



Rep. Michael J. Zalewski

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1 AMENDMENT TO HOUSE BILL 1260

2 AMENDMENT NO. _____. Amend House Bill 1260 by replacing
3 everything after the enacting clause with the following:

4 "Article 1. Sporting Contest Safety and Integrity Act

5 Section 1-1. Short title. This Article may be cited as the
6 Sporting Contest Safety and Integrity Act. References in this
7 Article to "this Act" mean this Article.

8 Section 1-5. Definitions. As used in this Act:

9 "Athlete" means any current, former, or prospective
10 professional athlete.

11 "Board" means the Illinois Gaming Board.

12 "Covered persons" includes athletes; players (current and
13 former); umpires, referees, and officials; personnel
14 associated with players, clubs, teams, leagues, and athletic
15 associations; medical professionals (including athletic

1 trainers) who provide services to athletes and players;
2 spectators and bystanders at sporting contests and facilities
3 used in connection with sporting contests; other individuals
4 with regular access to sporting contest fields and facilities;
5 and the family members and associates of these persons where
6 required to serve the purposes of this Act.

7 "Person" means any individual, partnership, corporation,
8 association, or other entity.

9 "Personal data" means the personal data (including
10 anonymized data) of athletes and players, including, but not
11 limited to, performance, movement, biometric, health, fitness,
12 and sleep, collected in any manner, including, but not limited
13 to, in-arena, stadium, and training facility ball tracking
14 systems and player tracking systems, whether or not using
15 devices attached to the athlete's person or clothing. "Personal
16 data" does not include personal health information in which the
17 use and disclosure are covered by federal and State laws.

18 "Persons who present sporting contests" includes organized
19 sports leagues and associations, their members and affiliates,
20 and other persons who present sporting contests to the public.

21 "Prohibited conduct" includes any statement, action, and
22 other communication intended to influence, manipulate, or
23 control a betting outcome of a sporting contest or of any
24 individual occurrence or performance in a sporting contest in
25 exchange for financial gain or to avoid financial or physical
26 harm. "Prohibited conduct" includes statements, actions, and

1 communications made to a covered person by a third party, such
2 as a family member or through social media.

3 "Publicity rights" means a person's right to control and to
4 choose whether and how to use his or her identity for
5 commercial purposes.

6 "Sporting contest" means a sports event or game on which
7 the State allows sports wagering to occur under the Sports
8 Wagering Act.

9 Section 1-10. Personal safety and sporting contests.

10 (a) Any person who presents a sporting contest must take
11 all reasonable measures necessary to ensure the safety and
12 security of all involved in or attending the sporting contest,
13 including athletes, players, umpires, referees, officials, and
14 other personnel associated with the athlete, player, club,
15 team, league, or association involved and spectators at the
16 sporting contest and family members and associates of such
17 persons, where required to serve the purposes of this Act.

18 (b) The requirement in subsection (a) applies in all areas
19 where the sporting contest occurs and in associated areas,
20 including areas of entry and egress, seating, adjacent
21 concourses, food vending, restrooms, locker rooms, restricted
22 areas, and parking lots. It also applies at other locations
23 within the control of a person who presents a sporting event,
24 such as training, practice, or strength and conditioning
25 facilities or facilities temporarily utilized for team or club

1 events.

2 (c) Persons who present sporting contests shall establish
3 codes of conduct that forbid all persons associated with the
4 sporting contest from engaging in physical assault or attempted
5 assault, verbal or physical threats, or any other interactions
6 that intimidate others associated with the sporting contest.

7 (d) Persons who present sporting contests are required to
8 hire, train, and equip safety and security personnel to enforce
9 the code of conduct and otherwise address any safety or
10 security concern associated with the sporting contests.

11 (e) Persons who present sporting contests shall have
12 authority to remove spectators and others from any facility for
13 violation of the code of conduct, and, after appropriate
14 procedure, to deny persons access to all facilities they
15 control, to revoke season tickets or comparable licenses, and
16 to share information about such persons with others who present
17 sporting contests and with the appropriate jurisdictions' law
18 enforcement authorities.

19 (f) Persons who present sporting contests shall provide
20 notice to the general public and those who attend sporting
21 contests or visit their facilities of the code of conduct and
22 the potential penalties for its violation. Notice shall be
23 provided in as many forms as required to ensure that the code
24 of conduct is known, including physical posting, website
25 posting, public address announcements, and others.

1 Section 1-15. Reporting prohibited conduct; investigating
2 allegations of gambling related fraud.

3 (a) The Board shall establish a hotline or other method of
4 communication that allows any person to confidentially report
5 information about prohibited conduct to the Board.

6 (b) The Board shall investigate all reasonable allegations
7 of prohibited conduct and refer any allegations it deems
8 credible to the appropriate law enforcement entity.

9 (c) The identity of any reporting person shall remain
10 confidential unless that person authorizes disclosure of his or
11 her identity or until such time as the allegation of prohibited
12 conduct is referred to law enforcement.

13 (d) The Board shall adopt emergency rules to administer
14 this Section in accordance with Section 5-45 of the Illinois
15 Administrative Procedure Act.

16 (e) The Board shall adopt rules governing investigations of
17 prohibited conduct and referrals to law enforcement entities.

18 Section 1-20. Use and sale of personal data.

19 (a) Unless expressly authorized by the player or his or her
20 exclusive bargaining representative, any personal data may not
21 be used by any party without the player's permission.

22 (b) No person who presents sporting contests may separately
23 sell personal data that includes player publicity rights
24 without the player's written consent or the written consent of
25 the player's authorized agent.

1 Section 1-900. The Illinois Administrative Procedure Act
2 is amended by changing Section 5-45 as follows:

3 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

4 Sec. 5-45. Emergency rulemaking.

5 (a) "Emergency" means the existence of any situation that
6 any agency finds reasonably constitutes a threat to the public
7 interest, safety, or welfare.

8 (b) If any agency finds that an emergency exists that
9 requires adoption of a rule upon fewer days than is required by
10 Section 5-40 and states in writing its reasons for that
11 finding, the agency may adopt an emergency rule without prior
12 notice or hearing upon filing a notice of emergency rulemaking
13 with the Secretary of State under Section 5-70. The notice
14 shall include the text of the emergency rule and shall be
15 published in the Illinois Register. Consent orders or other
16 court orders adopting settlements negotiated by an agency may
17 be adopted under this Section. Subject to applicable
18 constitutional or statutory provisions, an emergency rule
19 becomes effective immediately upon filing under Section 5-65 or
20 at a stated date less than 10 days thereafter. The agency's
21 finding and a statement of the specific reasons for the finding
22 shall be filed with the rule. The agency shall take reasonable
23 and appropriate measures to make emergency rules known to the
24 persons who may be affected by them.

1 (c) An emergency rule may be effective for a period of not
2 longer than 150 days, but the agency's authority to adopt an
3 identical rule under Section 5-40 is not precluded. No
4 emergency rule may be adopted more than once in any 24-month
5 period, except that this limitation on the number of emergency
6 rules that may be adopted in a 24-month period does not apply
7 to (i) emergency rules that make additions to and deletions
8 from the Drug Manual under Section 5-5.16 of the Illinois
9 Public Aid Code or the generic drug formulary under Section
10 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
11 emergency rules adopted by the Pollution Control Board before
12 July 1, 1997 to implement portions of the Livestock Management
13 Facilities Act, (iii) emergency rules adopted by the Illinois
14 Department of Public Health under subsections (a) through (i)
15 of Section 2 of the Department of Public Health Act when
16 necessary to protect the public's health, (iv) emergency rules
17 adopted pursuant to subsection (n) of this Section, (v)
18 emergency rules adopted pursuant to subsection (o) of this
19 Section, or (vi) emergency rules adopted pursuant to subsection
20 (c-5) of this Section. Two or more emergency rules having
21 substantially the same purpose and effect shall be deemed to be
22 a single rule for purposes of this Section.

23 (c-5) To facilitate the maintenance of the program of group
24 health benefits provided to annuitants, survivors, and retired
25 employees under the State Employees Group Insurance Act of
26 1971, rules to alter the contributions to be paid by the State,

1 annuitants, survivors, retired employees, or any combination
2 of those entities, for that program of group health benefits,
3 shall be adopted as emergency rules. The adoption of those
4 rules shall be considered an emergency and necessary for the
5 public interest, safety, and welfare.

6 (d) In order to provide for the expeditious and timely
7 implementation of the State's fiscal year 1999 budget,
8 emergency rules to implement any provision of Public Act 90-587
9 or 90-588 or any other budget initiative for fiscal year 1999
10 may be adopted in accordance with this Section by the agency
11 charged with administering that provision or initiative,
12 except that the 24-month limitation on the adoption of
13 emergency rules and the provisions of Sections 5-115 and 5-125
14 do not apply to rules adopted under this subsection (d). The
15 adoption of emergency rules authorized by this subsection (d)
16 shall be deemed to be necessary for the public interest,
17 safety, and welfare.

18 (e) In order to provide for the expeditious and timely
19 implementation of the State's fiscal year 2000 budget,
20 emergency rules to implement any provision of Public Act 91-24
21 or any other budget initiative for fiscal year 2000 may be
22 adopted in accordance with this Section by the agency charged
23 with administering that provision or initiative, except that
24 the 24-month limitation on the adoption of emergency rules and
25 the provisions of Sections 5-115 and 5-125 do not apply to
26 rules adopted under this subsection (e). The adoption of

1 emergency rules authorized by this subsection (e) shall be
2 deemed to be necessary for the public interest, safety, and
3 welfare.

4 (f) In order to provide for the expeditious and timely
5 implementation of the State's fiscal year 2001 budget,
6 emergency rules to implement any provision of Public Act 91-712
7 or any other budget initiative for fiscal year 2001 may be
8 adopted in accordance with this Section by the agency charged
9 with administering that provision or initiative, except that
10 the 24-month limitation on the adoption of emergency rules and
11 the provisions of Sections 5-115 and 5-125 do not apply to
12 rules adopted under this subsection (f). The adoption of
13 emergency rules authorized by this subsection (f) shall be
14 deemed to be necessary for the public interest, safety, and
15 welfare.

16 (g) In order to provide for the expeditious and timely
17 implementation of the State's fiscal year 2002 budget,
18 emergency rules to implement any provision of Public Act 92-10
19 or any other budget initiative for fiscal year 2002 may be
20 adopted in accordance with this Section by the agency charged
21 with administering that provision or initiative, except that
22 the 24-month limitation on the adoption of emergency rules and
23 the provisions of Sections 5-115 and 5-125 do not apply to
24 rules adopted under this subsection (g). The adoption of
25 emergency rules authorized by this subsection (g) shall be
26 deemed to be necessary for the public interest, safety, and

1 welfare.

2 (h) In order to provide for the expeditious and timely
3 implementation of the State's fiscal year 2003 budget,
4 emergency rules to implement any provision of Public Act 92-597
5 or any other budget initiative for fiscal year 2003 may be
6 adopted in accordance with this Section by the agency charged
7 with administering that provision or initiative, except that
8 the 24-month limitation on the adoption of emergency rules and
9 the provisions of Sections 5-115 and 5-125 do not apply to
10 rules adopted under this subsection (h). The adoption of
11 emergency rules authorized by this subsection (h) shall be
12 deemed to be necessary for the public interest, safety, and
13 welfare.

14 (i) In order to provide for the expeditious and timely
15 implementation of the State's fiscal year 2004 budget,
16 emergency rules to implement any provision of Public Act 93-20
17 or any other budget initiative for fiscal year 2004 may be
18 adopted in accordance with this Section by the agency charged
19 with administering that provision or initiative, except that
20 the 24-month limitation on the adoption of emergency rules and
21 the provisions of Sections 5-115 and 5-125 do not apply to
22 rules adopted under this subsection (i). The adoption of
23 emergency rules authorized by this subsection (i) shall be
24 deemed to be necessary for the public interest, safety, and
25 welfare.

26 (j) In order to provide for the expeditious and timely

1 implementation of the provisions of the State's fiscal year
2 2005 budget as provided under the Fiscal Year 2005 Budget
3 Implementation (Human Services) Act, emergency rules to
4 implement any provision of the Fiscal Year 2005 Budget
5 Implementation (Human Services) Act may be adopted in
6 accordance with this Section by the agency charged with
7 administering that provision, except that the 24-month
8 limitation on the adoption of emergency rules and the
9 provisions of Sections 5-115 and 5-125 do not apply to rules
10 adopted under this subsection (j). The Department of Public Aid
11 may also adopt rules under this subsection (j) necessary to
12 administer the Illinois Public Aid Code and the Children's
13 Health Insurance Program Act. The adoption of emergency rules
14 authorized by this subsection (j) shall be deemed to be
15 necessary for the public interest, safety, and welfare.

16 (k) In order to provide for the expeditious and timely
17 implementation of the provisions of the State's fiscal year
18 2006 budget, emergency rules to implement any provision of
19 Public Act 94-48 or any other budget initiative for fiscal year
20 2006 may be adopted in accordance with this Section by the
21 agency charged with administering that provision or
22 initiative, except that the 24-month limitation on the adoption
23 of emergency rules and the provisions of Sections 5-115 and
24 5-125 do not apply to rules adopted under this subsection (k).
25 The Department of Healthcare and Family Services may also adopt
26 rules under this subsection (k) necessary to administer the

1 Illinois Public Aid Code, the Senior Citizens and Persons with
2 Disabilities Property Tax Relief Act, the Senior Citizens and
3 Disabled Persons Prescription Drug Discount Program Act (now
4 the Illinois Prescription Drug Discount Program Act), and the
5 Children's Health Insurance Program Act. The adoption of
6 emergency rules authorized by this subsection (k) shall be
7 deemed to be necessary for the public interest, safety, and
8 welfare.

9 (l) In order to provide for the expeditious and timely
10 implementation of the provisions of the State's fiscal year
11 2007 budget, the Department of Healthcare and Family Services
12 may adopt emergency rules during fiscal year 2007, including
13 rules effective July 1, 2007, in accordance with this
14 subsection to the extent necessary to administer the
15 Department's responsibilities with respect to amendments to
16 the State plans and Illinois waivers approved by the federal
17 Centers for Medicare and Medicaid Services necessitated by the
18 requirements of Title XIX and Title XXI of the federal Social
19 Security Act. The adoption of emergency rules authorized by
20 this subsection (l) shall be deemed to be necessary for the
21 public interest, safety, and welfare.

22 (m) In order to provide for the expeditious and timely
23 implementation of the provisions of the State's fiscal year
24 2008 budget, the Department of Healthcare and Family Services
25 may adopt emergency rules during fiscal year 2008, including
26 rules effective July 1, 2008, in accordance with this

1 subsection to the extent necessary to administer the
2 Department's responsibilities with respect to amendments to
3 the State plans and Illinois waivers approved by the federal
4 Centers for Medicare and Medicaid Services necessitated by the
5 requirements of Title XIX and Title XXI of the federal Social
6 Security Act. The adoption of emergency rules authorized by
7 this subsection (m) shall be deemed to be necessary for the
8 public interest, safety, and welfare.

9 (n) In order to provide for the expeditious and timely
10 implementation of the provisions of the State's fiscal year
11 2010 budget, emergency rules to implement any provision of
12 Public Act 96-45 or any other budget initiative authorized by
13 the 96th General Assembly for fiscal year 2010 may be adopted
14 in accordance with this Section by the agency charged with
15 administering that provision or initiative. The adoption of
16 emergency rules authorized by this subsection (n) shall be
17 deemed to be necessary for the public interest, safety, and
18 welfare. The rulemaking authority granted in this subsection
19 (n) shall apply only to rules promulgated during Fiscal Year
20 2010.

21 (o) In order to provide for the expeditious and timely
22 implementation of the provisions of the State's fiscal year
23 2011 budget, emergency rules to implement any provision of
24 Public Act 96-958 or any other budget initiative authorized by
25 the 96th General Assembly for fiscal year 2011 may be adopted
26 in accordance with this Section by the agency charged with

1 administering that provision or initiative. The adoption of
2 emergency rules authorized by this subsection (o) is deemed to
3 be necessary for the public interest, safety, and welfare. The
4 rulemaking authority granted in this subsection (o) applies
5 only to rules promulgated on or after July 1, 2010 (the
6 effective date of Public Act 96-958) through June 30, 2011.

7 (p) In order to provide for the expeditious and timely
8 implementation of the provisions of Public Act 97-689,
9 emergency rules to implement any provision of Public Act 97-689
10 may be adopted in accordance with this subsection (p) by the
11 agency charged with administering that provision or
12 initiative. The 150-day limitation of the effective period of
13 emergency rules does not apply to rules adopted under this
14 subsection (p), and the effective period may continue through
15 June 30, 2013. The 24-month limitation on the adoption of
16 emergency rules does not apply to rules adopted under this
17 subsection (p). The adoption of emergency rules authorized by
18 this subsection (p) is deemed to be necessary for the public
19 interest, safety, and welfare.

20 (q) In order to provide for the expeditious and timely
21 implementation of the provisions of Articles 7, 8, 9, 11, and
22 12 of Public Act 98-104, emergency rules to implement any
23 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104
24 may be adopted in accordance with this subsection (q) by the
25 agency charged with administering that provision or
26 initiative. The 24-month limitation on the adoption of

1 emergency rules does not apply to rules adopted under this
2 subsection (q). The adoption of emergency rules authorized by
3 this subsection (q) is deemed to be necessary for the public
4 interest, safety, and welfare.

5 (r) In order to provide for the expeditious and timely
6 implementation of the provisions of Public Act 98-651,
7 emergency rules to implement Public Act 98-651 may be adopted
8 in accordance with this subsection (r) by the Department of
9 Healthcare and Family Services. The 24-month limitation on the
10 adoption of emergency rules does not apply to rules adopted
11 under this subsection (r). The adoption of emergency rules
12 authorized by this subsection (r) is deemed to be necessary for
13 the public interest, safety, and welfare.

14 (s) In order to provide for the expeditious and timely
15 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
16 the Illinois Public Aid Code, emergency rules to implement any
17 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
18 Public Aid Code may be adopted in accordance with this
19 subsection (s) by the Department of Healthcare and Family
20 Services. The rulemaking authority granted in this subsection
21 (s) shall apply only to those rules adopted prior to July 1,
22 2015. Notwithstanding any other provision of this Section, any
23 emergency rule adopted under this subsection (s) shall only
24 apply to payments made for State fiscal year 2015. The adoption
25 of emergency rules authorized by this subsection (s) is deemed
26 to be necessary for the public interest, safety, and welfare.

1 (t) In order to provide for the expeditious and timely
2 implementation of the provisions of Article II of Public Act
3 99-6, emergency rules to implement the changes made by Article
4 II of Public Act 99-6 to the Emergency Telephone System Act may
5 be adopted in accordance with this subsection (t) by the
6 Department of State Police. The rulemaking authority granted in
7 this subsection (t) shall apply only to those rules adopted
8 prior to July 1, 2016. The 24-month limitation on the adoption
9 of emergency rules does not apply to rules adopted under this
10 subsection (t). The adoption of emergency rules authorized by
11 this subsection (t) is deemed to be necessary for the public
12 interest, safety, and welfare.

13 (u) In order to provide for the expeditious and timely
14 implementation of the provisions of the Burn Victims Relief
15 Act, emergency rules to implement any provision of the Act may
16 be adopted in accordance with this subsection (u) by the
17 Department of Insurance. The rulemaking authority granted in
18 this subsection (u) shall apply only to those rules adopted
19 prior to December 31, 2015. The adoption of emergency rules
20 authorized by this subsection (u) is deemed to be necessary for
21 the public interest, safety, and welfare.

22 (v) In order to provide for the expeditious and timely
23 implementation of the provisions of Public Act 99-516,
24 emergency rules to implement Public Act 99-516 may be adopted
25 in accordance with this subsection (v) by the Department of
26 Healthcare and Family Services. The 24-month limitation on the

1 adoption of emergency rules does not apply to rules adopted
2 under this subsection (v). The adoption of emergency rules
3 authorized by this subsection (v) is deemed to be necessary for
4 the public interest, safety, and welfare.

5 (w) In order to provide for the expeditious and timely
6 implementation of the provisions of Public Act 99-796,
7 emergency rules to implement the changes made by Public Act
8 99-796 may be adopted in accordance with this subsection (w) by
9 the Adjutant General. The adoption of emergency rules
10 authorized by this subsection (w) is deemed to be necessary for
11 the public interest, safety, and welfare.

12 (x) In order to provide for the expeditious and timely
13 implementation of the provisions of Public Act 99-906,
14 emergency rules to implement subsection (i) of Section 16-115D,
15 subsection (g) of Section 16-128A, and subsection (a) of
16 Section 16-128B of the Public Utilities Act may be adopted in
17 accordance with this subsection (x) by the Illinois Commerce
18 Commission. The rulemaking authority granted in this
19 subsection (x) shall apply only to those rules adopted within
20 180 days after June 1, 2017 (the effective date of Public Act
21 99-906). The adoption of emergency rules authorized by this
22 subsection (x) is deemed to be necessary for the public
23 interest, safety, and welfare.

24 (y) In order to provide for the expeditious and timely
25 implementation of the provisions of Public Act 100-23,
26 emergency rules to implement the changes made by Public Act

1 100-23 to Section 4.02 of the Illinois Act on the Aging,
2 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
3 Section 55-30 of the Alcoholism and Other Drug Abuse and
4 Dependency Act, and Sections 74 and 75 of the Mental Health and
5 Developmental Disabilities Administrative Act may be adopted
6 in accordance with this subsection (y) by the respective
7 Department. The adoption of emergency rules authorized by this
8 subsection (y) is deemed to be necessary for the public
9 interest, safety, and welfare.

10 (z) In order to provide for the expeditious and timely
11 implementation of the provisions of Public Act 100-554,
12 emergency rules to implement the changes made by Public Act
13 100-554 to Section 4.7 of the Lobbyist Registration Act may be
14 adopted in accordance with this subsection (z) by the Secretary
15 of State. The adoption of emergency rules authorized by this
16 subsection (z) is deemed to be necessary for the public
17 interest, safety, and welfare.

18 (aa) In order to provide for the expeditious and timely
19 initial implementation of the changes made to Articles 5, 5A,
20 12, and 14 of the Illinois Public Aid Code under the provisions
21 of Public Act 100-581, the Department of Healthcare and Family
22 Services may adopt emergency rules in accordance with this
23 subsection (aa). The 24-month limitation on the adoption of
24 emergency rules does not apply to rules to initially implement
25 the changes made to Articles 5, 5A, 12, and 14 of the Illinois
26 Public Aid Code adopted under this subsection (aa). The

1 adoption of emergency rules authorized by this subsection (aa)
2 is deemed to be necessary for the public interest, safety, and
3 welfare.

4 (bb) In order to provide for the expeditious and timely
5 implementation of the provisions of Public Act 100-587,
6 emergency rules to implement the changes made by Public Act
7 100-587 to Section 4.02 of the Illinois Act on the Aging,
8 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
9 subsection (b) of Section 55-30 of the Alcoholism and Other
10 Drug Abuse and Dependency Act, Section 5-104 of the Specialized
11 Mental Health Rehabilitation Act of 2013, and Section 75 and
12 subsection (b) of Section 74 of the Mental Health and
13 Developmental Disabilities Administrative Act may be adopted
14 in accordance with this subsection (bb) by the respective
15 Department. The adoption of emergency rules authorized by this
16 subsection (bb) is deemed to be necessary for the public
17 interest, safety, and welfare.

18 (cc) In order to provide for the expeditious and timely
19 implementation of the provisions of Public Act 100-587,
20 emergency rules may be adopted in accordance with this
21 subsection (cc) to implement the changes made by Public Act
22 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois
23 Pension Code by the Board created under Article 14 of the Code;
24 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by
25 the Board created under Article 15 of the Code; and Sections
26 16-190.5 and 16-190.6 of the Illinois Pension Code by the Board

1 created under Article 16 of the Code. The adoption of emergency
2 rules authorized by this subsection (cc) is deemed to be
3 necessary for the public interest, safety, and welfare.

4 (dd) In order to provide for the expeditious and timely
5 implementation of the provisions of Public Act 100-864,
6 emergency rules to implement the changes made by Public Act
7 100-864 to Section 3.35 of the Newborn Metabolic Screening Act
8 may be adopted in accordance with this subsection (dd) by the
9 Secretary of State. The adoption of emergency rules authorized
10 by this subsection (dd) is deemed to be necessary for the
11 public interest, safety, and welfare.

12 (ee) In order to provide for the expeditious and timely
13 implementation of the provisions of Public Act 100-1172 ~~this~~
14 ~~amendatory Act of the 100th General Assembly~~, emergency rules
15 implementing the Illinois Underground Natural Gas Storage
16 Safety Act may be adopted in accordance with this subsection by
17 the Department of Natural Resources. The adoption of emergency
18 rules authorized by this subsection is deemed to be necessary
19 for the public interest, safety, and welfare.

20 (ff) ~~(ee)~~ In order to provide for the expeditious and
21 timely initial implementation of the changes made to Articles
22 5A and 14 of the Illinois Public Aid Code under the provisions
23 of Public Act 100-1181 ~~this amendatory Act of the 100th General~~
24 ~~Assembly~~, the Department of Healthcare and Family Services may
25 on a one-time-only basis adopt emergency rules in accordance
26 with this subsection (ff) ~~(ee)~~. The 24-month limitation on the

1 adoption of emergency rules does not apply to rules to
2 initially implement the changes made to Articles 5A and 14 of
3 the Illinois Public Aid Code adopted under this subsection (ff)
4 ~~(ee)~~. The adoption of emergency rules authorized by this
5 subsection (ff) ~~(ee)~~ is deemed to be necessary for the public
6 interest, safety, and welfare.

7 (gg) ~~(ff)~~ In order to provide for the expeditious and
8 timely implementation of the provisions of Public Act 101-1
9 ~~this amendatory Act of the 101st General Assembly~~, emergency
10 rules may be adopted by the Department of Labor in accordance
11 with this subsection (gg) ~~(ff)~~ to implement the changes made by
12 Public Act 101-1 ~~this amendatory Act of the 101st General~~
13 ~~Assembly~~ to the Minimum Wage Law. The adoption of emergency
14 rules authorized by this subsection (gg) ~~(ff)~~ is deemed to be
15 necessary for the public interest, safety, and welfare.

16 (hh) In order to provide for the expeditious and timely
17 implementation of the Sporting Contest Safety and Integrity
18 Act, emergency rules to implement the Sporting Contest Safety
19 and Integrity Act may be adopted in accordance with this
20 subsection (hh) by the Illinois Gaming Board. The adoption of
21 emergency rules authorized by this subsection (hh) is deemed to
22 be necessary for the public interest, safety, and welfare.

23 (Source: P.A. 100-23, eff. 7-6-17; 100-554, eff. 11-16-17;
24 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff.
25 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18;
26 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19; 100-1181, eff.

1 3-8-19; 101-1, eff. 2-19-19; revised 4-2-19.)

2 Article 5. Sports Wagering Act

3 Section 5-1. Short title. This Act may be cited as the
4 Sports Wagering Act. References in this Article to "this Act"
5 mean this Article.

6 Section 5-5. Definitions. As used in this Act:

7 "Adjusted gross sports wagering receipts" means a master
8 sports wagering licensee's gross sports wagering receipts,
9 less winnings paid to wagerers in such games.

10 "Board" means the Illinois Gaming Board.

11 "Class A terminal operator" means a terminal operator under
12 the Video Gaming Act with \$60,000,000 or less in net terminal
13 income the previous calendar year.

14 "Class B terminal operator" means a terminal operator under
15 the Video Gaming Act with more than \$60,000,000 in net terminal
16 income the previous calendar year.

17 "Department" means the Department of the Lottery.

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

20 "Sports event" means a professional sport or athletic
21 event, a collegiate sport or athletic event, a motor race
22 event, or any other event or competition of relative skill
23 authorized by the Board under this Act.

1 "Sports facility" includes Guaranteed Rate Field, located
2 at 333 West 35th Street in Chicago, Soldier Field, located at
3 1410 Museum Campus Drive in Chicago, United Center, located at
4 1901 West Madison in Chicago, Wrigley Field, located at 1060
5 West Addison in Chicago, and the site of a professional golf
6 tournament conducted by the Professional Golfers' Association
7 of America within the State on a temporary basis during the
8 relevant tournament.

9 "Sports governing body" means the organization that
10 prescribes final rules and enforces codes of conduct with
11 respect to a sports event and participants therein.

12 "Sports wagering" means accepting wagers on sports events
13 or portions of sports events, or on the individual performance
14 statistics of athletes in a sports event or combination of
15 sports events, by any system or method of wagering, including,
16 but not limited to, in person or over the Internet through
17 websites and on mobile devices. "Sports wagering" includes, but
18 is not limited to, single-game bets, teaser bets, parlays,
19 over-under, moneyline, pools, exchange wagering, in-game
20 wagering, in-play bets, proposition bets, and straight bets.

21 "Sports wagering account" means a financial record
22 established by a master sports wagering licensee for an
23 individual patron in which the patron may deposit and withdraw
24 funds and other authorized purchases and to which the master
25 sports wagering licensee may credit winnings or other amounts
26 due to that patron or authorized by that patron.

1 "Sports wagering skin" means the brand used by the master
2 sports wagering licensee as presented through a portal,
3 website, or computer or mobile application or app through which
4 authorized sports wagering is made available to authorized
5 participants by a master sports wagering licensee.

6 Section 5-10. Sports wagering authorized.

7 (a) Notwithstanding any provision of law to the contrary,
8 the operation of sports wagering and ancillary activities are
9 only lawful when conducted in accordance with the provisions of
10 this Act and the rules of the Illinois Gaming Board and the
11 Department of the Lottery.

12 (b) A person placing a wager under this Act shall be at
13 least 21 years of age.

14 (c) The Board shall adopt rules for licensure of the
15 following:

16 (1) a license to supply a master sports wagering
17 licensee with sports wagering equipment or services
18 necessary for the operation of sports wagering (supplier
19 license), which shall require a license fee of \$150,000 and
20 a renewal fee of \$150,000 every 5 years;

21 (2) a license to be employed by a master sports
22 wagering licensee when the employee works in a designated
23 gaming area that has sports wagering or performs duties in
24 furtherance of or associated with the operation of sports
25 wagering by the master sports wagering licensee

1 (occupational license), which shall require an annual
2 license fee of \$250; and

3 (3) a license to provide management services under a
4 contract to a master sports wagering licensee (management
5 services provider license), which shall require a license
6 fee of \$500,000 and a renewal fee of \$500,000 every 5
7 years.

8 Section 5-15. Master sports wagering license issued to an
9 organization licensee.

10 (a) An organization licensee under the Illinois Horse
11 Racing Act of 1975 may apply for a master sports wagering
12 license.

13 (b) To be issued a master sports wagering license, an
14 organization licensee shall pay \$10,000,000 or 5% of its handle
15 from the previous calendar year, whichever is greater, to the
16 Board.

17 (c) Five years after issuance of the master sports wagering
18 license, the organization licensee shall pay a \$1,000,000
19 renewal fee to the Board.

20 (d) An organization licensee issued a master sports
21 wagering license may conduct sports wagering:

22 (1) at its facility at which inter-track wagering is
23 conducted pursuant to an inter-track wagering license
24 under the Illinois Horse Racing Act of 1975; and

25 (2) upon paying a \$5,000,000 fee in addition to fees

1 due in subsection (b), at 3 inter-track wagering location
2 licensees that derive their licenses from the organization
3 licensee or through a sports wagering skin.

4 Section 5-20. Master sports wagering license issued to an
5 owners licensee.

6 (a) An owners licensee under the Riverboat Gambling Act may
7 apply for a master sports wagering license.

8 (b) To be issued a master sports wagering license, an
9 owners licensee shall pay \$10,000,000 or 5% of its adjusted
10 gross receipts from the previous calendar year, whichever is
11 greater, to the Board.

12 (c) Five years after issuance of the master sports wagering
13 license, the owners licensee shall pay a \$1,000,000 renewal fee
14 to the Board.

15 (d) An owners licensee issued a master sports wagering
16 license may conduct sports wagering:

17 (1) at its facility in this State that is authorized to
18 conduct gambling operations under the Riverboat Gambling
19 Act; and

20 (2) upon paying a \$5,000,000 fee in addition to fees
21 due in subsection (b), at a location other than its
22 facility, including a sports facility, or through a sports
23 wagering skin.

24 Section 5-25. Master sports wagering license issued to a

1 Class A terminal operator.

2 (a) A pool of at least 10 Class A terminal operators may
3 collectively apply for a master sports wagering license. The
4 Board may issue a master sports wagering license to a pool of
5 at least 10 approved Class A terminal operators.

6 (b) To be issued a master sports wagering license, the pool
7 shall pay \$10,000,000 or 5% of the pool's collective net
8 terminal income from the previous calendar year, whichever is
9 greater, to the Board.

10 (c) Five years after issuance of a master sports wagering
11 license, the pool of at least 10 Class A terminal operators
12 shall pay a \$1,000,000 renewal fee to the Board.

13 (d) A Class A terminal operator in a pool issued a master
14 sports wagering license may conduct sports wagering:

15 (1) at 10% of the combined licensed establishments,
16 licensed truck stop establishments, licensed fraternal
17 establishments, and licensed veterans establishments that
18 it places video gaming terminals; and

19 (2) through a sports wagering skin collectively with
20 the other Class A terminal operators in the pool.

21 Section 5-30. Master sports wagering license issued to a
22 Class B terminal operator.

23 (a) A Class B terminal operator may apply for a master
24 sports wagering license.

25 (b) To be issued a master sports wagering license, a Class

1 B terminal operator shall pay \$10,000,000 or 5% of its net
2 terminal income from the previous calendar year, whichever is
3 greater, to the Board.

4 (c) Five years after issuance of the master sports wagering
5 license, the Class B terminal operator shall pay a \$1,000,000
6 renewal fee to the Board.

7 (d) A Class B terminal operator issued a master sports
8 wagering license may conduct sports wagering:

9 (1) at 10% of the combined licensed establishments,
10 licensed truck stop establishments, licensed fraternal
11 establishments, and licensed veterans establishments that
12 it places video gaming terminals; and

13 (2) through a sports wagering skin.

14 Section 5-35. Sports wagering skin license.

15 (a) Each master sports wagering licensee shall be limited
16 to one sports wagering skin to provide sports wagering online.
17 Each sports wagering skin must reflect a brand owned by the
18 master sports wagering licensee or any affiliate of the master
19 sports wagering licensee in the United States. As used in this
20 subsection, "affiliate" means a person that directly, or
21 indirectly through one or more intermediaries, controls, is
22 controlled by, or is under common control with a master sports
23 wagering licensee.

24 (b) The Board may issue a sports wagering skin license to
25 an entity that provides a nonrefundable license fee of

1 \$5,000,000. The sports wagering skin license may be renewed
2 after 5 years upon payment of a \$1,000,000 renewal fee.

3 Section 5-40. Sports wagering at a sports facility. A
4 master sports wagering licensee may not conduct sports wagering
5 at a facility within a 5-block radius of a sports facility.
6 However, sports wagering may be offered in person at or within
7 a 5-block radius of a sports facility if sports wagering is
8 offered by a master sports wagering licensee and the master
9 sports wagering licensee has received written authorization
10 from the Major League Baseball, National Basketball
11 Association, National Football League, or National Hockey
12 League team that plays its home contests at the sports facility
13 or the Professional Golfers' Association of America for a
14 professional golf tournament. If more than one professional
15 sports team plays its home contests at the same sports
16 facility, written authorization is required from all the
17 professional sports teams that play home contests at the sports
18 facility.

19 Section 5-45. Initial license and renewal requirements for
20 master sports wagering licenses obtained by an organization
21 licensee. No master sports wagering license may be awarded to
22 or renewed for any entity that is eligible for a master sports
23 wagering license because of an organization license awarded by
24 the Illinois Racing Board, unless the entity meets the

1 following criteria:

2 (1) The entity must hold a valid organization license
3 awarded by the Illinois Racing Board for the term of the
4 master sports wagering license.

5 (2) The entity must hold an inter-track wagering
6 license awarded by the Illinois Racing Board for the term
7 of the master sports wagering license.

8 (3) The entity, for the term of the master sports
9 wagering license, must have a signed contract with the
10 horsemen association representing the largest number of
11 owners, trainers, jockeys, or standardbred drivers who
12 race horses at that organization licensee's racing
13 meeting, the right to execute or decline such contract
14 being without condition, and that stipulates:

15 (A) the number of races to be conducted at the
16 racing meeting and penalties for failure to conduct
17 those races;

18 (B) the amounts to be distributed to purse accounts
19 and penalties for failure to timely make such
20 distributions; and

21 (C) the reduction and ultimate elimination of
22 money payable from purses to organization licensees
23 under paragraph (13) of subsection (g) of Section 26 of
24 the Illinois Horse Racing Act of 1975, with such
25 reduction and elimination achieved as agreed either
26 through reimbursement or non-acceptance.

1 (4) The entity may not receive any proceeds from
2 adjusted sports wagering receipts during any period that
3 adjusted sports wagering receipts are not being deposited
4 into the purse accounts as provided in the signed contract
5 with the applicable horsemen association.

6 Section 5-50. Master sports wagering license to
7 organization licensee in Madison County. The Board may not
8 issue a master sports wagering license to an organization
9 licensee located in Madison County until it receives an
10 executed copy of a contractual agreement between the
11 organization licensee in Madison County and an owners licensee
12 conducting riverboat gambling from a home dock in the City of
13 East St. Louis to operate sports wagering by the organization
14 licensee in Madison County to support the continued viability
15 of the City of East St. Louis' local portion of gaming taxes
16 generated by the owners licensee.

17 Section 5-55. Lottery sports wagering pilot program.

18 (a) As used in this Section:

19 "Central system" means the hardware, software,
20 peripherals, and network components provided by the
21 Department's central system provider that link and support all
22 required sports lottery terminals and the central site.

23 "Central system provider" means an individual,
24 partnership, corporation, or limited liability company that

1 has been licensed for the purpose of providing and maintaining
2 a central system and the related management facilities.

3 "Electronic card" means a card purchased from a lottery
4 retailer.

5 "Lottery retailer" means a location licensed by the
6 Department to sell lottery tickets or shares.

7 "Sports lottery systems" means systems provided by the
8 central system provider consisting of sports wagering
9 products, risk management, operations, and support services.

10 "Sports lottery terminal" means a terminal linked to the
11 central system in which bills or coins are deposited or an
12 electronic card is inserted in order to place wagers on a
13 sports event and lottery offerings.

14 (b) The Department shall issue one central system provider
15 license pursuant to an open and competitive bidding process
16 that uses the following procedures

17 (1) The Department shall make applications for the
18 central system provider license available to the public and
19 allow a reasonable time for applicants to submit
20 applications to the Department.

21 (2) During the filing period for central system
22 provider license applications, the Department may retain
23 the services of an investment banking firm to assist the
24 Department in conducting the open and competitive bidding
25 process.

26 (3) After receiving all of the bid proposals, the

1 Department shall open all of the proposals in a public
2 forum and disclose the prospective central system provider
3 names and venture partners, if any.

4 (4) The Department shall summarize the terms of the bid
5 proposals and may make this summary available to the
6 public.

7 (5) The Department shall evaluate the bid proposals
8 within a reasonable time and select no more than 3 final
9 applicants to make presentations of their bid proposals to
10 the Department.

11 (6) The final applicants shall make their
12 presentations to the Department on the same day during an
13 open session of the Department.

14 (7) As soon as practicable after the public
15 presentations by the final applicants, the Department, in
16 its discretion, may conduct further negotiations among the
17 3 final applicants. During such negotiations, each final
18 applicant may increase its license bid or otherwise enhance
19 its bid proposal. At the conclusion of such negotiations,
20 the Department shall select the winning bid.

21 (8) Upon selection of the winning bid, the Department
22 shall evaluate the winning bid within a reasonable period
23 of time for licensee suitability in accordance with all
24 applicable statutory and regulatory criteria.

25 (9) If the winning bidder is unable or otherwise fails
26 to consummate the transaction, (including if the

1 Department determines that the winning bidder does not
2 satisfy the suitability requirements), the Department may,
3 on the same criteria, select from the remaining bidders.

4 (10) The winning bidder shall pay \$30,000,000 to the
5 Department upon being issued the central system provider
6 license.

7 (c) Every sports lottery terminal offered in this State for
8 play shall first be tested and approved pursuant to the rules
9 of the Department, and each sports lottery terminal offered in
10 this State for play shall conform to an approved model. For the
11 examination of sports lottery terminals and associated
12 equipment as required by this Section, the central system
13 provider may utilize the services of one or more independent
14 outside testing laboratories that have been accredited by a
15 national accreditation body and that, in the judgment of the
16 Department, are qualified to perform such examinations. Every
17 sports lottery terminal offered in this State for play must
18 meet minimum standards set by an independent outside testing
19 laboratory approved by the Department.

20 (d) Sport lottery terminals may be placed in no more than
21 2,500 Lottery retail locations in the State.

22 (e) A sports lottery terminal may not directly dispense
23 coins, cash, tokens, or any other article of exchange or value
24 except for receipt tickets. Tickets shall be dispensed by
25 pressing the ticket dispensing button on the sports lottery
26 terminal at the end of the placement of one's wager or wagers.

1 The ticket shall indicate the total amount wagered, odds for
2 each wager placed, and the cash award for each bet placed, the
3 time of day in a 24-hour format showing hours and minutes, the
4 date, the terminal serial number, the sequential number of the
5 ticket, and an encrypted validation number from which the
6 validity of the prize may be determined. The player shall turn
7 in this ticket to the appropriate person at a lottery retailer
8 to receive the cash award.

9 (f) No lottery retailer may cause or permit any person
10 under the age of 21 years to use a sports lottery terminal or
11 sports wagering application. A lottery retailer who knowingly
12 causes or permits a person under the age of 21 years to use a
13 sports lottery terminal or sports wagering application is
14 guilty of a business offense and shall be fined an amount not
15 to exceed \$5,000.

16 (g) A sports lottery terminal shall only accept parlay
17 wagers. The Department shall, by rule, establish the total
18 amount, as a percentage, of all wagers placed that a lottery
19 retailer may retain.

20 (h) The Department shall have jurisdiction over and shall
21 supervise all sports wagering operations governed by this
22 Section. The Department shall have all powers necessary and
23 proper to fully and effectively execute the provisions of this
24 Section, including, but not limited to, the following:

25 (1) To investigate applicants and determine the
26 eligibility of applicants for licenses and to select among

1 competing applicants the applicants which best serve the
2 interests of the citizens of Illinois.

3 (2) To have jurisdiction and supervision over all
4 lottery sports wagering operations in this State and all
5 persons in establishments where video gaming operations
6 are conducted.

7 (3) To adopt rules for the purpose of administering the
8 provisions of this Act and to adopt rules and conditions
9 under which all sports wagering in the State shall be
10 conducted. Such rules are to provide for the prevention of
11 practices detrimental to the public interest and for the
12 best interests of lottery sports wagering, including rules
13 (i) regarding the inspection of such licensees necessary to
14 operate a lottery retailer under any laws or rules
15 applicable to licensees, (ii) to impose penalties for
16 violations of the Act and its rules, and (iii) establishing
17 standards for advertising sports wagering.

18 (i) The Department shall adopt emergency rules to
19 administer this Section in accordance with Section 5-45 of the
20 Illinois Administrative Procedure Act. For the purposes of the
21 Illinois Administrative Procedure Act, the General Assembly
22 finds that the adoption of rules to implement this Section is
23 deemed an emergency and necessary to the public interest,
24 safety, and welfare.

25 (j) For the privilege of operating sports wagering under
26 this Section, all proceeds minus net of proceeds returned to

1 players shall be electronically transferred daily or weekly, at
2 the discretion of the Director of the Lottery, into the State
3 Lottery Fund. After amounts owed to the central system provider
4 and licensed agents, as determined by the Department, are paid
5 from the moneys deposited into the State Lottery Fund under
6 this subsection, the remainder shall be deposited in equal
7 amounts to the Pension Stabilization Fund, the Common School
8 Fund, and the State Construction Account Fund.

9 (k) This Section is repealed on January 1, 2024.

10 Section 5-60. Prohibition on wagering on Illinois
11 collegiate teams within Illinois. No licensee under this Act
12 may accept a wager for a sports event taking place in the State
13 involving an Illinois collegiate team.

14 Section 5-65. Supplier diversity goals.

15 (a) The public policy of this State is to collaboratively
16 work with companies that serve Illinois residents to improve
17 their supplier diversity in a non-antagonistic manner.

18 (b) The Board and the Department shall require all
19 licensees under this Act to submit an annual report by April
20 15, 2020 and every April 15 thereafter, in a searchable Adobe
21 PDF format, on all procurement goals and actual spending for
22 female-owned, minority-owned, veteran-owned, and small
23 business enterprises in the previous calendar year. These goals
24 shall be expressed as a percentage of the total work performed

1 by the entity submitting the report, and the actual spending
2 for all female-owned, minority-owned, veteran-owned, and small
3 business enterprises shall also be expressed as a percentage of
4 the total work performed by the entity submitting the report.

5 (c) Each licensee in its annual report shall include the
6 following information:

7 (1) an explanation of the plan for the next year to
8 increase participation;

9 (2) an explanation of the plan to increase the goals;

10 (3) the areas of procurement each licensee shall be
11 actively seeking more participation in in the next year;

12 (4) an outline of the plan to alert and encourage
13 potential vendors in that area to seek business from the
14 licensee;

15 (5) an explanation of the challenges faced in finding
16 quality vendors and offer any suggestions for what the
17 Board could do to be helpful to identify those vendors;

18 (6) a list of the certifications the licensee
19 recognizes;

20 (7) the point of contact for any potential vendor who
21 wishes to do business with the licensee and explain the
22 process for a vendor to enroll with the licensee as a
23 minority-owned, women-owned, or veteran-owned company; and

24 (8) any particular success stories to encourage other
25 licensee to emulate best practices.

26 (d) Each annual report shall include as much State-specific

1 data as possible. If the submitting entity does not submit
2 State-specific data, then the licensee shall include any
3 national data it does have and explain why it could not submit
4 State-specific data and how it intends to do so in future
5 reports, if possible.

6 (e) Each annual report shall include the rules,
7 regulations, and definitions used for the procurement goals in
8 the licensee's annual report.

9 (f) The Board, Department, and all licensees shall hold an
10 annual workshop open to the public in 2020 and every year
11 thereafter on the state of supplier diversity to
12 collaboratively seek solutions to structural impediments to
13 achieving stated goals, including testimony from each licensee
14 as well as subject matter experts and advocates. The Board and
15 Department shall publish a database on their websites of the
16 point of contact for licensees they regulate under this Act for
17 supplier diversity, along with a list of certifications each
18 licensee recognizes from the information submitted in each
19 annual report. The Board and Department shall publish each
20 annual report on their websites and shall maintain each annual
21 report for at least 5 years.

22 Section 5-70. Sports wagering revenues; Sports Wagering
23 Fund.

24 (a) For the privilege of holding a license to operate
25 sports wagering under this Act, this State shall impose and

1 collect 25% of a master sports wagering licensee's adjusted
2 gross sports wagering receipts from sports wagering. The
3 accrual method of accounting shall be used for purposes of
4 calculating the amount of the tax owed by the licensee.

5 (b) The taxes levied and collected pursuant to subsection
6 (a) are due and payable to the Board no later than the last day
7 of the month following the calendar month in which the adjusted
8 gross sports wagering receipts were received and the tax
9 obligation was accrued.

10 (c) The Sports Wagering Fund is hereby created as a special
11 fund in the State treasury and all moneys collected under this
12 Act by the Board shall be deposited into the Sports Wagering
13 Fund and then transferred in equal amounts to the State
14 Construction Account Fund, the Pension Stabilization Fund, and
15 the Common School Fund.

16 Section 5-75. Voluntary self-exclusion program for sports
17 wagering. Any resident, or non-resident if allowed to
18 participate in sports wagering, may voluntarily prohibit
19 himself or herself from establishing a sports wagering account
20 with a licensee under this Act. The Board and Department shall
21 incorporate the voluntary self-exclusion program for sports
22 wagering into any existing self-exclusion program that it
23 operates on the effective date of this Act.

24 Section 5-80. Report to General Assembly. On or before

1 January 15, 2023, the Board shall provide a report to the
2 General Assembly on sports wagering conducted under this Act
3 during the 3 years following the effective date of this Act.

4 Section 5-900. The Illinois Administrative Procedure Act
5 is amended by changing Section 5-45 as follows:

6 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

7 Sec. 5-45. Emergency rulemaking.

8 (a) "Emergency" means the existence of any situation that
9 any agency finds reasonably constitutes a threat to the public
10 interest, safety, or welfare.

11 (b) If any agency finds that an emergency exists that
12 requires adoption of a rule upon fewer days than is required by
13 Section 5-40 and states in writing its reasons for that
14 finding, the agency may adopt an emergency rule without prior
15 notice or hearing upon filing a notice of emergency rulemaking
16 with the Secretary of State under Section 5-70. The notice
17 shall include the text of the emergency rule and shall be
18 published in the Illinois Register. Consent orders or other
19 court orders adopting settlements negotiated by an agency may
20 be adopted under this Section. Subject to applicable
21 constitutional or statutory provisions, an emergency rule
22 becomes effective immediately upon filing under Section 5-65 or
23 at a stated date less than 10 days thereafter. The agency's
24 finding and a statement of the specific reasons for the finding

1 shall be filed with the rule. The agency shall take reasonable
2 and appropriate measures to make emergency rules known to the
3 persons who may be affected by them.

4 (c) An emergency rule may be effective for a period of not
5 longer than 150 days, but the agency's authority to adopt an
6 identical rule under Section 5-40 is not precluded. No
7 emergency rule may be adopted more than once in any 24-month
8 period, except that this limitation on the number of emergency
9 rules that may be adopted in a 24-month period does not apply
10 to (i) emergency rules that make additions to and deletions
11 from the Drug Manual under Section 5-5.16 of the Illinois
12 Public Aid Code or the generic drug formulary under Section
13 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)
14 emergency rules adopted by the Pollution Control Board before
15 July 1, 1997 to implement portions of the Livestock Management
16 Facilities Act, (iii) emergency rules adopted by the Illinois
17 Department of Public Health under subsections (a) through (i)
18 of Section 2 of the Department of Public Health Act when
19 necessary to protect the public's health, (iv) emergency rules
20 adopted pursuant to subsection (n) of this Section, (v)
21 emergency rules adopted pursuant to subsection (o) of this
22 Section, or (vi) emergency rules adopted pursuant to subsection
23 (c-5) of this Section. Two or more emergency rules having
24 substantially the same purpose and effect shall be deemed to be
25 a single rule for purposes of this Section.

26 (c-5) To facilitate the maintenance of the program of group

1 health benefits provided to annuitants, survivors, and retired
2 employees under the State Employees Group Insurance Act of
3 1971, rules to alter the contributions to be paid by the State,
4 annuitants, survivors, retired employees, or any combination
5 of those entities, for that program of group health benefits,
6 shall be adopted as emergency rules. The adoption of those
7 rules shall be considered an emergency and necessary for the
8 public interest, safety, and welfare.

9 (d) In order to provide for the expeditious and timely
10 implementation of the State's fiscal year 1999 budget,
11 emergency rules to implement any provision of Public Act 90-587
12 or 90-588 or any other budget initiative for fiscal year 1999
13 may be adopted in accordance with this Section by the agency
14 charged with administering that provision or initiative,
15 except that the 24-month limitation on the adoption of
16 emergency rules and the provisions of Sections 5-115 and 5-125
17 do not apply to rules adopted under this subsection (d). The
18 adoption of emergency rules authorized by this subsection (d)
19 shall be deemed to be necessary for the public interest,
20 safety, and welfare.

21 (e) In order to provide for the expeditious and timely
22 implementation of the State's fiscal year 2000 budget,
23 emergency rules to implement any provision of Public Act 91-24
24 or any other budget initiative for fiscal year 2000 may be
25 adopted in accordance with this Section by the agency charged
26 with administering that provision or initiative, except that

1 the 24-month limitation on the adoption of emergency rules and
2 the provisions of Sections 5-115 and 5-125 do not apply to
3 rules adopted under this subsection (e). The adoption of
4 emergency rules authorized by this subsection (e) shall be
5 deemed to be necessary for the public interest, safety, and
6 welfare.

7 (f) In order to provide for the expeditious and timely
8 implementation of the State's fiscal year 2001 budget,
9 emergency rules to implement any provision of Public Act 91-712
10 or any other budget initiative for fiscal year 2001 may be
11 adopted in accordance with this Section by the agency charged
12 with administering that provision or initiative, except that
13 the 24-month limitation on the adoption of emergency rules and
14 the provisions of Sections 5-115 and 5-125 do not apply to
15 rules adopted under this subsection (f). The adoption of
16 emergency rules authorized by this subsection (f) shall be
17 deemed to be necessary for the public interest, safety, and
18 welfare.

19 (g) In order to provide for the expeditious and timely
20 implementation of the State's fiscal year 2002 budget,
21 emergency rules to implement any provision of Public Act 92-10
22 or any other budget initiative for fiscal year 2002 may be
23 adopted in accordance with this Section by the agency charged
24 with administering that provision or initiative, except that
25 the 24-month limitation on the adoption of emergency rules and
26 the provisions of Sections 5-115 and 5-125 do not apply to

1 rules adopted under this subsection (g). The adoption of
2 emergency rules authorized by this subsection (g) shall be
3 deemed to be necessary for the public interest, safety, and
4 welfare.

5 (h) In order to provide for the expeditious and timely
6 implementation of the State's fiscal year 2003 budget,
7 emergency rules to implement any provision of Public Act 92-597
8 or any other budget initiative for fiscal year 2003 may be
9 adopted in accordance with this Section by the agency charged
10 with administering that provision or initiative, except that
11 the 24-month limitation on the adoption of emergency rules and
12 the provisions of Sections 5-115 and 5-125 do not apply to
13 rules adopted under this subsection (h). The adoption of
14 emergency rules authorized by this subsection (h) shall be
15 deemed to be necessary for the public interest, safety, and
16 welfare.

17 (i) In order to provide for the expeditious and timely
18 implementation of the State's fiscal year 2004 budget,
19 emergency rules to implement any provision of Public Act 93-20
20 or any other budget initiative for fiscal year 2004 may be
21 adopted in accordance with this Section by the agency charged
22 with administering that provision or initiative, except that
23 the 24-month limitation on the adoption of emergency rules and
24 the provisions of Sections 5-115 and 5-125 do not apply to
25 rules adopted under this subsection (i). The adoption of
26 emergency rules authorized by this subsection (i) shall be

1 deemed to be necessary for the public interest, safety, and
2 welfare.

3 (j) In order to provide for the expeditious and timely
4 implementation of the provisions of the State's fiscal year
5 2005 budget as provided under the Fiscal Year 2005 Budget
6 Implementation (Human Services) Act, emergency rules to
7 implement any provision of the Fiscal Year 2005 Budget
8 Implementation (Human Services) Act may be adopted in
9 accordance with this Section by the agency charged with
10 administering that provision, except that the 24-month
11 limitation on the adoption of emergency rules and the
12 provisions of Sections 5-115 and 5-125 do not apply to rules
13 adopted under this subsection (j). The Department of Public Aid
14 may also adopt rules under this subsection (j) necessary to
15 administer the Illinois Public Aid Code and the Children's
16 Health Insurance Program Act. The adoption of emergency rules
17 authorized by this subsection (j) shall be deemed to be
18 necessary for the public interest, safety, and welfare.

19 (k) In order to provide for the expeditious and timely
20 implementation of the provisions of the State's fiscal year
21 2006 budget, emergency rules to implement any provision of
22 Public Act 94-48 or any other budget initiative for fiscal year
23 2006 may be adopted in accordance with this Section by the
24 agency charged with administering that provision or
25 initiative, except that the 24-month limitation on the adoption
26 of emergency rules and the provisions of Sections 5-115 and

1 5-125 do not apply to rules adopted under this subsection (k).
2 The Department of Healthcare and Family Services may also adopt
3 rules under this subsection (k) necessary to administer the
4 Illinois Public Aid Code, the Senior Citizens and Persons with
5 Disabilities Property Tax Relief Act, the Senior Citizens and
6 Disabled Persons Prescription Drug Discount Program Act (now
7 the Illinois Prescription Drug Discount Program Act), and the
8 Children's Health Insurance Program Act. The adoption of
9 emergency rules authorized by this subsection (k) shall be
10 deemed to be necessary for the public interest, safety, and
11 welfare.

12 (l) In order to provide for the expeditious and timely
13 implementation of the provisions of the State's fiscal year
14 2007 budget, the Department of Healthcare and Family Services
15 may adopt emergency rules during fiscal year 2007, including
16 rules effective July 1, 2007, in accordance with this
17 subsection to the extent necessary to administer the
18 Department's responsibilities with respect to amendments to
19 the State plans and Illinois waivers approved by the federal
20 Centers for Medicare and Medicaid Services necessitated by the
21 requirements of Title XIX and Title XXI of the federal Social
22 Security Act. The adoption of emergency rules authorized by
23 this subsection (l) shall be deemed to be necessary for the
24 public interest, safety, and welfare.

25 (m) In order to provide for the expeditious and timely
26 implementation of the provisions of the State's fiscal year

1 2008 budget, the Department of Healthcare and Family Services
2 may adopt emergency rules during fiscal year 2008, including
3 rules effective July 1, 2008, in accordance with this
4 subsection to the extent necessary to administer the
5 Department's responsibilities with respect to amendments to
6 the State plans and Illinois waivers approved by the federal
7 Centers for Medicare and Medicaid Services necessitated by the
8 requirements of Title XIX and Title XXI of the federal Social
9 Security Act. The adoption of emergency rules authorized by
10 this subsection (m) shall be deemed to be necessary for the
11 public interest, safety, and welfare.

12 (n) In order to provide for the expeditious and timely
13 implementation of the provisions of the State's fiscal year
14 2010 budget, emergency rules to implement any provision of
15 Public Act 96-45 or any other budget initiative authorized by
16 the 96th General Assembly for fiscal year 2010 may be adopted
17 in accordance with this Section by the agency charged with
18 administering that provision or initiative. The adoption of
19 emergency rules authorized by this subsection (n) shall be
20 deemed to be necessary for the public interest, safety, and
21 welfare. The rulemaking authority granted in this subsection
22 (n) shall apply only to rules promulgated during Fiscal Year
23 2010.

24 (o) In order to provide for the expeditious and timely
25 implementation of the provisions of the State's fiscal year
26 2011 budget, emergency rules to implement any provision of

1 Public Act 96-958 or any other budget initiative authorized by
2 the 96th General Assembly for fiscal year 2011 may be adopted
3 in accordance with this Section by the agency charged with
4 administering that provision or initiative. The adoption of
5 emergency rules authorized by this subsection (o) is deemed to
6 be necessary for the public interest, safety, and welfare. The
7 rulemaking authority granted in this subsection (o) applies
8 only to rules promulgated on or after July 1, 2010 (the
9 effective date of Public Act 96-958) through June 30, 2011.

10 (p) In order to provide for the expeditious and timely
11 implementation of the provisions of Public Act 97-689,
12 emergency rules to implement any provision of Public Act 97-689
13 may be adopted in accordance with this subsection (p) by the
14 agency charged with administering that provision or
15 initiative. The 150-day limitation of the effective period of
16 emergency rules does not apply to rules adopted under this
17 subsection (p), and the effective period may continue through
18 June 30, 2013. The 24-month limitation on the adoption of
19 emergency rules does not apply to rules adopted under this
20 subsection (p). The adoption of emergency rules authorized by
21 this subsection (p) is deemed to be necessary for the public
22 interest, safety, and welfare.

23 (q) In order to provide for the expeditious and timely
24 implementation of the provisions of Articles 7, 8, 9, 11, and
25 12 of Public Act 98-104, emergency rules to implement any
26 provision of Articles 7, 8, 9, 11, and 12 of Public Act 98-104

1 may be adopted in accordance with this subsection (q) by the
2 agency charged with administering that provision or
3 initiative. The 24-month limitation on the adoption of
4 emergency rules does not apply to rules adopted under this
5 subsection (q). The adoption of emergency rules authorized by
6 this subsection (q) is deemed to be necessary for the public
7 interest, safety, and welfare.

8 (r) In order to provide for the expeditious and timely
9 implementation of the provisions of Public Act 98-651,
10 emergency rules to implement Public Act 98-651 may be adopted
11 in accordance with this subsection (r) by the Department of
12 Healthcare and Family Services. The 24-month limitation on the
13 adoption of emergency rules does not apply to rules adopted
14 under this subsection (r). The adoption of emergency rules
15 authorized by this subsection (r) is deemed to be necessary for
16 the public interest, safety, and welfare.

17 (s) In order to provide for the expeditious and timely
18 implementation of the provisions of Sections 5-5b.1 and 5A-2 of
19 the Illinois Public Aid Code, emergency rules to implement any
20 provision of Section 5-5b.1 or Section 5A-2 of the Illinois
21 Public Aid Code may be adopted in accordance with this
22 subsection (s) by the Department of Healthcare and Family
23 Services. The rulemaking authority granted in this subsection
24 (s) shall apply only to those rules adopted prior to July 1,
25 2015. Notwithstanding any other provision of this Section, any
26 emergency rule adopted under this subsection (s) shall only

1 apply to payments made for State fiscal year 2015. The adoption
2 of emergency rules authorized by this subsection (s) is deemed
3 to be necessary for the public interest, safety, and welfare.

4 (t) In order to provide for the expeditious and timely
5 implementation of the provisions of Article II of Public Act
6 99-6, emergency rules to implement the changes made by Article
7 II of Public Act 99-6 to the Emergency Telephone System Act may
8 be adopted in accordance with this subsection (t) by the
9 Department of State Police. The rulemaking authority granted in
10 this subsection (t) shall apply only to those rules adopted
11 prior to July 1, 2016. The 24-month limitation on the adoption
12 of emergency rules does not apply to rules adopted under this
13 subsection (t). The adoption of emergency rules authorized by
14 this subsection (t) is deemed to be necessary for the public
15 interest, safety, and welfare.

16 (u) In order to provide for the expeditious and timely
17 implementation of the provisions of the Burn Victims Relief
18 Act, emergency rules to implement any provision of the Act may
19 be adopted in accordance with this subsection (u) by the
20 Department of Insurance. The rulemaking authority granted in
21 this subsection (u) shall apply only to those rules adopted
22 prior to December 31, 2015. The adoption of emergency rules
23 authorized by this subsection (u) is deemed to be necessary for
24 the public interest, safety, and welfare.

25 (v) In order to provide for the expeditious and timely
26 implementation of the provisions of Public Act 99-516,

1 emergency rules to implement Public Act 99-516 may be adopted
2 in accordance with this subsection (v) by the Department of
3 Healthcare and Family Services. The 24-month limitation on the
4 adoption of emergency rules does not apply to rules adopted
5 under this subsection (v). The adoption of emergency rules
6 authorized by this subsection (v) is deemed to be necessary for
7 the public interest, safety, and welfare.

8 (w) In order to provide for the expeditious and timely
9 implementation of the provisions of Public Act 99-796,
10 emergency rules to implement the changes made by Public Act
11 99-796 may be adopted in accordance with this subsection (w) by
12 the Adjutant General. The adoption of emergency rules
13 authorized by this subsection (w) is deemed to be necessary for
14 the public interest, safety, and welfare.

15 (x) In order to provide for the expeditious and timely
16 implementation of the provisions of Public Act 99-906,
17 emergency rules to implement subsection (i) of Section 16-115D,
18 subsection (g) of Section 16-128A, and subsection (a) of
19 Section 16-128B of the Public Utilities Act may be adopted in
20 accordance with this subsection (x) by the Illinois Commerce
21 Commission. The rulemaking authority granted in this
22 subsection (x) shall apply only to those rules adopted within
23 180 days after June 1, 2017 (the effective date of Public Act
24 99-906). The adoption of emergency rules authorized by this
25 subsection (x) is deemed to be necessary for the public
26 interest, safety, and welfare.

1 (y) In order to provide for the expeditious and timely
2 implementation of the provisions of Public Act 100-23,
3 emergency rules to implement the changes made by Public Act
4 100-23 to Section 4.02 of the Illinois Act on the Aging,
5 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
6 Section 55-30 of the Alcoholism and Other Drug Abuse and
7 Dependency Act, and Sections 74 and 75 of the Mental Health and
8 Developmental Disabilities Administrative Act may be adopted
9 in accordance with this subsection (y) by the respective
10 Department. The adoption of emergency rules authorized by this
11 subsection (y) is deemed to be necessary for the public
12 interest, safety, and welfare.

13 (z) In order to provide for the expeditious and timely
14 implementation of the provisions of Public Act 100-554,
15 emergency rules to implement the changes made by Public Act
16 100-554 to Section 4.7 of the Lobbyist Registration Act may be
17 adopted in accordance with this subsection (z) by the Secretary
18 of State. The adoption of emergency rules authorized by this
19 subsection (z) is deemed to be necessary for the public
20 interest, safety, and welfare.

21 (aa) In order to provide for the expeditious and timely
22 initial implementation of the changes made to Articles 5, 5A,
23 12, and 14 of the Illinois Public Aid Code under the provisions
24 of Public Act 100-581, the Department of Healthcare and Family
25 Services may adopt emergency rules in accordance with this
26 subsection (aa). The 24-month limitation on the adoption of

1 emergency rules does not apply to rules to initially implement
2 the changes made to Articles 5, 5A, 12, and 14 of the Illinois
3 Public Aid Code adopted under this subsection (aa). The
4 adoption of emergency rules authorized by this subsection (aa)
5 is deemed to be necessary for the public interest, safety, and
6 welfare.

7 (bb) In order to provide for the expeditious and timely
8 implementation of the provisions of Public Act 100-587,
9 emergency rules to implement the changes made by Public Act
10 100-587 to Section 4.02 of the Illinois Act on the Aging,
11 Sections 5.5.4 and 5-5.4i of the Illinois Public Aid Code,
12 subsection (b) of Section 55-30 of the Alcoholism and Other
13 Drug Abuse and Dependency Act, Section 5-104 of the Specialized
14 Mental Health Rehabilitation Act of 2013, and Section 75 and
15 subsection (b) of Section 74 of the Mental Health and
16 Developmental Disabilities Administrative Act may be adopted
17 in accordance with this subsection (bb) by the respective
18 Department. The adoption of emergency rules authorized by this
19 subsection (bb) is deemed to be necessary for the public
20 interest, safety, and welfare.

21 (cc) In order to provide for the expeditious and timely
22 implementation of the provisions of Public Act 100-587,
23 emergency rules may be adopted in accordance with this
24 subsection (cc) to implement the changes made by Public Act
25 100-587 to: Sections 14-147.5 and 14-147.6 of the Illinois
26 Pension Code by the Board created under Article 14 of the Code;

1 Sections 15-185.5 and 15-185.6 of the Illinois Pension Code by
2 the Board created under Article 15 of the Code; and Sections
3 16-190.5 and 16-190.6 of the Illinois Pension Code by the Board
4 created under Article 16 of the Code. The adoption of emergency
5 rules authorized by this subsection (cc) is deemed to be
6 necessary for the public interest, safety, and welfare.

7 (dd) In order to provide for the expeditious and timely
8 implementation of the provisions of Public Act 100-864,
9 emergency rules to implement the changes made by Public Act
10 100-864 to Section 3.35 of the Newborn Metabolic Screening Act
11 may be adopted in accordance with this subsection (dd) by the
12 Secretary of State. The adoption of emergency rules authorized
13 by this subsection (dd) is deemed to be necessary for the
14 public interest, safety, and welfare.

15 (ee) In order to provide for the expeditious and timely
16 implementation of the provisions of Public Act 100-1172 ~~this~~
17 ~~amendatory Act of the 100th General Assembly~~, emergency rules
18 implementing the Illinois Underground Natural Gas Storage
19 Safety Act may be adopted in accordance with this subsection by
20 the Department of Natural Resources. The adoption of emergency
21 rules authorized by this subsection is deemed to be necessary
22 for the public interest, safety, and welfare.

23 (ff) ~~(ee)~~ In order to provide for the expeditious and
24 timely initial implementation of the changes made to Articles
25 5A and 14 of the Illinois Public Aid Code under the provisions
26 of Public Act 100-1181 ~~this amendatory Act of the 100th General~~

1 ~~Assembly~~, the Department of Healthcare and Family Services may
2 on a one-time-only basis adopt emergency rules in accordance
3 with this subsection (ff) ~~(ee)~~. The 24-month limitation on the
4 adoption of emergency rules does not apply to rules to
5 initially implement the changes made to Articles 5A and 14 of
6 the Illinois Public Aid Code adopted under this subsection (ff)
7 ~~(ee)~~. The adoption of emergency rules authorized by this
8 subsection (ff) ~~(ee)~~ is deemed to be necessary for the public
9 interest, safety, and welfare.

10 (gg) ~~(ff)~~ In order to provide for the expeditious and
11 timely implementation of the provisions of Public Act 101-1
12 ~~this amendatory Act of the 101st General Assembly~~, emergency
13 rules may be adopted by the Department of Labor in accordance
14 with this subsection (gg) ~~(ff)~~ to implement the changes made by
15 Public Act 101-1 ~~this amendatory Act of the 101st General~~
16 ~~Assembly~~ to the Minimum Wage Law. The adoption of emergency
17 rules authorized by this subsection (gg) ~~(ff)~~ is deemed to be
18 necessary for the public interest, safety, and welfare.

19 (ii) In order to provide for the expeditious and timely
20 implementation of the provisions of Section 5-55 of the Sports
21 Wagering Act, emergency rules to implement Section 5-55 of the
22 Sports Wagering Act may be adopted in accordance with this
23 subsection (ii) by the Department of the Lottery as provided in
24 the Sports Wagering Act. The adoption of emergency rules
25 authorized by this subsection (ii) is deemed to be necessary
26 for the public interest, safety, and welfare.

1 (Source: P.A. 100-23, eff. 7-6-17; 100-554, eff. 11-16-17;
2 100-581, eff. 3-12-18; 100-587, Article 95, Section 95-5, eff.
3 6-4-18; 100-587, Article 110, Section 110-5, eff. 6-4-18;
4 100-864, eff. 8-14-18; 100-1172, eff. 1-4-19; 100-1181, eff.
5 3-8-19; 101-1, eff. 2-19-19; revised 4-2-19.)

6 Section 5-905. The State Finance Act is amended by adding
7 Section 5.891 as follows:

8 (30 ILCS 105/5.891 new)

9 Sec. 5.891. The Sports Wagering Fund.

10 Section 5-910. The Riverboat Gambling Act is amended by
11 changing Section 13 as follows:

12 (230 ILCS 10/13) (from Ch. 120, par. 2413)

13 Sec. 13. Wagering tax; rate; distribution.

14 (a) Until January 1, 1998, a tax is imposed on the adjusted
15 gross receipts received from gambling games authorized under
16 this Act at the rate of 20%.

17 (a-1) From January 1, 1998 until July 1, 2002, a privilege
18 tax is imposed on persons engaged in the business of conducting
19 riverboat gambling operations, based on the adjusted gross
20 receipts received by a licensed owner from gambling games
21 authorized under this Act at the following rates:

22 15% of annual adjusted gross receipts up to and

1 including \$25,000,000;

2 20% of annual adjusted gross receipts in excess of
3 \$25,000,000 but not exceeding \$50,000,000;

4 25% of annual adjusted gross receipts in excess of
5 \$50,000,000 but not exceeding \$75,000,000;

6 30% of annual adjusted gross receipts in excess of
7 \$75,000,000 but not exceeding \$100,000,000;

8 35% of annual adjusted gross receipts in excess of
9 \$100,000,000.

10 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
11 is imposed on persons engaged in the business of conducting
12 riverboat gambling operations, other than licensed managers
13 conducting riverboat gambling operations on behalf of the
14 State, based on the adjusted gross receipts received by a
15 licensed owner from gambling games authorized under this Act at
16 the following rates:

17 15% of annual adjusted gross receipts up to and
18 including \$25,000,000;

19 22.5% of annual adjusted gross receipts in excess of
20 \$25,000,000 but not exceeding \$50,000,000;

21 27.5% of annual adjusted gross receipts in excess of
22 \$50,000,000 but not exceeding \$75,000,000;

23 32.5% of annual adjusted gross receipts in excess of
24 \$75,000,000 but not exceeding \$100,000,000;

25 37.5% of annual adjusted gross receipts in excess of
26 \$100,000,000 but not exceeding \$150,000,000;

1 45% of annual adjusted gross receipts in excess of
2 \$150,000,000 but not exceeding \$200,000,000;

3 50% of annual adjusted gross receipts in excess of
4 \$200,000,000.

5 (a-3) Beginning July 1, 2003, a privilege tax is imposed on
6 persons engaged in the business of conducting riverboat
7 gambling operations, other than licensed managers conducting
8 riverboat gambling operations on behalf of the State, based on
9 the adjusted gross receipts received by a licensed owner from
10 gambling games authorized under this Act at the following
11 rates:

12 15% of annual adjusted gross receipts up to and
13 including \$25,000,000;

14 27.5% of annual adjusted gross receipts in excess of
15 \$25,000,000 but not exceeding \$37,500,000;

16 32.5% of annual adjusted gross receipts in excess of
17 \$37,500,000 but not exceeding \$50,000,000;

18 37.5% of annual adjusted gross receipts in excess of
19 \$50,000,000 but not exceeding \$75,000,000;

20 45% of annual adjusted gross receipts in excess of
21 \$75,000,000 but not exceeding \$100,000,000;

22 50% of annual adjusted gross receipts in excess of
23 \$100,000,000 but not exceeding \$250,000,000;

24 70% of annual adjusted gross receipts in excess of
25 \$250,000,000.

26 An amount equal to the amount of wagering taxes collected

1 under this subsection (a-3) that are in addition to the amount
2 of wagering taxes that would have been collected if the
3 wagering tax rates under subsection (a-2) were in effect shall
4 be paid into the Common School Fund.

5 The privilege tax imposed under this subsection (a-3) shall
6 no longer be imposed beginning on the earlier of (i) July 1,
7 2005; (ii) the first date after June 20, 2003 that riverboat
8 gambling operations are conducted pursuant to a dormant
9 license; or (iii) the first day that riverboat gambling
10 operations are conducted under the authority of an owners
11 license that is in addition to the 10 owners licenses initially
12 authorized under this Act. For the purposes of this subsection
13 (a-3), the term "dormant license" means an owners license that
14 is authorized by this Act under which no riverboat gambling
15 operations are being conducted on June 20, 2003.

16 (a-4) Beginning on the first day on which the tax imposed
17 under subsection (a-3) is no longer imposed, a privilege tax is
18 imposed on persons engaged in the business of conducting
19 riverboat gambling operations, other than licensed managers
20 conducting riverboat gambling operations on behalf of the
21 State, based on the adjusted gross receipts received by a
22 licensed owner from gambling games authorized under this Act at
23 the following rates:

24 15% of annual adjusted gross receipts up to and
25 including \$25,000,000;

26 22.5% of annual adjusted gross receipts in excess of

1 \$25,000,000 but not exceeding \$50,000,000;

2 27.5% of annual adjusted gross receipts in excess of
3 \$50,000,000 but not exceeding \$75,000,000;

4 32.5% of annual adjusted gross receipts in excess of
5 \$75,000,000 but not exceeding \$100,000,000;

6 37.5% of annual adjusted gross receipts in excess of
7 \$100,000,000 but not exceeding \$150,000,000;

8 45% of annual adjusted gross receipts in excess of
9 \$150,000,000 but not exceeding \$200,000,000;

10 50% of annual adjusted gross receipts in excess of
11 \$200,000,000.

12 (a-8) Riverboat gambling operations conducted by a
13 licensed manager on behalf of the State are not subject to the
14 tax imposed under this Section.

15 (a-10) The taxes imposed by this Section shall be paid by
16 the licensed owner to the Board not later than 5:00 o'clock
17 p.m. of the day after the day when the wagers were made.

18 (a-15) If the privilege tax imposed under subsection (a-3)
19 is no longer imposed pursuant to item (i) of the last paragraph
20 of subsection (a-3), then by June 15 of each year, each owners
21 licensee, other than an owners licensee that admitted 1,000,000
22 persons or fewer in calendar year 2004, must, in addition to
23 the payment of all amounts otherwise due under this Section,
24 pay to the Board a reconciliation payment in the amount, if
25 any, by which the licensed owner's base amount exceeds the
26 amount of net privilege tax paid by the licensed owner to the

1 Board in the then current State fiscal year. A licensed owner's
2 net privilege tax obligation due for the balance of the State
3 fiscal year shall be reduced up to the total of the amount paid
4 by the licensed owner in its June 15 reconciliation payment.
5 The obligation imposed by this subsection (a-15) is binding on
6 any person, firm, corporation, or other entity that acquires an
7 ownership interest in any such owners license. The obligation
8 imposed under this subsection (a-15) terminates on the earliest
9 of: (i) July 1, 2007, (ii) the first day after the effective
10 date of this amendatory Act of the 94th General Assembly that
11 riverboat gambling operations are conducted pursuant to a
12 dormant license, (iii) the first day that riverboat gambling
13 operations are conducted under the authority of an owners
14 license that is in addition to the 10 owners licenses initially
15 authorized under this Act, or (iv) the first day that a
16 licensee under the Illinois Horse Racing Act of 1975 conducts
17 gaming operations with slot machines or other electronic gaming
18 devices. The Board must reduce the obligation imposed under
19 this subsection (a-15) by an amount the Board deems reasonable
20 for any of the following reasons: (A) an act or acts of God,
21 (B) an act of bioterrorism or terrorism or a bioterrorism or
22 terrorism threat that was investigated by a law enforcement
23 agency, or (C) a condition beyond the control of the owners
24 licensee that does not result from any act or omission by the
25 owners licensee or any of its agents and that poses a hazardous
26 threat to the health and safety of patrons. If an owners

1 licensee pays an amount in excess of its liability under this
2 Section, the Board shall apply the overpayment to future
3 payments required under this Section.

4 For purposes of this subsection (a-15):

5 "Act of God" means an incident caused by the operation of
6 an extraordinary force that cannot be foreseen, that cannot be
7 avoided by the exercise of due care, and for which no person
8 can be held liable.

9 "Base amount" means the following:

10 For a riverboat in Alton, \$31,000,000.

11 For a riverboat in East Peoria, \$43,000,000.

12 For the Empress riverboat in Joliet, \$86,000,000.

13 For a riverboat in Metropolis, \$45,000,000.

14 For the Harrah's riverboat in Joliet, \$114,000,000.

15 For a riverboat in Aurora, \$86,000,000.

16 For a riverboat in East St. Louis, \$48,500,000.

17 For a riverboat in Elgin, \$198,000,000.

18 "Dormant license" has the meaning ascribed to it in
19 subsection (a-3).

20 "Net privilege tax" means all privilege taxes paid by a
21 licensed owner to the Board under this Section, less all
22 payments made from the State Gaming Fund pursuant to subsection
23 (b) of this Section.

24 The changes made to this subsection (a-15) by Public Act
25 94-839 are intended to restate and clarify the intent of Public
26 Act 94-673 with respect to the amount of the payments required

1 to be made under this subsection by an owners licensee to the
2 Board.

3 (b) Until January 1, 1998, 25% of the tax revenue deposited
4 in the State Gaming Fund under this Section shall be paid,
5 subject to appropriation by the General Assembly, to the unit
6 of local government which is designated as the home dock of the
7 riverboat. Beginning January 1, 1998, from the tax revenue
8 deposited in the State Gaming Fund under this Section, an
9 amount equal to 5% of adjusted gross receipts generated by a
10 riverboat shall be paid monthly, subject to appropriation by
11 the General Assembly, to the unit of local government that is
12 designated as the home dock of the riverboat. From the tax
13 revenue deposited in the State Gaming Fund pursuant to
14 riverboat gambling operations conducted by a licensed manager
15 on behalf of the State, an amount equal to 5% of adjusted gross
16 receipts generated pursuant to those riverboat gambling
17 operations shall be paid monthly, subject to appropriation by
18 the General Assembly, to the unit of local government that is
19 designated as the home dock of the riverboat upon which those
20 riverboat gambling operations are conducted.

21 (c) Appropriations, as approved by the General Assembly,
22 may be made from the State Gaming Fund to the Board (i) for the
23 administration and enforcement of this Act and the Video Gaming
24 Act, (ii) for distribution to the Department of State Police
25 and to the Department of Revenue for the enforcement of this
26 Act, and (iii) to the Department of Human Services for the

1 administration of programs to treat problem gambling,
2 including problem gambling from sports wagering.

3 (c-5) Before May 26, 2006 (the effective date of Public Act
4 94-804) and beginning on the effective date of this amendatory
5 Act of the 95th General Assembly, unless any organization
6 licensee under the Illinois Horse Racing Act of 1975 begins to
7 operate a slot machine or video game of chance under the
8 Illinois Horse Racing Act of 1975 or this Act, after the
9 payments required under subsections (b) and (c) have been made,
10 an amount equal to 15% of the adjusted gross receipts of (1) an
11 owners licensee that relocates pursuant to Section 11.2, (2) an
12 owners licensee conducting riverboat gambling operations
13 pursuant to an owners license that is initially issued after
14 June 25, 1999, or (3) the first riverboat gambling operations
15 conducted by a licensed manager on behalf of the State under
16 Section 7.3, whichever comes first, shall be paid from the
17 State Gaming Fund into the Horse Racing Equity Fund.

18 (c-10) Each year the General Assembly shall appropriate
19 from the General Revenue Fund to the Education Assistance Fund
20 an amount equal to the amount paid into the Horse Racing Equity
21 Fund pursuant to subsection (c-5) in the prior calendar year.

22 (c-15) After the payments required under subsections (b),
23 (c), and (c-5) have been made, an amount equal to 2% of the
24 adjusted gross receipts of (1) an owners licensee that
25 relocates pursuant to Section 11.2, (2) an owners licensee
26 conducting riverboat gambling operations pursuant to an owners

1 license that is initially issued after June 25, 1999, or (3)
2 the first riverboat gambling operations conducted by a licensed
3 manager on behalf of the State under Section 7.3, whichever
4 comes first, shall be paid, subject to appropriation from the
5 General Assembly, from the State Gaming Fund to each home rule
6 county with a population of over 3,000,000 inhabitants for the
7 purpose of enhancing the county's criminal justice system.

8 (c-20) Each year the General Assembly shall appropriate
9 from the General Revenue Fund to the Education Assistance Fund
10 an amount equal to the amount paid to each home rule county
11 with a population of over 3,000,000 inhabitants pursuant to
12 subsection (c-15) in the prior calendar year.

13 (c-25) On July 1, 2013 and each July 1 thereafter,
14 \$1,600,000 shall be transferred from the State Gaming Fund to
15 the Chicago State University Education Improvement Fund.

16 (c-30) On July 1, 2013 or as soon as possible thereafter,
17 \$92,000,000 shall be transferred from the State Gaming Fund to
18 the School Infrastructure Fund and \$23,000,000 shall be
19 transferred from the State Gaming Fund to the Horse Racing
20 Equity Fund.

21 (c-35) Beginning on July 1, 2013, in addition to any amount
22 transferred under subsection (c-30) of this Section,
23 \$5,530,000 shall be transferred monthly from the State Gaming
24 Fund to the School Infrastructure Fund.

25 (d) From time to time, the Board shall transfer the
26 remainder of the funds generated by this Act into the Education

1 Assistance Fund, created by Public Act 86-0018, of the State of
2 Illinois.

3 (e) Nothing in this Act shall prohibit the unit of local
4 government designated as the home dock of the riverboat from
5 entering into agreements with other units of local government
6 in this State or in other states to share its portion of the
7 tax revenue.

8 (f) To the extent practicable, the Board shall administer
9 and collect the wagering taxes imposed by this Section in a
10 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
11 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the
12 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
13 Penalty and Interest Act.

14 (Source: P.A. 98-18, eff. 6-7-13.)

15 Section 5-915. The Criminal Code of 2012 is amended by
16 changing Sections 28-1, 28-3, and 28-5 as follows:

17 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

18 Sec. 28-1. Gambling.

19 (a) A person commits gambling when he or she:

20 (1) knowingly plays a game of chance or skill for money
21 or other thing of value, unless excepted in subsection (b)
22 of this Section;

23 (2) knowingly makes a wager upon the result of any
24 game, contest, or any political nomination, appointment or

1 election;

2 (3) knowingly operates, keeps, owns, uses, purchases,
3 exhibits, rents, sells, bargains for the sale or lease of,
4 manufactures or distributes any gambling device;

5 (4) contracts to have or give himself or herself or
6 another the option to buy or sell, or contracts to buy or
7 sell, at a future time, any grain or other commodity
8 whatsoever, or any stock or security of any company, where
9 it is at the time of making such contract intended by both
10 parties thereto that the contract to buy or sell, or the
11 option, whenever exercised, or the contract resulting
12 therefrom, shall be settled, not by the receipt or delivery
13 of such property, but by the payment only of differences in
14 prices thereof; however, the issuance, purchase, sale,
15 exercise, endorsement or guarantee, by or through a person
16 registered with the Secretary of State pursuant to Section
17 8 of the Illinois Securities Law of 1953, or by or through
18 a person exempt from such registration under said Section
19 8, of a put, call, or other option to buy or sell
20 securities which have been registered with the Secretary of
21 State or which are exempt from such registration under
22 Section 3 of the Illinois Securities Law of 1953 is not
23 gambling within the meaning of this paragraph (4);

24 (5) knowingly owns or possesses any book, instrument or
25 apparatus by means of which bets or wagers have been, or
26 are, recorded or registered, or knowingly possesses any

1 money which he has received in the course of a bet or
2 wager;

3 (6) knowingly sells pools upon the result of any game
4 or contest of skill or chance, political nomination,
5 appointment or election;

6 (7) knowingly sets up or promotes any lottery or sells,
7 offers to sell or transfers any ticket or share for any
8 lottery;

9 (8) knowingly sets up or promotes any policy game or
10 sells, offers to sell or knowingly possesses or transfers
11 any policy ticket, slip, record, document or other similar
12 device;

13 (9) knowingly drafts, prints or publishes any lottery
14 ticket or share, or any policy ticket, slip, record,
15 document or similar device, except for such activity
16 related to lotteries, bingo games and raffles authorized by
17 and conducted in accordance with the laws of Illinois or
18 any other state or foreign government;

19 (10) knowingly advertises any lottery or policy game,
20 except for such activity related to lotteries, bingo games
21 and raffles authorized by and conducted in accordance with
22 the laws of Illinois or any other state;

23 (11) knowingly transmits information as to wagers,
24 betting odds, or changes in betting odds by telephone,
25 telegraph, radio, semaphore or similar means; or knowingly
26 installs or maintains equipment for the transmission or

1 receipt of such information; except that nothing in this
2 subdivision (11) prohibits transmission or receipt of such
3 information for use in news reporting of sporting events or
4 contests; or

5 (12) knowingly establishes, maintains, or operates an
6 Internet site that permits a person to play a game of
7 chance or skill for money or other thing of value by means
8 of the Internet or to make a wager upon the result of any
9 game, contest, political nomination, appointment, or
10 election by means of the Internet. This item (12) does not
11 apply to activities referenced in items (6), ~~and~~ (6.1), and
12 (15) of subsection (b) of this Section.

13 (b) Participants in any of the following activities shall
14 not be convicted of gambling:

15 (1) Agreements to compensate for loss caused by the
16 happening of chance including without limitation contracts
17 of indemnity or guaranty and life or health or accident
18 insurance.

19 (2) Offers of prizes, award or compensation to the
20 actual contestants in any bona fide contest for the
21 determination of skill, speed, strength or endurance or to
22 the owners of animals or vehicles entered in such contest.

23 (3) Pari-mutuel betting as authorized by the law of
24 this State.

25 (4) Manufacture of gambling devices, including the
26 acquisition of essential parts therefor and the assembly

1 thereof, for transportation in interstate or foreign
2 commerce to any place outside this State when such
3 transportation is not prohibited by any applicable Federal
4 law; or the manufacture, distribution, or possession of
5 video gaming terminals, as defined in the Video Gaming Act,
6 by manufacturers, distributors, and terminal operators
7 licensed to do so under the Video Gaming Act.

8 (5) The game commonly known as "bingo", when conducted
9 in accordance with the Bingo License and Tax Act.

10 (6) Lotteries when conducted by the State of Illinois
11 in accordance with the Illinois Lottery Law. This exemption
12 includes any activity conducted by the Department of
13 Revenue to sell lottery tickets pursuant to the provisions
14 of the Illinois Lottery Law and its rules.

15 (6.1) The purchase of lottery tickets through the
16 Internet for a lottery conducted by the State of Illinois
17 under the program established in Section 7.12 of the
18 Illinois Lottery Law.

19 (7) Possession of an antique slot machine that is
20 neither used nor intended to be used in the operation or
21 promotion of any unlawful gambling activity or enterprise.
22 For the purpose of this subparagraph (b)(7), an antique
23 slot machine is one manufactured 25 years ago or earlier.

24 (8) Raffles and poker runs when conducted in accordance
25 with the Raffles and Poker Runs Act.

26 (9) Charitable games when conducted in accordance with

1 the Charitable Games Act.

2 (10) Pull tabs and jar games when conducted under the
3 Illinois Pull Tabs and Jar Games Act.

4 (11) Gambling games conducted on riverboats when
5 authorized by the Riverboat Gambling Act.

6 (12) Video gaming terminal games at a licensed
7 establishment, licensed truck stop establishment, licensed
8 fraternal establishment, or licensed veterans
9 establishment when conducted in accordance with the Video
10 Gaming Act.

11 (13) Games of skill or chance where money or other
12 things of value can be won but no payment or purchase is
13 required to participate.

14 (14) Savings promotion raffles authorized under
15 Section 5g of the Illinois Banking Act, Section 7008 of the
16 Savings Bank Act, Section 42.7 of the Illinois Credit Union
17 Act, Section 5136B of the National Bank Act (12 U.S.C.
18 25a), or Section 4 of the Home Owners' Loan Act (12 U.S.C.
19 1463).

20 (15) Sports wagering when conducted in accordance with
21 the Sports Wagering Act.

22 (c) Sentence.

23 Gambling is a Class A misdemeanor. A second or subsequent
24 conviction under subsections (a) (3) through (a) (12), is a Class
25 4 felony.

26 (d) Circumstantial evidence.

1 In prosecutions under this Section circumstantial evidence
2 shall have the same validity and weight as in any criminal
3 prosecution.

4 (Source: P.A. 98-644, eff. 6-10-14; 99-149, eff. 1-1-16.)

5 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

6 Sec. 28-3. Keeping a Gambling Place. A "gambling place" is
7 any real estate, vehicle, boat or any other property whatsoever
8 used for the purposes of gambling other than gambling conducted
9 in the manner authorized by the Riverboat Gambling Act, the
10 Sports Wagering Act, or the Video Gaming Act. Any person who
11 knowingly permits any premises or property owned or occupied by
12 him or under his control to be used as a gambling place commits
13 a Class A misdemeanor. Each subsequent offense is a Class 4
14 felony. When any premises is determined by the circuit court to
15 be a gambling place:

16 (a) Such premises is a public nuisance and may be proceeded
17 against as such, and

18 (b) All licenses, permits or certificates issued by the
19 State of Illinois or any subdivision or public agency thereof
20 authorizing the serving of food or liquor on such premises
21 shall be void; and no license, permit or certificate so
22 cancelled shall be reissued for such premises for a period of
23 60 days thereafter; nor shall any person convicted of keeping a
24 gambling place be reissued such license for one year from his
25 conviction and, after a second conviction of keeping a gambling

1 place, any such person shall not be reissued such license, and

2 (c) Such premises of any person who knowingly permits
3 thereon a violation of any Section of this Article shall be
4 held liable for, and may be sold to pay any unsatisfied
5 judgment that may be recovered and any unsatisfied fine that
6 may be levied under any Section of this Article.

7 (Source: P.A. 96-34, eff. 7-13-09.)

8 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

9 Sec. 28-5. Seizure of gambling devices and gambling funds.

10 (a) Every device designed for gambling which is incapable
11 of lawful use or every device used unlawfully for gambling
12 shall be considered a "gambling device", and shall be subject
13 to seizure, confiscation and destruction by the Department of
14 State Police or by any municipal, or other local authority,
15 within whose jurisdiction the same may be found. As used in
16 this Section, a "gambling device" includes any slot machine,
17 and includes any machine or device constructed for the
18 reception of money or other thing of value and so constructed
19 as to return, or to cause someone to return, on chance to the
20 player thereof money, property or a right to receive money or
21 property. With the exception of any device designed for
22 gambling which is incapable of lawful use, no gambling device
23 shall be forfeited or destroyed unless an individual with a
24 property interest in said device knows of the unlawful use of
25 the device.

1 (b) Every gambling device shall be seized and forfeited to
2 the county wherein such seizure occurs. Any money or other
3 thing of value integrally related to acts of gambling shall be
4 seized and forfeited to the county wherein such seizure occurs.

5 (c) If, within 60 days after any seizure pursuant to
6 subparagraph (b) of this Section, a person having any property
7 interest in the seized property is charged with an offense, the
8 court which renders judgment upon such charge shall, within 30
9 days after such judgment, conduct a forfeiture hearing to
10 determine whether such property was a gambling device at the
11 time of seizure. Such hearing shall be commenced by a written
12 petition by the State, including material allegations of fact,
13 the name and address of every person determined by the State to
14 have any property interest in the seized property, a
15 representation that written notice of the date, time and place
16 of such hearing has been mailed to every such person by
17 certified mail at least 10 days before such date, and a request
18 for forfeiture. Every such person may appear as a party and
19 present evidence at such hearing. The quantum of proof required
20 shall be a preponderance of the evidence, and the burden of
21 proof shall be on the State. If the court determines that the
22 seized property was a gambling device at the time of seizure,
23 an order of forfeiture and disposition of the seized property
24 shall be entered: a gambling device shall be received by the
25 State's Attorney, who shall effect its destruction, except that
26 valuable parts thereof may be liquidated and the resultant

1 money shall be deposited in the general fund of the county
2 wherein such seizure occurred; money and other things of value
3 shall be received by the State's Attorney and, upon
4 liquidation, shall be deposited in the general fund of the
5 county wherein such seizure occurred. However, in the event
6 that a defendant raises the defense that the seized slot
7 machine is an antique slot machine described in subparagraph
8 (b) (7) of Section 28-1 of this Code and therefore he is exempt
9 from the charge of a gambling activity participant, the seized
10 antique slot machine shall not be destroyed or otherwise
11 altered until a final determination is made by the Court as to
12 whether it is such an antique slot machine. Upon a final
13 determination by the Court of this question in favor of the
14 defendant, such slot machine shall be immediately returned to
15 the defendant. Such order of forfeiture and disposition shall,
16 for the purposes of appeal, be a final order and judgment in a
17 civil proceeding.

18 (d) If a seizure pursuant to subparagraph (b) of this
19 Section is not followed by a charge pursuant to subparagraph
20 (c) of this Section, or if the prosecution of such charge is
21 permanently terminated or indefinitely discontinued without
22 any judgment of conviction or acquittal (1) the State's
23 Attorney shall commence an in rem proceeding for the forfeiture
24 and destruction of a gambling device, or for the forfeiture and
25 deposit in the general fund of the county of any seized money
26 or other things of value, or both, in the circuit court and (2)

1 any person having any property interest in such seized gambling
2 device, money or other thing of value may commence separate
3 civil proceedings in the manner provided by law.

4 (e) Any gambling device displayed for sale to a riverboat
5 gambling operation or used to train occupational licensees of a
6 riverboat gambling operation as authorized under the Riverboat
7 Gambling Act is exempt from seizure under this Section.

8 (f) Any gambling equipment, devices and supplies provided
9 by a licensed supplier in accordance with the Riverboat
10 Gambling Act which are removed from the riverboat for repair
11 are exempt from seizure under this Section.

12 (g) The following video gaming terminals are exempt from
13 seizure under this Section:

14 (1) Video gaming terminals for sale to a licensed
15 distributor or operator under the Video Gaming Act.

16 (2) Video gaming terminals used to train licensed
17 technicians or licensed terminal handlers.

18 (3) Video gaming terminals that are removed from a
19 licensed establishment, licensed truck stop establishment,
20 licensed fraternal establishment, or licensed veterans
21 establishment for repair.

22 (h) Property seized or forfeited under this Section is
23 subject to reporting under the Seizure and Forfeiture Reporting
24 Act.

25 (i) Any sports lottery terminals provided by a central
26 system provider that are removed from a lottery retailer for

1 repair under the Sports Wagering Act are exempt from seizure
2 under this Section.

3 (Source: P.A. 100-512, eff. 7-1-18.)

4 Article 99. Effective Date

5 Section 99-99. Effective date. This Act takes effect upon
6 becoming law.".