

Act No. 445
Public Acts of 2006
Approved by the Governor
November 27, 2006
Filed with the Secretary of State
November 27, 2006
EFFECTIVE DATE: November 27, 2006

STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006

Introduced by Senators Allen, Birkholz, Jelinek, Cropsey, McManus and Brown

ENROLLED SENATE BILL No. 1052

AN ACT to amend 1995 PA 279, entitled "An act to license and regulate the conducting of horse race meetings in this state with pari-mutuel wagering on the results of horse races and persons involved in horse racing and pari-mutuel gaming activities at such race meetings; to create the office of racing commissioner; to prescribe the powers and duties of the racing commissioner; to prescribe certain powers and duties of the department of agriculture and the director of the department of agriculture; to provide for the promulgation of rules; to provide for the imposition of taxes and fees and the disposition of revenues; to impose certain taxes; to create funds; to legalize and permit the pari-mutuel method of wagering on the results of live and simulcast races at licensed race meetings in this state; to appropriate the funds derived from pari-mutuel wagering on the results of horse races at licensed race meetings in this state; to prescribe remedies and penalties; and to repeal acts and parts of acts," by amending sections 2 and 4 (MCL 431.302 and 431.304).

The People of the State of Michigan enact:

Sec. 2. As used in this act:

(a) "Affiliate" means a person who, directly or indirectly, controls, is controlled by, or is under common control with; is in a partnership or joint venture relationship with; or is a co-shareholder of a corporation, co-member of a limited liability company, or co-partner in a limited liability partnership with a person who holds or applies for a race meeting or track license under this act. For purposes of this subdivision, a controlling interest is a pecuniary interest of more than 15%.

(b) "Breaks" means the cents over any multiple of 10 otherwise payable to a patron on a wager of \$1.00.

(c) "Certified horsemen's organization" means an organization registered with the office of racing commissioner in a manner and form required by the racing commissioner, that can demonstrate all of the following:

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

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

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

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

(d) "City area" means a city with a population of 750,000 or more and every county located wholly or partly within 30 miles of the city limits of the city.

(e) "Controlled substance" means that term as defined in section 7104 of the public health code, 1978 PA 368, MCL 333.7104.

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

(g) "Drug" means any of the following:

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

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

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

(h) "Fair" means any county, district, or community fair and any state fair.

(i) "Foreign substance" means a substance, or its metabolites, that does not exist naturally in an untreated horse or, if natural to an untreated horse, exists at an unnaturally high physiological concentration as a result of having been administered to the horse.

(j) "Full card simulcast" means an entire simulcast racing program of 1 or more race meeting licensees located in this state, or an entire simulcast racing program of 1 or more races simulcasted from 1 or more racetracks located outside of this state.

(k) "Member of the immediate family" means the spouse, child, parent, or sibling.

(l) "Person" means an individual, firm, partnership, corporation, association, or other legal entity.

(m) "Purse pool" means an amount of money allocated or apportioned to pay prizes for horse races and from which payments may be made to certified horsemen's organizations pursuant to this act.

(n) "Veterinarian" means a person licensed to practice veterinary medicine under part 188 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, or under a state or federal law applicable to that person.

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

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

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

(b) Any gaming activity conducted at any licensed race meeting in this state.

(3) The racing commissioner, an employee of the office of the racing commissioner, or a member of the immediate family of the racing commissioner or of an employee of the office of the racing commissioner shall not participate in wagering permitted under this act or conducted by a person or an affiliate of a person licensed or applying for a license under this act. This subsection does not apply to wagering that is part of surveillance, security, or other official duties for the office of the racing commissioner.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Gay E. Randall

Clerk of the House of Representatives

Approved

.....
Governor