

SB0748



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB0748

Introduced 2/8/2011, by Sen. John J. Cullerton

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.

LRB097 04469 ASK 44508 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.

1 (c) Conditions of races under subsection (b) shall be
2 commensurate with past performance, quality and class of
3 Illinois conceived and foaled horses available. If, however,
4 sufficient competition cannot be had among horses of that class
5 on any day, the races may, with consent of the Board, be
6 eliminated for that day and substitute races provided.

7 (d) There is hereby created a special fund of the State
8 Treasury to be known as the Illinois Standardbred Breeders
9 Fund.

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

15 (e) The Illinois Standardbred Breeders Fund shall be
16 administered by the Department of Agriculture with the
17 assistance and advice of the Advisory Board created in
18 subsection (f) of this Section.

19 (f) The Illinois Standardbred Breeders Fund Advisory Board
20 is hereby created. The Advisory Board shall consist of the
21 Director of the Department of Agriculture, who shall serve as
22 Chairman; the Superintendent of the Illinois State Fair; a
23 member of the Illinois Racing Board, designated by it; a
24 representative of the Illinois Standardbred Owners and
25 Breeders Association, recommended by it; a representative of
26 the Illinois Association of Agricultural Fairs, recommended by

1 it, such representative to be from a fair at which Illinois
2 conceived and foaled racing is conducted; a representative of
3 the organization licensees conducting harness racing meetings,
4 recommended by them and a representative of the Illinois
5 Harness Horsemen's Association, recommended by it. Advisory
6 Board members shall serve for 2 years commencing January 1, of
7 each odd numbered year. If representatives of the Illinois
8 Standardbred Owners and Breeders Associations, the Illinois
9 Association of Agricultural Fairs, the Illinois Harness
10 Horsemen's Association, and the organization licensees
11 conducting harness racing meetings have not been recommended by
12 January 1, of each odd numbered year, the Director of the
13 Department of Agriculture shall make an appointment for the
14 organization failing to so recommend a member of the Advisory
15 Board. Advisory Board members shall receive no compensation for
16 their services as members but shall be reimbursed for all
17 actual and necessary expenses and disbursements incurred in the
18 execution of their official duties.

19 (g) No monies shall be expended from the Illinois
20 Standardbred Breeders Fund except as appropriated by the
21 General Assembly. Monies appropriated from the Illinois
22 Standardbred Breeders Fund shall be expended by the Department
23 of Agriculture, with the assistance and advice of the Illinois
24 Standardbred Breeders Fund Advisory Board for the following
25 purposes only:

26 1. To provide purses for races limited to Illinois

1 conceived and foaled horses at the State Fair.

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

4 3. To provide purse supplements for races limited to
5 Illinois conceived and foaled horses conducted by
6 associations conducting harness racing meetings.

7 4. No less than 75% of all monies in the Illinois
8 Standardbred Breeders Fund shall be expended for purses in
9 1, 2 and 3 as shown above.

10 5. In the discretion of the Department of Agriculture
11 to provide awards to harness breeders of Illinois conceived
12 and foaled horses which win races conducted by organization
13 licensees conducting harness racing meetings. A breeder is
14 the owner of a mare at the time of conception. No more than
15 10% of all monies appropriated from the Illinois
16 Standardbred Breeders Fund shall be expended for such
17 harness breeders awards. No more than 25% of the amount
18 expended for harness breeders awards shall be expended for
19 expenses incurred in the administration of such harness
20 breeders awards.

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

23 7. To pay the expenses incurred in the administration
24 of the Illinois Standardbred Breeders Fund.

25 8. To promote the sport of harness racing.

26 (h) Whenever the Governor finds that the amount in the

1 Illinois Standardbred Breeders Fund is more than the total of
2 the outstanding appropriations from such fund, the Governor
3 shall notify the State Comptroller and the State Treasurer of
4 such fact. The Comptroller and the State Treasurer, upon
5 receipt of such notification, shall transfer such excess amount
6 from the Illinois Standardbred Breeders Fund to the General
7 Revenue Fund.

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

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

20 1. Qualify stallions for Illinois Standardbred Breeders
21 Fund breeding; such stallion shall be owned by a resident of
22 the State of Illinois or by an Illinois corporation all of
23 whose shareholders, directors, officers and incorporators are
24 residents of the State of Illinois. Such stallion shall stand
25 for service at and within the State of Illinois at the time of
26 a foal's conception, and such stallion must not stand for

1 service at any place, nor may semen from such stallion be
2 transported, outside the State of Illinois during that calendar
3 year in which the foal is conceived and that the owner of the
4 stallion was for the 12 months prior, a resident of Illinois.
5 The articles of agreement of any partnership, joint venture,
6 limited partnership, syndicate, association or corporation and
7 any bylaws and stock certificates must contain a restriction
8 that provides that the ownership or transfer of interest by any
9 one of the persons a party to the agreement can only be made to
10 a person who qualifies as an Illinois resident.

11 2. Provide for the registration of Illinois conceived and
12 foaled horses and no such horse shall compete in the races
13 limited to Illinois conceived and foaled horses unless
14 registered with the Department of Agriculture. The Department
15 of Agriculture may prescribe such forms as may be necessary to
16 determine the eligibility of such horses. No person shall
17 knowingly prepare or cause preparation of an application for
18 registration of such foals containing false information. A mare
19 (dam) must be in the state at least 30 days prior to foaling or
20 remain in the State at least 30 days at the time of foaling.
21 Beginning with the 1996 breeding season and for foals of 1997
22 and thereafter, a foal conceived by transported fresh semen may
23 be eligible for Illinois conceived and foaled registration
24 provided all breeding and foaling requirements are met. The
25 stallion must be qualified for Illinois Standardbred Breeders
26 Fund breeding at the time of conception and the mare must be

1 inseminated within the State of Illinois. The foal must be
2 dropped in Illinois and properly registered with the Department
3 of Agriculture in accordance with this Act.

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

11 4. Provide for the payment of nominating, sustaining and
12 starting fees for races promoting the sport of harness racing
13 and for the races to be conducted at the State Fair as provided
14 in subsection (j) 3 of this Section provided that the
15 nominating, sustaining and starting payment required from an
16 entrant shall not exceed 2% of the purse of such race. All
17 nominating, sustaining and starting payments shall be held for
18 the benefit of entrants and shall be paid out as part of the
19 respective purses for such races. Nominating, sustaining and
20 starting fees shall be held in trust accounts for the purposes
21 as set forth in this Act and in accordance with Section 205-15
22 of the Department of Agriculture Law (20 ILCS 205/205-15).

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

26 (k) The Department of Agriculture, with the advice and

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

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

19 (m) At all standardbred race meetings held or conducted
20 under authority of a license granted by the Board, and at all
21 standardbred races held at county fairs which are approved by
22 the Department of Agriculture or at the Illinois or DuQuoin
23 State Fairs, no one shall jog, train, warm up or drive a
24 standardbred horse unless he or she is wearing a protective
25 safety helmet, with the chin strap fastened and in place, which
26 meets the standards and requirements as set forth in the 1984

1 Standard for Protective Headgear for Use in Harness Racing and
2 Other Equestrian Sports published by the Snell Memorial
3 Foundation, or any standards and requirements for headgear the
4 Illinois Racing Board may approve. Any other standards and
5 requirements so approved by the Board shall equal or exceed
6 those published by the Snell Memorial Foundation. Any
7 equestrian helmet bearing the Snell label shall be deemed to
8 have met those standards and requirements.

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