

1 AMENDMENT TO HOUSE BILL 618

2 AMENDMENT NO. _____. Amend House Bill 618 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Section 5.545 as follows:

6 (30 ILCS 105/5.545 new)

7 Sec. 5.545. The Illinois Conceived and Foaled
8 Standardbred Purse Fund.

9 Section 10. The Illinois Horse Racing Act of 1975 is
10 amended by changing Section 26 as follows:

11 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

12 Sec. 26. Wagering.

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

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

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

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

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

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

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

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

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

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

1 Revenue within 48 hours of receipt of the moneys from the
2 simulcast. When the out-of-State entity conducts a combined
3 pari-mutuel pool with the organization licensee, the tax
4 shall be 10% of all monies received by the organization
5 licensee with 25% of the receipts from this 10% tax to be
6 distributed to the county in which the race was conducted.

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

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

1 fee and other fees charged by the sending racetrack,
2 including, but not limited to, satellite decoder fees, shall
3 be uniformly applied to the host track and all non-host
4 licensees.

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

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

33 (3) Each licensee conducting interstate simulcast
34 wagering may retain, subject to the payment of all

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

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

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

1 26.2 shall be divided as follows:

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

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

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

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

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

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

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

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

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

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

32 (7.1) Notwithstanding any provision of this Act to
33 the contrary, when no live standardbred racing is
34 occurring at a racetrack located in a county with a

1 population in excess of 230,000 inhabitants that borders
2 the Mississippi River, all moneys paid to the
3 standardbred purse account at that racetrack shall be
4 transferred into the Illinois Conceived and Foaled
5 Standardbred Purse Fund, which is hereby created as a
6 special fund in the State Treasury. Moneys in the
7 Illinois Conceived and Foaled Standardbred Purse Fund
8 shall be used by the Department of Agriculture for
9 Illinois conceived and foaled standardbred race purses at
10 the Illinois State Fair and the DuQuoin State Fair.

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

27 (9) (Blank).

28 (10) (Blank).

29 (11) (Blank).

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

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

1 the amount to be paid to the wagering facility shall be
2 divided between each purse account pro rata, based on the
3 amount of Illinois handle on Illinois standardbred and
4 thoroughbred racing respectively at the wagering facility
5 during the previous calendar year. Annually, the General
6 Assembly shall appropriate sufficient funds from the
7 General Revenue Fund to the Department of Agriculture for
8 payment into the thoroughbred and standardbred horse
9 racing purse accounts at Illinois pari-mutuel tracks.
10 The amount paid to each purse account shall be the amount
11 certified by the Illinois Racing Board in January to be
12 transferred from each account to each eligible racing
13 facility in accordance with the provisions of this
14 Section.

15 (h) The Board may approve and license the conduct of
16 inter-track wagering and simulcast wagering by inter-track
17 wagering licensees and inter-track wagering location
18 licensees subject to the following terms and conditions:

19 (1) Any person licensed to conduct a race meeting
20 at a track where 60 or more days of racing were conducted
21 during the immediately preceding calendar year or where
22 over the 5 immediately preceding calendar years an
23 average of 30 or more days of racing were conducted
24 annually or at a track located in a county that is
25 bounded by the Mississippi River, which has a population
26 of less than 150,000 according to the 1990 decennial
27 census, and an average of at least 60 days of racing per
28 year between 1985 and 1993 may be issued an inter-track
29 wagering license. Any such person having operating
30 control of the racing facility may also receive up to 6
31 inter-track wagering location licenses. In no event shall
32 more than 6 inter-track wagering locations be established
33 for each eligible race track, except that an eligible
34 race track located in a county that has a population of

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

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

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

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

1 presentation of the winning ticket or tickets, of all
2 sums payable to the patrons of pari-mutuel pools.

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

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

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

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

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

1 written consent to such inter-track wagering location
2 licensees, which consent must be filed with the Board at
3 or prior to the time application is made.

4 (8.2) Inter-track wagering or simulcast wagering
5 shall not be conducted by an inter-track wagering
6 location licensee at any location within 500 feet of an
7 existing church or existing school, nor within 500 feet
8 of the residences of more than 50 registered voters
9 without receiving written permission from a majority of
10 the registered voters at such residences. Such written
11 permission statements shall be filed with the Board. The
12 distance of 500 feet shall be measured to the nearest
13 part of any building used for worship services, education
14 programs, residential purposes, or conducting inter-track
15 wagering by an inter-track wagering location licensee,
16 and not to property boundaries. However, inter-track
17 wagering or simulcast wagering may be conducted at a site
18 within 500 feet of a church, school or residences of 50
19 or more registered voters if such church, school or
20 residences have been erected or established, or such
21 voters have been registered, after the Board issues the
22 original inter-track wagering location license at the
23 site in question. Inter-track wagering location licensees
24 may conduct inter-track wagering and simulcast wagering
25 only in areas that are zoned for commercial or
26 manufacturing purposes or in areas for which a special
27 use has been approved by the local zoning authority.
28 However, no license to conduct inter-track wagering and
29 simulcast wagering shall be granted by the Board with
30 respect to any inter-track wagering location within the
31 jurisdiction of any local zoning authority which has, by
32 ordinance or by resolution, prohibited the establishment
33 of an inter-track wagering location within its
34 jurisdiction. However, inter-track wagering and

1 simulcast wagering may be conducted at a site if such
2 ordinance or resolution is enacted after the Board
3 licenses the original inter-track wagering location
4 licensee for the site in question.

5 (9) (Blank).

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

16 (10.1) Except as provided in subsection (g) of
17 Section 27 of this Act, inter-track wagering location
18 licensees shall pay 1% of the pari-mutuel handle at each
19 location to the municipality in which such location is
20 situated and 1% of the pari-mutuel handle at each
21 location to the county in which such location is
22 situated. In the event that an inter-track wagering
23 location licensee is situated in an unincorporated area
24 of a county, such licensee shall pay 2% of the
25 pari-mutuel handle from such location to such county.

26 (10.2) Notwithstanding any other provision of this
27 Act, with respect to intertrack wagering at a race track
28 located in a county that has a population of more than
29 230,000 and that is bounded by the Mississippi River
30 ("the first race track"), or at a facility operated by an
31 inter-track wagering licensee or inter-track wagering
32 location licensee that derives its license from the
33 organization licensee that operates the first race track,
34 on races conducted at the first race track or on races

1 conducted at another Illinois race track and
2 simultaneously televised to the first race track or to a
3 facility operated by an inter-track wagering licensee or
4 inter-track wagering location licensee that derives its
5 license from the organization licensee that operates the
6 first race track, those moneys shall be allocated as
7 follows:

8 (A) That portion of all moneys wagered on
9 standardbred racing that is required under this Act
10 to be paid to purses shall be paid to purses for
11 standardbred races.

12 (B) That portion of all moneys wagered on
13 thoroughbred racing that is required under this Act
14 to be paid to purses shall be paid to purses for
15 thoroughbred races.

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

1 remaining retention with that organization licensee.

2 (B) From the sums permitted to be retained pursuant
3 to this Act each inter-track wagering location licensee
4 shall pay (i) the privilege or pari-mutuel tax to the
5 State; (ii) 4.75% of the pari-mutuel handle on intertrack
6 wagering at such location on races as purses, except that
7 an intertrack wagering location licensee that derives its
8 license from a track located in a county with a
9 population in excess of 230,000 and that borders the
10 Mississippi River shall retain all purse moneys for its
11 own purse account consistent with distribution set forth
12 in this subsection (h), and intertrack wagering location
13 licensees that accept wagers on races conducted by an
14 organization licensee located in a county with a
15 population in excess of 230,000 and that borders the
16 Mississippi River shall distribute all purse moneys to
17 purses at the operating host track; (iii) until January
18 1, 2000, except as provided in subsection (g) of Section
19 27 of this Act, 1% of the pari-mutuel handle wagered on
20 inter-track wagering and simulcast wagering at each
21 inter-track wagering location licensee facility to the
22 Horse Racing Tax Allocation Fund, provided that, to the
23 extent the total amount collected and distributed to the
24 Horse Racing Tax Allocation Fund under this subsection
25 (h) during any calendar year exceeds the amount collected
26 and distributed to the Horse Racing Tax Allocation Fund
27 during calendar year 1994, that excess amount shall be
28 redistributed (I) to all inter-track wagering location
29 licensees, based on each licensee's pro-rata share of the
30 total handle from inter-track wagering and simulcast
31 wagering for all inter-track wagering location licensees
32 during the calendar year in which this provision is
33 applicable; then (II) the amounts redistributed to each
34 inter-track wagering location licensee as described in

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

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

1 handle wagered at the location during its first 12 months
2 of operation, 7.25% during its second 12 months of
3 operation, and 6.75% thereafter.

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

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

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

23 Four-sevenths to park districts or
24 municipalities that do not have a park district of
25 500,000 population or less for museum purposes (if
26 an inter-track wagering location licensee is located
27 in such a park district) or to conservation
28 districts for museum purposes (if an inter-track
29 wagering location licensee is located in a
30 municipality that is not included within any park
31 district but is included within a conservation
32 district and is the county seat of a county that (i)
33 is contiguous to the state of Indiana and (ii) has a
34 1990 population of 88,257 according to the United

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

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

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

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

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

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

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

33 (D) Except as provided in paragraph (11) of
34 this subsection (h), with respect to purse

1 allocation from intertrack wagering, the monies so
2 retained shall be divided as follows:

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

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

25 (iii) If the inter-track wagering is
26 being conducted by an inter-track wagering
27 location licensee, except an intertrack
28 wagering location licensee that derives its
29 license from an organization licensee located
30 in a county with a population in excess of
31 230,000 and bounded by the Mississippi River,
32 the entire purse allocation for Illinois races
33 shall be to purses at the track where the race
34 meeting being wagered on is being held.

1 (12) The Board shall have all powers necessary and
2 proper to fully supervise and control the conduct of
3 inter-track wagering and simulcast wagering by
4 inter-track wagering licensees and inter-track wagering
5 location licensees, including, but not limited to the
6 following:

7 (A) The Board is vested with power to
8 promulgate reasonable rules and regulations for the
9 purpose of administering the conduct of this
10 wagering and to prescribe reasonable rules,
11 regulations and conditions under which such wagering
12 shall be held and conducted. Such rules and
13 regulations are to provide for the prevention of
14 practices detrimental to the public interest and for
15 the best interests of said wagering and to impose
16 penalties for violations thereof.

17 (B) The Board, and any person or persons to
18 whom it delegates this power, is vested with the
19 power to enter the facilities of any licensee to
20 determine whether there has been compliance with the
21 provisions of this Act and the rules and regulations
22 relating to the conduct of such wagering.

23 (C) The Board, and any person or persons to
24 whom it delegates this power, may eject or exclude
25 from any licensee's facilities, any person whose
26 conduct or reputation is such that his presence on
27 such premises may, in the opinion of the Board, call
28 into the question the honesty and integrity of, or
29 interfere with the orderly conduct of such wagering;
30 provided, however, that no person shall be excluded
31 or ejected from such premises solely on the grounds
32 of race, color, creed, national origin, ancestry, or
33 sex.

34 (D) (Blank).

1 (E) The Board is vested with the power to
2 appoint delegates to execute any of the powers
3 granted to it under this Section for the purpose of
4 administering this wagering and any rules and
5 regulations promulgated in accordance with this Act.

6 (F) The Board shall name and appoint a State
7 director of this wagering who shall be a
8 representative of the Board and whose duty it shall
9 be to supervise the conduct of inter-track wagering
10 as may be provided for by the rules and regulations
11 of the Board; such rules and regulation shall
12 specify the method of appointment and the Director's
13 powers, authority and duties.

14 (G) The Board is vested with the power to
15 impose civil penalties of up to \$5,000 against
16 individuals and up to \$10,000 against licensees for
17 each violation of any provision of this Act relating
18 to the conduct of this wagering, any rules adopted
19 by the Board, any order of the Board or any other
20 action which in the Board's discretion, is a
21 detriment or impediment to such wagering.

22 (13) The Department of Agriculture may enter into
23 agreements with licensees authorizing such licensees to
24 conduct inter-track wagering on races to be held at the
25 licensed race meetings conducted by the Department of
26 Agriculture. Such agreement shall specify the races of
27 the Department of Agriculture's licensed race meeting
28 upon which the licensees will conduct wagering. In the
29 event that a licensee conducts inter-track pari-mutuel
30 wagering on races from the Illinois State Fair or DuQuoin
31 State Fair which are in addition to the licensee's
32 previously approved racing program, those races shall be
33 considered a separate racing day for the purpose of
34 determining the daily handle and computing the privilege

1 or pari-mutuel tax on that daily handle as provided in
2 Sections 27 and 27.1. Such agreements shall be approved
3 by the Board before such wagering may be conducted. In
4 determining whether to grant approval, the Board shall
5 give due consideration to the best interests of the
6 public and of horse racing. The provisions of paragraphs
7 (1), (8), (8.1), and (8.2) of subsection (h) of this
8 Section which are not specified in this paragraph (13)
9 shall not apply to licensed race meetings conducted by
10 the Department of Agriculture at the Illinois State Fair
11 in Sangamon County or the DuQuoin State Fair in Perry
12 County, or to any wagering conducted on those race
13 meetings.

14 (i) Notwithstanding the other provisions of this Act,
15 the conduct of wagering at wagering facilities is authorized
16 on all days, except as limited by subsection (b) of Section
17 19 of this Act.

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

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."