



WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

January 17, 1980

FILE NO. S-1480

SPORTS AND GAMING:
Horse Racing

Charles E. Schmidt, Jr.
Chairman
Illinois Racing Board
State of Illinois Building
160 North La Salle Street, Room 1200
Chicago, Illinois 60601

Dear Mr. Schmidt:

I have your letter in which you ask whether the Illinois Racing Board has the statutory authority to grant the National Jockey Club permission to accept wagers at Sportsman's Park between 8 a.m. and 11:30 a.m. You state that National proposes to open the mutuel windows on the ground floor of the grandstand for early wagering; no charge will be made for admission and parking. The wagers placed during this period will become part of each day's mutuel handle.

The Illinois Horse Racing Act (Ill. Rev. Stat. 1977,

Charles E. Schmidt, Jr. - 2.

ch. 8, par. 37-1 et seq.) is a complete and integrated plan for the regulation of horse racing and the legalization of pari-mutuel betting. (Horsemen's Benevolent and Protective Association v. Illinois Racing Board (1971), 133 Ill. App. 2d 386, 391, rev'd on other grounds (1972) 53 Ill. 2d 16.) To these ends, the General Assembly has set forth the conditions under which racing and wagering may take place. Under section 19(a)(6) of the Act (Ill. Rev. Stat. 1977, ch. 8, par. 37-19(a)(6)) National, which is an organization licensee, may conduct races only between noon and midnight, or 10 a.m. and midnight on legal holidays.

As regards wagering, section 26(a) of the Act (Ill. Rev. Stat. 1977, ch. 8, par. 37-26(a)) states:

"Any organization licensee conducting a horse race meeting may provide places in the race meeting grounds or enclosure and may conduct and supervise therein the pari-mutuel or certificate system of wagering by patrons on the horse races conducted by such organization licensee at such meeting. Such pari-mutuel or certificate method of wagering upon horse races held at such a horse race meeting shall not, under any circumstances if conducted under the provisions of this Act, be held or construed to be unlawful, other statutes of this State to the contrary notwithstanding."

With the exception of off-track betting in other States on Illinois races (sec. 2(f) of the Act, as added by P.A. 81-207), this is the sole method and place of betting permitted to

Charles E. Schmidt, Jr. - 3.

organization licensees. The clear import of the language of section 26(a), taken together with the limitations imposed by section 19(a)(6) above, is to authorize pari-mutuel betting for persons at the track attending the races.

Were section 26(a) read to allow betting at other times, albeit at the track, organization licensees would in effect be conducting a form of off-track betting to the extent that no admissions or concessions revenues would be generated, and bettors would not be present during races to wager their winnings. These are among the issues which concerned the court in Finish Line Express, Inc. v. City of Chicago (1978), 72 Ill. 2d 131, 139, 140, where the Illinois Supreme Court held that it is within the authority of the State to limit gambling on horse races to those at the track betting for themselves or betting for others as a courtesy.

It is therefore my opinion that under the language of section 26(a) of the Illinois Horse Racing Act of 1975, the Racing Board may not authorize the National Jockey Club to accept wagers at Sportsman's Park between 8 a.m. and 11:30 a.m.

Very truly yours,

A T T O R N E Y G E N E R A L