

DEPARTMENT OF AGRICULTURE

FINANCE AND TECHNOLOGY DIVISION

REGULATION NO.819. APPALOOSA HORSE BREEDERS' AWARDS AND STATE SUPPLEMENTS

(By authority conferred on the director of the department of agriculture by section 13 of Act No. 327 of the Public Acts of 1980, being S431.73 of the Michigan Compiled Laws)

R 285.819.1 Definitions.

Rule 1. As used in these rules:

(a) "Breeder" means a person who is domiciled in the state of Michigan and who owns a mare at the time of breeding. The lawful lessee of a mare at the time of breeding is deemed the owner of the mare.

(b) "Conditions" means a specification of the terms under which a race is conducted, such as the distance, weight, purse, stakes, trials, finals, and money won.

(c) "Department" means the Michigan department of agriculture.

(d) "Director" means the director of the department.

(e) "Domicile" means the fixed, permanent, and principal home to which a person intends to return.

(f) "Fairs and racing division" means the fairs and racing division of the department.

(g) "Foaling year" means the calendar year in which the foal is born.

(h) "Gross purse" means the track purse plus the state supplement.

(i) "Licensed appaloosa horse racing association" means an association licensed by the Michigan racing commissioner to conduct appaloosa horse races in Michigan.

(j) "Michigan appaloosa racing association" means a nonprofit corporation consisting of those persons organized for the purpose of improving appaloosa horse racing and breeding.

(k) "Michigan-bred appaloosa horse" means a horse which is from a mare owned by a person who is domiciled in Michigan at the time of breeding and which is sired by a registered stallion owned or leased exclusively by a person who is domiciled in Michigan, which stallion did not serve a mare at a location outside of Michigan during the calendar year in which the service occurred. Each mare and stallion shall be registered with the director of the department of agriculture.

(l) "Owner" means the person listed on the appaloosa horse club registry as the most current owner of the horse.

(m) "State supplement" means money allocated by the director from the state fund for a race conducted exclusively for Michigan-bred horses.

(n) "Track purse" means the money offered by a licensed appaloosa horse racing association for 1 race, not including a state supplement.

History: 1979 AC; 1982 AACS.

R 285.819.1a Determination of domicile.

Rule 1a. Factors to be considered in determining domicile are as follows:

- (a) Voting registration or alien registration showing a Michigan address.
- (b) Federal income tax return showing a Michigan address.
- (c) State income tax return showing a Michigan address.

History: 1982 AACS.

R 285.819.2 Eligibility of horses for breeders' awards and state supplements.

Rule 2. (1) Eligibility of horses for breeders' awards and state supplements is established upon compliance with the following:

(a) Commencing in 1982, a mare shall be registered with the fairs and racing division by December 1 in the year in which the mare is bred, on forms provided by the director. Commencing in 1983 and thereafter, a mare previously registered with the fairs and racing division shall be registered only once per ownership, whenever the ownership is transferred with the appaloosa horse club.

(b) Commencing in 1982, a stallion shall be registered with the director on forms provided by the fairs and racing division by December 1 of each breeding year.

(c) A certificate of eligibility shall be issued by the director for a Michigan-bred horse. This certificate shall accompany the appaloosa horse club registration certificate at the time of entry in a race.

(2) The appaloosa horse club shall be considered the official record in determining the eligibility of a Michigan-bred horse foaled before 1979.

History: 1979 AC; 1982 AACS.

R 285.819.3 Eligibility of races for state supplements.

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

- (a) Michigan-bred Appaloosa horse overnight races.
- (b) The Michigan futurities.
- (c) Michigan-bred 2-year-old handicaps and stakes.
- (d) Michigan-bred 3-year-old handicaps and stakes.
- (e) Michigan-bred 4-year-old and older handicaps and stakes.

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

(3) Not less than 2 races of Michigan-bred horses shall be scheduled on each full Appaloosa horse program, with not less than 1 race scheduled for Michigan-bred horses on any split program.

(4) An association licensed to conduct Appaloosa horse racing in Michigan shall not offer a smaller track purse, excluding the state supplement, for a race of Michigan-bred horses than it offers for a race of non-Michigan-bred horses which, in the judgment of the director, is a comparable race.

(5) If the programmed race of Michigan-bred horses does not draw sufficient entries to run, the licensed Appaloosa horse racing association may substitute a race approved by the director.

History: 1979 AC.

R 285.819.4 Conditions and purses for races; allocation of state supplements.

Rule 4. (1) The racing association of the track where races of Michigan-bred horses are to be conducted shall propose conditions and purses for the races of Michigan-bred horses. The conditions of all races of Michigan-bred horses are subject to the approval of the director. These conditions shall be submitted to the director not less than 18 calendar days before the first race is conducted for each race program.

(2) The allocation of state supplements shall be determined by the director with the advice of the racing commissioner, a representative of the licensed Appaloosa horse racing associations, and a representative of the Michigan Appaloosa racing association, inc.

(3) The director shall announce, not later than 4 calendar days before the start of the race program, his allocation of state supplements to purses for each of the approved races of Michigan-bred horses in the race program. If proposed conditions for those races are not submitted to the director, along with a substitute race list, within the time fixed by subrule (1), the director may determine conditions and allocate state supplements for those races at his discretion, but state supplements shall not be allocated later than 96 hours before the first race scheduled in each condition book. A state supplement shall not be allocated to a race of Michigan-bred horses after the race has been run.

History: 1979 AC.

R 285.819.5 Payment of breeder's award.

Rule 5. (1) The director shall pay a breeder's award to the breeder of a Michigan-bred horse for each time the horse wins a race, including approved fair races. The total award shall be in the amount of 10% of the gross purse. If more than 1 winner is declared, each breeder is entitled to a full breeder's award. Breeders' awards shall only be payable for wins after the date the Michigan department of agriculture certificate of foal eligibility is issued.

(2) Rights to breeders' awards are not assignable. Breeders' awards are not inheritable. And there is no obligation upon the director to pay a breeder's award in excess of available funds or other than as provided in these rules. A breeder's award shall not be paid for a race won after the date of death of the breeder who would otherwise be entitled to the award.

(3) If monies are not available for full payment of both breeders' awards and state supplements, payments shall be made in full for supplements as provided in R 285.819.3 and remaining monies shall be prorated for breeders' awards.

History: 1979 AC; 1982 AACs.

R 285.819.6 Certification of racing results; burden of proof; processing of payment.

Rule 6. (1) At the completion of each condition book or weekly race program, the racing commissioner shall certify to the director the results of all races in which a Michigan-bred horse placed first, second, or third, and the names of the owner and breeder of the horse.

(2) The secretary of a fair shall provide the director with a copy of each day's race program for the fair's races within 15 days, showing the first 4 places or a complete film strip of each race, with placings checked on the program and certified by the race secretary.

(3) When the eligibility of a breeder to receive a breeder's award is questioned, the burden of proving that a horse is a Michigan-bred horse, or is in compliance with these rules, is on the breeder.

(4) State supplements may be processed for payment to the owners of winning horses once each month.

(5) Payment of breeders' awards shall be processed not less than once each month.

History: 1979 AC.

R 285.819.7 Rescinded.

History: 1979 AC; 1982 AACCS.