



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 2/6/2004, by Michael J. Madigan

SYNOPSIS AS INTRODUCED:

230 ILCS 5/31

from Ch. 8, par. 37-31

Amends the Illinois Horse Racing Act of 1975. Adds a caption to a Section concerning the Illinois Standardbred Breeders Fund.

LRB093 16914 LRD 42571 b

1 AN ACT in relation to 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. Illinois Standardbred Breeders Fund.

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

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

25 (c) Conditions of races under subsection (b) shall be
26 commensurate with past performance, quality and class of
27 Illinois conceived and foaled horses available. If, however,
28 sufficient competition cannot be had among horses of that class
29 on any day, the races may, with consent of the Board, be
30 eliminated for that day and substitute races provided.

31 (d) There is hereby created a special fund of the State
32 Treasury to be known as the Illinois Standardbred Breeders

1 Fund.

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

7 (e) The Illinois Standardbred Breeders Fund shall be
8 administered by the Department of Agriculture with the
9 assistance and advice of the Advisory Board created in
10 subsection (f) of this Section.

11 (f) The Illinois Standardbred Breeders Fund Advisory Board
12 is hereby created. The Advisory Board shall consist of the
13 Director of the Department of Agriculture, who shall serve as
14 Chairman; the Superintendent of the Illinois State Fair; a
15 member of the Illinois Racing Board, designated by it; a
16 representative of the Illinois Standardbred Owners and
17 Breeders Association, recommended by it; a representative of
18 the Illinois Association of Agricultural Fairs, recommended by
19 it, such representative to be from a fair at which Illinois
20 conceived and foaled racing is conducted; a representative of
21 the organization licensees conducting harness racing meetings,
22 recommended by them and a representative of the Illinois
23 Harness Horsemen's Association, recommended by it. Advisory
24 Board members shall serve for 2 years commencing January 1, of
25 each odd numbered year. If representatives of the Illinois
26 Standardbred Owners and Breeders Associations, the Illinois
27 Association of Agricultural Fairs, the Illinois Harness
28 Horsemen's Association, and the organization licensees
29 conducting harness racing meetings have not been recommended by
30 January 1, of each odd numbered year, the Director of the
31 Department of Agriculture shall make an appointment for the
32 organization failing to so recommend a member of the Advisory
33 Board. Advisory Board members shall receive no compensation for
34 their services as members but shall be reimbursed for all
35 actual and necessary expenses and disbursements incurred in the
36 execution of their official duties.

1 (g) No monies shall be expended from the Illinois
2 Standardbred Breeders Fund except as appropriated by the
3 General Assembly. Monies appropriated from the Illinois
4 Standardbred Breeders Fund shall be expended by the Department
5 of Agriculture, with the assistance and advice of the Illinois
6 Standardbred Breeders Fund Advisory Board for the following
7 purposes only:

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

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

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

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

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

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

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

33 8. To promote the sport of harness racing.

34 (h) Whenever the Governor finds that the amount in the
35 Illinois Standardbred Breeders Fund is more than the total of
36 the outstanding appropriations from such fund, the Governor

1 shall notify the State Comptroller and the State Treasurer of
2 such fact. The Comptroller and the State Treasurer, upon
3 receipt of such notification, shall transfer such excess amount
4 from the Illinois Standardbred Breeders Fund to the General
5 Revenue Fund.

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

15 (j) The Department of Agriculture shall, by rule, with the
16 assistance and advice of the Illinois Standardbred Breeders
17 Fund Advisory Board:

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

35 2. Provide for the registration of Illinois conceived and
36 foaled horses and no such horse shall compete in the races

1 limited to Illinois conceived and foaled horses unless
2 registered with the Department of Agriculture. The Department
3 of Agriculture may prescribe such forms as may be necessary to
4 determine the eligibility of such horses. No person shall
5 knowingly prepare or cause preparation of an application for
6 registration of such foals containing false information. A mare
7 (dam) must be in the state at least 30 days prior to foaling or
8 remain in the State at least 30 days at the time of foaling.
9 Beginning with the 1996 breeding season and for foals of 1997
10 and thereafter, a foal conceived by transported fresh semen may
11 be eligible for Illinois conceived and foaled registration
12 provided all breeding and foaling requirements are met. The
13 stallion must be qualified for Illinois Standardbred Breeders
14 Fund breeding at the time of conception and the mare must be
15 inseminated within the State of Illinois. The foal must be
16 dropped in Illinois and properly registered with the Department
17 of Agriculture in accordance with this Act.

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

25 4. Provide for the payment of nominating, sustaining and
26 starting fees for races promoting the sport of harness racing
27 and for the races to be conducted at the State Fair as provided
28 in subsection (j) 3 of this Section provided that the
29 nominating, sustaining and starting payment required from an
30 entrant shall not exceed 2% of the purse of such race. All
31 nominating, sustaining and starting payments shall be held for
32 the benefit of entrants and shall be paid out as part of the
33 respective purses for such races. Nominating, sustaining and
34 starting fees shall be held in trust accounts for the purposes
35 as set forth in this Act and in accordance with Section 205-15
36 of the Department of Agriculture Law (20 ILCS 205/205-15).

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

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

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

23 (m) At all standardbred race meetings held or conducted
24 under authority of a license granted by the Board, and at all
25 standardbred races held at county fairs which are approved by
26 the Department of Agriculture or at the Illinois or DuQuoin
27 State Fairs, no one shall jog, train, warm up or drive a
28 standardbred horse unless he or she is wearing a protective
29 safety helmet, with the chin strap fastened and in place, which
30 meets the standards and requirements as set forth in the 1984
31 Standard for Protective Headgear for Use in Harness Racing and
32 Other Equestrian Sports published by the Snell Memorial
33 Foundation, or any standards and requirements for headgear the
34 Illinois Racing Board may approve. Any other standards and
35 requirements so approved by the Board shall equal or exceed
36 those published by the Snell Memorial Foundation. Any

1 equestrian helmet bearing the Snell label shall be deemed to
2 have met those standards and requirements.

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