

**SB0570**



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**SB0570**

Introduced 2/18/2005, by Sen. Rickey R. Hendon

**SYNOPSIS AS INTRODUCED:**

230 ILCS 5/26

from Ch. 8, par. 37-26

Amends the Illinois Horse Racing Act of 1975. Makes a technical change in a Section concerning wagering.

LRB094 06454 AMC 36542 b

**A BILL FOR**

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 ~~and~~ supervise the  
9 pari-mutuel system of wagering, as defined in Section 3.12 of  
10 this Act, on horse races conducted by an Illinois organization  
11 licensee or conducted at a racetrack located in another state  
12 or country and televised in Illinois in accordance with  
13 subsection (g) of Section 26 of this Act. Subject to the prior  
14 consent of the Board, licensees may supplement any pari-mutuel  
15 pool in order to guarantee a minimum distribution. Such  
16 pari-mutuel method of wagering shall not, under any  
17 circumstances if conducted under the provisions of this Act, be  
18 held or construed to be unlawful, other statutes of this State  
19 to the contrary notwithstanding. Subject to rules for advance  
20 wagering promulgated by the Board, any licensee may accept  
21 wagers in 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) Beginning January 1, 2000, the sum held by any  
14 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 (d) A pari-mutuel ticket shall be honored until December 31  
24 of the next calendar year, and the licensee shall pay the same  
25 and may charge the amount thereof against unpaid money  
26 similarly accumulated on account of pari-mutuel tickets not  
27 presented for payment.

28 (e) No licensee shall knowingly permit any minor, other  
29 than an employee of such licensee or an owner, trainer, jockey,  
30 driver, or employee thereof, to be admitted during a racing  
31 program unless accompanied by a parent or guardian, or any  
32 minor to be a patron of the pari-mutuel system of wagering  
33 conducted or supervised by it. The admission of any  
34 unaccompanied minor, other than an employee of the licensee or  
35 an owner, trainer, jockey, driver, or employee thereof at a  
36 race track is a Class C misdemeanor.

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

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

28 (g) A host track may accept interstate simulcast wagers on  
29 horse races conducted in other states or countries and shall  
30 control the number of signals and types of breeds of racing in  
31 its simulcast program, subject to the disapproval of the Board.  
32 The Board may prohibit a simulcast program only if it finds  
33 that the simulcast program is clearly adverse to the integrity  
34 of racing. The host track simulcast program shall include the  
35 signal of live racing of all organization licensees. All  
36 non-host licensees shall carry the host track simulcast program

1 and accept wagers on all races included as part of the  
2 simulcast program upon which wagering is permitted. The costs  
3 and expenses of the host track and non-host licensees  
4 associated with interstate simulcast wagering, other than the  
5 interstate commission fee, shall be borne by the host track and  
6 all non-host licensees incurring these costs. The interstate  
7 commission fee shall not exceed 5% of Illinois handle on the  
8 interstate simulcast race or races without prior approval of  
9 the Board. The Board shall promulgate rules under which it may  
10 permit interstate commission fees in excess of 5%. The  
11 interstate commission fee and other fees charged by the sending  
12 racetrack, including, but not limited to, satellite decoder  
13 fees, shall be uniformly applied to the host track and all  
14 non-host licensees.

15 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an  
16 intertrack wagering licensee other than the host track may  
17 supplement the host track simulcast program with  
18 additional simulcast races or race programs, provided that  
19 between January 1 and the third Friday in February of any  
20 year, inclusive, if no live thoroughbred racing is  
21 occurring in Illinois during this period, only  
22 thoroughbred races may be used for supplemental interstate  
23 simulcast purposes. The Board shall withhold approval for a  
24 supplemental interstate simulcast only if it finds that the  
25 simulcast is clearly adverse to the integrity of racing. A  
26 supplemental interstate simulcast may be transmitted from  
27 an intertrack wagering licensee to its affiliated non-host  
28 licensees. The interstate commission fee for a  
29 supplemental interstate simulcast shall be paid by the  
30 non-host licensee and its affiliated non-host licensees  
31 receiving the simulcast.

32 (2) Between the hours of 6:30 p.m. and 6:30 a.m. an  
33 intertrack wagering licensee other than the host track may  
34 receive supplemental interstate simulcasts only with the  
35 consent of the host track, except when the Board finds that  
36 the simulcast is clearly adverse to the integrity of

1 racing. Consent granted under this paragraph (2) to any  
2 intertrack wagering licensee shall be deemed consent to all  
3 non-host licensees. The interstate commission fee for the  
4 supplemental interstate simulcast shall be paid by all  
5 participating non-host licensees.

6 (3) Each licensee conducting interstate simulcast  
7 wagering may retain, subject to the payment of all  
8 applicable taxes and the purses, an amount not to exceed  
9 17% of all money wagered. If any licensee conducts the  
10 pari-mutuel system wagering on races conducted at  
11 racetracks in another state or country, each such race or  
12 race program shall be considered a separate racing day for  
13 the purpose of determining the daily handle and computing  
14 the privilege tax of that daily handle as provided in  
15 subsection (a) of Section 27. Until January 1, 2000, from  
16 the sums permitted to be retained pursuant to this  
17 subsection, each intertrack wagering location licensee  
18 shall pay 1% of the pari-mutuel handle wagered on simulcast  
19 wagering to the Horse Racing Tax Allocation Fund, subject  
20 to the provisions of subparagraph (B) of paragraph (11) of  
21 subsection (h) of Section 26 of this Act.

22 (4) A licensee who receives an interstate simulcast may  
23 combine its gross or net pools with pools at the sending  
24 racetracks pursuant to rules established by the Board. All  
25 licensees combining their gross pools at a sending  
26 racetrack shall adopt the take-out percentages of the  
27 sending racetrack. A licensee may also establish a separate  
28 pool and takeout structure for wagering purposes on races  
29 conducted at race tracks outside of the State of Illinois.  
30 The licensee may permit pari-mutuel wagers placed in other  
31 states or countries to be combined with its gross or net  
32 wagering pools or other wagering pools.

33 (5) After the payment of the interstate commission fee  
34 (except for the interstate commission fee on a supplemental  
35 interstate simulcast, which shall be paid by the host track  
36 and by each non-host licensee through the host-track) and

1 all applicable State and local taxes, except as provided in  
2 subsection (g) of Section 27 of this Act, the remainder of  
3 moneys retained from simulcast wagering pursuant to this  
4 subsection (g), and Section 26.2 shall be divided as  
5 follows:

6 (A) For interstate simulcast wagers made at a host  
7 track, 50% to the host track and 50% to purses at the  
8 host track.

9 (B) For wagers placed on interstate simulcast  
10 races, supplemental simulcasts as defined in  
11 subparagraphs (1) and (2), and separately pooled races  
12 conducted outside of the State of Illinois made at a  
13 non-host licensee, 25% to the host track, 25% to the  
14 non-host licensee, and 50% to the purses at the host  
15 track.

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

24 (7) Notwithstanding any provision of this Act to the  
25 contrary, after payment of all applicable State and local  
26 taxes and interstate commission fees, non-host licensees  
27 who derive their licenses from a track located in a county  
28 with a population in excess of 230,000 and that borders the  
29 Mississippi River shall retain 50% of the retention from  
30 interstate simulcast wagers and shall pay 50% to purses at  
31 the track from which the non-host licensee derives its  
32 license as follows:

33 (A) Between January 1 and the third Friday in  
34 February, inclusive, if no live thoroughbred racing is  
35 occurring in Illinois during this period, when the  
36 interstate simulcast is a standardbred race, the purse

1 share to its standardbred purse account;

2 (B) Between January 1 and the third Friday in  
3 February, inclusive, if no live thoroughbred racing is  
4 occurring in Illinois during this period, and the  
5 interstate simulcast is a thoroughbred race, the purse  
6 share to its interstate simulcast purse pool to be  
7 distributed under paragraph (10) of this subsection  
8 (g);

9 (C) Between January 1 and the third Friday in  
10 February, inclusive, if live thoroughbred racing is  
11 occurring in Illinois, between 6:30 a.m. and 6:30 p.m.  
12 the purse share from wagers made during this time  
13 period to its thoroughbred purse account and between  
14 6:30 p.m. and 6:30 a.m. the purse share from wagers  
15 made during this time period to its standardbred purse  
16 accounts;

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

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

25 (7.1) Notwithstanding any other provision of this Act  
26 to the contrary, if no standardbred racing is conducted at  
27 a racetrack located in Madison County during any calendar  
28 year beginning on or after January 1, 2002, all moneys  
29 derived by that racetrack from simulcast wagering and  
30 inter-track wagering that (1) are to be used for purses and  
31 (2) are generated between the hours of 6:30 p.m. and 6:30  
32 a.m. during that calendar year shall be paid as follows:

33 (A) If the licensee that conducts horse racing at  
34 that racetrack requests from the Board at least as many  
35 racing dates as were conducted in calendar year 2000,  
36 80% shall be paid to its thoroughbred purse account;



1 and

2 (B) Twenty percent shall be deposited into the  
3 Illinois Colt Stakes Purse Distribution Fund and shall  
4 be paid to purses for standardbred races for Illinois  
5 conceived and foaled horses conducted at any county  
6 fairgrounds. The moneys deposited into the Fund  
7 pursuant to this subparagraph (B) shall be deposited  
8 within 2 weeks after the day they were generated, shall  
9 be in addition to and not in lieu of any other moneys  
10 paid to standardbred purses under this Act, and shall  
11 not be commingled with other moneys paid into that  
12 Fund. The moneys deposited pursuant to this  
13 subparagraph (B) shall be allocated as provided by the  
14 Department of Agriculture, with the advice and  
15 assistance of the Illinois Standardbred Breeders Fund  
16 Advisory Board.

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

26 (A) If the licensee that conducts horse racing at  
27 that racetrack requests from the Board at least as many  
28 racing dates as were conducted in calendar year 2000,  
29 80% shall be deposited into its standardbred purse  
30 account; and

31 (B) Twenty percent shall be deposited into the  
32 Illinois Colt Stakes Purse Distribution Fund. Moneys  
33 deposited into the Illinois Colt Stakes Purse  
34 Distribution Fund pursuant to this subparagraph (B)  
35 shall be paid to Illinois conceived and foaled  
36 thoroughbred breeders' programs and to thoroughbred

1 purses for races conducted at any county fairgrounds  
2 for Illinois conceived and foaled horses at the  
3 discretion of the Department of Agriculture, with the  
4 advice and assistance of the Illinois Thoroughbred  
5 Breeders Fund Advisory Board. The moneys deposited  
6 into the Illinois Colt Stakes Purse Distribution Fund  
7 pursuant to this subparagraph (B) shall be deposited  
8 within 2 weeks after the day they were generated, shall  
9 be in addition to and not in lieu of any other moneys  
10 paid to thoroughbred purses under this Act, and shall  
11 not be commingled with other moneys deposited into that  
12 Fund.

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

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

23 (B) Twenty percent to the Illinois Colt Stakes  
24 Purse Distribution Fund.

25 Failure to make the payment to the Illinois Colt Stakes  
26 Purse Distribution Fund before January 1, 2002 shall result  
27 in the immediate revocation of the licensee's organization  
28 license, inter-track wagering license, and inter-track  
29 wagering location license.

30 Moneys paid into the Illinois Colt Stakes Purse  
31 Distribution Fund pursuant to this paragraph (7.3) shall be  
32 paid to purses for standardbred races for Illinois  
33 conceived and foaled horses conducted at any county  
34 fairgrounds. Moneys paid into the Illinois Colt Stakes  
35 Purse Distribution Fund pursuant to this paragraph (7.3)  
36 shall be used as determined by the Department of

1 Agriculture, with the advice and assistance of the Illinois  
2 Standardbred Breeders Fund Advisory Board, shall be in  
3 addition to and not in lieu of any other moneys paid to  
4 standardbred purses under this Act, and shall not be  
5 commingled with any other moneys paid into that Fund.

6 (7.4) If live standardbred racing is conducted at a  
7 racetrack located in Madison County at any time in calendar  
8 year 2001 before the payment required under paragraph (7.3)  
9 has been made, the organization licensee who is licensed to  
10 conduct racing at that racetrack shall pay all moneys  
11 derived by that racetrack from simulcast wagering and  
12 inter-track wagering during calendar years 2000 and 2001  
13 that (1) are to be used for purses and (2) are generated  
14 between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or  
15 2001 to the standardbred purse account at that racetrack to  
16 be used for standardbred purses.

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

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

1 located in a county with a population in excess of 230,000  
2 and that borders the Mississippi River.

3 (9) (Blank).

4 (10) (Blank).

5 (11) (Blank).

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

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

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

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

25 (1) Any person licensed to conduct a race meeting (i)  
26 at a track where 60 or more days of racing were conducted  
27 during the immediately preceding calendar year or where  
28 over the 5 immediately preceding calendar years an average  
29 of 30 or more days of racing were conducted annually may be  
30 issued an inter-track wagering license; (ii) at a track  
31 located in a county that is bounded by the Mississippi  
32 River, which has a population of less than 150,000  
33 according to the 1990 decennial census, and an average of  
34 at least 60 days of racing per year between 1985 and 1993  
35 may be issued an inter-track wagering license; or (iii) at  
36 a track located in Madison County that conducted at least

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

29 (2) The Board shall examine the applications with  
30 respect to their conformity with this Act and the rules and  
31 regulations imposed by the Board. If found to be in  
32 compliance with the Act and rules and regulations of the  
33 Board, the Board may then issue a license to conduct  
34 inter-track wagering and simulcast wagering to such  
35 applicant. All such applications shall be acted upon by the  
36 Board at a meeting to be held on such date as may be fixed

1 by the Board.

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

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

17 (5) Each license to conduct inter-track wagering and  
18 simulcast wagering shall specify the person to whom it is  
19 issued, the dates on which such wagering is permitted, and  
20 the track or location where the wagering is to be  
21 conducted.

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

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

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

33 (8.1) Inter-track wagering location licensees who  
34 derive their licenses from a particular organization  
35 licensee shall conduct inter-track wagering and simulcast  
36 wagering only at locations which are either within 90 miles

1 of that race track where the particular organization  
2 licensee is licensed to conduct racing, or within 135 miles  
3 of that race track where the particular organization  
4 licensee is licensed to conduct racing in the case of race  
5 tracks in counties of less than 400,000 that were operating  
6 on or before June 1, 1986. However, inter-track wagering  
7 and simulcast wagering shall not be conducted by those  
8 licensees at any location within 5 miles of any race track  
9 at which a horse race meeting has been licensed in the  
10 current year, unless the person having operating control of  
11 such race track has given its written consent to such  
12 inter-track wagering location licensees, which consent  
13 must be filed with the Board at or prior to the time  
14 application is made.

15 (8.2) Inter-track wagering or simulcast wagering shall  
16 not be conducted by an inter-track wagering location  
17 licensee at any location within 500 feet of an existing  
18 church or existing school, nor within 500 feet of the  
19 residences of more than 50 registered voters without  
20 receiving written permission from a majority of the  
21 registered voters at such residences. Such written  
22 permission statements shall be filed with the Board. The  
23 distance of 500 feet shall be measured to the nearest part  
24 of any building used for worship services, education  
25 programs, residential purposes, or conducting inter-track  
26 wagering by an inter-track wagering location licensee, and  
27 not to property boundaries. However, inter-track wagering  
28 or simulcast wagering may be conducted at a site within 500  
29 feet of a church, school or residences of 50 or more  
30 registered voters if such church, school or residences have  
31 been erected or established, or such voters have been  
32 registered, after the Board issues the original  
33 inter-track wagering location license at the site in  
34 question. Inter-track wagering location licensees may  
35 conduct inter-track wagering and simulcast wagering only  
36 in areas that are zoned for commercial or manufacturing



1 purposes or in areas for which a special use has been  
2 approved by the local zoning authority. However, no license  
3 to conduct inter-track wagering and simulcast wagering  
4 shall be granted by the Board with respect to any  
5 inter-track wagering location within the jurisdiction of  
6 any local zoning authority which has, by ordinance or by  
7 resolution, prohibited the establishment of an inter-track  
8 wagering location within its jurisdiction. However,  
9 inter-track wagering and simulcast wagering may be  
10 conducted at a site if such ordinance or resolution is  
11 enacted after the Board licenses the original inter-track  
12 wagering location licensee for the site in question.

13 (9) (Blank).

14 (10) An inter-track wagering licensee or an  
15 inter-track wagering location licensee may retain, subject  
16 to the payment of the privilege taxes and the purses, an  
17 amount not to exceed 17% of all money wagered. Each program  
18 of racing conducted by each inter-track wagering licensee  
19 or inter-track wagering location licensee shall be  
20 considered a separate racing day for the purpose of  
21 determining the daily handle and computing the privilege  
22 tax or pari-mutuel tax on such daily handle as provided in  
23 Section 27.

24 (10.1) Except as provided in subsection (g) of Section  
25 27 of this Act, inter-track wagering location licensees  
26 shall pay 1% of the pari-mutuel handle at each location to  
27 the municipality in which such location is situated and 1%  
28 of the pari-mutuel handle at each location to the county in  
29 which such location is situated. In the event that an  
30 inter-track wagering location licensee is situated in an  
31 unincorporated area of a county, such licensee shall pay 2%  
32 of the pari-mutuel handle from such location to such  
33 county.

34 (10.2) Notwithstanding any other provision of this  
35 Act, with respect to intertrack wagering at a race track  
36 located in a county that has a population of more than

1 230,000 and that is bounded by the Mississippi River ("the  
2 first race track"), or at a facility operated by an  
3 inter-track wagering licensee or inter-track wagering  
4 location licensee that derives its license from the  
5 organization licensee that operates the first race track,  
6 on races conducted at the first race track or on races  
7 conducted at another Illinois race track and  
8 simultaneously televised to the first race track or to a  
9 facility operated by an inter-track wagering licensee or  
10 inter-track wagering location licensee that derives its  
11 license from the organization licensee that operates the  
12 first race track, those moneys shall be allocated as  
13 follows:

14 (A) That portion of all moneys wagered on  
15 standardbred racing that is required under this Act to  
16 be paid to purses shall be paid to purses for  
17 standardbred races.

18 (B) That portion of all moneys wagered on  
19 thoroughbred racing that is required under this Act to  
20 be paid to purses shall be paid to purses for  
21 thoroughbred races.

22 (11) (A) After payment of the privilege or pari-mutuel  
23 tax, any other applicable taxes, and the costs and expenses  
24 in connection with the gathering, transmission, and  
25 dissemination of all data necessary to the conduct of  
26 inter-track wagering, the remainder of the monies retained  
27 under either Section 26 or Section 26.2 of this Act by the  
28 inter-track wagering licensee on inter-track wagering  
29 shall be allocated with 50% to be split between the 2  
30 participating licensees and 50% to purses, except that an  
31 intertrack wagering licensee that derives its license from  
32 a track located in a county with a population in excess of  
33 230,000 and that borders the Mississippi River shall not  
34 divide any remaining retention with the Illinois  
35 organization licensee that provides the race or races, and  
36 an intertrack wagering licensee that accepts wagers on

1 races conducted by an organization licensee that conducts a  
2 race meet in a county with a population in excess of  
3 230,000 and that borders the Mississippi River shall not  
4 divide any remaining retention with that organization  
5 licensee.

6 (B) From the sums permitted to be retained pursuant to  
7 this Act each inter-track wagering location licensee shall  
8 pay (i) the privilege or pari-mutuel tax to the State; (ii)  
9 4.75% of the pari-mutuel handle on intertrack wagering at  
10 such location on races as purses, except that an intertrack  
11 wagering location licensee that derives its license from a  
12 track located in a county with a population in excess of  
13 230,000 and that borders the Mississippi River shall retain  
14 all purse moneys for its own purse account consistent with  
15 distribution set forth in this subsection (h), and  
16 intertrack wagering location licensees that accept wagers  
17 on races conducted by an organization licensee located in a  
18 county with a population in excess of 230,000 and that  
19 borders the Mississippi River shall distribute all purse  
20 moneys to purses at the operating host track; (iii) until  
21 January 1, 2000, except as provided in subsection (g) of  
22 Section 27 of this Act, 1% of the pari-mutuel handle  
23 wagered on inter-track wagering and simulcast wagering at  
24 each inter-track wagering location licensee facility to  
25 the Horse Racing Tax Allocation Fund, provided that, to the  
26 extent the total amount collected and distributed to the  
27 Horse Racing Tax Allocation Fund under this subsection (h)  
28 during any calendar year exceeds the amount collected and  
29 distributed to the Horse Racing Tax Allocation Fund during  
30 calendar year 1994, that excess amount shall be  
31 redistributed (I) to all inter-track wagering location  
32 licensees, based on each licensee's pro-rata share of the  
33 total handle from inter-track wagering and simulcast  
34 wagering for all inter-track wagering location licensees  
35 during the calendar year in which this provision is  
36 applicable; then (II) the amounts redistributed to each

1 inter-track wagering location licensee as described in  
2 subpart (I) shall be further redistributed as provided in  
3 subparagraph (B) of paragraph (5) of subsection (g) of this  
4 Section 26 provided first, that the shares of those  
5 amounts, which are to be redistributed to the host track or  
6 to purses at the host track under subparagraph (B) of  
7 paragraph (5) of subsection (g) of this Section 26 shall be  
8 redistributed based on each host track's pro rata share of  
9 the total inter-track wagering and simulcast wagering  
10 handle at all host tracks during the calendar year in  
11 question, and second, that any amounts redistributed as  
12 described in part (I) to an inter-track wagering location  
13 licensee that accepts wagers on races conducted by an  
14 organization licensee that conducts a race meet in a county  
15 with a population in excess of 230,000 and that borders the  
16 Mississippi River shall be further redistributed as  
17 provided in subparagraphs (D) and (E) of paragraph (7) of  
18 subsection (g) of this Section 26, with the portion of that  
19 further redistribution allocated to purses at that  
20 organization licensee to be divided between standardbred  
21 purses and thoroughbred purses based on the amounts  
22 otherwise allocated to purses at that organization  
23 licensee during the calendar year in question; and (iv) 8%  
24 of the pari-mutuel handle on inter-track wagering wagered  
25 at such location to satisfy all costs and expenses of  
26 conducting its wagering. The remainder of the monies  
27 retained by the inter-track wagering location licensee  
28 shall be allocated 40% to the location licensee and 60% to  
29 the organization licensee which provides the Illinois  
30 races to the location, except that an intertrack wagering  
31 location licensee that derives its license from a track  
32 located in a county with a population in excess of 230,000  
33 and that borders the Mississippi River shall not divide any  
34 remaining retention with the organization licensee that  
35 provides the race or races and an intertrack wagering  
36 location licensee that accepts wagers on races conducted by

1 an organization licensee that conducts a race meet in a  
2 county with a population in excess of 230,000 and that  
3 borders the Mississippi River shall not divide any  
4 remaining retention with the organization licensee.  
5 Notwithstanding the provisions of clauses (ii) and (iv) of  
6 this paragraph, in the case of the additional inter-track  
7 wagering location licenses authorized under paragraph (1)  
8 of this subsection (h) by this amendatory Act of 1991,  
9 those licensees shall pay the following amounts as purses:  
10 during the first 12 months the licensee is in operation,  
11 5.25% of the pari-mutuel handle wagered at the location on  
12 races; during the second 12 months, 5.25%; during the third  
13 12 months, 5.75%; during the fourth 12 months, 6.25%; and  
14 during the fifth 12 months and thereafter, 6.75%. The  
15 following amounts shall be retained by the licensee to  
16 satisfy all costs and expenses of conducting its wagering:  
17 during the first 12 months the licensee is in operation,  
18 8.25% of the pari-mutuel handle wagered at the location;  
19 during the second 12 months, 8.25%; during the third 12  
20 months, 7.75%; during the fourth 12 months, 7.25%; and  
21 during the fifth 12 months and thereafter, 6.75%. For  
22 additional intertrack wagering location licensees  
23 authorized under this amendatory Act of 1995, purses for  
24 the first 12 months the licensee is in operation shall be  
25 5.75% of the pari-mutuel wagered at the location, purses  
26 for the second 12 months the licensee is in operation shall  
27 be 6.25%, and purses thereafter shall be 6.75%. For  
28 additional intertrack location licensees authorized under  
29 this amendatory Act of 1995, the licensee shall be allowed  
30 to retain to satisfy all costs and expenses: 7.75% of the  
31 pari-mutuel handle wagered at the location during its first  
32 12 months of operation, 7.25% during its second 12 months  
33 of operation, and 6.75% thereafter.

34 (C) There is hereby created the Horse Racing Tax  
35 Allocation Fund which shall remain in existence until  
36 December 31, 1999. Moneys remaining in the Fund after

1 December 31, 1999 shall be paid into the General Revenue  
2 Fund. Until January 1, 2000, all monies paid into the Horse  
3 Racing Tax Allocation Fund pursuant to this paragraph (11)  
4 by inter-track wagering location licensees located in park  
5 districts of 500,000 population or less, or in a  
6 municipality that is not included within any park district  
7 but is included within a conservation district and is the  
8 county seat of a county that (i) is contiguous to the state  
9 of Indiana and (ii) has a 1990 population of 88,257  
10 according to the United States Bureau of the Census, and  
11 operating on May 1, 1994 shall be allocated by  
12 appropriation as follows:

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

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

14 Four-sevenths to park districts or municipalities  
15 that do not have a park district of 500,000 population  
16 or less for museum purposes (if an inter-track wagering  
17 location licensee is located in such a park district)  
18 or to conservation districts for museum purposes (if an  
19 inter-track wagering location licensee is located in a  
20 municipality that is not included within any park  
21 district but is included within a conservation  
22 district and is the county seat of a county that (i) is  
23 contiguous to the state of Indiana and (ii) has a 1990  
24 population of 88,257 according to the United States  
25 Bureau of the Census, except that if the conservation  
26 district does not maintain a museum, the monies shall  
27 be allocated equally between the county and the  
28 municipality in which the inter-track wagering  
29 location licensee is located for general purposes) or  
30 to a municipal recreation board for park purposes (if  
31 an inter-track wagering location licensee is located  
32 in a municipality that is not included within any park  
33 district and park maintenance is the function of the  
34 municipal recreation board and the municipality has a  
35 1990 population of 9,302 according to the United States  
36 Bureau of the Census); provided that the monies are

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

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

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

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



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

32 Four-sevenths to museums and aquariums located in  
33 park districts of over 500,000 population; provided  
34 that the monies are distributed in accordance with the  
35 previous year's distribution of the maintenance tax  
36 for such museums and aquariums as provided in Section 2

1 of the Park District Aquarium and Museum Act; 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. This  
9 subparagraph (C) shall be inoperative and of no force  
10 and effect on and after January 1, 2000.

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

15 (i) If the inter-track wagering licensee,  
16 except an intertrack wagering licensee that  
17 derives its license from an organization licensee  
18 located in a county with a population in excess of  
19 230,000 and bounded by the Mississippi River, is  
20 not conducting its own race meeting during the same  
21 dates, then the entire purse allocation shall be to  
22 purses at the track where the races wagered on are  
23 being conducted.

24 (ii) If the inter-track wagering licensee,  
25 except an intertrack wagering licensee that  
26 derives its license from an organization licensee  
27 located in a county with a population in excess of  
28 230,000 and bounded by the Mississippi River, is  
29 also conducting its own race meeting during the  
30 same dates, then the purse allocation shall be as  
31 follows: 50% to purses at the track where the races  
32 wagered on are being conducted; 50% to purses at  
33 the track where the inter-track wagering licensee  
34 is accepting such wagers.

35 (iii) If the inter-track wagering is being  
36 conducted by an inter-track wagering location

1           licensee, except an intertrack wagering location  
2           licensee that derives its license from an  
3           organization licensee located in a county with a  
4           population in excess of 230,000 and bounded by the  
5           Mississippi River, the entire purse allocation for  
6           Illinois races shall be to purses at the track  
7           where the race meeting being wagered on is being  
8           held.

9           (12) The Board shall have all powers necessary and  
10          proper to fully supervise and control the conduct of  
11          inter-track wagering and simulcast wagering by inter-track  
12          wagering licensees and inter-track wagering location  
13          licensees, including, but not limited to the following:

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

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

29                (C) The Board, and any person or persons to whom it  
30                delegates this power, may eject or exclude from any  
31                licensee's facilities, any person whose conduct or  
32                reputation is such that his presence on such premises  
33                may, in the opinion of the Board, call into the  
34                question the honesty and integrity of, or interfere  
35                with the orderly conduct of such wagering; provided,  
36                however, that no person shall be excluded or ejected

1 from such premises solely on the grounds of race,  
2 color, creed, national origin, ancestry, or sex.

3 (D) (Blank).

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

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

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

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

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

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

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