

DEPARTMENT OF AGRICULTURE

HARNESS RACING COMMISSION

Statutory Authority: 29 Delaware Code

Section 4815(b)(3)b.2.D

(29 Del.C. §4815(b)(3)b.2.D

3 DE Admin. Code 502

ORDER

502 Delaware Standardbred Breeders Fund Regulations

I. Nature of Proceedings

Pursuant to its authority under 29 Del.C. §4815(b)(3)b.2.D and 10115, the State of Delaware Department of Agriculture Standardbred Breeder's Fund ("the Fund") proposed to amend its regulations. The Fund's purpose in proposing these amendments was to clarify existing regulations 2.0 and 13.7. This amended regulation 2.0 redefines "Delaware Sire" so as to permit a wider participation by stallions than heretofore while a new definition of "satisfactory performance line" elaborates the meaning of this term as it appears in regulation 13.7.

Notice of a public comment period of thirty (30) days on the Fund's proposed amendments was published in the *Delaware Register of Regulations* for April 1, 2005 as well in two Delaware newspapers of general circulation in accordance with 29 Del.C. §10115. This is the Fund's Decision and Order adopting the proposed amended regulations.

II. Public Comments

The Fund received no public comments in response to the notice of intention to adopt the proposed amended regulations.

III. Findings and Conclusions

The public was given the required notice of the Fund's intention to adopt the proposed amended regulations and was given ample opportunity to provide the Fund with comments opposing the Fund's plan. Thus, the Fund concludes that its consideration of the proposed amended regulations was entirely within its prerogatives and statutory authority and, having received no comments opposed to adoption, is now free to adopt them.

IV. Order

AND NOW this 8th day of June, 2005, it is hereby ordered that:

1. The proposed amendment to the Fund's regulations are adopted;
2. The text of the regulations shall be in the form attached hereto as Exhibit A;
3. The effective date of this Order is ten days from the date of its publication in the *Delaware Register of Regulations* in accordance with 29 Del.C. §10118(e); and
4. The Fund reserves unto itself the authority to issue such other and further orders in this matter as may be just and proper.

IT IS SO ORDER this 8th day of June, 2005.

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2.0 Definitions.

The following words and terms, when used in this part for purposes of the Delaware Standardbred Breeder's Fund Program, have the following meanings, unless the context clearly indicates otherwise. Such definitions shall not affect the use of that term by the Delaware Harness Racing Commission for purposes other than for the Breeder's Fund Program.

"Bred" means any form of insemination inside the State of Delaware by a Delaware sire, including insemination using semen transported within the State of Delaware, provided that such semen is not frozen or desiccated in any

way or at any time. Bred shall also refer to foals of mares bred outside the State of Delaware by a Delaware sire through interstate semen transportation when such semen is not frozen or desiccated in any way or at any time, provided that owners of mares that produce foals from Delaware sires eligible for this program that are bred through interstate semen transportation shall not be eligible for bonuses paid to owners of mares under the Delaware Standardbred Breeder's Program set forth in Section 4 herein. A foal conceived through embryo transplantation is not eligible for nomination to the Delaware Standardbred Breeder's Program under any circumstances.

"Breeder" means the owner of the dam at the time of breeding through foaling.

"Breeding Season" is the season during which reproduction occurs and which runs from February 1st to August 1st of the calendar year.

"Delaware-bred Horse" means a Standardbred by a Delaware sire and registered with the Administrator by May 15th of the yearling year.

"Delaware Resident" means a person as defined in 3 Del.C. §10032.

"Delaware Sire" means a Standardbred stallion that regularly stands for a breeding season in Delaware; ~~does not compete for purses during that period,~~ and is registered with the Administrator of the Breeder's Program. A Delaware sire may be: a) owned by a resident of the State of Delaware and standing the entire breeding season in the State of Delaware; or b) owned by a resident of a state other than Delaware, but standing the entire breeding season in Delaware, verified by a copy of a the lease filed with the Administrator of the Program at the time of registration for the Program, as provided in section 1.1 above; or c) owned jointly by a resident (or residents) and a non-resident (or non-residents) of Delaware and standing the entire breeding season in Delaware with the same lease requirements as in b) above. A Delaware Sire may compete for purses within the State of Delaware at any time. However, a Delaware sire may compete for purses outside the State of Delaware, or enter claiming races within or without the State of Delaware, only after the breeding season in Delaware ends. A violation of this regulation will disqualify the Standardbred stallion from being registered with the Breeders' Program for the breeding season of the year following the violation.

"Private Treaty" No stallion participating in the Program may be offered for service under private treaty. Each stallion registered in the Program must make public the breeding fee.

"Registrant" is a horse owner, the horse owner's agent of record or trainer of record, or the lessee of a horse.

"Satisfactory Performance Line" means the path of the Standardbred on the racetrack as charted by the licensed charter at Dover Downs and/ or Harrington Raceway during which the horse does not break stride for any reason.

6 DE Reg. 1497 (5/1/03)

8 DE Reg. 336 (8/1/04)

9 DE Reg. 111 (7/1/05) (Final)