

1 AMENDMENT TO HOUSE BILL 1069

2 AMENDMENT NO. _____. Amend House Bill 1069 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
9 pari-mutuel system of wagering, as defined in Section 3.12 of
10 this Act, on horse races conducted by an Illinois
11 organization licensee or conducted at a racetrack located in
12 another state or country and televised in Illinois in
13 accordance with subsection (g) of Section 26 of this Act.
14 Subject to the prior consent of the Board, licensees may
15 supplement any pari-mutuel pool in order to guarantee a
16 minimum distribution. Such pari-mutuel method of wagering
17 shall not, under any circumstances if conducted under the
18 provisions of this Act, be held or construed to be unlawful,
19 other statutes of this State to the contrary notwithstanding.
20 Subject to rules for advance wagering promulgated by the
21 Board, any licensee may accept wagers in advance of the day
22 of the race wagered upon occurs.

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

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

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

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

1 (d) A pari-mutuel ticket shall be honored until December
2 31 of the next calendar year, and the licensee shall pay the
3 same 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,
8 jockey, driver, or employee thereof, to be admitted during a
9 racing program unless accompanied by a parent or guardian, or
10 any minor to be a patron of the pari-mutuel system of
11 wagering conducted or supervised by it. The admission of any
12 unaccompanied minor, other than an employee of the licensee
13 or an owner, trainer, jockey, driver, or employee thereof at
14 a 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
18 another state or country to accept wagers solely within such
19 other state or country on races conducted by the organization
20 licensee in this State. Beginning January 1, 2000, these
21 wagers shall not be subject to State taxation. Until January
22 1, 2000, when the out-of-State entity conducts a pari-mutuel
23 pool separate from the organization licensee, a privilege tax
24 equal to 7 1/2% of all monies received by the organization
25 licensee from entities in other states or countries pursuant
26 to such contracts is imposed on the organization licensee,
27 and such privilege tax shall be remitted to the Department of
28 Revenue within 48 hours of receipt of the moneys from the
29 simulcast. When the out-of-State entity conducts a combined
30 pari-mutuel pool with the organization licensee, the tax
31 shall be 10% of all monies received by the organization
32 licensee with 25% of the receipts from this 10% tax to be
33 distributed to the county in which the race was conducted.

34 An organization licensee may permit one or more of its

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

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

32 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an
33 intertrack wagering licensee other than the host track
34 may supplement the host track simulcast program with

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (7.1) Notwithstanding any other provision of this
18 Act to the contrary, if no standardbred racing is
19 conducted at a racetrack located in Madison County during
20 any calendar year beginning on or after January 1, 2002,
21 all moneys derived by that racetrack from simulcast
22 wagering and inter-track wagering that (1) are to be used
23 for purses and (2) are generated between the hours of
24 6:30 p.m. and 6:30 a.m. during that calendar year shall
25 be paid as follows:

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

31 (B) Twenty percent shall be deposited into the
32 Illinois Colt Stakes Purse Distribution Fund and
33 shall be paid to purses for standardbred races for
34 Illinois conceived and foaled horses conducted at

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

12 (7.2) Notwithstanding any other provision of this
13 Act to the contrary, if no thoroughbred racing is
14 conducted at a racetrack located in Madison County during
15 any calendar year beginning on or after January 1, 2002,
16 all moneys derived by that racetrack from simulcast
17 wagering and inter-track wagering that (1) are to be used
18 for purses and (2) are generated between the hours of
19 6:30 a.m. and 6:30 p.m. during that calendar year shall
20 deposited be as follows:

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

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

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

10 (7.3) If no live standardbred racing is conducted
11 at a racetrack located in Madison County in calendar year
12 2000 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
19 thoroughbred purse account to be used for
20 thoroughbred purses; and

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

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

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

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

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

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

26 (8.1) Notwithstanding any provisions in this Act to
27 the contrary, if 2 organization licensees are conducting
28 standardbred race meetings concurrently between the hours
29 of 6:30 p.m. and 6:30 a.m., after payment of all
30 applicable State and local taxes and interstate
31 commission fees, the remainder of the amount retained
32 from simulcast wagering otherwise attributable to the
33 host track and to host track purses shall be split daily
34 between the 2 organization licensees and the purses at

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

8 (9) (Blank).

9 (10) (Blank).

10 (11) (Blank).

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

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

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

30 (h) The Board may approve and license the conduct of
31 inter-track wagering and simulcast wagering by inter-track
32 wagering licensees and inter-track wagering location
33 licensees subject to the following terms and conditions:

34 (1) Any person licensed to conduct a race meeting

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
4 average of 30 or more days of racing were conducted
5 annually or at a track located in a county that is
6 bounded by the Mississippi River, which has a population
7 of less than 150,000 according to the 1990 decennial
8 census, and an average of at least 60 days of racing per
9 year between 1985 and 1993 may be issued an inter-track
10 wagering license. Any such person having operating
11 control of the racing facility may also receive up to 6
12 inter-track wagering location licenses. In no event shall
13 more than 6 inter-track wagering locations be established
14 for each eligible race track, except that an eligible
15 race track located in a county that has a population of
16 more than 230,000 and that is bounded by the Mississippi
17 River may establish up to 7 inter-track wagering
18 locations. An application for said license shall be filed
19 with the Board prior to such dates as may be fixed by the
20 Board. With an application for an inter-track wagering
21 location license there shall be delivered to the Board a
22 certified check or bank draft payable to the order of the
23 Board for an amount equal to \$500. The application shall
24 be on forms prescribed and furnished by the Board. The
25 application shall comply with all other rules,
26 regulations and conditions imposed by the Board in
27 connection therewith.

28 (1.5) In addition to any other requirement imposed
29 pursuant to this Act, the Board shall award to an
30 organization licensee located in Madison County, no less
31 than the requisite number of days necessary to conduct
32 100 days of live racing. In order for an organization
33 licensee located in Madison County to receive an
34 inter-track wagering license or an inter-track wagering

1 location license, the organization licensee must conduct
2 at least 100 days of live racing.

3 In the case of extraordinary circumstances and in
4 the best interests of the public and the sport of horse
5 racing, however, the Board may permit an organization
6 licensee located in Madison County to conduct fewer than
7 100 days of live racing and retain its inter-track
8 wagering license, inter-track wagering location license,
9 or both, when approved by a two-thirds vote of the
10 appointed Board members.

11 (2) The Board shall examine the applications with
12 respect to their conformity with this Act and the rules
13 and 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
18 the Board at a meeting to be held on such date as may be
19 fixed 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
23 horse 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
26 applicant shall file with the Board a bond payable to the
27 State of Illinois in the sum of \$50,000, executed by the
28 applicant and a surety company or companies authorized to
29 do business in this State, and conditioned upon (i) the
30 payment by the licensee of all taxes due under Section 27
31 or 27.1 and any other monies due and payable under this
32 Act, and (ii) distribution by the licensee, upon
33 presentation of the winning ticket or tickets, of all
34 sums payable to the patrons of pari-mutuel pools.

1 (5) Each license to conduct inter-track wagering
2 and simulcast wagering shall specify the person to whom
3 it is issued, the dates on which such wagering is
4 permitted, and the track or location where the wagering
5 is to be conducted.

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

11 (7) An inter-track wagering licensee or inter-track
12 wagering location licensee may accept wagers at the track
13 or location where it is licensed, or as otherwise
14 provided under this Act.

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

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

1 or prior to the time application is made.

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

1 licenses the original inter-track wagering location
2 licensee for the site in question.

3 (9) (Blank).

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

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

24 (10.2) Notwithstanding any other provision of this
25 Act, with respect to intertrack wagering at a race track
26 located in a county that has a population of more than
27 230,000 and that is bounded by the Mississippi River
28 ("the first race track"), or at a facility operated by an
29 inter-track wagering licensee or inter-track wagering
30 location licensee that derives its license from the
31 organization licensee that operates the first race track,
32 on races conducted at the first race track or on races
33 conducted at another Illinois race track and
34 simultaneously televised to the first race track or to a

1 facility operated by an inter-track wagering licensee or
2 inter-track wagering location licensee that derives its
3 license from the organization licensee that operates the
4 first race track, those moneys shall be allocated as
5 follows:

6 (A) That portion of all moneys wagered on
7 standardbred racing that is required under this Act
8 to be paid to purses shall be paid to purses for
9 standardbred races.

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

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

34 (B) From the sums permitted to be retained pursuant

1 to this Act each inter-track wagering location licensee
2 shall pay (i) the privilege or pari-mutuel tax to the
3 State; (ii) 4.75% of the pari-mutuel handle on intertrack
4 wagering at such location on races as purses, except that
5 an intertrack wagering location licensee that derives its
6 license from a track located in a county with a
7 population in excess of 230,000 and that borders the
8 Mississippi River shall retain all purse moneys for its
9 own purse account consistent with distribution set forth
10 in this subsection (h), and intertrack wagering location
11 licensees that accept wagers on races conducted by an
12 organization licensee located in a county with a
13 population in excess of 230,000 and that borders the
14 Mississippi River shall distribute all purse moneys to
15 purses at the operating host track; (iii) until January
16 1, 2000, except as provided in subsection (g) of Section
17 27 of this Act, 1% of the pari-mutuel handle wagered on
18 inter-track wagering and simulcast wagering at each
19 inter-track wagering location licensee facility to the
20 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
23 (h) during any calendar year exceeds the amount collected
24 and distributed to the Horse Racing Tax Allocation Fund
25 during calendar year 1994, that excess amount shall be
26 redistributed (I) to all inter-track wagering location
27 licensees, based on each licensee's pro-rata share of the
28 total handle from inter-track wagering and simulcast
29 wagering for all inter-track wagering location licensees
30 during the calendar year in which this provision is
31 applicable; then (II) the amounts redistributed to each
32 inter-track wagering location licensee as described in
33 subpart (I) shall be further redistributed as provided in
34 subparagraph (B) of paragraph (5) of subsection (g) of

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

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

1 operation, and 6.75% thereafter.

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

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

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

21 Four-sevenths to park districts or
22 municipalities that do not have a park district of
23 500,000 population or less for museum purposes (if
24 an inter-track wagering location licensee is located
25 in such a park district) or to conservation
26 districts for museum purposes (if an inter-track
27 wagering location licensee is located in a
28 municipality that is not included within any park
29 district but is included within a conservation
30 district and is the county seat of a county that (i)
31 is contiguous to the state of Indiana and (ii) has a
32 1990 population of 88,257 according to the United
33 States Bureau of the Census, except that if the
34 conservation district does not maintain a museum,

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

33 One-seventh to the Agricultural Premium Fund to
34 be used for distribution to agricultural home

1 economics extension councils in accordance with "An
2 Act in relation to additional support and finances
3 for the Agricultural and Home Economic Extension
4 Councils in the several counties of this State and
5 making an appropriation therefor", approved July 24,
6 1967.

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

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

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

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

22 One-seventh to the Agricultural Premium Fund to
23 be used for distribution to agricultural home
24 economics extension councils in accordance with "An
25 Act in relation to additional support and finances
26 for the Agricultural and Home Economic Extension
27 Councils in the several counties of this State and
28 making an appropriation therefor", approved July 24,
29 1967. This subparagraph (C) shall be inoperative and
30 of no force and effect on and after January 1, 2000.

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

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

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

23 (iii) If the inter-track wagering is
24 being conducted by an inter-track wagering
25 location licensee, except an intertrack
26 wagering location licensee that derives its
27 license from an organization licensee located
28 in a county with a population in excess of
29 230,000 and bounded by the Mississippi River,
30 the entire purse allocation for Illinois races
31 shall be to purses at the track where the race
32 meeting being wagered on is being held.

33 (12) The Board shall have all powers necessary and
34 proper to fully supervise and control the conduct of

1 inter-track wagering and simulcast wagering by
2 inter-track wagering licensees and inter-track wagering
3 location licensees, including, but not limited to the
4 following:

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

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

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

32 (D) (Blank).

33 (E) The Board is vested with the power to
34 appoint delegates to execute any of the powers

1 granted to it under this Section for the purpose of
2 administering this wagering and any rules and
3 regulations promulgated in accordance with this Act.

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

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

20 (13) The Department of Agriculture may enter into
21 agreements with licensees authorizing such licensees to
22 conduct inter-track wagering on races to be held at the
23 licensed race meetings conducted by the Department of
24 Agriculture. Such agreement shall specify the races of
25 the Department of Agriculture's licensed race meeting
26 upon which the licensees will conduct wagering. In the
27 event that a licensee conducts inter-track pari-mutuel
28 wagering on races from the Illinois State Fair or DuQuoin
29 State Fair which are in addition to the licensee's
30 previously approved racing program, those races shall be
31 considered a separate racing day for the purpose of
32 determining the daily handle and computing the privilege
33 or pari-mutuel tax on that daily handle as provided in
34 Sections 27 and 27.1. Such agreements shall be approved

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

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

16 (Source: P.A. 91-40, eff. 6-25-99.)

17 Section 90. Severability. The provisions of this Act are
18 severable under Section 1.31 of the Statute on Statutes.

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