



Rep. Dwight Kay

Filed: 3/23/2015

09900HB2417ham001

LRB099 07701 MLM 32961 a

1 AMENDMENT TO HOUSE BILL 2417

2 AMENDMENT NO. _____. Amend House Bill 2417 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Horse Racing Act of 1975 is
5 amended by changing Section 9 and by adding Sections 3.31 and
6 56 as follows:

7 (230 ILCS 5/3.31 new)

8 Sec. 3.31. Historical race wagering position. "Historical
9 race wagering position" means a position adjacent to an
10 electronic machine or machines that shall display live or
11 previously run horse races. The display shall be made in such a
12 way that, if the race is a previously run historical race, the
13 patron is not able to identify the winner of the race.

14 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

15 Sec. 9. The Board shall have all powers necessary and

1 proper to fully and effectively execute the provisions of this
2 Act, including, but not limited to, the following:

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

19 Upon application, the Board shall issue a license to the
20 Illinois Department of Agriculture to conduct harness and
21 Quarter Horse races at the Illinois State Fair and at the
22 DuQuoin State Fairgrounds during the scheduled dates of each
23 fair. The Board shall not require and the Department of
24 Agriculture shall be exempt from the requirements of Sections
25 15.3, 18 and 19, paragraphs (a) (2), (b), (c), (d), (e), (e-5),
26 (e-10), (f), (g), and (h) of Section 20, and Sections 21, 24

1 and 25. The Board and the Department of Agriculture may extend
2 any or all of these exemptions to any contractor or agent
3 engaged by the Department of Agriculture to conduct its race
4 meetings when the Board determines that this would best serve
5 the public interest and the interest of horse racing.

6 Notwithstanding any provision of law to the contrary, it
7 shall be lawful for any licensee to operate pari-mutuel
8 wagering or contract with the Department of Agriculture to
9 operate pari-mutuel wagering at the DuQuoin State Fairgrounds
10 or for the Department to enter into contracts with a licensee,
11 employ its owners, employees or agents and employ such other
12 occupation licensees as the Department deems necessary in
13 connection with race meetings and wagerings.

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

23 (c) The Board, and any person or persons to whom it
24 delegates this power, is vested with the power to enter the
25 facilities and other places of business of any licensee to
26 determine whether there has been compliance with the provisions

1 of this Act and its rules and regulations.

2 (d) The Board, and any person or persons to whom it
3 delegates this power, is vested with the authority to
4 investigate alleged violations of the provisions of this Act,
5 its reasonable rules and regulations, orders and final
6 decisions; the Board shall take appropriate disciplinary
7 action against any licensee or occupation licensee for
8 violation thereof or institute appropriate legal action for the
9 enforcement thereof.

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

25 (f) The Board is vested with the power to acquire,
26 establish, maintain and operate (or provide by contract to

1 maintain and operate) testing laboratories and related
2 facilities, for the purpose of conducting saliva, blood, urine
3 and other tests on the horses run or to be run in any horse race
4 meeting and to purchase all equipment and supplies deemed
5 necessary or desirable in connection with any such testing
6 laboratories and related facilities and all such tests.

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

1 (h) The Board shall name and appoint in the manner provided
2 by the rules and regulations of the Board: an Executive
3 Director; a State director of mutuels; State veterinarians and
4 representatives to take saliva, blood, urine and other tests on
5 horses; licensing personnel; revenue inspectors; and State
6 seasonal employees (excluding admission ticket sellers and
7 mutuel clerks). All of those named and appointed as provided in
8 this subsection shall serve during the pleasure of the Board;
9 their compensation shall be determined by the Board and be paid
10 in the same manner as other employees of the Board under this
11 Act.

12 (i) The Board shall require that there shall be 3 stewards
13 at each horse race meeting, at least 2 of whom shall be named
14 and appointed by the Board. Stewards appointed or approved by
15 the Board, while performing duties required by this Act or by
16 the Board, shall be entitled to the same rights and immunities
17 as granted to Board members and Board employees in Section 10
18 of this Act.

19 (j) The Board may discharge any Board employee who fails or
20 refuses for any reason to comply with the rules and regulations
21 of the Board, or who, in the opinion of the Board, is guilty of
22 fraud, dishonesty or who is proven to be incompetent. The Board
23 shall have no right or power to determine who shall be
24 officers, directors or employees of any licensee, or their
25 salaries except the Board may, by rule, require that all or any
26 officials or employees in charge of or whose duties relate to

1 the actual running of races be approved by the Board.

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

6 (l) The Board is vested with the power to impose civil
7 penalties of up to \$5,000 against an individual and up to
8 \$10,000 against a licensee for each violation of any provision
9 of this Act, any rules adopted by the Board, any order of the
10 Board or any other action which, in the Board's discretion, is
11 a detriment or impediment to horse racing or wagering. All such
12 civil penalties shall be deposited into the Horse Racing Fund.

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

16 (n) The Board shall have the power to issue a license to
17 any county fair, or its agent, authorizing the conduct of the
18 pari-mutuel system of wagering. The Board is vested with the
19 full power to promulgate reasonable rules, regulations and
20 conditions under which all horse race meetings licensed
21 pursuant to this subsection shall be held and conducted,
22 including rules, regulations and conditions for the conduct of
23 the pari-mutuel system of wagering. The rules, regulations and
24 conditions shall provide for the prevention of practices
25 detrimental to the public interest and for the best interests
26 of horse racing, and shall prescribe penalties for violations

1 thereof. Any authority granted the Board under this Act shall
2 extend to its jurisdiction and supervision over county fairs,
3 or their agents, licensed pursuant to this subsection. However,
4 the Board may waive any provision of this Act or its rules or
5 regulations which would otherwise apply to such county fairs or
6 their agents.

7 (o) Whenever the Board is authorized or required by law to
8 consider some aspect of criminal history record information for
9 the purpose of carrying out its statutory powers and
10 responsibilities, then, upon request and payment of fees in
11 conformance with the requirements of Section 2605-400 of the
12 Department of State Police Law (20 ILCS 2605/2605-400), the
13 Department of State Police is authorized to furnish, pursuant
14 to positive identification, such information contained in
15 State files as is necessary to fulfill the request.

16 (p) To insure the convenience, comfort, and wagering
17 accessibility of race track patrons, to provide for the
18 maximization of State revenue, and to generate increases in
19 purse allotments to the horsemen, the Board shall require any
20 licensee to staff the pari-mutuel department with adequate
21 personnel.

22 (q) The Board shall have the power to establish and oversee
23 the historical race wagering pilot program authorized under
24 Section 56 of this Act.

25 (Source: P.A. 97-1060, eff. 8-24-12.)

1 (230 ILCS 5/56 new)

2 Sec. 56. Historical race wagering pilot program.

3 (a) Notwithstanding any other provisions of this Act or the
4 Riverboat Gambling Act, the Board shall establish and oversee a
5 historical race wagering pilot program for Fairmount Park.
6 Fairmount Park may apply to the Board for permission to install
7 up to 950 historical race wagering positions to be located on
8 the grounds of Fairmount Park.

9 Each inter-track wagering location licensee affiliated
10 with Fairmount Park may apply to the Board for permission to
11 install up to 15 historical race wagering positions to be
12 located on their grounds. No other inter-track wagering
13 location licensees shall be authorized to install historical
14 race wagering positions.

15 (b) Revenues from historical race wagering positions shall
16 be treated as pari-mutuel handle and, notwithstanding any other
17 provisions of this Act, shall be treated in accordance with the
18 provisions of Section 27 of this Act.

19 (c) The Board shall, subject to appropriation, retain for
20 its own use and operations moneys from historical race wagering
21 positions as are necessary to enable the Board to oversee and
22 regulate the historical race wagering positions pilot program
23 and its cash flows.

24 (d) All moneys collected from historical race wagering
25 positions and not appropriated by the General Assembly for the
26 use of the Board shall be transferred monthly, not later than

1 the first business day of each month, to the General Revenue
2 Fund.

3 (e) The Board shall adopt any rules necessary to implement
4 the pilot program under this Section.

5 (f) This Section is repealed on December 31, 2020.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".