

DEPARTMENT OF AGRICULTURE

FINANCIAL PROGRAMS REGULATION SECTION

REGULATION NO. 810. THOROUGHBRED BREEDERS= AWARDS,
OWNERS= AWARDS, AND STATE SUPPLEMENTS

(By authority conferred on the director of the department of agriculture by section 7 of Act No. 279 of the Public Acts of 1995, as amended, and section 13 of Act No. 327 of the Public Acts of 1980, as amended, being "16.109, 16.278, and 431.307 of the Michigan Compiled Laws)

R 285.810.1 Definitions.

Rule 1. As used in these rules:

(a) ABreeder@ means an individual, partnership, association, or corporation that owns a mare at the time of foaling. The lessee of a mare, which is registered with the jockey club, incorporated, at the time of foaling, is deemed the owner of the mare.

(b) AConditions@ means the specification of terms under which a race is conducted.

(c) ADepartment@ means the Michigan department of agriculture.

(d) ADirector@ means the director of the department or his or her designee.

(e) AEarned track purse@ means the portion of a purse offered by a thoroughbred racing association that is awarded for the order of finish up to 3 placings, but does not include a state supplement or any other awarded funds.

(f) AFoaling year@ means the calendar year in which the mare foaled.

(g) AMichigan-bred horse@ means a horse that meets the requirements of R 285.810.2.

(h) AOwner@ means an individual, partnership, association, or corporation which owns a Michigan-bred horse and which is licensed under section 16 of Act No. 279 of the Public Acts of 1995, being '431.316 of the Michigan compiled laws.

(i) AState supplement@ means money allocated by the director from state funds for an approved race conducted exclusively for Michigan-bred horses.

(j) AThoroughbred racing association@ means an association licensed by the Michigan racing commissioner to conduct thoroughbred horse races in Michigan.

(k) ATrack purse@ means the money offered by a thoroughbred racing association for 1 race, but does not include a state supplement.

(l) AFirst-time breeder@ is an individual, partnership, or corporation that has never registered as a breeder with the department. Any partnership or corporation of which any part of the ownership has registered as a breeder with the department is not eligible as a first-time breeder.

History: 1979 AC; 1983 AACS; 1998-2000 AACS.

R 285.810.2 Eligibility of foals for breeders= awards, owners= awards, and state supplements.

Rule 2. (1) To be eligible for breeders= awards, owners= awards, and state supplements, an owner shall comply with all of the following provisions:

(a) A mare shall be registered with the director by February 15 of the foaling year.

(b) A foal shall be from a mare which was registered with the director and which was in Michigan on or before February 15 of the foaling year. The mare shall remain in this state until foaling and for not less than 7 months of the foaling year.

(c) The jockey club, incorporated, certificate of foal registration shall state: Afoaled in Michigan, U.S.A.@

(d) Within 15 days of the date of departure of a registered mare, an owner shall give the director written notice of the mare=s departure from Michigan. In addition, an owner shall give the director written notice of the mare=s return to Michigan within 15 days of the date of return.

(e) A department Michigan-bred certificate of thoroughbred foal eligibility shall accompany the jockey club, incorporated, certificate at the time of entry in a race. The certificate shall be issued 48 hours or more before post time.

(2) If a breeder or owner has complied with all other rules, then the director may waive the date requirements of subrule (1)(a) and (d) of this rule for the first time a breeder or owner registers with the department.

(3) A Michigan-bred certificate of thoroughbred foal eligibility shall be issued by the director for a Michigan-bred horse that meets all of the above requirements set forth in subrules (1) and (2) of this rule.

History: 1979 AC; 1983 AACS; 1998-2000 AACS.

R 285.810.3 Eligibility of races for supplements.

Rule 3. (1) State supplements shall be allocated for the following Michigan-bred horse races:

(a) Thoroughbred races approved by the director.

(b) The following stake races shall be run each year at one of the thoroughbred tracks operated by a licensed association:

(i) Michigan futurity, 2-year-olds.

(ii) "Sickles Image" stake, 2-year-old, 2 divisions, (1) colts and geldings, (2) fillies.

(iii) "Lansing" stake, 3-year-olds, 2 divisions, (1) colts and geldings,

(2) fillies.

(iv) "Michigan Breeders" stake, 3-year-olds and up.

(v) "Little Ones" stake, 2-year-olds, 2 divisions, (1) colts and geldings, (2) fillies.

(vi) "Dowling" stake, 3-year olds, 2 divisions, (1) colts and geldings,

(2) fillies.

(vii) "Frontier" stake, 3-year-olds and up.

(viii) Larkspur - 3-year-old and up - fillies and mares.

(ix) Moonbeam - 3-year-old and up - fillies and mares.

(x) Regret - 3-year-old fillies.

(xi) Michigan oaks - 3-year-old fillies.

(2) State supplements shall be paid first for races specified under subrule (1) (b) of this rule. If funds are not available to provide state supplements for all races approved by the director under subrule (1) (a) of this rule, then the director shall prorate available money at his or her discretion among the races so run.

(3) At least 1 Michigan-bred race shall be scheduled on each program.

(4) Each association licensed to conduct racing in Michigan shall not offer a lesser track purse for a Michigan-bred race than the track purse offered for a non-Michigan-bred race that is comparable in the judgment of the director. The nomination fee for a Michigan-bred stakes race shall be equal to the nomination fee for a comparable purse offered on similar conditions in an open stakes race during a race meet.

(5) If the programmed Michigan-bred race does not draw sufficient entries to run, the licensed racing association shall not run a non-Michigan-bred race as a substitute, but shall run an approved substitute Michigan-bred race. Each horse in stake races for 2-and 3-year-old horses described in subrule (1) (b) of this rule shall carry equal scale weight.

History: 1979 AACS; 1983 AACS.

R 285.810.4 Conditions for races; allocations of state supplements.

Rule 4. (1) The racing association of the track where Michigan-bred horse races are to be conducted shall propose conditions and purses for all Michigan-bred horse races, including the distances to be run for specified stakes races in R 285.810.3. The conditions of all Michigan-bred horse races are subject to the approval of the director. The track shall submit race conditions to the director, in writing, not less than 18 calendar days before the first race is conducted for each condition book at each track. Changes in the conditions shall be submitted by the track to the director not less than 24 hours before the race is conducted.

(2) The director, with the advice of a representative of licensed thoroughbred racing associations, a certified thoroughbred horsemen=s organization, and the Michigan thoroughbred breeders and owners association, shall determine the allocation of state supplements.

(3) The director shall announce, not later than 14 calendar days after receiving the proposed racing conditions, his or her allocation of state supplements to purses for each of the approved Michigan-bred horse races in the condition book. If proposed conditions of the Michigan-bred horse races are not submitted to the director within the time fixed by subrule (1) of this rule, then the director may allocate state supplements for Michigan-bred horse races at his or her discretion, but state supplements shall not be allocated more than 24 hours before post time for the race. A state supplement shall not be allocated to a Michigan-bred horse race after the race has been run if the race was not approved by the director.

(4) An extra Michigan-bred horse race shall be proposed by the track to the director by phone or other means 24 hours or more before post time for tentative approval. The track shall follow the proposal with a written proposal postmarked not later than the day of the race.

(5) If an approved Michigan-bred horse race does not fill, then a substitute race may be proposed by the track to the director by phone or other means 24 hours or more before post time for tentative approval. The track shall follow the proposal with a written proposal postmarked not later than the day of the race.

History: 1979 AC; 1983 AACS; 1998-2000 AACS.

R 285.810.5 Breeders' awards.

Rule 5. (1) The director shall pay a breeder's award, in an amount specified by law, to the breeder of a Michigan-bred horse each time such horse wins at a licensed track in this state. If more than 1 winner is declared, each breeder is entitled to a full breeder's award. A breeder's award shall not be paid for races won after the date of death of a breeder.

(2) A right to a breeder's award is not assignable and is not inheritable. The director is not obligated to pay breeder's awards in excess of available funds or other than as provided in these rules.

History: 1979 AC; 1983 AACS.

R 285.810.6 Payment of breeders= awards, owners= awards, and state supplements.

Rule 6. (1) The racing commissioner shall certify, to the director, at the completion of racing, in each condition book, the results of all races won by Michigan-bred horses and their breeders and the results of all races in which a Michigan-bred horse finished first, second, or third in a race that was not restricted to Michigan-bred horses.

(2) If the eligibility of a breeder or owner to receive a breeders= award or owners= award is questioned, then the burden of proof that a horse was Michigan-bred or is in compliance with these rules is on the breeder and owner.

(3) State supplements and owners= awards may be paid to the owners of winning horses at least twice each year, after June 30 and after December 31, upon certification under this rule.

(4) Payment of breeders= awards and owners= awards shall be processed at least twice each year, after June 30 and after December 31.

History: 1979 AC; 1998-2000 AACS.

R 285.810.7 Rescinded.

History: 1979 AC; 1983 AACS.

R 285.810.8 Rescission.

Rule 8. Regulation No. 807, entitled "Purses for Michigan-bred Horses at Licensed Tracks, State Allocations," being R 285.807.1 to R 285.807.4 of the Michigan Administrative Code and appearing on pages 3144 and 3145 of the 1964-65 Annual Supplements to the Code, is rescinded.

History: 1979 AC.

R 285.810.9 Owners= awards.

Rule 9. (1) An award of up to 30% of the earned track purse shall be paid to the purse account of the owner of a Michigan-bred horse that finishes first, second, or third in an eligible race that was not restricted to Michigan-bred or sired horses at a state-licensed pari-mutuel track in Michigan.

(2) The director, with advice from the certified thoroughbred horsemen=s organization and the Michigan thoroughbred breeders and owners association, shall determine the allocation of owners= award percentages.

(3) A single owners= award is limited to \$10,000.00.

History: 1998-2000 AACS.

R 285.810.10 Payment of owners= awards.

Rule 10. (1) The racing commissioner shall certify, to the director, at the completion of racing, in each condition book, the names of the owners of all Michigan-bred horses that finished first, second, or third in a race that was not restricted to Michigan-bred or sired horses.

(2) If the eligibility of an owner to receive an owners= award is questioned, then the burden of proof that a horse was Michigan-bred or is in compliance with these rules is on the owner.

(3) Owners= awards are paid in the same manner as state purse supplements under R 285.810.6.

History: 1998-2000 AACS.