



Sen. William R. Haine

Filed: 4/14/2005

09400HB0665sam001

LRB094 06756 AMC 44508 a

1 AMENDMENT TO HOUSE BILL 665

2 AMENDMENT NO. _____. Amend House Bill 665 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Horse Racing Act of 1975 is
5 amended 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

1 taxes and purses, an amount not to exceed 17% of all money
2 wagered under subsection (a) of this Section, except as may
3 otherwise be permitted under this Act.

4 (b-5) An individual may place a wager under the pari-mutuel
5 system from any licensed location authorized under this Act
6 provided that wager is electronically recorded in the manner
7 described in Section 3.12 of this Act. Any wager made
8 electronically by an individual while physically on the
9 premises of a licensee shall be deemed to have been made at the
10 premises of that licensee.

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

21 (c-5) Beginning January 1, 2000, the sum held by any
22 licensee for payment of outstanding pari-mutuel tickets, if
23 unclaimed prior to December 31 of the next year, shall be
24 retained by the licensee for payment of such tickets until that
25 date; except that, beginning on the effective date of this
26 amendatory Act of the 94th General Assembly, the sum held by an
27 organization licensee located in a county with a population in
28 excess of 230,000 and that borders the Mississippi River and
29 every inter-track wagering location licensee who derives their
30 licenses from that organization licensee shall be retained by
31 the organization licensee for payment of such tickets until
32 that date. Within 10 days thereafter, the balance of such sum
33 remaining unclaimed, less any uncashed supplements contributed
34 by such licensee for the purpose of guaranteeing minimum

1 distributions of any pari-mutuel pool, shall be evenly
2 distributed to the purse account of the organization licensee
3 and the organization licensee.

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

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

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

1 the receipts from this 10% tax to be distributed to the county
2 in which the race was conducted.

3 An organization licensee may permit one or more of its
4 races to be utilized for pari-mutuel wagering at one or more
5 locations in other states and may transmit audio and visual
6 signals of races the organization licensee conducts to one or
7 more locations outside the State or country and may also permit
8 pari-mutuel pools in other states or countries to be combined
9 with its gross or net wagering pools or with wagering pools
10 established by other states.

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

34 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an

1 intertrack wagering licensee other than the host track may
2 supplement the host track simulcast program with
3 additional simulcast races or race programs, provided that
4 between January 1 and the third Friday in February of any
5 year, inclusive, if no live thoroughbred racing is
6 occurring in Illinois during this period, only
7 thoroughbred races may be used for supplemental interstate
8 simulcast purposes. The Board shall withhold approval for a
9 supplemental interstate simulcast only if it finds that the
10 simulcast is clearly adverse to the integrity of racing. A
11 supplemental interstate simulcast may be transmitted from
12 an intertrack wagering licensee to its affiliated non-host
13 licensees. The interstate commission fee for a
14 supplemental interstate simulcast shall be paid by the
15 non-host licensee and its affiliated non-host licensees
16 receiving the simulcast.

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

27 (3) Each licensee conducting interstate simulcast
28 wagering may retain, subject to the payment of all
29 applicable taxes and the purses, an amount not to exceed
30 17% of all money wagered. If any licensee conducts the
31 pari-mutuel system wagering on races conducted at
32 racetracks in another state or country, each such race or
33 race program shall be considered a separate racing day for
34 the purpose of determining the daily handle and computing

1 the privilege tax of that daily handle as provided in
2 subsection (a) of Section 27. Until January 1, 2000, from
3 the sums permitted to be retained pursuant to this
4 subsection, each intertrack wagering location licensee
5 shall pay 1% of the pari-mutuel handle wagered on simulcast
6 wagering to the Horse Racing Tax Allocation Fund, subject
7 to the provisions of subparagraph (B) of paragraph (11) of
8 subsection (h) of Section 26 of this Act.

9 (4) A licensee who receives an interstate simulcast may
10 combine its gross or net pools with pools at the sending
11 racetracks pursuant to rules established by the Board. All
12 licensees combining their gross pools at a sending
13 racetrack shall adopt the take-out percentages of the
14 sending racetrack. A licensee may also establish a separate
15 pool and takeout structure for wagering purposes on races
16 conducted at race tracks outside of the State of Illinois.
17 The licensee may permit pari-mutuel wagers placed in other
18 states or countries to be combined with its gross or net
19 wagering pools or other wagering pools.

20 (5) After the payment of the interstate commission fee
21 (except for the interstate commission fee on a supplemental
22 interstate simulcast, which shall be paid by the host track
23 and by each non-host licensee through the host-track) and
24 all applicable State and local taxes, except as provided in
25 subsection (g) of Section 27 of this Act, the remainder of
26 moneys retained from simulcast wagering pursuant to this
27 subsection (g), and Section 26.2 shall be divided as
28 follows:

29 (A) For interstate simulcast wagers made at a host
30 track, 50% to the host track and 50% to purses at the
31 host track.

32 (B) For wagers placed on interstate simulcast
33 races, supplemental simulcasts as defined in
34 subparagraphs (1) and (2), and separately pooled races

1 conducted outside of the State of Illinois made at a
2 non-host licensee, 25% to the host track, 25% to the
3 non-host licensee, and 50% to the purses at the host
4 track.

5 (6) Notwithstanding any provision in this Act to the
6 contrary, non-host licensees who derive their licenses
7 from a track located in a county with a population in
8 excess of 230,000 and that borders the Mississippi River
9 may receive supplemental interstate simulcast races at all
10 times subject to Board approval, which shall be withheld
11 only upon a finding that a supplemental interstate
12 simulcast is clearly adverse to the integrity of racing.

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

22 (A) Between January 1 and the third Friday in
23 February, inclusive, if no live thoroughbred racing is
24 occurring in Illinois during this period, when the
25 interstate simulcast is a standardbred race, the purse
26 share to its standardbred purse account;

27 (B) Between January 1 and the third Friday in
28 February, inclusive, if no live thoroughbred racing is
29 occurring in Illinois during this period, and the
30 interstate simulcast is a thoroughbred race, the purse
31 share to its interstate simulcast purse pool to be
32 distributed under paragraph (10) of this subsection
33 (g);

34 (C) Between January 1 and the third Friday in

1 February, inclusive, if live thoroughbred racing is
2 occurring in Illinois, between 6:30 a.m. and 6:30 p.m.
3 the purse share from wagers made during this time
4 period to its thoroughbred purse account and between
5 6:30 p.m. and 6:30 a.m. the purse share from wagers
6 made during this time period to its standardbred purse
7 accounts;

8 (D) Between the third Saturday in February and
9 December 31, when the interstate simulcast occurs
10 between the hours of 6:30 a.m. and 6:30 p.m., the purse
11 share to its thoroughbred purse account;

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

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

24 (A) If the licensee that conducts horse racing at
25 that racetrack requests from the Board at least as many
26 racing dates as were conducted in calendar year 2000,
27 80% shall be paid to its thoroughbred purse account;
28 and

29 (B) Twenty percent shall be deposited into the
30 Illinois Colt Stakes Purse Distribution Fund and shall
31 be paid to purses for standardbred races for Illinois
32 conceived and foaled horses conducted at any county
33 fairgrounds. The moneys deposited into the Fund
34 pursuant to this subparagraph (B) shall be deposited

1 within 2 weeks after the day they were generated, shall
2 be in addition to and not in lieu of any other moneys
3 paid to standardbred purses under this Act, and shall
4 not be commingled with other moneys paid into that
5 Fund. The moneys deposited pursuant to this
6 subparagraph (B) shall be allocated as provided by the
7 Department of Agriculture, with the advice and
8 assistance of the Illinois Standardbred Breeders Fund
9 Advisory Board.

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

19 (A) If the licensee that conducts horse racing at
20 that racetrack requests from the Board at least as many
21 racing dates as were conducted in calendar year 2000,
22 80% shall be deposited into its standardbred purse
23 account; and

24 (B) Twenty percent shall be deposited into the
25 Illinois Colt Stakes Purse Distribution Fund. Moneys
26 deposited into the Illinois Colt Stakes Purse
27 Distribution Fund pursuant to this subparagraph (B)
28 shall be paid to Illinois conceived and foaled
29 thoroughbred breeders' programs and to thoroughbred
30 purses for races conducted at any county fairgrounds
31 for Illinois conceived and foaled horses at the
32 discretion of the Department of Agriculture, with the
33 advice and assistance of the Illinois Thoroughbred
34 Breeders Fund Advisory Board. The moneys deposited

1 into the Illinois Colt Stakes Purse Distribution Fund
2 pursuant to this subparagraph (B) shall be deposited
3 within 2 weeks after the day they were generated, shall
4 be in addition to and not in lieu of any other moneys
5 paid to thoroughbred purses under this Act, and shall
6 not be commingled with other moneys deposited into that
7 Fund.

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

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

18 (B) Twenty percent to the Illinois Colt Stakes
19 Purse Distribution Fund.

20 Failure to make the payment to the Illinois Colt Stakes
21 Purse Distribution Fund before January 1, 2002 shall result
22 in the immediate revocation of the licensee's organization
23 license, inter-track wagering license, and inter-track
24 wagering location license.

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

1 standardbred purses under this Act, and shall not be
2 commingled with any other moneys paid into that Fund.

3 (7.4) If live standardbred racing is conducted at a
4 racetrack located in Madison County at any time in calendar
5 year 2001 before the payment required under paragraph (7.3)
6 has been made, the organization licensee who is licensed to
7 conduct racing at that racetrack shall pay all moneys
8 derived by that racetrack from simulcast wagering and
9 inter-track wagering during calendar years 2000 and 2001
10 that (1) are to be used for purses and (2) are generated
11 between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or
12 2001 to the standardbred purse account at that racetrack to
13 be used for standardbred purses.

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

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

1 and that borders the Mississippi River.

2 (9) (Blank).

3 (10) (Blank).

4 (11) (Blank).

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

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

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

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

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

1 at least 60 days of racing per year between 1985 and 1993
2 may be issued an inter-track wagering license; or (iii) at
3 a track located in Madison County that conducted at least
4 100 days of live racing during the immediately preceding
5 calendar year may be issued an inter-track wagering
6 license, unless a lesser schedule of live racing is the
7 result of (A) weather, unsafe track conditions, or other
8 acts of God; (B) an agreement between the organization
9 licensee and the associations representing the largest
10 number of owners, trainers, jockeys, or standardbred
11 drivers who race horses at that organization licensee's
12 racing meeting; or (C) a finding by the Board of
13 extraordinary circumstances and that it was in the best
14 interest of the public and the sport to conduct fewer than
15 100 days of live racing. Any such person having operating
16 control of the racing facility may also receive up to 6
17 inter-track wagering location licenses. In no event shall
18 more than 6 inter-track wagering locations be established
19 for each eligible race track, except that an eligible race
20 track located in a county that has a population of more
21 than 230,000 and that is bounded by the Mississippi River
22 may establish up to 7 inter-track wagering locations. An
23 application for said license shall be filed with the Board
24 prior to such dates as may be fixed by the Board. With an
25 application for an inter-track wagering location license
26 there shall be delivered to the Board a certified check or
27 bank draft payable to the order of the Board for an amount
28 equal to \$500. The application shall be on forms prescribed
29 and furnished by the Board. The application shall comply
30 with all other rules, regulations and conditions imposed by
31 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 and
34 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 the
5 Board at a meeting to be held on such date as may be fixed
6 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 horse
10 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 applicant
13 shall file with the Board a bond payable to the State of
14 Illinois in the sum of \$50,000, executed by the applicant
15 and a surety company or companies authorized to do business
16 in this State, and conditioned upon (i) the payment by the
17 licensee of all taxes due under Section 27 or 27.1 and any
18 other monies due and payable under this Act, and (ii)
19 distribution by the licensee, upon presentation of the
20 winning ticket or tickets, of all sums payable to the
21 patrons of pari-mutuel pools.

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

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

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

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

4 (8.1) Inter-track wagering location licensees who
5 derive their licenses from a particular organization
6 licensee shall conduct inter-track wagering and simulcast
7 wagering only at locations which are either within 90 miles
8 of that race track where the particular organization
9 licensee is licensed to conduct racing, or within 135 miles
10 of that race track where the particular organization
11 licensee is licensed to conduct racing in the case of race
12 tracks in counties of less than 400,000 that were operating
13 on or before June 1, 1986. However, inter-track wagering
14 and simulcast wagering shall not be conducted by those
15 licensees at any location within 5 miles of any race track
16 at which a horse race meeting has been licensed in the
17 current year, unless the person having operating control of
18 such race track has given its written consent to such
19 inter-track wagering location licensees, which consent
20 must be filed with the Board at or prior to the time
21 application is made.

22 (8.2) Inter-track wagering or simulcast wagering shall
23 not be conducted by an inter-track wagering location
24 licensee at any location within 500 feet of an existing
25 church or existing school, nor within 500 feet of the
26 residences of more than 50 registered voters without
27 receiving written permission from a majority of the
28 registered voters at such residences. Such written
29 permission statements shall be filed with the Board. The
30 distance of 500 feet shall be measured to the nearest part
31 of any building used for worship services, education
32 programs, residential purposes, or conducting inter-track
33 wagering by an inter-track wagering location licensee, and
34 not to property boundaries. However, inter-track wagering

1 or simulcast wagering may be conducted at a site within 500
2 feet of a church, school or residences of 50 or more
3 registered voters if such church, school or residences have
4 been erected or established, or such voters have been
5 registered, after the Board issues the original
6 inter-track wagering location license at the site in
7 question. Inter-track wagering location licensees may
8 conduct inter-track wagering and simulcast wagering only
9 in areas that are zoned for commercial or manufacturing
10 purposes or in areas for which a special use has been
11 approved by the local zoning authority. However, no license
12 to conduct inter-track wagering and simulcast wagering
13 shall be granted by the Board with respect to any
14 inter-track wagering location within the jurisdiction of
15 any local zoning authority which has, by ordinance or by
16 resolution, prohibited the establishment of an inter-track
17 wagering location within its jurisdiction. However,
18 inter-track wagering and simulcast wagering may be
19 conducted at a site if such ordinance or resolution is
20 enacted after the Board licenses the original inter-track
21 wagering location licensee for the site in question.

22 (9) (Blank).

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

33 (10.1) Except as provided in subsection (g) of Section
34 27 of this Act, inter-track wagering location licensees

1 shall pay 1% of the pari-mutuel handle at each location to
2 the municipality in which such location is situated and 1%
3 of the pari-mutuel handle at each location to the county in
4 which such location is situated. In the event that an
5 inter-track wagering location licensee is situated in an
6 unincorporated area of a county, such licensee shall pay 2%
7 of the pari-mutuel handle from such location to such
8 county.

9 (10.2) Notwithstanding any other provision of this
10 Act, with respect to intertrack wagering at a race track
11 located in a county that has a population of more than
12 230,000 and that is bounded by the Mississippi River ("the
13 first race track"), or at a facility operated by an
14 inter-track wagering licensee or inter-track wagering
15 location licensee that derives its license from the
16 organization licensee that operates the first race track,
17 on races conducted at the first race track or on races
18 conducted at another Illinois race track and
19 simultaneously televised to the first race track or to a
20 facility operated by an inter-track wagering licensee or
21 inter-track wagering location licensee that derives its
22 license from the organization licensee that operates the
23 first race track, those moneys shall be allocated as
24 follows:

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

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

33 (11) (A) After payment of the privilege or pari-mutuel
34 tax, any other applicable taxes, and the costs and expenses

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

19 (B) From the sums permitted to be retained pursuant to
20 this Act each inter-track wagering location licensee shall
21 pay (i) the privilege or pari-mutuel tax to the State; (ii)
22 4.75% of the pari-mutuel handle on intertrack wagering at
23 such location on races as purses, except that an intertrack
24 wagering location licensee that derives its license from a
25 track located in a county with a population in excess of
26 230,000 and that borders the Mississippi River shall retain
27 all purse moneys for its own purse account consistent with
28 distribution set forth in this subsection (h), and
29 intertrack wagering location licensees that accept wagers
30 on races conducted by an organization licensee located in a
31 county with a population in excess of 230,000 and that
32 borders the Mississippi River shall distribute all purse
33 moneys to purses at the operating host track; (iii) until
34 January 1, 2000, except as provided in subsection (g) of

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

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

17 (C) There is hereby created the Horse Racing Tax
18 Allocation Fund which shall remain in existence until
19 December 31, 1999. Moneys remaining in the Fund after
20 December 31, 1999 shall be paid into the General Revenue
21 Fund. Until January 1, 2000, all monies paid into the Horse
22 Racing Tax Allocation Fund pursuant to this paragraph (11)
23 by inter-track wagering location licensees located in park
24 districts of 500,000 population or less, or in a
25 municipality that is not included within any park district
26 but is included within a conservation district and is the
27 county seat of a county that (i) is contiguous to the state
28 of Indiana and (ii) has a 1990 population of 88,257
29 according to the United States Bureau of the Census, and
30 operating on May 1, 1994 shall be allocated by
31 appropriation as 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 of
2 Agriculture upon the advice of a 9-member committee
3 appointed by the Governor consisting of the following
4 members: the Director of Agriculture, who shall serve
5 as chairman; 2 representatives of organization
6 licensees conducting thoroughbred race meetings in
7 this State, recommended by those licensees; 2
8 representatives of organization licensees conducting
9 standardbred race meetings in this State, recommended
10 by those licensees; a representative of the Illinois
11 Thoroughbred Breeders and Owners Foundation,
12 recommended by that Foundation; a representative of
13 the Illinois Standardbred Owners and Breeders
14 Association, recommended by that Association; a
15 representative of the Horsemen's Benevolent and
16 Protective Association or any successor organization
17 thereto established in Illinois comprised of the
18 largest number of owners and trainers, recommended by
19 that Association or that successor organization; and a
20 representative of the Illinois Harness Horsemen's
21 Association, recommended by that Association.
22 Committee members shall serve for terms of 2 years,
23 commencing January 1 of each even-numbered year. If a
24 representative of any of the above-named entities has
25 not been recommended by January 1 of any even-numbered
26 year, the Governor shall appoint a committee member to
27 fill that position. Committee members shall receive no
28 compensation for their services as members but shall be
29 reimbursed for all actual and necessary expenses and
30 disbursements incurred in the performance of their
31 official duties. The remaining 50% of this
32 two-sevenths shall be distributed to county fairs for
33 premiums and rehabilitation as set forth in the
34 Agricultural Fair Act;

1 Four-sevenths to park districts or municipalities
2 that do not have a park district of 500,000 population
3 or less for museum purposes (if an inter-track wagering
4 location licensee is located in such a park district)
5 or to conservation districts for museum purposes (if an
6 inter-track wagering location licensee is located in a
7 municipality that is not included within any park
8 district but is included within a conservation
9 district and is the county seat of a county that (i) is
10 contiguous to the state of Indiana and (ii) has a 1990
11 population of 88,257 according to the United States
12 Bureau of the Census, except that if the conservation
13 district does not maintain a museum, the monies shall
14 be allocated equally between the county and the
15 municipality in which the inter-track wagering
16 location licensee is located for general purposes) or
17 to a municipal recreation board for park purposes (if
18 an inter-track wagering location licensee is located
19 in a municipality that is not included within any park
20 district and park maintenance is the function of the
21 municipal recreation board and the municipality has a
22 1990 population of 9,302 according to the United States
23 Bureau of the Census); provided that the monies are
24 distributed to each park district or conservation
25 district or municipality that does not have a park
26 district in an amount equal to four-sevenths of the
27 amount collected by each inter-track wagering location
28 licensee within the park district or conservation
29 district or municipality for the Fund. Monies that were
30 paid into the Horse Racing Tax Allocation Fund before
31 the effective date of this amendatory Act of 1991 by an
32 inter-track wagering location licensee located in a
33 municipality that is not included within any park
34 district but is included within a conservation

1 district as provided in this paragraph shall, as soon
2 as practicable after the effective date of this
3 amendatory Act of 1991, be allocated and paid to that
4 conservation district as provided in this paragraph.
5 Any park district or municipality not maintaining a
6 museum may deposit the monies in the corporate fund of
7 the park district or municipality where the
8 inter-track wagering location is located, to be used
9 for general purposes; and

10 One-seventh to the Agricultural Premium Fund to be
11 used for distribution to agricultural home economics
12 extension councils in accordance with "An Act in
13 relation to additional support and finances for the
14 Agricultural and Home Economic Extension Councils in
15 the several counties of this State and making an
16 appropriation therefor", approved July 24, 1967.

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

20 Two-sevenths to the Department of Agriculture.
21 Fifty percent of this two-sevenths shall be used to
22 promote the Illinois horse racing and breeding
23 industry, and shall be distributed by the Department of
24 Agriculture upon the advice of a 9-member committee
25 appointed by the Governor consisting of the following
26 members: the Director of Agriculture, who shall serve
27 as chairman; 2 representatives of organization
28 licensees conducting thoroughbred race meetings in
29 this State, recommended by those licensees; 2
30 representatives of organization licensees conducting
31 standardbred race meetings in this State, recommended
32 by those licensees; a representative of the Illinois
33 Thoroughbred Breeders and Owners Foundation,
34 recommended by that Foundation; a representative of

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

23 Four-sevenths to museums and aquariums located in
24 park districts of over 500,000 population; provided
25 that the monies are distributed in accordance with the
26 previous year's distribution of the maintenance tax
27 for such museums and aquariums as provided in Section 2
28 of the Park District Aquarium and Museum Act; and

29 One-seventh to the Agricultural Premium Fund to be
30 used for distribution to agricultural home economics
31 extension councils in accordance with "An Act in
32 relation to additional support and finances for the
33 Agricultural and Home Economic Extension Councils in
34 the several counties of this State and making an

1 appropriation therefor", approved July 24, 1967. This
2 subparagraph (C) shall be inoperative and of no force
3 and effect on and after January 1, 2000.

4 (D) Except as provided in paragraph (11) of this
5 subsection (h), with respect to purse allocation from
6 intertrack wagering, the monies so retained shall be
7 divided as follows:

8 (i) If the inter-track wagering licensee,
9 except an intertrack wagering licensee that
10 derives its license from an organization licensee
11 located in a county with a population in excess of
12 230,000 and bounded by the Mississippi River, is
13 not conducting its own race meeting during the same
14 dates, then the entire purse allocation shall be to
15 purses at the track where the races wagered on are
16 being conducted.

17 (ii) If the inter-track wagering licensee,
18 except an intertrack wagering licensee that
19 derives its license from an organization licensee
20 located in a county with a population in excess of
21 230,000 and bounded by the Mississippi River, is
22 also conducting its own race meeting during the
23 same dates, then the purse allocation shall be as
24 follows: 50% to purses at the track where the races
25 wagered on are being conducted; 50% to purses at
26 the track where the inter-track wagering licensee
27 is accepting such wagers.

28 (iii) If the inter-track wagering is being
29 conducted by an inter-track wagering location
30 licensee, except an intertrack wagering location
31 licensee that derives its license from an
32 organization licensee located in a county with a
33 population in excess of 230,000 and bounded by the
34 Mississippi River, the entire purse allocation for

1 Illinois races shall be to purses at the track
2 where the race meeting being wagered on is being
3 held.

4 (12) The Board shall have all powers necessary and
5 proper to fully supervise and control the conduct of
6 inter-track wagering and simulcast wagering by inter-track
7 wagering licensees and inter-track wagering location
8 licensees, including, but not limited to the following:

9 (A) The Board is vested with power to promulgate
10 reasonable rules and regulations for the purpose of
11 administering the conduct of this wagering and to
12 prescribe reasonable rules, regulations and conditions
13 under which such wagering shall be held and conducted.
14 Such rules and regulations are to provide for the
15 prevention of practices detrimental to the public
16 interest and for the best interests of said wagering
17 and to impose penalties for violations thereof.

18 (B) The Board, and any person or persons to whom it
19 delegates this power, is vested with the power to enter
20 the facilities of any licensee to determine whether
21 there has been compliance with the provisions of this
22 Act and the rules and regulations relating to the
23 conduct of such wagering.

24 (C) The Board, and any person or persons to whom it
25 delegates this power, may eject or exclude from any
26 licensee's facilities, any person whose conduct or
27 reputation is such that his presence on such premises
28 may, in the opinion of the Board, call into the
29 question the honesty and integrity of, or interfere
30 with the orderly conduct of such wagering; provided,
31 however, that no person shall be excluded or ejected
32 from such premises solely on the grounds of race,
33 color, creed, national origin, ancestry, or sex.

34 (D) (Blank).

1 (E) The Board is vested with the power to appoint
2 delegates to execute any of the powers granted to it
3 under this Section for the purpose of administering
4 this wagering and any rules and regulations
5 promulgated in accordance with this Act.

6 (F) The Board shall name and appoint a State
7 director of this wagering who shall be a representative
8 of the Board and whose duty it shall be to supervise
9 the conduct of inter-track wagering as may be provided
10 for by the rules and regulations of the Board; such
11 rules and regulation shall specify the method of
12 appointment and the Director's powers, authority and
13 duties.

14 (G) The Board is vested with the power to impose
15 civil penalties of up to \$5,000 against individuals and
16 up to \$10,000 against licensees for each violation of
17 any provision of this Act relating to the conduct of
18 this wagering, any rules adopted by the Board, any
19 order of the Board or any other action which in the
20 Board's discretion, is a detriment or impediment to
21 such wagering.

22 (13) The Department of Agriculture may enter into
23 agreements with licensees authorizing such licensees to
24 conduct inter-track wagering on races to be held at the
25 licensed race meetings conducted by the Department of
26 Agriculture. Such agreement shall specify the races of the
27 Department of Agriculture's licensed race meeting upon
28 which the licensees will conduct wagering. In the event
29 that a licensee conducts inter-track pari-mutuel wagering
30 on races from the Illinois State Fair or DuQuoin State Fair
31 which are in addition to the licensee's previously approved
32 racing program, those races shall be considered a separate
33 racing day for the purpose of determining the daily handle
34 and computing the privilege or pari-mutuel tax on that

1 daily handle as provided in Sections 27 and 27.1. Such
2 agreements shall be approved by the Board before such
3 wagering may be conducted. In determining whether to grant
4 approval, the Board shall give due consideration to the
5 best interests of the public and of horse racing. The
6 provisions of paragraphs (1), (8), (8.1), and (8.2) of
7 subsection (h) of this Section which are not specified in
8 this paragraph (13) shall not apply to licensed race
9 meetings conducted by the Department of Agriculture at the
10 Illinois State Fair in Sangamon County or the DuQuoin State
11 Fair in Perry County, or to any wagering conducted on those
12 race meetings.

13 (i) Notwithstanding the other provisions of this Act, the
14 conduct of wagering at wagering facilities is authorized on all
15 days, except as limited by subsection (b) of Section 19 of this
16 Act.

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."