

1 AN ACT in relation to gambling.

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

4 Section 5. The Illinois Horse Racing Act is amended by
5 changing Section 26 as follows:

6 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

7 Sec. 26. Wagering.

8 (a) Any licensee may conduct and supervise the
9 pari-mutuel system of wagering, as defined in Section 3.12 of
10 this Act, on horse races conducted by an Illinois
11 organization licensee or conducted at a racetrack located in
12 another state or country and televised in Illinois in
13 accordance with subsection (g) of Section 26 of this Act.
14 Subject to the prior consent of the Board, licensees may
15 supplement any pari-mutuel pool in order to guarantee a
16 minimum distribution. Such pari-mutuel method of wagering
17 shall not, under any circumstances if conducted under the
18 provisions of this Act, be held or construed to be unlawful,
19 other statutes of this State to the contrary notwithstanding.
20 Subject to rules for advance wagering promulgated by the
21 Board, any licensee may accept wagers in advance of the day
22 of the race wagered upon occurs.

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

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

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

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

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

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

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

1 any person who is not at least 21 years of age (under 18
2 years of age in the case of a person who is on active duty in
3 the United States armed services) to be a patron of the
4 pari-mutuel system of wagering conducted or supervised by it.
5 The admission of any unaccompanied minor, other than an
6 employee of the licensee or an owner, trainer, jockey,
7 driver, or employee thereof at a race track is a Class C
8 misdemeanor.

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

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

1 wagering pools established by other states.

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

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

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

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

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

1 paragraph (11) of subsection (h) of Section 26 of this
2 Act.

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

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

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

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

33 (6) Notwithstanding any provision in this Act to
34 the contrary, non-host licensees who derive their

1 licenses from a track located in a county with a
2 population in excess of 230,000 and that borders the
3 Mississippi River may receive supplemental interstate
4 simulcast races at all times subject to Board approval,
5 which shall be withheld only upon a finding that a
6 supplemental interstate simulcast is clearly adverse to
7 the integrity of racing.

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

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

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

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

1 wagers made during this time period to its
2 standardbred purse accounts;

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

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

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

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

1 (9) (Blank).

2 (10) (Blank).

3 (11) (Blank).

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

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

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

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

27 (1) Any person licensed to conduct a race meeting
28 at a track where 60 or more days of racing were conducted
29 during the immediately preceding calendar year or where
30 over the 5 immediately preceding calendar years an
31 average of 30 or more days of racing were conducted
32 annually or at a track located in a county that is
33 bounded by the Mississippi River, which has a population
34 of less than 150,000 according to the 1990 decennial

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

21 (2) The Board shall examine the applications with
22 respect to their conformity with this Act and the rules
23 and regulations imposed by the Board. If found to be in
24 compliance with the Act and rules and regulations of the
25 Board, the Board may then issue a license to conduct
26 inter-track wagering and simulcast wagering to such
27 applicant. All such applications shall be acted upon by
28 the Board at a meeting to be held on such date as may be
29 fixed by the Board.

30 (3) In granting licenses to conduct inter-track
31 wagering and simulcast wagering, the Board shall give due
32 consideration to the best interests of the public, of
33 horse racing, and of maximizing revenue to the State.

34 (4) Prior to the issuance of a license to conduct

1 inter-track wagering and simulcast wagering, the
2 applicant shall file with the Board a bond payable to the
3 State of Illinois in the sum of \$50,000, executed by the
4 applicant and a surety company or companies authorized to
5 do business in this State, and conditioned upon (i) the
6 payment by the licensee of all taxes due under Section 27
7 or 27.1 and any other monies due and payable under this
8 Act, and (ii) distribution by the licensee, upon
9 presentation of the winning ticket or tickets, of all
10 sums payable to the patrons of pari-mutuel pools.

11 (5) Each license to conduct inter-track wagering
12 and simulcast wagering shall specify the person to whom
13 it is issued, the dates on which such wagering is
14 permitted, and the track or location where the wagering
15 is to be conducted.

16 (6) All wagering under such license is subject to
17 this Act and to the rules and regulations from time to
18 time prescribed by the Board, and every such license
19 issued by the Board shall contain a recital to that
20 effect.

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

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

28 (8.1) Inter-track wagering location licensees who
29 derive their licenses from a particular organization
30 licensee shall conduct inter-track wagering and simulcast
31 wagering only at locations which are either within 90
32 miles of that race track where the particular
33 organization licensee is licensed to conduct racing, or
34 within 135 miles of that race track where the particular

1 organization licensee is licensed to conduct racing in
2 the case of race tracks in counties of less than 400,000
3 that were operating on or before June 1, 1986. However,
4 inter-track wagering and simulcast wagering shall not be
5 conducted by those licensees at any location within 5
6 miles of any race track at which a horse race meeting has
7 been licensed in the current year, unless the person
8 having operating control of such race track has given its
9 written consent to such inter-track wagering location
10 licensees, which consent must be filed with the Board at
11 or prior to the time application is made.

12 (8.2) Inter-track wagering or simulcast wagering
13 shall not be conducted by an inter-track wagering
14 location licensee at any location within 500 feet of an
15 existing church or existing school, nor within 500 feet
16 of the residences of more than 50 registered voters
17 without receiving written permission from a majority of
18 the registered voters at such residences. Such written
19 permission statements shall be filed with the Board. The
20 distance of 500 feet shall be measured to the nearest
21 part of any building used for worship services, education
22 programs, residential purposes, or conducting inter-track
23 wagering by an inter-track wagering location licensee,
24 and not to property boundaries. However, inter-track
25 wagering or simulcast wagering may be conducted at a site
26 within 500 feet of a church, school or residences of 50
27 or more registered voters if such church, school or
28 residences have been erected or established, or such
29 voters have been registered, after the Board issues the
30 original inter-track wagering location license at the
31 site in question. Inter-track wagering location licensees
32 may conduct inter-track wagering and simulcast wagering
33 only in areas that are zoned for commercial or
34 manufacturing purposes or in areas for which a special

1 use has been approved by the local zoning authority.
2 However, no license to conduct inter-track wagering and
3 simulcast wagering shall be granted by the Board with
4 respect to any inter-track wagering location within the
5 jurisdiction of any local zoning authority which has, by
6 ordinance or by resolution, prohibited the establishment
7 of an inter-track wagering location within its
8 jurisdiction. However, inter-track wagering and
9 simulcast wagering may be conducted at a site if such
10 ordinance or resolution is enacted after the Board
11 licenses the original inter-track wagering location
12 licensee for the site in question.

13 (9) (Blank).

14 (10) An inter-track wagering licensee or an
15 inter-track wagering location licensee may retain,
16 subject to the payment of the privilege taxes and the
17 purses, an amount not to exceed 17% of all money wagered.
18 Each program of racing conducted by each inter-track
19 wagering licensee or inter-track wagering location
20 licensee shall be considered a separate racing day for
21 the purpose of determining the daily handle and computing
22 the privilege tax or pari-mutuel tax on such daily handle
23 as provided in Section 27.

24 (10.1) Except as provided in subsection (g) of
25 Section 27 of this Act, inter-track wagering location
26 licensees shall pay 1% of the pari-mutuel handle at each
27 location to the municipality in which such location is
28 situated and 1% of the pari-mutuel handle at each
29 location to the county in which such location is
30 situated. In the event that an inter-track wagering
31 location licensee is situated in an unincorporated area
32 of a county, such licensee shall pay 2% of the
33 pari-mutuel handle from such location to such county.

34 (10.2) Notwithstanding any other provision of this

1 Act, with respect to intertrack wagering at a race track
2 located in a county that has a population of more than
3 230,000 and that is bounded by the Mississippi River
4 ("the first race track"), or at a facility operated by an
5 inter-track wagering licensee or inter-track wagering
6 location licensee that derives its license from the
7 organization licensee that operates the first race track,
8 on races conducted at the first race track or on races
9 conducted at another Illinois race track and
10 simultaneously televised to the first race track or to a
11 facility operated by an inter-track wagering licensee or
12 inter-track wagering location licensee that derives its
13 license from the organization licensee that operates the
14 first race track, those moneys shall be allocated as
15 follows:

16 (A) That portion of all moneys wagered on
17 standardbred racing that is required under this Act
18 to be paid to purses shall be paid to purses for
19 standardbred races.

20 (B) That portion of all moneys wagered on
21 thoroughbred racing that is required under this Act
22 to be paid to purses shall be paid to purses for
23 thoroughbred races.

24 (11) (A) After payment of the privilege or
25 pari-mutuel tax, any other applicable taxes, and the
26 costs and expenses in connection with the gathering,
27 transmission, and dissemination of all data necessary to
28 the conduct of inter-track wagering, the remainder of the
29 monies retained under either Section 26 or Section 26.2
30 of this Act by the inter-track wagering licensee on
31 inter-track wagering shall be allocated with 50% to be
32 split between the 2 participating licensees and 50% to
33 purses, except that an intertrack wagering licensee that
34 derives its license from a track located in a county with

1 a population in excess of 230,000 and that borders the
2 Mississippi River shall not divide any remaining
3 retention with the Illinois organization licensee that
4 provides the race or races, and an intertrack wagering
5 licensee that accepts wagers on races conducted by an
6 organization licensee that conducts a race meet in a
7 county with a population in excess of 230,000 and that
8 borders the Mississippi River shall not divide any
9 remaining retention with that organization licensee.

10 (B) From the sums permitted to be retained pursuant
11 to this Act each inter-track wagering location licensee
12 shall pay (i) the privilege or pari-mutuel tax to the
13 State; (ii) 4.75% of the pari-mutuel handle on intertrack
14 wagering at such location on races as purses, except that
15 an intertrack wagering location licensee that derives its
16 license from a track located in a county with a
17 population in excess of 230,000 and that borders the
18 Mississippi River shall retain all purse moneys for its
19 own purse account consistent with distribution set forth
20 in this subsection (h), and intertrack wagering location
21 licensees that accept wagers on races conducted by an
22 organization licensee located in a county with a
23 population in excess of 230,000 and that borders the
24 Mississippi River shall distribute all purse moneys to
25 purses at the operating host track; (iii) until January
26 1, 2000, except as provided in subsection (g) of Section
27 27 of this Act, 1% of the pari-mutuel handle wagered on
28 inter-track wagering and simulcast wagering at each
29 inter-track wagering location licensee facility to the
30 Horse Racing Tax Allocation Fund, provided that, to the
31 extent the total amount collected and distributed to the
32 Horse Racing Tax Allocation Fund under this subsection
33 (h) during any calendar year exceeds the amount collected
34 and distributed to the Horse Racing Tax Allocation Fund

1 during calendar year 1994, that excess amount shall be
2 redistributed (I) to all inter-track wagering location
3 licensees, based on each licensee's pro-rata share of the
4 total handle from inter-track wagering and simulcast
5 wagering for all inter-track wagering location licensees
6 during the calendar year in which this provision is
7 applicable; then (II) the amounts redistributed to each
8 inter-track wagering location licensee as described in
9 subpart (I) shall be further redistributed as provided in
10 subparagraph (B) of paragraph (5) of subsection (g) of
11 this Section 26 provided first, that the shares of those
12 amounts, which are to be redistributed to the host track
13 or to purses at the host track under subparagraph (B) of
14 paragraph (5) of subsection (g) of this Section 26 shall
15 be redistributed based on each host track's pro rata
16 share of the total inter-track wagering and simulcast
17 wagering handle at all host tracks during the calendar
18 year in question, and second, that any amounts
19 redistributed as described in part (I) to an inter-track
20 wagering location licensee that accepts wagers on races
21 conducted by an organization licensee that conducts a
22 race meet in a county with a population in excess of
23 230,000 and that borders the Mississippi River shall be
24 further redistributed as provided in subparagraphs (D)
25 and (E) of paragraph (7) of subsection (g) of this
26 Section 26, with the portion of that further
27 redistribution allocated to purses at that organization
28 licensee to be divided between standardbred purses and
29 thoroughbred purses based on the amounts otherwise
30 allocated to purses at that organization licensee during
31 the calendar year in question; and (iv) 8% of the
32 pari-mutuel handle on inter-track wagering wagered at
33 such location to satisfy all costs and expenses of
34 conducting its wagering. The remainder of the monies

1 retained by the inter-track wagering location licensee
2 shall be allocated 40% to the location licensee and 60%
3 to the organization licensee which provides the Illinois
4 races to the location, except that an intertrack wagering
5 location licensee that derives its license from a track
6 located in a county with a population in excess of
7 230,000 and that borders the Mississippi River shall not
8 divide any remaining retention with the organization
9 licensee that provides the race or races and an
10 intertrack wagering location licensee that accepts wagers
11 on races conducted by an organization licensee that
12 conducts a race meet in a county with a population in
13 excess of 230,000 and that borders the Mississippi River
14 shall not divide any remaining retention with the
15 organization licensee. Notwithstanding the provisions of
16 clauses (ii) and (iv) of this paragraph, in the case of
17 the additional inter-track wagering location licenses
18 authorized under paragraph (1) of this subsection (h) by
19 this amendatory Act of 1991, those licensees shall pay
20 the following amounts as purses: during the first 12
21 months the licensee is in operation, 5.25% of the
22 pari-mutuel handle wagered at the location on races;
23 during the second 12 months, 5.25%; during the third 12
24 months, 5.75%; during the fourth 12 months, 6.25%; and
25 during the fifth 12 months and thereafter, 6.75%. The
26 following amounts shall be retained by the licensee to
27 satisfy all costs and expenses of conducting its
28 wagering: during the first 12 months the licensee is in
29 operation, 8.25% of the pari-mutuel handle wagered at the
30 location; during the second 12 months, 8.25%; during the
31 third 12 months, 7.75%; during the fourth 12 months,
32 7.25%; and during the fifth 12 months and thereafter,
33 6.75%. For additional intertrack wagering location
34 licensees authorized under this amendatory Act of 1995,

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

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

27 Two-sevenths to the Department of Agriculture.
28 Fifty percent of this two-sevenths shall be used to
29 promote the Illinois horse racing and breeding
30 industry, and shall be distributed by the Department
31 of Agriculture upon the advice of a 9-member
32 committee appointed by the Governor consisting of
33 the following members: the Director of Agriculture,
34 who shall serve as chairman; 2 representatives of

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

31 Four-sevenths to park districts or
32 municipalities that do not have a park district of
33 500,000 population or less for museum purposes (if
34 an inter-track wagering location licensee is located

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

1 after the effective date of this amendatory Act of
2 1991, be allocated and paid to that conservation
3 district as provided in this paragraph. Any park
4 district or municipality not maintaining a museum
5 may deposit the monies in the corporate fund of the
6 park district or municipality where the inter-track
7 wagering location is located, to be used for general
8 purposes; and

9 One-seventh to the Agricultural Premium Fund to
10 be used for distribution to agricultural home
11 economics extension councils in accordance with "An
12 Act in relation to additional support and finances
13 for the Agricultural and Home Economic Extension
14 Councils in the several counties of this State and
15 making an appropriation therefor", approved July 24,
16 1967.

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

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

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

25 Four-sevenths to museums and aquariums located
26 in park districts of over 500,000 population;
27 provided that the monies are distributed in
28 accordance with the previous year's distribution of
29 the maintenance tax for such museums and aquariums
30 as provided in Section 2 of the Park District
31 Aquarium and Museum Act; and

32 One-seventh to the Agricultural Premium Fund to
33 be used for distribution to agricultural home
34 economics extension councils in accordance with "An

1 Act in relation to additional support and finances
2 for the Agricultural and Home Economic Extension
3 Councils in the several counties of this State and
4 making an appropriation therefor", approved July 24,
5 1967. This subparagraph (C) shall be inoperative and
6 of no force and effect on and after January 1, 2000.

7 (D) Except as provided in paragraph (11) of
8 this subsection (h), with respect to purse
9 allocation from intertrack wagering, the monies so
10 retained shall be divided as follows:

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

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

33 (iii) If the inter-track wagering is
34 being conducted by an inter-track wagering

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

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

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

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

31 (C) The Board, and any person or persons to
32 whom it delegates this power, may eject or exclude
33 from any licensee's facilities, any person whose
34 conduct or reputation is such that his presence on

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

8 (D) (Blank).

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

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

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

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

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

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

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

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