

HB1318



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1318

Introduced 2/20/2007, by Rep. Jay C. Hoffman

SYNOPSIS AS INTRODUCED:

230 ILCS 5/26

from Ch. 8, par. 37-26

Amends the Illinois Horse Racing Act of 1975. Makes changes concerning which licensee shall retain the sum held for unclaimed parimutuel tickets. Provides that non-host licensees who derive their licenses from the Fairmount Park shall pay 50% of the sum held for unclaimed tickets (in addition to 50% of the retention from interstate simulcast wagers) to the purses at Fairmount Park. Effective immediately.

LRB095 10382 AMC 30597 b

A BILL FOR

1 AN ACT concerning gaming.

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

4 Section 5. The Illinois Horse Racing Act of 1975 is amended
5 by changing 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 pari-mutuel
9 system of wagering, as defined in Section 3.12 of this Act, on
10 horse races conducted by an Illinois organization licensee or
11 conducted at a racetrack located in another state or country
12 and televised in Illinois in accordance with subsection (g) of
13 Section 26 of this Act. Subject to the prior consent of the
14 Board, licensees may supplement any pari-mutuel pool in order
15 to guarantee a minimum distribution. Such pari-mutuel method of
16 wagering shall not, under any circumstances if conducted under
17 the provisions of this Act, be held or construed to be
18 unlawful, other statutes of this State to the contrary
19 notwithstanding. Subject to rules for advance wagering
20 promulgated by the Board, any licensee may accept wagers in
21 advance of the day of the race wagered upon occurs.

22 (b) No other method of betting, pool making, wagering or
23 gambling shall be used or permitted by the licensee. Each

1 licensee may retain, subject to the payment of all applicable
2 taxes and purses, an amount not to exceed 17% of all money
3 wagered under subsection (a) of this Section, except as may
4 otherwise be permitted under this Act.

5 (b-5) An individual may place a wager under the pari-mutuel
6 system from any licensed location authorized under this Act
7 provided that wager is electronically recorded in the manner
8 described in Section 3.12 of this Act. Any wager made
9 electronically by an individual while physically on the
10 premises of a licensee shall be deemed to have been made at the
11 premises of that licensee.

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

22 (c-5) Until Beginning January 1, 2007 2000, the sum held by
23 any licensee for payment of outstanding pari-mutuel tickets, if
24 unclaimed prior to December 31 of the next year, shall be
25 retained by the licensee for payment of such tickets until that
26 date. Within 10 days thereafter, the balance of such sum

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

6 (c-7) On and after January 1, 2007, the sum held by any
7 licensee for payment of outstanding pari-mutuel tickets, if
8 unclaimed prior to December 31 of the next year, shall be
9 retained for payment of such tickets until that date by the
10 organization licensee or inter-track wagering licensee at
11 which the wagers were placed and, in the case of an inter-track
12 wagering location licensee, by the organization licensee from
13 which the inter-track wagering location license is derived.
14 Within 10 days thereafter, the balance of such sum remaining
15 unclaimed, less any uncashed supplements contributed by such
16 licensee for the purpose of guaranteeing minimum distributions
17 of any pari-mutuel pool, shall be evenly distributed to the
18 purse account of the organization licensee and the organization
19 licensee.

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

25 (e) No licensee shall knowingly permit any minor, other
26 than an employee of such licensee or an owner, trainer, jockey,

1 driver, or employee thereof, to be admitted during a racing
2 program unless accompanied by a parent or guardian, or any
3 minor to be a patron of the pari-mutuel system of wagering
4 conducted or supervised by it. The admission of any
5 unaccompanied minor, other than an employee of the licensee or
6 an owner, trainer, jockey, driver, or employee thereof at a
7 race track is a Class C misdemeanor.

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

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

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

1 permit interstate commission fees in excess of 5%. The
2 interstate commission fee and other fees charged by the sending
3 racetrack, including, but not limited to, satellite decoder
4 fees, shall be uniformly applied to the host track and all
5 non-host licensees.

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

23 (2) Between the hours of 6:30 p.m. and 6:30 a.m. an
24 intertrack wagering licensee other than the host track may
25 receive supplemental interstate simulcasts only with the
26 consent of the host track, except when the Board finds that

1 the simulcast is clearly adverse to the integrity of
2 racing. Consent granted under this paragraph (2) to any
3 intertrack wagering licensee shall be deemed consent to all
4 non-host licensees. The interstate commission fee for the
5 supplemental interstate simulcast shall be paid by all
6 participating non-host licensees.

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

23 (4) A licensee who receives an interstate simulcast may
24 combine its gross or net pools with pools at the sending
25 racetracks pursuant to rules established by the Board. All
26 licensees combining their gross pools at a sending

1 racetrack shall adopt the take-out percentages of the
2 sending racetrack. A licensee may also establish a separate
3 pool and takeout structure for wagering purposes on races
4 conducted at race tracks outside of the State of Illinois.
5 The licensee may permit pari-mutuel wagers placed in other
6 states or countries to be combined with its gross or net
7 wagering pools or other wagering pools.

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

17 (A) For interstate simulcast wagers made at a host
18 track, 50% to the host track and 50% to purses at the
19 host track.

20 (B) For wagers placed on interstate simulcast
21 races, supplemental simulcasts as defined in
22 subparagraphs (1) and (2), and separately pooled races
23 conducted outside of the State of Illinois made at a
24 non-host licensee, 25% to the host track, 25% to the
25 non-host licensee, and 50% to the purses at the host
26 track.

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

9 (7) Notwithstanding any provision of this Act to the
10 contrary, after payment of all applicable State and local
11 taxes and interstate commission fees, non-host licensees
12 who derive their licenses from a track located in a county
13 with a population in excess of 230,000 and that borders the
14 Mississippi River shall retain 50% of the retention from
15 interstate simulcast wagers and, on or after the effective
16 date of this amendatory Act of the 95th General Assembly,
17 50% of the sum held for unclaimed tickets as described in
18 subsection (c-7) of Section 26 and shall pay 50% of each to
19 purses at the track from which the non-host licensee
20 derives its license as follows:

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

26 (B) Between January 1 and the third Friday in

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

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

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

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

23 (7.1) Notwithstanding any other provision of this Act
24 to the contrary, if no standardbred racing is conducted at
25 a racetrack located in Madison County during any calendar
26 year beginning on or after January 1, 2002, all moneys

1 derived by that racetrack from simulcast wagering and
2 inter-track wagering that (1) are to be used for purses and
3 (2) are generated between the hours of 6:30 p.m. and 6:30
4 a.m. during that calendar year shall be paid as follows:

5 (A) If the licensee that conducts horse racing at
6 that racetrack requests from the Board at least as many
7 racing dates as were conducted in calendar year 2000,
8 80% shall be paid to its thoroughbred purse account;
9 and

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

25 (7.2) Notwithstanding any other provision of this Act
26 to the contrary, if no thoroughbred racing is conducted at

1 a racetrack located in Madison County during any calendar
2 year beginning on or after January 1, 2002, all moneys
3 derived by that racetrack from simulcast wagering and
4 inter-track wagering that (1) are to be used for purses and
5 (2) are generated between the hours of 6:30 a.m. and 6:30
6 p.m. during that calendar year shall be deposited as
7 follows:

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

13 (B) Twenty percent shall be deposited into the
14 Illinois Colt Stakes Purse Distribution Fund. Moneys
15 deposited into the Illinois Colt Stakes Purse
16 Distribution Fund pursuant to this subparagraph (B)
17 shall be paid to Illinois conceived and foaled
18 thoroughbred breeders' programs and to thoroughbred
19 purses for races conducted at any county fairgrounds
20 for Illinois conceived and foaled horses at the
21 discretion of the Department of Agriculture, with the
22 advice and assistance of the Illinois Thoroughbred
23 Breeders Fund Advisory Board. The moneys deposited
24 into the Illinois Colt Stakes Purse Distribution Fund
25 pursuant to this subparagraph (B) shall be deposited
26 within 2 weeks after the day they were generated, shall

1 be in addition to and not in lieu of any other moneys
2 paid to thoroughbred purses under this Act, and shall
3 not be commingled with other moneys deposited into that
4 Fund.

5 (7.3) If no live standardbred racing is conducted at a
6 racetrack located in Madison County in calendar year 2000
7 or 2001, an organization licensee who is licensed to
8 conduct horse racing at that racetrack shall, before
9 January 1, 2002, pay all moneys derived from simulcast
10 wagering and inter-track wagering in calendar years 2000
11 and 2001 and paid into the licensee's standardbred purse
12 account as follows:

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

15 (B) Twenty percent to the Illinois Colt Stakes
16 Purse Distribution Fund.

17 Failure to make the payment to the Illinois Colt Stakes
18 Purse Distribution Fund before January 1, 2002 shall result
19 in the immediate revocation of the licensee's organization
20 license, inter-track wagering license, and inter-track
21 wagering location license.

22 Moneys paid into the Illinois Colt Stakes Purse
23 Distribution Fund pursuant to this paragraph (7.3) shall be
24 paid to purses for standardbred races for Illinois
25 conceived and foaled horses conducted at any county
26 fairgrounds. Moneys paid into the Illinois Colt Stakes

1 Purse Distribution Fund pursuant to this paragraph (7.3)
2 shall be used as determined by the Department of
3 Agriculture, with the advice and assistance of the Illinois
4 Standardbred Breeders Fund Advisory Board, shall be in
5 addition to and not in lieu of any other moneys paid to
6 standardbred purses under this Act, and shall not be
7 commingled with any other moneys paid into that Fund.

8 (7.4) If live standardbred racing is conducted at a
9 racetrack located in Madison County at any time in calendar
10 year 2001 before the payment required under paragraph (7.3)
11 has been made, the organization licensee who is licensed to
12 conduct racing at that racetrack shall pay all moneys
13 derived by that racetrack from simulcast wagering and
14 inter-track wagering during calendar years 2000 and 2001
15 that (1) are to be used for purses and (2) are generated
16 between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or
17 2001 to the standardbred purse account at that racetrack to
18 be used for standardbred purses.

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

26 (8.1) Notwithstanding any provisions in this Act to the

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

15 (9) (Blank).

16 (10) (Blank).

17 (11) (Blank).

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

23 (13) Notwithstanding any other provision of this Act,
24 in the event that the total Illinois pari-mutuel handle on
25 Illinois horse races at all wagering facilities in any
26 calendar year is less than 75% of the total Illinois

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

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

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

21 (1) Any person licensed to conduct a race meeting (i)
22 at a track where 60 or more days of racing were conducted
23 during the immediately preceding calendar year or where
24 over the 5 immediately preceding calendar years an average
25 of 30 or more days of racing were conducted annually may be
26 issued an inter-track wagering license; (ii) at a track

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

1 prior to such dates as may be fixed by the Board. With an
2 application for an inter-track wagering location license
3 there shall be delivered to the Board a certified check or
4 bank draft payable to the order of the Board for an amount
5 equal to \$500. The application shall be on forms prescribed
6 and furnished by the Board. The application shall comply
7 with all other rules, regulations and conditions imposed by
8 the Board in connection therewith.

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

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

22 (4) Prior to the issuance of a license to conduct
23 inter-track wagering and simulcast wagering, the applicant
24 shall file with the Board a bond payable to the State of
25 Illinois in the sum of \$50,000, executed by the applicant
26 and a surety company or companies authorized to do business

1 in this State, and conditioned upon (i) the payment by the
2 licensee of all taxes due under Section 27 or 27.1 and any
3 other monies due and payable under this Act, and (ii)
4 distribution by the licensee, upon presentation of the
5 winning ticket or tickets, of all sums payable to the
6 patrons of pari-mutuel pools.

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

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

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

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

23 (8.1) Inter-track wagering location licensees who
24 derive their licenses from a particular organization
25 licensee shall conduct inter-track wagering and simulcast
26 wagering only at locations which are either within 90 miles

1 of that race track where the particular organization
2 licensee is licensed to conduct racing, or within 135 miles
3 of that race track where the particular organization
4 licensee is licensed to conduct racing in the case of race
5 tracks in counties of less than 400,000 that were operating
6 on or before June 1, 1986. However, inter-track wagering
7 and simulcast wagering shall not be conducted by those
8 licensees at any location within 5 miles of any race track
9 at which a horse race meeting has been licensed in the
10 current year, unless the person having operating control of
11 such race track has given its written consent to such
12 inter-track wagering location licensees, which consent
13 must be filed with the Board at or prior to the time
14 application is made.

15 (8.2) Inter-track wagering or simulcast wagering shall
16 not be conducted by an inter-track wagering location
17 licensee at any location within 500 feet of an existing
18 church or existing school, nor within 500 feet of the
19 residences of more than 50 registered voters without
20 receiving written permission from a majority of the
21 registered voters at such residences. Such written
22 permission statements shall be filed with the Board. The
23 distance of 500 feet shall be measured to the nearest part
24 of any building used for worship services, education
25 programs, residential purposes, or conducting inter-track
26 wagering by an inter-track wagering location licensee, and

1 not to property boundaries. However, inter-track wagering
2 or simulcast wagering may be conducted at a site within 500
3 feet of a church, school or residences of 50 or more
4 registered voters if such church, school or residences have
5 been erected or established, or such voters have been
6 registered, after the Board issues the original
7 inter-track wagering location license at the site in
8 question. Inter-track wagering location licensees may
9 conduct inter-track wagering and simulcast wagering only
10 in areas that are zoned for commercial or manufacturing
11 purposes or in areas for which a special use has been
12 approved by the local zoning authority. However, no license
13 to conduct inter-track wagering and simulcast wagering
14 shall be granted by the Board with respect to any
15 inter-track wagering location within the jurisdiction of
16 any local zoning authority which has, by ordinance or by
17 resolution, prohibited the establishment of an inter-track
18 wagering location within its jurisdiction. However,
19 inter-track wagering and simulcast wagering may be
20 conducted at a site if such ordinance or resolution is
21 enacted after the Board licenses the original inter-track
22 wagering location licensee for the site in question.

23 (9) (Blank).

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

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

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

18 (10.2) Notwithstanding any other provision of this
19 Act, with respect to intertrack wagering at a race track
20 located in a county that has a population of more than
21 230,000 and that is bounded by the Mississippi River ("the
22 first race track"), or at a facility operated by an
23 inter-track wagering licensee or inter-track wagering
24 location licensee that derives its license from the
25 organization licensee that operates the first race track,
26 on races conducted at the first race track or on races

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 to
10 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 to
14 be paid to purses shall be paid to purses for
15 thoroughbred races.

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

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

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

1 wagered on inter-track wagering and simulcast wagering at
2 each inter-track wagering location licensee facility to
3 the Horse Racing Tax Allocation Fund, provided that, to the
4 extent the total amount collected and distributed to the
5 Horse Racing Tax Allocation Fund under this subsection (h)
6 during any calendar year exceeds the amount collected and
7 distributed to the Horse Racing Tax Allocation Fund during
8 calendar year 1994, that excess amount shall be
9 redistributed (I) to all inter-track wagering location
10 licensees, based on each licensee's pro-rata share of the
11 total handle from inter-track wagering and simulcast
12 wagering for all inter-track wagering location licensees
13 during the calendar year in which this provision is
14 applicable; then (II) the amounts redistributed to each
15 inter-track wagering location licensee as described in
16 subpart (I) shall be further redistributed as provided in
17 subparagraph (B) of paragraph (5) of subsection (g) of this
18 Section 26 provided first, that the shares of those
19 amounts, which are to be redistributed to the host track or
20 to purses at the host track under subparagraph (B) of
21 paragraph (5) of subsection (g) of this Section 26 shall be
22 redistributed based on each host track's pro rata share of
23 the total inter-track wagering and simulcast wagering
24 handle at all host tracks during the calendar year in
25 question, and second, that any amounts redistributed as
26 described in part (I) to an inter-track wagering location

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

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

1 this amendatory Act of 1995, the licensee shall be allowed
2 to retain to satisfy all costs and expenses: 7.75% of the
3 pari-mutuel handle wagered at the location during its first
4 12 months of operation, 7.25% during its second 12 months
5 of operation, and 6.75% thereafter.

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

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

1 disbursements incurred in the performance of their
2 official duties. The remaining 50% of this
3 two-sevenths shall be distributed to county fairs for
4 premiums and rehabilitation as set forth in the
5 Agricultural Fair Act;

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

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

23 One-seventh to the Agricultural Premium Fund to be
24 used for distribution to agricultural home economics
25 extension councils in accordance with "An Act in
26 relation to additional support and finances for the

1 Agricultural and Home Economic Extension Councils in
2 the several counties of this State and making an
3 appropriation therefor", approved July 24, 1967.

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

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

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

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

24 One-seventh to the Agricultural Premium Fund to be
25 used for distribution to agricultural home economics
26 extension councils in accordance with "An Act in

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

7 (D) Except as provided in paragraph (11) of this
8 subsection (h), with respect to purse allocation from
9 intertrack wagering, the monies so retained shall be
10 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 licensee
14 located in a county with a population in excess of
15 230,000 and bounded by the Mississippi River, is
16 not conducting its own race meeting during the same
17 dates, then the entire purse allocation shall be to
18 purses at the track where the races wagered on are
19 being conducted.

20 (ii) If the inter-track wagering licensee,
21 except an intertrack wagering licensee that
22 derives its license from an organization licensee
23 located in a county with a population in excess of
24 230,000 and bounded by the Mississippi River, is
25 also conducting its own race meeting during the
26 same dates, then the purse allocation shall be as

1 follows: 50% to purses at the track where the races
2 wagered on are being conducted; 50% to purses at
3 the track where the inter-track wagering licensee
4 is accepting such wagers.

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

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

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

1 interest and for the best interests of said wagering
2 and to impose penalties for violations thereof.

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

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

19 (D) (Blank).

20 (E) The Board is vested with the power to appoint
21 delegates to execute any of the powers granted to it
22 under this Section for the purpose of administering
23 this wagering and any rules and regulations
24 promulgated in accordance with this Act.

25 (F) The Board shall name and appoint a State
26 director of this wagering who shall be a representative

1 of the Board and whose duty it shall be to supervise
2 the conduct of inter-track wagering as may be provided
3 for by the rules and regulations of the Board; such
4 rules and regulation shall specify the method of
5 appointment and the Director's powers, authority and
6 duties.

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

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

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

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

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

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