

ILLINOIS REGISTER

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Race Track Security and Contracting Goals
- 2) Code Citation: 11 Ill. Adm. Code 425
- 3)

<u>Section Numbers:</u>	<u>Adopted Actions:</u>
425.10	Renumbered/Amendment
425.20	New Section
425.150	Renumbered
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: October 1, 2017
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 41 Ill. Reg. 7422; June 30, 2017.
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: This proposed rulemaking incorporates into Section 425.20, the provisions in Public Act 98-490. Section 425.20 requires the Board to establish goals for the award of contracts by organization licensees or inter-track wagering licensees to businesses owned by minorities, females, and persons with disabilities. These goals shall be expressed as percentages of a licensee's total dollar amount of contracts awarded during a calendar year. There are exceptions to the contracting goals in certain situations. As part of a good faith effort to meet a contracting

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goal, a licensee shall give consideration in minority, female, and disability-owned companies located in Illinois.

Provisions in the rulemaking include the filing of compliance reports by the licensees and establishing remedies for violations. In evaluating a licensee's compliance with the rule's good faith requirements, the fulfillment of a contracting goal shall be significant but not determinative.

Section 425.10 is identical to Section 425.150 which is being repealed.

- 16) Information and questions regarding this adopted rulemaking shall be directed to:

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The full text of the Adopted 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 b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 425
RACE TRACK SECURITY AND CONTRACTING GOALS

Section

- 425.10 Jockey Room and Driver Room Security
425.20 Contracting Goals for Organization Licensee or Inter-Track Wagering Licensee
425.150 Jockey Room and Driver Room Security (Renumbered)

AUTHORITY: Implementing, and authorized by Section 9(b) of, the Illinois Horse Racing Act of 1975 [230 ILCS 5].

SOURCE: Adopted and codified at 7 Ill. Reg. 2374, effective February 10, 1983; amended at 41 Ill. Reg. _____, effective _____.

Section 425.10 Jockey Room and Driver Room Security

The organization licensee shall station a security guard at the entrance and exit of all jockey rooms and drivers rooms one hour prior to the first race of each racing program continuously until ½ hour after the end of the final race of that program has been made official. Where the physical location of the buildings permits the guard to observe both the paddock and the jockeys room or drivers room, the organization licensee will not be required to hire an additional guard in order to comply with this Section.

(Source: Section 425.10 renumbered from Section 425.150 and amended at 41 Ill. Reg. _____, effective _____)

Section 425.20 Contracting Goals for Organization Licensee or Inter-Track Wagering Licensee

- a) Definitions. For purposes of this Section:
- 1) "Act" means the Illinois Horse Racing Act of 1975 [235 ILCS 5].
 - 2) "Contract" is an agreement for the provision of goods and services.

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- 3) "Dollar Percentage" is the percentage of the total dollar value of an organization licensee's or inter-track wagering licensee's vendor contracts with minority owned businesses, female owned businesses, or businesses owned by a person with a disability during a calendar year, compared to the total dollar amount of all vendor contracts entered into during that calendar year, except for contracts covered under subsection (b)(2).
 - 4) "Emergency" is a situation in which one or more of the following have occurred or are at imminent risk of occurring:
 - A) Damage or disruption to all or part of an organization or inter-track wagering licensee's operation; or
 - B) Danger to the health, safety, comfort or welfare of patrons or employees.
- b) For each calendar year, the Board shall establish contracting goals, as defined in subsection (a)(3), for each organization licensee or inter-track wagering licensee, expressed as a dollar percentage as defined in subsection (a)(3). Contracting goals shall be established for minority owned businesses, female owned businesses, and businesses owned by persons with disabilities. Each organization licensee or inter-track wagering licensee shall make every effort to meet the goals established by the Board.
- 1) By November 1 of each calendar year, each organization licensee or intertrack wagering licensee shall submit to the Board proposed contracting goals for the coming calendar year for minority owned businesses, female owned businesses and businesses owned by persons with disabilities. The Board may conduct fact-finding hearings to determine the appropriateness of a proposed contracting goal.
 - 2) When setting the goals for the award of contracts, the Board, in addition to those listed in Section 12.2(b) of the Act, shall not include contracts entered into in response to an emergency.
 - 3) An organization licensee or inter-track licensee may satisfy its goal for the award of contracts, in whole or in part, by counting the total dollar amount of first and second tier subcontracts and purchase orders to businesses certified as vendors under the Business Enterprise for Minorities, Females,

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and Persons with Disabilities Act [30 ILCS 575] or by any other certifying agency approved by the Board.

- c) *If the Board determines that its goals and policies are not being met by an organization licensee or inter-track wagering licensee, then the Board may, in addition to the remedies listed in Section 12.2(e) of the Act, also recommend remedies for those violations.*
- d) The Board shall not establish any type of quota in connection with its enforcement of Section 12.2 of the Act.
- e) By January 31 of each year, *each organization licensee or inter-track wagering licensee shall file with the Board an annual report* required pursuant to Section 12.2(c) of the Act.
- f) The dollar percentages for an organization licensee or inter-track wagering licensee shall be determined according to the data in the organization licensee's or inter-track wagering licensee's annual report submitted to the Board under subsection (e).

(Source: Added at 41 Ill. Reg. _____, effective _____)

Section 425.150 Jockey Room and Driver Room Security (Renumbered)

(Source: Section 425.150 renumbered to Section 425.10 at 41 Ill. Reg. _____, effective _____)