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IN THE HONORABLE SENATE OF THE STATE OF ILLINOIS
FOR THE NINETY-SIXTH GENERAL ASSEMBLY
SITTING AS AN IMPEACHMENT TRIBUNAL

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SECRETARY
OF THE
SENATE

In re)
Impeachment of)
Governor ROD R. BLAGOJEVICH)

**HOUSE PROSECUTOR'S
MOTION FOR ADDITIONAL DOCUMENTS OR MATERIALS**

House Prosecutor David W. Ellis, pursuant to Senate Impeachment Rule 15(b)(2), moves for the admission of additional documents into evidence and, in support thereof, states as follows:

1. The House Prosecutor seeks to admit the bill status of House Bill 4758 of the 95th General Assembly at the Impeachment Trial.
2. A copy of this document is attached to this Motion.
3. This document will be introduced during the live testimony of Representative Susana A. Mendoza as an exhibit.
4. This document is relevant and material because the Governor's plot to trade official acts in exchange for campaign contributions included the official act of signing House Bill 4758, as provided in paragraph 3 of the Article of Impeachment.
5. This document is not redundant because it does not exist in the proposed form.
6. Moreover, although some evidence related to this issue is contained in the House impeachment record, under Senate Impeachment Rule 15(g), the evidence is not deemed redundant simply because it relates to material already in the record.

WHEREFORE, the House Prosecutor respectfully moves for the admission of the bill status of House Bill 4758 of the 95th General Assembly at the Impeachment Trial.

Respectfully submitted,

**DAVID W. ELLIS,
HOUSE PROSECUTOR**

A handwritten signature in black ink, consisting of a stylized 'D' and 'E' with a horizontal line extending to the right.

David W. Ellis
House Prosecutor
Illinois House of Representatives
412 State House
Springfield, IL 62706

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Bill Status of HB4758 95th General Assembly

2009 JAN 21 PM 4:38

SECRETARY
OF THE
SENATE

Short Description: FAIRGROUNDS RACETRACK AUTHORITY

House Sponsors

Rep. Robert S. Molaro - Raymond Poe - Patrick J Verschoore - Michael K. Smith - Dan Reitz,
Kenneth Dunkin, Eddie Washington and Jerry L. Mitchell

Senate Sponsors

(Sen. John M. Sullivan)

Last Action

Date	Chamber	Action
12/15/2008	House	Public Act 95-1008

Statutes Amended In Order of Appearance

New Act

- 20 ILCS 210/10 from Ch. 127, par. 1710
- 20 ILCS 210/12 from Ch. 127, par. 1712
- 230 ILCS 5/9 from Ch. 8, par. 37-9
- 230 ILCS 10/13 from Ch. 120, par. 2413

Synopsis As Introduced

Creates the Illinois State Fairgrounds Racetrack Authority Act. Creates the Illinois State Fairgrounds Racetrack Authority to promote, operate, and maintain horse racing operations through a racing contractor in the Illinois State Fairgrounds. Provides the duties and powers of the Authority, including the duty to transition the conduct of horse racing at the Illinois State Fairgrounds from an annual race meeting that is contained within the duration of the Illinois State Fair to an annual standardbred race meeting that lasts from 3 to 9 months, depending on funding and market conditions. Provides that the Authority shall have concurrent jurisdiction with the Department of Agriculture over all of the real estate of the Illinois State Fairgrounds that is used for horse racing; however, when it is necessary to have controlling jurisdiction over this real property to obey a mandate of the Illinois Racing Board, the Authority shall have controlling jurisdiction. Makes corresponding changes in the State Fair Act. Amends the Illinois Horse Racing Act of 1975 to authorize the Illinois Racing Board to issue a license to the Illinois State Fairgrounds Racetrack Authority authorizing the pari-mutuel system of wagering on live harness and Quarter Horse races, inter-track wagering, simulcast wagering, and advanced deposit wagering (if otherwise authorized by law) through a racing contractor for up 9 months of each year at the Illinois State Fairgrounds in Sangamon County. Revenues received by the Board from this license shall be deposited into the General Revenue Fund. Amends the Riverboat Gambling Act to distribute certain proceeds from electronic gaming, if electronic gaming is authorized under the Act. Effective immediately.

House Amendment No. 1

Adds reference to:

- 30 ILCS 105/5.708 new
- 30 ILCS 105/6z-80 new

Replaces everything after the enacting clause. Reinserts the introduced bill with the following changes. Makes changes to the membership requirements for members of the Illinois State Fairgrounds Racetrack Authority and to the terms. Provides that any contract entered into by the

Authority with a racing contractor after electronic gaming is authorized at the Illinois State Fairgrounds under the Illinois Horse Racing Act of 1975 and the Riverboat Gambling Act (i) may not be for a term of less than 10 or more than 20 years and (ii) shall require the racing contractor to make a payment before the racing contractor may begin conducting electronic gaming at the Illinois State Fairgrounds in an amount of at least 50% of the present value of any total compensation expected to be paid by the racing contractor to the Authority and the amount paid shall be discounted from future payments made by the racing contractor to the Authority. Provides for distribution of this payment. Provides that, when it is necessary to have controlling jurisdiction over the operation of the property (rather than controlling jurisdiction over this real property) to obey a mandate of the Illinois Racing Board, the Authority shall have controlling jurisdiction. Provides that no substantial changes may be made to the infrastructure of the Illinois State Fairgrounds unless the Director of Agriculture grants affirmative approval for the changes. Amends the State Finance Act to create the State Fairgrounds Infrastructure Improvement Fund as a special fund in the State treasury. Provides that moneys in the Fund may be used by the Department of Agriculture solely for infrastructure improvements to the Illinois State Fairgrounds in Sangamon County. Includes language protecting the funds from sweeps, administrative charge-backs or any other fiscal or budgetary maneuver that would in any way transfer any funds from the Fund into any other fund of the State. In provisions amending the Riverboat Gambling Act, provides that the 10% of the adjusted gross receipts from electronic gaming at the Illinois State Fairgrounds shall be transferred monthly into the State Fairgrounds Infrastructure Improvement Fund (was, paid monthly, subject to appropriation, to the Department of Agriculture for infrastructure maintenance and improvements at the Illinois State Fairgrounds). Makes other changes. Amends the Illinois Horse Racing Act of 1975 to provide that the Illinois Racing Board shall name and appoint Illinois Racing Board (rather than State) veterinarians and representatives to take saliva, blood, urine, and other tests on horses. Amends the Riverboat Gambling Act to provide that if electronic gaming is authorized under the Illinois Horse Racing Act of 1975 and the Act under the supervision of the Illinois State Fairgrounds Racetrack Authority, and should the Authority's share of adjusted gross receipts from this gaming and any associated horse racing exceed the Authority's appropriations for any fiscal year, every July 31 following every fiscal year the surplus, if any, shall be divided into equal halves and paid to specified entities. Provides that there is no rulemaking authority under the new Act or amendatory provisions, but that the Governor may suggest rules by filing them with the General Assembly and requesting that the General Assembly authorize such rulemaking by law, enact the suggested rules into law, or take other appropriate action in the General Assembly's discretion. Effective immediately.

House Amendment No. 2

Deletes reference to:

230 ILCS 10/13

Adds reference to:

230 ILCS 5/9.5 new

Removes references to electronic gaming from the bill. Provides that the certain revenues received by the Authority shall be distributed as follows: 66 2/3% shall be paid to the Department of Agriculture for deposit into the State Fairgrounds Infrastructure Improvement Fund and 33 1/3% shall be paid to the Sangamon County Central Dispatch System (rather than transferred to the General Revenue Fund). Further amends the Illinois Horse Racing Act of 1975 to provide that in no event shall any inter-track wagering location licensee that derives its license from the Authority operate within 30 miles of the Illinois State Fairgrounds in Sangamon County.

House Amendment No. 3

Deletes reference to:

30 ILCS 105/5.708 new

Adds reference to:

30 ILCS 105/5.710 new

30 ILCS 105/5.711 new

30 ILCS 105/6z-81 new

Provides that the portion of the revenues received by the Illinois State Fairgrounds Racetrack Authority shall be paid into the Sangamon County Dispatch Fund rather than to the Sangamon County Central Dispatch System. Creates the Sangamon County Dispatch Fund, a non-appropriated trust fund held in the State treasury, to be used by the Sangamon County Central Dispatch System solely for general operations. In provisions creating the State Fairgrounds Infrastructure Improvement Fund, provides that the Fund is non-appropriated special fund. Provides that the revenues the Illinois Racing Board receives from the license issued to the Illinois State Fairgrounds Racetrack Authority shall be deposited into the Horse Racing Fund rather than into the General Revenue Fund.

Senate Committee Amendment No. 1

Removes language providing that there is no rulemaking authority under the amendatory Act, but that the Governor may suggest rules by filing them with the General Assembly and requesting that the General Assembly authorize such rulemaking by law, enact the suggested rules into law, or take other appropriate action in the General Assembly's discretion.

Senate Committee Amendment No. 2

Deletes reference to:

New Act

20 ILCS 210/10

20 ILCS 210/12

30 ILCS 105/5.710 new

30 ILCS 105/5.711 new

30 ILCS 105/6z-80

30 ILCS 105/6z-81

230 ILCS 5/9

230 ILCS 5/9.5 new

Adds reference to:

230 ILCS 5/54.75 new

230 ILCS 10/7

from Ch. 120, par. 2407

230 ILCS 10/13

from Ch. 120, par. 2413

Replaces everything after the enacting clause. Amends the Illinois Horse Racing Act of 1975. Reenacts a Section concerning the Horse Racing Equity Trust Fund that was repealed on May 26, 2008. Provides that the Section is repealed on July 1, 2011. Amends the Riverboat Gambling Act. Reinstates the impact fee until (i) 3 years after the effective date of the amendatory Act, (ii) the date any organization licensee begins to operate a slot machine or video game of chance, (iii) the date that certain payments from the State Gaming Fund into the Horse Racing Equity Fund begin, or (iv) the wagering tax is increased by law to reflect a tax rate that is at least as stringent or more stringent than the tax rate contained in specified provisions of the Act, whichever occurs first. Provides that the Illinois Gaming Board is expressly prohibited from making changes to the requirement that licensees make payment into the Horse Racing Equity Trust Fund without the express authority of the Illinois General Assembly and making any other rule to implement or interpret the amendatory Act. Provides that the payment of 15% of the adjusted gross receipts of specified owners licensees from the State Gaming Fund to the Horse Racing Equity Trust Fund shall begin on the effective date of the amendatory Act, unless any organization licensee under the Illinois Horse Racing Act of 1975 begins to operate a slot machine or video game of chance under the Illinois Horse Racing Act of 1975 or the Riverboat Gambling Act. Contains legislative intent. Effective immediately.

Actions

Date	Chamber	Action
2/4/2008	House	Filed with the Clerk by <u>Rep. Raymond Poe</u>
2/4/2008	House	First Reading

2/4/2008	House	Referred to Rules Committee
2/25/2008	House	Assigned to Gaming Committee
3/12/2008	House	House Amendment No. 1 Filed with Clerk by Gaming Committee
3/12/2008	House	House Amendment No. 1 Adopted in Gaming Committee ; by Voice Vote
3/12/2008	House	Do Pass as Amended / Short Debate Gaming Committee ; 015-004-001
3/13/2008	House	Placed on Calendar 2nd Reading - Short Debate
4/8/2008	House	House Amendment No. 2 Filed with Clerk by Rep. Raymond Poe
4/8/2008	House	House Amendment No. 2 Referred to Rules Committee
4/18/2008	House	Final Action Deadline Extended-9(b) May 9, 2008
4/30/2008	House	House Amendment No. 3 Filed with Clerk by Rep. Raymond Poe
4/30/2008	House	House Amendment No. 3 Referred to Rules Committee
5/5/2008	House	House Amendment No. 2 Rules Refers to Gaming Committee
5/5/2008	House	House Amendment No. 3 Rules Refers to Gaming Committee
5/7/2008	House	House Amendment No. 2 Recommends Be Adopted Gaming Committee ; 015-001-000
5/7/2008	House	House Amendment No. 3 Recommends Be Adopted Gaming Committee ; 015-001-000
5/8/2008	House	Second Reading - Short Debate
5/8/2008	House	House Amendment No. 2 Adopted by Voice Vote
5/8/2008	House	House Amendment No. 3 Adopted by Voice Vote
5/8/2008	House	Placed on Calendar Order of 3rd Reading - Short Debate
5/9/2008	House	Final Action Deadline Extended-9(b) May 23, 2008
5/15/2008	House	Added Chief Co-Sponsor Rep. Patrick J Verschoore
5/15/2008	House	Added Chief Co-Sponsor Rep. Michael K. Smith
5/15/2008	House	Added Chief Co-Sponsor Rep. Dan Reitz
5/15/2008	House	Added Chief Co-Sponsor Rep. Kenneth Dunkin
5/15/2008	House	Third Reading - Short Debate - Passed 083-028-000
5/20/2008	Senate	Arrive in Senate
5/20/2008	Senate	Placed on Calendar Order of First Reading
5/20/2008	Senate	Chief Senate Sponsor Sen. John M. Sullivan
5/20/2008	Senate	First Reading
5/20/2008	Senate	Referred to Rules
5/22/2008	Senate	Assigned to Executive
5/22/2008	Senate	Rule 2-10 Committee/3rd Reading Deadline Established As May 31, 2008
5/27/2008	Senate	Senate Committee Amendment No. 1 Filed with Secretary by Sen. John M. Sullivan
5/27/2008	Senate	Senate Committee Amendment No. 1 Referred to Rules
5/27/2008	Senate	Senate Committee Amendment No. 1 Rules Refers to Executive
5/28/2008	Senate	Senate Committee Amendment No. 1 Adopted
5/28/2008	Senate	Held in Executive
7/1/2008	Senate	Pursuant to Senate Rule 3-9(b) / Referred to Rules
11/19/2008	Senate	Re-assigned to Executive
11/19/2008	Senate	Waive Posting Notice
11/19/2008	Senate	Senate Committee Amendment No. 2 Filed with Secretary by Sen. John

		<u>M. Sullivan</u>
11/19/2008	Senate	Senate Committee Amendment No. 2 Referred to <u>Rules</u>
11/19/2008	Senate	Senate Committee Amendment No. 2 Rules Refers to <u>Executive</u>
11/19/2008	Senate	Rule 2-10 Committee Deadline Established As January 13, 2009
11/19/2008	Senate	Rule 2-10 Third Reading Deadline Established As January 13, 2009
11/19/2008	Senate	Senate Committee Amendment No. 2 Adopted
11/19/2008	Senate	Do Pass as Amended <u>Executive</u> ; 012-000-000
11/19/2008	Senate	Placed on Calendar Order of 2nd Reading November 19, 2008
11/19/2008	Senate	Second Reading
11/19/2008	Senate	Placed on Calendar Order of 3rd Reading November 20, 2008
11/20/2008	Senate	Senate Floor Amendment No. 3 Filed with Secretary by <u>Sen. William R. Haine</u>
11/20/2008	Senate	Senate Floor Amendment No. 3 Referred to <u>Rules</u>
11/20/2008	Senate	3/5 Vote Required
11/20/2008	Senate	Third Reading - Passed; 037-013-005
11/20/2008	Senate	Senate Floor Amendment No. 3 Tabled Pursuant to Rule 5-4(a)
11/20/2008	House	Arrived in House
11/20/2008	House	Placed on Calendar Order of Concurrence Senate Amendment(s) 1,2
11/20/2008	House	Chief Sponsor Changed to Rep. <u>Robert S. Molaro</u>
11/20/2008	House	Added Chief Co-Sponsor Rep. <u>Raymond Poe</u>
11/20/2008	House	Remove Chief Co-Sponsor Rep. <u>Kenneth Dunkin</u>
11/20/2008	House	Added Co-Sponsor Rep. <u>Kenneth Dunkin</u>
11/20/2008	House	Senate Committee Amendment No. 1 Motion Filed Concur Rep. <u>Robert S. Molaro</u>
11/20/2008	House	Senate Committee Amendment No. 2 Motion Filed Concur Rep. <u>Robert S. Molaro</u>
11/20/2008	House	Senate Committee Amendment No. 1 Motion to Concur Referred to <u>Rules Committee</u>
11/20/2008	House	Senate Committee Amendment No. 2 Motion to Concur Referred to <u>Rules Committee</u>
11/20/2008	House	Senate Committee Amendment No. 1 Motion to Concur Recommends be Adopted <u>Rules Committee</u> ; 004-000-000
11/20/2008	House	Senate Committee Amendment No. 2 Motion to Concur Recommends be Adopted <u>Rules Committee</u> ; 004-000-000
11/20/2008	House	Senate Committee Amendment No. 1 House Concurs <u>088-016-001</u>
11/20/2008	House	Senate Committee Amendment No. 2 House Concurs <u>088-016-001</u>
11/20/2008	House	Passed Both Houses
11/20/2008	House	Added Co-Sponsor Rep. <u>Eddie Washington</u>
11/20/2008	House	Added Co-Sponsor Rep. <u>Jerry L. Mitchell</u>
11/24/2008	House	Sent to the Governor
12/15/2008	House	Governor Approved
12/15/2008	House	Effective Date December 15, 2008
12/15/2008	House	Public Act 95-1008

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