

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Entries, Subscriptions, and Declarations
- 2) Code Citation: 11 Ill. Adm. Code 1413
- 3)

<u>Section Numbers:</u>	<u>Emergency Action:</u>
1413.130	Repealed
1413.138	Repealed
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Emergency Amendments: July 1, 2015
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: September 30, 2015.
- 7) Date filed with the Index Department:
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Illinois Racing Board's central office and is available for public inspection.
- 9) Reason for Emergency: Arlington Park has projected an overpayment (deficit) of purses of \$1.4 million if it were to continue to pay horsemen's purses at the current rate over the remainder of their 2015 race meet ending on September 30, 2015. To mitigate the overpayment of horsemen's purses, Arlington Park proposed to the Board the temporary repeal of two Sections, 1413.130 and 1413.138, to allow Arlington Park the flexibility in managing its race schedule to offer races that will generate the largest amount of wagering activity and revenues to the State.

Arlington Park's meet runs during the most competitive time of the year. It competes against racetracks in neighboring states whose purses are boosted by gaming revenues and exceed the purses that can be offered in Illinois. If Arlington Park does not have the flexibility to put forward the best racing product possible, it will be unable to attract horses from out of state that historically compete in Illinois races. The result is smaller fields resulting in lower wagering, lower horsemen's purses, and lower revenues to the State.

The impact will be felt by Illinois businesses that rely on a sustainable horse racing industry, as well as the Board itself, which depends on tax revenues from wagering to fund the costs of regulating racing.

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If Arlington Park's request was made pursuant to the regular rulemaking procedures, its 2015 meet will have concluded prior to any action being taken.

The Illinois Thoroughbred Horsemen's Association (ITHA) opposes the emergency request for the repeal of these two sections, proposed by Arlington Park, because the rules have been in place for more than 38 years and provide order and consistency requirements to the carding of races that horsemen rely on in the operation of their stables. Further, no threat to the public interest, safety, or welfare (IAPA Section 5-45) exists. The Illinois Thoroughbred Breeders and Owners Foundation (ITBOF) also opposed Arlington Park's request.

- 10) A Complete Description of the Subjects and Issues Involved: The temporary repeal of Section 1413.130 would allow Arlington Park's racing secretary to use his discretion in substituting claiming races with a value of \$20,000 or more and allowance races with a field size of six with other races with larger field sizes so that the best races can be placed in the race program for the day and to card races that will not result in a purse account over-payment.

The temporary repeal of Section 1413.138, subsection (a), allows the racing secretary to use his discretion in establishing an order of preference of substitute races to fill the race program if a posted race doesn't fill. It will also allow the racing secretary to construct a race program for the day of the highest quality and to card races that will not result in a purse account over-payment.

Subsection (a)(3) allows the racing secretary to use his discretion in establishing the order of preference of substituting races on a race program if an Illinois race doesn't fill based upon the best race available to offer the best race program for the day and to card races that will not result in a purse account over-payment. An Illinois race with similar conditions and field size will be used as a first preference but gives the discretion to the racing secretary to replace that race if the field size is greater in another race so that the best races can be placed in the race program for the day and to card races that will not result in a purse account over-payment.

Arlington Park's request for the temporary repeal of Sections 1413.130 and 1413.138 appeared on the Board's June 23, 2015 meeting agenda. Extensive testimony was presented by Arlington Park and the ITHA. Teamsters Joint Council 25 made a brief oral statement and the ITBOF relied on their written submission.

Section 2250.40 of the Board's rules (Emergency Rulemaking) provides that an emergency rule may be adopted if the Board finds that "an emergency reasonably

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constituting a threat to the public interest, safety or welfare” exists. The Illinois legislature has determined that the loss of State revenue is a threat to the public interest. To date, wagering activity on Arlington’s 2015 meet is down by 28%.

On June 23, 2015, the temporary repeal, by emergency rulemaking, of Sections 1413.130 and 1413.138 was approved by a majority vote of the Board members.

- 11) Are there any proposed amendments pending on this Part: Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1413.114	Amendment	39 Ill. Reg. 3415; March 6, 2015

- 12) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.

- 13) Information and questions regarding these emergency amendments shall be directed to:

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The full text of the Emergency Amendments begins on the next page:

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TITLE 11: ALCOHOL, HORSE RACING, LOTTERY, AND VIDEO GAMING
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1413
ENTRIES, SUBSCRIPTIONS, AND DECLARATIONS

Section

- 1413.10 Registration with Jockey Club
- 1413.20 Registration Rules
- 1413.30 Eligibility
- 1413.40 How Entries are Made
- 1413.42 Number of Entries
- 1413.44 48- or 72- Hour Entries
- 1413.46 Also Eligibles Under 48- or 72- Hour Rule
- 1413.48 Uncoupled Entries
- 1413.50 Racing Secretary Receives Entries
- 1413.60 Supervision of Entries
- 1413.70 When Entries Close
- 1413.75 Limitation on Purse Increases or Reductions
- 1413.80 Closing in Absence of Conditions
- 1413.90 Entry by Telegraph
- 1413.100 List of Entries
- 1413.110 Limitations on Entries
- 1413.114 Uncoupled Entries
- 1413.118 Further Definition of Coupling (Repealed)
- 1413.120 Riders Designated
- 1413.130 Carding Purse and Handicap Races (Repealed)

EMERGENCY

- 1413.134 Race Fails to Fill
- 1413.138 Substitute and Extra Races (Repealed)

EMERGENCY

- 1413.140 Right to Declare Out
- 1413.150 Number of Entries
- 1413.160 Fee to Enter
- 1413.170 Refunds
- 1413.180 Error in Entry
- 1413.190 Irrevocable Declaration

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1413.200	Notice of Declaration
1413.210	Entry of Unfit Horse
1413.220	Refusal for Inconsistency
1413.230	Horse Ineligible
1413.240	Who May Enter
1413.250	Medical Reasons for Ineligibility
1413.260	Sweepstakes Entries
1413.265	Receipt for Nomination
1413.270	Previous Engagements
1413.280	Transfer of Engagements
1413.290	Transfer of Sweepstakes Engagements
1413.300	Jockey Club Certificates
1413.305	Transfer of Jockey Club Certificate
1413.310	Number of Races in a Day

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); passed July 11, 1972; amended April 11, 1974, filed and effective April 30, 1974; passed June 11, 1974; amended July 12, 1974, filed July 22, 1974; amended August 13, 1974, filed August 19, 1974; amended August 15, 1975, filed August 20, 1975; amended September 19, 1975, filed October 2, 1975; amended June 19, 1976; amended July 16, 1976, filed July 23, 1976; amended August 21, 1976, filed August 30, 1976; amended April 26, 1977, filed May 6, 1977; amended at 4 Ill. Reg. 9, p.251, effective February 20, 1980; amended at 5 Ill. Reg. 8911, effective August 25, 1981; codified at 5 Ill. Reg. 10981; amended at 15 Ill. Reg. 2730, effective February 5, 1991; amended at 17 Ill. Reg. 1628, effective January 26, 1993; amended at 17 Ill. Reg. 21848, effective December 3, 1993; amended at 18 Ill. Reg. 11612, effective July 7, 1994; amended at 18 Ill. Reg. 17749, effective November 28, 1994; amended at 24 Ill. Reg. 7394, effective May 1, 2000; amended at 24 Ill. Reg. 12725, effective August 1, 2000; amended at 25 Ill. Reg. 178, effective January 1, 2001; amended at 25 Ill. Reg. 15608, effective December 1, 2001; amended at 26 Ill. Reg. 12367, effective August 1, 2002; amended at 31 Ill. Reg. 8530, effective June 1, 2007; amended at 32 Ill. Reg. 10165, effective July 1, 2008; emergency amendment at 35 Ill. Reg. 6605, effective April 4, 2011, for a maximum of 150 days; amended at 35 Ill. Reg. 13910, effective July 28, 2011; amended at 36 Ill. Reg. 16344, effective November 1, 2012; amended by emergency rulemaking at 39 Ill. Reg. 3435, effective February 20, 2015, for a maximum of 150 days; amended by emergency rulemaking at 39 Ill. Reg. _____, effective July 1, 2015, for a maximum of 150 days.

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Section 1413.130 Carding Purse and Handicap Races (Repealed)
EMERGENCY

~~All non-claiming races (with the exception of maiden races) and claiming races with a claiming value of \$20,000 or more, having six or more separate interests must be carded and run. However, if scratches reduce the number of interests in such a race to less than six, the association may run the race as a betless exhibition and card and run a substitute race for wagering purposes.~~

(Source: Repealed by emergency rulemaking at 39 Ill. Reg. _____, effective July 1, 2015, for a maximum of 150 days)

Section 1413.138 Substitute and Extra Races (Repealed)
EMERGENCY

- a) ~~Whenever a posted race is canceled, the Racing Secretary shall first use the substitute races in the order listed in the Condition Book and then use the extra races in the order listed, except:~~
- ~~1) when a feature or handicap race fails to fill the extra race that can be used as a feature race shall take precedence over the other substitute and extra races, or~~
 - ~~2) when an Illinois conceived and foaled or an Illinois foaled race fails to fill, the substitute Illinois conceived and foaled or Illinois foaled race shall be scheduled if possible, or~~
 - ~~3) when a posted Illinois conceived and foaled or an Illinois foaled race fills, the substitute or extra Illinois race need not be considered in making up other canceled races, or~~
 - ~~4) when a posted race is split, or~~
 - ~~5) when a substitute or extra race is to be used in the program as a race upon which trifecta wagering is offered.~~
- b) ~~Nothing contained herein shall be deemed an exception to or modification of Rule B 9.6 (11 Ill. Adm. Code 409.60).~~

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(Source: Repealed by emergency rulemaking at 39 Ill. Reg. _____, effective July 1, 2015, for a maximum of 150 days)