



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5459

by Rep. Norine K. Hammond

#### SYNOPSIS AS INTRODUCED:

|                     |                          |
|---------------------|--------------------------|
| 230 ILCS 5/3.31 new |                          |
| 230 ILCS 5/31       | from Ch. 8, par. 37-31   |
| 230 ILCS 5/33.1     | from Ch. 8, par. 37-33.1 |

Amends the Illinois Horse Racing Act of 1975. The following changes are effective until January 1, 2022: Provides that "Illinois conceived and foaled", as the term applies to a standardbred, includes a standardbred horse whose sire is a qualified Illinois stallion. Provides that semen from a stallion qualified for the Illinois Standardbred Breeders Fund may be transported outside the State. Removes the requirement that for a horse to qualify for an Illinois conceived and foaled race the mare must be in the State at least 30 days before foaling or remain the State at least 30 days at the time of foaling. Removes the requirement that for a horse to qualify for an Illinois conceived and foaled race the mare must be inseminated within the State and the foal must be dropped in the State. Provides that the Director of Agriculture or his or her authorized agent shall not publish notice announcing disqualification of a stallion or his foals on the basis that the stallion owner, manager, or person associated has knowingly participated in the arrangements for transporting semen from a standardbred stallion registered under the Act out of State. Effective immediately.

LRB100 20006 SMS 35287 b

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 Sections 31 and 33.1 and by adding Section 3.31 as  
6 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 the effective  
10 date of this amendatory Act of the 100th General Assembly until  
11 January 1, 2022, "Illinois conceived and foaled", as the term  
12 applies to a standardbred, includes a standardbred horse whose  
13 sire is a qualified Illinois stallion.

14 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

15 Sec. 31. (a) The General Assembly declares that it is the  
16 policy of this State to encourage the breeding of standardbred  
17 horses in this State and the ownership of such horses by  
18 residents of this State in order to provide for: sufficient  
19 numbers of high quality standardbred horses to participate in  
20 harness racing meetings in this State, and to establish and  
21 preserve the agricultural and commercial benefits of such  
22 breeding and racing industries to the State of Illinois. It is

1 the intent of the General Assembly to further this policy by  
2 the provisions of this Section of this Act.

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

10 (c) Conditions of races under subsection (b) shall be  
11 commensurate with past performance, quality and class of  
12 Illinois conceived and foaled horses available. If, however,  
13 sufficient competition cannot be had among horses of that class  
14 on any day, the races may, with consent of the Board, be  
15 eliminated for that day and substitute races provided.

16 (d) There is hereby created a special fund of the State  
17 Treasury to be known as the Illinois Standardbred Breeders  
18 Fund.

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

24 (e) The Illinois Standardbred Breeders Fund shall be  
25 administered by the Department of Agriculture with the  
26 assistance and advice of the Advisory Board created in

1 subsection (f) of this Section.

2 (f) The Illinois Standardbred Breeders Fund Advisory Board  
3 is hereby created. The Advisory Board shall consist of the  
4 Director of the Department of Agriculture, who shall serve as  
5 Chairman; the Superintendent of the Illinois State Fair; a  
6 member of the Illinois Racing Board, designated by it; a  
7 representative of the largest association of Illinois  
8 standardbred owners and breeders, recommended by it; a  
9 representative of a statewide association representing  
10 agricultural fairs in Illinois, recommended by it, such  
11 representative to be from a fair at which Illinois conceived  
12 and foaled racing is conducted; a representative of the  
13 organization licensees conducting harness racing meetings,  
14 recommended by them; a representative of the Breeder's  
15 Committee of the association representing the largest number of  
16 standardbred owners, breeders, trainers, caretakers, and  
17 drivers, recommended by it; and a representative of the  
18 association representing the largest number of standardbred  
19 owners, breeders, trainers, caretakers, and drivers,  
20 recommended by it. Advisory Board members shall serve for 2  
21 years commencing January 1 of each odd numbered year. If  
22 representatives of the largest association of Illinois  
23 standardbred owners and breeders, a statewide association of  
24 agricultural fairs in Illinois, the association representing  
25 the largest number of standardbred owners, breeders, trainers,  
26 caretakers, and drivers, a member of the Breeder's Committee of

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

12 (g) No monies shall be expended from the Illinois  
13 Standardbred Breeders Fund except as appropriated by the  
14 General Assembly. Monies appropriated from the Illinois  
15 Standardbred Breeders Fund shall be expended by the Department  
16 of Agriculture, with the assistance and advice of the Illinois  
17 Standardbred Breeders Fund Advisory Board for the following  
18 purposes only:

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

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

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

26 4. No less than 75% of all monies in the Illinois

1 Standardbred Breeders Fund shall be expended for purses in  
2 1, 2 and 3 as shown above.

3 5. In the discretion of the Department of Agriculture  
4 to provide awards to harness breeders of Illinois conceived  
5 and foaled horses which win races conducted by organization  
6 licensees conducting harness racing meetings. A breeder is  
7 the owner of a mare at the time of conception. No more than  
8 10% of all monies appropriated from the Illinois  
9 Standardbred Breeders Fund shall be expended for such  
10 harness breeders awards. No more than 25% of the amount  
11 expended for harness breeders awards shall be expended for  
12 expenses incurred in the administration of such harness  
13 breeders awards.

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

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

18 8. To promote the sport of harness racing.

19 (h) Whenever the Governor finds that the amount in the  
20 Illinois Standardbred Breeders Fund is more than the total of  
21 the outstanding appropriations from such fund, the Governor  
22 shall notify the State Comptroller and the State Treasurer of  
23 such fact. The Comptroller and the State Treasurer, upon  
24 receipt of such notification, shall transfer such excess amount  
25 from the Illinois Standardbred Breeders Fund to the General  
26 Revenue Fund.

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

10 (j) The Department of Agriculture shall, by rule, with the  
11 assistance and advice of the Illinois Standardbred Breeders  
12 Fund Advisory Board:

13 1. Qualify stallions for Illinois Standardbred  
14 Breeders Fund breeding; such stallion shall be owned by a  
15 resident of the State of Illinois or by an Illinois  
16 corporation all of whose shareholders, directors, officers  
17 and incorporators are residents of the State of Illinois.  
18 Such stallion shall stand for service at and within the  
19 State of Illinois at the time of a foal's conception, and  
20 such stallion must not stand for service at any place, nor  
21 may semen from such stallion be transported, outside the  
22 State of Illinois during that calendar year in which the  
23 foal is conceived and that the owner of the stallion was  
24 for the 12 months prior, a resident of Illinois. However,  
25 upon the effective date of this amendatory Act of the 100th  
26 General Assembly until January 1, 2022, semen from an

1       Illinois stallion may be transported outside the State of  
2       Illinois. The articles of agreement of any partnership,  
3       joint venture, limited partnership, syndicate, association  
4       or corporation and any bylaws and stock certificates must  
5       contain a restriction that provides that the ownership or  
6       transfer of interest by any one of the persons a party to  
7       the agreement can only be made to a person who qualifies as  
8       an Illinois resident.

9               2. Provide for the registration of Illinois conceived  
10       and foaled horses and no such horse shall compete in the  
11       races limited to Illinois conceived and foaled horses  
12       unless registered with the Department of Agriculture. The  
13       Department of Agriculture may prescribe such forms as may  
14       be necessary to determine the eligibility of such horses.  
15       No person shall knowingly prepare or cause preparation of  
16       an application for registration of such foals containing  
17       false information. A mare (dam) must be in the State ~~state~~  
18       at least 30 days prior to foaling or remain in the State at  
19       least 30 days at the time of foaling. However, the  
20       requirement that a mare (dam) must be in the State at least  
21       30 days before foaling or remain in the State at least 30  
22       days at the time of foaling shall not be in effect from the  
23       effective date of this amendatory Act of the 100th General  
24       Assembly until January 1, 2022. Beginning with the 1996  
25       breeding season and for foals of 1997 and thereafter, a  
26       foal conceived by transported fresh semen may be eligible



1 for Illinois conceived and foaled registration provided  
2 all breeding and foaling requirements are met. The stallion  
3 must be qualified for Illinois Standardbred Breeders Fund  
4 breeding at the time of conception and the mare must be  
5 inseminated within the State of Illinois. The foal must be  
6 dropped in Illinois and properly registered with the  
7 Department of Agriculture in accordance with this Act.  
8 However, from the effective date of this amendatory Act of  
9 the 100th General Assembly until January 1, 2022, the  
10 requirement for a mare to be inseminated within the State  
11 of Illinois and the requirement for a foal to be dropped in  
12 Illinois are inapplicable.

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

20 4. Provide for the payment of nominating, sustaining  
21 and starting fees for races promoting the sport of harness  
22 racing and for the races to be conducted at the State Fair  
23 as provided in subsection (j) 3 of this Section provided  
24 that the nominating, sustaining and starting payment  
25 required from an entrant shall not exceed 2% of the purse  
26 of such race. All nominating, sustaining and starting

1 payments shall be held for the benefit of entrants and  
2 shall be paid out as part of the respective purses for such  
3 races. Nominating, sustaining and starting fees shall be  
4 held in trust accounts for the purposes as set forth in  
5 this Act and in accordance with Section 205-15 of the  
6 Department of Agriculture Law (20 ILCS 205/205-15).

7 5. Provide for the registration with the Department of  
8 Agriculture of Colt Associations or county fairs desiring  
9 to sponsor races at county fairs.

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

24 (l) All races held at county fairs and the State Fair which  
25 receive funds from the Illinois Standardbred Breeders Fund  
26 shall be conducted in accordance with the rules of the United

1 States Trotting Association unless otherwise modified by the  
2 Department of Agriculture.

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

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

20 (230 ILCS 5/33.1) (from Ch. 8, par. 37-33.1)

21 Sec. 33.1. (a) The Department of Agriculture shall be  
22 responsible for investigating and determining the eligibility  
23 of mares and Illinois conceived and foaled horses and Illinois  
24 foaled horses to participate in Illinois conceived and foaled  
25 and Illinois foaled races. The Department of Agriculture shall

1 also qualify stallions to participate in the Illinois  
2 Standardbred and Thoroughbred programs.

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

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

17 (d) If the determination is made that a standardbred  
18 stallion is not owned by a resident of the State of Illinois or  
19 that a transfer of ownership is a subterfuge to qualify a  
20 standardbred stallion under the Act, or that a standardbred  
21 stallion owner, manager, or person associated with him or her  
22 has knowingly participated in the arrangements for  
23 transporting semen from a standardbred stallion registered  
24 under this Act out-of-state, the Director of the Department of  
25 Agriculture or his authorized agent shall immediately publish  
26 notice of such fact in publications devoted to news concerning

1 standardbred horses, announcing the disqualification of such  
2 stallion or his foals. Beginning on the effective date of this  
3 amendatory Act of the 100th General Assembly until January 1,  
4 2022, the Director of Agriculture or his or her authorized  
5 agent shall not publish notice announcing the disqualification  
6 of such stallion or his foals on the basis that a stallion  
7 owner, manager, or person associated with him or her has  
8 knowingly participated in the arrangements for transporting  
9 semen from a standardbred stallion registered under this Act  
10 out of State. If any person owning any stallion, mare or foal  
11 is found by the Director of the Department of Agriculture or  
12 his authorized agent to have willfully violated any provision  
13 of this Act or to have made any false statements concerning  
14 such person's stallion, mare or foal, then no animal owned by  
15 such person is eligible to participate in any events conducted  
16 pursuant to Sections 30 and 31.

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

23 (f) Any circuit court of this State, upon petition by the  
24 Director of the Department of Agriculture or his authorized  
25 agent, may compel the attendance of witnesses, the production  
26 of documents and giving the testimony required by this Section

1 in the same manner as the production of evidence may be  
2 compelled in any other judicial proceeding before such court.  
3 Any person who willfully swears or affirms falsely in any  
4 proceeding conducted pursuant to this Section is guilty of  
5 perjury.

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

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

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

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.