



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5840

Introduced 2/10/2010, by Rep. Michael W. Tryon

SYNOPSIS AS INTRODUCED:

230 ILCS 5/19	from Ch. 8, par. 37-19
230 ILCS 5/20.1	
230 ILCS 5/21	from Ch. 8, par. 37-21
230 ILCS 5/26	from Ch. 8, par. 37-26

Amends the Illinois Horse Racing Act of 1975. Provides that an organization licensee may not be allowed to conduct a horse race meeting at any place within 5 miles (rather than 35 miles) of any other place licensed by the Board to hold a race meeting on the same date during the same hours. Gives an organization licensee the authority to (i) determine and set hours of operation and days of operation for intertrack wagering under an intertrack wagering license and intertrack wagering location license and (ii) determine wagering on simulcast programs on out-of-state races at wagering facilities at which intertrack wagering and intertrack wagering location licensees owned by the organization licensee conduct business. Provides that a non-host licensee may carry the host track simulcast program and may (rather than shall) accept wagers on all races included as part of the simulcast program upon which wagering is permitted. Effective immediately.

LRB096 14627 AMC 29467 b

1 AN ACT concerning gaming.

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

4 Section 5. The Illinois Horse Racing Act of 1975 is amended
5 by changing Sections 19, 20.1, 21, and 26 as follows:

6 (230 ILCS 5/19) (from Ch. 8, par. 37-19)

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

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

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

23 (3) to any person who has been convicted of the

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

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

20 (b) Horse racing on Sunday shall be prohibited unless
21 authorized by ordinance or referendum of the municipality in
22 which a race track or any of its appurtenances or facilities
23 are located, or utilized.

24 (c) If any person is ineligible to receive an organization
25 license because of any of the matters set forth in subsection

26 (a) (2) or subsection (a) (3) of this Section, any other or

1 separate person that either (i) controls, directly or
2 indirectly, such ineligible person or (ii) is controlled,
3 directly or indirectly, by such ineligible person or by a
4 person which controls, directly or indirectly, such ineligible
5 person shall also be ineligible.

6 (Source: P.A. 88-495; 89-16, eff. 5-30-95.)

7 (230 ILCS 5/20.1)

8 Sec. 20.1. Authority of licensees.

9 (a) Notwithstanding anything in this Act to the contrary,
10 an organization licensee shall have authority to:

11 (1) determine prices charged for goods and services;

12 (2) determine prices charged for wagering products,
13 subject to Sections 26 and 26.2 of this Act;

14 (3) determine its hours of operation, subject to at
15 least 30 days prior notice to the Board if such hours are
16 different than provided such licensee's racing dates
17 application; ~~and~~

18 (4) determine and set hours of operation and days of
19 operation for intertrack wagering under an intertrack
20 wagering license and intertrack wagering location license;

21 (5) determine wagering on simulcast programs on
22 out-of-state races at wagering facilities at which
23 intertrack wagering and intertrack wagering location
24 licensees owned by the organization licensee conduct
25 business; and

1 (6) ~~(4)~~ otherwise manage its business operations.

2 (b) The Board may disapprove of any business practices by
3 organization licensees identified in subsection (a) of this
4 Section if the Board finds that such practices are detrimental
5 to the public interest.

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

7 (230 ILCS 5/21) (from Ch. 8, par. 37-21)

8 Sec. 21. (a) Applications for organization licenses must be
9 filed with the Board at a time and place prescribed by the
10 rules and regulations of the Board. The Board shall examine the
11 applications within 21 days after the date allowed for filing
12 with respect to their conformity with this Act and such rules
13 and regulations as may be prescribed by the Board. If any
14 application does not comply with this Act or the rules and
15 regulations prescribed by the Board, such application may be
16 rejected and an organization license refused to the applicant,
17 or the Board may, within 21 days of the receipt of such
18 application, advise the applicant of the deficiencies of the
19 application under the Act or the rules and regulations of the
20 Board, and require the submittal of an amended application
21 within a reasonable time determined by the Board; and upon
22 submittal of the amended application by the applicant, the
23 Board may consider the application consistent with the process
24 described in subsection (e-5) of Section 20 of this Act. If it
25 is found to be in compliance with this Act and the rules and

1 regulations of the Board, the Board may then issue an
2 organization license to such applicant.

3 (b) The Board may exercise discretion in granting racing
4 dates to qualified applicants different from those requested by
5 the applicants in their applications. However, if all eligible
6 applicants for organization licenses whose tracks are located
7 within 100 miles of each other execute and submit to the Board
8 a written agreement among such applicants as to the award of
9 racing dates, including where applicable racing programs, for
10 up to 3 consecutive years, then subject to annual review of
11 each applicant's compliance with Board rules and regulations,
12 provisions of this Act and conditions contained in annual dates
13 orders issued by the Board, the Board may grant such dates and
14 programs to such applicants as so agreed by them if the Board
15 determines that the grant of these racing dates is in the best
16 interests of racing. The Board shall treat any such agreement
17 as the agreement signatories' joint and several application for
18 racing dates during the term of the agreement.

19 (c) Where 2 or more applicants propose to conduct horse
20 race meetings within 5 ~~35~~ miles of each other, as certified to
21 the Board under Section 19 (a) (1) of this Act, on conflicting
22 dates, the Board may determine and grant the number of racing
23 days to be awarded to the several applicants in accordance with
24 the provisions of subsection (e-5) of Section 20 of this Act.

25 (d) (Blank).

26 (e) Prior to the issuance of an organization license, the

1 applicant shall file with the Board a bond payable to the State
2 of Illinois in the sum of \$200,000, executed by the applicant
3 and a surety company or companies authorized to do business in
4 this State, and conditioned upon the payment by the
5 organization licensee of all taxes due under Section 27, other
6 monies due and payable under this Act, all purses due and
7 payable, and that the organization licensee will upon
8 presentation of the winning ticket or tickets distribute all
9 sums due to the patrons of pari-mutuel pools.

10 (f) Each organization license shall specify the person to
11 whom it is issued, the dates upon which horse racing is
12 permitted, and the location, place, track, or enclosure where
13 the horse race meeting is to be held.

14 (g) Any person who owns one or more race tracks within the
15 State may seek, in its own name, a separate organization
16 license for each race track.

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

22 (i) Each such organization licensee may provide that at
23 least one race per day may be devoted to the racing of quarter
24 horses, appaloosas, arabians, or paints.

25 (j) In acting on applications for organization licenses,
26 the Board shall give weight to an organization license which

1 has implemented a good faith affirmative action effort to
2 recruit, train and upgrade minorities in all classifications
3 within the organization license.

4 (Source: P.A. 90-754, eff. 1-1-99; 91-40, eff. 6-25-99.)

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

6 Sec. 26. Wagering.

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

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

1 otherwise be permitted under this Act.

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

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

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

1 distributed to the purse account of the organization licensee
2 and the organization licensee.

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

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

17 (f) Notwithstanding the other provisions of this Act, an
18 organization licensee may contract with an entity in another
19 state or country to permit any legal wagering entity in another
20 state or country to accept wagers solely within such other
21 state or country on races conducted by the organization
22 licensee in this State. Beginning January 1, 2000, these wagers
23 shall not be subject to State taxation. Until January 1, 2000,
24 when the out-of-State entity conducts a pari-mutuel pool
25 separate from the organization licensee, a privilege tax equal
26 to 7 1/2% of all monies received by the organization licensee

1 from entities in other states or countries pursuant to such
2 contracts is imposed on the organization licensee, and such
3 privilege tax shall be remitted to the Department of Revenue
4 within 48 hours of receipt of the moneys from the simulcast.
5 When the out-of-State entity conducts a combined pari-mutuel
6 pool with the organization licensee, the tax shall be 10% of
7 all monies received by the organization licensee with 25% of
8 the receipts from this 10% tax to be distributed to the county
9 in which the race was conducted.

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

18 (g) A host track may accept interstate simulcast wagers on
19 horse races conducted in other states or countries and shall
20 control the number of signals and types of breeds of racing in
21 its simulcast program, subject to the disapproval of the Board.
22 The Board may prohibit a simulcast program only if it finds
23 that the simulcast program is clearly adverse to the integrity
24 of racing. The host track simulcast program shall include the
25 signal of live racing of all organization licensees. All
26 non-host licensees and advance deposit wagering licensees

1 shall carry the signal of and accept wagers on live racing of
2 all organization licensees. Advance deposit wagering licensees
3 shall not be permitted to accept out-of-state wagers on any
4 Illinois signal provided pursuant to this Section without the
5 approval and consent of the organization licensee providing the
6 signal. Non-host licensees may carry the host track simulcast
7 program and may ~~shall~~ accept wagers on all races included as
8 part of the simulcast program upon which wagering is permitted.
9 All organization licensees shall provide their live signal to
10 all advance deposit wagering licensees for a simulcast
11 commission fee not to exceed 6% of the advance deposit wagering
12 licensee's Illinois handle on the organization licensee's
13 signal without prior approval by the Board. The Board may adopt
14 rules under which it may permit simulcast commission fees in
15 excess of 6%. The Board shall adopt rules limiting the
16 interstate commission fees charged to an advance deposit
17 wagering licensee. The Board shall adopt rules regarding
18 advance deposit wagering on interstate simulcast races that
19 shall reflect, among other things, the General Assembly's
20 desire to maximize revenues to the State, horsemen purses, and
21 organizational licensees. However, organization licensees
22 providing live signals pursuant to the requirements of this
23 subsection (g) may petition the Board to withhold their live
24 signals from an advance deposit wagering licensee if the
25 organization licensee discovers and the Board finds reputable
26 or credible information that the advance deposit wagering

1 licensee is under investigation by another state or federal
2 governmental agency, the advance deposit wagering licensee's
3 license has been suspended in another state, or the advance
4 deposit wagering licensee's license is in revocation
5 proceedings in another state. The organization licensee's
6 provision of their live signal to an advance deposit wagering
7 licensee under this subsection (g) pertains to wagers placed
8 from within Illinois. Advance deposit wagering licensees may
9 place advance deposit wagering terminals at wagering
10 facilities as a convenience to customers. The advance deposit
11 wagering licensee shall not charge or collect any fee from
12 purses for the placement of the advance deposit wagering
13 terminals. The costs and expenses of the host track and
14 non-host licensees associated with interstate simulcast
15 wagering, other than the interstate commission fee, shall be
16 borne by the host track and all non-host licensees incurring
17 these costs. The interstate commission fee shall not exceed 5%
18 of Illinois handle on the interstate simulcast race or races
19 without prior approval of the Board. The Board shall promulgate
20 rules under which it may permit interstate commission fees in
21 excess of 5%. The interstate commission fee and other fees
22 charged by the sending racetrack, including, but not limited
23 to, satellite decoder fees, shall be uniformly applied to the
24 host track and all non-host licensees.

25 Notwithstanding any other provision of this Act, for a
26 period of 3 years after the effective date of this amendatory

1 Act of the 96th General Assembly, an organization licensee may
2 maintain a system whereby advance deposit wagering may take
3 place or an organization licensee, with the consent of the
4 horsemen association representing the largest number of
5 owners, trainers, jockeys, or standardbred drivers who race
6 horses at that organization licensee's racing meeting, may
7 contract with another person to carry out a system of advance
8 deposit wagering. Such consent may not be unreasonably
9 withheld. All advance deposit wagers placed from within
10 Illinois must be placed through a Board-approved advance
11 deposit wagering licensee; no other entity may accept an
12 advance deposit wager from a person within Illinois. All
13 advance deposit wagering is subject to any rules adopted by the
14 Board. The Board may adopt rules necessary to regulate advance
15 deposit wagering through the use of emergency rulemaking in
16 accordance with Section 5-45 of the Illinois Administrative
17 Procedure Act. The General Assembly finds that the adoption of
18 rules to regulate advance deposit wagering is deemed an
19 emergency and necessary for the public interest, safety, and
20 welfare. An advance deposit wagering licensee may retain all
21 moneys as agreed to by contract with an organization licensee.
22 Any moneys retained by the organization licensee from advance
23 deposit wagering, not including moneys retained by the advance
24 deposit wagering licensee, shall be paid 50% to the
25 organization licensee's purse account and 50% to the
26 organization licensee. If more than one breed races at the same

1 race track facility, then the 50% of the moneys to be paid to
2 an organization licensee's purse account shall be allocated
3 among all organization licensees' purse accounts operating at
4 that race track facility proportionately based on the actual
5 number of host days that the Board grants to that breed at that
6 race track facility in the current calendar year. To the extent
7 any fees from advance deposit wagering conducted in Illinois
8 for wagers in Illinois or other states have been placed in
9 escrow or otherwise withheld from wagers pending a
10 determination of the legality of advance deposit wagering, no
11 action shall be brought to declare such wagers or the
12 disbursement of any fees previously escrowed illegal.

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

1 supplemental interstate simulcast shall be paid by the
2 non-host licensee and its affiliated non-host licensees
3 receiving the simulcast.

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

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

1 waging to the Horse Racing Tax Allocation Fund, subject
2 to the provisions of subparagraph (B) of paragraph (11) of
3 subsection (h) of Section 26 of this Act.

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

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

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

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

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

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

25 (A) Between January 1 and the third Friday in
26 February, inclusive, if no live thoroughbred racing is

1 occurring in Illinois during this period, when the
2 interstate simulcast is a standardbred race, the purse
3 share to its standardbred purse account;

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

11 (C) Between January 1 and the third Friday in
12 February, inclusive, if live thoroughbred racing is
13 occurring in Illinois, between 6:30 a.m. and 6:30 p.m.
14 the purse share from wagers made during this time
15 period to its thoroughbred purse account and between
16 6:30 p.m. and 6:30 a.m. the purse share from wagers
17 made during this time period to its standardbred purse
18 accounts;

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

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

1 (7.1) Notwithstanding any other provision of this Act
2 to the contrary, if no standardbred racing is conducted at
3 a racetrack located in Madison County during any calendar
4 year beginning on or after January 1, 2002, all moneys
5 derived by that racetrack from simulcast wagering and
6 inter-track wagering that (1) are to be used for purses and
7 (2) are generated between the hours of 6:30 p.m. and 6:30
8 a.m. during that calendar year shall be paid as follows:

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

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

1 assistance of the Illinois Standardbred Breeders Fund
2 Advisory Board.

3 (7.2) Notwithstanding any other provision of this Act
4 to the contrary, if no thoroughbred racing is conducted at
5 a racetrack located in Madison County during any calendar
6 year beginning on or after January 1, 2002, all moneys
7 derived by that racetrack from simulcast wagering and
8 inter-track wagering that (1) are to be used for purses and
9 (2) are generated between the hours of 6:30 a.m. and 6:30
10 p.m. during that calendar year shall be deposited as
11 follows:

12 (A) If the licensee that conducts horse racing at
13 that racetrack requests from the Board at least as many
14 racing dates as were conducted in calendar year 2000,
15 80% shall be deposited into its standardbred purse
16 account; and

17 (B) Twenty percent shall be deposited into the
18 Illinois Colt Stakes Purse Distribution Fund. Moneys
19 deposited into the Illinois Colt Stakes Purse
20 Distribution Fund pursuant to this subparagraph (B)
21 shall be paid to Illinois conceived and foaled
22 thoroughbred breeders' programs and to thoroughbred
23 purses for races conducted at any county fairgrounds
24 for Illinois conceived and foaled horses at the
25 discretion of the Department of Agriculture, with the
26 advice and assistance of the Illinois Thoroughbred

1 Breeders Fund Advisory Board. The moneys deposited
2 into the Illinois Colt Stakes Purse Distribution Fund
3 pursuant to this subparagraph (B) shall be deposited
4 within 2 weeks after the day they were generated, shall
5 be in addition to and not in lieu of any other moneys
6 paid to thoroughbred purses under this Act, and shall
7 not be commingled with other moneys deposited into that
8 Fund.

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

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

19 (B) Twenty percent to the Illinois Colt Stakes
20 Purse Distribution Fund.

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

26 Moneys paid into the Illinois Colt Stakes Purse

1 Distribution Fund pursuant to this paragraph (7.3) shall be
2 paid to purses for standardbred races for Illinois
3 conceived and foaled horses conducted at any county
4 fairgrounds. Moneys paid into the Illinois Colt Stakes
5 Purse Distribution Fund pursuant to this paragraph (7.3)
6 shall be used as determined by the Department of
7 Agriculture, with the advice and assistance of the Illinois
8 Standardbred Breeders Fund Advisory Board, shall be in
9 addition to and not in lieu of any other moneys paid to
10 standardbred purses under this Act, and shall not be
11 commingled with any other moneys paid into that Fund.

12 (7.4) If live standardbred racing is conducted at a
13 racetrack located in Madison County at any time in calendar
14 year 2001 before the payment required under paragraph (7.3)
15 has been made, the organization licensee who is licensed to
16 conduct racing at that racetrack shall pay all moneys
17 derived by that racetrack from simulcast wagering and
18 inter-track wagering during calendar years 2000 and 2001
19 that (1) are to be used for purses and (2) are generated
20 between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or
21 2001 to the standardbred purse account at that racetrack to
22 be used for standardbred purses.

23 (8) Notwithstanding any provision in this Act to the
24 contrary, an organization licensee from a track located in
25 a county with a population in excess of 230,000 and that
26 borders the Mississippi River and its affiliated non-host

1 licenses shall not be entitled to share in any retention
2 generated on racing, inter-track wagering, or simulcast
3 wagering at any other Illinois wagering facility.

4 (8.1) Notwithstanding any provisions in this Act to the
5 contrary, if 2 organization licensees are conducting
6 standardbred race meetings concurrently between the hours
7 of 6:30 p.m. and 6:30 a.m., after payment of all applicable
8 State and local taxes and interstate commission fees, the
9 remainder of the amount retained from simulcast wagering
10 otherwise attributable to the host track and to host track
11 purses shall be split daily between the 2 organization
12 licensees and the purses at the tracks of the 2
13 organization licensees, respectively, based on each
14 organization licensee's share of the total live handle for
15 that day, provided that this provision shall not apply to
16 any non-host licensee that derives its license from a track
17 located in a county with a population in excess of 230,000
18 and that borders the Mississippi River.

19 (9) (Blank).

20 (10) (Blank).

21 (11) (Blank).

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

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

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

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

25 (1) Any person licensed to conduct a race meeting (i)
26 at a track where 60 or more days of racing were conducted

1 during the immediately preceding calendar year or where
2 over the 5 immediately preceding calendar years an average
3 of 30 or more days of racing were conducted annually may be
4 issued an inter-track wagering license; (ii) at a track
5 located in a county that is bounded by the Mississippi
6 River, which has a population of less than 150,000
7 according to the 1990 decennial census, and an average of
8 at least 60 days of racing per year between 1985 and 1993
9 may be issued an inter-track wagering license; or (iii) at
10 a track located in Madison County that conducted at least
11 100 days of live racing during the immediately preceding
12 calendar year may be issued an inter-track wagering
13 license, unless a lesser schedule of live racing is the
14 result of (A) weather, unsafe track conditions, or other
15 acts of God; (B) an agreement between the organization
16 licensee and the associations representing the largest
17 number of owners, trainers, jockeys, or standardbred
18 drivers who race horses at that organization licensee's
19 racing meeting; or (C) a finding by the Board of
20 extraordinary circumstances and that it was in the best
21 interest of the public and the sport to conduct fewer than
22 100 days of live racing. Any such person having operating
23 control of the racing facility may also receive up to 6
24 inter-track wagering location licenses. In no event shall
25 more than 6 inter-track wagering locations be established
26 for each eligible race track, except that an eligible race

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

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

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

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

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

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

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

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

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

1 (8.1) Inter-track wagering location licensees who
2 derive their licenses from a particular organization
3 licensee shall conduct inter-track wagering and simulcast
4 wagering only at locations which are either within 90 miles
5 of that race track where the particular organization
6 licensee is licensed to conduct racing, or within 135 miles
7 of that race track where the particular organization
8 licensee is licensed to conduct racing in the case of race
9 tracks in counties of less than 400,000 that were operating
10 on or before June 1, 1986. However, inter-track wagering
11 and simulcast wagering shall not be conducted by those
12 licensees at any location within 5 miles of any race track
13 at which a horse race meeting has been licensed in the
14 current year, unless the person having operating control of
15 such race track has given its written consent to such
16 inter-track wagering location licensees, which consent
17 must be filed with the Board at or prior to the time
18 application is made.

19 (8.2) Inter-track wagering or simulcast wagering shall
20 not be conducted by an inter-track wagering location
21 licensee at any location within 500 feet of an existing
22 church or existing school, nor within 500 feet of the
23 residences of more than 50 registered voters without
24 receiving written permission from a majority of the
25 registered voters at such residences. Such written
26 permission statements shall be filed with the Board. The

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

1 (9) (Blank).

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

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

22 (10.2) Notwithstanding any other provision of this
23 Act, with respect to intertrack wagering at a race track
24 located in a county that has a population of more than
25 230,000 and that is bounded by the Mississippi River ("the
26 first race track"), or at a facility operated by an

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

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

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

20 (11) (A) After payment of the privilege or pari-mutuel
21 tax, any other applicable taxes, and the costs and expenses
22 in connection with the gathering, transmission, and
23 dissemination of all data necessary to the conduct of
24 inter-track wagering, the remainder of the monies retained
25 under either Section 26 or Section 26.2 of this Act by the
26 inter-track wagering licensee on inter-track wagering

1 shall be allocated with 50% to be split between the 2
2 participating licensees and 50% to purses, except that an
3 intertrack wagering licensee that derives its license from
4 a track located in a county with a population in excess of
5 230,000 and that borders the Mississippi River shall not
6 divide any remaining retention with the Illinois
7 organization licensee that provides the race or races, and
8 an intertrack wagering licensee that accepts wagers on
9 races conducted by an organization licensee that conducts a
10 race meet in a county with a population in excess of
11 230,000 and that borders the Mississippi River shall not
12 divide any remaining retention with that organization
13 licensee.

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

1 borders the Mississippi River shall distribute all purse
2 moneys to purses at the operating host track; (iii) until
3 January 1, 2000, except as provided in subsection (g) of
4 Section 27 of this Act, 1% of the pari-mutuel handle
5 wagered on inter-track wagering and simulcast wagering at
6 each inter-track wagering location licensee facility to
7 the Horse Racing Tax Allocation Fund, provided that, to the
8 extent the total amount collected and distributed to the
9 Horse Racing Tax Allocation Fund under this subsection (h)
10 during any calendar year exceeds the amount collected and
11 distributed to the Horse Racing Tax Allocation Fund during
12 calendar year 1994, that excess amount shall be
13 redistributed (I) to all inter-track wagering location
14 licensees, based on each licensee's pro-rata share of the
15 total handle from inter-track wagering and simulcast
16 wagering for all inter-track wagering location licensees
17 during the calendar year in which this provision is
18 applicable; then (II) the amounts redistributed to each
19 inter-track wagering location licensee as described in
20 subpart (I) shall be further redistributed as provided in
21 subparagraph (B) of paragraph (5) of subsection (g) of this
22 Section 26 provided first, that the shares of those
23 amounts, which are to be redistributed to the host track or
24 to purses at the host track under subparagraph (B) of
25 paragraph (5) of subsection (g) of this Section 26 shall be
26 redistributed based on each host track's pro rata share of

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

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

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

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

25 Two-sevenths to the Department of Agriculture.

26 Fifty percent of this two-sevenths shall be used to

1 promote the Illinois horse racing and breeding
2 industry, and shall be distributed by the Department of
3 Agriculture upon the advice of a 9-member committee
4 appointed by the Governor consisting of the following
5 members: the Director of Agriculture, who shall serve
6 as chairman; 2 representatives of organization
7 licensees conducting thoroughbred race meetings in
8 this State, recommended by those licensees; 2
9 representatives of organization licensees conducting
10 standardbred race meetings in this State, recommended
11 by those licensees; a representative of the Illinois
12 Thoroughbred Breeders and Owners Foundation,
13 recommended by that Foundation; a representative of
14 the Illinois Standardbred Owners and Breeders
15 Association, recommended by that Association; a
16 representative of the Horsemen's Benevolent and
17 Protective Association or any successor organization
18 thereto established in Illinois comprised of the
19 largest number of owners and trainers, recommended by
20 that Association or that successor organization; and a
21 representative of the Illinois Harness Horsemen's
22 Association, recommended by that Association.
23 Committee members shall serve for terms of 2 years,
24 commencing January 1 of each even-numbered year. If a
25 representative of any of the above-named entities has
26 not been recommended by January 1 of any even-numbered

1 year, the Governor shall appoint a committee member to
2 fill that position. Committee members shall receive no
3 compensation for their services as members but shall be
4 reimbursed for all actual and necessary expenses and
5 disbursements incurred in the performance of their
6 official duties. The remaining 50% of this
7 two-sevenths shall be distributed to county fairs for
8 premiums and rehabilitation as set forth in the
9 Agricultural Fair Act;

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

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

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

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

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

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

22 Four-sevenths to museums and aquariums located in
23 park districts of over 500,000 population; provided
24 that the monies are distributed in accordance with the
25 previous year's distribution of the maintenance tax
26 for such museums and aquariums as provided in Section 2

1 of the Park District Aquarium and Museum Act; and

2 One-seventh to the Agricultural Premium Fund to be
3 used for distribution to agricultural home economics
4 extension councils in accordance with "An Act in
5 relation to additional support and finances for the
6 Agricultural and Home Economic Extension Councils in
7 the several counties of this State and making an
8 appropriation therefor", approved July 24, 1967. This
9 subparagraph (C) shall be inoperative and of no force
10 and effect on and after January 1, 2000.

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

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

24 (ii) If the inter-track wagering licensee,
25 except an intertrack wagering licensee that
26 derives its license from an organization licensee

1 located in a county with a population in excess of
2 230,000 and bounded by the Mississippi River, is
3 also conducting its own race meeting during the
4 same dates, then the purse allocation shall be as
5 follows: 50% to purses at the track where the races
6 wagered on are being conducted; 50% to purses at
7 the track where the inter-track wagering licensee
8 is accepting such wagers.

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

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

24 (A) The Board is vested with power to promulgate
25 reasonable rules and regulations for the purpose of
26 administering the conduct of this wagering and to

1 prescribe reasonable rules, regulations and conditions
2 under which such wagering shall be held and conducted.
3 Such rules and regulations are to provide for the
4 prevention of practices detrimental to the public
5 interest and for the best interests of said wagering
6 and to impose penalties for violations thereof.

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

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

23 (D) (Blank).

24 (E) The Board is vested with the power to appoint
25 delegates to execute any of the powers granted to it
26 under this Section for the purpose of administering

1 this wagering and any rules and regulations
2 promulgated in accordance with this Act.

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

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

19 (13) The Department of Agriculture may enter into
20 agreements with licensees authorizing such licensees to
21 conduct inter-track wagering on races to be held at the
22 licensed race meetings conducted by the Department of
23 Agriculture. Such agreement shall specify the races of the
24 Department of Agriculture's licensed race meeting upon
25 which the licensees will conduct wagering. In the event
26 that a licensee conducts inter-track pari-mutuel wagering

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

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

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

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