

DEPARTMENT OF AGRICULTURE

FINANCE AND TECHNOLOGY DIVISION

**REGULATION NO. 822. ARABIAN BREEDERS' AWARDS AND STATE
SUPPLEMENTS**

(By authority conferred on the director of the department of agriculture by sections 9 and 178 of Act No. 380 of the Public Acts of 1965, as amended, and section 13 of Act No. 327 of the Public Acts of 1980, as amended, being SS16.109, 16.278, and 431.73 of the Michigan Compiled Laws)

R 285.822.1 Definitions.

Rule 1. As used in these rules:

(a) "Breeder" means an individual, partnership, association, or corporation owning an Arabian mare at the time of breeding. Each individual, including those in a partnership, association, or corporation, shall be domiciled in the state of Michigan. The lessee of a mare which is registered with the Arabian horse registry of America, inc., 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.

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

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

(g) "Gross purse" means the track purse plus the state supplement.

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

(i) "Michigan-bred horse" means a horse which is from a mare owned or leased by a person who is domiciled in Michigan at the time of breeding. Each mare shall be registered with the director.

(j) "Michigan-bred race" means a race conducted exclusively for Michigan-bred horses.

(k) "Owner" means the person listed on the Arabian horse registry of America, inc., as the most current owner of the horse.

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

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

History: 1985 AACs.

R 285.822.2 Determination of domicile.

Rule 2. The 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: 1985 AACCS.

R 285.822.3 Eligibility of horses for breeders' awards and state supplements.

Rule 3. (1) Eligibility of horses for breeders' awards and state supplements is established upon compliance with both of the following provisions:

(a) An Arabian mare and stallion shall be registered with the department, on forms provided by the fairs and racing division, before a department certificate of foal eligibility will be issued.

(b) A certificate of eligibility shall be issued by the director for a Michigan-bred horse. This certificate shall accompany the Arabian horse club registration certificate at the time of entry in a race. Such certification shall be issued 48 hours or more before post time.

(2) The Arabian horse registry of America, inc., shall be considered the official record in determining the eligibility of a Michigan-bred horse foaled before 1984.

History: 1985 AACCS.

R 285.822.4 Eligibility of races for state supplements.

Rule 4. (1) State supplements shall be allocated for the following Arabian races:

- (a) Michigan-bred, 3-year-old handicaps and stakes.
- (b) Michigan-bred, 4-year-old and older handicaps and stakes.
- (c) Races approved by the director.

(2) State supplements shall be paid first for races specified under subrule (1)(a) to (c) of this rule. If funds are not available to provide state supplements for all races approved by the director under subrule (1)(c) of this rule, then the director shall prorate available money at his or her discretion among the races so run.

(3) At least 1 Michigan-bred race shall be scheduled on a licensed Arabian horse racing association program.

(4) An association licensed to conduct Arabian horse racing in Michigan shall not offer a smaller track purse, excluding the state supplement, for a Michigan-bred race 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 Michigan-bred race does not draw sufficient entries to run, the licensed Arabian horse racing association may substitute a Michigan-bred race approved by the director.

History: 1985 AACCS.

R 285.822.5 Conditions and purses for races; allocation of state supplements.

Rule 5. (1) The licensed Arabian horse 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 with the advice of any Arabian horse racing association or any Arabian horse breeder or owner.

(3) The director shall announce, not later than 4 calendar days before the start of the race program, his or her allocation of state supplements to purses for each approved Michigan-bred race in the race program. If proposed conditions for those races are not submitted to the director within the time fixed by subrule (1) of this rule, 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 24 hours before post time of the race. A state supplement shall not be allocated to a Michigan-bred race after the race has been run.

History: 1985 AACCS.

R 285.822.6 Payment of breeder's award.

Rule 6. (1) The director shall pay a breeder's award to the breeder of a Michigan-bred horse for each time the horse wins a race at a fair or licensed racetrack in this state. The total award shall be in the amount of 10% of the gross purse. If more than 1 winner is declared, each breeder is entitled to a full breeder's award. Breeders' awards shall only be payable for wins after the date that the department certificate of foal eligibility is issued.

(2) Rights to breeders' awards are not assignable. Breeders' awards are not inheritable. There is no obligation upon the director to pay a breeder's award in excess of available funds or other than as provided in these rules. A breeder's award shall not be paid for a race won after the date of death of the breeder who would otherwise be entitled to the award.

(3) If monies are not available for full payment of both breeders' awards and state supplements, payments shall be made in full for supplements as provided in R 285.822.4 and remaining monies shall be prorated for breeders' awards.

History: 1985 AACCS.

R 285.822.7 Certification of racing results; burden of proof; processing of payment.

Rule 7. (1) At the completion of each condition book or weekly race program at a pari-mutuel racetrack, the racing commissioner shall certify to the director the results of all races, including the names of the owner and breeder of each 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, with the placings checked on the program and certified by the race secretary.

(3) When the eligibility of a breeder to receive a breeder's 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) State supplements shall be processed for payment to the owners of winning horses at least once each month.

(5) Payment of breeders' awards shall be processed at least once each month.

History: 1985 AACCS.