

DEPARTMENT OF AGRICULTURE

FAIRS, EXHIBITIONS AND RACING DIVISION

REGULATION NO. 814. FUTURITY AND SIRE STAKES RACES

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

R 285.814.1 Definitions.

Rule 1. As used in these rules:

- (a) "Commission" means the commission of agriculture.
- (b) "Department" means the department of agriculture.
- (c) "Director" means the director of the department or his or her designee.
- (d) "Domicile" means the fixed, permanent, and principal home to which a person intends to return.
- (e) "Fair" means a county, district, community, or 4-H fair and any other state fair in this state that has been approved by the director to conduct harness horse races during the fair.
- (f) "Fairs, exhibitions and racing division" means the fairs, exhibition and racing division of the department.
- (g) All of the following are futurity races:
 - (i) "Charles coon memorial futurity race" means a futurity for 4-year-old standardbred harness horses which were nominated by July 15 of the foaling year or supplemental payment in the yearling year and which meet the conditions as published for the race.
 - (ii) "Fedele Fauri futurity race" means a futurity for 2- and 3-year-old standardbred harness horses which were nominated by July 15 of the foaling year or supplemental payment in the yearling year as provided for in the race conditions.
 - (iii) "Michigan Breeders Futurity" means a futurity for 2- and 3-year-old standardbred harness horses which were nominated by July 15 in the foaling year or supplemental payment in the yearling year and which meet the published conditions.
 - (iv) "Michigan futurity race" means a futurity for 2- and 3-year-old standardbred harness horses which were nominated by July 15 of the foaling year or supplemental payment in the yearling year and which meet the published conditions.
 - (v) "Michigan sire stakes" mean a futurity for 2 and 3-year standardbred horses which were nominated by July 15 of the foaling year or supplemental payment in the yearling year and which meet the published conditions.
 - (vi) "Spartan futurity" means a futurity for 2- and 3-year old standardbred harness horses which were nominated by July 15 of the foaling year and which meet the published conditions.
 - (vii) "Wolverine futurity" means a futurity for 2- and 3-year old standardbred horses which were nominated by July 15 of the foaling year or supplemental payment in the yearling year and which meet the published conditions.
 - (h) "Lessee" means a person who is domiciled in this state and who leases a stallion that has been registered with the USTA.

(i) "Owner" means a person or persons who are domiciled in this state and who are recorded in the USTA sires and dams register.

(j) "Race" means a race event for a definite purse to which the entries close at a prescribed time preceding the race.

(k) "USTA" means the United States trotting association.

(l) "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 outside 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 outside of this state by means of semen transported from a standardbred stallion registered with the department, if the transport fee is paid to the department's agent by November 1 of the year in which the foal is conceived.

(m) "Offending horse" means a horse that causes a disruption or an accident in a race.

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

(o) "Registered stallion" means a stallion that was registered, on 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 any mares if its foals are to be eligible for Michigan tax-supported races. Transportation of semen from a registered stallion to a location out of this state does not affect the eligibility of a Michigan-sired standardbred foal for purses provided for in this rule.

(p) "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 this state by means of transported semen from a standardbred stallion that was registered with the department.

History: 1979 AC; 1981 AACS; 1989 AACS; 1995 AACS; 2002 AACS; 2004 AACS.

R 285.814.1a Determination of domicile.

Rule 1a. The following factors shall be considered when determining 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 AACCS; 2004 AACCS.

R 285.814.1b Eligibility

Rule 1b. A horse must be a Michigan-sired standardbred horse and meet the established conditions of the race in order to be eligible to race in any futurity or stakes races, which are supplemented with state funds.

History: 2004 AACCS.

R 285.814.2 Kinds of futurity races.

Rule 2. (1) The Michigan futurity race, the Fedele Fauri futurity race, the Michigan sire stakes, the Spartan futurity, the wolverine futurity, and the Michigan breeders futurity shall be comprised of all of the following individual races:

- (a) Two-year-old pacing colts and geldings.
- (b) Two-year-old pacing fillies.
- (c) Two-year-old trotting colts and geldings.
- (d) Two-year-old trotting fillies.
- (e) Three-year-old pacing colts and geldings.
- (f) Three-year-old pacing fillies.
- (g) Three-year-old trotting colts and geldings.
- (h) Three-year-old trotting fillies.

(2) Monies provided by the director for the special purses for the races listed in subrule (1) of this rule shall be divided equally among the races.

(3) The Charles Coon memorial futurity shall be comprised of both the following individual races:

- (a) Four-year old trotting horses, geldings and mares.
- (b) Four-year old pacing horses, geldings and mares.

History: 1979 AC; 1981 AACCS; 1989 AACCS; 2002 AACCS; 2004 AACCS.

R 285.814.3 Host race sites; designation.

Rule 3. (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 and shall consist of the following 6 persons:

- (a) The president, or his or her designee, of the Michigan harness horsemen's association.
- (b) The president, or his or her designee, of the Michigan standardbred horse breeders' association.
- (c) The Michigan racing commissioner, or his or her designee.
- (d) The association of northern fairs and racing president or his or her designee.
- (e) A representative of the pari-mutuel harness race meet licensees.
- (f) A member of the department who is designated by the director shall act as chairman of the panel.

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

(3) The director shall designate the fairs to host the Michigan futurity races and Fedele Fauri futurity races. The Michigan futurity race shall be awarded to a fair located in the Lower Peninsula of Michigan. The Fedele Fauri futurity race shall be awarded to a fair located in the Upper Peninsula of Michigan if a fair from the Upper Peninsula applies for the race.

(4) The director shall not award at the same fair more than 1 futurity race.

(5) If, because of unfavorable weather or other unavoidable reasons, a futurity race is postponed, it may be rescheduled by the director. The director may reschedule the race at another fair if the fair originally designated to host the futurity is unable to hold the race.

History: 1979 AC; 1981 AACS; 1989 AACS; 1995 AACS; 2002 AACS; 2004 AACS.

R 285.814.4 Purse distributions.

Rule 4. (1) Michigan futurity races shall be conducted in 1 heat unless elimination races are required.

(2) Each purse in Michigan futurity races that have 5 or more starters shall be divided as follows: 50%-25%-12%-8%-5%. If there are fewer than 5 starters, then all uncontested money shall be paid to the winner. If there is a premium or premiums for which a horse started but was unable to finish due to an accident, then all unoffending horses that did not finish shall share equally in the premiums. If there are fewer unoffending horses failing to finish than there are premiums for which horses have started but have not finished, then the number of premiums in excess of the number of unoffending horses not finishing shall go to the winner.

History: 1979 AC; 1981 AACS; 1989 AACS; 2002 AACS; 2004 AACS.

R 285.814.5 Elimination heats.

Rule 5. Elimination heats shall be raced pursuant to USTA rules, unless published in the conditions of the race and approved by the director.

History: 1979 AC; 1981 AACS; 2002 AACS.

R 285.814.6 Starting rules.

Rule 6. The starting rules shall be the U.S.T.A. starting rules.

History: 1979 AC; 1981 AACS.

R 285.814.7 Final reports; additional information; records of payment; retention.

Rule 7. (1) Within 15 days after completion of Michigan futurity races or September 30, whichever is sooner, a fair 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 fair association shall supply the director with any additional information required in auditing the report.

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

History: 1979 AC; 1981 AACS; 1989 AACS; 2002 AACS.

R 285.814.8 Registration.

Rule 8. (1) The owner or lessee shall register a standardbred stallion, on forms provided by the fairs and racing division, by January 1 each year in which the stallion will be standing at service in this state.

(2) The owner or lessee of 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 register the newly acquired stallion, on forms provided by the fairs and racing division, before the stallion services a mare. If the stallion is leased, a copy of the lease agreement shall accompany the fairs and racing division application for registration.

History: 1981 AACS.

R 285.814.9 Rescission.

Rule 9. Regulation No. 803 governing "Special Purses on Michigan Sired Colts," being R 285.803 of the Michigan Administrative Code and appearing on pages 370 to 373 of the 1957 Annual Supplement to the Code, is rescinded.

History: 1979 AC.

R 285.814.10 Fees and nominations.

Rule 10. (1) 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 stakes and futurities and may be designated the collecting and holding agent for all fees by the sponsors of the stakes and futurities. 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 stake and futurity 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.

(2) The advisory board consisting of representatives from northern fairs and racing association, Michigan harness horseman association, Michigan standardbred breeders association, the office of the racing commissioner and chaired by the director or his or her designee shall recommend fees and nominations and transport fees. The board's recommendation shall be submitted to the commission for review and approval.

History: 2002 AACCS; 2004 AACCS.