

SENATE BILL No. 1052

February 21, 2006, Introduced by Senators ALLEN, BIRKHOLZ, JELINEK, CROPSEY, McMANUS and BROWN and referred to the Committee on Gaming and Casino Oversight.

A bill to amend 1995 PA 279, entitled "Horse racing law of 1995," by amending sections 2 and 4 (MCL 431.302 and 431.304).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (A) "AFFILIATE" MEANS A PERSON WHO, DIRECTLY OR INDIRECTLY,
3 CONTROLS, IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH; IS IN
4 A PARTNERSHIP OR JOINT VENTURE RELATIONSHIP WITH; OR IS A
5 COSHAREHOLDER OF A CORPORATION, COMEMBER OF A LIMITED LIABILITY
6 COMPANY, OR COPARTNER IN A LIMITED LIABILITY PARTNERSHIP WITH THE
7 PERSON WHO HOLDS OR APPLIES FOR A RACE MEETING OR TRACK LICENSE
8 UNDER THIS ACT. FOR PURPOSES OF THIS SUBDIVISION, A CONTROLLING

1 INTEREST IS THE BENEFICIAL OWNERSHIP OF MORE THAN 5% OF A
2 CORPORATION WHOSE STOCK IS WIDELY HELD, PUBLICLY TRADED, AND
3 REGULATED BY THE SECURITIES AND EXCHANGE COMMISSION, OR ANY
4 BENEFICIAL OWNERSHIP OF A PRIVATELY HELD CORPORATION OR OF A FIRM,
5 PARTNERSHIP, ASSOCIATION, OR OTHER LEGAL ENTITY.

6 (B) ~~—(a)—~~ "Breaks" means the cents over any multiple of 10
7 otherwise payable to a patron on a wager of \$1.00.

8 (C) ~~—(b)—~~ "Certified horsemen's organization" means an
9 organization registered with the office of racing commissioner in a
10 manner and form required by the racing commissioner, that can
11 demonstrate all of the following:

12 (i) The organization's capacity to supply horses.

13 (ii) The organization's ability to assist a race meeting
14 licensee in conducting the licensee's racing program.

15 (iii) The organization's ability to monitor and improve physical
16 conditions and controls for individuals and horses participating at
17 licensed race meetings.

18 (iv) The organization's ability to protect the financial
19 interests of the individuals participating at licensed race
20 meetings.

21 (D) ~~—(e)—~~ "City area" means a city ~~—having—~~ **WITH** a population
22 of 750,000 or more ~~—,~~ and ~~—includes the counties—~~ **EVERY COUNTY**
23 **LOCATED** wholly or partly within ~~—a distance of—~~ 30 miles of the
24 city limits of the city.

25 (E) ~~—(d)—~~ "Controlled substance" means that term as defined in
26 section 7104 of the public health code, ~~—Act No. 368 of the Public~~
27 ~~Acts of 1978, being section 333.7104 of the Michigan Compiled Laws~~

1 1978 PA 368, MCL 333.7104.

2 (F) ~~(e)~~ "Day of operation" means a period of 24 hours
3 beginning at 12 noon and ending at 11:59 a.m. the following day.

4 (G) ~~(f)~~ "Drug" means any of the following:

5 (i) A substance intended for use in the diagnosis, cure,
6 mitigation, treatment, or prevention of disease in humans or other
7 animals.

8 (ii) A substance, other than food, intended to affect the
9 structure, condition, or any function of the body of humans or
10 other animals.

11 (iii) A substance intended for use as a component of a substance
12 specified in subparagraph (i) or (ii).

13 (H) ~~(g)~~ "Fair" means any county, district, or community fair
14 and any state fair.

15 (I) ~~(h)~~ "Foreign substance" means a substance, or its
16 metabolites, ~~which~~ **THAT** does not exist naturally in an untreated
17 horse or, if natural to an untreated horse, exists at an
18 unnaturally high physiological concentration as a result of having
19 been administered to the horse.

20 (J) ~~(i)~~ "Full card simulcast" means an entire simulcast
21 racing program of 1 or more race ~~meet~~ **MEETING** licensees located
22 in this state, or an entire simulcast racing program of 1 or more
23 races simulcasted from 1 or more racetracks located outside of this
24 state.

25 (K) **"MEMBER OF THE IMMEDIATE FAMILY" MEANS THE SPOUSE, CHILD,**
26 **PARENT, OR SIBLING.**

27 (L) ~~(j)~~ "Person" means an individual, firm, partnership,

1 corporation, association, or other legal entity.

2 (M) ~~-(k)-~~ "Purse pool" means an amount of money allocated or
3 apportioned to pay prizes for horse races and from which payments
4 may be made to certified horsemen's organizations pursuant to this
5 act.

6 (N) ~~-(l)-~~ "Veterinarian" means a person licensed to practice
7 veterinary medicine under ~~article 15~~ **PART 188** of the public
8 health code, ~~Act No. 368 of the Public Acts of 1978, being~~
9 ~~sections 333.16101 to 333.18838 of the Michigan Compiled Laws 1978~~
10 **PA 368, MCL 333.18801 TO 333.18838**, or under a state or federal law
11 applicable to that person.

12 Sec. 4. (1) The racing commissioner shall be appointed for a
13 term of 4 years by the governor by and with the advice and consent
14 of the senate.

15 (2) The racing commissioner shall be a resident of this state
16 and during his or her term of office shall not be a stockholder of,
17 or be directly or indirectly connected with the conduct or
18 management of, or have any other legal or beneficial interest in,
19 any of the following:

20 (a) A racetrack, race meeting, or a racing interest,
21 including, but not limited to, the ownership, breeding, training,
22 or racing of horses or any vendor, supplier, or distributor of
23 goods or services to a racetrack, race meeting, or racing
24 participant licensed under this act.

25 (b) Any gaming activity conducted at any licensed race meeting
26 in ~~the~~ **THIS** state.

27 (3) **THE RACING COMMISSIONER OR A MEMBER OF THE IMMEDIATE**

1 FAMILY OF THE RACING COMMISSIONER SHALL NOT PARTICIPATE IN WAGERING
2 PERMITTED UNDER THIS ACT OR CONDUCTED BY A PERSON OR AN AFFILIATE
3 OF A PERSON LICENSED OR APPLYING FOR A LICENSE UNDER THIS ACT. THIS
4 SUBSECTION DOES NOT APPLY TO WAGERING THAT IS PART OF SURVEILLANCE,
5 SECURITY, OR OTHER OFFICIAL DUTIES FOR THE OFFICE OF THE RACING
6 COMMISSIONER.