

DEPARTMENT OF AGRICULTURE

FAIRS, EXHIBITIONS AND RACING DIVISION

REGULATION NO. 823. PAINT HORSE BREEDERS' AWARDS, OWNERS' AWARDS, AND STATE SUPPLEMENTS

(By authority conferred on the director of the department of agriculture by sections 20 1995 OF P.A. 279, MCL 431.320)

R 285.823.1 Definitions.

Rule 1. As used in these rules:

(a) "Breeder" means an individual, partnership, association, or corporation who is domiciled in the state of Michigan and who owns the 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 or his or her designee.

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

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

(g) "First-time owner or breeder" is an individual, partnership, association, or corporation that has never registered as an owner or a breeder with the department. Any partnership, association, or corporation of which any part of the ownership has registered as an owner or a breeder with the department is not eligible as a first-time breeder.

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

(i) "Gross purse" means the total value of the track purse.

(j) "Licensed paint horse racing association" means associations licensed by the Michigan racing commissioner to conduct paint horse races in Michigan.

(k) "Michigan-bred paint horse" means a horse which is from a mare owned exclusively by an individual, partnership, association, or corporation who is domiciled in Michigan at the time of breeding and:

(i) the horse has an American paint horse association, incorporated, certificate of foal stating "foaled in Michigan" USA;

(ii) the mare is registered with the director by February 15 of the foaling year;

(iii) the mare is in Michigan on or before February 15 of the foaling year, and

(iv) the mare remains in this state until foaling and for not less than seven consecutive months of the foaling year.

(l) "Owner" means the individual, partnership, association, or corporation listed on the American paint horse association registry as the most current owner or lawful lessee of the horse.

(m) "Paint horse racing association of Michigan" means a nonprofit corporation, or a subcommittee thereof or an affiliation committee or sub-committee thereof, consisting of those persons organized for the purpose of improving paint horse racing and breeding.

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

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

History: 2004 AACS.

R 285.8231a 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: 2004 AACS.

R 285.823.2 Eligibility of horses for breeders' awards, owners' awards, and state supplements.

Rule 2. (1) To be eligible for breeders' awards owners' awards, and state supplements:

- (a) The horse must be a certified Michigan-bred American paint horse;
- (b) The mare and stallion shall be registered, with the department on forms provided by the director, once per ownership, when the ownership is transferred with the American paint horse association.
- (c) A certificate of eligibility shall be issued by the director for a Michigan-bred horse after proper registration of the mare and stallion and after the department receives a completed foal application. This certificate shall accompany the American paint horse association registration certificate at the time of entry in a race.

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

History: 2004 AACS.

R 285.823.3 Eligibility of races for state supplements.

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

- (a) Michigan-bred paint horse overnight races.
- (b) The Michigan futurities.
- (c) Michigan-bred 2-year-old championships, 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 this rule. If funds are not available to provide state supplements for all races approved by the director under subrule (1) of this rule, then the director shall prorate available money at his or her discretion among the races so run, based on the number of

horse entries, conditions, and value of the total purse.

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

(4) An association licensed to conduct paint 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 paint horse racing association may substitute a race approved by the director.

History: 2004 AACCS.

R 285.823.4 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 or his or her designee with the advice of the racing commissioner, a representative of the licensed paint horse racing associations, and a representative of the paint horse racing association of Michigan.

(3) The director shall announce, no later than 14 calendar days before the start of the race meet, 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 or her 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: 2004 AACCS.

R 285.823.5 Breeders' Awards.

Rule 5. (1) The director or his or her designee shall pay a breeders' award, to the breeder of a Michigan-bred horse for each time the horse runs first, second, or third in a race, including approved fair races. The combined total award of the gross purse shall not exceed the percentage allowed under the racing law. If more than 1 winner, place, or show is declared, each breeder is entitled to a breeders' award.

(2) If 3 breeders are eligible for a breeders' award, breeder awards may be paid as outlined under the racing law.

(3) Rights to breeders' awards are not assignable or inheritable. The director is under no obligation to pay a breeders' award in excess of available funds or other than as provided in these rules. In the case of a death of a breeder, breeders' awards shall only be paid for a race won prior to the date of death recorded on the breeders' certified death certificate. Such certificate shall be submitted to the department when requesting payment of breeders' awards after the death of a breeder.

(4) If monies are not available for full payment of breeders' awards breeders' awards may be prorated.

History: 2004 AACCS.

R 285.823.5a Owners' Awards

Rule 5a. (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 paint horse association, the paint horse racing association of Michigan, and the paint horse breeders' and owners' association, shall determine the allocation of owners' award percentages.

(3) A single owners' award is limited to not more than \$10,000.

History: 2004 AACCS.

R 285.823.6 Certification of racing results; burden of proof; processing of payment.

Rule 6. (1) In each condition book, the racing commissioner shall certify to the director at the completion of racing, the results of all races in which a Michigan-bred horse placed first, second, or third along with 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 filmstrip 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 breeders' 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) When the eligibility of an owner to receive an owners' 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 owner.

(5) When the eligibility of an owner to receive a state supplement is questioned, the burden of proving that a horse is a Michigan-bred horse, or is in compliance with these rules, is on the owner.

- (6) Payment of breeders' awards shall be processed not less than once each month.
- (7) Payment of owners' awards shall be processed not less than once each month.
- (8) Payment of state supplements shall be processed not less than once each month.

History: 2004 AACCS.

R 285.823.7 Ineligibility for future breeders' awards owners' awards, and state supplements.

Rule 7. A person or entity willfully accepting and retaining a breeders' award, owners' award, or state supplement contrary to these rules is ineligible for a future breeders' award, owners' award, or supplement in this state.

History: 2004 AACCS.