

MICHIGAN DEPT. OF AGRICULTURE

FAIRS, EXHIBITIONS AND RACING DIVISION

REGULATION 811. PREMIUM ALLOCATIONS TO FAIRS AND EXPOSITIONS

(By authority conferred on the director of the department of agriculture by section 20 of 1995 PA 279, MCL 431.320)

R 285.811.1 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means 1995 PA 279, MCL 431.320.

(b) "American judging system" means a method of judging where all entries are placed in a rank order according to quality, for example, first, second, third.

(c) "Animal" means mollusks, crustaceans, and vertebrates.

(d) "Association" means an agricultural or a fair association which is organized under, or which is in compliance with, the laws of this state.

(e) "Categories" means 1 of the following:

(i) "Agricultural product or commodity" means any product derived from or grown as an agricultural product provided that the product is judged on the quality of the product.

(ii) "Antique" means any item at least 50 years old.

(iii) "Artwork" means any 2-dimensional or 3-dimensional original fine artwork or folk artwork or crafts, which is judged on the creative or presentation quality of the piece, or both.

(iv) "Companion animal" means any animal that is raised or maintained for a pet or breeding provided the exhibitor is judged on the quality of the animal or obedience performance, or both.

(v) "Culinary art" means any food product or beverage in which the end product is "homemade" that is judged on the quality, presentation, and/or taste.

(vi) "Demonstration" means any project with defined learning objectives that reflect the community interests or agriculture, or both. The demonstration shall be judged on the achievement of the objective and the quality of the presentation.

(vii) "Educational project" means any project with defined learning objects that reflects the community's interests or agricultural heritage, or both. The project shall be judged on the achievement of the objectives and the quality of the presentation.

(viii) "Equine" means any animal in the equine family that is raised or maintained for breeding, pleasure, use, or show provided that the animal is judged on the quality of the breed or show performance.

(ix) "Floricultural or horticulture" means any product or display of plant stock, flowers, or foliage which is judged on the quality of the stock and the artistic quality of the display.

(x) "Production livestock" means any animal that is raised for the purposes of breeding, food or market byproducts such as wool, milk, eggs, and fiber may be eligible for premiums if the exhibit is judged on quality of the livestock, breed, or the byproducts.

(xi) "Tractor" means any farm stock or antique tractor which is judged for the quality of display or pulling competition. Farm stock or antique tractors shall be of standard make and not materially altered over factory specifications. Tractors shall not operate more than 15% over factory rated RPM and horsepower shall not exceed 5 miles per hour.

(f) "Class" means a group of entries which compete against each other or a set of standards and fall under a defined category.

(g) "Danish judging system" means a method of judging in which all entries are judged against an established set of standards. All of the entries meeting the standards may receive the same award.

(h) "Department" means the Michigan department of agriculture.

(i) "Director" means the director of the department or his or her designee.

(j) "Entertainment event" means any event where a special admission is charged or an admission is charged in addition to the general gate admission to attend the event.

(k) "Exhibit" means an article, item, animal, demonstration, or educational project which is entered for public display at a fair or exposition.

(l) "Exhibit project areas" means a subset of a category which includes a set of classes.

(m) "Exhibitor" means an individual or group who participates in a showing or an event.

(n) "Exposition" means a public exhibition or show of artistic or industrial developments.

(o) "Fair" means a regional or state event, usually held annually, consisting of displays of farm and home products and various competitions and entertainment.

(p) "Owner" means the individual who owns an exhibit.

(q) "Premium" means a cash prize awarded for exhibits or to exhibitors.

(r) "Premium book or list" means a published list of all of the following:

(i) Exhibit project areas numbered as prescribed by the department.

(ii) Classes identified and numbered.

(iii) Placing offered for each class.

(iv) Premium offered for each placing.

(s) "Supplement" to the premium book or list" means a listing of corrections and updates on classes that do not appear in the original premium book or list.

(t) "Youth class" means a class open to exhibitors 21 years of age or younger as of January 1 of the fair/exposition year unless otherwise stated in these regulations.

(2) Terms defined in the act have the same meanings when used in these rules.

History: 1979 AC; 1980 AACS; 1985 AACS; 2004 AACS; 2008 MR 23, Eff. Dec. 3, 2008.

R 285.811.1a Judging.

Rule 1a. (1) Judging shall occur during or not more than 3 days before the opening day of the fair or exposition, unless otherwise approved by the director or his or her designee.

(2) Carcass exhibits may be judged and displayed at a different location.

(3) All exhibits shall be judged by using the American or Danish system for judging in competition; however, if there is only 1 entry in a class, then the exhibits shall be judged against standards accepted by the association.

(4) Judges shall not have a management or supervisory role at the fair or exposition. There shall not be an ongoing and direct relationship between the judge and any employee or exhibitor within class or classes being judged.

History: 1980 AACS; 1985 AACS; 2004 AACS; 2008 MR 23, Eff. Dec. 3, 2008.

R 285.811.2 Qualifications for allotments.

Rule 2. (1) An association receiving an allotment shall not limit the entries of the entire fair or exposition to members of an association or organization.

(2) A fair or exposition shall be conducted for a period of not less than 3 years before consideration for financial assistance except as provided for in R 285.811.2(3).

(3) If an existing fair or exposition is determined to have mismanaged state funds or suspends or ceases operations and another entity servicing the same geographic area elects to incorporate as an agricultural society, then that entity may apply for state funding during the first year of operation. The first payment shall be made after the completion of the first year's fair or exposition.

History: 1979 AC; 1985 AACS; 2004 AACS; 2008 MR 23, Eff. Dec. 3, 2008.

R 285.811.3 Exhibit premiums eligible for state allocations.

Rule 3. (1) State allocation for premium reimbursement shall be limited under the following conditions:

(a) The state allocation shall not exceed \$250.00 per placing.

(b) Not more than 10 placings per class in an open class for eligible exhibits. Youth classes are not limited on the number of placings.

(c) State-funded premiums shall not be awarded in an animal class where an exhibitor is under 6 years of age by January 1 of the fair/exposition year, and who participates as an individual.

(d) For classes under the educational projects or demonstration projects categories, participants are limited to youth who are 19 years of age by January 1 of the fair/exposition year or younger. Participants 26 years of age by January 1 of the fair/exposition year or younger, who have been determined to be eligible for special education services by the local school district, may participate in classes under the educational projects and demonstration projects.

(e) Ownership is not required for an exhibitor to show in any animal classes other than market classes.

(f) In all categories other than animal, antique, or tractor, the exhibitor shall be the creator of the article, item, or project.

(g) State-funded premiums shall not be paid to a class in an antique category that contains an item that has been entered for competition in the previous 3 years.

(2) Premiums are eligible for individual or group exhibits in any of the following defined categories that are published in the premium book or list:

(a) Agricultural products.

(b) Antique.

(c) Artwork.

(d) Companion animal.

(e) Culinary Arts.

(f) Demonstration.

(g) Educational project.

(h) Equine.

(i) Floriculture or horticulture.

(j) Production livestock.

(k) Tractor.

History: 1979 AC; 1985 AACS; 2004 AACS; 2008 MR 23, Eff. Dec. 3, 2008.

R 285.811.4 Application and approval of allotments.

Rule 4. (1) The president and secretary of an association that requests state allotments for the payment of premiums shall submit to the department a properly completed application by the date specified by the department on the application. The department shall give written notice if the application is denied.

(2) Any change to the original application shall be submitted in writing to the department.

History: 1979 AC; 1980 AACS; 1985 AACS; 2004 AACS; 2008 MR 23, Eff. Dec. 3, 2008.

R 285.811.5 Allotment and use of funds.

Rule 5. (1) The director or designee may advance funds to an association making proper application under R 285.811.4 in an amount determined by the prior year's total payment of eligible premiums and available funds as appropriated by the legislature. After an audit, any overpayment to an association for premiums shall be remitted to the department on its request.

The department shall make a preliminary audit of the prior years' payments before any authorization of funds.

(2) Funds allotted shall be for the payment of 75% or less of an

eligible cash premium not to exceed the department-approved allotment based on the appropriation for premiums. Premiums for eligible exhibits shall be paid by check within the association's fiscal year directly to each exhibitor before submission of the final reports provided for in R 285.811.6.

(3) The department may approve funds for payment of premiums for commodity expositions sanctioned by a statewide agriculture association and held in conjunction with a fair or exposition

(4) State-funded premiums shall not be paid for an entertainment event except for equine pulling and farm stock/antique tractor pulling events where these contests are held separate from any other entertainment event.

(5) To receive an allotment for livestock or equine classes, the fair or exposition shall have a policy and procedure for drug testing of animals on file with the department.

History: 1979 AC; 1980 AACS; 1985 AACS; 2004 AACS.

R 285.811.5a Premium book or list.

Rule 5a. (1) The fair or exposition shall annually publish a premium book or list.

(2) The premium book or list shall include all of the following:

(a) A list of all exhibit project areas, classes, and placings offered for each exhibit. The book or list shall state if a Danish system will be used in judging and/or if the class is open or youth participation only.

(b) Statement of any restriction to a class shall be in compliance with R 285.811.3.

(c) If classes are included from the demonstration or educational project categories, then the book shall include the learning objectives for each class in the category.

(d) The amount of the cash award for each placing.

(e) Notice that livestock exhibitors must be in compliance with animal health regulations as defined by the department and a reference must be provided on where the exhibitor can access them.

(f) The procedures to file a complaint or protest and the procedure to make an appeal to the state.

(g) The policy and procedure used for drug testing of livestock and equine.

(3) Two copies of the premium book or list shall be submitted to the department not less than 15 days before the opening of the event.

History: 1979 AC; 1980 AACS; 2004 AACS; 2008 MR 23, Eff. Dec. 3, 2008.

R 285.811.6 Final reports.

Rule 6. (1) Within 120 days after the close of a fair or exposition, an association shall submit to the department, unless notified otherwise, all of the following properly completed documents:

(a) A report of premiums paid by exhibit project areas and classes.

(b) The association's cash receipts and disbursement statement that covers a fiscal year for which state allotments were requested.

(c) Premium book supplements.

(d) A report on all tractor pulling events and certification that all farm stock tractors were inspected and meet the defined requirements.

(e) A statement from the livestock superintendent or fair personnel who is responsible for the livestock and equine departments that livestock and equine drug testing was administered according to the fair policy.

(f) A report that identifies all events during the fair that were determined to be an entertainment event.

(2) The items prescribed in subdivisions (a) and (b) of subrule (1) of this rule shall be submitted electronically or on forms provided by the department and/or approved by the director. The association shall supply the department with any additional information required in auditing of the report.

(3) The association shall keep all records pertaining to payment of premiums and make them available for inspection by state auditors for not

less than 4 years.

History: 1979 AC; 1980 AACS; 1985 AACS; 2004 AACS; 2008 MR 23, Eff. Dec. 3, 2008

R 285.811.7 Rescinded.

History: 1979 AC; 1985 AACS; 1997 AACS.

R 285.811.8 Noncompliance.

Rule 8. The department may deny state funds to any fair or exposition found to be in noncompliance with these rules.

History: 1979 AC; 1985 AACS.

R 285.811.9 Rescinded.

History: 1979 AC; 2004 AACS.

R 285.811.10 Complaints and appeal.

(1) Any exhibitor may file a complaint regarding any of the following:

- (a) Conflict of interest of the judge.
- (b) Disqualification of an exhibit or exhibitor.
- (c) Exhibitor, group leader, or superintendent behavior.
- (d) Eligibility of the exhibit.

(2) The association board, except as provided in Regulation 851, Michigan State Fair and Regulation 852, Upper Peninsula State Fair, shall adopt and maintain a complaint and appeals procedure which shall include all of the following:

(a) In accordance to the annual appropriation act, exhibitors are allowed to file a written complaint within 10 days after the end of the fair or exposition.

(b) Provide steps for the board to review, investigate, and issue a notice of findings and recommended actions.

(c) Notify the exhibitor filing the complaint that he or she may make an appeal to the department within 45 days of filing the initial complaint if the exhibitor is not satisfied with the association's action.

(3) The department shall have 60 days after receipt of any appropriately filed appeal to investigate the complaint, and shall issue a finding of fact and notice of department action and any recommended actions for the association.

History: 2004 AACS.