

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 30 as follows:

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

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

17 (b) Each organization licensee conducting a thoroughbred  
18 racing meeting pursuant to this Act shall provide at least two  
19 races each day limited to Illinois conceived and foaled horses  
20 or Illinois foaled horses or both. A minimum of 6 races shall  
21 be conducted each week limited to Illinois conceived and foaled  
22 or Illinois foaled horses or both. No horses shall be permitted  
23 to start in such races unless duly registered under the rules

1 of the Department of Agriculture.

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

9 (d) There is hereby created a special fund of the State  
10 Treasury to be known as the Illinois Thoroughbred Breeders  
11 Fund.

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

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

20 (f) The Illinois Thoroughbred Breeders Fund Advisory Board  
21 shall consist of the Director of the Department of Agriculture,  
22 who shall serve as Chairman; a member of the Illinois Racing  
23 Board, designated by it; 3 ~~2~~ representatives of the  
24 organization licensees conducting thoroughbred racing  
25 meetings, recommended by them; 2 representatives of the  
26 breeders foundation representing the majority of thoroughbred

1 ~~breeders in Illinois Illinois Thoroughbred Breeders and Owners~~  
2 ~~Foundation,~~ recommended by it; one representative and 2  
3 ~~representatives~~ of the horsemen's association representing the  
4 largest number of thoroughbred owners and trainers who race at  
5 race meetings in Madison County, ~~Horsemen's Benevolent~~  
6 ~~Protective Association or any successor organization~~  
7 ~~established in Illinois comprised of the largest number of~~  
8 ~~owners and trainers,~~ recommended by it; and one representative  
9 of the horsemen's association representing the largest number  
10 of thoroughbred owners and trainers who race at race meetings  
11 in Cook County, recommended by it, ~~with one representative of~~  
12 ~~the Horsemen's Benevolent and Protective Association to come~~  
13 ~~from 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 breeders foundation representing the majority of  
18 thoroughbred breeders in Illinois ~~the Illinois Thoroughbred~~  
19 ~~Breeders and Owners Foundation,~~ the horsemen's association  
20 representing the largest number of thoroughbred owners and  
21 trainers who race at race meetings in Madison County, and the  
22 horsemen's association representing the largest number of  
23 thoroughbred owners and trainers who race at race meetings in  
24 Cook County ~~the Horsemen's Benevolent Protection Association~~  
25 have not been recommended by January 1, of each odd numbered  
26 year, the Director of the Department of Agriculture shall make

1 an appointment for the organization failing to so recommend a  
2 member of the Advisory Board. Advisory Board members shall  
3 receive no compensation for their services as members but shall  
4 be reimbursed for all actual and necessary expenses and  
5 disbursements incurred in the execution of their official  
6 duties.

7 (g) No monies shall be expended from the Illinois  
8 Thoroughbred Breeders Fund except as appropriated by the  
9 General Assembly. Monies appropriated from the Illinois  
10 Thoroughbred Breeders Fund shall be expended by the Department  
11 of Agriculture, with the advice and assistance of the Illinois  
12 Thoroughbred Breeders Fund Advisory Board, for the following  
13 purposes only:

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

25 (2) To provide stakes and awards to be paid to the  
26 owners of the winning horses in certain races limited to

1 Illinois conceived and foaled and Illinois foaled horses  
2 designated as stakes races.

3 (2.5) To provide an award to the owner or owners of an  
4 Illinois conceived and foaled or Illinois foaled horse that  
5 wins a maiden special weight, an allowance, overnight  
6 handicap race, or claiming race with claiming price of  
7 \$10,000 or more providing the race is not restricted to  
8 Illinois conceived and foaled or Illinois foaled horses.  
9 Awards shall also be provided to the owner or owners of  
10 Illinois conceived and foaled and Illinois foaled horses  
11 that place second or third in those races. To the extent  
12 that additional moneys are required to pay the minimum  
13 additional awards of 40% of the purse the horse earns for  
14 placing first, second or third in those races for Illinois  
15 foaled horses and of 60% of the purse the horse earns for  
16 placing first, second or third in those races for Illinois  
17 conceived and foaled horses, those moneys shall be provided  
18 from the purse account at the track where earned.

19 (3) To provide stallion awards to the owner or owners  
20 of any stallion that is duly registered with the Illinois  
21 Thoroughbred Breeders Fund Program prior to the effective  
22 date of this amendatory Act of 1995 whose duly registered  
23 Illinois conceived and foaled offspring wins a race  
24 conducted at an Illinois thoroughbred racing meeting other  
25 than a claiming race. Such award shall not be paid to the  
26 owner or owners of an Illinois stallion that served outside

1           this State at any time during the calendar year in which  
2           such race was conducted.

3           (4) To provide \$75,000 annually for purses to be  
4           distributed to county fairs that provide for the running of  
5           races during each county fair exclusively for the  
6           thoroughbreds conceived and foaled in Illinois. The  
7           conditions of the races shall be developed by the county  
8           fair association and reviewed by the Department with the  
9           advice and assistance of the Illinois Thoroughbred  
10          Breeders Fund Advisory Board. There shall be no wagering of  
11          any kind on the running of Illinois conceived and foaled  
12          races at county fairs.

13          (4.1) To provide purse money for an Illinois stallion  
14          stakes program.

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

19          (6) To provide for educational programs regarding the  
20          thoroughbred breeding industry.

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

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

25          (9) To provide for dissemination of public information  
26          designed to promote the breeding of thoroughbred horses in

1 Illinois.

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

4 (h) Whenever the Governor finds that the amount in the  
5 Illinois Thoroughbred Breeders Fund is more than the total of  
6 the outstanding appropriations from such fund, the Governor  
7 shall notify the State Comptroller and the State Treasurer of  
8 such fact. The Comptroller and the State Treasurer, upon  
9 receipt of such notification, shall transfer such excess amount  
10 from the Illinois Thoroughbred Breeders Fund to the General  
11 Revenue Fund.

12 (i) A sum equal to 12 1/2% of the first prize money of  
13 every purse won by an Illinois foaled or an Illinois conceived  
14 and foaled horse in races not limited to Illinois foaled horses  
15 or Illinois conceived and foaled horses, or both, shall be paid  
16 by the organization licensee conducting the horse race meeting.  
17 Such sum shall be paid from the organization licensee's share  
18 of the money wagered as follows: 11 1/2% to the breeder of the  
19 winning horse and 1% to the organization representing  
20 thoroughbred breeders and owners whose representative serves  
21 on the Illinois Thoroughbred Breeders Fund Advisory Board for  
22 verifying the amounts of breeders' awards earned, assuring  
23 their distribution in accordance with this Act, and servicing  
24 and promoting the Illinois thoroughbred horse racing industry.  
25 The organization representing thoroughbred breeders and owners  
26 shall cause all expenditures of monies received under this

1 subsection (i) to be audited at least annually by a registered  
2 public accountant. The organization shall file copies of each  
3 annual audit with the Racing Board, the Clerk of the House of  
4 Representatives and the Secretary of the Senate, and shall make  
5 copies of each annual audit available to the public upon  
6 request and upon payment of the reasonable cost of photocopying  
7 the requested number of copies. Such payments shall not reduce  
8 any award to the owner of the horse or reduce the taxes payable  
9 under this Act. Upon completion of its racing meet, each  
10 organization licensee shall deliver to the organization  
11 representing thoroughbred breeders and owners whose  
12 representative serves on the Illinois Thoroughbred Breeders  
13 Fund Advisory Board a listing of all the Illinois foaled and  
14 the Illinois conceived and foaled horses which won breeders'  
15 awards and the amount of such breeders' awards under this  
16 subsection to verify accuracy of payments and assure proper  
17 distribution of breeders' awards in accordance with the  
18 provisions of this Act. Such payments shall be delivered by the  
19 organization licensee within 30 days of the end of each race  
20 meeting.

21 (j) A sum equal to 12 1/2% of the first prize money won in  
22 each race limited to Illinois foaled horses or Illinois  
23 conceived and foaled horses, or both, shall be paid in the  
24 following manner by the organization licensee conducting the  
25 horse race meeting, from the organization licensee's share of  
26 the money wagered: 11 1/2% to the breeders of the horses in



1 each such race which are the official first, second, third and  
2 fourth finishers and 1% to the organization representing  
3 thoroughbred breeders and owners whose representative serves  
4 on the Illinois Thoroughbred Breeders Fund Advisory Board for  
5 verifying the amounts of breeders' awards earned, assuring  
6 their proper distribution in accordance with this Act, and  
7 servicing and promoting the Illinois thoroughbred horse racing  
8 industry. The organization representing thoroughbred breeders  
9 and owners shall cause all expenditures of monies received  
10 under this subsection (j) to be audited at least annually by a  
11 registered public accountant. The organization shall file  
12 copies of each annual audit with the Racing Board, the Clerk of  
13 the House of Representatives and the Secretary of the Senate,  
14 and shall make copies of each annual audit available to the  
15 public upon request and upon payment of the reasonable cost of  
16 photocopying the requested number of copies.

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

19 (1) 60% of such sum shall be paid to the breeder of the  
20 horse which finishes in the official first position;

21 (2) 20% of such sum shall be paid to the breeder of the  
22 horse which finishes in the official second position;

23 (3) 15% of such sum shall be paid to the breeder of the  
24 horse which finishes in the official third position; and

25 (4) 5% of such sum shall be paid to the breeder of the  
26 horse which finishes in the official fourth position.

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

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

1 February 1 of the foaling year providing the mare is owned  
2 solely by one or more Illinois residents or an Illinois entity  
3 that is entirely owned by one or more Illinois residents.

4 (1) The Department of Agriculture shall, by rule, with the  
5 advice and assistance of the Illinois Thoroughbred Breeders  
6 Fund Advisory Board:

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

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

1           prepare or cause preparation of an application for  
2           registration of such foals containing false information.

3           (m) The Department of Agriculture, with the advice and  
4           assistance of the Illinois Thoroughbred Breeders Fund Advisory  
5           Board, shall provide that certain races limited to Illinois  
6           conceived and foaled and Illinois foaled horses be stakes races  
7           and determine the total amount of stakes and awards to be paid  
8           to the owners of the winning horses in such races.

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

19          (n) The Board and the organizational licensee shall notify  
20          the Department of the conditions and minimum purses for races  
21          limited to Illinois conceived and foaled and Illinois foaled  
22          horses conducted for each organizational licensee conducting a  
23          thoroughbred racing meeting. The Department of Agriculture  
24          with the advice and assistance of the Illinois Thoroughbred  
25          Breeders Fund Advisory Board may allocate monies for purse  
26          supplements for such races. In determining whether to allocate

1 money and the amount, the Department of Agriculture shall  
2 consider factors, including but not limited to, the amount of  
3 money appropriated for the Illinois Thoroughbred Breeders Fund  
4 program, the number of races that may occur, and the  
5 organizational licensee's purse structure.

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

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