



Sen. Patrick J. Joyce

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10400SB1473sam002

LRB104 09432 LNS 29096 a

1 AMENDMENT TO SENATE BILL 1473

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1473, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Income Tax Act is amended by  
6 adding Section 253 as follows:

7 (35 ILCS 5/253 new)

8 Sec. 253. Backstretch assistance tax credit.

9 (a) As used in this Section:

10 "Backstretch worker" means any individual who has been  
11 issued a license by the Illinois Racing Board.

12 "Organization licensee" means any person or entity with an  
13 organization license.

14 "Placed in service" means the date when the property is  
15 placed in a condition or state of readiness and availability  
16 for a specifically assigned function.

1       "Qualified project capital infrastructure improvements"  
2 means any permanent, nonrecurring investment in physical  
3 assets located within or directly serving the backstretch area  
4 of a licensed horse racing venue, undertaken to enhance the  
5 safety, functionality, habitability, or operational efficiency  
6 of the facility. "Qualified project capital infrastructure  
7 improvements" must be capital in nature, with a useful life of  
8 at least 5 years, and may include, but are not limited to:

9           (1) structural upgrades, such as the renovation,  
10 repair, or replacement of dormitories, stables, barns,  
11 tack rooms, wash racks, and other horse care or worker  
12 housing facilities;

13           (2) utility systems, such as the installation or  
14 modernization of water, sewer, electrical, HVAC, and fire  
15 suppression systems serving the backstretch;

16           (3) sanitation and health facilities, such as the  
17 construction or enhancement of restrooms, showers, laundry  
18 areas, medical or veterinary stations, and food  
19 preparation areas;

20           (4) safety and accessibility improvements, such as  
21 upgrades to lighting, walkways, fencing, emergency access  
22 routes, and Americans with Disabilities Act-compliant  
23 infrastructure;

24           (5) technology and communications, such as the  
25 deployment of broadband, security systems, and digital  
26 infrastructure supporting worker welfare and operational

1       oversight; and

2           (6) environmental enhancements, such as stormwater  
3       management systems, energy-efficient retrofits, and  
4       sustainable design features that reduce environmental  
5       impact.

6       (b) For taxable years beginning on or after January 1,  
7       2026 and ending on or before December 31, 2030, each taxpayer  
8       that is an organization licensee under the Illinois Horse  
9       Racing Act of 1975 is entitled to a credit against the taxes  
10      imposed by subsections (a) and (b) of Section 201 in an  
11      aggregate amount equal to 100% of eligible expenditures up to  
12      \$9,000,000 for qualified project capital infrastructure  
13      improvements for housing and other facilities that benefit  
14      backstretch workers at an organization licensee facility  
15      operating on the effective date of this amendatory Act of the  
16      104th General Assembly. The Illinois Racing Board shall not  
17      allow a taxpayer to claim more than \$9,000,000 in the  
18      aggregate for taxable years ending on or after December 31,  
19      2025 and ending on or before December 31, 2030.

20      (c) To obtain a tax credit certificate pursuant to this  
21      Section, the taxpayer must apply with the Illinois Racing  
22      Board. The Illinois Racing Board shall determine the amount of  
23      eligible expenditures within 45 days after receipt of a  
24      complete application. The taxpayer must provide to the  
25      Illinois Racing Board a third-party cost certification  
26      conducted by a certified public accountant verifying the

1 qualified and nonqualified expenses. The accountant shall  
2 provide appropriate review and testing of invoices. The  
3 Illinois Racing Board is authorized, but not required, to  
4 accept the third-party cost certification to determine the  
5 amount of qualified expenditures.

6 (d) If the taxpayer is a partnership or Subchapter S  
7 corporation, the credit is allowed to pass through to the  
8 partners and shareholders as provided in Section 251. Credits  
9 may also be transferred during the taxable year in which the  
10 credit is claimed. If the amount of any tax credit awarded  
11 under this Act exceeds the qualified taxpayer's income tax  
12 liability for the year in which the qualified rehabilitation  
13 plan was placed in service, the excess amount may be carried  
14 forward for deduction from the taxpayer's income tax liability  
15 in the next succeeding year or years until the total amount of  
16 the credit has been used, except that a credit may not be  
17 carried forward for deduction after the tenth taxable year  
18 after the taxable year in which the qualified rehabilitation  
19 plan was in service.

20 (e) The Illinois Racing Board shall determine whether a  
21 project qualifies for the credit under this Section based on  
22 whether the qualified expenditures include improvements for  
23 backstretch workers and facilities that benefit the  
24 backstretch workers.

25 (f) Project costs shall not include the organization  
26 licensee's organization gaming facility or other property not

1 related to housing and other facilities that benefit  
2 backstretch workers.

3 (g) The Department of Revenue shall adopt rules to  
4 implement and administer this Section, including rules  
5 concerning applications for the tax credit. A taxpayer  
6 claiming the credit provided by this Section must maintain and  
7 record any information that the Department of Revenue requires  
8 regarding the project for which the credit is claimed.

9 (h) The Illinois Racing Board may adopt rules for the  
10 administration of this amendatory Act of the 104th General  
11 Assembly.

12 Section 10. The Illinois Horse Racing Act of 1975 is  
13 amended by changing Sections 3.075, 19, 19.5, 20, and 26 and by  
14 adding Section 19.10 as follows:

15 (230 ILCS 5/3.075)

16 Sec. 3.075. (a) "Host track" means the organization  
17 licensee (i) conducting live thoroughbred racing between the  
18 hours of 6:30 a.m. and 6:30 p.m. from the first day to the last  
19 day of its horse racing meet as awarded by the Board (including  
20 all days within that period when no live racing occurs),  
21 except as otherwise provided in subsections (c) and (e) of  
22 this Section, or (ii) conducting live standardbred racing  
23 between the hours of 6:30 p.m. to 6:30 a.m. of the following  
24 day from the first day to the last day of its horse racing meet

1 as awarded by the Board (including all days within that period  
2 when no live racing occurs, except as otherwise provided in  
3 subsections (b), (d), and (e) of this Section); provided that  
4 the organization licensee conducts live racing no fewer than 5  
5 days per week with no fewer than 9 races per day, unless a  
6 lesser schedule of live racing is the result of (1) weather,  
7 unsafe track conditions, or other acts of God; (2) an  
8 agreement between the organization licensee and the  
9 associations representing the largest number of owners,  
10 trainers, and standardbred drivers who race horses at that  
11 organization licensee's race meeting, with the Board's  
12 consent; or (3) a decision by the Board after a public hearing  
13 (in which the associations representing the owners, trainers,  
14 jockeys, or standardbred drivers who race horses at that  
15 organization licensee's race meeting shall participate) either  
16 at the time racing dates are awarded or after those dates are  
17 awarded due to changed financial circumstances, upon a written  
18 petition from the organization licensee, accompanied by  
19 supporting financial data as requested by the Board, stating  
20 that the organization licensee has and will continue to incur  
21 significant financial losses. No organization licensee  
22 conducting its race meeting in a county bordering the  
23 Mississippi River and having a population greater than 230,000  
24 or Macon County may be a host track for its race meeting.

25 (b) (Blank).

26 (c) (Blank).

1           (d) Notwithstanding the provisions of subsection (a) of  
2 this Section and except as otherwise provided in subsection  
3 (e) of this Section, in the event that 2 organization  
4 licensees conduct their standardbred race meetings  
5 concurrently on any date after January 1, 1996, between the  
6 hours of 6:30 p.m. and 6:30 a.m., the organization licensee  
7 awarded the most racing dates between 6:30 p.m. and 6:30 a.m.  
8 during the calendar year in which that concurrent racing  
9 occurs will be deemed the host track, provided that the 2  
10 organization licensees collectively conduct live standardbred  
11 racing between 6:30 p.m. and 6:30 a.m. during the week in which  
12 concurrent race meetings occur no less than 5 days per week  
13 with no less than 9 races per day. During each week of the  
14 calendar year in which 2 organization licensees are conducting  
15 live standardbred race meetings between 6:30 p.m. and 6:30  
16 a.m., if there is any day in that week on which only one  
17 organization licensee is conducting a standardbred race  
18 meeting between 6:30 p.m. and 6:30 a.m., that organization  
19 licensee shall be the host track provided that the 2  
20 organization licensees collectively conduct live standardbred  
21 racing between 6:30 p.m. and 6:30 a.m. during the week in which  
22 concurrent race meetings occur no less than 5 days per week  
23 with no less than 9 races per day. During each week of the  
24 calendar year in which 2 organization licensees are  
25 concurrently conducting live standardbred race meetings on one  
26 or more days between 6:30 p.m. and 6:30 a.m., if there is any

1 day in that week on which no organization licensee is  
2 conducting a standardbred race meeting between 6:30 p.m. and  
3 6:30 a.m., the organization licensee conducting a standardbred  
4 race meeting during that week and time period that has been  
5 awarded the most racing dates during the calendar year between  
6 6:30 p.m. and 6:30 a.m. shall be the host track, provided that  
7 the 2 organization licensees collectively conduct live  
8 standardbred racing between 6:30 p.m. and 6:30 a.m. during the  
9 week in which concurrent race meetings occur no less than 5  
10 days per week with no less than 9 races per day. The  
11 requirement in this subsection (d) that live racing be  
12 conducted no less than 5 days per week with no less than 9  
13 races per day shall be subject to exceptions set forth in items  
14 (1), (2), and (3) of subsection (a) of Section 3.075.

15 (e) During any calendar period in which no organization  
16 licensee has been awarded a thoroughbred race meeting, the  
17 host track, between the hours of 6:30 a.m. and 6:30 p.m. of  
18 such period, shall be an organization licensee determined by  
19 the Board, provided the organization licensee has been awarded  
20 a thoroughbred race meeting in the current year and is  
21 eligible to be a host track.

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

23 (230 ILCS 5/19) (from Ch. 8, par. 37-19)

24 Sec. 19. (a) No organization license may be granted to  
25 conduct a horse race meeting:

1           (1) except as provided in subsection (c) of Section 21  
2 of this Act, to any person at any place within 35 miles of  
3 any other place licensed by the Board to hold a race  
4 meeting on the same date during the same hours; ~~τ~~ the  
5 mileage measurement used in this paragraph (1) ~~subsection~~  
6 ~~(a)~~ shall be certified to the Board by the Bureau of  
7 Systems and Services in the Illinois Department of  
8 Transportation as the most commonly used public way of  
9 vehicular travel;

10           (1.5) except as provided in Section 19.10 of this Act,  
11 to any person at any place within 100 miles of a track  
12 located in a county with a population in excess of 230,000  
13 and that borders the Mississippi River; the mileage  
14 measurement used in this paragraph (1.5) shall be  
15 certified to the Board by the Bureau of Systems and  
16 Services at the Illinois Department of Transportation as  
17 the most commonly used public way of vehicular travel;  
18 this paragraph (1.5) shall not apply to a race meeting  
19 conducted by an organization licensee at the Springfield  
20 State fairgrounds or at the DuQuoin State fairgrounds;

21           (2) to any person in default in the payment of any  
22 obligation or debt due the State under this Act, provided  
23 no applicant shall be deemed in default in the payment of  
24 any obligation or debt due to the State under this Act as  
25 long as there is pending a hearing of any kind relevant to  
26 such matter;

1           (3) to any person who has been convicted of the  
2 violation of any law of the United States or any State law  
3 which provided as all or part of its penalty imprisonment  
4 in any penal institution; to any person against whom there  
5 is pending a Federal or State criminal charge; to any  
6 person who is or has been connected with or engaged in the  
7 operation of any illegal business; to any person who does  
8 not enjoy a general reputation in his community of being  
9 an honest, upright, law-abiding person; provided that none  
10 of the matters set forth in this subparagraph (3) shall  
11 make any person ineligible to be granted an organization  
12 license if the Board determines, based on circumstances of  
13 any such case, that the granting of a license would not be  
14 detrimental to the interests of horse racing and of the  
15 public;

16           (4) to any person who does not at the time of  
17 application for the organization license own or have a  
18 contract or lease for the possession of a finished race  
19 track suitable for the type of racing intended to be held  
20 by the applicant and for the accommodation of the public.

21           (b) (Blank).

22           (c) If any person is ineligible to receive an organization  
23 license because of any of the matters set forth in subsection  
24 (a) (2) or subsection (a) (3) of this Section, any other or  
25 separate person that either (i) controls, directly or  
26 indirectly, such ineligible person or (ii) is controlled,

1 directly or indirectly, by such ineligible person or by a  
2 person which controls, directly or indirectly, such ineligible  
3 person shall also be ineligible.

4 (Source: P.A. 101-31, eff. 6-28-19.)

5 (230 ILCS 5/19.5)

6 Sec. 19.5. Standardbred racetrack in Cook County.  
7 Notwithstanding anything in this Act to the contrary, in  
8 addition to organization licenses issued by the Board on the  
9 effective date of this amendatory Act of the 101st General  
10 Assembly, the Board shall issue an organization license  
11 limited to standardbred racing to a racetrack located in one  
12 of the following townships of Cook County: Bloom, Bremen,  
13 Calumet, Orland, Rich, Thornton, or Worth. This additional  
14 organization license shall not be issued within a 35-mile  
15 radius of another organization license issued by the Board on  
16 the effective date of this amendatory Act of the 101st General  
17 Assembly, unless the person having operating control of such  
18 racetrack has given written consent to the organization  
19 licensee applicant, which consent must be filed with the Board  
20 at or prior to the time application is made. However, the  
21 consent required by this Section from the person having  
22 operating control of such racetrack shall not be required  
23 after December 31, 2025. The organization license application  
24 shall be submitted to the Board and the Board may grant the  
25 organization license at any meeting of the Board. The Board

1 shall examine the application within 21 days after receipt of  
2 the application with respect to its conformity with this Act  
3 and the rules adopted by the Board. If the application does not  
4 comply with this Act or the rules adopted by the Board, the  
5 application may be rejected and an organization license  
6 refused to the applicant, or the Board may, within 21 days  
7 after receipt of the application, advise the applicant of the  
8 deficiencies of the application under the Act or the rules of  
9 the Board and require the submittal of an amended application  
10 within a reasonable time determined by the Board; upon  
11 submittal of the amended application by the applicant, the  
12 Board may consider the application consistent with the process  
13 described in subsection (e-5) of Section 20. If the  
14 application is found to be in compliance with this Act and the  
15 rules of the Board, the Board shall then issue an organization  
16 license to the applicant. Once the organization license is  
17 granted, the licensee shall have all of the current and future  
18 rights of existing Illinois racetracks, including, but not  
19 limited to, the ability to obtain an inter-track wagering  
20 license, the ability to obtain inter-track wagering location  
21 licenses, the ability to obtain an organization gaming license  
22 pursuant to the Illinois Gambling Act with 1,200 gaming  
23 positions, and the ability to offer Internet wagering on horse  
24 racing.

25 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21.)

1 (230 ILCS 5/19.10 new)

2 Sec. 19.10. Standardbred racetrack in Macon County.  
3 Notwithstanding anything in this Act to the contrary, in  
4 addition to organization licenses issued by the Board on the  
5 effective date of this amendatory Act of the 104th General  
6 Assembly, the Board shall issue an organization license  
7 limited to standardbred racing to a racetrack located in Macon  
8 County. Any physical gaming positions issued to an  
9 organization licensee under this Section that also receives an  
10 organization gaming license under Section 56 shall be located  
11 in Macon County. The organization license application shall be  
12 submitted to the Board and the Board may grant the  
13 organization license at any meeting of the Board. The Board  
14 shall examine the application within 21 days after receipt of  
15 the application with respect to its conformity with this Act  
16 and the rules adopted by the Board. If the application does not  
17 comply with this Act or the rules adopted by the Board, the  
18 application may be rejected and an organization license  
19 refused to the applicant, or the Board may, within 21 days  
20 after receipt of the application, advise the applicant of the  
21 deficiencies of the application under this Act or the rules of  
22 the Board and require the submittal of an amended application  
23 within a reasonable time determined by the Board. Upon  
24 submittal of the amended application by the applicant, the  
25 Board may consider the application consistent with the process  
26 described in subsection (e-5) of Section 20. If the

1 application is found to be in compliance with this Act and the  
2 rules of the Board, the Board shall then issue an organization  
3 license to the applicant. Once the organization license is  
4 granted, the licensee shall have all of the current and future  
5 rights of existing Illinois racetracks, including, but not  
6 limited to, the ability to obtain an inter-track wagering  
7 license, the ability to obtain inter-track wagering location  
8 licenses, the ability to obtain an organization gaming license  
9 pursuant to the Illinois Gambling Act with 900 gaming  
10 positions, and the ability to offer Internet wagering on horse  
11 racing. However, the organization licensee in this Section may  
12 not be a host track for its race meeting.

13 (230 ILCS 5/20) (from Ch. 8, par. 37-20)

14 Sec. 20. (a) Any person desiring to conduct a horse race  
15 meeting may apply to the Board for an organization license.  
16 The application shall be made on a form prescribed and  
17 furnished by the Board. The application shall specify:

18 (1) the dates on which it intends to conduct the horse  
19 race meeting, which dates shall be provided under Section  
20 21;

21 (2) the hours of each racing day between which it  
22 intends to hold or conduct horse racing at such meeting;

23 (3) the location where it proposes to conduct the  
24 meeting; and

25 (4) any other information the Board may reasonably

1           require.

2           (b) A separate application for an organization license  
3 shall be filed for each horse race meeting which such person  
4 proposes to hold. Any such application, if made by an  
5 individual, or by any individual as trustee, shall be signed  
6 and verified under oath by such individual. If the application  
7 is made by individuals, then it shall be signed and verified  
8 under oath by at least 2 of the individuals; if the application  
9 is made by a partnership, an association, a corporation, a  
10 corporate trustee, a limited liability company, or any other  
11 entity, it shall be signed by an authorized officer, a  
12 partner, a member, or a manager, as the case may be, of the  
13 entity.

14           (c) The application shall specify:

15                 (1) the name of the persons, association, trust, or  
16 corporation making such application;

17                 (2) the principal address of the applicant;

18                 (3) if the applicant is a trustee, the names and  
19 addresses of the beneficiaries; if the applicant is a  
20 corporation, the names and addresses of all officers,  
21 stockholders and directors; or if such stockholders hold  
22 stock as a nominee or fiduciary, the names and addresses  
23 of the parties who are the beneficial owners thereof or  
24 who are beneficially interested therein; if the applicant  
25 is a partnership, the names and addresses of all partners,  
26 general or limited; if the applicant is a limited

1 liability company, the names and addresses of the manager  
2 and members; and if the applicant is any other entity, the  
3 names and addresses of all officers or other authorized  
4 persons of the entity.

5 (d) The applicant shall execute and file with the Board a  
6 good faith affirmative action plan to recruit, train, and  
7 upgrade minorities in all classifications within the  
8 association.

9 (e) With such application there shall be delivered to the  
10 Board a certified check or bank draft payable to the order of  
11 the Board for an amount equal to \$1,000. All applications for  
12 the issuance of an organization license shall be filed with  
13 the Board before August 1 of the year prior to the year for  
14 which application is made and shall be acted upon by the Board  
15 at a meeting to be held on such date as shall be fixed by the  
16 Board during the last 15 days of September of such prior year.  
17 At such meeting, the Board shall announce the award of the  
18 racing meets, live racing schedule, and designation of host  
19 track to the applicants and its approval or disapproval of  
20 each application. No announcement shall be considered binding  
21 until a formal order is executed by the Board, which shall be  
22 executed no later than October 15 of that prior year. Absent  
23 the agreement of the affected organization licensees, the  
24 Board shall not grant overlapping race meetings to 2 or more  
25 tracks that are within 100 miles of each other to conduct the  
26 thoroughbred racing.

1 (e-1) The Board shall award standardbred racing dates to  
2 organization licensees with an organization gaming license  
3 pursuant to the following schedule:

4 (1) For the first calendar year of operation of  
5 gambling games by an organization gaming licensee under  
6 this amendatory Act of the 101st General Assembly, when a  
7 single entity requests standardbred racing dates, the  
8 Board shall award no fewer than 100 days of racing. The  
9 100-day requirement may be reduced to no fewer than 80  
10 days if no dates are requested for the first 3 months of a  
11 calendar year. If more than one entity requests  
12 standardbred racing dates, the Board shall award no fewer  
13 than 140 days of racing between the applicants.

14 (2) For the second calendar year of operation of  
15 gambling games by an organization gaming licensee under  
16 this amendatory Act of the 101st General Assembly, when a  
17 single entity requests standardbred racing dates, the  
18 Board shall award no fewer than 100 days of racing. The  
19 100-day requirement may be reduced to no fewer than 80  
20 days if no dates are requested for the first 3 months of a  
21 calendar year. If more than one entity requests  
22 standardbred racing dates, the Board shall award no fewer  
23 than 160 days of racing between the applicants.

24 (3) For the third calendar year of operation of  
25 gambling games by an organization gaming licensee under  
26 this amendatory Act of the 101st General Assembly, and

1 each calendar year thereafter, when a single entity  
2 requests standardbred racing dates, the Board shall award  
3 no fewer than 120 days of racing. The 120-day requirement  
4 may be reduced to no fewer than 100 days if no dates are  
5 requested for the first 3 months of a calendar year. If  
6 more than one entity requests standardbred racing dates,  
7 the Board shall award no fewer than 200 days of racing  
8 between the applicants.

9 (4) Notwithstanding any other requirement of this  
10 subsection, if the Board approves an organization license  
11 pursuant to Section 19.10, the Board may award fewer than  
12 the minimum number of racing days, but no fewer than 60  
13 days of racing, if there is consent for fewer days of  
14 racing as agreed to by the organization licensee and the  
15 horsemen association representing the largest number of  
16 owners, trainers, jockeys, or standardbred drivers who  
17 race horses at that organization licensee's racing  
18 meeting.

19 (5) Notwithstanding any other requirement of this  
20 subsection, if the Board approves an organization license  
21 pursuant to Section 19.10 before July 1, 2026, and the  
22 organization licensee applies for racing days in the  
23 remainder of 2026, the Board may award racing days to the  
24 organization licensee in the remainder of 2026 and may  
25 award fewer than 60 days of racing in 2026 after the Board  
26 has considered the application consistent with subsection

1       (e-5).

2       An organization licensee shall apply for racing dates  
3 pursuant to this subsection (e-1). In awarding racing dates  
4 under this subsection (e-1), the Board shall have the  
5 discretion to allocate those standardbred racing dates among  
6 these organization licensees.

7       (e-2) The Board shall award thoroughbred racing days to  
8 Cook County organization licensees pursuant to the following  
9 schedule:

10           (1) During the first year in which only one  
11 organization licensee is awarded an organization gaming  
12 license, the Board shall award no fewer than 110 days of  
13 racing.

14           During the second year in which only one organization  
15 licensee is awarded an organization gaming license, the  
16 Board shall award no fewer than 115 racing days.

17           During the third year and every year thereafter, in  
18 which only one organization licensee is awarded an  
19 organization gaming license, the Board shall award no  
20 fewer than 120 racing days.

21           (2) During the first year in which 2 organization  
22 licensees are awarded an organization gaming license, the  
23 Board shall award no fewer than 139 total racing days.

24           During the second year in which 2 organization  
25 licensees are awarded an organization gaming license, the  
26 Board shall award no fewer than 160 total racing days.

1           During the third year and every year thereafter in  
2           which 2 organization licensees are awarded an organization  
3           gaming license, the Board shall award no fewer than 174  
4           total racing days.

5           A Cook County organization licensee shall apply for racing  
6           dates pursuant to this subsection (e-2). In awarding racing  
7           dates under this subsection (e-2), the Board shall have the  
8           discretion to allocate those thoroughbred racing dates among  
9           these Cook County organization licensees.

10          (e-3) In awarding racing dates for calendar year 2020 and  
11          thereafter in connection with a racetrack in Madison County,  
12          the Board shall award racing dates and such organization  
13          licensee shall run at least 700 thoroughbred races at the  
14          racetrack in Madison County each year.

15          Notwithstanding Section 7.7 of the Illinois Gambling Act  
16          or any provision of this Act other than subsection (e-4.5),  
17          for each calendar year for which an organization gaming  
18          licensee located in Madison County requests racing dates  
19          resulting in less than 700 live thoroughbred races at its  
20          racetrack facility, the organization gaming licensee may not  
21          conduct gaming pursuant to an organization gaming license  
22          issued under the Illinois Gambling Act for the calendar year  
23          of such requested live races.

24          (e-4) Notwithstanding the provisions of Section 7.7 of the  
25          Illinois Gambling Act or any provision of this Act other than  
26          subsections (e-3) and (e-4.5), for each calendar year for

1 which an organization gaming licensee requests thoroughbred  
2 racing dates which results in a number of live races under its  
3 organization license that is less than the total number of  
4 live races which it conducted in 2017 at its racetrack  
5 facility, the organization gaming licensee may not conduct  
6 gaming pursuant to its organization gaming license for the  
7 calendar year of such requested live races.

8 (e-4.1) Notwithstanding the provisions of Section 7.7 of  
9 the Illinois Gambling Act or any provision of this Act other  
10 than subsections (e-3) and (e-4.5), for each calendar year for  
11 which an organization licensee requests racing dates for  
12 standardbred racing which results in a number of live races  
13 that is less than the total number of live races required in  
14 subsection (e-1), the organization gaming licensee may not  
15 conduct gaming pursuant to its organization gaming license for  
16 the calendar year of such requested live races.

17 (e-4.5) The Board shall award the minimum live racing  
18 guarantees contained in subsections (e-1), (e-2), and (e-3) to  
19 ensure that each organization licensee shall individually run  
20 a sufficient number of races per year to qualify for an  
21 organization gaming license under this Act. The General  
22 Assembly finds that the minimum live racing guarantees  
23 contained in subsections (e-1), (e-2), and (e-3) are in the  
24 best interest of the sport of horse racing, and that such  
25 guarantees may only be reduced in the calendar year in which  
26 they will be conducted in the limited circumstances described

1 in this subsection. The Board may decrease the number of  
2 racing days without affecting an organization licensee's  
3 ability to conduct gaming pursuant to an organization gaming  
4 license issued under the Illinois Gambling Act only if the  
5 Board determines, after notice and hearing, that:

6 (i) a decrease is necessary to maintain a sufficient  
7 number of betting interests per race to ensure the  
8 integrity of racing;

9 (ii) there are unsafe track conditions due to weather  
10 or acts of God;

11 (iii) there is an agreement between an organization  
12 licensee and the breed association that is applicable to  
13 the involved live racing guarantee, such association  
14 representing either the largest number of thoroughbred  
15 owners and trainers or the largest number of standardbred  
16 owners, trainers and drivers who race horses at the  
17 involved organization licensee's racing meeting, so long  
18 as the agreement does not compromise the integrity of the  
19 sport of horse racing; or

20 (iv) the horse population or purse levels are  
21 insufficient to provide the number of racing opportunities  
22 otherwise required in this Act.

23 In decreasing the number of racing dates in accordance  
24 with this subsection, the Board shall hold a hearing and shall  
25 provide the public and all interested parties notice and an  
26 opportunity to be heard. The Board shall accept testimony from

1 all interested parties, including any association representing  
2 owners, trainers, jockeys, or drivers who will be affected by  
3 the decrease in racing dates. The Board shall provide a  
4 written explanation of the reasons for the decrease and the  
5 Board's findings. The written explanation shall include a  
6 listing and content of all communication between any party and  
7 any Illinois Racing Board member or staff that does not take  
8 place at a public meeting of the Board.

9 (e-5) In reviewing an application for the purpose of  
10 granting an organization license consistent with the best  
11 interests of the public and the sport of horse racing, the  
12 Board shall consider:

13 (1) the character, reputation, experience, and  
14 financial integrity of the applicant and of any other  
15 separate person that either:

16 (i) controls the applicant, directly or  
17 indirectly, or

18 (ii) is controlled, directly or indirectly, by  
19 that applicant or by a person who controls, directly  
20 or indirectly, that applicant;

21 (2) the applicant's facilities or proposed facilities  
22 for conducting horse racing;

23 (3) the total revenue without regard to Section 32.1  
24 to be derived by the State and horsemen from the  
25 applicant's conducting a race meeting;

26 (4) the applicant's good faith affirmative action plan

1 to recruit, train, and upgrade minorities in all  
2 employment classifications;

3 (5) the applicant's financial ability to purchase and  
4 maintain adequate liability and casualty insurance;

5 (6) the applicant's proposed and prior year's  
6 promotional and marketing activities and expenditures of  
7 the applicant associated with those activities;

8 (7) an agreement, if any, among organization licensees  
9 as provided in subsection (b) of Section 21 of this Act;  
10 and

11 (8) the extent to which the applicant exceeds or meets  
12 other standards for the issuance of an organization  
13 license that the Board shall adopt by rule.

14 In granting organization licenses and allocating dates for  
15 horse race meetings, the Board shall have discretion to  
16 determine an overall schedule, including required simulcasts  
17 of Illinois races by host tracks that will, in its judgment, be  
18 conducive to the best interests of the public and the sport of  
19 horse racing.

20 (e-10) The Illinois Administrative Procedure Act shall  
21 apply to administrative procedures of the Board under this Act  
22 for the granting of an organization license, except that (1)  
23 notwithstanding the provisions of subsection (b) of Section  
24 10-40 of the Illinois Administrative Procedure Act regarding  
25 cross-examination, the Board may prescribe rules limiting the  
26 right of an applicant or participant in any proceeding to

1 award an organization license to conduct cross-examination of  
2 witnesses at that proceeding where that cross-examination  
3 would unduly obstruct the timely award of an organization  
4 license under subsection (e) of Section 20 of this Act; (2) the  
5 provisions of Section 10-45 of the Illinois Administrative  
6 Procedure Act regarding proposals for decision are excluded  
7 under this Act; (3) notwithstanding the provisions of  
8 subsection (a) of Section 10-60 of the Illinois Administrative  
9 Procedure Act regarding ex parte communications, the Board may  
10 prescribe rules allowing ex parte communications with  
11 applicants or participants in a proceeding to award an  
12 organization license where conducting those communications  
13 would be in the best interest of racing, provided all those  
14 communications are made part of the record of that proceeding  
15 pursuant to subsection (c) of Section 10-60 of the Illinois  
16 Administrative Procedure Act; (4) the provisions of Section  
17 14a of this Act and the rules of the Board promulgated under  
18 that Section shall apply instead of the provisions of Article  
19 10 of the Illinois Administrative Procedure Act regarding  
20 administrative law judges; and (5) the provisions of  
21 subsection (d) of Section 10-65 of the Illinois Administrative  
22 Procedure Act that prevent summary suspension of a license  
23 pending revocation or other action shall not apply.

24 (f) The Board may allot racing dates to an organization  
25 licensee for more than one calendar year but for no more than 3  
26 successive calendar years in advance, provided that the Board

1 shall review such allotment for more than one calendar year  
2 prior to each year for which such allotment has been made. The  
3 granting of an organization license to a person constitutes a  
4 privilege to conduct a horse race meeting under the provisions  
5 of this Act, and no person granted an organization license  
6 shall be deemed to have a vested interest, property right, or  
7 future expectation to receive an organization license in any  
8 subsequent year as a result of the granting of an organization  
9 license. Organization licenses shall be subject to revocation  
10 if the organization licensee has violated any provision of  
11 this Act or the rules and regulations promulgated under this  
12 Act or has been convicted of a crime or has failed to disclose  
13 or has stated falsely any information called for in the  
14 application for an organization license. Any organization  
15 license revocation proceeding shall be in accordance with  
16 Section 16 regarding suspension and revocation of occupation  
17 licenses.

18 (f-5) If, (i) an applicant does not file an acceptance of  
19 the racing dates awarded by the Board as required under part  
20 (1) of subsection (h) of this Section 20, or (ii) an  
21 organization licensee has its license suspended or revoked  
22 under this Act, the Board, upon conducting an emergency  
23 hearing as provided for in this Act, may reaward on an  
24 emergency basis pursuant to rules established by the Board,  
25 racing dates not accepted or the racing dates associated with  
26 any suspension or revocation period to one or more

1 organization licensees, new applicants, or any combination  
2 thereof, upon terms and conditions that the Board determines  
3 are in the best interest of racing, provided, the organization  
4 licensees or new applicants receiving the awarded racing dates  
5 file an acceptance of those reawarded racing dates as required  
6 under paragraph (1) of subsection (h) of this Section 20 and  
7 comply with the other provisions of this Act. The Illinois  
8 Administrative Procedure Act shall not apply to the  
9 administrative procedures of the Board in conducting the  
10 emergency hearing and the reallocation of racing dates on an  
11 emergency basis.

12 (g) (Blank).

13 (h) The Board shall send the applicant a copy of its  
14 formally executed order by certified mail addressed to the  
15 applicant at the address stated in his application, which  
16 notice shall be mailed within 5 days of the date the formal  
17 order is executed.

18 Each applicant notified shall, within 10 days after  
19 receipt of the final executed order of the Board awarding  
20 racing dates:

21 (1) file with the Board an acceptance of such award in  
22 the form prescribed by the Board;

23 (2) pay to the Board an additional amount equal to  
24 \$110 for each racing date awarded; and

25 (3) file with the Board the bonds required in Sections  
26 21 and 25 at least 20 days prior to the first day of each

1 race meeting.

2 Upon compliance with the provisions of paragraphs (1), (2),  
3 and (3) of this subsection (h), the applicant shall be issued  
4 an organization license.

5 If any applicant fails to comply with this Section or  
6 fails to pay the organization license fees herein provided, no  
7 organization license shall be issued to such applicant.

8 (Source: P.A. 101-31, eff. 6-28-19.)

9 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

10 Sec. 26. Wagering.

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

25 (b) Except for those gaming activities for which a license

1 is obtained and authorized under the Illinois Lottery Law, the  
2 Charitable Games Act, the Raffles and Poker Runs Act, the  
3 Video Gaming Act, or the Illinois Gambling Act, no other  
4 method of betting, pool making, wagering or gambling shall be  
5 used or permitted by the licensee. Each licensee may retain,  
6 subject to the payment of all applicable taxes and purses, an  
7 amount not to exceed 17% of all money wagered under subsection  
8 (a) of this Section, except as may otherwise be permitted  
9 under this Act.

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

17 (c) (Blank).

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

1 licensee, except that the balance of the sum of all  
2 outstanding pari-mutuel tickets generated from simulcast  
3 wagering and inter-track wagering by an organization licensee  
4 located in a county with a population in excess of 230,000 and  
5 borders the Mississippi River or any licensee that derives its  
6 license from that organization licensee shall be evenly  
7 distributed to the purse account of the organization licensee  
8 and the organization licensee.

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

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

23 (f) Notwithstanding the other provisions of this Act, an  
24 organization licensee may contract with an entity in another  
25 state or country to permit any legal wagering entity in  
26 another state or country to accept wagers solely within such

1 other state or country on races conducted by the organization  
2 licensee in this State. Beginning January 1, 2000, these  
3 wagers shall not be subject to State taxation. Until January  
4 1, 2000, when the out-of-State entity conducts a pari-mutuel  
5 pool separate from the organization licensee, a privilege tax  
6 equal to 7 1/2% of all monies received by the organization  
7 licensee from entities in other states or countries pursuant  
8 to such contracts is imposed on the organization licensee, and  
9 such privilege tax shall be remitted to the Department of  
10 Revenue within 48 hours of receipt of the moneys from the  
11 simulcast. When the out-of-State entity conducts a combined  
12 pari-mutuel pool with the organization licensee, the tax shall  
13 be 10% of all monies received by the organization licensee  
14 with 25% of the receipts from this 10% tax to be distributed to  
15 the county in which the race was conducted.

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

24 (g) A host track may accept interstate simulcast wagers on  
25 horse races conducted in other states or countries and shall  
26 control the number of signals and types of breeds of racing in

1 its simulcast program, subject to the disapproval of the  
2 Board. The Board may prohibit a simulcast program only if it  
3 finds that the simulcast program is clearly adverse to the  
4 integrity of racing. The host track simulcast program shall  
5 include the signal of live racing of all organization  
6 licensees. All non-host licensees and advance deposit wagering  
7 licensees shall carry the signal of and accept wagers on live  
8 racing of all organization licensees. Advance deposit wagering  
9 licensees shall not be permitted to accept out-of-state wagers  
10 on any Illinois signal provided pursuant to this Section  
11 without the approval and consent of the organization licensee  
12 providing the signal. For one year after August 15, 2014 (the  
13 effective date of Public Act 98-968), non-host licensees may  
14 carry the host track simulcast program and shall accept wagers  
15 on all races included as part of the simulcast program of horse  
16 races conducted at race tracks located within North America  
17 upon which wagering is permitted. For a period of one year  
18 after August 15, 2014 (the effective date of Public Act  
19 98-968), on horse races conducted at race tracks located  
20 outside of North America, non-host licensees may accept wagers  
21 on all races included as part of the simulcast program upon  
22 which wagering is permitted. Beginning August 15, 2015 (one  
23 year after the effective date of Public Act 98-968), non-host  
24 licensees may carry the host track simulcast program and shall  
25 accept wagers on all races included as part of the simulcast  
26 program upon which wagering is permitted. All organization

1 licensees shall provide their live signal to all advance  
2 deposit wagering licensees for a simulcast commission fee not  
3 to exceed 6% of the advance deposit wagering licensee's  
4 Illinois handle on the organization licensee's signal without  
5 prior approval by the Board. The Board may adopt rules under  
6 which it may permit simulcast commission fees in excess of 6%.  
7 The Board shall adopt rules limiting the interstate commission  
8 fees charged to an advance deposit wagering licensee. The  
9 Board shall adopt rules regarding advance deposit wagering on  
10 interstate simulcast races that shall reflect, among other  
11 things, the General Assembly's desire to maximize revenues to  
12 the State, horsemen purses, and organization licensees.  
13 However, organization licensees providing live signals  
14 pursuant to the requirements of this subsection (g) may  
15 petition the Board to withhold their live signals from an  
16 advance deposit wagering licensee if the organization licensee  
17 discovers and the Board finds reputable or credible  
18 information that the advance deposit wagering licensee is  
19 under investigation by another state or federal governmental  
20 agency, the advance deposit wagering licensee's license has  
21 been suspended in another state, or the advance deposit  
22 wagering licensee's license is in revocation proceedings in  
23 another state. The organization licensee's provision of their  
24 live signal to an advance deposit wagering licensee under this  
25 subsection (g) pertains to wagers placed from within Illinois.  
26 Advance deposit wagering licensees may place advance deposit

1     wagering terminals at wagering facilities as a convenience to  
2     customers. The advance deposit wagering licensee shall not  
3     charge or collect any fee from purses for the placement of the  
4     advance deposit wagering terminals. The costs and expenses of  
5     the host track and non-host licensees associated with  
6     interstate simulcast wagering, other than the interstate  
7     commission fee, shall be borne by the host track and all  
8     non-host licensees incurring these costs. The interstate  
9     commission fee shall not exceed 5% of Illinois handle on the  
10    interstate simulcast race or races without prior approval of  
11    the Board. The Board shall promulgate rules under which it may  
12    permit interstate commission fees in excess of 5%. The  
13    interstate commission fee and other fees charged by the  
14    sending racetrack, including, but not limited to, satellite  
15    decoder fees, shall be uniformly applied to the host track and  
16    all non-host licensees.

17         Notwithstanding any other provision of this Act, an  
18    organization licensee, with the consent of the horsemen  
19    association representing the largest number of owners,  
20    trainers, jockeys, or standardbred drivers who race horses at  
21    that organization licensee's racing meeting, may maintain a  
22    system whereby advance deposit wagering may take place or an  
23    organization licensee, with the consent of the horsemen  
24    association representing the largest number of owners,  
25    trainers, jockeys, or standardbred drivers who race horses at  
26    that organization licensee's racing meeting, may contract with

1 another person to carry out a system of advance deposit  
2 wagering. Such consent may not be unreasonably withheld. Only  
3 with respect to an appeal to the Board that consent for an  
4 organization licensee that maintains its own advance deposit  
5 wagering system is being unreasonably withheld, the Board  
6 shall issue a final order within 30 days after initiation of  
7 the appeal, and the organization licensee's advance deposit  
8 wagering system may remain operational during that 30-day  
9 period. The actions of any organization licensee who conducts  
10 advance deposit wagering or any person who has a contract with  
11 an organization licensee to conduct advance deposit wagering  
12 who conducts advance deposit wagering on or after January 1,  
13 2013 and prior to June 7, 2013 (the effective date of Public  
14 Act 98-18) taken in reliance on the changes made to this  
15 subsection (g) by Public Act 98-18 are hereby validated,  
16 provided payment of all applicable pari-mutuel taxes are  
17 remitted to the Board. All advance deposit wagers placed from  
18 within Illinois must be placed through a Board-approved  
19 advance deposit wagering licensee; no other entity may accept  
20 an advance deposit wager from a person within Illinois. All  
21 advance deposit wagering is subject to any rules adopted by  
22 the Board. The Board may adopt rules necessary to regulate  
23 advance deposit wagering through the use of emergency  
24 rulemaking in accordance with Section 5-45 of the Illinois  
25 Administrative Procedure Act. The General Assembly finds that  
26 the adoption of rules to regulate advance deposit wagering is

1 deemed an emergency and necessary for the public interest,  
2 safety, and welfare. An advance deposit wagering licensee may  
3 retain all moneys as agreed to by contract with an  
4 organization licensee. Any moneys retained by the organization  
5 licensee from advance deposit wagering, not including moneys  
6 retained by the advance deposit wagering licensee, shall be  
7 paid 50% to the organization licensee's purse account and 50%  
8 to the organization licensee. With the exception of any  
9 organization licensee that is owned by a publicly traded  
10 company that is incorporated in a state other than Illinois  
11 and advance deposit wagering licensees under contract with  
12 such organization licensees, organization licensees that  
13 maintain advance deposit wagering systems and advance deposit  
14 wagering licensees that contract with organization licensees  
15 shall provide sufficiently detailed monthly accountings to the  
16 horsemen association representing the largest number of  
17 owners, trainers, jockeys, or standardbred drivers who race  
18 horses at that organization licensee's racing meeting so that  
19 the horsemen association, as an interested party, can confirm  
20 the accuracy of the amounts paid to the purse account at the  
21 horsemen association's affiliated organization licensee from  
22 advance deposit wagering. If more than one breed races at the  
23 same race track facility, then the 50% of the moneys to be paid  
24 to an organization licensee's purse account shall be allocated  
25 among all organization licensees' purse accounts operating at  
26 that race track facility proportionately based on the actual

1 number of host days that the Board grants to that breed at that  
2 race track facility in the current calendar year. To the  
3 extent any fees from advance deposit wagering conducted in  
4 Illinois for wagers in Illinois or other states have been  
5 placed in escrow or otherwise withheld from wagers pending a  
6 determination of the legality of advance deposit wagering, no  
7 action shall be brought to declare such wagers or the  
8 disbursement of any fees previously escrowed illegal.

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

26 (2) Between the hours of 6:30 p.m. and 6:30 a.m. an

1 inter-track wagering licensee other than the host track  
2 may receive supplemental interstate simulcasts only with  
3 the consent of the host track, except when the Board finds  
4 that the simulcast is clearly adverse to the integrity of  
5 racing. Consent granted under this paragraph (2) to any  
6 inter-track wagering licensee shall be deemed consent to  
7 all non-host licensees. The interstate commission fee for  
8 the supplemental interstate simulcast shall be paid by all  
9 participating non-host licensees.

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

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

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

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

24           (B) For wagers placed on interstate simulcast  
25 races, supplemental simulcasts as defined in  
26 subparagraphs (1) and (2), and separately pooled races

1           conducted outside of the State of Illinois made at a  
2           non-host licensee, 25% to the host track, 25% to the  
3           non-host licensee, and 50% to the purses at the host  
4           track.

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

14          (7) Effective January 1, 2017, notwithstanding any  
15          provision of this Act to the contrary, after payment of  
16          all applicable State and local taxes and interstate  
17          commission fees, non-host licensees who derive their  
18          licenses from a track located in a county with a  
19          population in excess of 230,000 and that borders the  
20          Mississippi River or Macon County shall retain 50% of the  
21          retention from interstate simulcast wagers and shall pay  
22          50% to purses at the track from which the non-host  
23          licensee derives its license.

24          (7.1) Notwithstanding any other provision of this Act  
25          to the contrary, if no standardbred racing is conducted at  
26          a racetrack located in Madison County during any calendar

1 year beginning on or after January 1, 2002, and the  
2 licensee that conducts horse racing at that racetrack  
3 requests from the Board at least as many racing dates as  
4 were conducted in calendar year 2000, all moneys derived  
5 by that racetrack from simulcast wagering and inter-track  
6 wagering that (1) are to be used for purses and (2) are  
7 generated between the hours of 6:30 p.m. and 6:30 a.m.  
8 during that calendar year shall be paid as follows:

9 (A) Eighty percent shall be paid to its  
10 thoroughbred purse account; and

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

26 (7.2) Notwithstanding any other provision of this Act

1 to the contrary, if no thoroughbred racing is conducted at  
2 a racetrack located in Madison County during any calendar  
3 year beginning on or after January 1, 2002, and the  
4 licensee that conducts horse racing at that racetrack  
5 requests from the Board at least as many racing dates as  
6 were conducted in calendar year 2000, all moneys derived  
7 by that racetrack from simulcast wagering and inter-track  
8 wagering that (1) are to be used for purses and (2) are  
9 generated between the hours of 6:30 a.m. and 6:30 p.m.  
10 during that calendar year shall be deposited as follows:

11 (A) Eighty percent shall be deposited into its  
12 standardbred purse 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,

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

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

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

1 230,000 and that borders the Mississippi River.

2 (9) (Blank).

3 (10) (Blank).

4 (11) (Blank).

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

10 (13) Notwithstanding any other provision of this Act,  
11 in the event that the total Illinois pari-mutuel handle on  
12 Illinois horse races at all wagering facilities in any  
13 calendar year is less than 75% of the total Illinois  
14 pari-mutuel handle on Illinois horse races at all such  
15 wagering facilities for calendar year 1994, then each  
16 wagering facility that has an annual total Illinois  
17 pari-mutuel handle on Illinois horse races that is less  
18 than 75% of the total Illinois pari-mutuel handle on  
19 Illinois horse races at such wagering facility for  
20 calendar year 1994, shall be permitted to receive, from  
21 any amount otherwise payable to the purse account at the  
22 race track with which the wagering facility is affiliated  
23 in the succeeding calendar year, an amount equal to 2% of  
24 the differential in total Illinois pari-mutuel handle on  
25 Illinois horse races at the wagering facility between that  
26 calendar year in question and 1994 provided, however, that

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

1       purse account shall be the amount certified by the  
2       Illinois Racing Board in January to be transferred from  
3       each account to each eligible racing facility in  
4       accordance with the provisions of this Section. Beginning  
5       in the calendar year in which an organization licensee  
6       that is eligible to receive payment under this paragraph  
7       (13) begins to receive funds from gaming pursuant to an  
8       organization gaming license issued under the Illinois  
9       Gambling Act, the amount of the payment due to all  
10      wagering facilities licensed under that organization  
11      licensee under this paragraph (13) shall be the amount  
12      certified by the Board in January of that year. An  
13      organization licensee and its related wagering facilities  
14      shall no longer be able to receive payments under this  
15      paragraph (13) beginning in the year subsequent to the  
16      first year in which the organization licensee begins to  
17      receive funds from gaming pursuant to an organization  
18      gaming license issued under the Illinois Gambling Act.

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

23           (1) Any person licensed to conduct a race meeting (i)  
24           at a track where 60 or more days of racing were conducted  
25           during the immediately preceding calendar year or where  
26           over the 5 immediately preceding calendar years an average

1 of 30 or more days of racing were conducted annually may be  
2 issued an inter-track wagering license; (ii) at a track  
3 located in a county that is bounded by the Mississippi  
4 River, which has a population of less than 150,000  
5 according to the 1990 decennial census, and an average of  
6 at least 60 days of racing per year between 1985 and 1993  
7 may be issued an inter-track wagering license; (iii) at a  
8 track awarded standardbred racing dates; or (iv) at a  
9 track located in Madison County that conducted at least  
10 100 days of live racing during the immediately preceding  
11 calendar year may be issued an inter-track wagering  
12 license, unless a lesser schedule of live racing is the  
13 result of (A) weather, unsafe track conditions, or other  
14 acts of God; (B) an agreement between the organization  
15 licensee and the associations representing the largest  
16 number of owners, trainers, jockeys, or standardbred  
17 drivers who race horses at that organization licensee's  
18 racing meeting; or (C) a finding by the Board of  
19 extraordinary circumstances and that it was in the best  
20 interest of the public and the sport to conduct fewer than  
21 100 days of live racing. Any such person having operating  
22 control of the racing facility may receive inter-track  
23 wagering location licenses. An eligible race track located  
24 in a county that has a population of more than 230,000 and  
25 that is bounded by the Mississippi River may establish up  
26 to 9 inter-track wagering locations, an eligible race

1 track located in Stickney Township in Cook County may  
2 establish up to 16 inter-track wagering locations, and an  
3 eligible race track located in Palatine Township in Cook  
4 County may establish up to 18 inter-track wagering  
5 locations. An eligible racetrack conducting standardbred  
6 racing may have up to 16 inter-track wagering locations.  
7 An application for said license shall be filed with the  
8 Board prior to such dates as may be fixed by the Board.  
9 With an application for an inter-track wagering location  
10 license there shall be delivered to the Board a certified  
11 check or bank draft payable to the order of the Board for  
12 an amount equal to \$500. The application shall be on forms  
13 prescribed and furnished by the Board. The application  
14 shall comply with all other rules, regulations and  
15 conditions imposed by the Board in connection therewith.

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

25 (3) In granting licenses to conduct inter-track  
26 wagering and simulcast wagering, the Board shall give due

1 consideration to the best interests of the public, of  
2 horse racing, and of maximizing revenue to the State.

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

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

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

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

1           (8) Inter-track wagering or simulcast wagering shall  
2 not be conducted at any track less than 4 miles from a  
3 track at which a racing meeting is in progress.

4           (8.1) Inter-track wagering location licensees who  
5 derive their licenses from a particular organization  
6 licensee shall conduct inter-track wagering and simulcast  
7 wagering only at locations that are within 160 miles of  
8 that race track where the particular organization licensee  
9 is licensed to conduct racing unless all organization  
10 licensees have given written consent to an organization  
11 licensee, and which consent must be filed with the Board  
12 at or prior to the time application is made. However,  
13 inter-track wagering and simulcast wagering shall not be  
14 conducted by those licensees at any location within 5  
15 miles of any race track at which a horse race meeting has  
16 been licensed in the current year, unless the person  
17 having operating control of such race track has given its  
18 written consent to such inter-track wagering location  
19 licensees, which consent must be filed with the Board at  
20 or prior to the time application is made. In the case of  
21 any inter-track wagering location licensee initially  
22 licensed after December 31, 2013, inter-track wagering and  
23 simulcast wagering shall not be conducted by those  
24 inter-track wagering location licensees that are located  
25 outside the City of Chicago at any location within 8 miles  
26 of any race track at which a horse race meeting has been

1 licensed in the current year, unless the person having  
2 operating control of such race track has given its written  
3 consent to such inter-track wagering location licensees,  
4 which consent must be filed with the Board at or prior to  
5 the time application is made.

6 (8.2) Inter-track wagering or simulcast wagering shall  
7 not be conducted by an inter-track wagering location  
8 licensee at any location within 100 feet of an existing  
9 church, an existing elementary or secondary public school,  
10 or an existing elementary or secondary private school  
11 registered with or recognized by the State Board of  
12 Education. The distance of 100 feet shall be measured to  
13 the nearest part of any building used for worship  
14 services, education programs, or conducting inter-track  
15 wagering by an inter-track wagering location licensee, and  
16 not to property boundaries. However, inter-track wagering  
17 or simulcast wagering may be conducted at a site within  
18 100 feet of a church or school if such church or school has  
19 been erected or established after the Board issues the  
20 original inter-track wagering location license at the site  
21 in question. Inter-track wagering location licensees may  
22 conduct inter-track wagering and simulcast wagering only  
23 in areas that are zoned for commercial or manufacturing  
24 purposes or in areas for which a special use has been  
25 approved by the local zoning authority. However, no  
26 license to conduct inter-track wagering and simulcast

1           wagering shall be granted by the Board with respect to any  
2           inter-track wagering location within the jurisdiction of  
3           any local zoning authority which has, by ordinance or by  
4           resolution, prohibited the establishment of an inter-track  
5           wagering location within its jurisdiction. However,  
6           inter-track wagering and simulcast wagering may be  
7           conducted at a site if such ordinance or resolution is  
8           enacted after the Board licenses the original inter-track  
9           wagering location licensee for the site in question.

10           (9) (Blank).

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

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

1 inter-track wagering location licensee is situated in an  
2 unincorporated area of a county, such licensee shall pay  
3 2% of the pari-mutuel handle from such location to such  
4 county. Inter-track wagering location licensees must pay  
5 the handle percentage required under this paragraph to the  
6 municipality and county no later than the 20th of the  
7 month following the month such handle was generated.

8 (10.2) Notwithstanding any other provision of this  
9 Act, with respect to inter-track wagering at a race track  
10 located in a county that has a population of more than  
11 230,000 and that is bounded by the Mississippi River ("the  
12 first race track"), or at a facility operated by an  
13 inter-track wagering licensee or inter-track wagering  
14 location licensee that derives its license from the  
15 organization licensee that operates the first race track,  
16 on races conducted at the first race track or on races  
17 conducted at another Illinois race track and  
18 simultaneously televised to the first race track or to a  
19 facility operated by an inter-track wagering licensee or  
20 inter-track wagering location licensee that derives its  
21 license from the organization licensee that operates the  
22 first race track, those moneys shall be allocated as  
23 follows:

24 (A) That portion of all moneys wagered on  
25 standardbred racing that is required under this Act to  
26 be paid to purses shall be paid to purses for

1           standardbred races.

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

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

26                   (B) From the sums permitted to be retained pursuant to

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

1 licensees, based on each licensee's pro rata share of the  
2 total handle from inter-track wagering and simulcast  
3 wagering for all inter-track wagering location licensees  
4 during the calendar year in which this provision is  
5 applicable; then (II) the amounts redistributed to each  
6 inter-track wagering location licensee as described in  
7 subpart (I) shall be further redistributed as provided in  
8 subparagraph (B) of paragraph (5) of subsection (g) of  
9 this Section 26 provided first, that the shares of those  
10 amounts, which are to be redistributed to the host track  
11 or to purses at the host track under subparagraph (B) of  
12 paragraph (5) of subsection (g) of this Section 26 shall  
13 be redistributed based on each host track's pro rata share  
14 of the total inter-track wagering and simulcast wagering  
15 handle at all host tracks during the calendar year in  
16 question, and second, that any amounts redistributed as  
17 described in part (I) to an inter-track wagering location  
18 licensee that accepts wagers on races conducted by an  
19 organization licensee that conducts a race meet in a  
20 county with a population in excess of 230,000 and that  
21 borders the Mississippi River shall be further  
22 redistributed, effective January 1, 2017, as provided in  
23 paragraph (7) of subsection (g) of this Section 26, with  
24 the portion of that further redistribution allocated to  
25 purses at that organization licensee to be divided between  
26 standardbred purses and thoroughbred purses based on the

1 amounts otherwise allocated to purses at that organization  
2 licensee during the calendar year in question; and (iv) 8%  
3 of the pari-mutuel handle on inter-track wagering wagered  
4 at such location to satisfy all costs and expenses of  
5 conducting its wagering. The remainder of the monies  
6 retained by the inter-track wagering location licensee  
7 shall be allocated 40% to the location licensee and 60% to  
8 the organization licensee which provides the Illinois  
9 races to the location, except that an inter-track wagering  
10 location licensee that derives its license from a track  
11 located in a county with a population in excess of 230,000  
12 and that borders the Mississippi River shall not divide  
13 any remaining retention with the organization licensee  
14 that provides the race or races and an inter-track  
15 wagering location licensee that accepts wagers on races  
16 conducted by an organization licensee that conducts a race  
17 meet in a county with a population in excess of 230,000 and  
18 that borders the Mississippi River shall not divide any  
19 remaining retention with the organization licensee.  
20 Notwithstanding the provisions of clauses (ii) and (iv) of  
21 this paragraph, in the case of the additional inter-track  
22 wagering location licenses authorized under paragraph (1)  
23 of this subsection (h) by Public Act 87-110, those  
24 licensees shall pay the following amounts as purses:  
25 during the first 12 months the licensee is in operation,  
26 5.25% of the pari-mutuel handle wagered at the location on

1 races; during the second 12 months, 5.25%; during the  
2 third 12 months, 5.75%; during the fourth 12 months,  
3 6.25%; and during the fifth 12 months and thereafter,  
4 6.75%. The following amounts shall be retained by the  
5 licensee to satisfy all costs and expenses of conducting  
6 its wagering: during the first 12 months the licensee is  
7 in operation, 8.25% of the pari-mutuel handle wagered at  
8 the location; during the second 12 months, 8.25%; during  
9 the third 12 months, 7.75%; during the fourth 12 months,  
10 7.25%; and during the fifth 12 months and thereafter,  
11 6.75%. For additional inter-track wagering location  
12 licensees authorized under Public Act 89-16, purses for  
13 the first 12 months the licensee is in operation shall be  
14 5.75% of the pari-mutuel wagered at the location, purses  
15 for the second 12 months the licensee is in operation  
16 shall be 6.25%, and purses thereafter shall be 6.75%. For  
17 additional inter-track location licensees authorized under  
18 Public Act 89-16, the licensee shall be allowed to retain  
19 to satisfy all costs and expenses: 7.75% of the  
20 pari-mutuel handle wagered at the location during its  
21 first 12 months of operation, 7.25% during its second 12  
22 months of operation, and 6.75% thereafter.

23 (C) There is hereby created the Horse Racing Tax  
24 Allocation Fund which shall remain in existence until  
25 December 31, 1999. Moneys remaining in the Fund after  
26 December 31, 1999 shall be paid into the General Revenue

1 Fund. Until January 1, 2000, all monies paid into the  
2 Horse Racing Tax Allocation Fund pursuant to this  
3 paragraph (11) by inter-track wagering location licensees  
4 located in park districts of 500,000 population or less,  
5 or in a municipality that is not included within any park  
6 district but is included within a conservation district  
7 and is the county seat of a county that (i) is contiguous  
8 to the state of Indiana and (ii) has a 1990 population of  
9 88,257 according to the United States Bureau of the  
10 Census, and operating on May 1, 1994 shall be allocated by  
11 appropriation as follows:

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

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

23 Four-sevenths to park districts or municipalities  
24 that do not have a park district of 500,000 population  
25 or less for museum purposes (if an inter-track  
26 wagering location licensee is located in such a park

1 district) or to conservation districts for museum  
2 purposes (if an inter-track wagering location licensee  
3 is located in a municipality that is not included  
4 within any park district but is included within a  
5 conservation district and is the county seat of a  
6 county that (i) is contiguous to the state of Indiana  
7 and (ii) has a 1990 population of 88,257 according to  
8 the United States Bureau of the Census, except that if  
9 the conservation district does not maintain a museum,  
10 the monies shall be allocated equally between the  
11 county and the municipality in which the inter-track  
12 wagering location licensee is located for general  
13 purposes) or to a municipal recreation board for park  
14 purposes (if an inter-track wagering location licensee  
15 is located in a municipality that is not included  
16 within any park district and park maintenance is the  
17 function of the municipal recreation board and the  
18 municipality has a 1990 population of 9,302 according  
19 to the United States Bureau of the Census); provided  
20 that the monies are distributed to each park district  
21 or conservation district or municipality that does not  
22 have a park district in an amount equal to  
23 four-sevenths of the amount collected by each  
24 inter-track wagering location licensee within the park  
25 district or conservation district or municipality for  
26 the Fund. Monies that were paid into the Horse Racing

1 Tax Allocation Fund before August 9, 1991 (the  
2 effective date of Public Act 87-110) by an inter-track  
3 wagering location licensee located in a municipality  
4 that is not included within any park district but is  
5 included within a conservation district as provided in  
6 this paragraph shall, as soon as practicable after  
7 August 9, 1991 (the effective date of Public Act  
8 87-110), be allocated and paid to that conservation  
9 district as provided in this paragraph. Any park  
10 district or municipality not maintaining a museum may  
11 deposit the monies in the corporate fund of the park  
12 district or municipality where the inter-track  
13 wagering location is located, to be used for general  
14 purposes; and

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

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

26 Two-sevenths to the Department of Agriculture.

1 Fifty percent of this two-sevenths shall be used to  
2 promote the Illinois horse racing and breeding  
3 industry, and shall be distributed by the Department  
4 of Agriculture upon the advice of a 9-member committee  
5 appointed by the Governor consisting of the following  
6 members: the Director of Agriculture, who shall serve  
7 as chairman; 2 representatives of organization  
8 licensees conducting thoroughbred race meetings in  
9 this State, recommended by those licensees; 2  
10 representatives of organization licensees conducting  
11 standardbred race meetings in this State, recommended  
12 by those licensees; a representative of the Illinois  
13 Thoroughbred Breeders and Owners Foundation,  
14 recommended by that Foundation; a representative of  
15 the Illinois Standardbred Owners and Breeders  
16 Association, recommended by that Association; a  
17 representative of the Horsemen's Benevolent and  
18 Protective Association or any successor organization  
19 thereto established in Illinois comprised of the  
20 largest number of owners and trainers, recommended by  
21 that Association or that successor organization; and a  
22 representative of the Illinois Harness Horsemen's  
23 Association, recommended by that Association.  
24 Committee members shall serve for terms of 2 years,  
25 commencing January 1 of each even-numbered year. If a  
26 representative of any of the above-named entities has

1 not been recommended by January 1 of any even-numbered  
2 year, the Governor shall appoint a committee member to  
3 fill that position. Committee members shall receive no  
4 compensation for their services as members but shall  
5 be reimbursed for all actual and necessary expenses  
6 and disbursements incurred in the performance of their  
7 official duties. The remaining 50% of this  
8 two-sevenths shall be distributed to county fairs for  
9 premiums and rehabilitation as set forth in the  
10 Agricultural Fair Act;

11 Four-sevenths to museums and aquariums located in  
12 park districts of over 500,000 population; provided  
13 that the monies are distributed in accordance with the  
14 previous year's distribution of the maintenance tax  
15 for such museums and aquariums as provided in Section  
16 2 of the Park District Aquarium and Museum Act; and

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

26 (D) Except as provided in paragraph (11) of this

1 subsection (h), with respect to purse allocation from  
2 inter-track wagering, the monies so retained shall be  
3 divided as follows:

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

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

24 (iii) If the inter-track wagering is being  
25 conducted by an inter-track wagering location  
26 licensee, except an inter-track wagering location

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

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

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

22           (B) The Board, and any person or persons to whom it  
23           delegates this power, is vested with the power to  
24           enter the facilities of any licensee to determine  
25           whether there has been compliance with the provisions  
26           of this Act and the rules and regulations relating to

1 the conduct of such wagering.

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

12 (D) (Blank).

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

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

1 director of this wagering.

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

10 (13) The Department of Agriculture may enter into  
11 agreements with licensees authorizing such licensees to  
12 conduct inter-track wagering on races to be held at the  
13 licensed race meetings conducted by the Department of  
14 Agriculture. Such agreement shall specify the races of the  
15 Department of Agriculture's licensed race meeting upon  
16 which the licensees will conduct wagering. In the event  
17 that a licensee conducts inter-track pari-mutuel wagering  
18 on races from the Illinois State Fair or DuQuoin State  
19 Fair which are in addition to the licensee's previously  
20 approved racing program, those races shall be considered a  
21 separate racing day for the purpose of determining the  
22 daily handle and computing the privilege or pari-mutuel  
23 tax on that daily handle as provided in Sections 27 and  
24 27.1. Such agreements shall be approved by the Board  
25 before such wagering may be conducted. In determining  
26 whether to grant approval, the Board shall give due

1 consideration to the best interests of the public and of  
2 horse racing. The provisions of paragraphs (1), (8),  
3 (8.1), and (8.2) of subsection (h) of this Section which  
4 are not specified in this paragraph (13) shall not apply  
5 to licensed race meetings conducted by the Department of  
6 Agriculture at the Illinois State Fair in Sangamon County  
7 or the DuQuoin State Fair in Perry County, or to any  
8 wagering conducted on those race meetings.

9 (14) An inter-track wagering location license  
10 authorized by the Board in 2016 that is owned and operated  
11 by a race track in Rock Island County shall be transferred  
12 to a commonly owned race track in Cook County on August 12,  
13 2016 (the effective date of Public Act 99-757). The  
14 licensee shall retain its status in relation to purse  
15 distribution under paragraph (11) of this subsection (h)  
16 following the transfer to the new entity. The pari-mutuel  
17 tax credit under Section 32.1 shall not be applied toward  
18 any pari-mutuel tax obligation of the inter-track wagering  
19 location licensee of the license that is transferred under  
20 this paragraph (14).

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

25 (Source: P.A. 104-185, eff. 8-15-25.)

1           Section 15. The Video Gaming Act is amended by changing  
2 Sections 5, 25, and 55 and by adding Section 76 as follows:

3           (230 ILCS 40/5)

4           Sec. 5. Definitions. As used in this Act:

5           "Board" means the Illinois Gaming Board.

6           "Credit" means one, 5, 10, or 25 cents either won or  
7 purchased by a player.

8           "Distributor" means an individual, partnership,  
9 corporation, or limited liability company licensed under this  
10 Act to buy, sell, lease, or distribute video gaming terminals  
11 or major components or parts of video gaming terminals to or  
12 from terminal operators.

13           "Electronic card" means a card purchased from a licensed  
14 establishment, licensed fraternal establishment, licensed  
15 veterans establishment, licensed truck stop establishment, or  
16 licensed large truck stop establishment for use in that  
17 establishment as a substitute for cash in the conduct of  
18 gaming on a video gaming terminal.

19           "Electronic voucher" means a voucher printed by an  
20 electronic video game machine that is redeemable in the  
21 licensed establishment for which it was issued.

22           "In-location bonus jackpot" means one or more video gaming  
23 terminals at a single licensed establishment that allows for  
24 wagers placed on such video gaming terminals to contribute to  
25 a cumulative maximum jackpot of up to \$10,000.

1 "Terminal operator" means an individual, partnership,  
2 corporation, or limited liability company that is licensed  
3 under this Act and that owns, services, and maintains video  
4 gaming terminals for placement in licensed establishments,  
5 licensed truck stop establishments, licensed large truck stop  
6 establishments, licensed fraternal establishments, or licensed  
7 veterans establishments.

8 "Licensed technician" means an individual who is licensed  
9 under this Act to repair, service, and maintain video gaming  
10 terminals.

11 "Licensed terminal handler" means a person, including but  
12 not limited to an employee or independent contractor working  
13 for a manufacturer, distributor, supplier, technician, or  
14 terminal operator, who is licensed under this Act to possess  
15 or control a video gaming terminal or to have access to the  
16 inner workings of a video gaming terminal. A licensed terminal  
17 handler does not include an individual, partnership,  
18 corporation, or limited liability company defined as a  
19 manufacturer, distributor, supplier, technician, or terminal  
20 operator under this Act.

21 "Manufacturer" means an individual, partnership,  
22 corporation, or limited liability company that is licensed  
23 under this Act and that manufactures or assembles video gaming  
24 terminals.

25 "Supplier" means an individual, partnership, corporation,  
26 or limited liability company that is licensed under this Act

1 to supply major components or parts to video gaming terminals  
2 to licensed terminal operators.

3 "Net terminal income" means money put into a video gaming  
4 terminal minus credits paid out to players.

5 "Video gaming terminal" means any electronic video game  
6 machine that, upon insertion of cash, electronic cards or  
7 vouchers, or any combination thereof, is available to play or  
8 simulate the play of a video game, including but not limited to  
9 video poker, line up, and blackjack, as authorized by the  
10 Board utilizing a video display and microprocessors in which  
11 the player may receive free games or credits that can be  
12 redeemed for cash. The term does not include a machine that  
13 directly dispenses coins, cash, or tokens or is for amusement  
14 purposes only.

15 "Licensed establishment" means any licensed retail  
16 establishment where alcoholic liquor is drawn, poured, mixed,  
17 or otherwise served for consumption on the premises, whether  
18 the establishment operates on a nonprofit or for-profit basis.  
19 "Licensed establishment" includes any such establishment that  
20 has a contractual relationship with an inter-track wagering  
21 location licensee licensed under the Illinois Horse Racing Act  
22 of 1975, provided any contractual relationship shall not  
23 include any transfer or offer of revenue from the operation of  
24 video gaming under this Act to any licensee licensed under the  
25 Illinois Horse Racing Act of 1975. Provided, however, that the  
26 licensed establishment that has such a contractual

1 relationship with an inter-track wagering location licensee  
2 may not, itself, be (i) an inter-track wagering location  
3 licensee, (ii) the corporate parent or subsidiary of any  
4 licensee licensed under the Illinois Horse Racing Act of 1975,  
5 or (iii) the corporate subsidiary of a corporation that is  
6 also the corporate parent or subsidiary of any licensee  
7 licensed under the Illinois Horse Racing Act of 1975.  
8 "Licensed establishment" also includes an organization  
9 licensee under the Illinois Horse Racing Act of 1975 as  
10 authorized under Section 76. "Licensed establishment" does not  
11 include a facility operated by an organization licensee, an  
12 inter-track wagering licensee, or an inter-track wagering  
13 location licensee licensed under the Illinois Horse Racing Act  
14 of 1975 or a riverboat licensed under the Illinois Gambling  
15 Act, except as provided in this paragraph. The changes made to  
16 this definition by Public Act 98-587 are declarative of  
17 existing law.

18 "Licensed fraternal establishment" means the location  
19 where a qualified fraternal organization that derives its  
20 charter from a national fraternal organization regularly  
21 meets.

22 "Licensed veterans establishment" means the location where  
23 a qualified veterans organization that derives its charter  
24 from a national veterans organization regularly meets.

25 "Licensed truck stop establishment" means a facility (i)  
26 that is at least a 3-acre facility with a convenience store,

1 (ii) with separate diesel islands for fueling commercial motor  
2 vehicles, (iii) that sells at retail more than 10,000 gallons  
3 of diesel or biodiesel fuel per month, and (iv) with parking  
4 spaces for commercial motor vehicles. "Commercial motor  
5 vehicles" has the same meaning as defined in Section 18b-101  
6 of the Illinois Vehicle Code. The requirement of item (iii) of  
7 this paragraph may be met by showing that estimated future  
8 sales or past sales average at least 10,000 gallons per month.

9 "Licensed large truck stop establishment" means a facility  
10 located within 3 road miles from a freeway interchange, as  
11 measured in accordance with the Department of Transportation's  
12 rules regarding the criteria for the installation of business  
13 signs: (i) that is at least a 3-acre facility with a  
14 convenience store, (ii) with separate diesel islands for  
15 fueling commercial motor vehicles, (iii) that sells at retail  
16 more than 50,000 gallons of diesel or biodiesel fuel per  
17 month, and (iv) with parking spaces for commercial motor  
18 vehicles. "Commercial motor vehicles" has the same meaning as  
19 defined in Section 18b-101 of the Illinois Vehicle Code. The  
20 requirement of item (iii) of this paragraph may be met by  
21 showing that estimated future sales or past sales average at  
22 least 50,000 gallons per month.

23 "Sales agent and broker" means an individual, partnership,  
24 corporation, limited liability company, or other business  
25 entity engaged in the solicitation or receipt of business from  
26 current or potential licensed establishments, licensed

1 fraternal establishments, licensed veterans establishments,  
2 licensed truck stop establishments, or licensed large truck  
3 stop establishments either on an employment or contractual  
4 basis.

5 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21.)

6 (230 ILCS 40/25)

7 Sec. 25. Restriction of licensees.

8 (a) Manufacturer. A person may not be licensed as a  
9 manufacturer of a video gaming terminal in Illinois unless the  
10 person has a valid manufacturer's license issued under this  
11 Act. A manufacturer may only sell video gaming terminals for  
12 use in Illinois to persons having a valid distributor's  
13 license.

14 (b) Distributor. A person may not sell, distribute, or  
15 lease or market a video gaming terminal in Illinois unless the  
16 person has a valid distributor's license issued under this  
17 Act. A distributor may only sell video gaming terminals for  
18 use in Illinois to persons having a valid distributor's or  
19 terminal operator's license.

20 (c) Terminal operator. A person may not own, maintain, or  
21 place a video gaming terminal unless he has a valid terminal  
22 operator's license issued under this Act. A terminal operator  
23 may only place video gaming terminals for use in Illinois in  
24 licensed establishments, licensed truck stop establishments,  
25 licensed large truck stop establishments, licensed fraternal

1 establishments, and licensed veterans establishments. No  
2 terminal operator may give anything of value, including but  
3 not limited to a loan or financing arrangement, to a licensed  
4 establishment, licensed truck stop establishment, licensed  
5 large truck stop establishment, licensed fraternal  
6 establishment, or licensed veterans establishment as any  
7 incentive or inducement to locate video terminals in that  
8 establishment. However, the Board may approve an agreement  
9 between a terminal operator and an organization licensee under  
10 Section 76 for facility infrastructure improvements or  
11 operations of video gaming terminals. Of the after-tax profits  
12 from a video gaming terminal, 50% shall be paid to the terminal  
13 operator and 50% shall be paid to the licensed establishment,  
14 licensed truck stop establishment, licensed large truck stop  
15 establishment, licensed fraternal establishment, or licensed  
16 veterans establishment, notwithstanding any agreement to the  
17 contrary. A video terminal operator that violates one or more  
18 requirements of this subsection is guilty of a Class 4 felony  
19 and is subject to termination of his or her license by the  
20 Board.

21 (d) Licensed technician. A person may not service,  
22 maintain, or repair a video gaming terminal in this State  
23 unless he or she (1) has a valid technician's license issued  
24 under this Act, (2) is a terminal operator, or (3) is employed  
25 by a terminal operator, distributor, or manufacturer.

26 (d-5) Licensed terminal handler. No person, including, but

1 not limited to, an employee or independent contractor working  
2 for a manufacturer, distributor, supplier, technician, or  
3 terminal operator licensed pursuant to this Act, shall have  
4 possession or control of a video gaming terminal, or access to  
5 the inner workings of a video gaming terminal, unless that  
6 person possesses a valid terminal handler's license issued  
7 under this Act.

8 (d-10) Solicitation of use agreements. A person may not  
9 solicit the signing of a use agreement on behalf of a terminal  
10 operator or enter into a use agreement as agent of a terminal  
11 operator unless that person either has a valid sales agent and  
12 broker license issued under this Act or owns, manages, or  
13 significantly influences or controls the terminal operator.

14 (e) Licensed establishment. No video gaming terminal may  
15 be placed in any licensed establishment, licensed veterans  
16 establishment, licensed truck stop establishment, licensed  
17 large truck stop establishment, or licensed fraternal  
18 establishment unless the owner or agent of the owner of the  
19 licensed establishment, licensed veterans establishment,  
20 licensed truck stop establishment, licensed large truck stop  
21 establishment, or licensed fraternal establishment has entered  
22 into a written use agreement with the terminal operator for  
23 placement of the terminals. A copy of the use agreement shall  
24 be on file in the terminal operator's place of business and  
25 available for inspection by individuals authorized by the  
26 Board. A licensed establishment, licensed truck stop

1 establishment, licensed veterans establishment, or licensed  
2 fraternal establishment may operate up to 6 video gaming  
3 terminals on its premises at any time. A licensed large truck  
4 stop establishment may operate up to 10 video gaming terminals  
5 on its premises at any time.

6 (f) (Blank).

7 (g) Financial interest restrictions. As used in this Act,  
8 "substantial interest" in a partnership, a corporation, an  
9 organization, an association, a business, or a limited  
10 liability company means:

11 (A) When, with respect to a sole proprietorship, an  
12 individual or his or her spouse owns, operates, manages,  
13 or conducts, directly or indirectly, the organization,  
14 association, or business, or any part thereof; or

15 (B) When, with respect to a partnership, the  
16 individual or his or her spouse shares in any of the  
17 profits, or potential profits, of the partnership  
18 activities; or

19 (C) When, with respect to a corporation, an individual  
20 or his or her spouse is an officer or director, or the  
21 individual or his or her spouse is a holder, directly or  
22 beneficially, of 5% or more of any class of stock of the  
23 corporation; or

24 (D) When, with respect to an organization not covered  
25 in (A), (B) or (C) above, an individual or his or her  
26 spouse is an officer or manages the business affairs, or

1 the individual or his or her spouse is the owner of or  
2 otherwise controls 10% or more of the assets of the  
3 organization; or

4 (E) When an individual or his or her spouse furnishes  
5 5% or more of the capital, whether in cash, goods, or  
6 services, for the operation of any business, association,  
7 or organization during any calendar year; or

8 (F) When, with respect to a limited liability company,  
9 an individual or his or her spouse is a member, or the  
10 individual or his or her spouse is a holder, directly or  
11 beneficially, of 5% or more of the membership interest of  
12 the limited liability company.

13 For purposes of this subsection (g), "individual" includes  
14 all individuals or their spouses whose combined interest would  
15 qualify as a substantial interest under this subsection (g)  
16 and whose activities with respect to an organization,  
17 association, or business are so closely aligned or coordinated  
18 as to constitute the activities of a single entity.

19 (h) Location restriction. A licensed establishment,  
20 licensed truck stop establishment, licensed large truck stop  
21 establishment, licensed fraternal establishment, or licensed  
22 veterans establishment that is (i) located within 1,000 feet  
23 of a facility operated by an organization licensee licensed  
24 under the Illinois Horse Racing Act of 1975 or the home dock of  
25 a riverboat licensed under the Illinois Gambling Act or (ii)  
26 located within 100 feet of a school or a place of worship under

1 the Religious Corporation Act, is ineligible to operate a  
2 video gaming terminal. The location restrictions in this  
3 subsection (h) do not apply if (A) a facility operated by an  
4 organization licensee, a school, or a place of worship moves  
5 to or is established within the restricted area after a  
6 licensed establishment, licensed truck stop establishment,  
7 licensed large truck stop establishment, licensed fraternal  
8 establishment, or licensed veterans establishment becomes  
9 licensed under this Act or (B) a school or place of worship  
10 moves to or is established within the restricted area after a  
11 licensed establishment, licensed truck stop establishment,  
12 licensed large truck stop establishment, licensed fraternal  
13 establishment, or licensed veterans establishment obtains its  
14 original liquor license. For the purpose of this subsection,  
15 "school" means an elementary or secondary public school, or an  
16 elementary or secondary private school registered with or  
17 recognized by the State Board of Education.

18 Notwithstanding the provisions of this subsection (h), the  
19 Board may waive the requirement that a licensed establishment,  
20 licensed truck stop establishment, licensed large truck stop  
21 establishment, licensed fraternal establishment, or licensed  
22 veterans establishment not be located within 1,000 feet from a  
23 facility operated by an organization licensee licensed under  
24 the Illinois Horse Racing Act of 1975 or the home dock of a  
25 riverboat licensed under the Illinois Gambling Act. The Board  
26 shall not grant such waiver if there is any common ownership or

1 control, shared business activity, or contractual arrangement  
2 of any type between the establishment and the organization  
3 licensee or owners licensee of a riverboat. The Board shall  
4 adopt rules to implement the provisions of this paragraph.

5 Notwithstanding the provisions of this subsection (h), the  
6 Board may license an organization license under Section 76.

7 (h-5) Restrictions on licenses in malls. The Board shall  
8 not grant an application to become a licensed video gaming  
9 location if the Board determines that granting the application  
10 would more likely than not cause a terminal operator,  
11 individually or in combination with other terminal operators,  
12 licensed video gaming location, or other person or entity, to  
13 operate the video gaming terminals in 2 or more licensed video  
14 gaming locations as a single video gaming operation.

15 (1) In making determinations under this subsection  
16 (h-5), factors to be considered by the Board shall  
17 include, but not be limited to, the following:

18 (A) the physical aspects of the location;

19 (B) the ownership, control, or management of the  
20 location;

21 (C) any arrangements, understandings, or  
22 agreements, written or otherwise, among or involving  
23 any persons or entities that involve the conducting of  
24 any video gaming business or the sharing of costs or  
25 revenues; and

26 (D) the manner in which any terminal operator or

1           other related entity markets, advertises, or otherwise  
2           describes any location or locations to any other  
3           person or entity or to the public.

4           (2) The Board shall presume, subject to rebuttal, that  
5           the granting of an application to become a licensed video  
6           gaming location within a mall will cause a terminal  
7           operator, individually or in combination with other  
8           persons or entities, to operate the video gaming terminals  
9           in 2 or more licensed video gaming locations as a single  
10          video gaming operation if the Board determines that  
11          granting the license would create a local concentration of  
12          licensed video gaming locations.

13          For the purposes of this subsection (h-5):

14          "Mall" means a building, or adjoining or connected  
15          buildings, containing 4 or more separate locations.

16          "Video gaming operation" means the conducting of video  
17          gaming and all related activities.

18          "Location" means a space within a mall containing a  
19          separate business, a place for a separate business, or a place  
20          subject to a separate leasing arrangement by the mall owner.

21          "Licensed video gaming location" means a licensed  
22          establishment, licensed fraternal establishment, licensed  
23          veterans establishment, licensed truck stop establishment, or  
24          licensed large truck stop.

25          "Local concentration of licensed video gaming locations"  
26          means that the combined number of licensed video gaming

1 locations within a mall exceed half of the separate locations  
2 within the mall.

3 (i) Undue economic concentration. In addition to  
4 considering all other requirements under this Act, in deciding  
5 whether to approve the operation of video gaming terminals by  
6 a terminal operator in a location, the Board shall consider  
7 the impact of any economic concentration of such operation of  
8 video gaming terminals. The Board shall not allow a terminal  
9 operator to operate video gaming terminals if the Board  
10 determines such operation will result in undue economic  
11 concentration. For purposes of this Section, "undue economic  
12 concentration" means that a terminal operator would have such  
13 actual or potential influence over video gaming terminals in  
14 Illinois as to:

15 (1) substantially impede or suppress competition among  
16 terminal operators;

17 (2) adversely impact the economic stability of the  
18 video gaming industry in Illinois; or

19 (3) negatively impact the purposes of the Video Gaming  
20 Act.

21 The Board shall adopt rules concerning undue economic  
22 concentration with respect to the operation of video gaming  
23 terminals in Illinois. The rules shall include, but not be  
24 limited to, (i) limitations on the number of video gaming  
25 terminals operated by any terminal operator within a defined  
26 geographic radius and (ii) guidelines on the discontinuation

1 of operation of any such video gaming terminals the Board  
2 determines will cause undue economic concentration.

3 (j) The provisions of the Illinois Antitrust Act are fully  
4 and equally applicable to the activities of any licensee under  
5 this Act.

6 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21.)

7 (230 ILCS 40/55)

8 Sec. 55. Precondition for licensed location. In all cases  
9 of application for a licensed location, to operate a video  
10 gaming terminal, each licensed establishment, licensed  
11 fraternal establishment, or licensed veterans establishment  
12 shall possess a valid liquor license issued by the Illinois  
13 Liquor Control Commission in effect at the time of application  
14 and at all times thereafter during which a video gaming  
15 terminal is made available to the public for play at that  
16 location. Video gaming terminals in a licensed location shall  
17 be operated only during the same hours of operation generally  
18 permitted to holders of a license under the Liquor Control Act  
19 of 1934 within the unit of local government in which they are  
20 located. A licensed truck stop establishment or licensed large  
21 truck stop establishment that does not hold a liquor license  
22 or an organization licensee under Section 76 may operate video  
23 gaming terminals on a continuous basis. A licensed fraternal  
24 establishment or licensed veterans establishment that does not  
25 hold a liquor license may operate video gaming terminals if

1 (i) the establishment is located in a county with a population  
2 between 6,500 and 7,000, based on the 2000 U.S. Census, (ii)  
3 the county prohibits by ordinance the sale of alcohol, and  
4 (iii) the establishment is in a portion of the county where the  
5 sale of alcohol is prohibited. A licensed fraternal  
6 establishment or licensed veterans establishment that does not  
7 hold a liquor license may operate video gaming terminals if  
8 (i) the establishment is located in a municipality within a  
9 county with a population between 8,500 and 9,000 based on the  
10 2000 U.S. Census and (ii) the municipality or county prohibits  
11 or limits the sale of alcohol by ordinance in a way that  
12 prohibits the establishment from selling alcohol.

13 (Source: P.A. 101-31, eff. 6-28-19.)

14 (230 ILCS 40/76 new)

15 Sec. 76. Organization licensee under the Illinois Horse  
16 Racing Act of 1975.

17 (a) This Section is intended to promote the development  
18 and operation of an organization gaming license in Cook  
19 County, as authorized in Section 56 of this Act and Section 7.7  
20 of the Illinois Gaming Act, and not to disincentivize the  
21 development and operation of such an organization gaming  
22 license or to replace casino gaming with video gaming as the  
23 permanent means of preserving and growing the horse racing  
24 industry in Cook County specifically and the State in general.  
25 This Section is intended primarily to assure sufficient purse

1 money for horsemen while all necessary steps are undertaken in  
2 continuing good faith and with best efforts by an organization  
3 licensee in Cook County to develop casino facilities and  
4 operate an organization gaming license, and secondarily to  
5 provide temporary financial assistance to an organization  
6 licensee in Cook County as it continues in good faith and with  
7 best efforts to develop casino facilities and operate an  
8 organization gaming license, and it shall be construed and  
9 implemented to effectuate those goals in their respective  
10 priorities. This Section is intended to help the State realize  
11 the job retention and growth, expanded economic activity, and  
12 enlarged State and local tax revenues from the law enacted in  
13 2019.

14 (b) Notwithstanding any law to the contrary, the Illinois  
15 Gaming Board may issue a license to an organization licensee  
16 under the Illinois Horse Racing Act of 1975 located in  
17 Stickney township in Cook County that races at least 63 days of  
18 live thoroughbred racing and at least 60 days of live  
19 standardbred racing is in operation on the effective date of  
20 this amendatory Act of the 104th General Assembly.  
21 Notwithstanding any other requirement of this subsection, the  
22 Board may issue a license to the organization licensee that  
23 races fewer days of racing, if there is consent for fewer days  
24 of racing agreed to by the organization licensee and the  
25 horsemen's association representing the largest number of  
26 owners, trainer, or drivers who race horses at the

1 organization licensee's race meeting.

2 (c) The organization licensee shall have 180 days from the  
3 effective date of this amendatory Act of the 104th General  
4 Assembly to enter into an agreement with a video gaming  
5 terminal operator. No agreement may require an organization  
6 licensee to forgo or delay the development and operation of an  
7 organization gaming license or provide any financial incentive  
8 for doing so, and any such agreement shall be void as against  
9 public policy and unenforceable.

10 (d) Commencing on the date of licensure as licensed  
11 establishment by the Board, and until the earlier of 5  
12 calendar years or the commencement of gaming under an  
13 organization gaming license, the organization licensee may  
14 operate up to 300 video gaming terminals.

15 (e) Of the after-tax profits from video gaming that are  
16 paid to the organization licensee pursuant to subsection (c)  
17 of Section 25, the organization licensee on a monthly basis  
18 shall remit 35% to the purse account or accounts for which the  
19 licensee conducts live racing. If 2 different breeds race at  
20 the same racetrack in the same calendar year, the purse moneys  
21 allocated under this subsection shall be divided pro rata  
22 based on live racing days awarded by the Board to the racetrack  
23 for each breed. However, the ratio may not exceed 60% for  
24 either breed, except that, if one breed is awarded fewer than  
25 20 live racing days, the purse moneys allocated shall be  
26 divided pro rata based on live racing days. Failure to remit

1 full payment to the purse account or accounts as required in  
2 the Section, within 10 days of the first of each month, shall  
3 result in disciplinary action against the organization  
4 licensee by both the Illinois Racing Board and the Illinois  
5 Gaming Board. All purses generated from the operation of video  
6 gaming at the organization licensee shall be used solely for  
7 purses at future racing opportunities.

8 (f) Beginning in the year an organization licensee  
9 receives net terminal income pursuant to this Section, the  
10 organization licensee shall no longer be eligible to receive  
11 payment under paragraph (13) of subsection (g) of Section 26  
12 of Illinois Horse Racing Act of 1975.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.".