

Michigan Office of Administrative Hearings and Rules

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REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Michigan Office of Administrative Hearings and Rules (MOAHR) before initiating any changes or additions to the rules. Submit copy to the MOAHR at o'berrvd@michigan.gov.

1. Agency Information

Agency name:	Department of Treasury
Division/Bureau/Office:	Michigan Gaming Control Board, Office of the Executive Director
Name, title, phone number, and e-mail of person completing this form:	Wendy Harns Analyst, Michigan Gaming Control Board 3062 W. Grand Blvd., L-700, Detroit, MI 48202 harnsw@michigan.gov (517) 335-2163

2. Rule Set Information

Title of proposed rule set:	Horse Racing General Rules
Rule number(s) or range of numbers:	Mich. Admin Code R 431.1001 through R 431.4290
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes

3. Estimated timetable for completion, or statutory deadline, if applicable:

April 2020 or as soon as full promulgation process permits.

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

The rules will provide the regulatory framework for conducting horse racing, pari-mutuel wagering on horse racing results, and simulcasting. The rule set will recognize the abolishment of the Office of Racing Commissioner and the Racing Commissioner to reflect the 2009 Executive Reorganization Order transferring all authority, powers, duties, and functions to the Michigan Gaming Control Board, specifically, the Executive Director of the Michigan Gaming Control Board; define new terms; reorganize defined terms; consolidate the occupational licensing process and standards; set procedures to register Certified Horsemen's Organizations; authorize workouts or qualifying races at training centers; expand declaratory ruling procedures; set standards for weather related race cancellations; change rules related to medication levels and administration requirements to conform to national standards, lowering the permitted level of pain medications and increasing the time requirement between administration of permitted medication and race time; modify trainer responsibilities; provide agency control of post-mortem examinations for horses; modify claiming procedures; specify required safety equipment for participants; reorganize rules related to possession and use of drugs and foreign substances, veterinarians lists, and denerving and shockwave therapy; redefine ownership interests; rescind and add various types of wagering; and, rescind rule related to simulcast purse pool distributions.

5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

Under Executive Reorganization Order No. 2009-31, MCL 324.99919, the powers and duties of the Office of Racing Commissioner were transferred to the Executive Director of the Michigan
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Gaming Control Board, including regulating pari-mutuel wagering, licensing, issuing final agency decisions on all contested case hearings, and the promulgation of agency rules. The rules are not mandated by any applicable constitutional or statutory provision, but the Executive Director is given discretionary authority under §7(1) of the Horse Racing Law of 1995, as amended, MCL 431.307(1), to promulgate rules in accordance with the Administrative Procedures Act.

6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

There are no national or regional compliance requirements for horse racing. While there are national standards and model rules these documents are suggestions and not binding on the state of Michigan. Thus, these rules do not conflict with or duplicate similar rules or regulations.

7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

The subject matter of these rules is not contained in any guideline, handbook, manual, instructional bulletin, or operational memoranda. A number of forms with instructions are used in the licensing process including applications for track licenses, race meeting licenses, and occupational licenses.

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

These rules will be promulgated under the full rulemaking process.

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

These rules do not incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5.

10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

There is no decision record applicable to the proposed rule changes.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Margaret L. Patterson

 ↓ To be completed by the MOAHR ↓

Date RFR received: 5-14-2019

Based on the information in this RFR, the MOAHR concludes that there are sufficient policy and legal bases for approving the RFR.

MOAHR assigned rule set number:	2019-050 TY
Date of approval:	5/17/19

Based on the information in this RFR, the MOAHR is not approving the RFR at this time.

Date of disapproval:	
Explanation:	