



Sen. William R. Haine

Filed: 3/16/2010

09600SB0735sam001

LRB096 06803 AMC 39093 a

1 AMENDMENT TO SENATE BILL 735

2 AMENDMENT NO. _____. Amend Senate Bill 735 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Horse Racing Act of 1975 is
5 amended by changing Section 27 as follows:

6 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

7 Sec. 27. (a) In addition to the organization license fee
8 provided by this Act, until January 1, 2000, a graduated
9 privilege tax is hereby imposed for conducting the pari-mutuel
10 system of wagering permitted under this Act. Until January 1,
11 2000, except as provided in subsection (g) of Section 27 of
12 this Act, all of the breakage of each racing day held by any
13 licensee in the State shall be paid to the State. Until January
14 1, 2000, such daily graduated privilege tax shall be paid by
15 the licensee from the amount permitted to be retained under
16 this Act. Until January 1, 2000, each day's graduated privilege

1 tax, breakage, and Horse Racing Tax Allocation funds shall be
2 remitted to the Department of Revenue within 48 hours after the
3 close of the racing day upon which it is assessed or within
4 such other time as the Board prescribes. The privilege tax
5 hereby imposed, until January 1, 2000, shall be a flat tax at
6 the rate of 2% of the daily pari-mutuel handle except as
7 provided in Section 27.1.

8 In addition, every organization licensee, except as
9 provided in Section 27.1 of this Act, which conducts multiple
10 wagering shall pay, until January 1, 2000, as a privilege tax
11 on multiple wagers an amount equal to 1.25% of all moneys
12 wagered each day on such multiple wagers, plus an additional
13 amount equal to 3.5% of the amount wagered each day on any
14 other multiple wager which involves a single betting interest
15 on 3 or more horses. The licensee shall remit the amount of
16 such taxes to the Department of Revenue within 48 hours after
17 the close of the racing day on which it is assessed or within
18 such other time as the Board prescribes.

19 This subsection (a) shall be inoperative and of no force
20 and effect on and after January 1, 2000.

21 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax
22 at the rate of 1.5% of the daily pari-mutuel handle is imposed
23 at all pari-mutuel wagering facilities and on advance deposit
24 wagering from a location other than a wagering facility, except
25 as otherwise provided for in this subsection (a-5). In addition
26 to the pari-mutuel tax imposed on advance deposit wagering

1 pursuant to this subsection (a-5), an additional pari-mutuel
2 tax at the rate of 0.25% shall be imposed on advance deposit
3 wagering, the amount of which shall not exceed \$250,000 in each
4 calendar year. The additional 0.25% pari-mutuel tax imposed on
5 advance deposit wagering by this amendatory Act of the 96th
6 General Assembly shall be deposited into the Quarter Horse
7 Purse Fund, which shall be created as a non-appropriated trust
8 fund administered by the Board for grants to thoroughbred
9 organization licensees for payment of purses for quarter horse
10 races conducted by the organization licensee. Thoroughbred
11 organization licensees may petition the Board to conduct
12 quarter horse racing and receive purse grants from the Quarter
13 Horse Purse Fund. The Board shall have complete discretion in
14 distributing the Quarter Horse Purse Fund to the petitioning
15 organization licensees. Beginning on the effective date of this
16 amendatory Act of the 96th General Assembly ~~this amendatory Act~~
17 ~~of the 94th General Assembly~~ and until moneys deposited
18 pursuant to Section 54 are distributed and received, a
19 pari-mutuel tax at the rate of 0.75% ~~0.25%~~ of the daily
20 pari-mutuel handle is imposed at a pari-mutuel facility whose
21 license is derived from a track located in a county that
22 borders the Mississippi River and conducted live racing in the
23 previous year. After moneys deposited pursuant to Section 54
24 are distributed and received, a pari-mutuel tax at the rate of
25 1.5% of the daily pari-mutuel handle is imposed at a
26 pari-mutuel facility whose license is derived from a track

1 located in a county that borders the Mississippi River and
2 conducted live racing in the previous year. The pari-mutuel tax
3 imposed by this subsection (a-5) shall be remitted to the
4 Department of Revenue within 48 hours after the close of the
5 racing day upon which it is assessed or within such other time
6 as the Board prescribes.

7 (b) On or before December 31, 1999, in the event that any
8 organization licensee conducts 2 separate programs of races on
9 any day, each such program shall be considered a separate
10 racing day for purposes of determining the daily handle and
11 computing the privilege tax on such daily handle as provided in
12 subsection (a) of this Section.

13 (c) Licensees shall at all times keep accurate books and
14 records of all monies wagered on each day of a race meeting and
15 of the taxes paid to the Department of Revenue under the
16 provisions of this Section. The Board or its duly authorized
17 representative or representatives shall at all reasonable
18 times have access to such records for the purpose of examining
19 and checking the same and ascertaining whether the proper
20 amount of taxes is being paid as provided. The Board shall
21 require verified reports and a statement of the total of all
22 monies wagered daily at each wagering facility upon which the
23 taxes are assessed and may prescribe forms upon which such
24 reports and statement shall be made.

25 (d) Any licensee failing or refusing to pay the amount of
26 any tax due under this Section shall be guilty of a business

1 offense and upon conviction shall be fined not more than \$5,000
2 in addition to the amount found due as tax under this Section.
3 Each day's violation shall constitute a separate offense. All
4 fines paid into Court by a licensee hereunder shall be
5 transmitted and paid over by the Clerk of the Court to the
6 Board.

7 (e) No other license fee, privilege tax, excise tax, or
8 racing fee, except as provided in this Act, shall be assessed
9 or collected from any such licensee by the State.

10 (f) No other license fee, privilege tax, excise tax or
11 racing fee shall be assessed or collected from any such
12 licensee by units of local government except as provided in
13 paragraph 10.1 of subsection (h) and subsection (f) of Section
14 26 of this Act. However, any municipality that has a Board
15 licensed horse race meeting at a race track wholly within its
16 corporate boundaries or a township that has a Board licensed
17 horse race meeting at a race track wholly within the
18 unincorporated area of the township may charge a local
19 amusement tax not to exceed 10¢ per admission to such horse
20 race meeting by the enactment of an ordinance. However, any
21 municipality or county that has a Board licensed inter-track
22 wagering location facility wholly within its corporate
23 boundaries may each impose an admission fee not to exceed \$1.00
24 per admission to such inter-track wagering location facility,
25 so that a total of not more than \$2.00 per admission may be
26 imposed. Except as provided in subparagraph (g) of Section 27

1 of this Act, the inter-track wagering location licensee shall
2 collect any and all such fees and within 48 hours remit the
3 fees to the Board, which shall, pursuant to rule, cause the
4 fees to be distributed to the county or municipality.

5 (g) Notwithstanding any provision in this Act to the
6 contrary, if in any calendar year the total taxes and fees
7 required to be collected from licensees and distributed under
8 this Act to all State and local governmental authorities
9 exceeds the amount of such taxes and fees distributed to each
10 State and local governmental authority to which each State and
11 local governmental authority was entitled under this Act for
12 calendar year 1994, then the first \$11 million of that excess
13 amount shall be allocated at the earliest possible date for
14 distribution as purse money for the succeeding calendar year.
15 Upon reaching the 1994 level, and until the excess amount of
16 taxes and fees exceeds \$11 million, the Board shall direct all
17 licensees to cease paying the subject taxes and fees and the
18 Board shall direct all licensees to allocate any such excess
19 amount for purses as follows:

20 (i) the excess amount shall be initially divided
21 between thoroughbred and standardbred purses based on the
22 thoroughbred's and standardbred's respective percentages
23 of total Illinois live wagering in calendar year 1994;

24 (ii) each thoroughbred and standardbred organization
25 licensee issued an organization licensee in that
26 succeeding allocation year shall be allocated an amount

1 equal to the product of its percentage of total Illinois
2 live thoroughbred or standardbred wagering in calendar
3 year 1994 (the total to be determined based on the sum of
4 1994 on-track wagering for all organization licensees
5 issued organization licenses in both the allocation year
6 and the preceding year) multiplied by the total amount
7 allocated for standardbred or thoroughbred purses,
8 provided that the first \$1,500,000 of the amount allocated
9 to standardbred purses under item (i) shall be allocated to
10 the Department of Agriculture to be expended with the
11 assistance and advice of the Illinois Standardbred
12 Breeders Funds Advisory Board for the purposes listed in
13 subsection (g) of Section 31 of this Act, before the amount
14 allocated to standardbred purses under item (i) is
15 allocated to standardbred organization licensees in the
16 succeeding allocation year.

17 To the extent the excess amount of taxes and fees to be
18 collected and distributed to State and local governmental
19 authorities exceeds \$11 million, that excess amount shall be
20 collected and distributed to State and local authorities as
21 provided for under this Act.

22 (Source: P.A. 96-762, eff. 8-25-09.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."