



Sen. Rickey R. Hendon

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LRB095 08248 AMC 39516 a

1 AMENDMENT TO HOUSE BILL 2035

2 AMENDMENT NO. _____. Amend House Bill 2035 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Chicago Casino Development Authority Act.

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

7 "Authority" means the Chicago Casino Development Authority
8 created by this Act.

9 "Board" means the board appointed pursuant to this Act to
10 govern and control the Authority.

11 "Casino" means one or more temporary land-based or
12 river-based facilities and a permanent land-based facility, at
13 each of which lawful gambling is authorized and licensed as
14 provided in the Riverboat and Casino Gambling Act.

15 "City" means the City of Chicago.

16 "Casino operator" means any person developing or managing a

1 casino pursuant to a casino development and management
2 contract.

3 "Casino development and management contract" means a
4 legally binding agreement between the Board and one or more
5 casino operators, as specified in Section 45 of this Act.

6 "Executive director" means the person appointed by the
7 Board to oversee the daily operations of the Authority.

8 "Gaming Board" means the Illinois Gaming Board created by
9 the Riverboat and Casino Gambling Act.

10 "Mayor" means the Mayor of the City.

11 Section 12. Authority; duties.

12 (a) There is hereby created a political subdivision, unit
13 of local government with only those powers authorized by law,
14 body politic, and municipal corporation, by the name and style
15 of Chicago Casino Development Authority.

16 (b) It shall be the duty of the Authority to promote,
17 operate, and maintain a casino in the City of Chicago and to
18 construct, equip, and maintain grounds, buildings, and
19 facilities for that purpose. The Authority is granted all
20 rights and powers necessary to perform such duties.

21 Section 15. Board.

22 (a) The governing and administrative powers of the
23 Authority shall be vested in a body known as the Chicago Casino
24 Development Board. The Board shall consist of 5 members; 3

1 members of the Board shall be appointed by the Mayor, with the
2 advice and consent of the corporate authorities of the City,
3 and 2 members of the Board shall be appointed by the Governor,
4 with the advice and consent of the Senate. All appointees shall
5 be subject to background investigation and approval by the
6 Gaming Board. One of these members shall be designated by the
7 Mayor to serve as chairperson. If the corporate authorities
8 fail to approve or reject a proposed appointment by the Mayor
9 within 45 days after the Mayor has submitted the proposed
10 appointment to the corporate authorities, the corporate
11 authorities shall be deemed to have given consent to the
12 appointment. All of the members appointed by the Mayor shall be
13 residents of the City.

14 (b) A Board member shall not hold any other public office
15 under the laws or Constitution of this State or any political
16 subdivision thereof.

17 (c) Board members shall receive \$300 for each day the
18 Authority meets and shall be entitled to reimbursement of
19 reasonable expenses incurred in the performance of their
20 official duties. A Board member who serves in the office of
21 secretary or treasurer may also receive compensation for
22 services provided as that officer.

23 Section 20. Terms of appointments; resignation and
24 removal.

25 (a) The Mayor and Governor shall each appoint one member of

1 the Board for an initial term expiring July 1, 2008 and shall
2 each appoint one member for an initial term expiring July 1,
3 2010, and the Mayor shall appoint one member, who shall serve
4 as chairperson, for an initial term expiring July 1, 2012. At
5 the expiration of the term of any member, his or her successor
6 shall be appointed by the Mayor or Governor, as appropriate, in
7 like manner as appointments for the initial terms.

8 (b) All successors shall hold office for a term of 5 years
9 from the first day of July of the year in which they are
10 appointed, except in the case of an appointment to fill a
11 vacancy. All subsequent chairpersons shall hold office for a
12 term of 5 years. Each member, including the chairperson, shall
13 hold office until the expiration of his or her term and until
14 his or her successor is appointed. Nothing shall preclude a
15 member or a chairperson from serving consecutive terms. Any
16 member may resign from his or her office, to take effect when
17 his or her successor has been appointed and has qualified.

18 (c) The Mayor may remove any member of the Board appointed
19 by the Mayor and the Governor may remove any member of the
20 Board appointed by the Governor upon a finding of incompetence,
21 neglect of duty, misfeasance or malfeasance in office, or for a
22 violation of Ethics Section 32, on the part of the board member
23 to be removed. In addition the Gaming Board may remove any
24 member of the Board for violation of any provision of the
25 Riverboat and Casino Gambling Act or the rules and regulations
26 of the Gaming Board. In case of a member's failure to qualify

1 within the time required or abandonment of his or her office,
2 or in the case of a member's death, indictment, or conviction
3 for, or pleading guilty to, a felony or removal from office,
4 his or her office shall become vacant. Each vacancy shall be
5 filled for the unexpired term by appointment in like manner, as
6 in the case of expiration of the term of a member of the Board.

7 Section 25. Organization of Board; meetings. As soon as
8 practicable after the effective date of this Act, the Board
9 shall organize for the transaction of business. The Board shall
10 prescribe the time and place for meetings, the manner in which
11 special meetings may be called, and the notice that must be
12 given to members. All actions and meetings of the Board and its
13 committees shall be subject to the provisions of the Open
14 Meetings Act. Three members of the Board shall constitute a
15 quorum for the transaction of business. All substantive action
16 of the Board shall be by resolution. The affirmative vote of at
17 least 3 members shall be necessary for the adoption of any
18 resolution.

19 Section 30. Executive director; officers.

20 (a) The Board shall appoint an executive director, after
21 the completion of a background investigation and approval by
22 the Gaming Board, who shall be the chief executive officer of
23 the Authority. The Board shall fix the compensation of the
24 executive director. Subject to the general control of the

1 Board, the executive director shall be responsible for the
2 management of the business, properties, and employees of the
3 Authority. The executive director shall direct the enforcement
4 of all resolutions, rules, and regulations of the Board, and
5 shall perform such other duties as may be prescribed from time
6 to time by the Board. All employees and independent
7 contractors, consultants, engineers, architects, accountants,
8 attorneys, financial experts, construction experts and
9 personnel, superintendents, managers, and other personnel
10 appointed or employed pursuant to this Act shall report to the
11 executive director. In addition to any other duties set forth
12 in this Act, the executive director shall do all of the
13 following:

14 (1) Direct and supervise the administrative affairs
15 and activities of the Authority in accordance with its
16 rules, regulations, and policies.

17 (2) Attend meetings of the Board.

18 (3) Keep minutes of all proceedings of the Board.

19 (4) Approve all accounts for salaries, per diem
20 payments, and allowable expenses of the Board and its
21 employees and consultants.

22 (5) Report and make recommendations to the Board
23 concerning the terms and conditions of any casino
24 development and management contract.

25 (6) Perform any other duty that the Board requires for
26 carrying out the provisions of this Act.

1 (7) Devote his or her full time to the duties of the
2 office and not hold any other office or employment.

3 (b) The Board shall select a secretary and a treasurer, who
4 need not be members of the Board, to hold office at the
5 pleasure of the Board. The Board shall fix the duties and
6 compensation of each such officer.

7 Section 32. Code of Ethics.

8 (a) No person who is an officer or employee of the
9 Authority or the City may have a financial interest, either
10 directly or indirectly, in his own name or in the name of any
11 other person, partnership, association, trust, corporation, or
12 other entity, in any contract or subcontract or the performance
13 of any work of the Authority. No spouse or immediate family
14 member living with a person who is a Board member of the
15 Authority may have a financial interest, either directly or
16 indirectly, in his or her own name or in the name of any other
17 person, partnership, association, trust, corporation, or other
18 entity in any contract or subcontract or the performance of any
19 work of the Authority. No such person may represent, either
20 professionally or as agent or otherwise, any person,
21 partnership, association, trust, corporation, or other
22 business entity, with respect to any application or bid for any
23 Authority contract or work, nor may any such person take or
24 receive, or offer to take or receive, either directly or
25 indirectly, any money or other thing of value as a gift or

1 bribe or means of influencing his or her vote or action in his
2 or her official character. Any contract made and procured in
3 violation of this Section is void. The provisions of this
4 Section shall continue to apply equally and in all respects for
5 a period of 2 years from and after the date on which he or she
6 ceases to be an officer or employee.

7 (b) Any person under subsection (a) may provide materials,
8 merchandise, property, services, or labor, if:

9 (1) the contract is with a person, firm, partnership,
10 association, corporation, or other business entity in
11 which the interested person has less than a 1% share in the
12 ownership;

13 (2) for a contract the amount of which exceeds \$1,500,
14 the contract is awarded after sealed bids to the lowest
15 responsible bidder; and

16 (3) the award of the contract would not cause the
17 aggregate amount of all such contracts so awarded to the
18 same person, firm, association, partnership, corporation,
19 or other business entity in the same fiscal year to exceed
20 \$25,000.

21 For the purpose of items (1), (2), and (3) of this
22 subsection (b), the interested person must publicly disclose
23 the nature and extent of his or her interest prior to or during
24 deliberations concerning the proposed award of the contract,
25 and the interested person, if a Board member, must abstain from
26 voting on the award of the contract, though he or she shall be

1 considered present for the purposes of establishing a quorum.

2 A contract for the procurement of public utility services
3 with a public utility company is not barred by this Section by
4 any such person being an officer or employee of the public
5 utility company or holding an ownership interest of no more
6 than 7 1/2% in the public utility company. Any such person
7 having such an interest shall be deemed not to have a
8 prohibited interest under this Section.

9 (c) Before any contract relating to the ownership or use of
10 real property is entered into by and between the Authority, the
11 identity of every owner and beneficiary having an interest,
12 real or personal, in such property, and every shareholder
13 entitled to receive more than 1% of the total distributable
14 income of any corporation having any interest, real or
15 personal, in such property must be disclosed. The disclosure
16 shall be in writing and shall be subscribed by an owner,
17 authorized trustee, corporate official, or managing agent
18 under oath. However, if stock in a corporation is publicly
19 traded and there is no readily known individual having greater
20 than a 1% interest, then a statement to that effect, subscribed
21 to under oath by an officer of the corporation or its managing
22 agent, shall fulfill the disclosure statement requirement of
23 this Section. This Section shall be liberally construed to
24 accomplish the purpose of requiring the identification of the
25 actual parties benefiting from any transaction with the
26 Authority involving the procurement of the ownership or use of

1 real property thereby.

2 (d) Any member of the Board, officer or employee of the
3 Authority, or other person, who violates any provision of this
4 Section, is guilty of a Class 4 felony and in addition thereto,
5 any office or official position held by any person so convicted
6 shall become vacant, and shall be so declared as part of the
7 judgment of court.

8 (e) As used in this Section: "financial interest" means (i)
9 any interest as a result of which the owner currently receives
10 or is entitled to receive in the future more than \$2,500 per
11 year; (ii) any interest with a cost or present value of \$5,000
12 or more; or (iii) any interest representing more than 1% of a
13 corporation, partnership, sole proprietorship, firm,
14 enterprise, franchise, organization, holding company, joint
15 stock company, receivership, trust, or any legal entity
16 organized for profit; provided, however, financial interest
17 shall not include (i) any ownership through purchase at fair
18 market value or inheritance of less than 1% of the shares of a
19 corporation, or any corporate subsidiary, parent, or affiliate
20 thereof, regardless of the value of or dividends on such
21 shares, if such shares are registered on a securities exchange
22 pursuant to the Securities Exchange Act of 1934, as amended;
23 (ii) the authorized compensation paid to an official or
24 employee for his office or employment; (iii) a time or demand
25 deposit in a financial institution; and (iv) an endowment or
26 insurance policy or annuity contract purchased from an

1 insurance company.

2 Section 35. General powers of the Authority. In addition to
3 the specific powers and duties set forth elsewhere in this Act,
4 the Authority may do any of the following:

5 (1) Adopt and alter an official seal.

6 (2) Sue and be sued, plead and be impleaded, all in its own
7 name, and agree to binding arbitration of any dispute to which
8 it is a party.

9 (3) Adopt, amend, and repeal by-laws, rules, and
10 regulations consistent with furtherance of the powers and
11 duties provided in this Act.

12 (4) Maintain its principal office within the City and such
13 other offices as the Board may designate.

14 (5) Employ, either as regular employees or independent
15 contractors, consultants, engineers, architects, accountants,
16 attorneys, financial experts, construction experts and
17 personnel, superintendents, managers and other professional
18 personnel, casino personnel, and such other personnel as may be
19 necessary in the judgment of the Board, and fix their
20 compensation.

21 (6) Acquire, hold, lease, use, encumber, transfer, or
22 dispose of real and personal property, including the alteration
23 of or demolition of improvements to real estate.

24 (7) Enter into, revoke, and modify contracts of any kind,
25 including the casino development and management contracts

1 specified in Section 45.

2 (9) Subject to the provisions of Section 70, develop, or
3 cause to be developed, a master plan for design, planning, and
4 development of the casino.

5 (10) Negotiate and enter into intergovernmental agreements
6 with the State and its agencies, the City, and other units of
7 local government, in furtherance of the powers and duties of
8 the Board.

9 (12) Receive and disburse funds for its own corporate
10 purposes or as otherwise specified in this Act.

11 (13) Borrow money from any source, public or private, for
12 any corporate purpose, including, without limitation, working
13 capital for its operations, reserve funds, or payment of
14 interest, and to mortgage, pledge, or otherwise encumber the
15 property or funds of the Authority and to contract with or
16 engage the services of any person in connection with any
17 financing, including financial institutions, issuers of
18 letters of credit, or insurers and enter into reimbursement
19 agreements with this person which may be secured as if money
20 were borrowed from the person.

21 (14) Issue bonds as provided under this Act.

22 (15) Receive and accept from any source, private or public,
23 contributions, gifts, or grants of money or property.

24 (16) Make loans from proceeds or funds otherwise available
25 to the extent necessary or appropriate to accomplish the
26 purposes of the Authority.

1 (17) Provide for the insurance of any property, operations,
2 officers, members, agents, or employees of the Authority
3 against any risk or hazard, to self-insure or participate in
4 joint self-insurance pools or entities to insure against such
5 risk or hazard, and to provide for the indemnification of its
6 officers, members, employees, contractors, or agents against
7 any and all risks.

8 (18) Require the removal or relocation of any building,
9 railroad, main, pipe, conduit, wire, pole, structure,
10 facility, or equipment as may be needed to carry out the powers
11 of the Authority, with the Authority to compensate the person
12 required to remove or relocate the building, railroad, main,
13 pipe, conduit, wire, pole, structure, facility, or equipment as
14 provided by law, without the necessity to secure any approval
15 from the Illinois Commerce Commission for such removal or for
16 such relocation.

17 (19) Exercise all the corporate powers granted Illinois
18 corporations under the Business Corporation Act of 1983, except
19 to the extent that powers are inconsistent with those of a body
20 politic and corporate of the State.

21 (20) Establish and change its fiscal year.

22 (21) Do all things necessary or convenient to carry out the
23 powers granted by this Act.

24 Section 45. Casino development and management contracts.

25 (a) The Board shall develop and administer an open and

1 competitive bidding process for the selection of casino
2 operators to develop and operate a casino within the City. The
3 Board shall issue one or more requests for proposal and shall
4 solicit proposals from casino operators in response to such a
5 request. The Board may establish minimum financial and
6 investment requirements to determine the eligibility of
7 persons to respond to the Board's requests for proposal, and
8 may establish and consider such other criteria as it deems
9 appropriate. The Board may impose a fee upon persons who
10 respond to requests for proposal, in order to reimburse the
11 Board for its costs in preparing and issuing the requests and
12 reviewing the proposals.

13 (b) The Board shall ensure that casino development and
14 management contracts provide for the development,
15 construction, and operation of a high quality casino, and
16 provide for the maximum amounts of revenue that reasonably may
17 be available to the Authority and the City.

18 (c) The Board shall evaluate the responses to its requests
19 for proposal and the ability of all persons or entities
20 responding to its request for proposal to meet the requirements
21 of this Act and to undertake and perform the obligations set
22 forth in its requests for proposal.

23 (d) After the review and evaluation of the proposals
24 submitted, the Board shall, in its discretion, enter into one
25 or more casino development and management contracts
26 authorizing the development, construction, and operation of

1 the casino, subject to the provisions of the Riverboat and
2 Casino Gambling Act. The Board may award a casino development
3 and management contract to a person or persons submitting
4 proposals that are not the highest bidders. In doing so it may
5 take into account other factors, such as experience, financial
6 condition, assistance in financing, reputation, and any other
7 factors the Board, in its discretion, believes may increase
8 revenues at the casino.

9 (e) The Board shall transmit to the Gaming Board a copy of
10 each casino development and management contract after it is
11 executed.

12 (f) The Board may enter into a casino development and
13 management contract prior to or after adopting a resolution
14 approving a location for the casino and requesting that the
15 Gaming Board issue an owners license to the Authority under the
16 Riverboat and Casino Gambling Act.

17 Section 50. Transfer of funds. The revenues received by
18 the Authority (other than amounts required to be paid pursuant
19 to the Riverboat and Casino Gambling Act and amounts required
20 to pay the operating expenses of the Authority, to pay amounts
21 due the casino operator pursuant to a casino management and
22 development contract, to repay any borrowing of the Authority
23 made pursuant to Section 35, to pay debt service on any bonds
24 issued under Section 75, and to pay any expenses in connection
25 with the issuance of such bonds pursuant to Section 75 or

1 derivative products pursuant to Section 85) shall be
2 transferred to the City by the Authority and shall be expended
3 or obligated by the City as provided in Section 13.2 of the
4 Riverboat and Casino Gambling Act.

5 Section 60. Authority annual expenses. Until sufficient
6 revenues become available for such purpose, the Authority and
7 the City may enter into an intergovernmental agreement whereby
8 the Authority shall receive or borrow funds from the City for
9 its annual operating expenses.

10 Section 65. Acquisition of property; eminent domain
11 proceedings.

12 (a) The Authority may acquire in its own name, by gift or
13 purchase, any real or personal property or interests in real or
14 personal property necessary or convenient to carry out the
15 purposes of the Act.

16 (b) For the lawful purposes of this Act, the City may
17 acquire by eminent domain or by condemnation proceedings in the
18 manner provided by Article VII of the Code of Civil Procedure,
19 real or personal property or interests in real or personal
20 property located in the City, and may convey to the Authority
21 property so acquired. The acquisition of property under this
22 Section is declared to be for a public use.

23 Section 70. Local regulation. The casino facilities and

1 operations therein shall be subject to all ordinances and
2 regulations of the City. The construction, development, and
3 operation of the casino shall comply with all ordinances,
4 regulations, rules, and controls of the City, including but not
5 limited to those relating to zoning and planned development,
6 building, fire prevention, and land use. However, the
7 regulation of gaming operations is subject to the exclusive
8 jurisdiction of the Gaming Board, except as limited by the
9 Riverboat and Casino Gambling Act.

10 Section 75. Borrowing.

11 (a) The Authority may at any time and from time to time
12 borrow money and issue bonds as provided in this Section. Bonds
13 of the Authority may be issued to provide funds for land
14 acquisition, site assembly and preparation, and infrastructure
15 improvements required in connection with the development of the
16 casino; to pay, refund (at the time or in advance of any
17 maturity or redemption), or redeem any bonds of the Authority;
18 to provide or increase a debt service reserve fund or other
19 reserves with respect to any or all of its bonds; to pay
20 interest on bonds; or to pay the legal, financial,
21 administrative, bond insurance, credit enhancement, and other
22 legal expenses of the authorization, issuance, or delivery of
23 bonds. In this Act, the term "bonds" also includes notes of any
24 kind, interim certificates, refunding bonds, or any other
25 evidence of obligation for borrowed money issued under this

1 Section. Bonds may be issued in one or more series and may be
2 payable and secured either on a parity with or separately from
3 other bonds.

4 (b) The bonds of the Authority shall be payable solely from
5 one or more of the following sources: (i) the property or
6 revenues of the Authority; (ii) revenues derived from the
7 casino; (iii) revenues derived from any casino operator; (iv)
8 fees, bid proceeds, charges, lease payments, payments required
9 pursuant to any casino development and management contract or
10 other revenues payable to the Authority, or any receipts of the
11 Authority; (v) payments by financial institutions, insurance
12 companies, or others pursuant to letters or lines of credit,
13 policies of insurance, or purchase agreements; (vi) investment
14 earnings from funds or accounts maintained pursuant to a bond
15 resolution or trust indenture; and (vii) proceeds of refunding
16 bonds.

17 (c) Bonds shall be authorized by a resolution of the
18 Authority and may be secured by a trust indenture by and
19 between the Authority and a corporate trustee or trustees,
20 which may be any trust company or bank having the powers of a
21 trust company within or without the State. Bonds may:

22 (i) Mature at a time or times, whether as serial
23 bonds, term bonds, or both, not exceeding 40 years from
24 their respective dates of issue.

25 (ii) Without regard to any limitation established
26 by statute, bear interest in the manner or determined

1 by the method provided in the resolution or trust
2 indenture.

3 (iii) Be payable at a time or times, in the
4 denominations and form, including book entry form,
5 either coupon, registered, or both, and carry the
6 registration and privileges as to exchange, transfer
7 or conversion, and replacement of mutilated, lost, or
8 destroyed bonds as the resolution or trust indenture
9 may provide.

10 (iv) Be payable in lawful money of the United
11 States at a designated place.

12 (v) Be subject to the terms of purchase, payment,
13 redemption, refunding, or refinancing that the
14 resolution or trust indenture provides.

15 (vi) Be executed by the manual or facsimile
16 signatures of the officers of the Authority designated
17 by the Board, which signatures shall be valid at
18 delivery even for one who has ceased to hold office.

19 (vii) Be sold at public or private sale in the
20 manner and upon the terms determined by the Authority.

21 (viii) Be issued in accordance with the provisions
22 of the Local Government Debt Reform Act.

23 (d) Any resolution or trust indenture may contain, subject
24 to the Riverboat and Casino Gambling Act and rules of the
25 Gaming Board regarding pledging of interests in holders of
26 owners licenses, provisions that shall be a part of the

1 contract with the holders of the bonds as to the following:

2 (1) Pledging, assigning, or directing the use,
3 investment, or disposition of revenues of the Authority or
4 proceeds or benefits of any contract, including without
5 limitation, any rights in any casino development and
6 management contract.

7 (2) The setting aside of loan funding deposits, debt
8 service reserves, capitalized interest accounts,
9 replacement or operating reserves, cost of issuance
10 accounts and sinking funds, and the regulation,
11 investment, and disposition thereof.

12 (3) Limitations on the purposes to which or the
13 investments in which the proceeds of sale of any issue of
14 bonds or the Authority's revenues and receipts may be
15 applied or made.

16 (4) Limitations on the issue of additional bonds, the
17 terms upon which additional bonds may be issued and
18 secured, the terms upon which additional bonds may rank on
19 a parity with, or be subordinate or superior to, other
20 bonds.

21 (5) The refunding, advance refunding, or refinancing
22 of outstanding bonds.

23 (6) The procedure, if any, by which the terms of any
24 contract with bondholders may be altered or amended and the
25 amount of bonds and holders of which must consent thereto
26 and the manner in which consent shall be given.

1 (7) Defining the acts or omissions which shall
2 constitute a default in the duties of the Authority to
3 holders of bonds and providing the rights or remedies of
4 such holders in the event of a default, which may include
5 provisions restricting individual rights of action by
6 bondholders.

7 (8) Providing for guarantees, pledges of property,
8 letters of credit, or other security, or insurance for the
9 benefit of bondholders.

10 (9) Any other matter relating to the bonds that the
11 Authority determines appropriate.

12 (e) No member of the Board, nor any person executing the
13 bonds, shall be liable personally on the bonds or subject to
14 any personal liability by reason of the issuance of the bonds.

15 (f) The Authority may issue and secure bonds in accordance
16 with the provisions of the Local Government Credit Enhancement
17 Act.

18 (g) A pledge by the Authority of revenues and receipts as
19 security for an issue of bonds or for the performance of its
20 obligations under any casino development and management
21 contract shall be valid and binding from the time when the
22 pledge is made. The revenues and receipts pledged shall
23 immediately be subject to the lien of the pledge without any
24 physical delivery or further act, and the lien of any pledge
25 shall be valid and binding against any person having any claim
26 of any kind in tort, contract, or otherwise against the

1 Authority, irrespective of whether the person has notice. No
2 resolution, trust indenture, management agreement or financing
3 statement, continuation statement, or other instrument adopted
4 or entered into by the Authority need be filed or recorded in
5 any public record other than the records of the Authority in
6 order to perfect the lien against third persons, regardless of
7 any contrary provision of law.

8 (h) By its authorizing resolution for particular bonds, the
9 Authority may provide for specific terms of those bonds,
10 including, without limitation, the purchase price and terms,
11 interest rate or rates, redemption terms and principal amounts
12 maturing in each year, to be established by one or more members
13 of the Board or officers of the Authority, all within a
14 specific range of discretion established by the authorizing
15 resolution.

16 (i) Bonds that are being paid or retired by issuance, sale,
17 or delivery of bonds, and bonds for which sufficient funds have
18 been deposited with the paying agent or trustee to provide for
19 payment of principal and interest thereon, and any redemption
20 premium, as provided in the authorizing resolution, shall not
21 be considered outstanding for the purposes of this subsection.

22 (j) The bonds of the Authority shall not be indebtedness of
23 the City, of the State, or of any political subdivision of the
24 State other than the Authority. The bonds of the Authority are
25 not general obligations of the State or the City and are not
26 secured by a pledge of the full faith and credit of the State

1 or the City and the holders of bonds of the Authority may not
2 require, except as provided in this Act, the application of
3 revenues or funds to the payment of bonds of the Authority.

4 (k) The State of Illinois pledges and agrees with the
5 owners of the bonds that it will not limit or alter the rights
6 and powers vested in the Authority by this Act so as to impair
7 the terms of any contract made by the Authority with the owners
8 or in any way impair the rights and remedies of the owners
9 until the bonds, together with interest on them, and all costs
10 and expenses in connection with any action or proceedings by or
11 on behalf of the owners, are fully met and discharged. The
12 Authority is authorized to include this pledge and agreement in
13 any contract with the owners of bonds issued under this
14 Section.

15 Section 85. Derivative products. With respect to all or
16 part of any issue of its bonds, the Authority may enter into
17 agreements or contracts with any necessary or appropriate
18 person, which will have the benefit of providing to the
19 Authority an interest rate basis, cash flow basis, or other
20 basis different from that provided in the bonds for the payment
21 of interest. Such agreements or contracts may include, without
22 limitation, agreements or contracts commonly known as
23 "interest rate swap agreements", "forward payment conversion
24 agreements", "futures", "options", "puts", or "calls" and
25 agreements or contracts providing for payments based on levels

1 of or changes in interest rates, agreements or contracts to
2 exchange cash flows or a series of payments, or to hedge
3 payment, rate spread, or similar exposure

4 Section 90. Legality for investment. The State of Illinois,
5 all governmental entities, all public officers, banks,
6 bankers, trust companies, savings banks and institutions,
7 building and loan associations, savings and loan associations,
8 investment companies, and other persons carrying on a banking
9 business, insurance companies, insurance associations, and
10 other persons carrying on an insurance business, and all
11 executors, administrators, guardians, trustees, and other
12 fiduciaries may legally invest any sinking funds, moneys, or
13 other funds belonging to them or within their control in any
14 bonds issued under this Act. However, nothing in this Section
15 shall be construed as relieving any person, firm, or
16 corporation from any duty of exercising reasonable care in
17 selecting securities for purchase or investment.

18 Section 95. Tax exemption. The Authority and all of its
19 operations and property used for public purposes shall be
20 exempt from all taxation of any kind imposed by the State of
21 Illinois or any political subdivision, school district,
22 municipal corporation, or unit of local government of the State
23 of Illinois. However, nothing in this Act prohibits the
24 imposition of any other taxes where such imposition is not

1 prohibited by Section 21 of the Riverboat and Casino Gambling
2 Act

3 Section 100. Application of laws. The Governmental Account
4 Audit Act, the Public Funds Statement Publication Act, and the
5 Illinois Municipal Budget Law shall not apply to the Authority.

6 Section 105. Budgets and reporting.

7 (a) Promptly following the execution of each casino
8 development and management contract provided for in this Act,
9 the Authority shall submit a written report with respect
10 thereto to the Governor, the Mayor, the Secretary of the
11 Senate, the Clerk of the House of Representatives, and the
12 Illinois Commission on Government Forecasting and
13 Accountability.

14 (b) The Authority shall annually adopt a current expense
15 budget for each fiscal year. The budget may be modified from
16 time to time in the same manner and upon the same vote as it may
17 be adopted. The budget shall include the Authority's available
18 funds and estimated revenues and shall provide for payment of
19 its obligations and estimated expenditures for the fiscal year,
20 including, without limitation, expenditures for
21 administration, operation, maintenance and repairs, debt
22 service, and deposits into reserve and other funds and capital
23 projects.

24 (c) The Board shall (i) annually cause the finances of the

1 Authority to be audited by a firm of certified public
2 accountants and (ii) biannually have the firm of certified
3 public accountants in item (i) conduct a management audit of
4 the Authority and all of the operations related in any way to
5 the casino.

6 (d) The Authority shall, for each fiscal year, prepare an
7 annual report setting forth information concerning its
8 activities in the fiscal year and the status of the development
9 of the casino. The annual report shall include the audited
10 financial statements of the Authority for the fiscal year, the
11 budget for the succeeding fiscal year, and the current capital
12 plan as of the date of the report. Copies of the annual report
13 shall be made available to persons who request them and shall
14 be submitted not later than 120 days after the end of the
15 Authority's fiscal year to the Governor, the Mayor, the
16 Secretary of the Senate, the Clerk of the House of
17 Representatives, and the Commission on Government Forecasting
18 and Accountability.

19 Section 110. Deposit and withdrawal of funds.

20 (a) All funds deposited by the Authority in any bank or
21 savings and loan association shall be placed in the name of the
22 Authority and shall be withdrawn or paid out only by check or
23 draft upon the bank or savings and loan association, signed by
24 2 officers or employees designated by the Board.
25 Notwithstanding any other provision of this Section, the Board

1 may designate any of its members or any officer or employee of
2 the Authority to authorize the wire transfer of funds deposited
3 by the secretary-treasurer of funds in a bank or savings and
4 loan association for the payment of payroll and employee
5 benefits-related expenses.

6 No bank or savings and loan association shall receive
7 public funds as permitted by this Section unless it has
8 complied with the requirements established pursuant to Section
9 6 of the Public Funds Investment Act.

10 (b) If any officer or employee whose signature appears upon
11 any check or draft issued pursuant to this Act ceases (after
12 attaching his signature) to hold his or her office before the
13 delivery of such a check or draft to the payee, his or her
14 signature shall nevertheless be valid and sufficient for all
15 purposes with the same effect as if he or she had remained in
16 office until delivery thereof.

17 Section 115. Purchasing.

18 (a) All construction contracts and contracts for supplies,
19 materials, equipment, and services, when the cost thereof to
20 the Authority exceeds \$25,000, shall be let to the lowest
21 responsible bidder, after advertising for bids, except for the
22 following:

23 (1) When repair parts, accessories, equipment, or
24 services are required for equipment or services previously
25 furnished or contracted for;

1 (2) Professional services;

2 (3) When services such as water, light, heat, power,
3 telephone (other than long-distance service), or telegraph
4 are required;

5 (4) When contracts for the use, purchase, delivery,
6 movement, or installation of data processing equipment,
7 software, or services and telecommunications equipment,
8 software, and services are required;

9 (5) Casino development and management contracts, which
10 shall be awarded as set forth in Section 45 of this Act.

11 (b) All contracts involving less than \$25,000 shall be let
12 by competitive bidding whenever possible, and in any event in a
13 manner calculated to ensure the best interests of the public.

14 (c) Each bidder shall disclose in his or her bid the name
15 of each individual having a beneficial interest, directly or
16 indirectly, of more than 1% in such bidding entity and, if such
17 bidding entity is a corporation, the names of each of its
18 officers and directors. The bidder shall notify the Authority
19 of any changes in its ownership or its officers or directors at
20 the time such changes occur if the change occurs during the
21 pendency of a proposal or a contract.

22 (d) In determining the responsibility of any bidder, the
23 Authority may take into account the bidder's (or an individual
24 having a beneficial interest, directly or indirectly, of more
25 than 1% in such bidding entity) past record of dealings with
26 the Authority, the bidder's experience, adequacy of equipment,

1 and ability to complete performance within the time set, and
2 other factors besides financial responsibility, but in no case
3 shall any such contract be awarded to any other than the lowest
4 bidder (in case of purchase or expenditure) unless authorized
5 or approved by a vote of at least 4 members of the Board, and
6 unless such action is accompanied by a statement in writing
7 setting forth the reasons for not awarding the contract to the
8 highest or lowest bidder, as the case may be. The statement
9 shall be kept on file in the principal office of the Authority
10 and open to public inspection.

11 (e) Contracts shall not be split into parts involving
12 expenditures of less than \$25,000 for the purposes of avoiding
13 the provisions of this Section, and all such split contracts
14 shall be void. If any collusion occurs among bidders or
15 prospective bidders in restraint of freedom of competition, by
16 agreement to bid a fixed amount, to refrain from bidding, or
17 otherwise, the bids of such bidders shall be void. Each bidder
18 shall accompany his or her bid with a sworn statement that he
19 or she has not been a party to any such agreement.

20 (f) The Authority shall have the right to reject all bids
21 and to re-advertise for bids. If after any such
22 re-advertisement, no responsible and satisfactory bid, within
23 the terms of the re-advertisement, is received, the Authority
24 may award such contract without competitive bidding, provided
25 that it shall not be less advantageous to the Authority than
26 any valid bid received pursuant to advertisement.

1 (g) Advertisements for bids and re-bids shall be published
2 at least once in a daily newspaper of general circulation
3 published in the City at least 10 calendar days before the time
4 for receiving bids, and such advertisements shall also be
5 posted on readily accessible bulletin boards in the principal
6 office of the Authority. Such advertisements shall state the
7 time and place for receiving and opening of bids and, by
8 reference to plans and specifications on file at the time of
9 the first publication or in the advertisement itself, shall
10 describe the character of the proposed contract in sufficient
11 detail to fully advise prospective bidders of their obligations
12 and to ensure free and open competitive bidding.

13 (h) All bids in response to advertisements shall be sealed
14 and shall be publicly opened by the Authority. All bidders
15 shall be entitled to be present in person or by
16 representatives. Cash or a certified or satisfactory cashier's
17 check, as a deposit of good faith, in a reasonable amount to be
18 fixed by the Authority before advertising for bids, shall be
19 required with the proposal of each bidder. A bond for faithful
20 performance of the contract with surety or sureties
21 satisfactory to the Authority and adequate insurance may be
22 required in reasonable amounts to be fixed by the Authority
23 before advertising for bids.

24 (i) The contract shall be awarded as promptly as possible
25 after the opening of bids. The bid of the successful bidder, as
26 well as the bids of the unsuccessful bidders, shall be placed

1 on file and be open to public inspection. All bids shall be
2 void if any disclosure of the terms of any bid in response to
3 an advertisement is made or permitted to be made by the
4 Authority before the time fixed for opening bids.

5 (j) Notice of each and every contract that is offered,
6 including renegotiated contracts and change orders, shall be
7 published in an online bulletin. The online bulletin must
8 include at least the date first offered, the date submission of
9 offers is due, the location that offers are to be submitted to,
10 a brief purchase description, the method of source selection,
11 information of how to obtain a comprehensive purchase
12 description and any disclosure and contract forms, and
13 encouragement to prospective vendors to hire qualified
14 veterans, as defined by Section 45-67 of the Illinois
15 Procurement Code, and Illinois residents discharged from any
16 Illinois adult correctional center. Notice of each and every
17 contract that is let or awarded, including renegotiated
18 contracts and change orders, shall be published in the online
19 bulletin and must include at least all of the information
20 specified in this item (j), as well as the name of the
21 successful responsible bidder or offeror, the contract price,
22 and the number of unsuccessful responsive bidders and any other
23 disclosure specified in this Section. This notice must be
24 posted in the online electronic bulletin prior to execution of
25 the contract.

1 Section 130. Affirmative action and equal opportunity
2 obligations of Authority.

3 (a) The Authority is subject to the requirements of Article
4 V of Chapter 2-92 (Sections 2-92-650 through 2-92-720
5 inclusive) of the Chicago Municipal Code, as now or hereafter
6 amended, renumbered, or succeeded, concerning a Minority-Owned
7 and Women-Owned Business Enterprise Procurement Program for
8 construction contracts, and Chapter 2-92-420 et. seq. of the
9 Chicago Municipal Code, as now or hereafter amended,
10 renumbered, or succeeded, concerning a Minority-Owned and
11 Women-Owned Business Enterprise Procurement Program to
12 determine the status of a firm as a Minority Business
13 Enterprise for city procurement purposes.

14 (b) The Authority is authorized to enter into agreements
15 with contractors' associations, labor unions, and the
16 contractors working on the development of the casino to
17 establish an apprenticeship preparedness training program to
18 provide for an increase in the number of minority and female
19 journeymen and apprentices in the building trades and to enter
20 into agreements with community college districts or other
21 public or private institutions to provide readiness training.
22 The Authority is further authorized to enter into contracts
23 with public and private educational institutions and persons in
24 the gaming, entertainment, hospitality, and tourism industries
25 to provide training for employment in those industries.

1 Section 135. Advisory Committee. An Advisory Committee is
2 established to monitor, review, and report on (1) the City's
3 utilization of minority-owned business enterprises and
4 female-owned business enterprises, (2) employment of females,
5 and (3) employment of minorities with regard to the development
6 and construction of the casino as authorized under Section
7 7(e-6) of the Riverboat and Casino Gambling Act. The City of
8 Chicago shall work with the Advisory Committee in accumulating
9 necessary information for the Committee to submit reports, as
10 necessary, to the General Assembly and to the City of Chicago.

11 The Committee shall consist of 15 members as provided in
12 this Section. Seven members shall be selected by the Mayor of
13 the City of Chicago; 2 members shall be selected by the
14 President of the Illinois Senate; 2 members shall be selected
15 by the Speaker of the House of Representatives; 2 members shall
16 be selected by the Minority Leader of the Senate; and 2 members
17 shall be selected by the Minority Leader of the House of
18 Representatives. The Advisory Committee shall meet
19 periodically and shall report the information to the Mayor of
20 the City and to the General Assembly by December 31st of every
21 year.

22 The Advisory Committee shall be dissolved on the date that
23 casino gambling operations are first conducted under the
24 license authorized under Section 7(e-6) of the Riverboat and
25 Casino Gambling Act, other than at a temporary facility.

26 For the purposes of this Section, the terms "female" and

1 "minority person" have the meanings provided in Section 2 of
2 the Business Enterprise for Minorities, Females, and Persons
3 with Disabilities Act.

4 Section 145. Severability. The provisions of this Act are
5 severable under Section 1.31 of the Statute on Statutes.

6 Section 900. Findings. The legislature makes all of the
7 following findings:

8 (1) That riverboat gaming has had a negative impact on
9 horse racing. From 1992, the first full year of riverboat
10 operations, through 2005, Illinois on-track wagering has
11 decreased by 42% from \$835 million to \$482 million.

12 (2) That this decrease in wagering has negatively
13 impacted purses for Illinois racing, which has hurt the
14 State's breeding industry. Between 1991 and 2004 the number
15 of foals registered with the Department of Agriculture has
16 decreased by more than 46% from 3,529 to 1,891.

17 (3) That the decline of the Illinois horseracing and
18 breeding program, a \$2.5 billion industry, would be
19 reversed if this amendatory Act of the 95th General
20 Assembly was enacted. By requiring that riverboats agree to
21 pay those percentages of their gross revenue identified in
22 Section 7 of the Riverboat and Casino Gambling Act of this
23 amendatory Act of the 95th General Assembly into the Horse
24 Racing Equity Trust Fund, total purses in the State may

1 increase by 50%, helping Illinois tracks to better compete
2 with those in other states. Illinois currently ranks
3 thirteenth nationally in terms of its purse size; the
4 change would propel the State to second or third.

5 (4) That Illinois agriculture and other businesses
6 that support and supply the horse racing industry, already
7 a sector that employs over 37,000 Illinoisans, also stand
8 to substantially benefit and would be much more likely to
9 create additional jobs should Illinois horse racing once
10 again become competitive with other states.

11 (5) That the percentage of gross revenues this
12 amendatory Act of the 95th General Assembly will contribute
13 to the horse racing industry will benefit that important
14 industry for Illinois farmers, breeders, and fans of
15 horseracing and will begin to address the negative impact
16 riverboat gaming has had on Illinois horseracing.

17 (6) That based on findings (1) through (5) set forth in
18 Section 1 of Public Act 94-804 and the declared public
19 policy set forth in the Illinois Horse Racing Act of 1975,
20 as amended, it is manifest that the horse racing industry
21 impacts many legitimate State interests and that these
22 interests have been negatively impacted as a result of
23 riverboat gaming. The provisions of this amendatory Act of
24 the 95th General Assembly, coupled with the amendatory
25 provisions of Public Act 94-804, are designed to promote
26 the State's interests in preserving the Illinois horse

1 racing and breeders industry, which is an approximately
2 \$2.5 billion industry that employs roughly 37,000
3 Illinoisans.

4 (7) That the main goal of the provisions of this
5 amendatory Act of the 95th General Assembly, and those of
6 Public Act 94-804, was and is to assist the Illinois horse
7 racing and breeding industry by increasing purses,
8 resulting in making the races more attractive to local and
9 tourist populations and thereby assisting in the
10 perpetuation of the industry.

11 (8) That the legislatures of Indiana, Michigan, and
12 Pennsylvania have all recognized the public interest in
13 maintaining a healthy horse racing and breeding industry
14 and the negative impact casino wagering has on the horse
15 racing industry by enacting legislation that allocates
16 funds derived from casino and racino operations to the
17 horse racing industry.

18 (9) That the particular impact fee included in this
19 amendatory Act of the 95th General Assembly is designed to
20 balance the 2 primary goals of this legislation, which are
21 (i) to promote and expand the vibrant gaming industry in
22 Illinois and (ii) to, at the same time, recognize and
23 counteract the significant impact that riverboat and
24 casino gambling has had on the horse racing industry, which
25 is so important to agriculture, tourism, and jobs in
26 Illinois. Thus, the rate of the impact fee is slightly

1 higher for riverboats and casinos receiving greater gross
2 gaming receipts, which necessarily have the greatest
3 impact on horse racing, and somewhat lower for riverboats
4 and casinos with lesser gross gaming receipts, the economic
5 viability of which could be threatened by a higher impact
6 fee liability.

7 Section 905. The Alcoholism and Other Drug Abuse and
8 Dependency Act is amended by changing Section 5-20 as follows:

9 (20 ILCS 301/5-20)

10 Sec. 5-20. Compulsive gambling program.

11 (a) Subject to appropriation, the Department shall
12 establish a program for public education, research, and
13 training regarding problem and compulsive gambling and the
14 treatment and prevention of problem and compulsive gambling.
15 Subject to specific appropriation for these stated purposes,
16 the program must include all of the following:

17 (1) Establishment and maintenance of a toll-free "800"
18 telephone number to provide crisis counseling and referral
19 services to families experiencing difficulty as a result of
20 problem or compulsive gambling.

21 (2) Promotion of public awareness regarding the
22 recognition and prevention of problem and compulsive
23 gambling.

24 (3) Facilitation, through in-service training and

1 other means, of the availability of effective assistance
2 programs for problem and compulsive gamblers.

3 (4) Conducting studies to identify adults and
4 juveniles in this State who are, or who are at risk of
5 becoming, problem or compulsive gamblers.

6 (b) Subject to appropriation, the Department shall either
7 establish and maintain the program or contract with a private
8 or public entity for the establishment and maintenance of the
9 program. Subject to appropriation, either the Department or the
10 private or public entity shall implement the toll-free
11 telephone number, promote public awareness, and conduct
12 in-service training concerning problem and compulsive
13 gambling.

14 (c) Subject to appropriation, the Department shall produce
15 and supply the signs specified in Section 10.7 of the Illinois
16 Lottery Law, Section 34.1 of the Illinois Horse Racing Act of
17 1975, Section 4.3 of the Bingo License and Tax Act, Section 8.1
18 of the Charitable Games Act, and Section 13.1 of the Riverboat
19 and Casino Gambling Act.

20 (Source: P.A. 89-374, eff. 1-1-96; 89-626, eff. 8-9-96.)

21 Section 910. The Department of Commerce and Economic
22 Opportunity Law of the Civil Administrative Code of Illinois is
23 amended by adding Section 605-530 as follows:

24 (20 ILCS 605/605-530 new)

1 Sec. 605-530. The Depressed Communities Economic
2 Development Board.

3 (a) The Depressed Communities Economic Development Board
4 is created as an advisory board within the Department of
5 Commerce and Economic Opportunity. The Board shall consist of
6 10 members as follows:

7 (1) 2 members appointed by the President of the Senate,
8 one of whom is appointed to serve an initial term of one
9 year and one of whom is appointed to serve an initial term
10 of 2 years.

11 (2) 2 members appointed by the Minority Leader of the
12 Senate, one of whom is appointed to serve an initial term
13 of one year and one of whom is appointed to serve an
14 initial term of 2 years.

15 (3) 2 members appointed by the Speaker of the House of
16 Representatives, one of whom is appointed to serve an
17 initial term of one year and one of whom is appointed to
18 serve an initial term of 2 years.

19 (4) 2 members appointed by the Minority Leader of the
20 House of Representatives, one of whom is appointed to serve
21 an initial term of one year and one of whom is appointed to
22 serve an initial term of 2 years.

23 (5) 2 members appointed by the Governor with the advice
24 and consent of the Senate, one of whom is appointed to
25 serve an initial term of one year and one of whom is
26 appointed to serve an initial term of 2 years as chair of

1 the Board at the time of appointment.

2 After the initial terms, each member shall be appointed to
3 serve a term of 2 years and until his or her successor has been
4 appointed and assumes office. If a vacancy occurs in the Board
5 membership, the vacancy shall be filled in the same manner as
6 the initial appointment.

7 (b) Board members shall serve without compensation but may
8 be reimbursed for their reasonable travel expenses from funds
9 available for that purpose. The Department of Commerce and
10 Economic Opportunity shall provide staff and administrative
11 support services to the Board.

12 (c) The Board must make recommendations to the Department
13 of Commerce and Economic Opportunity concerning the award of
14 grants from amounts appropriated to the Department from the
15 Depressed Communities Economic Development Fund. The
16 Department must make grants to public or private entities
17 submitting proposals to the Board to revitalize an Illinois
18 depressed community within Cook County. Grants may be used by
19 these entities only for those purposes conditioned with the
20 grant. For the purposes of this subsection (c), plans for
21 revitalizing an Illinois depressed community include plans
22 intended to curb high levels of poverty, unemployment, job and
23 population loss, and general distress. An Illinois depressed
24 community (i) is an area within Cook County where the poverty
25 rate, as determined by using the most recent data released by
26 the United States Census Bureau, is at least 3% greater than

1 the State poverty rate as determined by using the most recent
2 data released by the United States Census Bureau; or (ii) is an
3 area within following zip codes: 60104, 60153, 60160, 60402,
4 60406, 60409, 60411, 60419, 60426, 60429, 60432, 60472, 60473,
5 60608, 60609, 60612, 60614, 60615, 60617, 60618, 60619, 60620,
6 60622, 60623, 60624, 60628, 60629, 60630, 60632, 60636, 60637,
7 60638, 60639, 60641, 60643, 60644, 60647, 60649, 60651, 60652,
8 60653, 60655, 60804, and 60827.

9 Section 915. The Department of Revenue Law of the Civil
10 Administrative Code of Illinois is amended by changing Section
11 2505-305 as follows:

12 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

13 Sec. 2505-305. Investigators.

14 (a) The Department has the power to appoint investigators
15 to conduct all investigations, searches, seizures, arrests,
16 and other duties imposed under the provisions of any law
17 administered by the Department or the Illinois Gaming Board.
18 Except as provided in subsection (c), these investigators have
19 and may exercise all the powers of peace officers solely for
20 the purpose of enforcing taxing measures administered by the
21 Department or the Illinois Gaming Board.

22 (b) The Director must authorize to each investigator
23 employed under this Section and to any other employee of the
24 Department exercising the powers of a peace officer a distinct

1 badge that, on its face, (i) clearly states that the badge is
2 authorized by the Department and (ii) contains a unique
3 identifying number. No other badge shall be authorized by the
4 Department.

5 (c) Investigators appointed under this Section who are
6 assigned to the Illinois Gaming Board have and may exercise all
7 the rights and powers of peace officers, provided that these
8 powers shall be limited to offenses or violations occurring or
9 committed on a riverboat or dock or in a casino, as defined in
10 ~~subsections (d) and (f) of~~ Section 4 of the Riverboat and
11 Casino Gambling Act.

12 (Source: P.A. 91-239, eff. 1-1-00; 91-883, eff. 1-1-01; 92-493,
13 eff. 1-1-02.)

14 Section 920. The State Finance Act is amended by changing
15 Section 8a and by reenacting and changing Section 8h as
16 follows:

17 (30 ILCS 105/8a) (from Ch. 127, par. 144a)

18 Sec. 8a. Common School Fund; transfers to Common School
19 Fund and Education Assistance Fund.

20 (a) Except as provided in subsection (b) of this Section
21 and except as otherwise provided in this subsection (a) with
22 respect to amounts transferred from the General Revenue Fund to
23 the Common School Fund for distribution therefrom for the
24 benefit of the Teachers' Retirement System of the State of

1 Illinois and the Public School Teachers' Pension and Retirement
2 Fund of Chicago:

3 (1) With respect to all school districts, for each
4 fiscal year other than fiscal year 1994, on or before the
5 eleventh and twenty-first days of each of the months of
6 August through the following July, at a time or times
7 designated by the Governor, the State Treasurer and the
8 State Comptroller shall transfer from the General Revenue
9 Fund to the Common School Fund and Education Assistance
10 Fund, as appropriate, 1/24 or so much thereof as may be
11 necessary of the amount appropriated to the State Board of
12 Education for distribution to all school districts from
13 such Common School Fund and Education Assistance Fund, for
14 the fiscal year, including interest on the School Fund
15 proportionate for that distribution for such year.

16 (2) With respect to all school districts, but for
17 fiscal year 1994 only, on the 11th day of August, 1993 and
18 on or before the 11th and 21st days of each of the months
19 of October, 1993 through July, 1994 at a time or times
20 designated by the Governor, the State Treasurer and the
21 State Comptroller shall transfer from the General Revenue
22 Fund to the Common School Fund 1/24 or so much thereof as
23 may be necessary of the amount appropriated to the State
24 Board of Education for distribution to all school districts
25 from such Common School Fund, for fiscal year 1994,
26 including interest on the School Fund proportionate for

1 that distribution for such year; and on or before the 21st
2 day of August, 1993 at a time or times designated by the
3 Governor, the State Treasurer and the State Comptroller
4 shall transfer from the General Revenue Fund to the Common
5 School Fund 3/24 or so much thereof as may be necessary of
6 the amount appropriated to the State Board of Education for
7 distribution to all school districts from the Common School
8 Fund, for fiscal year 1994, including interest
9 proportionate for that distribution on the School Fund for
10 such fiscal year.

11 The amounts of the payments made in July of each year: (i)
12 shall be considered an outstanding liability as of the 30th day
13 of June immediately preceding those July payments, within the
14 meaning of Section 25 of this Act; (ii) shall be payable from
15 the appropriation for the fiscal year that ended on that 30th
16 day of June; and (iii) shall be considered payments for claims
17 covering the school year that commenced during the immediately
18 preceding calendar year.

19 Notwithstanding the foregoing provisions of this
20 subsection, as soon as may be after the 10th and 20th days of
21 each of the months of August through May, 1/24, and on or as
22 soon as may be after the 10th and 20th days of June, 1/12 of the
23 annual amount appropriated to the State Board of Education for
24 distribution and payment during that fiscal year from the
25 Common School Fund to and for the benefit of the Teachers'
26 Retirement System of the State of Illinois (until the end of

1 State fiscal year 1995) and the Public School Teachers' Pension
2 and Retirement Fund of Chicago as provided by the Illinois
3 Pension Code and Section 18-7 of the School Code, or so much
4 thereof as may be necessary, shall be transferred by the State
5 Treasurer and the State Comptroller from the General Revenue
6 Fund to the Common School Fund to permit semi-monthly payments
7 from the Common School Fund to and for the benefit of such
8 teacher retirement systems as required by Section 18-7 of the
9 School Code.

10 Notwithstanding the other provisions of this Section, on or
11 as soon as may be after the 15th day of each month, beginning
12 in July of 1995, 1/12 of the annual amount appropriated for
13 that fiscal year from the Common School Fund to the Teachers'
14 Retirement System of the State of Illinois (other than amounts
15 appropriated under Section 1.1 of the State Pension Funds
16 Continuing Appropriation Act), or so much thereof as may be
17 necessary, shall be transferred by the State Treasurer and the
18 State Comptroller from the General Revenue Fund to the Common
19 School Fund to permit monthly payments from the Common School
20 Fund to that retirement system in accordance with Section
21 16-158 of the Illinois Pension Code and Section 18-7 of the
22 School Code, except that such transfers in fiscal year 2004
23 from the General Revenue Fund to the Common School Fund for the
24 benefit of the Teachers' Retirement System of the State of
25 Illinois shall be reduced in the aggregate by the State
26 Comptroller and State Treasurer to adjust for the amount

1 transferred to the Teachers' Retirement System of the State of
2 Illinois pursuant to subsection (a) of Section 6z-61. Amounts
3 appropriated to the Teachers' Retirement System of the State of
4 Illinois under Section 1.1 of the State Pension Funds
5 Continuing Appropriation Act shall be transferred by the State
6 Treasurer and the State Comptroller from the General Revenue
7 Fund to the Common School Fund as necessary to provide for the
8 payment of vouchers drawn against those appropriations.

9 The Governor may notify the State Treasurer and the State
10 Comptroller to transfer, at a time designated by the Governor,
11 such additional amount as may be necessary to effect advance
12 distribution to school districts of amounts that otherwise
13 would be payable in the next month pursuant to Sections 18-8.05
14 through 18-9 of the School Code. The State Treasurer and the
15 State Comptroller shall thereupon transfer such additional
16 amount. The aggregate amount transferred from the General
17 Revenue Fund to the Common School Fund in the eleven months
18 beginning August 1 of any fiscal year shall not be in excess of
19 the amount necessary for payment of claims certified by the
20 State Superintendent of Education pursuant to the
21 appropriation of the Common School Fund for that fiscal year.
22 Notwithstanding the provisions of the first paragraph in this
23 section, no transfer to effect an advance distribution shall be
24 made in any month except on notification, as provided above, by
25 the Governor.

26 The State Comptroller and State Treasurer shall transfer

1 from the General Revenue Fund to the Common School Fund and the
2 Education Assistance Fund such amounts as may be required to
3 honor the vouchers presented by the State Board of Education
4 pursuant to Sections 18-3, 18-4.3, 18-5, 18-6 and 18-7 of the
5 School Code.

6 The State Comptroller shall report all transfers provided
7 for in this Act to the President of the Senate, Minority Leader
8 of the Senate, Speaker of the House, and Minority Leader of the
9 House.

10 (b) On or before the 11th and 21st days of each of the
11 months of June, 1982 through July, 1983, at a time or times
12 designated by the Governor, the State Treasurer and the State
13 Comptroller shall transfer from the General Revenue Fund to the
14 Common School Fund 1/24 or so much thereof as may be necessary
15 of the amount appropriated to the State Board of Education for
16 distribution from such Common School Fund, for that same fiscal
17 year, including interest on the School Fund for such year. The
18 amounts of the payments in the months of July, 1982 and July,
19 1983 shall be considered an outstanding liability as of the
20 30th day of June immediately preceding such July payment,
21 within the meaning of Section 25 of this Act, and shall be
22 payable from the appropriation for the fiscal year which ended
23 on such 30th day of June, and such July payments shall be
24 considered payments for claims covering school years 1981-1982
25 and 1982-1983 respectively.

26 In the event the Governor makes notification to effect

1 advanced distribution under the provisions of subsection (a) of
2 this Section, the aggregate amount transferred from the General
3 Revenue Fund to the Common School Fund in the 12 months
4 beginning August 1, 1981 or the 12 months beginning August 1,
5 1982 shall not be in excess of the amount necessary for payment
6 of claims certified by the State Superintendent of Education
7 pursuant to the appropriation of the Common School Fund for the
8 fiscal years commencing on the first of July of the years 1981
9 and 1982.

10 (c) In determining amounts to be transferred from the
11 General Revenue Fund to the Education Assistance Fund, the
12 amount of moneys transferred from the State Gaming Fund to the
13 Education Assistance Fund shall be disregarded. The amounts
14 transferred from the General Revenue Fund shall not be
15 decreased as an adjustment for any amounts transferred from the
16 State Gaming Fund to the Education Assistance Fund.

17 (Source: P.A. 93-665, eff. 3-5-04; 94-1105, eff. 6-1-07.)

18 (30 ILCS 105/8h)

19 Sec. 8h. Transfers to General Revenue Fund.

20 (a) Except as otherwise provided in this Section and
21 Section 8n of this Act, and ~~(e), (d), or (e)~~, notwithstanding
22 any other State law to the contrary, the Governor may, through
23 June 30, 2007, from time to time direct the State Treasurer and
24 Comptroller to transfer a specified sum from any fund held by
25 the State Treasurer to the General Revenue Fund in order to

1 help defray the State's operating costs for the fiscal year.
2 The total transfer under this Section from any fund in any
3 fiscal year shall not exceed the lesser of (i) 8% of the
4 revenues to be deposited into the fund during that fiscal year
5 or (ii) an amount that leaves a remaining fund balance of 25%
6 of the July 1 fund balance of that fiscal year. In fiscal year
7 2005 only, prior to calculating the July 1, 2004 final
8 balances, the Governor may calculate and direct the State
9 Treasurer with the Comptroller to transfer additional amounts
10 determined by applying the formula authorized in Public Act
11 93-839 to the funds balances on July 1, 2003. No transfer may
12 be made from a fund under this Section that would have the
13 effect of reducing the available balance in the fund to an
14 amount less than the amount remaining unexpended and unreserved
15 from the total appropriation from that fund estimated to be
16 expended for that fiscal year. This Section does not apply to
17 any funds that are restricted by federal law to a specific use,
18 to any funds in the Motor Fuel Tax Fund, the Intercity
19 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid
20 Provider Relief Fund, the Teacher Health Insurance Security
21 Fund, the Reviewing Court Alternative Dispute Resolution Fund,
22 the Voters' Guide Fund, the Foreign Language Interpreter Fund,
23 the Lawyers' Assistance Program Fund, the Supreme Court Federal
24 Projects Fund, the Supreme Court Special State Projects Fund,
25 the Supplemental Low-Income Energy Assistance Fund, the Good
26 Samaritan Energy Trust Fund, the Low-Level Radioactive Waste

1 Facility Development and Operation Fund, the Horse Racing
2 Equity Trust Fund, or the Hospital Basic Services Preservation
3 Fund, or to any funds to which subsection (f) of Section 20-40
4 of the Nursing and Advanced Practice Nursing Act applies. No
5 transfers may be made under this Section from the Pet
6 Population Control Fund. Notwithstanding any other provision
7 of this Section, for fiscal year 2004, the total transfer under
8 this Section from the Road Fund or the State Construction
9 Account Fund shall not exceed the lesser of (i) 5% of the
10 revenues to be deposited into the fund during that fiscal year
11 or (ii) 25% of the beginning balance in the fund. For fiscal
12 year 2005 through fiscal year 2007, no amounts may be
13 transferred under this Section from the Road Fund, the State
14 Construction Account Fund, the Criminal Justice Information
15 Systems Trust Fund, the Wireless Service Emergency Fund, or the
16 Mandatory Arbitration Fund.

17 In determining the available balance in a fund, the
18 Governor may include receipts, transfers into the fund, and
19 other resources anticipated to be available in the fund in that
20 fiscal year.

21 The State Treasurer and Comptroller shall transfer the
22 amounts designated under this Section as soon as may be
23 practicable after receiving the direction to transfer from the
24 Governor.

25 (a-5) Transfers directed to be made under this Section on
26 or before February 28, 2006 that are still pending on May 19,

1 2006 (the effective date of Public Act 94-774) ~~this amendatory~~
2 ~~Act of the 94th General Assembly~~ shall be redirected as
3 provided in Section 8n of this Act.

4 (b) This Section does not apply to: (i) the Ticket For The
5 Cure Fund; (ii) any fund established under the Community Senior
6 Services and Resources Act; or (iii) on or after January 1,
7 2006 (the effective date of Public Act 94-511), the Child Labor
8 and Day and Temporary Labor Enforcement Fund.

9 (c) This Section does not apply to the Demutualization
10 Trust Fund established under the Uniform Disposition of
11 Unclaimed Property Act.

12 (d) This Section does not apply to moneys set aside in the
13 Illinois State Podiatric Disciplinary Fund for podiatric
14 scholarships and residency programs under the Podiatric
15 Scholarship and Residency Act.

16 (e) Subsection (a) does not apply to, and no transfer may
17 be made under this Section from, the Pension Stabilization
18 Fund.

19 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
20 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
21 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
22 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.
23 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,
24 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;
25 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff.
26 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839,

1 eff. 6-6-06; revised 6-19-06.)

2 Section 922. The Illinois Procurement Code is amended by
3 changing Section 50-70 as follows:

4 (30 ILCS 500/50-70)

5 Sec. 50-70. Additional provisions. This Code is subject to
6 applicable provisions of the following Acts:

7 (1) Article 33E of the Criminal Code of 1961;

8 (2) the Illinois Human Rights Act;

9 (3) the Discriminatory Club Act;

10 (4) the Illinois Governmental Ethics Act;

11 (5) the State Prompt Payment Act;

12 (6) the Public Officer Prohibited Activities Act;

13 (7) the Drug Free Workplace Act; ~~and~~

14 (8) the Employee Classification Act; and ~~and~~

15 (9) Section 7 of the Riverboat and Casino Gambling Act.

16 (Source: P.A. 95-26, eff. 1-1-08.)

17 Section 924. If and only if the Regional Transportation
18 Authority passes a budget in any calendar year on or after the
19 effective date of this Act with at least \$200,000,000 more than
20 the costs of operating transit services in the Regional
21 Transportation Authority region approved in calendar year
22 2007, not including any amount transferred to the Regional
23 Transportation Authority pursuant to subsection (b-2) of

1 Section 13 of the Riverboat and Casino Gambling Act, then the
2 Downstate Public Transportation Act is amended by adding
3 Section 2-7.1 as follows:

4 (30 ILCS 740/2-7.1 new)

5 Sec. 2-7.1. State Gaming Fund repayment. Notwithstanding
6 the provisions of Section 2-7 or any other provision of this
7 Act concerning reimbursement for operating expenses, each
8 quarterly payment of reimbursement for operating expenses for
9 fiscal year 2009 to a system that received payment from an
10 appropriation from amounts transferred to the General Revenue
11 Fund under subsection (b-2) of Section 13 of the Riverboat and
12 Casino Gambling Act shall be reduced by one-quarter of the
13 amount so appropriated and paid to that system. An amount equal
14 to those reductions shall be transferred from the Public
15 Transportation Fund or the Metro-East Public Transportation
16 Fund, whichever is applicable, to the State Gaming Fund. Of
17 these deposits into the State Gaming Fund, an amount equal to
18 30% shall be transferred to the Education Assistance Fund and
19 an amount equal to 70% shall be transferred to the Capital
20 Program Acceleration Fund.

21 Section 925. The Tobacco Products Tax Act of 1995 is
22 amended by changing Section 99-99 as follows:

23 (35 ILCS 143/99-99)

1 Sec. 99-99. Effective date. This Section, Sections 10-1
2 through 10-90 of this Act, the changes to the Illinois
3 Administrative Procedure Act, the changes to the State
4 Employees Group Insurance Act of 1971, the changes to Sec. 5 of
5 the Children and Family Services Act, the changes to Sec. 8.27
6 of the State Finance Act, the changes to Secs. 16-136.2,
7 16-153.2, and 17-156.3 of the Illinois Pension Code, Sec. 8.19
8 of the State Mandates Act, the changes to Sec. 8.2 of the
9 Abused and Neglected Child Reporting Act, and the changes to
10 the Unemployment Insurance Act take effect upon becoming law.

11 The following provisions take effect July 1, 1995: the
12 changes to the Illinois Act on the Aging and the Civil
13 Administrative Code of Illinois; the changes to Secs. 7 and
14 8a-13 of the Children and Family Services Act; the changes to
15 the Disabled Persons Rehabilitation Act; Secs. 5.408, 5.409,
16 6z-39, and 6z-40 and the changes to Sec. 8.16 of the State
17 Finance Act; the changes to the State Prompt Payment Act, the
18 Illinois Income Tax Act, and Sec. 16-133.3 of the Illinois
19 Pension Code; Sec. 2-3.117 and the changes to Secs. 14-7.02 and
20 14-15.01 of the School Code; Sec. 2-201.5 of the Nursing Home
21 Care Act; the changes to the Child Care Act of 1969 and the
22 Riverboat and Casino Gambling Act; the changes to Secs. 3-1,
23 3-1a, 3-3, 3-4, 3-13, 5-2.1, 5-5, 5-5.02, 5-5.4, 5-13, 5-16.3,
24 5-16.5, 5A-2, 5A-3, 5C-2, 5C-7, 5D-1, 5E-10, 6-8, 6-11, 9-11,
25 12-4.4, 12-10.2, and 14-8 and the repeal of Sec. 9-11 of the
26 Illinois Public Aid Code; the changes to Sec. 3 of the Abused

1 and Neglected Child Reporting Act; and the changes to the
2 Juvenile Court Act of 1987, the Adoption Act, and the Probate
3 Act of 1975.

4 The remaining provisions of this Act take effect on the
5 uniform effective date as provided in the Effective Date of
6 Laws Act.

7 (Source: P.A. 89-21, eff. 6-6-95.)

8 Section 930. The Joliet Regional Port District Act is
9 amended by changing Section 5.1 as follows:

10 (70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

11 Sec. 5.1. Riverboat and casino gambling. Notwithstanding
12 any other provision of this Act, the District may not regulate
13 the operation, conduct, or navigation of any riverboat gambling
14 casino licensed under the Riverboat and Casino Gambling Act,
15 and the District may not license, tax, or otherwise levy any
16 assessment of any kind on any riverboat gambling casino
17 licensed under the Riverboat and Casino Gambling Act. The
18 General Assembly declares that the powers to regulate the
19 operation, conduct, and navigation of riverboat gambling
20 casinos and to license, tax, and levy assessments upon
21 riverboat gambling casinos are exclusive powers of the State of
22 Illinois and the Illinois Gaming Board as provided in the
23 Riverboat and Casino Gambling Act.

24 (Source: P.A. 87-1175.)

1 Section 932. If and only if the Regional Transportation
2 Authority passes a budget in any calendar year on or after the
3 effective date of this Act with at least \$200,000,000 more than
4 the costs of operating transit services in the Regional
5 Transportation Authority region approved in calendar year
6 2007, not including any amount transferred to the Regional
7 Transportation Authority pursuant to subsection (b-2) of
8 Section 13 of the Riverboat and Casino Gambling Act, then the
9 Regional Transportation Authority Act is amended by adding
10 Section 4.03.2 as follows:

11 (70 ILCS 3615/4.03.2 new)

12 Sec. 4.03.2. State Gaming Fund repayment. Notwithstanding
13 the provisions of Section 4.03.3 or any other provision of this
14 Act concerning distribution of proceeds of taxes authorized
15 under Section 4.03, prior to any other disbursement of the
16 proceeds of those taxes, at the end of each 30-day period after
17 the effective date of this Section, the Authority must pay from
18 those tax proceeds an amount equal to one-twelfth of
19 \$200,000,000 to the State Treasurer to be deposited into the
20 State Gaming Fund until the total amount of \$200,000,000 has
21 been deposited into the Fund. Of these deposits into the State
22 Gaming Fund, an amount equal to 30% shall be transferred to the
23 Education Assistance Fund and an amount equal to 70% shall be
24 transferred to the Capital Program Acceleration Fund.

1 Section 935. The Consumer Installment Loan Act is amended
2 by changing Section 12.5 as follows:

3 (205 ILCS 670/12.5)

4 Sec. 12.5. Limited purpose branch.

5 (a) Upon the written approval of the Director, a licensee
6 may maintain a limited purpose branch for the sole purpose of
7 making loans as permitted by this Act. A limited purpose branch
8 may include an automatic loan machine. No other activity shall
9 be conducted at the site, including but not limited to,
10 accepting payments, servicing the accounts, or collections.

11 (b) The licensee must submit an application for a limited
12 purpose branch to the Director on forms prescribed by the
13 Director with an application fee of \$300. The approval for the
14 limited purpose branch must be renewed concurrently with the
15 renewal of the licensee's license along with a renewal fee of
16 \$300 for the limited purpose branch.

17 (c) The books, accounts, records, and files of the limited
18 purpose branch's transactions shall be maintained at the
19 licensee's licensed location. The licensee shall notify the
20 Director of the licensed location at which the books, accounts,
21 records, and files shall be maintained.

22 (d) The licensee shall prominently display at the limited
23 purpose branch the address and telephone number of the
24 licensee's licensed location.

1 (e) No other business shall be conducted at the site of the
2 limited purpose branch unless authorized by the Director.

3 (f) The Director shall make and enforce reasonable rules
4 for the conduct of a limited purpose branch.

5 (g) A limited purpose branch may not be located within
6 1,000 feet of a facility operated by an inter-track wagering
7 licensee or an organization licensee subject to the Illinois
8 Horse Racing Act of 1975, on a riverboat or in a casino subject
9 to the Riverboat and Casino Gambling Act, or within 1,000 feet
10 of the location at which the riverboat docks or within 1,000
11 feet of a casino.

12 (Source: P.A. 90-437, eff. 1-1-98.)

13 Section 940. The Illinois Horse Racing Act of 1975 is
14 amended by changing Sections 1.2, 3.12, 3.20, 3.22, 3.23, 9,
15 14, 15, 26, 27, 28, 28.1, 30, 31, 36, and 54.5 and adding
16 Sections 3.28, 3.29, and 31.2 as follows:

17 (230 ILCS 5/1.2)

18 Sec. 1.2. Legislative intent. This Act is intended to
19 benefit the people of the State of Illinois by encouraging the
20 breeding and production of race horses, assisting economic
21 development, and promoting Illinois tourism. The General
22 Assembly finds and declares it to be the public policy of the
23 State of Illinois to:

24 (a) support and enhance Illinois' horse racing industry,

1 which is a significant component within the agribusiness
2 industry;

3 (b) ensure that Illinois' horse racing industry remains
4 competitive with neighboring states;

5 (c) stimulate growth within Illinois' horse racing
6 industry, thereby encouraging new investment and development
7 to produce additional tax revenues and to create additional
8 jobs;

9 (d) promote the further growth of tourism;

10 (e) encourage the breeding of thoroughbred and
11 standardbred horses in this State; and

12 (f) ensure that public confidence and trust in the
13 credibility and integrity of racing operations and the
14 regulatory process is maintained.

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

16 (230 ILCS 5/3.12) (from Ch. 8, par. 37-3.12)

17 Sec. 3.12. Pari-mutuel system of wagering. "Pari-mutuel
18 system of wagering" means a form of wagering on the outcome of
19 horse races in which wagers are made in various denominations
20 on a horse or horses and all wagers for each race are pooled
21 and held by a licensee for distribution in a manner approved by
22 the Board. Wagers may be placed via any method or at any
23 location authorized under this Act.

24 (Source: P.A. 89-16, eff. 5-30-95.)

1 (230 ILCS 5/3.20)

2 Sec. 3.20. Licensee. "Licensee" means an individual
3 organization licensee, an inter-track wagering licensee, an ~~or~~
4 inter-track wagering location licensee, or an advance deposit
5 wagering licensee, as the context of this Act requires.

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

7 (230 ILCS 5/3.22)

8 Sec. 3.22. Wagering facility. "Wagering facility" means
9 any location at which a licensee, other than an advance deposit
10 wagering licensee, may accept or receive pari-mutuel wagers
11 under this Act.

12 (Source: P.A. 89-16, eff. 5-30-95.)

13 (230 ILCS 5/3.23)

14 Sec. 3.23. Wagering. "Wagering" means, collectively, the
15 pari-mutuel system of wagering, inter-track wagering, ~~and~~
16 simulcast wagering, and advance deposit wagering.

17 (Source: P.A. 89-16, eff. 5-30-95.)

18 (230 ILCS 5/3.28 new)

19 Sec. 3.28. Advance deposit wagering licensee. "Advance
20 deposit wagering licensee" means a person licensed by the Board
21 to conduct advance deposit wagering. An advance deposit
22 wagering licensee shall be an organization licensee or a person
23 or third party who contracts with an organization licensee in

1 order to conduct advance deposit wagering.

2 (230 ILCS 5/3.29 new)

3 Sec. 3.29. Advance deposit wagering. "Advance deposit
4 wagering" means a method of pari-mutuel wagering in which an
5 individual may establish an account, deposit money into the
6 account, and use the account balance to pay for pari-mutuel
7 wagering authorized by this Act. An advance deposit wager may
8 be placed in person at a wagering facility or from any other
9 location via a telephone-type device or any other electronic
10 means. Any person who accepts an advance deposit wager who is
11 not licensed by the Board as an advance deposit wagering
12 licensee shall be considered in violation of this Act and the
13 Criminal Code of 1961. Any advance deposit wager placed in
14 person at a wagering facility shall be deemed to have been
15 placed at that wagering facility.

16 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

17 Sec. 9. The Board shall have all powers necessary and
18 proper to fully and effectively execute the provisions of this
19 Act, including, but not limited to, the following:

20 (a) The Board is vested with jurisdiction and supervision
21 over all race meetings in this State, over all licensees doing
22 business in this State, over all occupation licensees, and over
23 all persons on the facilities of any licensee. Such
24 jurisdiction shall include the power to issue licenses to the

1 Illinois Department of Agriculture authorizing the pari-mutuel
2 system of wagering on harness and Quarter Horse races held (1)
3 at the Illinois State Fair in Sangamon County, and (2) at the
4 DuQuoin State Fair in Perry County. The jurisdiction of the
5 Board shall also include the power to issue licenses to county
6 fairs which are eligible to receive funds pursuant to the
7 Agricultural Fair Act, as now or hereafter amended, or their
8 agents, authorizing the pari-mutuel system of wagering on horse
9 races conducted at the county fairs receiving such licenses.
10 Such licenses shall be governed by subsection (n) of this
11 Section.

12 Upon application, the Board shall issue a license to the
13 Illinois Department of Agriculture to conduct harness and
14 Quarter Horse races at the Illinois State Fair and at the
15 DuQuoin State Fairgrounds during the scheduled dates of each
16 fair. The Board shall not require and the Department of
17 Agriculture shall be exempt from the requirements of Sections
18 15.3, 18 and 19, paragraphs (a)(2), (b), (c), (d), (e), (e-5),
19 (e-10), (f), (g), and (h) of Section 20, and Sections 21, 24
20 and 25. The Board and the Department of Agriculture may extend
21 any or all of these exemptions to any contractor or agent
22 engaged by the Department of Agriculture to conduct its race
23 meetings when the Board determines that this would best serve
24 the public interest and the interest of horse racing.

25 Notwithstanding any provision of law to the contrary, it
26 shall be lawful for any licensee to operate pari-mutuel

1 wagering or contract with the Department of Agriculture to
2 operate pari-mutuel wagering at the DuQuoin State Fairgrounds
3 or for the Department to enter into contracts with a licensee,
4 employ its owners, employees or agents and employ such other
5 occupation licensees as the Department deems necessary in
6 connection with race meetings and wagerings.

7 (b) The Board is vested with the full power to promulgate
8 reasonable rules and regulations for the purpose of
9 administering the provisions of this Act and to prescribe
10 reasonable rules, regulations and conditions under which all
11 horse race meetings or wagering in the State shall be
12 conducted. Such reasonable rules and regulations are to provide
13 for the prevention of practices detrimental to the public
14 interest and to promote the best interests of horse racing and
15 to impose penalties for violations thereof.

16 (c) The Board, and any person or persons to whom it
17 delegates this power, is vested with the power to enter the
18 facilities and other places of business of any licensee to
19 determine whether there has been compliance with the provisions
20 of this Act and its rules and regulations.

21 (d) The Board, and any person or persons to whom it
22 delegates this power, is vested with the authority to
23 investigate alleged violations of the provisions of this Act,
24 its reasonable rules and regulations, orders and final
25 decisions; the Board shall take appropriate disciplinary
26 action against any licensee or occupation licensee for

1 violation thereof or institute appropriate legal action for the
2 enforcement thereof.

3 (e) The Board, and any person or persons to whom it
4 delegates this power, may eject or exclude from any race
5 meeting or the facilities of any licensee, or any part thereof,
6 any occupation licensee or any other individual whose conduct
7 or reputation is such that his presence on those facilities
8 may, in the opinion of the Board, call into question the
9 honesty and integrity of horse racing or wagering or interfere
10 with the orderly conduct of horse racing or wagering; provided,
11 however, that no person shall be excluded or ejected from the
12 facilities of any licensee solely on the grounds of race,
13 color, creed, national origin, ancestry, or sex. The power to
14 eject or exclude an occupation licensee or other individual may
15 be exercised for just cause by the licensee or the Board,
16 subject to subsequent hearing by the Board as to the propriety
17 of said exclusion.

18 (f) The Board is vested with the power to acquire,
19 establish, maintain and operate (or provide by contract to
20 maintain and operate) testing laboratories and related
21 facilities, for the purpose of conducting saliva, blood, urine
22 and other tests on the horses run or to be run in any horse race
23 meeting and to purchase all equipment and supplies deemed
24 necessary or desirable in connection with any such testing
25 laboratories and related facilities and all such tests.

26 (f-5) The Department of Agriculture is vested with the

1 power to acquire, establish, maintain, and operate (or provide
2 by contract to maintain and operate) testing laboratories and
3 related facilities for the purpose of conducting saliva, blood,
4 urine, and other tests on the horses run or to be run in any
5 county fair horse race meeting and of purchasing all equipment
6 and supplies deemed necessary or desirable in connection with
7 any such testing laboratories and related facilities and all
8 such tests in any county fair horse race.

9 (g) The Board may require that the records, including
10 financial or other statements of any licensee or any person
11 affiliated with the licensee who is involved directly or
12 indirectly in the activities of any licensee as regulated under
13 this Act to the extent that those financial or other statements
14 relate to such activities be kept in such manner as prescribed
15 by the Board, and that Board employees shall have access to
16 those records during reasonable business hours. Within 120 days
17 of the end of its fiscal year, each licensee shall transmit to
18 the Board an audit of the financial transactions and condition
19 of the licensee's total operations. All audits shall be
20 conducted by certified public accountants. Each certified
21 public accountant must be registered in the State of Illinois
22 under the Illinois Public Accounting Act. The compensation for
23 each certified public accountant shall be paid directly by the
24 licensee to the certified public accountant. A licensee shall
25 also submit any other financial or related information the
26 Board deems necessary to effectively administer this Act and

1 all rules, regulations, and final decisions promulgated under
2 this Act.

3 (h) The Board shall name and appoint in the manner provided
4 by the rules and regulations of the Board: an Executive
5 Director; a State director of mutuels; State veterinarians and
6 representatives to take saliva, blood, urine and other tests on
7 horses; licensing personnel; revenue inspectors; and State
8 seasonal employees (excluding admission ticket sellers and
9 mutuel clerks). All of those named and appointed as provided in
10 this subsection shall serve during the pleasure of the Board;
11 their compensation shall be determined by the Board and be paid
12 in the same manner as other employees of the Board under this
13 Act.

14 (i) The Board shall require that there shall be 3 stewards
15 at each horse race meeting, at least 2 of whom shall be named
16 and appointed by the Board. Stewards appointed or approved by
17 the Board, while performing duties required by this Act or by
18 the Board, shall be entitled to the same rights and immunities
19 as granted to Board members and Board employees in Section 10
20 of this Act.

21 (j) The Board may discharge any Board employee who fails or
22 refuses for any reason to comply with the rules and regulations
23 of the Board, or who, in the opinion of the Board, is guilty of
24 fraud, dishonesty or who is proven to be incompetent. The Board
25 shall have no right or power to determine who shall be
26 officers, directors or employees of any licensee, or their

1 salaries except the Board may, by rule, require that all or any
2 officials or employees in charge of or whose duties relate to
3 the actual running of races be approved by the Board.

4 (k) The Board is vested with the power to appoint delegates
5 to execute any of the powers granted to it under this Section
6 for the purpose of administering this Act and any rules or
7 regulations promulgated in accordance with this Act.

8 (l) The Board is vested with the power to impose civil
9 penalties of up to \$5,000 against an individual and up to
10 \$10,000 against a licensee for each violation of any provision
11 of this Act, any rules adopted by the Board, any order of the
12 Board or any other action which, in the Board's discretion, is
13 a detriment or impediment to horse racing or wagering.

14 (m) The Board is vested with the power to prescribe a form
15 to be used by licensees as an application for employment for
16 employees of each licensee.

17 (n) The Board shall have the power to issue a license to
18 any county fair, or its agent, authorizing the conduct of the
19 pari-mutuel system of wagering. The Board is vested with the
20 full power to promulgate reasonable rules, regulations and
21 conditions under which all horse race meetings licensed
22 pursuant to this subsection shall be held and conducted,
23 including rules, regulations and conditions for the conduct of
24 the pari-mutuel system of wagering. The rules, regulations and
25 conditions shall provide for the prevention of practices
26 detrimental to the public interest and for the best interests

1 of horse racing, and shall prescribe penalties for violations
2 thereof. Any authority granted the Board under this Act shall
3 extend to its jurisdiction and supervision over county fairs,
4 or their agents, licensed pursuant to this subsection. However,
5 the Board may waive any provision of this Act or its rules or
6 regulations which would otherwise apply to such county fairs or
7 their agents.

8 (o) Whenever the Board is authorized or required by law to
9 consider some aspect of criminal history record information for
10 the purpose of carrying out its statutory powers and
11 responsibilities, then, upon request and payment of fees in
12 conformance with the requirements of Section 2605-400 of the
13 Department of State Police Law (20 ILCS 2605/2605-400), the
14 Department of State Police is authorized to furnish, pursuant
15 to positive identification, such information contained in
16 State files as is necessary to fulfill the request.

17 (p) To insure the convenience, comfort, and wagering
18 accessibility of race track patrons, to provide for the
19 maximization of State revenue, and to generate increases in
20 purse allotments to the horsemen, the Board shall require any
21 licensee to staff the pari-mutuel department with adequate
22 personnel.

23 (Source: P.A. 91-239, eff. 1-1-00.)

24 (230 ILCS 5/14) (from Ch. 8, par. 37-14)

25 Sec. 14. (a) The Board shall hold regular and special

1 meetings at such times and places as may be necessary to
2 perform properly and effectively all duties required under this
3 Act. A majority of the members of the Board shall constitute a
4 quorum for the transaction of any business, for the performance
5 of any duty, or for the exercise of any power which this Act
6 requires the Board members to transact, perform or exercise en
7 banc, except that upon order of the Board one of the Board
8 members may conduct the hearing provided in Section 16. The
9 Board member conducting such hearing shall have all powers and
10 rights granted to the Board in this Act. The record made at the
11 hearing shall be reviewed by the Board, or a majority thereof,
12 and the findings and decision of the majority of the Board
13 shall constitute the order of the Board in such case.

14 (b) The Board shall obtain a court reporter who will be
15 present at each regular and special meeting and proceeding and
16 who shall make accurate transcriptions thereof except that when
17 in the judgment of the Board an emergency situation requires a
18 meeting by teleconference, the executive director shall
19 prepare minutes of the meeting indicating the date and time of
20 the meeting and which members of the Board were present or
21 absent, summarizing all matters proposed, deliberated, or
22 decided at the meeting, and indicating the results of all votes
23 taken. The public shall be allowed to listen to the proceedings
24 of that meeting at all Board branch offices.

25 (c) The Board shall provide records which are separate and
26 distinct from the records of any other State board or

1 commission. Such records shall be available for public
2 inspection and shall accurately reflect all Board proceedings.

3 (d) The Board shall file a written annual report with the
4 Governor on or before March 1 each year and such additional
5 reports as the Governor may request. The annual report shall
6 include a statement of receipts and disbursements by the Board,
7 actions taken by the Board, a report on the industry's progress
8 toward the policy objectives established in Section 1.2 of this
9 Act, and any additional information and recommendations which
10 the Board may deem valuable or which the Governor may request.

11 (e) The Board shall maintain a branch office on the ground
12 of every organization licensee during the organization
13 licensee's race meeting, which office shall be kept open
14 throughout the time the race meeting is held. The Board shall
15 designate one of its members, or an authorized agent of the
16 Board who shall have the authority to act for the Board, to be
17 in charge of the branch office during the time it is required
18 to be kept open.

19 (f) The Board shall perform an annual review of the
20 distributions from the Horse Racing Equity Trust Fund and make
21 recommendations to the General Assembly regarding purse
22 allocations and the distribution formula from the Horse Racing
23 Equity Trust Fund. In making its recommendations, the Board
24 shall consider the impact of riverboat and casino gambling on
25 each organization licensee and each organization licensee's
26 efforts to promote and support horse racing.

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

2 (230 ILCS 5/15) (from Ch. 8, par. 37-15)

3 Sec. 15. (a) The Board shall, in its discretion, issue
4 occupation licenses to horse owners, trainers, harness
5 drivers, jockeys, agents, apprentices, grooms, stable foremen,
6 exercise persons, veterinarians, valets, blacksmiths,
7 concessionaires and others designated by the Board whose work,
8 in whole or in part, is conducted upon facilities within the
9 State. Such occupation licenses will be obtained prior to the
10 persons engaging in their vocation upon such facilities. The
11 Board shall not license pari-mutuel clerks, parking
12 attendants, security guards and employees of concessionaires.
13 No occupation license shall be required of any person who works
14 at facilities within this State as a pari-mutuel clerk, parking
15 attendant, security guard or as an employee of a
16 concessionaire. Concessionaires of the Illinois State Fair and
17 DuQuoin State Fair and employees of the Illinois Department of
18 Agriculture shall not be required to obtain an occupation
19 license by the Board.

20 (b) Each application for an occupation license shall be on
21 forms prescribed by the Board. Such license, when issued, shall
22 be for the period ending December 31 of each year, except that
23 the Board in its discretion may grant 3-year licenses. The
24 application shall be accompanied by a fee of not more than \$25
25 per year or, in the case of 3-year occupation license

1 applications, a fee of not more than \$60. Each applicant shall
2 set forth in the application his full name and address, and if
3 he had been issued prior occupation licenses or has been
4 licensed in any other state under any other name, such name,
5 his age, whether or not a permit or license issued to him in
6 any other state has been suspended or revoked and if so whether
7 such suspension or revocation is in effect at the time of the
8 application, and such other information as the Board may
9 require. Fees for registration of stable names shall not exceed
10 \$50.00.

11 (c) The Board may in its discretion refuse an occupation
12 license to any person:

13 (1) who has been convicted of a crime;

14 (2) who is unqualified to perform the duties required
15 of such applicant;

16 (3) who fails to disclose or states falsely any
17 information called for in the application;

18 (4) who has been found guilty of a violation of this
19 Act or of the rules and regulations of the Board; or

20 (5) whose license or permit has been suspended, revoked
21 or denied for just cause in any other state.

22 (d) The Board may suspend or revoke any occupation license:

23 (1) for violation of any of the provisions of this Act;

24 or

25 (2) for violation of any of the rules or regulations of
26 the Board; or

1 (3) for any cause which, if known to the Board, would
2 have justified the Board in refusing to issue such
3 occupation license; or

4 (4) for any other just cause.

5 (e) Each applicant shall submit his or her fingerprints
6 to the Department of State Police in the form and manner
7 prescribed by the Department of State Police. These
8 fingerprints shall be checked against the fingerprint records
9 now and hereafter filed in the Department of State Police and
10 Federal Bureau of Investigation criminal history records
11 databases. The Department of State Police shall charge a fee
12 for conducting the criminal history records check, which shall
13 be deposited in the State Police Services Fund and shall not
14 exceed the actual cost of the records check. The Department of
15 State Police shall furnish, pursuant to positive
16 identification, records of conviction to the Board. Each
17 applicant for licensure shall submit with his occupation
18 license application, on forms provided by the Board, 2 sets of
19 his fingerprints. All such applicants shall appear in person at
20 the location designated by the Board for the purpose of
21 submitting such sets of fingerprints; however, with the prior
22 approval of a State steward, an applicant may have such sets of
23 fingerprints taken by an official law enforcement agency and
24 submitted to the Board.

25 (f) The Board may, in its discretion, issue an occupation
26 license without submission of fingerprints ~~if an applicant has~~

1 ~~been duly licensed in another recognized racing jurisdiction~~
2 ~~after submitting fingerprints that were subjected to a Federal~~
3 ~~Bureau of Investigation criminal history background check in~~
4 ~~that jurisdiction.~~

5 (Source: P.A. 93-418, eff. 1-1-04.)

6 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

7 Sec. 26. Wagering.

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

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

1 wagered under subsection (a) of this Section, except as may
2 otherwise be permitted under this Act.

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

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

20 (c-5) Beginning January 1, 2000, the sum held by any
21 licensee for payment of outstanding pari-mutuel tickets, if
22 unclaimed prior to December 31 of the next year, shall be
23 retained by the licensee for payment of such tickets until that
24 date; except that, beginning on the effective date of this
25 amendatory Act of the 95th General Assembly, the sum held by an
26 organization licensee located in a county with a population in

1 excess of 230,000 and that borders the Mississippi River and
2 every inter-track wagering location licensee who derives its
3 license from that organization licensee shall be retained by
4 the organization licensee for payment of such tickets until
5 that date. Within 10 days thereafter, the balance of such sum
6 remaining unclaimed, less any uncashed supplements contributed
7 by such licensee for the purpose of guaranteeing minimum
8 distributions of any pari-mutuel pool, shall be evenly
9 distributed to the purse account of the organization licensee
10 and the organization licensee.

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

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

25 (f) Notwithstanding the other provisions of this Act, an
26 organization licensee may contract with an entity in another

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

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

26 (g) A host track may accept interstate simulcast wagers on

1 horse races conducted in other states or countries and shall
2 control the number of signals and types of breeds of racing in
3 its simulcast program, subject to the disapproval of the Board.
4 The Board may prohibit a simulcast program only if it finds
5 that the simulcast program is clearly adverse to the integrity
6 of racing. The host track simulcast program shall include the
7 signal of live racing of all organization licensees. All
8 non-host licensees shall ~~carry the host track simulcast program~~
9 ~~and~~ accept wagers on all races included as part of the
10 simulcast program upon which wagering is permitted. The costs
11 and expenses of the host track and non-host licensees
12 associated with interstate simulcast wagering, other than the
13 interstate commission fee, shall be borne by the host track and
14 all non-host licensees incurring these costs. The interstate
15 commission fee shall not exceed 5% of Illinois handle on the
16 interstate simulcast race or races without prior approval of
17 the Board. The Board shall promulgate rules under which it may
18 permit interstate commission fees in excess of 5%. The
19 interstate commission fee and other fees charged by the sending
20 racetrack, including, but not limited to, satellite decoder
21 fees, shall be uniformly applied to the host track and all
22 non-host licensees.

23 Notwithstanding any other provision of this Act, an
24 organization licensee may maintain a system whereby advance
25 deposit wagering may take place or an organization licensee may
26 contract with another person to carry out a system of advance

1 deposit wagering. All advance deposit wagers placed from within
2 Illinois must be placed through a Board-approved advance
3 deposit wagering licensee; no other entity may accept an
4 advance deposit wager from a person within Illinois. All
5 advance deposit wagering is subject to any rules adopted by the
6 Board. The Board may adopt rules necessary to regulate advance
7 deposit wagering through the use of emergency rulemaking in
8 accordance with Section 5-45 of the Illinois Administrative
9 Procedure Act. The General Assembly finds that the adoption of
10 rules to regulate advance deposit wagering is deemed an
11 emergency and necessary for the public interest, safety, and
12 welfare. An advance deposit wagering licensee may retain all
13 moneys as agreed to by contract with an organization licensee.
14 To the extent any fees from advance deposit wagering conducted
15 in Illinois for wagers in Illinois or other states have been
16 placed in escrow or otherwise withheld from wagers pending a
17 determination of the legality of advance deposit wagering, no
18 action shall be brought to declare such wagers or the
19 disbursement of any fees previously escrowed illegal.

20 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an
21 intertrack wagering licensee other than the host track may
22 supplement the host track simulcast program with
23 additional simulcast races or race programs, provided that
24 between January 1 and the third Friday in February of any
25 year, inclusive, if no live thoroughbred racing is
26 occurring in Illinois during this period, only

1 thoroughbred races may be used for supplemental interstate
2 simulcast purposes. The Board shall withhold approval for a
3 supplemental interstate simulcast only if it finds that the
4 simulcast is clearly adverse to the integrity of racing. A
5 supplemental interstate simulcast may be transmitted from
6 an intertrack wagering licensee to its affiliated non-host
7 licensees. The interstate commission fee for a
8 supplemental interstate simulcast shall be paid by the
9 non-host licensee and its affiliated non-host licensees
10 receiving the simulcast.

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

21 (3) Each licensee conducting interstate simulcast
22 wagering may retain, subject to the payment of all
23 applicable taxes and the purses, an amount not to exceed
24 17% of all money wagered. If any licensee conducts the
25 pari-mutuel system wagering on races conducted at
26 racetracks in another state or country, each such race or

1 race program shall be considered a separate racing day for
2 the purpose of determining the daily handle and computing
3 the privilege tax of that daily handle as provided in
4 subsection (a) of Section 27. Until January 1, 2000, from
5 the sums permitted to be retained pursuant to this
6 subsection, each intertrack wagering location licensee
7 shall pay 1% of the pari-mutuel handle wagered on simulcast
8 wagering to the Horse Racing Tax Allocation Fund, subject
9 to the provisions of subparagraph (B) of paragraph (11) of
10 subsection (h) of Section 26 of this Act.

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

22 (5) After the payment of the interstate commission fee
23 (except for the interstate commission fee on a supplemental
24 interstate simulcast, which shall be paid by the host track
25 and by each non-host licensee through the host-track) and
26 all applicable State and local taxes, except as provided in

1 subsection (g) of Section 27 of this Act, the remainder of
2 moneys retained from simulcast wagering pursuant to this
3 subsection (g), and Section 26.2 shall be divided as
4 follows:

5 (A) For interstate simulcast wagers made at a host
6 track, 50% to the host track and 50% to purses at the
7 host track.

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

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

23 (7) Notwithstanding any provision of this Act to the
24 contrary, after payment of all applicable State and local
25 taxes and interstate commission fees, non-host licensees
26 who derive their licenses from a track located in a county

1 with a population in excess of 230,000 and that borders the
2 Mississippi River shall retain 50% of the retention from
3 interstate simulcast wagers and shall pay 50% to purses at
4 the track from which the non-host licensee derives its
5 license as follows:

6 (A) Between January 1 and the third Friday in
7 February, inclusive, if no live thoroughbred racing is
8 occurring in Illinois during this period, when the
9 interstate simulcast is a standardbred race, the purse
10 share to its standardbred purse account;

11 (B) Between January 1 and the third Friday in
12 February, inclusive, if no live thoroughbred racing is
13 occurring in Illinois during this period, and the
14 interstate simulcast is a thoroughbred race, the purse
15 share to its interstate simulcast purse pool to be
16 distributed under paragraph (10) of this subsection
17 (g);

18 (C) Between January 1 and the third Friday in
19 February, inclusive, if live thoroughbred racing is
20 occurring in Illinois, between 6:30 a.m. and 6:30 p.m.
21 the purse share from wagers made during this time
22 period to its thoroughbred purse account and between
23 6:30 p.m. and 6:30 a.m. the purse share from wagers
24 made during this time period to its standardbred purse
25 accounts;

26 (D) Between the third Saturday in February and

1 December 31, when the interstate simulcast occurs
2 between the hours of 6:30 a.m. and 6:30 p.m., the purse
3 share to its thoroughbred purse account;

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

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

16 (A) If the licensee that conducts horse racing at
17 that racetrack requests from the Board at least as many
18 racing dates as were conducted in calendar year 2000,
19 80% shall be paid to its thoroughbred purse account;
20 and

21 (B) Twenty percent shall be deposited into the
22 Illinois Colt Stakes Purse Distribution Fund and shall
23 be paid to purses for standardbred races for Illinois
24 conceived and foaled horses conducted at any county
25 fairgrounds. The moneys deposited into the Fund
26 pursuant to this subparagraph (B) shall be deposited

1 within 2 weeks after the day they were generated, shall
2 be in addition to and not in lieu of any other moneys
3 paid to standardbred purses under this Act, and shall
4 not be commingled with other moneys paid into that
5 Fund. The moneys deposited pursuant to this
6 subparagraph (B) shall be allocated as provided by the
7 Department of Agriculture, with the advice and
8 assistance of the Illinois Standardbred Breeders Fund
9 Advisory Board.

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

19 (A) If the licensee that conducts horse racing at
20 that racetrack requests from the Board at least as many
21 racing dates as were conducted in calendar year 2000,
22 80% shall be deposited into its standardbred purse
23 account; and

24 (B) Twenty percent shall be deposited into the
25 Illinois Colt Stakes Purse Distribution Fund. Moneys
26 deposited into the Illinois Colt Stakes Purse

1 Distribution Fund pursuant to this subparagraph (B)
2 shall be paid to Illinois conceived and foaled
3 thoroughbred breeders' programs and to thoroughbred
4 purses for races conducted at any county fairgrounds
5 for Illinois conceived and foaled horses at the
6 discretion of the Department of Agriculture, with the
7 advice and assistance of the Illinois Thoroughbred
8 Breeders Fund Advisory Board. The moneys deposited
9 into the Illinois Colt Stakes Purse Distribution Fund
10 pursuant to this subparagraph (B) shall be deposited
11 within 2 weeks after the day they were generated, shall
12 be in addition to and not in lieu of any other moneys
13 paid to thoroughbred purses under this Act, and shall
14 not be commingled with other moneys deposited into that
15 Fund.

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

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

26 (B) Twenty percent to the Illinois Colt Stakes

1 Purse Distribution Fund.

2 Failure to make the payment to the Illinois Colt Stakes
3 Purse Distribution Fund before January 1, 2002 shall result
4 in the immediate revocation of the licensee's organization
5 license, inter-track wagering license, and inter-track
6 wagering location license.

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

19 (7.4) If live standardbred racing is conducted at a
20 racetrack located in Madison County at any time in calendar
21 year 2001 before the payment required under paragraph (7.3)
22 has been made, the organization licensee who is licensed to
23 conduct racing at that racetrack shall pay all moneys
24 derived by that racetrack from simulcast wagering and
25 inter-track wagering during calendar years 2000 and 2001
26 that (1) are to be used for purses and (2) are generated

1 between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or
2 2001 to the standardbred purse account at that racetrack to
3 be used for standardbred purses.

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

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

26 (9) (Blank).

1 (10) (Blank).

2 (11) (Blank).

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

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

1 wagering facility the amount to which the wagering facility
2 is entitled and a schedule for payment of the amount to the
3 wagering facility, based on: (i) the racing dates awarded
4 to the race track affiliated with the wagering facility
5 during the succeeding year; (ii) the sums available or
6 anticipated to be available in the purse account of the
7 race track affiliated with the wagering facility for purses
8 during the succeeding year; and (iii) the need to ensure
9 reasonable purse levels during the payment period. The
10 Board's certification shall be provided no later than
11 January 31 of the succeeding year. In the event a wagering
12 facility entitled to a payment under this paragraph (13) is
13 affiliated with a race track that maintains purse accounts
14 for both standardbred and thoroughbred racing, the amount
15 to be paid to the wagering facility shall be divided
16 between each purse account pro rata, based on the amount of
17 Illinois handle on Illinois standardbred and thoroughbred
18 racing respectively at the wagering facility during the
19 previous calendar year. Beginning in the year an
20 organization licensee first receives payment from the fee
21 imposed under subsection (a) of Section 7 of the Riverboat
22 Gambling Act, the wagering facilities permitted to receive
23 amounts from the purse accounts under this paragraph (13)
24 shall receive 75% of the amount certified, one year after
25 an organization licensee first receives the payment, the
26 wagering facilities shall receive 50% of the amount

1 certified, and 2 years after an organization licensee first
2 receives the payment, the wagering facilities shall
3 receive 25% of the amount certified. Beginning 3 years
4 after an organization licensee first receives payment from
5 the fee imposed under subsection (a) of Section 7 of the
6 Riverboat Gambling Act, the wagering facilities shall not
7 receive any moneys from the purse accounts under this
8 paragraph (13). Annually, the General Assembly shall
9 appropriate sufficient funds from the General Revenue Fund
10 to the Department of Agriculture for payment into the
11 thoroughbred and standardbred horse racing purse accounts
12 at Illinois pari-mutuel tracks. The amount paid to each
13 purse account shall be the amount certified by the Illinois
14 Racing Board in January to be transferred from each account
15 to each eligible racing facility in accordance with the
16 provisions of this Section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (9) (Blank).

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

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

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

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

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

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

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

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

1 230,000 and that borders the Mississippi River shall not
2 divide any remaining retention with the Illinois
3 organization licensee that provides the race or races, and
4 an intertrack wagering licensee that accepts wagers on
5 races conducted by an organization licensee that conducts a
6 race meet in a county with a population in excess of
7 230,000 and that borders the Mississippi River shall not
8 divide any remaining retention with that organization
9 licensee.

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

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

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

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

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

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

21 Two-sevenths to the Department of Agriculture.

22 Fifty percent of this two-sevenths shall be used to
23 promote the Illinois horse racing and breeding
24 industry, and shall be distributed by the Department of
25 Agriculture upon the advice of a 9-member committee
26 appointed by the Governor consisting of the following

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (D) (Blank).

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

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

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

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

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

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

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

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

19 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

20 Sec. 27. (a) In addition to the organization license fee
21 provided by this Act, until January 1, 2000, a graduated
22 privilege tax is hereby imposed for conducting the pari-mutuel
23 system of wagering permitted under this Act. Until January 1,
24 2000, except as provided in subsection (g) of Section 27 of
25 this Act, all of the breakage of each racing day held by any

1 licensee in the State shall be paid to the State. Until January
2 1, 2000, such daily graduated privilege tax shall be paid by
3 the licensee from the amount permitted to be retained under
4 this Act. Until January 1, 2000, each day's graduated privilege
5 tax, breakage, and Horse Racing Tax Allocation funds shall be
6 remitted to the Department of Revenue within 48 hours after the
7 close of the racing day upon which it is assessed or within
8 such other time as the Board prescribes. The privilege tax
9 hereby imposed, until January 1, 2000, shall be a flat tax at
10 the rate of 2% of the daily pari-mutuel handle except as
11 provided in Section 27.1.

12 In addition, every organization licensee, except as
13 provided in Section 27.1 of this Act, which conducts multiple
14 wagering shall pay, until January 1, 2000, as a privilege tax
15 on multiple wagers an amount equal to 1.25% of all moneys
16 wagered each day on such multiple wagers, plus an additional
17 amount equal to 3.5% of the amount wagered each day on any
18 other multiple wager which involves a single betting interest
19 on 3 or more horses. The licensee shall remit the amount of
20 such taxes to the Department of Revenue within 48 hours after
21 the close of the racing day on which it is assessed or within
22 such other time as the Board prescribes.

23 This subsection (a) shall be inoperative and of no force
24 and effect on and after January 1, 2000.

25 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax
26 at the rate of 1.5% of the daily pari-mutuel handle is imposed

1 at all pari-mutuel wagering facilities and on advance deposit
2 wagering from a location other than a wagering facility, except
3 as otherwise provided for in this subsection (a-5). Beginning
4 on the effective date of this amendatory Act of the 94th
5 General Assembly and until moneys deposited pursuant to Section
6 54 are distributed and received, a pari-mutuel tax at the rate
7 of 0.25% of the daily pari-mutuel handle is imposed at a
8 pari-mutuel facility whose license is derived from a track
9 located in a county that borders the Mississippi River and
10 conducted live racing in the previous year. After moneys
11 deposited pursuant to Section 54 are distributed and received,
12 a pari-mutuel tax at the rate of 1.5% of the daily pari-mutuel
13 handle is imposed at a pari-mutuel facility whose license is
14 derived from a track located in a county that borders the
15 Mississippi River and conducted live racing in the previous
16 year. The pari-mutuel tax imposed by this subsection (a-5)
17 shall be remitted to the Department of Revenue within 48 hours
18 after the close of the racing day upon which it is assessed or
19 within such other time as the Board prescribes.

20 (b) On or before December 31, 1999, in the event that any
21 organization licensee conducts 2 separate programs of races on
22 any day, each such program shall be considered a separate
23 racing day for purposes of determining the daily handle and
24 computing the privilege tax on such daily handle as provided in
25 subsection (a) of this Section.

26 (c) Licensees shall at all times keep accurate books and

1 records of all monies wagered on each day of a race meeting and
2 of the taxes paid to the Department of Revenue under the
3 provisions of this Section. The Board or its duly authorized
4 representative or representatives shall at all reasonable
5 times have access to such records for the purpose of examining
6 and checking the same and ascertaining whether the proper
7 amount of taxes is being paid as provided. The Board shall
8 require verified reports and a statement of the total of all
9 monies wagered daily at each wagering facility upon which the
10 taxes are assessed and may prescribe forms upon which such
11 reports and statement shall be made.

12 (d) Any licensee failing or refusing to pay the amount of
13 any tax due under this Section shall be guilty of a business
14 offense and upon conviction shall be fined not more than \$5,000
15 in addition to the amount found due as tax under this Section.
16 Each day's violation shall constitute a separate offense. All
17 fines paid into Court by a licensee hereunder shall be
18 transmitted and paid over by the Clerk of the Court to the
19 Board.

20 (e) No other license fee, privilege tax, excise tax, or
21 racing fee, except as provided in this Act, shall be assessed
22 or collected from any such licensee by the State.

23 (f) No other license fee, privilege tax, excise tax or
24 racing fee shall be assessed or collected from any such
25 licensee by units of local government except as provided in
26 paragraph 10.1 of subsection (h) and subsection (f) of Section

1 26 of this Act. However, any municipality that has a Board
2 licensed horse race meeting at a race track wholly within its
3 corporate boundaries or a township that has a Board licensed
4 horse race meeting at a race track wholly within the
5 unincorporated area of the township may charge a local
6 amusement tax not to exceed 10¢ per admission to such horse
7 race meeting by the enactment of an ordinance. However, any
8 municipality or county that has a Board licensed inter-track
9 wagering location facility wholly within its corporate
10 boundaries may each impose an admission fee not to exceed \$1.00
11 per admission to such inter-track wagering location facility,
12 so that a total of not more than \$2.00 per admission may be
13 imposed. Except as provided in subparagraph (g) of Section 27
14 of this Act, the inter-track wagering location licensee shall
15 collect any and all such fees and within 48 hours remit the
16 fees to the Board, which shall, pursuant to rule, cause the
17 fees to be distributed to the county or municipality.

18 (g) Notwithstanding any provision in this Act to the
19 contrary, if in any calendar year the total taxes and fees
20 required to be collected from licensees and distributed under
21 this Act to all State and local governmental authorities
22 exceeds the amount of such taxes and fees distributed to each
23 State and local governmental authority to which each State and
24 local governmental authority was entitled under this Act for
25 calendar year 1994, then the first \$11 million of that excess
26 amount shall be allocated at the earliest possible date for

1 distribution as purse money for the succeeding calendar year.
2 Upon reaching the 1994 level, and until the excess amount of
3 taxes and fees exceeds \$11 million, the Board shall direct all
4 licensees to cease paying the subject taxes and fees and the
5 Board shall direct all licensees to allocate any such excess
6 amount for purses as follows:

7 (i) the excess amount shall be initially divided
8 between thoroughbred and standardbred purses based on the
9 thoroughbred's and standardbred's respective percentages
10 of total Illinois live wagering in calendar year 1994;

11 (ii) each thoroughbred and standardbred organization
12 licensee issued an organization licensee in that
13 succeeding allocation year shall be allocated an amount
14 equal to the product of its percentage of total Illinois
15 live thoroughbred or standardbred wagering in calendar
16 year 1994 (the total to be determined based on the sum of
17 1994 on-track wagering for all organization licensees
18 issued organization licenses in both the allocation year
19 and the preceding year) multiplied by the total amount
20 allocated for standardbred or thoroughbred purses,
21 provided that the first \$1,500,000 of the amount allocated
22 to standardbred purses under item (i) shall be allocated to
23 the Department of Agriculture to be expended with the
24 assistance and advice of the Illinois Standardbred
25 Breeders Funds Advisory Board for the purposes listed in
26 subsection (g) of Section 31 of this Act, before the amount

1 allocated to standardbred purses under item (i) is
2 allocated to standardbred organization licensees in the
3 succeeding allocation year.

4 To the extent the excess amount of taxes and fees to be
5 collected and distributed to State and local governmental
6 authorities exceeds \$11 million, that excess amount shall be
7 collected and distributed to State and local authorities as
8 provided for under this Act.

9 (Source: P.A. 94-805, eff. 5-26-06.)

10 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

11 Sec. 28. Except as provided in subsection (g) of Section 27
12 of this Act, moneys collected shall be distributed according to
13 the provisions of this Section 28.

14 (a) Thirty per cent of the total of all monies received by
15 the State as privilege taxes shall be paid into the
16 Metropolitan Exposition Auditorium and Office Building Fund in
17 the State Treasury.

18 (b) In addition, 4.5% of the total of all monies received
19 by the State as privilege taxes shall be paid into the State
20 treasury into a special Fund to be known as the Metropolitan
21 Exposition, Auditorium, and Office Building Fund.

22 (c) Fifty per cent of the total of all monies received by
23 the State as privilege taxes under the provisions of this Act
24 shall be paid into the Agricultural Premium Fund.

25 (d) Seven per cent of the total of all monies received by

1 the State as privilege taxes shall be paid into the Fair and
2 Exposition Fund in the State treasury; provided, however, that
3 when all bonds issued prior to July 1, 1984 by the Metropolitan
4 Fair and Exposition Authority shall have been paid or payment
5 shall have been provided for upon a refunding of those bonds,
6 thereafter 1/12 of \$1,665,662 of such monies shall be paid each
7 month into the Build Illinois Fund, and the remainder into the
8 Fair and Exposition Fund. All excess monies shall be allocated
9 to the Department of Agriculture for distribution to county
10 fairs for premiums and rehabilitation as set forth in the
11 Agricultural Fair Act.

12 (e) The monies provided for in Section 30 shall be paid
13 into the Illinois Thoroughbred Breeders Fund.

14 (f) The monies provided for in Section 31 shall be paid
15 into the Illinois Standardbred Breeders Fund.

16 (g) Until January 1, 2000, that part representing 1/2 of
17 the total breakage in Thoroughbred, Harness, Appaloosa,
18 Arabian, and Quarter Horse racing in the State shall be paid
19 into the Illinois Race Track Improvement Fund as established in
20 Section 32.

21 (h) All other monies received by the Board under this Act
22 shall be paid into the General Revenue Fund of the State.

23 (i) The salaries of the Board members, secretary, stewards,
24 directors of mutuels, veterinarians, representatives,
25 accountants, clerks, stenographers, inspectors and other
26 employees of the Board, and all expenses of the Board incident

1 to the administration of this Act, including, but not limited
2 to, all expenses and salaries incident to the taking of saliva
3 and urine samples in accordance with the rules and regulations
4 of the Board shall be paid out of the Agricultural Premium
5 Fund.

6 (j) The Agricultural Premium Fund shall also be used:

7 (1) for the expenses of operating the Illinois State
8 Fair and the DuQuoin State Fair, including the payment of
9 prize money or premiums;

10 (2) for the distribution to county fairs, vocational
11 agriculture section fairs, agricultural societies, and
12 agricultural extension clubs in accordance with the
13 Agricultural Fair Act, as amended;

14 (3) for payment of prize monies and premiums awarded
15 and for expenses incurred in connection with the
16 International Livestock Exposition and the Mid-Continent
17 Livestock Exposition held in Illinois, which premiums, and
18 awards must be approved, and paid by the Illinois
19 Department of Agriculture;

20 (4) for personal service of county agricultural
21 advisors and county home advisors;

22 (5) for distribution to agricultural home economic
23 extension councils in accordance with "An Act in relation
24 to additional support and finance for the Agricultural and
25 Home Economic Extension Councils in the several counties in
26 this State and making an appropriation therefor", approved

1 July 24, 1967, as amended;

2 (6) for research on equine disease, including a
3 development center therefor;

4 (7) for training scholarships for study on equine
5 diseases to students at the University of Illinois College
6 of Veterinary Medicine;

7 (8) for the rehabilitation, repair and maintenance of
8 the Illinois and DuQuoin State Fair Grounds and the
9 structures and facilities thereon and the construction of
10 permanent improvements on such Fair Grounds, including
11 such structures, facilities and property located on such
12 State Fair Grounds which are under the custody and control
13 of the Department of Agriculture;

14 (9) for the expenses of the Department of Agriculture
15 under Section 5-530 of the Departments of State Government
16 Law (20 ILCS 5/5-530);

17 (10) for the expenses of the Department of Commerce and
18 Economic Opportunity under Sections 605-620, 605-625, and
19 605-630 of the Department of Commerce and Economic
20 Opportunity Law (20 ILCS 605/605-620, 605/605-625, and
21 605/605-630);

22 (11) for remodeling, expanding, and reconstructing
23 facilities destroyed by fire of any Fair and Exposition
24 Authority in counties with a population of 1,000,000 or
25 more inhabitants;

26 (12) for the purpose of assisting in the care and

1 general rehabilitation of disabled veterans of any war and
2 their surviving spouses and orphans;

3 (13) for expenses of the Department of State Police for
4 duties performed under this Act;

5 (14) for the Department of Agriculture for soil surveys
6 and soil and water conservation purposes;

7 (15) for the Department of Agriculture for grants to
8 the City of Chicago for conducting the Chicagofest;

9 (16) for the State Comptroller for grants and operating
10 expenses authorized by the Illinois Global Partnership
11 Act;~~;~~

12 (17) for drug testing as authorized in Section 34.3 of
13 this Act.

14 (k) To the extent that monies paid by the Board to the
15 Agricultural Premium Fund are in the opinion of the Governor in
16 excess of the amount necessary for the purposes herein stated,
17 the Governor shall notify the Comptroller and the State
18 Treasurer of such fact, who, upon receipt of such notification,
19 shall transfer such excess monies from the Agricultural Premium
20 Fund to the General Revenue Fund.

21 (Source: P.A. 94-91, Sections 55-135 and 90-10, eff. 7-1-05.)

22 (230 ILCS 5/28.1)

23 Sec. 28.1. Payments.

24 (a) Beginning on January 1, 2000, moneys collected by the
25 Department of Revenue and the Racing Board pursuant to Section

1 26 or Section 27 of this Act shall be deposited into the Horse
2 Racing Fund, which is hereby created as a special fund in the
3 State Treasury.

4 (b) Appropriations, as approved by the General Assembly,
5 may be made from the Horse Racing Fund to the Board to pay the
6 salaries of the Board members, secretary, stewards, directors
7 of mutuels, veterinarians, representatives, accountants,
8 clerks, stenographers, inspectors and other employees of the
9 Board, and all expenses of the Board incident to the
10 administration of this Act, including, but not limited to, all
11 expenses and salaries incident to the taking of saliva and
12 urine samples in accordance with the rules and regulations of
13 the Board.

14 (c) Appropriations, as approved by the General Assembly,
15 shall be made from the Horse Racing Fund to the Department of
16 Agriculture for the purposes identified in paragraphs (2),
17 (2.5), (4), (6), (7), (8), and (9) of subsection (g) of Section
18 30, subsection (e) of Section 30.5, and paragraphs (1), (2),
19 (3), (5), and (8) of subsection (g) of Section 31 and for
20 standardbred bonus programs for owners of horses that win
21 multiple stakes races that are limited to Illinois conceived
22 and foaled horses. From ~~Beginning on~~ January 1, 2000 until the
23 effective date of this amendatory Act of the 95th General
24 Assembly, the Board shall transfer the remainder of the funds
25 generated pursuant to Sections 26 and 27 from the Horse Racing
26 Fund into the General Revenue Fund.

1 (d) Beginning January 1, 2000, payments to all programs in
2 existence on the effective date of this amendatory Act of 1999
3 that are identified in Sections 26(c), 26(f), 26(h)(11)(C), and
4 28, subsections (a), (b), (c), (d), (e), (f), (g), and (h) of
5 Section 30, and subsections (a), (b), (c), (d), (e), (f), (g),
6 and (h) of Section 31 shall be made from the General Revenue
7 Fund at the funding levels determined by amounts paid under
8 this Act in calendar year 1998. Beginning on the effective date
9 of this amendatory Act of the 93rd General Assembly, payments
10 to the Peoria Park District shall be made from the General
11 Revenue Fund at the funding level determined by amounts paid to
12 that park district for museum purposes under this Act in
13 calendar year 1994. Beginning on the effective date of this
14 amendatory Act of the 94th General Assembly, in lieu of
15 payments to the Champaign Park District for museum purposes,
16 payments to the Urbana Park District shall be made from the
17 General Revenue Fund at the funding level determined by amounts
18 paid to the Champaign Park District for museum purposes under
19 this Act in calendar year 2005.

20 (e) Beginning July 1, 2006, the payment authorized under
21 subsection (d) to museums and aquariums located in park
22 districts of over 500,000 population shall be paid to museums,
23 aquariums, and zoos in amounts determined by Museums in the
24 Park, an association of museums, aquariums, and zoos located on
25 Chicago Park District property.

26 (f) Beginning July 1, 2007, the Children's Discovery Museum

1 in Normal, Illinois shall receive payments from the General
2 Revenue Fund at the funding level determined by the amounts
3 paid to the Miller Park Zoo in Bloomington, Illinois under this
4 Section in calendar year 2006.

5 (g) Notwithstanding any other provision of this Act to the
6 contrary, appropriations, as approved by the General Assembly,
7 may be made from the Fair and Exposition Fund to the Department
8 of Agriculture for distribution to Illinois county fairs to
9 supplement premiums offered in junior classes.

10 (Source: P.A. 94-813, eff. 5-26-06; 95-222, eff. 8-16-07.)

11 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

12 Sec. 30. (a) The General Assembly declares that it is the
13 policy of this State to encourage the breeding of thoroughbred
14 horses in this State and the ownership of such horses by
15 residents of this State in order to provide for: sufficient
16 numbers of high quality thoroughbred horses to participate in
17 thoroughbred racing meetings in this State, and to establish
18 and preserve the agricultural and commercial benefits of such
19 breeding and racing industries to the State of Illinois. It is
20 the intent of the General Assembly to further this policy by
21 the provisions of this Act.

22 (b) Each organization licensee conducting a thoroughbred
23 racing meeting pursuant to this Act shall provide at least two
24 races each day limited to Illinois conceived and foaled horses
25 or Illinois foaled horses or both. A minimum of 6 races shall

1 be conducted each week limited to Illinois conceived and foaled
2 or Illinois foaled horses or both. Subject to the daily
3 availability of horses, one of the 6 races scheduled per week
4 that are limited to Illinois conceived and foaled or Illinois
5 foaled horses or both shall be limited to Illinois conceived
6 and foaled or Illinois foaled maidens. No horses shall be
7 permitted to start in such races unless duly registered under
8 the rules of the Department of Agriculture.

9 (c) Conditions of races under subsection (b) shall be
10 commensurate with past performance, quality, and class of
11 Illinois conceived and foaled and Illinois foaled horses
12 available. If, however, sufficient competition cannot be had
13 among horses of that class on any day, the races may, with
14 consent of the Board, be eliminated for that day and substitute
15 races provided.

16 (d) There is hereby created a special fund of the State
17 Treasury to be known as the Illinois Thoroughbred Breeders
18 Fund.

19 Except as provided in subsection (g) of Section 27 of this
20 Act, 8.5% of all the monies received by the State as privilege
21 taxes on Thoroughbred racing meetings shall be paid into the
22 Illinois Thoroughbred Breeders Fund.

23 (e) The Illinois Thoroughbred Breeders Fund shall be
24 administered by the Department of Agriculture with the advice
25 and assistance of the Advisory Board created in subsection (f)
26 of this Section.

1 (f) The Illinois Thoroughbred Breeders Fund Advisory Board
2 shall consist of the Director of the Department of Agriculture,
3 who shall serve as Chairman; a member of the Illinois Racing
4 Board, designated by it; 2 representatives of the organization
5 licensees conducting thoroughbred racing meetings, recommended
6 by them; 2 representatives of the Illinois Thoroughbred
7 Breeders and Owners Foundation, recommended by it; and 2
8 representatives of the Horsemen's Benevolent Protective
9 Association or any successor organization established in
10 Illinois comprised of the largest number of owners and
11 trainers, recommended by it, with one representative of the
12 Horsemen's Benevolent and Protective Association to come from
13 its Illinois Division, and one from its Chicago Division.
14 Advisory Board members shall serve for 2 years commencing
15 January 1 of each odd numbered year. If representatives of the
16 organization licensees conducting thoroughbred racing
17 meetings, the Illinois Thoroughbred Breeders and Owners
18 Foundation, and the Horsemen's Benevolent Protection
19 Association have not been recommended by January 1, of each odd
20 numbered year, the Director of the Department of Agriculture
21 shall make an appointment for the organization failing to so
22 recommend a member of the Advisory Board. Advisory Board
23 members shall receive no compensation for their services as
24 members but shall be reimbursed for all actual and necessary
25 expenses and disbursements incurred in the execution of their
26 official duties.

1 (g) Moneys ~~No monies~~ shall be expended from the Illinois
2 Thoroughbred Breeders Fund ~~except~~ as appropriated by the
3 General Assembly pursuant to this Act, the Riverboat and Casino
4 Gambling Act, or both. Monies appropriated from the Illinois
5 Thoroughbred Breeders Fund shall be expended by the Department
6 of Agriculture, with the advice and assistance of the Illinois
7 Thoroughbred Breeders Fund Advisory Board, for the following
8 purposes only:

9 (1) To provide purse supplements to owners of horses
10 participating in races limited to Illinois conceived and
11 foaled and Illinois foaled horses. Any such purse
12 supplements shall not be included in and shall be paid in
13 addition to any purses, stakes, or breeders' awards offered
14 by each organization licensee as determined by agreement
15 between such organization licensee and an organization
16 representing the horsemen. No monies from the Illinois
17 Thoroughbred Breeders Fund shall be used to provide purse
18 supplements for claiming races in which the minimum
19 claiming price is less than \$7,500.

20 (2) To provide stakes and awards to be paid to the
21 owners of the winning horses in certain races limited to
22 Illinois conceived and foaled and Illinois foaled horses
23 designated as stakes races.

24 (2.5) To provide an award to the owner or owners of an
25 Illinois conceived and foaled or Illinois foaled horse that
26 wins a maiden special weight, an allowance, overnight

1 handicap race, or claiming race with claiming price of
2 \$10,000 or more providing the race is not restricted to
3 Illinois conceived and foaled or Illinois foaled horses.
4 Awards shall also be provided to the owner or owners of
5 Illinois conceived and foaled and Illinois foaled horses
6 that place second or third in those races. To the extent
7 that additional moneys are required to pay the minimum
8 additional awards of 40% of the purse the horse earns for
9 placing first, second or third in those races for Illinois
10 foaled horses and of 60% of the purse the horse earns for
11 placing first, second or third in those races for Illinois
12 conceived and foaled horses, those moneys shall be provided
13 from the purse account at the track where earned.

14 (3) To provide stallion awards to the owner or owners
15 of any stallion that is duly registered with the Illinois
16 Thoroughbred Breeders Fund Program ~~prior to the effective~~
17 ~~date of this amendatory Act of 1995~~ whose duly registered
18 Illinois conceived and foaled offspring wins a race
19 conducted at an Illinois thoroughbred racing meeting other
20 than a claiming race, provided (i) that the stallion stood
21 for service within Illinois at the time the offspring was
22 conceived and (ii) that the stallion did not stand for
23 service outside of Illinois at any time during the year in
24 which the offspring was conceived. ~~Such award shall not be~~
25 ~~paid to the owner or owners of an Illinois stallion that~~
26 ~~served outside this State at any time during the calendar~~

1 ~~year in which such race was conducted.~~

2 (4) To provide \$75,000 annually for purses to be
3 distributed to county fairs that provide for the running of
4 races during each county fair exclusively for the
5 thoroughbreds conceived and foaled in Illinois. The
6 conditions of the races shall be developed by the county
7 fair association and reviewed by the Department with the
8 advice and assistance of the Illinois Thoroughbred
9 Breeders Fund Advisory Board. There shall be no wagering of
10 any kind on the running of Illinois conceived and foaled
11 races at county fairs.

12 (4.1) (Blank). ~~To provide purse money for an Illinois~~
13 ~~stallion stakes program.~~

14 (5) No less than 80% of all monies appropriated to ~~from~~
15 the Illinois Thoroughbred Breeders Fund shall be expended
16 for the purposes in (1), (2), (2.5), (3), (4), (4.1), and
17 (5) as shown above.

18 (6) To provide for educational programs regarding the
19 thoroughbred breeding industry.

20 (7) To provide for research programs concerning the
21 health, development and care of the thoroughbred horse.

22 (8) To provide for a scholarship and training program
23 for students of equine veterinary medicine.

24 (9) To provide for dissemination of public information
25 designed to promote the breeding of thoroughbred horses in
26 Illinois.

1 (10) To provide for all expenses incurred in the
2 administration of the Illinois Thoroughbred Breeders Fund.

3 (h) (Blank). ~~Whenever the Governor finds that the amount in~~
4 ~~the Illinois Thoroughbred Breeders Fund is more than the total~~
5 ~~of the outstanding appropriations from such fund, the Governor~~
6 ~~shall notify the State Comptroller and the State Treasurer of~~
7 ~~such fact. The Comptroller and the State Treasurer, upon~~
8 ~~receipt of such notification, shall transfer such excess amount~~
9 ~~from the Illinois Thoroughbred Breeders Fund to the General~~
10 ~~Revenue Fund.~~

11 (i) A sum equal to 12 1/2% of the first prize money of
12 every purse won by an Illinois foaled or an Illinois conceived
13 and foaled horse in races not limited to Illinois foaled horses
14 or Illinois conceived and foaled horses, or both, shall be paid
15 by the organization licensee conducting the horse race meeting.
16 Such sum shall be paid from the organization licensee's share
17 of the money wagered as follows: 11 1/2% to the breeder of the
18 winning horse and 1% to the organization representing
19 thoroughbred breeders and owners whose representative serves
20 on the Illinois Thoroughbred Breeders Fund Advisory Board for
21 verifying the amounts of breeders' awards earned, assuring
22 their distribution in accordance with this Act, and servicing
23 and promoting the Illinois thoroughbred horse racing industry.
24 The organization representing thoroughbred breeders and owners
25 shall cause all expenditures of monies received under this
26 subsection (i) to be audited at least annually by a registered

1 public accountant. The organization shall file copies of each
2 annual audit with the Racing Board, the Clerk of the House of
3 Representatives and the Secretary of the Senate, and shall make
4 copies of each annual audit available to the public upon
5 request and upon payment of the reasonable cost of photocopying
6 the requested number of copies. Such payments shall not reduce
7 any award to the owner of the horse or reduce the taxes payable
8 under this Act. Upon completion of its racing meet, each
9 organization licensee shall deliver to the organization
10 representing thoroughbred breeders and owners whose
11 representative serves on the Illinois Thoroughbred Breeders
12 Fund Advisory Board a listing of all the Illinois foaled and
13 the Illinois conceived and foaled horses which won breeders'
14 awards and the amount of such breeders' awards under this
15 subsection to verify accuracy of payments and assure proper
16 distribution of breeders' awards in accordance with the
17 provisions of this Act. Such payments shall be delivered by the
18 organization licensee within 30 days of the end of each race
19 meeting.

20 (j) A sum equal to 12 1/2% of the first prize money won in
21 each race limited to Illinois foaled horses or Illinois
22 conceived and foaled horses, or both, shall be paid in the
23 following manner by the organization licensee conducting the
24 horse race meeting, from the organization licensee's share of
25 the money wagered: 11 1/2% to the breeders of the horses in
26 each such race which are the official first, second, third and

1 fourth finishers and 1% to the organization representing
2 thoroughbred breeders and owners whose representative serves
3 on the Illinois Thoroughbred Breeders Fund Advisory Board for
4 verifying the amounts of breeders' awards earned, assuring
5 their proper distribution in accordance with this Act, and
6 servicing and promoting the Illinois thoroughbred horse racing
7 industry. The organization representing thoroughbred breeders
8 and owners shall cause all expenditures of monies received
9 under this subsection (j) to be audited at least annually by a
10 registered public accountant. The organization shall file
11 copies of each annual audit with the Racing Board, the Clerk of
12 the House of Representatives and the Secretary of the Senate,
13 and shall make copies of each annual audit available to the
14 public upon request and upon payment of the reasonable cost of
15 photocopying the requested number of copies.

16 The 11 1/2% paid to the breeders in accordance with this
17 subsection shall be distributed as follows:

18 (1) 60% of such sum shall be paid to the breeder of the
19 horse which finishes in the official first position;

20 (2) 20% of such sum shall be paid to the breeder of the
21 horse which finishes in the official second position;

22 (3) 15% of such sum shall be paid to the breeder of the
23 horse which finishes in the official third position; and

24 (4) 5% of such sum shall be paid to the breeder of the
25 horse which finishes in the official fourth position.

26 Such payments shall not reduce any award to the owners of a

1 horse or reduce the taxes payable under this Act. Upon
2 completion of its racing meet, each organization licensee shall
3 deliver to the organization representing thoroughbred breeders
4 and owners whose representative serves on the Illinois
5 Thoroughbred Breeders Fund Advisory Board a listing of all the
6 Illinois foaled and the Illinois conceived and foaled horses
7 which won breeders' awards and the amount of such breeders'
8 awards in accordance with the provisions of this Act. Such
9 payments shall be delivered by the organization licensee within
10 30 days of the end of each race meeting.

11 (k) The term "breeder", as used herein, means the owner of
12 the mare at the time the foal is dropped. An "Illinois foaled
13 horse" is a foal dropped by a mare which enters this State on
14 or before December 1, in the year in which the horse is bred,
15 provided the mare remains continuously in this State until its
16 foal is born. An "Illinois foaled horse" also means a foal born
17 of a mare in the same year as the mare enters this State on or
18 before March 1, and remains in this State at least 30 days
19 after foaling, is bred back during the season of the foaling to
20 an Illinois Registered Stallion (unless a veterinarian
21 certifies that the mare should not be bred for health reasons),
22 and is not bred to a stallion standing in any other state
23 during the season of foaling. An "Illinois foaled horse" also
24 means a foal born in Illinois of a mare purchased at public
25 auction subsequent to the mare entering this State prior to
26 March 1 ~~February 1~~ of the foaling year providing the mare is

1 owned solely by one or more Illinois residents or an Illinois
2 entity that is entirely owned by one or more Illinois
3 residents.

4 (1) The Department of Agriculture shall, by rule, with the
5 advice and assistance of the Illinois Thoroughbred Breeders
6 Fund Advisory Board:

7 (1) Qualify stallions for Illinois breeding; such
8 stallions to stand for service within the State of Illinois
9 at the time of a foal's conception. Such stallion must not
10 stand for service at any place outside the State of
11 Illinois during the calendar year in which the foal is
12 conceived. The Department of Agriculture may assess and
13 collect an application fee of \$500 ~~fees~~ for the
14 registration of each Illinois-eligible stallion ~~stallions~~.
15 All fees collected are to be paid into the Illinois
16 Thoroughbred Breeders Fund and used by the Illinois
17 Thoroughbred Breeders Fund Advisory Board for stallion
18 awards.

19 (2) Provide for the registration of Illinois conceived
20 and foaled horses and Illinois foaled horses. No such horse
21 shall compete in the races limited to Illinois conceived
22 and foaled horses or Illinois foaled horses or both unless
23 registered with the Department of Agriculture. The
24 Department of Agriculture may prescribe such forms as are
25 necessary to determine the eligibility of such horses. The
26 Department of Agriculture may assess and collect

1 application fees for the registration of Illinois-eligible
2 foals. All fees collected are to be paid into the Illinois
3 Thoroughbred Breeders Fund. No person shall knowingly
4 prepare or cause preparation of an application for
5 registration of such foals containing false information.

6 (m) The Department of Agriculture, with the advice and
7 assistance of the Illinois Thoroughbred Breeders Fund Advisory
8 Board, shall provide that certain races limited to Illinois
9 conceived and foaled and Illinois foaled horses be stakes races
10 and determine the total amount of stakes and awards to be paid
11 to the owners of the winning horses in such races.

12 In determining the stakes races and the amount of awards
13 for such races, the Department of Agriculture shall consider
14 factors, including but not limited to, the amount of money
15 appropriated for the Illinois Thoroughbred Breeders Fund
16 program, organization licensees' contributions, availability
17 of stakes caliber horses as demonstrated by past performances,
18 whether the race can be coordinated into the proposed racing
19 dates within organization licensees' racing dates, opportunity
20 for colts and fillies and various age groups to race, public
21 wagering on such races, and the previous racing schedule.

22 (n) The Board and the organizational licensee shall notify
23 the Department of the conditions and minimum purses for races
24 limited to Illinois conceived and foaled and Illinois foaled
25 horses conducted for each organizational licensee conducting a
26 thoroughbred racing meeting. The Department of Agriculture

1 with the advice and assistance of the Illinois Thoroughbred
2 Breeders Fund Advisory Board may allocate monies for purse
3 supplements for such races. In determining whether to allocate
4 money and the amount, the Department of Agriculture shall
5 consider factors, including but not limited to, the amount of
6 money appropriated for the Illinois Thoroughbred Breeders Fund
7 program, the number of races that may occur, and the
8 organizational licensee's purse structure.

9 (o) (Blank). ~~In order to improve the breeding quality of~~
10 ~~thoroughbred horses in the State, the General Assembly~~
11 ~~recognizes that existing provisions of this Section to~~
12 ~~encourage such quality breeding need to be revised and~~
13 ~~strengthened. As such, a Thoroughbred Breeder's Program Task~~
14 ~~Force is to be appointed by the Governor by September 1, 1999~~
15 ~~to make recommendations to the General Assembly by no later~~
16 ~~than March 1, 2000. This task force is to be composed of 2~~
17 ~~representatives from the Illinois Thoroughbred Breeders and~~
18 ~~Owners Foundation, 2 from the Illinois Thoroughbred Horsemen's~~
19 ~~Association, 3 from Illinois race tracks operating~~
20 ~~thoroughbred race meets for an average of at least 30 days in~~
21 ~~the past 3 years, the Director of Agriculture, the Executive~~
22 ~~Director of the Racing Board, who shall serve as Chairman.~~

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

24 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

25 Sec. 31. (a) The General Assembly declares that it is the

1 policy of this State to encourage the breeding of standardbred
2 horses in this State and the ownership of such horses by
3 residents of this State in order to provide for: sufficient
4 numbers of high quality standardbred horses to participate in
5 harness racing meetings in this State, and to establish and
6 preserve the agricultural and commercial benefits of such
7 breeding and racing industries to the State of Illinois. It is
8 the intent of the General Assembly to further this policy by
9 the provisions of this Section of this Act.

10 (b) Each organization licensee conducting a harness racing
11 meeting pursuant to this Act shall provide for at least two
12 races each race program limited to Illinois conceived and
13 foaled horses. A minimum of 6 races shall be conducted each
14 week limited to Illinois conceived and foaled horses. No horses
15 shall be permitted to start in such races unless duly
16 registered under the rules of the Department of Agriculture.

17 (b-5) Each organization licensee conducting a harness
18 racing meeting pursuant to this Act shall provide stakes races
19 and early closer races for Illinois conceived and foaled horses
20 so the total purses distributed for such races shall be no less
21 than 17% of the total purses distributed at the meeting.

22 (b-10) Each organization licensee conducting a harness
23 racing meeting pursuant to this Act shall provide an owner
24 award to be paid from the purse account equal to 25% of the
25 amount earned by Illinois conceived and foaled horses in races
26 that are not restricted to Illinois conceived and foaled

1 horses.

2 (c) Conditions of races under subsection (b) shall be
3 commensurate with past performance, quality and class of
4 Illinois conceived and foaled horses available. If, however,
5 sufficient competition cannot be had among horses of that class
6 on any day, the races may, with consent of the Board, be
7 eliminated for that day and substitute races provided.

8 (d) There is hereby created a special fund of the State
9 Treasury to be known as the Illinois Standardbred Breeders
10 Fund.

11 During the calendar year 1981, and each year thereafter,
12 except as provided in subsection (g) of Section 27 of this Act,
13 eight and one-half per cent of all the monies received by the
14 State as privilege taxes on harness racing meetings shall be
15 paid into the Illinois Standardbred Breeders Fund.

16 (e) The Illinois Standardbred Breeders Fund shall be
17 administered by the Department of Agriculture with the
18 assistance and advice of the Advisory Board created in
19 subsection (f) of this Section.

20 (f) The Illinois Standardbred Breeders Fund Advisory Board
21 is hereby created. The Advisory Board shall consist of the
22 Director of the Department of Agriculture, who shall serve as
23 Chairman; the Superintendent of the Illinois State Fair; a
24 member of the Illinois Racing Board, designated by it; a
25 representative of the Illinois Standardbred Owners and
26 Breeders Association, recommended by it; a representative of

1 the Illinois Association of Agricultural Fairs, recommended by
2 it, such representative to be from a fair at which Illinois
3 conceived and foaled racing is conducted; a representative of
4 the organization licensees conducting harness racing meetings,
5 recommended by them and a representative of the Illinois
6 Harness Horsemen's Association, recommended by it. Advisory
7 Board members shall serve for 2 years commencing January 1, of
8 each odd numbered year. If representatives of the Illinois
9 Standardbred Owners and Breeders Associations, the Illinois
10 Association of Agricultural Fairs, the Illinois Harness
11 Horsemen's Association, and the organization licensees
12 conducting harness racing meetings have not been recommended by
13 January 1, of each odd numbered year, the Director of the
14 Department of Agriculture shall make an appointment for the
15 organization failing to so recommend a member of the Advisory
16 Board. Advisory Board members shall receive no compensation for
17 their services as members but shall be reimbursed for all
18 actual and necessary expenses and disbursements incurred in the
19 execution of their official duties.

20 (g) No monies shall be expended from the Illinois
21 Standardbred Breeders Fund except as appropriated by the
22 General Assembly pursuant to this Act, the Riverboat and Casino
23 Gambling Act, or both. Monies appropriated from the Illinois
24 Standardbred Breeders Fund shall be expended by the Department
25 of Agriculture, with the assistance and advice of the Illinois
26 Standardbred Breeders Fund Advisory Board for the following

1 purposes only:

2 1. To provide purses for races limited to Illinois
3 conceived and foaled horses at the State Fair and the
4 DuQuoin State Fair.

5 2. To provide purses for races limited to Illinois
6 conceived and foaled horses at county fairs.

7 3. To provide purse supplements for races limited to
8 Illinois conceived and foaled horses conducted by
9 associations conducting harness racing meetings.

10 4. No less than 75% of all monies in the Illinois
11 Standardbred Breeders Fund shall be expended for purses in
12 1, 2 and 3 as shown above.

13 5. In the discretion of the Department of Agriculture
14 to provide awards to harness breeders of Illinois conceived
15 and foaled horses which win races conducted by organization
16 licensees conducting harness racing meetings. A breeder is
17 the owner of a mare at the time of conception. No more than
18 10% of all monies appropriated from the Illinois
19 Standardbred Breeders Fund shall be expended for such
20 harness breeders awards. No more than 25% of the amount
21 expended for harness breeders awards shall be expended for
22 expenses incurred in the administration of such harness
23 breeders awards.

24 6. To pay for the improvement of racing facilities
25 located at the State Fair and County fairs.

26 7. To pay the expenses incurred in the administration

1 of the Illinois Standardbred Breeders Fund.

2 8. To promote the sport of harness racing, including
3 grants up to a maximum of \$7,500 per fair per year for the
4 cost of a totalizer system to be used for conducting
5 pari-mutuel wagering during the advertised dates of a
6 county fair.

7 (h) Whenever the Governor finds that the amount in the
8 Illinois Standardbred Breeders Fund is more than the total of
9 the outstanding appropriations from such fund, the Governor
10 shall notify the State Comptroller and the State Treasurer of
11 such fact. The Comptroller and the State Treasurer, upon
12 receipt of such notification, shall transfer such excess amount
13 from the Illinois Standardbred Breeders Fund to the General
14 Revenue Fund.

15 (i) A sum equal to 12 1/2% of the first prize money of the
16 gross ~~every~~ purse won by an Illinois conceived and foaled horse
17 shall be paid by the organization licensee conducting the horse
18 race meeting to the breeder of such winning horse from the
19 organization licensee's account ~~share of the money wagered.~~
20 Such payment shall not reduce any award to the owner of the
21 horse or reduce the taxes payable under this Act. Such payment
22 shall be delivered by the organization licensee at the end of
23 each month ~~race meeting.~~

24 (j) The Department of Agriculture shall, by rule, with the
25 assistance and advice of the Illinois Standardbred Breeders
26 Fund Advisory Board:

1 1. Qualify stallions for Illinois Standardbred Breeders
2 Fund breeding; such stallion shall be owned by a resident of
3 the State of Illinois or by an Illinois corporation all of
4 whose shareholders, directors, officers and incorporators are
5 residents of the State of Illinois. Such stallion shall stand
6 for service at and within the State of Illinois at the time of
7 a foal's conception, and such stallion must not stand for
8 service at any place, ~~nor may semen from such stallion be~~
9 ~~transported,~~ outside the State of Illinois during that calendar
10 year in which the foal is conceived and that the owner of the
11 stallion was for the 12 months prior, a resident of Illinois.
12 The articles of agreement of any partnership, joint venture,
13 limited partnership, syndicate, association or corporation and
14 any bylaws and stock certificates must contain a restriction
15 that provides that the ownership or transfer of interest by any
16 one of the persons a party to the agreement can only be made to
17 a person who qualifies as an Illinois resident. Foals conceived
18 outside the State of Illinois from shipped semen from a
19 stallion qualified for breeders' awards under this Section are
20 not eligible to participate in the Illinois conceived and
21 foaled program.

22 2. Provide for the registration of Illinois conceived and
23 foaled horses and no such horse shall compete in the races
24 limited to Illinois conceived and foaled horses unless
25 registered with the Department of Agriculture. The Department
26 of Agriculture may prescribe such forms as may be necessary to

1 determine the eligibility of such horses. No person shall
2 knowingly prepare or cause preparation of an application for
3 registration of such foals containing false information. A mare
4 (dam) must be in the state at least 30 days prior to foaling or
5 remain in the State at least 30 days at the time of foaling.
6 Beginning with the 1996 breeding season and for foals of 1997
7 and thereafter, a foal conceived in the State of Illinois by
8 transported fresh semen may be eligible for Illinois conceived
9 and foaled registration provided all breeding and foaling
10 requirements are met. The stallion must be qualified for
11 Illinois Standardbred Breeders Fund breeding at the time of
12 conception and the mare must be inseminated within the State of
13 Illinois. The foal must be dropped in Illinois and properly
14 registered with the Department of Agriculture in accordance
15 with this Act.

16 3. Provide that at least a 5 day racing program shall be
17 conducted at the State Fair each year, which program shall
18 include at least the following races limited to Illinois
19 conceived and foaled horses: (a) a two year old Trot and Pace,
20 and Filly Division of each; (b) a three year old Trot and Pace,
21 and Filly Division of each; (c) an aged Trot and Pace, and Mare
22 Division of each.

23 4. Provide for the payment of nominating, sustaining and
24 starting fees for races promoting the sport of harness racing
25 and for the races to be conducted at the State Fair as provided
26 in subsection (j) 3 of this Section provided that the

1 nominating, sustaining and starting payment required from an
2 entrant shall not exceed 2% of the purse of such race. All
3 nominating, sustaining and starting payments shall be held for
4 the benefit of entrants and shall be paid out as part of the
5 respective purses for such races. Nominating, sustaining and
6 starting fees shall be held in trust accounts for the purposes
7 as set forth in this Act and in accordance with Section 205-15
8 of the Department of Agriculture Law (20 ILCS 205/205-15).

9 5. Provide for the registration with the Department of
10 Agriculture of Colt Associations or county fairs desiring to
11 sponsor races at county fairs.

12 (k) The Department of Agriculture, with the advice and
13 assistance of the Illinois Standardbred Breeders Fund Advisory
14 Board, may allocate monies for purse supplements for such
15 races. In determining whether to allocate money and the amount,
16 the Department of Agriculture shall consider factors,
17 including but not limited to, the amount of money appropriated
18 for the Illinois Standardbred Breeders Fund program, the number
19 of races that may occur, and an organizational licensee's purse
20 structure. The organizational licensee shall notify the
21 Department of Agriculture of the conditions and minimum purses
22 for races limited to Illinois conceived and foaled horses to be
23 conducted by each organizational licensee conducting a harness
24 racing meeting for which purse supplements have been
25 negotiated.

26 (l) All races held at county fairs and the State Fair which

1 receive funds from the Illinois Standardbred Breeders Fund
2 shall be conducted in accordance with the rules of the United
3 States Trotting Association unless otherwise modified by the
4 Department of Agriculture.

5 (m) At all standardbred race meetings held or conducted
6 under authority of a license granted by the Board, and at all
7 standardbred races held at county fairs which are approved by
8 the Department of Agriculture or at the Illinois or DuQuoin
9 State Fairs, no one shall jog, train, warm up or drive a
10 standardbred horse unless he or she is wearing a protective
11 safety helmet, with the chin strap fastened and in place, which
12 meets the standards and requirements as set forth in the 1984
13 Standard for Protective Headgear for Use in Harness Racing and
14 Other Equestrian Sports published by the Snell Memorial
15 Foundation, or any standards and requirements for headgear the
16 Illinois Racing Board may approve. Any other standards and
17 requirements so approved by the Board shall equal or exceed
18 those published by the Snell Memorial Foundation. Any
19 equestrian helmet bearing the Snell label shall be deemed to
20 have met those standards and requirements.

21 (Source: P.A. 91-239, eff. 1-1-00.)

22 (230 ILCS 5/31.2 new)

23 Sec. 31.2. Racing Industry Workers' Fund; advisory board.

24 (a) The General Assembly finds that backstretch workers
25 play a critical role in the success and prosperity of the

1 racine industry. The General Assembly finds that there is a
2 need to improve the quality and viability of live racing in
3 Illinois by providing new resources to increase purse sizes and
4 to improve race track facilities. The General Assembly finds
5 that there is a concomitant responsibility and duty to address
6 the human service and housing needs of backstretch workers.

7 (b) There is hereby created in the State treasury a special
8 fund to be known as the Racing Industry Workers' Fund. The Fund
9 shall consist of moneys paid into it under subsection (b) of
10 Section 54.5 of the Illinois Horse Racing Act of 1975.

11 (c) The Illinois Racing Board is authorized to use funds in
12 the Racing Industry Workers' Fund to fund programs and
13 initiatives that improve the quality of life of backstretch
14 workers. Initiatives funded by the Illinois Racing Board shall
15 address needs such as illiteracy, substance dependence,
16 primary health care, child care, housing, and any other social
17 service need determined by the Illinois Racing Board.

18 (d) On December 31st of each year the Board shall report to
19 the General Assembly and the Governor on the programs funded by
20 the Board during the preceding fiscal year, the number of
21 persons served, and the working and living conditions of
22 backstretch workers.

23 (e) The Board shall appoint a Backstretch Programs Advisory
24 Board, who shall report to and advise the Board on matters
25 concerning backstretch conditions and needs. The Backstretch
26 Programs Advisory Board shall consist of the following 7

1 members:

2 (1) 2 persons who represent the interests of an
3 organization licensee;

4 (2) one person who represents the interests of
5 standardbred horsemen;

6 (3) one person who represents the interests of
7 thoroughbred horsemen;

8 (4) one person who is or was a backstretch worker;

9 (5) one person who advocates on behalf of backstretch
10 workers; and

11 (6) one person who has significant experience in
12 administering social services.

13 (f) The Board shall hire, in its sole discretion, a
14 backstretch workers' Program Coordinator who shall serve under
15 the direction of the Board to supervise and coordinate the
16 programs funded by the Racing Industry Workers' Fund. The
17 Program Coordinator shall be paid from the Racing Industry
18 Workers' Fund.

19 (230 ILCS 5/36) (from Ch. 8, par. 37-36)

20 Sec. 36. (a) Whoever administers or conspires to administer
21 to any horse a hypnotic, narcotic, stimulant, depressant or any
22 chemical substance which may affect the speed of a horse at any
23 time, except those chemical substances permitted by ruling of
24 the Board, internally, externally or by hypodermic method in a
25 race or prior thereto, or whoever knowingly enters a horse in

1 any race within a period of 24 hours after any hypnotic,
2 narcotic, stimulant, depressant or any other chemical
3 substance which may affect the speed of a horse at any time,
4 except those chemical substances permitted by ruling of the
5 Board, has been administered to such horse either internally or
6 externally or by hypodermic method for the purpose of
7 increasing or retarding the speed of such horse shall be guilty
8 of a Class 4 felony. The Board shall suspend or revoke such
9 violator's license.

10 (b) The term "hypnotic" as used in this Section includes
11 all barbituric acid preparations and derivatives.

12 (c) The term "narcotic" as used in this Section includes
13 opium and all its alkaloids, salts, preparations and
14 derivatives, cocaine and all its salts, preparations and
15 derivatives and substitutes.

16 (d) The provisions of this Section 36 and the treatment
17 authorized herein apply to horses entered in and competing in
18 race meetings as defined in Section 3.47 of this Act and to
19 horses entered in and competing at any county fair.

20 (e) Drug testing for horses entered in and competing at any
21 county fair shall be conducted by the Department of
22 Agriculture, with the advice and assistance of the Board. The
23 Department of Agriculture, with the assistance of the Board,
24 shall adopt rules for drug testing, for horses entered in and
25 competing at any county fair.

26 (Source: P.A. 79-1185.)

1 (230 ILCS 5/54.5)

2 (Section scheduled to be repealed on May 26, 2008)

3 Sec. 54.5. Horse Racing Equity Trust Fund.

4 (a) There is created a Fund to be known as the Horse Racing
5 Equity Trust Fund, which is a non-appropriated trust fund held
6 separate and apart from State moneys. The Fund shall consist of
7 moneys paid into it by owners licensees under the Riverboat
8 Gambling Act for the purposes described in this Section. The
9 Fund shall be administered by the Board. Moneys in the Fund
10 shall be distributed as directed and certified by the Board in
11 accordance with the provisions of subsection (b).

12 (b) An amount equal to \$1,000,000 shall be distributed
13 annually from the Horse Racing Equity Trust Fund to the Racing
14 Industry Workers' Fund. The remaining moneys deposited into the
15 Fund, plus any accrued interest on those moneys, shall be
16 distributed within 10 days after those moneys are deposited
17 into the Fund as follows:

18 (1) Sixty percent of all moneys distributed under this
19 subsection shall be distributed to organization licensees
20 to be distributed at their race meetings as purses.

21 (A) Fifteen percent of the moneys distributed
22 under this paragraph (1) shall be distributed to any
23 person (or its successors or assigns) who had operating
24 control of a racetrack that conducted live racing in
25 2002 at a racetrack in a county with at least 230,000

1 inhabitants that borders the Mississippi River and is a
2 licensee in the current year to be distributed at their
3 race meetings as purses.

4 (B) The remaining 85% of the moneys distributed
5 under this paragraph (1) shall be distributed as
6 follows:

7 (i) fifty-seven ~~Fifty seven~~ percent of the
8 ~~amount distributed under this paragraph (1)~~ shall
9 be distributed to licensees who are not eligible to
10 receive moneys under subparagraph (A) of this
11 paragraph (1) for thoroughbred race meetings; and

12 (ii) forty-three percent ~~43%~~ shall be
13 distributed to licensees who are not eligible to
14 receive moneys under subparagraph (A) of this
15 paragraph (1) for standardbred race meetings.

16 Within each breed, moneys shall be allocated to each
17 organization licensee's purse fund in accordance with
18 the ratio between the purses generated for that breed
19 by that licensee during the prior calendar year and the
20 total purses generated throughout the State for that
21 breed during the prior calendar year by licensees in
22 the current calendar year.

23 (2) The remaining 40% of the moneys distributed under
24 this subsection (b) shall be distributed as follows:

25 (A) fifteen percent ~~11%~~ shall be distributed to any
26 person (or its successors or assigns) who had operating

1 control of a racetrack that conducted live racing in
2 2002 at a racetrack in a county with at least 230,000
3 inhabitants that borders the Mississippi River and is a
4 licensee in the current year; and

5 (B) the remaining 85% ~~89%~~ shall be distributed pro
6 rata according to the aggregate proportion of total
7 handle from wagering on live races conducted in
8 Illinois (irrespective of where the wagers are placed)
9 for calendar years 2004 and 2005 to any person (or its
10 successors or assigns) who (i) had majority operating
11 control of a racing facility at which live racing was
12 conducted in calendar year 2002, (ii) is a licensee in
13 the current year, and (iii) is not eligible to receive
14 moneys under subparagraph (A) of this paragraph (2).

15 The moneys received by an organization licensee
16 under this paragraph (2) shall be used by each
17 organization licensee to improve, maintain, market,
18 and otherwise operate its racing facilities to conduct
19 live racing, which shall include backstretch services
20 and capital improvements related to live racing and the
21 backstretch. Any organization licensees sharing common
22 ownership may pool the moneys received and spent at all
23 racing facilities commonly owned in order to meet these
24 requirements.

25 If any person identified in this paragraph (2) becomes
26 ineligible to receive moneys from the Fund, such amount

1 shall be redistributed among the remaining persons in
2 proportion to their percentages otherwise calculated.

3 (c) The Board shall monitor organization licensees to
4 ensure that moneys paid to organization licensees under this
5 Section are distributed by the organization licensees as
6 provided in subsection (b).

7 ~~(d) This Section is repealed 2 years after the effective~~
8 ~~date of this amendatory Act of the 94th General Assembly.~~

9 (Source: P.A. 94-804, eff. 5-26-06.)

10 Section 945. The Riverboat Gambling Act is amended by
11 changing Sections 1, 2, 3, 4, 5, 6, 7.1, 7.3, 7.4, 8, 9, 10, 11,
12 11.1, 12, 13, 14, 18, and 20, by reenacting and changing
13 Sections 7 and 23, and by adding Sections 5.2, 7.15, and 13.2
14 as follows:

15 (230 ILCS 10/1) (from Ch. 120, par. 2401)

16 Sec. 1. Short title. This Act shall be known and may be
17 cited as the Riverboat and Casino Gambling Act.

18 (Source: P.A. 86-1029.)

19 (230 ILCS 10/2) (from Ch. 120, par. 2402)

20 Sec. 2. Legislative Intent.

21 (a) This Act is intended to benefit the people of the State
22 of Illinois by assisting economic development and promoting
23 Illinois tourism and by increasing the amount of revenues

1 available to the State to assist and support education.

2 (b) While authorization of riverboat and casino gambling
3 will enhance investment, development and tourism in Illinois,
4 it is recognized that it will do so successfully only if public
5 confidence and trust in the credibility and integrity of the
6 gambling operations and the regulatory process is maintained.
7 Therefore, regulatory provisions of this Act are designed to
8 strictly regulate the facilities, persons, associations and
9 practices related to gambling operations pursuant to the police
10 powers of the State, including comprehensive law enforcement
11 supervision.

12 (c) The Illinois Gaming Board established under this Act
13 should, as soon as possible, inform each applicant for an
14 owners license of the Board's intent to grant or deny a
15 license.

16 (Source: P.A. 93-28, eff. 6-20-03.)

17 (230 ILCS 10/3) (from Ch. 120, par. 2403)

18 Sec. 3. ~~Riverboat~~ Gambling Authorized.

19 (a) Riverboat and casino gambling operations ~~and the system~~
20 ~~of wagering incorporated therein~~, as defined in this Act, are
21 hereby authorized to the extent that they are carried out in
22 accordance with the provisions of this Act.

23 (b) This Act does not apply to the pari-mutuel system of
24 wagering used or intended to be used in connection with the
25 horse-race meetings as authorized under the Illinois Horse

1 Racing Act of 1975, lottery games authorized under the Illinois
2 Lottery Law, bingo authorized under the Bingo License and Tax
3 Act, charitable games authorized under the Charitable Games Act
4 or pull tabs and jar games conducted under the Illinois Pull
5 Tabs and Jar Games Act.

6 (c) Riverboat gambling conducted pursuant to this Act may
7 be authorized upon any water within the State of Illinois or
8 any water other than Lake Michigan which constitutes a boundary
9 of the State of Illinois. A licensee may conduct riverboat
10 gambling authorized under this Act regardless of whether it
11 conducts excursion cruises. A licensee may permit the
12 continuous ingress and egress of passengers for the purpose of
13 gambling.

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

15 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

17 "Authority" means the Chicago Casino Development Authority
18 created under the Chicago Casino Development Authority Act.

19 ~~(a)~~ "Board" means the Illinois Gaming Board.

20 "Casino" means a land-based facility located within a
21 municipality with a population of more than 500,000 inhabitants
22 at which lawful gambling is authorized and licensed as provided
23 in this Act. "Casino" includes any temporary land-based or
24 river-based facility at which lawful gambling is authorized and
25 licensed as provided in this Act. "Casino" does not include any

1 ancillary facilities such as hotels, restaurants, retail
2 facilities, conference rooms, parking areas, entertainment
3 venues, or other facilities at which gambling operations are
4 not conducted.

5 "Casino operator" means any person or entity that manages
6 casino gambling operations conducted by the Authority under
7 subsection (e-6) of Section 7.

8 "Casino operators license" means a license issued by the
9 Board to a person or entity to manage casino gambling
10 operations conducted by the Authority pursuant to subsection
11 (e-6) of Section 7.

12 ~~(b)~~ "Occupational license" means a license issued by the
13 Board to a person or entity to perform an occupation which the
14 Board has identified as requiring a license to engage in
15 riverboat or casino gambling in Illinois.

16 ~~(e)~~ "Gambling game" includes, but is not limited to,
17 baccarat, twenty-one, poker, craps, slot machine, video game of
18 chance, roulette wheel, klondike table, punchboard, faro
19 layout, keno layout, numbers ticket, push card, jar ticket, or
20 pull tab which is authorized by the Board as a wagering device
21 under this Act.

22 ~~(d)~~ "Riverboat" means a self-propelled excursion boat, a
23 permanently moored barge, or permanently moored barges that are
24 permanently fixed together to operate as one vessel, on which
25 lawful gambling is authorized and licensed as provided in this
26 Act.

1 ~~(e)~~ "Managers license" means a license issued by the Board
2 to a person or entity to manage gambling operations conducted
3 by the State pursuant to Section 7.3 ~~7.2~~.

4 ~~(f)~~ "Dock" means the location where a riverboat moors for
5 the purpose of embarking passengers for and disembarking
6 passengers from the riverboat.

7 ~~(g)~~ "Whole gaming ~~Gross~~ receipts" means the total amount of
8 money exchanged for the purchase of chips, tokens or electronic
9 cards by riverboat or casino patrons.

10 ~~(h)~~ "Gross gaming ~~Adjusted-gross~~ receipts" means the whole
11 gaming ~~gross~~ receipts less winnings paid to wagerers.

12 ~~(i)~~ "Cheat" means to alter the selection of criteria which
13 determine the result of a gambling game or the amount or
14 frequency of payment in a gambling game.

15 ~~(j)~~ "Department" means the Department of Revenue.

16 ~~(k)~~ "Gambling operation" means the conduct of ~~authorized~~
17 gambling games authorized under this Act upon a riverboat or in
18 a casino.

19 ~~(l)~~ "License bid" means the lump sum amount of money that
20 an applicant bids and agrees to pay the State, or which is paid
21 by the Authority, in return for an owners license that is
22 re-issued on or after July 1, 2003.

23 ~~(m)~~ The terms "minority person" and "female" shall have the
24 same meaning as defined in Section 2 of the Business Enterprise
25 for Minorities, Females, and Persons with Disabilities Act.

26 "Owners license" means a license to conduct riverboat

1 gambling operations or casino gambling operations.

2 "Licensed owner" means a person who holds an owners
3 license.

4 (Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03;
5 revised 1-28-04.)

6 (230 ILCS 10/5) (from Ch. 120, par. 2405)

7 Sec. 5. Gaming Board.

8 (a) (1) There is hereby established within the Department
9 of Revenue an Illinois Gaming Board which shall have the powers
10 and duties specified in this Act, and all other powers
11 necessary and proper to fully and effectively execute this Act
12 for the purpose of administering, regulating, and enforcing the
13 system of riverboat and casino gambling established by this
14 Act. Its jurisdiction shall extend under this Act to every
15 person, association, corporation, partnership and trust
16 involved in riverboat and casino gambling operations in the
17 State of Illinois.

18 (2) The Board shall consist of 5 members to be appointed by
19 the Governor with the advice and consent of the Senate, one of
20 whom shall be designated by the Governor to be chairperson
21 ~~chairman~~. Each member shall have a reasonable knowledge of the
22 practice, procedure and principles of gambling operations.
23 Each member shall either be a resident of Illinois or shall
24 certify that he or she will become a resident of Illinois
25 before taking office. At least one member shall be experienced

1 in law enforcement and criminal investigation, at least one
2 member shall be a certified public accountant experienced in
3 accounting and auditing, and at least one member shall be a
4 lawyer licensed to practice law in Illinois.

5 (3) The terms of office of the Board members shall be 3
6 years, except that the terms of office of the initial Board
7 members appointed pursuant to this Act will commence from the
8 effective date of this Act and run as follows: one for a term
9 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for
10 a term ending July 1, 1993. Upon the expiration of the
11 foregoing terms, the successors of such members shall serve a
12 term for 3 years and until their successors are appointed and
13 qualified for like terms. Vacancies in the Board shall be
14 filled for the unexpired term in like manner as original
15 appointments. Each member of the Board shall be eligible for
16 reappointment at the discretion of the Governor with the advice
17 and consent of the Senate.

18 (4) Each member of the Board shall receive \$300 for each
19 day the Board meets and for each day the member conducts any
20 hearing pursuant to this Act. Each member of the Board shall
21 also be reimbursed for all actual and necessary expenses and
22 disbursements incurred in the execution of official duties.

23 (5) No person shall be appointed a member of the Board or
24 continue to be a member of the Board who is, or whose spouse,
25 child or parent is, a member of the board of directors of, or a
26 person financially interested in, any gambling operation or any

1 business entity in any way involved in any gambling operation
2 subject to the jurisdiction of this Board, or any race track,
3 race meeting, racing association or the operations thereof
4 subject to the jurisdiction of the Illinois Racing Board. No
5 Board member shall hold any other public office ~~for which he~~
6 ~~shall receive compensation other than necessary travel or other~~
7 ~~incidental expenses~~. No person shall be a member of the Board
8 who is not of good moral character or who has been convicted
9 of, or is under indictment for, a felony under the laws of
10 Illinois or any other state, or the United States.

11 (5.5) No member of the Board shall engage in any political
12 activity. For the purposes of this Section, "political" means
13 any activity in support of or in connection with any campaign
14 for federal, State, or local elective office or any political
15 organization, but does not include activities (i) relating to
16 the support or opposition of any executive, legislative, or
17 administrative action (as those terms are defined in Section 2
18 of the Lobbyist Registration Act), (ii) relating to collective
19 bargaining, or (iii) that are otherwise in furtherance of the
20 person's official State duties or governmental and public
21 service functions.

22 (6) Any member of the Board may be removed by the Governor
23 for neglect of duty, misfeasance, malfeasance, or nonfeasance
24 in office or for engaging in any political activity.

25 (7) Before entering upon the discharge of the duties of his
26 office, each member of the Board shall take an oath that he

1 will faithfully execute the duties of his office according to
2 the laws of the State and the rules and regulations adopted
3 therewith and shall give bond to the State of Illinois,
4 approved by the Governor, in the sum of \$25,000. Every such
5 bond, when duly executed and approved, shall be recorded in the
6 office of the Secretary of State. Whenever the Governor
7 determines that the bond of any member of the Board has become
8 or is likely to become invalid or insufficient, he shall
9 require such member forthwith to renew his bond, which is to be
10 approved by the Governor. Any member of the Board who fails to
11 take oath and give bond within 30 days from the date of his
12 appointment, or who fails to renew his bond within 30 days
13 after it is demanded by the Governor, shall be guilty of
14 neglect of duty and may be removed by the Governor. The cost of
15 any bond given by any member of the Board under this Section
16 shall be taken to be a part of the necessary expenses of the
17 Board.

18 (8) Upon the request of the Board, the Department shall
19 employ such personnel as may be necessary to carry out the
20 functions of the Board. No person shall be employed to serve
21 the Board who is, or whose spouse, parent or child is, an
22 official of, or has a financial interest in or financial
23 relation with, any operator engaged in gambling operations
24 within this State or any organization engaged in conducting
25 horse racing within this State. Any employee violating these
26 prohibitions shall be subject to termination of employment.

1 (9) An Administrator shall perform any and all duties that
2 the Board shall assign him. The salary of the Administrator
3 shall be determined by the Board and approved by the Director
4 of the Department and, in addition, he shall be reimbursed for
5 all actual and necessary expenses incurred by him in discharge
6 of his official duties. The Administrator shall keep records of
7 all proceedings of the Board and shall preserve all records,
8 books, documents and other papers belonging to the Board or
9 entrusted to its care. The Administrator shall devote his full
10 time to the duties of the office and shall not hold any other
11 office or employment.

12 (b) The Board shall have general responsibility for the
13 implementation of this Act. Its duties include, without
14 limitation, the following:

15 (1) To decide promptly and in reasonable order all
16 license applications. Any party aggrieved by an action of
17 the Board denying, suspending, revoking, restricting or
18 refusing to renew a license may request a hearing before
19 the Board. A request for a hearing must be made to the
20 Board in writing within 5 days after service of notice of
21 the action of the Board. Notice of the action of the Board
22 shall be served either by personal delivery or by certified
23 mail, postage prepaid, to the aggrieved party. Notice
24 served by certified mail shall be deemed complete on the
25 business day following the date of such mailing. The Board
26 shall conduct all requested hearings promptly and in

1 reasonable order;

2 (2) To conduct all hearings pertaining to civil
3 violations of this Act or rules and regulations promulgated
4 hereunder;

5 (3) To promulgate such rules and regulations as in its
6 judgment may be necessary to protect or enhance the
7 credibility and integrity of gambling operations
8 authorized by this Act and the regulatory process
9 hereunder;

10 (4) To provide for the establishment and collection of
11 all license and registration fees and taxes imposed by this
12 Act and the rules and regulations issued pursuant hereto.
13 All such fees and taxes shall be deposited into the State
14 Gaming Fund;

15 (5) To provide for the levy and collection of penalties
16 and fines for the violation of provisions of this Act and
17 the rules and regulations promulgated hereunder. All such
18 fines and penalties shall be deposited into the Education
19 Assistance Fund, created by Public Act 86-0018, of the
20 State of Illinois;

21 (6) To be present through its inspectors and agents any
22 time gambling operations are conducted on any riverboat or
23 in any casino for the purpose of certifying the revenue
24 thereof, receiving complaints from the public, and
25 conducting such other investigations into the conduct of
26 the gambling games and the maintenance of the equipment as

1 from time to time the Board may deem necessary and proper;

2 (7) To review and rule upon any complaint by a licensee
3 regarding any investigative procedures of the State which
4 are unnecessarily disruptive of gambling operations. The
5 need to inspect and investigate shall be presumed at all
6 times. The disruption of a licensee's operations shall be
7 proved by clear and convincing evidence, and establish
8 that: (A) the procedures had no reasonable law enforcement
9 purposes, and (B) the procedures were so disruptive as to
10 unreasonably inhibit gambling operations;

11 (8) To hold at least one meeting each quarter of the
12 fiscal year. In addition, special meetings may be called by
13 the chairperson ~~Chairman~~ or any 2 Board members upon 72
14 hours written notice to each member. All Board meetings
15 shall be subject to the Open Meetings Act. Three members of
16 the Board shall constitute a quorum, and 3 votes shall be
17 required for any final determination by the Board. The
18 Board shall keep a complete and accurate record of all its
19 meetings. A majority of the members of the Board shall
20 constitute a quorum for the transaction of any business,
21 for the performance of any duty, or for the exercise of any
22 power which this Act requires the Board members to
23 transact, perform or exercise en banc, except that, upon
24 order of the Board, one of the Board members or an
25 administrative law judge designated by the Board may
26 conduct any hearing provided for under this Act or by Board

1 rule and may recommend findings and decisions to the Board.
2 The Board member or administrative law judge conducting
3 such hearing shall have all powers and rights granted to
4 the Board in this Act. The record made at the time of the
5 hearing shall be reviewed by the Board, or a majority
6 thereof, and the findings and decision of the majority of
7 the Board shall constitute the order of the Board in such
8 case;

9 (9) To maintain records which are separate and distinct
10 from the records of any other State board or commission.
11 Such records shall be available for public inspection and
12 shall accurately reflect all Board proceedings;

13 (10) To file a written annual report with the Governor
14 on or before March 1 each year and such additional reports
15 as the Governor may request. The annual report shall
16 include a statement of receipts and disbursements by the
17 Board, actions taken by the Board, and any additional
18 information and recommendations which the Board may deem
19 valuable or which the Governor may request;

20 (11) (Blank); ~~and~~

21 (12) To assume responsibility for the administration
22 and enforcement of the Bingo License and Tax Act, the
23 Charitable Games Act, and the Pull Tabs and Jar Games Act
24 if such responsibility is delegated to it by the Director
25 of Revenue; and-

26 (13) To adopt, by rule, a code of conduct governing

1 Board members and employees that ensure, to the maximum
2 extent possible, that persons subject to this Code avoid
3 situations, relationships, or associations that may
4 represent or lead to a conflict of interest.

5 (c) The Board shall have jurisdiction over and shall
6 supervise all gambling operations governed by this Act. The
7 Board shall have all powers necessary and proper to fully and
8 effectively execute the provisions of this Act, including, but
9 not limited to, the following:

10 (1) To investigate applicants and determine the
11 eligibility of applicants for licenses and to select among
12 competing applicants the applicants which best serve the
13 interests of the citizens of Illinois.

14 (2) To have jurisdiction and supervision over all
15 ~~riverboat~~ gambling operations authorized under this Act ~~in~~
16 ~~this State~~ and all persons in places ~~on riverboats~~ where
17 gambling operations are conducted.

18 (3) To promulgate rules and regulations for the purpose
19 of administering the provisions of this Act and to
20 prescribe rules, regulations and conditions under which
21 all ~~riverboat~~ gambling operations subject to this Act ~~in~~
22 ~~the State~~ shall be conducted. Such rules and regulations
23 are to provide for the prevention of practices detrimental
24 to the public interest and for the best interests of
25 ~~riverboat~~ gambling, including rules and regulations
26 regarding the inspection of ~~such~~ riverboats and casinos and

1 the review of any permits or licenses necessary to operate
2 a riverboat or casino under any laws or regulations
3 applicable to riverboats or casinos, and to impose
4 penalties for violations thereof.

5 (4) To enter the office, riverboats, casinos, and other
6 facilities, or other places of business of an owners a
7 licensee, where evidence of the compliance or
8 noncompliance with the provisions of this Act is likely to
9 be found.

10 (5) To investigate alleged violations of this Act or
11 the rules of the Board and to take appropriate disciplinary
12 action against a licensee or a holder of an occupational
13 license for a violation, or institute appropriate legal
14 action for enforcement, or both.

15 (6) To adopt standards for the licensing of all persons
16 under this Act, as well as for electronic or mechanical
17 gambling games, and to establish fees for such licenses.

18 (7) To adopt appropriate standards for all riverboats,
19 casinos, and other facilities authorized under this Act.

20 (8) To require that the records, including financial or
21 other statements of any licensee under this Act, shall be
22 kept in such manner as prescribed by the Board and that any
23 such licensee involved in the ownership or management of
24 gambling operations submit to the Board an annual balance
25 sheet and profit and loss statement, list of the
26 stockholders or other persons having a 1% or greater

1 beneficial interest in the gambling activities of each
2 licensee, and any other information the Board deems
3 necessary in order to effectively administer this Act and
4 all rules, regulations, orders and final decisions
5 promulgated under this Act.

6 (9) To conduct hearings, issue subpoenas for the
7 attendance of witnesses and subpoenas duces tecum for the
8 production of books, records and other pertinent documents
9 in accordance with the Illinois Administrative Procedure
10 Act, and to administer oaths and affirmations to the
11 witnesses, when, in the judgment of the Board, it is
12 necessary to administer or enforce this Act or the Board
13 rules.

14 (10) To prescribe a form to be used by any licensee
15 involved in the ownership or management of gambling
16 operations as an application for employment for their
17 employees.

18 (11) To revoke or suspend licenses, other than the
19 license issued to the Authority, as the Board may see fit
20 and in compliance with applicable laws of the State
21 regarding administrative procedures, and to review
22 applications for the renewal of licenses. The Board may
23 suspend an owners license (other than the license issued to
24 the Authority), without notice or hearing, upon a
25 determination that the safety or health of patrons or
26 employees is jeopardized by continuing a gambling

1 operation conducted under that license ~~a riverboat's~~
2 ~~operation~~. The suspension may remain in effect until the
3 Board determines that the cause for suspension has been
4 abated. The Board may revoke the owners license (other than
5 the license issued to the Authority) upon a determination
6 that the licensee ~~owner~~ has not made satisfactory progress
7 toward abating the hazard.

8 (12) To eject or exclude or authorize the ejection or
9 exclusion of, any person from ~~riverboat~~ gambling
10 facilities where that ~~such~~ person is in violation of this
11 Act, rules and regulations thereunder, or final orders of
12 the Board, or where such person's conduct or reputation is
13 such that his or her presence within the ~~riverboat~~ gambling
14 facilities may, in the opinion of the Board, call into
15 question the honesty and integrity of the gambling
16 operations or interfere with the orderly conduct thereof;
17 provided that the propriety of such ejection or exclusion
18 is subject to subsequent hearing by the Board.

19 (13) To require all licensees of gambling operations to
20 utilize a cashless wagering system whereby all players'
21 money is converted to tokens, electronic cards, or chips
22 which shall be used only for wagering in the gambling
23 establishment.

24 (14) (Blank).

25 (15) To suspend, revoke or restrict licenses (other
26 than the license issued to the Authority), to require the

1 removal of a licensee or an employee of a licensee for a
2 violation of this Act or a Board rule or for engaging in a
3 fraudulent practice, and to impose civil penalties of up to
4 \$5,000 against individuals and up to \$10,000 or an amount
5 equal to the daily whole gaming ~~gross~~ receipts, whichever
6 is larger, against licensees for each violation of any
7 provision of the Act, any rules adopted by the Board, any
8 order of the Board or any other action which, in the
9 Board's discretion, is a detriment or impediment to
10 ~~riverboat~~ gambling operations.

11 (16) To hire employees to gather information, conduct
12 investigations and carry out any other tasks contemplated
13 under this Act.

14 (17) To establish minimum levels of insurance to be
15 maintained by licensees.

16 (18) To authorize a licensee to sell or serve alcoholic
17 liquors, wine or beer as defined in the Liquor Control Act
18 of 1934 on board a riverboat or in a casino and to have
19 exclusive authority to establish the hours for sale and
20 consumption of alcoholic liquor on board a riverboat or in
21 a casino, notwithstanding any provision of the Liquor
22 Control Act of 1934 or any local ordinance, and regardless
23 of whether the riverboat or in a casino makes excursions.
24 The establishment of the hours for sale and consumption of
25 alcoholic liquor on board a riverboat or in a casino is an
26 exclusive power and function of the State. A home rule unit

1 may not establish the hours for sale and consumption of
2 alcoholic liquor on board a riverboat or in a casino. This
3 subdivision (18) ~~amendatory Act of 1991~~ is a denial and
4 limitation of home rule powers and functions under
5 subsection (h) of Section 6 of Article VII of the Illinois
6 Constitution.

7 (19) After consultation with the U.S. Army Corps of
8 Engineers, to establish binding emergency orders upon the
9 concurrence of a majority of the members of the Board
10 regarding the navigability of water, relative to
11 excursions, in the event of extreme weather conditions,
12 acts of God or other extreme circumstances.

13 (20) To delegate the execution of any of its powers
14 under this Act for the purpose of administering and
15 enforcing this Act and its rules and regulations hereunder.

16 (21) To take any other action as may be reasonable or
17 appropriate to enforce this Act and rules and regulations
18 hereunder.

19 (d) The Board may seek and shall receive the cooperation of
20 the Department of State Police in conducting background
21 investigations of applicants and in fulfilling its
22 responsibilities under this Section. Costs incurred by the
23 Department of State Police as a result of such cooperation
24 shall be paid by the Board in conformance with the requirements
25 of Section 2605-400 of the Department of State Police Law (20
26 ILCS 2605/2605-400).

1 (e) The Board must authorize to each investigator and to
2 any other employee of the Board exercising the powers of a
3 peace officer a distinct badge that, on its face, (i) clearly
4 states that the badge is authorized by the Board and (ii)
5 contains a unique identifying number. No other badge shall be
6 authorized by the Board.

7 (Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00; 91-883,
8 eff. 1-1-01.)

9 (230 ILCS 10/5.2 new)

10 Sec. 5.2. Enforcement and investigations. Notwithstanding
11 any provision in this Act to the contrary, all duties related
12 to investigations under this Act and the enforcement of this
13 Act shall be divided equally between employees of the
14 Department of State Police and investigators employed by the
15 Department of Revenue.

16 (230 ILCS 10/6) (from Ch. 120, par. 2406)

17 Sec. 6. Application for Owners License.

18 (a) A qualified person, other than the Authority, may apply
19 to the Board for an owners license to conduct a riverboat
20 gambling operation as provided in this Act. The application
21 shall be made on forms provided by the Board and shall contain
22 such information as the Board prescribes, including but not
23 limited to the identity of the riverboat on which such gambling
24 operation is to be conducted and the exact location where such

1 riverboat will be docked, a certification that the riverboat
2 will be registered under this Act at all times during which
3 gambling operations are conducted on board, detailed
4 information regarding the ownership and management of the
5 applicant, and detailed personal information regarding the
6 applicant. Any application for an owners license to be
7 re-issued on or after June 1, 2003 shall also include the
8 applicant's license bid in a form prescribed by the Board.
9 Information provided on the application shall be used as a
10 basis for a thorough background investigation which the Board
11 shall conduct with respect to each applicant. An incomplete
12 application shall be cause for denial of a license by the
13 Board.

14 (b) Applicants shall submit with their application all
15 documents, resolutions, and letters of support from the
16 governing body that represents the municipality or county
17 wherein the licensee will dock.

18 (c) Each applicant shall disclose the identity of every
19 person, association, trust or corporation having a greater than
20 1% direct or indirect pecuniary interest in the riverboat
21 gambling operation with respect to which the license is sought.
22 If the disclosed entity is a trust, the application shall
23 disclose the names and addresses of the beneficiaries; if a
24 corporation, the names and addresses of all stockholders and
25 directors; if a partnership, the names and addresses of all
26 partners, both general and limited.

1 (d) An application shall be filed with the Board by January
2 1 of the year preceding any calendar year for which an
3 applicant seeks an owners license; however, applications for an
4 owners license permitting operations on January 1, 1991 shall
5 be filed by July 1, 1990. An application fee of \$50,000 shall
6 be paid at the time of filing to defray the costs associated
7 with the background investigation conducted by the Board. If
8 the costs of the investigation exceed \$50,000, the applicant
9 shall pay the additional amount to the Board. If the costs of
10 the investigation are less than \$50,000, the applicant shall
11 receive a refund of the remaining amount. All information,
12 records, interviews, reports, statements, memoranda or other
13 data supplied to or used by the Board in the course of its
14 review or investigation of an application for a license under
15 this Act shall be privileged, strictly confidential and shall
16 be used only for the purpose of evaluating an applicant. Such
17 information, records, interviews, reports, statements,
18 memoranda or other data shall not be admissible as evidence,
19 nor discoverable in any action of any kind in any court or
20 before any tribunal, board, agency or person, except for any
21 action deemed necessary by the Board.

22 (e) The Board shall charge each applicant a fee set by the
23 Department of State Police to defray the costs associated with
24 the search and classification of fingerprints obtained by the
25 Board with respect to the applicant's application. These fees
26 shall be paid into the State Police Services Fund.

1 (f) The licensed owner shall be the person primarily
2 responsible for the boat itself. Only one riverboat gambling
3 operation may be authorized by the Board on any riverboat. The
4 applicant must identify each riverboat it intends to use and
5 certify that the riverboat: (1) has the authorized capacity
6 required in this Act; (2) is accessible to disabled persons;
7 and (3) is fully registered and licensed in accordance with any
8 applicable laws.

9 (g) A person who knowingly makes a false statement on an
10 application is guilty of a Class A misdemeanor.

11 (Source: P.A. 93-28, eff. 6-20-03.)

12 (230 ILCS 10/7) (from Ch. 120, par. 2407)

13 Sec. 7. Owners Licenses.

14 (a) The Board shall issue owners licenses to persons, firms
15 or corporations which apply for such licenses upon payment to
16 the Board of the non-refundable license fee set by the Board,
17 upon payment of a \$25,000 license fee for the first year of
18 operation and a \$5,000 license fee for each succeeding year and
19 upon a determination by the Board that the applicant is
20 eligible for an owners license pursuant to this Act and the
21 rules of the Board. No application under this Section shall be
22 required from the Authority. The Authority is not required to
23 pay the yearly license fees imposed above. From May 26, 2006
24 (For a period of 2 years beginning on the effective date of
25 Public Act 94-804) until the effective date of this amendatory

1 ~~Act of the 95th General Assembly this amendatory Act of the~~
2 ~~94th General Assembly,~~ as a condition of licensure and as an
3 alternative source of payment for those funds payable under
4 subsection (c-5) of Section 13 of the Riverboat and Casino
5 Gambling Act, any owners licensee that holds or receives its
6 owners license on or after the effective date of this
7 amendatory Act of the 94th General Assembly, other than an
8 owners licensee operating a riverboat with adjusted gross
9 receipts in calendar year 2004 of less than \$200,000,000, must
10 pay into the Horse Racing Equity Trust Fund, in addition to any
11 other payments required under this Act, an amount equal to 3%
12 of the adjusted gross receipts received by the owners licensee.
13 Beginning on the effective date of this amendatory Act of the
14 95th General Assembly, as a condition of licensure and as an
15 alternative source of payment for those funds payable under
16 subsection (c-5) of Section 13, any owners licensee that holds
17 or receives its owners license on or after the effective date
18 of this amendatory Act of the 95th General Assembly must pay
19 into the Horse Racing Equity Trust Fund, in addition to any
20 other payments required under this Act, based on the gross
21 gaming receipts received by a licensed owner authorized to
22 conduct riverboat or casino gambling, an amount based on the
23 following rates:

24 0.5% for owners licensees with annual gross gaming
25 receipts up to and including \$50,000,000;

26 1% for owners licensees with annual gross gaming

1 receipts in excess of \$50,000,000 but not exceeding
2 \$100,000,000;

3 1.5% for owners licensees with annual gross gaming
4 receipts in excess of \$100,000,000 but not exceeding
5 \$250,000,000;

6 3.5% for owners licensees with annual gross gaming
7 receipts in excess of \$250,000,000.

8 The payments required under this Section shall be made by
9 the owners licensee to the State Treasurer no later than 3:00
10 o'clock p.m. of the day after the day when the ~~adjusted~~ gross
11 gaming receipts were received by the owners licensee. A person,
12 firm or corporation is ineligible to receive an owners license
13 if:

14 (1) the person has been convicted of a felony under the
15 laws of this State, any other state, or the United States;

16 (2) the person has been convicted of any violation of
17 Article 28 of the Criminal Code of 1961, or substantially
18 similar laws of any other jurisdiction;

19 (3) the person has submitted an application for a
20 license under this Act which contains false information;

21 (4) the person is a member of the Board;

22 (5) a person defined in (1), (2), (3) or (4) is an
23 officer, director or managerial employee of the firm or
24 corporation;

25 (6) the firm or corporation employs a person defined in
26 (1), (2), (3) or (4) who participates in the management or

1 operation of gambling operations authorized under this
2 Act;

3 (7) (blank); or

4 (8) a license of the person, firm or corporation issued
5 under this Act, or a license to own or operate gambling
6 facilities in any other jurisdiction, has been revoked.

7 (b) In determining whether to grant an owners license to an
8 applicant, the Board shall consider:

9 (1) the character, reputation, experience and
10 financial integrity of the applicants and of any other or
11 separate person that either:

12 (A) controls, directly or indirectly, such
13 applicant, or

14 (B) is controlled, directly or indirectly, by such
15 applicant or by a person which controls, directly or
16 indirectly, such applicant;

17 (2) the facilities or proposed facilities for the
18 conduct of riverboat gambling;

19 (3) the highest prospective total revenue to be derived
20 by the State from the conduct of riverboat gambling;

21 (4) the extent to which the ownership of the applicant
22 reflects the diversity of the State by including minority
23 persons and females and the good faith affirmative action
24 plan of each applicant to recruit, train and upgrade
25 minority persons and females in all employment
26 classifications;

1 (5) the financial ability of the applicant to purchase
2 and maintain adequate liability and casualty insurance;

3 (6) whether the applicant has adequate capitalization
4 to provide and maintain, for the duration of a license, a
5 riverboat;

6 (7) the extent to which the applicant exceeds or meets
7 other standards for the issuance of an owners license which
8 the Board may adopt by rule; and

9 (8) The amount of the applicant's license bid.

10 (c) Each owners license shall specify the place where
11 riverboats shall operate and dock.

12 (d) Each applicant shall submit with his application, on
13 forms provided by the Board, 2 sets of his fingerprints.

14 (e) In addition to the license authorized under subsections
15 (e-5) and (e-6), the ~~The~~ Board may issue up to 10 licenses
16 authorizing the holders of such licenses to own riverboats. In
17 the application for an owners license, the applicant shall
18 state the dock at which the riverboat is based and the water on
19 which the riverboat will be located. The Board shall issue 5
20 licenses to become effective not earlier than January 1, 1991.
21 Three of such licenses shall authorize riverboat gambling on
22 the Mississippi River, or, with approval by the municipality in
23 which the riverboat was docked on August 7, 2003 and with Board
24 approval, be authorized to relocate to a new location, in a
25 municipality that (1) borders on the Mississippi River or is
26 within 5 miles of the city limits of a municipality that

1 borders on the Mississippi River and (2), on August 7, 2003,
2 had a riverboat conducting riverboat gambling operations
3 pursuant to a license issued under this Act; one of which shall
4 authorize riverboat gambling from a home dock in the city of
5 East St. Louis. One other license shall authorize riverboat
6 gambling on the Illinois River south of Marshall County. The
7 Board shall issue one additional license to become effective
8 not earlier than March 1, 1992, which shall authorize riverboat
9 gambling on the Des Plaines River in Will County. The Board may
10 issue 4 additional licenses to become effective not earlier
11 than March 1, 1992. In determining the water upon which
12 riverboats will operate, the Board shall consider the economic
13 benefit which riverboat gambling confers on the State, and
14 shall seek to assure that all regions of the State share in the
15 economic benefits of riverboat gambling.

16 (e-5) In addition to the licenses authorized under
17 subsections (e) and (e-6), the Board may issue 2 additional
18 licenses authorizing the holders of such licenses to own
19 riverboats. In the application for an owners license, the
20 applicant shall state the dock at which the riverboat is based
21 and the water on which the riverboat will be located. The Board
22 shall award the licenses to applicants whose plans (i) generate
23 the highest amount of revenue to the State and (ii) provide for
24 the least amount of cannibalization of existing licensees'
25 revenues generated pursuant to this Act. No applicant may
26 submit an application that contains a minimum bid of less than

1 \$365,000,000, except that the Board may declare a lower minimum
2 bid for a specific license if it finds a lower minimum bid
3 necessary or appropriate. Each applicant must also submit
4 evidence to the Board that minority persons and females hold
5 ownership interests in the applicant of at least 16% and 4%
6 respectively. For the purposes of this subsection (e-5),
7 "cannibalization" means the diversion of revenues generated
8 pursuant to this Act from existing licensees by an owners
9 licensee authorized under this subsection (e-5). In
10 determining whether cannibalization exists, the Board shall
11 also consider the extent the applicant can attract from market
12 areas of neighboring states.

13 (e-6) In addition to the licenses authorized under
14 subsections (e) and (e-5), the Board may issue an owners
15 license to the Authority authorizing the conduct of gambling
16 operations in a casino located in a municipality with a
17 population of more than 500,000 inhabitants upon written
18 request of the Authority and upon payment by the Authority to
19 the Board of one of the following amounts: (i) \$760,000,000 on
20 or before June 1, 2008 or (ii) \$800,000,000 after June 1, 2008
21 and no later than December 31, 2008. The total number of gaming
22 positions operated by an owners licensee under this subsection
23 (e-6) shall not exceed 4,000 at one time. Until completion of a
24 permanent casino, the Authority's license shall authorize it to
25 conduct gambling operations in one or more land-based or
26 riverboat temporary casinos within the municipality, provided

1 that the total number of gaming positions is limited to 4,000.
2 The license issued to the Authority shall be perpetual and may
3 not be revoked, suspended, or limited by the Board. Casino
4 gambling operations shall be conducted by a casino operator on
5 behalf of the Authority. The Authority shall conduct a
6 competitive bidding process for the selection of casino
7 operators to develop and operate the casino and one or more
8 temporary casinos and riverboats. Any such casino operators
9 shall be subject to licensing by, and full jurisdiction of, the
10 Board.

11 (e-10) In granting all licenses, the Board may give
12 favorable consideration to economically depressed areas of the
13 State, to applicants presenting plans which provide for
14 significant economic development over a large geographic area,
15 and to applicants who currently operate non-gambling
16 riverboats in Illinois. The Board shall review all applications
17 for owners licenses, and shall inform each applicant of the
18 Board's decision. The Board may grant an owners license to an
19 applicant that has not submitted the highest license bid, but
20 if it does not select the highest bidder, the Board shall issue
21 a written decision explaining why another applicant was
22 selected and identifying the factors set forth in this Section
23 that favored the winning bidder.

24 (e-15) In addition to any other revocation powers granted
25 to the Board under this Act, the Board may revoke the owners
26 license of a licensee which fails to begin conducting gambling

1 within 15 months of receipt of the Board's approval of the
2 application if the Board determines that license revocation is
3 in the best interests of the State.

4 (f) Owners ~~The first 10 owners~~ licenses issued under this
5 Act shall permit the holder to own up to 2 riverboats and
6 equipment thereon for a period of 3 years after the effective
7 date of the license. Holders of the first 10 owners licenses
8 must pay the annual license fee for each of the 3 years during
9 which they are authorized to own riverboats.

10 (g) Upon the termination, expiration, or revocation of each
11 owners license ~~of the first 10 licenses~~, which shall be issued
12 for a 3 year period, all licenses are renewable annually upon
13 payment of the fee and a determination by the Board that the
14 licensee continues to meet all of the requirements of this Act
15 and the Board's rules. However, for licenses renewed on or
16 after May 1, 1998, renewal shall be for a period of 4 years,
17 unless the Board sets a shorter period. The Authority's license
18 shall be perpetual and shall not be subject to renewal.

19 (h) An owners license shall entitle the licensee to own up
20 to 2 riverboats. A licensee shall limit the number of gaming
21 positions ~~gambling participants~~ to 1,200 for any such owners
22 license, plus any gaming positions acquired as a result of
23 subsection (h-5). A licensee may operate both of its riverboats
24 concurrently, provided that the total number of gaming
25 positions ~~gambling participants~~ on both riverboats does not
26 exceed those gaming positions authorized under this subsection

1 (h) and subsection (h-5) 1,200. Riverboats licensed to operate
2 on the Mississippi River and the Illinois River south of
3 Marshall County shall have an authorized capacity of at least
4 500 persons. Any other riverboat licensed under this Act shall
5 have an authorized capacity of at least 400 persons.

6 (h-5) As soon as practical after the effective date of this
7 amendatory Act of the 95th General Assembly, the Board shall
8 offer for lease a total of 6,000 gaming positions, in blocks of
9 100 each, to owners licensees authorized under subsections (e)
10 and (e-5). When offering these positions, the Board shall
11 negotiate the price per block so as to generate the highest
12 amount of revenue to the State. The negotiation process shall
13 be determined by the Board by rule, and that process shall be
14 used, notwithstanding any provision of law to the contrary. For
15 this purpose, it is in the public interest and welfare that the
16 Board has emergency rulemaking authority under the Illinois
17 Administrative Procedure Act. A gaming position leased
18 pursuant to this subsection (h-5) shall be contingent on the
19 continued licensure of the owners licensee. Any lease agreement
20 entered into with a lease term longer than 4 years shall
21 require the owners licensee to pay the total lease amount for
22 the first 2 years at the time the lease is executed. Neither an
23 owners licensee nor the Board shall avoid or contravene the
24 restrictions of this subsection (h-5) by any means. Prior to
25 the expiration of each lease, so as to ensure the continuous
26 use of those positions subject to the lease, the Board must

1 re-offer for lease those gaming positions pursuant to the
2 process as provided in this subsection (h-5). For the purposes
3 of this subsection (h-5), the limitations on lease terms
4 pursuant to Section 40-25 of the Illinois Procurement Code do
5 not apply.

6 (h-6) An owners licensee that obtains in excess of 1,200
7 positions, other than the owners licensee that received a
8 license under subsection (e-6), may conduct riverboat gambling
9 operations from a land-based facility within or attached to its
10 home dock facility or from a temporary facility, as the term
11 "temporary facility" is defined by Board rule, that is attached
12 to the licensee's home dock, with Board approval. Gaming
13 positions located in a land-based facility must be located in
14 an area that is accessible only to persons who are at least 21
15 years of age. A licensee may not conduct gambling at a
16 land-based facility unless the admission tax imposed under
17 Section 12 has been paid for all persons who enter the
18 land-based facility. The Board shall adopt rules concerning the
19 conduct of gambling from land-based facilities, including
20 rules concerning the number of gaming positions that may be
21 located at a temporary facility.

22 ~~A licensee shall limit the number of gambling participants~~
23 ~~to 1,200 for any such owners license. A licensee may operate~~
24 ~~both of its riverboats concurrently, provided that the total~~
25 ~~number of gambling participants on both riverboats does not~~
26 ~~exceed 1,200. Riverboats licensed to operate on the Mississippi~~

1 ~~River and the Illinois River south of Marshall County shall~~
2 ~~have an authorized capacity of at least 500 persons. Any other~~
3 ~~riverboat licensed under this Act shall have an authorized~~
4 ~~capacity of at least 400 persons.~~

5 (i) A licensed owner is authorized to apply to the Board
6 for and, if approved therefor, to receive all licenses from the
7 Board necessary for the operation of a riverboat, including a
8 liquor license, a license to prepare and serve food for human
9 consumption, and other necessary licenses. All use, occupation
10 and excise taxes which apply to the sale of food and beverages
11 in this State and all taxes imposed on the sale or use of
12 tangible personal property apply to such sales aboard the
13 riverboat or in the casino.

14 (j) The Board may issue or re-issue a license authorizing a
15 riverboat to dock in a municipality or approve a relocation
16 under Section 11.2 only if, prior to the issuance or
17 re-issuance of the license or approval, the governing body of
18 the municipality in which the riverboat will dock has by a
19 majority vote approved the docking of riverboats in the
20 municipality. The Board may issue or re-issue a license
21 authorizing a riverboat to dock in areas of a county outside
22 any municipality or approve a relocation under Section 11.2
23 only if, prior to the issuance or re-issuance of the license or
24 approval, the governing body of the county has by a majority
25 vote approved of the docking of riverboats within such areas.

26 (k) Notwithstanding any rule or statute to the contrary,

1 any licensed owner holding 3 or more owners licenses on May 31,
2 2007 may continue to hold those licenses, but may not hold any
3 more than the number of licenses held on that date.

4 (Source: P.A. 93-28, eff. 6-20-03; 93-453, eff. 8-7-03; 94-667,
5 eff. 8-23-05; 94-804, eff. 5-26-06.)

6 (230 ILCS 10/7.1)

7 Sec. 7.1. Re-issuance of revoked or non-renewed owners
8 licenses.

9 (a) If an owners license terminates or expires without
10 renewal or the Board revokes or determines not to renew an
11 owners license (including, without limitation, an owners
12 license for a licensee that was not conducting riverboat
13 gambling operations on January 1, 1998) and that revocation or
14 determination is final, the Board may re-issue such license to
15 a qualified applicant pursuant to an open and competitive
16 bidding process, as set forth in Section 7.5, and subject to
17 the maximum number of authorized licenses set forth in
18 subsections (e), (e-5), and (e-6) of Section 7 ~~Section 7(e)~~.

19 (b) To be a qualified applicant, a person, firm, or
20 corporation cannot be ineligible to receive an owners license
21 under Section 7(a) and must submit an application for an owners
22 license that complies with Section 6. Each such applicant must
23 also submit evidence to the Board that minority persons and
24 females hold ownership interests in the applicant of at least
25 16% and 4% respectively.

1 (c) Notwithstanding anything to the contrary in
2 subsections (e), (e-5), or (e-6) of Section 7, ~~Section 7(e),~~ an
3 applicant may apply to the Board for approval of relocation of
4 a re-issued license to a new home dock location authorized
5 under Section 3(c) upon receipt of the approval from the
6 municipality or county, as the case may be, pursuant to Section
7 7(j).

8 (d) In determining whether to grant a re-issued owners
9 license to an applicant, the Board shall consider all of the
10 factors set forth in Section ~~Sections~~ 7(b) and in Section 7(e)
11 or 7(e-5), whichever is applicable, ~~(e)~~ as well as the amount
12 of the applicant's license bid. The Board may grant the
13 re-issued owners license to an applicant that has not submitted
14 the highest license bid, but if it does not select the highest
15 bidder, the Board shall issue a written decision explaining why
16 another applicant was selected and identifying the factors set
17 forth in Section ~~Sections~~ 7(b) and in Section 7(e) or 7(e-5),
18 whichever is applicable, ~~(e)~~ that favored the winning bidder.

19 (e) Re-issued owners licenses shall be subject to annual
20 license fees as provided for in Section 7(a) and shall be
21 governed by the provisions of Sections 7(f), (g), (h), and (i).
22 (Source: P.A. 93-28, eff. 6-20-03.)

23 (230 ILCS 10/7.3)

24 Sec. 7.3. State conduct of gambling operations.

25 (a) If, after reviewing each application for a re-issued

1 license, the Board determines that the highest prospective
2 total revenue to the State would be derived from State conduct
3 of the gambling operation in lieu of re-issuing the license,
4 the Board shall inform each applicant of its decision. The
5 Board shall thereafter have the authority, without obtaining an
6 owners license, to conduct riverboat gambling operations as
7 previously authorized by the terminated, expired, revoked, or
8 nonrenewed license through a licensed manager selected
9 pursuant to an open and competitive bidding process as set
10 forth in Section 7.5 and as provided in Section 7.4.

11 (b) The Board may locate any riverboat on which a gambling
12 operation is conducted by the State in any home dock location
13 authorized by Section 3(c) upon receipt of approval from a
14 majority vote of the governing body of the municipality or
15 county, as the case may be, in which the riverboat will dock.

16 (c) The Board shall have jurisdiction over and shall
17 supervise all gambling operations conducted by the State
18 provided for in this Act and shall have all powers necessary
19 and proper to fully and effectively execute the provisions of
20 this Act relating to gambling operations conducted by the
21 State.

22 (d) The maximum number of owners licenses authorized under
23 Section 7 ~~7(e)~~ shall be reduced by one for each instance in
24 which the Board authorizes the State to conduct a riverboat
25 gambling operation under subsection (a) in lieu of re-issuing a
26 license to an applicant under Section 7.1.

1 (Source: P.A. 93-28, eff. 6-20-03.)

2 (230 ILCS 10/7.4)

3 Sec. 7.4. Managers and casino operators licenses.

4 (a) A qualified person may apply to the Board for a
5 managers license to operate and manage any gambling operation
6 conducted by the State or the Authority. The application shall
7 be made on forms provided by the Board and shall contain such
8 information as the Board prescribes, including but not limited
9 to information required in Sections 6(a), (b), and (c) and
10 information relating to the applicant's proposed price to
11 manage State or Authority gambling operations and to provide
12 the riverboat or casino, gambling equipment, and supplies
13 necessary to conduct State or Authority gambling operations.

14 (b) Each applicant must submit evidence to the Board that
15 minority persons and females hold ownership interests in the
16 applicant of at least 16% and 4%, respectively.

17 (c) A person, firm, or corporation is ineligible to receive
18 a managers license or a casino operators license if:

19 (1) the person has been convicted of a felony under the
20 laws of this State, any other state, or the United States;

21 (2) the person has been convicted of any violation of
22 Article 28 of the Criminal Code of 1961, or substantially
23 similar laws of any other jurisdiction;

24 (3) the person has submitted an application for a
25 license under this Act which contains false information;

1 (4) the person is a member of the Board;

2 (5) a person defined in (1), (2), (3), or (4) is an
3 officer, director, or managerial employee of the firm or
4 corporation;

5 (6) the firm or corporation employs a person defined in
6 (1), (2), (3), or (4) who participates in the management or
7 operation of gambling operations authorized under this
8 Act; or

9 (7) a license of the person, firm, or corporation
10 issued under this Act, or a license to own or operate
11 gambling facilities in any other jurisdiction, has been
12 revoked.

13 (d) Each applicant shall submit with his or her
14 application, on forms prescribed by the Board, 2 sets of his or
15 her fingerprints.

16 (e) The Board shall charge each applicant a fee, set by the
17 Board, to defray the costs associated with the background
18 investigation conducted by the Board.

19 (f) A person who knowingly makes a false statement on an
20 application is guilty of a Class A misdemeanor.

21 (g) The ~~managers~~ license to manage any gambling operation
22 conducted by the State shall be for a term not to exceed 10
23 years, shall be renewable at the Board's option, and shall
24 contain such terms and provisions as the Board deems necessary
25 to protect or enhance the credibility and integrity of State
26 gambling operations, achieve the highest prospective total

1 revenue to the State, and otherwise serve the interests of the
2 citizens of Illinois. The initial term of a casino operators
3 license to manage the Authority's gambling operations shall be
4 4 years. Upon expiration of the initial term and of each
5 renewal term, the casino operators license shall be renewed for
6 a period of 4 years, provided that the casino operator
7 continues to meet all of the requirements of this Act and the
8 Board's rules.

9 (h) Issuance of a managers license shall be subject to an
10 open and competitive bidding process. The Board may select an
11 applicant other than the lowest bidder by price. If it does not
12 select the lowest bidder, the Board shall issue a notice of who
13 the lowest bidder was and a written decision as to why another
14 bidder was selected.

15 (Source: P.A. 93-28, eff. 6-20-03.)

16 (230 ILCS 10/7.15 new)

17 Sec. 7.15. Undue economic concentration.

18 (a) In addition to considering all other requirements under
19 this Act, in deciding whether to approve direct or indirect
20 ownership or control of an owner's license, the Board shall
21 consider the impact of any economic concentration of the
22 ownership or control. No direct or indirect ownership or
23 control shall be approved and no owner's license shall be
24 issued or transferred to or held by any person or entity if the
25 Board determines that approval, issuance, transfer, or holding

1 shall result in undue economic concentration in the direct or
2 indirect ownership or control of riverboat gambling operations
3 in Illinois.

4 (b) For the purposes of this Section, "undue economic
5 concentration" means that a person or entity would have actual
6 or potential domination of riverboat gambling in Illinois
7 sufficient to:

8 (1) substantially impede or suppress competition among
9 holders of owner's licenses;

10 (2) adversely impact the economic stability of the
11 riverboat casino industry in Illinois; or

12 (3) negatively impact the purposes of this Act,
13 including tourism, economic development, benefits to local
14 communities, and State and local revenues. The Board may
15 not amend or add to the "undue economic concentration",
16 except by a unanimous vote of the Board.

17 (c) In determining whether the issuance, transfer, or
18 holding, directly or indirectly, of an owner's license shall
19 result in undue economic concentration, the Board shall
20 consider the following criteria:

21 (1) The percentage share of the market presently owned
22 or controlled by a person or entity, directly or
23 indirectly, in each of the following categories:

24 (A) The total number of licensed riverboat casinos
25 in Illinois.

26 (B) Total riverboat casino square footage.

1 (C) Number of persons employed in the riverboat
2 gambling operation and any affiliated hotel operation.

3 (D) Number of guest rooms in an affiliated hotel.

4 (E) Number of electronic gaming devices.

5 (F) Number of table games.

6 (G) Net revenue and adjusted gross receipts.

7 (H) Table win.

8 (I) Electronic gaming device win.

9 (J) Table drop.

10 (K) Electronic gaming device drop.

11 (2) The estimated increase in the market shares in the
12 categories in item (1) of this subsection (c) if the person
13 or entity is approved, or is issued or permitted to hold
14 the owner's license.

15 (3) The relative position of other persons or entities
16 that own or control Owner's licenses in Illinois, as
17 evidenced by the market shares of each license in the
18 categories in item (1) of this subsection (c).

19 (4) The current and projected financial condition of
20 the riverboat gaming industry.

21 (5) Current market conditions, including proximity and
22 level of competition, consumer demand, market
23 concentration, and any other relevant characteristics of
24 the market.

25 (6) Whether the licenses to be issued, transferred or
26 held, directly or indirectly, by the person or entity have

1 separate organizational structures or other independent
2 obligations.

3 (7) The potential impact on the projected future growth
4 and development of the riverboat gambling industry, the
5 local communities in which licenses are located, and the
6 State of Illinois.

7 (8) The barriers to entry into the riverboat gambling
8 industry, including the licensure requirements of this Act
9 and its rules, and whether the issuance or transfer to, or
10 holding, directly or indirectly, of, an owner's license by
11 the person or entity will operate as a barrier to new
12 companies and individuals desiring to enter the market.

13 (9) Whether the issuance or transfer to or holding,
14 directly or indirectly, of the license by the person or
15 entity will adversely impact on consumer interests, or
16 whether such issuance, transfer or holding is likely to
17 result in enhancing the quality and customer appeal of
18 products and services offered by riverboat casinos in order
19 to maintain or increase their respective market shares.

20 (10) Whether a restriction on the issuance or transfer
21 of a license to, or holding, directly or indirectly, of, an
22 additional license by the person is necessary in order to
23 encourage and preserve competition in casino operations.

24 (11) Any other information deemed relevant by the
25 Board.

1 (230 ILCS 10/8) (from Ch. 120, par. 2408)

2 Sec. 8. Suppliers licenses.

3 (a) The Board may issue a suppliers license to such
4 persons, firms or corporations which apply therefor upon the
5 payment of a non-refundable application fee set by the Board,
6 upon a determination by the Board that the applicant is
7 eligible for a suppliers license and upon payment of a \$5,000
8 annual license fee.

9 (b) The holder of a suppliers license is authorized to sell
10 or lease, and to contract to sell or lease, gambling equipment
11 and supplies to any licensee involved in the ownership or
12 management of gambling operations.

13 (c) Gambling supplies and equipment may not be distributed
14 unless supplies and equipment conform to standards adopted by
15 rules of the Board.

16 (d) A person, firm or corporation is ineligible to receive
17 a suppliers license if:

18 (1) the person has been convicted of a felony under the
19 laws of this State, any other state, or the United States;

20 (2) the person has been convicted of any violation of
21 Article 28 of the Criminal Code of 1961, or substantially
22 similar laws of any other jurisdiction;

23 (3) the person has submitted an application for a
24 license under this Act which contains false information;

25 (4) the person is a member of the Board;

26 (5) the firm or corporation is one in which a person

1 defined in (1), (2), (3) or (4), is an officer, director or
2 managerial employee;

3 (6) the firm or corporation employs a person who
4 participates in the management or operation of riverboat
5 gambling authorized under this Act;

6 (7) the license of the person, firm or corporation
7 issued under this Act, or a license to own or operate
8 gambling facilities in any other jurisdiction, has been
9 revoked.

10 (e) Any person that supplies any equipment, devices, or
11 supplies to a licensed riverboat or casino gambling operation
12 must first obtain a suppliers license. A supplier shall furnish
13 to the Board a list of all equipment, devices and supplies
14 offered for sale or lease in connection with gambling games
15 authorized under this Act. A supplier shall keep books and
16 records for the furnishing of equipment, devices and supplies
17 to gambling operations separate and distinct from any other
18 business that the supplier might operate. A supplier shall file
19 a quarterly return with the Board listing all sales and leases.
20 A supplier shall permanently affix its name to all its
21 equipment, devices, and supplies for gambling operations. Any
22 supplier's equipment, devices or supplies which are used by any
23 person in an unauthorized gambling operation shall be forfeited
24 to the State. A holder of an owners license, including the
25 Authority, ~~licensed owner~~ may own its own equipment, devices
26 and supplies. Each holder of an owners license, including the

1 Authority, under the Act shall file an annual report listing
2 its inventories of gambling equipment, devices and supplies.

3 (f) Any person who knowingly makes a false statement on an
4 application is guilty of a Class A misdemeanor.

5 (g) Any gambling equipment, devices and supplies provided
6 by any licensed supplier may either be repaired on the
7 riverboat or at the casino or removed from the riverboat or the
8 casino to a an on shore facility owned by the holder of an
9 owners license for repair.

10 (Source: P.A. 86-1029; 87-826.)

11 (230 ILCS 10/9) (from Ch. 120, par. 2409)

12 Sec. 9. Occupational licenses.

13 (a) The Board may issue an occupational license to an
14 applicant upon the payment of a non-refundable fee set by the
15 Board, upon a determination by the Board that the applicant is
16 eligible for an occupational license and upon payment of an
17 annual license fee in an amount to be established. To be
18 eligible for an occupational license, an applicant must:

19 (1) be at least 21 years of age if the applicant will
20 perform any function involved in gaming by patrons. Any
21 applicant seeking an occupational license for a non-gaming
22 function shall be at least 18 years of age;

23 (2) not have been convicted of a felony offense, a
24 violation of Article 28 of the Criminal Code of 1961, or a
25 similar statute of any other jurisdiction, or a crime

1 involving dishonesty or moral turpitude;

2 (3) have demonstrated a level of skill or knowledge
3 which the Board determines to be necessary in order to
4 operate gambling aboard a riverboat or in a casino; and

5 (4) have met standards for the holding of an
6 occupational license as adopted by rules of the Board. Such
7 rules shall provide that any person or entity seeking an
8 occupational license to manage gambling operations
9 hereunder shall be subject to background inquiries and
10 further requirements similar to those required of
11 applicants for an owners license. Furthermore, such rules
12 shall provide that each such entity shall be permitted to
13 manage gambling operations for only one licensed owner.

14 (b) Each application for an occupational license shall be
15 on forms prescribed by the Board and shall contain all
16 information required by the Board. The applicant shall set
17 forth in the application: whether he has been issued prior
18 gambling related licenses; whether he has been licensed in any
19 other state under any other name, and, if so, such name and his
20 age; and whether or not a permit or license issued to him in
21 any other state has been suspended, restricted or revoked, and,
22 if so, for what period of time.

23 (c) Each applicant shall submit with his application, on
24 forms provided by the Board, 2 sets of his fingerprints. The
25 Board shall charge each applicant a fee set by the Department
26 of State Police to defray the costs associated with the search

1 and classification of fingerprints obtained by the Board with
2 respect to the applicant's application. These fees shall be
3 paid into the State Police Services Fund.

4 (d) The Board may in its discretion refuse an occupational
5 license to any person: (1) who is unqualified to perform the
6 duties required of such applicant; (2) who fails to disclose or
7 states falsely any information called for in the application;
8 (3) who has been found guilty of a violation of this Act or
9 whose prior gambling related license or application therefor
10 has been suspended, restricted, revoked or denied for just
11 cause in any other state; or (4) for any other just cause.

12 (e) The Board may suspend, revoke or restrict any
13 occupational licensee: (1) for violation of any provision of
14 this Act; (2) for violation of any of the rules and regulations
15 of the Board; (3) for any cause which, if known to the Board,
16 would have disqualified the applicant from receiving such
17 license; or (4) for default in the payment of any obligation or
18 debt due to the State of Illinois; or (5) for any other just
19 cause.

20 (f) A person who knowingly makes a false statement on an
21 application is guilty of a Class A misdemeanor.

22 (g) Any license issued pursuant to this Section shall be
23 valid for a period of one year from the date of issuance.

24 (h) Nothing in this Act shall be interpreted to prohibit a
25 licensed owner or organization licensee from entering into an
26 agreement with a school approved under the Private Business and

1 Vocational Schools Act for the training of any occupational
2 licensee. Any training offered by such a school shall be in
3 accordance with a written agreement between the licensed owner
4 or organization licensee and the school.

5 (i) Any training provided for occupational licensees may be
6 conducted either at the site of the gambling facility ~~on the~~
7 ~~riverboat~~ or at a school with which a licensed owner or
8 organization licensee has entered into an agreement pursuant to
9 subsection (h).

10 (Source: P.A. 86-1029; 87-826.)

11 (230 ILCS 10/10) (from Ch. 120, par. 2410)

12 Sec. 10. Bond of licensee. Before an owners license, other
13 than the Authority's license, is issued or re-issued or a
14 managers license or casino operators license is issued, the
15 licensee shall post a bond in the sum of \$200,000 to the State
16 of Illinois. The bond shall be used to guarantee that the
17 licensee faithfully makes the payments, keeps his books and
18 records and makes reports, and conducts his games of chance in
19 conformity with this Act and the rules adopted by the Board.
20 The bond shall not be canceled by a surety on less than 30 days
21 notice in writing to the Board. If a bond is canceled and the
22 licensee fails to file a new bond with the Board in the
23 required amount on or before the effective date of
24 cancellation, the licensee's license shall be revoked. The
25 total and aggregate liability of the surety on the bond is

1 limited to the amount specified in the bond.

2 (Source: P.A. 93-28, eff. 6-20-03.)

3 (230 ILCS 10/11) (from Ch. 120, par. 2411)

4 Sec. 11. Conduct of gambling. Gambling may be conducted by
5 licensed owners or licensed managers on behalf of the State or
6 by casino operators on behalf of the Authority aboard
7 riverboats or in a casino. If authorized by the Board by rule,
8 an owners licensee may move gaming positions to a "temporary
9 facility" as that term is defined in Section 7(h-6) or to a
10 land-based facility as provided in Section 7(h-6) and use those
11 gaming positions to conduct gambling as provided in Section
12 7(h-6). Gambling authorized under this Section shall be
13 subject to the following standards:

14 (1) A licensee may conduct riverboat gambling
15 authorized under this Act regardless of whether it conducts
16 excursion cruises. A licensee may permit the continuous
17 ingress and egress of patrons ~~passengers~~ for the purpose of
18 gambling.

19 (2) (Blank).

20 (3) Minimum and maximum wagers on games shall be set by
21 the licensee.

22 (4) Agents of the Board and the Department of State
23 Police may board and inspect any riverboat or enter and
24 inspect any portion of a casino at any time for the purpose
25 of determining whether this Act is being complied with.

1 Every riverboat, if under way and being hailed by a law
2 enforcement officer or agent of the Board, must stop
3 immediately and lay to.

4 (5) Employees of the Board shall have the right to be
5 present on the riverboat or in the casino or on adjacent
6 facilities under the control of the licensee.

7 (6) Gambling equipment and supplies customarily used
8 in conducting ~~riverboat~~ gambling games must be purchased or
9 leased only from suppliers licensed for such purpose under
10 this Act.

11 (7) Persons licensed under this Act shall permit no
12 form of wagering on gambling games except as permitted by
13 this Act.

14 (8) Wagers may be received only from a person present
15 on a licensed riverboat or in a casino. No person present
16 on a licensed riverboat or in a casino shall place or
17 attempt to place a wager on behalf of another person who is
18 not present on the riverboat or in the casino.

19 (9) Wagering shall not be conducted with money or other
20 negotiable currency.

21 (10) A person under age 21 shall not be permitted on an
22 area of a riverboat or casino where gambling is being
23 conducted, except for a person at least 18 years of age who
24 is an employee of the riverboat or casino gambling
25 operation. No employee under age 21 shall perform any
26 function involved in gambling by the patrons. No person

1 under age 21 shall be permitted to make a wager under this
2 Act.

3 (11) Gambling excursion cruises are permitted only
4 when the waterway for which the riverboat is licensed is
5 navigable, as determined by the Board in consultation with
6 the U.S. Army Corps of Engineers. This paragraph (11) does
7 not limit the ability of a licensee to conduct gambling
8 authorized under this Act when gambling excursion cruises
9 are not permitted.

10 (12) All tokens, chips or electronic cards used to make
11 wagers must be purchased from a licensed owner or manager,
12 in the case of a riverboat or of a casino either aboard the
13 a riverboat or at the casino or, in the case of a
14 riverboat, at an onshore facility which has been approved
15 by the Board and which is located where the riverboat
16 docks. The tokens, chips or electronic cards may be
17 purchased by means of an agreement under which the owner or
18 manager extends credit to the patron. Such tokens, chips or
19 electronic cards may be used while aboard the riverboat or
20 in the casino only for the purpose of making wagers on
21 gambling games.

22 (13) Notwithstanding any other Section of this Act, in
23 addition to the other licenses authorized under this Act,
24 the Board may issue special event licenses allowing persons
25 who are not otherwise licensed to conduct riverboat
26 gambling to conduct such gambling on a specified date or

1 series of dates. Riverboat gambling under such a license
2 may take place on a riverboat not normally used for
3 riverboat gambling. The Board shall establish standards,
4 fees and fines for, and limitations upon, such licenses,
5 which may differ from the standards, fees, fines and
6 limitations otherwise applicable under this Act. All such
7 fees shall be deposited into the State Gaming Fund. All
8 such fines shall be deposited into the Education Assistance
9 Fund, created by Public Act 86-0018, of the State of
10 Illinois.

11 (14) In addition to the above, gambling must be
12 conducted in accordance with all rules adopted by the
13 Board.

14 (Source: P.A. 93-28, eff. 6-20-03.)

15 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

16 Sec. 11.1. Collection of amounts owing under credit
17 agreements. Notwithstanding any applicable statutory provision
18 to the contrary, a licensed owner, ~~or~~ manager, or organization
19 licensee who extends credit to a riverboat or casino gambling
20 patron pursuant to Section 11 (a) (12) of this Act is expressly
21 authorized to institute a cause of action to collect any
22 amounts due and owing under the extension of credit, as well as
23 the owner's or manager's costs, expenses and reasonable
24 attorney's fees incurred in collection.

25 (Source: P.A. 93-28, eff. 6-20-03.)

1 (230 ILCS 10/12) (from Ch. 120, par. 2412)

2 Sec. 12. Admission tax; fees.

3 (a) A tax is hereby imposed upon admissions to riverboats
4 and casinos operated by licensed owners and upon admissions to
5 casinos and riverboats operated by casino operators on behalf
6 of the Authority authorized pursuant to this Act. Until July 1,
7 2002, the rate is \$2 per person admitted. From July 1, 2002
8 until July 1, 2003, the rate is \$3 per person admitted. From
9 July 1, 2003 until the effective date of this amendatory Act of
10 the 94th General Assembly, for a licensee that admitted
11 1,000,000 persons or fewer in the previous calendar year, the
12 rate is \$3 per person admitted; for a licensee that admitted
13 more than 1,000,000 but no more than 2,300,000 persons in the
14 previous calendar year, the rate is \$4 per person admitted; and
15 for a licensee that admitted more than 2,300,000 persons in the
16 previous calendar year, the rate is \$5 per person admitted.
17 Beginning on August 23, 2005 (the effective date of Public Act
18 94-673) and until the effective date of this amendatory Act of
19 the 95th General Assembly ~~this amendatory Act of the 94th~~
20 ~~General Assembly~~, for a licensee that admitted 1,000,000
21 persons or fewer in calendar year 2004, the rate is \$2 per
22 person admitted, and for all other licensees the rate is \$3 per
23 person admitted. Beginning on the effective date of this
24 amendatory Act of the 95th General Assembly, for a licensee
25 that conducted riverboat gambling operations in calendar year

1 2003 and (i) admitted 1,000,000 persons or fewer in the
2 calendar year 2003, the rate is \$1 per person admitted; (ii)
3 admitted more than 1,000,000 persons but fewer than 1,500,000
4 persons, the rate is \$2 per person admitted; and (iii) admitted
5 1,500,000 persons or more, the rate is \$3 per person admitted.
6 For a licensee that receives its license under subsection (e-5)
7 or (e-6) of Section 7 or that conducts riverboat gambling
8 operations pursuant to a dormant license, the rate is \$3 per
9 person admitted. This admission tax is imposed upon the
10 licensed owner conducting gambling. For the purposes of this
11 Section 12, the term "dormant license" has the meaning set
12 forth under subsection (a-3) of Section 13.

13 (1) The admission tax shall be paid for each admission,
14 except that a person who exits a riverboat gambling
15 facility or a casino and reenters that riverboat gambling
16 facility or casino within the same gaming day, as the term
17 "gaming day" is defined by the Board by rule, shall be
18 subject only to the initial admission tax. The Board shall
19 establish, by rule, a procedure to determine whether a
20 person admitted to a riverboat gambling facility or casino
21 has paid the admission tax.

22 (2) (Blank).

23 (3) An owners licensee and the Authority ~~The riverboat~~
24 ~~licensee~~ may issue tax-free passes to actual and necessary
25 officials and employees of the licensee or other persons
26 actually working on the riverboat or in the casino.

1 (4) The number and issuance of tax-free passes is
2 subject to the rules of the Board, and a list of all
3 persons to whom the tax-free passes are issued shall be
4 filed with the Board.

5 (a-5) A fee is hereby imposed upon admissions operated by
6 licensed managers on behalf of the State pursuant to Section
7 7.3 at the rates provided in this subsection (a-5). For a
8 licensee that admitted 1,000,000 persons or fewer in the
9 previous calendar year, the rate is \$3 per person admitted; for
10 a licensee that admitted more than 1,000,000 but no more than
11 2,300,000 persons in the previous calendar year, the rate is \$4
12 per person admitted; and for a licensee that admitted more than
13 2,300,000 persons in the previous calendar year, the rate is \$5
14 per person admitted.

15 (1) The admission fee shall be paid for each admission.

16 (2) (Blank).

17 (3) The licensed manager may issue fee-free passes to
18 actual and necessary officials and employees of the manager
19 or other persons actually working on the riverboat.

20 (4) The number and issuance of fee-free passes is
21 subject to the rules of the Board, and a list of all
22 persons to whom the fee-free passes are issued shall be
23 filed with the Board.

24 (b) From the tax imposed under subsection (a) and the fee
25 imposed under subsection (a-5), a municipality shall receive
26 from the State \$1 for each person embarking on a riverboat

1 docked within the municipality or entering a casino located
2 within the municipality, and a county shall receive \$1 for each
3 person entering a casino or embarking on a riverboat docked
4 within the county but outside the boundaries of any
5 municipality. The municipality's or county's share shall be
6 collected by the Board on behalf of the State and remitted
7 quarterly by the State, subject to appropriation, to the
8 treasurer of the unit of local government for deposit in the
9 general fund. For each admission in excess of 1,500,000 in a
10 year, from the tax imposed under this Section, the county in
11 which the licensee's home dock is located shall receive,
12 subject to appropriation, \$0.15, which shall be in addition to
13 any other moneys paid to the county under this Section.

14 (c) The licensed owner and the licensed casino operator
15 conducting gambling operations on behalf of the Authority shall
16 pay the entire admission tax to the Board and the licensed
17 manager shall pay the entire admission fee to the Board. Such
18 payments shall be made daily. Accompanying each payment shall
19 be a return on forms provided by the Board which shall include
20 other information regarding admissions as the Board may
21 require. Failure to submit either the payment or the return
22 within the specified time may result in suspension or
23 revocation of the owners or managers license.

24 (d) The Board shall administer and collect the admission
25 tax imposed by this Section, to the extent practicable, in a
26 manner consistent with the provisions of Sections 4, 5, 5a, 5b,

1 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the
2 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
3 Penalty and Interest Act.

4 (Source: P.A. 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; 94-673,
5 eff. 8-23-05.)

6 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

8 (a) Until January 1, 1998, a tax is imposed on the ~~adjusted~~
9 gross gaming receipts received from gambling games authorized
10 under this Act at the rate of 20%.

11 (a-1) From January 1, 1998 until July 1, 2002, a privilege
12 tax is imposed on persons engaged in the business of conducting
13 riverboat gambling operations, based on the ~~adjusted~~ gross
14 gaming receipts received by a licensed owner from gambling
15 games authorized under this Act at the following rates:

16 15% of annual ~~adjusted~~ gross gaming receipts up to and
17 including \$25,000,000;

18 20% of annual ~~adjusted~~ gross gaming receipts in excess
19 of \$25,000,000 but not exceeding \$50,000,000;

20 25% of annual ~~adjusted~~ gross gaming receipts in excess
21 of \$50,000,000 but not exceeding \$75,000,000;

22 30% of annual ~~adjusted~~ gross gaming receipts in excess
23 of \$75,000,000 but not exceeding \$100,000,000;

24 35% of annual ~~adjusted~~ gross gaming receipts in excess
25 of \$100,000,000.

1 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
2 is imposed on persons engaged in the business of conducting
3 riverboat gambling operations, other than licensed managers
4 conducting riverboat gambling operations on behalf of the
5 State, based on the ~~adjusted~~ gross gaming receipts received by
6 a licensed owner from gambling games authorized under this Act
7 at the following rates:

8 15% of annual ~~adjusted~~ gross gaming receipts up to and
9 including \$25,000,000;

10 22.5% of annual ~~adjusted~~ gross gaming receipts in
11 excess of \$25,000,000 but not exceeding \$50,000,000;

12 27.5% of annual ~~adjusted~~ gross gaming receipts in
13 excess of \$50,000,000 but not exceeding \$75,000,000;

14 32.5% of annual ~~adjusted~~ gross gaming receipts in
15 excess of \$75,000,000 but not exceeding \$100,000,000;

16 37.5% of annual ~~adjusted~~ gross gaming receipts in
17 excess of \$100,000,000 but not exceeding \$150,000,000;

18 45% of annual ~~adjusted~~ gross gaming receipts in excess
19 of \$150,000,000 but not exceeding \$200,000,000;

20 50% of annual ~~adjusted~~ gross gaming receipts in excess
21 of \$200,000,000.

22 (a-3) Beginning July 1, 2003, a privilege tax is imposed on
23 persons engaged in the business of conducting riverboat
24 gambling operations, other than licensed managers conducting
25 riverboat gambling operations on behalf of the State, based on
26 the ~~adjusted~~ gross gaming receipts received by a licensed owner

1 from gambling games authorized under this Act at the following
2 rates:

3 15% of annual ~~adjusted~~ gross gaming receipts up to and
4 including \$25,000,000;

5 27.5% of annual ~~adjusted~~ gross gaming receipts in
6 excess of \$25,000,000 but not exceeding \$37,500,000;

7 32.5% of annual ~~adjusted~~ gross gaming receipts in
8 excess of \$37,500,000 but not exceeding \$50,000,000;

9 37.5% of annual ~~adjusted~~ gross gaming receipts in
10 excess of \$50,000,000 but not exceeding \$75,000,000;

11 45% of annual ~~adjusted~~ gross gaming receipts in excess
12 of \$75,000,000 but not exceeding \$100,000,000;

13 50% of annual ~~adjusted~~ gross gaming receipts in excess
14 of \$100,000,000 but not exceeding \$250,000,000;

15 70% of annual ~~adjusted~~ gross gaming receipts in excess
16 of \$250,000,000.

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

22 The privilege tax imposed under this subsection (a-3) shall
23 no longer be imposed beginning on the earlier of (i) July 1,
24 2005; (ii) the first date after June 20, 2003 that riverboat
25 gambling operations are conducted pursuant to a dormant
26 license; or (iii) the first day that riverboat gambling

1 operations are conducted under the authority of an owners
2 license that is in addition to the 10 owners licenses initially
3 authorized under this Act. For the purposes of this subsection
4 (a-3), the term "dormant license" means an owners license that
5 is authorized by this Act under which no riverboat gambling
6 operations are being conducted on June 20, 2003.

7 (a-4) Beginning on the first day on which the tax imposed
8 under subsection (a-3) is no longer imposed, a privilege tax is
9 imposed on persons engaged in the business of conducting
10 riverboat or casino gambling operations, other than licensed
11 managers conducting riverboat gambling operations on behalf of
12 the State, based on the ~~adjusted~~ gross gaming receipts received
13 by a licensed owner or by the Authority from gambling games
14 authorized under this Act at the following rates:

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

17 22.5% of annual ~~adjusted~~ gross gaming receipts in
18 excess of \$25,000,000 but not exceeding \$50,000,000;

19 27.5% of annual ~~adjusted~~ gross gaming receipts in
20 excess of \$50,000,000 but not exceeding \$75,000,000;

21 32.5% of annual ~~adjusted~~ gross gaming receipts in
22 excess of \$75,000,000 but not exceeding \$100,000,000;

23 37.5% of annual ~~adjusted~~ gross gaming receipts in
24 excess of \$100,000,000 but not exceeding \$150,000,000;

25 45% of annual ~~adjusted~~ gross gaming receipts in excess
26 of \$150,000,000 but not exceeding \$200,000,000;

1 50% of annual ~~adjusted~~ gross gaming receipts in excess
2 of \$200,000,000.

3 For the imposition of the privilege tax in this subsection
4 (a-4), amounts paid pursuant to subsection (a) of Section 7
5 into the Horse Racing Equity Trust Fund shall not be included
6 in the determination of annual gross gaming receipts.

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

10 (a-10) The taxes imposed by this Section shall be paid by
11 the licensed owner, or by the casino operator on behalf of the
12 Authority in the case of a license issued to the Authority, to
13 the Board not later than 3:00 o'clock p.m. of the day after the
14 day when the wagers were made.

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

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

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

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

6 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

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

21 The changes made to this subsection (a-15) by Public Act
22 94-839 ~~this amendatory Act of the 94th General Assembly~~ are
23 intended to restate and clarify the intent of Public Act 94-673
24 with respect to the amount of the payments required to be made
25 under this subsection by an owners licensee to the Board.

26 (b) Until January 1, 1998, 25% of the tax revenue deposited

1 in the State Gaming Fund under this Section shall be paid,
2 subject to appropriation by the General Assembly, to the unit
3 of local government which is designated as the home dock of the
4 riverboat. Except as otherwise provided in this subsection (b),
5 beginning ~~Beginning~~ January 1, 1998, from the tax revenue from
6 riverboat gambling deposited in the State Gaming Fund under
7 this Section, an amount equal to 5% of (i) an amount equal to
8 the adjusted gross gaming receipts generated by a riverboat
9 minus (ii) the gross gaming receipts of the gaming positions
10 authorized under subsection (h-5) of Section 7 generated by a
11 riverboat, shall be paid monthly, subject to appropriation by
12 the General Assembly, to the unit of local government that is
13 designated as the home dock of the riverboat. From the tax
14 revenue deposited in the State Gaming Fund pursuant to
15 riverboat gambling operations conducted by a licensed manager
16 on behalf of the State, an amount equal to 5% of ~~adjusted~~ gross
17 gaming receipts generated pursuant to those riverboat gambling
18 operations shall be paid monthly, subject to appropriation by
19 the General Assembly, to the unit of local government that is
20 designated as the home dock of the riverboat upon which those
21 riverboat gambling operations are conducted. For the purposes
22 of this subsection (b), the gross gaming receipts from the
23 gaming positions required under subsection (h-5) of Section 7
24 shall be calculated in the same manner as provided in
25 subsection (c-30).

26 (b-2) The State Comptroller shall order transferred and the

1 State Treasurer shall transfer \$229,000,000 from the State
2 Gaming Fund to the General Revenue Fund as follows: one-ninth
3 of \$229,000,000 on the first day of the month, or as soon
4 thereafter as possible, each month beginning October 2007
5 through June 2008. Of the amounts transferred to the General
6 Revenue Fund under this subsection (b-2), \$200,000,000 shall be
7 appropriated solely for the purpose of providing funding to the
8 Regional Transportation Authority and its Service Boards and
9 \$29,000,000 shall be appropriated solely for the purpose of
10 providing funding for downstate public transportation. From
11 the total amount of moneys deposited into the State Gaming Fund
12 from the issuance of the licenses authorized under subsections
13 (e-5) and (e-6) of Section 7, (i) the first \$229,000,000 shall
14 be retained in the State Gaming Fund and shall be distributed
15 as otherwise provided, (ii) an amount equal to 30% of the
16 remainder shall be transferred to the Education Assistance
17 Fund, and (iii) an amount equal to 70% of the remainder shall
18 be transferred to the Capital Program Acceleration Fund.

19 (b-3) From the total amount of moneys deposited in the
20 State Gaming Fund from the issuance of any additional gaming
21 positions authorized by Section (h-5) of Section 7 (1) an
22 amount equal to 30% shall be transferred to the Education
23 Assistance Fund and (2) an amount equal to 70% shall be
24 transferred to the General Obligation Bond Retirement and
25 Interest Fund.

26 (b-5) An amount equal to 1% of the gross gaming receipts

1 from owners licenses issued on or after the effective date of
2 this amendatory Act of the 95th General Assembly authorizing
3 casino gambling in Cook County shall be paid monthly, subject
4 to appropriation by the General Assembly, to the Depressed
5 Communities Economic Development Fund, which is created as a
6 special fund in the State treasury. The Department of Commerce
7 and Economic Opportunity shall administer the Fund and use
8 moneys in the Fund to make grants for plans for revitalization
9 of communities within Cook County. The Department of Commerce
10 and Economic Opportunity may make grants in accordance with the
11 recommendations of the Depressed Communities Economic
12 Development Board.

13 (b-10) Beginning on the effective date of this amendatory
14 Act of the 95th General Assembly, an amount equal to
15 one-twelfth of \$3,000,000 shall be paid monthly from the State
16 Gaming Fund into the Illinois Colt Stakes Purse Distribution
17 Fund to be used for horse racing purses at the Illinois State
18 Fair and DuQuoin State Fair and for bonus programs to pay
19 owners of horses that win multiple stake races that are
20 restricted to Illinois conceived and foaled horses.

21 (b-15) Beginning on the effective date of this amendatory
22 Act of the 95th General Assembly, an amount equal to
23 one-twelfth of \$100,000 shall be transferred monthly from the
24 State Gaming Fund to the Agricultural Premium Fund to be used
25 for drug testing of horses at county fairs authorized in
26 Section 34.3 of the Illinois Horse Racing Act of 1975.

1 (c) Appropriations, as approved by the General Assembly,
2 may be made from the State Gaming Fund to the Department of
3 Revenue and the Department of State Police for the
4 administration and enforcement of this Act, or to the
5 Department of Human Services for the administration of programs
6 to treat problem gambling.

7 (c-5) (Blank). ~~Before the effective date of this amendatory~~
8 ~~Act of the 94th General Assembly and beginning 2 years after~~
9 ~~the effective date of this amendatory Act of the 94th General~~
10 ~~Assembly, after the payments required under subsections (b) and~~
11 ~~(c) have been made, an amount equal to 15% of the adjusted~~
12 ~~gross receipts of (1) an owners licensee that relocates~~
13 ~~pursuant to Section 11.2, (2) an owners licensee conducting~~
14 ~~riverboat gambling operations pursuant to an owners license~~
15 ~~that is initially issued after June 25, 1999, or (3) the first~~
16 ~~riverboat gambling operations conducted by a licensed manager~~
17 ~~on behalf of the State under Section 7.3, whichever comes~~
18 ~~first, shall be paid from the State Gaming Fund into the Horse~~
19 ~~Racing Equity Fund.~~

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

25 (c-15) (Blank). ~~After the payments required under~~
26 ~~subsections (b), (c), and (c-5) have been made, an amount equal~~

1 ~~to 2% of the adjusted gross receipts of (1) an owners licensee~~
2 ~~that relocates pursuant to Section 11.2, (2) an owners licensee~~
3 ~~conducting riverboat gambling operations pursuant to an owners~~
4 ~~license that is initially issued after June 25, 1999, or (3)~~
5 ~~the first riverboat gambling operations conducted by a licensed~~
6 ~~manager on behalf of the State under Section 7.3, whichever~~
7 ~~comes first, shall be paid, subject to appropriation from the~~
8 ~~General Assembly, from the State Gaming Fund to each home rule~~
9 ~~county with a population of over 3,000,000 inhabitants for the~~
10 ~~purpose of enhancing the county's criminal justice system.~~

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

16 (c-25) After the payments required under subsections (b),
17 (b-5), (b-10), (b-15), and (c), ~~(c-5) and (c-15)~~ have been
18 made, an amount equal to 2% of the ~~adjusted~~ gross gaming
19 receipts of (1) an owners licensee that relocates pursuant to
20 Section 11.2, (2) the first ~~an~~ owners licensee conducting
21 riverboat gambling operations pursuant to an owners license
22 that is initially issued after June 25, 1999, or (3) the first
23 riverboat gambling operations conducted by a licensed manager
24 on behalf of the State under Section 7.3, whichever comes
25 first, shall be paid from the State Gaming Fund to Chicago
26 State University.

1 (c-30) After the payments required under subsections (b),
2 (b-5), (b-10), (b-15), (c), and (c-25) have been made, (1) an
3 amount equal to 30% of moneys deposited into the State Gaming
4 Fund pursuant to this Section by owners licensees authorized
5 under subsections (e-5) and (e-6) of Section 7 and any
6 additional gaming positions authorized under subsection (h-5)
7 of Section 7 shall be paid monthly, subject to appropriation by
8 the General Assembly, to the Education Assistance Fund, and (2)
9 an amount equal to 70% of moneys deposited into the State
10 Gaming Fund pursuant to this Section by owners licensees
11 authorized under subsections (e-5) and (e-6) of Section 7 and
12 from any additional gaming positions authorized under
13 subsection (h-5) of Section 7 shall be paid monthly, subject to
14 appropriation by the General Assembly, to the General
15 Obligation Bond Retirement and Interest Fund. For the purposes
16 of this subsection (c-30), the gross gaming receipts from the
17 additional gaming positions authorized under subsection (h-5)
18 of Section 7 shall be calculated in the same manner as provided
19 in subsection (c-35).

20 (c-35) After the payments required under subsections (b),
21 (b-5), (b-10), (b-15), (c), (c-25), and (c-30) have been made,
22 an amount equal to 1% of the gross gaming receipts (i) from
23 gaming positions acquired under subsection (h-5) of Section 7
24 of an owners licensee that docks on the Mississippi River, the
25 Illinois River, or the Ohio River and (ii) of an owners
26 licensee that is authorized under subsection (e-5) of Section 7

1 that is located south of Interstate 80 shall be paid, subject
2 to appropriation by the General Assembly, from the State Gaming
3 Fund to qualifying municipalities within 50 miles of the home
4 dock of the riverboat. The amount paid under this subsection
5 (c-35) to each qualifying municipality shall be based on the
6 proportion that the number of persons living at or below the
7 poverty level in the qualifying municipality bears to the total
8 number of persons living at or below the poverty level in
9 qualifying municipalities that are within 50 miles of the
10 owners licensee's home dock. If 2 or more of the following
11 owners licensees are within 50 miles of each other, payments
12 required under this subsection (c-35) from the gross gaming
13 receipts of those owners licensees shall be commingled and paid
14 to qualifying municipalities that are within 50 miles of at
15 least one of those owners licensee's home docks:

16 (i) An owners licensee whose home dock is located on
17 the Mississippi River.

18 (ii) An owners licensee whose home dock is located on
19 the Illinois River.

20 (iii) An owners licensee whose home dock is located on
21 the Ohio River.

22 (iv) An owners licensee that is authorized under
23 subsection (e-5) of Section 7 that is located south of
24 Interstate 80.

25 For the purposes of this subsection (c-35), the term
26 "qualifying municipality" means a municipality, other than a

1 municipality in which a riverboat docks, in which the poverty
2 rate as determined by using the most recent data released by
3 the United States Census Bureau is at least 3% greater than the
4 State poverty rate as determined by using the most recent data
5 released by the United States Census Bureau.

6 For the purposes of this subsection (c-35), the gross
7 gaming receipts from the gaming positions acquired under
8 subsection (h-5) of Section 7 shall be the difference between
9 the gross gaming receipts in a particular month from the gross
10 gaming receipts for the corresponding month in calendar year
11 2006.

12 (c-40) After the payments required under subsections (b),
13 (b-5), (b-10), (b-15), (c), (c-25), (c-30), and (c-35) have
14 been made, an amount equal to 1% of the gross gaming receipts
15 (i) of the gaming positions authorized under subsection (h-5)
16 of Section 7 of an owners licensee that docks on the Fox River
17 or the Des Plaines River and (ii) of an owners licensee that is
18 authorized under subsection (e-5) of Section 7 that is located
19 north of Interstate 80 shall be paid, subject to appropriation
20 by the General Assembly, from the State Gaming Fund to
21 qualifying municipalities within 20 miles of the home dock of
22 the riverboat. The amount paid under this subsection (c-40) to
23 each qualifying municipality shall be based on the proportion
24 that the number of persons living at or below the poverty level
25 in the qualifying municipality bears to the total number of
26 persons living at or below the poverty level in qualifying

1 municipalities that are within 20 miles of the owners
2 licensee's home dock. If the home docks of 2 or more of the
3 following owners licensees are within 20 miles of each other,
4 payments required under this subsection (c-40) from the gross
5 gaming receipts of those owners licensees shall be commingled
6 and paid to qualifying municipalities that are within 20 miles
7 of at least one of those owners licensee's home docks:

8 (i) An owners licensee whose home dock is located on
9 the Fox River.

10 (ii) An owners licensee whose home dock is located on
11 the Des Plaines River.

12 (iii) An owners licensee that is authorized under
13 subsection (e-5) of Section 7 that is located north of
14 Interstate 80.

15 For the purposes of this subsection (c-40), the term
16 "qualifying municipality" means a municipality, other than the
17 City of Chicago or a municipality in which a riverboat docks,
18 in which the poverty rate as determined by using the most
19 recent data released by the United States Census Bureau is at
20 least 3% greater than the State poverty rate as determined by
21 using the most recent data released by the United States Census
22 Bureau.

23 For the purposes of this subsection (c-40), the gross
24 gaming receipts from the gaming positions acquired under
25 subsection (h-5) of Section 7 shall be calculated in the same
26 manner as provided in subsection (c-30).

1 (c-45) After the payments required under subsections (b),
2 (b-5), (b-10), (b-15), (c), (c-25), (c-30), (c-35), and (c-40)
3 have been made, an amount equal to 1% of the gross gaming
4 receipts of an owners licensee that is authorized under
5 subsection (e-6) of Section 7, shall be paid, subject to
6 appropriation by the General Assembly, from the State Gaming
7 Fund to qualifying municipalities within 10 miles of the
8 casino. The amount paid under this subsection (c-45) to each
9 qualifying municipality shall be based on the proportion that
10 the number of persons living at or below the poverty level in
11 the qualifying municipality bears to the total number of
12 persons living at or below the poverty level in qualifying
13 municipalities that are within 10 miles of the casino. For the
14 purposes of this subsection (c-45), the term "qualifying
15 municipality" means a municipality, other than the City of
16 Chicago, a municipality in which a riverboat docks, or a
17 municipality that received payment under subsection (c-35) or
18 (c-40), in which the poverty rate as determined by using the
19 most recent data released by the United States Census Bureau is
20 at least 3% greater than the State poverty rate as determined
21 by using the most recent data released by the United States
22 Census Bureau.

23 (c-50) After payments required under subsections (b),
24 (b-5), (b-10), (b-15), (c), (c-25), (c-30), (c-35), (c-40), and
25 (c-45) have been made, an amount equal to 1.5% of the gross
26 gaming receipts from owners licenses issued on or after the

1 effective date of this amendatory Act of the 95th General
2 Assembly authorizing casino gambling in Cook County shall be
3 paid monthly, subject to appropriation by the General Assembly,
4 to Cook County.

5 (d) From time to time, the Board shall transfer the
6 remainder of the funds generated by this Act into the Education
7 Assistance Fund, created by Public Act 86-0018, of the State of
8 Illinois.

9 (e) Nothing in this Act shall prohibit the unit of local
10 government designated as the home dock of the riverboat, or the
11 municipality in which the casino is located, from entering into
12 agreements with other units of local government in this State
13 or in other states to share its portion of the tax revenue.

14 (f) To the extent practicable, the Board shall administer
15 and collect the wagering taxes imposed by this Section in a
16 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
17 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the
18 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
19 Penalty and Interest Act.

20 (Source: P.A. 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; 94-673,
21 eff. 8-23-05; 94-804, eff. 5-26-06; 94-839, eff. 6-6-06;
22 revised 8-3-06.)

23 (230 ILCS 10/13.2 new)

24 Sec. 13.2. Municipal distributions of proceeds from a
25 casino; gaming endowment funds. At least 60% of the moneys that

1 a municipality in which a casino is located receives pursuant
2 to Section 50 of the Chicago Casino Development Authority Act
3 shall be described as "gaming endowment funds" and be expended
4 or obligated by the municipality for the following purposes and
5 in the following amounts:

6 (1) 40% of such gaming endowment funds shall be used
7 for or pledged for the construction and maintenance of
8 infrastructure within the municipality, including but not
9 limited to roads, bridges, transit infrastructure, and
10 municipal facilities.

11 (2) 60% of such gaming endowment funds shall be used
12 for or pledged for the construction and maintenance of
13 schools, parks and cultural institution facilities, and
14 museums within the municipality.

15 (230 ILCS 10/14) (from Ch. 120, par. 2414)

16 Sec. 14. Licensees - Records - Reports - Supervision.

17 (a) ~~A~~ Licensed owners, including the Authority, owner shall
18 keep their ~~his~~ books and records so as to clearly show the
19 following:

20 (1) The amount received daily from admission fees.

21 (2) The total amount of whole gaming ~~gross~~ receipts.

22 (3) The total amount of the ~~adjusted~~ gross gaming receipts.

23 (b) ~~The~~ Licensed owners, including the Authority, owner
24 shall furnish to the Board reports and information as the Board
25 may require with respect to its activities on forms designed

1 and supplied for such purpose by the Board.

2 (c) The books and records kept by a licensed owner as
3 provided by this Section are public records and the
4 examination, publication, and dissemination of the books and
5 records are governed by the provisions of The Freedom of
6 Information Act.

7 (Source: P.A. 86-1029.)

8 (230 ILCS 10/18) (from Ch. 120, par. 2418)

9 Sec. 18. Prohibited Activities - Penalty.

10 (a) A person is guilty of a Class A misdemeanor for doing
11 any of the following:

12 (1) Conducting gambling where wagering is used or to be
13 used without a license or authorization issued by the
14 Board.

15 (2) Conducting gambling where wagering is permitted
16 other than in the manner specified by Section 11.

17 (b) A person is guilty of a Class B misdemeanor for doing
18 any of the following:

19 (1) permitting a person under 21 years to make a wager;

20 or

21 (2) violating paragraph (12) of subsection (a) of
22 Section 11 of this Act.

23 (c) A person wagering or accepting a wager at any location
24 outside the riverboat or casino in violation of paragraph ~~is~~
25 ~~subject to the penalties in paragraphs~~ (1) or (2) of subsection

1 (a) of Section 28-1 of the Criminal Code of 1961 is subject to
2 the penalties provided in that Section.

3 (d) A person commits a Class 4 felony and, in addition,
4 shall be barred for life from gambling operations ~~riverboats~~
5 under the jurisdiction of the Board, if the person does any of
6 the following:

7 (1) Offers, promises, or gives anything of value or
8 benefit to a person who is connected with a riverboat or
9 casino owner including, but not limited to, an officer or
10 employee of a licensed owner or holder of an occupational
11 license pursuant to an agreement or arrangement or with the
12 intent that the promise or thing of value or benefit will
13 influence the actions of the person to whom the offer,
14 promise, or gift was made in order to affect or attempt to
15 affect the outcome of a gambling game, or to influence
16 official action of a member of the Board.

17 (2) Solicits or knowingly accepts or receives a promise
18 of anything of value or benefit while the person is
19 connected with a riverboat or casino including, but not
20 limited to, an officer or employee of a licensed owner, or
21 the holder of an occupational license, pursuant to an
22 understanding or arrangement or with the intent that the
23 promise or thing of value or benefit will influence the
24 actions of the person to affect or attempt to affect the
25 outcome of a gambling game, or to influence official action
26 of a member of the Board.

1 (3) Uses or possesses with the intent to use a device
2 to assist:

3 (i) In projecting the outcome of the game.

4 (ii) In keeping track of the cards played.

5 (iii) In analyzing the probability of the
6 occurrence of an event relating to the gambling game.

7 (iv) In analyzing the strategy for playing or
8 betting to be used in the game except as permitted by
9 the Board.

10 (4) Cheats at a gambling game.

11 (5) Manufactures, sells, or distributes any cards,
12 chips, dice, game or device which is intended to be used to
13 violate any provision of this Act.

14 (6) Alters or misrepresents the outcome of a gambling
15 game on which wagers have been made after the outcome is
16 made sure but before it is revealed to the players.

17 (7) Places a bet after acquiring knowledge, not
18 available to all players, of the outcome of the gambling
19 game which is subject of the bet or to aid a person in
20 acquiring the knowledge for the purpose of placing a bet
21 contingent on that outcome.

22 (8) Claims, collects, or takes, or attempts to claim,
23 collect, or take, money or anything of value in or from the
24 gambling games, with intent to defraud, without having made
25 a wager contingent on winning a gambling game, or claims,
26 collects, or takes an amount of money or thing of value of

1 greater value than the amount won.

2 (9) Uses counterfeit chips or tokens in a gambling
3 game.

4 (10) Possesses any key or device designed for the
5 purpose of opening, entering, or affecting the operation of
6 a gambling game, drop box, or an electronic or mechanical
7 device connected with the gambling game or for removing
8 coins, tokens, chips or other contents of a gambling game.
9 This paragraph (10) does not apply to a gambling licensee
10 or employee of a gambling licensee acting in furtherance of
11 the employee's employment.

12 (e) The possession of more than one of the devices
13 described in subsection (d), paragraphs (3), (5) or (10)
14 permits a rebuttable presumption that the possessor intended to
15 use the devices for cheating.

16 An action to prosecute any crime occurring on a riverboat
17 or in a casino shall be tried in the county of the dock at which
18 the riverboat is based or in the county in which the casino is
19 located.

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

21 (230 ILCS 10/20) (from Ch. 120, par. 2420)

22 Sec. 20. Prohibited activities - civil penalties. Any
23 person who conducts a gambling operation without first
24 obtaining a license to do so, or who continues to conduct such
25 games after revocation of his license, or any licensee who

1 conducts or allows to be conducted any unauthorized gambling
2 games on a riverboat or in a casino where it is authorized to
3 conduct its ~~riverboat~~ gambling operation, in addition to other
4 penalties provided, shall be subject to a civil penalty equal
5 to the amount of whole gaming ~~gross~~ receipts derived from
6 wagering on the gambling games, whether unauthorized or
7 authorized, conducted on that day as well as confiscation and
8 forfeiture of all gambling game equipment used in the conduct
9 of unauthorized gambling games.

10 (Source: P.A. 86-1029.)

11 (230 ILCS 10/23) (from Ch. 120, par. 2423)

12 Sec. 23. The State Gaming Fund. On or after the effective
13 date of this Act, except as provided for payments into the
14 Horse Racing Equity Trust Fund under subsection (a) of Section
15 7, all of the fees and taxes collected pursuant to this Act
16 shall be deposited into the State Gaming Fund, a special fund
17 in the State Treasury, which is hereby created. The ~~adjusted~~
18 gross gaming receipts of any riverboat gambling operations
19 conducted by a licensed manager on behalf of the State
20 remaining after the payment of the fees and expenses of the
21 licensed manager shall be deposited into the State Gaming Fund.
22 Fines and penalties collected pursuant to this Act shall be
23 deposited into the Education Assistance Fund, created by Public
24 Act 86-0018, of the State of Illinois.

25 (Source: P.A. 93-28, eff. 6-20-03; 94-804, eff. 5-26-06.)

1 Section 950. The Liquor Control Act of 1934 is amended by
2 changing Sections 5-1 and 6-30 as follows:

3 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

4 Sec. 5-1. Licenses issued by the Illinois Liquor Control
5 Commission shall be of the following classes:

- 6 (a) Manufacturer's license - Class 1. Distiller, Class 2.
7 Rectifier, Class 3. Brewer, Class 4. First Class Wine
8 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
9 First Class Winemaker, Class 7. Second Class Winemaker, Class
10 8. Limited Wine Manufacturer,
11 (b) Distributor's license,
12 (c) Importing Distributor's license,
13 (d) Retailer's license,
14 (e) Special Event Retailer's license (not-for-profit),
15 (f) Railroad license,
16 (g) Boat license,
17 (h) Non-Beverage User's license,
18 (i) Wine-maker's premises license,
19 (j) Airplane license,
20 (k) Foreign importer's license,
21 (l) Broker's license,
22 (m) Non-resident dealer's license,
23 (n) Brew Pub license,
24 (o) Auction liquor license,

- 1 (p) Caterer retailer license,
2 (q) Special use permit license.

3 No person, firm, partnership, corporation, or other legal
4 business entity that is engaged in the manufacturing of wine
5 may concurrently obtain and hold a wine-maker's license and a
6 wine manufacturer's license.

7 (a) A manufacturer's license shall allow the manufacture,
8 importation in bulk, storage, distribution and sale of
9 alcoholic liquor to persons without the State, as may be
10 permitted by law and to licensees in this State as follows:

11 Class 1. A Distiller may make sales and deliveries of
12 alcoholic liquor to distillers, rectifiers, importing
13 distributors, distributors and non-beverage users and to no
14 other licensees.

15 Class 2. A Rectifier, who is not a distiller, as defined
16 herein, may make sales and deliveries of alcoholic liquor to
17 rectifiers, importing distributors, distributors, retailers
18 and non-beverage users and to no other licensees.

19 Class 3. A Brewer may make sales and deliveries of beer to
20 importing distributors, distributors, and to non-licensees,
21 and to retailers provided the brewer obtains an importing
22 distributor's license or distributor's license in accordance
23 with the provisions of this Act.

24 Class 4. A first class wine-manufacturer may make sales and
25 deliveries of up to 50,000 gallons of wine to manufacturers,
26 importing distributors and distributors, and to no other

1 licensees.

2 Class 5. A second class Wine manufacturer may make sales
3 and deliveries of more than 50,000 gallons of wine to
4 manufacturers, importing distributors and distributors and to
5 no other licensees.

6 Class 6. A first-class wine-maker's license shall allow the
7 manufacture of up to 50,000 gallons of wine per year, and the
8 storage and sale of such wine to distributors in the State and
9 to persons without the State, as may be permitted by law. A
10 first-class wine-maker's license shall allow the sale of no
11 more than 5,000 gallons of the licensee's wine to retailers.
12 The State Commission shall issue only one first-class
13 wine-maker's license to any person, firm, partnership,
14 corporation, or other legal business entity that is engaged in
15 the making of less than 50,000 gallons of wine annually that
16 applies for a first-class wine-maker's license. No subsidiary
17 or affiliate thereof, nor any officer, associate, member,
18 partner, representative, employee, agent, or shareholder may
19 be issued an additional wine-maker's license by the State
20 Commission.

21 Class 7. A second-class wine-maker's license shall allow
22 the manufacture of between 50,000 and 100,000 gallons of wine
23 per year, and the storage and sale of such wine to distributors
24 in this State and to persons without the State, as may be
25 permitted by law. A second-class wine-maker's license shall
26 allow the sale of no more than 10,000 gallons of the licensee's

1 wine directly to retailers. The State Commission shall issue
2 only one second-class wine-maker's license to any person, firm,
3 partnership, corporation, or other legal business entity that
4 is engaged in the making of less than 100,000 gallons of wine
5 annually that applies for a second-class wine-maker's license.
6 No subsidiary or affiliate thereof, or any officer, associate,
7 member, partner, representative, employee, agent, or
8 shareholder may be issued an additional wine-maker's license by
9 the State Commission.

10 Class 8. A limited wine-manufacturer may make sales and
11 deliveries not to exceed 40,000 gallons of wine per year to
12 distributors, and to non-licensees in accordance with the
13 provisions of this Act.

14 (a-1) A manufacturer which is licensed in this State to
15 make sales or deliveries of alcoholic liquor and which enlists
16 agents, representatives, or individuals acting on its behalf
17 who contact licensed retailers on a regular and continual basis
18 in this State must register those agents, representatives, or
19 persons acting on its behalf with the State Commission.

20 Registration of agents, representatives, or persons acting
21 on behalf of a manufacturer is fulfilled by submitting a form
22 to the Commission. The form shall be developed by the
23 Commission and shall include the name and address of the
24 applicant, the name and address of the manufacturer he or she
25 represents, the territory or areas assigned to sell to or
26 discuss pricing terms of alcoholic liquor, and any other

1 questions deemed appropriate and necessary. All statements in
2 the forms required to be made by law or by rule shall be deemed
3 material, and any person who knowingly misstates any material
4 fact under oath in an application is guilty of a Class B
5 misdemeanor. Fraud, misrepresentation, false statements,
6 misleading statements, evasions, or suppression of material
7 facts in the securing of a registration are grounds for
8 suspension or revocation of the registration.

9 (b) A distributor's license shall allow the wholesale
10 purchase and storage of alcoholic liquors and sale of alcoholic
11 liquors to licensees in this State and to persons without the
12 State, as may be permitted by law.

13 (c) An importing distributor's license may be issued to and
14 held by those only who are duly licensed distributors, upon the
15 filing of an application by a duly licensed distributor, with
16 the Commission and the Commission shall, without the payment of
17 any fee, immediately issue such importing distributor's
18 license to the applicant, which shall allow the importation of
19 alcoholic liquor by the licensee into this State from any point
20 in the United States outside this State, and the purchase of
21 alcoholic liquor in barrels, casks or other bulk containers and
22 the bottling of such alcoholic liquors before resale thereof,
23 but all bottles or containers so filled shall be sealed,
24 labeled, stamped and otherwise made to comply with all
25 provisions, rules and regulations governing manufacturers in
26 the preparation and bottling of alcoholic liquors. The

1 importing distributor's license shall permit such licensee to
2 purchase alcoholic liquor from Illinois licensed non-resident
3 dealers and foreign importers only.

4 (d) A retailer's license shall allow the licensee to sell
5 and offer for sale at retail, only in the premises specified in
6 the license, alcoholic liquor for use or consumption, but not
7 for resale in any form: Provided that any retail license issued
8 to a manufacturer shall only permit the manufacturer to sell
9 beer at retail on the premises actually occupied by the
10 manufacturer. For the purpose of further describing the type of
11 business conducted at a retail licensed premises, a retailer's
12 licensee may be designated by the State Commission as (i) an on
13 premise consumption retailer, (ii) an off premise sale
14 retailer, or (iii) a combined on premise consumption and off
15 premise sale retailer.

16 Notwithstanding any other provision of this subsection
17 (d), a retail licensee may sell alcoholic liquors to a special
18 event retailer licensee for resale to the extent permitted
19 under subsection (e).

20 (e) A special event retailer's license (not-for-profit)
21 shall permit the licensee to purchase alcoholic liquors from an
22 Illinois licensed distributor (unless the licensee purchases
23 less than \$500 of alcoholic liquors for the special event, in
24 which case the licensee may purchase the alcoholic liquors from
25 a licensed retailer) and shall allow the licensee to sell and
26 offer for sale, at retail, alcoholic liquors for use or

1 consumption, but not for resale in any form and only at the
2 location and on the specific dates designated for the special
3 event in the license. An applicant for a special event retailer
4 license must (i) furnish with the application: (A) a resale
5 number issued under Section 2c of the Retailers' Occupation Tax
6 Act or evidence that the applicant is registered under Section
7 2a of the Retailers' Occupation Tax Act, (B) a current, valid
8 exemption identification number issued under Section 1g of the
9 Retailers' Occupation Tax Act, and a certification to the
10 Commission that the purchase of alcoholic liquors will be a
11 tax-exempt purchase, or (C) a statement that the applicant is
12 not registered under Section 2a of the Retailers' Occupation
13 Tax Act, does not hold a resale number under Section 2c of the
14 Retailers' Occupation Tax Act, and does not hold an exemption
15 number under Section 1g of the Retailers' Occupation Tax Act,
16 in which event the Commission shall set forth on the special
17 event retailer's license a statement to that effect; (ii)
18 submit with the application proof satisfactory to the State
19 Commission that the applicant will provide dram shop liability
20 insurance in the maximum limits; and (iii) show proof
21 satisfactory to the State Commission that the applicant has
22 obtained local authority approval.

23 (f) A railroad license shall permit the licensee to import
24 alcoholic liquors into this State from any point in the United
25 States outside this State and to store such alcoholic liquors
26 in this State; to make wholesale purchases of alcoholic liquors

1 directly from manufacturers, foreign importers, distributors
2 and importing distributors from within or outside this State;
3 and to store such alcoholic liquors in this State; provided
4 that the above powers may be exercised only in connection with
5 the importation, purchase or storage of alcoholic liquors to be
6 sold or dispensed on a club, buffet, lounge or dining car
7 operated on an electric, gas or steam railway in this State;
8 and provided further, that railroad licensees exercising the
9 above powers shall be subject to all provisions of Article VIII
10 of this Act as applied to importing distributors. A railroad
11 license shall also permit the licensee to sell or dispense
12 alcoholic liquors on any club, buffet, lounge or dining car
13 operated on an electric, gas or steam railway regularly
14 operated by a common carrier in this State, but shall not
15 permit the sale for resale of any alcoholic liquors to any
16 licensee within this State. A license shall be obtained for
17 each car in which such sales are made.

18 (g) A boat license shall allow the sale of alcoholic liquor
19 in individual drinks, on any passenger boat regularly operated
20 as a common carrier on navigable waters in this State or on any
21 riverboat operated under the Riverboat and Casino Gambling Act,
22 which boat or riverboat maintains a public dining room or
23 restaurant thereon.

24 (h) A non-beverage user's license shall allow the licensee
25 to purchase alcoholic liquor from a licensed manufacturer or
26 importing distributor, without the imposition of any tax upon

1 the business of such licensed manufacturer or importing
 2 distributor as to such alcoholic liquor to be used by such
 3 licensee solely for the non-beverage purposes set forth in
 4 subsection (a) of Section 8-1 of this Act, and such licenses
 5 shall be divided and classified and shall permit the purchase,
 6 possession and use of limited and stated quantities of
 7 alcoholic liquor as follows:

- 8 Class 1, not to exceed 500 gallons
- 9 Class 2, not to exceed 1,000 gallons
- 10 Class 3, not to exceed 5,000 gallons
- 11 Class 4, not to exceed 10,000 gallons
- 12 Class 5, not to exceed 50,000 gallons

13 (i) A wine-maker's premises license shall allow a licensee
 14 that concurrently holds a first-class wine-maker's license to
 15 sell and offer for sale at retail in the premises specified in
 16 such license not more than 50,000 gallons of the first-class
 17 wine-maker's wine that is made at the first-class wine-maker's
 18 licensed premises per year for use or consumption, but not for
 19 resale in any form. A wine-maker's premises license shall allow
 20 a licensee who concurrently holds a second-class wine-maker's
 21 license to sell and offer for sale at retail in the premises
 22 specified in such license up to 100,000 gallons of the
 23 second-class wine-maker's wine that is made at the second-class
 24 wine-maker's licensed premises per year for use or consumption
 25 but not for resale in any form. A wine-maker's premises license
 26 shall allow a licensee that concurrently holds a first-class

1 wine-maker's license or a second-class wine-maker's license to
2 sell and offer for sale at retail at the premises specified in
3 the wine-maker's premises license, for use or consumption but
4 not for resale in any form, any beer, wine, and spirits
5 purchased from a licensed distributor. Upon approval from the
6 State Commission, a wine-maker's premises license shall allow
7 the licensee to sell and offer for sale at (i) the wine-maker's
8 licensed premises and (ii) at up to 2 additional locations for
9 use and consumption and not for resale. Each location shall
10 require additional licensing per location as specified in
11 Section 5-3 of this Act.

12 (j) An airplane license shall permit the licensee to import
13 alcoholic liquors into this State from any point in the United
14 States outside this State and to store such alcoholic liquors
15 in this State; to make wholesale purchases of alcoholic liquors
16 directly from manufacturers, foreign importers, distributors
17 and importing distributors from within or outside this State;
18 and to store such alcoholic liquors in this State; provided
19 that the above powers may be exercised only in connection with
20 the importation, purchase or storage of alcoholic liquors to be
21 sold or dispensed on an airplane; and provided further, that
22 airplane licensees exercising the above powers shall be subject
23 to all provisions of Article VIII of this Act as applied to
24 importing distributors. An airplane licensee shall also permit
25 the sale or dispensing of alcoholic liquors on any passenger
26 airplane regularly operated by a common carrier in this State,

1 but shall not permit the sale for resale of any alcoholic
2 liquors to any licensee within this State. A single airplane
3 license shall be required of an airline company if liquor
4 service is provided on board aircraft in this State. The annual
5 fee for such license shall be as determined in Section 5-3.

6 (k) A foreign importer's license shall permit such licensee
7 to purchase alcoholic liquor from Illinois licensed
8 non-resident dealers only, and to import alcoholic liquor other
9 than in bulk from any point outside the United States and to
10 sell such alcoholic liquor to Illinois licensed importing
11 distributors and to no one else in Illinois; provided that the
12 foreign importer registers with the State Commission every
13 brand of alcoholic liquor that it proposes to sell to Illinois
14 licensees during the license period and provided further that
15 the foreign importer complies with all of the provisions of
16 Section 6-9 of this Act with respect to registration of such
17 Illinois licensees as may be granted the right to sell such
18 brands at wholesale.

19 (l) (i) A broker's license shall be required of all persons
20 who solicit orders for, offer to sell or offer to supply
21 alcoholic liquor to retailers in the State of Illinois, or who
22 offer to retailers to ship or cause to be shipped or to make
23 contact with distillers, rectifiers, brewers or manufacturers
24 or any other party within or without the State of Illinois in
25 order that alcoholic liquors be shipped to a distributor,
26 importing distributor or foreign importer, whether such

1 solicitation or offer is consummated within or without the
2 State of Illinois.

3 No holder of a retailer's license issued by the Illinois
4 Liquor Control Commission shall purchase or receive any
5 alcoholic liquor, the order for which was solicited or offered
6 for sale to such retailer by a broker unless the broker is the
7 holder of a valid broker's license.

8 The broker shall, upon the acceptance by a retailer of the
9 broker's solicitation of an order or offer to sell or supply or
10 deliver or have delivered alcoholic liquors, promptly forward
11 to the Illinois Liquor Control Commission a notification of
12 said transaction in such form as the Commission may by
13 regulations prescribe.

14 (ii) A broker's license shall be required of a person
15 within this State, other than a retail licensee, who, for a fee
16 or commission, promotes, solicits, or accepts orders for
17 alcoholic liquor, for use or consumption and not for resale, to
18 be shipped from this State and delivered to residents outside
19 of this State by an express company, common carrier, or
20 contract carrier. This Section does not apply to any person who
21 promotes, solicits, or accepts orders for wine as specifically
22 authorized in Section 6-29 of this Act.

23 A broker's license under this subsection (1) shall not
24 entitle the holder to buy or sell any alcoholic liquors for his
25 own account or to take or deliver title to such alcoholic
26 liquors.

1 This subsection (1) shall not apply to distributors,
2 employees of distributors, or employees of a manufacturer who
3 has registered the trademark, brand or name of the alcoholic
4 liquor pursuant to Section 6-9 of this Act, and who regularly
5 sells such alcoholic liquor in the State of Illinois only to
6 its registrants thereunder.

7 Any agent, representative, or person subject to
8 registration pursuant to subsection (a-1) of this Section shall
9 not be eligible to receive a broker's license.

10 (m) A non-resident dealer's license shall permit such
11 licensee to ship into and warehouse alcoholic liquor into this
12 State from any point outside of this State, and to sell such
13 alcoholic liquor to Illinois licensed foreign importers and
14 importing distributors and to no one else in this State;
15 provided that said non-resident dealer shall register with the
16 Illinois Liquor Control Commission each and every brand of
17 alcoholic liquor which it proposes to sell to Illinois
18 licensees during the license period; and further provided that
19 it shall comply with all of the provisions of Section 6-9
20 hereof with respect to registration of such Illinois licensees
21 as may be granted the right to sell such brands at wholesale.

22 (n) A brew pub license shall allow the licensee to
23 manufacture beer only on the premises specified in the license,
24 to make sales of the beer manufactured on the premises to
25 importing distributors, distributors, and to non-licensees for
26 use and consumption, to store the beer upon the premises, and

1 to sell and offer for sale at retail from the licensed
2 premises, provided that a brew pub licensee shall not sell for
3 off-premises consumption more than 50,000 gallons per year.

4 (o) A caterer retailer license shall allow the holder to
5 serve alcoholic liquors as an incidental part of a food service
6 that serves prepared meals which excludes the serving of snacks
7 as the primary meal, either on or off-site whether licensed or
8 unlicensed.

9 (p) An auction liquor license shall allow the licensee to
10 sell and offer for sale at auction wine and spirits for use or
11 consumption, or for resale by an Illinois liquor licensee in
12 accordance with provisions of this Act. An auction liquor
13 license will be issued to a person and it will permit the
14 auction liquor licensee to hold the auction anywhere in the
15 State. An auction liquor license must be obtained for each
16 auction at least 14 days in advance of the auction date.

17 (q) A special use permit license shall allow an Illinois
18 licensed retailer to transfer a portion of its alcoholic liquor
19 inventory from its retail licensed premises to the premises
20 specified in the license hereby created, and to sell or offer
21 for sale at retail, only in the premises specified in the
22 license hereby created, the transferred alcoholic liquor for
23 use or consumption, but not for resale in any form. A special
24 use permit license may be granted for the following time
25 periods: one day or less; 2 or more days to a maximum of 15 days
26 per location in any 12 month period. An applicant for the

1 special use permit license must also submit with the
2 application proof satisfactory to the State Commission that the
3 applicant will provide dram shop liability insurance to the
4 maximum limits and have local authority approval.

5 (Source: P.A. 92-105, eff. 1-1-02; 92-378, eff. 8-16-01;
6 92-651, eff. 7-11-02; 92-672, eff. 7-16-02; 93-923, eff.
7 8-12-04; 93-1057, eff. 12-2-04; revised 12-6-04.)

8 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

9 Sec. 6-30. Notwithstanding any other provision of this Act,
10 the Illinois Gaming Board shall have exclusive authority to
11 establish the hours for sale and consumption of alcoholic
12 liquor on board a riverboat during riverboat gambling
13 excursions and in a casino conducted in accordance with the
14 Riverboat and Casino Gambling Act.

15 (Source: P.A. 87-826.)

16 Section 952. The Smoke Free Illinois Act is amended by
17 changing Section 35 as follows:

18 (410 ILCS 82/35)

19 Sec. 35. Exemptions.

20 (a) Notwithstanding any other provision of this Act,
21 smoking is allowed in the following areas:

22 (1) Private residences or dwelling places, except when
23 used as a child care, adult day care, or healthcare

1 facility or any other home-based business open to the
2 public.

3 (2) Retail tobacco stores as defined in Section 10 of
4 this Act in operation prior to the effective date of this
5 amendatory Act of the 95th General Assembly. The retail
6 tobacco store shall annually file with the Department by
7 January 31st an affidavit stating the percentage of its
8 gross income during the prior calendar year that was
9 derived from the sale of loose tobacco, plants, or herbs
10 and cigars, cigarettes, pipes, or other smoking devices for
11 smoking tobacco and related smoking accessories. Any
12 retail tobacco store that begins operation after the
13 effective date of this amendatory Act may only qualify for
14 an exemption if located in a freestanding structure
15 occupied solely by the business and smoke from the business
16 does not migrate into an enclosed area where smoking is
17 prohibited.

18 (3) Private and semi-private rooms in nursing homes and
19 long-term care facilities that are occupied by one or more
20 persons, all of whom are smokers and have requested in
21 writing to be placed or to remain in a room where smoking
22 is permitted and the smoke shall not infiltrate other areas
23 of the nursing home.

24 (4) Hotel and motel sleeping rooms that are rented to
25 guests and are designated as smoking rooms, provided that
26 all smoking rooms on the same floor must be contiguous and

1 smoke from these rooms must not infiltrate into nonsmoking
2 rooms or other areas where smoking is prohibited. Not more
3 than 25% of the rooms rented to guests in a hotel or motel
4 may be designated as rooms where smoking is allowed. The
5 status of rooms as smoking or nonsmoking may not be
6 changed, except to permanently add additional nonsmoking
7 rooms.

8 (b) Notwithstanding any other provision of this Act, any
9 riverboat owners licensee conducting gambling operations
10 pursuant to the Riverboat and Casino Gambling Act within 5
11 miles of the border of a state allowing (1) similar facilities
12 for conducting gambling games and (2) smoking in such
13 facilities may permit smoking on such riverboat subject to the
14 following conditions:

15 (A) smoking shall only be allowed in an enclosed room
16 where riverboat patrons engage in gambling;

17 (B) the room is clearly marked as a permissible smoking
18 area;

19 (C) the room is separate and apart from the rest of the
20 gambling facility where smoking is not permitted and
21 gambling is conducted; and

22 (D) the room is no larger than 25% of the total area
23 where gambling is conducted.

24 This subsection (b) shall no longer apply 5 years after the
25 effective date of this amendatory Act of the 95th General
26 Assembly.

1 (Source: P.A. 95-17, eff. 1-1-08.)

2 Section 955. The Criminal Code of 1961 is amended by
3 changing Sections 28-1, 28-1.1, 28-3, 28-5 and 28-7 as follows:

4 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

5 Sec. 28-1. Gambling.

6 (a) A person commits gambling when he:

7 (1) Plays a game of chance or skill for money or other
8 thing of value, unless excepted in subsection (b) of this
9 Section; or

10 (2) Makes a wager upon the result of any game, contest,
11 or any political nomination, appointment or election; or

12 (3) Operates, keeps, owns, uses, purchases, exhibits,
13 rents, sells, bargains for the sale or lease of,
14 manufactures or distributes any gambling device; or

15 (4) Contracts to have or give himself or another the
16 option to buy or sell, or contracts to buy or sell, at a
17 future time, any grain or other commodity whatsoever, or
18 any stock or security of any company, where it is at the
19 time of making such contract intended by both parties
20 thereto that the contract to buy or sell, or the option,
21 whenever exercised, or the contract resulting therefrom,
22 shall be settled, not by the receipt or delivery of such
23 property, but by the payment only of differences in prices
24 thereof; however, the issuance, purchase, sale, exercise,

1 endorsement or guarantee, by or through a person registered
2 with the Secretary of State pursuant to Section 8 of the
3 Illinois Securities Law of 1953, or by or through a person
4 exempt from such registration under said Section 8, of a
5 put, call, or other option to buy or sell securities which
6 have been registered with the Secretary of State or which
7 are exempt from such registration under Section 3 of the
8 Illinois Securities Law of 1953 is not gambling within the
9 meaning of this paragraph (4); or

10 (5) Knowingly owns or possesses any book, instrument or
11 apparatus by means of which bets or wagers have been, or
12 are, recorded or registered, or knowingly possesses any
13 money which he has received in the course of a bet or
14 wager; or

15 (6) Sells pools upon the result of any game or contest
16 of skill or chance, political nomination, appointment or
17 election; or

18 (7) Sets up or promotes any lottery or sells, offers to
19 sell or transfers any ticket or share for any lottery; or

20 (8) Sets up or promotes any policy game or sells,
21 offers to sell or knowingly possesses or transfers any
22 policy ticket, slip, record, document or other similar
23 device; or

24 (9) Knowingly drafts, prints or publishes any lottery
25 ticket or share, or any policy ticket, slip, record,
26 document or similar device, except for such activity

1 related to lotteries, bingo games and raffles authorized by
2 and conducted in accordance with the laws of Illinois or
3 any other state or foreign government; or

4 (10) Knowingly advertises any lottery or policy game,
5 except for such activity related to lotteries, bingo games
6 and raffles authorized by and conducted in accordance with
7 the laws of Illinois or any other state; or

8 (11) Knowingly transmits information as to wagers,
9 betting odds, or changes in betting odds by telephone,
10 telegraph, radio, semaphore or similar means; or knowingly
11 installs or maintains equipment for the transmission or
12 receipt of such information; except that nothing in this
13 subdivision (11) prohibits transmission or receipt of such
14 information for use in news reporting of sporting events or
15 contests; or

16 (12) Knowingly establishes, maintains, or operates an
17 Internet site that permits a person to play a game of
18 chance or skill for money or other thing of value by means
19 of the Internet or to make a wager upon the result of any
20 game, contest, political nomination, appointment, or
21 election by means of the Internet.

22 (b) Participants in any of the following activities shall
23 not be convicted of gambling therefor:

24 (1) Agreements to compensate for loss caused by the
25 happening of chance including without limitation contracts
26 of indemnity or guaranty and life or health or accident

1 insurance;

2 (2) Offers of prizes, award or compensation to the
3 actual contestants in any bona fide contest for the
4 determination of skill, speed, strength or endurance or to
5 the owners of animals or vehicles entered in such contest;

6 (3) Pari-mutuel betting as authorized by the law of
7 this State;

8 (4) Manufacture of gambling devices, including the
9 acquisition of essential parts therefor and the assembly
10 thereof, for transportation in interstate or foreign
11 commerce to any place outside this State when such
12 transportation is not prohibited by any applicable Federal
13 law;

14 (5) The game commonly known as "bingo", when conducted
15 in accordance with the Bingo License and Tax Act;

16 (6) Lotteries when conducted by the State of Illinois
17 in accordance with the Illinois Lottery Law;

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

23 (8) Raffles when conducted in accordance with the
24 Raffles Act;

25 (9) Charitable games when conducted in accordance with
26 the Charitable Games Act;

1 (10) Pull tabs and jar games when conducted under the
2 Illinois Pull Tabs and Jar Games Act; or

3 (11) Gambling games ~~conducted on riverboats~~ when
4 authorized by the Riverboat and Casino Gambling Act.

5 (c) Sentence.

6 Gambling under subsection (a) (1) or (a) (2) of this Section
7 is a Class A misdemeanor. Gambling under any of subsections
8 (a) (3) through (a) (11) of this Section is a Class A
9 misdemeanor. A second or subsequent conviction under any of
10 subsections (a) (3) through (a) (11), is a Class 4 felony.
11 Gambling under subsection (a) (12) of this Section is a Class A
12 misdemeanor. A second or subsequent conviction under
13 subsection (a) (12) is a Class 4 felony.

14 (d) Circumstantial evidence.

15 In prosecutions under subsection (a) (1) through (a) (12) of
16 this Section circumstantial evidence shall have the same
17 validity and weight as in any criminal prosecution.

18 (Source: P.A. 91-257, eff. 1-1-00.)

19 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

20 Sec. 28-1.1. Syndicated gambling.

21 (a) Declaration of Purpose. Recognizing the close
22 relationship between professional gambling and other organized
23 crime, it is declared to be the policy of the legislature to
24 restrain persons from engaging in the business of gambling for
25 profit in this State. This Section shall be liberally construed

1 and administered with a view to carrying out this policy.

2 (b) A person commits syndicated gambling when he operates a
3 "policy game" or engages in the business of bookmaking.

4 (c) A person "operates a policy game" when he knowingly
5 uses any premises or property for the purpose of receiving or
6 knowingly does receive from what is commonly called "policy":

7 (1) money from a person other than the better or player
8 whose bets or plays are represented by such money; or

9 (2) written "policy game" records, made or used over
10 any period of time, from a person other than the better or
11 player whose bets or plays are represented by such written
12 record.

13 (d) A person engages in bookmaking when he receives or
14 accepts more than five bets or wagers upon the result of any
15 trials or contests of skill, speed or power of endurance or
16 upon any lot, chance, casualty, unknown or contingent event
17 whatsoever, which bets or wagers shall be of such size that the
18 total of the amounts of money paid or promised to be paid to
19 such bookmaker on account thereof shall exceed \$2,000.
20 Bookmaking is the receiving or accepting of such bets or wagers
21 regardless of the form or manner in which the bookmaker records
22 them.

23 (e) Participants in any of the following activities shall
24 not be convicted of syndicated gambling:

25 (1) Agreements to compensate for loss caused by the
26 happening of chance including without limitation contracts

1 of indemnity or guaranty and life or health or accident
2 insurance; and

3 (2) Offers of prizes, award or compensation to the
4 actual contestants in any bona fide contest for the
5 determination of skill, speed, strength or endurance or to
6 the owners of animals or vehicles entered in such contest;
7 and

8 (3) Pari-mutuel betting as authorized by law of this
9 State; and

10 (4) Manufacture of gambling devices, including the
11 acquisition of essential parts therefor and the assembly
12 thereof, for transportation in interstate or foreign
13 commerce to any place outside this State when such
14 transportation is not prohibited by any applicable Federal
15 law; and

16 (5) Raffles when conducted in accordance with the
17 Raffles Act; and

18 (6) Gambling games conducted on riverboats or in
19 casinos when authorized by the Riverboat and Casino
20 Gambling Act.

21 (f) Sentence. Syndicated gambling is a Class 3 felony.

22 (Source: P.A. 86-1029; 87-435.)

23 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

24 Sec. 28-3. Keeping a Gambling Place. A "gambling place" is
25 any real estate, vehicle, boat or any other property whatsoever

1 used for the purposes of gambling other than gambling conducted
2 in the manner authorized by the Riverboat and Casino Gambling
3 Act. Any person who knowingly permits any premises or property
4 owned or occupied by him or under his control to be used as a
5 gambling place commits a Class A misdemeanor. Each subsequent
6 offense is a Class 4 felony. When any premises is determined by
7 the circuit court to be a gambling place:

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

10 (b) All licenses, permits or certificates issued by the
11 State of Illinois or any subdivision or public agency thereof
12 authorizing the serving of food or liquor on such premises
13 shall be void; and no license, permit or certificate so
14 cancelled shall be reissued for such premises for a period of
15 60 days thereafter; nor shall any person convicted of keeping a
16 gambling place be reissued such license for one year from his
17 conviction and, after a second conviction of keeping a gambling
18 place, any such person shall not be reissued such license, and

19 (c) Such premises of any person who knowingly permits
20 thereon a violation of any Section of this Article shall be
21 held liable for, and may be sold to pay any unsatisfied
22 judgment that may be recovered and any unsatisfied fine that
23 may be levied under any Section of this Article.

24 (Source: P.A. 86-1029.)

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

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

18 (b) Every gambling device shall be seized and forfeited to
19 the county wherein such seizure occurs. Any money or other
20 thing of value integrally related to acts of gambling shall be
21 seized and forfeited to the county wherein such seizure occurs.

22 (c) If, within 60 days after any seizure pursuant to
23 subparagraph (b) of this Section, a person having any property
24 interest in the seized property is charged with an offense, the
25 court which renders judgment upon such charge shall, within 30
26 days after such judgment, conduct a forfeiture hearing to

1 determine whether such property was a gambling device at the
2 time of seizure. Such hearing shall be commenced by a written
3 petition by the State, including material allegations of fact,
4 the name and address of every person determined by the State to
5 have any property interest in the seized property, a
6 representation that written notice of the date, time and place
7 of such hearing has been mailed to every such person by
8 certified mail at least 10 days before such date, and a request
9 for forfeiture. Every such person may appear as a party and
10 present evidence at such hearing. The quantum of proof required
11 shall be a preponderance of the evidence, and the burden of
12 proof shall be on the State. If the court determines that the
13 seized property was a gambling device at the time of seizure,
14 an order of forfeiture and disposition of the seized property
15 shall be entered: a gambling device shall be received by the
16 State's Attorney, who shall effect its destruction, except that
17 valuable parts thereof may be liquidated and the resultant
18 money shall be deposited in the general fund of the county
19 wherein such seizure occurred; money and other things of value
20 shall be received by the State's Attorney and, upon
21 liquidation, shall be deposited in the general fund of the
22 county wherein such seizure occurred. However, in the event
23 that a defendant raises the defense that the seized slot
24 machine is an antique slot machine described in subparagraph
25 (b) (7) of Section 28-1 of this Code and therefore he is exempt
26 from the charge of a gambling activity participant, the seized

1 antique slot machine shall not be destroyed or otherwise
2 altered until a final determination is made by the Court as to
3 whether it is such an antique slot machine. Upon a final
4 determination by the Court of this question in favor of the
5 defendant, such slot machine shall be immediately returned to
6 the defendant. Such order of forfeiture and disposition shall,
7 for the purposes of appeal, be a final order and judgment in a
8 civil proceeding.

9 (d) If a seizure pursuant to subparagraph (b) of this
10 Section is not followed by a charge pursuant to subparagraph
11 (c) of this Section, or if the prosecution of such charge is
12 permanently terminated or indefinitely discontinued without
13 any judgment of conviction or acquittal (1) the State's
14 Attorney shall commence an in rem proceeding for the forfeiture
15 and destruction of a gambling device, or for the forfeiture and
16 deposit in the general fund of the county of any seized money
17 or other things of value, or both, in the circuit court and (2)
18 any person having any property interest in such seized gambling
19 device, money or other thing of value may commence separate
20 civil proceedings in the manner provided by law.

21 (e) Any gambling device displayed for sale to a riverboat
22 gambling operation or a casino gambling operation or used to
23 train occupational licensees of a riverboat gambling operation
24 or a casino gambling operation, as authorized under the
25 Riverboat and Casino Gambling Act, is exempt from seizure under
26 this Section.

1 (f) Any gambling equipment, devices and supplies provided
2 by a licensed supplier in accordance with the Riverboat and
3 Casino Gambling Act which are removed from a ~~the~~ riverboat or
4 casino for repair are exempt from seizure under this Section.

5 (Source: P.A. 87-826.)

6 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

7 Sec. 28-7. Gambling contracts void.

8 (a) All promises, notes, bills, bonds, covenants,
9 contracts, agreements, judgments, mortgages, or other
10 securities or conveyances made, given, granted, drawn, or
11 entered into, or executed by any person whatsoever, where the
12 whole or any part of the consideration thereof is for any money
13 or thing of value, won or obtained in violation of any Section
14 of this Article are null and void.

15 (b) Any obligation void under this Section may be set aside
16 and vacated by any court of competent jurisdiction, upon a
17 complaint filed for that purpose, by the person so granting,
18 giving, entering into, or executing the same, or by his
19 executors or administrators, or by any creditor, heir, legatee,
20 purchaser or other person interested therein; or if a judgment,
21 the same may be set aside on motion of any person stated above,
22 on due notice thereof given.

23 (c) No assignment of any obligation void under this Section
24 may in any manner affect the defense of the person giving,
25 granting, drawing, entering into or executing such obligation,

1 or the remedies of any person interested therein.

2 (d) This Section shall not prevent a licensed owner of a
3 riverboat gambling operation or a casino gambling operation
4 from instituting a cause of action to collect any amount due
5 and owing under an extension of credit to a ~~riverboat~~ gambling
6 patron as authorized under Section 11.1 of the Riverboat and
7 Casino Gambling Act.

8 (Source: P.A. 87-826.)

9 Section 960. The Eminent Domain Act is amended by adding
10 Section 15-5-45 as follows:

11 (735 ILCS 30/15-5-45 new)

12 Sec. 15-5-45. Eminent domain powers in New Acts. The
13 following provisions of law may include express grants of the
14 power to acquire property by condemnation or eminent domain:

15 Chicago Casino Development Authority Act; Chicago Casino
16 Development Authority; for the purposes of the Act.

17 Section 965. The Travel Promotion Consumer Protection Act
18 is amended by changing Section 2 as follows:

19 (815 ILCS 420/2) (from Ch. 121 1/2, par. 1852)

20 Sec. 2. Definitions.

21 (a) "Travel promoter" means a person, including a tour

1 operator, who sells, provides, furnishes, contracts for,
2 arranges or advertises that he or she will arrange wholesale or
3 retail transportation by air, land, sea or navigable stream,
4 either separately or in conjunction with other services.

5 "Travel promoter" does not include (1) an air carrier; (2) a
6 sea carrier; (3) an officially appointed agent of an air
7 carrier who is a member in good standing of the Airline
8 Reporting Corporation; (4) a travel promoter who has in force
9 \$1,000,000 or more of liability insurance coverage for
10 professional errors and omissions and a surety bond or
11 equivalent surety in the amount of \$100,000 or more for the
12 benefit of consumers in the event of a bankruptcy on the part
13 of the travel promoter; or (5) a riverboat subject to
14 regulation under the Riverboat and Casino Gambling Act.

15 (b) "Advertise" means to make any representation in the
16 solicitation of passengers and includes communication with
17 other members of the same partnership, corporation, joint
18 venture, association, organization, group or other entity.

19 (c) "Passenger" means a person on whose behalf money or
20 other consideration has been given or is to be given to
21 another, including another member of the same partnership,
22 corporation, joint venture, association, organization, group
23 or other entity, for travel.

24 (d) "Ticket or voucher" means a writing or combination of
25 writings which is itself good and sufficient to obtain
26 transportation and other services for which the passenger has

1 contracted.

2 (Source: P.A. 91-357, eff. 7-29-99.)

3 Section 970. The State Finance Act is amended by adding
4 Sections 5.676, 5.677, 5.678, and 6z-69 as follows:

5 (30 ILCS 105/5.676 new)

6 Sec. 5.676. The Racing Industry Workers' Fund.

7 (30 ILCS 105/5.677 new)

8 Sec. 5.677. The Depressed Communities Economic Development
9 Fund.

10 (30 ILCS 105/5.678 new)

11 Sec. 5.678. The Capital Program Acceleration Fund.

12 (30 ILCS 105/6z-69 new)

13 Sec. 6z-69. The Capital Program Acceleration Fund. The
14 Capital Program Acceleration Fund is created as a special fund
15 in the State treasury. Subject to appropriation, moneys in the
16 Capital Program Acceleration Fund shall be used solely for the
17 purpose of capital-related expenditures.

18 Moneys received for the purposes of this Section must be
19 deposited into the Fund. Any interest earned on moneys in the
20 Fund must be deposited into the Fund.

1 (30 ILCS 105/5.490 rep.)

2 Section 975. The State Finance Act is amended by repealing
3 Section 5.490.

4 (230 ILCS 5/31.1 rep.)

5 (230 ILCS 5/54 rep.)

6 Section 980. The Illinois Horse Racing Act of 1975 is
7 amended by repealing Sections 31.1 and 54.

8 Section 997. Inseverability. The amendatory provisions of
9 this Act are mutually dependent and inseverable. If any
10 amendatory provision is held invalid other than as applied to a
11 particular person or circumstance, then all of the amendatory
12 provisions of this Act are invalid.

13 Section 999. Effective date. This Act takes effect upon
14 becoming law."