

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 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  
16 horses in this State and the ownership of such horses by  
17 residents of this State in order to provide for: sufficient  
18 numbers of high quality standardbred horses to participate in  
19 harness racing meetings in this State, and to establish and  
20 preserve the agricultural and commercial benefits of such  
21 breeding and racing industries to the State of Illinois. It is  
22 the intent of the General Assembly to further this policy by

1 the provisions of this Section of this Act.

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

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

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

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

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

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

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

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

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

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

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

25 4. No less than 75% of all monies in the Illinois  
26 Standardbred Breeders Fund shall be expended for purses in

1 1, 2 and 3 as shown above.

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

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

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

17 8. To promote the sport of harness racing.

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

26 (i) A sum equal to 12 1/2% of the first prize money of

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

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

12 1. Qualify stallions for Illinois Standardbred  
13 Breeders Fund breeding; such stallion shall be owned by a  
14 resident of the State of Illinois or by an Illinois  
15 corporation all of whose shareholders, directors, officers  
16 and incorporators are residents of the State of Illinois.  
17 Such stallion shall stand for service at and within the  
18 State of Illinois at the time of a foal's conception, and  
19 such stallion must not stand for service at any place, nor  
20 may semen from such stallion be transported, outside the  
21 State of Illinois during that calendar year in which the  
22 foal is conceived and that the owner of the stallion was  
23 for the 12 months prior, a resident of Illinois. However,  
24 from January 1, 2018 until January 1, 2022, semen from an  
25 Illinois stallion may be transported outside the State of  
26 Illinois. The articles of agreement of any partnership,

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

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

1 breeding at the time of conception and the mare must be  
2 inseminated within the State of Illinois. The foal must be  
3 dropped in Illinois and properly registered with the  
4 Department of Agriculture in accordance with this Act.  
5 However, from January 1, 2018 until January 1, 2022, the  
6 requirement for a mare to be inseminated within the State  
7 of Illinois and the requirement for a foal to be dropped in  
8 Illinois are inapplicable.

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

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

1           this Act and in accordance with Section 205-15 of the  
2           Department of Agriculture Law (20 ILCS 205/205-15).

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

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

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

25          (m) At all standardbred race meetings held or conducted  
26          under authority of a license granted by the Board, and at all

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

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

16 (230 ILCS 5/33.1) (from Ch. 8, par. 37-33.1)

17 Sec. 33.1. (a) The Department of Agriculture shall be  
18 responsible for investigating and determining the eligibility  
19 of mares and Illinois conceived and foaled horses and Illinois  
20 foaled horses to participate in Illinois conceived and foaled  
21 and Illinois foaled races. The Department of Agriculture shall  
22 also qualify stallions to participate in the Illinois  
23 Standardbred and Thoroughbred programs.

24 (b) The Director of the Department of Agriculture or his  
25 authorized agent is authorized to conduct hearings, administer

1 oaths, and issue subpoenas to carry out his responsibilities  
2 concerning the Illinois Standardbred and Thoroughbred programs  
3 as set forth in Sections 30 and 31.

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

13 (d) If the determination is made that a standardbred  
14 stallion is not owned by a resident of the State of Illinois or  
15 that a transfer of ownership is a subterfuge to qualify a  
16 standardbred stallion under the Act, or that a standardbred  
17 stallion owner, manager, or person associated with him or her  
18 has knowingly participated in the arrangements for  
19 transporting semen from a standardbred stallion registered  
20 under this Act out-of-state, the Director of the Department of  
21 Agriculture or his authorized agent shall immediately publish  
22 notice of such fact in publications devoted to news concerning  
23 standardbred horses, announcing the disqualification of such  
24 stallion or his foals. From January 1, 2018 until January 1,  
25 2022, the Director of Agriculture or his or her authorized  
26 agent shall not publish notice announcing the disqualification

1 of such stallion or his foals on the basis that a stallion  
2 owner, manager, or person associated with him or her has  
3 knowingly participated in the arrangements for transporting  
4 semen from a standardbred stallion registered under this Act  
5 out of State. If any person owning any stallion, mare or foal  
6 is found by the Director of the Department of Agriculture or  
7 his authorized agent to have willfully violated any provision  
8 of this Act or to have made any false statements concerning  
9 such person's stallion, mare or foal, then no animal owned by  
10 such person is eligible to participate in any events conducted  
11 pursuant to Sections 30 and 31.

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

18 (f) Any circuit court of this State, upon petition by the  
19 Director of the Department of Agriculture or his authorized  
20 agent, may compel the attendance of witnesses, the production  
21 of documents and giving the testimony required by this Section  
22 in the same manner as the production of evidence may be  
23 compelled in any other judicial proceeding before such court.  
24 Any person who willfully swears or affirms falsely in any  
25 proceeding conducted pursuant to this Section is guilty of  
26 perjury.

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

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

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

10           Section 99. Effective date. This Act takes effect upon  
11 becoming law.