



Rep. Norine K. Hammond

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1 AMENDMENT TO HOUSE BILL 5459

2 AMENDMENT NO. _____. Amend House Bill 5459 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Horse Racing Act of 1975 is
5 amended by changing Sections 31 and 33.1 and by adding Section
6 3.31 as follows:

7 (230 ILCS 5/3.31 new)

8 Sec. 3.31. Illinois conceived and foaled. Notwithstanding
9 any provision of this Act to the contrary, from January 1, 2018
10 until January 1, 2022, "Illinois conceived and foaled", as the
11 term applies to a standardbred, includes a standardbred horse
12 whose sire is a qualified Illinois stallion.

13 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

14 Sec. 31. (a) The General Assembly declares that it is the
15 policy of this State to encourage the breeding of standardbred

1 horses in this State and the ownership of such horses by
2 residents of this State in order to provide for: sufficient
3 numbers of high quality standardbred horses to participate in
4 harness racing meetings in this State, and to establish and
5 preserve the agricultural and commercial benefits of such
6 breeding and racing industries to the State of Illinois. It is
7 the intent of the General Assembly to further this policy by
8 the provisions of this Section of this Act.

9 (b) Each organization licensee conducting a harness racing
10 meeting pursuant to this Act shall provide for at least two
11 races each race program limited to Illinois conceived and
12 foaled horses. A minimum of 6 races shall be conducted each
13 week limited to Illinois conceived and foaled horses. No horses
14 shall be permitted to start in such races unless duly
15 registered under the rules of the Department of Agriculture.

16 (c) Conditions of races under subsection (b) shall be
17 commensurate with past performance, quality and class of
18 Illinois conceived and foaled horses available. If, however,
19 sufficient competition cannot be had among horses of that class
20 on any day, the races may, with consent of the Board, be
21 eliminated for that day and substitute races provided.

22 (d) There is hereby created a special fund of the State
23 Treasury to be known as the Illinois Standardbred Breeders
24 Fund.

25 During the calendar year 1981, and each year thereafter,
26 except as provided in subsection (g) of Section 27 of this Act,

1 eight and one-half per cent of all the monies received by the
2 State as privilege taxes on harness racing meetings shall be
3 paid into the Illinois Standardbred Breeders Fund.

4 (e) The Illinois Standardbred Breeders Fund shall be
5 administered by the Department of Agriculture with the
6 assistance and advice of the Advisory Board created in
7 subsection (f) of this Section.

8 (f) The Illinois Standardbred Breeders Fund Advisory Board
9 is hereby created. The Advisory Board shall consist of the
10 Director of the Department of Agriculture, who shall serve as
11 Chairman; the Superintendent of the Illinois State Fair; a
12 member of the Illinois Racing Board, designated by it; a
13 representative of the largest association of Illinois
14 standardbred owners and breeders, recommended by it; a
15 representative of a statewide association representing
16 agricultural fairs in Illinois, recommended by it, such
17 representative to be from a fair at which Illinois conceived
18 and foaled racing is conducted; a representative of the
19 organization licensees conducting harness racing meetings,
20 recommended by them; a representative of the Breeder's
21 Committee of the association representing the largest number of
22 standardbred owners, breeders, trainers, caretakers, and
23 drivers, recommended by it; and a representative of the
24 association representing the largest number of standardbred
25 owners, breeders, trainers, caretakers, and drivers,
26 recommended by it. Advisory Board members shall serve for 2

1 years commencing January 1 of each odd numbered year. If
2 representatives of the largest association of Illinois
3 standardbred owners and breeders, a statewide association of
4 agricultural fairs in Illinois, the association representing
5 the largest number of standardbred owners, breeders, trainers,
6 caretakers, and drivers, a member of the Breeder's Committee of
7 the association representing the largest number of
8 standardbred owners, breeders, trainers, caretakers, and
9 drivers, and the organization licensees conducting harness
10 racing meetings have not been recommended by January 1 of each
11 odd numbered year, the Director of the Department of
12 Agriculture shall make an appointment for the organization
13 failing to so recommend a member of the Advisory Board.
14 Advisory Board members shall receive no compensation for their
15 services as members but shall be reimbursed for all actual and
16 necessary expenses and disbursements incurred in the execution
17 of their official duties.

18 (g) No monies shall be expended from the Illinois
19 Standardbred Breeders Fund except as appropriated by the
20 General Assembly. Monies appropriated from the Illinois
21 Standardbred Breeders Fund shall be expended by the Department
22 of Agriculture, with the assistance and advice of the Illinois
23 Standardbred Breeders Fund Advisory Board for the following
24 purposes only:

- 25 1. To provide purses for races limited to Illinois
26 conceived and foaled horses at the State Fair.

1 2. To provide purses for races limited to Illinois
2 conceived and foaled horses at county fairs.

3 3. To provide purse supplements for races limited to
4 Illinois conceived and foaled horses conducted by
5 associations conducting harness racing meetings.

6 4. No less than 75% of all monies in the Illinois
7 Standardbred Breeders Fund shall be expended for purses in
8 1, 2 and 3 as shown above.

9 5. In the discretion of the Department of Agriculture
10 to provide awards to harness breeders of Illinois conceived
11 and foaled horses which win races conducted by organization
12 licensees conducting harness racing meetings. A breeder is
13 the owner of a mare at the time of conception. No more than
14 10% of all monies appropriated from the Illinois
15 Standardbred Breeders Fund shall be expended for such
16 harness breeders awards. No more than 25% of the amount
17 expended for harness breeders awards shall be expended for
18 expenses incurred in the administration of such harness
19 breeders awards.

20 6. To pay for the improvement of racing facilities
21 located at the State Fair and County fairs.

22 7. To pay the expenses incurred in the administration
23 of the Illinois Standardbred Breeders Fund.

24 8. To promote the sport of harness racing.

25 (h) Whenever the Governor finds that the amount in the
26 Illinois Standardbred Breeders Fund is more than the total of

1 the outstanding appropriations from such fund, the Governor
2 shall notify the State Comptroller and the State Treasurer of
3 such fact. The Comptroller and the State Treasurer, upon
4 receipt of such notification, shall transfer such excess amount
5 from the Illinois Standardbred Breeders Fund to the General
6 Revenue Fund.

7 (i) A sum equal to 12 1/2% of the first prize money of
8 every purse won by an Illinois conceived and foaled horse shall
9 be paid by the organization licensee conducting the horse race
10 meeting to the breeder of such winning horse from the
11 organization licensee's share of the money wagered. Such
12 payment shall not reduce any award to the owner of the horse or
13 reduce the taxes payable under this Act. Such payment shall be
14 delivered by the organization licensee at the end of each race
15 meeting.

16 (j) The Department of Agriculture shall, by rule, with the
17 assistance and advice of the Illinois Standardbred Breeders
18 Fund Advisory Board:

19 1. Qualify stallions for Illinois Standardbred
20 Breeders Fund breeding; such stallion shall be owned by a
21 resident of the State of Illinois or by an Illinois
22 corporation all of whose shareholders, directors, officers
23 and incorporators are residents of the State of Illinois.
24 Such stallion shall stand for service at and within the
25 State of Illinois at the time of a foal's conception, and
26 such stallion must not stand for service at any place, nor

1 may semen from such stallion be transported, outside the
2 State of Illinois during that calendar year in which the
3 foal is conceived and that the owner of the stallion was
4 for the 12 months prior, a resident of Illinois. However,
5 from January 1, 2018 until January 1, 2022, semen from an
6 Illinois stallion may be transported outside the State of
7 Illinois. The articles of agreement of any partnership,
8 joint venture, limited partnership, syndicate, association
9 or corporation and any bylaws and stock certificates must
10 contain a restriction that provides that the ownership or
11 transfer of interest by any one of the persons a party to
12 the agreement can only be made to a person who qualifies as
13 an Illinois resident.

14 2. Provide for the registration of Illinois conceived
15 and foaled horses and no such horse shall compete in the
16 races limited to Illinois conceived and foaled horses
17 unless registered with the Department of Agriculture. The
18 Department of Agriculture may prescribe such forms as may
19 be necessary to determine the eligibility of such horses.
20 No person shall knowingly prepare or cause preparation of
21 an application for registration of such foals containing
22 false information. A mare (dam) must be in the State ~~state~~
23 at least 30 days prior to foaling or remain in the State at
24 least 30 days at the time of foaling. However, the
25 requirement that a mare (dam) must be in the State at least
26 30 days before foaling or remain in the State at least 30

1 days at the time of foaling shall not be in effect from
2 January 1, 2018 until January 1, 2022. Beginning with the
3 1996 breeding season and for foals of 1997 and thereafter,
4 a foal conceived by transported ~~fresh~~ semen may be eligible
5 for Illinois conceived and foaled registration provided
6 all breeding and foaling requirements are met. The stallion
7 must be qualified for Illinois Standardbred Breeders Fund
8 breeding at the time of conception and the mare must be
9 inseminated within the State of Illinois. The foal must be
10 dropped in Illinois and properly registered with the
11 Department of Agriculture in accordance with this Act.
12 However, from January 1, 2018 until January 1, 2022, the
13 requirement for a mare to be inseminated within the State
14 of Illinois and the requirement for a foal to be dropped in
15 Illinois are inapplicable.

16 3. Provide that at least a 5 day racing program shall
17 be conducted at the State Fair each year, which program
18 shall include at least the following races limited to
19 Illinois conceived and foaled horses: (a) a two year old
20 Trot and Pace, and Filly Division of each; (b) a three year
21 old Trot and Pace, and Filly Division of each; (c) an aged
22 Trot and Pace, and Mare Division of each.

23 4. Provide for the payment of nominating, sustaining
24 and starting fees for races promoting the sport of harness
25 racing and for the races to be conducted at the State Fair
26 as provided in subsection (j) 3 of this Section provided

1 that the nominating, sustaining and starting payment
2 required from an entrant shall not exceed 2% of the purse
3 of such race. All nominating, sustaining and starting
4 payments shall be held for the benefit of entrants and
5 shall be paid out as part of the respective purses for such
6 races. Nominating, sustaining and starting fees shall be
7 held in trust accounts for the purposes as set forth in
8 this Act and in accordance with Section 205-15 of the
9 Department of Agriculture Law (20 ILCS 205/205-15).

10 5. Provide for the registration with the Department of
11 Agriculture of Colt Associations or county fairs desiring
12 to sponsor races at county fairs.

13 (k) The Department of Agriculture, with the advice and
14 assistance of the Illinois Standardbred Breeders Fund Advisory
15 Board, may allocate monies for purse supplements for such
16 races. In determining whether to allocate money and the amount,
17 the Department of Agriculture shall consider factors,
18 including but not limited to, the amount of money appropriated
19 for the Illinois Standardbred Breeders Fund program, the number
20 of races that may occur, and an organizational licensee's purse
21 structure. The organizational licensee shall notify the
22 Department of Agriculture of the conditions and minimum purses
23 for races limited to Illinois conceived and foaled horses to be
24 conducted by each organizational licensee conducting a harness
25 racing meeting for which purse supplements have been
26 negotiated.

1 (1) All races held at county fairs and the State Fair which
2 receive funds from the Illinois Standardbred Breeders Fund
3 shall be conducted in accordance with the rules of the United
4 States Trotting Association unless otherwise modified by the
5 Department of Agriculture.

6 (m) At all standardbred race meetings held or conducted
7 under authority of a license granted by the Board, and at all
8 standardbred races held at county fairs which are approved by
9 the Department of Agriculture or at the Illinois or DuQuoin
10 State Fairs, no one shall jog, train, warm up or drive a
11 standardbred horse unless he or she is wearing a protective
12 safety helmet, with the chin strap fastened and in place, which
13 meets the standards and requirements as set forth in the 1984
14 Standard for Protective Headgear for Use in Harness Racing and
15 Other Equestrian Sports published by the Snell Memorial
16 Foundation, or any standards and requirements for headgear the
17 Illinois Racing Board may approve. Any other standards and
18 requirements so approved by the Board shall equal or exceed
19 those published by the Snell Memorial Foundation. Any
20 equestrian helmet bearing the Snell label shall be deemed to
21 have met those standards and requirements.

22 (Source: P.A. 99-756, eff. 8-12-16.)

23 (230 ILCS 5/33.1) (from Ch. 8, par. 37-33.1)

24 Sec. 33.1. (a) The Department of Agriculture shall be
25 responsible for investigating and determining the eligibility

1 of mares and Illinois conceived and foaled horses and Illinois
2 foaled horses to participate in Illinois conceived and foaled
3 and Illinois foaled races. The Department of Agriculture shall
4 also qualify stallions to participate in the Illinois
5 Standardbred and Thoroughbred programs.

6 (b) The Director of the Department of Agriculture or his
7 authorized agent is authorized to conduct hearings, administer
8 oaths, and issue subpoenas to carry out his responsibilities
9 concerning the Illinois Standardbred and Thoroughbred programs
10 as set forth in Sections 30 and 31.

11 (c) The Director of the Department of Agriculture or his
12 authorized agent shall, after a hearing, affirm or deny the
13 qualification of a stallion for the Illinois Standardbred or
14 Thoroughbred program. The decision of the Director of the
15 Department of Agriculture or his authorized agent shall be
16 subject to judicial review under the Administrative Review Law.
17 The term "administrative decision" shall have the meaning
18 ascribed to it in Section 3-101 of the Administrative Review
19 Law.

20 (d) If the determination is made that a standardbred
21 stallion is not owned by a resident of the State of Illinois or
22 that a transfer of ownership is a subterfuge to qualify a
23 standardbred stallion under the Act, or that a standardbred
24 stallion owner, manager, or person associated with him or her
25 has knowingly participated in the arrangements for
26 transporting semen from a standardbred stallion registered

1 under this Act out-of-state, the Director of the Department of
2 Agriculture or his authorized agent shall immediately publish
3 notice of such fact in publications devoted to news concerning
4 standardbred horses, announcing the disqualification of such
5 stallion or his foals. From January 1, 2018 until January 1,
6 2022, the Director of Agriculture or his or her authorized
7 agent shall not publish notice announcing the disqualification
8 of such stallion or his foals on the basis that a stallion
9 owner, manager, or person associated with him or her has
10 knowingly participated in the arrangements for transporting
11 semen from a standardbred stallion registered under this Act
12 out of State. If any person owning any stallion, mare or foal
13 is found by the Director of the Department of Agriculture or
14 his authorized agent to have willfully violated any provision
15 of this Act or to have made any false statements concerning
16 such person's stallion, mare or foal, then no animal owned by
17 such person is eligible to participate in any events conducted
18 pursuant to Sections 30 and 31.

19 (e) Any person who is served with a subpoena, issued by the
20 Director of the Department of Agriculture or his authorized
21 agent, to appear and testify or to produce documents and who
22 refuses or neglects to testify or produce documents relevant to
23 the investigation, as directed in the subpoenas, may be
24 punished as provided in this Section.

25 (f) Any circuit court of this State, upon petition by the
26 Director of the Department of Agriculture or his authorized

1 agent, may compel the attendance of witnesses, the production
2 of documents and giving the testimony required by this Section
3 in the same manner as the production of evidence may be
4 compelled in any other judicial proceeding before such court.
5 Any person who willfully swears or affirms falsely in any
6 proceeding conducted pursuant to this Section is guilty of
7 perjury.

8 (g) The fees of witnesses for attendance and travel in the
9 course of any investigation shall be the same as the fees of
10 witnesses before the circuit courts of this State.

11 (h) The Department shall have authority to promulgate rules
12 and regulations for the enforcement of Sections 30, 31 and 33.1
13 of this Act. Conditions and purses shall not be subject to
14 Section 5-40 of the Illinois Administrative Procedure Act but
15 shall be set and published from time to time.

16 (Source: P.A. 88-45; 89-16, eff. 5-30-95.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."