



March 18, 1999

**ENGROSSED
SENATE BILL No. 295**

DIGEST OF SB0295 (Updated March 16, 1999 11:01 am - DI 58)

Citations Affected: IC 4-31; IC 15-5; noncode.

Synopsis: Indiana standardbred advisory board. Establishes the Indiana standardbred advisory board to replace the Indiana standardbred board of regulations. Transfers the current powers and duties of the Indiana standardbred board of regulations to the Indiana horse racing commission, and requires the commission to consider recommendations of the standardbred advisory board in carrying out those powers and duties. Requires the records and office of the standardbred advisory board to be located with the offices of the Indiana horse racing commission.

Effective: Upon passage; July 1, 1999.

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(HOUSE SPONSORS — BAUER, BUELL)

January 7, 1999, read first time and referred to Committee on Finance.
February 15, 1999, amended, reported favorably — Do Pass.
February 18, 1999, read second time, ordered engrossed.
February 19, 1999, engrossed.
February 22, 1999, read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 3, 1999, read first time and referred to Committee on Ways and Means.
March 17, 1999, reported — Do Pass.

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March 18, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

ENGROSSED SENATE BILL No. 295

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 4-31-3-8 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 1999]: Sec. 8. The commission shall:
3 (1) prescribe the rules and conditions under which horse racing at
4 a recognized meeting may be conducted;
5 (2) initiate safeguards as necessary to account for the amount of
6 money wagered at each track or satellite facility in each wagering
7 pool;
8 (3) require all permit holders to provide a photographic or
9 videotape recording, approved by the commission, of the entire
10 running of all races conducted by the permit holder; ~~and~~
11 (4) make annual reports concerning its operations and
12 recommendations to the governor and the general assembly; **and**
13 **(5) carry out the provisions of IC 15-5-5.5, after considering**
14 **recommendations received from the Indiana standardbred**
15 **advisory board under IC 15-5-5.5.**
16 SECTION 2. IC 15-5-5.5-1 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. The Indiana
 2 standardbred **advisory board of regulations** is hereby created to **further**
 3 **make recommendations to the Indiana horse racing commission**
 4 **for the furtherance of** the standardbred horse industry in the state of
 5 Indiana.

6 SECTION 3. IC 15-5-5.5-2 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The Indiana
 8 standardbred **advisory board of regulations** (hereinafter referred to as
 9 the "**advisory board**") shall be composed of seven (7) members
 10 selected as follows:

11 (a) ~~(1)~~ **(1)** The ~~Indiana commissioner of agriculture~~ **chairman of the**
 12 **Indiana horse racing commission, or the chairman's designee,**
 13 shall be an ex officio member.

14 ~~(b)~~ **(2)** Two (2) members shall be appointed by the governor who
 15 are members of county fair boards.

16 ~~(c)~~ **(3)** Four (4) members shall be appointed by the governor who
 17 have in the past participated, or who have shown an interest in the
 18 standardbred industry. Such interest may, but does not necessarily
 19 have to be, evidenced by virtue of being an owner, driver,
 20 veterinarian, trainer, or breeder.

21 ~~(d)~~ No more than three (3) of the ~~subsection (b) and (c)~~ **subdivision**
 22 **(2) and (3)** appointees shall be of the same political party as the
 23 ~~commissioner of agriculture:~~ **chairman of the Indiana horse racing**
 24 **commission.**

25 SECTION 4. IC 15-5-5.5-3 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. ~~The governor shall~~
 27 ~~initially appoint two (2) members to serve a term of one (1) year; two~~
 28 ~~(2) members to serve a term of two (2) years; and two (2) members to~~
 29 ~~serve a term of three (3) years. Thereafter~~ All terms **of members of the**
 30 **advisory board** shall be for three (3) years.

31 SECTION 5. IC 15-5-5.5-4 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. (a) The **advisory**
 33 ~~board shall meet on or before May 1, 1973; to organize;~~ elect a
 34 chairman, a vice-chairman, and a treasurer, and other such officers as
 35 ~~is~~ **are** deemed necessary. The ~~commissioner of agriculture~~ **chairman**
 36 **of the Indiana horse racing commission** shall be secretary and shall
 37 be entitled to vote on all matters.

38 (b) The records of the **advisory board** shall be kept by the ~~office of~~
 39 ~~the commissioner of agriculture:~~ **Indiana horse racing commission.**

40 (c) **The office of the advisory board shall be located with the**
 41 **offices of the Indiana horse racing commission.**

42 SECTION 6. IC 15-5-5.5-5 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The **advisory** board
 2 shall meet quarterly and at such other times as the members deem
 3 necessary. Special meetings may be called by the chairman or at the
 4 written request of four (4) members, when presented to the secretary.
 5 Members shall receive at least ten (10) days notice before any meeting.

6 SECTION 7. IC 15-5-5.5-7 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. The members of the
 8 **advisory** board excluding the ~~commissioner of agriculture chairman~~
 9 **of the Indiana horse racing commission** shall be eligible to receive
 10 per diem on days the **advisory** board is in session.

11 SECTION 8. IC 15-5-5.5-8 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) **After**
 13 **considering the recommendations of the advisory** board, ~~shall the~~
 14 **Indiana horse racing commission may:**

15 (1) conduct educational, informational, and youth programs, and
 16 sponsor and expend funds for any program and advertising aimed
 17 at promoting the standardbred industry in Indiana;

18 ~~(b) The board may~~ (2) employ persons to aid in general promotion
 19 or race administration programs for the standardbred industry in
 20 Indiana;

21 ~~(c) The board shall~~ (3) prescribe standards for race programs and
 22 conditions of races, which may include but shall not be limited to
 23 types of races, length of races, positioning of entries, or gait;

24 ~~(d) The board may~~ (4) disburse available money to supplement
 25 purses for any individual race with a cooperating fair or
 26 standardbred race meeting;

27 ~~(e) The board may~~ (5) disburse available money to supplement
 28 purses for races having the requirement that the entries be owned
 29 by legal residents of Indiana; **and**

30 **(6) accept and disburse donations, contributions,**
 31 **appropriations, or grants of money or real or personal**
 32 **property.**

33 ~~(f)~~ (b) **After considering the recommendations of the advisory**
 34 **board, the Indiana horse racing commission** shall distribute available
 35 money so that either:

36 (1) the division between the trotting and pacing gaits of the
 37 standardbred horse is as near equal as possible in proportion to
 38 entries received for any race program; or

39 (2) the entries may have been conceived by a stallion that
 40 regularly stands within Indiana and that is listed in the
 41 standardbred registry.

42 ~~(g)~~ (c) **The board Indiana horse racing commission** shall establish

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1 a standardbred registry. in the office of the commissioner of
2 agriculture.

3 (h) The board may accept and disburse donations, contributions,
4 appropriations, or grants of money or real or personal property.

5 (†) (d) **After considering the recommendations of the advisory**
6 **board, the Indiana horse racing commission** shall collect fees for the
7 registration of standardbred stallions in an amount established by the
8 ~~board:~~ **commission**. However, amounts so collected may not exceed
9 five hundred dollars (\$500) per stallion.

10 (†) (e) **After considering the recommendations of the advisory**
11 **board, the Indiana horse racing commission** shall establish purses for
12 or to promote races if open to only the offspring of standardbred
13 stallions registered under subsection (g): (c).

14 SECTION 9. IC 15-5-5.5-9 IS AMENDED TO READ AS
15 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. All monies that are
16 disbursed as prescribed in section 8 of this chapter shall be divided so
17 that of all the monies dispensed by the board in any one (1) year not
18 less than sixty percent (60%) shall be supplemented for use in
19 prescribed programs of county and 4-H fairs and not more than forty
20 percent (40%) shall be used to supplement purses at the Indiana state
21 fair.

22 SECTION 10. IC 15-5-5.5-9.5 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9.5. A standardbred
24 horse fund is hereby established. The money received by the ~~board~~
25 **Indiana horse racing commission** under this chapter shall be
26 deposited in the standardbred horse fund. The standardbred horse fund
27 is a non-budgetary fund, and the money remaining in the standardbred
28 horse fund at the end of a fiscal year does not revert to the state general
29 fund. **After considering the recommendations of the advisory board,**
30 **the Indiana horse racing commission** may disburse money from the
31 standardbred horse fund for any purpose described in section 8 of this
32 chapter. The ~~board~~ **Indiana horse racing commission** shall pay any
33 expense incurred by it in administering this chapter from the
34 standardbred horse fund.

35 SECTION 11. [EFFECTIVE JULY 1, 1999] **On July 1, 1999, all**
36 **records, property, and liabilities of the Indiana standardbred**
37 **board of regulation are transferred to the Indiana horse racing**
38 **commission.**

39 SECTION 12. [EFFECTIVE UPON PASSAGE] (a)
40 **Notwithstanding IC 15-5-5.5-2 and IC 15-5-5.5-3, each as amended**
41 **by this act, each individual who was appointed as a member of the**
42 **Indiana standardbred board of regulations and is serving on June**

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1 **30, 1999, is entitled to serve as a member of the Indiana**
2 **standardbred advisory board until the date when the individual's**
3 **term of office on the Indiana standardbred board of regulation**
4 **would have expired if this act had not been enacted.**
5 **(c) This SECTION expires July 1, 2003.**
6 **SECTION 13. [EFFECTIVE JULY 1, 1999] The rules adopted by**
7 **the Indiana standardbred board of regulations before July 1, 1999,**
8 **are considered, after June 30, 1999, rules of the Indiana horse**
9 **racing commission.**
10 **SECTION 14. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Finance, to which was referred Senate Bill No. 295, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-31-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. The commission shall:

- (1) prescribe the rules and conditions under which horse racing at a recognized meeting may be conducted;
- (2) initiate safeguards as necessary to account for the amount of money wagered at each track or satellite facility in each wagering pool;
- (3) require all permit holders to provide a photographic or videotape recording, approved by the commission, of the entire running of all races conducted by the permit holder; ~~and~~
- (4) make annual reports concerning its operations and recommendations to the governor and the general assembly; ~~and~~
- (5) carry out the provisions of IC 15-5-5.5, after considering recommendations received from the Indiana standardbred advisory board under IC 15-5-5.5.**

SECTION 2. IC 15-5-5.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. The Indiana standardbred ~~advisory board of regulations~~ is hereby created to ~~further make recommendations to the Indiana horse racing commission for the furtherance of~~ the standardbred horse industry in the state of Indiana.

SECTION 3. IC 15-5-5.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. The Indiana standardbred ~~advisory board of regulations~~ (hereinafter referred to as the "**advisory board**") shall be composed of seven (7) members selected as follows:

- ~~(a)~~ **(1) The Indiana commissioner of agriculture chairman of the Indiana horse racing commission, or the chairman's designee,** shall be an ex officio member.
- ~~(b)~~ **(2) Two (2) members shall be appointed by the governor who are members of county fair boards.**
- ~~(c)~~ **(3) Four (4) members shall be appointed by the governor who have in the past participated, or who have shown an interest in the standardbred industry. Such interest may, but does not necessarily**

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have to be, evidenced by virtue of being an owner, driver, veterinarian, trainer, or breeder.

(d) No more than three (3) of the ~~subsection (b) and (c)~~ **subdivision (2) and (3)** appointees shall be of the same political party as the ~~commissioner of agriculture~~: **chairman of the Indiana horse racing commission.**

SECTION 4. IC 15-5-5.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. ~~The governor shall initially appoint two (2) members to serve a term of one (1) year; two (2) members to serve a term of two (2) years; and two (2) members to serve a term of three (3) years. Thereafter~~ All terms of **members of the advisory board** shall be for three (3) years."

Page 1, line 2, after "The" insert "**advisory**".

Page 1, line 3, strike "meet on or before May 1, 1973, to organize,".

Page 1, line 5, strike "commissioner of agriculture" and insert "**chairman of the Indiana horse racing commission**".

Page 1, line 7, before "board" insert "**advisory**".

Page 1, line 9, before "board" insert "**advisory**".

Page 1, after line 10, begin a new paragraph and insert:

"SECTION 6. IC 15-5-5.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The **advisory** board shall meet quarterly and at such other times as the members deem necessary. Special meetings may be called by the chairman or at the written request of four (4) members, when presented to the secretary. Members shall receive at least ten (10) days notice before any meeting.

SECTION 7. IC 15-5-5.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 7. The members of the **advisory** board excluding the ~~commissioner of agriculture~~ **chairman of the Indiana horse racing commission** shall be eligible to receive per diem on days the **advisory** board is in session.

SECTION 8. IC 15-5-5.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 8. (a) **After considering the recommendations of the advisory board, shall the Indiana horse racing commission may:**

(1) conduct educational, informational, and youth programs, and sponsor and expend funds for any program and advertising aimed at promoting the standardbred industry in Indiana;

(b) ~~The board may~~ (2) employ persons to aid in general promotion or race administration programs for the standardbred industry in Indiana;

(c) ~~The board shall~~ (3) prescribe standards for race programs and conditions of races, which may include but shall not be limited to



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types of races, length of races, positioning of entries, or gait;

~~(d) The board may (4)~~ disburse available money to supplement purses for any individual race with a cooperating fair or standardbred race meeting;

~~(e) The board may (5)~~ disburse available money to supplement purses for races having the requirement that the entries be owned by legal residents of Indiana; **and**

(6) accept and disburse donations, contributions, appropriations, or grants of money or real or personal property.

~~(f)~~ **(b) After considering the recommendations of the advisory board, the Indiana horse racing commission shall distribute available money so that either:**

(1) the division between the trotting and pacing gaits of the standardbred horse is as near equal as possible in proportion to entries received for any race program; or

(2) the entries may have been conceived by a stallion that regularly stands within Indiana and that is listed in the standardbred registry.

~~(g)~~ **(c) The Indiana horse racing commission shall establish a standardbred registry. in the office of the commissioner of agriculture:**

~~(h) The board may accept and disburse donations, contributions, appropriations, or grants of money or real or personal property.~~

~~(i)~~ **(d) After considering the recommendations of the advisory board, the Indiana horse racing commission shall collect fees for the registration of standardbred stallions in an amount established by the board. commission.** However, amounts so collected may not exceed five hundred dollars (\$500) per stallion.

~~(j)~~ **(e) After considering the recommendations of the advisory board, the Indiana horse racing commission shall establish purses for or to promote races if open to only the offspring of standardbred stallions registered under subsection ~~(g)~~: (c).**

SECTION 9. IC 15-5-5.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. All monies that are disbursed as prescribed in section 8 of this chapter shall be divided so that of all the monies dispensed by the board in any one (1) year not less than sixty percent (60%) shall be supplemented for use in prescribed programs of county and 4-H fairs and not more than forty percent (40%) shall be used to supplement purses at the Indiana state fair.

SECTION 10. IC 15-5-5.5-9.5 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9.5. A standardbred horse fund is hereby established. The money received by the ~~board~~ **Indiana horse racing commission** under this chapter shall be deposited in the standardbred horse fund. The standardbred horse fund is a non-budgetary fund, and the money remaining in the standardbred horse fund at the end of a fiscal year does not revert to the state general fund. **After considering the recommendations of the advisory board, the Indiana horse racing commission** may disburse money from the standardbred horse fund for any purpose described in section 8 of this chapter. The ~~board~~ **Indiana horse racing commission** shall pay any expense incurred by it in administering this chapter from the standardbred horse fund.

SECTION 11. [EFFECTIVE JULY 1, 1999] **On July 1, 1999, all records, property, and liabilities of the Indiana standardbred board of regulation are transferred to the Indiana horse racing commission.**

SECTION 12. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding IC 15-5-5.5-2 and IC 15-5-5.5-3, each as amended by this act, each individual who was appointed as a member of the Indiana standardbred board of regulations and is serving on June 30, 1999, is entitled to serve as a member of the Indiana standardbred advisory board until the date when the individual's term of office on the Indiana standardbred board of regulation would have expired if this act had not been enacted.**

(c) **This SECTION expires July 1, 2003.**

SECTION 13. [EFFECTIVE JULY 1, 1999] **The rules adopted by the Indiana standardbred board of regulations before July 1, 1999, are considered, after June 30, 1999, rules of the Indiana horse racing commission.**

SECTION 14. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 295 as introduced.)

BORST, Chairperson

Committee Vote: Yeas 13, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 295, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BAUER, Chair

Committee Vote: yeas 22, nays 0.

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