

SB2094



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2094

Introduced 2/9/2023, by Sen. Doris Turner

SYNOPSIS AS INTRODUCED:

230 ILCS 5/33.1

from Ch. 8, par. 37-33.1

Amends the Illinois Horse Racing Act of 1975. Removes a provision providing that if the determination is made that a standardbred stallion is not owned by a resident of the State of Illinois or that a transfer of ownership is a subterfuge to qualify a standardbred stallion under the Act, or that a standardbred stallion owner, manager, or person associated with him or her has knowingly participated in the arrangements for transporting semen from a standardbred stallion registered under this Act out-of-state, the Director of the Department of Agriculture or his authorized agent shall immediately publish notice of such fact in publications devoted to news concerning standardbred horses. Removes a provision providing that if any person owning any stallion, mare or foal is found by the Director or his authorized agent to have willfully violated any provision of the Act or to have made any false statements concerning such person's stallion, mare, or foal, then no animal owned by such person is eligible to participate in specified events.

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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 33.1 as follows:

6 (230 ILCS 5/33.1) (from Ch. 8, par. 37-33.1)

7 Sec. 33.1. (a) The Department of Agriculture shall be
8 responsible for investigating and determining the eligibility
9 of mares and Illinois conceived and foaled horses and Illinois
10 foaled horses to participate in Illinois conceived and foaled
11 and Illinois foaled races. The Department of Agriculture shall
12 also qualify stallions to participate in the Illinois
13 Standardbred and Thoroughbred programs.

14 (b) The Director of the Department of Agriculture or his
15 authorized agent is authorized to conduct hearings, administer
16 oaths, and issue subpoenas to carry out his responsibilities
17 concerning the Illinois Standardbred and Thoroughbred programs
18 as set forth in Sections 30 and 31.

19 (c) The Director of the Department of Agriculture or his
20 authorized agent shall, after a hearing, affirm or deny the
21 qualification of a stallion for the Illinois Standardbred or
22 Thoroughbred program. The decision of the Director of the
23 Department of Agriculture or his authorized agent shall be

1 subject to judicial review under the Administrative Review
2 Law. The term "administrative decision" shall have the meaning
3 ascribed to it in Section 3-101 of the Administrative Review
4 Law.

5 (d) (Blank). ~~If the determination is made that a~~
6 ~~standardbred stallion is not owned by a resident of the State~~
7 ~~of Illinois or that a transfer of ownership is a subterfuge to~~
8 ~~qualify a standardbred stallion under the Act, or that a~~
9 ~~standardbred stallion owner, manager, or person associated~~
10 ~~with him or her has knowingly participated in the arrangements~~
11 ~~for transporting semen from a standardbred stallion registered~~
12 ~~under this Act out of state, the Director of the Department of~~
13 ~~Agriculture or his authorized agent shall immediately publish~~
14 ~~notice of such fact in publications devoted to news concerning~~
15 ~~standardbred horses, announcing the disqualification of such~~
16 ~~stallion or his foals. From January 1, 2018 until January 1,~~
17 ~~2022, the Director of Agriculture or his or her authorized~~
18 ~~agent shall not publish notice announcing the disqualification~~
19 ~~of such stallion or his foals on the basis that a stallion~~
20 ~~owner, manager, or person associated with him or her has~~
21 ~~knowingly participated in the arrangements for transporting~~
22 ~~semen from a standardbred stallion registered under this Act~~
23 ~~out of State. If any person owning any stallion, mare or foal~~
24 ~~is found by the Director of the Department of Agriculture or~~
25 ~~his authorized agent to have willfully violated any provision~~
26 ~~of this Act or to have made any false statements concerning~~

1 ~~such person's stallion, mare or foal, then no animal owned by~~
2 ~~such person is eligible to participate in any events conducted~~
3 ~~pursuant to Sections 30 and 31.~~

4 (e) Any person who is served with a subpoena, issued by the
5 Director of the Department of Agriculture or his authorized
6 agent, to appear and testify or to produce documents and who
7 refuses or neglects to testify or produce documents relevant
8 to the investigation, as directed in the subpoenas, may be
9 punished as provided in this Section.

10 (f) Any circuit court of this State, upon petition by the
11 Director of the Department of Agriculture or his authorized
12 agent, may compel the attendance of witnesses, the production
13 of documents and giving the testimony required by this Section
14 in the same manner as the production of evidence may be
15 compelled in any other judicial proceeding before such court.
16 Any person who willfully swears or affirms falsely in any
17 proceeding conducted pursuant to this Section is guilty of
18 perjury.

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

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

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1 (Source: P.A. 100-777, eff. 8-10-18.)