who work in proximity to horses shall be at least 16 years of age.

Subp. 2. Burden of proof. If an applicant for a Class C license has had a license denied or had his or her license suspended or revoked or been excluded by another racing jurisdiction, the commission shall consider such fact as prima facie evidence that the applicant is unfit to be granted a Class C license, and the burden of proof shall rest upon the applicant to establish his or her fitness. In reviewing such applications, the commission shall consider the factors provided in part 7877.0100, subpart 2.

Subp. 3. Compliance with laws. An applicant for a Class C license shall certify that he or she is in compliance with all applicable racing, tax, affirmative action, and workers' compensation laws and rules.

7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC LICENSES.

Subpart 1. Individual owners. An applicant for an individual owner's license must own or lease a horse eligible to race in Minnesota which is under the care of a trainer licensed by the commission.

If younger than 18 years of age, an applicant for an individual owner's license must submit a notarized affidavit from his or her parent or legal guardian stating that the parent or legal guardian assumes responsibility for the applicant's financial, contractual, and other obligations relating to the applicant's participation in racing. A parent or legal guardian submitting such an affidavit also shall submit information required in part 7877.0110, subpart 2. If the commission has reason to doubt the financial responsibility of an applicant for an individual owner's license, the applicant shall complete a verified financial statement.

Subp. 2. Multiple owners. Applicants for a multiple owner's license must comply with the following requirements.

A. A corporation, general partnership, limited partnership, trust, or any combination of two or more individuals which owns or leases a horse eligible to race in Minnesota (hereinafter referred to as "multiple owner") must obtain a Class C license issued by the commission.

B. Directors, officers, general partners, policymakers, and all holders of direct or indirect record or beneficial ownership or other voting interests or control, whether absolute or contingent, of five percent or more in a multiple owner also must obtain Class C licenses issued by the commission.

C. Individuals or entities required by items A and B to obtain a Class C license must make their best effort, as defined in part 7870.0030, subpart 2, item E, to disclose to the commission in writing at the time of each Class C license application and renewal request, any interest in a race horse other than horses owned or leased by the multiple owner, and any agreement or understanding entered into regarding the racing of horses owned or leased by the multiple owner or the benefits of racing the horses.

D. A multiple owner must make its best effort, as defined in part 7870.0030, subpart 2, item E, to disclose to the commission in writing at the time of each Class C license application and renewal request, the nature and extent of every direct or indirect record or beneficial ownership or other voting interest or control, whether absolute or contingent, in the multiple owner. The disclosure shall include the names and addresses of every individual and other entity. The individuals and other entities identified shall not be licensed and shall not have access to restricted areas at racetracks.

E. A corporation must file with the commission, at the time of application for a Class C license, a copy of its articles of incorporation and a notarized statement signed by its chief executive officer agreeing to represent the entire ownership and be responsible for the corporation's horses and all racing matters.

F. A general partnership shall file with the commission, at the time of its application for a Class C license, a copy of the partnership agreement and a notarized agreement signed by all the partners designating a partner to represent the entire ownership and be responsible for the partnership's horses and all racing matters.

G. A limited partnership shall file with the commission, at the time of its application for a Class C license, a copy of the partnership agreement and a notarized designation of a general partner to represent the entire ownership and be responsible for the partnership's horses and all racing matters.

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

A. An applicant for a trainer's license or an assistant trainer's license must be at least 18 years old.

B. Any person applying for the first time in Minnesota for a trainer's or assistant trainer's license shall submit to the examination required of prospective trainers and assistant trainers under subpart 4, items B and C unless the applicant has been licensed as a trainer or assistant trainer in another racing jurisdiction for at least the two preceding years.

C. An applicant for a trainer's license shall have at least one horse to train which is eligible to race in Minnesota. An applicant for an assistant trainer's license shall be employed by a licensed trainer with at least six horses in his or her stable at the time of filing the assistant trainer's application.

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

Subp. 4. Prospective trainers and assistant trainers. An applicant who has never been licensed by the commission or by another racing jurisdiction as a trainer or an assistant trainer must have at least two years' experience in an occupation that indicates a knowledge of horsemanship and racing practices.

A. The applicant must submit three letters of recommendation from former employers or currently licensed trainers attesting to the applicant's ability and experience.

B. The applicant must pass a written examination administered by the stewards, or their designee, covering such subjects as rules of racing, care and handling of horses, and proper use of racing equipment.

C. The applicant must pass a practical test of horsemanship administered by the stewards or their designee.

Subp. 5. Jockeys. Applicants for a jockey's license must comply with the following requirements.

A. An applicant for a jockey's license must be at least 16 years old.

B. The applicant must have been licensed previously as a jockey or apprentice jockey by the commission or by another racing jurisdiction.

C. The applicant must pass a physical examination by a licensed, practicing physician within a year prior to the first Minnesota race meeting at which he or she intends to ride.

D. An applicant for a jockey's license may not be the owner or trainer of a race horse.

Subp. 6. Apprentice jockeys. Applicants for an apprentice jockey's license must comply with the following requirements.

A. An applicant for an apprentice jockey's license must be at least 16 years old.

B. The applicant must have been licensed previously by the commission or another racing jurisdiction as an apprentice jockey or as an exercise rider, or have acquired comparable experience at a training facility or farm. If licensed as an exercise rider or acquired comparable experience, an applicant must demonstrate the ability to break a horse from a starting gate in company with other horses under the observation of a starter and, therefore, demonstrate to the stewards his or her ability to ride competitively in at least two races.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

C. An applicant must pass a physical examination by a licensed, practicing physician within a year prior to the first Minnesota race meeting at which he or she intends to ride.

D. Only thoroughbred races at authorized race meetings in the United States, Canada, or Mexico, which are reported in the Daily Racing Form or other recognized racing publication, shall be considered in determining eligibility for licensing as an apprentice jockey.

E. An applicant for an apprentice jockey's license may not be the owner or trainer of a race horse.

F. An apprentice jockey shall race under certificate issued by the commission in accordance with the standards in part 7877.0170, subpart 3, item B.

Subp., 7. Exercise rider. An applicant for an exercise rider's license must have been licensed as an exercise rider by the commission or by another racing jurisdiction. If unable to meet this requirement, an applicant shall demonstrate to the stewards, or their designee, the ability to ride a galloping race horse.

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

A. The applicant must have been licensed previously as a harness driver by the commission or another racing jurisdiction.

B. If the applicant has never been licensed as a harness driver, he or she must demonstrate to the stewards the ability to drive a horse at training speeds and must pass a written examination demonstrating knowledge of harness racing rules and horsemanship administered by the stewards or their designee.

(1) If such an applicant successfully completes those prerequisites, he or she shall be issued a "Q" (qualifying) license to compete in qualifying and other non-wagering races only.

(2) The holder of a "Q" license must drive in at least 12 qualifying or non-wagering races, under supervision of the stewards, before being awarded a harness driver's license.

Subp. 9. Veterinarians. An applicant for a veterinarian's license must provide proof of current validation to practice veterinary medicine in Minnesota.

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

Subp. 10. Farriers. An applicant for a farrier's license must have been licensed previously as a farrier by the commission or another racing jurisdiction, or must pass an examination related to the shoeing of race horses administered by the stewards or their designee.

Subp. 11. Pony riders. An applicant for a pony rider's license must have been licensed previously as a pony rider by the commission or by another racing jurisdiction. If unable to meet this requirement, the applicant must demonstrate his or her riding ability to the stewards or their designee.

Subp. 12. Stable foremen. An applicant for a stable foreman's license must have been licensed previously as a stable foreman by the commission or by another racing jurisdiction, or must have been licensed as a groom for at least one year in any racing jurisdiction.

Subp. 13. Jockey agents. An applicant for a jockey agent's license must have been licensed previously as a jockey agent by the commission or by another racing jurisdiction, and may represent no more than two jockeys and one apprentice jockey.

If never licensed as a jockey agent, the applicant must have at least one year's experience as a Class C licensee or have held an occupational license from another racing jurisdiction, and must pass a written examination administered by the stewards or their designee relating to jockey engagements, horse eligibility, and other topics relevant to his or her appointment as a jockey agent.

Subp. 14. Authorized agents. An applicant for an authorized agent's license must submit with his or her license application a written agency appointment authorizing him or her to act on behalf of a licensed owner or licensed trainer in racing matters not directly related to the care and training of horses. The authorization shall be on a form provided by the commission and shall define the powers, limits, and terms of the agency agreement. The authorization must be signed by the principals and notarized.

A separate notarized agency appointment is required for each principal an authorized agent intends to represent. All such agencies shall remain in effect for the duration of the licensing year unless written notice of revocation is submitted to the stewards at the meeting where the principal is racing.

Subp. 15. Bloodstock agents. Any person who for gain, gratuity, commission, or reward, in either money or goods, acts as an agent for the sale or purchase of any race horse not his or her own which is eligible to race at an authorized race meeting in Minnesota, and who offers for sale, offers to purchase for a client or for his or her own account for resale within 60 days, or offers his or her services as an agent in the purchase or sale of any race horse not his or her own which is eligible to race in Minnesota, must obtain a Class C license from the commission to act as a bloodstock agent.

7877.0135 DUAL LICENSING.

In determining whether to issue more than one Class C license to an applicant, the commission shall consider the nature of the licenses sought or already held, and whether holding multiple licenses would be a conflict of interest.

A. A person licensed as a jockey, veterinarian, or farrier may not be licensed in another capacity.

B. In addition to the prohibitions of item C, a person licensed as an owner may not be licensed as a jockey agent, nor may any person licensed as a jockey agent be licensed as an owner.

C. No racing official may serve or act in another capacity at a race meeting at which he or she is licensed as an official.

D. No Class C licensee shall act in any capacity other than that for which he or she is licensed.

7877.0140 TEMPORARY LICENSE.

Subpart 1. Issuance. Pending completion of an investigation of qualifications and fitness, and a decision by the commission to issue or deny a Class C license, the commission may grant a temporary license to a person who has filed a complete and sufficient application for a Class C license and paid all applicable fees. A temporary license must be granted if:

A. the applicant desires to act in a capacity for which a Class C license is required prior to the time the commission will make a decision on his or her application;

B. the applicant, in the exercise of reasonable care and diligence, could not have made application in time for the commission to make its decision before the applicant desires to commence the activity; and

C. the commission does not have reason to believe that the applicant is ineligible for the Class C license he or she seeks.

Subp. 2. Termination. A temporary license shall carry no presumption of qualifications or fitness and may be terminated summarily by the commission for cause.

A temporary license shall terminate upon a decision of the commission to issue or deny a Class C license, or 120 days after the grant of the temporary license, whichever occurs first.

In the event of termination of a temporary license, the Class C license fee shall be forfeited.

7877.0145 EMERGENCY LICENSE.

Subpart 1. Racing officials. If a racing official approved by the commission becomes incapacitated or is unable to perform his or her duties, the stewards may approve an emergency license. The approval shall be based on the standards in part 7877.0175, and must be reported to the commission for consideration at the next commission meeting. If the emergency licensee has not previously been considered by the commission, the association shall be responsible for immediately submitting a completed license application to the commission.

Subp. 2. Owners. If an owner is unable to complete an application for an owner's license because of absence or illness, the licensed trainer desiring to enter a horse in a race shall be permitted to apply for an emergency owner's license on behalf of the absent owner.

The trainer applying for an emergency owner's license on behalf of an absent owner must submit a notarized affidavit with the license application specifying the reasons the owner is unable to complete the application.

Any emergency owner's license shall be valid for a maximum of 21 days from the date issued.

7877.0150 REPLACEMENT LICENSE.

A person whose license (ID badge) is lost, destroyed, or mutilated must request issuance of a replacement license and pay a fee of \$10.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

7877.0155 CONDITIONS PRECEDENT TO LICENSING.

Acceptance of a Class C license, including a temporary or emergency license, shall mean that the licensee consents and agrees to the following conditions:

- A. The licensee will abide by commission rules.
- B. The licensee will abide by all rulings and decisions of the stewards, unless the commission has modified or reversed a ruling or decision after a hearing.
- C. The licensee will fully and truthfully provide information requested by the stewards or the commission in the course of an investigation, inquiry, or hearing.
- D. The licensee will notify the stewards or the commission immediately about any bribe, attempted bribe, or any violation of a statute or rule relating to horse racing or gambling of which he or she has knowledge.
- E. The licensee will submit to inspections and searches as hereinafter provided:
 - (1) When investigating for violations of law or rules upon racetrack grounds or at any location where horses eligible to race at a Minnesota race meeting are kept, the commission or the stewards may designate the Minnesota Bureau of Criminal Apprehension or another appropriate law enforcement agency as having authority to conduct searches of any Class C licensee, or any employee or agent of a Class A or Class B licensee under the commission's jurisdiction. This authority shall extend to searches and inspections of persons and personal effects in and about racetrack grounds or at locations where horses eligible to race are kept.
 - (2) Each applicant for a Class C license and each employee or agent of a Class A or Class B licensee consents to such searches and inspections, and waives all claims or possible actions for damages that he or she believes he or she may have suffered in connection with any such search or inspection.
- F. The licensee will, upon request of the commission or stewards, provide a blood or urine sample for analysis if the duties of the licensee place him or her in a position of danger or he or she commits an act that endangers a horse or human.
- G. The licensee shall, upon request, furnish the commission with additional sets of classifiable fingerprints on designated law enforcement agency cards.
- H. The licensee will conduct himself or herself in a manner that is not detrimental to the best interests of racing.

7877.0160 DURATION AND EXTENT OF CLASS C LICENSES.

- Subpart 1. Duration.** A Class C license shall expire at midnight on December 31 of the third calendar year after its issuance.
- Subp. 2. Extent.** A Class C license issued at one race meeting during the calendar year shall be eligible for validation at any other race meeting regulated by the commission that year provided that:
- A. the licensee is in good standing with the commission; and
 - B. the licensee furnishes proof of employment or other evidence that he or she is practicing the occupation for which he or she is licensed.
- Subp. 3. Change of employers.** A Class C licensee who changes employers must notify the commission's licensing office of the change no later than by the end of the next racing day of that race meeting.
- Subp. 4. Validation.** In the two calendar years after the year of issuance, each Class C license must be validated before the licensee engages in the activity for which the license was issued. The licensee must submit to the commission the current fee required by part 7877.0120 and a certificate on a form provided by the commission that he or she remains eligible to be licensed. The commission must validate a license after receipt of required submissions unless the licensee is determined to be ineligible. The commission may require fingerprints, a photograph, or other relevant data if it has reason to doubt the identity or eligibility of the licensee.

7877.0165 CREDENTIALS.

The commission shall issue an identification badge to each Class C licensee which must be validated for each racetrack at which the licensee's work is conducted.

The licensee must wear the badge on outer apparel at all times he or she is within any restricted area unless the activity for which he or she is licensed renders wearing of the badge on outer apparel unsafe or creates a substantial risk of loss, destruction, or mutilation of the badge, in which case the badge shall be in possession of the licensee.

No licensee shall permit any other person to use his or her badge for identification, entrance to the racetrack, or for any other purpose on or off the racetrack grounds.

7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.**Subpart 1. Owners.** Horse owners shall have the following responsibilities:

- A. Owners are responsible for stakes payment, jockeys' fees, and drivers' fees.
- B. Any owner wagering for a jockey/driver on any horse that the jockey/driver is to ride/drive for the owner shall keep a written record of the wager.
- C. Owners shall comply with rules of claiming as specified in chapter 7883.
- D. Racing colors must be registered with the commission when filing an application for an owner's license and upon payment of a \$10 annual fee. Authority for the use of racing colors must be sanctioned by the commission. Racing colors may not bear any advertising. Any difference between owners to the rights of particular colors shall be decided by the stewards. The registered colors of an owner may not be registered by another, except after five years of nonuse or abandonment by the original owner. Any temporary change from the registered colors of the owner must receive the prior approval of the stewards.

(1) The owner is responsible for the registration of colors and for their availability to, and use by, the jockey/driver engaged to ride the owner's horse.

(2) The colors to be worn by each jockey/driver in a race shall be described in the official racing program, and any change in colors from those described in the program shall be announced to the public prior to commencement of the race.

E. A licensed owner may register a stable name with the commission by filing an application on a form prescribed by the commission and paying a \$50 annual fee. No person may be registered under more than one stable name at the same time. No person may use the real name of any owner of race horses as a stable name. No stable name registration may be used for advertising purposes. A stable name which has already been registered may not be registered by another owner.

(1) The granting of a stable name registration by the commission shall not relieve any person from the obligation to file or register a fictitious name as provided by the laws of Minnesota.

(2) An application to register a stable name shall disclose the real names of all interests participating in the stable and the percentage of ownership interest of each, including the interest owned by any corporation, general partnership, limited partnership, trust, estate, or individual.

(3) A stable name may be changed at any time by registering a new stable name and by paying the \$50 annual fee. A stable name may be abandoned by giving written notice to the commission. Any change of five percent or more in ownership of a stable registered under a stable name shall be immediately reported to the commission.

(4) No owner may use his or her real name for racing purposes if he or she has a registered stable name, except with approval of the commission.

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

A. A trainer shall keep in his or her charge or under his or her supervision at the racetrack horses owned only by owners who are licensed by the commission.

B. A trainer shall ascertain the true identity of all horses in his or her charge.

C. A trainer shall be responsible for horses he or she enters as to eligibility; weight or other allowances claimed; physical fitness of the horse to perform credibly at the distance entered; absence of prohibited medication; proper shoeing, bandaging, and equipment; and timely arrival in the paddock.

(1) No trainer may start or permit a horse in his or her custody, care, or control to be started if he or she knows, or might have known, or has cause to believe, that the horse has received any medication in contravention of the provisions of chapter 7890.

(2) The trainer will be held responsible for any positive test sample unless he or she can show by substantial evidence that neither the trainer nor any employee or agent of the trainer was responsible for the administration of the medication.

(3) A trainer must guard each horse trained by him or her in such a manner and for such time prior to racing the horse as to prevent the administration of any medication prohibited by chapter 7890.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

D. A trainer must obtain a designated stall assignment from the association before occupying any stall on the racetrack grounds.

E. A trainer must register each horse in his or her charge within 24 hours of the horse's arrival at the racetrack by completing forms provided by the racing secretary. At the same time, any trainer of thoroughbred or quarter horses must submit with that registration a description of the owner's colors for each horse in his or her charge.

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

G. The trainer shall supply each horse in his or her care with adequate food, water, medical treatment, exercise, and shelter, and shall comply with all applicable provisions of Minnesota Statutes, chapter 343.

H. A trainer may use only veterinarians licensed by the commission to tend horses in his or her care that are entered to race.

I. No trainer may register under a stable name as trainer, but may be permitted to be the owner or part-owner of horses registered under the stable name.

J. A trainer shall represent an owner in making entries and scratches, and in all other matters pertaining to the running of a race.

K. A thoroughbred trainer shall personally attend his or her horses in the paddock, and shall supervise his or her horses' preparation to race, unless excused by the stewards because of illness or other emergency.

L. If a trainer is responsible for two or more horses in any race, the trainer shall instruct the jockeys or drivers he or she has engaged that each shall give his or her best effort and that each horse shall be ridden or driven to win.

M. If a horse entered to race becomes unfit for racing because of illness or injury, the trainer shall notify the stewards or the commission's veterinarian promptly.

N. A trainer is responsible for notifying the racing secretary of any circumstances that would necessitate changing a horse's registration or eligibility papers. This includes notifying the racing secretary when a horse is "nerved" pursuant to part 7897.0100, subpart 11.

O. A trainer is responsible for having each horse in his or her charge that is racing in Minnesota tested for equine infectious anemia (EIA) once every 12 months. The tests shall be performed by a laboratory approved by the United States Department of Agriculture. Trainers must maintain in their possession a written certificate of the EIA test.

P. A trainer must promptly report the death of any horse in his or her care at a licensed racetrack to the commission veterinarian and must comply with part 7891.0110 governing post-mortem examinations.

Q. If a trainer must be absent because of illness or any other cause, the trainer shall appoint another licensed trainer to fulfill his or her duties, and promptly report the appointment to the stewards. The absent trainer and substitute trainer will have joint responsibility for the condition of the horses normally trained by the absent trainer.

R. Trainers licensed as owners must train all horses owned wholly or in part by them.

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

A. An apprentice jockey must ride with a five-pound weight allowance beginning with his or her first mount and for one full year thereafter. If after one full year from the date of his or her fifth winning mount the apprentice jockey has failed to ride 40 winners, he or she shall continue to ride with a five-pound weight allowance for up to two more years from the date of his or her fifth winning mount or until he or she has ridden a total of 40 winners, whichever comes first. In no event shall an apprenticeship extend more than four years from date of initial licensure as an apprentice jockey.

B. For purposes of the remainder of this subpart, reference to "jockey" also includes apprentice jockey.

C. Each jockey engaged to ride in a race must be in the jockey's room at the reporting time specified by the stewards on each day he or she is scheduled to ride. Upon arrival, the jockey shall report to the clerk of scales.

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

E. Each jockey engaged to ride in a race shall report his or her riding weight to the clerk of scales at the time specified by the association.

F. Each jockey engaged to ride in a race must report to the clerk of scales for weighing-out not more than 30 minutes before post time for the first race, if he or she is riding in that race, nor sooner than the running of the preceding race, if he or she is riding in any other race.

G. The jockey's weight shall include his or her clothing (excluding helmet), boots, saddle, and saddle attachments.

H. No jockey may weigh-out if he or she is more than seven pounds over the weight assigned to his or her horse.

I. If employing an agent, a jockey is bound by all commitments made by the agent. If not employing an agent, the jockey shall conduct his or her business as if he or she were his or her own agent.

J. A jockey must fill his or her riding engagements. However, no jockey may be forced to ride a horse he or she believes to be unsafe, or to ride on a race course he or she believes to be unsafe.

K. A jockey unable to fulfill his or her riding engagements because of illness or injury must pass a physical examination conducted by a licensed physician before resuming race riding.

L. A jockey must wear the racing colors registered by the owner of the horse he or she is to ride, plus white riding pants, top boots, and a number on the right shoulder corresponding to the mount's number as shown on the saddle cloth and in the daily program.

M. A jockey must wear a fully padded fiberglass helmet with a buckled chin strap while mounted upon any horse at a licensed racetrack.

N. In any race, a jockey shall ride to win or to finish as near as possible to first. A jockey shall not ease his or her horse without cause, even if the horse has no apparent chance to earn a portion of the purse.

O. A jockey shall make his or her best effort to control and guide his or her horse in such a way so as not to endanger his or her own horse or other horses and jockeys, nor to cause a foul.

P. A jockey shall unsaddle his or her own horse before weighing-in, and shall weigh-in with the equipment with which he or she weighed-out.

Q. Each jockey shall check the stewards' daily video replay list in the jockeys' room and report to the stewards, at the time designated, if so required by the list.

R. A jockey shall notify the stewards in writing on a form provided by the commission if he or she intends to sever a business relationship with an agent or if he or she intends to change agents. The notification must be signed by both the jockey and agent.

S. A jockey not prohibited by contract may agree to give first or second call on his or her services to any licensed owner or trainer. Such agreements must be in writing if for a period of more than 30 days.

T. A jockey employed by a racing stable on a regular salaried basis shall not ride against the stable. No owner or trainer shall employ or engage a jockey to prevent the jockey from riding another horse.

U. Conflicting claims for the services of a jockey shall be decided by the stewards.

V. A jockey mount fee shall be considered earned by a jockey when he or she is weighed-out by the clerk of scales, except in the following cases:

(1) When the jockey does not weigh-out and ride in a race for which engaged because an owner or trainer engaged more than one jockey for the same race. In such a case, the owner or trainer shall pay the appropriate fee to each jockey engaged for the race.

(2) When a jockey elects to take himself or herself off a mount without proper cause.

(3) When the stewards replace the jockey with a substitute jockey for reasons other than the jockey suffering an injury during the time between weighing-out and the start of the race.

W. Whenever a jockey from a foreign country, excluding Mexico or Canada, rides in Minnesota, the jockey must present a declaration sheet stating that he or she is a holder of a valid license and not under suspension, and that he or she agrees to be bound by the commission's rules. This sheet shall be retained by the clerk of scales and, at the conclusion of the jockey's participation in racing, shall be returned to the jockey properly endorsed by the clerk of scales stating whether ~~or not~~ the jockey incurred any penalty or had a fall.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Subp. 4. Drivers. In every race a driver shall drive so as to win or to finish as near as possible to first. The driver shall not ease a horse without adequate cause, even if the horse has no apparent chance to earn a portion of the purse.

Each driver shall make his or her best effort to control and guide his or her horse in such a way so as not to endanger other drivers or horses, and so as not to cause a foul.

A driver shall fulfill a commitment to drive, unless excused by the stewards. A driver unable to fulfill a commitment because of illness or injury must pass a physical examination before resuming race driving.

Each driver shall wear the traditional driver's costume in any pre-race warmup, post parade, race, or time trial. The costume shall consist of racing colors, white pants, and a fully padded fiberglass helmet buckled whenever the driver is in a sulky.

Subp. 5. Pharmaceutical representatives. Each pharmaceutical representative must register with the commission veterinarian at the racetrack, and file with the veterinarian for his or her approval a list of the items proposed to be sold or delivered.

Subp. 6. Bloodstock agents. Every bloodstock agent who participates as an agent in the purchase or sale of a race horse where any warranty of soundness, condition, or racing ability is expressed or implied shall file with the commission within five days of the date of sale a memorandum report of warranty which shall set forth all warranties expressed or implied. In the absence of any such filing it shall be presumed that no warranties were expressed or implied by the seller. A memorandum report of warranty shall be signed by both seller and purchaser or by the bloodstock agent acting in their behalf.

Every bloodstock agent who participates as an agent in the purchase or sale of any race horse eligible to race in Minnesota, where any condition of such purchase or sale includes any lien upon such horse by the seller or other person, shall file a memorandum report of conditional sale with the commission within five days of the date of sale.

Any warranty or condition of sale set forth in any sale catalog, printed offer of sale, or sales agreement shall be considered as a memorandum of warranty or condition of sale, whether or not filed with the commission.

No bloodstock agent shall misrepresent any material fact, nor knowingly withhold any material fact from any person connected with the sale of a horse, nor misrepresent his or her personal interest in any horse.

7877.0175 DUTIES AND RESPONSIBILITIES OF RACING OFFICIALS.

Subpart 1. Racing secretary. The racing secretary shall have the following responsibilities.

A. The racing secretary shall be responsible for scheduling races during a meeting; compiling and publishing condition books or sheets; assigning weights or making allowances for handicap races; processing all entries, nominations, and scratches; compiling a registry of all horses and owners participating at the race meeting, plus their corresponding colors and, when applicable, stable names; and establishing a purse structure for the race meeting.

B. The racing secretary shall make stall assignments pursuant to chapter 7876 and shall maintain a record of the arrival and departure of all horses stabled on the racetrack grounds.

C. The racing secretary shall be responsible for publication of the official daily program, if the association does not employ a program director.

D. The racing secretary shall be responsible for the daily posting of entries.

E. The racing secretary shall be responsible for the safekeeping of registration certificates, eligibility certificates, and racing permits for horses; for recording required information on such documents; and for returning the documents to the owners, trainers, or authorized agents at the conclusion of the race meeting. However, an association employing a clerk of the course may assign these duties to the clerk of the course.

F. The racing secretary shall maintain a list of horses that were entered but denied an opportunity to race because they were eliminated from a race programmed in the printed condition book.

G. The racing secretary's office shall keep up-to-date performance records on all horses registered to race at the racetrack. Such files shall be kept current and furnished intact to the racing secretary of the succeeding race meeting.

H. The racing secretary shall establish a preference system for horses which have been excluded from races due to overfilling and shall maintain the system for the duration of a meeting. The racing secretary shall be allowed broad discretion with regard to the preference system but shall act in the best interest of racing and the meeting.

Subp. 2. Clerk of scales. The clerk of scales shall have the following responsibilities.

A. The clerk of scales shall be responsible for the security, regulation, and control of the jockeys' room.

B. The clerk of scales shall supervise all valets and the issuance of numbered saddle cloths and equipment for each jockey.

C. The clerk of scales shall be jointly responsible, with each jockey's valet, for the proper attire and neat appearance of the jockey.

D. The clerk of scales shall be responsible for having changes in colors or jockeys posted and announced to the public before any race if the colors or jockeys differ from those listed in the daily program.

E. The clerk of scales shall weigh-out every jockey riding in the first race not more than 30 minutes before post time for the race. The clerk of scales shall weigh-out jockeys riding in any other race no sooner than the preceding race. In weighing-out each jockey, the clerk of scales shall record any overweight, which shall be posted and announced to the public at the time specified by the association.

F. The clerk of scales shall weigh-in every jockey in public view immediately after the finish of each race.

G. The clerk of scales shall notify the stewards immediately if:

- (1) a jockey fails to arrive in the jockeys' room at the designated time;
- (2) a jockey does not present himself or herself to be weighed-in;
- (3) a jockey is underweight or more than two pounds overweight, or if the jockey is guilty of any fraudulent practice with respect to weight or weighing;
- (4) a jockey dismounts before reaching the scales, unless the jockey or the horse is ill or disabled; and
- (5) the clerk of scales receives any complaint, objection, or protest from an owner, trainer, or jockey.

H. The clerk of scales shall notify the mutuels manager of every horse scratched pursuant to part 7883.0120.

I. The clerk of scales shall be responsible for maintaining and keeping up-to-date apprentice jockey's certificates and foreign jockey's declaration sheets.

Subp. 3. Starter. The starter shall have primary supervision over horses entered in any race from the moment they leave the paddock until the time that the start is effected.

A. The starter shall have radio or telephone communication with the stewards immediately available from the time the horses leave the paddock until the start is effected. The starter shall report to the stewards any disobedience of his or her orders or attempts to take unfair advantage at the starting gate.

B. The starter shall be responsible for providing a fair and equal start of all horses in a race by means of a starting gate. Whenever a horse is prevented from obtaining a fair start, the starter shall immediately notify the stewards.

C. The starter shall require and supervise schooling in the starting gate for any horse not sufficiently trained in starting gate procedures to ensure a fair and safe start. The starter shall maintain a list of any horses so ordered, and those horses shall be ineligible to start until they are sufficiently schooled in starting gate procedures and until the starter has removed their names from the schooling list.

D. The following starter's duties and responsibilities are applicable only to thoroughbred racing:

(1) The starter shall cause all horses to be loaded in order of post position, except for unruly horses, which may be loaded out of order with the consent of the stewards.

(2) The starter shall appoint and use the services of assistant starters as necessary, and shall daily change the gate position of each assistant starter without notice to the assistant starters until the field for the first race comes onto the track.

(3) The starter shall honor the written request of the trainer not to allow an assistant starter to "tail" or "tong" a horse, insofar as practical. However, the starter shall instruct assistants to handle any horse when he or she deems such handling necessary for a safe, orderly start.

(4) The starter shall report the cause of any delayed start to the stewards. If a delay occurs at the post, the starter may permit the jockeys to dismount and the horses to be cared for during the delay; otherwise, jockeys shall not be permitted to dismount.

(5) The starter shall maintain a daily written record showing the names of all horses starting, the assistant starter who handled each horse, and any equipment other than a lead strap used for each horse. The record shall be made available to the stewards upon request.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

(6) The starter shall observe anyone seeking an apprentice jockey's license breaking a horse from a starting gate in company with other horses. The starter shall report his or her observations to the stewards.

Subp. 4. Paddock judge. The paddock judge shall have the following responsibilities.

A. The paddock judge shall be in charge of the paddock, and shall notify the stewards of any apparent rule violation occurring in the paddock.

B. The paddock judge shall see that only authorized persons are in the paddock.

C. The paddock judge shall be responsible for the orderly saddling and equipping of all horses in any race. The saddling and equipping shall, in the case of thoroughbred racing, be open to public viewing and free from interference whenever possible. Horses shall leave the paddock for post in order of their program numbers.

D. The paddock judge shall assemble the horses in the paddock no later than 15 minutes before the scheduled post time for each thoroughbred race, and at least one hour before the scheduled post time for each harness race.

E. The paddock judge shall immediately report to the stewards the absence of, ineligibility of, or any other irregularity with respect to a horse or its equipment, or the paddock judge's inability to make a positive identification of a horse.

F. The paddock judge shall inspect and maintain a written record of all equipment worn by each horse in a race, and shall approve all equipment changes. The paddock judge shall immediately notify the stewards of any change, violation, or defect relating to equipment.

G. The paddock judge shall inspect the bandages worn by all horses arriving in the paddock and may order the bandages removed or replaced if he or she has reason to believe that a violation of statute or rule has, is, or will occur.

(1) The paddock judge shall not allow a horse in the paddock if it is wearing bandages at knee level or higher.

(4) Paddock boots and all bandages, except those bandages that will be worn during a race, must be removed immediately upon arrival in the paddock so that a satisfactory examination may be assured.

H. The paddock judge shall immediately report to the commission veterinarian the infirmity or unsoundness of any horse.

I. The paddock judge shall immediately notify the stewards of the reason for any horse returning to the paddock after having entered the track for the post parade and before the start of the race.

J. The paddock judge shall inspect and supervise the maintenance of emergency equipment kept in the paddock.

K. The paddock judge shall notify the stewards of any trainer or groom who leaves the paddock before the horse in his or her charge has left the paddock.

L. The paddock judge shall compile a schooling list of any horse that is fractious or unruly in the paddock, and shall supervise the paddock schooling of those horses.

Subp. 5. Identifier. The identifier shall check the identification of all horses entering the paddock by checking tattoo numbers, sex, color, and markings, and comparing those with documents of registration, eligibility, or breeding, as necessary to ascertain a horse's identity.

The identifier shall notify the stewards immediately upon detecting any discrepancy in a horse's tattoo numbers, markings, or other identifying characteristics.

The identifier shall supervise the identification of any horse at a licensed racetrack before approving the horse for tattooing.

Subp. 6. Equipment inspector (harness). Each association shall employ a person in the paddock who shall be responsible to the paddock judge for maintaining a card that will list all equipment worn, including shoes, and the tattoo number for each horse racing at the meeting. The equipment inspector shall compare the equipment actually being used on the horse with the approved equipment listed on the card.

Subp. 7. Claims clerk. The claims clerk shall ensure that the claim slip for a horse is deposited in the claim box in accordance with part 7883.0140.

The claims clerk shall open the claim box, search for claim envelopes according to designated race numbers, open any envelopes found, and examine the claim slip inside no sooner than ten minutes before post time for each race.

The claims clerk shall ascertain whether:

- A. errors exist in the form or deposit of the claim;
- B. the claimant has established eligibility to claim;
- C. the claimant has the amount of the claim to his or her credit; and

D. persons acting on behalf of a claimant are authorized to do so.

The claims clerk shall immediately report all findings to the stewards, and shall issue a written authorization on behalf of the stewards for delivery of a horse to any claimant who is successful.

Subp. 8. Commission veterinarian. The commission veterinarian shall maintain a list of the following:

- A. horses that are scratched because of illness or injury; and
- B. horses that are pulled-up because of lameness or other injury during a race.

The commission veterinarian's list shall be posted in the racing secretary's office, and any horse whose name is on the list shall be ineligible to enter a race for at least five calendar days, or until the commission veterinarian removes it from the list.

The commission veterinarian shall conduct racing-soundness examinations pursuant to part 7891.0100. If the veterinarian finds that any horse is unfit to race he or she shall notify the stewards immediately.

The commission veterinarian shall supervise the operation of a barn for the detention and testing of horses after each race pursuant to chapter 7890.

The commission veterinarian shall have the authority to draw blood from any horse or pony at a licensed racetrack for the purpose of conducting an Agar-Gel immunodiffusion (Coggins) test, and shall supervise the removal from the racetrack of any horse or pony having positive Coggins test results.

Subp. 9. Patrol judge. Patrol judges shall be stationed at elevated locations specified by the stewards, and shall observe the running of each race. In the case of harness racing, a patrol judge may serve as a roving patrol judge by riding in the starting gate and observing activity on the race course at all times during a race program.

Patrol judges shall be in communication with the stewards during every race, and shall immediately notify the stewards of:

- A. every apparent violation of commission rules;
- B. any action on the race course that could improperly affect the result of a race;
- C. any indication of a forthcoming claim of foul or other complaint of violation of the commission's rules;
- D. the lameness or unfitness of any horse;
- E. any lack of or broken racing equipment; and
- F. any unusual or illegal behavior of horses, jockeys, or drivers.

When instructed by the stewards, patrol judges shall be present at video reviews of races to confirm or to clarify reported observations.

Subp. 10. Placing judge. At least two placing judges shall view each race from a stand directly above the finish line, and shall determine the order of horses as they cross the finish line. In making that determination, the placing judges shall take note of the horses' numbers, racing colors, and distinguishing equipment, and shall determine the order of finish by considering only the noses of the horses.

The placing judges shall be responsible for having the numbers of the first four horses to cross the finish line displayed on the result board.

The placing judges shall announce their decisions promptly, and those decisions shall be final unless an objection to any horse placed within the purse is made and sustained. However, this rule shall not prevent the judges from correcting any mistakes, subject to the stewards' confirmation.

The placing judges shall use photographs from the racetrack's photo-finish camera as an aid in determining the order of horses as they cross the finish line. The placing judges shall use the photographs of all finishes in which the winning margin is less than half a length, or in which the horses are widely spaced across the race course. Copies of those photographs shall be posted in convenient locations for public inspection.

Subp. 11. Timer. A timer shall determine the official time of each race, which shall be the period from the time the first horse crosses the timing beam or track marker at the start of the race until the first horse crosses the finish line.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

The timer shall verify the race time recorded by the racetrack's electric timing device. Should the timing device malfunction, the time shown on the watch of the timer shall be the official time of the race.

Subp. 12. Clocker (thoroughbred). A clocker shall accurately record all workouts on any race course at which a race meeting is being conducted, or on any race course used as a training facility for horses eligible to be entered at the race meeting.

Upon order of the stewards, a clocker shall be able to demonstrate knowledge and proficiency in accurately recording times of horses working out.

A clocker shall present daily records to the racing secretary and the stewards, post for the benefit of the public daily records of all workouts clocked, and make a record of daily workout times available to the news media.

Subp. 13. Outrider. The outriders shall be responsible for the orderly conduct of horses on the race course during training and racing hours.

The outriders shall be present on the race course, mounted and ready to assist in the control of any unruly horse or to recapture any loose horse, at all times that horses are permitted on the race course.

The outriders shall escort to the post all horses starting in any race, and shall remain on duty until all horses on that program have been returned to their handlers.

Subp. 14. Jockeys' room custodian. The jockeys' or drivers' room custodian shall:

- A. supervise the orderly conduct of business in the jockeys' or drivers' room;
- B. maintain cleanliness and neatness in the jockeys' or drivers' room; and
- C. be responsible for the care and storage of racing colors.

Subp. 15. Jockey's agent. A jockey's agent shall keep a written record of all engagements made for jockeys he or she represents. The record shall be accurate and up-to-date, and shall be available at all times for inspection by the stewards.

A jockey's agent shall give no more than two calls per race for any jockey represented. Any agent arranging two calls for a jockey in any race shall designate one of the engagements as a first call and the other as a second call.

A jockey's agent shall be in the racing secretary's office, or shall check-in with the racing secretary's office, at scratch time to confirm a jockey's commitments for the day's program.

A jockey's agent shall notify the stewards in writing if he or she no longer intends to serve as agent for any jockey. When so notifying the stewards, the agent also shall turn over to the stewards a list of any unfulfilled engagements that he or she has made for the jockey.

Subp. 16. Clerk of the course (harness). The clerk of the course shall keep the stewards' sheets on which he or she shall record the following information:

- A. names of all horses entered and their eligibility numbers;
- B. names of owners and drivers;
- C. drivers' license numbers;
- D. a record of each race, noting positions of horses at the finish;
- E. names of scratched or ruled-out horses;
- F. recorded times; and
- G. all protests, penalties, and appeals.

The clerk of the course shall see that the stewards' sheets are signed, and shall forward copies of them to the commission not later than the next day.

The clerk of the course shall check eligibility certificates before and after each race, and shall keep the certificates up-to-date.

When requested by an owner or owner's authorized agent, the clerk of the course shall return a horse's eligibility certificate after a race.

Subp. 17. Horseperson's bookkeeper. The horsepersons' bookkeeper shall:

- A. be bonded;
- B. receive all stakes, entrance money, jockeys' fees, drivers' fees, and purchase money in claiming races; and
- C. keep a complete and accurate record of all money received, and make those records available for inspection by the commission.

7877.0180 CONFLICTS.

Subpart 1. Racing officials. No racing official, other than a general manager, shall own any interest in a Minnesota racetrack at which he or she is serving as an official, and no racing official shall own any interest in a horse eligible to race at a meeting at which he or she serves as an official.

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

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

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

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

Subp. 2. Veterinarians. No veterinarian designated as an official at a race meeting shall treat or prescribe treatment for a horse racing at that meeting, except in emergencies or if no other veterinarian licensed by the commission is on the racetrack grounds. In that case, the official veterinarian shall notify the commission of any compensation received.

7877.0185 APPLICABILITY OF RULES AND RULINGS.

Rules pertaining to Class C licensees and rulings against them shall apply equally to other persons if continued participation in an activity by the other person would circumvent the intent of a rule or ruling by permitting the person to serve, in essence, as a substitute for the ineligible licensee because:

- A. the other person is legally liable for the conduct that violated the rule or is the subject of the ruling; or
- B. the other person benefited financially from that conduct.

The fraudulent transfer of a horse in an effort to avoid application of a commission rule or ruling is prohibited.

**CHAPTER 7878
MINNESOTA RACING COMMISSION
SECURITY OFFICERS**

7878.0100 DEFINITIONS.

Subpart 1. Scope. For purposes of this chapter, the following words and phrases have the meanings given to them unless another intention clearly appears.

Subp. 2. Appointing authority. "Appointing authority" means the holder of a Class A, Class B, or Class D license issued by the commission.

Subp. 3. Appointment. "Appointment" means an official declaration by the appointing authority that it has engaged an individual as a security officer.

Subp. 4. Basic course. "Basic course" means a course for training security officers prior to the assumption of their official duties.

Subp. 5. BCA. "BCA" means the Minnesota Bureau of Criminal Apprehension.

Subp. 6. Commission. "Commission" means the Minnesota Racing Commission.

Subp. 7. Continuing education. "Continuing education" mean refresher training for security officers.

Subp. 8. Firearms course. "Firearms course" means a training course that includes instruction in the legal limitations on the use of deadly force conducted by a person who has completed a firearms instructor's course recognized by the Peace Officer Standards and Training Board.

Subp. 9. First aid course. "First aid course" means any of the following officially recognized courses: Red Cross advanced first aid, emergency medical technician, or EMS first responder.

Subp. 10. POST Board. "POST Board" means the Minnesota Peace Officer Standards and Training Board.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Subp. 11. Security officer. "Security officer" means a person whose principal duty is the protection of persons or property at a racetrack licensed by the commission.

7878.0110 MINIMUM SELECTION STANDARDS.

Subpart 1. Applicant must meet selection standards. A person eligible to be licensed by the commission as a security officer must be an employee of a Class A, Class B, or Class D licensee and shall meet the following minimum selection standards prior to being appointed a security officer. The appointing authority may certify that the applicant has already completed certain of these standards and provide documentation to that effect pursuant to subpart 2. In all cases, the security officer must:

- A. be a citizen of the United States;
- B. complete a comprehensive written application;
- C. submit to a thorough background search by the BCA to disclose the existence of any criminal record or conduct which would adversely affect the performance of the security officer's duties;
- D. not have been convicted of a felony in Minnesota (or in any other state or federal jurisdiction which would have been a felony if committed in Minnesota), or criminal theft, or a pari-mutuel horseracing or gambling crime;
- E. provide fingerprint cards to the commission, with duplicate cards provided to the BCA;
- F. undergo a thorough medical examination conducted by a licensed physician to determine that the individual is free from any physical defect which might adversely affect his or her performance as a security officer;
- G. undergo an evaluation made by a licensed psychologist to determine that the individual is free from any emotional or mental condition that might adversely affect his or her performance as a security officer; and
- H. pass an oral examination conducted by the appointing authority to demonstrate the existence of communication skills necessary to perform the duties and functions of a security officer.

Subp. 2. Documentation subject to review by commission. The appointing authority shall maintain documentation the commission deems necessary to show compliance with this chapter. The documentation is subject to periodic review by the commission and shall be made available upon request.

7878.0120 LICENSING OF SECURITY OFFICERS.

Subpart 1. Notice of intent. The appointing authority shall notify the commission of its intention to employ a security officer prior to his or her first day of employment. Notification shall be made on a form prescribed by the commission, along with an affirmation that the prospective appointee has met all the selection standards in part 7878.0110, subpart 1.

Subp. 2. Applicant shall apply for Class C license. If the prospective appointee does not already possess a Class C license as a security officer, he or she shall apply for such a license on a form prescribed by the commission. The applicant and the appointing authority shall affirm that the individual is eligible to be licensed as a security officer. The applicant shall also submit the license fee required by subpart 4.

Subp. 3. Duration of license. The commission may issue a Class C license to an applicant who has complied with the requirements in part 7878.0110, subpart 1, and whose affirmations are consistent with the commission's records. The period of licensure is for one year from date of issuance.

Subp. 4. License fee. The license fee for a Class C security officer's license is \$25.

7878.0130 BASIC COURSE.

Subpart 1. Applicant shall successfully complete basic course. No security officer may be licensed unless the officer or his or her appointing authority furnishes proof to the commission that the prospective licensee has successfully completed a basic course which includes at least 40 hours of instruction in the following subject areas:

- A. Minnesota criminal statutes;
- B. Minnesota horse racing statutes;
- C. criminal procedure;
- D. rights of individuals (constitutional law);
- E. human behavior;
- F. security operations and procedures;
- G. first aid;
- H. firearms;

- I. defense tactics;
- J. report writing; and
- K. testifying.

Subp. 2. Commission may waive requirements. Participation or continued instruction in a particular subject area listed in subpart 1 may be waived by the commission if the individual shows satisfactory evidence that he or she is licensed or eligible to be licensed by the POST Board.

Subp. 3. Appointing authority shall maintain information. The appointing authority shall be responsible for maintaining and making available to the commission pertinent information on courses of instruction and persons employed as security officers.

7878.0140 CONTINUING EDUCATION.

Subpart 1. Licensee shall successfully complete refresher training. No security officer's license may be renewed unless the licensee or his or her appointing authority furnishes the commission proof that the licensee has successfully completed, on an annual basis, at least 20 hours of refresher training in the areas of:

- A. physical protection;
- B. laws of arrest;
- C. constitutional law;
- D. handling of citizen complaints;
- E. firearms training; and
- F. first aid.

Subp. 2. Commission must approve courses. Prior to receiving credit for course approval, the appointing authority or the licensee must submit to the commission a detailed outline of the course and the instructors' credentials. All POST Board certified courses will be considered by the commission to be approved continuing education courses. Approval must be gained from the commission ten days prior to commencement of the course. Upon approval, the commission shall issue a letter to the appointing authority. Approval of continuing education courses shall be based on relevance to knowledge, skills, and abilities needed for security officers. Approved courses of continuing education credit will be granted at the rate of one hour for each 50 minutes of class sessions.

7878.0150 STANDARDS OF CONDUCT FOR SECURITY OFFICERS.

Subpart 1. Certain licensees must be POST Board licensed or POST Board eligible. Any security officer who carries a firearm or whose principal duty is to investigate violations of statutes or rules must be licensed or eligible to be licensed as a peace officer by the POST Board.

Subp. 2. Restrictions on security officers. No security officer may:

- A. use deadly force unless authorized, or use unreasonable force;
- B. obstruct, hinder, interfere, or prevent an investigation by the commission or a law enforcement agency;
- C. linger on the backstretch while off-duty; or
- D. while on duty, place a bet on a race run at the racetrack.

7878.0160 SECURITY COOPERATION.

Class A, Class B, and Class D licensees and all security officers must cooperate fully with federal, state, and local law enforcement agencies with jurisdiction to enforce criminal laws at horse racing facilities, and must report promptly all crimes suspected, investigated, or prevented at a licensed racetrack to the BCA.

**CHAPTER 7883
MINNESOTA RACING COMMISSION
THOROUGHBRED AND QUARTER HORSE RACES**

7883.0100 ENTRIES AND SUBSCRIPTIONS.

Subpart 1. Ownership. When a person is excluded from a racetrack or has his or her license or suspended, every horse

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

owned in whole or in part or under the care and control of that person shall be ineligible to be entered or start in any race until the horse has been reinstated, either by the expiration of the owner's penalty or by the transfer through bona fide sale to an owner approved by the stewards. Such person whether acting as agent or otherwise, shall not be qualified to subscribe for, or to enter or run any horse in any race either in his or her own name or in that of any other person until expiration of such penalty.

Subp. 2. Horse must be registered and eligible. No horse shall be permitted to enter or start unless:

A. it is duly registered with and approved by the registry office of The Jockey Club (New York) or the American Quarter Horse Association;

B. its registration certificate showing the tattoo number of the horse is filed with the racing secretary by scratch time for that race, except in stakes races the registration certificate must be filed not less than two hours prior to the scheduled post time for the stakes races;

C. it is owned by a licensed owner and is in the care of a licensed trainer;

D. at the time of entry, the horse is eligible for the conditions of the race as specified by the racing secretary and remains eligible until the race; and

E. if a horse's name is changed, its new name shall be registered with The Jockey Club (New York) or the American Quarter Horse Association and its old, as well as its new name, shall be given in every entry list until it has run three races, and both names must be printed in the official program for those three races.

Subp. 3. Procedure for first time entrants. If entered for the first time at a race meeting, a horse shall be identified by stating its name, color, sex, age, and the name of its sire or sires and dam as registered. In every race thereafter, sufficient description shall be deemed to be provided if the name, color, sex, and age of a horse is furnished.

Subp. 4. Entering procedure. Nominations and entries shall be made in writing and signed by the owner or trainer of the horse, or the owner's authorized agent. Each association shall provide forms on which entries, scratches, and declarations are to be made for all races.

A. The racing secretary is the only person authorized to receive entries, scratches, and declarations.

B. Entries may be made by telephone or telegraph, but shall be confirmed promptly in writing.

C. In the case of sweepstakes, the closing of nominations, entries, interim payments, and declarations shall be in accordance with the conditions published by the association sponsoring the race.

D. A signed entry blank shall be prima facie evidence that the contents of the entry blank express the desires and intent of the person making entry.

Subp. 5. Entrance money. The nominator is liable for entrance money or stakes, and a mistake in the entry of a horse when eligible does not release the subscriber or transferee from liability for stakes or entrance money. Entrance money is not refunded on the death of a horse, nor on its failure to start.

Subp. 6. Prohibited entries. No person shall:

A. enter in his or her name a horse of which he or she is not the actual owner;

B. enter or cause to be entered, or start a horse which he or she knows or believes to be ineligible or disqualified;

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

D. enter in a race a horse if it is wholly, or partly owned by, trained by, or under the management of an unlicensed person, a person whose license is under suspension, or a person who acts in concert with or under the control of a person whose license is under suspension. If any entry from an unlicensed person or a person whose license is under suspension or of an ineligible horse is received, the entry shall be void and any money paid for the entry shall be returned if the facts are disclosed one hour before post time for the race; otherwise, such money shall be paid to the winner.

Subp. 7. Coupled entries. Except in stakes races and races which are conditioned for horses eligible for specified stakes, not more than two horses of the same ownership or interest shall be entered and started in a race.

A. No trainer shall enter more than two horses in an overnight event, and in no case shall two horses start to the exclusion of a single entry.

B. Not more than two horses trained by the same trainer shall be drawn into any overnight race or placed on the also eligible list to the exclusion of another horse, except in split races.

C. Horses trained by a public stable trainer shall not be coupled with horses trained by another public stable trainer unless the horses in question are owned by the same person or are coupled as a field for wagering purposes.

D. All horses owned wholly or in part by the same person, or his or her spouse, or trained by the same trainer, shall be coupled and run as an entry.

E. Notwithstanding items A to D, where two or more horses are coupled as an entry only for the reason that the horses are trained by the same trainer, the association may run those horses as separate interests.

Subp. 8. Changing of races. Each association shall have the right to withdraw or change any race with the permission of the stewards. If a race is declared off because of insufficient entries, the association may split any other race.

Subp. 9. Closing of entries. When an hour for closing is designated, entries and declarations for sweepstakes may not be considered if received afterwards. If an hour is not designated, entries and declarations may be mailed or telegraphed up to midnight of the day of closing, provided they are received in time for compliance with every other condition of the race.

Subp. 10. Loss of entries. A person who alleges loss of an entry or declaration in a stakes race must provide satisfactory proof that it was mailed or telegraphed within a reasonable time before the designated time for closing or it shall not be considered received.

Subp. 11. Drawing of entries. The drawing of entries for post positions shall be governed by the following procedures.

A. When entries exceed the permitted number of starters, the number of starters shall be reduced to the proper number by lots. Lots may be drawn for the entire race or for each division of the race at the option of the association.

B. Each day after the entries have been closed, the racing secretary shall designate from an owner or trainer present in the entry office to draw the entry sheets and post position numbers. In every case, the entry shall be drawn from its approved receptacle before the number ball is released from the number box.

C. In divided races the starters in the separate divisions shall be determined by lot.

Subp. 12. Deceased owners. Nominations, entries, and rights of nomination and entry of a deceased owner shall be exercisable by and transferable by the deceased's personal representative subject to compliance with all applicable rules of the commission. The personal representative of a deceased owner shall be deemed to hold an owner's license with respect to horses belonging to the estate of the deceased until the commission declares that such owner's license is no longer in effect.

In the case of the death of a member of a multiple owner, nominations, entries, and rights of nomination and entry shall continue and may be exercised by the remaining members of the multiple owner or any of them.

Nominations and all entries or rights of entry under them become void on the death of the nominator, except in cases of multiple owners, or except with approval of the stewards when the personal representative of an estate in writing requests that the benefits of the nominations accrue to the estate of the deceased nominator for the purpose of selling or transferring a horse, and such representative agrees to assume any and all obligations incident to the original entries.

Subp. 13. Prohibitions on horses sold or transferred with engagements. Should a horse be sold with engagements, the seller shall not strike the horse out of any such engagements.

If, when a horse is sold or transferred or deemed to be sold or transferred with its engagements, the racing secretary requires evidence of such sale or transfer, the failure to produce such evidence shall render the horse ineligible to start in any stakes race.

No person shall make or receive the transfer of a horse or engagement for the purpose of avoiding disqualification.

Subp. 14. Responsibility for eligibility. A trainer shall be responsible for the eligibility of horses entered by him or her or his or her authorized agent, and an owner shall be responsible for the eligibility of horses personally entered by the owner.

Subp. 15. Horse must be properly entered. A horse shall not be qualified to start in any race unless it has been and continues to be properly entered therein. A horse which is improperly entered shall not be entitled to any part of the purse, but once the "Official" sign is posted, this rule shall in no way affect the wagering on the race.

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

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

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

B. Horses that have not started within 60 days of time of entry into a race must have a minimum of two timed workouts satisfactory to the stewards prior to entering in any race.

C. First-time starters must have three gate approvals and a minimum of two timed workouts satisfactory to the stewards prior to the entry date.

Subp. 17. Refused entries. The nominations and entries of any person or transfer of any nomination or entry may be refused by the association for reasonable cause.

7883.0110 PREFERENCE SYSTEM.

Subpart 1. Preferred list. The racing secretary shall keep a list of all horses excluded from races because of too many entries, and such horses are to have preference in any race in which they may afterwards be entered in accordance with the rules adopted by the racing secretary for the meeting and approved by the stewards. This shall be known as the "preferred list."

Subp. 2. In-today horses. When a horse is entered on one day and has an opportunity to start other than in a stakes race and is also entered for the following race day, the second entry will be an "in-today" and will not be considered unless the race underfills, nor will such horse be considered on the preferred list.

Subp. 3. Second part of entry preferred over in-today horse. The second part of an entry shall receive preference over an "in-today" on the also eligible list in case the race overfills.

Subp. 4. Preference forfeited. No horse's name shall be placed on the preferred list and all preference shall be forfeited if the owner did not accept, when presented, the opportunity of starting.

7883.0120 DECLARATIONS AND SCRATCHES.

Subpart 1. Procedure for scratching horses. Scratches and declarations shall be made in writing and signed by the owner or trainer of the horse, or the owner's authorized agent. Each association shall provide forms on which scratches and declarations are to be made, and for all races:

A. no horse shall be scratched without permission of stewards;

B. all scratches shall be made by scratch time, designated by the association, except as provided by subparts 2 to 5;

C. should scratches reduce the body of a race, the horses left in the race shall move into the lower numbered post positions before any horses are drawn from the "also eligibles"; and

D. should scratches reduce the number of horses in a race below the number designated by the association, then such designated number of horses will be maintained by the drawing of lots from the "also eligibles" list after scratches have occurred and the horses so drawn will be required to race.

Subp. 2. Scratches from stakes races. A scratch from an early-closing stakes race shall be made not less than 45 minutes before post time of the race.

Subp. 3. Horse must be entered in stakes race. In a stakes race, if a horse is not named through the entry box at the usual time of closing, the horse is automatically out.

Subp. 4. Nomination may be altered or withdrawn. A nomination of a horse to a sweepstakes may be altered or withdrawn at any time prior to the closing time for nominations.

Subp. 5. Stewards may permit withdrawal. Notwithstanding subpart 1, item B, the stewards may permit the withdrawal of any horse after weighing out for any reason which they determine to be in the best interests of racing.

Subp. 6. Horse declared nonstarter. The stewards shall have the authority to declare that a horse is not a starter if they determine that any occurrence before the running of a race calls for such action by them.

Subp. 7. Declarations are irrevocable. The declaration of a horse out of an engagement is irrevocable.

7883.0130 PENALTIES AND ALLOWANCES.

Subpart 1. Determining penalties and allowances. Penalties and allowances shall be determined as follows.

A. Penalties and allowances are not cumulative, unless so declared by the conditions of the race, and shall take effect at the time of starting, except that in overnight events a horse will have only the allowance to which it was entitled at the time of entry.

B. Penalties are obligatory; allowances are optional as to all or part thereof, and in overnight events must be claimed at the time of entry.

C. No horse shall receive allowance of weight nor be relieved from extra weight for having been beaten in one or more

racers, but this rule shall not prohibit maiden allowance or allowances to horses that have not won a race within a specified period or a race of specified value.

D. Failure to claim a weight allowance by oversight or omission is not cause for disqualification. Claims of weight allowance to which a horse is not entitled shall not disqualify unless such incorrect weight is carried in the race. However, a fine may be imposed upon the person claiming allowance to which his or her horse is not entitled.

E. Eligibility, penalties, and allowances of weight for all races will be determined only from the reports, records, and statistics published by the Daily Racing Form; but responsibility for weight carried and eligibility still remain with the owner and trainer as provided in part 7883.0100, subpart 15.

F. No horse shall incur a weight penalty for placement from which it is disqualified, but a horse placed through the disqualification of another horse shall incur the weight penalties of that placement. No such placement shall make a horse ineligible to a race which has already been run.

G. When a race is in dispute, both the horse that finished first and any horse claiming the race shall be liable to all penalties attached to the winner of that race until the matter is decided.

Subp. 2. Scale of weights or weight for age. Races written to be run under "scale of weights" or "weight for age" shall be run under the following weights:

Distance	Years									
	of Age	Jan Feb	Mar Apr	May	Jun	Jul	Aug	Sep	Oct	Nov Dec
Half mile	2	...	...	...	...	...	105	108	111	114
	3	117	119	121	123	125	126	127	128	129
	4	130	130	130	130	130	130	130	130	130
	5 & up	130	130	130	130	130	130	130	130	130
Six furlongs	2	...	...	...	...	...	102	105	108	111
	3	114	117	119	121	123	125	126	127	128
	4	129	130	130	130	130	130	130	130	130
	5 & up	130	130	130	130	130	130	130	130	130
One mile	2	...	...	...	...	...	...	96	99	102
	3	107	111	113	115	117	119	121	122	123
	4	127	128	127	126	126	126	126	126	126
	5 & up	128	128	127	126	126	126	126	126	126
One and a quarter mile	2	...	...	...	...	...	...	...	...	...
	3	101	107	111	113	116	118	120	121	122
	4	125	127	127	126	126	126	126	126	126
	5 & up	127	127	127	126	126	126	126	126	126
One and a half miles	2	...	...	...	...	...	...	...	...	...
	3	98	104	108	111	114	117	119	121	122
	4	124	126	126	126	126	126	126	126	126
	5 & up	126	126	126	126	126	126	126	126	126
Two miles	3	96	102	106	109	112	114	117	119	120
	4	124	126	126	126	126	125	125	124	124
	5	126	126	126	126	126	125	125	124	124

Subp. 3. Racing secretary may write alternate weights. It shall be within the discretion of the racing secretary to write races either above or below the "scale of weights."

Subp. 4. Sex allowance. In all races against male horses, except handicaps and races where the conditions expressly state to the contrary, fillies two years old are allowed three pounds and fillies and mares three years old and upward are allowed five pounds before September 1 and three pounds thereafter.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

7883.0140 CLAIMING RACES.

Subpart 1. Who may claim. In claiming races any horse is subject to claim for its entered price by any person who is eligible to claim or by his or her authorized agent. The following persons shall be eligible to claim:

- A. A licensed owner who has a horse registered to race at the current meeting.
- B. A licensed owner who lost his or her last horse through fire, misfortune, or claim, may nevertheless claim (if he or she is otherwise eligible) for 30 racing days after he or she has lost his or her last horse. The 30 racing days may extend from one racing season to the next. A person claiming under this item is required to establish eligibility to claim with the stewards and to receive his or her confirmation in writing prior to making a claim.
- C. An applicant for an owner's license who is approved by the stewards may be granted a claiming authorization. Each application for a claiming authorization must be signed by the prospective trainer who must be licensed by the commission. Under no circumstances shall the claiming authorization be issued until a background investigation, not to exceed ten days after filing the application, has been completed. An owner's license will not be granted until after the claiming authorization has been executed. Once the applicant has been granted a claiming authorization, he or she may open an account with the horsepersons' bookkeeper.
- D. An applicant for an owner's license who has not previously had a horse registered to race at the current meeting and who purchases a horse registered to race by private sale, provided that 21 calendar days, not including the date of the sale, have elapsed between the date of the private sale and the date of the claim.

Subp. 2. Claiming procedure. Claims shall be made in writing on a form provided by the association and approved by the commission. Claims shall be signed and sealed in an envelope having no identification marks except:

- A. the name of the track;
- B. the number of the race from which the claim is being made; and
- C. a time stamp provided by the track for that purpose reflecting that the claim was made not later than ten minutes prior to the post time of the race in which the horse to be claimed is entered.

Subp. 3. Examination claim envelopes. The claims clerk shall open the claim box, search for, open, and examine the claim envelopes no sooner than ten minutes prior to post time for each race.

Subp. 4. Information shall not be divulged. No information concerning such claims shall be divulged to anyone other than the racing secretary's staff and the horsepersons' bookkeeper until after the race has been run.

Subp. 5. Multiple claims determined by lot. If more than one claim is filed for the same horse, the successful claimant shall be determined by lot under the supervision of the stewards or the claims clerk.

Subp. 6. Claims are irrevocable. Once a claim is deposited in the claim box, the claim cannot be withdrawn or revoked.

Subp. 7. Invalid claims. A claim is invalid if:

- A. the name of the horse to be claimed is erroneously spelled or is not specified in the space provided on the claim form;
- B. the claimant does not have at least the amount of the claim and any applicable state sales tax on deposit or credited with the horsepersons' bookkeeper;
- C. the claim form does not specify the designated price as printed in the program, or is not signed, or does not fully indicate the name of the party making claim, or is otherwise incorrectly completed; or
- D. the claim envelope is inaccurate.

Subp. 8. Voided claims. If a claim is voided by the stewards, the horse claimed shall be returned to the original owner who, in turn, shall refund all claim money to the unsuccessful claimant.

Subp. 9. Prohibition on claims. No person or racing interest shall:

- A. claim more than one horse from any one race;
- B. claim their own horse or cause such horse to be claimed, directly or indirectly, for their own account;
- C. refuse to deliver a claimed horse to the successful claimant;
- D. remove any horse which has been entered in a claiming race from the racetrack where it has been entered to race, or fail or refuse to comply with any rule or any condition of the meeting for the purpose of avoiding or preventing a claim for such horse;
- E. offer or enter into an agreement to claim or not to claim or attempt to prevent another person from claiming any horse in a claiming race;

F. attempt to intimidate or prevent anyone from running a horse in any claiming race:

G. claim horses owned or trained by their trainer or the trainer's spouse, child, sibling, parent, mother-in-law, or father-in-law;

H. claim a horse from an owner whose horse is trained by the claimant's trainer:

I. being a trainer, claim a horse from an owner for whom he or she trains; or

J. enter, or allow to be entered, any horse against which any claim is held, either by mortgage or lien of any kind without, prior to entering, having filed the written consent of the holder of the mortgage or lien with the racing secretary and horsepersons' bookkeeper.

Subp. 10. Affidavit may be required. Whenever the stewards have reasonable doubt about the validity of a claim, they shall require a claimant to execute an affidavit stating that the claimant is claiming the horse for the claimant's own account or as an authorized agent, and not for any other person.

Subp. 11. Claimant responsible for determining true age and sex. Determination of the true age and sex of a claimed horse shall be the sole responsibility of the claimant, and mistakes in that regard printed in the official program or elsewhere shall not be considered a basis for invalidating the claim.

Subp. 12. Disclosure of bred mare. If a filly or mare has been bred, she is ineligible to be entered into a claiming race unless:

A. full disclosure of that fact is on file with and posted in the office of the racing secretary; and

B. the breeding slip has been deposited with the racing secretary; and

C. all payments due for the service in question and for any live progeny resulting from that service are paid in full; and

D. the release of the breeding slip to the successful claimant at the time of the claim is guaranteed; or

E. in the alternative to items A to D, a licensed veterinarian's certificate dated at least 40 days after the last breeding of the mare or filly is on file with the racing secretary stating that the mare or filly is not in foal.

Subp. 13. Foal certificates remain in custody of racing secretary. The foal certificate or eligibility papers of a claimed horse shall remain in the custody of the racing secretary until the new owner removes the horse from the track.

Subp. 14. Stakes engagements transfer to claimant. The stakes engagements of a claimed horse transfer automatically with the horse to the claimant.

Subp. 15. Protest of claim. Not later than the next racing day after the race was won, a written protest of a claim may be submitted to the stewards who shall investigate the matter as quickly as possible.

Subp. 16. Title to claimed horse. Title to a horse which is claimed shall be vested in the successful claimant from the time the field has entered the racing strip for the race in which the horse is scheduled to run, unless the race is canceled or the horse is excused by the stewards. The claimant shall then become the owner of the horse whether it be alive or dead, sound or unsound, or injured during the race or after it.

Subp. 17. Horse shall run in interest of owner. On the day claimed, a claimed horse shall run in the interest of and for the account of the owner from whom the horse was claimed.

Subp. 18. Claimed horse to be delivered. Upon presentation of a written authorization from the racing secretary, the claimed horse shall be delivered by the original owner to the successful claimant without altering or removing the horse's shoes.

Subp. 19. Responsibility for post-race analysis. A trainer whose horse has been claimed and is designated for post-race testing remains responsible for the horse until after collection of the blood and/or urine specimens at the detention barn where delivery shall be made to the successful claimant.

Subp. 20. Excused horse eligible to be claimed for same claiming price in next start. If, in a claiming race, a horse is excused by the stewards, any claim or claims for the horse will be void. However, such a horse, in its next start, must race in a claiming race for a claiming price not greater than the amount for which it could have been claimed in the race from which it was excused. Should the horse be entered in an allowance or stakes race in its next start, said horse shall be subject to claim for the

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

claiming price from the previous race from which it was excused. The provisions of this subpart shall apply for a period of 90 days from the date of the claiming race in which the horse was excused.

Subp. 21. Claimed horse must race for higher claiming price. For a period of 30 days after being claimed, a thoroughbred horse shall not start in a race in which the eligibility price is less than 25 percent more than the price at which it was claimed. The day claimed shall not count, and the horse may be entered whenever necessary so that it may start on the 31st calendar day following the original claim for any claiming price. In thoroughbred racing, this provision shall apply to starter handicaps and starter allowances.

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

Subp. 23. Claimed horse shall not be transferred. No horse claimed in a claiming race shall be sold or transferred wholly or in part to anyone within 30 days after the day it was claimed, except in another claiming race.

Subp. 24. Recognition of other racing jurisdictions' claiming rules. When a horse is claimed at a recognized meeting governed by the rules of another racing jurisdiction, Minnesota shall recognize title to the horse under those rules. However, while racing in Minnesota, such a horse must comply with this part.

Subp. 25. Charity meetings. When a charity meeting and a regular meeting are run consecutively, they shall be considered as one for claiming purposes.

Subp. 26. Claiming authorization. The commission or its appointed representatives shall issue a claiming authorization to any person who makes application therefor on forms prescribed for that purpose and who:

A. Meets all the requirements for the issuance of an owner's license, except that the applicant need not own a horse or have any previous experience in racing.

B. Has an agreement with a licensed trainer to take charge of, care for, and train any horse claimed pursuant to the claiming authorization. The holder of a claiming authorization and the trainer shall each promptly notify the stewards in writing if such agreement is terminated before a horse is successfully claimed.

C. Has at least the amount of the claim on deposit or credited with the horsepersons' bookkeeper.

Subp. 27. Claiming authorization valid for calendar year. A claiming authorization shall be valid for the calendar year in which it is issued, or until such time as the person to whom the authorization was issued becomes a horse owner either through use of the claiming authorization or through private purchase.

Subp. 28. Claiming authorization fee. The same fee charged for an owner's license shall be payable to the commission by the applicant prior to issuance of a claiming authorization. The holder of a claiming authorization shall not, by virtue thereof, be entitled to admission to the grandstand, clubhouse, or other spectator facility at prices less than those charged the general public. A holder of a claiming authorization who has not previously been granted an owner's license will be issued an owner's license without payment of any additional fees.

An application for claiming authorization may be denied or revoked for any reason that would justify denial, suspension, or revocation of an owner's license. Any person whose claiming authorization is denied or revoked shall have the same rights to notice and hearing as an owner whose license is denied, suspended, or revoked.

Subp. 29. Claiming prices for harness race horses. In standardbred racing, the following allowances shall be applicable with respect to claiming price:

- A. For mares racing against colts or geldings, add 20 percent.
- B. For two-year olds racing against older horses, add 100 percent.
- C. For three-year olds racing against older horses, add 50 percent.
- D. For four-year olds racing against older horses, add 25 percent.
- E. Spayed mares shall not receive any sex allowance.

Subp. 30. Claiming races may be conditioned. Races strictly for two-year olds or three-year olds may be conditioned. Races for the lowest claiming price at a meeting may be conditioned.

7883.0150 PADDOCK TO POST.

Subpart 1. Horses must have identifying equipment. In a race each horse must carry a conspicuous saddle-cloth number and a head number corresponding to its number on the official program. In the case of any entry each horse making up the entry shall carry the same number (head and saddle-cloth) as the first part of the entry, along with a distinguishing letter, for

example: 1, 1a, or 1b. In the case of a field, the horses comprising the field shall carry an individual number, for example: 10, 11, 12; or a particular number followed by a distinguishing letter 10, 10A, 10B, or 10C.

Subp. 2. Trainer to have horse in paddock. A trainer shall have his or her horses in the paddock not less than 15 minutes before post time. The trainer shall also attend his or her horse in the paddock and be present to supervise its saddling, unless he or she has obtained permission of a steward to send an assistant trainer or another trainer as a substitute. Every horse must be saddled in the paddock unless permission has been granted by the stewards to saddle elsewhere.

Subp. 3. Bandages and blankets. Immediately upon arrival in the paddock, all blankets and bandages, except those bandages that will be worn during a race, must be removed. Should weather conditions so dictate, blankets may be worn after saddling with permission of the paddock judge. After saddling, all horses must be walked to allow a satisfactory examination.

Subp. 4. Horses excused from parading. The stewards may permit a horse to be excused from parading with the other horses and be led to the post, but such horse shall nevertheless pass the stewards' stand on its way to the post.

Subp. 5. Lead ponies. Lead ponies and their riders shall be permitted to enter the saddling paddock or walking ring only with the permission of the stewards.

Subp. 6. Duration of post-parade. After entering the track not more than 14 minutes shall be consumed in the parade of the horses to the post except in cases of unavoidable delay. After passing the steward's stand once, horses will be allowed to break formation and canter, warm up, or go as they please to the post unless otherwise directed by the stewards. When the horses have reached the post, they will be started without unnecessary delay.

Subp. 7. Horses must be free of attendants. After the horses enter the track, no jockey shall dismount and no horse shall be entitled to the care of an attendant without consent of the stewards or the starter, and the horse must be free of all hands other than those of the jockey or assistant starter before the field is dispatched by the starter. In case of accident to a jockey or to his or her mount or equipment, the stewards or the starter may permit the affected jockey to dismount and the horse to be cared for during the delay, and may permit all other jockeys to dismount and all other horses to be attended during the delay.

Subp. 8. Horse must carry weight from paddock to post. Each horse must carry its assigned weight from paddock to post and from post to finish. If a jockey is thrown on the way from the paddock to the post, the horse must be remounted, returned to the point where the jockey was thrown, and then proceed over the route of the parade to the post.

Subp. 9. Injury to jockey. If the jockey is so injured on the way to the post to require substitution of another jockey, the horse shall be returned to the paddock, another jockey mounted, and then ridden over any uncompleted portion of the exact route of the parade to the starting point.

Subp. 10. Horse leaves race course. If a horse leaves the course while moving from paddock to post; it shall return to the course at the nearest practical point to that at which it left the course, and shall complete its parade to the post from the point at which it left the course.

Subp. 11. No willful delays. No person shall willfully delay the arrival of a horse at the post.

Subp. 12. Prohibition on assisting a start. No person other than the jockey, starter, or assistant starter shall be permitted to strike a horse or attempt by shouting or otherwise to assist it in getting a start.

7883.0160 POST TO FINISH.

Subpart 1. Horse must be tattooed. No horse shall be permitted to start unless it has been tattooed and fully identified.

Subp. 2. Horses must load in post position. Horses shall take their positions in numerical order from the inside rail, that order to be determined by post positions.

Subp. 3. Horse deemed a starter. A horse is a starter for all purposes of the commission's rules when the stall doors of the starting gate open in front of it at the time the starter dispatches the horses in a valid start.

Subp. 4. All horses shall be ridden out. All horses shall be ridden out past the finish line in every race and must carry their assigned weight from the post to finish.

Subp. 5. Horse shall not leave course. If during a race a horse leaves the course, it shall be disqualified.

Subp. 6. Interference and willful fouling. The following rules shall apply with respect to the running of a race.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

A. When clear, a horse may be taken to any part of the course but no horse shall cross or weave in front of other horses in such a way as to impede them or constitute or cause interference or intimidation such that it would affect the outcome of the race.

B. If a horse or jockey jostles another horse such that it would affect the outcome of the race, the aggressor may be disqualified, unless the jostled horse or its jockey was partly at fault, or the jostling was wholly caused by some other horse or jockey.

C. During a race no jockey shall willfully strike or touch another jockey or another jockey's horse or equipment for the purpose of interfering with that horse or jockey, nor shall a jockey strike his or her horse on or about the head area.

D. For willful fouling or careless riding a rider may be fined or set down or both by the stewards according to the nature and seriousness of the offense.

E. A jockey whose horse has been disqualified or who unnecessarily caused his or her horse to change or shorten its stride for the purpose of losing a race may be fined or suspended.

Subp. 7. Determination of disqualifications. The stewards are vested with sole and complete power and authority to determine when a disqualification is proper, its extent, and whether it applies to any other part of an entry. Their decision shall be final.

A. In determining the extent of disqualification of a horse in any race, the stewards may either place the disqualified horse behind such horse as in their judgment the disqualified horse interfered with, or they may place it last.

B. When a horse of one ownership or interest is coupled with a horse or horses of the same or another ownership or interest, the disqualification of one will not necessarily affect the placing of the other.

Subp. 8. Best effort must be made. All jockeys are expected to give their best efforts in races in which they ride, and any instructions or advice to jockeys to ride or handle their mounts otherwise than for the purpose of winning are prohibited and will subject all persons giving or following such instructions or advice to disciplinary action by the stewards and commission. If two horses run in one interest in any race, each shall give their best effort.

Subp. 9. Protests. Protests with regard to the running of the race shall be made only by the owner, trainer, or jockey of the horse alleged to be aggrieved, and shall be made to the stewards or the clerk of scales before or immediately after weighing in. An owner, trainer, or jockey who makes a frivolous protest may be fined.

Subp. 10. No assistance to jockey. No person shall assist a jockey in removing from his or her horse the equipment that is to be included in the jockey's weight, except by permission of the stewards.

Subp. 11. Coverings prohibited. No person shall throw any covering over any horse at the place of dismounting until the jockey has removed the equipment that is to be included in his or her weight.

Subp. 12. Dead heats. Dead heats shall be governed in the following manner.

A. When two or more horses run a dead heat, the dead heat shall not be run off.

B. In a dead heat for first place, each horse shall be considered a winner.

C. When two or more horses finish in a dead heat and a protest is made and allowed against a horse having finished in front of the dead heat, the horses which ran the dead heat shall be deemed to have run a dead heat from the higher position.

D. Owners of horses in a dead heat for any position shall divide equally all money and other prizes, and if no agreement can be reached as to which of them shall receive a cup, plate, or other indivisible prize, they shall draw lots for it in the presence of one or more of the stewards.

Subp. 13. Race declared no contest. If a race has been run by all the horses at the wrong weights or over a wrong distance, and if a protest is made and allowed before the flashing of the "Official" sign on the totalisator board, the stewards shall declare the race no contest.

Subp. 14. Horse becomes crippled or disabled. The following procedures shall apply if a horse during the running of a race becomes crippled or otherwise obviously unable to finish (broken bone, profuse bleeding, or other equally disabling condition):

A. It shall be dismounted, unsaddled, and removed from the course without passing the stand and may, under no circumstances, be destroyed on the track or in the presence of the public without the permission of the stewards.

B. If a bone is broken, the horse shall remain on the track until the horse-ambulance arrives and removes it.

C. If destruction of the horse is determined necessary, the destruction shall be performed by the commission veterinarian through the use of a needle preferably in a place out of vision of the public. If destruction within view of the public

is necessary, an ambulance screen must be used. Removal of the horse after destruction shall be the responsibility of the association.

D. If destruction of a horse is determined necessary, the jockey will not be required to weigh in.

**CHAPTER 7884
MINNESOTA RACING COMMISSION
HARNESS RACES**

7884.0100 SCOPE.

In addition to all other applicable rules of the commission, the provisions of this chapter shall apply to harness races.

7884.0110 TYPES OF RACES.

Subpart 1. Overnight events. Each association shall schedule the following types of overnight events:

- A. conditioned races;
- B. claiming races;
- C. preferred races;
- D. invitational races;
- E. handicap races;
- F. open or free-for-all races;
- G. schooling races; and
- H. matinee races.

Subp. 2. Stakes races. In addition to overnight events, the association must schedule stakes races.

Subp. 3. Substitute races. Substitute races may be provided for each race program and shall be so designated in condition sheets and may be used when a regularly scheduled race is not run because of lack of entries.

Subp. 4. Divided races. Regularly scheduled races or substitutes may, if necessary, be divided. When a race is divided, all horses shall, unless otherwise specified in the conditions of the race, be determined by lot after preference has been applied.

Subp. 5. Postponed races. All races that are not contested within two days of being postponed shall be canceled.

Subp. 6. Also eligible conditions. Not more than three also eligible conditions shall be used in writing conditions for overnight events.

7884.0120 ELIGIBILITY AND ENTERING.

Subpart 1. Time bars. No time records or bars shall be used as an element of eligibility.

Subp. 2. Horses to remain eligible. Horses eligible at the time of entry shall remain eligible for that race regardless of earnings accrued after such entry.

Subp. 3. Mixed race eligibility. To participate in mixed races, trotting and pacing, a horse must be eligible under the conditions for the gait stated for it in its entry.

Subp. 4. Only purse races considered starts. The word "start" in a condition includes only those performances in a purse race.

Subp. 5. Races limited to fastest horses. Eligibility to enter preferred, invitation, junior invitation, handicap, open, or free-for-all races is limited to the fastest horses competing at the meeting. The races shall be subject to the following provisions.

- A. Horses shall be posted in the office of the racing secretary and listed with the stewards prior to closing entries.
- B. Horses so posted shall not be eligible to enter conditioned races unless the conditions specifically include horses posted to any or all such races.
- C. No two-year-old horse is eligible to be placed on the lists to race against older horses until it has won seven races.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

unless specifically requested by the owner or authorized agent, but the owner or authorized agent may withdraw a request after it has been made.

Subp. 6. Maximum number in field. The maximum size of fields for all races shall be determined by allowing eight feet per horse in the front tier and not more than two trailing horses.

Subp. 7. Conditions precedent to entering. No horse shall be permitted to enter to race unless:

- A. a valid eligibility certificate has been granted or validated for that horse by the USTA;
- B. the current ownership of the horse has been registered with the USTA;
- C. the registration papers and a valid eligibility certificate have been filed with the racing secretary;
- D. if the horse is leased,
 - (1) a copy of the lease is on file with the association and the USTA; and
 - (2) the horse races in the name of the lessee;
- E. the horse has qualified as provided in part 7884.0190;
- F. the horse has been lip tattooed;
- G. the horse is at least two years old but not older than 14 years old; and
- H. if it is a spayed mare, that fact is noted on the program, registration certificate, eligibility certificate, and the list of such horses is posted in the office of the racing secretary.

Subp. 8. Time for closing of entries. An association shall publish the time for closing of entries on the condition sheets.

Subp. 9. Entries received after closing time not accepted. An entry received after the specified time of closing shall not be accepted, except if it was omitted in error or because of an inadvertent mistake by an official or employee of the association.

Subp. 10. Horse shall be entered at only one racetrack. The same horse shall not be entered to compete in races scheduled for the same day at different racetracks.

Subp. 11. Entered horse may not be sold or transferred. After having been drawn to start, a horse shall not be sold or transferred prior to the particular race.

Subp. 12. Change of trainer. Trainers may be changed only with prior approval of the stewards.

Subp. 13. Horses denied entry. A horse that is on the qualifying list, starter's schooling list, stewards' list, veterinarian's list, or bleeder list, and not removed from that list, shall not be entered.

Subp. 14. Rejection of entries. The association may reject the entry into an overnight event of any horse whose past performance indicates that it would be below the competitive level of other horses entered in the particular race.

Subp. 15. Naming of drivers. Drivers shall be named no later than the time necessary to permit their names to be published in the official racetrack program. The deadline for naming of drivers shall be set by the association, and no driver may be changed after the deadline without the permission of the stewards.

7884.0130 PREFERENCE SYSTEM.

Subpart 1. Association to establish preference system. Each association shall keep a list of all horses excluded from races because of too many entries and such horses are to have preference in any race in which they may afterwards be entered.

Subp. 2. Preference system provisions. Notwithstanding subpart 1, preference may be given under the following circumstances:

- A. If more than the required number of horses are entered in a race with the same preference date, the previous preference dates shall apply.
- B. When a horse is racing for the first time at the gait entered for it, it shall have preference over other horses regardless of their preference dates.
- C. If an entry is made for a horse that has already been drawn to start in a race that has not yet been contested, the date of that uncontested race shall be its preference date.
- D. If a horse has been scratched, the date of the race from which it has been scratched shall be its preference date.
- E. If a race has been reopened for additional entries, preference shall be given those horses eligible and entered at the time the race originally closed.
- F. If conditions so specify, preference may be given to two-year-old horses regardless of preference date.

Subp. 3. Preference for also eligibles. No more than two horses may be drawn as "also eligibles," in accordance with the following provisions:

- A. Also eligibles shall be drawn from horses having the best performance.
- B. No horse shall be added to the race as an also eligible unless it was drawn as an also eligible at the time entries closed for that race.
- C. No horse may be barred from another race to which it is eligible and has preference because it has been drawn as an also eligible.

7884.0140 COUPLED ENTRIES.

Subpart 1. Horses to be coupled as an entry. Horses shall be coupled as an entry if:

- A. one person is the owner of two or more horses in a race;
- B. the spouse of a person who is the owner of one horse in a race is the owner of another horse in that race;
- C. the spouse of the driver of one of the horses in a race is the owner, trainer, or driver of another horse in that race; or
- D. the trainer of one of the horses in a race is the owner, trainer, or driver of another horse in that race.

Subp. 2. Stewards may designate a coupled entry. Any two or more horses may be coupled as an entry by the stewards when they consider it in the public interest to do so.

Subp. 3. Split races. If a race is split into divisions or elimination heats, horses coupled as an entry shall be, insofar as possible, seeded in separate divisions or elimination heats in the following order:

- A. owners;
- B. trainers; and
- C. stables.

The divisions or elimination heats in which such horses are to compete, and their post positions, shall be determined by lot.

7884.0150 LOST ENTRIES.

Subpart 1. Addition to overnight event. When there is conclusive evidence prior to the printing of the overnight sheets that a horse was properly entered in a race, but was inadvertently omitted from the drawing for post positions due to error of an official or employee of the association, the horse so omitted may be added to the race and the race redrawn. If the overnight sheet has been printed such horse shall not be permitted to start.

Subp. 2. Addition to stakes race. A horse that was nominated or entered in a stakes race, but was inadvertently omitted, shall be added to the race and the race redrawn. Should the addition result in more than the maximum number of starters allowed in a single field, the event shall be divided and the starters in each division and their post positions shall be redrawn by lot.

7884.0160 ALSO ELIGIBLES.

Subpart 1. Also eligibles to replace excused horses. If a horse is excused from a race by the stewards, an also eligible horse shall take the post position drawn for the excused horse, except as provided in subpart 5.

Subp. 2. Trainer to be notified. Also eligibles moved into races shall be posted in the office of the racing secretary and their trainers shall immediately be so notified by the racing secretary.

Subp. 3. Also eligibles released. Also eligibles not moved into a race by 10:00 a.m. of the day of the race shall be released.

Subp. 4. Horses drawn in to be scratched from other races. If an also eligible is moved into a race it shall be scratched from any subsequent race for which it has been drawn, unless preference otherwise allows.

Subp. 5. Handicap races. In handicap races an also eligible horse shall take the place of the excused horse so long as the handicap is the same. However, if the handicap is different:

- A. the also eligible horse shall take the position on the outside of horses with a similar handicap; or

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

B. when a trailing horse is scratched, the also eligible horse shall take the trailing position, regardless of the handicap.

7884.0170 SCRATCHES.

Subpart 1. Stewards to approve scratches. A horse entered to race shall not be scratched from a race without permission of the stewards.

Subp. 2. Scratches are irrevocable. A horse that is scratched from a race shall not be reinstated in that race.

Subp. 3. On advice of commission veterinarian. A horse scratched by the stewards on the advice of the commission veterinarian shall not be allowed to enter for a minimum of 72 hours from the time it was scratched, and then only if it has been approved for entry by the commission veterinarian.

7884.0180 TIME TRIALS.

The trial performances are permitted provided:

- A. urine tests are required for all horses;
- B. an approved electric timer is used, however, if a timing device fails during a time trial, no time trial performance record will be obtained;
- C. they are held during the course of a race meeting and are officiated by stewards;
- D. they are limited to two-year-olds who equal or beat 2:10, and three-year-olds and older who equal or beat 2:05;
- E. they are designated on a horse's record and in the official racing program by preceding the time with "TT";
- F. that when a horse has other horses accompanying it in a time trial performance, they may not precede it, be harnessed with it, or in any way be attached to it; and
- G. a break during a time trial performance results in no time being given to the breaking horse.

7884.0190 QUALIFYING RACES.

Subpart 1. Scheduling of qualifying races. Qualifying races shall be scheduled at least once a week, weather conditions permitting, and shall be conducted under the supervision of the stewards.

Subp. 2. Horses required to compete in qualifying races. The following horses shall not be eligible to enter any race until they have competed in qualifying races:

- A. A horse that does not have a charted race at the gait chosen.
- B. A horse that does not show a charted line within the last six starts. For that purpose an uncharted race contested in heats or more than one dash and consolidated shall be considered to be a start.
- C. A horse that has not started for a period of 45 days or more.
- D. A horse which has raced at a meeting at which races were not charted.
- E. A horse that is on the qualifying list.
- F. A horse that chokes, bleeds, or falls during a warmup or a race.
- G. A horse that has made breaks in two consecutive races or which breaks in its first start following a qualifying race.
- H. A horse that has been distanced.

Subp. 3. Preferred or invitational horses. The stewards may permit a preferred or invitational horse to qualify by means of a timed workout consistent with the time of preferred or invitational races that have been completed at the race meeting.

Subp. 4. Stewards may set standards. The stewards may establish a qualifying time for an individual horse consistent with that horse's past performance.

Subp. 5. Qualifying drivers. If a race is conducted for the purpose of qualifying drivers and not horses, the race need not be charted, timed, or recorded, but this clause does not apply to races qualifying both horses and drivers.

Subp. 6. Qualifying times shall be posted. Qualifying times shall be established by the association and those times and any subsequent changes to them shall be approved by the stewards and posted so that they are available for inspection by participants.

Subp. 7. Trainers to be notified. Trainers of horses placed on the qualifying list shall be advised by the stewards or their designee of that fact by written notice which must also be posted in the racing office.

7884.0200 STAKE RACES.

Subpart 1. Conditions. Conditions for stakes races which are vague, inconsistent, or which conflict with the rules of the commission shall not be published. Conditions shall state whether the race will be:

- A. raced in divisions; or
- B. conducted in elimination heats if more horses than the maximum allowed to compete in one division are entered.

Subp. 2. Conditions shall not be changed. Published conditions shall not be changed after nominations have been received, nor shall the date and place of the event be changed after being advertised without the prior consent of the commission.

Subp. 3. Stakes nominations and sustaining fees. All nominations to stakes races must be:

- A. made in writing;
- B. signed by the owner, trainer, or the owner's authorized agent; and
- C. made at least five days prior to the race for which the nomination is made.

Subp. 4. Fees are due on business days. If the day for closing of nomination or sustaining payments falls on a Sunday or legal holiday, the day of closing shall be the next business day.

Subp. 5. Entry fees. Entry fees shall become due and payable when a horse is properly entered, and the fees are nonrefundable.

Subp. 6. Nominations not affected by sale. The eligibility of a nominated horse is not affected by the sale of the horse after its nomination has been accepted unless the contrary is specified in the conditions.

Subp. 7. Nomination lists to be provided. An association shall provide a list of all stakes nominations to each nominator and to the commission within 30 days after the date on which payments were due. The list must be accompanied by a report indicating the current financial status of the race and listing the number of horses remaining eligible and the amounts of nomination and sustaining payments received by the association.

Subp. 8. Minimum number of starters may be required. An association may require at least five separate interests to start in a stakes race. If fewer horses than the number required are properly entered, the race may be declared off. In that case, the total of nomination and sustaining payments received shall be divided equally among the horses entered without being credited as purse winnings. If no entries are made, the total nomination and sustaining payments shall be divided equally and awarded among the horses remaining eligible after the last sustaining payment, without being credited as purse winnings.

Subp. 9. Restrictions against entering or starting. Any horse that is on the qualifying, veterinarian, starter's schooling, or stewards' list may be nominated but shall not be eligible to enter or start in a stakes's race unless it is removed from those lists before the time of entry or starting.

Subp. 10. Overfilled stakes to be run in divisions. If more horses than allowed in one field are entered to start a race, the race shall be conducted in divisions or eliminations, as specified in the conditions.

Subp. 11. Stakes races conducted in divisions. Stakes races conducted in divisions shall be subject to the following:

A. Starters shall be divided by lot with all nomination and sustaining payments divided in equal proportion to the number of entered horses that are drawn to each division.

B. The amount of the additional purse added to each division shall be approved by the stewards.

C. All divisions shall be raced on the same day.

Subp. 12. Stakes races conducted in eliminations. For stakes races conducted in eliminations:

A. The stewards shall draw by lot the post positions of the horses that have qualified for the final heat.

B. Elimination heats and the final heat shall be raced on the same day, unless the conditions provide otherwise, and in that case, elimination heats shall be contested not more than seven days prior to the date of the final heat.

C. The winner of the final heat shall be the winner of the stakes race, unless the conditions provide otherwise.

D. If there are two elimination heats, the first four finishers in each heat shall qualify for the final heat.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

E. If there are three or more elimination heats, no more than three horses from each elimination heat shall qualify for the final heat.

F. In all cases, the number of horses allowed to qualify for any final heat shall not exceed ten.

G. The stewards shall draw by lot the post positions for the final heat to determine which of the elimination heat winners shall have the pole position, and shall in that manner determine all of the other positions for the final heat.

Subp. 13. Canceled stakes races. The following procedures shall be followed when stakes races are canceled.

A. In stakes races that have not been contested before being canceled, all nomination and sustaining fees shall be divided equally among the owners of horses remaining eligible at the time of cancellation.

B. In stakes that have been started but remain unfinished before being canceled, the allotted shares of the remaining nominating, sustaining, and starting fees shall be distributed equally to the owners of all horses remaining eligible at the time of cancellation.

C. Unless otherwise provided in the conditions, canceled stakes races shall not be transferred to another race meeting.

7884.0210 CLAIMING RACES.

Claiming shall be conducted in accordance with part 7883.0140.

7884.0220 PADDOCK PROCEDURES.

Subpart 1. Horse to be in paddock. Horses must be in the harness paddock at least one hour prior to post time of the race in which they are to compete and, except for warmup trips, no horse shall leave the paddock until called to post.

Subp. 2. Driver to register. Drivers shall report to the paddock judge and sign the drivers' register at least one hour before post time of any race in which they are programmed to drive. After signing the drivers' register, no driver shall leave the drivers' room, except to drive in a race or to view the races from a point approved by the stewards, until all his or her driving engagements for the day have been fulfilled.

Subp. 3. Persons restricted from paddock. No person, except an official or an owner who has a horse racing, shall be allowed in the paddock until all race of that program have been completed, and not more than two members of a registered stable may be in the paddock on any race day.

Subp. 4. Blacksmith to be in paddock. Each association must during racing hours provide the services of a blacksmith within the paddock.

Subp. 5. Extra racing equipment to be in paddock. Each association must during racing hours provide to the equipment inspector all extra equipment in the paddock that may be necessary in emergencies to prevent unnecessary delay during the conduct of racing.

7884.0230 RACING EQUIPMENT.

Subpart 1. Sulkies. Sulkies will be permitted only if they are of the conventional dual-shaft and dual-hitch type as follows:

- A. they have two shafts that are parallel to, and securely hitched on each side of the horse;
- B. no point of a hitch and no part of a shaft of the sulky is above a horizontal level equal to the lowest point of the horse's back;
- C. they are equipped with mud guards when so required by the stewards; and
- D. they are equipped with plastic wheel discs on the inside and outside of each wheel with such discs being either clear or of a solid pastel color.

Subp. 2. Head poles. No horse may wear a head pole protruding beyond its nose.

Subp. 3. Helmets must be worn. All persons must wear an approved protective helmet with the chin strap properly fastened at all times when racing, jogging, training, or when warming-up a horse on the premises of a licensed racetrack.

Subp. 4. Time limit for equipment changes. No major equipment change may be allowed after 10:00 a.m. on the day of the race without the consent of the stewards, and all such changes must be posted and announced.

Subp. 5. Broken equipment. All broken equipment must be reported by the driver, in the first instance, to the starter, and then to the paddock judge who shall make an examination to verify the allegation.

Subp. 6. Warmup equipment. All persons driving a horse must wear silks and white pants when warming-up a horse prior to a race. Such horse shall have the proper head number and saddle cloth for the race in which it will be racing.

Subp. 7. Drivers' colors. Drivers must wear distinguished colors and shall not be permitted to drive in a race or other public performances unless they are properly dressed, their driving outfits are clean, and they are well-groomed. During inclement

weather conditions, drivers must wear rain suits or winter suits either of distinguishing colors or made of transparent material through which their colors may be distinguished.

7884.0240 POST TIME AND STARTING.

Subpart 1. Post time. The association shall establish the post time for each race and the stewards shall call the horses on the track at a time to prevent delay after the completion of one or two scores.

Subp. 2. Time between single race heats. The time between separate heats of a single race shall not be less than 40 minutes.

Subp. 3. Horses called to post have exclusive right. Horses called for a race have the exclusive right to occupy the course, and all the other horses shall vacate the course immediately.

Subp. 4. Scoring. Horses are permitted to take one or two scores before going to the post, and upon completion of the last score, the horses shall be gathered by the starter and immediately moved to their appropriate starting positions behind the gate.

Subp. 5. Post positions. The following procedures shall apply to post positions:

A. When a horse is withdrawn from the front tier, horses on the outside shall move in to fill the vacancy.

B. If there is only one trailing horse it may start from any trailing position.

C. If there is more than one trailing horse it shall start from inside the horse with a higher post position.

D. The withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the trailing horse, except as provided for in handicap claiming races.

Subp. 6. Starting gate. All races shall be started with a mobile starting gate of a design approved by the commission, and shall be equipped with two-way communications to the stewards and a mechanical loudspeaker for communicating instructions to drivers. No person except the starter, his or her driver, and a patrol judge, shall ride in a starting gate without the permission of the stewards.

Subp. 7. Starter has control of horses. The starter shall have control of the horses from the formation of the parade until a fair start has been determined.

Subp. 8. Determination of a fair start. The determination of a fair start is signified by the word "go" announced by the starter at the starting point. The starting point is a point that shall be marked on the inside rail a distance of not less than 200 feet from the first turn.

Subp. 9. Conduct of start. The following procedures shall be observed during the start of a race.

A. The horses shall be brought to the starting gate as near one-quarter of a mile before the start as the track will permit.

B. The starter shall cause the gate to move towards the starting point, gradually increasing speed of the gate to maximum speed.

C. When maximum speed has been reached in the course of a start there shall be no decrease, except in the case of a recall.

D. After the determination by the starter of a fair start all the horses shall race the course, except in the case of an occurrence that in the opinion of the stewards makes it impossible for the horses to race the course.

E. During the start of a race, if a horse is unmanageable or liable to cause an accident or injury to another horse or to a driver, it shall be scratched by the stewards.

7884.0250 RECALLS.

Subpart 1. Starter may at any time order a recall. The starter may, at any time before the word "go" is given, order a recall and restart the race. If a second recall is sounded because of the same horse, that horse shall be scratched.

Subp. 2. Reasons for recall. The starter shall sound a recall for the following reasons:

A. a horse scores ahead of the starting gate;

B. there is interference before the word "go" is given;

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION —** Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

- C. a horse has broken equipment observed by the starter; or
- D. a horse falls before the word "go" is given.

Subp. 3. Recall procedures. In case of a recall:

- A. a light, plainly visible to the drivers, shall be flashed and a recall sounded;
- B. if possible, the starter shall leave the wings of the starting gate open and gradually slow the speed of the gate to assist in stopping and turning the field; and
- C. drivers shall take up their horses and return, without delay, to the point where the field is gathered for starts.

Subp. 4. Inquiry into failure to sound recall. If the starter fails to sound a recall when required, the stewards shall immediately cause the "Inquiry" sign to be displayed.

7884.0260 DRIVING RULES.

Subpart 1. Conduct before word "go" is given. Before the word "go" is given no driver shall:

- A. delay a start;
- B. pass the inside or the outside wing of the gate;
- C. come to the starting gate in the wrong position;
- D. cross over before reaching the starting point;
- E. interfere with another horse or driver during the start; or
- F. fail to come up into position and on the gate.

Subp. 2. Conduct after word "go" is given. After the word "go" is given no driver shall:

- A. change course or position, swerve in or out, or bear in or out, during any part of the race in a manner that will compel another horse to shorten its stride or cause another driver to change course;
- B. take his or her horse back or pull his or her horse out of its stride;
- C. impede the progress of another horse or cause it to break from its gait;
- D. cross over too sharply in front of another horse;
- E. crowd another horse by "putting a wheel under it";
- F. carry another horse out;
- G. strike or hook wheels with another sulky;
- H. allow another horse to pass needlessly on the inside, or commit any other act that helps another horse to improve its position;
- I. take up or slow abruptly in front of other horses as to cause confusion or interference among the trailing horses;
- J. lay off a normal pace and leave a hole when it is well within his or her horse's capacity to keep the hole closed;
- K. drive in a careless, reckless, or unsatisfactory manner;
- L. fail to set or maintain a pace comparable to the class in which he or she is racing, considering track conditions, weather, and circumstances of the race;
- M. fail to properly contest an excessively slow pace;
- N. back off from any position and subsequently come on when challenged;
- O. fail to report any interference or any other infraction that occurred during a race and was observed by him or her;
- P. lodge a claim of foul, violation of the rules, objection, or complaint which the stewards consider frivolous;
- Q. drive a horse in a manner that prevents it from winning a race;
- R. drive a horse to perpetrate or aid in a fraud or corrupt practice;
- S. drive a horse in an inconsistent manner;
- T. use a whip exceeding four feet in length or a snapper longer than eight inches in length, or use a whip in a brutal manner, or use the butt end of the whip, or whip under the arch or shaft of the sulky, or strike a wheel disc with his or her whip, or use a whip to interfere with or cause disturbance to any other horse or driver in a race;
- U. punch, jab, or kick a horse; and

V. allow his or her horse to break from its gait for the purpose of losing a race.

Subp. 3. Breaks. When a horse breaks from its gait the driver shall:

- A. take the horse to the outside of other horses or where clearance exists;
- B. properly attempt to pull the horse to its gait; and
- C. drop back from the field while on the break.

Subp. 4. Lapped on break. If there has been no violation of subpart 3, the stewards shall not set back the horse unless a competing horse on its gait is lapped on the hind quarter of the breaking horse at the finish.

Subp. 5. Breaks to be reported. Stewards shall record each break in the official race reports.

Subp. 6. Drivers must remain mounted. A driver must be mounted in his or her sulky from the start to the finish of the race or the horse he or she is driving shall be disqualified.

Subp. 7. Use of stirrups. After the word "go" is given, barring mishap, both of the driver's feet must be kept in the stirrups until the race has been completed.

Subp. 8. Claim of foul. A driver who desires to enter a claim of foul, violation of the rules, or other complaint shall notify the nearest patrol judge and shall proceed forthwith to the paddock telephone to communicate immediately with the stewards, unless the driver is prevented from doing so by an accident or injury or other reasonable excuse.

Subp. 9. Stewards shall view complaint. The stewards shall not cause the "Official" sign to be posted until the circumstances surrounding a claim of foul, violation of the rules, or other complaint has been viewed and decided.

Subp. 10. Stewards to determine extent of violation. The stewards shall determine the extent of the alleged violation and may place the offending horse either behind the horses that in their judgment were interfered with, or last in the field.

**CHAPTER 7890
MINNESOTA RACING COMMISSION
HORSE MEDICATION**

7890.0100 DEFINITIONS.

Subpart 1. Scope. The terms used in this chapter shall have the following meanings.

Subp. 2. Bleeder. "Bleeder" means a horse which during a race or exercise is observed by the commission veterinarian or stewards to be shedding blood from one or both nostrils, or which is suspected of having bled and is so confirmed by an endoscopic examination conducted by the commission veterinarian within one hour following the race or exercise.

Subp. 3. Bleeder list. "Bleeder list" means a tabulation of all bleeders maintained by the commission veterinarian.

Subp. 4. Chemist. "Chemist" means any official racing chemist designated by the commission.

Subp. 5. DMSO. "DMSO" means dimethylsulfoxide.

Subp. 6. Medication. "Medication" is a substance, compound, or element, or combination thereof, which is or can be administered to a horse for the purpose of preventing, curing, or alleviating the effects of any disease, condition, ailment, or infirmity, or symptom thereof, or for altering in any way the behavior, attitude, temperament, or performance of a horse, including athletic performance. Nothing herein shall be deemed to include:

A. topical applications, such as antiseptics, ointments, salves, DMSO, leg rubs and leg paints which may contain antibiotics (except procaine penicillin), but which may not contain benzocaine, steroids, or other medications; and

B. food additives, such as vitamins and electrolytes, provided such additives are administered orally and do not contain any medications.

Subp. 7. Positive test. "Positive test" means the detection of any medication or metabolites thereof in a test sample.

Subp. 8. Test sample. "Test sample" means any bodily substance including blood, urine, saliva, or other substance as directed by the commission, taken from a horse under the supervision of the commission veterinarian and in such manner as prescribed by the commission for the purpose of analysis.

Subp. 9. Veterinarian. "Veterinarian" means a veterinary practitioner licensed to practice at a Minnesota racetrack.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

7890.0110 MEDICATIONS AND REPORTING PROCEDURES.

Subpart 1. Medications prohibited. No person shall administer or cause to be administered to a horse any medication by injection, oral, or topical administration, rectal infusion or suppository, inhalation, or absorption within the time period prohibited by law.

Subp. 2. Veterinarians must keep records. Veterinarians must keep a logbook as to all medications and other substances as provided in part 7890.0100, subpart 7, items A and B prescribed or administered, and any other professional services performed at a licensed racetrack. Such logbook shall be made immediately available to the commission veterinarian or the stewards upon request.

7890.0130 FINDINGS OF CHEMIST.

Subpart 1. Prima facie evidence. A finding by a chemist that any medication as defined in part 7890.0100, subpart 7, shall be prima facie evidence that the medication was administered and carried in the body of the horse while participating in a race. The finding shall also be taken as prima facie evidence that the attending trainer was negligent in the handling or care of the horse.

Subp. 2. Distributed purse money. The fact that purse money has been distributed prior to the issuance of the chemist's report shall not be deemed a finding that no medication was administered to the horse earning such purse money in violation of this chapter.

7890.0140 BLEEDER LIST.

Subpart 1. Maintenance. An up-to-date bleeder list shall be maintained by the commission veterinarian. The list shall be posted in the office of the racing secretary.

Subp. 2. Horses placed on bleeder list. Horses which are bleeders, as defined in part 7890.0100, subpart 2, shall be placed on the bleeder list and shall be ineligible to be entered in a race.

Subp. 3. Endoscopic examination. Within one hour of the finish of the race or exercise in which a horse has participated, the commission veterinarian may require an endoscopic examination in order to confirm the horse's inclusion on the bleeder list. The endoscopic examination shall be conducted by a veterinarian employed by the horse's owner or the owner's agent, and shall be conducted in the presence of and in consultation with the commission veterinarian.

Subp. 4. Confirmation of bleeder must be certified. The confirmation of a bleeder must be certified in writing by the commission veterinarian and the horse must be entered by him or her on the bleeder list. Upon request, a copy of the certification shall be provided to the owner of the horse or the owner's agent.

Subp. 5. Restrictions on confirmed bleeders. Confirmed bleeders shall be subject to the following restrictions.

A. For the first observed bleeding, the horse shall be placed on the bleeder list and shall not be removed from the list for at least 14 days, and not until the commission veterinarian has approved its removal.

B. When a horse has been observed bleeding for the second time, the horse shall be placed on the bleeder list and shall not be removed from the list for at least 28 days and not until the commission veterinarian has approved its removal.

C. When a horse is observed bleeding a third time, the horse shall be barred from further pari-mutuel racing in Minnesota.

Subp. 6. Bleeders imported from other jurisdictions. A horse shipped into Minnesota from another jurisdiction may be considered a bleeder provided there is compliance with the following procedures:

A. the jurisdiction from which it was shipped considered the horse a bleeder pursuant to the criteria set forth in this part, and documentation to that effect is immediately transmitted to the stewards at the Minnesota racetrack to which it is shipped; and

B. the commission veterinarian certifies the horse as a bleeder pursuant to subpart 4.

CHAPTER 7891 MINNESOTA RACING COMMISSION PHYSICAL EXAMINATION OF HORSES

7891.0100 RACING SOUNDNESS EXAMINATION.

Subpart 1. Horses subject to examination. Every horse entered to race at a licensed racetrack under the jurisdiction of the commission shall be subjected to a veterinary examination for racing soundness and health on race day conducted by the commission veterinarian in or near the stall to which the horse is assigned.

Subp. 2. Record of examination. The commission veterinarian shall maintain a continuing health and racing soundness record of each horse examined.

7891.0110 POST-MORTEM EXAMINATION.

Subpart 1. Horses that must undergo post-mortem examination. Every horse which suffers a breakdown at a licensed racetrack under the jurisdiction of the commission, in training or in competition, and which is destroyed, and every horse which expires while stabled at a licensed racetrack under the jurisdiction of the commission, shall undergo a post-mortem examination to be conducted by the commission veterinarian or his or her designee to determine the injury or illness which resulted in euthanasia or natural death.

Subp. 2. Test samples to be taken for analysis. Test samples must be obtained from every horse which undergoes a post-mortem examination. The samples shall be sent for analysis to a laboratory approved by the commission and the commission may direct the laboratory to retain and preserve such samples for future analysis.

When practical, both blood and urine test samples should be obtained prior to euthanasia.

Subp. 3. Owner and trainer responsible. The owner and attending trainer are responsible for reporting to the commission veterinarian the death of a horse within one hour of its death, and for having the post-mortem examination performed in accordance with this part.

Subp. 4. Report of exam. A report of every post-mortem examination shall be filed with the commission within 72 hours of the horse's death on a form prepared by the commission.

**CHAPTER 7892
MINNESOTA RACING COMMISSION
MEDICAL TESTING**

7892.0100 DETENTION BARN.

Subpart 1. Barn. Each association shall provide a detention barn suitable for taking test samples. The barn shall include:

- A. an office area which can be locked, and which has a floor area of not less than 100 square feet;
- B. a wash rack not less than 12 feet by 12 feet;
- C. not fewer than four stalls ten feet by ten feet each, with dutch doors and observation holes;
- D. a refrigerator of not less than ten cubic feet;
- E. hot and cold running water; and
- F. a walking ring.

Subp. 2. Security. Each association shall furnish a security officer to guard the detention barn during racing hours and until the last specimen is taken for the day.

7892.0120 TAKING OF SAMPLES.

Subpart 1. Horses tested. Blood and urine test samples shall be taken from the winning horse in every race, horses finishing second in races with quinella or exacta wagering, defeated favorites, horses selected at random during each racing program, and horses designated by the stewards or the commission veterinarian at any time upon suspicion that a violation of chapter 7890 has occurred. The stewards or veterinarian may require that specimens of saliva or other body fluid or excretion be taken from a tested horse as necessary to determine whether a violation of chapter 7890 has occurred. Any owner, trainer, or other person having care, custody, or control of a horse required to be tested must submit the horse immediately.

Subp. 2. Samples taken. All samples shall be taken in the detention barn unless the commission veterinarian determines it necessary to take a sample elsewhere. All samples shall be taken, sealed, identified, and delivered to the testing laboratory under the direction of the commission veterinarian or his or her designee.

Subp. 3. Witnesses. The taking and sealing of any test sample must be witnessed or acknowledged by the signature of the trainer of the horse or his or her designee. The owner and trainer of a horse, or their designees, may be present at all times during the taking and sealing of the test samples.

Subp. 4. Identification. An identification tag must be attached to each sealed sample. The commission veterinarian shall retain a stub from each tag. The portion of the tag accompanying a sample to the testing laboratory must bear all information

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. Strike outs indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. Strike outs indicate deletions from proposed rule language.

PROPOSED RULES

necessary to allow for proper analysis, but the identity of the horse from which the sample was taken and of the identity of its owner, trainer, jockey, driver, or stable must not be revealed to laboratory personnel.

Subp. 5. Split samples. A portion of the sample from each horse tested must be preserved by the association. It must be available for testing at the request of a person accused of a violation of chapter 7890. A person so accused may request that the portion of the test sample retained by the association be sent to a laboratory other than the commission's official laboratory for testing. A person making a request must bear the cost of shipment and additional testing.

Subp. 6. Other materials. The stewards or commission veterinarian may direct that a sample be taken of any material on the premises of a licensed racetrack if the stewards or commission veterinarian suspect the material contains a substance which has been used or will be used in violation of chapter 7890.

7892.0130 TESTING.

Subpart 1. Laboratory. Any laboratory designated by the commission to analyze and report on the presence of prohibited substances in test samples must participate in and comply with the standards and procedures established by the Uniform Drug Testing and Quality Assurance Program of the National Association of State Racing Commissioners.

Subp. 2. Chemist. The chemist responsible for detecting and identifying prohibited substances at an official laboratory must be a member in good standing of the Association of Official Racing Chemists.

Subp. 3. Equipment. Every official laboratory must be equipped with the following:

- A. extraction apparatus consisting of:
 - (1) direct column,
 - (2) rotation apparatus,
 - (3) concentration-distillation, and
 - (4) resin absorption apparatus, or any combination thereof;
- B. at least one steam bath;
- C. a hot water bath with a controlled temperature;
- D. a water still;
- E. a centrifuge;
- F. a refrigerator;
- G. an analytical balance;
- H. laboratory scales;
- I. a polarizing microscope;
- J. a photomicrographic camera with attachments;
- K. a paper strip chromatographic apparatus;
- L. a thin layer chromatographic apparatus;
- M. ultra-violet lamps including short and long wave lamps;
- N. a laboratory oven with a heat range of 93.3 degrees Celsius to 120 degrees Celsius, and a sensitivity of plus or minus 1 degree Celsius;
- O. photographic equipment for the purpose of photographing color spot tests and chromatographs;
- P. a pH meter;
- Q. a gas chromatograph equipped with electron capture, flame ionization, and thermionic specific detectors;
- R. a mass spectrometer interfaced to a gas chromatograph with solid probe capability and with a computer based data library storage system;
- S. a microcrystal testing kit;
- T. a color spot testing kit;
- U. a high performance liquid chromatograph equipped with ultra-violet and fluorescence detectors;
- V. assorted laboratory glassware; and
- W. other equipment the commission determines is necessary for the detection and identification of prohibited substances.

Subp. 4. Procedure. The method for analysis of test samples by an official laboratory shall be:

A. process by extraction of a sample:

- (1) using direct column apparatus;
- (2) using rotation or other agitation apparatus;
- (3) by concentration-distillation;
- (4) by resin absorption; or
- (5) by any combination employing such solvents as are deemed appropriate by an official chemist; and

B. examination of the residue resulting from extraction by three separate tests selected from any of the following analytical methods:

- (1) thin layer of chromatography;
- (2) ultra-violet spectrophotometry;
- (3) color spot test;
- (4) gas liquid chromatography;
- (5) high pressure liquid chromatography;
- (6) mass spectrometry; or
- (7) immuno assay.

If during a test an official chemist suspects the presence of a prohibited drug in a sample, the chemist shall continue analysis by any method he or she believes will ensure detection and identification of the substance.

Subp. 5. Reports. An official chemist shall report the results of tests promptly to the stewards and commission veterinarian.

7892.0140 RECORDS.

All documents relating to test samples must be retained for three years or until legal proceedings in which they may be evidence are concluded, whichever is later.

7892.0150 PURSES.

Upon receipt of a positive laboratory report, the stewards shall direct that no undistributed purse money won by the horse tested may be awarded pending final determination of the matter. The stewards shall order distributed purse money returned, and it must be returned. If it is determined finally that a violation of chapter 7890 has occurred, the purse money won by the horse involved shall be forfeited and redistributed among the other horses in the race according to their order of finish. No forfeiture and redistribution shall affect the distribution of pari-mutuel pools. Distribution of purse money prior to issuance of a laboratory report shall not be deemed a determination that chapter 7890 has not been violated.

7892.0160 COST RECOVERY.

The commission shall assess the association for the cost of establishing and initially staffing the official laboratory.

CHAPTER 7895 MINNESOTA RACING COMMISSION BREEDERS' FUND

7895.0100 GENERAL PROVISIONS.

Subpart 1. Scope. For purposes of administering the breeders' fund under Minnesota Statutes, section 240.18, and the required race provision of Minnesota Statutes, section 240.29, the following parts are adopted.

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. The proof may be affidavits or investigative reports as the commission deems necessary.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

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 must 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. The commission or the designated registering agency may demand and inspect any registration certificate or record of a Minnesota breeder, and may require affidavits or other substantive proof as the commission or official registering agency deems necessary 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 races restricted to Minnesota-bred horses 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. 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.

7895.0110 THOROUGHBRED BREEDERS' FUND.

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

A. "Minnesota-owned" means a horse whose owner or owners reside in Minnesota, who declare themselves to be residents of Minnesota for purposes of Minnesota Statutes, chapter 290, who declare that they are not residents of any other state, and all of whom hold Class C licenses issued by the commission.

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

C. "Minnesota-bred" means a horse foaled in Minnesota.

D. "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 February 15 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. Thirty-one percent shall be set aside and paid to breeders of Minnesota-bred horses through breeders' awards.

B. Thirty-one percent shall be set aside and paid to owners of Minnesota-bred horses as owners' awards.

C. Thirty-one percent shall be set aside and paid to supplement purses in races which are restricted to Minnesota-bred or Minnesota-owned horses. In all such races Minnesota-bred horses shall be preferred, and the purse supplements shall be apportioned in accordance with the quality of the race as determined by the commission pursuant to part 7888.0140.

D. Seven percent shall be set aside as stallion awards and paid as an award to the certified Minnesota owners of the Minnesota-sire at the time of breeding.

Subp. 3. Distribution of money. The money available from the thoroughbred breed categories shall be distributed as follows:

A. "Breeders awards" shall be paid to the breeder of a Minnesota-bred horse who finished third or better in any allowance, handicap, or stake race, including maiden allowance.

B. "Owners awards" shall be paid to owners of Minnesota-bred horses who finish third or better in any claiming race for \$10,000 or more, or in any allowance, handicap, or stake race, including maiden allowance.

C. "Stallion awards" shall be paid to the Minnesota owners of the Minnesota-sire of a Minnesota-bred horse that finished third or better in any allowance, handicap, stake, or maiden allowance race.

Subp. 4. Methods of payment. The amount of money allocated by the commission for awards or supplements for a qualifying race shall be paid out in the following percentages:

A. purse supplements shall be distributed in the same percentage as the purse money in the race; and

B. the money allocated to any race for owner or breeder awards shall be distributed as follows:

(1) 60 percent to the qualified winner;

(2) 30 percent to the qualified second-place finisher; and

(3) ten percent to the third-place qualified finisher.

Subp. 5. Undistributed awards transferred to residual funds. Money allocated for breeders' awards in any race which is not

distributed for lack of a qualifying horse shall be transferred to the breeders' residual fund. Money allocated for owners' awards in any race which is not distributed for lack of a qualifying horse shall be transferred to the owners' residual fund. The share of the stallion award allocation not distributed shall be transferred to the owners' residual award fund.

Subp. 6. Distribution of residual funds. The money in the respective residual funds shall be awarded at the end of the meet and paid to the breeders and owners in proportion to the individual purse money won by a Minnesota-bred horse to the total purse money won by Minnesota-bred horses as a group.

**CHAPTER 7897
MINNESOTA RACING COMMISSION
PROHIBITED ACTS**

7897.0100 PROHIBITED ACTS.

Subpart 1. Scope. The following activities are considered prohibited acts if they are committed, or attempted to be committed, within the enclosure of a licensed racetrack.

Subp. 2. Violations of laws. No person shall engage in conduct which is in violation of federal, state, or local criminal or civil laws.

Subp. 3. Possession of firearms or weapons. No unauthorized person shall possess within the enclosure of a licensed racetrack a firearm or other dangerous weapon as defined in Minnesota Statutes, section 609.02, subdivision 6.

Subp. 4. Destruction of property. No person shall damage or destroy property of the association or another by fire or any other means.

Subp. 5. Smoking. No person shall smoke in unauthorized areas.

Subp. 6. Altercations. No person shall provoke or engage in a physical altercation.

Subp. 7. Cooperation with security officers. No person shall fail to comply with orders of security officers or interfere with security officers in the performance of their official rules.

Subp. 8. Contact with jockeys. No unauthorized person shall communicate or attempt to communicate with a jockey or gain entrance to the jockeys' quarters during racing hours.

Subp. 9. Fraud. No person shall engage in any fraud or misrepresentation with regard to the breeding or racing of horses.

Subp. 10. Financial responsibility. No licensee shall willfully or deliberately refuse to pay any money when due for any service, supplies, or fees connected with his or her activities as a licensee, nor shall he or she falsely deny any such amount due or the validity of the claim therefor with the purpose of hindering or defrauding the person to whom such indebtedness is due. All financial responsibility complaints against a licensee shall be made in writing, signed by the complainant, and accompanied by a judgment from a court of competent jurisdiction.

Subp. 11. Nerved horses. No person shall bring onto the grounds of a racetrack for the purpose of racing or selling any horse which has had a nerve removed from its leg, other than a horse upon which a posterior digital neurectomy has been performed below the lowest aspect of the base of the proximal sesamoid bones.

Subp. 12. Horses with impaired vision. No person shall bring onto the grounds of a racetrack, or enter or cause to be entered in any race, or sell or offer for sale, any horse which has impaired vision in both eyes or suffers from periodic ophthalmia (commonly referred to as "moon blindness").

Subp. 13. Veterinary negligence. Veterinarians shall not be negligent in the performance of their duties with respect to the health and welfare of a horse, or in the prescription or administration of an unauthorized medication or injectable substance, or in the use of equipment for hypodermic injection.

Subp. 14. Failure to obtain license. No person shall fail to secure a Class C license, if required, prior to the performance of his or her occupational duties.

Subp. 15. Employing unlicensed personnel. No licensee shall employ unlicensed personnel unless licenses are not required for such personnel.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Subp. 16. Removing a horse without permission. No person shall remove from the stable area of a licensed racetrack any horse without the written permission of the racing secretary or the stewards.

Subp. 17. Helmets to be worn. No person shall ride or drive a horse in the stable area or on the main track or training track without a properly fastened protective riding helmet.

Subp. 18. Hypodermic equipment and injectable substances prohibited. The following shall apply to the possession of hypodermic equipment and injectable substances at racetracks:

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

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

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

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

7897.0110 USE OF DRUGS AND ALCOHOL.

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

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

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

7897.0120 DISCIPLINARY SANCTIONS.

Subpart 1. Licenses. Any licensee engaging in any prohibited act as provided in parts 7893.0100 and 7893.0110 is subject to license suspension or revocation, and/or the levying of a fine as provided in part 7893.0130.

Subp. 2. Exclusion from racetrack. Any person engaging in any prohibited act as provided in part 7893.0100 is subject to exclusion pursuant to Minnesota Statutes, section 240.27, from all licensed racetracks under the jurisdiction of the commission.

7897.0130 SCHEDULE OF FINES.

Subpart 1. Imposition of fines. The commission may impose a civil fine upon any licensee for a violation of laws related to horse racing or the commission's rules after a determination of the severity of the violation. The stewards may impose a civil fine upon a Class C licensee.

Subp. 2. Categories of violations. The commission or stewards shall assign a violation to one of the following categories:

A. A "serious violation" is a failure to comply with law or rule when the failure has a substantial adverse effect on the integrity of pari-mutuel horse racing, public welfare, health, or safety.

B. A "violation" is any failure, other than a serious violation, to comply with a law or rule.

Subp. 3. Assignment of categories. In assigning a violation to a category, the commission or stewards shall consider the following factors:

A. inherent severity of the conduct as indicated by the potential harm to person, property, or the integrity of racing;

B. culpability of the violator;

C. frequency of the violator's failure to comply with law or rule;

D. actual harm caused to person, property, or the integrity of racing; and

E. any other factors related to the seriousness of violations which the commission or stewards deem crucial to assignment as long as the same factors are considered with regard to all violators. The commission or stewards, in making a determination, shall consider both the number of factors applicable to a violation and the degree to which each applies.

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

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

Subp. 6. Timetable for paying fines. All fines must be paid within 72 hours upon receipt of a ruling imposing the fine.

7897.0130 SUSPENSION OR REVOCATION.

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

7897.0150 DISCIPLINARY AND APPEAL PROCEDURES.

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

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

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

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

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

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

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

G. In the event the stewards are unable to arrive at a decision by a majority vote, the matter will automatically be referred to the commission and treated as an appeal.

Subp. 2. Penalties imposed by stewards. The stewards may suspend the license of the holder up to 30 days, and/or impose a fine of up to \$500 in accordance with the schedule of fines in part 7897.0120; or they may order any other appropriate disciplinary or corrective action.

Subp. 3. Appeal to commission. A stewards' decision regarding a licensee may be appealed to the commission by:

A. The stewards or any person affected by the decision if such person believes that a greater sanction than that ordered by the stewards is warranted.

B. The licensee asking the commission to reverse the stewards' decision in whole or part or to lessen the sanction ordered by the stewards.

C. All appeals to the commission will be heard de novo and are not subject to the contested case procedures.

Subp. 4. Review or complaint by executive secretary or motion of commission. Nothing in this chapter precludes the

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

PROPOSED RULES

commission from instituting proceedings to review a stewards' decision on its own motion or complaint of the executive secretary.

Subp. 5. Stays of stewards' decisions. An appeal of a stewards' decision will not automatically stay the decision. A party may request the executive secretary to stay the decision. The executive secretary may order a stay unless he or she determines that a stay would adversely affect the public welfare.

Subp. 6. Procedure for appeal of decision of stewards. Any affected party may appeal a decision of the stewards by filing with the executive secretary a written request for such an appeal within three days, excluding Saturday, Sunday, and holidays, after the stewards' decision is received. The written request shall contain the following information:

- A. the name, address, and telephone number, if any, of the appellant;
- B. a description of the objections to the decision of the stewards;
- C. a statement of the relief sought;
- D. the date on which the decision was made; and
- E. whether the appellant desires to be present in person at the hearing of the appeal.

Subp. 7. Deposit shall be required. The appellant shall deposit with the commission at the time of filing his or her written request for an appeal the sum of \$50. The sum will be refunded by the commission upon the conclusion of the appeal unless the commission finds that the appeal was frivolous, in which case the \$50 will be forfeited.

Subp. 8. Commission shall set date for hearing. Within five days, excluding Saturday, Sunday, and holidays, of receipt of a written request for an appeal and the \$50 deposit, the commission chair shall set a date, time, and place for the hearing, and shall give at least ten days' notice of the hearing to the appellant and any other party affected by the appeal. Such notice shall be in writing and shall set out the date, time, and place of the hearing, and shall be served personally or sent by mail to the last known address of the appellant and any other party affected by the appeal.

Subp. 9. Appeal by commission. When the commission institutes an appeal on its own motion or at the request of the stewards or executive secretary, a notice of appeal shall be served personally or sent by mail to each person who may be affected by the appeal, addressed to his or her last known place of residence, at least ten days prior to the hearing of the appeal. This notice of appeal shall contain the following:

- A. the decision being appealed from;
- B. the date on which the decision was made;
- C. the grounds of the appeal; and
- D. the date, time, and place on which the commission proposes to hear the appeal.

7897.0160 COMPOSITION OF HEARING PANEL.

Subpart 1. Designation of panel. All appeals of stewards' rulings may be heard by a panel of three commission members. The commission chair shall appoint the panel members and shall also designate one of them as the chair of the panel.

Subp. 2. Hearing panel's decision. All decisions of the hearing panel must be made by majority vote. In the event the hearing panel is unable to arrive at a decision by a majority vote, the commission will consider the appeal based on the record before the hearing panel. The hearing panel shall issue its written decision within ten days, excluding Saturday, Sunday, and holidays, based on the record and must include the hearing panel's findings of fact and conclusions on all material issues. A copy of the hearing panel's decision shall be served upon all parties by first class mail.

7897.0170 CONDUCT OF APPEAL HEARING.

Subpart 1. Rights of parties. All parties shall have the right to present evidence, rebuttal testimony, and argument with respect to the issues, and to cross-examine witnesses.

Subp. 2. Witnesses. Any party may be a witness or may present witnesses on his or her behalf at the hearing. All oral testimony at the hearing shall be under oath or affirmation. At the request of a party or upon the motion of the hearing panel, witnesses may be sequestered from the hearing room during the testimony of other witnesses.

Subp. 3. Admissible evidence. The hearing panel may admit all evidence which possesses probative value, including hearsay, if it is the type of evidence which reasonable, prudent persons are accustomed to rely upon in the conduct of their serious affairs. The hearing panel shall give effect to the rules of legal privilege recognized by law. Evidence which is incompetent, irrelevant, immaterial, or unduly repetitious may be excluded. All rulings on evidentiary matters shall be made by the chair of the hearing panel.

Subp. 4. Evidence part of record. All evidence to be considered in the case, including all records and documents in the

possession of the stewards or commission, or a true and accurate photocopy thereof, may be offered and made a part of the record in the case. No other factual information or evidence shall be considered in the determination of the case.

Subp. 5. Documents. Documentary evidence in the form of copies or excerpts may be received or incorporated into the record by reference in the discretion of the hearing panel, or upon agreement of the parties.

Subp. 6. Official notice of facts. The hearing panel may take notice of judicially cognizable facts but shall do so on the record and with the opportunity for any party to contest the facts so noticed.

Subp. 7. Burden of proof. The party proposing the certain action be taken must prove the facts at issue by a preponderance of the evidence, unless the substantive law provides a different burden or standard.

Subp. 8. Examination of adverse party. A party may call an adverse party or his or her managing agent or employees, or an officer, director, managing agent, or employee of the state or any political subdivision thereof or of a public or private corporation or of a partnership or association or body politic which is an adverse party, and interrogate him or her by leading questions and contradict and impeach him or her on material matters in all respects as if he or she had been called by the adverse party. The adverse party may be examined by his or her counsel upon the subject matter of his or her examination in chief under the rules applicable to direct examination, and may be cross-examined, contradicted, and impeached by any other party adversely affected by his or her testimony.

Subp. 9. Record of proceedings. All proceedings before the hearing panel must be recorded. Court reporters may be used upon the request of any party; however, the court reporter's cost shall be borne by the requesting party.

7897.0180 SUBPOENAS.

Subpart 1. Written request. Requests for subpoenas for the attendance of witnesses or the production of documents shall be made in writing to the hearing panel and shall contain a brief statement demonstrating the potential relevance of the testimony or evidence sought, and shall identify any documents sought with specificity, and shall name all persons to be subpoenaed.

Subp. 2. Service. A subpoena shall be served in the manner provided by the rules of civil procedure for the district court of Minnesota, unless otherwise provided by law. The cost of service, fees, and expenses of any witnesses subpoenaed shall be paid by the party at whose request the witness appears. When the subpoena is issued on behalf of the commission or employees thereof, fees and expenses need not be paid. The person serving the subpoena shall make proof of service by filing a copy of the subpoena with the hearing panel, together with an affidavit of service.

Subp. 3. Motion to quash. Upon motion made promptly and, in any event, at or before the time specified in the subpoena for compliance therewith, the hearing panel may quash or modify the subpoena if it finds that it is unreasonable or oppressive.

7897.0190 DISCIPLINARY ACTION BY COMMISSION.

Subpart 1. Contested case hearings. The commission may take the following disciplinary action only after a contested case hearing held in accordance with the contested case procedures in Minnesota Statutes, chapter 14 and rules adopted pursuant thereto:

- A. revoke a Class A, B, C, or D license;
- B. suspend or fine a Class A, B, or D license; and
- C. suspend a Class C license for more than 30 days, and fine a Class C license in an amount exceeding \$500.

Subp. 2. Procedure. The commission shall notify a licensee in writing of the charges and intended disciplinary action, and of the licensee's right to a contested case. Any contested case hearing shall be commenced in the manner provided for in Minnesota Statutes, chapter 14, and rules adopted pursuant thereto.

7897.0200 COMMISSION DECISION.

Subpart 1. Exceptions. Parties adversely affected by the report of the administrative law judge shall have 20 days from the date of service of the report to file exceptions with the commission and request an opportunity to present written arguments to the commission.

Subp. 2. Consideration of arguments. If there has been a request for an opportunity to present written arguments, the commission shall, as soon as practicable, set dates for the filing of such arguments and give reasonable notice thereof to all parties to the contested case.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

PROPOSED RULES

Subp. 3. Decision or order. The decision or order shall be in writing or stated in the record and shall be accompanied by a statement of the reasons therefor. The statement of reasons shall consist of a concise statement of the conclusions upon each contested issue of fact necessary to the decision. Parties to the proceeding shall be personally served with a copy of the decision or order and accompanying statement of reasons, or by first class mail.

7897.0210 REHEARING.

Subpart 1. Limitations. The commission may, upon request or its own motion and for good cause shown, reopen, rehear, and redetermine a contested case after a final decision has been reached adverse to a party to the contested case other than the commission. This right may be exercised until it is lost by appeal or until a reasonable time has run, but in no event shall the time exceed the time allowed by statute for appeal or six months, whichever is shorter.

Subp. 2. Parties other than commission. At any time prior to the commission's loss of the right to rehear a contested case, any party to that case may request a rehearing by filing a petition for rehearing. Such petition shall contain the name and address of the petitioner, the commission designation for the case, and the basis for the petition.

Subp. 3. Commission's own motion. The commission may, on its own motion, for good cause stated in the record, reopen, rehear, and redetermine a contested case if the decision was adverse to a party to that case other than the commission.

Subp. 4. Default judgments. A party against whom a default has been adjudged pursuant to part 1400.6000 may obtain a rehearing upon a timely showing of good cause for his or her failure to appear or plead.

Subp. 5. Determination. The commission shall grant or deny a petition for rehearing as a part of the record in the case. Such petition shall be granted if there appears on the face of the petition and the record irregularities in the proceedings, errors of law occurring during the proceedings, newly discovered material evidence, a lack of substantial evidence to support the decision, or good cause for failure to appear or plead. Evidence and argument may be presented at the discretion of the commission in written or oral form, or both, by any party to the contested case with respect to the petition.

Subp. 6. Rehearing procedure. A rehearing in a contested case shall be conducted in the same manner prescribed by the rules of the office of administrative hearings.

Subp. 7. Decision after rehearing. The decision after rehearing shall be made in the same manner prescribed for the decision after the hearing.

7897.0220 APPEAL BY COMMISSION.

The commission may appeal pursuant to Minnesota Statutes, sections 14.63 to 14.68 any adverse decision. The commission shall be deemed a "person" for such purposes.

CHAPTER 7899 MINNESOTA RACING COMMISSION VARIANCES

7899.0100 VARIANCES.

Subpart 1. Procedures and standards. The procedures and standards contained in this part govern the consideration and disposition of all variance requests submitted to the commission.

Subp. 2. Requests for a variance. A person desirous of obtaining a variance from the application of one or more of the commission's rules shall initiate the variance process by submitting to the commission 12 copies of the following information and documents:

A. a statement setting forth the precise nature and extent of the proposed variance and the reasons the variance is being requested;

B. any supporting documentation necessary to provide a complete description of the proposed variance; and

C. a detailed statement addressing each of the applicable variance criteria contained in this chapter, and setting forth the reasons as to why the variance request is in conformance with those criteria.

Subp. 3. Disposition of variance requests. The commission shall grant or deny a variance pursuant to the following procedures and standards:

A. Upon receipt of a variance request, the commission shall send written notice thereof to all persons who have registered their names with the commission for the purpose of being notified of rulemaking proceedings or variance requests, and the commission shall not act upon the variance for 30 calendar days after it has issued the notice. The notice shall contain a brief description of the variance request, a statement that any person wishing to comment on the request may do so in writing, and a statement that the commission will not act on the variance request until interested persons have been afforded at least 30 calendar days after the commission's issuance of the notice to submit their comments.

B. If, after receiving the variance request, the commission determines that additional information must be submitted by the requesting person, it may direct the person seeking the variance to submit additional data regarding the variance request to the commission, or appear before the commission to provide additional information thereon.

C. To facilitate full consideration of a variance request the commission may, in its discretion, request that the person seeking the variance and other persons who have submitted written comments regarding the variance appear before the commission and make arguments to the commission. In such event, the commission shall provide the aforementioned persons notice of the appearance request at least seven days before the commission meeting at which the variance request is to be considered. This procedure shall not constitute a contested case as defined in Minnesota Statutes, section 14.02, subdivision 3.

D. If a person requesting a variance fails to follow the variance procedures specified in this chapter, the variance shall be denied.

E. The commission shall set forth in writing and submit to the person requesting the variance and other persons who have submitted written comments thereon the reasons why it has granted or denied the variance request within 30 days after its disposition of the request.

Subp. 4. Standards for granting and denying variance requests. The commission shall grant a variance to the application of any of its rules only if it determines that all of the following criteria have been met:

A. strict application of the rule to which a variance is being requested would cause undue and substantial hardship to the person applying for the variance;

B. the granting of the variance does not confer a benefit on the person requesting the variance which is not enjoyed by other persons similarly situated;

C. the granting of the variance does not substantially impair the intent and purposes of the commission's rules;

D. the variance may be granted without material detriment to the integrity of racing or the public health, welfare, or safety;

E. the granting of the variance does not allow violation of the standards or requirements in Minnesota Statutes, chapter 240; and

F. with respect to variances concerning part 7870.0500, subparts 5 to 9, demographic or geographic evidence supports the variance request.

Office of Secretary of State

Proposed Rules Relating to Uniform Commercial Code Standard Forms

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Secretary of State proposes to adopt the above-captioned rules without a public hearing. A previous notice was sent June 6, 1984, and published in the *State Register* on June 18, 1984, on these rules. These rules are being renoticed to comply with the Small Business Act. M.S. 14.115. The Secretary of State has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in M.S. 14.21-14.28 (1982).

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. Each comment should identify the portion of the rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless 25 or more persons submit written requests for a public hearing within the 30 day comment period, a public hearing will not be held. Any person requesting a public hearing should state his or her name and address and is encouraged to identify the portion of the rule addressed, the reason for the request, and any change proposed. In the event a public hearing is required, the agency will proceed according to the provisions of M.S. 14.14, Subd. 1.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

PROPOSED RULES

Persons who wish to submit comments or a written request for a public hearing should submit such comments or requests to:

Cheri Mattson
Office of the Secretary of State
180 State Office Building
St. Paul, MN 55155

Authority for the adoption of these rules is contained in M.S. 336.9-403 Subd. 5. A copy of the rules was sent out with the previous Notice of Intent to Adopt Rules Without a Public Hearing on June 6, 1984. Minor modifications have been made to the rules. A copy of these rules is available for review from Cheri Mattson at the above address. Additionally, a statement of need and reasonableness that describes the need and reasonableness of each provision of the proposed rules and amendments has been prepared and is available from Cheri Mattson upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of request to Cheri Mattson.

Pursuant to M.S. 14.115 (Supp. 1983), the proposed rule will have an impact on small businesses as defined in M.S. 14.115. Subd. 1. When any small business files financing statements pursuant to the Uniform Commercial Code with the Secretary of State or the County Recorder, the small business, as with any other filer must submit the information on forms substantially in the form set out in the rules or it will have to pay a nonstandard filing charge.

The proposed rules were previously published in the *State Register*, volume 8, #51, June 18, 1984, p. 2712-2723.

Joan Anderson Growe
Secretary of State

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. § 14.33 and upon the approval of the Revisor of Statutes as specified in § 14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under § 14.18.

Department of Energy and Economic Development

Adopted Rules Governing Allocation of Industrial Development Bond Issuance Authority

The rule proposed and published at *State Register*, Volume 9, Number 15, pages 725-726, October 8, 1984 (9 S.R. 725) is adopted as proposed.

Department of Labor and Industry

Adopted Rules Relating to Workers' Compensation: Rehabilitation Claims Handling

The rules proposed and published at *State Register*, Volume 9, Number 15, pages 728-734, October 8, 1984 (9 S.R. 728) are adopted with the following modifications:

Rules as Adopted**5220.0100 DEFINITIONS.**

Subp. 1a. Accredited. “Accredited” institution in part 5220.1400 means that the institution is accredited by a recognized national accrediting body, and that, where accreditation for those degrees listed in part 5220.1400, subpart 2 is available, the degree program is accredited by a recognized national accrediting body.

Subp. 1b. Approved claims handler. “Approved claims handler” means a claims handler who meets the requirements of part 5220.1910.

Subp. 6. Qualified rehabilitation consultant/affiliated. “Qualified rehabilitation consultant/affiliated” means a consultant who is affiliated with an employer, insurer, or adjusting company; and who is approved by the commissioner to develop and monitor rehabilitation plans. A qualified rehabilitation consultant/affiliated as defined in this subpart is permitted to provide rehabilitation consultation only ~~on~~ for the claims of being handled by the entity with which the consultant is affiliated.

5220.0300 INITIATION OF REHABILITATION SERVICE.

Subpart 1. Employer's duty. For the purpose of Minnesota Statutes, section 176.102, subdivision 4, the employer shall, in consultation with the employee, refer the employee to a qualified rehabilitation consultant, unless a rehabilitation indicators form is filed as required by part 5220.0210, subpart 2, item B. This shall be done within five days after an employer has medical information that an employee is unable to return to the job the employee held at the time of the injury, has 60 days of lost work time due to a personal injury other than a back injury, or 30 days of lost work time due to a back injury.

5220.1400 QUALIFYING ELIGIBILITY CRITERIA FOR REHABILITATION CONSULTANT.

Subp. 2. Educational background. A qualified rehabilitation consultant/affiliated/independent shall possess the following credentials as applicable:

A. Holder of a masters or doctorate degree in vocational rehabilitation ~~or related fields of~~ counseling and guidance, counseling (including family counseling, community counseling, or other counseling degree with a similar designated specialization), psychology (including counseling psychology, educational psychology, or other psychology degree with a similar designated specialization), social work, or physical rehabilitation (occupational therapy, physical therapy, or nursing) from an accredited institution, plus a current license as appropriate, plus one year of experience in vocational rehabilitation or physical rehabilitation. At least one year shall have been spent as a qualified rehabilitation consultant intern in rehabilitation of injured workers.

B. Holder of a baccalaureate degree in vocational rehabilitation ~~or related fields of~~ counseling and guidance, counseling (including family counseling, community counseling, or other counseling degree with a similar designated specialization), psychology (including counseling psychology, educational psychology, or other psychology degree with a similar designated specialization), social work, or physical rehabilitation (occupational therapy, physical therapy, or nursing), from an accredited institution, plus a current license as appropriate, plus two years of experience in vocational rehabilitation or physical rehabilitation. At least one year shall have been spent as a qualified rehabilitation consultant intern in rehabilitation of injured workers.

5220.1910 APPROVED CLAIMS HANDLER.

Subp. 2. Procedure for obtaining approval. The employer, insurer, or adjusting company shall certify to the commissioner that the claims handler meets the requirements of this part. Approval is effective upon the commissioner's receipt of the certification. The approval remains in effect until the claims handler leaves the employ of the certifying entity, or the certification is withdrawn by the certifying entity. At the request of the commissioner, the certifying entity must consult with the commissioner regarding withdrawal of certification. The commissioner ~~may~~ is authorized to withdraw approval if the claims handler does not meet the requirements of subpart 1.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

ADOPTED RULES

Waste Management Board

Adopted Rules Governing the Solid Waste Processing Facilities Demonstration Program

The rules proposed and published at *State Register*, Volume 9, Number 13, pages 660-663, September 24, 1984 (9 S.R. 660) are adopted as proposed.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Agriculture

Notice of Special Local Need Registration for Sodium TCA Weed Killer

This is to inform you that pursuant to Minnesota Statute, Section 18A.23, and 3 MCAR, Section 1.0338 B, the Minnesota Department of Agriculture, on December 6, 1984, issued a Special Local Need Registration (24c) for "Sodium TCA Weed Killer", EPA Registration Number 2393-329, manufactured by Hopkins Agricultural Chemical Company, Madison, Wisconsin. The State Registration Number assigned is MN84-0004. The Special Local Need Registration will remain in effect until December 5, 1989, unless otherwise cancelled by this Department or the registrant.

In addition to the uses prescribed on the product label, this Special Local Need Registration permits the use of this pesticide for grass and clover control in birdsfoot trefoil (seed production only).

If you have any questions regarding this registration, please contact this office.

Larry P. Palmer
Pesticide Control Specialist
Agronomy Services Division

Metropolitan Council

Public Hearing on New Regional Solid Waste Management Development Guide/Policy Plan

The Metropolitan Council will hold a public hearing Monday, Jan. 28, 1985, beginning at 1:30 p.m. and resuming at 7 p.m. at the Metropolitan Council Chambers, 300 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota, on a proposed new regional Solid Waste Management Development Guide/Policy Plan. The policy plan calls for a dramatic reduction in the use of landfills and the development of alternative techniques including recycling, composting and waste combustion. The plan would require a ban on the landfilling of compostable yard waste, recyclables and combustible solid waste after 1990. The plan would also require generators of solid waste to separate identified recyclables and compostable yard-waste materials after 1987.

All interested people are encouraged to attend the hearing and offer comments. People may register to speak at the afternoon or evening sessions in advance by contacting Lucy Thompson at 291-6521. Questions on the proposed plan should be directed to Paul Smith at 291-6408. Copies of the draft plan are available free of charge beginning December 21 from the

Council's Communications Department at 291-6464. Copies are also available for public inspection beginning December 24 at the following locations:

Metropolitan Council Library
300 Metro Square Building
St. Paul, Minnesota 55101

Minneapolis Public Library
Government Documents Room
300 Nicollet Mall
Minneapolis, Minnesota 55102

St. Paul Public Library
Science and Industry Room
90 West Fourth Street
St. Paul, Minnesota 55102

Anoka County Library—Blaine Branch
707 Highway 10
Blaine, Minnesota 55434

Carver County Library—Chaska Branch
314 Walnut Street
Chaska, Minnesota 55318

Dakota County Library—Burnsville Branch
1101 West County Road 42
Burnsville, Minnesota 55337

Hennepin County Library—Southdale Branch
7001 York Avenue
Edina, Minnesota 55435

Ramsey County Library—Roseville Branch
2180 North Hamline Avenue
Roseville, Minnesota 55113

Scott County Library—Shakopee Branch
235 South Lewis Street
Shakopee, Minnesota 55379

Washington County Library—Park Grove Branch
7520—80th Street South
Cottage Grove, Minnesota 55106

Sandra S. Gardebring, Chair
Metropolitan Council

Metropolitan Waste Control Commission

Public Meeting on Proposed Septage Management Program

The Metropolitan Waste Control Commission will conduct two additional meetings to hear public comment on a proposed Septage Management Program and disposal site selection. The meetings are scheduled as follows:

Wednesday, January 16, 1985 at 7:00 P.M.
Long Lake City Hall, City Council Chambers
1964 Park Avenue
Long Lake, MN 55356

Thursday, January 17, 1985 at 7:00 P.M.
South St. Paul City Hall, City Council Chambers
125—3rd Avenue North
South St. Paul, MN 55075

The seven county Metropolitan Area has an estimated 60,000 individual, on-site sewage disposal systems. For reliable operation, these systems must have their septic tanks pumped periodically. The pumped material, called septage, has a high organic and solids content. Septage in the seven county Metropolitan Area is disposed of by 1) land application; 2) discharge into the Metropolitan Disposal System (MDS) either via a local sewer or the Commission's interceptor system; or 3) direct discharge into a wastewater treatment plant. The Commission does not allow any discharge of septage directly at Commission-owned wastewater treatment plants, though septage from many Metropolitan Area on-site systems is discharged by waste transport haulers to the MDS at interceptor and local community sewer sites. This practice has not been formally regulated by the Commission, although individual communities exercise some control over septage disposal in their communities.

A study was conducted by the MWCC and it was determined that the MDS can accommodate the Metropolitan Area's septage provided that the septage is discharged at designated septage disposal sites located either tributary to or directly at one of the Commission's regional wastewater treatment plants.

The proposed Septage Management Program consists of:

- 1) designating disposal sites;
- 2) permitting waste transport haulers to use specific designated sites;

OFFICIAL NOTICES

- 3) requiring periodic reports from waste transport haulers on the amount discharged to the MDS;
- 4) charging waste transport haulers for use of the MDS (1985 load charge of \$9.50 per 1,000 gallons); and
- 5) crediting communities in the Commission's cost allocation system for the volume discharged to the MDS by waste transport haulers.

The Septage Management Study recommends that septage disposal sites be established at the 12 sites that were approved by their respective community for inclusion as designated septage disposal sites within the Commission's Septage Management program. The recommended sites are as follows:

<u>Site #</u>	<u>Community</u>	<u>Location</u>
2	Shakopee	Blue Lake WWTP on the North side of Highway 101.
3	Brooklyn Park	83rd Avenue North on County Road 18
4	Coon Rapids	L.S. #34 on Old Coon Rapids Boulevard
6	Empire Township	Empire WWTP on West 197th Stret
10	Minneapolis	2nd Street North, just Southeast of 10th Avenue No.
12	Minnetonka	11522 Minnetonka Boulevard (City Shop Grounds)
14	Plymouth	L.S. #29 on Highway 55 and County Rd. 18
16	St. Paul	3rd Street and Commercial Street
19	Shorewood	Covington Road and Vine Hill Road South (County Road 78)
20	White Bear Lake	1820 Whittaker Street (City Garage)
22	White Bear Township	Hugo Road and Overlake Road
23	Forest Lake	Gravel road East of Southwest 4th Street

All interested persons are encouraged to comment on this issue. Persons may register to speak by contacting Jean Bergal, MWCC Public Information Officer, at 222-8423. Copies of the public information document on this subject can be obtained by calling Ms. Bergal.

Please bring this notice to the attention of any persons you feel would be interested in this matter.

Louis J. Breimhurst
Chief Administrator
Metropolitan Waste Control Commission

Office of the Secretary of State

Notice of Unscheduled Vacancies in Multi-member State Agencies

Notice is hereby given to the public that unscheduled vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0497, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul 55155-1299; (612) 296-2805. Application deadline is January 15, 1985.

CODE ENFORCEMENT ADVISORY COUNCIL has 1 vacancy open immediately for a public member who is involved in the boiler and high pressure steampiping industry and trades. The council shall advise the commissioner on matters pertaining to boiler and high pressure steampiping standards. Members are appointed by the Commissioner of Labor and Industry and receive \$35 per diem. Quarterly meetings. For specific information contact the Code Enforcement Advisory Council, Cynthia Thompson, Dept. of Labor and Industry, 444 Lafayette Rd., St. Paul 55101; (612) 297-3467.

MINNESOTA PROPERTY INSURANCE PLACEMENT FACILITY (Fair Plan Governing Committee) has 1 vacancy open immediately for a public member. The facility administers the Fair-Plan Act to make property insurance available in urban areas. Public members are appointed by the Commissioner of Commerce. There are 3-4 meetings a year and members receive no compensation. For specific information contact the Minnesota Property Insurance Placement Facility (Fair-Plan Governing Committee), Don W. Peterson, Dept. of Commerce, 500 Metro Square Bldg., St. Paul 55101; (612) 296-2656.

MINNESOTA HUMANE SOCIETY BOARD OF DIRECTORS has 1 vacancy open immediately for a member. The

directors enforce laws preventing cruelty to animals; makes rules governing the humane care, treatment and transportation of animals. Members are appointed by the Governor. Members must file with EPB. Monthly meetings; members receive \$35 per diem plus expenses. For specific information contact the Minnesota Humane Society Board of Directors, 529 Jackson St., St. Paul 55101; (612) 296-3613.

INTERGOVERNMENTAL INFORMATION SYSTEMS ADVISORY COUNCIL has 1 vacancy open immediately for a member at-large. The council assists local governments in developing automated information systems by awarding grants. Members are appointed by the Commissioner of Administration. Monthly meetings. For specific information contact the Intergovernmental Information Systems Advisory Council, Roger Sells, 5th Floor, Centennial Office Bldg., 658 Cedar St., St. Paul 55155; (612) 297-2172.

COUNCIL ON QUALITY EDUCATION has 1 vacancy open immediately for a member at-large. The council encourages quality education in elementary and secondary schools through research and development. Members are appointed by the Governor and confirmed by the Senate. Members receive \$35 per diem. For specific information contact the Council on Quality Education, 722 Capitol Square Bldg., St. Paul 55101; (612) 296-5072.

HIGHER EDUCATION FACILITY AUTHORITY has 2 vacancies open immediately for public members residing outside the metropolitan area. The authority issues tax exempt revenue bonds for capital improvements at non-profit private post-secondary educational institutions. Members are appointed by the Governor and confirmed by the Senate. Monthly meetings; members receive \$35 per diem. For specific information contact the Higher Education Facilities Authority, 278 Metro Square Bldg., St. Paul 55101; (612) 296-4690.

Department of Transportation

Amended Order and Notice of Street and Highway Routes Designated and Permitted to Carry the Gross Weights Allowed under Minnesota Statute § 169.825—Trunk Highway 15

Order No. 69595

Whereas, the Commissioner of Transportation has made his Order No. 68884 as amended by Orders Nos. 69226, 69269, 69270, 69344, and 69353 designating and permitting certain street and highway routes, or segments of those routes, to carry the gross weights allowed under Minnesota Statutes § 169.825, and

Whereas, the Commissioner has determined that the additional following routes, or segment of routes, should be designated to carry the gross weights allowed under Minnesota Statutes § 169.825.

IT IS HEREBY ORDERED that Commissioner of Transportation Order No. 68884 is amended this date by adding the following designated streets and highway routes, or segment of routes, as follows:

TRUNK HIGHWAYS

T.H. 257—From Hanska to Jct. T.H. 15 (effective 5/15).

December 6, 1984

R. MacDonald
for
Richard P. Braun
Commissioner

Department of Transportation

Petition of Faribault County for a Variance from State Aid Standards for Roadway Width

Notice is hereby given that the County Board of Faribault County has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a reconstruction project on CSAH 10 from West County Line to TH 169 South of Winnebago.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9910 adopted pursuant to Minnesota Statutes Chapters 161 and 162, so as to permit a Roadway Width of 36 feet instead of the required 40 feet.

OFFICIAL NOTICES

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

December 14, 1984

R. MacDonald
for
Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of Hennepin County for a Variance from State Aid Standards for Street Width

Notice is hereby given that the County Board of Hennepin County has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a reconstruction project on CSAH 32 from 65th Street to 67th Street and CSAH 53 for 3 blocks on either side of CSAH 32.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapters 161 and 162, so as to permit a street width of 78 feet instead of the required 80 feet.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

December 14, 1984

R. MacDonald
for
Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of Stearns County for a Variance from State Aid Standards for Design Speed

Notice is hereby given that the County Board of Stearns County has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a resurfacing project on CSAH 47 from TH 23 in Rockville to TH 15 North of Luxemburg.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9914 adopted pursuant to Minnesota Statutes Chapters 161 and 162, so as to permit a design speed of 25 MPH instead of the required 40 MPH.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

December 12, 1984

F. C. Marshall
for
Richard P. Braun
Commissioner of Transportation

Department of Transportation

Petition of Yellow Medicine County for a Variance from State Aid Standards for Design Speed and Bridge Capacity

Notice is hereby given that the County Board of Yellow Medicine County has made a written request to the Commissioner of Transportation pursuant to Minnesota Rules § 8820.3300 for a variance from minimum standards for a resurfacing project on CSAH 7 from CSAH 5 to TH 212.

The request is for a variance from Minnesota Rules for State Aid Operations § 8820.9912 adopted pursuant to Minnesota Statutes Chapters 161 and 162, so as to permit design speeds of 30 and 35 MPH instead of the required 40 MPH, and also to permit an H-12 Load Capacity instead of required H-15 on bridge #2965 at Stony Run Creek.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

December 12, 1984

F. C. Marshall
for
Richard P. Braun
Commissioner of Transportation

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Commodities contracts with an estimated value of \$5,000 or more are listed under the Procurement Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers by calling 296-6152. If the appropriate buyer is not available, contact Harvey Leach or Barbara Jolly at 296-3779.

Department of Administration Procurement Division

Commodities Contracts and Requisitions Currently Open for Bidding

<u>Requisition #</u>	<u>Item</u>	<u>Ordering Division</u>	<u>Delivery Point</u>	<u>Estimated Dollar Amount</u>
Contract	Janitorial Service	Economic Security	Forest Lake	Contact buyer
32-500-12210	Purchase of Word Processing System	Pollution Control	Roseville	Contact buyer
27-149-45802	PBX Telephone System	Northland Community College	Thief River Falls	Contact buyer
55-106-05779	Food Steamer	Willmar State Hospital	Willmar	Contact buyer
26-073-16885	Microcomputer	St. Cloud State University	St. Cloud	Contact buyer
21-602-83884	Van	Vocational Rehabilitation	Savage	Contact buyer

STATE CONTRACTS

Requisition #	Item	Ordering Division	Delivery Point	Estimated Dollar Amount
79-000-45004	Master Controller	Transportation	St. Paul	Contact buyer
26-073-17105	Mall Light Replacement	St. Cloud State University	St. Cloud	Contact buyer
79-000-44848	Surveying Instruments	Transportation	Rm. B-20 Trans. Bldg., St. Paul	Contact buyer
79-000-46044	Mobile Radio Comm. Equipment	Transportation	Various	Contact buyer
79-000-46041	Radio Control Consoles	Transportation	Various	Contact buyer
Contract	Photocopy Machine Rental	Various	Various	\$400,000 to 800,000
26-073-17093	Engine Simulator	St. Cloud State University	St. Cloud	Contact buyer
75-250-06700	Hot Water Heater	MN Veterans Home	Hastings	Contact buyer
02-410-43743	Service Contract on Cambex Memory	Administration—Information Services Bureau	St. Paul	Contact buyer
27-156-43588	Accoustical Treatment of Soffits	Normandale Community College	Bloomington	Contact buyer
78-620-20624	Tie Rod Cylinder	MN Correctional Facility	Stillwater	Contact buyer
79-000-45034	Motor Grader Return Blades	Transportation	Golden Valley	Contact buyer
79-000-45023	Power Broom	Transportation	Golden Valley	Contact buyer
02-110-45340	Purchase of Photocopy Machine	Administration	St. Paul	Contact buyer
27-000-41098	Relocate Light Fixtures	Lakewood Community College	White Bear Lake	Contact buyer

Contact 296-6152 for referral to specific buyers.

Department of Education Program Effectiveness Division

Request for Pre-Proposals for Providing Inservice Training to School District Staff in the Subject Area of Communications/Language Arts

The Minnesota Department of Education is seeking pre-proposals for providing in-service training to elementary and secondary teachers in the subject area of communication/language arts. The in-service training is to offer a broad spectrum of experiences including active participant involvement. Progress and final reports are required.

All pre-proposals and inquiries should be directed to:

Dr. Alton L. Greenfield
Minnesota Department of Education
681 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101
(612) 296-6998

The total amount of funds anticipated to be available for contracts is \$812,000 with estimated costs of individual proposals to be in \$50,000-\$60,000 range. Developmental grants of up to \$1500 will be awarded to pre-proposals selected for further development.

The deadline for submitting pre-proposals for the contracts listed above is February 1, 1985.

Department of Energy and Economic Development

Request for Proposals for Contractor to Develop and Promote Agri-Processing Industry

The Department of Energy and Economic Development (DEED) is required to investigate, study and undertake ways and means of promoting and encouraging the prosperous development and protection of the legitimate interest and welfare of Minnesota business, industry and commerce, within and outside of the state. As part of this mandate, DEED is currently studying major economic problems evident in Minnesota. Economic strategies must be developed to address the crisis in Minnesota agriculture and to develop the agriprocessing industry in the state.

Therefore, DEED is seeking guidance in its efforts to:

1. Develop the agri-processing industry in Minnesota.
2. Develop a strategy for alerting the department to opportunities in the agri-processing field.

The contractor should have expertise in the development and operation of businesses, with particular emphasis on agri-processing firms. He/she should be able to review proposed and existing tax and economic benefits for businesses, determine feasible business project structures, make financial projections and develop business project investment strategies.

The contract shall not exceed \$65,000 for one year. The contract will initially be negotiated for six months based on available state funds and be extended for an additional six months if anticipated federal funds become available.

Applications must be submitted by 4:30 p.m., Monday, January 14th to Connie Lewis, Minnesota Department of Energy and Economic Development, 150 East Kellogg Boulevard, St. Paul, Minnesota 55101. To obtain a complete Request for Proposal, call 296-6424.

County of Itasca

Request for Proposals for Consultant to Prepare a Classification and Compensation Study

Notice is hereby given that the County of Itasca solicits sealed proposals to provide a classification and compensation study according to specifications as prepared by Itasca County. Interested parties should return a signed prepared quote form with 10 copies of your proposal by 4:00 PM, January 28, 1985, to the Coordinator/Personnel Department, Itasca County Courthouse, Grand Rapids, MN 55744.

Specifications and bid form may be obtained from the Coordinator/Personnel Department, Itasca County Courthouse, Grand Rapids, MN 55744 or 218/326-9777. Questions regarding this Request for Proposal should be submitted IN WRITING by 4:00 PM, January 9, 1985, to Robert R. Olson, Itasca County Courthouse, Grand Rapids, MN 55744. An addendum to the RFP will be provided in answer to the questions submitted. The addendum will be sent to all parties making a request for the RFP and will be mailed by January 15, 1985.

Proposals should be prepared simply and economically with emphasis on completeness and clarity of contents. Cost estimates are to be itemized per the Courthouse Complex, Social Service, Itasca Nursing Home, and Itasca Memorial Hospital.

Itasca County reserves the right to accept other than the lowest cost proposal and also reserves the right to reject all proposals. If it is determined that discussions are necessary, written or oral discussions will be held with one or all proposers. Contract development and award will be based upon judgement as to which proposal best meets requirements stated herein and is in Itasca County's best interest.

Itasca County will not be liable for any expense incurred by any vendor prior to the execution of a contract. The proposal will be prepared at no cost to Itasca County.

Consultant shall submit a proposal to deal with the entire program. No proposals shall be accepted that deal with less than the entire program.

THERE IS NO BID BOND, PERFORMANCE BOND, OR INSURANCE REQUIRED FOR THIS PROPOSAL.

Pollution Control Agency Solid and Hazardous Waste Division

Request for Proposal for Contractual Services to Conduct a Remedial Investigation and Feasibility Study at a Wood-Treater Hazardous Waste Site (The MacGillis and Gibbs Company)

The Minnesota Pollution Control Agency (MPCA) is seeking proposals from qualified consultants/contractors to accomplish the above work. The project has been designed to include the following tasks:

1. Remedial Investigation—to determine the extent and magnitude of soils and debris contamination, and possibly ground water contamination as described in the RFP.
2. Feasibility Study—to determine and recommend alternatives to abate or minimize the release of hazardous substances and to prepare a conceptual design for the recommended alternative.

The projected duration of the contract is eight months with an execution date anticipated for March 26, 1985. Services will be offered by the contractor on a mutually agreed upon timeline. Funding for this project will be provided exclusively under the Environmental Response and Liability Act of 1983 (Minnesota Superfund Act), Minn. Stat. Chp. 115B. The entire project cost is expected to be between \$100,000 and \$150,000.

The RFP document may be obtained from, and other inquiries should be directed to:

Edward R. Meyer, Project Leader
Minnesota Pollution Control Agency
Division of Solid and Hazardous Waste
1935 West County Road B-2
Roseville, Minnesota 55113
Phone: (612) 296-7746

The deadline for receipt of completed proposals is 4:30 p.m., on Monday, February 4, 1985. Proposals should be submitted to the attention of the above-named MPCA contact person. Late submissions will not be accepted.

Department of Transportation Technical Services Division

Contract Available for Implementation of Conceptual Marketing Plan

The Minnesota Department of Transportation (Mn/DOT) requires the services of a qualified marketing consultant to perform the following work on I-394 from near I-94 in downtown Minneapolis to I-494 to the west.

Preparation of marketing materials for I-394 based on established marketing concept plan. Types of materials which may be included are newspaper ads, television/radio ads, billboards, public relations materials, direct mail pieces, etc. Consultant would be responsible for artwork, purchasing media time and space, ongoing evaluation and market research, and related activities.

Firms desiring consideration shall express their interest by letter along with a statement of experience with similar projects and/or their brochure by four o'clock (4:00 PM) January 21, 1985 to:

B. E. McCarthy, Director
Office of Consultant Engineering Services
Transportation Building—Room 612B
St. Paul, MN 55155
Telephone (612) 296-3051

This is not a request for proposal.

SUPREME COURT

Decisions Filed Friday, December 14, 1984

Compiled by Wayne O. Tschimperle, Clerk

C1-83-1107 State of Minnesota v. Charles Gist, Appellant. Hennepin County.

Evidence was sufficient to sustain defendant's conviction of attempted aggravated robbery.

Trial court did not err in refusing to bar impeachment use of defendant's prior convictions or in admitting weapon allegedly used by defendant in attempting to commit aggravated robbery.

Trial court erred in concluding that aggravating circumstances were present to justify doubling the presumptive sentence duration.

Affirmed as modified. Todd, J.

C2-83-774 State of Minnesota v. Gary L. Larson, Appellant. Blue Earth County.

Since the State's evidence showed only a trespassory intent on defendant's part, not an intent to commit some independent crime after entering the building, defendant's conviction of possession of burglary tools must be vacated.

Defendant received a fair trial and is not entitled to new trial on other charges of which he was convicted.

Affirmed in part, reversed in part. Yetka, J.

C1-83-703 State of Minnesota v. Jerry L. Pierce, Appellant. Hennepin County.

Evidence at trial was sufficient to support defendant's conviction of assault in the second degree.

Affidavit accompanying application for search warrant established probable cause to believe that the search of defendant's residence would result in the discovery of evidence connecting defendant to the shooting.

Affirmed. Yetka, J.

C5-83-932 State of Minnesota v. Mona Lisa Turner, Appellant. Ramsey County.

Prosecutor acted improperly in eliciting evidence that defendant did not have a permit to carry gun with which she shot the victim, but error was not prejudicial.

This court need not decide if trial court erred in excluding some evidence relating to victim's past acts of violence where evidence was cumulative and any error clearly was not prejudicial.

Trial court did not commit plain error in not giving additional instructions beyond those specifically requested by the jury during jury's deliberations.

Affirmed. Scott, J.

C7-84-747 Raymond Polaschek v. Asbestos Products, Inc., and Home Insurance Company; E & S Insulation and North River Insurance Company; E & S Insulation and Home Insurance Company; E & S Insulation Company and Aetna Fire Underwriters Insurance Company; Hickory Insulation Company and Maryland Insurance Company; Ed H. Anderson Company and Fireman's Fund Insurance Company; Asbestos Insulation & Supply and Bituminous Insurance Company; Asbestos Insulation & Supply and Reliance Insurance Company; Hippler Insulation Company and Western Fire Insurance Company, Relators. Workers' Compensation Court of Appeals.

The compensation judge's finding that employment exposure to asbestos from October 1971 to October 1974 had been a substantial contributing causative factor in employee's disablement in 1981 and his subsequent disability due to asbestosis is supported by substantial evidence in view of the entire record. Consequently, the Workers' Compensation Court of Appeals exceeded its powers of review under Minn. Stat. §§ 176.421 and 176.441 (1983 Supp.) in substituting its finding that employee's disablement had been the substantial result of employment exposure to asbestos between March 1980 and June 10, 1981.

The compensation judge correctly imposed liability on the employer during the period from October 1971 to October 1974.

Reversed and remanded for reinstatement of the compensation judge's decision. Kelley, J.

Took no part, Coyne, J.

TAX COURT

Pursuant to Minn. Stat. § 271.06, subd. 1, an appeal to the tax court may be taken from any official order of the Commissioner of Revenue regarding any tax, fee or assessment, or any matter concerning the tax laws listed in § 271.01, subd. 5, by an interested or affected person, by any political subdivision of the state, by the Attorney General in behalf of the state, or by any resident taxpayer of the state in behalf of the state in case the Attorney General, upon request, shall refuse to appeal. Decisions of the tax court are printed in the *State Register*, except in the case of appeals dealing with property valuation, assessment, or taxation for property tax purposes.

State of Minnesota Tax Court County of Clay, Regular Division

Richard D. Knutson, Appellant, v. Commissioner of Revenue, Appellee, Docket
No. 4050

Findings of Fact, Conclusion of Law, and Order for Judgment Dated December 13, 1984

The above entitled matter came on for hearing before the Honorable John Knapp, Chief Judge of the Minnesota Tax Court, in the Clay County Courthouse, Moorhead, Minnesota, on October 9, 1984 commencing at 10:00 a.m.

Appellant, Richard D. Knutson, appeared pro se. Ronald E. Hunter, Special Assistant Attorney General, appeared on behalf of the Appellee.

This is an appeal from an order of the Commissioner of Revenue dated December 15, 1982, relating to Appellant's individual income tax for calendar years 1978, 1979 and 1980. On his return the Appellant claimed energy credits and casualty loss deductions for flood damage to his residence. The Commissioner disallowed most of the credit and deductions, and assessed additional tax against the Appellant for years 1978, 1979 and 1980.

The court, having heard and considered the evidence adduced at the trial, having reviewed all of the files and records herein, and being fully advised in the premises, now makes the following:

Findings of Fact

1. Appellant was a resident of the State of Minnesota, single and a cash basis calendar year taxpayer during the years 1978 and 1979. He owned and resided in his home in Moorhead, Minnesota.

2. In the years 1978 and 1979, the Red River caused extensive flooding in the Moorhead area. Appellant's home was among the homes inundated by the floods.

3. In 1980, Appellant installed solar panels on the roof of his garage to gather heat for use in his home.

4. On his 1978 Minnesota Income Tax Return, Appellant reported deductible casualty losses totalling \$5,700.00. On Federal Form 1040, Schedule A attached to his Minnesota return, Appellant reported the following casualty losses:

Loss before insurance reimbursement	\$15,400.00
Insurance reimbursement	(9,600.00)
	<u>5,800.00</u>
Exclusion	(100.00)
Total casualty losses	\$ 5,700.00

5. On line 5 of his 1979 Minnesota Income Tax Return, Appellant reported the itemized deductions from his Federal Form 1040, Schedule A, totalling \$24,484.00, as subtractions from his federal adjusted gross income. On Federal Schedule A, Appellant reported the following casualty losses:

Loss before insurance reimbursement	\$18,300.00
Insurance reimbursement	(13,352.00)
	<u>4,948.00</u>
Exclusion	(100.00)
Total casualty losses	\$ 4,848.00

6. On his 1980 Minnesota Income Tax Return, Appellant claimed a residential energy credit in the amount of \$2,000.00. On Minnesota Schedule REC he reported expenses for his solar energy equipment totalling \$13,165.00.

7. The Commissioner's initial audit of Appellant's 1978, 1979 and 1980 returns, conducted by examiner Willard A. Johnson, resulted in Orders, dated June 18, 1982, which, among other adjustments, reduced appellant's 1980 energy credit to \$981.00 and disallowed all of the claimed casualty losses for 1978 and 1979. The total additional tax assessed against Appellant was as follows:

1978	\$ 456.00
1979	5,293.00
1980	<u>4,883.00</u>
	\$10,632.00 plus interest

8. In response to Appellant's objections, a second audit was conducted. Appellant claimed casualty losses far in excess of those originally reported on his 1978 and 1979 returns. The Commissioner's Orders, dated December 15, 1982, reflected the following allowance of Appellant's claimed casualty loss deductions:

	<u>Claimed Loss</u>	<u>Allowed 1978</u>	<u>Allowed 1979</u>
(a) Septic Tank	600.00	.00	650.00
(b) Dog Kennels & Concrete	1,200.00	1,200.00	.00
(c) Redwood Fence	1,800.00	.00	.00
(d) Furnace on Pool	300.00	45.00	45.00
(e) 2 1/2 Acres of Grass (seeding)	3,700.00	750.00	250.00
(f) Well	5,000.00	135.00	52.00
(g) Replace Pool Water	300.00	.00	300.00
(h) Sandbagging & Labor	1,000.00	400.00	600.00
(i) Repaint Patio	600.00	.00	200.00
(j) Underhouse Duct Work	2,000.00	.00	.00
(k) Clogged Drainfield	1,200.00	.00	325.00
(l) Swimming Pool Damages	10,800.00	100.00	500.00
(m) Storage Shed & Hunting Equipment	<u>1,400.00</u>	<u>.00</u>	<u>1,400.00</u>
Claimed Loss	<u>\$29,900.00</u>		
		2,630.00	4,322.00
Exclusion		<u>(100.00)</u>	<u>(100.00)</u>
Allowed Casualty Loss		\$2,530.00	\$4,222.00

The 1980 energy credit allowed Appellant was increased to \$1,402.00. The amounts assessed in the June 18, 1982 Orders were reduced by the December 12, 1982 Orders as follows:

1978	(\$ 256.00)
1979	(675.00)
1980	<u>(421.00)</u>
	(1,352.00)

9. Appellant filed a protest of the Orders with the Department of Revenue in January, 1983. In an attachment to a letter from Appellant's attorney, William A. Hill, to the Tax Division, dated January 24, 1983 (Appellant's Exhibit Nos. 3 and 25), Appellant claimed the following casualty losses should have been allowed:

"Redwood Fence"	\$ 1,185.00
"Grass"	3,000.00
"Well"	5,256.38
"Pool"	10,800.00

The Commissioner declined to make any changes in the December 12, 1982 Orders and notified Appellant's attorney by letter dated April 7, 1983 (Appellant's Exhibit No. 4).

10. Numerous exhibits were presented by Appellant as evidence of the physical damage caused to his home by the flooding and the expense incurred by the installation of his solar panels. Included among the exhibits admitted into evidence were the following:

Exhibit No. 13: An estimate from Dakota Fence Company dated December 8, 1982, stating a cost of \$1,185.00 to replace the boards and stringers on Appellant's redwood fence.

Exhibit No. 14: A letter dated December 20, 1982, signed by Alan Lako of Lako Drilling Company summarizing the work performed on Appellant's well in June, 1981. After working on the existing well and determining it was not repairable, a new well was drilled at a total cost of \$5,256.38.

Exhibit No. 14a: A well repair bill from LTP, dated May 2, 1981, for \$1,520.21.

Exhibit No. 15: An estimate from Bob's Pools, Inc., dated June 7, 1982, offering to repair Appellant's swimming pool for \$10,800.00.

Exhibit No. 16: An estimate from Holland's Landscaping & Garden Center, Inc., dated December 7, 1982, offering to reseed 2 1/2 acres of Appellant's property for \$3,000.00.

TAX COURT

Exhibit No. 17: An appraisal completed by T. W. Sapa & Associates, dated May 23, 1983, concluding that Appellant's residence incurred damages totalling \$20,200.00.

Exhibit No. 27: A newspaper photograph of Appellant's garage and solar panels which appeared in the Sunday Fargo Forum on March 2, 1980.

Conclusions of Law

1. The appeal should be dismissed because the Appellant failed to file his Notice of Appeal within 60 days of the date of the Commissioner's Order, as required by Minn. Stat. § 271.06, subd. 2.
2. The testimony and records, which included repair-cost estimates presented by the Appellant, were insufficient to substantiate the casualty losses he claimed as a result of the flooding of his residence in 1978 and 1979.
3. Appellant did not present evidence sufficient to support his claimed energy credit for the solar energy collector installed on his garage.
4. The orders of the Commissioner of Revenue dated December 12, 1982 should be affirmed.

LET JUDGMENT BE ENTERED ACCORDINGLY. A STAY OF 15 DAYS IS HEREBY ORDERED.

December 13, 1984

By the Court,
John Knapp, Chief Judge
Minnesota Tax Court

State of Minnesota Tax Court County of Clay, Regular Division

**Richard D. Knutson, Appellant, v. Commissioner of Revenue, Appellee, Docket
No. 4050**

Order Denying Motion for Continuing or Reopening Trial (Order Dated December 13, 1984)

Appellant has made a motion for a "continuance" of these proceedings, purportedly for the purpose of offering new evidence. In particular, Appellant proposes to introduce evidence that the swimming pool, fence and well were inspected by local tradesmen following the 1979 flood of Appellant's property, as well as the testimony of each of these tradesmen as to the dollar amount of damage to his property.

Appellant has had more than ample opportunity to substantiate the claimed 1979 casualty losses. Appellant was advised by a Department of Revenue Examiner in 1981 that his casualty deductions would not be allowed unless sufficient supporting evidence was presented. Following a 1982 audit, Appellant was again advised of the necessity of substantiating evidence. Throughout the protest process, Appellant failed to produce the required evidence. Finally, in an October 9, 1984 hearing before this court, Appellant was given the opportunity to present and did present his case, following which hearing both parties rested and submitted the matter to this court for decision.

Appellant's motion is tantamount to a request for a completely new trial. Rule 59.01 of The Minnesota Rules of Civil Procedure, sets forth the basis on which a new trial may be ordered. None of the causes there enumerated are present here. Significantly, Rule 59.01, subd. 4 provides for a new trial where there exists "material evidence, newly discovered, which with reasonable diligence could not have been found and produced at the trial." The evidence which Appellant proposes to introduce does not appear to be of a kind which could not, with reasonable diligence, have been found and produced at the October 9th hearing. Appellant has had over four years in which to discover evidence to substantiate his claims. There was more than enough time given Appellant to prepare for the October 9th hearing. His evidence should have been presented then. Having failed to avail himself of that opportunity to make his case, Appellant is not entitled to a "second bite of the apple."

Appellant's motion for a "continuance" or to "re-open" the trial is denied.

December 13, 1984

By the Court,
John Knapp, Chief Judge
Minnesota Tax Court

ERRATA

Health Department

Correction of Notice of Adoption of Rules Relating to the Merit System Compensation Plan

A typographical error appeared on page 1271, Table of Contents, for the December 10, 1984 issue of the *State Register*. The above-referenced rules were printed on page 1339, not 1337, as printed in the Table of Contents.

ORDER FORM

State Register. Minnesota's official weekly publication for agency rules and notices, executive orders of the Governor, state contracts, Supreme Court and Tax Court decisions.

- _____ Annual subscription \$130.00
- _____ Trial subscription (13 weeks) \$40.00
- _____ Single copies \$3.25 each

Minnesota Guidebook to State Agency Services 1984-85. A 623-page guide to services provided by Minnesota agencies.

- _____ Single copy: \$12.50 + \$.75 tax = \$13.25* each

Minnesota Statutes 1984. 10-volume set.

- _____ Set: \$129.00 + \$7.74 = \$136.74.*
- _____ Each volume: \$13.00 + \$.78 = \$13.78.
- _____ No handling charge.

Minnesota Rules Supplement—1984. All rules adopted between 8/1/83-8/31/84.

- _____ \$15.00 + \$.90 = \$15.90.*
- _____ No handling charge.

*To avoid Minnesota sales tax, please include your Certificate of Exempt Status issued by the Department of Revenue.

Please enclose full amount for items ordered; prepaid orders only. Make check/money order payable to "State of Minnesota." (Phone orders are taken only with a Mastercard/VISA charge number.)

EACH ORDER MUST INCLUDE \$1.50 POSTAGE AND HANDLING FEE.

State Register Binder. Durable 3½ inches, forest green binders imprinted with the *State Register* logo.

- _____ *State Register Binder* \$6.50 + \$.39 tax = \$6.89* each

State Register Index. Contains cumulative findings aids to Volume 7 of the *State Register*, including MCAR Amendments and Additions, Executive Orders List, Executive Orders Index, Agency Index, Subject Matter Index.

- _____ Single copy \$5.00

Worker's Compensation Decisions. Volume 36. Selected landmark decisions of the Worker's Compensation Court of Appeals. Annual subscription, quarterly updates.

- _____ Annual subscription \$80.00

Minnesota Outdoors Catalog—1984. Complete listing of material on the Minnesota outdoor activities. Bikeways, canoeing, county, lake and other maps. Books, charts, rules, laws, posters and more.

- _____ FREE COPY

Name _____

Attn of: _____

Street _____

City/State/Zip _____

Telephone # _____

CHANGE OF ADDRESS NOTICE

Please notify us as soon as your address changes so that we can continue to serve you.

OLD ADDRESS

NEW ADDRESS

Publication(s) you are receiving from us: _____

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Contact: Senate Public Information Office
B29 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Monthly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Contact: House Information Office
Room 8 State Capitol, St. Paul, MN 55155
(612) 296-2146

Legislative Reference Library
Room 111 Capitol

Interoffice