

SB0093



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0093

Introduced 2/3/2021, by Sen. Jil Tracy

SYNOPSIS AS INTRODUCED:

230 ILCS 5/31

from Ch. 8, par. 37-31

Amends the Illinois Horse Racing Act of 1975. In provisions concerning stallions that qualify for Illinois Standardbred Breeders Fund breeding, removes language requiring the stallion to be owned by a resident of Illinois or a corporation in which all shareholders, directors, officers, and incorporators are residents of Illinois. Removes language prohibiting semen from being transported outside of Illinois. Removes language requiring the stallion's owner to be a resident of Illinois the previous 12 months. Removes language requiring that certain agreements for ownership or transfer of interest in a stallion must restrict ownership or transfer of interest to a resident of Illinois. Effective immediately.

LRB102 09990 SMS 15308 b

A BILL FOR

1 AN ACT concerning gaming.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Horse Racing Act of 1975 is
5 amended by changing Section 31 as follows:

6 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

7 Sec. 31. (a) The General Assembly declares that it is the
8 policy of this State to encourage the breeding of standardbred
9 horses in this State and the ownership of such horses by
10 residents of this State in order to provide for: sufficient
11 numbers of high quality standardbred horses to participate in
12 harness racing meetings in this State, and to establish and
13 preserve the agricultural and commercial benefits of such
14 breeding and racing industries to the State of Illinois. It is
15 the intent of the General Assembly to further this policy by
16 the provisions of this Section of this Act.

17 (b) Each organization licensee conducting a harness racing
18 meeting pursuant to this Act shall provide for at least two
19 races each race program limited to Illinois conceived and
20 foaled horses. A minimum of 6 races shall be conducted each
21 week limited to Illinois conceived and foaled horses. No
22 horses shall be permitted to start in such races unless duly
23 registered under the rules of the Department of Agriculture.

1 (b-5) Organization licensees, not including the Illinois
2 State Fair or the DuQuoin State Fair, shall provide stake
3 races and early closer races for Illinois conceived and foaled
4 horses so that purses distributed for such races shall be no
5 less than 17% of total purses distributed for harness racing
6 in that calendar year in addition to any stakes payments and
7 starting fees contributed by horse owners.

8 (b-10) Each organization licensee conducting a harness
9 racing meeting pursuant to this Act shall provide an owner
10 award to be paid from the purse account equal to 12% of the
11 amount earned by Illinois conceived and foaled horses
12 finishing in the first 3 positions in races that are not
13 restricted to Illinois conceived and foaled horses. The owner
14 awards shall not be paid on races below the \$10,000 claiming
15 class.

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
20 class 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. Beginning on June 28, 2019 (the effective date of Public
25 Act 101-31) ~~this amendatory Act of the 101st General Assembly,~~
26 the Illinois Standardbred Breeders Fund shall become a

1 non-appropriated trust fund held separate and apart from State
2 moneys. Expenditures from this Fund shall no longer be subject
3 to appropriation.

4 During the calendar year 1981, and each year thereafter,
5 except as provided in subsection (g) of Section 27 of this Act,
6 eight and one-half per cent of all the monies received by the
7 State as privilege taxes on harness racing meetings shall be
8 paid into the Illinois Standardbred Breeders Fund.

9 (e) Notwithstanding any provision of law to the contrary,
10 amounts deposited into the Illinois Standardbred Breeders Fund
11 from revenues generated by gaming pursuant to an organization
12 gaming license issued under the Illinois Gambling Act after
13 June 28, 2019 (the effective date of Public Act 101-31) ~~this~~
14 ~~amendatory Act of the 101st General Assembly~~ shall be in
15 addition to tax and fee amounts paid under this Section for
16 calendar year 2019 and thereafter. The Illinois Standardbred
17 Breeders Fund shall be administered by the Department of
18 Agriculture with the assistance and advice of the Advisory
19 Board created in subsection (f) of this Section.

20 (f) The Illinois Standardbred Breeders Fund Advisory Board
21 is hereby created. The Advisory Board shall consist of the
22 Director of the Department of Agriculture, who shall serve as
23 Chairman; the Superintendent of the Illinois State Fair; a
24 member of the Illinois Racing Board, designated by it; a
25 representative of the largest association of Illinois
26 standardbred owners and breeders, recommended by it; a

1 representative of a statewide association representing
2 agricultural fairs in Illinois, recommended by it, such
3 representative to be from a fair at which Illinois conceived
4 and foaled racing is conducted; a representative of the
5 organization licensees conducting harness racing meetings,
6 recommended by them; a representative of the Breeder's
7 Committee of the association representing the largest number
8 of standardbred owners, breeders, trainers, caretakers, and
9 drivers, recommended by it; and a representative of the
10 association representing the largest number of standardbred
11 owners, breeders, trainers, caretakers, and drivers,
12 recommended by it. Advisory Board members shall serve for 2
13 years commencing January 1 of each odd numbered year. If
14 representatives of the largest association of Illinois
15 standardbred owners and breeders, a statewide association of
16 agricultural fairs in Illinois, the association representing
17 the largest number of standardbred owners, breeders, trainers,
18 caretakers, and drivers, a member of the Breeder's Committee
19 of the association representing the largest number of
20 standardbred owners, breeders, trainers, caretakers, and
21 drivers, and the organization licensees conducting harness
22 racing meetings have not been recommended by January 1 of each
23 odd numbered year, the Director of the Department of
24 Agriculture shall make an appointment for the organization
25 failing to so recommend a member of the Advisory Board.
26 Advisory Board members shall receive no compensation for their

1 services as members but shall be reimbursed for all actual and
2 necessary expenses and disbursements incurred in the execution
3 of their official duties.

4 (g) Monies expended from the Illinois Standardbred
5 Breeders Fund shall be expended by the Department of
6 Agriculture, with the assistance and advice of the Illinois
7 Standardbred Breeders Fund Advisory Board for the following
8 purposes only:

9 1. To provide purses for races limited to Illinois
10 conceived and foaled horses at the State Fair and the
11 DuQuoin State Fair.

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

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

17 4. No less than 75% of all monies in the Illinois
18 Standardbred Breeders Fund shall be expended for purses in
19 1, 2, and 3 as shown above.

20 5. In the discretion of the Department of Agriculture
21 to provide awards to harness breeders of Illinois
22 conceived and foaled horses which win races conducted by
23 organization licensees conducting harness racing meetings.
24 A breeder is the owner of a mare at the time of conception.
25 No more than 10% of all monies appropriated from the
26 Illinois Standardbred Breeders Fund shall be expended for

1 such harness breeders awards. No more than 25% of the
2 amount expended for harness breeders awards shall be
3 expended for expenses incurred in the administration of
4 such harness breeders awards.

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

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

9 8. To promote the sport of harness racing, including
10 grants up to a maximum of \$7,500 per fair per year for
11 conducting pari-mutuel wagering during the advertised
12 dates of a county fair.

13 9. To pay up to \$50,000 annually for the Department of
14 Agriculture to conduct drug testing at county fairs racing
15 standardbred horses.

16 (h) The Illinois Standardbred Breeders Fund is not subject
17 to administrative charges or chargebacks, including, but not
18 limited to, those authorized under Section 8h of the State
19 Finance Act.

20 (i) A sum equal to 13% of the first prize money of the
21 gross purse won by an Illinois conceived and foaled horse
22 shall be paid 50% by the organization licensee conducting the
23 horse race meeting to the breeder of such winning horse from
24 the organization licensee's account and 50% from the purse
25 account of the licensee. Such payment shall not reduce any
26 award to the owner of the horse or reduce the taxes payable

1 under this Act. Such payment shall be delivered by the
2 organization licensee at the end of each quarter.

3 (j) The Department of Agriculture shall, by rule, with the
4 assistance and advice of the Illinois Standardbred Breeders
5 Fund Advisory Board:

6 1. Qualify stallions for Illinois Standardbred
7 Breeders Fund breeding; ~~such stallion shall be owned by a~~
8 ~~resident of the State of Illinois or by an Illinois~~
9 ~~corporation all of whose shareholders, directors, officers~~
10 ~~and incorporators are residents of the State of Illinois.~~
11 Such stallion shall stand for service at and within the
12 State of Illinois at the time of a foal's conception, and
13 such stallion must not stand for service at any place, ~~nor~~
14 ~~may semen from such stallion be transported,~~ outside the
15 State of Illinois during that calendar year in which the
16 foal is conceived ~~and that the owner of the stallion was~~
17 ~~for the 12 months prior, a resident of Illinois.~~ However,
18 from January 1, 2018 until January 1, 2022, semen from an
19 Illinois stallion may be transported outside the State of
20 Illinois. ~~The articles of agreement of any partnership,~~
21 ~~joint venture, limited partnership, syndicate, association~~
22 ~~or corporation and any bylaws and stock certificates must~~
23 ~~contain a restriction that provides that the ownership or~~
24 ~~transfer of interest by any one of the persons a party to~~
25 ~~the agreement can only be made to a person who qualifies as~~
26 ~~an Illinois resident.~~

1 2. Provide for the registration of Illinois conceived
2 and foaled horses and no such horse shall compete in the
3 races limited to Illinois conceived and foaled horses
4 unless registered with the Department of Agriculture. The
5 Department of Agriculture may prescribe such forms as may
6 be necessary to determine the eligibility of such horses.
7 No person shall knowingly prepare or cause preparation of
8 an application for registration of such foals containing
9 false information. A mare (dam) must be in the State at
10 least 30 days prior to foaling or remain in the State at
11 least 30 days at the time of foaling. However, the
12 requirement that a mare (dam) must be in the State at least
13 30 days before foaling or remain in the State at least 30
14 days at the time of foaling shall not be in effect from
15 January 1, 2018 until January 1, 2022. Beginning with the
16 1996 breeding season and for foals of 1997 and thereafter,
17 a foal conceived by transported semen may be eligible for
18 Illinois conceived and foaled registration provided all
19 breeding and foaling requirements are met. The stallion
20 must be qualified for Illinois Standardbred Breeders Fund
21 breeding at the time of conception and the mare must be
22 inseminated within the State of Illinois. The foal must be
23 dropped in Illinois and properly registered with the
24 Department of Agriculture in accordance with this Act.
25 However, from January 1, 2018 until January 1, 2022, the
26 requirement for a mare to be inseminated within the State

1 of Illinois and the requirement for a foal to be dropped in
2 Illinois are inapplicable.

3 3. Provide that at least a 5-day racing program shall
4 be conducted at the State Fair each year, unless an
5 alternate racing program is requested by the Illinois
6 Standardbred Breeders Fund Advisory Board, which program
7 shall include at least the following races limited to
8 Illinois conceived and foaled horses: (a) a 2-year-old ~~two~~
9 ~~year-old~~ Trot and Pace, and Filly Division of each; (b) a
10 3-year-old ~~three year old~~ Trot and Pace, and Filly
11 Division of each; (c) an aged Trot and Pace, and Mare
12 Division of each.

13 4. Provide for the payment of nominating, sustaining
14 and starting fees for races promoting the sport of harness
15 racing and for the races to be conducted at the State Fair
16 as provided in subsection (j) 3 of this Section provided
17 that the nominating, sustaining and starting payment
18 required from an entrant shall not exceed 2% of the purse
19 of such race. All nominating, sustaining and starting
20 payments shall be held for the benefit of entrants and
21 shall be paid out as part of the respective purses for such
22 races. Nominating, sustaining and starting fees shall be
23 held in trust accounts for the purposes as set forth in
24 this Act and in accordance with Section 205-15 of the
25 Department of Agriculture Law.

26 5. Provide for the registration with the Department of

1 Agriculture of Colt Associations or county fairs desiring
2 to sponsor races at county fairs.

3 6. Provide for the promotion of producing standardbred
4 racehorses by providing a bonus award program for owners
5 of 2-year-old horses that win multiple major stakes races
6 that are limited to Illinois conceived and foaled horses.

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

21 (l) All races held at county fairs and the State Fair which
22 receive funds from the Illinois Standardbred Breeders Fund
23 shall be conducted in accordance with the rules of the United
24 States Trotting Association unless otherwise modified by the
25 Department of Agriculture.

26 (m) At all standardbred race meetings held or conducted

1 under authority of a license granted by the Board, and at all
2 standardbred races held at county fairs which are approved by
3 the Department of Agriculture or at the Illinois or DuQuoin
4 State Fairs, no one shall jog, train, warm up or drive a
5 standardbred horse unless he or she is wearing a protective
6 safety helmet, with the chin strap fastened and in place,
7 which meets the standards and requirements as set forth in the
8 1984 Standard for Protective Headgear for Use in Harness
9 Racing and Other Equestrian Sports published by the Snell
10 Memorial Foundation, or any standards and requirements for
11 headgear the Illinois Racing Board may approve. Any other
12 standards and requirements so approved by the Board shall
13 equal or exceed those published by the Snell Memorial
14 Foundation. Any equestrian helmet bearing the Snell label
15 shall be deemed to have met those standards and requirements.
16 (Source: P.A. 100-777, eff. 8-10-18; 101-31, eff. 6-28-19;
17 101-157, eff. 7-26-19; revised 9-27-19.)

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