

1 AN ACT in relation to gambling.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Horse Racing Act of 1975 is
5 amended by changing Sections 26 and 26.5 as follows:

6 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

7 Sec. 26. Wagering.

8 (a) Any licensee may conduct and supervise the
9 pari-mutuel system of wagering, as defined in Section 3.12 of
10 this Act, on horse races conducted by an Illinois
11 organization licensee or conducted at a racetrack located in
12 another state or country and televised in Illinois in
13 accordance with subsection (g) of Section 26 of this Act.
14 Subject to the prior consent of the Board, licensees may
15 supplement any pari-mutuel pool in order to guarantee a
16 minimum distribution. Such pari-mutuel method of wagering
17 shall not, under any circumstances if conducted under the
18 provisions of this Act, be held or construed to be unlawful,
19 other statutes of this State to the contrary notwithstanding.
20 Subject to rules for advance wagering promulgated by the
21 Board, any licensee may accept wagers in advance of the day
22 of the race wagered upon occurs.

23 (b) No other method of betting, pool making, wagering or
24 gambling shall be used or permitted by the licensee. Each
25 licensee may retain, subject to the payment of all applicable
26 taxes and purses, an amount not to exceed 17% of all money
27 wagered under subsection (a) of this Section, except as may
28 otherwise be permitted under this Act.

29 (b-5) An individual may place a wager under the
30 pari-mutuel system from any licensed location authorized
31 under this Act provided that wager is electronically recorded

1 in the manner described in Section 3.12 of this Act. Any
2 wager made electronically by an individual while physically
3 on the premises of a licensee shall be deemed to have been
4 made at the premises of that licensee.

5 (c) Until January 1, 2000, the sum held by any licensee
6 for payment of outstanding pari-mutuel tickets, if unclaimed
7 prior to December 31 of the next year, shall be retained by
8 the licensee for payment of such tickets until that date.
9 Within 10 days thereafter, the balance of such sum remaining
10 unclaimed, less any uncashed supplements contributed by such
11 licensee for the purpose of guaranteeing minimum
12 distributions of any pari-mutuel pool, shall be paid to the
13 Illinois Veterans' Rehabilitation Fund of the State treasury,
14 except as provided in subsection (g) of Section 27 of this
15 Act.

16 (c-5) Beginning January 1, 2000, the sum held by any
17 licensee for payment of outstanding pari-mutuel tickets, if
18 unclaimed prior to December 31 of the next year, shall be
19 retained by the licensee for payment of such tickets until
20 that date. Within 10 days thereafter, the balance of such
21 sum remaining unclaimed, less any uncashed supplements
22 contributed by such licensee for the purpose of guaranteeing
23 minimum distributions of any pari-mutuel pool, shall be
24 evenly distributed to the purse account of the organization
25 licensee and the organization licensee.

26 (d) A pari-mutuel ticket shall be honored until December
27 31 of the next calendar year, and the licensee shall pay the
28 same and may charge the amount thereof against unpaid money
29 similarly accumulated on account of pari-mutuel tickets not
30 presented for payment.

31 (e) No licensee shall knowingly permit any minor, other
32 than an employee of such licensee or an owner, trainer,
33 jockey, driver, or employee thereof, to be admitted during a
34 racing program unless accompanied by a parent or guardian, or

1 any minor to be a patron of the pari-mutuel system of
2 wagering conducted or supervised by it. The admission of any
3 unaccompanied minor, other than an employee of the licensee
4 or an owner, trainer, jockey, driver, or employee thereof at
5 a race track is a Class C misdemeanor.

6 (f) Notwithstanding the other provisions of this Act, an
7 organization licensee may contract with an entity in another
8 state or country to permit any legal wagering entity in
9 another state or country to accept wagers solely within such
10 other state or country on races conducted by the organization
11 licensee in this State. Beginning January 1, 2000, these
12 wagers shall not be subject to State taxation. Until January
13 1, 2000, when the out-of-State entity conducts a pari-mutuel
14 pool separate from the organization licensee, a privilege tax
15 equal to 7 1/2% of all monies received by the organization
16 licensee from entities in other states or countries pursuant
17 to such contracts is imposed on the organization licensee,
18 and such privilege tax shall be remitted to the Department of
19 Revenue within 48 hours of receipt of the moneys from the
20 simulcast. When the out-of-State entity conducts a combined
21 pari-mutuel pool with the organization licensee, the tax
22 shall be 10% of all monies received by the organization
23 licensee with 25% of the receipts from this 10% tax to be
24 distributed to the county in which the race was conducted.

25 An organization licensee may permit one or more of its
26 races to be utilized for pari-mutuel wagering at one or more
27 locations in other states and may transmit audio and visual
28 signals of races the organization licensee conducts to one or
29 more locations outside the State or country and may also
30 permit pari-mutuel pools in other states or countries to be
31 combined with its gross or net wagering pools or with
32 wagering pools established by other states.

33 (g) A host track may accept interstate simulcast wagers
34 on horse races conducted in other states or countries and

1 shall control the number of signals and types of breeds of
2 racing in its simulcast program, subject to the disapproval
3 of the Board. The Board may prohibit a simulcast program
4 only if it finds that the simulcast program is clearly
5 adverse to the integrity of racing. The host track simulcast
6 program shall include the signal of live racing of all
7 organization licensees. All non-host licensees shall carry
8 the host track simulcast program and accept wagers on all
9 races included as part of the simulcast program upon which
10 wagering is permitted. The costs and expenses of the host
11 track and non-host licensees associated with interstate
12 simulcast wagering, other than the interstate commission fee,
13 shall be borne by the host track and all non-host licensees
14 incurring these costs. The interstate commission fee shall
15 not exceed 5% of Illinois handle on the interstate simulcast
16 race or races without prior approval of the Board. The Board
17 shall promulgate rules under which it may permit interstate
18 commission fees in excess of 5%. The interstate commission
19 fee and other fees charged by the sending racetrack,
20 including, but not limited to, satellite decoder fees, shall
21 be uniformly applied to the host track and all non-host
22 licensees.

23 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an
24 intertrack wagering licensee other than the host track
25 may supplement the host track simulcast program with
26 additional simulcast races or race programs, provided
27 that between January 1 and the third Friday in February
28 of any year, inclusive, if no live thoroughbred racing is
29 occurring in Illinois during this period, only
30 thoroughbred races may be used for supplemental
31 interstate simulcast purposes. The Board shall withhold
32 approval for a supplemental interstate simulcast only if
33 it finds that the simulcast is clearly adverse to the
34 integrity of racing. A supplemental interstate simulcast

1 may be transmitted from an intertrack wagering licensee
2 to its affiliated non-host licensees. The interstate
3 commission fee for a supplemental interstate simulcast
4 shall be paid by the non-host licensee and its affiliated
5 non-host licensees receiving the simulcast.

6 (2) Between the hours of 6:30 p.m. and 6:30 a.m. an
7 intertrack wagering licensee other than the host track
8 may receive supplemental interstate simulcasts only with
9 the consent of the host track, except when the Board
10 finds that the simulcast is clearly adverse to the
11 integrity of racing. Consent granted under this
12 paragraph (2) to any intertrack wagering licensee shall
13 be deemed consent to all non-host licensees. The
14 interstate commission fee for the supplemental interstate
15 simulcast shall be paid by all participating non-host
16 licensees.

17 (3) Each licensee conducting interstate simulcast
18 wagering may retain, subject to the payment of all
19 applicable taxes and the purses, an amount not to exceed
20 17% of all money wagered. If any licensee conducts the
21 pari-mutuel system wagering on races conducted at
22 racetracks in another state or country, each such race or
23 race program shall be considered a separate racing day
24 for the purpose of determining the daily handle and
25 computing the privilege tax of that daily handle as
26 provided in subsection (a) of Section 27. Until January
27 1, 2000, from the sums permitted to be retained pursuant
28 to this subsection, each intertrack wagering location
29 licensee shall pay 1% of the pari-mutuel handle wagered
30 on simulcast wagering to the Horse Racing Tax Allocation
31 Fund, subject to the provisions of subparagraph (B) of
32 paragraph (11) of subsection (h) of Section 26 of this
33 Act.

34 (4) A licensee who receives an interstate simulcast

1 may combine its gross or net pools with pools at the
2 sending racetracks pursuant to rules established by the
3 Board. All licensees combining their gross pools at a
4 sending racetrack shall adopt the take-out percentages of
5 the sending racetrack. A licensee may also establish a
6 separate pool and takeout structure for wagering purposes
7 on races conducted at race tracks outside of the State of
8 Illinois. The licensee may permit pari-mutuel wagers
9 placed in other states or countries to be combined with
10 its gross or net wagering pools or other wagering pools.

11 (5) After the payment of the interstate commission
12 fee (except for the interstate commission fee on a
13 supplemental interstate simulcast, which shall be paid by
14 the host track and by each non-host licensee through the
15 host-track) and all applicable State and local taxes,
16 except as provided in subsection (g) of Section 27 of
17 this Act, the remainder of moneys retained from simulcast
18 wagering pursuant to this subsection (g), and Section
19 26.2 shall be divided as follows:

20 (A) For interstate simulcast wagers made at a
21 host track, 50% to the host track and 50% to purses
22 at the host track.

23 (B) For wagers placed on interstate simulcast
24 races, supplemental simulcasts as defined in
25 subparagraphs (1) and (2), and separately pooled
26 races conducted outside of the State of Illinois
27 made at a non-host licensee, 25% to the host track,
28 25% to the non-host licensee, and 50% to the purses
29 at the host track.

30 (6) Notwithstanding any provision in this Act to
31 the contrary, non-host licensees who derive their
32 licenses from a track located in a county with a
33 population in excess of 230,000 and that borders the
34 Mississippi River may receive supplemental interstate

1 simulcast races at all times subject to Board approval,
2 which shall be withheld only upon a finding that a
3 supplemental interstate simulcast is clearly adverse to
4 the integrity of racing.

5 (7) Notwithstanding any provision of this Act to
6 the contrary, after payment of all applicable State and
7 local taxes and interstate commission fees, non-host
8 licensees who derive their licenses from a track located
9 in a county with a population in excess of 230,000 and
10 that borders the Mississippi River shall retain 50% of
11 the retention from interstate simulcast wagers and shall
12 pay 50% to purses at the track from which the non-host
13 licensee derives its license as follows:

14 (A) Between January 1 and the third Friday in
15 February, inclusive, if no live thoroughbred racing
16 is occurring in Illinois during this period, when
17 the interstate simulcast is a standardbred race, the
18 purse share to its standardbred purse account;

19 (B) Between January 1 and the third Friday in
20 February, inclusive, if no live thoroughbred racing
21 is occurring in Illinois during this period, and the
22 interstate simulcast is a thoroughbred race, the
23 purse share to its interstate simulcast purse pool
24 to be distributed under paragraph (10) of this
25 subsection (g);

26 (C) Between January 1 and the third Friday in
27 February, inclusive, if live thoroughbred racing is
28 occurring in Illinois, between 6:30 a.m. and 6:30
29 p.m. the purse share from wagers made during this
30 time period to its thoroughbred purse account and
31 between 6:30 p.m. and 6:30 a.m. the purse share from
32 wagers made during this time period to its
33 standardbred purse accounts;

34 (D) Between the third Saturday in February and

1 December 31, when the interstate simulcast occurs
2 between the hours of 6:30 a.m. and 6:30 p.m., the
3 purse share to its thoroughbred purse account;

4 (E) Between the third Saturday in February and
5 December 31, when the interstate simulcast occurs
6 between the hours of 6:30 p.m. and 6:30 a.m., the
7 purse share to its standardbred purse account.

8 (7.1) Notwithstanding any other provision of this
9 Act to the contrary, if no standardbred racing is
10 conducted at a racetrack located in Madison County during
11 any calendar year beginning on or after January 1, 2002,
12 all moneys derived by that racetrack from simulcast
13 wagering and inter-track wagering that (1) are to be used
14 for purses and (2) are generated between the hours of
15 6:30 p.m. and 6:30 a.m. during that calendar year shall
16 be paid as follows:

17 (A) If the licensee that conducts horse racing
18 at that racetrack requests from the Board at least
19 as many racing dates as were conducted in calendar
20 year 2000, 80% shall be paid to its thoroughbred
21 purse account; and

22 (B) Twenty percent shall be deposited into the
23 Illinois Colt Stakes Purse Distribution Fund and
24 shall be paid to purses for standardbred races for
25 Illinois conceived and foaled horses conducted at
26 any county fairgrounds. The moneys deposited into
27 the Fund pursuant to this subparagraph (B) shall be
28 deposited within 2 weeks after the day they were
29 generated, shall be in addition to and not in lieu
30 of any other moneys paid to standardbred purses
31 under this Act, and shall not be commingled with
32 other moneys paid into that Fund. The moneys
33 deposited pursuant to this subparagraph (B) shall be
34 allocated as provided by the Department of

1 Agriculture, with the advice and assistance of the
2 Illinois Standardbred Breeders Fund Advisory Board.

3 (7.2) Notwithstanding any other provision of this
4 Act to the contrary, if no thoroughbred racing is
5 conducted at a racetrack located in Madison County during
6 any calendar year beginning on or after January 1, 2002,
7 all moneys derived by that racetrack from simulcast
8 wagering and inter-track wagering that (1) are to be used
9 for purses and (2) are generated between the hours of
10 6:30 a.m. and 6:30 p.m. during that calendar year shall
11 be deposited as follows:

12 (A) If the licensee that conducts horse racing
13 at that racetrack requests from the Board at least
14 as many racing dates as were conducted in calendar
15 year 2000, 80% shall be deposited into its
16 standardbred purse account; and

17 (B) Twenty percent shall be deposited into the
18 Illinois Colt Stakes Purse Distribution Fund.
19 Moneys deposited into the Illinois Colt Stakes Purse
20 Distribution Fund pursuant to this subparagraph (B)
21 shall be paid to Illinois conceived and foaled
22 thoroughbred breeders' programs and to thoroughbred
23 purses for races conducted at any county fairgrounds
24 for Illinois conceived and foaled horses at the
25 discretion of the Department of Agriculture, with
26 the advice and assistance of the Illinois
27 Thoroughbred Breeders Fund Advisory Board. The
28 moneys deposited into the Illinois Colt Stakes Purse
29 Distribution Fund pursuant to this subparagraph (B)
30 shall be deposited within 2 weeks after the day they
31 were generated, shall be in addition to and not in
32 lieu of any other moneys paid to thoroughbred purses
33 under this Act, and shall not be commingled with
34 other moneys deposited into that Fund.

1 (7.3) If no live standardbred racing is conducted
2 at a racetrack located in Madison County in calendar year
3 2000 or 2001, an organization licensee who is licensed to
4 conduct horse racing at that racetrack shall, before
5 January 1, 2002, pay all moneys derived from simulcast
6 wagering and inter-track wagering in calendar years 2000
7 and 2001 and paid into the licensee's standardbred purse
8 account as follows:

9 (A) Eighty percent to that licensee's
10 thoroughbred purse account to be used for
11 thoroughbred purses; and

12 (B) Twenty percent to the Illinois Colt Stakes
13 Purse Distribution Fund.

14 Failure to make the payment to the Illinois Colt
15 Stakes Purse Distribution Fund before January 1, 2002
16 shall result in the immediate revocation of the
17 licensee's organization license, inter-track wagering
18 license, and inter-track wagering location license.

19 Moneys paid into the Illinois Colt Stakes Purse
20 Distribution Fund pursuant to this paragraph (7.3) shall
21 be paid to purses for standardbred races for Illinois
22 conceived and foaled horses conducted at any county
23 fairgrounds. Moneys paid into the Illinois Colt Stakes
24 Purse Distribution Fund pursuant to this paragraph (7.3)
25 shall be used as determined by the Department of
26 Agriculture, with the advice and assistance of the
27 Illinois Standardbred Breeders Fund Advisory Board, shall
28 be in addition to and not in lieu of any other moneys
29 paid to standardbred purses under this Act, and shall not
30 be commingled with any other moneys paid into that Fund.

31 (7.4) If live standardbred racing is conducted at a
32 racetrack located in Madison County at any time in
33 calendar year 2001 before the payment required under
34 paragraph (7.3) has been made, the organization licensee

1 who is licensed to conduct racing at that racetrack shall
2 pay all moneys derived by that racetrack from simulcast
3 wagering and inter-track wagering during calendar years
4 2000 and 2001 that (1) are to be used for purses and (2)
5 are generated between the hours of 6:30 p.m. and 6:30
6 a.m. during 2000 or 2001 to the standardbred purse
7 account at that racetrack to be used for standardbred
8 purses.

9 (8) Notwithstanding any provision in this Act to
10 the contrary, an organization licensee from a track
11 located in a county with a population in excess of
12 230,000 and that borders the Mississippi River and its
13 affiliated non-host licensees shall not be entitled to
14 share in any retention generated on racing, inter-track
15 wagering, or simulcast wagering at any other Illinois
16 wagering facility.

17 (8.1) Notwithstanding any provisions in this Act to
18 the contrary, if 2 organization licensees are conducting
19 standardbred race meetings concurrently between the hours
20 of 6:30 p.m. and 6:30 a.m., after payment of all
21 applicable State and local taxes and interstate
22 commission fees, the remainder of the amount retained
23 from simulcast wagering otherwise attributable to the
24 host track and to host track purses shall be split daily
25 between the 2 organization licensees and the purses at
26 the tracks of the 2 organization licensees, respectively,
27 based on each organization licensee's share of the total
28 live handle for that day, provided that this provision
29 shall not apply to any non-host licensee that derives its
30 license from a track located in a county with a
31 population in excess of 230,000 and that borders the
32 Mississippi River.

33 (9) (Blank).

34 (10) (Blank).

1 (11) (Blank).

2 (12) The Board shall have authority to compel all
3 host tracks to receive the simulcast of any or all races
4 conducted at the Springfield or DuQuoin State fairgrounds
5 and include all such races as part of their simulcast
6 programs.

7 ~~(13) Notwithstanding any other provision of this~~
8 ~~Act, in the event that the total Illinois pari-mutuel~~
9 ~~handle on Illinois horse races at all wagering facilities~~
10 ~~in any calendar year is less than 75% of the total~~
11 ~~Illinois pari-mutuel handle on Illinois horse races at~~
12 ~~all such wagering facilities for calendar year 1994, then~~
13 ~~each wagering facility that has an annual total Illinois~~
14 ~~pari-mutuel handle on Illinois horse races that is less~~
15 ~~than 75% of the total Illinois pari-mutuel handle on~~
16 ~~Illinois horse races at such wagering facility for~~
17 ~~calendar year 1994, shall be permitted to receive, from~~
18 ~~any amount otherwise payable to the purse account at the~~
19 ~~race track with which the wagering facility is affiliated~~
20 ~~in the succeeding calendar year, an amount equal to 2% of~~
21 ~~the differential in total Illinois pari-mutuel handle on~~
22 ~~Illinois horse races at the wagering facility between~~
23 ~~that calendar year in question and 1994 provided,~~
24 ~~however, that a wagering facility shall not be entitled~~
25 ~~to any such payment until the Board certifies in writing~~
26 ~~to the wagering facility the amount to which the wagering~~
27 ~~facility is entitled and a schedule for payment of the~~
28 ~~amount to the wagering facility, based on: (i) the racing~~
29 ~~dates awarded to the race track affiliated with the~~
30 ~~wagering facility during the succeeding year; (ii) the~~
31 ~~sums available or anticipated to be available in the~~
32 ~~purse account of the race track affiliated with the~~
33 ~~wagering facility for purses during the succeeding year;~~
34 ~~and (iii) the need to ensure reasonable purse levels~~

1 during the payment period. The Board's certification
2 shall be provided no later than January 31 of the
3 succeeding year. In the event a wagering facility
4 entitled to a payment under this paragraph (13) is
5 affiliated with a race track that maintains purse
6 accounts for both standardbred and thoroughbred racing,
7 the amount to be paid to the wagering facility shall be
8 divided between each purse account pro-rata, based on the
9 amount of Illinois handle on Illinois standardbred and
10 thoroughbred racing respectively at the wagering facility
11 during the previous calendar year. Annually, the General
12 Assembly shall appropriate sufficient funds from the
13 General Revenue Fund to the Department of Agriculture for
14 payment into the thoroughbred and standardbred horse
15 racing purse accounts at Illinois pari-mutuel tracks.
16 The amount paid to each purse account shall be the amount
17 certified by the Illinois Racing Board in January to be
18 transferred from each account to each eligible racing
19 facility in accordance with the provisions of this
20 Section.

21 (h) The Board may approve and license the conduct of
22 inter-track wagering and simulcast wagering by inter-track
23 wagering licensees and inter-track wagering location
24 licensees subject to the following terms and conditions:

- 25 (1) Any person licensed to conduct a race meeting
26 (i) at a track where 60 or more days of racing were
27 conducted during the immediately preceding calendar year
28 or where over the 5 immediately preceding calendar years
29 an average of 30 or more days of racing were conducted
30 annually may be issued an inter-track wagering license;
31 (ii) at a track located in a county that is bounded by
32 the Mississippi River, which has a population of less
33 than 150,000 according to the 1990 decennial census, and
34 an average of at least 60 days of racing per year between

1 1985 and 1993 may be issued an inter-track wagering
2 license; or (iii) at a track located in Madison County
3 that conducted at least 100 days of live racing during
4 the immediately preceding calendar year may be issued an
5 inter-track wagering license, unless a lesser schedule of
6 live racing is the result of (A) weather, unsafe track
7 conditions, or other acts of God; (B) an agreement
8 between the organization licensee and the associations
9 representing the largest number of owners, trainers,
10 jockeys, or standardbred drivers who race horses at that
11 organization licensee's racing meeting; or (C) a finding
12 by the Board of extraordinary circumstances and that it
13 was in the best interest of the public and the sport to
14 conduct fewer than 100 days of live racing. Any such
15 person having operating control of the racing facility
16 may also receive up to 6 inter-track wagering location
17 licenses. In no event shall more than 6 inter-track
18 wagering locations be established for each eligible race
19 track, except that an eligible race track located in a
20 county that has a population of more than 230,000 and
21 that is bounded by the Mississippi River may establish up
22 to 7 inter-track wagering locations. An application for
23 said license shall be filed with the Board prior to such
24 dates as may be fixed by the Board. With an application
25 for an inter-track wagering location license there shall
26 be delivered to the Board a certified check or bank draft
27 payable to the order of the Board for an amount equal to
28 \$500. The application shall be on forms prescribed and
29 furnished by the Board. The application shall comply
30 with all other rules, regulations and conditions imposed
31 by the Board in connection therewith.

32 (2) The Board shall examine the applications with
33 respect to their conformity with this Act and the rules
34 and regulations imposed by the Board. If found to be in

1 compliance with the Act and rules and regulations of the
2 Board, the Board may then issue a license to conduct
3 inter-track wagering and simulcast wagering to such
4 applicant. All such applications shall be acted upon by
5 the Board at a meeting to be held on such date as may be
6 fixed by the Board.

7 (3) In granting licenses to conduct inter-track
8 wagering and simulcast wagering, the Board shall give due
9 consideration to the best interests of the public, of
10 horse racing, and of maximizing revenue to the State.

11 (4) Prior to the issuance of a license to conduct
12 inter-track wagering and simulcast wagering, the
13 applicant shall file with the Board a bond payable to the
14 State of Illinois in the sum of \$50,000, executed by the
15 applicant and a surety company or companies authorized to
16 do business in this State, and conditioned upon (i) the
17 payment by the licensee of all taxes due under Section 27
18 or 27.1 and any other monies due and payable under this
19 Act, and (ii) distribution by the licensee, upon
20 presentation of the winning ticket or tickets, of all
21 sums payable to the patrons of pari-mutuel pools.

22 (5) Each license to conduct inter-track wagering
23 and simulcast wagering shall specify the person to whom
24 it is issued, the dates on which such wagering is
25 permitted, and the track or location where the wagering
26 is to be conducted.

27 (6) All wagering under such license is subject to
28 this Act and to the rules and regulations from time to
29 time prescribed by the Board, and every such license
30 issued by the Board shall contain a recital to that
31 effect.

32 (7) An inter-track wagering licensee or inter-track
33 wagering location licensee may accept wagers at the track
34 or location where it is licensed, or as otherwise

1 provided under this Act.

2 (8) Inter-track wagering or simulcast wagering
3 shall not be conducted at any track less than 5 miles
4 from a track at which a racing meeting is in progress.

5 (8.1) Inter-track wagering location licensees who
6 derive their licenses from a particular organization
7 licensee shall conduct inter-track wagering and simulcast
8 wagering only at locations which are either within 90
9 miles of that race track where the particular
10 organization licensee is licensed to conduct racing, or
11 within 135 miles of that race track where the particular
12 organization licensee is licensed to conduct racing in
13 the case of race tracks in counties of less than 400,000
14 that were operating on or before June 1, 1986. However,
15 inter-track wagering and simulcast wagering shall not be
16 conducted by those licensees at any location within 5
17 miles of any race track at which a horse race meeting has
18 been licensed in the current year, unless the person
19 having operating control of such race track has given its
20 written consent to such inter-track wagering location
21 licensees, which consent must be filed with the Board at
22 or prior to the time application is made.

23 (8.2) Inter-track wagering or simulcast wagering
24 shall not be conducted by an inter-track wagering
25 location licensee at any location within 500 feet of an
26 existing church or existing school, nor within 500 feet
27 of the residences of more than 50 registered voters
28 without receiving written permission from a majority of
29 the registered voters at such residences. Such written
30 permission statements shall be filed with the Board. The
31 distance of 500 feet shall be measured to the nearest
32 part of any building used for worship services, education
33 programs, residential purposes, or conducting inter-track
34 wagering by an inter-track wagering location licensee,

1 and not to property boundaries. However, inter-track
2 wagering or simulcast wagering may be conducted at a site
3 within 500 feet of a church, school or residences of 50
4 or more registered voters if such church, school or
5 residences have been erected or established, or such
6 voters have been registered, after the Board issues the
7 original inter-track wagering location license at the
8 site in question. Inter-track wagering location licensees
9 may conduct inter-track wagering and simulcast wagering
10 only in areas that are zoned for commercial or
11 manufacturing purposes or in areas for which a special
12 use has been approved by the local zoning authority.
13 However, no license to conduct inter-track wagering and
14 simulcast wagering shall be granted by the Board with
15 respect to any inter-track wagering location within the
16 jurisdiction of any local zoning authority which has, by
17 ordinance or by resolution, prohibited the establishment
18 of an inter-track wagering location within its
19 jurisdiction. However, inter-track wagering and
20 simulcast wagering may be conducted at a site if such
21 ordinance or resolution is enacted after the Board
22 licenses the original inter-track wagering location
23 licensee for the site in question.

24 (9) (Blank).

25 (10) An inter-track wagering licensee or an
26 inter-track wagering location licensee may retain,
27 subject to the payment of the privilege taxes and the
28 purses, an amount not to exceed 17% of all money wagered.
29 Each program of racing conducted by each inter-track
30 wagering licensee or inter-track wagering location
31 licensee shall be considered a separate racing day for
32 the purpose of determining the daily handle and computing
33 the privilege tax or pari-mutuel tax on such daily handle
34 as provided in Section 27.

1 (10.1) Except as provided in subsection (g) of
2 Section 27 of this Act, inter-track wagering location
3 licensees shall pay 1% of the pari-mutuel handle at each
4 location to the municipality in which such location is
5 situated and 1% of the pari-mutuel handle at each
6 location to the county in which such location is
7 situated. In the event that an inter-track wagering
8 location licensee is situated in an unincorporated area
9 of a county, such licensee shall pay 2% of the
10 pari-mutuel handle from such location to such county.

11 (10.2) Notwithstanding any other provision of this
12 Act, with respect to intertrack wagering at a race track
13 located in a county that has a population of more than
14 230,000 and that is bounded by the Mississippi River
15 ("the first race track"), or at a facility operated by an
16 inter-track wagering licensee or inter-track wagering
17 location licensee that derives its license from the
18 organization licensee that operates the first race track,
19 on races conducted at the first race track or on races
20 conducted at another Illinois race track and
21 simultaneously televised to the first race track or to a
22 facility operated by an inter-track wagering licensee or
23 inter-track wagering location licensee that derives its
24 license from the organization licensee that operates the
25 first race track, those moneys shall be allocated as
26 follows:

27 (A) That portion of all moneys wagered on
28 standardbred racing that is required under this Act
29 to be paid to purses shall be paid to purses for
30 standardbred races.

31 (B) That portion of all moneys wagered on
32 thoroughbred racing that is required under this Act
33 to be paid to purses shall be paid to purses for
34 thoroughbred races.

1 (11) (A) After payment of the privilege or
2 pari-mutuel tax, any other applicable taxes, and the
3 costs and expenses in connection with the gathering,
4 transmission, and dissemination of all data necessary to
5 the conduct of inter-track wagering, the remainder of the
6 monies retained under either Section 26 or Section 26.2
7 of this Act by the inter-track wagering licensee on
8 inter-track wagering shall be allocated with 50% to be
9 split between the 2 participating licensees and 50% to
10 purses, except that an intertrack wagering licensee that
11 derives its license from a track located in a county with
12 a population in excess of 230,000 and that borders the
13 Mississippi River shall not divide any remaining
14 retention with the Illinois organization licensee that
15 provides the race or races, and an intertrack wagering
16 licensee that accepts wagers on races conducted by an
17 organization licensee that conducts a race meet in a
18 county with a population in excess of 230,000 and that
19 borders the Mississippi River shall not divide any
20 remaining retention with that organization licensee.

21 (B) From the sums permitted to be retained pursuant
22 to this Act each inter-track wagering location licensee
23 shall pay (i) the privilege or pari-mutuel tax to the
24 State; (ii) 4.75% of the pari-mutuel handle on intertrack
25 wagering at such location on races as purses, except that
26 an intertrack wagering location licensee that derives its
27 license from a track located in a county with a
28 population in excess of 230,000 and that borders the
29 Mississippi River shall retain all purse moneys for its
30 own purse account consistent with distribution set forth
31 in this subsection (h), and intertrack wagering location
32 licensees that accept wagers on races conducted by an
33 organization licensee located in a county with a
34 population in excess of 230,000 and that borders the

1 Mississippi River shall distribute all purse moneys to
2 purses at the operating host track; (iii) until January
3 1, 2000, except as provided in subsection (g) of Section
4 27 of this Act, 1% of the pari-mutuel handle wagered on
5 inter-track wagering and simulcast wagering at each
6 inter-track wagering location licensee facility to the
7 Horse Racing Tax Allocation Fund, provided that, to the
8 extent the total amount collected and distributed to the
9 Horse Racing Tax Allocation Fund under this subsection
10 (h) during any calendar year exceeds the amount collected
11 and distributed to the Horse Racing Tax Allocation Fund
12 during calendar year 1994, that excess amount shall be
13 redistributed (I) to all inter-track wagering location
14 licensees, based on each licensee's pro-rata share of the
15 total handle from inter-track wagering and simulcast
16 wagering for all inter-track wagering location licensees
17 during the calendar year in which this provision is
18 applicable; then (II) the amounts redistributed to each
19 inter-track wagering location licensee as described in
20 subpart (I) shall be further redistributed as provided in
21 subparagraph (B) of paragraph (5) of subsection (g) of
22 this Section 26 provided first, that the shares of those
23 amounts, which are to be redistributed to the host track
24 or to purses at the host track under subparagraph (B) of
25 paragraph (5) of subsection (g) of this Section 26 shall
26 be redistributed based on each host track's pro rata
27 share of the total inter-track wagering and simulcast
28 wagering handle at all host tracks during the calendar
29 year in question, and second, that any amounts
30 redistributed as described in part (I) to an inter-track
31 wagering location licensee that accepts wagers on races
32 conducted by an organization licensee that conducts a
33 race meet in a county with a population in excess of
34 230,000 and that borders the Mississippi River shall be

1 further redistributed as provided in subparagraphs (D)
2 and (E) of paragraph (7) of subsection (g) of this
3 Section 26, with the portion of that further
4 redistribution allocated to purses at that organization
5 licensee to be divided between standardbred purses and
6 thoroughbred purses based on the amounts otherwise
7 allocated to purses at that organization licensee during
8 the calendar year in question; and (iv) 8% of the
9 pari-mutuel handle on inter-track wagering wagered at
10 such location to satisfy all costs and expenses of
11 conducting its wagering. The remainder of the monies
12 retained by the inter-track wagering location licensee
13 shall be allocated 40% to the location licensee and 60%
14 to the organization licensee which provides the Illinois
15 races to the location, except that an intertrack wagering
16 location licensee that derives its license from a track
17 located in a county with a population in excess of
18 230,000 and that borders the Mississippi River shall not
19 divide any remaining retention with the organization
20 licensee that provides the race or races and an
21 intertrack wagering location licensee that accepts wagers
22 on races conducted by an organization licensee that
23 conducts a race meet in a county with a population in
24 excess of 230,000 and that borders the Mississippi River
25 shall not divide any remaining retention with the
26 organization licensee. Notwithstanding the provisions of
27 clauses (ii) and (iv) of this paragraph, in the case of
28 the additional inter-track wagering location licenses
29 authorized under paragraph (1) of this subsection (h) by
30 this amendatory Act of 1991, those licensees shall pay
31 the following amounts as purses: during the first 12
32 months the licensee is in operation, 5.25% of the
33 pari-mutuel handle wagered at the location on races;
34 during the second 12 months, 5.25%; during the third 12

1 months, 5.75%; during the fourth 12 months, 6.25%; and
2 during the fifth 12 months and thereafter, 6.75%. The
3 following amounts shall be retained by the licensee to
4 satisfy all costs and expenses of conducting its
5 wagering: during the first 12 months the licensee is in
6 operation, 8.25% of the pari-mutuel handle wagered at the
7 location; during the second 12 months, 8.25%; during the
8 third 12 months, 7.75%; during the fourth 12 months,
9 7.25%; and during the fifth 12 months and thereafter,
10 6.75%. For additional intertrack wagering location
11 licensees authorized under this amendatory Act of 1995,
12 purses for the first 12 months the licensee is in
13 operation shall be 5.75% of the pari-mutuel wagered at
14 the location, purses for the second 12 months the
15 licensee is in operation shall be 6.25%, and purses
16 thereafter shall be 6.75%. For additional intertrack
17 location licensees authorized under this amendatory Act
18 of 1995, the licensee shall be allowed to retain to
19 satisfy all costs and expenses: 7.75% of the pari-mutuel
20 handle wagered at the location during its first 12 months
21 of operation, 7.25% during its second 12 months of
22 operation, and 6.75% thereafter.

23 (C) There is hereby created the Horse Racing Tax
24 Allocation Fund which shall remain in existence until
25 December 31, 1999. Moneys remaining in the Fund after
26 December 31, 1999 shall be paid into the General Revenue
27 Fund. Until January 1, 2000, all monies paid into the
28 Horse Racing Tax Allocation Fund pursuant to this
29 paragraph (11) by inter-track wagering location licensees
30 located in park districts of 500,000 population or less,
31 or in a municipality that is not included within any park
32 district but is included within a conservation district
33 and is the county seat of a county that (i) is contiguous
34 to the state of Indiana and (ii) has a 1990 population of

1 88,257 according to the United States Bureau of the
2 Census, and operating on May 1, 1994 shall be allocated
3 by appropriation as follows:

4 Two-sevenths to the Department of Agriculture.
5 Fifty percent of this two-sevenths shall be used to
6 promote the Illinois horse racing and breeding
7 industry, and shall be distributed by the Department
8 of Agriculture upon the advice of a 9-member
9 committee appointed by the Governor consisting of
10 the following members: the Director of Agriculture,
11 who shall serve as chairman; 2 representatives of
12 organization licensees conducting thoroughbred race
13 meetings in this State, recommended by those
14 licensees; 2 representatives of organization
15 licensees conducting standardbred race meetings in
16 this State, recommended by those licensees; a
17 representative of the Illinois Thoroughbred Breeders
18 and Owners Foundation, recommended by that
19 Foundation; a representative of the Illinois
20 Standardbred Owners and Breeders Association,
21 recommended by that Association; a representative of
22 the Horsemen's Benevolent and Protective Association
23 or any successor organization thereto established in
24 Illinois comprised of the largest number of owners
25 and trainers, recommended by that Association or
26 that successor organization; and a representative of
27 the Illinois Harness Horsemen's Association,
28 recommended by that Association. Committee members
29 shall serve for terms of 2 years, commencing January
30 1 of each even-numbered year. If a representative
31 of any of the above-named entities has not been
32 recommended by January 1 of any even-numbered year,
33 the Governor shall appoint a committee member to
34 fill that position. Committee members shall receive

1 no compensation for their services as members but
2 shall be reimbursed for all actual and necessary
3 expenses and disbursements incurred in the
4 performance of their official duties. The remaining
5 50% of this two-sevenths shall be distributed to
6 county fairs for premiums and rehabilitation as set
7 forth in the Agricultural Fair Act;

8 Four-sevenths to park districts or
9 municipalities that do not have a park district of
10 500,000 population or less for museum purposes (if
11 an inter-track wagering location licensee is located
12 in such a park district) or to conservation
13 districts for museum purposes (if an inter-track
14 wagering location licensee is located in a
15 municipality that is not included within any park
16 district but is included within a conservation
17 district and is the county seat of a county that (i)
18 is contiguous to the state of Indiana and (ii) has a
19 1990 population of 88,257 according to the United
20 States Bureau of the Census, except that if the
21 conservation district does not maintain a museum,
22 the monies shall be allocated equally between the
23 county and the municipality in which the inter-track
24 wagering location licensee is located for general
25 purposes) or to a municipal recreation board for
26 park purposes (if an inter-track wagering location
27 licensee is located in a municipality that is not
28 included within any park district and park
29 maintenance is the function of the municipal
30 recreation board and the municipality has a 1990
31 population of 9,302 according to the United States
32 Bureau of the Census); provided that the monies are
33 distributed to each park district or conservation
34 district or municipality that does not have a park

1 district in an amount equal to four-sevenths of the
2 amount collected by each inter-track wagering
3 location licensee within the park district or
4 conservation district or municipality for the Fund.
5 Monies that were paid into the Horse Racing Tax
6 Allocation Fund before the effective date of this
7 amendatory Act of 1991 by an inter-track wagering
8 location licensee located in a municipality that is
9 not included within any park district but is
10 included within a conservation district as provided
11 in this paragraph shall, as soon as practicable
12 after the effective date of this amendatory Act of
13 1991, be allocated and paid to that conservation
14 district as provided in this paragraph. Any park
15 district or municipality not maintaining a museum
16 may deposit the monies in the corporate fund of the
17 park district or municipality where the inter-track
18 wagering location is located, to be used for general
19 purposes; and

20 One-seventh to the Agricultural Premium Fund to
21 be used for distribution to agricultural home
22 economics extension councils in accordance with "An
23 Act in relation to additional support and finances
24 for the Agricultural and Home Economic Extension
25 Councils in the several counties of this State and
26 making an appropriation therefor", approved July 24,
27 1967.

28 Until January 1, 2000, all other monies paid into
29 the Horse Racing Tax Allocation Fund pursuant to this
30 paragraph (11) shall be allocated by appropriation as
31 follows:

32 Two-sevenths to the Department of Agriculture.
33 Fifty percent of this two-sevenths shall be used to
34 promote the Illinois horse racing and breeding

1 industry, and shall be distributed by the Department
2 of Agriculture upon the advice of a 9-member
3 committee appointed by the Governor consisting of
4 the following members: the Director of Agriculture,
5 who shall serve as chairman; 2 representatives of
6 organization licensees conducting thoroughbred race
7 meetings in this State, recommended by those
8 licensees; 2 representatives of organization
9 licensees conducting standardbred race meetings in
10 this State, recommended by those licensees; a
11 representative of the Illinois Thoroughbred Breeders
12 and Owners Foundation, recommended by that
13 Foundation; a representative of the Illinois
14 Standardbred Owners and Breeders Association,
15 recommended by that Association; a representative of
16 the Horsemen's Benevolent and Protective Association
17 or any successor organization thereto established in
18 Illinois comprised of the largest number of owners
19 and trainers, recommended by that Association or
20 that successor organization; and a representative of
21 the Illinois Harness Horsemen's Association,
22 recommended by that Association. Committee members
23 shall serve for terms of 2 years, commencing January
24 1 of each even-numbered year. If a representative
25 of any of the above-named entities has not been
26 recommended by January 1 of any even-numbered year,
27 the Governor shall appoint a committee member to
28 fill that position. Committee members shall receive
29 no compensation for their services as members but
30 shall be reimbursed for all actual and necessary
31 expenses and disbursements incurred in the
32 performance of their official duties. The remaining
33 50% of this two-sevenths shall be distributed to
34 county fairs for premiums and rehabilitation as set

1 forth in the Agricultural Fair Act;

2 Four-sevenths to museums and aquariums located
3 in park districts of over 500,000 population;
4 provided that the monies are distributed in
5 accordance with the previous year's distribution of
6 the maintenance tax for such museums and aquariums
7 as provided in Section 2 of the Park District
8 Aquarium and Museum Act; and

9 One-seventh to the Agricultural Premium Fund to
10 be used for distribution to agricultural home
11 economics extension councils in accordance with "An
12 Act in relation to additional support and finances
13 for the Agricultural and Home Economic Extension
14 Councils in the several counties of this State and
15 making an appropriation therefor", approved July 24,
16 1967. This subparagraph (C) shall be inoperative and
17 of no force and effect on and after January 1, 2000.

18 (D) Except as provided in paragraph (11) of
19 this subsection (h), with respect to purse
20 allocation from intertrack wagering, the monies so
21 retained shall be divided as follows:

22 (i) If the inter-track wagering licensee,
23 except an intertrack wagering licensee that
24 derives its license from an organization
25 licensee located in a county with a population
26 in excess of 230,000 and bounded by the
27 Mississippi River, is not conducting its own
28 race meeting during the same dates, then the
29 entire purse allocation shall be to purses at
30 the track where the races wagered on are being
31 conducted.

32 (ii) If the inter-track wagering
33 licensee, except an intertrack wagering
34 licensee that derives its license from an

1 organization licensee located in a county with
2 a population in excess of 230,000 and bounded
3 by the Mississippi River, is also conducting
4 its own race meeting during the same dates,
5 then the purse allocation shall be as follows:
6 50% to purses at the track where the races
7 wagered on are being conducted; 50% to purses
8 at the track where the inter-track wagering
9 licensee is accepting such wagers.

10 (iii) If the inter-track wagering is
11 being conducted by an inter-track wagering
12 location licensee, except an intertrack
13 wagering location licensee that derives its
14 license from an organization licensee located
15 in a county with a population in excess of
16 230,000 and bounded by the Mississippi River,
17 the entire purse allocation for Illinois races
18 shall be to purses at the track where the race
19 meeting being wagered on is being held.

20 (12) The Board shall have all powers necessary and
21 proper to fully supervise and control the conduct of
22 inter-track wagering and simulcast wagering by
23 inter-track wagering licensees and inter-track wagering
24 location licensees, including, but not limited to the
25 following:

26 (A) The Board is vested with power to
27 promulgate reasonable rules and regulations for the
28 purpose of administering the conduct of this
29 wagering and to prescribe reasonable rules,
30 regulations and conditions under which such wagering
31 shall be held and conducted. Such rules and
32 regulations are to provide for the prevention of
33 practices detrimental to the public interest and for
34 the best interests of said wagering and to impose

1 penalties for violations thereof.

2 (B) The Board, and any person or persons to
3 whom it delegates this power, is vested with the
4 power to enter the facilities of any licensee to
5 determine whether there has been compliance with the
6 provisions of this Act and the rules and regulations
7 relating to the conduct of such wagering.

8 (C) The Board, and any person or persons to
9 whom it delegates this power, may eject or exclude
10 from any licensee's facilities, any person whose
11 conduct or reputation is such that his presence on
12 such premises may, in the opinion of the Board, call
13 into the question the honesty and integrity of, or
14 interfere with the orderly conduct of such wagering;
15 provided, however, that no person shall be excluded
16 or ejected from such premises solely on the grounds
17 of race, color, creed, national origin, ancestry, or
18 sex.

19 (D) (Blank).

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

25 (F) The Board shall name and appoint a State
26 director of this wagering who shall be a
27 representative of the Board and whose duty it shall
28 be to supervise the conduct of inter-track wagering
29 as may be provided for by the rules and regulations
30 of the Board; such rules and regulation shall
31 specify the method of appointment and the Director's
32 powers, authority and duties.

33 (G) The Board is vested with the power to
34 impose civil penalties of up to \$5,000 against

1 individuals and up to \$10,000 against licensees for
2 each violation of any provision of this Act relating
3 to the conduct of this wagering, any rules adopted
4 by the Board, any order of the Board or any other
5 action which in the Board's discretion, is a
6 detriment or impediment to such wagering.

7 (13) The Department of Agriculture may enter into
8 agreements with licensees authorizing such licensees to
9 conduct inter-track wagering on races to be held at the
10 licensed race meetings conducted by the Department of
11 Agriculture. Such agreement shall specify the races of
12 the Department of Agriculture's licensed race meeting
13 upon which the licensees will conduct wagering. In the
14 event that a licensee conducts inter-track pari-mutuel
15 wagering on races from the Illinois State Fair or DuQuoin
16 State Fair which are in addition to the licensee's
17 previously approved racing program, those races shall be
18 considered a separate racing day for the purpose of
19 determining the daily handle and computing the privilege
20 or pari-mutuel tax on that daily handle as provided in
21 Sections 27 and 27.1. Such agreements shall be approved
22 by the Board before such wagering may be conducted. In
23 determining whether to grant approval, the Board shall
24 give due consideration to the best interests of the
25 public and of horse racing. The provisions of paragraphs
26 (1), (8), (8.1), and (8.2) of subsection (h) of this
27 Section which are not specified in this paragraph (13)
28 shall not apply to licensed race meetings conducted by
29 the Department of Agriculture at the Illinois State Fair
30 in Sangamon County or the DuQuoin State Fair in Perry
31 County, or to any wagering conducted on those race
32 meetings.

33 (i) Notwithstanding the other provisions of this Act,
34 the conduct of wagering at wagering facilities is authorized

1 on all days, except as limited by subsection (b) of Section
2 19 of this Act.

3 (Source: P.A. 91-40, eff. 6-25-99; 92-211, eff. 8-2-01.)

4 (230 ILCS 5/26.5) (from Ch. 8, par. 37-26.5)

5 Sec. 26.5. Inter-track wagering licensee surcharge. In
6 addition to the amount retained pursuant to paragraph (10) of
7 subsection (h) of Section 26, inter-track wagering licensees
8 shall retain an additional amount equal to 0.9% ~~1.5%~~ of each
9 winning wager and winnings from wagers. The surcharge shall
10 be deducted from winnings prior to payout, except as provided
11 in subsection (g) of Section 27 of this Act. Amounts
12 retained under this Section shall be distributed as follows:
13 ~~40% to the organization licensee at whose track the wager was~~
14 ~~placed,~~ ~~40%~~ 66% as purses at the track where the wager was
15 placed, and 34% ~~20%~~ to the county in which the track where
16 the wager was placed is located.

17 (Source: P.A. 89-16, eff. 5-30-95.)

18 (230 ILCS 5/26.3 rep.)

19 Section 10. The Illinois Horse Racing Act of 1975 is
20 amended by repealing Section 26.3.