

DEPARTMENT OF AGRICULTURE

FAIRS, EXHIBITIONS AND RACING DIVISION

**REGULATION NO. 816. STABLING AND TRAINING FACILITIES FOR
STANDARD BRED HARNESS HORSES**

(By authority conferred on the department of agriculture pursuant to section 7 of 1995 PA 279 and sections 9 and 184 of 1965 PA 380, MCL 431.307, 16.109, and 16.284.)

R 285.816.1 Definitions.

Rule 1. As used in these rules:

(a) "Association" means a corporation organized under a law of this state and governed by an elected board of directors, or an association under 1855 PA 80, MCL 453.231, or board functioning under 1929 PA 11, MCL 46.151, and which conducts a fair.

(b) "Buildings" means the buildings which are primarily used for the stabling of horses or other livestock and which are under the management of the fair association or county government.

(c) "Commission" means the commission of agriculture.

(d) "Department" means the department of agriculture.

(e) "Director" means the director of agriculture or his or her designee.

(f) "Grounds" means the land which is primarily used for fair purposes and which is under the management of the fair association or county government.

(g) "Racetrack" means a track used primarily for standardbred harness horse races.

History: 1979 AC; 2008 AACS.

R 285.816.2 Allotments; qualifications.

Rule 2. (1) An association receiving an allotment shall not require persons using the fair facilities to be members of an association or organization.

(2) An association shall conduct a fair for a period of not less than 3 years before consideration for financial assistance.

History: 1979 AC; 2008 AACS.

R 285.816.3 Allotments; application and approval.

Rule 3. (1) The president and secretary of an association requesting funds shall file a properly completed application, on forms provided by the department, with the director for consideration on or before May 1 preceding the state's fiscal year for which an allotment is being requested, or 60 days prior to making the association's facilities available for training and stabling.

(2) The department shall give written notice of approval or disapproval of an application within 30 days after receiving the application.

History: 1979 AC; 2008 AACCS.

R 285.816.4 Stabling facilities.

Rule 4. (1) Michigan residents shall be given preference over persons from outside Michigan for stabling facilities.

(2) Stalls shall not be less than 80 square feet per horse.

(3) Water shall be provided to each building used in this program.

(4) Electrical systems in buildings shall conform to the state electrical code.

(5) Conveniently located restrooms shall be provided on the grounds for persons renting stabling facilities, and the restrooms shall conform to applicable local codes.

(6) All manure shall be removed from the grounds in compliance with local health codes.

History: 1979 AC; 2008 AACCS.

R 285.816.5 Training facilities.

Rule 5. (1) A racetrack on which standardbred harness horses train shall be free of stones, rocks, and any other foreign objects. It shall be adequately drained from weather conditions and graded to be smooth, well groomed, and compatible for training horses, or an auxiliary track shall be made available.

(2) An association shall have clearly visible indicators of the starting point, quarter miles, and finish.

History: 1979 AC; 2008 AACCS.

R 285.816.6 Final approval.

Rule 6. After an application has been submitted, the department shall conduct an inspection of the total facility in order to determine that the facility meets the standards described in R 285.816.4 and R 285.816.5.

History: 1979 AC.

R 285.816.7 Allotments; uses.

Rule 7. (1) An association whose application is approved shall be funded based on the number of horses that stable at the facility from October 1 to September 30 each year. The following shall be allotted:

(a) over 200 horses \$4,000.00 per year

(b) 176 to 200 horses \$3,500.00 per year

(c) 151 to 175 horses \$3,000.00 per year

(d) 126 to 150 horses \$2,500.00 per year

(e) 101 to 125 horses \$2,000.00 per year

(f) 76 to 100 horses \$1,500.00 per year

(g) 26 to 75 horses \$1,000.00 per year

(h) 0 to 25 horses any remaining allotment distributed on a prorated basis. A horse that stables and trains for any part of the month is considered 1 horse for that month.

(2) The association shall submit to the department a sworn statement of the total number of stalls rented for the period of October 1 to September 30 of the prior year.

(3) The fair association shall provide any additional information requested by the director necessary in processing the association's claim.

(4) A fair shall keep its facilities available and racetracks in training condition as specified in the application.

(5) A person stabling and training at an approved racetrack, shall pay the rental charges for those services at the time and place specified by the association, or may be subject to immediate eviction from the grounds.

(6) Failure by an individual to pay rental charges for stabling and training as specified by the association whose facility he or she is using will result in winnings and breeders awards being withheld until payment is made in full to the association. The association shall report to the department of agriculture by June 1 any outstanding rental amounts 90 days or more past due. The department shall notify the racing fairs and presiding judges to withhold purse payments from that individual and the department shall withhold breeders payments until rental payments are paid in full.

(7) The association shall keep records pertaining to the rental of its facilities available for state auditors for not less than 4 years.

History: 979 AC; 2008 AACCS.

R 285.816.8 Complaints; appeal.

Rule 8. (1) Within 24 hours of being in attendance at a track, an individual may file a complaint in writing with the association if he or she believes the track is not maintained in a safe condition, as required by R 285.816.5. The association shall investigate complaints within 48 hours of receipt of the complaint and issue a report of findings to the individual filing the complaint not later than 24 hours after the investigation is completed. The report of findings shall include notification to the individual filing the complaint that he or she can appeal to the department within 10 business days of filing the initial complaint if the individual is not satisfied with the association's report of findings.

(2) The department shall have 7 days after receipt of any appropriately filed appeal to investigate the complaint, and the department shall issue a finding of fact and notice of action and any recommended actions for the association.

(3) Any party aggrieved by an action taken by the department under subrule (2) of this rule may appeal pursuant to 1969 PA 306, MCL 24.201. An administrative law judge shall issue a proposal for decision under section 81 of 1969 PA 306, MCL 24.281, and the department shall issue a final order.

History: 2008 AACCS.