

**CHAPTER 307. PENNSYLVANIA BREEDERS' FUND PROGRAM—
TEMPORARY REGULATIONS**

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§ 307.1. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Breeder—The owner of the dam at the time of foaling, and indicated this on the certificate of registration issued by the Jockey Club.

Fund—The Pennsylvania Breeding Fund as created by section 9336 of the act (relating to Pennsylvania Breeding Fund).

The Jockey Club—The breed registry organization for all Thoroughbred horses in North America, having responsibility for maintaining the American Stud Book, which includes all Thoroughbreds foaled in the United States, Canada and Puerto Rico, as well as Thoroughbreds imported into those countries from other countries that maintain similar Thoroughbred registries.

Pennsylvania-bred horse—A Thoroughbred horse with respect to which all of the following apply:

- (i) The horse was foaled in this Commonwealth.
- (ii) The horse is the subject of a current certificate of registration issued by the Jockey Club.
- (iii) The horse meets the registration eligibility qualifications for participation in the Fund program as determined by the Pennsylvania Horse Breeders Association.
- (iv) The horse is registered with the Pennsylvania Horse Breeders Association in accordance with § 307.3 (relating to records of registration).

Pennsylvania sire—A Thoroughbred stallion with respect to which all of the following apply:

- (i) The horse regularly stands in this Commonwealth.
- (ii) The horse meets the registration eligibility qualifications for participation in the Fund program as determined by the Pennsylvania Horse Breeders Association.
- (iii) The horse is registered with the Pennsylvania Horse Breeders Association in accordance with § 307.3 and is so registered each year the stallion stands in Pennsylvania.

§ 307.2. Eligibility for Pennsylvania-bred races.

To be eligible for preferences in races in which registered Pennsylvania-breds are preferred and to be eligible for entry in races which are restricted by condition to registered Pennsylvania-breds, a horse shall be registered as a Pennsylvania-bred with the Pennsylvania Horse Breeders Association at the time of entry.

§ 307.3. Records of registration.

Foals and sires eligible for registration shall be registered on official registration forms approved by the Commission and maintained by the Pennsylvania Horse Breeders Association. The registrar shall certify thereon the name and address of the owner, breeder, farm where mare was covered, farm of which this horse was foaled, owner of stallion at time the mare was covered, stallion by which the mare was covered following the birth of the Thoroughbred to be registered, breeder Social Security or tax identification number, Jockey Club registration number, name of foal, color and sex of foal, date of foaling, sire, dam, sire of the dam, signature of the owner, or breeder or authorized representative and the date of application.

(1) The registration record shall be maintained at the headquarters of the Pennsylvania Horse Breeders Association and be open to public inspection during normal business days and hours.

(2) Immediately upon completion and filing of the form, the Pennsylvania Horse Breeders Association shall cause a correct copy of it to be filed with the offices of the Commission in Harrisburg.

Cross References

This section cited in 7 Pa. Code § 307.1 (relating to definitions).

§ 307.4. Appeals.

(a) A person having an interest in the matter shall have the right to file objections or exceptions to a registration and to the facts set forth therein within 30 days of the filing of the copy with the Commission. The objections or exceptions shall be delivered in writing to the Pennsylvania Horse Breeders Association (PHBA) and a duplicate copy delivered to the Commission within the 30-day time period. The PHBA shall rule upon the objections or exceptions within the 10 days of the delivery and receipt. An interested party aggrieved by an action taken by the PHBA may appeal to the Commission in the manner and within the time period prescribed for appeals in Chapter 179 (relating to Rules of Administrative Practice and Procedure—temporary regulations) of the Commission. The Commission may hear and determine an appeal de novo in accordance with its regular hearing procedures or the parties may seek an expedited documentary hearing in accordance with Chapter 179 Subchapter C (relating to Commission hearings) of the Commission regulations. The parties may appeal the Commis-

sion's final determination to the Commonwealth Court within 30 days of receipt of the written adjudication. In the absence of a timely appeal to the Commonwealth Court, a registration shall be deemed final and binding and an official record of the Commission for all purposes under the act. Except that, the Commission may, in its discretion, correct an error or inaccuracy that it may find within the records.

(b) The Commission is not an aggrieved party as contemplated by 2 Pa.C.S. § 702 (relating to Administrative Agency Law) and shall be deemed a disinterested party in the registration matter subsequently appealed, by either party, to the Commonwealth Court. In accordance with Pa.R.A.P. 1513(a), as a disinterested party, the Commission shall not be named on the caption or listed as the Respondent on Appellant's Petition for Review.

§ 307.5. Purses and awards.

(a) A prize awarded under this section shall be in accordance with the standards for purses at each racing meet as approved by order of the Commission. Each prize shall be advanced to the Horsemen's Bookkeeper Account as won or earned at each meet by the racing association conducting the meet. The racing association shall maintain a separate ledger of them and shall transmit a certified copy of allowances, prizes and purses made no later than every 10th day of each month of the meets to the Commission. After the Commission has reviewed and approved them, it shall reimburse the racing association for the advances made which the Commission finds proper.

(b) The Pennsylvania Horse Breeders Association shall compile awards earned by breeders, owners of Pennsylvania sires and owners of Pennsylvania-bred horses and maintain a separate ledger of them. Monthly, a certified report of awards earned shall be forwarded to the Commission. After the Commission has reviewed and approved them it will be forwarded to the Department of Treasury for payment to the awardees. In accordance with section 9336(b.1) of the act (relating to Pennsylvania Breeding Fund), awards shall be distributed as follows:

(1) An award of 40% of the purse earned by every registered Pennsylvania-bred Thoroughbred race horse sired by a registered Pennsylvania sire at the time of conception of the registered Pennsylvania-bred Thoroughbred race horse which finishes first, second or third in any race conducted by a licensed racing entity under this chapter shall be paid to the breeder of the registered Pennsylvania-bred Thoroughbred race horse.

(2) An award of 20% of the purse earned by every registered Pennsylvania-bred Thoroughbred race horse sired by a nonregistered sire, which finishes first, second or third in any race conducted by a licensed racing entity under this chapter shall be paid to the breeder of the registered Pennsylvania-bred Thoroughbred race horse.

(3) A single award under paragraphs (1) and (2) may not exceed 1% of the total annual fund money.

(4) An award of 10% of the purse earned by any registered Pennsylvania-bred Thoroughbred race horse which finishes first, second or third in any race conducted by a licensed racing entity under this chapter shall be paid to the owner of the registered Pennsylvania sire which regularly stood in Pennsylvania at the time of conception of the Pennsylvania-bred Thoroughbred race horse. A single award under this paragraph may not exceed 0.5% of the total annual fund money.

(c) A person interested in the awards, allowances, prizes and purses and objecting to calculations or determinations thereof as shown on the records of the racing association, the Pennsylvania Horse Breeders Association and the horse-men's bookkeeper, shall be responsible for taking written appeals to the Commission in the manner provided for appeals from decisions of the association pertaining to registrations.

(d) The Commission will have the right to review and approve fees and charges imposed by the Pennsylvania Horse Breeders Association for a program. The charge or fee may not be imposed without prior approval by the Commission.

(e) Records, funds and accounts of funds, prizes, purses, allowances and awards under this program shall be maintained separate from other records, funds and accounts and may not become mingled with other matters. The records, funds and accounts shall be kept continuously open for inspection by the Commission.

§ 307.6. Pennsylvania Horse Breeders Association.

(a) The Commission shall contract with the Pennsylvania Horse Breeders Association as the organization responsible for the registration and records of Pennsylvania-bred Thoroughbred race horses. The Pennsylvania Horse Breeders Association shall advise the Commission when called upon and shall determine the qualifications for Pennsylvania-bred Thoroughbred race horses and Pennsylvania sires.

(b) At the close of each calendar year, the Pennsylvania Horse Breeders Association shall submit to the Commission for its approval an itemized budget of projected expenses for the ensuing year relating to the administration and development of the Pennsylvania Breeding Fund Program. The Commission, on no more than a quarterly basis, shall reimburse from the fund the Pennsylvania Horse Breeders Association for those expenses actually incurred in the administration and development of the Pennsylvania Breeding Fund Program.

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