

1 AN ACT concerning gaming.

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

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

28 (b-5) An individual may place a wager under the pari-mutuel
29 system from any licensed location authorized under this Act
30 provided that wager is electronically recorded in the manner
31 described in Section 3.12 of this Act. Any wager made
32 electronically by an individual while physically on the

1 premises of a licensee shall be deemed to have been made at the
2 premises of that licensee.

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

13 (c-5) ~~Until Beginning~~ January 1, ~~2005~~ 2000, the sum held by
14 any licensee for payment of outstanding pari-mutuel tickets, if
15 unclaimed prior to December 31 of the next year, shall be
16 retained by the licensee for payment of such tickets until that
17 date. Within 10 days thereafter, the balance of such sum
18 remaining unclaimed, less any uncashed supplements contributed
19 by such licensee for the purpose of guaranteeing minimum
20 distributions of any pari-mutuel pool, shall be evenly
21 distributed to the purse account of the organization licensee
22 and the organization licensee.

23 (c-7) On and after January 1, 2005, the sum held by any
24 licensee for payment of outstanding pari-mutuel tickets, if
25 unclaimed prior to December 31 of the next year, shall be
26 retained for payment of such tickets until that date by the
27 organization licensee or inter-track wagering licensee at
28 which the wagers were placed and, in the case of an inter-track
29 wagering location licensee, by the organization licensee from
30 which the inter-track wagering location license is derived.
31 Within 10 days thereafter, the balance of such sum remaining
32 unclaimed, less any uncashed supplements contributed by such
33 licensee for the purpose of guaranteeing minimum distributions
34 of any pari-mutuel pool, shall be evenly distributed to the
35 purse account of the organization licensee and the organization
36 licensee.

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

6 (e) No licensee shall knowingly permit any minor, other
7 than an employee of such licensee or an owner, trainer, jockey,
8 driver, or employee thereof, to be admitted during a racing
9 program unless accompanied by a parent or guardian, or any
10 minor to be a patron of the pari-mutuel system of wagering
11 conducted or supervised by it. The admission of any
12 unaccompanied minor, other than an employee of the licensee or
13 an owner, trainer, jockey, driver, or employee thereof at a
14 race track is a Class C misdemeanor.

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

34 An organization licensee may permit one or more of its
35 races to be utilized for pari-mutuel wagering at one or more
36 locations in other states and may transmit audio and visual

1 signals of races the organization licensee conducts to one or
2 more locations outside the State or country and may also permit
3 pari-mutuel pools in other states or countries to be combined
4 with its gross or net wagering pools or with wagering pools
5 established by other states.

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

29 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an
30 intertrack wagering licensee other than the host track may
31 supplement the host track simulcast program with
32 additional simulcast races or race programs, provided that
33 between January 1 and the third Friday in February of any
34 year, inclusive, if no live thoroughbred racing is
35 occurring in Illinois during this period, only
36 thoroughbred races may be used for supplemental interstate

1 simulcast purposes. The Board shall withhold approval for a
2 supplemental interstate simulcast only if it finds that the
3 simulcast is clearly adverse to the integrity of racing. A
4 supplemental interstate simulcast may be transmitted from
5 an intertrack wagering licensee to its affiliated non-host
6 licensees. The interstate commission fee for a
7 supplemental interstate simulcast shall be paid by the
8 non-host licensee and its affiliated non-host licensees
9 receiving the simulcast.

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

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

36 (4) A licensee who receives an interstate simulcast may

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

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

20 (A) For interstate simulcast wagers made at a host
21 track, 50% to the host track and 50% to purses at the
22 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 races
26 conducted outside of the State of Illinois made at a
27 non-host licensee, 25% to the host track, 25% to the
28 non-host licensee, and 50% to the purses at the host
29 track.

30 (6) Notwithstanding any provision in this Act to the
31 contrary, non-host licensees who derive their licenses
32 from a track located in a county with a population in
33 excess of 230,000 and that borders the Mississippi River
34 may receive supplemental interstate simulcast races at all
35 times subject to Board approval, which shall be withheld
36 only upon a finding that a supplemental interstate

1 simulcast is clearly adverse to the integrity of racing.

2 (7) Notwithstanding any provision of this Act to the
3 contrary, after payment of all applicable State and local
4 taxes and interstate commission fees, non-host licensees
5 who derive their licenses from a track located in a county
6 with a population in excess of 230,000 and that borders the
7 Mississippi River shall retain 50% of the retention from
8 interstate simulcast wagers and, on or after the effective
9 date of this amendatory Act of the 94th General Assembly,
10 50% of the sum held for unclaimed tickets as described in
11 subsection (c-7) of Section 26 and shall pay 50% of each to
12 purses at the track from which the non-host licensee
13 derives its license as follows:

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

19 (B) Between January 1 and the third Friday in
20 February, inclusive, if no live thoroughbred racing is
21 occurring in Illinois during this period, and the
22 interstate simulcast is a thoroughbred race, the purse
23 share to its interstate simulcast purse pool to be
24 distributed under paragraph (10) of this subsection
25 (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 p.m.
29 the purse share from wagers made during this time
30 period to its thoroughbred purse account and between
31 6:30 p.m. and 6:30 a.m. the purse share from wagers
32 made during this time period to its standardbred purse
33 accounts;

34 (D) Between the third Saturday in February and
35 December 31, when the interstate simulcast occurs
36 between the hours of 6:30 a.m. and 6:30 p.m., the purse

1 share to its thoroughbred purse account;

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

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

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

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

34 (7.2) Notwithstanding any other provision of this Act
35 to the contrary, if no thoroughbred racing is conducted at
36 a racetrack located in Madison County during any calendar

1 year beginning on or after January 1, 2002, all moneys
2 derived by that racetrack from simulcast wagering and
3 inter-track wagering that (1) are to be used for purses and
4 (2) are generated between the hours of 6:30 a.m. and 6:30
5 p.m. during that calendar year shall be deposited as
6 follows:

7 (A) If the licensee that conducts horse racing at
8 that racetrack requests from the Board at least as many
9 racing dates as were conducted in calendar year 2000,
10 80% shall be deposited into its standardbred purse
11 account; and

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

30 (7.3) If no live standardbred racing is conducted at a
31 racetrack located in Madison County in calendar year 2000
32 or 2001, an organization licensee who is licensed to
33 conduct horse racing at that racetrack shall, before
34 January 1, 2002, pay all moneys derived from simulcast
35 wagering and inter-track wagering in calendar years 2000
36 and 2001 and paid into the licensee's standardbred purse

1 account as follows:

2 (A) Eighty percent to that licensee's thoroughbred
3 purse account to be used for thoroughbred purses; and

4 (B) Twenty percent to the Illinois Colt Stakes
5 Purse Distribution Fund.

6 Failure to make the payment to the Illinois Colt Stakes
7 Purse Distribution Fund before January 1, 2002 shall result
8 in the immediate revocation of the licensee's organization
9 license, inter-track wagering license, and inter-track
10 wagering location license.

11 Moneys paid into the Illinois Colt Stakes Purse
12 Distribution Fund pursuant to this paragraph (7.3) shall be
13 paid to purses for standardbred races for Illinois
14 conceived and foaled horses conducted at any county
15 fairgrounds. Moneys paid into the Illinois Colt Stakes
16 Purse Distribution Fund pursuant to this paragraph (7.3)
17 shall be used as determined by the Department of
18 Agriculture, with the advice and assistance of the Illinois
19 Standardbred Breeders Fund Advisory Board, shall be in
20 addition to and not in lieu of any other moneys paid to
21 standardbred purses under this Act, and shall not be
22 commingled with any other moneys paid into that Fund.

23 (7.4) If live standardbred racing is conducted at a
24 racetrack located in Madison County at any time in calendar
25 year 2001 before the payment required under paragraph (7.3)
26 has been made, the organization licensee who is licensed to
27 conduct racing at that racetrack shall pay all moneys
28 derived by that racetrack from simulcast wagering and
29 inter-track wagering during calendar years 2000 and 2001
30 that (1) are to be used for purses and (2) are generated
31 between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or
32 2001 to the standardbred purse account at that racetrack to
33 be used for standardbred purses.

34 (8) Notwithstanding any provision in this Act to the
35 contrary, an organization licensee from a track located in
36 a county with a population in excess of 230,000 and that

1 borders the Mississippi River and its affiliated non-host
2 licensees shall not be entitled to share in any retention
3 generated on racing, inter-track wagering, or simulcast
4 wagering at any other Illinois wagering facility.

5 (8.1) Notwithstanding any provisions in this Act to the
6 contrary, if 2 organization licensees are conducting
7 standardbred race meetings concurrently between the hours
8 of 6:30 p.m. and 6:30 a.m., after payment of all applicable
9 State and local taxes and interstate commission fees, the
10 remainder of the amount retained from simulcast wagering
11 otherwise attributable to the host track and to host track
12 purses shall be split daily between the 2 organization
13 licensees and the purses at the tracks of the 2
14 organization licensees, respectively, based on each
15 organization licensee's share of the total live handle for
16 that day, provided that this provision shall not apply to
17 any non-host licensee that derives its license from a track
18 located in a county with a population in excess of 230,000
19 and that borders the Mississippi River.

20 (9) (Blank).

21 (10) (Blank).

22 (11) (Blank).

23 (12) The Board shall have authority to compel all host
24 tracks to receive the simulcast of any or all races
25 conducted at the Springfield or DuQuoin State fairgrounds
26 and include all such races as part of their simulcast
27 programs.

28 (13) Notwithstanding any other provision of this Act,
29 in the event that the total Illinois pari-mutuel handle on
30 Illinois horse races at all wagering facilities in any
31 calendar year is less than 75% of the total Illinois
32 pari-mutuel handle on Illinois horse races at all such
33 wagering facilities for calendar year 1994, then each
34 wagering facility that has an annual total Illinois
35 pari-mutuel handle on Illinois horse races that is less
36 than 75% of the total Illinois pari-mutuel handle on

1 Illinois horse races at such wagering facility for calendar
2 year 1994, shall be permitted to receive, from any amount
3 otherwise payable to the purse account at the race track
4 with which the wagering facility is affiliated in the
5 succeeding calendar year, an amount equal to 2% of the
6 differential in total Illinois pari-mutuel handle on
7 Illinois horse races at the wagering facility between that
8 calendar year in question and 1994 provided, however, that
9 a wagering facility shall not be entitled to any such
10 payment until the Board certifies in writing to the
11 wagering facility the amount to which the wagering facility
12 is entitled and a schedule for payment of the amount to the
13 wagering facility, based on: (i) the racing dates awarded
14 to the race track affiliated with the wagering facility
15 during the succeeding year; (ii) the sums available or
16 anticipated to be available in the purse account of the
17 race track affiliated with the wagering facility for purses
18 during the succeeding year; and (iii) the need to ensure
19 reasonable purse levels during the payment period. The
20 Board's certification shall be provided no later than
21 January 31 of the succeeding year. In the event a wagering
22 facility entitled to a payment under this paragraph (13) is
23 affiliated with a race track that maintains purse accounts
24 for both standardbred and thoroughbred racing, the amount
25 to be paid to the wagering facility shall be divided
26 between each purse account pro rata, based on the amount of
27 Illinois handle on Illinois standardbred and thoroughbred
28 racing respectively at the wagering facility during the
29 previous calendar year. Annually, the General Assembly
30 shall appropriate sufficient funds from the General
31 Revenue Fund to the Department of Agriculture for payment
32 into the thoroughbred and standardbred horse racing purse
33 accounts at Illinois pari-mutuel tracks. The amount paid to
34 each purse account shall be the amount certified by the
35 Illinois Racing Board in January to be transferred from
36 each account to each eligible racing facility in accordance

1 with the provisions of this Section.

2 (h) The Board may approve and license the conduct of
3 inter-track wagering and simulcast wagering by inter-track
4 wagering licensees and inter-track wagering location licensees
5 subject to the following terms and conditions:

6 (1) Any person licensed to conduct a race meeting (i)
7 at a track where 60 or more days of racing were conducted
8 during the immediately preceding calendar year or where
9 over the 5 immediately preceding calendar years an average
10 of 30 or more days of racing were conducted annually may be
11 issued an inter-track wagering license; (ii) at a track
12 located in a county that is bounded by the Mississippi
13 River, which has a population of less than 150,000
14 according to the 1990 decennial census, and an average of
15 at least 60 days of racing per year between 1985 and 1993
16 may be issued an inter-track wagering license; or (iii) at
17 a track located in Madison County that conducted at least
18 100 days of live racing during the immediately preceding
19 calendar year may be issued an inter-track wagering
20 license, unless a lesser schedule of live racing is the
21 result of (A) weather, unsafe track conditions, or other
22 acts of God; (B) an agreement between the organization
23 licensee and the associations representing the largest
24 number of owners, trainers, jockeys, or standardbred
25 drivers who race horses at that organization licensee's
26 racing meeting; or (C) a finding by the Board of
27 extraordinary circumstances and that it was in the best
28 interest of the public and the sport to conduct fewer than
29 100 days of live racing. Any such person having operating
30 control of the racing facility may also receive up to 6
31 inter-track wagering location licenses. In no event shall
32 more than 6 inter-track wagering locations be established
33 for each eligible race track, except that an eligible race
34 track located in a county that has a population of more
35 than 230,000 and that is bounded by the Mississippi River
36 may establish up to 7 inter-track wagering locations. An

1 application for said license shall be filed with the Board
2 prior to such dates as may be fixed by the Board. With an
3 application for an inter-track wagering location license
4 there shall be delivered to the Board a certified check or
5 bank draft payable to the order of the Board for an amount
6 equal to \$500. The application shall be on forms prescribed
7 and furnished by the Board. The application shall comply
8 with all other rules, regulations and conditions imposed by
9 the Board in connection therewith.

10 (2) The Board shall examine the applications with
11 respect to their conformity with this Act and the rules and
12 regulations imposed by the Board. If found to be in
13 compliance with the Act and rules and regulations of the
14 Board, the Board may then issue a license to conduct
15 inter-track wagering and simulcast wagering to such
16 applicant. All such applications shall be acted upon by the
17 Board at a meeting to be held on such date as may be fixed
18 by the Board.

19 (3) In granting licenses to conduct inter-track
20 wagering and simulcast wagering, the Board shall give due
21 consideration to the best interests of the public, of horse
22 racing, and of maximizing revenue to the State.

23 (4) Prior to the issuance of a license to conduct
24 inter-track wagering and simulcast wagering, the applicant
25 shall file with the Board a bond payable to the State of
26 Illinois in the sum of \$50,000, executed by the applicant
27 and a surety company or companies authorized to do business
28 in this State, and conditioned upon (i) the payment by the
29 licensee of all taxes due under Section 27 or 27.1 and any
30 other monies due and payable under this Act, and (ii)
31 distribution by the licensee, upon presentation of the
32 winning ticket or tickets, of all sums payable to the
33 patrons of pari-mutuel pools.

34 (5) Each license to conduct inter-track wagering and
35 simulcast wagering shall specify the person to whom it is
36 issued, the dates on which such wagering is permitted, and

1 the track or location where the wagering is to be
2 conducted.

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

7 (7) An inter-track wagering licensee or inter-track
8 wagering location licensee may accept wagers at the track
9 or location where it is licensed, or as otherwise provided
10 under this Act.

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

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

32 (8.2) Inter-track wagering or simulcast wagering shall
33 not be conducted by an inter-track wagering location
34 licensee at any location within 500 feet of an existing
35 church or existing school, nor within 500 feet of the
36 residences of more than 50 registered voters without

1 receiving written permission from a majority of the
2 registered voters at such residences. Such written
3 permission statements shall be filed with the Board. The
4 distance of 500 feet shall be measured to the nearest part
5 of any building used for worship services, education
6 programs, residential purposes, or conducting inter-track
7 wagering by an inter-track wagering location licensee, and
8 not to property boundaries. However, inter-track wagering
9 or simulcast wagering may be conducted at a site within 500
10 feet of a church, school or residences of 50 or more
11 registered voters if such church, school or residences have
12 been erected or established, or such voters have been
13 registered, after the Board issues the original
14 inter-track wagering location license at the site in
15 question. Inter-track wagering location licensees may
16 conduct inter-track wagering and simulcast wagering only
17 in areas that are zoned for commercial or manufacturing
18 purposes or in areas for which a special use has been
19 approved by the local zoning authority. However, no license
20 to conduct inter-track wagering and simulcast wagering
21 shall be granted by the Board with respect to any
22 inter-track wagering location within the jurisdiction of
23 any local zoning authority which has, by ordinance or by
24 resolution, prohibited the establishment of an inter-track
25 wagering location within its jurisdiction. However,
26 inter-track wagering and simulcast wagering may be
27 conducted at a site if such ordinance or resolution is
28 enacted after the Board licenses the original inter-track
29 wagering location licensee for the site in question.

30 (9) (Blank).

31 (10) An inter-track wagering licensee or an
32 inter-track wagering location licensee may retain, subject
33 to the payment of the privilege taxes and the purses, an
34 amount not to exceed 17% of all money wagered. Each program
35 of racing conducted by each inter-track wagering licensee
36 or inter-track wagering location licensee shall be

1 considered a separate racing day for the purpose of
2 determining the daily handle and computing the privilege
3 tax or pari-mutuel tax on such daily handle as provided in
4 Section 27.

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

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

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

35 (B) That portion of all moneys wagered on
36 thoroughbred racing that is required under this Act to

1 be paid to purses shall be paid to purses for
2 thoroughbred races.

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

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

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

1 organization licensee to be divided between standardbred
2 purses and thoroughbred purses based on the amounts
3 otherwise allocated to purses at that organization
4 licensee during the calendar year in question; and (iv) 8%
5 of the pari-mutuel handle on inter-track wagering wagered
6 at such location to satisfy all costs and expenses of
7 conducting its wagering. The remainder of the monies
8 retained by the inter-track wagering location licensee
9 shall be allocated 40% to the location licensee and 60% to
10 the organization licensee which provides the Illinois
11 races to the location, except that an intertrack wagering
12 location licensee that derives its license from a track
13 located in a county with a population in excess of 230,000
14 and that borders the Mississippi River shall not divide any
15 remaining retention with the organization licensee that
16 provides the race or races and an intertrack wagering
17 location licensee that accepts wagers on races conducted by
18 an organization licensee that conducts a race meet in a
19 county with a population in excess of 230,000 and that
20 borders the Mississippi River shall not divide any
21 remaining retention with the organization licensee.
22 Notwithstanding the provisions of clauses (ii) and (iv) of
23 this paragraph, in the case of the additional inter-track
24 wagering location licenses authorized under paragraph (1)
25 of this subsection (h) by this amendatory Act of 1991,
26 those licensees shall pay the following amounts as purses:
27 during the first 12 months the licensee is in operation,
28 5.25% of the pari-mutuel handle wagered at the location on
29 races; during the second 12 months, 5.25%; during the third
30 12 months, 5.75%; during the fourth 12 months, 6.25%; and
31 during the fifth 12 months and thereafter, 6.75%. The
32 following amounts shall be retained by the licensee to
33 satisfy all costs and expenses of conducting its wagering:
34 during the first 12 months the licensee is in operation,
35 8.25% of the pari-mutuel handle wagered at the location;
36 during the second 12 months, 8.25%; during the third 12

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

15 (C) There is hereby created the Horse Racing Tax
16 Allocation Fund which shall remain in existence until
17 December 31, 1999. Moneys remaining in the Fund after
18 December 31, 1999 shall be paid into the General Revenue
19 Fund. Until January 1, 2000, all monies paid into the Horse
20 Racing Tax Allocation Fund pursuant to this paragraph (11)
21 by inter-track wagering location licensees located in park
22 districts of 500,000 population or less, or in a
23 municipality that is not included within any park district
24 but is included within a conservation district and is the
25 county seat of a county that (i) is contiguous to the state
26 of Indiana and (ii) has a 1990 population of 88,257
27 according to the United States Bureau of the Census, and
28 operating on May 1, 1994 shall be allocated by
29 appropriation as follows:

30 Two-sevenths to the Department of Agriculture.
31 Fifty percent of this two-sevenths shall be used to
32 promote the Illinois horse racing and breeding
33 industry, and shall be distributed by the Department of
34 Agriculture upon the advice of a 9-member committee
35 appointed by the Governor consisting of the following
36 members: the Director of Agriculture, who shall serve

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

31 Four-sevenths to park districts or municipalities
32 that do not have a park district of 500,000 population
33 or less for museum purposes (if an inter-track wagering
34 location licensee is located in such a park district)
35 or to conservation districts for museum purposes (if an
36 inter-track wagering location licensee is located in a

1 municipality that is not included within any park
2 district but is included within a conservation
3 district and is the county seat of a county that (i) is
4 contiguous to the state of Indiana and (ii) has a 1990
5 population of 88,257 according to the United States
6 Bureau of the Census, except that if the conservation
7 district does not maintain a museum, the monies shall
8 be allocated equally between the county and the
9 municipality in which the inter-track wagering
10 location licensee is located for general purposes) or
11 to a municipal recreation board for park purposes (if
12 an inter-track wagering location licensee is located
13 in a municipality that is not included within any park
14 district and park maintenance is the function of the
15 municipal recreation board and the municipality has a
16 1990 population of 9,302 according to the United States
17 Bureau of the Census); provided that the monies are
18 distributed to each park district or conservation
19 district or municipality that does not have a park
20 district in an amount equal to four-sevenths of the
21 amount collected by each inter-track wagering location
22 licensee within the park district or conservation
23 district or municipality for the Fund. Monies that were
24 paid into the Horse Racing Tax Allocation Fund before
25 the effective date of this amendatory Act of 1991 by an
26 inter-track wagering location licensee located in a
27 municipality that is not included within any park
28 district but is included within a conservation
29 district as provided in this paragraph shall, as soon
30 as practicable after the effective date of this
31 amendatory Act of 1991, be allocated and paid to that
32 conservation district as provided in this paragraph.
33 Any park district or municipality not maintaining a
34 museum may deposit the monies in the corporate fund of
35 the park district or municipality where the
36 inter-track wagering location is located, to be used

1 for general purposes; and

2 One-seventh to the Agricultural Premium Fund to be
3 used for distribution to agricultural home economics
4 extension councils in accordance with "An Act in
5 relation to additional support and finances for the
6 Agricultural and Home Economic Extension Councils in
7 the several counties of this State and making an
8 appropriation therefor", approved July 24, 1967.

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

12 Two-sevenths to the Department of Agriculture.
13 Fifty percent of this two-sevenths shall be used to
14 promote the Illinois horse racing and breeding
15 industry, and shall be distributed by the Department of
16 Agriculture upon the advice of a 9-member committee
17 appointed by the Governor consisting of the following
18 members: the Director of Agriculture, who shall serve
19 as chairman; 2 representatives of organization
20 licensees conducting thoroughbred race meetings in
21 this State, recommended by those licensees; 2
22 representatives of organization licensees conducting
23 standardbred race meetings in this State, recommended
24 by those licensees; a representative of the Illinois
25 Thoroughbred Breeders and Owners Foundation,
26 recommended by that Foundation; a representative of
27 the Illinois Standardbred Owners and Breeders
28 Association, recommended by that Association; a
29 representative of the Horsemen's Benevolent and
30 Protective Association or any successor organization
31 thereto established in Illinois comprised of the
32 largest number of owners and trainers, recommended by
33 that Association or that successor organization; and a
34 representative of the Illinois Harness Horsemen's
35 Association, recommended by that Association.
36 Committee members shall serve for terms of 2 years,

1 commencing January 1 of each even-numbered year. If a
2 representative of any of the above-named entities has
3 not been recommended by January 1 of any even-numbered
4 year, the Governor shall appoint a committee member to
5 fill that position. Committee members shall receive no
6 compensation for their services as members but shall be
7 reimbursed for all actual and necessary expenses and
8 disbursements incurred in the performance of their
9 official duties. The remaining 50% of this
10 two-sevenths shall be distributed to county fairs for
11 premiums and rehabilitation as set forth in the
12 Agricultural Fair Act;

13 Four-sevenths to museums and aquariums located in
14 park districts of over 500,000 population; provided
15 that the monies are distributed in accordance with the
16 previous year's distribution of the maintenance tax
17 for such museums and aquariums as provided in Section 2
18 of the Park District Aquarium and Museum Act; and

19 One-seventh to the Agricultural Premium Fund to be
20 used for distribution to agricultural home economics
21 extension councils in accordance with "An Act in
22 relation to additional support and finances for the
23 Agricultural and Home Economic Extension Councils in
24 the several counties of this State and making an
25 appropriation therefor", approved July 24, 1967. This
26 subparagraph (C) shall be inoperative and of no force
27 and effect on and after January 1, 2000.

28 (D) Except as provided in paragraph (11) of this
29 subsection (h), with respect to purse allocation from
30 intertrack wagering, the monies so retained shall be
31 divided as follows:

32 (i) If the inter-track wagering licensee,
33 except an intertrack wagering licensee that
34 derives its license from an organization licensee
35 located in a county with a population in excess of
36 230,000 and bounded by the Mississippi River, is

1 not conducting its own race meeting during the same
2 dates, then the entire purse allocation shall be to
3 purses at the track where the races wagered on are
4 being conducted.

5 (ii) If the inter-track wagering licensee,
6 except an intertrack wagering licensee that
7 derives its license from an organization licensee
8 located in a county with a population in excess of
9 230,000 and bounded by the Mississippi River, is
10 also conducting its own race meeting during the
11 same dates, then the purse allocation shall be as
12 follows: 50% to purses at the track where the races
13 wagered on are being conducted; 50% to purses at
14 the track where the inter-track wagering licensee
15 is accepting such wagers.

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

26 (12) The Board shall have all powers necessary and
27 proper to fully supervise and control the conduct of
28 inter-track wagering and simulcast wagering by inter-track
29 wagering licensees and inter-track wagering location
30 licensees, including, but not limited to the following:

31 (A) The Board is vested with power to promulgate
32 reasonable rules and regulations for the purpose of
33 administering the conduct of this wagering and to
34 prescribe reasonable rules, regulations and conditions
35 under which such wagering shall be held and conducted.
36 Such rules and regulations are to provide for the

1 prevention of practices detrimental to the public
2 interest and for the best interests of said wagering
3 and to impose penalties for violations thereof.

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

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

20 (D) (Blank).

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

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

34 (G) The Board is vested with the power to impose
35 civil penalties of up to \$5,000 against individuals and
36 up to \$10,000 against licensees for each violation of

1 any provision of this Act relating to the conduct of
2 this wagering, any rules adopted by the Board, any
3 order of the Board or any other action which in the
4 Board's discretion, is a detriment or impediment to
5 such wagering.

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

31 (i) Notwithstanding the other provisions of this Act, the
32 conduct of wagering at wagering facilities is authorized on all
33 days, except as limited by subsection (b) of Section 19 of this
34 Act.

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

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.