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MINNESOTA RACING COMMISSION

November 30, 2016

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St. Paul, MN 55155

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Senator Tom Saxhaug
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Senator Patricia Torres Ray
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Representative Sarah Anderson
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Senator Warren Limmer
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St. Paul, Minnesota 55155-1206

By E-Mail

**Subject: Annual Report on Obsolete, Unnecessary or Duplicative Rules as Required by
Minnesota Statutes, Section 14.05, Subdivision 5**

Dear Governor Dayton, Senators, Representatives, Director Hubinger and Revisor Marinac:

Minnesota Statutes, section 14.05, subdivision 5, directs the Minnesota Racing Commission (MRC) and other agencies to report to you by December 1 of each year whether any of its rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. Last year we reported we had no such rules. This year we have undertaken a more intensive review of our rules and have identified the following obsolete rules:

Minn. R. 7869.0100 subp. 32b. This rule part defines “horse racing.” It is no longer necessary because this term is more precisely defined in Minnesota Statutes, section 240.01, subd. 8.

Minn. R. 7869.0100 subp. 57. This rule part defines “simulcast.” It is no longer necessary because the term “simulcasting” is more precisely defined in Minnesota Statutes, section 240.01, subd. 20.

Minn. R. 7870.01510. This rule part required the construction of Minnesota’s racetracks to comply with the same affirmative action requirements state contractors must follow. It also requires racetracks to obtain a certificate of compliance from the Minnesota Department of Human Rights every two years. Certificates of compliance are now governed by Minnesota Statutes, sections 363A.36-44, which are not applicable to racetracks. This part also requires racetracks to comply with the Americans with Disabilities Act which they are required to do in any case.

Minn. R. 7871.0020. This rule part provides detailed criteria for the MRC’s approval of pari-mutuel pools for simulcast races. All betting pools are now commingled through the host tracks’ totalisator system and regulated by the host racing commissions. Therefore it is unnecessary for Minnesota race tracks to submit detailed applications for approval of these betting pools.

Minn. R. 7871.0080. This rule part governs tip sheets used for simulcast racing. This practice has not been employed for a long time, if ever. In addition, there is a duplicative tip sheet rule that applies to live racing.

Minn. R. 7871.0090 subp. 3. This rule part, enacted in 1989, requires racetracks to pay a tax in the amount of 6% of the total amount withheld from pari-mutuel pools for simulcast wagering conducted at the racetrack. The legislature subsequently passed provisions in Minnesota Statutes, sections 240.13 and 240.15, providing additional and conflicting requirements for payments the racetracks must make to the state from their simulcast revenue. Therefore, this rule part is obsolete and conflicts with current statute.

Minn. R. 7871.0120. This provision requires simulcast wagering to be presided over by an official of the racing commission. As noted above, simulcast wagering is now reliably regulated in other states where the live race is conducted which obviates the need for any “presiding official” in Minnesota.

Minn. R. 7871.0130. This rule part specifies the authority and duties of the state official presiding over simulcast wagering. As explained above, the presiding official is no longer needed and has not been appointed in many years, if ever.

Minn. R. 7871.0140. This rule provides for disciplinary and appeal procedures when the presiding official finds a violation of statute or rule. As explained above, the presiding official is no longer needed and has not been appointed in many years, if ever.

Minn. R. 7884.0230 subps. 3 and 3a. These rule parts define the types of protective helmets and vests that must be worn by persons participating in harness racing. Standard industry safety equipment guidelines have been updated since this rule was passed. These requirements will be repealed and replaced with updated requirements as part of our recently-initiated rule making project.

Minn. R. 7890.0100 subp. 3b. This rule part defines “bicarbonate loading” which is a term not used anywhere in statute or rule.

Minn. R. 7890.0100 subp. 13b. This rule part defines “milkshaking” which is a term not used anywhere in statute or rule.

Minn. R. 7899. This chapter governs variance authority for the Minnesota Racing Commission. Minnesota Statutes, section 14.055 has since been enacted, providing more clear and comprehensive variance authority. Hence this rule chapter is no longer needed.

Each of these obsolete rules are part of current rule making initiatives (Revisor's I.D. numbers 04443 and 04394) which the MRC anticipates will be final in the spring or summer of 2017.

If you have any questions about this letter or would like to discuss the Minnesota Racing Commission's rule making efforts, please contact me at (651) 925-3956.

Yours very truly,

A handwritten signature in black ink, appearing to read "Patricia M. Sifferle". The signature is written in a cursive, flowing style.

Patricia M. Sifferle
General Counsel
Minnesota Racing Commission

c: Tom DiPasquale, Executive Director