



Rep. Arthur L. Turner

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1 AMENDMENT TO HOUSE BILL 26

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 26 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 Sections 26 and 27 and by adding Section  
6 26.7 as follows:

7 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

8 Sec. 26. Wagering.

9 (a) Any licensee may conduct and supervise the pari-mutuel  
10 system of wagering, as defined in Section 3.12 of this Act, on  
11 horse races conducted by an Illinois organization licensee or  
12 conducted at a racetrack located in another state or country  
13 and televised in Illinois in accordance with subsection (g) of  
14 Section 26 of this Act. Subject to the prior consent of the  
15 Board, licensees may supplement any pari-mutuel pool in order  
16 to guarantee a minimum distribution. Such pari-mutuel method of

1     wagering shall not, under any circumstances if conducted under  
2     the provisions of this Act, be held or construed to be  
3     unlawful, other statutes of this State to the contrary  
4     notwithstanding. Subject to rules for advance wagering  
5     promulgated by the Board, any licensee may accept wagers in  
6     advance of the day of the race wagered upon occurs.

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

13            (b-5) An individual may place a wager under the pari-mutuel  
14    system from any licensed location authorized under this Act  
15    provided that wager is electronically recorded in the manner  
16    described in Section 3.12 of this Act. Any wager made  
17    electronically by an individual while physically on the  
18    premises of a licensee shall be deemed to have been made at the  
19    premises of that licensee.

20            (c) Until January 1, 2000, the sum held by any licensee for  
21    payment of outstanding pari-mutuel tickets, if unclaimed prior  
22    to December 31 of the next year, shall be retained by the  
23    licensee for payment of such tickets until that date. Within 10  
24    days thereafter, the balance of such sum remaining unclaimed,  
25    less any uncashed supplements contributed by such licensee for  
26    the purpose of guaranteeing minimum distributions of any

1 pari-mutuel pool, shall be paid to the Illinois Veterans'  
2 Rehabilitation Fund of the State treasury, except as provided  
3 in subsection (g) of Section 27 of this Act.

4 (c-5) Beginning January 1, 2000, the sum held by any  
5 licensee for payment of outstanding pari-mutuel tickets, if  
6 unclaimed prior to December 31 of the next year, shall be  
7 retained by the licensee for payment of such tickets until that  
8 date. Within 10 days thereafter, the balance of such sum  
9 remaining unclaimed, less any uncashed supplements contributed  
10 by such licensee for the purpose of guaranteeing minimum  
11 distributions of any pari-mutuel pool, shall be evenly  
12 distributed to the purse account of the organization licensee  
13 and the organization licensee.

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

19 (e) No licensee shall knowingly permit any minor, other  
20 than an employee of such licensee or an owner, trainer, jockey,  
21 driver, or employee thereof, to be admitted during a racing  
22 program unless accompanied by a parent or guardian, or any  
23 minor to be a patron of the pari-mutuel system of wagering  
24 conducted or supervised by it. The admission of any  
25 unaccompanied minor, other than an employee of the licensee or  
26 an owner, trainer, jockey, driver, or employee thereof at a

1 race track is a Class C misdemeanor.

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

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

1 with its gross or net wagering pools or with wagering pools  
2 established by other states.

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

26 (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.

1           (3) Each licensee conducting interstate simulcast  
2           wagering may retain, subject to the payment of all  
3           applicable taxes and the purses, an amount not to exceed  
4           17% of all money wagered. If any licensee conducts the  
5           pari-mutuel system wagering on races conducted at  
6           racetracks in another state or country, each such race or  
7           race program shall be considered a separate racing day for  
8           the purpose of determining the daily handle and computing  
9           the privilege tax of that daily handle as provided in  
10          subsection (a) of Section 27. Until January 1, 2000, from  
11          the sums permitted to be retained pursuant to this  
12          subsection, each intertrack wagering location licensee  
13          shall pay 1% of the pari-mutuel handle wagered on simulcast  
14          wagering to the Horse Racing Tax Allocation Fund, subject  
15          to the provisions of subparagraph (B) of paragraph (11) of  
16          subsection (h) of Section 26 of this Act.

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

1           wagering pools or other wagering pools.

2           (5) After the payment of the interstate commission fee  
3           (except for the interstate commission fee on a supplemental  
4           interstate simulcast, which shall be paid by the host track  
5           and by each non-host licensee through the host-track) and  
6           all applicable State and local taxes, except as provided in  
7           subsection (g) of Section 27 of this Act, the remainder of  
8           moneys retained from simulcast wagering pursuant to this  
9           subsection (g), and Section 26.2 shall be divided as  
10          follows:

11           (A) For interstate simulcast wagers made at a host  
12          track, 50% to the host track and 50% to purses at the  
13          host track.

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

21          (6) Notwithstanding any provision in this Act to the  
22          contrary, non-host licensees who derive their licenses  
23          from a track located in a county with a population in  
24          excess of 230,000 and that borders the Mississippi River  
25          may receive supplemental interstate simulcast races at all  
26          times subject to Board approval, which shall be withheld



1           only upon a finding that a supplemental interstate  
2 simulcast is clearly adverse to the integrity of racing.

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

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

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

24           (C) Between January 1 and the third Friday in  
25 February, inclusive, if live thoroughbred racing is  
26 occurring in Illinois, between 6:30 a.m. and 6:30 p.m.

1           the purse share from wagers made during this time  
2           period to its thoroughbred purse account and between  
3           6:30 p.m. and 6:30 a.m. the purse share from wagers  
4           made during this time period to its standardbred purse  
5           accounts;

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

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

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

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

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

16           (7.2) Notwithstanding any other provision of this Act  
17 to the contrary, if no thoroughbred 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 a.m. and 6:30  
23 p.m. during that calendar year shall be deposited as  
24 follows:

25           (A) If the licensee that conducts horse racing at  
26 that racetrack requests from the Board at least as many

1 racing dates as were conducted in calendar year 2000,  
2 80% shall be deposited into its standardbred purse  
3 account; and

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

22 (7.3) If no live standardbred racing is conducted at a  
23 racetrack located in Madison County in calendar year 2000  
24 or 2001, an organization licensee who is licensed to  
25 conduct horse racing at that racetrack shall, before  
26 January 1, 2002, pay all moneys derived from simulcast

1 waging and inter-track waging in calendar years 2000  
2 and 2001 and paid into the licensee's standardbred purse  
3 account as follows:

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

6 (B) Twenty percent to the Illinois Colt Stakes  
7 Purse Distribution Fund.

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

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

25 (7.4) If live standardbred racing is conducted at a  
26 racetrack located in Madison County at any time in calendar

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

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

17 (8.1) Notwithstanding any provisions in this Act to the  
18 contrary, if 2 organization licensees are conducting  
19 standardbred race meetings concurrently between the hours  
20 of 6:30 p.m. and 6:30 a.m., after payment of all applicable  
21 State and local taxes and interstate commission fees, the  
22 remainder of the amount retained from simulcast wagering  
23 otherwise attributable to the host track and to host track  
24 purses shall be split daily between the 2 organization  
25 licensees and the purses at the tracks of the 2  
26 organization licensees, respectively, based on each

1 organization licensee's share of the total live handle for  
2 that day, provided that this provision shall not apply to  
3 any non-host licensee that derives its license from a track  
4 located in a county with a population in excess of 230,000  
5 and that borders the Mississippi River.

6 (9) (Blank).

7 (10) (Blank).

8 (11) (Blank).

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

14 (13) Notwithstanding any other provision of this Act,  
15 in the event that the total Illinois pari-mutuel handle on  
16 Illinois horse races at all wagering facilities in any  
17 calendar year is less than 75% of the total Illinois  
18 pari-mutuel handle on Illinois horse races at all such  
19 wagering facilities for calendar year 1994, then each  
20 wagering facility that has an annual total Illinois  
21 pari-mutuel handle on Illinois horse races that is less  
22 than 75% of the total Illinois pari-mutuel handle on  
23 Illinois horse races at such wagering facility for calendar  
24 year 1994, shall be permitted to receive, from any amount  
25 otherwise payable to the purse account at the race track  
26 with which the wagering facility is affiliated in the

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



1 Revenue Fund to the Department of Agriculture for payment  
2 into the thoroughbred and standardbred horse racing purse  
3 accounts at Illinois pari-mutuel tracks. The amount paid to  
4 each purse account shall be the amount certified by the  
5 Illinois Racing Board in January, minus any amounts  
6 received by the wagering facility for purse accounts under  
7 Section 26.7 of this Act, to be transferred from each  
8 account to each eligible racing facility in accordance with  
9 the provisions of this Section.

10 Beginning on the effective date of this amendatory Act  
11 of the 96th General Assembly, amounts payable under this  
12 paragraph (13) to a wagering facility shall not exceed  
13 amounts certified by the Board for that wagering facility  
14 in 2008.

15 The changes to this paragraph (13) made by this  
16 amendatory Act of the 96th General Assembly shall remain in  
17 effect until such time as purse accounts of organizational  
18 licensees begin receiving revenue from the conduct of  
19 electronic gaming or from an owners licensee licensed under  
20 the Riverboat Gambling Act who begins conducting gambling  
21 operations after the effective date of this amendatory Act  
22 of the 96th General Assembly, but, if, at any time after  
23 the owners licensee begins conducting gambling operations  
24 after the effective date of this amendatory Act of the 96th  
25 General Assembly, the purse accounts cease receiving  
26 revenues from the owners licensee, then the distributions

1       under this Section shall not be affected by the changes  
2       made by this amendatory Act of the 96th General Assembly.

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

7               (1) Any person licensed to conduct a race meeting (i)  
8               at a track where 60 or more days of racing were conducted  
9               during the immediately preceding calendar year or where  
10              over the 5 immediately preceding calendar years an average  
11              of 30 or more days of racing were conducted annually may be  
12              issued an inter-track wagering license; (ii) at a track  
13              located in a county that is bounded by the Mississippi  
14              River, which has a population of less than 150,000  
15              according to the 1990 decennial census, and an average of  
16              at least 60 days of racing per year between 1985 and 1993  
17              may be issued an inter-track wagering license; or (iii) at  
18              a track located in Madison County that conducted at least  
19              100 days of live racing during the immediately preceding  
20              calendar year may be issued an inter-track wagering  
21              license, unless a lesser schedule of live racing is the  
22              result of (A) weather, unsafe track conditions, or other  
23              acts of God; (B) an agreement between the organization  
24              licensee and the associations representing the largest  
25              number of owners, trainers, jockeys, or standardbred  
26              drivers who race horses at that organization licensee's

1 racing meeting; or (C) a finding by the Board of  
2 extraordinary circumstances and that it was in the best  
3 interest of the public and the sport to conduct fewer than  
4 100 days of live racing. Any such person having operating  
5 control of the racing facility may also receive up to 6  
6 inter-track wagering location licenses. In no event shall  
7 more than 6 inter-track wagering locations be established  
8 for each eligible race track, except that an eligible race  
9 track located in a county that has a population of more  
10 than 230,000 and that is bounded by the Mississippi River  
11 may establish up to 7 inter-track wagering locations. An  
12 application for said license shall be filed with the Board  
13 prior to such dates as may be fixed by the Board. With an  
14 application for an inter-track wagering location license  
15 there shall be delivered to the Board a certified check or  
16 bank draft payable to the order of the Board for an amount  
17 equal to \$500. The application shall be on forms prescribed  
18 and furnished by the Board. The application shall comply  
19 with all other rules, regulations and conditions imposed by  
20 the Board in connection therewith.

21 (2) The Board shall examine the applications with  
22 respect to their conformity with this Act and the rules and  
23 regulations imposed by the Board. If found to be in  
24 compliance with the Act and rules and regulations of the  
25 Board, the Board may then issue a license to conduct  
26 inter-track wagering and simulcast wagering to such

1 applicant. All such applications shall be acted upon by the  
2 Board at a meeting to be held on such date as may be fixed  
3 by the Board.

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

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

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

24 (6) All wagering under such license is subject to this  
25 Act and to the rules and regulations from time to time  
26 prescribed by the Board, and every such license issued by

1 the Board shall contain a recital to that effect.

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

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

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

1           (8.2) Inter-track wagering or simulcast wagering shall  
2 not be conducted by an inter-track wagering location  
3 licensee at any location within 500 feet of an existing  
4 church or existing school, nor within 500 feet of the  
5 residences of more than 50 registered voters without  
6 receiving written permission from a majority of the  
7 registered voters at such residences. Such written  
8 permission statements shall be filed with the Board. The  
9 distance of 500 feet shall be measured to the nearest part  
10 of any building used for worship services, education  
11 programs, residential purposes, or conducting inter-track  
12 wagering by an inter-track wagering location licensee, and  
13 not to property boundaries. However, inter-track wagering  
14 or simulcast wagering may be conducted at a site within 500  
15 feet of a church, school or residences of 50 or more  
16 registered voters if such church, school or residences have  
17 been erected or established, or such voters have been  
18 registered, after the Board issues the original  
19 inter-track wagering location license at the site in  
20 question. Inter-track wagering location licensees may  
21 conduct inter-track wagering and simulcast wagering only  
22 in areas that are zoned for commercial or manufacturing  
23 purposes or in areas for which a special use has been  
24 approved by the local zoning authority. However, no license  
25 to conduct inter-track wagering and simulcast wagering  
26 shall be granted by the Board with respect to any

1 inter-track wagering location within the jurisdiction of  
2 any local zoning authority which has, by ordinance or by  
3 resolution, prohibited the establishment of an inter-track  
4 wagering location within its jurisdiction. However,  
5 inter-track wagering and simulcast wagering may be  
6 conducted at a site if such ordinance or resolution is  
7 enacted after the Board licenses the original inter-track  
8 wagering location licensee for the site in question.

9 (9) (Blank).

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

20 (10.1) Except as provided in subsection (g) of Section  
21 27 of this Act, inter-track wagering location licensees  
22 shall pay 1% of the pari-mutuel handle at each location to  
23 the municipality in which such location is situated and 1%  
24 of the pari-mutuel handle at each location to the county in  
25 which such location is situated. In the event that an  
26 inter-track wagering location licensee is situated in an

1 unincorporated area of a county, such licensee shall pay 2%  
2 of the pari-mutuel handle from such location to such  
3 county.

4 (10.2) Notwithstanding any other provision of this  
5 Act, with respect to intertrack wagering at a race track  
6 located in a county that has a population of more than  
7 230,000 and that is bounded by the Mississippi River ("the  
8 first race track"), or at a facility operated by an  
9 inter-track wagering licensee or inter-track wagering  
10 location licensee that derives its license from the  
11 organization licensee that operates the first race track,  
12 on races conducted at the first race track or on races  
13 conducted at another Illinois race track and  
14 simultaneously televised to the first race track or to a  
15 facility operated by an inter-track wagering licensee or  
16 inter-track wagering location licensee that derives its  
17 license from the organization licensee that operates the  
18 first race track, those moneys shall be allocated as  
19 follows:

20 (A) That portion of all moneys wagered on  
21 standardbred racing that is required under this Act to  
22 be paid to purses shall be paid to purses for  
23 standardbred races.

24 (B) That portion of all moneys wagered on  
25 thoroughbred racing that is required under this Act to  
26 be paid to purses shall be paid to purses for



1           thoroughbred races.

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

22           (B) From the sums permitted to be retained pursuant to  
23 this Act each inter-track wagering location licensee shall  
24 pay (i) the privilege or pari-mutuel tax to the State; (ii)  
25 4.75% of the pari-mutuel handle on intertrack wagering at  
26 such location on races as purses, except that an intertrack

1 waging location licensee that derives its license from a  
2 track located in a county with a population in excess of  
3 230,000 and that borders the Mississippi River shall retain  
4 all purse moneys for its own purse account consistent with  
5 distribution set forth in this subsection (h), and  
6 intertrack wagering location licensees that accept wagers  
7 on races conducted by an organization licensee located in a  
8 county with a population in excess of 230,000 and that  
9 borders the Mississippi River shall distribute all purse  
10 moneys to purses at the operating host track; (iii) until  
11 January 1, 2000, except as provided in subsection (g) of  
12 Section 27 of this Act, 1% of the pari-mutuel handle  
13 wagered on inter-track wagering and simulcast wagering at  
14 each inter-track wagering location licensee facility to  
15 the Horse Racing Tax Allocation Fund, provided that, to the  
16 extent the total amount collected and distributed to the  
17 Horse Racing Tax Allocation Fund under this subsection (h)  
18 during any calendar year exceeds the amount collected and  
19 distributed to the Horse Racing Tax Allocation Fund during  
20 calendar year 1994, that excess amount shall be  
21 redistributed (I) to all inter-track wagering location  
22 licensees, based on each licensee's pro-rata share of the  
23 total handle from inter-track wagering and simulcast  
24 wagering for all inter-track wagering location licensees  
25 during the calendar year in which this provision is  
26 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

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

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

18 (C) There is hereby created the Horse Racing Tax  
19 Allocation Fund which shall remain in existence until  
20 December 31, 1999. Moneys remaining in the Fund after  
21 December 31, 1999 shall be paid into the General Revenue  
22 Fund. Until January 1, 2000, all monies paid into the Horse  
23 Racing Tax Allocation Fund pursuant to this paragraph (11)  
24 by inter-track wagering location licensees located in park  
25 districts of 500,000 population or less, or in a  
26 municipality that is not included within any park district

1 but is included within a conservation district and is the  
2 county seat of a county that (i) is contiguous to the state  
3 of Indiana and (ii) has a 1990 population of 88,257  
4 according to the United States Bureau of the Census, and  
5 operating on May 1, 1994 shall be allocated by  
6 appropriation as follows:

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

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

18 Four-sevenths to park districts or municipalities  
19 that do not have a park district of 500,000 population  
20 or less for museum purposes (if an inter-track wagering  
21 location licensee is located in such a park district)  
22 or to conservation districts for museum purposes (if an  
23 inter-track wagering location licensee is located in a  
24 municipality that is not included within any park  
25 district but is included within a conservation  
26 district and is the county seat of a county that (i) is

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



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

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

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

19 Two-sevenths to the Department of Agriculture.  
20 Fifty percent of this two-sevenths shall be used to  
21 promote the Illinois horse racing and breeding  
22 industry, and shall be distributed by the Department of  
23 Agriculture upon the advice of a 9-member committee  
24 appointed by the Governor consisting of the following  
25 members: the Director of Agriculture, who shall serve  
26 as chairman; 2 representatives of organization

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

1 two-sevenths shall be distributed to county fairs for  
2 premiums and rehabilitation as set forth in the  
3 Agricultural Fair Act;

4 Four-sevenths to museums and aquariums located in  
5 park districts of over 500,000 population; provided  
6 that the monies are distributed in accordance with the  
7 previous year's distribution of the maintenance tax  
8 for such museums and aquariums as provided in Section 2  
9 of the Park District Aquarium and Museum Act; 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. This  
17 subparagraph (C) shall be inoperative and of no force  
18 and effect on and after January 1, 2000.

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

23 (i) If the inter-track wagering licensee,  
24 except an intertrack wagering licensee that  
25 derives its license from an organization licensee  
26 located in a county with a population in excess of

1           230,000 and bounded by the Mississippi River, is  
2           not conducting its own race meeting during the same  
3           dates, then the entire purse allocation shall be to  
4           purses at the track where the races wagered on are  
5           being conducted.

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

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

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

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

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

21          (C) The Board, and any person or persons to whom it  
22          delegates this power, may eject or exclude from any  
23          licensee's facilities, any person whose conduct or  
24          reputation is such that his presence on such premises  
25          may, in the opinion of the Board, call into the  
26          question the honesty and integrity of, or interfere

1 with the orderly conduct of such wagering; provided,  
2 however, that no person shall be excluded or ejected  
3 from such premises solely on the grounds of race,  
4 color, creed, national origin, ancestry, or sex.

5 (D) (Blank).

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

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

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

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

26           (i) Notwithstanding the other provisions of this Act, the

1 conduct of wagering at wagering facilities is authorized on all  
2 days, except as limited by subsection (b) of Section 19 of this  
3 Act.

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

5 (230 ILCS 5/26.7 new)

6 Sec. 26.7. Money to purse accounts. Beginning on the  
7 effective date of this Section, all pari-mutuel wagering  
8 facilities shall distribute an amount equal to 1.25% of the  
9 daily pari-mutuel handle in the following manner:

10 (1) An amount equal to 10% of that amount shall be  
11 remitted to the Illinois Racing Board, who shall distribute  
12 the moneys to Fairmount Park until those amounts total  
13 \$700,000.

14 (2) The remainder shall be remitted to the  
15 organizational licensee for distribution to the  
16 organizational licensee's purse accounts for standardbred  
17 and thoroughbred racing in proportion to the amount  
18 certified by the Board under paragraph (13) of subsection  
19 (g) of Section 26 for those types of racing.

20 This Section shall remain in effect until such time as  
21 purse accounts of organizational licensees begin receiving  
22 revenue from the conduct of electronic gaming or from an owners  
23 licensee licensed under the Riverboat Gambling Act who begins  
24 conducting gambling operations after the effective date of this  
25 amendatory Act of the 96th General Assembly, but, if, at any



1 time after the owners licensee begins conducting gambling  
2 operations after the effective date of this amendatory Act of  
3 the 96th General Assembly, the purse accounts cease receiving  
4 revenues from the owners licensee, then the distributions under  
5 this Section shall resume.

6 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

7 Sec. 27. (a) In addition to the organization license fee  
8 provided by this Act, until January 1, 2000, a graduated  
9 privilege tax is hereby imposed for conducting the pari-mutuel  
10 system of wagering permitted under this Act. Until January 1,  
11 2000, except as provided in subsection (g) of Section 27 of  
12 this Act, all of the breakage of each racing day held by any  
13 licensee in the State shall be paid to the State. Until January  
14 1, 2000, such daily graduated privilege tax shall be paid by  
15 the licensee from the amount permitted to be retained under  
16 this Act. Until January 1, 2000, each day's graduated privilege  
17 tax, breakage, and Horse Racing Tax Allocation funds shall be  
18 remitted to the Department of Revenue within 48 hours after the  
19 close of the racing day upon which it is assessed or within  
20 such other time as the Board prescribes. The privilege tax  
21 hereby imposed, until January 1, 2000, shall be a flat tax at  
22 the rate of 2% of the daily pari-mutuel handle except as  
23 provided in Section 27.1.

24 In addition, every organization licensee, except as  
25 provided in Section 27.1 of this Act, which conducts multiple

1     wagering shall pay, until January 1, 2000, as a privilege tax  
2     on multiple wagers an amount equal to 1.25% of all moneys  
3     wagered each day on such multiple wagers, plus an additional  
4     amount equal to 3.5% of the amount wagered each day on any  
5     other multiple wager which involves a single betting interest  
6     on 3 or more horses. The licensee shall remit the amount of  
7     such taxes to the Department of Revenue within 48 hours after  
8     the close of the racing day on which it is assessed or within  
9     such other time as the Board prescribes.

10     This subsection (a) shall be inoperative and of no force  
11     and effect on and after January 1, 2000.

12     (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax  
13     at the rate of 1.5% of the daily pari-mutuel handle is imposed  
14     at all pari-mutuel wagering facilities, except as otherwise  
15     provided for in this subsection (a-5). Beginning on the  
16     effective date of this amendatory Act of the 94th General  
17     Assembly and until moneys deposited pursuant to Section 54 are  
18     distributed and received, a pari-mutuel tax at the rate of  
19     0.25% of the daily pari-mutuel handle is imposed at a  
20     pari-mutuel facility whose license is derived from a track  
21     located in a county that borders the Mississippi River and  
22     conducted live racing in the previous year. After moneys  
23     deposited pursuant to Section 54 are distributed and received,  
24     a pari-mutuel tax at the rate of 1.5% of the daily pari-mutuel  
25     handle is imposed at a pari-mutuel facility whose license is  
26     derived from a track located in a county that borders the

1 Mississippi River and conducted live racing in the previous  
2 year.

3 Beginning on the effective date of this amendatory Act of  
4 the 96th General Assembly, the flat pari-mutuel tax of 1.5% of  
5 the daily pari-mutuel handle imposed at all pari-mutuel  
6 wagering facilities other than a pari-mutuel facility whose  
7 license is derived from a track located in a county that  
8 borders the Mississippi River and conducted live racing in the  
9 previous year is reduced to 0.25% of the daily pari-mutuel  
10 handle. This reduction in the pari-mutuel tax shall remain in  
11 effect until such time as purse accounts of organizational  
12 licensees begin receiving revenue from the conduct of  
13 electronic gaming or from an owners licensee licensed under the  
14 Riverboat Gambling Act who begins conducting gambling  
15 operations after the effective date of this amendatory Act of  
16 the 96th General Assembly, but, if, at any time after the  
17 owners licensee begins conducting gambling operations after  
18 the effective date of this amendatory Act of the 96th General  
19 Assembly, the purse accounts cease receiving revenues from the  
20 owners licensee, then the flat pari-mutuel tax of imposed at  
21 all pari-mutuel wagering facilities other than a pari-mutuel  
22 facility whose license is derived from a track located in a  
23 county that borders the Mississippi River and conducted live  
24 racing in the previous year shall be increased to 1.5% of the  
25 daily pari-mutuel handle.

26 The pari-mutuel tax imposed by this subsection (a-5) shall

1 be remitted to the Department of Revenue within 48 hours after  
2 the close of the racing day upon which it is assessed or within  
3 such other time as the Board prescribes.

4 (b) On or before December 31, 1999, in the event that any  
5 organization licensee conducts 2 separate programs of races on  
6 any day, each such program shall be considered a separate  
7 racing day for purposes of determining the daily handle and  
8 computing the privilege tax on such daily handle as provided in  
9 subsection (a) of this Section.

10 (c) Licensees shall at all times keep accurate books and  
11 records of all monies wagered on each day of a race meeting and  
12 of the taxes paid to the Department of Revenue under the  
13 provisions of this Section. The Board or its duly authorized  
14 representative or representatives shall at all reasonable  
15 times have access to such records for the purpose of examining  
16 and checking the same and ascertaining whether the proper  
17 amount of taxes is being paid as provided. The Board shall  
18 require verified reports and a statement of the total of all  
19 monies wagered daily at each wagering facility upon which the  
20 taxes are assessed and may prescribe forms upon which such  
21 reports and statement shall be made.

22 (d) Any licensee failing or refusing to pay the amount of  
23 any tax due under this Section shall be guilty of a business  
24 offense and upon conviction shall be fined not more than \$5,000  
25 in addition to the amount found due as tax under this Section.  
26 Each day's violation shall constitute a separate offense. All

1 fines paid into Court by a licensee hereunder shall be  
2 transmitted and paid over by the Clerk of the Court to the  
3 Board.

4 (e) No other license fee, privilege tax, excise tax, or  
5 racing fee, except as provided in this Act, shall be assessed  
6 or collected from any such licensee by the State.

7 (f) No other license fee, privilege tax, excise tax or  
8 racing fee shall be assessed or collected from any such  
9 licensee by units of local government except as provided in  
10 paragraph 10.1 of subsection (h) and subsection (f) of Section  
11 26 of this Act. However, any municipality that has a Board  
12 licensed horse race meeting at a race track wholly within its  
13 corporate boundaries or a township that has a Board licensed  
14 horse race meeting at a race track wholly within the  
15 unincorporated area of the township may charge a local  
16 amusement tax not to exceed 10¢ per admission to such horse  
17 race meeting by the enactment of an ordinance. However, any  
18 municipality or county that has a Board licensed inter-track  
19 wagering location facility wholly within its corporate  
20 boundaries may each impose an admission fee not to exceed \$1.00  
21 per admission to such inter-track wagering location facility,  
22 so that a total of not more than \$2.00 per admission may be  
23 imposed. Except as provided in subparagraph (g) of Section 27  
24 of this Act, the inter-track wagering location licensee shall  
25 collect any and all such fees and within 48 hours remit the  
26 fees to the Board, which shall, pursuant to rule, cause the

1 fees to be distributed to the county or municipality.

2 (g) Notwithstanding any provision in this Act to the  
3 contrary, if in any calendar year the total taxes and fees  
4 required to be collected from licensees and distributed under  
5 this Act to all State and local governmental authorities  
6 exceeds the amount of such taxes and fees distributed to each  
7 State and local governmental authority to which each State and  
8 local governmental authority was entitled under this Act for  
9 calendar year 1994, then the first \$11 million of that excess  
10 amount shall be allocated at the earliest possible date for  
11 distribution as purse money for the succeeding calendar year.  
12 Upon reaching the 1994 level, and until the excess amount of  
13 taxes and fees exceeds \$11 million, the Board shall direct all  
14 licensees to cease paying the subject taxes and fees and the  
15 Board shall direct all licensees to allocate any such excess  
16 amount for purses as follows:

17 (i) the excess amount shall be initially divided  
18 between thoroughbred and standardbred purses based on the  
19 thoroughbred's and standardbred's respective percentages  
20 of total Illinois live wagering in calendar year 1994;

21 (ii) each thoroughbred and standardbred organization  
22 licensee issued an organization licensee in that  
23 succeeding allocation year shall be allocated an amount  
24 equal to the product of its percentage of total Illinois  
25 live thoroughbred or standardbred wagering in calendar  
26 year 1994 (the total to be determined based on the sum of

1 1994 on-track wagering for all organization licensees  
2 issued organization licenses in both the allocation year  
3 and the preceding year) multiplied by the total amount  
4 allocated for standardbred or thoroughbred purses,  
5 provided that the first \$1,500,000 of the amount allocated  
6 to standardbred purses under item (i) shall be allocated to  
7 the Department of Agriculture to be expended with the  
8 assistance and advice of the Illinois Standardbred  
9 Breeders Funds Advisory Board for the purposes listed in  
10 subsection (g) of Section 31 of this Act, before the amount  
11 allocated to standardbred purses under item (i) is  
12 allocated to standardbred organization licensees in the  
13 succeeding allocation year.

14 To the extent the excess amount of taxes and fees to be  
15 collected and distributed to State and local governmental  
16 authorities exceeds \$11 million, that excess amount shall be  
17 collected and distributed to State and local authorities as  
18 provided for under this Act.

19 (Source: P.A. 94-805, eff. 5-26-06.)

20 Section 97. Severability. The provisions of this Act are  
21 severable under Section 1.31 of the Statute on Statutes.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.".