

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 1. Short title. This Act may be cited as the  
5 Illinois State Fairgrounds Racetrack Authority Act.

6 Section 5. Definitions. As used in this Act:

7 "Authority" means the Illinois State Fairgrounds Racetrack  
8 Authority created by this Act.

9 "Racing contractor" means any person or entity selected by  
10 the Authority and approved by the Illinois Racing Board to  
11 manage and operate the race meets and racing facility within  
12 the Illinois State Fairgrounds pursuant to a contract.

13 "Executive director" means the person appointed by the  
14 Board to oversee the daily operations of the Authority.

15 Section 10. Creation of the Authority. There is hereby  
16 created a political subdivision, unit of local government with  
17 only the powers authorized by law, body politic, and municipal  
18 corporation, by the name and style of the Illinois State  
19 Fairgrounds Racetrack Authority.

20 Section 15. Duties of the Authority. It shall be the duty  
21 of the Authority to promote, operate, and maintain horse racing

1 operations through a racing contractor in the Illinois State  
2 Fairgrounds as provided in this Act. The Authority shall equip  
3 and maintain the fairgrounds and its buildings and facilities  
4 for that purpose. The Authority has the right to contract with  
5 a racing contractor and other third parties in order to fulfill  
6 its purpose. The Authority is granted all rights and powers  
7 necessary to perform such duties.

8 Section 20. Board.

9 (a) The governing and administrative powers of the  
10 Authority is vested in a body consisting of 7 members, 2 of  
11 which shall be appointed by the Chairman of the Sangamon County  
12 Board with the advice and consent of the Sangamon County Board,  
13 one of whom is appointed for an initial term of one year, and  
14 one of whom is appointed for an initial term of 3 years; 2 of  
15 which shall be appointed by the Mayor of the City of  
16 Springfield with the advice and consent of the city council,  
17 one of whom is appointed for an initial term of one year, and  
18 one of whom is appointed for an initial term of 3 years; 2 of  
19 which shall be appointed by the Director of the Department of  
20 Agriculture, one for an initial term of one year and one for an  
21 initial term of 3 years; and one of which shall be appointed by  
22 the Chairman of the Sangamon County Emergency Telephone Systems  
23 Board for an initial term of 3 years. All appointees shall be  
24 subject to approval by the Illinois Racing Board. The Chairman  
25 of the Authority shall be elected annually by the Board.

1           (b) All successors shall hold office for a term of 5 years,  
2           except in the case of an appointment to fill a vacancy. Each  
3           member, including the chairperson, shall hold office until the  
4           expiration of his or her term and until his or her successor is  
5           appointed and qualified. Nothing shall preclude a member from  
6           serving consecutive terms. Any member may resign from office,  
7           to take effect when a successor has been appointed and  
8           qualified. A vacancy in office shall occur in the case of a  
9           member's death or indictment, conviction, or plea of guilty to  
10          a felony. A vacancy shall be filled for the unexpired term with  
11          the approval of the Illinois Racing Board.

12          (c) The appointing officer or the Illinois Racing Board may  
13          remove any member of the Board upon a finding of incompetence,  
14          neglect of duty, or misfeasance or malfeasance in office or for  
15          a violation of this Act. The Illinois Racing Board may remove  
16          any member of the Board for any violation of the Illinois Horse  
17          Racing Act of 1975 or the rules and regulations of the Illinois  
18          Racing Board.

19          (d) Board members shall receive \$300 for each day it meets  
20          and shall be entitled to reimbursement of reasonable expenses  
21          incurred in the performance of their official duties. A Board  
22          member who serves in the office of secretary-treasurer may also  
23          receive compensation for services provided as that officer.

24          (e) The Board shall prescribe the time and place for  
25          meetings, the manner in which special meetings may be called,  
26          and the notice that must be given to members. All actions and

1 meetings of the Board shall be subject to the provisions of the  
2 Open Meetings Act. Four members of the Board shall constitute a  
3 quorum. All substantive action of the Board shall be by  
4 resolution with an affirmative vote of a majority of the  
5 members.

6 Section 25. Executive director; officers.

7 (a) The Authority shall appoint an executive director,  
8 after the completion of a background investigation and approval  
9 by the Illinois Racing Board, who shall be the chief executive  
10 officer of the Authority. The Board shall fix the compensation  
11 of the executive director. Subject to the general control of  
12 the Board, the executive director shall be responsible for the  
13 management of the business, properties, and employees of the  
14 Authority. The executive director shall direct the enforcement  
15 of all resolutions, rules, and regulations of the Board, and  
16 shall perform such other duties as may be prescribed from time  
17 to time by the Board. All employees and independent  
18 contractors, consultants, engineers, architects, accountants,  
19 attorneys, financial experts, construction experts and  
20 personnel, superintendents, managers, and other personnel  
21 appointed or employed pursuant to this Act shall report to the  
22 executive director. In addition to any other duties set forth  
23 in this Act, the executive director shall do all of the  
24 following:

25 (1) Direct and supervise the administrative affairs

1 and activities of the Authority in accordance with its  
2 rules, regulations, and policies.

3 (2) Attend meetings of the Board.

4 (3) Keep minutes of all proceedings of the Board.

5 (4) Approve all accounts for salaries, per diem  
6 payments, and allowable expenses of the Board and its  
7 employees and consultants.

8 (5) Report and make recommendations to the Board  
9 concerning the terms and conditions of any contract with a  
10 horse racing contractor.

11 (6) Perform any other duty that the Board requires for  
12 carrying out the provisions of this Act.

13 (7) Devote his or her full time to the duties of the  
14 office and not hold any other office or employment.

15 (b) The Board may select a secretary-treasurer to hold  
16 office at the pleasure of the Board. The Board shall fix the  
17 duties of such officer.

18 Section 30. General rights and powers of the Authority. In  
19 addition to the duties and powers set forth in this Act, the  
20 Authority shall have the following rights and powers:

21 (1) Transition the conduct of horse racing at the  
22 Illinois State Fairgrounds from an annual race meeting that  
23 is contained within the duration of the Illinois State Fair  
24 to an annual standardbred race meeting that lasts from 3 to  
25 9 months, depending on funding and market conditions.

- 1           (2) Adopt and alter an official seal.
- 2           (3) Establish and change its fiscal year.
- 3           (4) Sue and be sued, plead and be impleaded, all in its  
4 own name, and agree to binding arbitration of any dispute  
5 to which it is a party.
- 6           (5) Adopt, amend, and repeal by-laws, rules, and  
7 regulations consistent with the furtherance of the powers  
8 and duties provided for.
- 9           (6) Maintain its principal office and such other  
10 offices as the Board may designate.
- 11          (7) Conduct background investigations of potential  
12 racing contractors, including its principals or  
13 shareholders, and Authority staff.
- 14          (8) Employ, either as regular employees or independent  
15 contractors, consultants, engineers, architects,  
16 accountants, attorneys, financial experts, construction  
17 experts and personnel, superintendents, managers and other  
18 professional personnel, and such other personnel as may be  
19 necessary in the judgment of the Board, and fix their  
20 compensation.
- 21          (9) Operate and maintain grounds, buildings, and  
22 facilities to carry out its corporate purposes and duties.
- 23          (10) Enter into, revoke, and modify contracts.
- 24          (11) Enter into a contract with a racing contractor.
- 25          (12) Develop, or cause to be developed by a third  
26 party, a master plan for development of horse racing at the

1 Illinois State Fairgrounds.

2 (13) Negotiate and enter into intergovernmental  
3 agreements with the State and its agencies and units of  
4 local government in furtherance of the powers and duties of  
5 the Board, including with the Department of Agriculture for  
6 the use of facilities in compliance with the State Fair  
7 Act.

8 (14) Receive and disburse funds for its own corporate  
9 purposes or as otherwise specified in this Act.

10 (15) Borrow money from any source, public or private,  
11 for any corporate purpose, including, without limitation,  
12 working capital for its operations, reserve funds, or  
13 payment of interest, and to mortgage, pledge, or otherwise  
14 encumber the property or funds of the Authority and to  
15 contract with or engage the services of any person in  
16 connection with any financing, including financial  
17 institutions, issuers of letters of credit, or insurers and  
18 enter into reimbursement agreements with this person or  
19 entity which may be secured as if money were borrowed from  
20 the person or entity.

21 (16) Receive and accept from any source, private or  
22 public, contributions, gifts, or grants of money or  
23 property to the Authority.

24 (17) Provide for the insurance of any property,  
25 operations, officers, members, agents, or employees of the  
26 Authority against any risk or hazard, to self-insure or

1           participate in joint self-insurance pools or entities to  
2           insure against such risk or hazard, and to provide for the  
3           indemnification of its officers, members, employees,  
4           contractors, or agents against any and all risks.

5           (18) Exercise all the corporate powers granted  
6           Illinois corporations under the Business Corporation Act  
7           of 1983, except to the extent that powers are inconsistent  
8           with those of a body politic and corporate of the State.

9           (19) Do all things necessary or convenient to carry out  
10          the powers granted by this Act.

11          Section 35. Contracts with racing contractors.

12          (a) The Board shall develop and administer a competitive  
13          sealed bidding process for the selection of a potential racing  
14          contractor to develop or operate horse racing at the Illinois  
15          State Fairgrounds. The Board shall issue one or more requests  
16          for proposals. The Board may establish minimum financial and  
17          investment requirements to determine the eligibility of  
18          persons to respond to the Board's requests for proposal, and  
19          may establish and consider such other criteria as it deems  
20          appropriate. The Board may impose a fee upon persons who  
21          respond to requests for proposal, in order to reimburse the  
22          Board for its costs in preparing and issuing the requests and  
23          reviewing the proposals.

24          (b) The Board may enter into contracts for the development  
25          of horse racing at the Illinois State Fairgrounds, provided

1 that no such contract shall encumber the Department of  
2 Agriculture.

3 (c) Within 5 days after the time limit for submitting bids  
4 and proposals has passed, the Board shall make all bids and  
5 proposals public. Thereafter, the Board shall evaluate the  
6 responses to its requests for proposal and the ability of all  
7 persons or entities responding to its request for proposal to  
8 meet the requirements of this Act and to undertake and perform  
9 the obligations set forth in its requests for proposal.

10 (d) After reviewing proposals and subject to approval by  
11 the Illinois Racing Board, the Board shall enter into a  
12 contract. If the Illinois Racing Board approves the contract,  
13 the Board shall transmit a copy of the executed contract to the  
14 Illinois Racing Board.

15 Section 37. Relationship with Illinois Racing Board. The  
16 Authority and its racing contractor are subject to the Illinois  
17 Horse Racing Act of 1975 and all of the rules of the Illinois  
18 Racing Board.

19 Section 40. Transfer of funds. The revenues received by  
20 the Authority (other than amounts required to be paid pursuant  
21 to the Illinois Horse Racing Act of 1975 and amounts required  
22 to pay the operating expenses of the Authority, to pay amounts  
23 due the racing contractor pursuant to a contract, and to repay  
24 any borrowing of the Authority made pursuant to Section 30)

1 shall be distributed as follows: 66 2/3% shall be paid to the  
2 Department of Agriculture for deposit into the State  
3 Fairgrounds Infrastructure Improvement Fund and 33 1/3% shall  
4 be paid into the Sangamon County Dispatch Fund.

5 Section 45. Jurisdiction over property. The Authority  
6 shall have concurrent jurisdiction with the Department of  
7 Agriculture over all of the real estate of the Illinois State  
8 Fairgrounds that is used for horse racing, including those  
9 facilities commonly known as "one-mile track" and adjacent  
10 backstretch infrastructure; however, when it is necessary to  
11 have controlling jurisdiction over the operation of the  
12 property to obey a mandate of the Illinois Racing Board, the  
13 Authority shall have controlling jurisdiction, except that no  
14 such compliance by the Authority to any mandate imposed by the  
15 Racing Board shall impose any budgetary expense upon the  
16 Department of Agriculture. No substantial changes may be made  
17 to the infrastructure of the Illinois State Fairgrounds unless  
18 the Director of Agriculture grants affirmative approval for the  
19 changes.

20 Section 50. Budgets and reporting.

21 (a) The Board shall annually adopt a budget for each fiscal  
22 year. The budget may be modified from time to time in the same  
23 manner and upon the same vote as it may be adopted. The budget  
24 shall include the Authority's available funds and estimated

1 revenues and shall provide for payment of its obligations and  
2 estimated expenditures for the fiscal year, including, without  
3 limitation, expenditures for administration, operation,  
4 maintenance and repairs, debt service, and deposits into  
5 reserve and other funds and capital projects.

6 (b) The Board shall annually cause the finances of the  
7 Authority to be audited by a firm of certified public  
8 accountants and post the firm's audits of the Authority on the  
9 Authority's Internet website. The Auditor General has the  
10 authority and is required to conduct a financial and management  
11 audit of the Authority every 2 years. The Auditor General's  
12 audits must be posted on his or her Internet website. The  
13 Auditor General shall submit a bill to the Authority for costs  
14 associated with the audits required under this Section. The  
15 Authority shall reimburse in a timely manner.

16 (c) The Board shall, for each fiscal year, prepare an  
17 annual report setting forth information concerning its  
18 activities in the fiscal year. The annual report shall include  
19 the audited financial statements of the Authority for the  
20 fiscal year, the budget for the succeeding fiscal year, and the  
21 current capital plan as of the date of the report. Copies of  
22 the annual report shall be made available to persons who  
23 request them and shall be submitted not later than 120 days  
24 after the end of the Authority's fiscal year to the Governor,  
25 the Mayor, the General Assembly, and the Commission on  
26 Government Forecasting and Accountability.

1 Section 55. Deposit and withdrawal of funds.

2 (a) All funds deposited by the Authority in any bank or  
3 savings and loan association shall be placed in the name of the  
4 Authority and shall be withdrawn or paid out only by check or  
5 draft upon the bank or savings and loan association, signed by  
6 2 officers or employees designated by the Board.  
7 Notwithstanding any other provision of this Section, the Board  
8 may designate any of its members or any officer or employee of  
9 the Authority to authorize the wire transfer of funds deposited  
10 by the secretary-treasurer of funds in a bank or savings and  
11 loan association for the payment of payroll and employee  
12 benefits-related expenses.

13 No bank or savings and loan association shall receive  
14 public funds as permitted by this Section unless it has  
15 complied with the requirements established pursuant to Section  
16 6 of the Public Funds Investment Act.

17 (b) If any officer or employee whose signature appears upon  
18 any check or draft issued pursuant to this Act ceases (after  
19 attaching his signature) to hold his or her office before the  
20 delivery of such a check or draft to the payee, his or her  
21 signature shall nevertheless be valid and sufficient for all  
22 purposes with the same effect as if he or she had remained in  
23 office until delivery thereof.

24 Section 60. Contracts with the Authority; disclosure

1 requirements.

2 (a) A bidder, offeror, or contractor must disclose the  
3 names of all officers and directors. A bidder, offeror, or  
4 contractor for contracts with the Authority shall disclose the  
5 identity of every owner, beneficiary, or person with beneficial  
6 interest of more than 1%, or shareholder entitled to receive  
7 more than 1% of the total distributable income of any  
8 corporation, having any interest in the contract in the bidder,  
9 offeror, or contractor. The disclosure shall be in writing and  
10 attested to by an owner, trustee, corporate official, or agent.  
11 If stock in a corporation is publicly traded and there is no  
12 readily known individual having greater than a 1% interest,  
13 then a statement to that effect attested to by an officer or  
14 agent of the corporation or shall fulfill the disclosure  
15 statement requirement of this Section. A bidder, offeror, or  
16 contractor shall notify the Authority of any changes in  
17 officers, directors, ownership, or individuals having a  
18 beneficial interest of more than 1%.

19 (b) A bidder, offeror, or contractor for contracts with an  
20 annual value of \$10,000 or for a period to exceed one year  
21 shall disclose all political contributions of the bidder,  
22 offeror, or contractor and any affiliated person or entity.  
23 Disclosure shall include at least the names and addresses of  
24 the contributors and the dollar amounts of any contributions to  
25 any political committee made within the previous 2 years.

26 (c) As used in this Section:

1 "Contribution" means contribution as defined in Section  
2 9-1.4 of the Election Code.

3 "Affiliated person" means (i) any person with any ownership  
4 interest or distributive share of the bidding or contracting  
5 entity in excess of 1%, (ii) executive employees of the bidding  
6 or contracting entity, and (iii) the spouse and minor children  
7 of any such persons.

8 "Affiliated entity" means (i) any parent or subsidiary of  
9 the bidding or contracting entity, (ii) any member of the same  
10 unitary business group, or (iii) any political committee for  
11 which the bidding or contracting entity is the sponsoring  
12 entity.

13 (d) The Illinois Racing Board may direct the Authority to  
14 void a contract if a violation of this Section occurs.

15 Section 65. Purchasing.

16 (a) All construction contracts and contracts for supplies,  
17 materials, equipment, and services, when the cost thereof to  
18 the Authority exceeds \$25,000, shall be let to the lowest  
19 responsible bidder, after advertising for bids, except for the  
20 following:

21 (1) When repair parts, accessories, equipment, or  
22 services are required for equipment or services previously  
23 furnished or contracted for;

24 (2) Professional services;

25 (3) When services such as water, light, heat, power,

1 telephone (other than long-distance service), or telegraph  
2 are required;

3 (4) When contracts for the use, purchase, delivery,  
4 movement, or installation of data processing equipment,  
5 software, or services and telecommunications equipment,  
6 software, and services are required;

7 (5) Contracts with a racing contractor, which shall be  
8 awarded as set forth in Section 35 of this Act.

9 (b) All contracts involving less than \$25,000 shall be let  
10 by competitive bidding whenever possible, and in any event in a  
11 manner calculated to ensure the best interests of the public.

12 (c) In determining the responsibility of any bidder, the  
13 Authority may take into account the bidder's (or an individual  
14 having a beneficial interest, directly or indirectly, of more  
15 than 1% in such bidding entity) past record of dealings with  
16 the Authority, the bidder's experience, adequacy of equipment,  
17 and ability to complete performance within the time set, and  
18 other factors besides financial responsibility. No such  
19 contract shall be awarded to any bidder other than the lowest  
20 bidder (in case of purchase or expenditure) unless authorized  
21 or approved by a vote of at least 4 members of the Board and  
22 such action is accompanied by a written statement setting forth  
23 the reasons for not awarding the contract to the highest or  
24 lowest bidder, as the case may be. The statement shall be kept  
25 on file in the principal office of the Authority and open to  
26 public inspection.

1           (d) The Authority shall have the right to reject all bids  
2           and to re-advertise for bids. If after any such  
3           re-advertisement, no responsible and satisfactory bid, within  
4           the terms of the re-advertisement, is received, the Authority  
5           may award such contract without competitive bidding, provided  
6           that the Illinois Racing Board must approve the contract prior  
7           to its execution. The contract must not be less advantageous to  
8           the Authority than any valid bid received pursuant to  
9           advertisement.

10          (e) Advertisements for bids and re-bids shall be published  
11          at least once in a daily newspaper of general circulation  
12          published in the City of Springfield at least 10 calendar days  
13          before the time for receiving bids, and such advertisements  
14          shall also be posted on readily accessible bulletin boards in  
15          the principal office of the Authority. Such advertisements  
16          shall state the time and place for receiving and opening of  
17          bids and, by reference to plans and specifications on file at  
18          the time of the first publication or in the advertisement  
19          itself, shall describe the character of the proposed contract  
20          in sufficient detail to fully advise prospective bidders of  
21          their obligations and to ensure free and open competitive  
22          bidding.

23          (f) All bids in response to advertisements shall be sealed  
24          and shall be publicly opened by the Authority. All bidders  
25          shall be entitled to be present in person or by  
26          representatives. Cash or a certified or satisfactory cashier's

1 check, as a deposit of good faith, in a reasonable amount to be  
2 fixed by the Authority before advertising for bids, shall be  
3 required with the proposal of each bidder. A bond for faithful  
4 performance of the contract with surety or sureties  
5 satisfactory to the Authority and adequate insurance may be  
6 required in reasonable amounts to be fixed by the Authority  
7 before advertising for bids.

8 (g) The contract shall be awarded as promptly as possible  
9 after the opening of bids. The bid of the successful bidder, as  
10 well as the bids of the unsuccessful bidders, shall be placed  
11 on file and be open to public inspection. All bids shall be  
12 void if any disclosure of the terms of any bid in response to  
13 an advertisement is made or permitted to be made by the  
14 Authority before the time fixed for opening bids.

15 (h) Notice of each and every contract that is offered,  
16 including renegotiated contracts and change orders, shall be  
17 published in an online bulletin. The online bulletin must  
18 include at least the date first offered, the date submission of  
19 offers is due, the location that offers are to be submitted to,  
20 a brief purchase description, the method of source selection,  
21 information of how to obtain a comprehensive purchase  
22 description and any disclosure and contract forms, and  
23 encouragement to prospective vendors to hire qualified  
24 veterans, as defined by Section 45-67 of the Illinois  
25 Procurement Code, and Illinois residents discharged from any  
26 Illinois adult correctional center. Notice of each and every

1 contract that is let or awarded, including renegotiated  
2 contracts and change orders, shall be published in the online  
3 bulletin and must include at least all of the information  
4 specified in this item (j), as well as the name of the  
5 successful responsible bidder or offeror, the contract price,  
6 and the number of unsuccessful responsive bidders and any other  
7 disclosure specified in this Section. This notice must be  
8 posted in the online electronic bulletin prior to execution of  
9 the contract.

10 Section 70. No authority to make or promulgate rules.  
11 Notwithstanding any other rulemaking authority that may exist,  
12 neither the Governor nor any agency or agency head under the  
13 jurisdiction of the Governor has any authority to make or  
14 promulgate rules to implement or enforce the provisions of this  
15 Act. If, however, the Governor believes that rules are  
16 necessary to implement or enforce the provisions of this Act,  
17 the Governor may suggest rules to the General Assembly by  
18 filing them with the Clerk of the House and Secretary of the  
19 Senate and by requesting that the General Assembly authorize  
20 such rulemaking by law, enact those suggested rules into law,  
21 or take any other appropriate action in the General Assembly's  
22 discretion. Nothing contained in this Act shall be interpreted  
23 to grant rulemaking authority under any other Illinois statute  
24 where such authority is not otherwise explicitly given. For the  
25 purposes of this Act, "rules" is given the meaning contained in

1 Section 1-70 of the Illinois Administrative Procedure Act, and  
2 "agency" and "agency head" are given the meanings contained in  
3 Sections 1-20 and 1-25 of the Illinois Administrative Procedure  
4 Act to the extent that such definitions apply to agencies or  
5 agency heads under the jurisdiction of the Governor.

6 Section 900. The State Fair Act is amended by changing  
7 Sections 10 and 12 as follows:

8 (20 ILCS 210/10) (from Ch. 127, par. 1710)

9 Sec. 10. The Department may enter into contracts with other  
10 government agencies to assist them in the operation of each  
11 State Fair and the State Fairgrounds as well as the  
12 requirements set forth in Section 9 of this Act.

13 The Department may cooperate with any other local, State or  
14 federal agency in the furtherance of the intent of this Act.

15 The Department may receive and use any donation either from  
16 the private or public sectors which is for betterment of each  
17 State Fair and the State Fairgrounds.

18 All revenues from the operation and use of any facilities  
19 of the Illinois State Fair at Springfield and the Springfield  
20 State Fairgrounds, other than revenues from horse racing  
21 conducted at the Springfield State Fairgrounds by the Illinois  
22 State Fairgrounds Racetrack Authority, shall be deposited in  
23 the Illinois State Fair Fund. All revenues from the operation  
24 and use of any facilities of the DuQuoin State Fair and the

1 DuQuoin State Fairgrounds shall be deposited into the  
2 Agricultural Premium Fund. All funds in the Illinois State Fair  
3 Fund shall be used by the Department of Agriculture in  
4 accordance with appropriation by the General Assembly for  
5 operation of the Illinois State Fair.

6 Notwithstanding any other rulemaking authority that may  
7 exist, neither the Governor nor any agency or agency head under  
8 the jurisdiction of the Governor has any authority to make or  
9 promulgate rules to implement or enforce the provisions of this  
10 amendatory Act of the 95th General Assembly. If, however, the  
11 Governor believes that rules are necessary to implement or  
12 enforce the provisions of this amendatory Act of the 95th  
13 General Assembly, the Governor may suggest rules to the General  
14 Assembly by filing them with the Clerk of the House and the  
15 Secretary of the Senate and by requesting that the General  
16 Assembly authorize such rulemaking by law, enact those  
17 suggested rules into law, or take any other appropriate action  
18 in the General Assembly's discretion. Nothing contained in this  
19 amendatory Act of the 95th General Assembly shall be  
20 interpreted to grant rulemaking authority under any other  
21 Illinois statute where such authority is not otherwise  
22 explicitly given. For the purposes of this amendatory Act of  
23 the 95th General Assembly, "rules" is given the meaning  
24 contained in Section 1-70 of the Illinois Administrative  
25 Procedure Act, and "agency" and "agency head" are given the  
26 meanings contained in Sections 1-20 and 1-25 of the Illinois

1 Administrative Procedure Act to the extent that such  
2 definitions apply to agencies or agency heads under the  
3 jurisdiction of the Governor.

4 (Source: P.A. 88-5.)

5 (20 ILCS 210/12) (from Ch. 127, par. 1712)

6 Sec. 12. The Department shall have the power to promulgate  
7 rules and regulations, pursuant to the Illinois Administrative  
8 Procedure Act, governing the holding of each State Fair, the  
9 operation of the State Fairgrounds, ~~the conditions under which~~  
10 ~~racing shall be permitted on the State Fairgrounds,~~ the policy  
11 for policing the grounds, and such other reasonable rules and  
12 regulations as are necessary to carry out the intent of the  
13 Act. However, the Department shall not be required to  
14 promulgate rules and regulations pursuant to the Illinois  
15 Administrative Procedure Act concerning those operations  
16 stated in subsections (b) and (c) of Section 6 of this Act.  
17 Instead, the requirements set forth in subsections (b) and (c)  
18 of Section 6 must be followed.

19 Notwithstanding any other rulemaking authority that may  
20 exist, neither the Governor nor any agency or agency head under  
21 the jurisdiction of the Governor has any authority to make or  
22 promulgate rules to implement or enforce the provisions of this  
23 amendatory Act of the 95th General Assembly. If, however, the  
24 Governor believes that rules are necessary to implement or  
25 enforce the provisions of this amendatory Act of the 95th

1 General Assembly, the Governor may suggest rules to the General  
2 Assembly by filing them with the Clerk of the House and the  
3 Secretary of the Senate and by requesting that the General  
4 Assembly authorize such rulemaking by law, enact those  
5 suggested rules into law, or take any other appropriate action  
6 in the General Assembly's discretion. Nothing contained in this  
7 amendatory Act of the 95th General Assembly shall be  
8 interpreted to grant rulemaking authority under any other  
9 Illinois statute where such authority is not otherwise  
10 explicitly given. For the purposes of this amendatory Act of  
11 the 95th General Assembly, "rules" is given the meaning  
12 contained in Section 1-70 of the Illinois Administrative  
13 Procedure Act, and "agency" and "agency head" are given the  
14 meanings contained in Sections 1-20 and 1-25 of the Illinois  
15 Administrative Procedure Act to the extent that such  
16 definitions apply to agencies or agency heads under the  
17 jurisdiction of the Governor.

18 (Source: P.A. 93-1055, eff. 11-23-04.)

19 Section 905. The State Finance Act is amended by adding  
20 Sections 5.710, 5.711, 6z-80, and 6z-81 as follows:

21 (30 ILCS 105/5.710 new)

22 Sec. 5.710. The State Fairgrounds Infrastructure  
23 Improvement Fund.

1 (30 ILCS 105/5.711 new)

2 Sec. 5.711. The Sangamon County Dispatch Fund.

3 (30 ILCS 105/6z-80 new)

4 Sec. 6z-80. The State Fairgrounds Infrastructure  
5 Improvement Fund. There is created the State Fairgrounds  
6 Infrastructure Improvement Fund, a non-appropriated special  
7 fund in the State treasury. Moneys in the Fund may be used by  
8 the Department of Agriculture solely for infrastructure  
9 improvements to the Illinois State Fairgrounds in Sangamon  
10 County. The State Fairgrounds Infrastructure Improvement Fund  
11 is not subject to sweeps, administrative charge-backs,  
12 including but not limited to, those authorized under Section 8h  
13 of the State Finance Act, or any other fiscal or budgetary  
14 maneuver that would in any way transfer any funds from the Fund  
15 into any other fund of the State.

16 (30 ILCS 105/6z-81 new)

17 Sec. 6z-81. The Sangamon County Dispatch Fund. There is  
18 created the Sangamon County Dispatch Fund, a non-appropriated  
19 trust fund held in the State treasury. Moneys in the Fund may  
20 be used by the Sangamon County Central Dispatch System solely  
21 for general operations. The Sangamon County Dispatch Fund is  
22 not subject to sweeps, administrative charge-backs, including  
23 but not limited to, those authorized under Section 8h of the  
24 State Finance Act, or any other fiscal or budgetary maneuver

1 that would in any way transfer any funds from the Fund into any  
2 other fund of the State.

3 Section 910. The Illinois Horse Racing Act of 1975 is  
4 amended by changing Section 9 and by adding Section 9.5 as  
5 follows:

6 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

7 Sec. 9. The Board shall have all powers necessary and  
8 proper to fully and effectively execute the provisions of this  
9 Act, including, but not limited to, the following:

10 (a) The Board is vested with jurisdiction and supervision  
11 over all race meetings in this State, over all licensees doing  
12 business in this State, over all occupation licensees, and over  
13 all persons on the facilities of any licensee. Such  
14 jurisdiction shall include the power to issue licenses to the  
15 Illinois Department of Agriculture authorizing the pari-mutuel  
16 system of wagering on harness and Quarter Horse races held ~~(1)~~  
17 ~~at the Illinois State Fair in Sangamon County, and (2) at the~~  
18 DuQuoin State Fair in Perry County. The jurisdiction of the  
19 Board shall also include the power to issue licenses to county  
20 fairs which are eligible to receive funds pursuant to the  
21 Agricultural Fair Act, as now or hereafter amended, or their  
22 agents, authorizing the pari-mutuel system of wagering on horse  
23 races conducted at the county fairs receiving such licenses.  
24 Such licenses shall be governed by subsection (n) of this

1 Section.

2 Upon application, the Board shall issue a license to the  
3 Illinois Department of Agriculture to conduct harness and  
4 Quarter Horse races ~~at the Illinois State Fair and at the~~  
5 DuQuoin State Fairgrounds during the scheduled dates of each  
6 fair. The Board shall not require and the Department of  
7 Agriculture shall be exempt from the requirements of Sections  
8 15.3, 18 and 19, paragraphs (a) (2), (b), (c), (d), (e), (e-5),  
9 (e-10), (f), (g), and (h) of Section 20, and Sections 21, 24  
10 and 25. The Board and the Department of Agriculture may extend  
11 any or all of these exemptions to any contractor or agent  
12 engaged by the Department of Agriculture to conduct its race  
13 meetings when the Board determines that this would best serve  
14 the public interest and the interest of horse racing.

15 Upon application, the Board shall issue a license to the  
16 Illinois State Fairgrounds Racetrack Authority authorizing the  
17 pari-mutuel system of wagering on live harness and Quarter  
18 Horse races, inter-track wagering, simulcast wagering, and  
19 advanced deposit wagering (if otherwise authorized by law)  
20 through a racing contractor, as that term is defined in the  
21 Illinois State Fairgrounds Racetrack Authority Act, for up to 9  
22 months of each year at the Illinois State Fairgrounds in  
23 Sangamon County. Revenues received by the Board from this  
24 license shall be deposited into the Horse Racing Fund.

25 Notwithstanding any provision of law to the contrary, it  
26 shall be lawful for any licensee to operate pari-mutuel

1     wagering or contract with the Department of Agriculture to  
2     operate pari-mutuel wagering at the DuQuoin State Fairgrounds  
3     or for the Department to enter into contracts with a licensee,  
4     employ its owners, employees or agents and employ such other  
5     occupation licensees as the Department deems necessary in  
6     connection with race meetings and wagerings.

7           (b) The Board is vested with the full power to promulgate  
8     reasonable rules and regulations for the purpose of  
9     administering the provisions of this Act and to prescribe  
10    reasonable rules, regulations and conditions under which all  
11    horse race meetings or wagering in the State shall be  
12    conducted. Such reasonable rules and regulations are to provide  
13    for the prevention of practices detrimental to the public  
14    interest and to promote the best interests of horse racing and  
15    to impose penalties for violations thereof.

16           (c) The Board, and any person or persons to whom it  
17    delegates this power, is vested with the power to enter the  
18    facilities and other places of business of any licensee to  
19    determine whether there has been compliance with the provisions  
20    of this Act and its rules and regulations.

21           (d) The Board, and any person or persons to whom it  
22    delegates this power, is vested with the authority to  
23    investigate alleged violations of the provisions of this Act,  
24    its reasonable rules and regulations, orders and final  
25    decisions; the Board shall take appropriate disciplinary  
26    action against any licensee or occupation licensee for

1 violation thereof or institute appropriate legal action for the  
2 enforcement thereof.

3 (e) The Board, and any person or persons to whom it  
4 delegates this power, may eject or exclude from any race  
5 meeting or the facilities of any licensee, or any part thereof,  
6 any occupation licensee or any other individual whose conduct  
7 or reputation is such that his presence on those facilities  
8 may, in the opinion of the Board, call into question the  
9 honesty and integrity of horse racing or wagering or interfere  
10 with the orderly conduct of horse racing or wagering; provided,  
11 however, that no person shall be excluded or ejected from the  
12 facilities of any licensee solely on the grounds of race,  
13 color, creed, national origin, ancestry, or sex. The power to  
14 eject or exclude an occupation licensee or other individual may  
15 be exercised for just cause by the licensee or the Board,  
16 subject to subsequent hearing by the Board as to the propriety  
17 of said exclusion.

18 (f) The Board is vested with the power to acquire,  
19 establish, maintain and operate (or provide by contract to  
20 maintain and operate) testing laboratories and related  
21 facilities, for the purpose of conducting saliva, blood, urine  
22 and other tests on the horses run or to be run in any horse race  
23 meeting and to purchase all equipment and supplies deemed  
24 necessary or desirable in connection with any such testing  
25 laboratories and related facilities and all such tests.

26 (g) The Board may require that the records, including

1 financial or other statements of any licensee or any person  
2 affiliated with the licensee who is involved directly or  
3 indirectly in the activities of any licensee as regulated under  
4 this Act to the extent that those financial or other statements  
5 relate to such activities be kept in such manner as prescribed  
6 by the Board, and that Board employees shall have access to  
7 those records during reasonable business hours. Within 120 days  
8 of the end of its fiscal year, each licensee shall transmit to  
9 the Board an audit of the financial transactions and condition  
10 of the licensee's total operations. All audits shall be  
11 conducted by certified public accountants. Each certified  
12 public accountant must be registered in the State of Illinois  
13 under the Illinois Public Accounting Act. The compensation for  
14 each certified public accountant shall be paid directly by the  
15 licensee to the certified public accountant. A licensee shall  
16 also submit any other financial or related information the  
17 Board deems necessary to effectively administer this Act and  
18 all rules, regulations, and final decisions promulgated under  
19 this Act.

20 (h) The Board shall name and appoint in the manner provided  
21 by the rules and regulations of the Board: an Executive  
22 Director; a State director of mutuels; Illinois Racing Board  
23 ~~State~~ veterinarians and representatives to take saliva, blood,  
24 urine and other tests on horses; licensing personnel; revenue  
25 inspectors; and State seasonal employees (excluding admission  
26 ticket sellers and mutuel clerks). All of those named and

1 appointed as provided in this subsection shall serve during the  
2 pleasure of the Board; their compensation shall be determined  
3 by the Board and be paid in the same manner as other employees  
4 of the Board under this Act.

5 (i) The Board shall require that there shall be 3 stewards  
6 at each horse race meeting, at least 2 of whom shall be named  
7 and appointed by the Board. Stewards appointed or approved by  
8 the Board, while performing duties required by this Act or by  
9 the Board, shall be entitled to the same rights and immunities  
10 as granted to Board members and Board employees in Section 10  
11 of this Act.

12 (j) The Board may discharge any Board employee who fails or  
13 refuses for any reason to comply with the rules and regulations  
14 of the Board, or who, in the opinion of the Board, is guilty of  
15 fraud, dishonesty or who is proven to be incompetent. The Board  
16 shall have no right or power to determine who shall be  
17 officers, directors or employees of any licensee, or their  
18 salaries except the Board may, by rule, require that all or any  
19 officials or employees in charge of or whose duties relate to  
20 the actual running of races be approved by the Board.

21 (k) The Board is vested with the power to appoint delegates  
22 to execute any of the powers granted to it under this Section  
23 for the purpose of administering this Act and any rules or  
24 regulations promulgated in accordance with this Act.

25 (l) The Board is vested with the power to impose civil  
26 penalties of up to \$5,000 against an individual and up to

1 \$10,000 against a licensee for each violation of any provision  
2 of this Act, any rules adopted by the Board, any order of the  
3 Board or any other action which, in the Board's discretion, is  
4 a detriment or impediment to horse racing or wagering.

5 (m) The Board is vested with the power to prescribe a form  
6 to be used by licensees as an application for employment for  
7 employees of each licensee.

8 (n) The Board shall have the power to issue a license to  
9 any county fair, or its agent, authorizing the conduct of the  
10 pari-mutuel system of wagering. The Board is vested with the  
11 full power to promulgate reasonable rules, regulations and  
12 conditions under which all horse race meetings licensed  
13 pursuant to this subsection shall be held and conducted,  
14 including rules, regulations and conditions for the conduct of  
15 the pari-mutuel system of wagering. The rules, regulations and  
16 conditions shall provide for the prevention of practices  
17 detrimental to the public interest and for the best interests  
18 of horse racing, and shall prescribe penalties for violations  
19 thereof. Any authority granted the Board under this Act shall  
20 extend to its jurisdiction and supervision over county fairs,  
21 or their agents, licensed pursuant to this subsection. However,  
22 the Board may waive any provision of this Act or its rules or  
23 regulations which would otherwise apply to such county fairs or  
24 their agents.

25 (o) Whenever the Board is authorized or required by law to  
26 consider some aspect of criminal history record information for

1 the purpose of carrying out its statutory powers and  
2 responsibilities, then, upon request and payment of fees in  
3 conformance with the requirements of Section 2605-400 of the  
4 Department of State Police Law (20 ILCS 2605/2605-400), the  
5 Department of State Police is authorized to furnish, pursuant  
6 to positive identification, such information contained in  
7 State files as is necessary to fulfill the request.

8 (p) To insure the convenience, comfort, and wagering  
9 accessibility of race track patrons, to provide for the  
10 maximization of State revenue, and to generate increases in  
11 purse allotments to the horsemen, the Board shall require any  
12 licensee to staff the pari-mutuel department with adequate  
13 personnel.

14 Notwithstanding any other rulemaking authority that may  
15 exist, neither the Governor nor any agency or agency head under  
16 the jurisdiction of the Governor has any authority to make or  
17 promulgate rules to implement or enforce the provisions of this  
18 amendatory Act of the 95th General Assembly. If, however, the  
19 Governor believes that rules are necessary to implement or  
20 enforce the provisions of this amendatory Act of the 95th  
21 General Assembly, the Governor may suggest rules to the General  
22 Assembly by filing them with the Clerk of the House and the  
23 Secretary of the Senate and by requesting that the General  
24 Assembly authorize such rulemaking by law, enact those  
25 suggested rules into law, or take any other appropriate action  
26 in the General Assembly's discretion. Nothing contained in this

1 amendatory Act of the 95th General Assembly shall be  
2 interpreted to grant rulemaking authority under any other  
3 Illinois statute where such authority is not otherwise  
4 explicitly given. For the purposes of this amendatory Act of  
5 the 95th General Assembly, "rules" is given the meaning  
6 contained in Section 1-70 of the Illinois Administrative  
7 Procedure Act, and "agency" and "agency head" are given the  
8 meanings contained in Sections 1-20 and 1-25 of the Illinois  
9 Administrative Procedure Act to the extent that such  
10 definitions apply to agencies or agency heads under the  
11 jurisdiction of the Governor.

12 (Source: P.A. 91-239, eff. 1-1-00.)

13 (230 ILCS 5/9.5 new)

14 Sec. 9.5. Limitation on location of inter-track wagering  
15 facility. In no event shall any inter-track wagering location  
16 licensee that derives its license from the Authority operate  
17 within 30 miles of the Illinois State Fairgrounds in Sangamon  
18 County.

19 Section 999. Effective date. This Act takes effect upon  
20 becoming law.