

DEPARTMENT OF AGRICULTURE

FAIRS, EXHIBITIONS AND RACING DIVISION

REGULATION NO. 808. PAYMENT OF BREEDERS' AWARDS

(By authority conferred on the director of the department of agriculture by section 20 of 1995 PA 279, MCL 431.320)

R 285.808.1 Definitions.

Rule 1. As used in these rules:

(a) "Breeder" means a person or persons domiciled in Michigan and owning a mare at the time of breeding.

(b) "Director" means the director of the Michigan department of agriculture.

(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 in Michigan which has been approved by the director to conduct harness horse races during the fair.

(e) "Fairs, exhibitions and racing division" means the fairs, exhibitions and racing division of the Michigan department of agriculture.

(f) "Gross purse" means the total dollar amount raced for in each individual heat of racing.

(g) "Lessee" means a person who is domiciled in Michigan and who leases a stallion, which has been recorded with the U.S.T.A., register as the lessee of a horse. A copy of the lease shall be filed with the fairs, exhibitions and racing division.

(h) "Licensed racetrack" means an association licensed by the Michigan racing commissioner to conduct harness horse races in Michigan.

(i) "Michigan-bred horse" means the first foal per year, with the exception of twins carried to term by the natural mother, which is from a Michigan-owned standard bred mare at the time of breeding and which is sired by a Michigan-owned or leased standard bred stallion, duly registered with the fairs, exhibitions and racing division.

(j) "Owner" means the person or persons domiciled in Michigan and recorded with the U.S.T.A. register.

(k) "Person" means an individual, partnership, association, or corporation.

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

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

R 285.808.1a 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: 1981 AACS; 2002 AACS.

R 285.808.2 Breeders' awards.

Rule 2. (1) The director shall pay a breeders' award, in an amount not to exceed 10% of the gross purse, to the breeder of a Michigan-bred horse each time that horse wins at a fair or licensed racetrack in Michigan.

(2) Breeders' award are not assignable and are not inheritable, and the director is under no obligation to pay the awards other than as provided in these rules.

(3) Breeders' awards shall only be payable for wins after the date the mare is properly registered with the fairs and racing division.

History: 1979 AC; 1981 AACS; 2002 AACS.

R 285.808.2a Registration.

Rule 2a. (1) To receive payment of a breeders' award, a standard bred mare shall have been registered by each owner with the fairs and racing division before a win.

(2) Standard bred stallions shall be registered by each owner or lessee with the fairs and racing division by January 1 of the year in which that stallion will be standing at service in Michigan for eligibility to qualify for breeders' awards. A copy of the lease agreement shall accompany the registration for a leased stallion.

(3) A newly acquired stallion, which has not been in Michigan for breeding purposes before January 1 of a given year and which has not serviced a mare after December 31 of the preceding year, shall be registered with the department of agriculture before servicing a mare if the stallion's get is to be eligible for breeders' awards.

History: 1981 AACS; 2002 AACS.

R 285.808.3 Provision of copies of race programs to director by racing associations; provision of programs and race sheets to director by secretary of fair; burden of proof with respect to eligibility.

Rule 3. (1) Licensed racing associations shall provide the director with copies of each day's race program at least once each week. The winner of each race shall be checked on the program and shall be certified as being the true winner.

(2) The secretary of the fair shall provide the director with copies of each day's race program, together with the harness horse race result sheet. (Form FF-18), for the fair's races. The winner of each race shall be checked on the program and shall be certified as being the true winner.

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

History: 1979 AC; 1981 AACS; 2002 AACS.

R 285.808.4 Rescinded.

History: 1979 AC; 1981 AACS; 2002 AACS.