



Sen. Terry Link

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1 AMENDMENT TO HOUSE BILL 940

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 940 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Horse Racing Act of 1975 is  
5 amended by changing Section 26 as follows:

6 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

7 Sec. 26. Wagering.

8 (a) Any licensee may conduct and supervise the pari-mutuel  
9 system of wagering, as defined in Section 3.12 of this Act, on  
10 horse races conducted by an Illinois organization licensee or  
11 conducted at a racetrack located in another state or country  
12 and televised in Illinois in accordance with subsection (g) of  
13 Section 26 of this Act. Subject to the prior consent of the  
14 Board, licensees may supplement any pari-mutuel pool in order  
15 to guarantee a minimum distribution. Such pari-mutuel method of  
16 wagering shall not, under any circumstances if conducted under

1 the provisions of this Act, be held or construed to be  
2 unlawful, other statutes of this State to the contrary  
3 notwithstanding. Subject to rules for advance wagering  
4 promulgated by the Board, any licensee may accept wagers in  
5 advance of the day of the race wagered upon occurs.

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

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

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

1 Rehabilitation Fund of the State treasury, except as provided  
2 in subsection (g) of Section 27 of this Act.

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

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

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

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

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

1 established by other states.

2 (g) A host track may accept interstate simulcast wagers on  
3 horse races conducted in other states or countries and shall  
4 control the number of signals and types of breeds of racing in  
5 its simulcast program, subject to the disapproval of the Board.  
6 The Board may prohibit a simulcast program only if it finds  
7 that the simulcast program is clearly adverse to the integrity  
8 of racing. The host track simulcast program shall include the  
9 signal of live racing of all organization licensees. All  
10 non-host licensees and advance deposit wagering licensees  
11 shall carry the signal of and accept wagers on live racing of  
12 all organization licensees. Advance deposit wagering licensees  
13 shall not be permitted to accept out-of-state wagers on any  
14 Illinois signal provided pursuant to this Section without the  
15 approval and consent of the organization licensee providing the  
16 signal. For one year after the effective date of this  
17 amendatory Act of the 98th General Assembly, non-host licensees  
18 may carry the host track simulcast program and shall accept  
19 wagers on all races included as part of the simulcast program  
20 of horse races conducted at race tracks located within North  
21 America upon which wagering is permitted. For a period of one  
22 year after the effective date of this amendatory Act of the  
23 98th General Assembly, on horse races conducted at race tracks  
24 located outside of North America, non-host licensees may accept  
25 wagers on all races included as part of the simulcast program  
26 upon which wagering is permitted. Beginning one year after the

1 effective date of this amendatory Act of the 98th General  
2 Assembly, non-host licensees may carry the host track simulcast  
3 program and shall accept wagers on all races included as part  
4 of the simulcast program upon which wagering is permitted. All  
5 organization licensees shall provide their live signal to all  
6 advance deposit wagering licensees for a simulcast commission  
7 fee not to exceed 6% of the advance deposit wagering licensee's  
8 Illinois handle on the organization licensee's signal without  
9 prior approval by the Board. The Board may adopt rules under  
10 which it may permit simulcast commission fees in excess of 6%.  
11 The Board shall adopt rules limiting the interstate commission  
12 fees charged to an advance deposit wagering licensee. The Board  
13 shall adopt rules regarding advance deposit wagering on  
14 interstate simulcast races that shall reflect, among other  
15 things, the General Assembly's desire to maximize revenues to  
16 the State, horsemen purses, and organizational licensees.  
17 However, organization licensees providing live signals  
18 pursuant to the requirements of this subsection (g) may  
19 petition the Board to withhold their live signals from an  
20 advance deposit wagering licensee if the organization licensee  
21 discovers and the Board finds reputable or credible information  
22 that the advance deposit wagering licensee is under  
23 investigation by another state or federal governmental agency,  
24 the advance deposit wagering licensee's license has been  
25 suspended in another state, or the advance deposit wagering  
26 licensee's license is in revocation proceedings in another

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

21 Notwithstanding any other provision of this Act, until  
22 February 1, 2017, an organization licensee, with the consent of  
23 the horsemen association representing the largest number of  
24 owners, trainers, jockeys, or standardbred drivers who race  
25 horses at that organization licensee's racing meeting, 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. Only with respect to an appeal to the Board that  
8 consent for an organization licensee that maintains its own  
9 advance deposit wagering system is being unreasonably  
10 withheld, the Board shall issue a final order within 30 days  
11 after initiation of the appeal, and the organization licensee's  
12 advance deposit wagering system may remain operational during  
13 that 30-day period. The actions of any organization licensee  
14 who conducts advance deposit wagering or any person who has a  
15 contract with an organization licensee to conduct advance  
16 deposit wagering who conducts advance deposit wagering on or  
17 after January 1, 2013 and prior to the effective date of this  
18 amendatory Act of the 98th General Assembly taken in reliance  
19 on the changes made to this subsection (g) by this amendatory  
20 Act of the 98th General Assembly are hereby validated, provided  
21 payment of all applicable pari-mutuel taxes are remitted to the  
22 Board. All advance deposit wagers placed from within Illinois  
23 must be placed through a Board-approved advance deposit  
24 wagering licensee; no other entity may accept an advance  
25 deposit wager from a person within Illinois. All advance  
26 deposit wagering is subject to any rules adopted by the Board.



1 The Board may adopt rules necessary to regulate advance deposit  
2 wagering through the use of emergency rulemaking in accordance  
3 with Section 5-45 of the Illinois Administrative Procedure Act.  
4 The General Assembly finds that the adoption of rules to  
5 regulate advance deposit wagering is deemed an emergency and  
6 necessary for the public interest, safety, and welfare. An  
7 advance deposit wagering licensee may retain all moneys as  
8 agreed to by contract with an organization licensee. Any moneys  
9 retained by the organization licensee from advance deposit  
10 wagering, not including moneys retained by the advance deposit  
11 wagering licensee, shall be paid 50% to the organization  
12 licensee's purse account and 50% to the organization licensee.  
13 With the exception of any organization licensee that is owned  
14 by a publicly traded company that is incorporated in a state  
15 other than Illinois and advance deposit wagering licensees  
16 under contract with such organization licensees, organization  
17 licensees that maintain advance deposit wagering systems and  
18 advance deposit wagering licensees that contract with  
19 organization licensees shall provide sufficiently detailed  
20 monthly accountings to the horsemen association representing  
21 the largest number of owners, trainers, jockeys, or  
22 standardbred drivers who race horses at that organization  
23 licensee's racing meeting so that the horsemen association, as  
24 an interested party, can confirm the accuracy of the amounts  
25 paid to the purse account at the horsemen association's  
26 affiliated organization licensee from advance deposit

1     wagering. If more than one breed races at the same race track  
2     facility, then the 50% of the moneys to be paid to an  
3     organization licensee's purse account shall be allocated among  
4     all organization licensees' purse accounts operating at that  
5     race track facility proportionately based on the actual number  
6     of host days that the Board grants to that breed at that race  
7     track facility in the current calendar year. To the extent any  
8     fees from advance deposit wagering conducted in Illinois for  
9     wagers in Illinois or other states have been placed in escrow  
10    or otherwise withheld from wagers pending a determination of  
11    the legality of advance deposit wagering, no action shall be  
12    brought to declare such wagers or the disbursement of any fees  
13    previously escrowed illegal.

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

1 licensees. The interstate commission fee for a  
2 supplemental interstate simulcast shall be paid by the  
3 non-host licensee and its affiliated non-host licensees  
4 receiving the simulcast.

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

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

1 shall pay 1% of the pari-mutuel handle wagered on simulcast  
2 wagering to the Horse Racing Tax Allocation Fund, subject  
3 to the provisions of subparagraph (B) of paragraph (11) of  
4 subsection (h) of Section 26 of this Act.

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

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

25 (A) For interstate simulcast wagers made at a host  
26 track, 50% to the host track and 50% to purses at the

1 host track.

2 (B) For wagers placed on interstate simulcast  
3 races, supplemental simulcasts as defined in  
4 subparagraphs (1) and (2), and separately pooled races  
5 conducted outside of the State of Illinois made at a  
6 non-host licensee, 25% to the host track, 25% to the  
7 non-host licensee, and 50% to the purses at the host  
8 track.

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

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

26 (A) Between January 1 and the third Friday in

1 February, inclusive, if no live thoroughbred racing is  
2 occurring in Illinois during this period, when the  
3 interstate simulcast is a standardbred race, the purse  
4 share to its standardbred purse account;

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

12 (C) Between January 1 and the third Friday in  
13 February, inclusive, if live thoroughbred racing is  
14 occurring in Illinois, between 6:30 a.m. and 6:30 p.m.  
15 the purse share from wagers made during this time  
16 period to its thoroughbred purse account and between  
17 6:30 p.m. and 6:30 a.m. the purse share from wagers  
18 made during this time period to its standardbred purse  
19 accounts;

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

24 (E) Between the third Saturday in February and  
25 December 31, when the interstate simulcast occurs  
26 between the hours of 6:30 p.m. and 6:30 a.m., the purse

1 share to its standardbred purse account.

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

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

1 Department of Agriculture, with the advice and  
2 assistance of the Illinois Standardbred Breeders Fund  
3 Advisory Board.

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

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

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



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

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

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

20                   (B) Twenty percent to the Illinois Colt Stakes  
21                   Purse Distribution Fund.

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

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

13          (7.4) If live standardbred racing is conducted at a  
14          racetrack located in Madison County at any time in calendar  
15          year 2001 before the payment required under paragraph (7.3)  
16          has been made, the organization licensee who is licensed to  
17          conduct racing at that racetrack shall pay all moneys  
18          derived by that racetrack from simulcast wagering and  
19          inter-track wagering during calendar years 2000 and 2001  
20          that (1) are to be used for purses and (2) are generated  
21          between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or  
22          2001 to the standardbred purse account at that racetrack to  
23          be used for standardbred purses.

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

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

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

20 (9) (Blank).

21 (10) (Blank).

22 (11) (Blank).

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

1 programs.

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

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

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

26 (1) Any person licensed to conduct a race meeting (i)

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

1 ~~established for each eligible race track, except that an~~  
2 eligible race track located in a county that has a  
3 population of more than 230,000 and that is bounded by the  
4 Mississippi River may establish up to 9 ~~7~~ inter-track  
5 wagering locations and an eligible race track located in  
6 Stickney Township in Cook County may establish up to 16 ~~8~~  
7 inter-track wagering locations and an eligible race track  
8 located in Palatine Township in Cook County may establish  
9 up to 18 inter-track wagering locations. An application for  
10 said license shall be filed with the Board prior to such  
11 dates as may be fixed by the Board. With an application for  
12 an inter-track wagering location license there shall be  
13 delivered to the Board a certified check or bank draft  
14 payable to the order of the Board for an amount equal to  
15 \$500. The application shall be on forms prescribed and  
16 furnished by the Board. The application shall comply with  
17 all other rules, regulations and conditions imposed by the  
18 Board in connection therewith.

19 (2) The Board shall examine the applications with  
20 respect to their conformity with this Act and the rules and  
21 regulations imposed by the Board. If found to be in  
22 compliance with the Act and rules and regulations of the  
23 Board, the Board may then issue a license to conduct  
24 inter-track wagering and simulcast wagering to such  
25 applicant. All such applications shall be acted upon by the  
26 Board at a meeting to be held on such date as may be fixed

1 by the Board.

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

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

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

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

26 (7) An inter-track wagering licensee or inter-track



1           wagering location licensee may accept wagers at the track  
2           or location where it is licensed, or as otherwise provided  
3           under this Act.

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

7           (8.1) Inter-track wagering location licensees who  
8           derive their licenses from a particular organization  
9           licensee shall conduct inter-track wagering and simulcast  
10          wagering only at locations that are within 160 ~~140~~ miles of  
11          that race track where the particular organization licensee  
12          is licensed to conduct racing. However, inter-track  
13          wagering and simulcast wagering shall not be conducted by  
14          those licensees at any location within 5 miles of any race  
15          track at which a horse race meeting has been licensed in  
16          the current year, unless the person having operating  
17          control of such race track has given its written consent to  
18          such inter-track wagering location licensees, which  
19          consent must be filed with the Board at or prior to the  
20          time application is made. In the case of any inter-track  
21          wagering location licensee initially licensed after  
22          December 31, 2013, inter-track wagering and simulcast  
23          wagering shall not be conducted by those inter-track  
24          wagering location licensees that are located outside the  
25          City of Chicago at any location within 8 miles of any race  
26          track at which a horse race meeting has been licensed in

1 the current year, unless the person having operating  
2 control of such race track has given its written consent to  
3 such inter-track wagering location licensees, which  
4 consent must be filed with the Board at or prior to the  
5 time application is made.

6 (8.2) Inter-track wagering or simulcast wagering shall  
7 not be conducted by an inter-track wagering location  
8 licensee at any location within 500 feet of an existing  
9 church or existing school, nor within 500 feet of the  
10 residences of more than 50 registered voters without  
11 receiving written permission from a majority of the  
12 registered voters at such residences. Such written  
13 permission statements shall be filed with the Board. The  
14 distance of 500 feet shall be measured to the nearest part  
15 of any building used for worship services, education  
16 programs, residential purposes, or conducting inter-track  
17 wagering by an inter-track wagering location licensee, and  
18 not to property boundaries. However, inter-track wagering  
19 or simulcast wagering may be conducted at a site within 500  
20 feet of a church, school or residences of 50 or more  
21 registered voters if such church, school or residences have  
22 been erected or established, or such voters have been  
23 registered, after the Board issues the original  
24 inter-track wagering location license at the site in  
25 question. Inter-track wagering location licensees may  
26 conduct inter-track wagering and simulcast wagering only

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

14 (9) (Blank).

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

25 (10.1) Except as provided in subsection (g) of Section  
26 27 of this Act, inter-track wagering location licensees

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

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

25 (A) That portion of all moneys wagered on  
26 standardbred racing that is required under this Act to

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

3           (B) That portion of all moneys wagered on  
4           thoroughbred racing that is required under this Act to  
5           be paid to purses shall be paid to purses for  
6           thoroughbred races.

7           (11) (A) After payment of the privilege or pari-mutuel  
8           tax, any other applicable taxes, and the costs and expenses  
9           in connection with the gathering, transmission, and  
10          dissemination of all data necessary to the conduct of  
11          inter-track wagering, the remainder of the monies retained  
12          under either Section 26 or Section 26.2 of this Act by the  
13          inter-track wagering licensee on inter-track wagering  
14          shall be allocated with 50% to be split between the 2  
15          participating licensees and 50% to purses, except that an  
16          intertrack wagering licensee that derives its license from  
17          a track located in a county with a population in excess of  
18          230,000 and that borders the Mississippi River shall not  
19          divide any remaining retention with the Illinois  
20          organization licensee that provides the race or races, and  
21          an intertrack wagering licensee that accepts wagers on  
22          races conducted by an organization licensee that conducts a  
23          race meet in a county with a population in excess of  
24          230,000 and that borders the Mississippi River shall not  
25          divide any remaining retention with that organization  
26          licensee.

1 (B) From the sums permitted to be retained pursuant to  
2 this Act each inter-track wagering location licensee shall  
3 pay (i) the privilege or pari-mutuel tax to the State; (ii)  
4 4.75% of the pari-mutuel handle on intertrack wagering at  
5 such location on races as purses, except that an intertrack  
6 wagering location licensee that derives its license from a  
7 track located in a county with a population in excess of  
8 230,000 and that borders the Mississippi River shall retain  
9 all purse moneys for its own purse account consistent with  
10 distribution set forth in this subsection (h), and  
11 intertrack wagering location licensees that accept wagers  
12 on races conducted by an organization licensee located in a  
13 county with a population in excess of 230,000 and that  
14 borders the Mississippi River shall distribute all purse  
15 moneys to purses at the operating host track; (iii) until  
16 January 1, 2000, except as provided in subsection (g) of  
17 Section 27 of this Act, 1% of the pari-mutuel handle  
18 wagered on inter-track wagering and simulcast wagering at  
19 each inter-track wagering location licensee facility to  
20 the Horse Racing Tax Allocation Fund, provided that, to the  
21 extent the total amount collected and distributed to the  
22 Horse Racing Tax Allocation Fund under this subsection (h)  
23 during any calendar year exceeds the amount collected and  
24 distributed to the Horse Racing Tax Allocation Fund during  
25 calendar year 1994, that excess amount shall be  
26 redistributed (I) to all inter-track wagering location

1 licensees, based on each licensee's pro-rata share of the  
2 total handle from inter-track wagering and simulcast  
3 wagering for all inter-track wagering location licensees  
4 during the calendar year in which this provision is  
5 applicable; then (II) the amounts redistributed to each  
6 inter-track wagering location licensee as described in  
7 subpart (I) shall be further redistributed as provided in  
8 subparagraph (B) of paragraph (5) of subsection (g) of this  
9 Section 26 provided first, that the shares of those  
10 amounts, which are to be redistributed to the host track or  
11 to purses at the host track under subparagraph (B) of  
12 paragraph (5) of subsection (g) of this Section 26 shall be  
13 redistributed based on each host track's pro rata share of  
14 the total inter-track wagering and simulcast wagering  
15 handle at all host tracks during the calendar year in  
16 question, and second, that any amounts redistributed as  
17 described in part (I) to an inter-track wagering location  
18 licensee that accepts wagers on races conducted by an  
19 organization licensee that conducts a race meet in a county  
20 with a population in excess of 230,000 and that borders the  
21 Mississippi River shall be further redistributed as  
22 provided in subparagraphs (D) and (E) of paragraph (7) of  
23 subsection (g) of this Section 26, with the portion of that  
24 further redistribution allocated to purses at that  
25 organization licensee to be divided between standardbred  
26 purses and thoroughbred purses based on the amounts

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



1 races; during the second 12 months, 5.25%; during the third  
2 12 months, 5.75%; during the fourth 12 months, 6.25%; and  
3 during the fifth 12 months and thereafter, 6.75%. The  
4 following amounts shall be retained by the licensee to  
5 satisfy all costs and expenses of conducting its wagering:  
6 during the first 12 months the licensee is in operation,  
7 8.25% of the pari-mutuel handle wagered at the location;  
8 during the second 12 months, 8.25%; during the third 12  
9 months, 7.75%; during the fourth 12 months, 7.25%; and  
10 during the fifth 12 months and thereafter, 6.75%. For  
11 additional intertrack wagering location licensees  
12 authorized under this amendatory Act of 1995, purses for  
13 the first 12 months the licensee is in operation shall be  
14 5.75% of the pari-mutuel wagered at the location, purses  
15 for the second 12 months the licensee is in operation shall  
16 be 6.25%, and purses thereafter shall be 6.75%. For  
17 additional intertrack location licensees authorized under  
18 this amendatory Act of 1995, the licensee shall be allowed  
19 to retain to satisfy all costs and expenses: 7.75% of the  
20 pari-mutuel handle wagered at the location during its first  
21 12 months of operation, 7.25% during its second 12 months  
22 of operation, and 6.75% thereafter.

23 (C) There is hereby created the Horse Racing Tax  
24 Allocation Fund which shall remain in existence until  
25 December 31, 1999. Moneys remaining in the Fund after  
26 December 31, 1999 shall be paid into the General Revenue

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

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

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

23           Four-sevenths to park districts or municipalities  
24 that do not have a park district of 500,000 population  
25 or less for museum purposes (if an inter-track wagering  
26 location licensee is located in such a park district)

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

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

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

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

24                 Two-sevenths to the Department of Agriculture.  
25          Fifty percent of this two-sevenths shall be used to  
26          promote the Illinois horse racing and breeding

1 industry, and shall be distributed by the Department of  
2 Agriculture upon the advice of a 9-member committee  
3 appointed by the Governor consisting of the following  
4 members: the Director of Agriculture, who shall serve  
5 as chairman; 2 representatives of organization  
6 licensees conducting thoroughbred race meetings in  
7 this State, recommended by those licensees; 2  
8 representatives of organization licensees conducting  
9 standardbred race meetings in this State, recommended  
10 by those licensees; a representative of the Illinois  
11 Thoroughbred Breeders and Owners Foundation,  
12 recommended by that Foundation; a representative of  
13 the Illinois Standardbred Owners and Breeders  
14 Association, recommended by that Association; a  
15 representative of the Horsemen's Benevolent and  
16 Protective Association or any successor organization  
17 thereto established in Illinois comprised of the  
18 largest number of owners and trainers, recommended by  
19 that Association or that successor organization; and a  
20 representative of the Illinois Harness Horsemen's  
21 Association, recommended by that Association.  
22 Committee members shall serve for terms of 2 years,  
23 commencing January 1 of each even-numbered year. If a  
24 representative of any of the above-named entities has  
25 not been recommended by January 1 of any even-numbered  
26 year, the Governor shall appoint a committee member to

1 fill that position. Committee members shall receive no  
2 compensation for their services as members but shall be  
3 reimbursed for all actual and necessary expenses and  
4 disbursements incurred in the performance of their  
5 official duties. The remaining 50% of this  
6 two-sevenths shall be distributed to county fairs for  
7 premiums and rehabilitation as set forth in the  
8 Agricultural Fair Act;

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

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

24 (D) Except as provided in paragraph (11) of this  
25 subsection (h), with respect to purse allocation from  
26 intertrack wagering, the monies so retained shall be

1           divided as follows:

2                   (i) If the inter-track wagering licensee,  
3                   except an intertrack wagering licensee that  
4                   derives its license from an organization licensee  
5                   located in a county with a population in excess of  
6                   230,000 and bounded by the Mississippi River, is  
7                   not conducting its own race meeting during the same  
8                   dates, then the entire purse allocation shall be to  
9                   purses at the track where the races wagered on are  
10                  being conducted.

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

22                  (iii) If the inter-track wagering is being  
23                  conducted by an inter-track wagering location  
24                  licensee, except an intertrack wagering location  
25                  licensee that derives its license from an  
26                  organization licensee located in a county with a



1           population in excess of 230,000 and bounded by the  
2           Mississippi River, the entire purse allocation for  
3           Illinois races shall be to purses at the track  
4           where the race meeting being wagered on is being  
5           held.

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

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

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

26           (C) The Board, and any person or persons to whom it

1 delegates this power, may eject or exclude from any  
2 licensee's facilities, any person whose conduct or  
3 reputation is such that his presence on such premises  
4 may, in the opinion of the Board, call into the  
5 question the honesty and integrity of, or interfere  
6 with the orderly conduct of such wagering; provided,  
7 however, that no person shall be excluded or ejected  
8 from such premises solely on the grounds of race,  
9 color, creed, national origin, ancestry, or sex.

10 (D) (Blank).

11 (E) The Board is vested with the power to appoint  
12 delegates to execute any of the powers granted to it  
13 under this Section for the purpose of administering  
14 this wagering and any rules and regulations  
15 promulgated in accordance with this Act.

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

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

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

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

1 meetings conducted by the Department of Agriculture at the  
2 Illinois State Fair in Sangamon County or the DuQuoin State  
3 Fair in Perry County, or to any wagering conducted on those  
4 race meetings.

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

9 (Source: P.A. 97-1060, eff. 8-24-12; 98-18, eff. 6-7-13;  
10 98-624, eff. 1-29-14; 98-968, eff. 8-15-14.)

11 Section 10. The Video Gaming Act is amended by changing  
12 Sections 5 and 25 as follows:

13 (230 ILCS 40/5)

14 Sec. 5. Definitions. As used in this Act:

15 "Board" means the Illinois Gaming Board.

16 "Credit" means one, 5, 10, or 25 cents either won or  
17 purchased by a player.

18 "Distributor" means an individual, partnership,  
19 corporation, or limited liability company licensed under this  
20 Act to buy, sell, lease, or distribute video gaming terminals  
21 or major components or parts of video gaming terminals to or  
22 from terminal operators.

23 "Electronic card" means a card purchased from a licensed  
24 establishment, licensed fraternal establishment, licensed

1 veterans establishment, or licensed truck stop establishment  
2 for use in that establishment as a substitute for cash in the  
3 conduct of gaming on a video gaming terminal.

4 "Electronic voucher" means a voucher printed by an  
5 electronic video game machine that is redeemable in the  
6 licensed establishment for which it was issued.

7 "Terminal operator" means an individual, partnership,  
8 corporation, or limited liability company that is licensed  
9 under this Act and that owns, services, and maintains video  
10 gaming terminals for placement in licensed establishments,  
11 licensed truck stop establishments, licensed fraternal  
12 establishments, or licensed veterans establishments.

13 "Licensed technician" means an individual who is licensed  
14 under this Act to repair, service, and maintain video gaming  
15 terminals.

16 "Licensed terminal handler" means a person, including but  
17 not limited to an employee or independent contractor working  
18 for a manufacturer, distributor, supplier, technician, or  
19 terminal operator, who is licensed under this Act to possess or  
20 control a video gaming terminal or to have access to the inner  
21 workings of a video gaming terminal. A licensed terminal  
22 handler does not include an individual, partnership,  
23 corporation, or limited liability company defined as a  
24 manufacturer, distributor, supplier, technician, or terminal  
25 operator under this Act.

26 "Manufacturer" means an individual, partnership,

1 corporation, or limited liability company that is licensed  
2 under this Act and that manufactures or assembles video gaming  
3 terminals.

4 "Supplier" means an individual, partnership, corporation,  
5 or limited liability company that is licensed under this Act to  
6 supply major components or parts to video gaming terminals to  
7 licensed terminal operators.

8 "Net terminal income" means money put into a video gaming  
9 terminal minus credits paid out to players.

10 "Video gaming terminal" means any electronic video game  
11 machine that, upon insertion of cash, electronic cards or  
12 vouchers, or any combination thereof, is available to play or  
13 simulate the play of a video game, including but not limited to  
14 video poker, line up, and blackjack, as authorized by the Board  
15 utilizing a video display and microprocessors in which the  
16 player may receive free games or credits that can be redeemed  
17 for cash. The term does not include a machine that directly  
18 dispenses coins, cash, or tokens or is for amusement purposes  
19 only.

20 "Licensed establishment" means any licensed retail  
21 establishment where alcoholic liquor is drawn, poured, mixed,  
22 or otherwise served for consumption on the premises, whether  
23 the establishment operates on a nonprofit or for-profit basis.

24 ~~"Licensed establishment" includes any such establishment that~~  
25 ~~has a contractual relationship with an inter track wagering~~  
26 ~~location licensee licensed under the Illinois Horse Racing Act~~

1 ~~of 1975, provided any contractual relationship shall not~~  
2 ~~include any transfer or offer of revenue from the operation of~~  
3 ~~video gaming under this Act to any licensee licensed under the~~  
4 ~~Illinois Horse Racing Act of 1975. Provided, however, that the~~  
5 ~~licensed establishment that has such a contractual~~  
6 ~~relationship with an inter track wagering location licensee~~  
7 ~~may not, itself, be (i) an inter track wagering location~~  
8 ~~licensee, (ii) the corporate parent or subsidiary of any~~  
9 ~~licensee licensed under the Illinois Horse Racing Act of 1975,~~  
10 ~~or (iii) the corporate subsidiary of a corporation that is also~~  
11 ~~the corporate parent or subsidiary of any licensee licensed~~  
12 ~~under the Illinois Horse Racing Act of 1975. "Licensed~~  
13 ~~establishment" does not include a facility operated by an~~  
14 ~~organization licensee or an inter-track wagering licensee, ~~or~~~~  
15 ~~an inter track wagering location licensee licensed under the~~  
16 ~~Illinois Horse Racing Act of 1975 or a riverboat licensed under~~  
17 ~~the Riverboat Gambling Act, except as provided in this~~  
18 ~~paragraph. The changes made to this definition by Public Act~~  
19 ~~98-587 are declarative of existing law.~~

20 "Licensed fraternal establishment" means the location  
21 where a qualified fraternal organization that derives its  
22 charter from a national fraternal organization regularly  
23 meets.

24 "Licensed veterans establishment" means the location where  
25 a qualified veterans organization that derives its charter from  
26 a national veterans organization regularly meets.

1 "Licensed truck stop establishment" means a facility (i)  
2 that is at least a 3-acre facility with a convenience store,  
3 (ii) with separate diesel islands for fueling commercial motor  
4 vehicles, (iii) that sells at retail more than 10,000 gallons  
5 of diesel or biodiesel fuel per month, and (iv) with parking  
6 spaces for commercial motor vehicles. "Commercial motor  
7 vehicles" has the same meaning as defined in Section 18b-101 of  
8 the Illinois Vehicle Code. The requirement of item (iii) of  
9 this paragraph may be met by showing that estimated future  
10 sales or past sales average at least 10,000 gallons per month.

11 (Source: P.A. 97-333, eff. 8-12-11; 98-31, eff. 6-24-13;  
12 98-582, eff. 8-27-13; 98-587, eff. 8-27-13; 98-756, eff.  
13 7-16-14.)

14 (230 ILCS 40/25)

15 Sec. 25. Restriction of licensees.

16 (a) Manufacturer. A person may not be licensed as a  
17 manufacturer of a video gaming terminal in Illinois unless the  
18 person has a valid manufacturer's license issued under this  
19 Act. A manufacturer may only sell video gaming terminals for  
20 use in Illinois to persons having a valid distributor's  
21 license.

22 (b) Distributor. A person may not sell, distribute, or  
23 lease or market a video gaming terminal in Illinois unless the  
24 person has a valid distributor's license issued under this Act.  
25 A distributor may only sell video gaming terminals for use in



1 Illinois to persons having a valid distributor's or terminal  
2 operator's license.

3 (c) Terminal operator. A person may not own, maintain, or  
4 place a video gaming terminal unless he has a valid terminal  
5 operator's license issued under this Act. A terminal operator  
6 may only place video gaming terminals for use in Illinois in  
7 licensed establishments, licensed truck stop establishments,  
8 licensed fraternal establishments, and licensed veterans  
9 establishments. No terminal operator may give anything of  
10 value, including but not limited to a loan or financing  
11 arrangement, to a licensed establishment, licensed truck stop  
12 establishment, licensed fraternal establishment, or licensed  
13 veterans establishment as any incentive or inducement to locate  
14 video terminals in that establishment. Of the after-tax profits  
15 from a video gaming terminal, 50% shall be paid to the terminal  
16 operator and 50% shall be paid to the licensed establishment,  
17 licensed truck stop establishment, licensed fraternal  
18 establishment, or licensed veterans establishment,  
19 notwithstanding any agreement to the contrary. A video terminal  
20 operator that violates one or more requirements of this  
21 subsection is guilty of a Class 4 felony and is subject to  
22 termination of his or her license by the Board.

23 (d) Licensed technician. A person may not service,  
24 maintain, or repair a video gaming terminal in this State  
25 unless he or she (1) has a valid technician's license issued  
26 under this Act, (2) is a terminal operator, or (3) is employed

1 by a terminal operator, distributor, or manufacturer.

2 (d-5) Licensed terminal handler. No person, including, but  
3 not limited to, an employee or independent contractor working  
4 for a manufacturer, distributor, supplier, technician, or  
5 terminal operator licensed pursuant to this Act, shall have  
6 possession or control of a video gaming terminal, or access to  
7 the inner workings of a video gaming terminal, unless that  
8 person possesses a valid terminal handler's license issued  
9 under this Act.

10 (e) Licensed establishment. No video gaming terminal may be  
11 placed in any licensed establishment, licensed veterans  
12 establishment, licensed truck stop establishment, or licensed  
13 fraternal establishment unless the owner or agent of the owner  
14 of the licensed establishment, licensed veterans  
15 establishment, licensed truck stop establishment, or licensed  
16 fraternal establishment has entered into a written use  
17 agreement with the terminal operator for placement of the  
18 terminals. A copy of the use agreement shall be on file in the  
19 terminal operator's place of business and available for  
20 inspection by individuals authorized by the Board. A licensed  
21 establishment, licensed truck stop establishment, licensed  
22 veterans establishment, or licensed fraternal establishment  
23 may operate up to 5 video gaming terminals on its premises at  
24 any time.

25 (f) (Blank).

26 (g) Financial interest restrictions. As used in this Act,

1 "substantial interest" in a partnership, a corporation, an  
2 organization, an association, a business, or a limited  
3 liability company means:

4 (A) When, with respect to a sole proprietorship, an  
5 individual or his or her spouse owns, operates, manages, or  
6 conducts, directly or indirectly, the organization,  
7 association, or business, or any part thereof; or

8 (B) When, with respect to a partnership, the individual  
9 or his or her spouse shares in any of the profits, or  
10 potential profits, of the partnership activities; or

11 (C) When, with respect to a corporation, an individual  
12 or his or her spouse is an officer or director, or the  
13 individual or his or her spouse is a holder, directly or  
14 beneficially, of 5% or more of any class of stock of the  
15 corporation; or

16 (D) When, with respect to an organization not covered  
17 in (A), (B) or (C) above, an individual or his or her  
18 spouse is an officer or manages the business affairs, or  
19 the individual or his or her spouse is the owner of or  
20 otherwise controls 10% or more of the assets of the  
21 organization; or

22 (E) When an individual or his or her spouse furnishes  
23 5% or more of the capital, whether in cash, goods, or  
24 services, for the operation of any business, association,  
25 or organization during any calendar year; or

26 (F) When, with respect to a limited liability company,

1 an individual or his or her spouse is a member, or the  
2 individual or his or her spouse is a holder, directly or  
3 beneficially, of 5% or more of the membership interest of  
4 the limited liability company.

5 For purposes of this subsection (g), "individual" includes  
6 all individuals or their spouses whose combined interest would  
7 qualify as a substantial interest under this subsection (g) and  
8 whose activities with respect to an organization, association,  
9 or business are so closely aligned or coordinated as to  
10 constitute the activities of a single entity.

11 (h) Location restriction. A licensed establishment,  
12 licensed truck stop establishment, licensed fraternal  
13 establishment, or licensed veterans establishment that is (i)  
14 located within 1,000 feet of ~~a facility operated by an~~  
15 ~~organization licensee licensed under the Illinois Horse Racing~~  
16 ~~Act of 1975~~ or the home dock of a riverboat licensed under the  
17 Riverboat Gambling Act or (ii) located within 100 feet of a  
18 school or a place of worship under the Religious Corporation  
19 Act, is ineligible to operate a video gaming terminal. The  
20 location restrictions in this subsection (h) do not apply if  
21 (A) ~~a facility operated by an organization licensee,~~ a school,  
22 or a place of worship moves to or is established within the  
23 restricted area after a licensed establishment, licensed truck  
24 stop establishment, licensed fraternal establishment, or  
25 licensed veterans establishment becomes licensed under this  
26 Act or (B) a school or place of worship moves to or is

1 established within the restricted area after a licensed  
2 establishment, licensed truck stop establishment, licensed  
3 fraternal establishment, or licensed veterans establishment  
4 obtains its original liquor license. For the purpose of this  
5 subsection, "school" means an elementary or secondary public  
6 school, or an elementary or secondary private school registered  
7 with or recognized by the State Board of Education.

8 Notwithstanding the provisions of this subsection (h), the  
9 Board may waive the requirement that a licensed establishment,  
10 licensed truck stop establishment, licensed fraternal  
11 establishment, or licensed veterans establishment not be  
12 located within 1,000 feet from ~~a facility operated by an~~  
13 ~~organization licensee licensed under the Illinois Horse Racing~~  
14 ~~Act of 1975 or~~ the home dock of a riverboat licensed under the  
15 Riverboat Gambling Act. The Board shall not grant such waiver  
16 if there is any common ownership or control, shared business  
17 activity, or contractual arrangement of any type between the  
18 establishment and the ~~organization licensee or~~ owners licensee  
19 of a riverboat. The Board shall adopt rules to implement the  
20 provisions of this paragraph.

21 (i) Undue economic concentration. In addition to  
22 considering all other requirements under this Act, in deciding  
23 whether to approve the operation of video gaming terminals by a  
24 terminal operator in a location, the Board shall consider the  
25 impact of any economic concentration of such operation of video  
26 gaming terminals. The Board shall not allow a terminal operator

1 to operate video gaming terminals if the Board determines such  
2 operation will result in undue economic concentration. For  
3 purposes of this Section, "undue economic concentration" means  
4 that a terminal operator would have such actual or potential  
5 influence over video gaming terminals in Illinois as to:

6 (1) substantially impede or suppress competition among  
7 terminal operators;

8 (2) adversely impact the economic stability of the  
9 video gaming industry in Illinois; or

10 (3) negatively impact the purposes of the Video Gaming  
11 Act.

12 The Board shall adopt rules concerning undue economic  
13 concentration with respect to the operation of video gaming  
14 terminals in Illinois. The rules shall include, but not be  
15 limited to, (i) limitations on the number of video gaming  
16 terminals operated by any terminal operator within a defined  
17 geographic radius and (ii) guidelines on the discontinuation of  
18 operation of any such video gaming terminals the Board  
19 determines will cause undue economic concentration.

20 (j) The provisions of the Illinois Antitrust Act are fully  
21 and equally applicable to the activities of any licensee under  
22 this Act.

23 (Source: P.A. 97-333, eff. 8-12-11; 98-31, eff. 6-24-13; 98-77,  
24 eff. 7-15-13; 98-112, eff. 7-26-13; 98-756, eff. 7-16-14.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".