

SB1608



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1608

Introduced 2/13/2013, by Sen. John M. Sullivan

SYNOPSIS AS INTRODUCED:

230 ILCS 5/31

from Ch. 8, par. 37-31

Amends the Illinois Horse Racing Act of 1975. In provisions concerning racing of standardbred horses, provides that sufficient competition is defined as competition between 5 or more horses. Effective immediately.

LRB098 07413 AMC 37480 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 amended
5 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 horses
22 shall be permitted to start in such races unless duly
23 registered under the rules of the Department of Agriculture.

1 (c) Conditions of races under subsection (b) shall be
2 commensurate with past performance, quality and class of
3 Illinois conceived and foaled horses available. If, however,
4 sufficient competition, defined for the purposes of this
5 subsection (c) as competition between 5 or more horses, cannot
6 be had among horses of that class on any day, the races may,
7 with consent of the Board, be eliminated for that day and
8 substitute races provided.

9 (d) There is hereby created a special fund of the State
10 Treasury to be known as the Illinois Standardbred Breeders
11 Fund.

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

17 (e) The Illinois Standardbred Breeders Fund shall be
18 administered by the Department of Agriculture with the
19 assistance and advice of the Advisory Board created in
20 subsection (f) of this Section.

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

1 Breeders Association, recommended by it; a representative of
2 the Illinois Association of Agricultural Fairs, recommended by
3 it, such representative to be from a fair at which Illinois
4 conceived and foaled racing is conducted; a representative of
5 the organization licensees conducting harness racing meetings,
6 recommended by them and a representative of the Illinois
7 Harness Horsemen's Association, recommended by it. Advisory
8 Board members shall serve for 2 years commencing January 1, of
9 each odd numbered year. If representatives of the Illinois
10 Standardbred Owners and Breeders Associations, the Illinois
11 Association of Agricultural Fairs, the Illinois Harness
12 Horsemen's Association, and the organization licensees
13 conducting harness racing meetings have not been recommended by
14 January 1, of each odd numbered year, the Director of the
15 Department of Agriculture shall make an appointment for the
16 organization failing to so recommend a member of the Advisory
17 Board. Advisory Board members shall receive no compensation for
18 their services as members but shall be reimbursed for all
19 actual and necessary expenses and disbursements incurred in the
20 execution of their official duties.

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

1 purposes only:

2 1. To provide purses for races limited to Illinois
3 conceived and foaled horses at the State Fair.

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

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

9 4. No less than 75% of all monies in the Illinois
10 Standardbred Breeders Fund shall be expended for purses in
11 1, 2 and 3 as shown above.

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

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

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

1 8. To promote the sport of harness racing.

2 (h) Whenever the Governor finds that the amount in the
3 Illinois Standardbred Breeders Fund is more than the total of
4 the outstanding appropriations from such fund, the Governor
5 shall notify the State Comptroller and the State Treasurer of
6 such fact. The Comptroller and the State Treasurer, upon
7 receipt of such notification, shall transfer such excess amount
8 from the Illinois Standardbred Breeders Fund to the General
9 Revenue Fund.

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

19 (j) The Department of Agriculture shall, by rule, with the
20 assistance and advice of the Illinois Standardbred Breeders
21 Fund Advisory Board:

22 1. Qualify stallions for Illinois Standardbred Breeders
23 Fund breeding; such stallion shall be owned by a resident of
24 the State of Illinois or by an Illinois corporation all of
25 whose shareholders, directors, officers and incorporators are
26 residents of the State of Illinois. Such stallion shall stand

1 for service at and within the State of Illinois at the time of
2 a foal's conception, and such stallion must not stand for
3 service at any place, nor may semen from such stallion be
4 transported, outside the State of Illinois during that calendar
5 year in which the foal is conceived and that the owner of the
6 stallion was for the 12 months prior, a resident of Illinois.
7 The articles of agreement of any partnership, joint venture,
8 limited partnership, syndicate, association or corporation and
9 any bylaws and stock certificates must contain a restriction
10 that provides that the ownership or transfer of interest by any
11 one of the persons a party to the agreement can only be made to
12 a person who qualifies as an Illinois resident.

13 2. Provide for the registration of Illinois conceived and
14 foaled horses and no such horse shall compete in the races
15 limited to Illinois conceived and foaled horses unless
16 registered with the Department of Agriculture. The Department
17 of Agriculture may prescribe such forms as may be necessary to
18 determine the eligibility of such horses. No person shall
19 knowingly prepare or cause preparation of an application for
20 registration of such foals containing false information. A mare
21 (dam) must be in the state at least 30 days prior to foaling or
22 remain in the State at least 30 days at the time of foaling.
23 Beginning with the 1996 breeding season and for foals of 1997
24 and thereafter, a foal conceived by transported fresh semen may
25 be eligible for Illinois conceived and foaled registration
26 provided all breeding and foaling requirements are met. The

1 stallion must be qualified for Illinois Standardbred Breeders
2 Fund breeding at the time of conception and the mare must be
3 inseminated within the State of Illinois. The foal must be
4 dropped in Illinois and properly registered with the Department
5 of Agriculture in accordance with this Act.

6 3. Provide that at least a 5 day racing program shall be
7 conducted at the State Fair each year, which program shall
8 include at least the following races limited to Illinois
9 conceived and foaled horses: (a) a two year old Trot and Pace,
10 and Filly Division of each; (b) a three year old Trot and Pace,
11 and Filly Division of each; (c) an aged Trot and Pace, and Mare
12 Division of each.

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

25 5. Provide for the registration with the Department of
26 Agriculture of Colt Associations or county fairs desiring to

1 sponsor races at county fairs.

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

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

21 (m) At all standardbred race meetings held or conducted
22 under authority of a license granted by the Board, and at all
23 standardbred races held at county fairs which are approved by
24 the Department of Agriculture or at the Illinois or DuQuoin
25 State Fairs, no one shall jog, train, warm up or drive a
26 standardbred horse unless he or she is wearing a protective

1 safety helmet, with the chin strap fastened and in place, which
2 meets the standards and requirements as set forth in the 1984
3 Standard for Protective Headgear for Use in Harness Racing and
4 Other Equestrian Sports published by the Snell Memorial
5 Foundation, or any standards and requirements for headgear the
6 Illinois Racing Board may approve. Any other standards and
7 requirements so approved by the Board shall equal or exceed
8 those published by the Snell Memorial Foundation. Any
9 equestrian helmet bearing the Snell label shall be deemed to
10 have met those standards and requirements.

11 (Source: P.A. 91-239, eff. 1-1-00.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.