



Sen. Terry Link

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09900HB0940sam003

LRB099 04769 AMC 48386 a

1 AMENDMENT TO HOUSE BILL 940

2 AMENDMENT NO. _____. Amend House Bill 940, AS AMENDED,
3 with reference to page and line numbers of Senate Amendment No.
4 1, on page 1, line 5, by replacing "Section" with "Sections 9
5 and"; and

6 on page 1, immediately below line 5, by inserting the
7 following:

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

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

12 (a) The Board is vested with jurisdiction and supervision
13 over all race meetings in this State, over all licensees doing
14 business in this State, over all occupation licensees, and over
15 all persons on the facilities of any licensee. Such
16 jurisdiction shall include the power to issue licenses to the

1 Illinois Department of Agriculture authorizing the pari-mutuel
2 system of wagering on harness and Quarter Horse races held (1)
3 at the Illinois State Fair in Sangamon County, and (2) at the
4 DuQuoin State Fair in Perry County. The jurisdiction of the
5 Board shall also include the power to issue licenses to county
6 fairs which are eligible to receive funds pursuant to the
7 Agricultural Fair Act, as now or hereafter amended, or their
8 agents, authorizing the pari-mutuel system of wagering on horse
9 races conducted at the county fairs receiving such licenses.
10 Such licenses shall be governed by subsection (n) of this
11 Section.

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

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, including wagering on historical or past horse
13 races. Such reasonable rules and regulations are to provide for
14 the prevention of practices detrimental to the public interest
15 and to promote the best interests of horse racing and to impose
16 penalties for violations thereof.

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

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

1 action against any licensee or occupation licensee for
2 violation thereof or institute appropriate legal action for the
3 enforcement thereof.

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

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

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

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

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

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

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

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

26 (l) The Board is vested with the power to impose civil

1 penalties of up to \$5,000 against an individual and up to
2 \$10,000 against a licensee for each violation of any provision
3 of this Act, any rules adopted by the Board, any order of the
4 Board or any other action which, in the Board's discretion, is
5 a detriment or impediment to horse racing or wagering. All such
6 civil penalties shall be deposited into the Horse Racing Fund.

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

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

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

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

16 (Source: P.A. 97-1060, eff. 8-24-12.)"; and

17 on page 1, line 10, by replacing "licensee" with "licensee,
18 conducted by a racetrack outside of Illinois,".