

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 3. The Executive Reorganization Implementation Act  
5 is amended by changing Section 3.1 as follows:

6 (15 ILCS 15/3.1) (from Ch. 127, par. 1803.1)

7 Sec. 3.1. "Agency directly responsible to the Governor" or  
8 "agency" means any office, officer, division, or part thereof,  
9 and any other office, nonelective officer, department,  
10 division, bureau, board, or commission in the executive branch  
11 of State government, except that it does not apply to any  
12 agency whose primary function is service to the General  
13 Assembly or the Judicial Branch of State government, or to any  
14 agency administered by the Attorney General, Secretary of  
15 State, State Comptroller or State Treasurer. In addition the  
16 term does not apply to the following agencies created by law  
17 with the primary responsibility of exercising regulatory or  
18 adjudicatory functions independently of the Governor:

- 19 (1) the State Board of Elections;  
20 (2) the State Board of Education;  
21 (3) the Illinois Commerce Commission;  
22 (4) the Illinois Workers' Compensation Commission;  
23 (5) the Civil Service Commission;

- 1 (6) the Fair Employment Practices Commission;
- 2 (7) the Pollution Control Board;
- 3 (8) the Department of State Police Merit Board;
- 4 (9) the Illinois Racing Board.

5 (Source: P.A. 93-721, eff. 1-1-05.)

6 Section 5. The Illinois Horse Racing Act of 1975 is amended  
7 by changing Sections 2.5, 3.071, 3.077, 3.12, 3.20, 3.22, 3.23,  
8 26, and 27 and by adding Sections 3.28, 3.29, and 3.30 as  
9 follows:

10 (230 ILCS 5/2.5 new)

11 Sec. 2.5. Separation from Department of Revenue. On the  
12 effective date of this amendatory Act of the 96th General  
13 Assembly, all of the powers, duties, assets, liabilities,  
14 employees, contracts, property, records, pending business, and  
15 unexpended appropriations of the Department of Revenue related  
16 to the administration and enforcement of this Act are  
17 transferred to the Illinois Racing Board.

18 The status and rights of the transferred employees, and the  
19 rights of the State of Illinois and its agencies, under the  
20 Personnel Code and applicable collective bargaining agreements  
21 or under any pension, retirement, or annuity plan are not  
22 affected (except as provided in the Illinois Pension Code) by  
23 that transfer or by any other provision of this amendatory Act  
24 of the 96th General Assembly.

1 (230 ILCS 5/3.071) (from Ch. 8, par. 37-3.071)

2 Sec. 3.071. Inter-track wagering. "Inter-track Wagering"  
3 means a legal wager on the outcome of a simultaneously  
4 televised horse race taking place at an Illinois race track  
5 placed or accepted at any location authorized to accept wagers  
6 under this Act, excluding the Illinois race track at which that  
7 horse race is being conducted and excluding advance deposit  
8 wagering through an advance deposit wagering licensee.

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

10 (230 ILCS 5/3.077)

11 Sec. 3.077. Non-host licensee. "Non-host licensee" means a  
12 licensee operating concurrently with a host track, but does not  
13 include an advance deposit wagering licensee.

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

15 (230 ILCS 5/3.12) (from Ch. 8, par. 37-3.12)

16 Sec. 3.12. Pari-mutuel system of wagering. "Pari-mutuel  
17 system of wagering" means a form of wagering on the outcome of  
18 horse races in which wagers are made in various denominations  
19 on a horse or horses and all wagers for each race are pooled  
20 and held by a licensee for distribution in a manner approved by  
21 the Board. Wagers may be placed via any method or at any  
22 location authorized under this Act.

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

1 (230 ILCS 5/3.20)

2 Sec. 3.20. Licensee. "Licensee" means an individual  
3 organization licensee, an inter-track wagering licensee, an ~~or~~  
4 inter-track wagering location licensee, or an advance deposit  
5 wagering licensee, as the context of this Act requires.

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

7 (230 ILCS 5/3.22)

8 Sec. 3.22. Wagering facility. "Wagering facility" means  
9 any location at which a licensee, other than an advance deposit  
10 wagering licensee, may accept or receive pari-mutuel wagers  
11 under this Act.

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

13 (230 ILCS 5/3.23)

14 Sec. 3.23. Wagering. "Wagering" means, collectively, the  
15 pari-mutuel system of wagering, inter-track wagering, ~~and~~  
16 simulcast wagering, and advance deposit wagering.

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

18 (230 ILCS 5/3.28 new)

19 Sec. 3.28. Advance deposit wagering licensee. "Advance  
20 deposit wagering licensee" means a person licensed by the Board  
21 to conduct advance deposit wagering. An advance deposit  
22 wagering licensee shall be an organization licensee or a person

1 or third party who contracts with an organization licensee in  
2 order to conduct advance deposit wagering.

3 (230 ILCS 5/3.29 new)

4 Sec. 3.29. Advance deposit wagering. "Advance deposit  
5 wagering" means a method of pari-mutuel wagering in which an  
6 individual may establish an account, deposit money into the  
7 account, and use the account balance to pay for pari-mutuel  
8 wagering authorized by this Act. An advance deposit wager may  
9 be placed in person at a wagering facility or from any other  
10 location via a telephone-type device or any other electronic  
11 means. Any person who accepts an advance deposit wager who is  
12 not licensed by the Board as an advance deposit wagering  
13 licensee shall be considered in violation of this Act and the  
14 Criminal Code of 1961. Any advance deposit wager placed in  
15 person at a wagering facility shall be deemed to have been  
16 placed at that wagering facility.

17 (230 ILCS 5/3.30 new)

18 Sec. 3.30. Advance deposit wagering terminal. "Advance  
19 deposit wagering terminal" means any electronic device placed  
20 by an advanced deposit wagering licensee at a wagering facility  
21 that facilitates the placement of an advance deposit wager and  
22 that can be electronically tracked so the location of the  
23 wagering facility where the advance deposit wagering terminal  
24 is located can be readily identified and so all wagers placed

1 through the advance deposit wagering terminal are easily  
2 reportable.

3 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

4 Sec. 26. Wagering.

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

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

25 (b-5) An individual may place a wager under the pari-mutuel

1 system from any licensed location authorized under this Act  
2 provided that wager is electronically recorded in the manner  
3 described in Section 3.12 of this Act. Any wager made  
4 electronically by an individual while physically on the  
5 premises of a licensee shall be deemed to have been made at the  
6 premises of that licensee.

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

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

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

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

15           (f) Notwithstanding the other provisions of this Act, an  
16 organization licensee may contract with an entity in another  
17 state or country to permit any legal wagering entity in another  
18 state or country to accept wagers solely within such other  
19 state or country on races conducted by the organization  
20 licensee in this State. Beginning January 1, 2000, these wagers  
21 shall not be subject to State taxation. Until January 1, 2000,  
22 when the out-of-State entity conducts a pari-mutuel pool  
23 separate from the organization licensee, a privilege tax equal  
24 to 7 1/2% of all monies received by the organization licensee  
25 from entities in other states or countries pursuant to such  
26 contracts is imposed on the organization licensee, and such



1 privilege tax shall be remitted to the Department of Revenue  
2 within 48 hours of receipt of the moneys from the simulcast.  
3 When the out-of-State entity conducts a combined pari-mutuel  
4 pool with the organization licensee, the tax shall be 10% of  
5 all monies received by the organization licensee with 25% of  
6 the receipts from this 10% tax to be distributed to the county  
7 in which the race was conducted.

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

16 (g) A host track may accept interstate simulcast wagers on  
17 horse races conducted in other states or countries and shall  
18 control the number of signals and types of breeds of racing in  
19 its simulcast program, subject to the disapproval of the Board.  
20 The Board may prohibit a simulcast program only if it finds  
21 that the simulcast program is clearly adverse to the integrity  
22 of racing. The host track simulcast program shall include the  
23 signal of live racing of all organization licensees. All  
24 non-host licensees and advance deposit wagering licensees  
25 shall carry the signal of and accept wagers on live racing of  
26 all organization licensees. Advance deposit wagering licensees

1 shall not be permitted to accept out-of-state wagers on any  
2 Illinois signal provided pursuant to this Section without the  
3 approval and consent of the organization licensee providing the  
4 signal. Non-host licensees may carry the host track simulcast  
5 program and shall accept wagers on all races included as part  
6 of the simulcast program upon which wagering is permitted. All  
7 organization licensees shall provide their live signal to all  
8 advance deposit wagering licensees for a simulcast commission  
9 fee not to exceed 6% of the advance deposit wagering licensee's  
10 Illinois handle on the organization licensee's signal without  
11 prior approval by the Board. The Board may adopt rules under  
12 which it may permit simulcast commission fees in excess of 6%.  
13 The Board shall adopt rules limiting the interstate commission  
14 fees charged to an advance deposit wagering licensee. The Board  
15 shall adopt rules regarding advance deposit wagering on  
16 interstate simulcast races that shall reflect, among other  
17 things, the General Assembly's desire to maximize revenues to  
18 the State, horsemen purses, and organizational licensees.  
19 However, organization licensees providing live signals  
20 pursuant to the requirements of this subsection (g) may  
21 petition the Board to withhold their live signals from an  
22 advance deposit wagering licensee if the organization licensee  
23 discovers and the Board finds reputable or credible information  
24 that the advance deposit wagering licensee is under  
25 investigation by another state or federal governmental agency,  
26 the advance deposit wagering licensee's license has been

1 suspended in another state, or the advance deposit wagering  
2 licensee's license is in revocation proceedings in another  
3 state. The organization licensee's provision of their live  
4 signal to an advance deposit wagering licensee under this  
5 subsection (g) pertains to wagers placed from within Illinois.  
6 Advance deposit wagering licensees may place advance deposit  
7 wagering terminals at wagering facilities as a convenience to  
8 customers. The advance deposit wagering licensee shall not  
9 charge or collect any fee from purses for the placement of the  
10 advance deposit wagering terminals. The costs and expenses of  
11 the host track and non-host licensees associated with  
12 interstate simulcast wagering, other than the interstate  
13 commission fee, shall be borne by the host track and all  
14 non-host licensees incurring these costs. The interstate  
15 commission fee shall not exceed 5% of Illinois handle on the  
16 interstate simulcast race or races without prior approval of  
17 the Board. The Board shall promulgate rules under which it may  
18 permit interstate commission fees in excess of 5%. The  
19 interstate commission fee and other fees charged by the sending  
20 racetrack, including, but not limited to, satellite decoder  
21 fees, shall be uniformly applied to the host track and all  
22 non-host licensees.

23 Notwithstanding any other provision of this Act, for a  
24 period of 3 years after the effective date of this amendatory  
25 Act of the 96th General Assembly, an organization licensee may  
26 maintain a system whereby advance deposit wagering may take

1 place or an organization licensee, with the consent of the  
2 horsemen association representing the largest number of  
3 owners, trainers, jockeys, or standardbred drivers who race  
4 horses at that organization licensee's racing meeting, may  
5 contract with another person to carry out a system of advance  
6 deposit wagering. Such consent may not be unreasonably  
7 withheld. All advance deposit wagers placed from within  
8 Illinois must be placed through a Board-approved advance  
9 deposit wagering licensee; no other entity may accept an  
10 advance deposit wager from a person within Illinois. All  
11 advance deposit wagering is subject to any rules adopted by the  
12 Board. The Board may adopt rules necessary to regulate advance  
13 deposit wagering through the use of emergency rulemaking in  
14 accordance with Section 5-45 of the Illinois Administrative  
15 Procedure Act. The General Assembly finds that the adoption of  
16 rules to regulate advance deposit wagering is deemed an  
17 emergency and necessary for the public interest, safety, and  
18 welfare. An advance deposit wagering licensee may retain all  
19 moneys as agreed to by contract with an organization licensee.  
20 Any moneys retained by the organization licensee from advance  
21 deposit wagering, not including moneys retained by the advance  
22 deposit wagering licensee, shall be paid 50% to the  
23 organization licensee's purse account and 50% to the  
24 organization licensee. If more than one breed races at the same  
25 race track facility, then the 50% of the moneys to be paid to  
26 an organization licensee's purse account shall be allocated

1 among all organization licensees' purse accounts operating at  
2 that race track facility proportionately based on the actual  
3 number of host days that the Board grants to that breed at that  
4 race track facility in the current calendar year. To the extent  
5 any fees from advance deposit wagering conducted in Illinois  
6 for wagers in Illinois or other states have been placed in  
7 escrow or otherwise withheld from wagers pending a  
8 determination of the legality of advance deposit wagering, no  
9 action shall be brought to declare such wagers or the  
10 disbursement of any fees previously escrowed illegal.

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

1 receiving the simulcast.

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

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

1 subsection (h) of Section 26 of this Act.

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

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

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

25 (B) For wagers placed on interstate simulcast  
26 races, supplemental simulcasts as defined in

1           subparagraphs (1) and (2), and separately pooled races  
2           conducted outside of the State of Illinois made at a  
3           non-host licensee, 25% to the host track, 25% to the  
4           non-host licensee, and 50% to the purses at the host  
5           track.

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

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

23                  (A) Between January 1 and the third Friday in  
24                  February, inclusive, if no live thoroughbred racing is  
25                  occurring in Illinois during this period, when the  
26                  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

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

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

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

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

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

15           (B) Twenty percent shall be deposited into the  
16 Illinois Colt Stakes Purse Distribution Fund. Moneys  
17 deposited into the Illinois Colt Stakes Purse  
18 Distribution Fund pursuant to this subparagraph (B)  
19 shall be paid to Illinois conceived and foaled  
20 thoroughbred breeders' programs and to thoroughbred  
21 purses for races conducted at any county fairgrounds  
22 for Illinois conceived and foaled horses at the  
23 discretion of the Department of Agriculture, with the  
24 advice and assistance of the Illinois Thoroughbred  
25 Breeders Fund Advisory Board. The moneys deposited  
26 into the Illinois Colt Stakes Purse Distribution Fund

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

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

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

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

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

24          Moneys paid into the Illinois Colt Stakes Purse  
25          Distribution Fund pursuant to this paragraph (7.3) shall be  
26          paid to purses for standardbred races for Illinois

1 conceived and foaled horses conducted at any county  
2 fairgrounds. Moneys paid into the Illinois Colt Stakes  
3 Purse Distribution Fund pursuant to this paragraph (7.3)  
4 shall be used as determined by the Department of  
5 Agriculture, with the advice and assistance of the Illinois  
6 Standardbred Breeders Fund Advisory Board, shall be in  
7 addition to and not in lieu of any other moneys paid to  
8 standardbred purses under this Act, and shall not be  
9 commingled with any other moneys paid into that Fund.

10 (7.4) If live standardbred racing is conducted at a  
11 racetrack located in Madison County at any time in calendar  
12 year 2001 before the payment required under paragraph (7.3)  
13 has been made, the organization licensee who is licensed to  
14 conduct racing at that racetrack shall pay all moneys  
15 derived by that racetrack from simulcast wagering and  
16 inter-track wagering during calendar years 2000 and 2001  
17 that (1) are to be used for purses and (2) are generated  
18 between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or  
19 2001 to the standardbred purse account at that racetrack to  
20 be used for standardbred purses.

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

1           wagering at any other Illinois wagering facility.

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

17          (9) (Blank).

18          (10) (Blank).

19          (11) (Blank).

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

25          (13) Notwithstanding any other provision of this Act,  
26          in the event that the total Illinois pari-mutuel handle on

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

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

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

23 (1) Any person licensed to conduct a race meeting (i)  
24 at a track where 60 or more days of racing were conducted  
25 during the immediately preceding calendar year or where  
26 over the 5 immediately preceding calendar years an average



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

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

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

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

24           (4) Prior to the issuance of a license to conduct  
25          inter-track wagering and simulcast wagering, the applicant  
26          shall file with the Board a bond payable to the State of

1 Illinois in the sum of \$50,000, executed by the applicant  
2 and a surety company or companies authorized to do business  
3 in this State, and conditioned upon (i) the payment by the  
4 licensee of all taxes due under Section 27 or 27.1 and any  
5 other monies due and payable under this Act, and (ii)  
6 distribution by the licensee, upon presentation of the  
7 winning ticket or tickets, of all sums payable to the  
8 patrons of pari-mutuel pools.

9 (5) Each license to conduct inter-track wagering and  
10 simulcast wagering shall specify the person to whom it is  
11 issued, the dates on which such wagering is permitted, and  
12 the track or location where the wagering is to be  
13 conducted.

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

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

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

25 (8.1) Inter-track wagering location licensees who  
26 derive their licenses from a particular organization

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

17 (8.2) Inter-track wagering or simulcast wagering shall  
18 not be conducted by an inter-track wagering location  
19 licensee at any location within 500 feet of an existing  
20 church or existing school, nor within 500 feet of the  
21 residences of more than 50 registered voters without  
22 receiving written permission from a majority of the  
23 registered voters at such residences. Such written  
24 permission statements shall be filed with the Board. The  
25 distance of 500 feet shall be measured to the nearest part  
26 of any building used for worship services, education

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

25 (9) (Blank).

26 (10) An inter-track wagering licensee or an

1 inter-track wagering location licensee may retain, subject  
2 to the payment of the privilege taxes and the purses, an  
3 amount not to exceed 17% of all money wagered. Each program  
4 of racing conducted by each inter-track wagering licensee  
5 or inter-track wagering location licensee shall be  
6 considered a separate racing day for the purpose of  
7 determining the daily handle and computing the privilege  
8 tax or pari-mutuel tax on such daily handle as provided in  
9 Section 27.

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

20 (10.2) Notwithstanding any other provision of this  
21 Act, with respect to intertrack wagering at a race track  
22 located in a county that has a population of more than  
23 230,000 and that is bounded by the Mississippi River ("the  
24 first race track"), or at a facility operated by an  
25 inter-track wagering licensee or inter-track wagering  
26 location licensee that derives its license from the

1 organization licensee that operates the first race track,  
2 on races conducted at the first race track or on races  
3 conducted at another Illinois race track and  
4 simultaneously televised to the first race track or to a  
5 facility operated by an inter-track wagering licensee or  
6 inter-track wagering location licensee that derives its  
7 license from the organization licensee that operates the  
8 first race track, those moneys shall be allocated as  
9 follows:

10 (A) That portion of all moneys wagered on  
11 standardbred racing that is required under this Act to  
12 be paid to purses shall be paid to purses for  
13 standardbred races.

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

18 (11) (A) After payment of the privilege or pari-mutuel  
19 tax, any other applicable taxes, and the costs and expenses  
20 in connection with the gathering, transmission, and  
21 dissemination of all data necessary to the conduct of  
22 inter-track wagering, the remainder of the monies retained  
23 under either Section 26 or Section 26.2 of this Act by the  
24 inter-track wagering licensee on inter-track wagering  
25 shall be allocated with 50% to be split between the 2  
26 participating licensees and 50% to purses, except that an

1 intertrack wagering licensee that derives its license from  
2 a track located 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 the Illinois  
5 organization licensee that provides the race or races, and  
6 an intertrack wagering licensee that accepts wagers on  
7 races conducted by an organization licensee that conducts a  
8 race meet in a county with a population in excess of  
9 230,000 and that borders the Mississippi River shall not  
10 divide any remaining retention with that organization  
11 licensee.

12 (B) From the sums permitted to be retained pursuant to  
13 this Act each inter-track wagering location licensee shall  
14 pay (i) the privilege or pari-mutuel tax to the State; (ii)  
15 4.75% of the pari-mutuel handle on intertrack wagering at  
16 such location on races as purses, except that an intertrack  
17 wagering location licensee that derives its license from a  
18 track located in a county with a population in excess of  
19 230,000 and that borders the Mississippi River shall retain  
20 all purse moneys for its own purse account consistent with  
21 distribution set forth in this subsection (h), and  
22 intertrack wagering location licensees that accept wagers  
23 on races conducted by an organization licensee located in a  
24 county with a population in excess of 230,000 and that  
25 borders the Mississippi River shall distribute all purse  
26 moneys to purses at the operating host track; (iii) until



1           January 1, 2000, except as provided in subsection (g) of  
2           Section 27 of this Act, 1% of the pari-mutuel handle  
3           wagered on inter-track wagering and simulcast wagering at  
4           each inter-track wagering location licensee facility to  
5           the Horse Racing Tax Allocation Fund, provided that, to the  
6           extent the total amount collected and distributed to the  
7           Horse Racing Tax Allocation Fund under this subsection (h)  
8           during any calendar year exceeds the amount collected and  
9           distributed to the Horse Racing Tax Allocation Fund during  
10          calendar year 1994, that excess amount shall be  
11          redistributed (I) to all inter-track wagering location  
12          licensees, based on each licensee's pro-rata share of the  
13          total handle from inter-track wagering and simulcast  
14          wagering for all inter-track wagering location licensees  
15          during the calendar year in which this provision is  
16          applicable; then (II) the amounts redistributed to each  
17          inter-track wagering location licensee as described in  
18          subpart (I) shall be further redistributed as provided in  
19          subparagraph (B) of paragraph (5) of subsection (g) of this  
20          Section 26 provided first, that the shares of those  
21          amounts, which are to be redistributed to the host track or  
22          to purses at the host track under subparagraph (B) of  
23          paragraph (5) of subsection (g) of this Section 26 shall be  
24          redistributed based on each host track's pro rata share of  
25          the total inter-track wagering and simulcast wagering  
26          handle at all host tracks during the calendar year in

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

1 be 6.25%, and purses thereafter shall be 6.75%. For  
2 additional intertrack location licensees authorized under  
3 this amendatory Act of 1995, the licensee shall be allowed  
4 to retain to satisfy all costs and expenses: 7.75% of the  
5 pari-mutuel handle wagered at the location during its first  
6 12 months of operation, 7.25% during its second 12 months  
7 of operation, and 6.75% thereafter.

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

23 Two-sevenths to the Department of Agriculture.

24 Fifty percent of this two-sevenths shall be used to  
25 promote the Illinois horse racing and breeding  
26 industry, and shall be distributed by the Department of

1 Agriculture upon the advice of a 9-member committee  
2 appointed by the Governor consisting of the following  
3 members: the Director of Agriculture, who shall serve  
4 as chairman; 2 representatives of organization  
5 licensees conducting thoroughbred race meetings in  
6 this State, recommended by those licensees; 2  
7 representatives of organization licensees conducting  
8 standardbred race meetings in this State, recommended  
9 by those licensees; a representative of the Illinois  
10 Thoroughbred Breeders and Owners Foundation,  
11 recommended by that Foundation; a representative of  
12 the Illinois Standardbred Owners and Breeders  
13 Association, recommended by that Association; a  
14 representative of the Horsemen's Benevolent and  
15 Protective Association or any successor organization  
16 thereto established in Illinois comprised of the  
17 largest number of owners and trainers, recommended by  
18 that Association or that successor organization; and a  
19 representative of the Illinois Harness Horsemen's  
20 Association, recommended by that Association.  
21 Committee members shall serve for terms of 2 years,  
22 commencing January 1 of each even-numbered year. If a  
23 representative of any of the above-named entities has  
24 not been recommended by January 1 of any even-numbered  
25 year, the Governor shall appoint a committee member to  
26 fill that position. Committee members shall receive no

1 compensation for their services as members but shall be  
2 reimbursed for all actual and necessary expenses and  
3 disbursements incurred in the performance of their  
4 official duties. The remaining 50% of this  
5 two-sevenths shall be distributed to county fairs for  
6 premiums and rehabilitation as set forth in the  
7 Agricultural Fair Act;

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

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

25 One-seventh to the Agricultural Premium Fund to be  
26 used for distribution to agricultural home economics

1 extension councils in accordance with "An Act in  
2 relation to additional support and finances for the  
3 Agricultural and Home Economic Extension Councils in  
4 the several counties of this State and making an  
5 appropriation therefor", approved July 24, 1967.

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

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



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

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

26 One-seventh to the Agricultural Premium Fund to be

1           used for distribution to agricultural home economics  
2           extension councils in accordance with "An Act in  
3           relation to additional support and finances for the  
4           Agricultural and Home Economic Extension Councils in  
5           the several counties of this State and making an  
6           appropriation therefor", approved July 24, 1967. This  
7           subparagraph (C) shall be inoperative and of no force  
8           and effect on and after January 1, 2000.

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

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

22                 (ii) If the inter-track wagering licensee,  
23                 except an intertrack wagering licensee that  
24                 derives its license from an organization licensee  
25                 located in a county with a population in excess of  
26                 230,000 and bounded by the Mississippi River, is

1           also conducting its own race meeting during the  
2           same dates, then the purse allocation shall be as  
3           follows: 50% to purses at the track where the races  
4           wagered on are being conducted; 50% to purses at  
5           the track where the inter-track wagering licensee  
6           is accepting such wagers.

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

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

22                (A) The Board is vested with power to promulgate  
23                reasonable rules and regulations for the purpose of  
24                administering the conduct of this wagering and to  
25                prescribe reasonable rules, regulations and conditions  
26                under which such wagering shall be held and conducted.

1           Such rules and regulations are to provide for the  
2           prevention of practices detrimental to the public  
3           interest and for the best interests of said wagering  
4           and to impose penalties for violations thereof.

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

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

21          (D) (Blank).

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

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

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

17          (13) The Department of Agriculture may enter into  
18          agreements with licensees authorizing such licensees to  
19          conduct inter-track wagering on races to be held at the  
20          licensed race meetings conducted by the Department of  
21          Agriculture. Such agreement shall specify the races of the  
22          Department of Agriculture's licensed race meeting upon  
23          which the licensees will conduct wagering. In the event  
24          that a licensee conducts inter-track pari-mutuel wagering  
25          on races from the Illinois State Fair or DuQuoin State Fair  
26          which are in addition to the licensee's previously approved

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

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

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

21 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

22 Sec. 27. (a) In addition to the organization license fee  
23 provided by this Act, until January 1, 2000, a graduated  
24 privilege tax is hereby imposed for conducting the pari-mutuel  
25 system of wagering permitted under this Act. Until January 1,

1 2000, except as provided in subsection (g) of Section 27 of  
2 this Act, all of the breakage of each racing day held by any  
3 licensee in the State shall be paid to the State. Until January  
4 1, 2000, such daily graduated privilege tax shall be paid by  
5 the licensee from the amount permitted to be retained under  
6 this Act. Until January 1, 2000, each day's graduated privilege  
7 tax, breakage, and Horse Racing Tax Allocation funds shall be  
8 remitted to the Department of Revenue within 48 hours after the  
9 close of the racing day upon which it is assessed or within  
10 such other time as the Board prescribes. The privilege tax  
11 hereby imposed, until January 1, 2000, shall be a flat tax at  
12 the rate of 2% of the daily pari-mutuel handle except as  
13 provided in Section 27.1.

14 In addition, every organization licensee, except as  
15 provided in Section 27.1 of this Act, which conducts multiple  
16 wagering shall pay, until January 1, 2000, as a privilege tax  
17 on multiple wagers an amount equal to 1.25% of all moneys  
18 wagered each day on such multiple wagers, plus an additional  
19 amount equal to 3.5% of the amount wagered each day on any  
20 other multiple wager which involves a single betting interest  
21 on 3 or more horses. The licensee shall remit the amount of  
22 such taxes to the Department of Revenue within 48 hours after  
23 the close of the racing day on which it is assessed or within  
24 such other time as the Board prescribes.

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

1 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax  
2 at the rate of 1.5% of the daily pari-mutuel handle is imposed  
3 at all pari-mutuel wagering facilities and on advance deposit  
4 wagering from a location other than a wagering facility, except  
5 as otherwise provided for in this subsection (a-5). In addition  
6 to the pari-mutuel tax imposed on advance deposit wagering  
7 pursuant to this subsection (a-5), an additional pari-mutuel  
8 tax at the rate of 0.25% shall be imposed on advance deposit  
9 wagering, the amount of which shall not exceed \$250,000 in each  
10 calendar year. The additional 0.25% pari-mutuel tax imposed on  
11 advance deposit wagering by this amendatory Act of the 96th  
12 General Assembly shall be deposited into the Quarter Horse  
13 Purse Fund, which shall be created as a non-appropriated trust  
14 fund administered by the Board for grants to thoroughbred  
15 organization licensees for payment of purses for quarter horse  
16 aces conducted by the organization licensee. Thoroughbred  
17 organization licensees may petition the Board to conduct  
18 quarter horse racing and receive purse grants from the Quarter  
19 Horse Purse Fund. The Board shall have complete discretion in  
20 distributing the Quarter Horse Purse Fund to the petitioning  
21 organization licensees. Beginning on the effective date of this  
22 amendatory Act of the 94th General Assembly and until moneys  
23 deposited pursuant to Section 54 are distributed and received,  
24 a pari-mutuel tax at the rate of 0.25% 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. After moneys deposited pursuant to Section 54 are  
3 distributed and received, a pari-mutuel tax at the rate of 1.5%  
4 of the daily pari-mutuel handle is imposed at a pari-mutuel  
5 facility whose license is derived from a track located in a  
6 county that borders the Mississippi River and conducted live  
7 racing in the previous year. The pari-mutuel tax imposed by  
8 this subsection (a-5) shall be remitted to the Department of  
9 Revenue within 48 hours after the close of the racing day upon  
10 which it is assessed or within such other time as the Board  
11 prescribes.

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

18 (c) Licensees shall at all times keep accurate books and  
19 records of all monies wagered on each day of a race meeting and  
20 of the taxes paid to the Department of Revenue under the  
21 provisions of this Section. The Board or its duly authorized  
22 representative or representatives shall at all reasonable  
23 times have access to such records for the purpose of examining  
24 and checking the same and ascertaining whether the proper  
25 amount of taxes is being paid as provided. The Board shall  
26 require verified reports and a statement of the total of all

1 monies wagered daily at each wagering facility upon which the  
2 taxes are assessed and may prescribe forms upon which such  
3 reports and statement shall be made.

4 (d) Any licensee failing or refusing to pay the amount of  
5 any tax due under this Section shall be guilty of a business  
6 offense and upon conviction shall be fined not more than \$5,000  
7 in addition to the amount found due as tax under this Section.  
8 Each day's violation shall constitute a separate offense. All  
9 fines paid into Court by a licensee hereunder shall be  
10 transmitted and paid over by the Clerk of the Court to the  
11 Board.

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

15 (f) No other license fee, privilege tax, excise tax or  
16 racing fee shall be assessed or collected from any such  
17 licensee by units of local government except as provided in  
18 paragraph 10.1 of subsection (h) and subsection (f) of Section  
19 26 of this Act. However, any municipality that has a Board  
20 licensed horse race meeting at a race track wholly within its  
21 corporate boundaries or a township that has a Board licensed  
22 horse race meeting at a race track wholly within the  
23 unincorporated area of the township may charge a local  
24 amusement tax not to exceed 10¢ per admission to such horse  
25 race meeting by the enactment of an ordinance. However, any  
26 municipality or county that has a Board licensed inter-track

1     wagering location facility wholly within its corporate  
2     boundaries may each impose an admission fee not to exceed \$1.00  
3     per admission to such inter-track wagering location facility,  
4     so that a total of not more than \$2.00 per admission may be  
5     imposed. Except as provided in subparagraph (g) of Section 27  
6     of this Act, the inter-track wagering location licensee shall  
7     collect any and all such fees and within 48 hours remit the  
8     fees to the Board, which shall, pursuant to rule, cause the  
9     fees to be distributed to the county or municipality.

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

25             (i) the excess amount shall be initially divided  
26             between thoroughbred and standardbred purses based on the

1 thoroughbred's and standardbred's respective percentages  
2 of total Illinois live wagering in calendar year 1994;

3 (ii) each thoroughbred and standardbred organization  
4 licensee issued an organization licensee in that  
5 succeeding allocation year shall be allocated an amount  
6 equal to the product of its percentage of total Illinois  
7 live thoroughbred or standardbred wagering in calendar  
8 year 1994 (the total to be determined based on the sum of  
9 1994 on-track wagering for all organization licensees  
10 issued organization licenses in both the allocation year  
11 and the preceding year) multiplied by the total amount  
12 allocated for standardbred or thoroughbred purses,  
13 provided that the first \$1,500,000 of the amount allocated  
14 to standardbred purses under item (i) shall be allocated to  
15 the Department of Agriculture to be expended with the  
16 assistance and advice of the Illinois Standardbred  
17 Breeders Funds Advisory Board for the purposes listed in  
18 subsection (g) of Section 31 of this Act, before the amount  
19 allocated to standardbred purses under item (i) is  
20 allocated to standardbred organization licensees in the  
21 succeeding allocation year.

22 To the extent the excess amount of taxes and fees to be  
23 collected and distributed to State and local governmental  
24 authorities exceeds \$11 million, that excess amount shall be  
25 collected and distributed to State and local authorities as  
26 provided for under this Act.

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

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