



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0442

Introduced 2/16/2005, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

230 ILCS 5/14	from Ch. 8, par. 37-14
230 ILCS 5/15	from Ch. 8, par. 37-15
230 ILCS 5/18	from Ch. 8, par. 37-18
230 ILCS 5/20	from Ch. 8, par. 37-20
230 ILCS 5/25	from Ch. 8, par. 37-25
230 ILCS 5/26	from Ch. 8, par. 37-26
230 ILCS 5/31.1	from Ch. 8, par. 37-31.1

Amends the Horse Racing Act of 1975. Provides that the Illinois Racing Board must submit its annual report to the Governor by May 1 (now, March 1) of each year. Removes limitations on the Board's discretion to issue an occupational license without the submission of fingerprints. Adds criteria for the Board to consider in reviewing an application for the purpose of granting an organization license. Provides that an organization licensee's ability to contract with another state or country to permit a legal wagering entity in another state or country to accept wagers on races conducted by the organization licensee is subject to approval of the Board. Increases the amount that tracks pay into the Board charity fund and provides that 10% of that amount shall be paid from the organization licensee's purse account. Increases various fees for admission, track operators, and licenses. Effective immediately.

LRB094 09675 AMC 39931 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning gaming.

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

4 Section 5. The Illinois Horse Racing Act of 1975 is amended
5 by changing Sections 14, 15, 18, 20, 25, 26, and 31.1 as
6 follows:

7 (230 ILCS 5/14) (from Ch. 8, par. 37-14)

8 Sec. 14. (a) The Board shall hold regular and special
9 meetings at such times and places as may be necessary to
10 perform properly and effectively all duties required under this
11 Act. A majority of the members of the Board shall constitute a
12 quorum for the transaction of any business, for the performance
13 of any duty, or for the exercise of any power which this Act
14 requires the Board members to transact, perform or exercise en
15 banc, except that upon order of the Board one of the Board
16 members may conduct the hearing provided in Section 16. The
17 Board member conducting such hearing shall have all powers and
18 rights granted to the Board in this Act. The record made at the
19 hearing shall be reviewed by the Board, or a majority thereof,
20 and the findings and decision of the majority of the Board
21 shall constitute the order of the Board in such case.

22 (b) The Board shall obtain a court reporter who will be
23 present at each regular and special meeting and proceeding and
24 who shall make accurate transcriptions thereof except that when
25 in the judgment of the Board an emergency situation requires a
26 meeting by teleconference, the executive director shall
27 prepare minutes of the meeting indicating the date and time of
28 the meeting and which members of the Board were present or
29 absent, summarizing all matters proposed, deliberated, or
30 decided at the meeting, and indicating the results of all votes
31 taken. The public shall be allowed to listen to the proceedings
32 of that meeting at all Board branch offices.

1 (c) The Board shall provide records which are separate and
2 distinct from the records of any other State board or
3 commission. Such records shall be available for public
4 inspection and shall accurately reflect all Board proceedings.

5 (d) The Board shall file a written annual report with the
6 Governor on or before ~~May~~ ~~March~~ 1 each year and such additional
7 reports as the Governor may request. The annual report shall
8 include a statement of receipts and disbursements by the Board,
9 actions taken by the Board, a report on the industry's progress
10 toward the policy objectives established in Section 1.2 of this
11 Act, and any additional information and recommendations which
12 the Board may deem valuable or which the Governor may request.

13 (e) The Board shall maintain a branch office on the ground
14 of every organization licensee during the organization
15 licensee's race meeting, which office shall be kept open
16 throughout the time the race meeting is held. The Board shall
17 designate one of its members, or an authorized agent of the
18 Board who shall have the authority to act for the Board, to be
19 in charge of the branch office during the time it is required
20 to be kept open.

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

22 (230 ILCS 5/15) (from Ch. 8, par. 37-15)

23 Sec. 15. (a) The Board shall, in its discretion, issue
24 occupation licenses to horse owners, trainers, harness
25 drivers, jockeys, agents, apprentices, grooms, stable foremen,
26 exercise persons, veterinarians, valets, blacksmiths,
27 concessionaires and others designated by the Board whose work,
28 in whole or in part, is conducted upon facilities within the
29 State. Such occupation licenses will be obtained prior to the
30 persons engaging in their vocation upon such facilities. The
31 Board shall not license pari-mutuel clerks, parking
32 attendants, security guards and employees of concessionaires.
33 No occupation license shall be required of any person who works
34 at facilities within this State as a pari-mutuel clerk, parking
35 attendant, security guard or as an employee of a

1 concessionaire. Concessionaires of the Illinois State Fair and
2 DuQuoin State Fair and employees of the Illinois Department of
3 Agriculture shall not be required to obtain an occupation
4 license by the Board.

5 (b) Each application for an occupation license shall be on
6 forms prescribed by the Board. Such license, when issued, shall
7 be for the period ending December 31 of each year, except that
8 the Board in its discretion may grant 3-year licenses. The
9 application shall be accompanied by a fee of not more than \$75
10 ~~\$25~~ per year or, in the case of 3-year occupation license
11 applications, a fee of not more than \$180 ~~\$60~~. Each applicant
12 shall set forth in the application his full name and address,
13 and if he had been issued prior occupation licenses or has been
14 licensed in any other state under any other name, such name,
15 his age, whether or not a permit or license issued to him in
16 any other state has been suspended or revoked and if so whether
17 such suspension or revocation is in effect at the time of the
18 application, and such other information as the Board may
19 require. Fees for registration of stable names shall not exceed
20 \$150 ~~\$50.00~~.

21 (c) The Board may in its discretion refuse an occupation
22 license to any person:

- 23 (1) who has been convicted of a crime;
24 (2) who is unqualified to perform the duties required
25 of such applicant;
26 (3) who fails to disclose or states falsely any
27 information called for in the application;
28 (4) who has been found guilty of a violation of this
29 Act or of the rules and regulations of the Board; or
30 (5) whose license or permit has been suspended, revoked
31 or denied for just cause in any other state.

32 (d) The Board may suspend or revoke any occupation license:

- 33 (1) for violation of any of the provisions of this Act;
34 or
35 (2) for violation of any of the rules or regulations of
36 the Board; or

1 (3) for any cause which, if known to the Board, would
2 have justified the Board in refusing to issue such
3 occupation license; or

4 (4) for any other just cause.

5 (e) Each applicant shall submit his or her fingerprints
6 to the Department of State Police in the form and manner
7 prescribed by the Department of State Police. These
8 fingerprints shall be checked against the fingerprint records
9 now and hereafter filed in the Department of State Police and
10 Federal Bureau of Investigation criminal history records
11 databases. The Department of State Police shall charge a fee
12 for conducting the criminal history records check, which shall
13 be deposited in the State Police Services Fund and shall not
14 exceed the actual cost of the records check. The Department of
15 State Police shall furnish, pursuant to positive
16 identification, records of conviction to the Board. Each
17 applicant for licensure shall submit with his occupation
18 license application, on forms provided by the Board, 2 sets of
19 his fingerprints. All such applicants shall appear in person at
20 the location designated by the Board for the purpose of
21 submitting such sets of fingerprints; however, with the prior
22 approval of a State steward, an applicant may have such sets of
23 fingerprints taken by an official law enforcement agency and
24 submitted to the Board.

25 (f) The Board may, in its discretion, issue an occupation
26 license without submission of fingerprints ~~if an applicant has~~
27 ~~been duly licensed in another recognized racing jurisdiction~~
28 ~~after submitting fingerprints that were subjected to a Federal~~
29 ~~Bureau of Investigation criminal history background check in~~
30 ~~that jurisdiction.~~

31 (Source: P.A. 93-418, eff. 1-1-04.)

32 (230 ILCS 5/18) (from Ch. 8, par. 37-18)

33 Sec. 18. (a) Together with its application, each applicant
34 for racing dates shall deliver to the Board a certified check
35 or bank draft payable to the order of the Board for \$10,000

1 ~~\$1,000~~. In the event the applicant applies for racing dates in
2 2 or 3 successive calendar years as provided in subsection (b)
3 of Section 21, the fee shall be \$20,000 ~~\$2,000~~. Filing fees
4 shall not be refunded in the event the application is denied.

5 (b) In addition to the filing fee of \$10,000 ~~\$1,000~~ and the
6 fees provided in subsection (j) of Section 20, each
7 organization licensee shall pay a license fee of \$200 ~~\$100~~ for
8 each racing program on which its daily pari-mutuel handle is
9 \$100,000 or more but less than \$400,000 ~~or more but less than~~
10 ~~\$700,000~~, and a license fee of \$400 ~~\$200~~ for each racing
11 program on which its daily pari-mutuel handle is \$400,000
12 ~~\$700,000~~ or more. The additional fees required to be paid under
13 this Section by this amendatory Act of 1982 shall be remitted
14 by the organization licensee to the Illinois Racing Board with
15 each day's graduated privilege tax or pari-mutuel tax and
16 breakage as provided under Section 27.

17 (c) Sections 11-42-1, 11-42-5, and 11-54-1 of the "Illinois
18 Municipal Code," approved May 29, 1961, as now or hereafter
19 amended, shall not apply to any license under this Act.

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

21 (230 ILCS 5/20) (from Ch. 8, par. 37-20)

22 Sec. 20. (a) Any person desiring to conduct a horse race
23 meeting may apply to the Board for an organization license. The
24 application shall be made on a form prescribed and furnished by
25 the Board. The application shall specify:

26 (1) the dates on which it intends to conduct the horse
27 race meeting, which dates shall be provided under Section
28 21;

29 (2) the hours of each racing day between which it
30 intends to hold or conduct horse racing at such meeting;

31 (3) the location where it proposes to conduct the
32 meeting; and

33 (4) any other information the Board may reasonably
34 require.

35 (b) A separate application for an organization license

1 shall be filed for each horse race meeting which such person
2 proposes to hold. Any such application, if made by an
3 individual, or by any individual as trustee, shall be signed
4 and verified under oath by such individual. If made by
5 individuals or a partnership, it shall be signed and verified
6 under oath by at least 2 of such individuals or members of such
7 partnership as the case may be. If made by an association,
8 corporation, corporate trustee or any other entity, it shall be
9 signed by the president and attested by the secretary or
10 assistant secretary under the seal of such association, trust
11 or corporation if it has a seal, and shall also be verified
12 under oath by one of the signing officers.

13 (c) The application shall specify the name of the persons,
14 association, trust, or corporation making such application and
15 the post office address of the applicant; if the applicant is a
16 trustee, the names and addresses of the beneficiaries; if a
17 corporation, the names and post office addresses of all
18 officers, stockholders and directors; or if such stockholders
19 hold stock as a nominee or fiduciary, the names and post office
20 addresses of these persons, partnerships, corporations, or
21 trusts who are the beneficial owners thereof or who are
22 beneficially interested therein; and if a partnership, the
23 names and post office addresses of all partners, general or
24 limited; if the applicant is a corporation, the name of the
25 state of its incorporation shall be specified.

26 (d) The applicant shall execute and file with the Board a
27 good faith affirmative action plan to recruit, train, and
28 upgrade minorities in all classifications within the
29 association.

30 (e) With such application there shall be delivered to the
31 Board a certified check or bank draft payable to the order of
32 the Board for an amount equal to \$10,000 ~~\$1,000~~. All
33 applications for the issuance of an organization license shall
34 be filed with the Board before August 1 of the year prior to
35 the year for which application is made and shall be acted upon
36 by the Board at a meeting to be held on such date as shall be

1 fixed by the Board during the last 15 days of September of such
2 prior year. At such meeting, the Board shall announce the award
3 of the racing meets, live racing schedule, and designation of
4 host track to the applicants and its approval or disapproval of
5 each application. No announcement shall be considered binding
6 until a formal order is executed by the Board, which shall be
7 executed no later than October 15 of that prior year. Absent
8 the agreement of the affected organization licensees, the Board
9 shall not grant overlapping race meetings to 2 or more tracks
10 that are within 100 miles of each other to conduct the
11 thoroughbred racing.

12 (e-5) In reviewing an application for the purpose of
13 granting an organization license consistent with the best
14 interests of the public and the sport of horse racing, the
15 Board shall consider:

16 (1) the character, reputation, experience, and
17 financial integrity of the applicant and of any other
18 separate person that either:

19 (i) controls the applicant, directly or
20 indirectly, or

21 (ii) is controlled, directly or indirectly, by
22 that applicant or by a person who controls, directly or
23 indirectly, that applicant;

24 (2) the applicant's facilities or proposed facilities
25 for conducting horse racing;

26 (3) the total revenue without regard to Section 32.1 to
27 be derived by the State and horsemen from the applicant's
28 conducting a race meeting;

29 (4) the applicant's good faith affirmative action plan
30 to recruit, train, and upgrade minorities in all employment
31 classifications;

32 (5) the applicant's financial ability to purchase and
33 maintain adequate liability and casualty insurance;

34 (6) the applicant's proposed and prior year's
35 promotional and marketing activities and expenditures of
36 the applicant associated with those activities;

1 (7) an agreement, if any, among organization licensees
2 as provided in subsection (b) of Section 21 of this Act;
3 and

4 (8) the extent to which the applicant exceeds or meets
5 other standards for the issuance of an organization license
6 that the Board shall adopt by rule.

7 (9) whether the applicant has sufficient
8 capitalization with which to organize, promote, and
9 operate a race meet in the succeeding year.

10 (10) the applicant's support of live racing and the
11 growth of the Illinois horse racing industry, as measured
12 by the following factors:

13 (A) The increase in total handle on Illinois races.

14 (B) The increase in purses earned from pari-mutuel
15 wagering.

16 (C) The applicant's marketing and promotion of
17 horse racing.

18 (D) Capital improvements to the applicant's racing
19 facility.

20 In granting organization licenses and allocating dates for
21 horse race meetings, the Board shall have discretion to
22 determine an overall schedule, including required simulcasts
23 of Illinois races by host tracks that will, in its judgment, be
24 conducive to the best interests of the public and the sport of
25 horse racing.

26 (e-10) The Illinois Administrative Procedure Act shall
27 apply to administrative procedures of the Board under this Act
28 for the granting of an organization license, except that (1)
29 notwithstanding the provisions of subsection (b) of Section
30 10-40 of the Illinois Administrative Procedure Act regarding
31 cross-examination, the Board may prescribe rules limiting the
32 right of an applicant or participant in any proceeding to award
33 an organization license to conduct cross-examination of
34 witnesses at that proceeding where that cross-examination
35 would unduly obstruct the timely award of an organization
36 license under subsection (e) of Section 20 of this Act; (2) the

1 provisions of Section 10-45 of the Illinois Administrative
2 Procedure Act regarding proposals for decision are excluded
3 under this Act; (3) notwithstanding the provisions of
4 subsection (a) of Section 10-60 of the Illinois Administrative
5 Procedure Act regarding ex parte communications, the Board may
6 prescribe rules allowing ex parte communications with
7 applicants or participants in a proceeding to award an
8 organization license where conducting those communications
9 would be in the best interest of racing, provided all those
10 communications are made part of the record of that proceeding
11 pursuant to subsection (c) of Section 10-60 of the Illinois
12 Administrative Procedure Act; (4) the provisions of Section 14a
13 of this Act and the rules of the Board promulgated under that
14 Section shall apply instead of the provisions of Article 10 of
15 the Illinois Administrative Procedure Act regarding
16 administrative law judges; and (5) the provisions of subsection
17 (d) of Section 10-65 of the Illinois Administrative Procedure
18 Act that prevent summary suspension of a license pending
19 revocation or other action shall not apply.

20 (f) The Board may allot racing dates to an organization
21 licensee for more than one calendar year but for no more than 3
22 successive calendar years in advance, provided that the Board
23 shall review such allotment for more than one calendar year
24 prior to each year for which such allotment has been made. The
25 granting of an organization license to a person constitutes a
26 privilege to conduct a horse race meeting under the provisions
27 of this Act, and no person granted an organization license
28 shall be deemed to have a vested interest, property right, or
29 future expectation to receive an organization license in any
30 subsequent year as a result of the granting of an organization
31 license. Organization licenses shall be subject to revocation
32 if the organization licensee has violated any provision of this
33 Act or the rules and regulations promulgated under this Act or
34 has been convicted of a crime or has failed to disclose or has
35 stated falsely any information called for in the application
36 for an organization license. Any organization license

1 revocation proceeding shall be in accordance with Section 16
2 regarding suspension and revocation of occupation licenses.

3 (f-5) If, (i) an applicant does not file an acceptance of
4 the racing dates awarded by the Board as required under part
5 (1) of subsection (h) of this Section 20, or (ii) an
6 organization licensee has its license suspended or revoked
7 under this Act, the Board, upon conducting an emergency hearing
8 as provided for in this Act, may reaward on an emergency basis
9 pursuant to rules established by the Board, racing dates not
10 accepted or the racing dates associated with any suspension or
11 revocation period to one or more organization licensees, new
12 applicants, or any combination thereof, upon terms and
13 conditions that the Board determines are in the best interest
14 of racing, provided, the organization licensees or new
15 applicants receiving the awarded racing dates file an
16 acceptance of those reawarded racing dates as required under
17 paragraph (1) of subsection (h) of this Section 20 and comply
18 with the other provisions of this Act. The Illinois
19 Administrative Procedures Act shall not apply to the
20 administrative procedures of the Board in conducting the
21 emergency hearing and the reallocation of racing dates on an
22 emergency basis.

23 (g) (Blank).

24 (h) The Board shall send the applicant a copy of its
25 formally executed order by certified mail addressed to the
26 applicant at the address stated in his application, which
27 notice shall be mailed within 5 days of the date the formal
28 order is executed.

29 Each applicant notified shall, within 10 days after receipt
30 of the final executed order of the Board awarding racing dates:

31 (1) file with the Board an acceptance of such award in
32 the form prescribed by the Board;

33 (2) pay to the Board an additional amount equal to \$200
34 ~~\$110~~ for each racing date awarded; and

35 (3) file with the Board the bonds required in Sections
36 21 and 25 at least 20 days prior to the first day of each

1 race meeting.

2 Upon compliance with the provisions of paragraphs (1), (2), and
3 (3) of this subsection (h), the applicant shall be issued an
4 organization license.

5 If any applicant fails to comply with this Section or fails
6 to pay the organization license fees herein provided, no
7 organization license shall be issued to such applicant.

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

9 (230 ILCS 5/25) (from Ch. 8, par. 37-25)

10 Sec. 25. An admission fee shall be assessed for each person
11 charged admission when ~~There shall be paid to the Board at such~~
12 ~~time or times as it shall prescribe, the sum of fifteen cents~~
13 ~~(15¢) for each person~~ entering the grounds or enclosure of each
14 organization licensee and inter-track wagering licensee, ~~upon~~
15 ~~a ticket of admission~~ except as provided in subsection (g) of
16 Section 27 of this Act. If the admission ticket price is less
17 than \$4, the fee shall be \$0.30. If the admission ticket price
18 is \$4 or more, the fee shall be \$0.45. If tickets are issued
19 for more than one day then the admission fee ~~sum of fifteen~~
20 ~~cents (15¢)~~ shall be paid for each person using such ticket on
21 each day that the same shall be used. Provided, however, that
22 no charge shall be made on tickets of admission issued to and
23 in the name of directors, officers, agents or employees of the
24 organization licensee, or inter-track wagering licensee, or to
25 owners, trainers, jockeys, drivers and their employees or to
26 any person or persons entering the grounds or enclosure for the
27 transaction of business in connection with such race meeting.
28 The organization licensee or inter-track wagering licensee
29 may, if it desires, collect such amount from each ticket holder
30 in addition to the amount or amounts charged for such ticket of
31 admission.

32 Accurate records and books shall at all times be kept and
33 maintained by the organization licensees and inter-track
34 wagering licensees showing the admission tickets issued and
35 used on each racing day and the attendance thereat of each

1 horse racing meeting. The Board or its duly authorized
2 representative or representatives shall at all reasonable
3 times have access to the admission records of any organization
4 licensee and inter-track wagering licensee for the purpose of
5 examining and checking the same and ascertaining whether or not
6 the proper amount has been or is being paid the State of
7 Illinois as herein provided. The Board shall also require,
8 before issuing any license, that the licensee shall execute and
9 deliver to it a bond, payable to the State of Illinois, in such
10 sum as it shall determine, not, however, in excess of fifty
11 thousand dollars (\$50,000), with a surety or sureties to be
12 approved by it, conditioned for the payment of all sums due and
13 payable or collected by it under this Section upon admission
14 fees received for any particular racing meetings. The Board may
15 also from time to time require sworn statements of the number
16 or numbers of such admissions and may prescribe blanks upon
17 which such reports shall be made. Any organization licensee or
18 inter-track wagering licensee failing or refusing to pay the
19 amount found to be due as herein provided, shall be deemed
20 guilty of a business offense and upon conviction shall be
21 punished by a fine of not more than five thousand dollars
22 (\$5,000) in addition to the amount due from such organization
23 licensee or inter-track wagering licensee as herein provided.
24 All fines paid into court by an organization licensee or
25 inter-track wagering licensee found guilty of violating this
26 Section shall be transmitted and paid over by the clerk of the
27 court to the Board.

28 (Source: P.A. 88-495; 89-16, eff. 5-30-95.)

29 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

30 Sec. 26. Wagering.

31 (a) Any licensee may conduct and supervise the pari-mutuel
32 system of wagering, as defined in Section 3.12 of this Act, on
33 horse races conducted by an Illinois organization licensee or
34 conducted at a racetrack located in another state or country
35 and televised in Illinois in accordance with subsection (g) of

1 Section 26 of this Act. Subject to the prior consent of the
2 Board, licensees may supplement any pari-mutuel pool in order
3 to guarantee a minimum distribution. Such pari-mutuel method of
4 wagering shall not, under any circumstances if conducted under
5 the provisions of this Act, be held or construed to be
6 unlawful, other statutes of this State to the contrary
7 notwithstanding. Subject to rules for advance wagering
8 promulgated by the Board, any licensee may accept wagers in
9 advance of the day of the race wagered upon occurs.

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

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

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

33 (c-5) Beginning January 1, 2000, the sum held by any
34 licensee for payment of outstanding pari-mutuel tickets, if
35 unclaimed prior to December 31 of the next year, shall be
36 retained by the licensee for payment of such tickets until that

1 date. Within 10 days thereafter, the balance of such sum
2 remaining unclaimed, less any uncashed supplements contributed
3 by such licensee for the purpose of guaranteeing minimum
4 distributions of any pari-mutuel pool, shall be evenly
5 distributed to the purse account of the organization licensee
6 and the organization licensee.

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

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

21 (f) Notwithstanding the other provisions of this Act,
22 subject to the approval of the Board, an organization licensee
23 may contract with an entity in another state or country to
24 permit any legal wagering entity in another state or country to
25 accept wagers solely within such other state or country on
26 races conducted by the organization licensee in this State.
27 Beginning January 1, 2000, these wagers shall not be subject to
28 State taxation. Until January 1, 2000, when the out-of-State
29 entity conducts a pari-mutuel pool separate from the
30 organization licensee, a privilege tax equal to 7 1/2% of all
31 monies received by the organization licensee from entities in
32 other states or countries pursuant to such contracts is imposed
33 on the organization licensee, and such privilege tax shall be
34 remitted to the Department of Revenue within 48 hours of
35 receipt of the moneys from the simulcast. When the out-of-State
36 entity conducts a combined pari-mutuel pool with the

1 organization licensee, the tax shall be 10% of all monies
2 received by the organization licensee with 25% of the receipts
3 from this 10% tax to be distributed to the county in which the
4 race was conducted.

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

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

36 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an

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

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

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

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

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

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

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

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

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

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

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

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

30 (C) Between January 1 and the third Friday in
31 February, inclusive, if live thoroughbred racing is
32 occurring in Illinois, between 6:30 a.m. and 6:30 p.m.
33 the purse share from wagers made during this time
34 period to its thoroughbred purse account and between
35 6:30 p.m. and 6:30 a.m. the purse share from wagers
36 made during this time period to its standardbred purse

1 accounts;

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

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

10 (7.1) Notwithstanding any other provision of this Act
11 to the contrary, if no standardbred racing is conducted at
12 a racetrack located in Madison County during any calendar
13 year beginning on or after January 1, 2002, all moneys
14 derived by that racetrack from simulcast wagering and
15 inter-track wagering that (1) are to be used for purses and
16 (2) are generated between the hours of 6:30 p.m. and 6:30
17 a.m. during that calendar year shall be paid as follows:

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

23 (B) Twenty percent shall be deposited into the
24 Illinois Colt Stakes Purse Distribution Fund and shall
25 be paid to purses for standardbred races for Illinois
26 conceived and foaled horses conducted at any county
27 fairgrounds. The moneys deposited into the Fund
28 pursuant to this subparagraph (B) shall be deposited
29 within 2 weeks after the day they were generated, shall
30 be in addition to and not in lieu of any other moneys
31 paid to standardbred purses under this Act, and shall
32 not be commingled with other moneys paid into that
33 Fund. The moneys deposited pursuant to this
34 subparagraph (B) shall be allocated as provided by the
35 Department of Agriculture, with the advice and
36 assistance of the Illinois Standardbred Breeders Fund

1 Advisory Board.

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

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

16 (B) Twenty percent shall be deposited into the
17 Illinois Colt Stakes Purse Distribution Fund. Moneys
18 deposited into the Illinois Colt Stakes Purse
19 Distribution Fund pursuant to this subparagraph (B)
20 shall be paid to Illinois conceived and foaled
21 thoroughbred breeders' programs and to thoroughbred
22 purses for races conducted at any county fairgrounds
23 for Illinois conceived and foaled horses at the
24 discretion of the Department of Agriculture, with the
25 advice and assistance of the Illinois Thoroughbred
26 Breeders Fund Advisory Board. The moneys deposited
27 into the Illinois Colt Stakes Purse Distribution Fund
28 pursuant to this subparagraph (B) shall be deposited
29 within 2 weeks after the day they were generated, shall
30 be in addition to and not in lieu of any other moneys
31 paid to thoroughbred purses under this Act, and shall
32 not be commingled with other moneys deposited into that
33 Fund.

34 (7.3) If no live standardbred racing is conducted at a
35 racetrack located in Madison County in calendar year 2000
36 or 2001, an organization licensee who is licensed to

1 conduct horse racing at that racetrack shall, before
2 January 1, 2002, pay all moneys derived from simulcast
3 wagering and inter-track wagering in calendar years 2000
4 and 2001 and paid into the licensee's standardbred purse
5 account as follows:

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

8 (B) Twenty percent to the Illinois Colt Stakes
9 Purse Distribution Fund.

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

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

27 (7.4) If live standardbred racing is conducted at a
28 racetrack located in Madison County at any time in calendar
29 year 2001 before the payment required under paragraph (7.3)
30 has been made, the organization licensee who is licensed to
31 conduct racing at that racetrack shall pay all moneys
32 derived by that racetrack from simulcast wagering and
33 inter-track wagering during calendar years 2000 and 2001
34 that (1) are to be used for purses and (2) are generated
35 between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or
36 2001 to the standardbred purse account at that racetrack to

1 be used for standardbred purses.

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

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

24 (9) (Blank).

25 (10) (Blank).

26 (11) (Blank).

27 (12) The Board shall have authority to compel all host
28 tracks to receive the simulcast of any or all races
29 conducted at the Springfield or DuQuoin State fairgrounds
30 and include all such races as part of their simulcast
31 programs.

32 (13) Notwithstanding any other provision of this Act,
33 in the event that the total Illinois pari-mutuel handle on
34 Illinois horse races at all wagering facilities in any
35 calendar year is less than 75% of the total Illinois
36 pari-mutuel handle on Illinois horse races at all such

1 wagering facilities for calendar year 1994, then each
2 wagering facility that has an annual total Illinois
3 pari-mutuel handle on Illinois horse races that is less
4 than 75% of the total Illinois pari-mutuel handle on
5 Illinois horse races at such wagering facility for calendar
6 year 1994, shall be permitted to receive, from any amount
7 otherwise payable to the purse account at the race track
8 with which the wagering facility is affiliated in the
9 succeeding calendar year, an amount equal to 2% of the
10 differential in total Illinois pari-mutuel handle on
11 Illinois horse races at the wagering facility between that
12 calendar year in question and 1994 provided, however, that
13 a wagering facility shall not be entitled to any such
14 payment until the Board certifies in writing to the
15 wagering facility the amount to which the wagering facility
16 is entitled and a schedule for payment of the amount to the
17 wagering facility, based on: (i) the racing dates awarded
18 to the race track affiliated with the wagering facility
19 during the succeeding year; (ii) the sums available or
20 anticipated to be available in the purse account of the
21 race track affiliated with the wagering facility for purses
22 during the succeeding year; and (iii) the need to ensure
23 reasonable purse levels during the payment period. The
24 Board's certification shall be provided no later than
25 January 31 of the succeeding year. In the event a wagering
26 facility entitled to a payment under this paragraph (13) is
27 affiliated with a race track that maintains purse accounts
28 for both standardbred and thoroughbred racing, the amount
29 to be paid to the wagering facility shall be divided
30 between each purse account pro rata, based on the amount of
31 Illinois handle on Illinois standardbred and thoroughbred
32 racing respectively at the wagering facility during the
33 previous calendar year. Annually, the General Assembly
34 shall appropriate sufficient funds from the General
35 Revenue Fund to the Department of Agriculture for payment
36 into the thoroughbred and standardbred horse racing purse

1 accounts at Illinois pari-mutuel tracks. The amount paid to
2 each purse account shall be the amount certified by the
3 Illinois Racing Board in January to be transferred from
4 each account to each eligible racing facility in accordance
5 with the provisions of this Section.

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

10 (1) Any person licensed to conduct a race meeting (i)
11 at a track where 60 or more days of racing were conducted
12 during the immediately preceding calendar year or where
13 over the 5 immediately preceding calendar years an average
14 of 30 or more days of racing were conducted annually may be
15 issued an inter-track wagering license; (ii) at a track
16 located in a county that is bounded by the Mississippi
17 River, which has a population of less than 150,000
18 according to the 1990 decennial census, and an average of
19 at least 60 days of racing per year between 1985 and 1993
20 may be issued an inter-track wagering license; or (iii) at
21 a track located in Madison County that conducted at least
22 100 days of live racing during the immediately preceding
23 calendar year may be issued an inter-track wagering
24 license, unless a lesser schedule of live racing is the
25 result of (A) weather, unsafe track conditions, or other
26 acts of God; (B) an agreement between the organization
27 licensee and the associations representing the largest
28 number of owners, trainers, jockeys, or standardbred
29 drivers who race horses at that organization licensee's
30 racing meeting; or (C) a finding by the Board of
31 extraordinary circumstances and that it was in the best
32 interest of the public and the sport to conduct fewer than
33 100 days of live racing. Any such person having operating
34 control of the racing facility may also receive up to 6
35 inter-track wagering location licenses. In no event shall
36 more than 6 inter-track wagering locations be established

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

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

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

27 (4) Prior to the issuance of a license to conduct
28 inter-track wagering and simulcast wagering, the applicant
29 shall file with the Board a bond payable to the State of
30 Illinois in the sum of \$50,000, executed by the applicant
31 and a surety company or companies authorized to do business
32 in this State, and conditioned upon (i) the payment by the
33 licensee of all taxes due under Section 27 or 27.1 and any
34 other monies due and payable under this Act, and (ii)
35 distribution by the licensee, upon presentation of the
36 winning ticket or tickets, of all sums payable to the

1 patrons of pari-mutuel pools.

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

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

15 (8) Inter-track wagering or simulcast wagering shall
16 not be conducted at any track less than 5 miles from a
17 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 miles
22 of that race track where the particular organization
23 licensee is licensed to conduct racing, or within 135 miles
24 of that race track where the particular organization
25 licensee is licensed to conduct racing in the case of race
26 tracks in counties of less than 400,000 that were operating
27 on or before June 1, 1986. However, inter-track wagering
28 and simulcast wagering shall not be conducted by those
29 licensees at any location within 5 miles of any race track
30 at which a horse race meeting has been licensed in the
31 current year, unless the person having operating control of
32 such race track has given its written consent to such
33 inter-track wagering location licensees, which consent
34 must be filed with the Board at or prior to the time
35 application is made.

36 (8.2) Inter-track wagering or simulcast wagering shall

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

34 (9) (Blank).

35 (10) An inter-track wagering licensee or an
36 inter-track wagering location licensee may retain, subject

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

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

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

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

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

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

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

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

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

1 Mississippi River shall be further redistributed as
2 provided in subparagraphs (D) and (E) of paragraph (7) of
3 subsection (g) of this Section 26, with the portion of that
4 further redistribution allocated to purses at that
5 organization licensee to be divided between standardbred
6 purses and thoroughbred purses based on the amounts
7 otherwise allocated to purses at that organization
8 licensee during the calendar year in question; and (iv) 8%
9 of the pari-mutuel handle on inter-track wagering wagered
10 at such location to satisfy all costs and expenses of
11 conducting its wagering. The remainder of the monies
12 retained by the inter-track wagering location licensee
13 shall be allocated 40% to the location licensee and 60% to
14 the organization licensee which provides the Illinois
15 races to the location, except that an intertrack wagering
16 location licensee that derives its license from a track
17 located in a county with a population in excess of 230,000
18 and that borders the Mississippi River shall not divide any
19 remaining retention with the organization licensee that
20 provides the race or races and an intertrack wagering
21 location licensee that accepts wagers on races conducted by
22 an 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 the organization licensee.
26 Notwithstanding the provisions of clauses (ii) and (iv) of
27 this paragraph, in the case of the additional inter-track
28 wagering location licenses authorized under paragraph (1)
29 of this subsection (h) by this amendatory Act of 1991,
30 those licensees shall pay the following amounts as purses:
31 during the first 12 months the licensee is in operation,
32 5.25% of the pari-mutuel handle wagered at the location on
33 races; during the second 12 months, 5.25%; during the third
34 12 months, 5.75%; during the fourth 12 months, 6.25%; and
35 during the fifth 12 months and thereafter, 6.75%. The
36 following amounts shall be retained by the licensee to

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

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

34 Two-sevenths to the Department of Agriculture.

35 Fifty percent of this two-sevenths shall be used to
36 promote the Illinois horse racing and breeding

1 industry, and shall be distributed by the Department of
2 Agriculture upon the advice of a 9-member committee
3 appointed by the Governor consisting of the following
4 members: the Director of Agriculture, who shall serve
5 as chairman; 2 representatives of organization
6 licensees conducting thoroughbred race meetings in
7 this State, recommended by those licensees; 2
8 representatives of organization licensees conducting
9 standardbred race meetings in this State, recommended
10 by those licensees; a representative of the Illinois
11 Thoroughbred Breeders and Owners Foundation,
12 recommended by that Foundation; a representative of
13 the Illinois Standardbred Owners and Breeders
14 Association, recommended by that Association; a
15 representative of the Horsemen's Benevolent and
16 Protective Association or any successor organization
17 thereto established in Illinois comprised of the
18 largest number of owners and trainers, recommended by
19 that Association or that successor organization; and a
20 representative of the Illinois Harness Horsemen's
21 Association, recommended by that Association.
22 Committee members shall serve for terms of 2 years,
23 commencing January 1 of each even-numbered year. If a
24 representative of any of the above-named entities has
25 not been recommended by January 1 of any even-numbered
26 year, the Governor shall appoint a committee member to
27 fill that position. Committee members shall receive no
28 compensation for their services as members but shall be
29 reimbursed for all actual and necessary expenses and
30 disbursements incurred in the performance of their
31 official duties. The remaining 50% of this
32 two-sevenths shall be distributed to county fairs for
33 premiums and rehabilitation as set forth in the
34 Agricultural Fair Act;

35 Four-sevenths to park districts or municipalities
36 that do not have a park district of 500,000 population

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

1 Any park district or municipality not maintaining a
2 museum may deposit the monies in the corporate fund of
3 the park district or municipality where the
4 inter-track wagering location is located, to be used
5 for general purposes; and

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

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

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

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

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

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

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

36 (i) If the inter-track wagering licensee,

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

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

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

30 (12) The Board shall have all powers necessary and
31 proper to fully supervise and control the conduct of
32 inter-track wagering and simulcast wagering by inter-track
33 wagering licensees and inter-track wagering location
34 licensees, including, but not limited to the following:

35 (A) The Board is vested with power to promulgate
36 reasonable rules and regulations for the purpose of

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

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

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

24 (D) (Blank).

25 (E) The Board is vested with the power to appoint
26 delegates to execute any of the powers granted to it
27 under this Section for the purpose of administering
28 this wagering and any rules and regulations
29 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 representative
32 of the Board and whose duty it shall be to supervise
33 the conduct of inter-track wagering as may be provided
34 for by the rules and regulations of the Board; such
35 rules and regulation shall specify the method of
36 appointment and the Director's powers, authority and

1 duties.

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

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

35 (i) Notwithstanding the other provisions of this Act, the
36 conduct of wagering at wagering facilities is authorized on all

1 days, except as limited by subsection (b) of Section 19 of this
2 Act.

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

4 (230 ILCS 5/31.1) (from Ch. 8, par. 37-31.1)

5 Sec. 31.1. (a) Organization licensees collectively shall
6 contribute annually to charity the sum of \$750,000 to
7 non-profit organizations that provide medical and family,
8 counseling, and similar services to persons who reside or work
9 on the backstretch of Illinois racetracks. These contributions
10 shall be collected as follows: (i) no later than July 1st of
11 each year the Board shall assess each organization licensee,
12 except those tracks which are not within 100 miles of each
13 other which tracks shall pay \$60,000 ~~\$30,000~~ annually apiece
14 into the Board charity fund, that amount which equals
15 \$1,080,000 ~~\$690,000~~ multiplied by the amount of pari-mutuel
16 wagering handled by the organization licensee in the year
17 preceding assessment and divided by the total pari-mutuel
18 wagering handled by all Illinois organization licensees,
19 except those tracks which are not within 100 miles of each
20 other, in the year preceding assessment, 10% of which shall be
21 paid from the organization licensee's purse account; (ii)
22 notice of the assessed contribution shall be mailed to each
23 organization licensee; (iii) within thirty days of its receipt
24 of such notice, each organization licensee shall remit the
25 assessed contribution to the Board. If an organization licensee
26 wilfully fails to so remit the contribution, the Board may
27 revoke its license to conduct horse racing.

28 (b) No later than October 1st of each year, any qualified
29 charitable organization seeking an allotment of contributed
30 funds shall submit to the Board an application for those funds,
31 using the Board's approved form. No later than December 31st of
32 each year, the Board shall distribute all such amounts
33 collected that year to such charitable organization
34 applicants.

35 (Source: P.A. 87-110.)

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