

1 AN ACT in relation to gambling.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Horse Racing Act is amended by
5 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.

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

29 (b-5) An individual may place a wager under the
30 pari-mutuel system from any licensed location authorized
31 under this Act provided that wager is electronically recorded

1 in the manner described in Section 3.12 of this Act. Any
2 wager made electronically by an individual while physically
3 on the premises of a licensee shall be deemed to have been
4 made at the premises of that licensee.

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

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

26 (d) A pari-mutuel ticket shall be honored until December
27 31 of the next calendar year, and the licensee shall pay the
28 same and may charge the amount thereof against unpaid money
29 similarly accumulated on account of pari-mutuel tickets not
30 presented for payment.

31 (e) No licensee shall knowingly permit any minor, other
32 than an employee of such licensee or an owner, trainer,
33 jockey, driver, or employee thereof, to be admitted during a
34 racing program unless accompanied by a parent or guardian, or

1 any minor to be a patron of the pari-mutuel system of
2 wagering conducted or supervised by it. The admission of any
3 unaccompanied minor, other than an employee of the licensee
4 or an owner, trainer, jockey, driver, or employee thereof at
5 a race track is a Class C misdemeanor. No person who is not
6 at least 21 years of age shall make any wager under the
7 pari-mutuel system of wagering conducted or supervised by the
8 licensee. The placing of a wager by a person who is not at
9 least 21 years of age in violation of this subsection (e) is
10 a Class C misdemeanor.

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

30 An organization licensee may permit one or more of its
31 races to be utilized for pari-mutuel wagering at one or more
32 locations in other states and may transmit audio and visual
33 signals of races the organization licensee conducts to one or
34 more locations outside the State or country and may also

1 permit pari-mutuel pools in other states or countries to be
2 combined with its gross or net wagering pools or with
3 wagering pools established by other states.

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

28 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an
29 intertrack wagering licensee other than the host track
30 may supplement the host track simulcast program with
31 additional simulcast races or race programs, provided
32 that between January 1 and the third Friday in February
33 of any year, inclusive, if no live thoroughbred racing is
34 occurring in Illinois during this period, only

1 thoroughbred races may be used for supplemental
2 interstate simulcast purposes. The Board shall withhold
3 approval for a supplemental interstate simulcast only if
4 it finds that the simulcast is clearly adverse to the
5 integrity of racing. A supplemental interstate simulcast
6 may be transmitted from an intertrack wagering licensee
7 to its affiliated non-host licensees. The interstate
8 commission fee for a supplemental interstate simulcast
9 shall be paid by the non-host licensee and its affiliated
10 non-host licensees receiving the simulcast.

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

22 (3) Each licensee conducting interstate simulcast
23 wagering may retain, subject to the payment of all
24 applicable taxes and the purses, an amount not to exceed
25 17% of all money wagered. If any licensee conducts the
26 pari-mutuel system wagering on races conducted at
27 racetracks in another state or country, each such race or
28 race program shall be considered a separate racing day
29 for the purpose of determining the daily handle and
30 computing the privilege tax of that daily handle as
31 provided in subsection (a) of Section 27. Until January
32 1, 2000, from the sums permitted to be retained pursuant
33 to this subsection, each intertrack wagering location
34 licensee shall pay 1% of the pari-mutuel handle wagered

1 on simulcast wagering to the Horse Racing Tax Allocation
2 Fund, subject to the provisions of subparagraph (B) of
3 paragraph (11) of subsection (h) of Section 26 of this
4 Act.

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

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

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

28 (B) For wagers placed on interstate simulcast
29 races, supplemental simulcasts as defined in
30 subparagraphs (1) and (2), and separately pooled
31 races conducted outside of the State of Illinois
32 made at a non-host licensee, 25% to the host track,
33 25% to the non-host licensee, and 50% to the purses
34 at the host track.

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

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

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

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

31 (C) Between January 1 and the third Friday in
32 February, inclusive, if live thoroughbred racing is
33 occurring in Illinois, between 6:30 a.m. and 6:30
34 p.m. the purse share from wagers made during this

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

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

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

13 (7.1) Notwithstanding any other provision of this
14 Act to the contrary, if no standardbred racing is
15 conducted at a racetrack located in Madison County during
16 any calendar year beginning on or after January 1, 2002,
17 all moneys derived by that racetrack from simulcast
18 wagering and inter-track wagering that (1) are to be used
19 for purses and (2) are generated between the hours of
20 6:30 p.m. and 6:30 a.m. during that calendar year shall
21 be paid as follows:

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

27 (B) Twenty percent shall be deposited into the
28 Illinois Colt Stakes Purse Distribution Fund and
29 shall be paid to purses for standardbred races for
30 Illinois conceived and foaled horses conducted at
31 any county fairgrounds. The moneys deposited into
32 the Fund pursuant to this subparagraph (B) shall be
33 deposited within 2 weeks after the day they were
34 generated, shall be in addition to and not in lieu

1 of any other moneys paid to standardbred purses
2 under this Act, and shall not be commingled with
3 other moneys paid into that Fund. The moneys
4 deposited pursuant to this subparagraph (B) shall be
5 allocated as provided by the Department of
6 Agriculture, with the advice and assistance of the
7 Illinois Standardbred Breeders Fund Advisory Board.

8 (7.2) Notwithstanding any other provision of this
9 Act to the contrary, if no thoroughbred racing is
10 conducted at a racetrack located in Madison County during
11 any calendar year beginning on or after January 1, 2002,
12 all moneys derived by that racetrack from simulcast
13 wagering and inter-track wagering that (1) are to be used
14 for purses and (2) are generated between the hours of
15 6:30 a.m. and 6:30 p.m. during that calendar year shall
16 be deposited as follows:

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

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

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

6 (7.3) If no live standardbred racing is conducted
7 at a racetrack located in Madison County in calendar year
8 2000 or 2001, an organization licensee who is licensed to
9 conduct horse racing at that racetrack shall, before
10 January 1, 2002, pay all moneys derived from simulcast
11 wagering and inter-track wagering in calendar years 2000
12 and 2001 and paid into the licensee's standardbred purse
13 account as follows:

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

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

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

24 Moneys paid into the Illinois Colt Stakes Purse
25 Distribution Fund pursuant to this paragraph (7.3) shall
26 be paid to purses for standardbred races for Illinois
27 conceived and foaled horses conducted at any county
28 fairgrounds. Moneys paid into the Illinois Colt Stakes
29 Purse Distribution Fund pursuant to this paragraph (7.3)
30 shall be used as determined by the Department of
31 Agriculture, with the advice and assistance of the
32 Illinois Standardbred Breeders Fund Advisory Board, shall
33 be in addition to and not in lieu of any other moneys
34 paid to standardbred purses under this Act, and shall not

1 be commingled with any other moneys paid into that Fund.

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

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

22 (8.1) Notwithstanding any provisions in this Act to
23 the contrary, if 2 organization licensees are conducting
24 standardbred race meetings concurrently between the hours
25 of 6:30 p.m. and 6:30 a.m., after payment of all
26 applicable State and local taxes and interstate
27 commission fees, the remainder of the amount retained
28 from simulcast wagering otherwise attributable to the
29 host track and to host track purses shall be split daily
30 between the 2 organization licensees and the purses at
31 the tracks of the 2 organization licensees, respectively,
32 based on each organization licensee's share of the total
33 live handle for that day, provided that this provision
34 shall not apply to any non-host licensee that derives its

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

4 (9) (Blank).

5 (10) (Blank).

6 (11) (Blank).

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

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

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

26 (h) The Board may approve and license the conduct of
27 inter-track wagering and simulcast wagering by inter-track
28 wagering licensees and inter-track wagering location
29 licensees subject to the following terms and conditions:

30 (1) Any person licensed to conduct a race meeting
31 (i) at a track where 60 or more days of racing were
32 conducted during the immediately preceding calendar year
33 or where over the 5 immediately preceding calendar years
34 an average of 30 or more days of racing were conducted

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

1 with all other rules, regulations and conditions imposed
2 by the Board in connection therewith.

3 (2) The Board shall examine the applications with
4 respect to their conformity with this Act and the rules
5 and regulations imposed by the Board. If found to be in
6 compliance with the Act and rules and regulations of the
7 Board, the Board may then issue a license to conduct
8 inter-track wagering and simulcast wagering to such
9 applicant. All such applications shall be acted upon by
10 the Board at a meeting to be held on such date as may be
11 fixed by the Board.

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

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

27 (5) Each license to conduct inter-track wagering
28 and simulcast wagering shall specify the person to whom
29 it is issued, the dates on which such wagering is
30 permitted, and the track or location where the wagering
31 is to be conducted.

32 (6) All wagering under such license is subject to
33 this Act and to the rules and regulations from time to
34 time prescribed by the Board, and every such license

1 issued by the Board shall contain a recital to that
2 effect.

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

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

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

28 (8.2) Inter-track wagering or simulcast wagering
29 shall not be conducted by an inter-track wagering
30 location licensee at any location within 500 feet of an
31 existing church or existing school, nor within 500 feet
32 of the residences of more than 50 registered voters
33 without receiving written permission from a majority of
34 the registered voters at such residences. Such written

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

29 (9) (Blank).

30 (10) An inter-track wagering licensee or an
31 inter-track wagering location licensee may retain,
32 subject to the payment of the privilege taxes and the
33 purses, an amount not to exceed 17% of all money wagered.
34 Each program of racing conducted by each inter-track

1 wagering licensee or inter-track wagering location
2 licensee shall be considered a separate racing day for
3 the purpose of determining the daily handle and computing
4 the privilege tax or pari-mutuel tax on such daily handle
5 as provided in Section 27.

6 (10.1) Except as provided in subsection (g) of
7 Section 27 of this Act, inter-track wagering location
8 licensees shall pay 1% of the pari-mutuel handle at each
9 location to the municipality in which such location is
10 situated and 1% of the pari-mutuel handle at each
11 location to the county in which such location is
12 situated. In the event that an inter-track wagering
13 location licensee is situated in an unincorporated area
14 of a county, such licensee shall pay 2% of the
15 pari-mutuel handle from such location to such county.

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

32 (A) That portion of all moneys wagered on
33 standardbred racing that is required under this Act
34 to be paid to purses shall be paid to purses for

1 standardbred races.

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

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

26 (B) From the sums permitted to be retained pursuant
27 to this Act each inter-track wagering location licensee
28 shall pay (i) the privilege or pari-mutuel tax to the
29 State; (ii) 4.75% of the pari-mutuel handle on intertrack
30 wagering at such location on races as purses, except that
31 an intertrack wagering location licensee that derives its
32 license from a track located in a county with a
33 population in excess of 230,000 and that borders the
34 Mississippi River shall retain all purse moneys for its

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

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

1 this amendatory Act of 1991, those licensees shall pay
2 the following amounts as purses: during the first 12
3 months the licensee is in operation, 5.25% of the
4 pari-mutuel handle wagered at the location on races;
5 during the second 12 months, 5.25%; during the third 12
6 months, 5.75%; during the fourth 12 months, 6.25%; and
7 during the fifth 12 months and thereafter, 6.75%. The
8 following amounts shall be retained by the licensee to
9 satisfy all costs and expenses of conducting its
10 wagering: during the first 12 months the licensee is in
11 operation, 8.25% of the pari-mutuel handle wagered at the
12 location; during the second 12 months, 8.25%; during the
13 third 12 months, 7.75%; during the fourth 12 months,
14 7.25%; and during the fifth 12 months and thereafter,
15 6.75%. For additional intertrack wagering location
16 licensees authorized under this amendatory Act of 1995,
17 purses for the first 12 months the licensee is in
18 operation shall be 5.75% of the pari-mutuel wagered at
19 the location, purses for the second 12 months the
20 licensee is in operation shall be 6.25%, and purses
21 thereafter shall be 6.75%. For additional intertrack
22 location licensees authorized under this amendatory Act
23 of 1995, the licensee shall be allowed to retain to
24 satisfy all costs and expenses: 7.75% of the pari-mutuel
25 handle wagered at the location during its first 12 months
26 of operation, 7.25% during its second 12 months of
27 operation, and 6.75% thereafter.

28 (C) There is hereby created the Horse Racing Tax
29 Allocation Fund which shall remain in existence until
30 December 31, 1999. Moneys remaining in the Fund after
31 December 31, 1999 shall be paid into the General Revenue
32 Fund. Until January 1, 2000, all monies paid into the
33 Horse Racing Tax Allocation Fund pursuant to this
34 paragraph (11) by inter-track wagering location licensees

1 located in park districts of 500,000 population or less,
2 or in a municipality that is not included within any park
3 district but is included within a conservation district
4 and is the county seat of a county that (i) is contiguous
5 to the state of Indiana and (ii) has a 1990 population of
6 88,257 according to the United States Bureau of the
7 Census, and operating on May 1, 1994 shall be allocated
8 by appropriation as follows:

9 Two-sevenths to the Department of Agriculture.

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

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

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

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

25 One-seventh to the Agricultural Premium Fund to
26 be used for distribution to agricultural home
27 economics extension councils in accordance with "An
28 Act in relation to additional support and finances
29 for the Agricultural and Home Economic Extension
30 Councils in the several counties of this State and
31 making an appropriation therefor", approved July 24,
32 1967.

33 Until January 1, 2000, all other monies paid into
34 the Horse Racing Tax Allocation Fund pursuant to this

1 paragraph (11) shall be allocated by appropriation as
2 follows:

3 Two-sevenths to the Department of Agriculture.
4 Fifty percent of this two-sevenths shall be used to
5 promote the Illinois horse racing and breeding
6 industry, and shall be distributed by the Department
7 of Agriculture upon the advice of a 9-member
8 committee appointed by the Governor consisting of
9 the following members: the Director of Agriculture,
10 who shall serve as chairman; 2 representatives of
11 organization licensees conducting thoroughbred race
12 meetings in this State, recommended by those
13 licensees; 2 representatives of organization
14 licensees conducting standardbred race meetings in
15 this State, recommended by those licensees; a
16 representative of the Illinois Thoroughbred Breeders
17 and Owners Foundation, recommended by that
18 Foundation; a representative of the Illinois
19 Standardbred Owners and Breeders Association,
20 recommended by that Association; a representative of
21 the Horsemen's Benevolent and Protective Association
22 or any successor organization thereto established in
23 Illinois comprised of the largest number of owners
24 and trainers, recommended by that Association or
25 that successor organization; and a representative of
26 the Illinois Harness Horsemen's Association,
27 recommended by that Association. Committee members
28 shall serve for terms of 2 years, commencing January
29 1 of each even-numbered year. If a representative
30 of any of the above-named entities has not been
31 recommended by January 1 of any even-numbered year,
32 the Governor shall appoint a committee member to
33 fill that position. Committee members shall receive
34 no compensation for their services as members but

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

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

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

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

27 (i) If the inter-track wagering licensee,
28 except an intertrack wagering licensee that
29 derives its license from an organization
30 licensee located in a county with a population
31 in excess of 230,000 and bounded by the
32 Mississippi River, is not conducting its own
33 race meeting during the same dates, then the
34 entire purse allocation shall be to purses at

1 the track where the races wagered on are being
2 conducted.

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

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

25 (12) The Board shall have all powers necessary and
26 proper to fully supervise and control the conduct of
27 inter-track wagering and simulcast wagering by
28 inter-track wagering licensees and inter-track wagering
29 location licensees, including, but not limited to the
30 following:

31 (A) The Board is vested with power to
32 promulgate reasonable rules and regulations for the
33 purpose of administering the conduct of this
34 wagering and to prescribe reasonable rules,

1 regulations and conditions under which such wagering
2 shall be held and conducted. Such rules and
3 regulations are to provide for the prevention of
4 practices detrimental to the public interest and for
5 the best interests of said wagering and to impose
6 penalties for violations thereof.

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

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

24 (D) (Blank).

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

30 (F) The Board shall name and appoint a State
31 director of this wagering who shall be a
32 representative of the Board and whose duty it shall
33 be to supervise the conduct of inter-track wagering
34 as may be provided for by the rules and regulations

1 of the Board; such rules and regulation shall
2 specify the method of appointment and the Director's
3 powers, authority and duties.

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

12 (13) The Department of Agriculture may enter into
13 agreements with licensees authorizing such licensees to
14 conduct inter-track wagering on races to be held at the
15 licensed race meetings conducted by the Department of
16 Agriculture. Such agreement shall specify the races of
17 the Department of Agriculture's licensed race meeting
18 upon which the licensees will conduct wagering. In the
19 event that a licensee conducts inter-track pari-mutuel
20 wagering on races from the Illinois State Fair or DuQuoin
21 State Fair which are in addition to the licensee's
22 previously approved racing program, those races shall be
23 considered a separate racing day for the purpose of
24 determining the daily handle and computing the privilege
25 or pari-mutuel tax on that daily handle as provided in
26 Sections 27 and 27.1. Such agreements shall be approved
27 by the Board before such wagering may be conducted. In
28 determining whether to grant approval, the Board shall
29 give due consideration to the best interests of the
30 public and of horse racing. The provisions of paragraphs
31 (1), (8), (8.1), and (8.2) of subsection (h) of this
32 Section which are not specified in this paragraph (13)
33 shall not apply to licensed race meetings conducted by
34 the Department of Agriculture at the Illinois State Fair

1 in Sangamon County or the DuQuoin State Fair in Perry
2 County, or to any wagering conducted on those race
3 meetings.

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

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.