



Sen. William R. Haine

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LRB094 12602 AMC 47342 a

1 AMENDMENT TO SENATE BILL 1992

2 AMENDMENT NO. _____. Amend Senate Bill 1992 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Horse Racing Act of 1975 is
5 amended by changing Sections 3.12 and 26 as follows:

6 (230 ILCS 5/3.12) (from Ch. 8, par. 37-3.12)

7 Sec. 3.12. "Pari-mutuel system of wagering" means a form of
8 wagering on the outcome of live or historical previously run
9 horse races in which wagers are made in various denominations
10 on a horse or horses and all wagers for each race are pooled
11 and held by a licensee for distribution in a manner approved by
12 the Board.

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

14 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

15 Sec. 26. Wagering.

16 (a) Any licensee may conduct and supervise the pari-mutuel
17 system of wagering, as defined in Section 3.12 of this Act, on
18 horse races conducted by an Illinois organization licensee or
19 conducted at a racetrack located in another state or country
20 and televised in Illinois in accordance with subsection (g) of
21 Section 26 of this Act. Subject to the prior consent of the
22 Board, licensees may supplement any pari-mutuel pool in order
23 to guarantee a minimum distribution. Such pari-mutuel method of

1 waging shall not, under any circumstances if conducted under
2 the provisions of this Act, be held or construed to be
3 unlawful, other statutes of this State to the contrary
4 notwithstanding. Subject to rules for advance waging
5 promulgated by the Board, any licensee may accept wagers in
6 advance of the day of the race wagered upon occurs.

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

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

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

30 (c-5) Beginning January 1, 2000, the sum held by any
31 licensee for payment of outstanding pari-mutuel tickets, if
32 unclaimed prior to December 31 of the next year, shall be
33 retained by the licensee for payment of such tickets until that
34 date; except that, beginning on the effective date of this

1 amendatory Act of the 94th General Assembly, the sum held by an
2 organization licensee located in a county with a population in
3 excess of 230,000 and that borders the Mississippi River and
4 every inter-track wagering location licensee who derives their
5 licenses from that organization licensee shall be retained by
6 the organization licensee for payment of such tickets until
7 that date. Within 10 days thereafter, the balance of such sum
8 remaining unclaimed, less any uncashed supplements contributed
9 by such licensee for the purpose of guaranteeing minimum
10 distributions of any pari-mutuel pool, shall be evenly
11 distributed to the purse account of the organization licensee
12 and the organization licensee.

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

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

27 (f) Notwithstanding the other provisions of this Act, an
28 organization licensee may contract with an entity in another
29 state or country to permit any legal wagering entity in another
30 state or country to accept wagers solely within such other
31 state or country on races conducted by the organization
32 licensee in this State. Beginning January 1, 2000, these wagers
33 shall not be subject to State taxation. Until January 1, 2000,
34 when the out-of-State entity conducts a pari-mutuel pool

1 separate from the organization licensee, a privilege tax equal
2 to 7 1/2% of all monies received by the organization licensee
3 from entities in other states or countries pursuant to such
4 contracts is imposed on the organization licensee, and such
5 privilege tax shall be remitted to the Department of Revenue
6 within 48 hours of receipt of the moneys from the simulcast.
7 When the out-of-State entity conducts a combined pari-mutuel
8 pool with the organization licensee, the tax shall be 10% of
9 all monies received by the organization licensee with 25% of
10 the receipts from this 10% tax to be distributed to the county
11 in which the race was conducted.

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

20 (g) A host track may accept interstate simulcast wagers on
21 horse races conducted in other states or countries and shall
22 control the number of signals and types of breeds of racing in
23 its simulcast program, subject to the disapproval of the Board.
24 The Board may prohibit a simulcast program only if it finds
25 that the simulcast program is clearly adverse to the integrity
26 of racing. The host track simulcast program shall include the
27 signal of live racing of all organization licensees. All
28 non-host licensees shall carry the host track simulcast program
29 and accept wagers on all races included as part of the
30 simulcast program upon which wagering is permitted. The costs
31 and expenses of the host track and non-host licensees
32 associated with interstate simulcast wagering, other than the
33 interstate commission fee, shall be borne by the host track and
34 all non-host licensees incurring these costs. The interstate

1 commission fee shall not exceed 5% of Illinois handle on the
2 interstate simulcast race or races without prior approval of
3 the Board. The Board shall promulgate rules under which it may
4 permit interstate commission fees in excess of 5%. The
5 interstate commission fee and other fees charged by the sending
6 racetrack, including, but not limited to, satellite decoder
7 fees, shall be uniformly applied to the host track and all
8 non-host licensees.

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

26 (2) Between the hours of 6:30 p.m. and 6:30 a.m. an
27 intertrack wagering licensee other than the host track may
28 receive supplemental interstate simulcasts only with the
29 consent of the host track, except when the Board finds that
30 the simulcast is clearly adverse to the integrity of
31 racing. Consent granted under this paragraph (2) to any
32 intertrack wagering licensee shall be deemed consent to all
33 non-host licensees. The interstate commission fee for the
34 supplemental interstate simulcast shall be paid by all

1 participating non-host licensees.

2 (3) Each licensee conducting interstate simulcast
3 wagering may retain, subject to the payment of all
4 applicable taxes and the purses, an amount not to exceed
5 17% of all money wagered. If any licensee conducts the
6 pari-mutuel system wagering on races conducted at
7 racetracks in another state or country, each such race or
8 race program shall be considered a separate racing day for
9 the purpose of determining the daily handle and computing
10 the privilege tax of that daily handle as provided in
11 subsection (a) of Section 27. Until January 1, 2000, from
12 the sums permitted to be retained pursuant to this
13 subsection, each intertrack wagering location licensee
14 shall pay 1% of the pari-mutuel handle wagered on simulcast
15 wagering to the Horse Racing Tax Allocation Fund, subject
16 to the provisions of subparagraph (B) of paragraph (11) of
17 subsection (h) of Section 26 of this Act.

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

29 (5) After the payment of the interstate commission fee
30 (except for the interstate commission fee on a supplemental
31 interstate simulcast, which shall be paid by the host track
32 and by each non-host licensee through the host-track) and
33 all applicable State and local taxes, except as provided in
34 subsection (g) of Section 27 of this Act, the remainder of

1 moneys retained from simulcast wagering pursuant to this
2 subsection (g), and Section 26.2 shall be divided as
3 follows:

4 (A) For interstate simulcast wagers made at a host
5 track, 50% to the host track and 50% to purses at the
6 host track.

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

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

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

31 (A) Between January 1 and the third Friday in
32 February, inclusive, if no live thoroughbred racing is
33 occurring in Illinois during this period, when the
34 interstate simulcast is a standardbred race, the purse

1 share to its standardbred purse account;

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

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

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

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

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

33 (A) If the licensee that conducts horse racing at
34 that racetrack requests from the Board at least as many

1 racing dates as were conducted in calendar year 2000,
2 80% shall be paid to its thoroughbred purse account;
3 and

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

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

28 (A) If the licensee that conducts horse racing at
29 that racetrack requests from the Board at least as many
30 racing dates as were conducted in calendar year 2000,
31 80% shall be deposited into its standardbred purse
32 account; and

33 (B) Twenty percent shall be deposited into the
34 Illinois Colt Stakes Purse Distribution Fund. Moneys

1 deposited into the Illinois Colt Stakes Purse
2 Distribution Fund pursuant to this subparagraph (B)
3 shall be paid to Illinois conceived and foaled
4 thoroughbred breeders' programs and to thoroughbred
5 purses for races conducted at any county fairgrounds
6 for Illinois conceived and foaled horses at the
7 discretion of the Department of Agriculture, with the
8 advice and assistance of the Illinois Thoroughbred
9 Breeders Fund Advisory Board. The moneys deposited
10 into the Illinois Colt Stakes Purse Distribution Fund
11 pursuant to this subparagraph (B) shall be deposited
12 within 2 weeks after the day they were generated, shall
13 be in addition to and not in lieu of any other moneys
14 paid to thoroughbred purses under this Act, and shall
15 not be commingled with other moneys deposited into that
16 Fund.

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

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

27 (B) Twenty percent to the Illinois Colt Stakes
28 Purse Distribution Fund.

29 Failure to make the payment to the Illinois Colt Stakes
30 Purse Distribution Fund before January 1, 2002 shall result
31 in the immediate revocation of the licensee's organization
32 license, inter-track wagering license, and inter-track
33 wagering location license.

34 Moneys paid into the Illinois Colt Stakes Purse

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

12 (7.4) If live standardbred racing is conducted at a
13 racetrack located in Madison County at any time in calendar
14 year 2001 before the payment required under paragraph (7.3)
15 has been made, the organization licensee who is licensed to
16 conduct racing at that racetrack shall pay all moneys
17 derived by that racetrack from simulcast wagering and
18 inter-track wagering during calendar years 2000 and 2001
19 that (1) are to be used for purses and (2) are generated
20 between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or
21 2001 to the standardbred purse account at that racetrack to
22 be used for standardbred purses.

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

30 (8.1) Notwithstanding any provisions in this Act to the
31 contrary, if 2 organization licensees are conducting
32 standardbred race meetings concurrently between the hours
33 of 6:30 p.m. and 6:30 a.m., after payment of all applicable
34 State and local taxes and interstate commission fees, the

1 remainder of the amount retained from simulcast wagering
2 otherwise attributable to the host track and to host track
3 purses shall be split daily between the 2 organization
4 licensees and the purses at the tracks of the 2
5 organization licensees, respectively, based on each
6 organization licensee's share of the total live handle for
7 that day, provided that this provision shall not apply to
8 any non-host licensee that derives its license from a track
9 located in a county with a population in excess of 230,000
10 and that borders the Mississippi River.

11 (9) (Blank).

12 (10) (Blank).

13 (11) (Blank).

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

19 (13) Notwithstanding any other provision of this Act,
20 in the event that the total Illinois pari-mutuel handle on
21 Illinois horse races at all wagering facilities in any
22 calendar year is less than 75% of the total Illinois
23 pari-mutuel handle on Illinois horse races at all such
24 wagering facilities for calendar year 1994, then each
25 wagering facility that has an annual total Illinois
26 pari-mutuel handle on Illinois horse races that is less
27 than 75% of the total Illinois pari-mutuel handle on
28 Illinois horse races at such wagering facility for calendar
29 year 1994, shall be permitted to receive, from any amount
30 otherwise payable to the purse account at the race track
31 with which the wagering facility is affiliated in the
32 succeeding calendar year, an amount equal to 2% of the
33 differential in total Illinois pari-mutuel handle on
34 Illinois horse races at the wagering facility between that

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

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

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

1 there shall be delivered to the Board a certified check or
2 bank draft payable to the order of the Board for an amount
3 equal to \$500. The application shall be on forms prescribed
4 and furnished by the Board. The application shall comply
5 with all other rules, regulations and conditions imposed by
6 the Board in connection therewith.

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

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

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

31 (5) Each license to conduct inter-track wagering and
32 simulcast wagering shall specify the person to whom it is
33 issued, the dates on which such wagering is permitted, and
34 the track or location where the wagering is to be

1 conducted.

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

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

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

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

31 (8.2) Inter-track wagering or simulcast wagering shall
32 not be conducted by an inter-track wagering location
33 licensee at any location within 500 feet of an existing
34 church or existing school, nor within 500 feet of the

1 residences of more than 50 registered voters without
2 receiving written permission from a majority of the
3 registered voters at such residences. Such written
4 permission statements shall be filed with the Board. The
5 distance of 500 feet shall be measured to the nearest part
6 of any building used for worship services, education
7 programs, residential purposes, or conducting inter-track
8 wagering by an inter-track wagering location licensee, and
9 not to property boundaries. However, inter-track wagering
10 or simulcast wagering may be conducted at a site within 500
11 feet of a church, school or residences of 50 or more
12 registered voters if such church, school or residences have
13 been erected or established, or such voters have been
14 registered, after the Board issues the original
15 inter-track wagering location license at the site in
16 question. Inter-track wagering location licensees may
17 conduct inter-track wagering and simulcast wagering only
18 in areas that are zoned for commercial or manufacturing
19 purposes or in areas for which a special use has been
20 approved by the local zoning authority. However, no license
21 to conduct inter-track wagering and simulcast wagering
22 shall be granted by the Board with respect to any
23 inter-track wagering location within the jurisdiction of
24 any local zoning authority which has, by ordinance or by
25 resolution, prohibited the establishment of an inter-track
26 wagering location within its jurisdiction. However,
27 inter-track wagering and simulcast wagering may be
28 conducted at a site if such ordinance or resolution is
29 enacted after the Board licenses the original inter-track
30 wagering location licensee for the site in question.

31 (9) (Blank).

32 (10) An inter-track wagering licensee or an
33 inter-track wagering location licensee may retain, subject
34 to the payment of the privilege taxes and the purses, an

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

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

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

34 (A) That portion of all moneys wagered on

1 standardbred racing that is required under this Act to
2 be paid to purses shall be paid to purses for
3 standardbred races.

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

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

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

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

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

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

26 (C) There is hereby created the Horse Racing Tax
27 Allocation Fund which shall remain in existence until
28 December 31, 1999. Moneys remaining in the Fund after
29 December 31, 1999 shall be paid into the General Revenue
30 Fund. Until January 1, 2000, all monies paid into the Horse
31 Racing Tax Allocation Fund pursuant to this paragraph (11)
32 by inter-track wagering location licensees located in park
33 districts of 500,000 population or less, or in a
34 municipality that is not included within any park district

1 but is included within a conservation district and is the
2 county seat of a county that (i) is contiguous to the state
3 of Indiana and (ii) has a 1990 population of 88,257
4 according to the United States Bureau of the Census, and
5 operating on May 1, 1994 shall be allocated by
6 appropriation as follows:

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

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

10 Four-sevenths to park districts or municipalities
11 that do not have a park district of 500,000 population
12 or less for museum purposes (if an inter-track wagering
13 location licensee is located in such a park district)
14 or to conservation districts for museum purposes (if an
15 inter-track wagering location licensee is located in a
16 municipality that is not included within any park
17 district but is included within a conservation
18 district and is the county seat of a county that (i) is
19 contiguous to the state of Indiana and (ii) has a 1990
20 population of 88,257 according to the United States
21 Bureau of the Census, except that if the conservation
22 district does not maintain a museum, the monies shall
23 be allocated equally between the county and the
24 municipality in which the inter-track wagering
25 location licensee is located for general purposes) or
26 to a municipal recreation board for park purposes (if
27 an inter-track wagering location licensee is located
28 in a municipality that is not included within any park
29 district and park maintenance is the function of the
30 municipal recreation board and the municipality has a
31 1990 population of 9,302 according to the United States
32 Bureau of the Census); provided that the monies are
33 distributed to each park district or conservation
34 district or municipality that does not have a park

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

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

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

29 Two-sevenths to the Department of Agriculture.
30 Fifty percent of this two-sevenths shall be used to
31 promote the Illinois horse racing and breeding
32 industry, and shall be distributed by the Department of
33 Agriculture upon the advice of a 9-member committee
34 appointed by the Governor consisting of the following

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

32 Four-sevenths to museums and aquariums located in
33 park districts of over 500,000 population; provided
34 that the monies are distributed in accordance with the

1 previous year's distribution of the maintenance tax
2 for such museums and aquariums as provided in Section 2
3 of the Park District Aquarium and Museum Act; and

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

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

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

26 (ii) If the inter-track wagering licensee,
27 except an intertrack wagering licensee that
28 derives its license from an organization licensee
29 located in a county with a population in excess of
30 230,000 and bounded by the Mississippi River, is
31 also conducting its own race meeting during the
32 same dates, then the purse allocation shall be as
33 follows: 50% to purses at the track where the races
34 wagered on are being conducted; 50% to purses at

1 the track where the inter-track wagering licensee
2 is accepting such wagers.

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

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

18 (A) The Board is vested with power to promulgate
19 reasonable rules and regulations for the purpose of
20 administering the conduct of this wagering and to
21 prescribe reasonable rules, regulations and conditions
22 under which such wagering shall be held and conducted.
23 Such rules and regulations are to provide for the
24 prevention of practices detrimental to the public
25 interest and for the best interests of said wagering
26 and to impose penalties for violations thereof.

27 (B) The Board, and any person or persons to whom it
28 delegates this power, is vested with the power to enter
29 the facilities of any licensee to determine whether
30 there has been compliance with the provisions of this
31 Act and the rules and regulations relating to the
32 conduct of such wagering.

33 (C) The Board, and any person or persons to whom it
34 delegates this power, may eject or exclude from any

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

9 (D) (Blank).

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

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

23 (G) The Board is vested with the power to impose
24 civil penalties of up to \$5,000 against individuals and
25 up to \$10,000 against licensees for each violation of
26 any provision of this Act relating to the conduct of
27 this wagering, any rules adopted by the Board, any
28 order of the Board or any other action which in the
29 Board's discretion, is a detriment or impediment to
30 such wagering.

31 (13) The Department of Agriculture may enter into
32 agreements with licensees authorizing such licensees to
33 conduct inter-track wagering on races to be held at the
34 licensed race meetings conducted by the Department of

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

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

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

27 Section 99. Effective date. This Act takes effect upon
28 becoming law."