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MINNESOTA RACING COMMISSION

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March 9, 2015

Senator Tom Saxhaug, Chair
State Departments and Veterans Division

Senator Roger C. Chamberlain, Ranking Minority
Member
State Departments and Veterans Division

Senator Richard Cohen, Chair
Finance Committee

Senator Michelle L. Fischbach, Ranking Minority
Member
Finance Committee

Representative Joe Atkins, Chair
Commerce and Consumer Protection Finance and
Policy, Committee

Representative Joe Hoppe, Ranking Minority Member
Commerce and Consumer Protection Finance and
Policy, Committee

Representative Mary Murphy, Chair
State Government Finance and Veteran Affairs

Representative Bob Dettmer, Ranking Minority Member
State Government Finance and Veteran Affairs

Greg Hubinger, Director
Legislative Coordinating Commission

Re: In The Matter of the Proposed Rules of Racing Commission Relating to M.R 7869 Definitions; 7871 Televised Racing Days; 7873 Pari-Mutuel Rules; 7875 Facilities & Equipment; 7877 Class C Licenses; 7878 Security Officers; 7883 TB/QH Horse Races; and 7884 Harness Races.

Dear Legislators:

Executive Summary: This rule packet covers a wide variety of subjects and was proposed by staff, the Jockey's Guild, the racetrack associations, and the horsemen's groups. Many of the changes are housekeeping functions to reflect changes in terminology, minor procedural changes, and uniformity within the rules (7869.0100, 7871.0080, and 7877.0120). The more substantive rule changes can be summarized as follows:

The changes to chapter 7873 are changes to pari-mutuel betting. The purpose is to simplify and unify rules on different types of wagers. It would also allow the tracks to offer wagering opportunities that would provide variety and remain competitive with other jurisdictions.

7875.0100, 7877.0120, 7877.0170, and 7883.0170 all relate to the rights and responsibilities of jockeys and their agents and the safety of jockeys.

78773.0130 subp. 3(D) expands on the requirement that trainers show proof of workers' compensation insurance at the time of licensing. The proposed language would require the MRC be named a certificate holder to be notified in case of a change in coverage.

7877.0110, the proposed change removes an antiquated requirement for association security personnel and a conflict with the ADA laws.

The remaining changes to 7883 are changes to the rules of racing. It better defines when ownership changes hands in claiming races and who is responsible for what should issues arise pertaining to a claimed horse.

7884 is the chapter on harness racing. The changes under this chapter are housekeeping in nature (using the correct terminology), providing safety for the drivers by requiring certain equipment, and safety for the drivers and

public by changes in driving rules, providing safety for the horses with changes to the Qualifying rules, and defining rights and responsibilities with regard to claimed horses.

Minnesota Statutes, section 14.116, states: "**14.116 NOTICE TO LEGISLATURE.** When an agency mails notice of intent to adopt rules under section 14.14 or 14.22 the agency must send a copy of the same notice and a copy of the statement of need and reasonableness to the chairs and ranking minority party members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rules and the Legislative Coordinating Commission. In addition, if the mailing of the notice is within two years of the effective date of the law granting the agency authority to adopt the proposed rules, the agency shall make reasonable efforts to send a copy of the notice and the statement to all sitting legislators who were chief house and senate authors of the bill granting the rulemaking authority. If the bill was amended to include this rulemaking authority, the agency shall make reasonable efforts to send the notice and the statement to the chief house and senate authors of the amendment granting rulemaking authority, rather than to the chief authors of the bill."

We are publishing a Notice of Intent to Adopt without a Hearing in the April 20, 2015 State Register and are mailing the Notice under section 14.14 or 14.22. As required by section 14.116, the Department is sending you a copy of the notice and the Statement of Need and Reasonableness. For your information, we are also enclosing a copy of the proposed rules. If you have any questions about these rules, please contact me at 952-496-7950.

Regards,

Marlene Swanson
Rulemaking Coordinator

Minnesota Racing Commission

STATEMENT OF NEED AND REASONABLENESS

Proposed Amendments to Rules Governing Horse Racing, Minnesota Rules, 7869 Definitions; 7871 Televised Racing Days; 7873 Pari-Mutuel Rules; 7875 Facilities & Equipment; 7877 Class C Licenses; 7878 Security Officers; 7883 TB/QH Horse Races; and 7884 Harness Races.

INTRODUCTION

This rulemaking process started in August of 2013 with an invitation from the Interim Executive Director of the Minnesota Racing Commission to staff to submit proposals for changes to the Rules governing horse racing. This invitation was then extended to the horsemen's groups, the Jockey's Guild, and both horse racing tracks in Minnesota. The purpose behind the proposals was to keep in line with the model rules of the Association of Racing Commissioners International, to reflect changes in industry standards and technology, and housekeeping or simplification of current rules. The scope of the rulemaking packet is wide, reflecting the many different interests of the proposing parties. The proposals were discussed and refined at Racing Committee meetings, including testimony from interested parties, before being recommended to the full commission.

ALTERNATIVE FORMAT

Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, Braille, or cassette tape, or digital disc. To make a request, contact Ms. Marlene Swanson at the Minnesota Racing Commission, P. O. Box 630, Shakopee, MN 55379; phone 952-496-7950, fax 952-496-7954; or email at marlene.swanson@state.mn.us. TTY users may call the Racing Commission at 800-627-3529.

STATUTORY AUTHORITY

The Racing Commission's statutory authority to adopt the rules is set forth in Minnesota Statutes section 240.23, which provides: The Commission has the authority, in addition to all other rulemaking authority granted elsewhere in this chapter to promulgate rules governing a) the conduct of horse races held at licensed racetracks in Minnesota, including but not limited to the rules of racing, standards of entry, operation of claiming races, filing and handling of objections, carrying of weights, and declaration of official results, b) wire communications between the premises of a licensed racetrack and any place outside the premises, c) information on horse races which is sold on the premises of a licensed racetrack, d) liability insurance which it may require of all racetrack licensees, e) auditing of the books and records of a licensee by an auditor employed or appointed by the Commission, f) emergency action plans maintained by licensed racetracks and their periodic review, g) safety, security, and sanitation of stabling facilities at licensed racetracks, h) entry fees and other funds received by a licensee in the course of conducting racing which the Commission determines must be placed in an escrow account, i) affirmative action in employment and contracting by licensed racetracks, and j) any other aspect of horse racing or pari-mutuel betting which in its opinion affects the integrity of racing or the public health, welfare, or safety.

Further statutory rulemaking authority relating to the amendments contained herein includes M.S. 240.03, and 240.13.

Under these statutes and session law, the Racing Commission has the necessary statutory authority to adopt the proposed rule amendments.

REGULATORY ANALYSIS

(1) a description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule

Most of the rule changes in this packet are changes that clarify, define, provide consistency with other rules, or augment language that is already there. These changes will benefit everyone connected with horse racing but do not have a direct cost to anyone. They will be discussed in more detail in the rule-by-rule analysis. The following changes are more specific to certain groups.

Submitting tip sheets to the MRC office electronically will benefit both the tip sheet vendor and staff. Filing electronically will facilitate prompt compliance.

The rule proposals regarding types of betting will benefit the players and the tracks by providing more and different types of betting opportunities. The changes will also simplify and standardize the rules governing these types of bets.

The changes to 7875.0100 facilities will benefit the jockeys and drivers. The rule change to the use of electronic communications recognizes the need for a jockey or driver to be able to make travel arrangements from the jockey's or driver's room. The change to insurance requirements allows the jockeys to remain informed regarding insurance coverage provided by the racetrack for injuries suffered on the track.

The changes to jockey mount fees affect jockeys and owners but the change is only bringing the rule up to current practices so the actual effect is negligible. It does benefit the jockeys in that it makes the new levels a minimum fee scale for future negotiations.

The added provisions to the worker's compensation insurance requirements will benefit trainer employees. There is no additional cost to the trainer but will enable the MRC staff to ensure that coverage is being provided to all trainer employees.

(2) the probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues

There is no anticipated change in costs to the Commission or to any other state or local agency due to these proposed amendments. There are no additional duties or costs added to Commission staff responsibilities due to these changes.

(3) a determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule

There are no less costly methods or less intrusive methods for achieving the purpose of the proposed rules. All of the rules were discussed thoroughly at many meetings and all interested parties had time and opportunity to make recommendations regarding the rules. This process ensures that the least costly and least intrusive methods are used to achieve the purposes of the proposals.

(4) a description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule

There were no alternative methods proposed for achieving the purposes of the proposed rules. During discussions some proposals were withdrawn in light of other proposals or language was negotiated to accommodate a combination of proposals. Nothing was rejected in favor of the proposed rule changes.

(5) the probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals

It is anticipated that there will be little or no cost increases incurred by anyone to achieve compliance with these amendments. The only possible costs would be for jockey/driver safety equipment.

(6) the probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals

The consequence of not adopting the proposed rule will be:

- a. Deny the customers with an opportunity to win large sums of money for small investments and to deny the associations an opportunity to create revenue.
- b. Deny the jockeys the opportunity to financially protect themselves if there are changes to the association policy covering injuries sustained on the track.
- c. To have jockey mount fees in a rule that is far outdated and not relevant to current practice.
- d. To risk gaps in workers' compensation coverage for backside employees.
- e. To risk greater catastrophic injuries to jockeys and drivers.

(7) an assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference

There are no current federal regulations regarding the proposed rule changes.

PERFORMANCE-BASED RULES

The Commission's mission statement states, "The Minnesota Racing Commission was established to regulate horse racing and card playing in Minnesota to ensure that it is conducted in the public interest, and to take all necessary steps in ensuring the integrity of racing and card playing in Minnesota thus promoting the breeding of race horses in order to stimulate agriculture and rural

agribusiness.” These proposed rule amendments affect horse racing and are being proposed as means to strengthen the Commission’s statutory authorized regulatory oversight so as to ensure the continued integrity of this form of legalized gambling and, with the focus of these proposals, protecting the health and welfare of all participants. In proposing rule amendments, not only in this case but all others as well, the Commission and its staff, during the conduct of its regulatory duties and responsibilities on a day to day basis and by staying current on issues nationally, constantly strive to be aware of ways by which the integrity of racing and pari-mutuel wagering can be improved and strengthened while at the same time propose rules that allow flexibility by racing participants and Commission staff in responding to unanticipated situations in a business like fashion.

ADDITIONAL NOTICE

These proposed amendments were thoroughly discussed by the Commission’s Racing Committee on November 4, 2013 and December 9, 2013 and unanimously voted to recommend these amendments to the Full Commission. On December 19, 2013 the Full Commission met and accepted the Racing Committee’s recommendation and voted to publish a Request for Comments in the State Register. All rules discussion was clearly included on all agenda duly prepared and mailed or e-mailed 7 days prior to these meetings. Agendas were also posted on the Commission’s website. Minutes from the full commission meetings are available on the Commission’s website at www.mrc.state.mn.us.

The Racing Commission began work on the rules proposals in November 2013 after receiving the recommendation from the Racing Committee. Updates will be provided on a monthly basis during the course of the formal rulemaking process.

The Commission’s Rulemaking Docket, which is publicly posted in the Commission’s office as well as on the Commission’s website, will be updated as necessary to reflect the status of these rules.

Our Notice Plan includes:

1. Publishing the Request for Comments in the November 3, 2014 edition of the State Register.
2. Posting the Request for Comments and the language of the proposed rules on the Commission’s website.
3. Mailing or e-mailing the Request for Comments to Class A & B licensees as well as horsemen’s organizations that are affected by horse racing in Minnesota, including the Minnesota Thoroughbred Association, the Horsemen’s Benevolent and Protective Association, Minnesota Harness Racing, Inc., the Minnesota Quarter Horse Racing Association, the Jockey’s Guild, and the United States Trotting Association.
4. Mailing or e-mailing the Request for Comments to organizations in Minnesota identified as having an interest in animal health including the Minnesota Board of Animal Health, the Minnesota Humane Society, the Minnesota Veterinary Medical Association, and the University Of Minnesota College Of Veterinary Medicine.
5. Our Notice Plan also includes giving notice required by statute. We will mail the rules and Notice of Intent to Adopt to everyone who has registered to be on the Commission’s rulemaking list under Minnesota Statutes, section 14.14, subdivision 1a. We will also give notice to the Legislature per Minnesota Statutes, section 14.116. The Proposed Rules and the Notice of Intent to Adopt will also be published in the State Register.

The Commission will provide a copy of the rules and Notice of Intent to Adopt Rules to Class A & B licensees, horsemen’s organizations, and animal health organizations in Minnesota as noted in #3 and #4.

CONSULT WITH MMB ON LOCAL GOVERNMENT IMPACT

As required by Minnesota Statutes, section 14.131, the Department will consult with the Minnesota Management and Budget (MMB)). We will do this by sending the MMB copies of the documents that we send to the Governor's Office for review and approval on the same day we send them to the Governor's office. We will do this before the Department's publishing the Notice of Intent to Adopt. The documents will include: the Governor's Office Proposed Rule and SONAR Form; the proposed rules; and the SONAR. The Department will submit a copy of the cover correspondence and any response received from Minnesota Management and Budget to OAH at the hearing or with the documents it submits for ALJ review.

DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION

As required by Minnesota Statutes, section 14.128, subdivision 1, the agency has considered whether these proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The Commission has determined that they do not because all activity that these amendments affect occur on licensed racetrack grounds, not out in the local community. There are times where we may have to contact local law enforcement or county/city attorney offices, but that is in the normal course of fulfilling our duties and responsibilities when events warrant. It is not anticipated that these amendments will either increase or decrease those contacts.

COST OF COMPLYING FOR SMALL BUSINESS OR CITY

Agency Determination of Cost

As required by Minnesota Statutes, section 14.127, the Racing Commission has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The Racing Commission has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city.

LIST OF WITNESSES

If these rules go to a public hearing, the Racing Commission anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

1. Mr. Andrew Offerman,
2. Mr. Wayne Oke
3. Mr. Tom DiPasquale
4. Dr. Lynn Hovda
5. Ms. Marlene Swanson, Rules Coordinator will testify about the development and processing of these rules.

RULE-BY-RULE ANALYSIS

Part 7869.0100, Definitions. Subp. 25, Equipment.

This proposed rule adds the words "riding crop" to the definition of equipment. It is necessary to do this as this is a piece of equipment used by riders in flat races.

Part 7871.0080 Tip Sheets. Subp. 1. Number of tip sheets.

This change is necessary in order to add a modern means of communication to the existing rule and to ensure that the necessary information is delivered directly to the Racing Commission employee(s) responsible for the enforcement of this rule.

Part 7873.0188 Superfecta. Subp. 2a Ticket is evidence of binding contract.

This change is necessary to ensure uniformity among all rules regarding specific wagers outlined in Chapter 7873.

Part 7873.0189 Pentafecta.

It is necessary and reasonable to add this rule in order to provide wagering opportunities that remain competitive with other jurisdictions. This wager is a commonly available wager that a significant number of North American racing jurisdictions have already approved and have implemented this wager without issue over the past decade. Reference to the wager can be found in Chapter 4 of the Association of Racing Commissioners International's Model Rules (subsequently referred to as "Model Rules") – Pari-Mutuel Wagering (ARCI-004-024).

Part 7873.0190 Pick 6. Repealed.

The deletion of this section is necessary and reasonable so as to bring all similar wager types under the same set of rules as proposed in 7873.0196 Pick (n) Wagers.

Part 7873.0191 Pick 3. Repealed.

The deletion of this section is necessary and reasonable so as to bring all similar wager types under the same set of rules as proposed in 7873.0196 Pick (n) Wagers.

Part 7873.0195 Distribution of Pick Six, Pick Three, and Pick Four Pools. Repealed

The deletion of this section is necessary and reasonable so as to bring all similar wager types under the same set of rules as proposed in 7873.0196 Pick (n) Wagers.

Part 7873.0196 Pick (N) Wagers.

It is necessary and reasonable to add this rule for the following reasons:

1. This rule will provide a consistent set of requirements and conditions for similar wagers currently found under 7873.0190 PICK SIX, 7873.0191 PICK THREE, and 7873.0199 PICK FOUR. These wagers are all materially similar and should be governed under a uniform set of rules as have been outlined in the "Model Rules" – Pari-Mutuel Wagering (ARCI-004-024).
2. This rule will clarify a section of the current rule found at 7873.0199 PICK FOUR that has been challenging to interpret in regard to provisions regarding the carryover of a Pick Four wager.

3. This rule will provide wagering opportunities that remain competitive with a significant number of North American racing jurisdictions that have already approved a variety of wagers under this rule and have implemented these wagers without issue over the previous five years.

Part 7873.0199 Pick Four. Repealed.

The deletion of this section is necessary and reasonable so as to bring all similar wager types under the same set of rules as proposed in 7873.0196 Pick (n) Wagers.

Part 7875.0100 Subp. 6, Jockey's and driver's rooms.

This proposed rule is reasonable as it allows some modern means of communication by jockeys and drivers while limiting the use to approval by the Stewards. It is necessary so the jockeys and drivers, with approval from the Stewards or Judges, have outside communication in the event of an emergency and to make travel arrangements.

Part 7875.0100 Subp. 7, Posting of jockey insurance coverage.

This proposed rule requires the association to have a copy of the insurance policy on file and post a summary in the jockey's room. In the event that the policy changes during the race meeting, an updated copy would be posted in the jockey's room. It also requires the association to provide an injured jockey a copy of the policy upon written request. The new rules are necessary so the jockeys that are licensed and riding in a race meeting are able to read and understand the insurance policy that covers them. It also prevents any changes in the policy without notification of the commission and jockey and provides the necessary mechanism for an injured jockey to obtain a copy of the policy. It is reasonable to do this as the jockeys have a need to know the information provided on the insurance covering them and have access to the policy should they be injured.

Part 7877.0120 Subp. 2(G), Fingerprinting and licensing reciprocity

The proposed change is for the purpose of consistency throughout the rules and to clarify that finger prints must be submitted by anyone applying for a license of the age 18 to age 70 years of age.

Part 7877.0120 Subp. 3, Jockey mount fees.

It is necessary and reasonable to modify this rule to properly reflect the current economic realities and to bring these fees in-line with the majority of other North American racing jurisdictions with similar amounts of available purse money. Additionally, this rule accurately reflects and codifies monetary amounts already agreed upon and in use by all interested parties.

Part 7877.0130 Subp. 3 (D), Trainers and assistant trainers.

Trainers are required to provide proof of coverage of workers' compensation in order to obtain a Trainer's license from the Minnesota Racing Commission. The language added to this section of rule would require naming the commission as a certificate holder so that if any changes are made to coverage the commission would be notified. This rule is necessary because if a trainer has insurance coverage when he or she is initially licensed but then does not have coverage for whatever reason, the commission needs to know that in order to protect the workers under that trainer.

Part 7877.0170 Subp. 3, Jockeys and apprentice jockeys.

The changes to this section of rules were brought to the commission by the Jockey's Guild. The purpose of these rules is for the safety and well being of the jockeys and to update our rules to reflect the changes in language to the "Model Rules". It is necessary to provide uniformity in standards.

Part 7877.0170 Subp. 7, Jockey's agent.

This proposed rule change is necessary as clarifies the order of riding contracts for a single race. It is reasonable as it prevents the agent or jockey from accepting a later call or accepting the second call in place of the first. It is needed to prevent owners and trainers from assuming they have engaged the services of a rider only to find the rider has chosen another mount in the same race.

Part 7878.0110 Minimum Selection Standards.

Subpart 1:

A. The proposed rule change removes the requirement that security officers must be United States citizens. It is needed to prevent discriminatory practices by the race tracks. At the time this rule was promulgated the standards for a security officer mirrored police officers. The duties of a security officer are vastly different than a police officer and to hold them to the citizenship standard eliminates a group of otherwise qualified candidates. It is reasonable to make this change as most Minnesota State Agencies, including the Department of Corrections and State Capitol Security, do not have this specific rule. The Association of International Racing Commission guidelines do not reflect it either.

Subpart 1:

F. This proposed rule change eliminates the need for a thorough medical examination to determine that the individual is free from any physical defect which might adversely affect his or her performance as a security officer. The change is needed and reasonable so that the race track is able to hire employees to this position without violating the Americans with Disabilities Act (ADA), assuming that they are able to provide reasonable accommodation for an individual to be able to perform the job. Many of the lighter duty security positions can be filled by individuals with disabilities and to do otherwise would discriminate against them.

Part 7883.0100 Subp. 7, Coupled entries.

It is necessary and reasonable to add this rule for a number of reasons:

1. This proposed rule change provides a maximum number of racing opportunities for all horses racing in Minnesota. A minimal limitation on the number of horses a trainer can start in a single race forces some horses to wait for another race and not maximize their earning power or potential. In some instances, horses end up running at racetracks in other states due to their inability to race in Minnesota.
2. Additionally, horses bred in the State of Minnesota and horses owned by residents of the State of Minnesota are most impacted by the current minimal limitation as many of the State's top horses are trained by a limited number of trainers. Increasing the maximum number of starters allowed by a single trainer should maximize the earning potential of Minnesota-bred and Minnesota-owned racehorses which, in turn, will lead to additional investment in Minnesota's agricultural industries.

Part 7883.0140 Subp. 8, Voided Claims.

This proposed rule change is needed to protect the safety and welfare of the horse as well as the current or proposed owner. It prevents trainers from entering and racing horses that they know are unsound, will likely not finish the race, or have been treated with illicit medications to make them look better during the warm-up period so they will be claimed. It allows the new owner (claimant) to retain claiming the horse if they desire should the horse be euthanized. This is important for those claimants who may have purchased claiming insurance.

It is a reasonable rule change as it protects the horse and the claimant from foul play on the part of others and lessens the risk of unsound horses being entered into claiming races for the sole purpose of having it claimed.

Part 7883.0140 Subp. 16, Title to claimed horse.

The changes in language to this section defines in more detail when the ownership attaches to a horse being claimed in a race and who bears the responsibility for the horse should something happen. This clarification is needed to avoid disputes over ownership.

Part 7883.0140 Subp. 18, Claimed horse to be delivered. – Repealed.

This section on delivery of a claimed horse is repealed and replaced by language in 7883.0140, subp.19.

Part 7883.0140 Subp. 19, Delivery and responsibility for post race analysis.

This proposed rule change is needed so trainers know exactly what to do with their horses should they be claimed. It clearly spells out that the original trainer retains custody until after blood and urine have been obtained from the claimed horse. The rule change is reasonable as urine and blood are collected from all claimed horses in the detention barn and should a medication violation occur the original trainer and owner would be responsible for the violation.

Part 7883.0140 Subp. 24, Recognition of other racing jurisdictions' claiming rules. – Repealed

The deletion of this section is necessary and reasonable for a number of reasons:

1. This rule, in its current form, is challenging if not impossible to enforce due to the fact that all jurisdictions have varying rules and not all rules in other jurisdictions are compatible with Chapter 7883.
2. The onus to adhere to another jurisdiction's rules should be placed on that jurisdiction, not on the Minnesota Racing Commission or on a Minnesota Racing Association.
3. Similar rules have been found to be illegal and unenforceable in other jurisdictions.

Part 7883.0140 Subp. 25, Charity meetings. – Repealed

The deletion of this section is necessary and reasonable due to the fact that Charity Meets have not been contested in Minnesota and are unlikely to be contested in the future.

Part 7883.0140 Subp 30, Claiming races may be conditioned. – Repealed

The deletion of this section is necessary and reasonable, as it no longer accurately reflects industry practices. All races, claiming and otherwise, carry some sort of conditions that are necessary for races to be contested.

Part 7883.0140 Subp. 31, Waiver claiming rule.

It is necessary and reasonable to add this rule as it is an important measure that promotes rest and rehabilitation for injured, sore and tired horses by providing an incentive to the owner upon the horse's return to good health and fitness. This rule promotes doing right by the horse and numerous states have already enacted similar rules (Arkansas, California, Delaware and Iowa) with success.

Part 7883.0160 Subp. 6(C), Interference and willful fouling.

The changes to this section are strictly a matter of housekeeping. The word whip has been changed to riding crop which is the correct term used in thoroughbred and quarter horse racing.

Part 7883.0170 Racing Equipment.

This proposed rule change modifies the minimum diameter of the riding crop shaft from ½ inch to 3/8 inch. This rule is needed and reasonable as it brings the diameter in line with the recommendations from the Jockey's Guild and proposed Model Rules.

Part 7884.0170, Scratches.

Subpart 1: The word Stewards is changed to Judges in this proposed rule change. This section of the rules is specific for harness horse racing and the word Judges is used by the USTA (United States Trotting Association). This is a reasonable rule change as it provides the correct terminology.

Subpart 3: The word "enter" is replaced with "race" in this proposed harness horse rule change. The proposed rule change is reasonable as it mirrors that used by the Commission for Thoroughbred and Quarter horse racing and is needed to make racing at both racetracks fair and equitable.

Subpart 4: This proposed rule change is needed to provide direction to those trainers whose horses were scratched by the Judges (on recommendation from the veterinarian) as unsound. It is reasonable to do so as these horses had some underlying issue that resulted in the scratch and is needed to prevent unsound horses from being entered indiscriminately. The use of a Qualifying Race, which are observed by both a Judge and Regulatory Veterinarian, allow the horse to be examined at speed and deemed to be sound or unsound.

Part 7884.0190 Qualifying Races.

Subpart 2: These proposed rule changes also provide direction to trainers with horses that have been put on the Veterinarian's List as unsound or need to have hobbles added or removed. It is reasonable to do so as these horses had some underlying issue that resulted in putting them on the Veterinarian's List and this rule prevents their entry. The use of a Qualifying Race, which is observed by both a Judge and Regulatory Veterinarian, allow the horse to be examined at speed and deemed to be sound or unsound. It also allows

the Judges to determine that the horse is going well with the change in hobbles and that they are fitted appropriately.

Subp. 2a: The language change was proposed by the Chief Judge to reflect the USTA rules and to bring uniformity with other jurisdictions. This rule would allow an occasional break on a fast track by a high performing horse without having to race in a qualifying race to be eligible to race. Breaks in three consecutive races would require entry in a qualifying race to show the horse can race without making a break.

Subp. 4, 6 and 7 are housekeeping changes correcting the word steward with judge because judges preside over harness racing.

Part 7884.0210 Claiming Races.

Subp. A The first change to this rule is a housekeeping change as the USTA changed Rule 10 to Rule 11. The second part mandates that any conflict between the USTA Rule 11 and a Minnesota rule will be controlled by the Minnesota rule. This is necessary should a conflict develop.

Subp. C The language in this part is fashioned after the claiming rules for Thoroughbred and Quarter Horse racing. It is needed to keep competitive horses from being claimed and removed to other locations to race and depleting the fields at the host track.

Subp. D. This proposed rule change is needed to protect the safety and welfare of the horse as well as the current or proposed owner. It prevents trainers from entering and racing horses that they know are unsound, will likely not finish the race, have been treated with illicit medications to make them look better during the warm-up period so they will be claimed. It allows the new owner (claimant) to retain claiming the horse if they desire should the horse be euthanized. This is important for those claimants who may have purchased claiming insurance.

It is a reasonable rule change as it protects the horse and the claimant from foul play on the part of others and lessens the risk of unsound horses being entered into claiming races for the sole purpose of getting rid of them.

Subp. E. This proposed rule change is needed as it specifies that all claimed horses shall undergo post race testing. It is reasonable as it protects the new owner (claimant) from receiving a horse that has illegal medications in its system and/or those that mask an underlying medical condition. All claimed horses are currently tested in Thoroughbred and Quarter Horse racing and this proposed rule brings harness horse racing into the same medication testing environment.

Part 7884.0230 Subp. 3a, Safety vest.

This proposed rule change specifies that safety vests must be worn by drivers when competing in qualifying or official races. It is needed and reasonable as it will help protect the drivers from injury to the upper body in the event of an accident.

Part 7884.0240 Subp. 10, Helmets and safety vest to be worn.

Wearing both a properly fastened helmet and safety vest while mounted on a horse on the racing surface are addressed in this proposed rule change. It is needed and reasonable as it will help protect the outrider and/or other mounted people who are on the race track surface from injury should there be an accident or other incident on the race track surface.

Part 7884.0260 Driving Rules

Proposed rule changes on driving rules were presented by the chief judge to reflect the USTA rules. The purpose of the changes is to better define appropriate and inappropriate driving behavior for the safety of all participants including the drivers, spectators, and equine athletes.

EXHIBITS

CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

2/26/15
Date

Thomas DiPasquale /ms
Thomas DiPasquale
Executive Director
Minnesota Racing Commission

□

1.1 **Minnesota Racing Commission**1.2 **Proposed Permanent Rules Relating to Horse Racing; Definitions; Televised Racing**
1.3 **Days; Races; Pari-mutuel; Facilities and Equipment; Class C Licenses; Security**
1.4 **Officers; Harness Races**1.5 **7869.0100 DEFINITIONS.**1.6 [For text of subps 1 to 24, see M.R.]

1.7 Subp. 25. **Equipment.** "Equipment," as applied to a horse, means whips, riding
1.8 crops, blinkers, tongue straps, muzzles, hoods, nasal strips, nose bands, shadow rolls,
1.9 martingales, breast plates, bandages, boots, plates or toe grabs (shoes), sulkies, head poles,
1.10 safety reins, cornell collars, and all other paraphernalia that is or might be used on or
1.11 attached to a horse while racing.

1.12 [For text of subps 26 to 69, see M.R.]1.13 **7871.0080 TIP SHEETS.**

1.14 Subpart 1. **Number of tip sheets.** Should the licensee elect to allow the availability
1.15 of tip sheets, at least one independently handicapped tip sheet shall be available at a
1.16 racetrack. Each handicapper must sign and deliver the sheet or submit an electronic
1.17 version at least one hour before post time for the first race to the ~~presiding official~~ Racing
1.18 Commission office at the licensee's racetrack.

1.19 [For text of subps 2 and 3, see M.R.]1.20 **7873.0188 SUPERFECTA.**1.21 [For text of subps 1 and 2, see M.R.]

1.22 Subp. 2a. **Ticket is evidence of binding contract.** A superfecta ticket shall be
1.23 evidence of a binding contract between the holder of the ticket and the racing association
1.24 and the ticket shall constitute an acceptance of the superfecta wager provisions and rules.

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

2.1 **7873.0189 PENTAFECTA:**

2.2 Subpart 1. **Scope.** The pentafecta is a form of pari-mutuel wagering combining five
2.3 horses in a single race. Each bettor selects horses that will finish in exact order, first,
2.4 second, third, fourth, and fifth, in a designated pentafecta race. Payment of the ticket must
2.5 be made only to the purchasers who have selected the exact order of finish as officially
2.6 posted, except as otherwise noted. All pentafecta wagers are calculated on a separate
2.7 pentafecta pool, with no relation to any other pool.

2.8 Subp. 2. **Price of tickets.** Pentafecta tickets must be sold singly in not less than
2.9 ten cent denominations.

2.10 Subp. 3. **Ticket is evidence of binding contract.** A pentafecta ticket shall be
2.11 evidence of a binding contract between the holder of the ticket and the racing association
2.12 and the ticket shall constitute an acceptance of the pentafecta wager provisions and rules.

2.13 Subp. 4. **Scratches.** If a horse is scratched or declared a nonstarter, no further
2.14 pentafecta tickets may be issued designating the horse and all previously issued pentafecta
2.15 tickets that include the scratched horse must be refunded at any time and the money
2.16 deducted from the gross pool.

2.17 Subp. 5. **Pentafecta wager may be given a distinctive name.** A pentafecta wager
2.18 may be given a distinctive name to be selected by the association conducting these races,
2.19 subject to the approval of the commission.

2.20 Subp. 6. **Failure to select winning combination.** Items A to F govern payoffs in
2.21 racess where the winning combination has not been selected.

2.22 A. **If no ticket is sold correctly selecting the first five finishers, "X" percent of**
2.23 the net pool shall be distributed to those pentafecta tickets selecting the horses finishing
2.24 first, second, third, and fourth. The remaining "Y" percent of the net pool shall be carried
2.25 over to the succeeding pentafecta race.

3.1 B. If no ticket is sold correctly selecting the first four finishers, "X" percent of
3.2 the net pool shall be distributed to those pentafecta tickets selecting the horses finishing
3.3 first, second, and third. The remaining "Y" percent of the net pool shall be carried over to
3.4 the succeeding pentafecta race.

3.5 C. If no ticket is sold correctly selecting the first three finishers, "X" percent of
3.6 the net pool shall be distributed to those pentafecta tickets selecting the horses finishing
3.7 first and second. The remaining "Y" percent of the net pool shall be carried over to the
3.8 succeeding pentafecta race.

3.9 D. If no ticket is sold correctly selecting the first two finishers, "X" percent of
3.10 the net pool shall be distributed to those pentafecta tickets selecting the horse finishing
3.11 first. The remaining "Y" percent of the net pool shall be carried over to the succeeding
3.12 pentafecta race.

3.13 E. If no ticket is sold that would require distribution of the net pentafecta
3.14 pool as described in items A to D, 100 percent of the net pool shall be carried over to
3.15 the succeeding pentafecta race if the association is using a carryover provision. If the
3.16 association is not using a carryover provision, all pentafecta tickets shall be refunded.

3.17 F. If less than five horses finish a pentafecta race, payoffs shall be made on
3.18 tickets selecting the actual finishing horses in order, ignoring the balance of the selection.

3.19 Subp. 7. Requirement to designate carryover percentages. The association, in its
3.20 pari-mutuel pools request, shall outline percentages to be used for "X" and "Y" in subpart
3.21 6. The association can choose to eliminate the carryover component of this wager by
3.22 submitting "100 percent" for "X" and "0 percent" for "Y" in its pari-mutuel pools request.

3.23 Subp. 8. Mandatory payout. On the final pentafecta wager of the meet, items A to
3.24 F govern payoffs in races where the winning combination has not been selected.

4.1 A. If no ticket is sold correctly selecting the first five finishers, 100 percent of
4.2 the net pool shall be distributed to those pentafecta tickets selecting the horses finishing
4.3 first, second, third, and fourth.

4.4 B. If no ticket is sold correctly selecting the first four finishers, 100 percent of
4.5 the net pool shall be distributed to those pentafecta tickets selecting the horses finishing
4.6 first, second, and third.

4.7 C. If no ticket is sold correctly selecting the first three finishers, 100 percent of
4.8 the net pool shall be distributed to those pentafecta tickets selecting the horses finishing
4.9 first and second.

4.10 D. If no ticket is sold correctly selecting the first two finishers, 100 percent of the
4.11 net pool shall be distributed to those pentafecta tickets selecting the horse finishing first.

4.12 E. If no ticket is sold that would require distribution of the net pentafecta pool
4.13 as described in items A to D, a full refund of all pentafecta tickets must be made.

4.14 F. If less than five horses finish a pentafecta race, payoff must be made on
4.15 tickets selecting the actual finishing horses in order, ignoring the balance of the selection.

4.16 Subp. 9. Cancellation of pentafecta race. If a pentafecta race is canceled, a full
4.17 refund of all pentafecta tickets must be made.

4.18 Subp. 10. Cancellation of the final pentafecta race of a meet. If, for any reason,
4.19 the day of racing is canceled or the pentafecta pool has not been distributed, the pool shall
4.20 be escrowed by the association, and the pool, as well as all accrued interest, shall be
4.21 carried over and included in the pentafecta pool for the next succeeding racing date as
4.22 an additional net amount to be distributed.

4.23 Subp. 11. Dead heats. Items A to G govern payoffs in dead heats.

4.24 A. In the even of a dead heat for first, the winning combinations must be the
4.25 horses finishing in the dead heat for first and the horses finishing third, fourth, and fifth.

5.1 B. In the event of a dead heat for second, the winning combinations must be
5.2 the horse finishing first, the horses finishing in the dead heat for second, and the horses
5.3 finishing fourth and fifth.

5.4 C. In the event of a dead heat for third, the winning combinations must be the
5.5 horse finishing first, the horse finishing second, the horses finishing in the dead heat for
5.6 third, and the horse finishing fifth.

5.7 D. In the event of a dead heat for fourth, the winning combinations must be
5.8 the horse finishing first, the horse finishing second, the horse finishing third, and the
5.9 horses finishing in the dead heat for fourth.

5.10 E. In the event of a dead heat for fifth, the winning combinations must be
5.11 the horse finishing first, the horse finishing second, the horse finishing third, the horse
5.12 finishing fourth, and the horses finishing in the dead heat for fifth.

5.13 F. In the event of a dead heat for first, second, third, fourth, or fifth where there
5.14 is no winning ticket on the one dead heat combination, the entire pool must be paid to
5.15 the other winning combination.

5.16 G. In all instances of multiple dead heats, the winning combinations must be
5.17 paid proportionately from the net pentafecta pool.

5.18 Subp. 12. **Restrictions on pentafecta races.** In no event shall pentafecta wagering
5.19 be allowed with fewer than six betting interests. If for any reason pentafecta wagering is
5.20 canceled, all pentafecta wagers must be refunded.

5.21 Subp. 13. **Displaying pentafecta rules.** Pentafecta rules must be prominently
5.22 displayed at each track conducting pentafecta wagering. Printed copies of pentafecta rules
5.23 must be provided to patrons upon request.

6.1 **7873.0196 PICK (N) WAGERS.**

6.2 Subpart 1. **Scope.** Pick (n) wagers requires selection of the first place finisher
6.3 in each of a designated number of contests ranging from as few as three contests to as
6.4 many as 16 contests. All contests subject to a specific Pick (n) wager must be held on
6.5 a single racing day.

6.6 Subp. 2. **Price of tickets.** Pick (n) wager tickets must be sold singly in not less than
6.7 ten cent denominations.

6.8 Subp. 3. **Ticket is evidence of binding contract.** A Pick (n) wager ticket shall be
6.9 evidence of a binding contract between the holder of the ticket and the racing association
6.10 and the ticket shall constitute an acceptance of the Pick (n) wager provisions and rules.

6.11 Subp. 4. **Pick (n) wagers may be given a specific name.** Any Pick (n) wager may
6.12 be given a distinctive name to be selected by the association conducting these races,
6.13 subject to the approval of the commission.

6.14 Subp. 5. **Specific requirements for commission approval.** In order to be considered
6.15 for approval, the association must specifically outline each type of Pick (n) wager to be
6.16 offered within its pari-mutuel pools request. The pari-mutuel pools request must contain
6.17 each of the following for every Pick (n) wager that association desires to offer:

6.18 A. the number of contests the Pick (n) wager will comprise;

6.19 B. any specific name the association wishes to give the wager as allowed in
6.20 subpart 3; and

6.21 C. a designation of one of the methods of payment outlined within subpart 5,
6.22 including a description of relevant percentages chosen by the association that are specific
6.23 to the chosen method of calculation.

6.24 Subp. 6. **Pick (n) pool payout methods.** Pick (n) pools shall be paid under one of
6.25 the following methods.

7.1 A. Method 1, Pick (n) with carryover: The net Pick (n) pool and carryover, if
7.2 any, shall be distributed as a single-price pool to those who selected the first place finisher
7.3 in each of the Pick (n) contests, based upon the official order of finish. If there are no such
7.4 wagers, a designated percentage of the net pool shall be distributed as a single-price pool
7.5 to those who selected the first place finisher in the greatest number of Pick (n) contests and
7.6 the remainder shall be added to the carryover.

7.7 B. Method 2, Pick (n) with 100 percent carryover: The net Pick (n) pool and
7.8 carryover, if any, shall be distributed as a single-price pool to those who selected the first
7.9 place finisher in each of the Pick (n) contests, based upon the official order of finish. If
7.10 there are no such wagers, 100 percent of that day's pool shall be added to the carryover.

7.11 C. Method 3, Pick (n) with minor pool and carryover: The major share of the
7.12 net Pick (n) pool and the carryover, if any, shall be distributed to those who selected the
7.13 first place finisher in each of the Pick (n) contests, based upon the official order of finish.
7.14 The minor share of the net Pick (n) pool shall be distributed to those who selected the first
7.15 place finisher in the second greatest number of Pick (n) contests, based upon the official
7.16 order of finish. If there are no wagers selecting the first place finisher of all Pick (n)
7.17 contests, the minor share of the net Pick (n) pool shall be distributed as a single-price pool
7.18 to those who selected the first place finisher in the greatest number of Pick (n) contests and
7.19 the major share shall be added to the carryover.

7.20 D. Method 4, Pick (n) with no minor pool and no carryover: The net Pick (n)
7.21 pool shall be distributed as a single-price pool to those who selected the first place finisher
7.22 in the greatest number of Pick (n) contests, based upon the official order of finish. If there
7.23 are no winning wagers, the pool is refunded.

7.24 E. Method 5, Pick (n) with minor pool and no carryover: The major share of the
7.25 net Pick (n) pool shall be distributed to those who selected the first place finisher in the
7.26 greatest number of Pick (n) contests, based upon the official order of finish. The minor

8.1 share of the net Pick (n) pool shall be distributed to those who selected the first place
8.2 finisher in the second greatest number of Pick (n) contests, based upon the official order
8.3 of finish. If there are no wagers selecting the first place finisher in the second greatest
8.4 number of Pick (n) contests, the minor share of the net Pick (n) pool shall be combined
8.5 with the major share for distribution as a single-price pool to those who selected the first
8.6 place finisher in the greatest number of Pick (n) contests. If the greatest number of first
8.7 place finishers selected is one, the major and minor shares are combined for distribution as
8.8 a single-price pool. If there are no winning wagers, the pool is refunded.

8.9 F. Method 6, Pick (n) with minor pool and no carryover: The major share of
8.10 the net Pick (n) pool shall be distributed to those who selected the first place finisher in
8.11 the greatest number of Pick (n) contests, based upon the official order of finish. The
8.12 minor share of the net Pick (n) pool shall be distributed to those who selected the first
8.13 place finisher in the second greatest number of Pick (n) contests, based upon the official
8.14 order of finish. If there are no wagers selecting the first place finisher in all Pick (n)
8.15 contests, the entire net Pick (n) pool shall be distributed as a single-price pool to those
8.16 who selected the first place finisher in the greatest number of Pick (n) contests. If there
8.17 are no wagers selecting the first place finisher in the second greatest number of Pick (n)
8.18 contests, the minor share of the net Pick (n) pool shall be combined with the major share
8.19 for distribution as a single-price pool to those who selected the first place finisher in each
8.20 of the Pick (n) contests. If there are no winning wagers, the pool is refunded.

8.21 G. Method 7, Pick (n) with major and minor pool, jackpot pool, and jackpot
8.22 carryover: Predetermined percentages of the net Pick (n) pool shall be set aside for a
8.23 major pool, minor pool, and jackpot pool. The major share of the Pick (n) pool shall be
8.24 distributed to those who selected the first place finisher in each of the Pick (n) contests,
8.25 based on the official order of finish. If there are no tickets selecting the first place finisher
8.26 in each of the Pick (n) contests, the major net pool shall be added to the jackpot carryover.
8.27 If there is only one single ticket selecting the first place finisher of each of the Pick (n)

9.1 contests, based on the official order of finish, the jackpot share of the net Pick (n) pool
9.2 and the jackpot carryover, if any, shall be distributed to the holder of that single ticket,
9.3 along with the major net pool. If more than one ticket selects the first place finisher of
9.4 each of the Pick (n) contests, the jackpot net pool shall be added to the jackpot carryover.
9.5 The minor share of the net Pick (n) pool shall be distributed to those who selected the first
9.6 place finisher of the second greatest number of Pick (n) contests, based on the official
9.7 order of finish. If there are no wagers selecting the first place finisher of all Pick (n)
9.8 contests, the minor net pool of the Pick (n) pool shall be distributed as a single-price pool
9.9 to those who selected the first place finisher of the greatest number of Pick (n) contests.

9.10 Subp. 7. **Mandatory payouts.** On each respective final Pick (n) of the meet, all
9.11 pools and carryovers shall be paid out in full as prescribed in subpart 6, item E. For
9.12 purposes of mandatory payouts, jackpot pools and jackpot carryovers shall be considered
9.13 part of the major pool.

9.14 Subp. 8. **Cancellation of the final Pick (n) of the meet.** If, for any reason, the final
9.15 day of racing is canceled or any Pick (n) pool or carryover has not been distributed at the
9.16 close of the meet, the pool or carryover shall be escrowed by the association, and the pool,
9.17 as well as all accrued interest, shall be carried over and included in the appropriate Pick
9.18 (n) pool for the next succeeding racing date as an additional net amount to be distributed.

9.19 Subp. 9. **Cancellation of races comprising Pick (n).** The Pick (n) pool shall be
9.20 canceled and all Pick (n) wagers for the individual performance shall be refunded if:

9.21 A. at least two contests included as part of Pick 3 are canceled and declared
9.22 "no contest";

9.23 B. at least three contests included as part of a Pick 4, Pick 5, or Pick 6 are
9.24 canceled or declared "no contest";

9.25 C. at least four contests included as part of a Pick 7, Pick 8, or Pick 9 are
9.26 canceled or declared "no contest"; or

10.1 D. at least five contests included as part of a Pick 10, Pick 11, Pick 12, Pick 13,
10.2 Pick 14, Pick 15, or Pick 16 are canceled or declared "no contest."

10.3 If at least one contest included as part of a Pick (n) is canceled or declared "no contest,"
10.4 but not more than the number specified within this subpart, the net pool shall be distributed
10.5 as a single-price pool to those whose selections finished first in the greatest number of
10.6 Pick (n) contests for that performance. The distribution shall include the portion ordinarily
10.7 retained for the Pick (n) carryover but not the carryover from previous performances.

10.8 Subp. 10. Actual favorite substituted for scratched horse. In the event a Pick (n)
10.9 ticket designates a selection in any one or more of the races comprising the Pick (n) and
10.10 that selection is scratched, excused, or determined by the stewards to be a nonstarter in the
10.11 race, the actual favorite, as evidenced by the amounts wagered in the win pool at the time
10.12 of the start of the race, will be substituted for the nonstarting selection for all purposes,
10.13 including pool calculations and payoffs.

10.14 The association may refund Pick (n) tickets that include the scratched selection prior
10.15 to the beginning of wagering for the first race comprising the Pick 3 races.

10.16 Subp. 11. Dead heats. In the event of a dead heat for win between two or more
10.17 horses in any Pick (n) race, all the horses in the dead heat for win shall be considered
10.18 winning horses in the race for the purpose of calculating the pool.

10.19 Subp. 12. Change of surface after Pick (n) sequence begins. If the condition of the
10.20 course warrants a change of racing surface in any of the legs of the Pick (n) races, and the
10.21 change was not known to the public before the close of wagering for the Pick (n) pool, the
10.22 stewards shall declare the changed legs an "All-Win" for Pick (n) wagering purposes only.

10.23 Subp. 13. Association may contribute or guarantee pools. With the approval of
10.24 the commission, the association may guarantee a pool in any Pick (n) race. If the total
10.25 pool doesn't meet the guaranteed sum, the association must add the difference to the
10.26 guaranteed pool.

11.1 Subp. 14. No Pick (n) ticket to be exchanged or canceled. No pari-mutuel ticket
11.2 for a Pick (n) pool shall be sold, exchanged, or canceled after the time of the closing of
11.3 wagering in the first of the races comprising that Pick (n), except for refunds on Pick (n)
11.4 tickets as required by subpart 6.

11.5 Subp. 15. Announcement of payoff prices. After the second to last race comprising
11.6 the Pick (n) has been declared official, an association may post possible payoff prices to
11.7 the public before the start of the final race of the Pick (n).

11.8 Subp. 16. Suspension of Pick (n) pool or separate Pick (n) pool. The association
11.9 may suspend previously approved Pick (n) wagering with the prior approval of the
11.10 commission. Any carryover shall be held until the suspended Pick (n) wagering is
11.11 reinstated. An association may request approval of a Pick (n) wager or separate wagering
11.12 pool for specific performances.

11.13 **7875.0100 FACILITIES.**

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

11.15 **Subp. 6. Jockey's and driver's rooms.**

11.16 A. The use of public, portable, or cellular telephones, or transmitters, or other
11.17 electronic communications devices is prohibited in the jockey's and driver's room for
11.18 one-half hour prior to the first post and until the last race is official unless authorized
11.19 limited use has been approved by the stewards.

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

11.21 **Subp. 7. Posting of jockey insurance coverage.**

11.22 A. An association shall have on file with the commission a copy of the actual
11.23 policy and post in the jockeys' quarters a summary of the association's insurance coverage
11.24 for jockeys who are injured while on the grounds of the association and shall, upon the
11.25 request of any licensed jockey who is participating in the race meeting, provide a copy

12.1 of the policy of such insurance. Requests shall be made in writing to a racing official
12.2 designated by the association in the notice to respond to such requests.

12.3 B. In the event that the insurance policy is changed during the race meeting, the
12.4 association shall promptly notify the commission and post a notice of any changes.

12.5 **7877.0120 FEES.**

12.6 [For text of subp 1, see M.R.]

12.7 Subp. 2. **Fingerprinting and licensing reciprocity.** The commission shall license
12.8 persons holding valid permanent licenses issued by other racing jurisdictions in North
12.9 America if the persons meet the criteria specified in this subpart. The licensee must be in
12.10 good standing, have cleared a Federal Bureau of Investigation (FBI) or Royal Canadian
12.11 Mounted Police (RCMP) fingerprint check within the previous 60 months, file an
12.12 application and/or affidavit as may be required by the commission, and pay the required
12.13 applicable fees before participating in racing.

12.14 [For text of items A to F, see M.R.]

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

12.22 All reference to fingerprinting in this subpart ~~does not apply to applications submitted~~
12.23 ~~by persons under the age of 18 or over the age of 70~~ applies to applications submitted by
12.24 persons age 18 to 70 years.

13.1 Subp. 3. **Jockey mount fees.** Except as otherwise specially agreed by the parties,
 13.2 the fees to be paid jockeys shall be according to at least in an amount set forth in the
 13.3 following fee scale:

13.4					Other
13.5	Purse	Winning Mount	Second Mount	Third Mount	Mounts
13.6	\$599 and Under	\$33	\$33	\$33	\$33
13.7	600-699	36	33	33	33
13.8	700-999	10% of win purse	33	33	33
13.9	1,000-1,499	10% of win purse	33	33	33
13.10	1,500-1,999	10% of win purse	35	33	33
13.11	2,000-3,499	10% of win purse	45	40	38
13.12	3,500-4,999	10% of win purse	55	45	40
13.13	5,000-9,999	10% of win purse	65	50	45
13.14	10,000-14,999	10% of win purse	5% of place purse	5% of show purse	50
13.15	15,000-24,999	10% of win purse	5% of place purse	5% of show purse	55
13.16	25,000-49,999	10% of win purse	5% of place purse	5% of show purse	65
13.17	50,000-99,999	10% of win purse	5% of place purse	5% of show purse	80
13.18	100,000 and up	10% of win purse	5% of place purse	5% of show purse	105
13.19	<u>\$0-12,499</u>	<u>10% of win purse</u>	<u>\$125</u>	<u>\$100</u>	<u>\$75</u>
13.20	<u>\$12,500-19,999</u>	<u>10% of win purse</u>	<u>5% of place purse</u>	<u>\$125</u>	<u>\$75</u>
13.21	<u>\$20,000-49,999</u>	<u>10% of win purse</u>	<u>5% of place purse</u>	<u>5% of show purse</u>	<u>\$75</u>
13.22	<u>\$50,000-99,999</u>	<u>10% of win purse</u>	<u>5% of place purse</u>	<u>5% of show purse</u>	<u>\$85</u>
13.23	<u>\$100,000 and up</u>	<u>10% of win purse</u>	<u>5% of place purse</u>	<u>5% of show purse</u>	<u>\$105</u>

13.24 For the purpose of this subpart, "purse" includes purse supplement money from the
 13.25 Minnesota Breeders' Fund pursuant to parts 7895.0110, subpart 4, item A, and 7895.0300,
 13.26 subpart 6.

13.27 [For text of subp 4, see M.R.]

14.1 **7877.0130 STANDARDS REQUIRED OF APPLICANTS FOR SPECIFIC**
14.2 **LICENSES.**

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

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

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

14.7 D. An applicant for a trainer's license shall provide proof of having complied
14.8 with the workers' compensation laws, and maintain all applicable policies and
14.9 requirements with Minnesota Statutes, chapter 176, and all pertinent rules adopted
14.10 thereunder. The Minnesota Racing Commission shall be named as a certificate holder with
14.11 the insurance company providing the workers' compensation coverage. The commission,
14.12 as a certificate holder, must be notified of any changes in the policy within a reasonable
14.13 time, not to exceed 30 days from the date of the policy change.

14.14 [For text of subps 4 to 16, see M.R.]

14.15 **7877.0170 DUTIES AND RESPONSIBILITIES OF CLASS C LICENSEES.**

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

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

14.19 A. An apprentice jockey must ride with a five-pound weight allowance
14.20 beginning with his or her first mount and for one full year thereafter, unless the jockey
14.21 is riding in stakes races, handicap races, or substituting for a journeyman jockey who is
14.22 unable to fulfill a riding engagement. If after one full year from the date of his or her fifth
14.23 winning mount the apprentice jockey has failed to ride 40 winners, he or she shall continue
14.24 to ride with a five-pound weight allowance for up to two years from the date of his or her
14.25 fifth winning mount or until he or she has ridden a total of 40 winners, whichever comes

15.1 first. Apprentice allowances may be waived with the stewards' permission at the time of
15.2 entry by the trainer or the trainer's designee. If an apprentice jockey is unable to ride
15.3 for a period of 14 consecutive days or more after the date of the jockey's fifth winning
15.4 mount because of service in the United States armed forces, enrollment in an institution of
15.5 secondary or postsecondary education, or because of physical disability, the commission
15.6 may extend the time during which the apprentice weight allowance may be claimed for a
15.7 period not to exceed the period the apprentice jockey was unable to ride.

15.8 [For text of items B to F, see M.R.]

15.9 G. ~~The jockey's weight shall include his or her clothing, boots, saddle, and~~
15.10 ~~saddle attachments. The jockey's weight excludes the helmet and safety vest.~~

15.11 (1) A jockey's weight shall include clothing, boots, saddle and its
15.12 attachments, and any other equipment except the bridle, bit, blinkers, goggles, number
15.13 cloth, and safety equipment including helmet, vest, overgirth, reins, and breast collar.

15.14 (2) Upon the steward's approval, jockeys may be allowed up to three pounds
15.15 more than published weights to account for inclement weather clothing and equipment.

15.16 [For text of items H to L, see M.R.]

15.17 M. A jockey must wear a protective helmet with a buckled chin strap while
15.18 mounted upon any horse at a licensed racetrack. ~~A jockey must wear a safety vest when~~
15.19 ~~riding in any official race. The safety vest shall weigh no more than two pounds and be~~
15.20 ~~designed to provide shock absorbing protection to the upper body of at least a rating~~
15.21 ~~of five, as defined by the British Equestrian Trade Association.~~ A jockey must wear a
15.22 safety vest when riding in any official race. The safety vest must comply with one of the
15.23 following minimum standards or later revisions:

15.24 (1) British Equestrian Trade Association (BETA):2000 Level 1;

15.25 (2) Euro Norm (EN) 13158:2000 Level 1;

16.1 (3) American Society for Testing and Materials (ASTM) F2681-08 or
16.2 F1937;

16.3 (4) Shoe and Allied Trade Research Association (SATRA) Jockey Vest
16.4 Document M6 Issue 3; or

16.5 (5) Australian Racing Board (ARB) Standard 1, 1998.

16.6 [For text of items N and O, see M.R.]

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

16.9 (1) A jockey shall weigh in at no less than the same weight at which
16.10 the jockey weighed out, and if under that weight, and after consideration of mitigating
16.11 circumstances by the board of stewards, the jockey's mount may be disqualified from
16.12 any portion of the purse money.

16.13 (2) In the event of a disqualification, all money wagered on the horse shall
16.14 be refunded unless the race has been declared official.

16.15 (3) A jockey's weight shall include clothing, boots, saddle and its
16.16 attachments, and any other equipment except the bridle, bit, blinkers, number cloth,
16.17 overgirth, reins, and breast collar.

16.18 (4) Upon approval of the stewards, the jockeys may be allowed up to
16.19 three pounds more than published weights to account for inclement weather clothing
16.20 and equipment.

16.21 (5) The postrace weight of jockeys includes any sweat, dirt, and mud
16.22 that have accumulated on the jockey, and the jockey's clothing, safety equipment, and
16.23 overgirth. This accounts for additional weight, depending on specific equipment, as well
16.24 as weather, track, and racing conditions.

16.25 [For text of items Q to W, see M.R.]

17.1 X. No jockey shall willfully or purposely touch, strike, or jostle another jockey
17.2 or horse, either with hands or ~~whip~~ riding crop, from the time they leave the paddock
17.3 until after dismounting from a race.

17.4 Y. A jockey who is suspended for less than ten days for a riding infraction may
17.5 be allowed to ride in a stakes or trial race that was designated by the stewards prior to
17.6 the start of the race season. Permission to race will be granted at the stewards' discretion,
17.7 based on the circumstances of the suspension.

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

17.9 Subp. 7. **Jockey's agent.** A jockey's agent shall keep a written record of all
17.10 engagements made for jockeys he or she represents. The record shall be accurate and
17.11 up-to-date, and shall be available at all times for inspection by the stewards.

17.12 No jockey agent shall be permitted to contract riding engagements for more than two
17.13 jockeys and one apprentice jockey. No agent may arrange more than two calls for a jockey
17.14 in any race and ~~shall designate one of the engagements~~ the first engagement shall be
17.15 designated as a the first call and the other as a the second call. The jockey would have to
17.16 fulfill the contract with the first call unless the horse is unable to start.

17.17 A jockey's agent shall be in the racing secretary's office, or shall check in with the
17.18 racing secretary's office, at scratch time to confirm a jockey's commitments for the day's
17.19 program.

17.20 A jockey's agent shall notify the stewards in writing if he or she no longer intends to
17.21 serve as agent for any jockey. When so notifying the stewards, the agent also shall turn over
17.22 to the stewards a list of any unfulfilled engagements that he or she has made for the jockey.

17.23 [For text of subps 8 to 10, see M.R.]

17.24 **7878.0110 MINIMUM SELECTION STANDARDS.**

17.25 Subpart 1. **Applicant must meet selection standards.** A person eligible to be
17.26 licensed by the commission as a security officer must be an employee of a Class A, B,

18.1 or D licensee and shall meet the following minimum selection standards prior to being
18.2 appointed a security officer. The appointing authority may certify that the applicant has
18.3 already completed certain of these standards and provide documentation to that effect
18.4 pursuant to subpart 2. In all cases, the security officer must:

18.5 ~~A.~~ ~~be a citizen of the United States;~~

18.6 ~~B.~~ A. complete a comprehensive written Minnesota Racing Commission license
18.7 application;

18.8 ~~C.~~ B. submit to a thorough background search by the A&GED to disclose the
18.9 existence of any criminal record or conduct which would adversely affect the performance
18.10 of the security officer's duties;

18.11 ~~D.~~ C. not have been convicted of a felony in Minnesota (or in any other state
18.12 or federal jurisdiction which would have been a felony if committed in Minnesota), or
18.13 criminal theft, or a pari-mutuel horse racing or gambling crime;

18.14 ~~E.~~ D. provide fingerprint cards to the commission; and

18.15 ~~F.~~ ~~undergo a thorough medical examination conducted by a licensed physician~~
18.16 ~~to determine that the individual is free from any physical defect which might adversely~~
18.17 ~~affect his or her performance as a security officer; and~~

18.18 ~~G.~~ E. pass an oral examination conducted by the appointing authority to
18.19 demonstrate the existence of communication skills necessary to perform the duties and
18.20 functions of a security officer.

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

18.22 **7883.0100 ENTRIES AND SUBSCRIPTIONS.**

18.23 [For text of subps 1 to 6, see M.R.]

19.1 Subp. 7. **Coupled entries.** Except in stakes races and races which are conditioned
19.2 for horses eligible for specified stakes, not more than two horses of the same licensed
19.3 ownership or interest shall be entered and started in a race.

19.4 A. No trainer shall enter more than ~~two~~ four horses in an overnight event except
19.5 in split races.

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

19.7 [For text of subps 8 to 18, see M.R.]

19.8 **7883.0140 CLAIMING RACES.**

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

19.10 Subp. 8. **Voided claims.** If a claim is voided by the stewards, the horse claimed
19.11 shall be returned to the original owner who, in turn, shall refund all claim money to the
19.12 unsuccessful claimant.

19.13 A. A claim made on a horse that suffers a fatality during the running of the race
19.14 or is euthanized for a disarticulated joint, compound comminuted fracture, or fracture
19.15 of the skull, spine, or pelvis, any of which occurred during or directly after the race, is
19.16 automatically voided unless, prior to the race in which the horse is claimed, the claimant
19.17 had elected to claim the horse regardless of the disposition of the horse.

19.18 B. An election made in item A shall be entered on the claim form in accordance
19.19 with claiming rules.

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

19.21 Subp. 16. **Title to claimed horse.** Title to a horse which is claimed shall be vested
19.22 in the successful claimant ~~from the time the horse has entered the race course for the race~~
19.23 ~~in which the horse is scheduled to run, unless the race is canceled or the horse is excused~~
19.24 ~~by the stewards. The claimant shall then become the owner of the horse whether it be alive~~
19.25 ~~or dead, sound or unsound, or injured during the race or after it.~~ at the time the field has

20.1 been dispatched from the starting gate and the horse becomes a starter, and the successful
 20.2 claimant becomes the owner of the horse whether it is sound or unsound, or injured during
 20.3 the race or after it, except as specified in subpart 8, item A. Only a horse that is officially a
 20.4 starter in the race may be claimed. A subsequent disqualification of the horse by order of
 20.5 the stewards or the commission shall have no effect upon the claim.

20.6 [For text of subp 17, see M.R.]

20.7 Subp. 18. [See repealer.]

20.8 Subp. 19. **Delivery and responsibility for postrace analysis.** A trainer whose
 20.9 horse has been claimed ~~and is designated for postrace testing remains~~ is responsible for
 20.10 the horse until after collection of the blood and/or urine specimens at the detention barn
 20.11 where delivery shall be made to the successful claimant.

20.12 [For text of subps 20 to 23, see M.R.]

20.13 Subp. 24. [See repealer.]

20.14 Subp. 25. [See repealer.]

20.15 [For text of subps 26 to 29, see M.R.]

20.16 Subp. 30. [See repealer.]

20.17 **Subp. 31. Waiver claiming rule.** At the time of entry into a claiming race, the owner
 20.18 may opt to declare a horse ineligible to be claimed provided:

20.19 A. the horse has been laid off and has not started for a minimum of 120 days
 20.20 since its last race;

20.21 B. the horse's last race as an official starter was a claiming race in which the
 20.22 horse was eligible to be claimed; and

20.23 C. the horse is entered for a claiming price equal to or greater than the price at
 20.24 which it last started.

21.1 Failure to declare the horse ineligible at the time of entry may not be remedied and
21.2 the ineligibility shall apply only to the first start following each such layoff.

21.3 **7883.0160 POST TO FINISH.**

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

21.5 Subp. 6. **Interference and willful fouling.** The following rules shall apply with
21.6 respect to the running of a race.

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

21.8 C. During a race no jockey shall willfully or carelessly strike or touch another
21.9 jockey or another jockey's horse or equipment with the effect of interfering with that horse
21.10 or jockey, nor shall a jockey strike the jockey's horse on or about the head area. A jockey
21.11 shall use a ~~whip~~ riding crop in a manner consistent with using the jockey's best efforts
21.12 to win. A jockey must not use the ~~whip~~ riding crop indiscriminately. A jockey must not
21.13 strike a horse more than three consecutive times without pausing to only push on the horse
21.14 giving it a chance to respond before using the riding crop again. Jockeys are prohibited
21.15 from ~~whipping~~ striking a horse:

21.16 (1) on the head, flanks, or on any part of its body other than the shoulders
21.17 or hind quarters;

21.18 (2) during the post parade except when necessary to control the horse;

21.19 (3) excessively or brutally causing welts or breaks in the skin;

21.20 (4) when the horse is clearly out of the race or has obtained its maximum
21.21 placing;

21.22 (5) persistently even though the horse is showing no response under the
21.23 ~~whip~~ riding crop; or

21.24 (6) after the race.

22.1 Correct uses of the whip riding crop are:

- 22.2 (a) showing horses the whip riding crop before hitting them;
- 22.3 (b) using the whip riding crop in rhythm with the horse's stride; and
- 22.4 (c) using the whip riding crop as an aid to maintain a horse running
- 22.5 straight.

22.6 [For text of items D and E, see M.R.]

22.7 [For text of subps 7 to 14, see M.R.]

22.8 **7883.0170 RACING EQUIPMENT.**

22.9 A. Equipment.

22.10 (1) No bridle shall weigh more than two pounds.

22.11 (2) All riding crops are subject to inspection and approval by the stewards

22.12 and the clerk of scales.

22.13 (a) Riding crops shall have a shaft and a flap and will be allowed in

22.14 flat racing including training, only as follows:

22.15 i. maximum weight of eight ounces;

22.16 ii. maximum length, including flap, of 30 inches;

22.17 iii. minimum diameter of the shaft of ~~one-half~~ three-eighths

22.18 inch; and

22.19 iv. shaft contact area must be smooth, with no protrusions or

22.20 raised surface, and covered by shock-absorbing material that gives a compression factor

22.21 of at least one millimeter throughout its circumference.

22.22 [For text of unit (b), see M.R.]

22.23 [For text of subitem (3), see M.R.]

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

23.2 **7884.0170 SCRATCHES.**

23.3 Subpart 1. **Stewards Judges to approve scratches.** A horse entered to race shall not
23.4 be scratched from a race without permission of the stewards judges.

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

23.6 Subp. 3. **On advice of veterinarian.** A horse scratched by the stewards judges on the
23.7 advice of the commission veterinarian or the association veterinarian shall not be allowed
23.8 to enter race for a minimum of five days as determined by part 7877.0175, subpart 8, or
23.9 until approved for entry by the commission veterinarian or the association veterinarian.

23.10 Subp. 4. **Scratched as unsound.** Any horse that is scratched by the judges as
23.11 unsound must compete in a qualifying race prior to reentry.

23.12 **7884.0190 QUALIFYING RACES.**

23.13 Subpart 1. **Scheduling of qualifying races.** Weather conditions permitting,
23.14 qualifying races shall be scheduled at least once a week if the meet extends longer than
23.15 two weeks and shall be conducted under the supervision of the stewards judges.

23.16 Subp. 2. **Horses required to compete in qualifying races for race meets longer**
23.17 **than two weeks.** If the meet extends longer than two weeks, the following horses shall
23.18 not be eligible to enter any race until they have competed in qualifying races:

23.19 A. A horse that does not have a charted race at the gait chosen.

23.20 B. A horse that does not show a charted line within the last six starts. For that
23.21 purpose an uncharted race contested in heats or more than one dash and consolidated
23.22 shall be considered to be a start.

23.23 C. A horse that has not started for a period of 45 days or more.

23.24 D. A horse which has raced at a meeting at which races were not charted.

24.1 E. A horse that is listed on the veterinarian's list as unsound.

24.2 F. A horse adding or removing hobbles regardless of gait.

24.3 Subp. 2a. **Horses required to compete in qualifying races regardless of duration**
24.4 **of meet.** The following horses shall not be eligible to enter any race until they have
24.5 competed in qualifying races:

24.6 A. A horse that is on the qualifying list.

24.7 B. A horse that chokes, bleeds, or falls during a warmup or a race.

24.8 C. ~~A horse that has made breaks in two consecutive races or which breaks in its~~
24.9 ~~first start following a qualifying race.~~ A horse finishing first, second, or third on a "fast"
24.10 track and making a break in the race would not have that break counted against it in terms
24.11 of eligibility for future entries. However, any horse making breaks in three consecutive
24.12 races over fast tracks would still be required to qualify regardless of finishing position.

24.13 D. A horse that has been distanced.

24.14 Subp. 3. **Preferred or invitational horses.** The ~~stewards~~ judges may permit a
24.15 preferred or invitational horse to qualify by means of a timed workout consistent with the
24.16 time of preferred or invitational races that have been completed at the race meeting.

24.17 Subp. 4. **Stewards Judges may set standards.** The ~~stewards~~ judges may establish a
24.18 qualifying time for an individual horse consistent with that horse's past performance.

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

24.20 Subp. 6. **Qualifying times shall be posted.** Qualifying times shall be established by
24.21 the association and those times and any subsequent changes to them shall be approved by
24.22 the ~~stewards~~ judges and posted so that they are available for inspection by participants.

25.1 Subp. 7. **Trainers to be notified.** Trainers of horses placed on the qualifying list
25.2 shall be advised by the ~~stewards~~ judges or their designee of that fact by written notice
25.3 which must also be posted in the racing office.

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

25.5 **7884.0210 CLAIMING RACES.**

25.6 A. Claiming shall be conducted according to Rule ~~10~~ 11 from the current
25.7 United States Trotting Association (USTA) Charter, Bylaws, Rules and Regulations but
25.8 any conflict between the USTA Rule 11 and a Minnesota rule will be controlled by the
25.9 Minnesota rule.

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

25.11 C. No claimed horse shall race at any other racetrack until after the close of the
25.12 race meeting at which it was claimed, or for 60 days, whichever is shorter, except to fulfill
25.13 one or more stakes engagements or to race at a county fair meet.

25.14 D. Voided claims.

25.15 (1) A claim made on a horse that suffers a fatality during the running of the
25.16 race or is euthanized for a disarticulated joint, compound fracture, or fracture of the skull,
25.17 spine, or pelvis, any of which occurred during or directly after the race, is automatically
25.18 voided unless, prior to the race in which the horse is claimed, the claimant had elected to
25.19 claim the horse regardless of the disposition of the horse.

25.20 (2) An election made in subitem (1) shall be entered on the claim form in
25.21 accordance with claiming rules.

25.22 E. Postrace testing on claimed horses shall be performed using blood (serum,
25.23 plasma, or heart blood) and urine (if available).

26.1 **7884.0230 RACING EQUIPMENT.**26.2 [For text of subps 1 to 3, see M.R.]

26.3 Subp. 3a. **Safety vest.** A driver must wear a safety vest designed to provide shock
26.4 absorbing protection to the upper body when participating in an official or qualifying race.
26.5 The safety vest must equal or exceed a minimum shock absorption rating of five according
26.6 to the specification established by the British Equestrian Trade Association (BETA).

26.7 [For text of subps 4 to 7, see M.R.]26.8 **7884.0240 POST TIME AND STARTING.**26.9 [For text of subps 1 to 9, see M.R.]

26.10 Subp. 10. **Helmets and safety vest to be worn.** No person shall ride a horse on the
26.11 racing track surface without a properly fastened protective riding helmet and safety vest.

26.12 **7884.0260 DRIVING RULES.**26.13 [For text of subp 1, see M.R.]

26.14 Subp. 2. **Conduct after word "go" is given.** After the word "go" is given no
26.15 driver shall:

26.16 [For text of items A to J, see M.R.]

26.17 K. drive in a careless, reckless, or unsatisfactory manner or fail to maintain
26.18 ~~reasonable~~ complete control of the horse at all times ~~during the race;~~

26.19 [For text of items L to S, see M.R.]

26.20 T. use a whip exceeding four feet in length or a snapper longer than six inches in
26.21 length, ~~or use a whip in a brutal manner, or use the butt end of the whip, or whip under the~~
26.22 ~~arch or shaft of the sulky, or strike a wheel disc with the whip, or use a whip to interfere~~
26.23 ~~with or cause disturbance to any other horse or driver in a race;~~ or use unreasonable or
26.24 unnecessary force in the whipping of a horse, nor whip any horse causing visible injury,

27.1 nor whip any horse about the head including but not limited to trailing horses, nor whip
27.2 any horse after the finish line has been crossed except when it has been deemed by
27.3 the board of judges necessary to control the horse. The board of judges will notify the
27.4 commission veterinarian to conduct any postrace examination on any horse deemed to
27.5 have been subject to unreasonable or unnecessary force. The following actions shall be
27.6 considered indiscriminate, unreasonable, or unnecessary uses of the whip:

27.7 (1) any blatant or exaggerated movements of the whipping arm which will
27.8 result from raising the elbow above the driver's shoulder height or allowing the hand
27.9 holding the whip to reach behind the driver during the use of the whip;

27.10 (2) the use of the whip other than the area inside and above the level of the
27.11 shafts of the sulky and between the sulky shafts;

27.12 (3) whipping under the arch or shafts of the sulky, use of the whip as a
27.13 goad or poking device, or placing the whip between the legs of the horse; or

27.14 (4) using the whip when it does not appear that the horse is advancing its
27.15 position in the race and appears exhausted or not in contention;

27.16 U. punch, jab, or kick a horse; and

27.17 V. allow his or her horse to break from its gait for the purpose of losing a race;

27.18 W. keep one line, rein, or handhold in each hand at all times during the race
27.19 except when the horse and driver reach the 7/8 pole marker during the race; and

27.20 X. a driver may not lay back at an angle greater than 45 degrees.

27.21 [For text of subps 3 to 6, see M.R.]

27.22 Subp. 7. **Use of stirrups.** After the word "go" is given, barring mishap, both of the
27.23 driver's feet must be kept in or in contact with the stirrups, posts, or pegs until the race
27.24 has been completed.

28.1 [For text of subps 8 to 10, see M.R.]

28.2 **REPEALER.** Minnesota Rules, parts 7873.0190; 7873.0191; 7873.0195; 7873.0199;

28.3 and 7883.0140, subparts 18, 24, 25, and 30, are repealed.

Minnesota Racing Commission

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendments to Rules Governing Horse Racing, Minnesota Rules, 7869 Definitions; 7871 Televised Racing Days; 7873 Pari-Mutuel Rules; 7875 Facilities & Equipment; 7877 Class C Licenses; 7878 Security Officers; 7883 TB/QH Horse Races; and 7884 Harness Races.

Introduction. The Minnesota Racing Commission intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until May 20, 2015.

Agency Contact Person. You must submit comments or questions on the rules and written requests for a public hearing to the agency contact person. The agency contact person is: Marlene Swanson at Minnesota Racing Commission, P. O. Box 630, Shakopee, MN 55379, phone 952-496-7950, FAX 952-496-7954, and *email* marlene.swanson@state.mn.us. TTY users may call the Racing Commission at 800-627-3529.

Subject of Rules and Statutory Authority. This rule packet covers a wide variety of subjects and was proposed by staff, the Jockey's Guild, the racetrack associations, and the horsemen's groups. Many of the changes are housekeeping functions to reflect changes in terminology, minor procedural changes, and uniformity within the rules (7869.0100, 7871.0080, and 7877.0120). The more substantive rule changes can be summarized as follows:

The changes to chapter 7873 are changes to pari-mutuel betting. The purpose is to simplify and unify rules on different types of wagers. It would also allow the tracks to offer wagering opportunities that would provide variety and remain competitive with other jurisdictions.

7875.0100, 7877.0120, 7877.0170, and 7883.0170 all relate to the rights and responsibilities of jockeys and their agents and the safety of jockeys.

78773.0130 subp. 3(D) expands on the requirement that trainers show proof of workers' compensation insurance at the time of licensing. The proposed language would require the MRC be named a certificate holder to be notified in case of a change in coverage.

7877.0110, the proposed change removes an antiquated requirement for association security personnel and a conflict with the ADA laws.

The remaining changes to 7883 are changes to the rules of racing. It better defines when ownership changes hands in claiming races and who is responsible for what should issues arise pertaining to a claimed horse.

7884 is the chapter on harness racing. The changes under this chapter are housekeeping in nature (using the correct terminology), providing safety for the drivers by requiring certain equipment, and safety for the drivers and public by changes in driving rules, providing safety for the horses with changes to the Qualifying rules, and defining rights and responsibilities with regard to claimed horses.

The statutory authority to adopt the rules is *Minnesota Statutes*, section 240.03, 240.13, and section 240.23. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on Wednesday, May 20, 2015, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and the agency contact person must receive it by the due date. The Commission encourages comment. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. You must also make any comments about the legality of the proposed rules during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Commission hold a hearing on the rules. Your request must be in writing and the agency contact person must receive it by 4:30 p.m. on Wednesday, May 20, 2015. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Commission will hold a public hearing unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Commission may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless

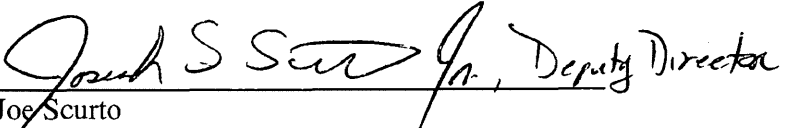
the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Commission encourages you to participate in the rulemaking process.

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review it or obtain copies for the cost of reproduction by contacting the agency contact person. The statement of need and reasonableness may be viewed on our web site at www.mrc.state.mn.us.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions about this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The agency will then submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the Commission submits the rules to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

4.9.15
Date


Joe Scurto
Deputy Director
Minnesota Racing Commission