

DEPARTMENT OF AGRICULTURE

FINANCIAL PROGRAMS REGULATION SECTION

REGULATION NO. 821. THOROUGHBRED SIRE STAKE RACES AND AWARDS PROGRAM

(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 285.821.1 Definitions.

Rule 1. As used in these rules:

- (a) "Department" means the Michigan department of agriculture.
- (b) "Director" means the director of the department or his or her designee.
- (c) "Domicile" means the fixed, permanent, and principal home to which a person intends to return.
- (d) AEarned purse@ means the portion of a purse distribution that is awarded for the order of finish up to 3 placings, the term includes any state purse supplement, but does not include any other award funds.
- (e) AGross purse@ means the total money offered for a purse.
- (f) "H.B.P.A." means the horsemen's benevolent and protective association, Michigan division.
- (g) @Host track@ means the licensed racing association designated by the director to conduct thoroughbred sire stake races.
- (h) "Jockey club" means the jockey club, incorporated.
- (i) "Lessee" means a person who is domiciled in Michigan, who leases a stallion, and whose name has been recorded with the jockey club register as the registered lessee of a horse. A copy of the lease shall be filed with the department.
- (j) "Michigan stallion" means a registered stallion which was leased or owned exclusively by a resident of this state and which did not serve a mare at a location outside of this state during the calendar year in which the service occurred. A stallion shall be registered with the director, on forms provided by the department, by January 1 of each year in which the stallion will be standing at service in this state. A newly acquired stallion purchased after January 1 of the breeding year shall be eligible for mares bred after the stallion is registered with the director if the stallion has not served any mares outside of this state during the calendar year.
- (k) AMichigan-sired horse@ means a horse sired by a registered stallion and duly nominated under R 285.821.4.
- (l) "M.T.O.B.A.@ means the Michigan thoroughbred owners and breeders association.
- (m) "Stallion owner" or Aowner of a Michigan stallion@ means an individual, partnership, association, or corporation that owns a stallion at the time of registration.

(n) A Owner of a Michigan-sired horse@ means a person who is licensed under section 16 of Act No. 279 of the Public Acts of 1995, being '431.316 of the Michigan Compiled Laws, and who owns a registered Michigan-sired horse.

(o) "Person" means an individual, partnership, association, or corporation that owns a stallion at the time of service.

(p) "Sire stake" means a race condition for 2-year-old, 3-year-old, and 4-year-old and up Michigan-sired thoroughbred horses.

(q) "Thoroughbred racing association" means an association that is licensed by the Michigan racing commissioner to conduct thoroughbred horse races in Michigan at a host track approved by the director.

History: 1983 AACCS; 1989 AACCS; 1998-2000 AACCS.

R 285.821.2 Determination of domicile.

Rule 2. 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: 1983 AACCS.

R 285.821.3 Foals eligible for nomination; racing divisions.

Rule 3. The Michigan sire stakes races shall be raced in not less than 6 separate divisions as follows:

- (a) Two-year-old colts and geldings.
- (b) Two-year-old fillies.
- (c) Three-year-old colts and geldings.
- (d) Three-year-old fillies.
- (e) Four-year-old and up colts and geldings.
- (f) Four-year-old and up fillies and mares.

History: 1983 AACCS; 1998-2000 AACCS.

R 285.821.4 Fees; nominations; award percentages.

Rule 4. (1) The payment schedule shall be as follows:

(a) Year of foaling - nomination shall be made by December thirty-first at no fee and shall be recorded with the department.

(b) All fees shall be determined by a committee of 1 member each from the thoroughbred racing association, the H.B.P.A., and the M.T.O.B.A., shall be payable to the racing association commencing 30 days before racing of the finals, and shall be added to the respective divisions.

(c) The department is responsible for providing applications and accepting nominations.

(2) In 1996 and all years thereafter, up to 75% or \$600,000.00, if appropriated, whichever is greater, of the money allocated to the sire stakes program available by

statute shall be utilized for special races for horses by registered Michigan sires and such races shall include but not be limited to the following 6 divisions which shall at all times be of equal purse value.

- (a) Two-year-old colts and geldings.
- (b) Two-year-old fillies.
- (c) Three-year-old colts and geldings.
- (d) Three-year-old fillies.
- (e) Four-year-old and up colts and geldings.
- (f) Four-year-old and up fillies and mares.

Included in the 75% or \$600,000, if appropriated, whichever is greater, may be additional races with separate purse value for race conditions determined by the committee, described in R 285.821.4(3).

(3) The director shall allocate Michigan-sired horse owner awards and stallion owner awards after reviewing recommendations made by a committee consisting of a representative of the director, The H.B.P.A., M.T.O.B.A., O.R.C., and a representative of the host track.

(4) The department shall not be the holding agent for fees provided by this rule.

History: 1983 AACCS; 1998-2000 AACCS.

R 285.821.5 Designation of host tracks; race dates; postponement and rescheduling of races.

Rule 5. (1) The director shall designate annually which pari-mutuel track or tracks shall host the Michigan sire stake races. To assist the director in designating the track and to help determine the time and conditions of the races to be run, an advisory panel is established consisting of the following persons:

- (a) Any thoroughbred breeders and owners selected by the director.
- (b) The Michigan racing commissioner or his or her designee.
- (c) A representative of the pari-mutuel thoroughbred race meet licensees.
- (d) A member of the Michigan department of agriculture, designated by the director, who shall act as chairman.

(2) The director shall make announcements of the track or tracks designated to host the races not later than November 1 preceding the year in which the races are to be conducted.

(3) If, because of unfavorable weather or other unavoidable circumstances, the Michigan sire stake races are postponed, the director may reschedule the races at another licensed thoroughbred track, if the licensed track originally designated to host the sire stakes is unable to do so.

History: 1983 AACCS.

R 285.821.6 Determination of field; applicable rules.

Rule 6. (1) If the field, after the nomination and entry fees are paid, contains more than the track's maximum available field, then the field shall be determined by the lifetime money earnings of the top entries to fill the track's maximum field.

(2) Racing of sire stake races, where not specifically covered by these rules, shall be raced under the rules of the Michigan racing commissioner, being R 431.1 to R 431.4290.

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

History: 1983 AACS; 1998-2000 AACS.

R 285.821.7 Purse distribution.

Rule 7. Each purse in the Michigan sire stake races shall be divided among the winners of each final race in the following manner:

- (a) Five or more starters.....60%, 20%, 11%, 6%, 3%.
- (b) Four starters.....60%, 20%, 12%, 8%.
- (c) Three starters.....60%, 25%, 15%.
- (d) Two starters.....60%, 40%.
- (e) One starter.....100%.

History: 1983 AACS.

R 285.821.8 Michigan-sired horse owner awards.

Rule 8. (1) An award of up to 30% of the earned purse shall be paid to the owner of a Michigan-sired horse that wins an eligible race which is not restricted to Michigan-sired horses at a state-licensed pari-mutuel track in Michigan. An award may also be paid of up to 30% of the earned purse to the owner of a Michigan-sired horse that finished second or third in a race which was not restricted to Michigan-sired horses at a state-licensed pari-mutuel track in Michigan.

(2) An award is limited to \$10,000.00 for any 1 race.

(3) Michigan-sired horse owner awards shall be paid in the same manner as state purse supplements under R 285.810.6.

History: 1983 AACS; 1998-2000 AACS.

R 285.821.9 Stallion owner awards.

Rule 9. (1) An award of up to 5% of the gross purse shall be paid to the owner of a Michigan stallion whose progeny wins a race at a state-licensed pari-mutuel track in Michigan.

(2) An award is limited to \$10,000.00 for any 1 race.

(3) Payment of stallion owner awards shall be determined and processed at the end of each fiscal year. Stallion owner awards will not be paid if total award is less than \$250.00 per year.

History: 1983 AACS; 1998-2000 AACS.

R 285.821.10 Ineligibility of person or entity to participate in future sire stakes program.

Rule 10. A person who willfully falsifies a document required by these rules or who willfully accepts and retains any purse monies contrary to these rules is ineligible to participate in any future sire stakes program under the provisions of these rules.

History: 1983 AACS; 1998-2000 AACS.