



Rep. Jay Hoffman

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1 AMENDMENT TO SENATE BILL 1493

2 AMENDMENT NO. _____. Amend Senate Bill 1493, on page 1,
3 line 5, by replacing "Section 26" with "Sections 26 and 30";
4 and

5 on page 42, immediately below line 1, by inserting the
6 following:

7 "(230 ILCS 5/30) (from Ch. 8, par. 37-30)

8 Sec. 30. (a) The General Assembly declares that it is the
9 policy of this State to encourage the breeding of thoroughbred
10 horses in this State and the ownership of such horses by
11 residents of this State in order to provide for: sufficient
12 numbers of high quality thoroughbred horses to participate in
13 thoroughbred racing meetings in this State, and to establish
14 and preserve the agricultural and commercial benefits of such
15 breeding and racing industries to the State of Illinois. It is
16 the intent of the General Assembly to further this policy by

1 the provisions of this Act.

2 (b) Each organization licensee conducting a thoroughbred
3 racing meeting pursuant to this Act shall provide at least two
4 races each day limited to Illinois conceived and foaled horses
5 or Illinois foaled horses or both. A minimum of 6 races shall
6 be conducted each week limited to Illinois conceived and foaled
7 or Illinois foaled horses or both. No horses shall be permitted
8 to start in such races unless duly registered under the rules
9 of the Department of Agriculture.

10 (c) Conditions of races under subsection (b) shall be
11 commensurate with past performance, quality, and class of
12 Illinois conceived and foaled and Illinois foaled horses
13 available. If, however, sufficient competition cannot be had
14 among horses of that class on any day, the races may, with
15 consent of the Board, be eliminated for that day and substitute
16 races provided.

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

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

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

1 of this Section.

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

1 of their official duties.

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

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

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

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

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

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

24 (4) To provide \$75,000 annually for purses to be
25 distributed to county fairs that provide for the running of
26 races during each county fair exclusively for the

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

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

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

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

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

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

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

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

25 (h) Whenever the Governor finds that the amount in the
26 Illinois Thoroughbred Breeders Fund is more than the total of

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

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

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

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

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

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

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

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

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

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

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

1 Thoroughbred Breeders Fund Advisory Board a listing of all the
2 Illinois foaled and the Illinois conceived and foaled horses
3 which won breeders' awards and the amount of such breeders'
4 awards in accordance with the provisions of this Act. Such
5 payments shall be delivered by the organization licensee within
6 30 days of the end of each race meeting.

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

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

1 Fund Advisory Board:

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

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

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

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

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

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

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

15 (Source: P.A. 91-40, eff. 6-25-99.)".