



Sen. Rickey R. Hendon

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1 AMENDMENT TO SENATE BILL 1591

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1591 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Horse Racing Act of 1975 is  
5 amended by changing Section 30 as follows:

6 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

7 Sec. 30. (a) The ~~The~~ General Assembly declares that it is  
8 the policy of this State to encourage the breeding of  
9 thoroughbred 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 thoroughbred horses to  
12 participate in thoroughbred racing meetings in this State, and  
13 to 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 Act.

1           (b) Each organization licensee conducting a thoroughbred  
2 racing meeting pursuant to this Act shall provide at least two  
3 races each day limited to Illinois conceived and foaled horses  
4 or Illinois foaled horses or both. A minimum of 6 races shall  
5 be conducted each week limited to Illinois conceived and foaled  
6 or Illinois foaled horses or both. No horses shall be permitted  
7 to start in such races unless duly registered under the rules  
8 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 and Illinois foaled horses  
12 available. If, however, sufficient competition cannot be had  
13 among horses of that class on any day, the races may, with  
14 consent of the Board, be eliminated for that day and substitute  
15 races provided.

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

19           Except as provided in subsection (g) of Section 27 of this  
20 Act, 8.5% of all the monies received by the State as privilege  
21 taxes on Thoroughbred racing meetings shall be paid into the  
22 Illinois Thoroughbred Breeders Fund.

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

1           (f) The Illinois Thoroughbred Breeders Fund Advisory Board  
2 shall consist of the Director of the Department of Agriculture,  
3 who shall serve as Chairman; a member of the Illinois Racing  
4 Board, designated by it; 2 representatives of the organization  
5 licensees conducting thoroughbred racing meetings, recommended  
6 by them; 2 representatives of the Illinois Thoroughbred  
7 Breeders and Owners Foundation, recommended by it; and 2  
8 representatives of the Horsemen's Benevolent Protective  
9 Association or any successor organization established in  
10 Illinois comprised of the largest number of owners and  
11 trainers, recommended by it, with one representative of the  
12 Horsemen's Benevolent and Protective Association to come from  
13 its Illinois Division, and one from its Chicago Division.  
14 Advisory Board members shall serve for 2 years commencing  
15 January 1 of each odd numbered year. If representatives of the  
16 organization licensees conducting thoroughbred racing  
17 meetings, the Illinois Thoroughbred Breeders and Owners  
18 Foundation, and the Horsemen's Benevolent Protection  
19 Association have not been recommended by January 1, of each odd  
20 numbered year, the Director of the Department of Agriculture  
21 shall make an appointment for the organization failing to so  
22 recommend a member of the Advisory Board. Advisory Board  
23 members shall receive no compensation for their services as  
24 members but shall be reimbursed for all actual and necessary  
25 expenses and disbursements incurred in the execution of their  
26 official duties.

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

8           (1) To provide purse supplements to owners of horses  
9 participating in races limited to Illinois conceived and  
10 foaled and Illinois foaled horses. Any such purse  
11 supplements shall not be included in and shall be paid in  
12 addition to any purses, stakes, or breeders' awards offered  
13 by each organization licensee as determined by agreement  
14 between such organization licensee and an organization  
15 representing the horsemen. No monies from the Illinois  
16 Thoroughbred Breeders Fund shall be used to provide purse  
17 supplements for claiming races in which the minimum  
18 claiming price is less than \$7,500.

19           (2) To provide stakes and awards to be paid to the  
20 owners of the winning horses in certain races limited to  
21 Illinois conceived and foaled and Illinois foaled horses  
22 designated as stakes races.

23           (2.5) To provide an award to the owner or owners of an  
24 Illinois conceived and foaled or Illinois foaled horse that  
25 wins a maiden special weight, an allowance, overnight  
26 handicap race, or claiming race with claiming price of

1           \$10,000 or more providing the race is not restricted to  
2           Illinois conceived and foaled or Illinois foaled horses.  
3           Awards shall also be provided to the owner or owners of  
4           Illinois conceived and foaled and Illinois foaled horses  
5           that place second or third in those races. To the extent  
6           that additional moneys are required to pay the minimum  
7           additional awards of 40% of the purse the horse earns for  
8           placing first, second or third in those races for Illinois  
9           foaled horses and of 60% of the purse the horse earns for  
10          placing first, second or third in those races for Illinois  
11          conceived and foaled horses, those moneys shall be provided  
12          from the purse account at the track where earned.

13           (3) To provide stallion awards to the owner or owners  
14          of any stallion that is duly registered with the Illinois  
15          Thoroughbred Breeders Fund Program prior to the effective  
16          date of this amendatory Act of 1995 whose duly registered  
17          Illinois conceived and foaled offspring wins a race  
18          conducted at an Illinois thoroughbred racing meeting other  
19          than a claiming race. Such award shall not be paid to the  
20          owner or owners of an Illinois stallion that served outside  
21          this State at any time during the calendar year in which  
22          such race was conducted.

23           (4) To provide \$75,000 annually for purses to be  
24          distributed to county fairs that provide for the running of  
25          races during each county fair exclusively for the  
26          thoroughbreds conceived and foaled in Illinois. The

1 conditions of the races shall be developed by the county  
2 fair association and reviewed by the Department with the  
3 advice and assistance of the Illinois Thoroughbred  
4 Breeders Fund Advisory Board. There shall be no wagering of  
5 any kind on the running of Illinois conceived and foaled  
6 races at county fairs.

7 (4.1) To provide purse money for an Illinois stallion  
8 stakes program.

9 (5) No less than 80% of all monies appropriated from  
10 the Illinois Thoroughbred Breeders Fund shall be expended  
11 for the purposes in (1), (2), (2.5), (3), (4), (4.1), and  
12 (5) as shown above.

13 (6) To provide for educational programs regarding the  
14 thoroughbred breeding industry.

15 (7) To provide for research programs concerning the  
16 health, development and care of the thoroughbred horse.

17 (8) To provide for a scholarship and training program  
18 for students of equine veterinary medicine.

19 (9) To provide for dissemination of public information  
20 designed to promote the breeding of thoroughbred horses in  
21 Illinois.

22 (10) To provide for all expenses incurred in the  
23 administration of the Illinois Thoroughbred Breeders Fund.

24 (h) Whenever the Governor finds that the amount in the  
25 Illinois Thoroughbred Breeders Fund is more than the total of  
26 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 Thoroughbred 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 foaled or an Illinois conceived  
8 and foaled horse in races not limited to Illinois foaled horses  
9 or Illinois conceived and foaled horses, or both, shall be paid  
10 by the organization licensee conducting the horse race meeting.  
11 Such sum shall be paid from the organization licensee's share  
12 of the money wagered as follows: 11 1/2% to the breeder of the  
13 winning horse and 1% to the organization representing  
14 thoroughbred breeders and owners whose representative serves  
15 on the Illinois Thoroughbred Breeders Fund Advisory Board for  
16 verifying the amounts of breeders' awards earned, assuring  
17 their distribution in accordance with this Act, and servicing  
18 and promoting the Illinois thoroughbred horse racing industry.  
19 The organization representing thoroughbred breeders and owners  
20 shall cause all expenditures of monies received under this  
21 subsection (i) to be audited at least annually by a registered  
22 public accountant. The organization shall file copies of each  
23 annual audit with the Racing Board, the Clerk of the House of  
24 Representatives and the Secretary of the Senate, and shall make  
25 copies of each annual audit available to the public upon  
26 request and upon payment of the reasonable cost of photocopying

1 the requested number of copies. Such payments shall not reduce  
2 any award to the owner of the horse or reduce the taxes payable  
3 under this Act. Upon completion of its racing meet, each  
4 organization licensee shall deliver to the organization  
5 representing thoroughbred breeders and owners whose  
6 representative serves on the Illinois Thoroughbred Breeders  
7 Fund Advisory Board a listing of all the Illinois foaled and  
8 the Illinois conceived and foaled horses which won breeders'  
9 awards and the amount of such breeders' awards under this  
10 subsection to verify accuracy of payments and assure proper  
11 distribution of breeders' awards in accordance with the  
12 provisions of this Act. Such payments shall be delivered by the  
13 organization licensee within 30 days of the end of each race  
14 meeting.

15 (j) A sum equal to 12 1/2% of the first prize money won in  
16 each race limited to Illinois foaled horses or Illinois  
17 conceived and foaled horses, or both, shall be paid in the  
18 following manner by the organization licensee conducting the  
19 horse race meeting, from the organization licensee's share of  
20 the money wagered: 11 1/2% to the breeders of the horses in  
21 each such race which are the official first, second, third and  
22 fourth finishers and 1% to the organization representing  
23 thoroughbred breeders and owners whose representative serves  
24 on the Illinois Thoroughbred Breeders Fund Advisory Board for  
25 verifying the amounts of breeders' awards earned, assuring  
26 their proper distribution in accordance with this Act, and



1 servicing and promoting the Illinois thoroughbred horse racing  
2 industry. The organization representing thoroughbred breeders  
3 and owners shall cause all expenditures of monies received  
4 under this subsection (j) to be audited at least annually by a  
5 registered public accountant. The organization shall file  
6 copies of each annual audit with the Racing Board, the Clerk of  
7 the House of Representatives and the Secretary of the Senate,  
8 and shall make copies of each annual audit available to the  
9 public upon request and upon payment of the reasonable cost of  
10 photocopying the requested number of copies.

11 The 11 1/2% paid to the breeders in accordance with this  
12 subsection shall be distributed as follows:

13 (1) 60% of such sum shall be paid to the breeder of the  
14 horse which finishes in the official first position;

15 (2) 20% of such sum shall be paid to the breeder of the  
16 horse which finishes in the official second position;

17 (3) 15% of such sum shall be paid to the breeder of the  
18 horse which finishes in the official third position; and

19 (4) 5% of such sum shall be paid to the breeder of the  
20 horse which finishes in the official fourth position.

21 Such payments shall not reduce any award to the owners of a  
22 horse or reduce the taxes payable under this Act. Upon  
23 completion of its racing meet, each organization licensee shall  
24 deliver to the organization representing thoroughbred breeders  
25 and owners whose representative serves on the Illinois  
26 Thoroughbred Breeders Fund Advisory Board a listing of all the

1 Illinois foaled and the Illinois conceived and foaled horses  
2 which won breeders' awards and the amount of such breeders'  
3 awards in accordance with the provisions of this Act. Such  
4 payments shall be delivered by the organization licensee within  
5 30 days of the end of each race meeting.

6 (k) The term "breeder", as used herein, means the owner of  
7 the mare at the time the foal is dropped. An "Illinois foaled  
8 horse" is a foal dropped by a mare which enters this State on  
9 or before December 1, in the year in which the horse is bred,  
10 provided the mare remains continuously in this State until its  
11 foal is born. An "Illinois foaled horse" also means a foal born  
12 of a mare in the same year as the mare enters this State on or  
13 before March 1, and remains in this State at least 30 days  
14 after foaling, is bred back during the season of the foaling to  
15 an Illinois Registered Stallion (unless a veterinarian  
16 certifies that the mare should not be bred for health reasons),  
17 and is not bred to a stallion standing in any other state  
18 during the season of foaling. An "Illinois foaled horse" also  
19 means a foal born in Illinois of a mare purchased at public  
20 auction subsequent to the mare entering this State prior to  
21 February 1 of the foaling year providing the mare is owned  
22 solely by one or more Illinois residents or an Illinois entity  
23 that is entirely owned by one or more Illinois residents.

24 (l) The Department of Agriculture shall, by rule, with the  
25 advice and assistance of the Illinois Thoroughbred Breeders  
26 Fund Advisory Board:

1           (1) Qualify stallions for Illinois breeding; such  
2 stallions to stand for service within the State of Illinois  
3 at the time of a foal's conception. Such stallion must not  
4 stand for service at any place outside the State of  
5 Illinois during the calendar year in which the foal is  
6 conceived. The Department of Agriculture may assess and  
7 collect application fees for the registration of  
8 Illinois-eligible stallions. All fees collected are to be  
9 paid into the Illinois Thoroughbred Breeders Fund.

10           (2) Provide for the registration of Illinois conceived  
11 and foaled horses and Illinois foaled horses. No such horse  
12 shall compete in the races limited to Illinois conceived  
13 and foaled horses or Illinois foaled horses or both unless  
14 registered with the Department of Agriculture. The  
15 Department of Agriculture may prescribe such forms as are  
16 necessary to determine the eligibility of such horses. The  
17 Department of Agriculture may assess and collect  
18 application fees for the registration of Illinois-eligible  
19 foals. All fees collected are to be paid into the Illinois  
20 Thoroughbred Breeders Fund. No person shall knowingly  
21 prepare or cause preparation of an application for  
22 registration of such foals containing false information.

23           (m) The Department of Agriculture, with the advice and  
24 assistance of the Illinois Thoroughbred Breeders Fund Advisory  
25 Board, shall provide that certain races limited to Illinois  
26 conceived and foaled and Illinois foaled horses be stakes races

1 and determine the total amount of stakes and awards to be paid  
2 to the owners of the winning horses in such races.

3 In determining the stakes races and the amount of awards  
4 for such races, the Department of Agriculture shall consider  
5 factors, including but not limited to, the amount of money  
6 appropriated for the Illinois Thoroughbred Breeders Fund  
7 program, organization licensees' contributions, availability  
8 of stakes caliber horses as demonstrated by past performances,  
9 whether the race can be coordinated into the proposed racing  
10 dates within organization licensees' racing dates, opportunity  
11 for colts and fillies and various age groups to race, public  
12 wagering on such races, and the previous racing schedule.

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

26 (o) In order to improve the breeding quality of

1 thoroughbred horses in the State, the General Assembly  
2 recognizes that existing provisions of this Section to  
3 encourage such quality breeding need to be revised and  
4 strengthened. As such, a Thoroughbred Breeder's Program Task  
5 Force is to be appointed by the Governor by September 1, 1999  
6 to make recommendations to the General Assembly by no later  
7 than March 1, 2000. This task force is to be composed of 2  
8 representatives from the Illinois Thoroughbred Breeders and  
9 Owners Foundation, 2 from the Illinois Thoroughbred Horsemen's  
10 Association, 3 from Illinois race tracks operating  
11 thoroughbred race meets for an average of at least 30 days in  
12 the past 3 years, the Director of Agriculture, the Executive  
13 Director of the Racing Board, who shall serve as Chairman.  
14 (Source: P.A. 91-40, eff. 6-25-99.)".