

# HB3534



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3534

by Rep. Robert Rita

### 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.

LRB100 08221 MJP 18321 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 largest association of Illinois  
25 standardbred owners and breeders, recommended by it; a  
26 representative of a statewide association representing

1 agricultural fairs in Illinois, recommended by it, such  
2 representative to be from a fair at which Illinois conceived  
3 and foaled racing is conducted; a representative of the  
4 organization licensees conducting harness racing meetings,  
5 recommended by them; a representative of the Breeder's  
6 Committee of the association representing the largest number of  
7 standardbred owners, breeders, trainers, caretakers, and  
8 drivers, recommended by it; and a representative of the  
9 association representing the largest number of standardbred  
10 owners, breeders, trainers, caretakers, and drivers,  
11 recommended by it. Advisory Board members shall serve for 2  
12 years commencing January 1 of each odd numbered year. If  
13 representatives of the largest association of Illinois  
14 standardbred owners and breeders, a statewide association of  
15 agricultural fairs in Illinois, the association representing  
16 the largest number of standardbred owners, breeders, trainers,  
17 caretakers, and drivers, a member of the Breeder's Committee of  
18 the association representing the largest number of  
19 standardbred owners, breeders, trainers, caretakers, and  
20 drivers, and the organization licensees conducting harness  
21 racing meetings have not been recommended by January 1 of each  
22 odd numbered year, the Director of the Department of  
23 Agriculture shall make an appointment for the organization  
24 failing to so recommend a member of the Advisory Board.  
25 Advisory Board members shall receive no compensation for their  
26 services as members but shall be reimbursed for all actual and

1 necessary expenses and disbursements incurred in the execution  
2 of their official duties.

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

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

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

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

17 4. No less than 75% of all monies in the Illinois  
18 Standardbred Breeders Fund shall be expended for purses in  
19 1, 2 and 3 as shown above.

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

1 harness breeders awards. No more than 25% of the amount  
2 expended for harness breeders awards shall be expended for  
3 expenses incurred in the administration of such harness  
4 breeders awards.

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

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

9 8. To promote the sport of harness racing.

10 (h) Whenever the Governor finds that the amount in the  
11 Illinois Standardbred Breeders Fund is more than the total of  
12 the outstanding appropriations from such fund, the Governor  
13 shall notify the State Comptroller and the State Treasurer of  
14 such fact. The Comptroller and the State Treasurer, upon  
15 receipt of such notification, shall transfer such excess amount  
16 from the Illinois Standardbred Breeders Fund to the General  
17 Revenue Fund.

18 (i) A sum equal to 12 1/2% of the first prize money of  
19 every purse won by an Illinois conceived and foaled horse shall  
20 be paid by the organization licensee conducting the horse race  
21 meeting to the breeder of such winning horse from the  
22 organization licensee's share of the money wagered. Such  
23 payment shall not reduce any award to the owner of the horse or  
24 reduce the taxes payable under this Act. Such payment shall be  
25 delivered by the organization licensee at the end of each race  
26 meeting.

1 (j) The Department of Agriculture shall, by rule, with the  
2 assistance and advice of the Illinois Standardbred Breeders  
3 Fund Advisory Board:

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

23 2. Provide for the registration of Illinois conceived  
24 and foaled horses and no such horse shall compete in the  
25 races limited to Illinois conceived and foaled horses  
26 unless registered with the Department of Agriculture. The

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

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

24 4. Provide for the payment of nominating, sustaining  
25 and starting fees for races promoting the sport of harness  
26 racing and for the races to be conducted at the State Fair



1 as provided in subsection (j) 3 of this Section provided  
2 that the nominating, sustaining and starting payment  
3 required from an entrant shall not exceed 2% of the purse  
4 of such race. All nominating, sustaining and starting  
5 payments shall be held for the benefit of entrants and  
6 shall be paid out as part of the respective purses for such  
7 races. Nominating, sustaining and starting fees shall be  
8 held in trust accounts for the purposes as set forth in  
9 this Act and in accordance with Section 205-15 of the  
10 Department of Agriculture Law (20 ILCS 205/205-15).

11 5. Provide for the registration with the Department of  
12 Agriculture of Colt Associations or county fairs desiring  
13 to sponsor races at county fairs.

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

1 negotiated.

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

7 (m) At all standardbred race meetings held or conducted  
8 under authority of a license granted by the Board, and at all  
9 standardbred races held at county fairs which are approved by  
10 the Department of Agriculture or at the Illinois or DuQuoin  
11 State Fairs, no one shall jog, train, warm up or drive a  
12 standardbred horse unless he or she is wearing a protective  
13 safety helmet, with the chin strap fastened and in place, which  
14 meets the standards and requirements as set forth in the 1984  
15 Standard for Protective Headgear for Use in Harness Racing and  
16 Other Equestrian Sports published by the Snell Memorial  
17 Foundation, or any standards and requirements for headgear the  
18 Illinois Racing Board may approve. Any other standards and  
19 requirements so approved by the Board shall equal or exceed  
20 those published by the Snell Memorial Foundation. Any  
21 equestrian helmet bearing the Snell label shall be deemed to  
22 have met those standards and requirements.

23 (Source: P.A. 99-756, eff. 8-12-16.)