

**SB1797**



**94TH GENERAL ASSEMBLY**

**State of Illinois**

**2005 and 2006**

**SB1797**

Introduced 2/25/2005, by Sen. Michael Jacobs

**SYNOPSIS AS INTRODUCED:**

230 ILCS 5/31

from Ch. 8, par. 37-31

Amends the Illinois Horse Racing Act of 1975. Makes a technical change in a Section concerning the Illinois Standardbred Breeders Fund.

LRB094 09807 AMC 40063 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 ~~The~~ General Assembly declares that it is  
8 the policy of this State to encourage the breeding of  
9 standardbred horses in this State and the ownership of such  
10 horses by residents of this State in order to provide for:  
11 sufficient numbers of high quality standardbred horses to  
12 participate in harness racing meetings in this State, and to  
13 establish and preserve the agricultural and commercial  
14 benefits of such breeding and racing industries to the State of  
15 Illinois. It is the intent of the General Assembly to further  
16 this policy by 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.

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

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

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

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

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

36          (g) No monies shall be expended from the Illinois

1 Standardbred Breeders Fund except as appropriated by the  
2 General Assembly. Monies appropriated from the Illinois  
3 Standardbred Breeders Fund shall be expended by the Department  
4 of Agriculture, with the assistance and advice of the Illinois  
5 Standardbred Breeders Fund Advisory Board for the following  
6 purposes only:

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

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

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

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

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

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

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

32 8. To promote the sport of harness racing.

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

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

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

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

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

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

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

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

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

36 5. Provide for the registration with the Department of

1 Agriculture of Colt Associations or county fairs desiring to  
2 sponsor races at county fairs.

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

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

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

- 1 have met those standards and requirements.
- 2 (Source: P.A. 91-239, eff. 1-1-00.)