

DEPARTMENT OF AGRICULTURE

FAIRS, EXHIBITIONS AND RACING DIVISION

**REGULATION NO. 812. STATE PURSE SUPPLEMENTS FOR HARNESS
HORSE RACING AT FAIRS AND PARI-MUTUEL TRACKS**

(By authority conferred on the director of the department of agriculture by sections 17, 18, 19, and 20 of 1995 PA 279, MCL 431.317 TO 431.320)

R 285.812.1 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) "Fair" means a county, district, community, or 4-H fair, and any other state fair that has been approved by the director to conduct harness horse races during the fair.
- (e) "Fairs, exhibitions and racing division" means the fairs, exhibition and racing division of the department.
- (f) "Licensed pari-mutuel track" means a facility that is owned by a person who is licensed by the office of racing commissioner to conduct standardbred races in Michigan.
- (g) "Michigan-sired standardbred horse" means a standardbred horse that satisfies any of the following provisions:
 - (i) The first foal per year, with the exception of twins carried to term by the natural mother, which is from a Michigan owned standardbred mare at the time of breeding and which is sired by a Michigan-owned or leased stallion, duly registered with the fairs, exhibitions and racing division.
 - (ii) The first foal per year, with the exception of twins carried to term by the natural mother, from a mare which is owned exclusively by a resident or residents of this state at the time of conception and which is conceived out of this state by means of transported semen from a standardbred stallion that is registered with the department.
 - (iii) The first foal per year, with the exception of twins carried to term by the natural mother, from a mare which is owned exclusively or in part by a nonresident of this state at the time of conception and which is conceived out of this state by means of transported semen from a standardbred stallion registered with the department, if by November 1 of the year the foal is conceived, the transport fee is paid to the department's agent.
- (h) "Owner" means a person or persons who are domiciled in this state and who have been recorded with the United States trotting association register as being horse owners.
- (i) "Person" means an individual, partnership, association, or corporation.

(j) "Purse offered" means the purse requested by the fair association or licensed pari-mutuel track at the time of application to the department for approval of purse funds.

(k) "Race program" means a series of not less than 8 standardbred horse races held at a county fair within a specified block of time.

(l) "Registered stallion" means a stallion that was registered, on the forms provided by the director, with the department, by January 1 each year in which the stallion will be standing at service in this state from January 1 to July 31 of the calendar year in which it is registered. A newly acquired stallion, which has not been in this state for breeding purposes before January 1 of a given year and has not serviced any mares after December 31 of the preceding year, is registered with the department before servicing mares, if its foals are to be eligible for Michigan tax-supported races. Transportation of semen from a registered stallion to a location outside this state does not affect the eligibility of a Michigan-sired standardbred foal for purses provided for in this rule.

(m) "Transport fee" means a fee paid for a foal from a mare which is owned exclusively or in part by a nonresident of this state at the time of conception and which is conceived outside of this state by means of transported semen from a standardbred stallion that is registered with the department.

(n) "U.S.T.A." means the United States trotting association.

History: 1979 AC; 1981 AACS; 1998 AACS; 2002 AACS; 2004 AACS.

R 285.812.1a Determination of domicile.

Rule 1a. The following factors shall be considered in the determination of domicile:

- (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: 1981 AACS; 2004 AACS.

R 285.812.2 Eligibility to receive state purse supplement.

Rule 2. To be eligible to receive state purse supplements for standardbred horse races that a fair or pari-mutuel track offers, the fair or pari-mutuel track shall conduct races that are designated by the director for state purse supplements under R 285.812.5. A fair shall also file its proposed annual harness horseracing program with the department by February 1 of each year. The director shall approve the plan. A fair or pari-mutuel racetrack that receives state purse supplements under this rule shall file reports with the department as required by the director.

History: 1979 AC; 1998 AACS; 2004 AACS.

R 285.812.3 Presiding judges at fairs.

Rule 3. (1) The presiding judge and clerks shall be licensed by the USTA and approved by the office of the racing commissioner.

(2) The presiding judge shall enforce all department rules pertaining to harness horse racing at fairs and any penalties imposed by the department or by reciprocal agreement with the office of racing commissioner.

(3) The fair and the presiding judge shall approve all associate judges and timers at each fair race meet to which the presiding judge is assigned.

(4) The department shall allot a sum to each fair for payment of judges and clerks.

History: 1979 AC; 1981 AACS; 1995 AACS; 1998 AACS; 2002 AACS.

R 285.812.4 Track maintenance; track equipment; head and saddle pad numbers.

Rule 4. (1) A fair that may conduct harness horse races shall maintain its racetrack in a manner that makes harness horse racing safe. The track shall be adequately drained, shall be kept in a smooth condition during the races, and shall be sprinkled between races when necessary. If purses are paid in part by funds allocated under this rule, then the track condition shall be approved by a representative of the director before any races are conducted.

(2) An approved starting gate and starter shall be used in a harness horse race. The department shall reimburse the fee to the fair based on available funds and the going industry rate for approved mobile starting gates for each harness horse race program conducted at the fair. The fair shall submit, to the director, within 15 days after completion of the harness race program or September 30, whichever is sooner, received invoices for the starting gate operations.

(3) A fair shall use adequate photo finish equipment and an experienced photographer for all harness horse races. The department shall reimburse the fair, subject to available funding, a fee for approved photo finishing equipment and the services of an experienced photographer for each harness horse race program conducted at the fair. The fair shall submit, to the director, within 15 days after completion of the harness race program or September 30, whichever is sooner, received invoices for the photo finish operations.

(4) The fair shall provide a harness horse race entry with a head number or a saddle pad, or both.

History: 1979 AC; 1981 AACS; 1995 AACS; 1998 AACS; 2002 AACS; 2004 AACS.

R 285.812.5 Race program development and allocation.

Rule 5. (1) The director shall designate annually which standardbred horse races conducted at fairs and licensed pari-mutuel racetracks shall be eligible for state purse supplements. To assist the director in designating the races and determining the number, location, time, conditions, and amount of the state purse supplements for each race, an advisory committee is established consisting of the following persons:

(a) The president or designee of the Michigan harness horsemen's association.

(b) The president or designee of the Michigan association of fairs and exhibitions.

(c) The president or designee of the Michigan standardbred breeders association.

(d) The president or designee of the northern Michigan fair and racing association.

(e) The designated representative of the office of racing commissioner.

(f) A pari-mutuel racetrack representative designated by the racing commissioner.

(g) A representative of the department who shall chair the committee.

(h) Other persons deemed appropriate by the director.

(2) The advisory committee shall develop and recommend to the director an overall standardbred racing program each year. The overall program shall include the proposed number, location, time, conditions, and amount of state purse supplements to allocate for program races. The standardbred racing program shall be designed to promote positive growth and development of the state's standardbred horse racing and breeding industry.

(3) The director shall make the allocation of funds based on his or her determination of what best promotes the positive growth and development of the horse racing and breeding industry in the state of Michigan.

History: 1979 AC; 1981 AACS; 1983 AACS; 1994 AACS; 1998 AACS; 2002 AACS; 2004 AACS.

R 285.812.5a Rescinded.

Editor's note: Pursuant to section 56 of Act No. 306 of the Public Acts of 1969, as amended, being S24.256 of the Michigan Compiled Laws, R 285.812.5a is rescinded to correct an obvious error.

History: 1994 AACS; 1998-2000 AACS.

R 285.812.6 Allocations for purse supplements.

Rule 6. (1) Before a designated race, the director shall make allocations to a fair or licensed pari-mutuel track for purses for harness horse races as follows:

(a) The allocation shall be not more than 75% of the purse offered by a fair or licensed pari-mutuel track.

(b) The allocation for a purse on an overnight race shall not exceed the lowest purse offered for overnight races at any licensed race meeting in this state during the previous year or be more than \$1,000.00.

(c) The allocation for a purse on an early closing 2- and 3-year-old filly and colt race shall not be more than \$10,000.00.

(d) The allocation for futurities for 2- and 3-year-old horses shall be not more than 75% of the purse offered and shall not be more than \$18,750.00 for each race. The allocation for the Charles Coon memorial 4-year-old horse futurity shall not be more than \$37,500.00 for each race.

(e) All fair racing shall be conducted under the 2001 regulations of the United States trotting association, which are adopted by reference in these rules, if the

regulations are not in conflict with department rules. Copies of the United States trotting association rules may be obtained from the United States Trotting Association, 750 Michigan Avenue, Columbus, OH 43215-1191, at no cost as of the time of adoption of these rules, or from the Michigan Department of Agriculture, P.O. Box 30017, Lansing, MI 48909, at no cost as of the time of adoption of these rules.

(f) All pari-mutuel racing conducted under these rules shall be conducted under the rules or orders of the office of the racing commissioner.

(2) Any harness horse owned outside of this state that is not a Michigan-sired standardbred horse is ineligible to participate in the allocation of state funds paid at any harness horse race contest, unless the director gives written permission.

(3) A Michigan-sired standardbred horse which is owned exclusively by a resident or residents of this state shall not be barred from a fair harness horse race if the Michigan-sired standardbred horse conforms to the age, sex, and earnings stipulated in the conditions of the race.

(4) If a purse for an early closing colt stake or futurity race is supplemented by state funds, then the race shall be restricted to horses sired by standardbred stallions registered with the state of Michigan.

(5) A stallion shall be registered, on forms provided by the department, with the director by January 1 of each year that the stallion will be standing at service in this state. A newly acquired stallion that is purchased after January 1 of the breeding year shall be registered with the director before serving a mare.

(6) A fair may race any of the races specified in this rule as 1 heat.

(7) The Michigan harness horsemen's association is designated and shall serve as the department's agent for purposes of administering approved procedures governing nominations and sustaining functions for all colt stakes and may be designated the collecting and holding agent for all fees by the sponsors of the colt stakes. While acting as the department's agent under this rule, the Michigan harness horsemen's association shall not require that persons be members of the Michigan harness horsemen's association as a condition of nominating and participating in colt stake races designated by the director to be eligible to receive state purse supplements. The Michigan harness horsemen's association may charge a reasonable service fee to nonmembers to perform this function. If the Michigan harness horsemen's association is unable or unwilling to serve as the department's agent under this rule, then the director may designate and appoint another agent of his or her choice. Final decisions on application of procedures shall be made by the director.

History: 1998 AACS; 2002 AACS; 2004 AACS.

R 285.812.6a Rescinded.

History: 1998-2000 AACS.

R 285.812.7 Split races.

Rule 7. A fair that conducts a split race required under United States trotting association rules shall not receive an allocation in addition to the amounts described in R 285.812.6.

History: 1979 AC; 1995 AACS; 1998 AACS; 2004 AACS.

R 285.812.7a Driving in race under influence of alcohol prohibited; breath analyzer test.

Rule 7a. (1) If a purse is paid in part or in full by state funds, then a driver shall not drive in a fair harness race while under the influence of alcohol. A driver shall submit to a breath analyzer test when directed by a representative of the director. A driver is in violation of these rules if test results show a reading of 0.05% or more of alcohol in the blood and shall not be permitted to drive for at least 12 hours.

(2) If a purse is to be paid in part or full by state funds, then the horse shall be free of any substances, as determined by the office of racing commissioner, that could enhance the performance of the horse during the race. The owner or driver shall submit the horse for urine, blood, saliva, or other tests when directed by a representative of the director.

(3) If a horse dies while on grounds for a fair horseracing program, then the horse may not be removed until a blood sample is drawn. If an authorized department representative is not present, then the judge shall authorize the veterinarian services for draw on behalf of the department.

(4) The judge and fair management shall acknowledge and enforce any sanctions made by the department or the office of racing commissioner against a driver, owner, or trainer. Any individual sanctioned from racing this state shall not be allowed in the paddock area, racetrack, or any other area on the fairgrounds deemed to be part of the racing program.

History: 1979 AC; 1998 AACS; 2002 AACS; 2004 AACS.

R 285.812.8 Hearings.

Rule 8. If a provision of these rules or any other rules or state law related to a harness race program is violated, then the director shall notify the horse's owner of the violation and shall hold a hearing within 14 days from the date that the violation is reported to the director. The owner or his or her representative may appear and be heard. From testimony taken, the director shall render a decision on the eligibility of the owner, his or her representative, and the horse, or any of them, to participate in state-funded races or in any future state, county, district, or community fair harness horse race.

History: 1979 AC; 1998-2000 AACS.

R 285.812.9 Final reports; preservation of records.

Rule 9. (1) Within 15 days after completion of the harness race program or September 30, whichever is sooner, an association shall submit to the director originals of the judges' sheets signed by the presiding judge, a sworn statement on forms provided by the director, and a copy of the printed race program indicating the order of finish of the horses.

(2) The association shall supply the director with any additional information required in the auditing of the report.

(3) Association records pertaining to the payment of purses shall be kept for the state auditors for not less than 4 years.

History: 1998-2000 AACs.

R 285.812.10 Rescission.

Rule 10. Regulation No. 801, as amended, and Regulation No. 806 of the department of agriculture, being R 285.801, R 285.806.1, and R 285.806.2 of the Michigan Administrative Code, and appearing on pages 3141 to 3143 of the 1964-65 Annual Supplements to the Code, are rescinded.

History: 1979 AC.