



February 16, 1999

## SENATE BILL No. 295

DIGEST OF SB 295 (Updated February 11, 1999 3:50 pm - DI 44)

**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.

**Borst**

January 7, 1999, read first time and referred to Committee on Finance.  
February 15, 1999, amended, reported favorably — Do Pass.

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SB 295—LS 6879/DI 94+



February 16, 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.

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## 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  
17 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. The Indiana

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1 standardbred **advisory** board of regulations is hereby created to further  
 2 **make recommendations to the Indiana horse racing commission**  
 3 **for the furtherance of** the standardbred horse industry in the state of  
 4 Indiana.

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

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

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

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

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

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

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

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

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

41 SECTION 6. IC 15-5-5.5-5 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 5. The **advisory** board

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1 shall meet quarterly and at such other times as the members deem  
 2 necessary. Special meetings may be called by the chairman or at the  
 3 written request of four (4) members, when presented to the secretary.  
 4 Members shall receive at least ten (10) days notice before any meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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1 agriculture.

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

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

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

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

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

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

38 SECTION 12. [EFFECTIVE UPON PASSAGE] (a)  
39 **Notwithstanding IC 15-5-5.5-2 and IC 15-5-5.5-3, each as amended**  
40 **by this act, each individual who was appointed as a member of the**  
41 **Indiana standardbred board of regulations and is serving on June**  
42 **30, 1999, is entitled to serve as a member of the Indiana**



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1       **standardbred advisory board until the date when the individual's**  
2       **term of office on the Indiana standardbred board of regulation**  
3       **would have expired if this act had not been enacted.**

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

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

9       **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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