

HB3667



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3667

by Rep. Jerry Costello, II

SYNOPSIS AS INTRODUCED:

230 ILCS 5/31

from Ch. 8, par. 37-31

Amends the Illinois Horse Racing Act of 1975. Provides that the Department of Agriculture shall provide a racing program (rather than a 5-day racing program) at the State Fair each year. Effective immediately.

LRB101 05836 SMS 50853 b

FISCAL NOTE ACT
MAY APPLY

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 General Assembly declares that it is the
8 policy of this State to encourage the breeding of standardbred
9 horses in this State and the ownership of such horses by
10 residents of this State in order to provide for: sufficient
11 numbers of high quality standardbred horses to participate in
12 harness racing meetings in this State, and to establish and
13 preserve the agricultural and commercial benefits of such
14 breeding and racing industries to the State of Illinois. It is
15 the intent of the General Assembly to further this policy by
16 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. However,
16 from January 1, 2018 until January 1, 2022, semen from an
17 Illinois stallion may be transported outside the State of
18 Illinois. The articles of agreement of any partnership,
19 joint venture, limited partnership, syndicate, association
20 or corporation and any bylaws and stock certificates must
21 contain a restriction that provides that the ownership or
22 transfer of interest by any one of the persons a party to
23 the agreement can only be made to a person who qualifies as
24 an Illinois resident.

25 2. Provide for the registration of Illinois conceived
26 and foaled horses and no such horse shall compete in the

1 races limited to Illinois conceived and foaled horses
2 unless registered with the Department of Agriculture. The
3 Department of Agriculture may prescribe such forms as may
4 be necessary to determine the eligibility of such horses.
5 No person shall knowingly prepare or cause preparation of
6 an application for registration of such foals containing
7 false information. A mare (dam) must be in the State at
8 least 30 days prior to foaling or remain in the State at
9 least 30 days at the time of foaling. However, the
10 requirement that a mare (dam) must be in the State at least
11 30 days before foaling or remain in the State at least 30
12 days at the time of foaling shall not be in effect from
13 January 1, 2018 until January 1, 2022. Beginning with the
14 1996 breeding season and for foals of 1997 and thereafter,
15 a foal conceived by transported semen may be eligible for
16 Illinois conceived and foaled registration provided all
17 breeding and foaling requirements are met. The stallion
18 must be qualified for Illinois Standardbred Breeders Fund
19 breeding at the time of conception and the mare must be
20 inseminated within the State of Illinois. The foal must be
21 dropped in Illinois and properly registered with the
22 Department of Agriculture in accordance with this Act.
23 However, from January 1, 2018 until January 1, 2022, the
24 requirement for a mare to be inseminated within the State
25 of Illinois and the requirement for a foal to be dropped in
26 Illinois are inapplicable.

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

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

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

24 (k) The Department of Agriculture, with the advice and
25 assistance of the Illinois Standardbred Breeders Fund Advisory
26 Board, may allocate monies for purse supplements for such

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

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

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

1 Foundation, or any standards and requirements for headgear the
2 Illinois Racing Board may approve. Any other standards and
3 requirements so approved by the Board shall equal or exceed
4 those published by the Snell Memorial Foundation. Any
5 equestrian helmet bearing the Snell label shall be deemed to
6 have met those standards and requirements.

7 (Source: P.A. 99-756, eff. 8-12-16; 100-777, eff. 8-10-18.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.