

SB3970



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3970

Introduced 11/10/2010, by Sen. Terry Link

SYNOPSIS AS INTRODUCED:

See Index

Creates the Chicago Casino Development Authority Act. Provides for the creation of the Chicago Casino Development Authority, whose duties include promotion and maintenance of a casino. Amends the Illinois Horse Racing Act of 1975 and the Riverboat Gambling Act to authorize electronic gaming at race tracks (and makes conforming changes in various Acts). Further amends the Illinois Horse Racing Act of 1975. Makes various changes concerning Board members. Contains provisions concerning testing of horses at county fairs, payments from the Horse Racing Fund, and standardbred horses. Further amends the Riverboat Gambling Act. Changes the short title to the Illinois Gambling Act. Adds additional owners licenses, one of which authorizes the conduct of riverboat or land-based gambling in the City of Chicago. Makes changes in provisions concerning the admission tax and privilege tax. Makes other changes. Effective immediately.

LRB096 24276 ASK 43797 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning gaming.

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

4 ARTICLE 1.

5 Section 1-1. Short title. This Article may be cited as the
6 Chicago Casino Development Authority Act.

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

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

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

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

16 "City" means the City of Chicago.

17 "Casino operator licensee" means any person or entity
18 selected by the Authority and approved and licensed by the
19 Gaming Board to manage and operate a casino within the City of
20 Chicago pursuant to a casino management contract.

21 "Casino management contract" means a legally binding
22 agreement between the Authority and a casino operator licensee

1 to operate or manage a casino.

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

4 "Gaming Board" means the Illinois Gaming Board created by
5 the Illinois Gambling Act.

6 "Mayor" means the Mayor of the City.

7 Section 1-12. Creation of the Authority. There is hereby
8 created a political subdivision, unit of local government with
9 only the powers authorized by law, body politic, and municipal
10 corporation, by the name and style of the Chicago Casino
11 Development Authority.

12 Section 1-13. Duties of the Authority. It shall be the duty
13 of the Authority, as a casino licensee under the Illinois
14 Gambling Act, to promote and maintain a casino in the City. The
15 Authority shall construct, equip, and maintain grounds,
16 buildings, and facilities for that purpose. The Authority shall
17 contract with a casino operator licensee to manage and operate
18 the casino and in no event shall the Authority or City manage
19 or operate the casino. The Authority may contract with other
20 third parties in order to fulfill its purpose. The Authority is
21 responsible for the payment of any fees required of a casino
22 operator under subsection (a) of Section 7.8 of the Illinois
23 Gambling Act if the casino operator licensee is late in paying
24 any such fees. The Authority is granted all rights and powers

1 necessary to perform such duties.

2 Section 1-15. Board.

3 (a) The governing and administrative powers of the
4 Authority shall be vested in a body known as the Chicago Casino
5 Development Board. The Board shall consist of 3 members
6 appointed by the Mayor. All appointees shall be subject to
7 background investigation and approval by the Gaming Board. One
8 of these members shall be designated by the Mayor to serve as
9 chairperson. All of the members appointed by the Mayor shall be
10 residents of the City.

11 (b) Board members shall receive \$300 for each day the
12 Authority meets and shall be entitled to reimbursement of
13 reasonable expenses incurred in the performance of their
14 official duties. A Board member who serves in the office of
15 secretary-treasurer may also receive compensation for services
16 provided as that officer.

17 Section 1-20. Terms of appointments; resignation and
18 removal.

19 (a) The Mayor shall appoint one member of the Board for an
20 initial term expiring July 1 of the year following approval by
21 the Gaming Board, one member for an initial term expiring July
22 1 three years following approval by the Gaming Board, and one
23 member for an initial term expiring July 1 five years following
24 approval by the Gaming Board.

1 (b) All successors shall hold office for a term of 5 years
2 from the first day of July of the year in which they are
3 appointed, except in the case of an appointment to fill a
4 vacancy. Each member, including the chairperson, shall hold
5 office until the expiration of his or her term and until his or
6 her successor is appointed and qualified. Nothing shall
7 preclude a member from serving consecutive terms. Any member
8 may resign from office, to take effect when a successor has
9 been appointed and qualified. A vacancy in office shall occur
10 in the case of a member's death or indictment, conviction, or
11 plea of guilty to a felony. A vacancy shall be filled for the
12 unexpired term by the Mayor with the approval of the Gaming
13 Board.

14 (c) The Mayor or the Gaming Board may remove any member of
15 the Board upon a finding of incompetence, neglect of duty, or
16 misfeasance or malfeasance in office or for a violation of this
17 Act. The Gaming Board may remove any member of the Board for
18 any violation of the Illinois Gambling Act or the rules and
19 regulations of the Gaming Board.

20 Section 1-25. Organization of Board; meetings. After
21 appointment by the Mayor and approval of the Gaming Board, the
22 Board shall organize for the transaction of business. The Board
23 shall prescribe the time and place for meetings, the manner in
24 which special meetings may be called, and the notice that must
25 be given to members. All actions and meetings of the Board

1 shall be subject to the provisions of the Open Meetings Act.
2 Two members of the Board shall constitute a quorum. All
3 substantive action of the Board shall be by resolution with an
4 affirmative vote of a majority of the members.

5 Section 1-30. Executive director; officers.

6 (a) The Board shall appoint an executive director, subject
7 to completion of a background investigation and approval by the
8 Gaming Board, who shall be the chief executive officer of the
9 Authority. The Board shall fix the compensation of the
10 executive director. Subject to the general control of the
11 Board, the executive director shall be responsible for the
12 management of the business, properties, and employees of the
13 Authority. The executive director shall direct the enforcement
14 of all resolutions, rules, and regulations of the Board, and
15 shall perform such other duties as may be prescribed from time
16 to time by the Board. All employees and independent
17 contractors, consultants, engineers, architects, accountants,
18 attorneys, financial experts, construction experts and
19 personnel, superintendents, managers, and other personnel
20 appointed or employed pursuant to this Act shall report to the
21 executive director. In addition to any other duties set forth
22 in this Act, the executive director shall do all of the
23 following:

24 (1) Direct and supervise the administrative affairs
25 and activities of the Authority in accordance with its

1 rules, regulations, and policies.

2 (2) Attend meetings of the Board.

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

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

7 (5) Report and make recommendations to the Board
8 concerning the terms and conditions of any casino
9 management contract.

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

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

14 (b) The Board may select a secretary-treasurer to hold
15 office at the pleasure of the Board. The Board shall fix the
16 duties of such officer.

17 Section 1-31. General rights and powers of the Authority.
18 In addition to the duties and powers set forth in this Act, the
19 Authority shall have the following rights and powers:

20 (1) Adopt and alter an official seal.

21 (2) Establish and change its fiscal year.

22 (3) Sue and be sued, plead and be impleaded, all in its
23 own name, and agree to binding arbitration of any dispute
24 to which it is a party.

25 (4) Adopt, amend, and repeal by-laws, rules, and

1 regulations consistent with the furtherance of the powers
2 and duties provided for.

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

5 (6) Select locations in the City for a temporary and a
6 permanent casino, subject to final approval by the Gaming
7 Board.

8 (7) Conduct background investigations of potential
9 casino operator licensees, including its principals or
10 shareholders, and Authority staff.

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

18 (9) Own, acquire, construct, equip, lease, operate,
19 and maintain grounds, buildings, and facilities to carry
20 out its corporate purposes and duties.

21 (10) Enter into, revoke, and modify contracts in
22 accordance with the rules of the Gaming Board.

23 (11) Enter into a casino management contract subject to
24 the final approval of the Gaming Board.

25 (12) Develop, or cause to be developed by a third
26 party, a master plan for the design, planning, and

1 development of a casino.

2 (13) Negotiate and enter into intergovernmental
3 agreements with the State and its agencies, the City, and
4 other units of local government, in furtherance of the
5 powers and duties of the Board. However, the Authority may
6 not enter into an agreement with the State Police.

7 (14) Receive and disburse funds for its own corporate
8 purposes or as otherwise specified in this Act.

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

20 (16) Issue bonds as provided for under this Act.

21 (17) Receive and accept from any source, private or
22 public, contributions, gifts, or grants of money or
23 property to the Authority.

24 (18) Provide for the insurance of any property,
25 operations, officers, members, agents, or employees of the
26 Authority against any risk or hazard, to self-insure or

1 participate in joint self-insurance pools or entities to
2 insure against such risk or hazard, and to provide for the
3 indemnification of its officers, members, employees,
4 contractors, or agents against any and all risks.

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

9 (20) Do all things necessary or convenient to carry out
10 the powers granted by this Act.

11 Section 1-32. Ethical Conduct.

12 (a) Board members and employees of the Authority must carry
13 out their duties and responsibilities in such a manner as to
14 promote and preserve public trust and confidence in the
15 integrity and conduct of gaming.

16 (b) Except as may be required in the conduct of official
17 duties, Board members and employees of the Authority shall not
18 engage in gambling on any riverboat, in any casino, or in an
19 electronic gaming facility licensed by the Illinois Gaming
20 Board or engage in legalized gambling in any establishment
21 identified by Board action that, in the judgment of the Board,
22 could represent a potential for a conflict of interest.

23 (c) A Board member or employee of the Authority shall not
24 use or attempt to use his or her official position to secure or
25 attempt to secure any privilege, advantage, favor, or influence

1 for himself or herself or others.

2 (d) Board members and employees of the Authority shall not
3 hold or pursue employment, office, position, business, or
4 occupation that may conflict with his or her official duties.
5 Employees may engage in other gainful employment so long as
6 that employment does not interfere or conflict with their
7 duties. Such employment must be disclosed to the Executive
8 Director and approved by the Board.

9 (e) Board members and employees of the Authority may not
10 engage in employment, communications, or any activity that may
11 be deemed a conflict of interest. This prohibition shall extend
12 to any act identified by Board action or Gaming Board action
13 that, in the judgment of either entity, could represent the
14 potential for or the appearance of a conflict of interest.

15 (f) Board members and employees of the Authority may not
16 have a financial interest, directly or indirectly, in his or
17 her own name or in the name of any other person, partnership,
18 association, trust, corporation, or other entity in any
19 contract or subcontract for the performance of any work for the
20 Authority. This prohibition shall extend to the holding or
21 acquisition of an interest in any entity identified by Board
22 action or Gaming Board action that, in the judgment of either
23 entity, could represent the potential for or the appearance of
24 a financial interest. The holding or acquisition of an interest
25 in such entities through an indirect means, such as through a
26 mutual fund, shall not be prohibited, except that the Gaming

1 Board may identify specific investments or funds that, in its
2 judgment, are so influenced by gaming holdings as to represent
3 the potential for or the appearance of a conflict of interest.

4 (g) Board members and employees of the Authority may not
5 accept any gift, gratuity, service, compensation, travel,
6 lodging, or thing of value, with the exception of unsolicited
7 items of an incidental nature, from any person, corporation, or
8 entity doing business with the Authority.

9 (h) No Board member or employee of the Authority may,
10 within a period of 2 years immediately after termination of
11 employment, knowingly accept employment or receive
12 compensation or fees for services from a person or entity, or
13 its parent or affiliate, that has engaged in business with the
14 Authority that resulted in contracts with an aggregate value of
15 at least \$25,000 or if that Board member or employee has made a
16 decision that directly applied to the person or entity, or its
17 parent or affiliate.

18 (i) A spouse, child, or parent of a Board member or
19 employee of the Authority may not have a financial interest,
20 directly or indirectly, in his or her own name or in the name
21 of any other person, partnership, association, trust,
22 corporation, or other entity in any contract or subcontract for
23 the performance of any work for the Authority. This prohibition
24 shall extend to the holding or acquisition of an interest in
25 any entity identified by Board action or Gaming Board action
26 that, in the judgment of either entity, could represent the

1 potential for or the appearance of a conflict of interest. The
2 holding or acquisition of an interest in such entities through
3 an indirect means, such as through a mutual fund, shall not be
4 prohibited, except that the Gaming Board may identify specific
5 investments or funds that, in its judgment, are so influenced
6 by gaming holdings as to represent the potential for or the
7 appearance of a conflict of interest.

8 (j) A spouse, child, or parent of a Board member or
9 employee of the Authority may not accept any gift, gratuity,
10 service, compensation, travel, lodging, or thing of value, with
11 the exception of unsolicited items of an incidental nature,
12 from any person, corporation, or entity doing business with the
13 Authority.

14 (k) A spouse, child, or parent of a Board member or
15 employee of the Authority may not, within a period of 2 years
16 immediately after termination of employment, knowingly accept
17 employment or receive compensation or fees for services from a
18 person or entity, or its parent or affiliate, that has engaged
19 in business with the Authority that resulted in contracts with
20 an aggregate value of at least \$25,000 or if that Board member
21 or employee has made a decision that directly applied to the
22 person or entity, or its parent or affiliate.

23 (l) No Board member or employee of the Authority may
24 attempt, in any way, to influence any person or corporation
25 doing business with the Authority or any officer, agent, or
26 employee thereof to hire or contract with any person or

1 corporation for any compensated work.

2 (m) Any communication between an elected official of the
3 City and any applicant for or party to a casino management
4 contract with the Authority, or an officer, director, or
5 employee thereof, concerning any manner relating in any way to
6 gaming or the Authority shall be disclosed to the Board and the
7 Gaming Board. Such disclosure shall be in writing by the
8 official within 30 days of the communication and shall be filed
9 with the Board. Disclosure must consist of the date of the
10 communication, the identity and job title of the person with
11 whom the communication was made, a brief summary of the
12 communication, the action requested or recommended, all
13 responses made, the identity and job title of the person making
14 the response, and any other pertinent information.

15 The written disclosure provided to the Board and Gaming
16 Board shall be privileged and maintained strictly confidential
17 and shall be exempt from public disclosure under the Freedom of
18 Information Act.

19 Public disclosure of the written summary provided to the
20 Board and the Gaming Board shall be subject to the exemptions
21 provided under Section 7 of the Freedom of Information Act.

22 (n) Any Board member or employee of the Authority who
23 violates any provision of this Section is guilty of a Class 4
24 felony.

25 Section 1-45. Casino management contracts.

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

12 (b) Within 5 days after the time limit for submitting bids
13 and proposals has passed, the Board shall make all bids and
14 proposals public, provided, however, the Board shall not be
15 required to disclose any information which would be exempt from
16 disclosure under Section 7 of the Freedom of Information Act.
17 Thereafter, the Board shall evaluate the responses to its
18 requests for proposal and the ability of all persons or
19 entities responding to its request for proposal to meet the
20 requirements of this Act and to undertake and perform the
21 obligations set forth in its requests for proposal.

22 (c) After reviewing proposals and subject to Gaming Board
23 approval, the Board shall enter into a casino management
24 contract authorizing the development, construction, or
25 operation of a casino. Validity of the casino management
26 contract is contingent upon the issuance of a casino operator

1 license to the successful bidder. If the Gaming Board approves
2 the contract and grants a casino operator license, the Board
3 shall transmit a copy of the executed casino management
4 contract to the Gaming Board.

5 (d) After the Authority has been issued a casino license,
6 the Gaming Board has issued a casino operator license, and the
7 Gaming Board has approved the location of a temporary facility,
8 the Authority may conduct gaming operations at a temporary
9 facility for no longer than 24 months after gaming operations
10 begin. The Gaming Board may, after holding a public hearing,
11 grant an extension so long as a permanent facility is not
12 operational and the Authority is working in good faith to
13 complete the permanent facility. The Gaming Board may grant
14 additional extensions following a public hearing. Each
15 extension may be for a period of no longer than 6 months.

16 The Authority may also conduct gaming operations in an
17 airport under the administration or control of the Chicago
18 Department of Aviation so long as (i) gaming operations are
19 conducted in a secured area that is only available to airline
20 passengers and not the general public and (ii) the combined
21 number of gaming positions at airports do not exceed 50% of the
22 gaming positions authorized pursuant to subsection (g) of
23 Section 7 of the Illinois Gambling Act.

24 Section 1-50. Transfer of funds. The revenues received by
25 the Authority (other than amounts required to be paid pursuant

1 to the Illinois Gambling Act and amounts required to pay the
2 operating expenses of the Authority, to pay amounts due the
3 casino operator licensee pursuant to a casino management
4 contract, to repay any borrowing of the Authority made pursuant
5 to Section 1-31, to pay debt service on any bonds issued under
6 Section 1-75, and to pay any expenses in connection with the
7 issuance of such bonds pursuant to Section 1-75 or derivative
8 products pursuant to Section 1-85) shall be transferred to the
9 City by the Authority.

10 Section 1-55. Municipal distributions of proceeds from a
11 casino; gaming endowment funds. At least 70% of the moneys that
12 a municipality in which a casino is located receives pursuant
13 to Section 1-50 of this Act shall be described as "gaming
14 endowment funds" and be expended or obligated by the
15 municipality for the following purposes and in the following
16 amounts:

17 (1) 40% of such gaming endowment funds shall be used
18 for or pledged for the construction and maintenance of
19 infrastructure within the municipality, including but not
20 limited to roads, bridges, transit infrastructure, and
21 municipal facilities.

22 (2) 60% of such gaming endowment funds shall be used
23 for or pledged for the construction and maintenance of
24 schools, parks and cultural institution facilities, and
25 museums within the municipality.

1 Section 1-60. Auditor General.

2 (a) Prior to the issuance of bonds under this Act, the
3 Authority shall submit to the Auditor General a certification
4 that:

5 (1) it is legally authorized to issue bonds;

6 (2) scheduled annual payments of principal and
7 interest on the bonds to be issued meet the requirements of
8 Section 1-75 of this Act;

9 (3) no bond shall mature later than 30 years; and

10 (4) after payment of costs of issuance and necessary
11 deposits to funds and accounts established with respect to
12 debt service on the bonds, the net bond proceeds (exclusive
13 of any proceeds to be used to refund outstanding bonds)
14 will be used only for the purposes set forth in this Act.

15 The Auditor General has the authority and is required to,
16 every 2 years, (1) review the financial audit of the Authority
17 performed by the Authority's certified public accountants and
18 (2) perform a management audit of the Authority. The Auditor
19 General shall submit a bill to the Authority for costs
20 associated with the review and audit required under this
21 Section, which costs shall not exceed \$100,000. The Authority
22 shall reimburse the Auditor General for such costs in a timely
23 manner. The Auditor General shall post its audits on his or her
24 website.

1 Section 1-62. Advisory committee. An Advisory Committee is
2 established to monitor, review, and report on (1) the
3 Authority's utilization of minority-owned business enterprises
4 and female-owned business enterprises, (2) employment of
5 females, and (3) employment of minorities with regard to the
6 development and construction of the casino as authorized under
7 Section 7 of the Illinois Gambling Act. The Authority shall
8 work with the Advisory Committee in accumulating necessary
9 information for the Committee to submit reports, as necessary,
10 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 of the Illinois Gambling
25 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 1-65. Acquisition of property; eminent domain
5 proceedings. For the lawful purposes of this Act, the City may
6 acquire by eminent domain or by condemnation proceedings in the
7 manner provided by the Eminent Domain Act, real or personal
8 property or interests in real or personal property located in
9 the City, and the City may convey to the Authority property so
10 acquired. The acquisition of property under this Section is
11 declared to be for a public use.

12 Section 1-70. Local regulation. The casino facilities and
13 operations therein shall be subject to all ordinances and
14 regulations of the City. The construction, development, and
15 operation of the casino shall comply with all ordinances,
16 regulations, rules, and controls of the City, including but not
17 limited to those relating to zoning and planned development,
18 building, fire prevention, and land use. However, the
19 regulation of gaming operations is subject to the exclusive
20 jurisdiction of the Gaming Board.

21 Section 1-75. Borrowing.

22 (a) The Authority may borrow money and issue bonds as
23 provided in this Section. Bonds of the Authority may be issued

1 to provide funds for land acquisition, site assembly and
2 preparation, and the design and construction of the casino, as
3 defined in the Illinois Gambling Act, all ancillary and related
4 facilities comprising the casino complex, and all on-site and
5 off-site infrastructure improvements required in connection
6 with the development of the casino; to refund (at the time or
7 in advance of any maturity or redemption) or redeem any bonds
8 of the Authority; to provide or increase a debt service reserve
9 fund or other reserves with respect to any or all of its bonds;
10 or to pay the legal, financial, administrative, bond insurance,
11 credit enhancement, and other legal expenses of the
12 authorization, issuance, or delivery of bonds. In this Act, the
13 term "bonds" also includes notes of any kind, interim
14 certificates, refunding bonds, or any other evidence of
15 obligation for borrowed money issued under this Section. Bonds
16 may be issued in one or more series and may be payable and
17 secured either on a parity with or separately from other bonds.

18 (b) The bonds of the Authority shall be payable from one or
19 more of the following sources: (i) the property or revenues of
20 the Authority; (ii) revenues derived from the casino; (iii)
21 revenues derived from any casino operator licensee; (iv) fees,
22 bid proceeds, charges, lease payments, payments required
23 pursuant to any casino management contract or other revenues
24 payable to the Authority, or any receipts of the Authority; (v)
25 payments by financial institutions, insurance companies, or
26 others pursuant to letters or lines of credit, policies of

1 insurance, or purchase agreements; (vi) investment earnings
2 from funds or accounts maintained pursuant to a bond resolution
3 or trust indenture; (vii) proceeds of refunding bonds; (viii)
4 any other revenues derived from or payments by the City; and
5 (ix) any payments by any casino operator licensee or others
6 pursuant to any guaranty agreement.

7 (c) Bonds shall be authorized by a resolution of the
8 Authority and may be secured by a trust indenture by and
9 between the Authority and a corporate trustee or trustees,
10 which may be any trust company or bank having the powers of a
11 trust company within or without the State. Bonds shall meet the
12 following requirements:

13 (1) Bonds shall bear interest at a rate not to exceed
14 the maximum rate authorized by the Bond Authorization Act.

15 (2) Bonds issued pursuant to this Section may be
16 payable on such dates and times as may be provided for by
17 the resolution or indenture authorizing the issuance of
18 such bonds; provided, however, that such bonds shall mature
19 no later than 30 years from the date of issuance.

20 (3) At least 25%, based on total principal amount, of
21 all bonds issued pursuant to this Section shall be sold
22 pursuant to notice of sale and public bid. No more than
23 75%, based on total principal amount, of all bonds issued
24 pursuant to this Section shall be sold by negotiated sale.

25 (4) Bonds shall be payable at a time or times, in the
26 denominations and form, including book entry form, either

1 coupon, registered, or both, and carry the registration and
2 privileges as to exchange, transfer or conversion, and
3 replacement of mutilated, lost, or destroyed bonds as the
4 resolution or trust indenture may provide.

5 (5) Bonds shall be payable in lawful money of the
6 United States at a designated place.

7 (6) Bonds shall be subject to the terms of purchase,
8 payment, redemption, refunding, or refinancing that the
9 resolution or trust indenture provides.

10 (7) Bonds shall be executed by the manual or facsimile
11 signatures of the officers of the Authority designated by
12 the Board, which signatures shall be valid at delivery even
13 for one who has ceased to hold office.

14 (8) Bonds shall be sold at public or private sale in
15 the manner and upon the terms determined by the Authority.

16 (9) Bonds shall be issued in accordance with the
17 provisions of the Local Government Debt Reform Act.

18 (d) The Authority shall adopt a procurement program with
19 respect to contracts relating to underwriters, bond counsel,
20 financial advisors, and accountants. The program shall include
21 goals for the payment of not less than 30% of the total dollar
22 value of the fees from these contracts to minority-owned
23 businesses and female-owned businesses as defined in the
24 Business Enterprise for Minorities, Females, and Persons with
25 Disabilities Act. The Authority shall conduct outreach to
26 minority-owned businesses and female-owned businesses.

1 Outreach shall include, but is not limited to, advertisements
2 in periodicals and newspapers, mailings, and other appropriate
3 media. The Authority shall submit to the General Assembly a
4 comprehensive report that shall include, at a minimum, the
5 details of the procurement plan, outreach efforts, and the
6 results of the efforts to achieve goals for the payment of
7 fees.

8 (e) Subject to the Illinois Gambling Act and rules of the
9 Gaming Board regarding pledging of interests in holders of
10 owners licenses, any resolution or trust indenture may contain
11 provisions that may be a part of the contract with the holders
12 of the bonds as to the following:

13 (1) Pledging, assigning, or directing the use,
14 investment, or disposition of revenues of the Authority or
15 proceeds or benefits of any contract, including without
16 limitation, any rights in any casino management contract.

17 (2) The setting aside of loan funding deposits, debt
18 service reserves, replacement or operating reserves, cost
19 of issuance accounts and sinking funds, and the regulation,
20 investment, and disposition thereof.

21 (3) Limitations on the purposes to which or the
22 investments in which the proceeds of sale of any issue of
23 bonds or the Authority's revenues and receipts may be
24 applied or made.

25 (4) Limitations on the issue of additional bonds, the
26 terms upon which additional bonds may be issued and

1 secured, the terms upon which additional bonds may rank on
2 a parity with, or be subordinate or superior to, other
3 bonds.

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

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

10 (7) Defining the acts or omissions which shall
11 constitute a default in the duties of the Authority to
12 holders of bonds and providing the rights or remedies of
13 such holders in the event of a default, which may include
14 provisions restricting individual rights of action by
15 bondholders.

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

19 (f) No member of the Board, nor any person executing the
20 bonds, shall be liable personally on the bonds or subject to
21 any personal liability by reason of the issuance of the bonds.

22 (g) The Authority may issue and secure bonds in accordance
23 with the provisions of the Local Government Credit Enhancement
24 Act.

25 (h) A pledge by the Authority of revenues and receipts as
26 security for an issue of bonds or for the performance of its

1 obligations under any casino management contract shall be valid
2 and binding from the time when the pledge is made. The revenues
3 and receipts pledged shall immediately be subject to the lien
4 of the pledge without any physical delivery or further act, and
5 the lien of any pledge shall be valid and binding against any
6 person having any claim of any kind in tort, contract, or
7 otherwise against the Authority, irrespective of whether the
8 person has notice. No resolution, trust indenture, management
9 agreement or financing statement, continuation statement, or
10 other instrument adopted or entered into by the Authority need
11 be filed or recorded in any public record other than the
12 records of the Authority in order to perfect the lien against
13 third persons, regardless of any contrary provision of law.

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

20 (j) The bonds of the Authority shall not be indebtedness of
21 the State. The bonds of the Authority are not general
22 obligations of the State and are not secured by a pledge of the
23 full faith and credit of the State and the holders of bonds of
24 the Authority may not require, except as provided in this Act,
25 the application of State revenues or funds to the payment of
26 bonds of the Authority.

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

12 (1) No person holding an elective office in this State,
13 holding a seat in the General Assembly, or serving as a board
14 member, trustee, officer, or employee of the Authority,
15 including the spouse of that person, may receive a legal,
16 banking, consulting, or other fee related to the issuance of
17 bonds.

18 Section 1-85. Derivative products. With respect to all or
19 part of any issue of its bonds, the Authority may enter into
20 agreements or contracts with any necessary or appropriate
21 person, which will have the benefit of providing to the
22 Authority an interest rate basis, cash flow basis, or other
23 basis different from that provided in the bonds for the payment
24 of interest. Such agreements or contracts may include, without
25 limitation, agreements or contracts commonly known as

1 "interest rate swap agreements", "forward payment conversion
2 agreements", "futures", "options", "puts", or "calls" and
3 agreements or contracts providing for payments based on levels
4 of or changes in interest rates, agreements or contracts to
5 exchange cash flows or a series of payments, or to hedge
6 payment, rate spread, or similar exposure.

7 Section 1-90. Legality for investment. The State of
8 Illinois, all governmental entities, all public officers,
9 banks, bankers, trust companies, savings banks and
10 institutions, building and loan associations, savings and loan
11 associations, investment companies, and other persons carrying
12 on a banking business, insurance companies, insurance
13 associations, and other persons carrying on an insurance
14 business, and all executors, administrators, guardians,
15 trustees, and other fiduciaries may legally invest any sinking
16 funds, moneys, or other funds belonging to them or within their
17 control in any bonds issued under this Act. However, nothing in
18 this Section shall be construed as relieving any person, firm,
19 or corporation from any duty of exercising reasonable care in
20 selecting securities for purchase or investment.

21 Section 1-105. Budgets and reporting.

22 (a) The Board shall annually adopt a budget for each fiscal
23 year. The budget may be modified from time to time in the same
24 manner and upon the same vote as it may be adopted. The budget

1 shall include the Authority's available funds and estimated
2 revenues and shall provide for payment of its obligations and
3 estimated expenditures for the fiscal year, including, without
4 limitation, expenditures for administration, operation,
5 maintenance and repairs, debt service, and deposits into
6 reserve and other funds and capital projects.

7 (b) The Board shall annually cause the finances of the
8 Authority to be audited by a firm of certified public
9 accountants selected by the Board in accordance with the rules
10 of the Gaming Board and post the firm's audits of the Authority
11 on the Authority's Internet website.

12 (c) The Board shall, for each fiscal year, prepare an
13 annual report setting forth information concerning its
14 activities in the fiscal year and the status of the development
15 of the casino. The annual report shall include the audited
16 financial statements of the Authority for the fiscal year, the
17 budget for the succeeding fiscal year, and the current capital
18 plan as of the date of the report. Copies of the annual report
19 shall be made available to persons who request them and shall
20 be submitted not later than 120 days after the end of the
21 Authority's fiscal year or, if the audit of the Authority's
22 financial statements is not completed within 120 days after the
23 end of the Authority's fiscal year, as soon as practical after
24 completion of the audit, to the Governor, the Mayor, the
25 General Assembly, and the Commission on Government Forecasting
26 and Accountability.

1 Section 1-110. Deposit and withdrawal of funds.

2 (a) All funds deposited by the Authority in any bank or
3 savings and loan association shall be placed in the name of the
4 Authority and shall be withdrawn or paid out only by check or
5 draft upon the bank or savings and loan association, signed by
6 2 officers or employees designated by the Board.
7 Notwithstanding any other provision of this Section, the Board
8 may designate any of its members or any officer or employee of
9 the Authority to authorize the wire transfer of funds deposited
10 by the secretary-treasurer of funds in a bank or savings and
11 loan association for the payment of payroll and employee
12 benefits-related expenses.

13 No bank or savings and loan association shall receive
14 public funds as permitted by this Section unless it has
15 complied with the requirements established pursuant to Section
16 6 of the Public Funds Investment Act.

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

24 Section 1-112. Contracts with the Authority or casino

1 operator licensee; disclosure requirements.

2 (a) A bidder, respondent, offeror, or contractor for
3 contracts with the Authority or casino operator licensee shall
4 disclose the identity of all officers and directors and every
5 owner, beneficiary, or person with beneficial interest of more
6 than 1% or shareholder entitled to receive more than 1% of the
7 total distributable income of any corporation having any
8 interest in the contract or in the bidder, respondent, offeror,
9 or contractor. The disclosure shall be in writing and attested
10 to by an owner, trustee, corporate official, or agent. If stock
11 in a corporation is publicly traded and there is no readily
12 known individual having greater than a 1% interest, then a
13 statement to that effect attested to by an officer or agent of
14 the corporation shall fulfill the disclosure statement
15 requirement of this Section. A bidder, respondent, offeror, or
16 contractor shall notify the Authority of any changes in
17 officers, directors, ownership, or individuals having a
18 beneficial interest of more than 1%.

19 (b) A bidder, respondent, offeror, or contractor for
20 contracts with an annual value of \$10,000 or for a period to
21 exceed one year shall disclose all political contributions of
22 the bidder, respondent, offeror, or contractor and any
23 affiliated person or entity. Disclosure shall include at least
24 the names and addresses of the contributors and the dollar
25 amounts of any contributions to any political committee made
26 within the previous 2 years. The disclosure must be submitted

1 to the Gaming Board with a copy of the contract.

2 (c) As used in this Section:

3 "Contribution" means contribution as defined in Section
4 9-1.4 of the Election Code.

5 "Affiliated person" means (i) any person with any ownership
6 interest or distributive share of the bidding, responding, or
7 contracting entity in excess of 1%, (ii) executive employees of
8 the bidding, responding, or contracting entity, and (iii) the
9 spouse and minor children of any such persons.

10 "Affiliated entity" means (i) any parent or subsidiary of
11 the bidding or contracting entity, (ii) any member of the same
12 unitary business group, or (iii) any political committee for
13 which the bidding, responding, or contracting entity is the
14 sponsoring entity.

15 (d) The Gaming Board may direct the Authority or a casino
16 operator licensee to void a contract if a violation of this
17 Section occurs. The Authority may direct a casino operator
18 licensee to void a contract if a violation of this Section
19 occurs.

20 Section 1-115. Purchasing.

21 (a) All construction contracts and contracts for supplies,
22 materials, equipment, and services, when the cost thereof to
23 the Authority exceeds \$25,000, shall be let by a competitive
24 selection process to the lowest responsible proposer, after
25 advertising for proposals, except for the following:

1 (1) When repair parts, accessories, equipment, or
2 services are required for equipment or services previously
3 furnished or contracted for;

4 (2) Professional services;

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

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

12 (5) Casino management contracts, which shall be
13 awarded as set forth in Section 1-45 of this Act;

14 (6) Contracts where there is only one economically
15 feasible source; and

16 (7) When a purchase is needed on an immediate,
17 emergency basis because there exists a threat to public
18 health or public safety, or when immediate expenditure is
19 necessary for repairs to Authority property in order to
20 protect against further loss of or damage to Authority
21 property, to prevent or minimize serious disruption in
22 Authority services or to ensure the integrity of Authority
23 records.

24 (b) All contracts involving less than \$25,000 shall be let
25 by competitive selection process whenever possible, and in any
26 event in a manner calculated to ensure the best interests of

1 the public.

2 (c) In determining the responsibility of any proposer, the
3 Authority may take into account the proposer's (or an
4 individual having a beneficial interest, directly or
5 indirectly, of more than 1% in such proposing entity) past
6 record of dealings with the Authority, the proposer's
7 experience, adequacy of equipment, and ability to complete
8 performance within the time set, and other factors besides
9 financial responsibility. No such contract shall be awarded to
10 any proposer other than the lowest proposer (in case of
11 purchase or expenditure) unless authorized or approved by a
12 vote of at least 2 members of the Board and such action is
13 accompanied by a written statement setting forth the reasons
14 for not awarding the contract to the highest or lowest
15 proposer, as the case may be. The statement shall be kept on
16 file in the principal office of the Authority and open to
17 public inspection.

18 (d) The Authority shall have the right to reject all
19 proposals and to re-advertise for proposals. If after any such
20 re-advertisement, no responsible and satisfactory proposals,
21 within the terms of the re-advertisement, is received, the
22 Authority may award such contract without competitive
23 selection, provided that the Gaming Board must approve the
24 contract prior to its execution. The contract must not be less
25 advantageous to the Authority than any valid proposal received
26 pursuant to advertisement.

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

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

25 (g) The contract shall be awarded as promptly as possible
26 after the opening of proposals. The proposal of the successful

1 proposer, as well as the bids of the unsuccessful proposers,
2 shall be placed on file and be open to public inspection
3 subject to the exemptions from disclosure provided under
4 Section 7 of the Freedom of Information Act. All proposals
5 shall be void if any disclosure of the terms of any proposals
6 in response to an advertisement is made or permitted to be made
7 by the Authority before the time fixed for opening proposals.

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

1 any other disclosure specified in this Section. This notice
2 must be posted in the online electronic bulletin prior to
3 execution of the contract.

4 Section 1-130. Affirmative action and equal opportunity
5 obligations of Authority.

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

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

1 with public and private educational institutions and persons in
2 the gaming, entertainment, hospitality, and tourism industries
3 to provide training for employment in those industries.

4 Section 1-140. Home rule. The regulation and licensing of
5 casinos and casino gaming, casino gaming facilities, and casino
6 operator licensees under this Act are exclusive powers and
7 functions of the State. A home rule unit may not regulate or
8 license casinos, casino gaming, casino gaming facilities, or
9 casino operator licensees under this Act, except as provided
10 under this Act. This Section is a denial and limitation of home
11 rule powers and functions under subsection (h) of Section 6 of
12 Article VII of the Illinois Constitution.

13 ARTICLE 90.

14 Section 90-1. Findings. The General Assembly makes all of
15 the following findings:

16 (1) That more than 50 municipalities and 5 counties
17 have opted out of video gaming legislation that was enacted
18 by the 96th General Assembly as Public Act 96-34, and
19 revenues for the State's newly approved capital
20 construction program are on track to fall short of
21 projections.

22 (2) That these shortfalls could postpone much-needed
23 road construction, school construction, and other

1 infrastructure improvements.

2 (3) That the State likely will wait a year or more,
3 until video gaming is licensed, organized, and online, to
4 realize meaningful revenue from the program.

5 (4) That a significant infusion of new revenue is
6 necessary to ensure that those projects, which are
7 fundamental to the State's economic recovery, proceed as
8 planned.

9 (5) That the decline of the Illinois horse racing and
10 breeding program, a \$2.5 billion industry, would be
11 reversed if this amendatory Act of the 96th General
12 Assembly would be enacted.

13 (6) That the Illinois horse racing industry is on the
14 verge of extinction due to fierce competition from fully
15 developed horse racing and gaming operations in other
16 states.

17 (7) That Illinois lawmakers agreed in 1999 to earmark
18 15% of the forthcoming 10th casino's revenue for horse
19 racing; the State's horse racing industry has never seen a
20 penny of that revenue because the 10th casino has yet to
21 open.

22 (8) That allowing the State's horse racing venues,
23 currently licensed gaming destinations, to maximize their
24 capacities with gaming machines, would generate up to \$120
25 million to \$200 million for the State in the form of extra
26 licensing fees, plus an additional \$100 million to \$300

1 million in recurring annual tax revenue for the State to
2 help ensure that school, road, and other building projects
3 promised under the capital plan occur on schedule.

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

10 (9) That by keeping these projects on track, the State
11 can be sure that significant job and economic growth will
12 in fact result from the previously enacted legislation.

13 (10) That gaming machines at Illinois horse racing
14 tracks would create an estimated 1,200 to 1,500 permanent
15 jobs, and an estimated capital investment of up to \$200
16 million to \$400 million at these race tracks would prompt
17 additional trade organization jobs necessary to construct
18 new facilities or remodel race tracks to operate electronic
19 gaming.

20 Section 90-5. The Alcoholism and Other Drug Abuse and
21 Dependency Act is amended by changing Section 5-20 as follows:

22 (20 ILCS 301/5-20)

23 Sec. 5-20. Compulsive gambling program.

24 (a) Subject to appropriation, the Department shall

1 establish a program for public education, research, and
2 training regarding problem and compulsive gambling and the
3 treatment and prevention of problem and compulsive gambling.
4 Subject to specific appropriation for these stated purposes,
5 the program must include all of the following:

6 (1) Establishment and maintenance of a toll-free "800"
7 telephone number to provide crisis counseling and referral
8 services to families experiencing difficulty as a result of
9 problem or compulsive gambling.

10 (2) Promotion of public awareness regarding the
11 recognition and prevention of problem and compulsive
12 gambling.

13 (3) Facilitation, through in-service training and
14 other means, of the availability of effective assistance
15 programs for problem and compulsive gamblers.

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

19 (b) Subject to appropriation, the Department shall either
20 establish and maintain the program or contract with a private
21 or public entity for the establishment and maintenance of the
22 program. Subject to appropriation, either the Department or the
23 private or public entity shall implement the toll-free
24 telephone number, promote public awareness, and conduct
25 in-service training concerning problem and compulsive
26 gambling.

1 (c) Subject to appropriation, the Department shall produce
2 and supply the signs specified in Section 10.7 of the Illinois
3 Lottery Law, Section 34.1 of the Illinois Horse Racing Act of
4 1975, Section 4.3 of the Bingo License and Tax Act, Section 8.1
5 of the Charitable Games Act, and Section 13.1 of the Illinois
6 ~~Riverboat~~ Gambling Act.

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

8 Section 90-10. The Department of Revenue Law of the Civil
9 Administrative Code of Illinois is amended by changing Section
10 2505-305 as follows:

11 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

12 Sec. 2505-305. Investigators.

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

20 (b) The Director must authorize to each investigator
21 employed under this Section and to any other employee of the
22 Department exercising the powers of a peace officer a distinct
23 badge that, on its face, (i) clearly states that the badge is
24 authorized by the Department and (ii) contains a unique

1 identifying number. No other badge shall be authorized by the
2 Department.

3 (c) The Department may enter into agreements with the
4 Illinois Gaming Board providing that investigators appointed
5 under this Section shall exercise the peace officer powers set
6 forth in paragraph (20.6) of subsection (c) of Section 5 of the
7 Illinois Riverboat Gambling Act.

8 (Source: P.A. 96-37, eff. 7-13-09.)

9 Section 90-15. The State Finance Act is amended by adding
10 Section 5.786 and by changing Section 6z-77 as follows:

11 (30 ILCS 105/5.786 new)

12 Sec. 5.786. The State and County Fair Assistance Fund.

13 (30 ILCS 105/6z-77)

14 Sec. 6z-77. The Capital Projects Fund. The Capital Projects
15 Fund is created as a special fund in the State Treasury. The
16 State Comptroller and State Treasurer shall transfer from the
17 Capital Projects Fund to the General Revenue Fund \$61,294,550
18 on October 1, 2009, \$122,589,100 on January 1, 2010, and
19 \$61,294,550 on April 1, 2010. Beginning on July 1, 2010, and on
20 July 1 and January 1 of each year thereafter, the State
21 Comptroller and State Treasurer shall transfer the sum of
22 \$122,589,100 from the Capital Projects Fund to the General
23 Revenue Fund. Subject to appropriation, the Capital Projects

1 Fund may be used only for capital projects and the payment of
2 debt service on bonds issued for capital projects. If moneys
3 have been deposited into the Fund pursuant to Section 7, 7.6,
4 12, or 13 of the Illinois Gambling Act that are not necessary
5 for the purposes of the Fund, as determined jointly by the
6 State Treasurer and State Comptroller, then, on at least an
7 annual basis, the State Comptroller shall order and the State
8 Treasurer shall transfer that excess amount from the Fund to
9 the Education Assistance Fund. All interest earned on moneys in
10 the Fund shall be deposited into the Fund. The Fund shall not
11 be subject to administrative charges or chargebacks, such as
12 but not limited to those authorized under Section 8h.

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

14 Section 90-20. The Illinois Income Tax Act is amended by
15 changing Section 201 as follows:

16 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

17 Sec. 201. Tax Imposed.

18 (a) In general. A tax measured by net income is hereby
19 imposed on every individual, corporation, trust and estate for
20 each taxable year ending after July 31, 1969 on the privilege
21 of earning or receiving income in or as a resident of this
22 State. Such tax shall be in addition to all other occupation or
23 privilege taxes imposed by this State or by any municipal
24 corporation or political subdivision thereof.

1 (b) Rates. The tax imposed by subsection (a) of this
2 Section shall be determined as follows, except as adjusted by
3 subsection (d-1):

4 (1) In the case of an individual, trust or estate, for
5 taxable years ending prior to July 1, 1989, an amount equal
6 to 2 1/2% of the taxpayer's net income for the taxable
7 year.

8 (2) In the case of an individual, trust or estate, for
9 taxable years beginning prior to July 1, 1989 and ending
10 after June 30, 1989, an amount equal to the sum of (i) 2
11 1/2% of the taxpayer's net income for the period prior to
12 July 1, 1989, as calculated under Section 202.3, and (ii)
13 3% of the taxpayer's net income for the period after June
14 30, 1989, as calculated under Section 202.3.

15 (3) In the case of an individual, trust or estate, for
16 taxable years beginning after June 30, 1989, an amount
17 equal to 3% of the taxpayer's net income for the taxable
18 year.

19 (4) (Blank).

20 (5) (Blank).

21 (6) In the case of a corporation, for taxable years
22 ending prior to July 1, 1989, an amount equal to 4% of the
23 taxpayer's net income for the taxable year.

24 (7) In the case of a corporation, for taxable years
25 beginning prior to July 1, 1989 and ending after June 30,
26 1989, an amount equal to the sum of (i) 4% of the

1 taxpayer's net income for the period prior to July 1, 1989,
2 as calculated under Section 202.3, and (ii) 4.8% of the
3 taxpayer's net income for the period after June 30, 1989,
4 as calculated under Section 202.3.

5 (8) In the case of a corporation, for taxable years
6 beginning after June 30, 1989, an amount equal to 4.8% of
7 the taxpayer's net income for the taxable year.

8 (b-5) Surcharge; sale or exchange of assets, properties,
9 and intangibles of gaming licensees. For each of taxable years
10 2010 through 2019, a surcharge is imposed on all taxpayers on
11 income arising from the sale or exchange of capital assets,
12 depreciable business property, real property used in the trade
13 or business, and Section 197 intangibles (i) of an organization
14 licensee under the Illinois Horse Racing Act of 1975 and (ii)
15 of an owners licensee or an electronic gaming licensee under
16 the Illinois Gambling Act. The amount of the surcharge is equal
17 to the amount of federal income tax liability for the taxable
18 year attributable to those sales and exchanges. The surcharge
19 imposed shall not apply if:

20 (1) the owners license, electronic gaming license,
21 organization license, or race track property is
22 transferred as a result of any of the following:

23 (A) bankruptcy, a receivership, or a debt
24 adjustment initiated by or against the initial
25 licensee or the substantial owners of the initial
26 licensee;

1 (B) cancellation, revocation, or termination of
2 any such license by the Illinois Gaming Board or the
3 Illinois Racing Board;

4 (C) a determination by the Illinois Gaming Board
5 that transfer of the license is in the best interests
6 of Illinois gaming;

7 (D) the death of an owner of the equity interest in
8 a licensee;

9 (E) the acquisition of a controlling interest in
10 the stock or substantially all of the assets of a
11 publicly traded company;

12 (F) a transfer by a parent company to a wholly
13 owned subsidiary; or

14 (G) the transfer or sale to or by one person to
15 another person where both persons were initial owners
16 of the license when the license was issued; or

17 (2) the controlling interest in the owners license,
18 electronic gaming license, organization license, or race
19 track property is transferred in a transaction to lineal
20 descendants in which no gain or loss is recognized or as a
21 result of a transaction in accordance with Section 351 of
22 the Internal Revenue Code in which no gain or loss is
23 recognized.

24 (3) the owners license, electronic gaming license,
25 organization license, or race track property is
26 transferred, sold, or exchanged pursuant to an executed

1 purchase agreement initially submitted to the Illinois
2 Gaming Board for consideration on or before October 1,
3 2010, regardless of whether such purchase agreement is
4 subsequently amended or modified.

5 The transfer of an electronic gaming license, organization
6 license, or race track property by a person other than the
7 initial licensee to receive the electronic gaming license is
8 not subject to a surcharge. The Department shall adopt rules
9 necessary to implement and administer this subsection.

10 (c) Personal Property Tax Replacement Income Tax.
11 Beginning on July 1, 1979 and thereafter, in addition to such
12 income tax, there is also hereby imposed the Personal Property
13 Tax Replacement Income Tax measured by net income on every
14 corporation (including Subchapter S corporations), partnership
15 and trust, for each taxable year ending after June 30, 1979.
16 Such taxes are imposed on the privilege of earning or receiving
17 income in or as a resident of this State. The Personal Property
18 Tax Replacement Income Tax shall be in addition to the income
19 tax imposed by subsections (a) and (b) of this Section and in
20 addition to all other occupation or privilege taxes imposed by
21 this State or by any municipal corporation or political
22 subdivision thereof.

23 (d) Additional Personal Property Tax Replacement Income
24 Tax Rates. The personal property tax replacement income tax
25 imposed by this subsection and subsection (c) of this Section
26 in the case of a corporation, other than a Subchapter S

1 corporation and except as adjusted by subsection (d-1), shall
2 be an additional amount equal to 2.85% of such taxpayer's net
3 income for the taxable year, except that beginning on January
4 1, 1981, and thereafter, the rate of 2.85% specified in this
5 subsection shall be reduced to 2.5%, and in the case of a
6 partnership, trust or a Subchapter S corporation shall be an
7 additional amount equal to 1.5% of such taxpayer's net income
8 for the taxable year.

9 (d-1) Rate reduction for certain foreign insurers. In the
10 case of a foreign insurer, as defined by Section 35A-5 of the
11 Illinois Insurance Code, whose state or country of domicile
12 imposes on insurers domiciled in Illinois a retaliatory tax
13 (excluding any insurer whose premiums from reinsurance assumed
14 are 50% or more of its total insurance premiums as determined
15 under paragraph (2) of subsection (b) of Section 304, except
16 that for purposes of this determination premiums from
17 reinsurance do not include premiums from inter-affiliate
18 reinsurance arrangements), beginning with taxable years ending
19 on or after December 31, 1999, the sum of the rates of tax
20 imposed by subsections (b) and (d) shall be reduced (but not
21 increased) to the rate at which the total amount of tax imposed
22 under this Act, net of all credits allowed under this Act,
23 shall equal (i) the total amount of tax that would be imposed
24 on the foreign insurer's net income allocable to Illinois for
25 the taxable year by such foreign insurer's state or country of
26 domicile if that net income were subject to all income taxes

1 and taxes measured by net income imposed by such foreign
2 insurer's state or country of domicile, net of all credits
3 allowed or (ii) a rate of zero if no such tax is imposed on such
4 income by the foreign insurer's state of domicile. For the
5 purposes of this subsection (d-1), an inter-affiliate includes
6 a mutual insurer under common management.

7 (1) For the purposes of subsection (d-1), in no event
8 shall the sum of the rates of tax imposed by subsections
9 (b) and (d) be reduced below the rate at which the sum of:

10 (A) the total amount of tax imposed on such foreign
11 insurer under this Act for a taxable year, net of all
12 credits allowed under this Act, plus

13 (B) the privilege tax imposed by Section 409 of the
14 Illinois Insurance Code, the fire insurance company
15 tax imposed by Section 12 of the Fire Investigation
16 Act, and the fire department taxes imposed under
17 Section 11-10-1 of the Illinois Municipal Code,
18 equals 1.25% for taxable years ending prior to December 31,
19 2003, or 1.75% for taxable years ending on or after
20 December 31, 2003, of the net taxable premiums written for
21 the taxable year, as described by subsection (1) of Section
22 409 of the Illinois Insurance Code. This paragraph will in
23 no event increase the rates imposed under subsections (b)
24 and (d).

25 (2) Any reduction in the rates of tax imposed by this
26 subsection shall be applied first against the rates imposed

1 by subsection (b) and only after the tax imposed by
2 subsection (a) net of all credits allowed under this
3 Section other than the credit allowed under subsection (i)
4 has been reduced to zero, against the rates imposed by
5 subsection (d).

6 This subsection (d-1) is exempt from the provisions of
7 Section 250.

8 (e) Investment credit. A taxpayer shall be allowed a credit
9 against the Personal Property Tax Replacement Income Tax for
10 investment in qualified property.

11 (1) A taxpayer shall be allowed a credit equal to .5%
12 of the basis of qualified property placed in service during
13 the taxable year, provided such property is placed in
14 service on or after July 1, 1984. There shall be allowed an
15 additional credit equal to .5% of the basis of qualified
16 property placed in service during the taxable year,
17 provided such property is placed in service on or after
18 July 1, 1986, and the taxpayer's base employment within
19 Illinois has increased by 1% or more over the preceding
20 year as determined by the taxpayer's employment records
21 filed with the Illinois Department of Employment Security.
22 Taxpayers who are new to Illinois shall be deemed to have
23 met the 1% growth in base employment for the first year in
24 which they file employment records with the Illinois
25 Department of Employment Security. The provisions added to
26 this Section by Public Act 85-1200 (and restored by Public

1 Act 87-895) shall be construed as declaratory of existing
2 law and not as a new enactment. If, in any year, the
3 increase in base employment within Illinois over the
4 preceding year is less than 1%, the additional credit shall
5 be limited to that percentage times a fraction, the
6 numerator of which is .5% and the denominator of which is
7 1%, but shall not exceed .5%. The investment credit shall
8 not be allowed to the extent that it would reduce a
9 taxpayer's liability in any tax year below zero, nor may
10 any credit for qualified property be allowed for any year
11 other than the year in which the property was placed in
12 service in Illinois. For tax years ending on or after
13 December 31, 1987, and on or before December 31, 1988, the
14 credit shall be allowed for the tax year in which the
15 property is placed in service, or, if the amount of the
16 credit exceeds the tax liability for that year, whether it
17 exceeds the original liability or the liability as later
18 amended, such excess may be carried forward and applied to
19 the tax liability of the 5 taxable years following the
20 excess credit years if the taxpayer (i) makes investments
21 which cause the creation of a minimum of 2,000 full-time
22 equivalent jobs in Illinois, (ii) is located in an
23 enterprise zone established pursuant to the Illinois
24 Enterprise Zone Act and (iii) is certified by the
25 Department of Commerce and Community Affairs (now
26 Department of Commerce and Economic Opportunity) as

1 complying with the requirements specified in clause (i) and
2 (ii) by July 1, 1986. The Department of Commerce and
3 Community Affairs (now Department of Commerce and Economic
4 Opportunity) shall notify the Department of Revenue of all
5 such certifications immediately. For tax years ending
6 after December 31, 1988, the credit shall be allowed for
7 the tax year in which the property is placed in service,
8 or, if the amount of the credit exceeds the tax liability
9 for that year, whether it exceeds the original liability or
10 the liability as later amended, such excess may be carried
11 forward and applied to the tax liability of the 5 taxable
12 years following the excess credit years. The credit shall
13 be applied to the earliest year for which there is a
14 liability. If there is credit from more than one tax year
15 that is available to offset a liability, earlier credit
16 shall be applied first.

17 (2) The term "qualified property" means property
18 which:

19 (A) is tangible, whether new or used, including
20 buildings and structural components of buildings and
21 signs that are real property, but not including land or
22 improvements to real property that are not a structural
23 component of a building such as landscaping, sewer
24 lines, local access roads, fencing, parking lots, and
25 other appurtenances;

26 (B) is depreciable pursuant to Section 167 of the

1 Internal Revenue Code, except that "3-year property"
2 as defined in Section 168(c)(2)(A) of that Code is not
3 eligible for the credit provided by this subsection
4 (e);

5 (C) is acquired by purchase as defined in Section
6 179(d) of the Internal Revenue Code;

7 (D) is used in Illinois by a taxpayer who is
8 primarily engaged in manufacturing, or in mining coal
9 or fluorite, or in retailing, or was placed in service
10 on or after July 1, 2006 in a River Edge Redevelopment
11 Zone established pursuant to the River Edge
12 Redevelopment Zone Act; and

13 (E) has not previously been used in Illinois in
14 such a manner and by such a person as would qualify for
15 the credit provided by this subsection (e) or
16 subsection (f).

17 (3) For purposes of this subsection (e),
18 "manufacturing" means the material staging and production
19 of tangible personal property by procedures commonly
20 regarded as manufacturing, processing, fabrication, or
21 assembling which changes some existing material into new
22 shapes, new qualities, or new combinations. For purposes of
23 this subsection (e) the term "mining" shall have the same
24 meaning as the term "mining" in Section 613(c) of the
25 Internal Revenue Code. For purposes of this subsection (e),
26 the term "retailing" means the sale of tangible personal

1 property for use or consumption and not for resale, or
2 services rendered in conjunction with the sale of tangible
3 personal property for use or consumption and not for
4 resale. For purposes of this subsection (e), "tangible
5 personal property" has the same meaning as when that term
6 is used in the Retailers' Occupation Tax Act, and, for
7 taxable years ending after December 31, 2008, does not
8 include the generation, transmission, or distribution of
9 electricity.

10 (4) The basis of qualified property shall be the basis
11 used to compute the depreciation deduction for federal
12 income tax purposes.

13 (5) If the basis of the property for federal income tax
14 depreciation purposes is increased after it has been placed
15 in service in Illinois by the taxpayer, the amount of such
16 increase shall be deemed property placed in service on the
17 date of such increase in basis.

18 (6) The term "placed in service" shall have the same
19 meaning as under Section 46 of the Internal Revenue Code.

20 (7) If during any taxable year, any property ceases to
21 be qualified property in the hands of the taxpayer within
22 48 months after being placed in service, or the situs of
23 any qualified property is moved outside Illinois within 48
24 months after being placed in service, the Personal Property
25 Tax Replacement Income Tax for such taxable year shall be
26 increased. Such increase shall be determined by (i)

1 recomputing the investment credit which would have been
2 allowed for the year in which credit for such property was
3 originally allowed by eliminating such property from such
4 computation and, (ii) subtracting such recomputed credit
5 from the amount of credit previously allowed. For the
6 purposes of this paragraph (7), a reduction of the basis of
7 qualified property resulting from a redetermination of the
8 purchase price shall be deemed a disposition of qualified
9 property to the extent of such reduction.

10 (8) Unless the investment credit is extended by law,
11 the basis of qualified property shall not include costs
12 incurred after December 31, 2013, except for costs incurred
13 pursuant to a binding contract entered into on or before
14 December 31, 2013.

15 (9) Each taxable year ending before December 31, 2000,
16 a partnership may elect to pass through to its partners the
17 credits to which the partnership is entitled under this
18 subsection (e) for the taxable year. A partner may use the
19 credit allocated to him or her under this paragraph only
20 against the tax imposed in subsections (c) and (d) of this
21 Section. If the partnership makes that election, those
22 credits shall be allocated among the partners in the
23 partnership in accordance with the rules set forth in
24 Section 704(b) of the Internal Revenue Code, and the rules
25 promulgated under that Section, and the allocated amount of
26 the credits shall be allowed to the partners for that

1 taxable year. The partnership shall make this election on
2 its Personal Property Tax Replacement Income Tax return for
3 that taxable year. The election to pass through the credits
4 shall be irrevocable.

5 For taxable years ending on or after December 31, 2000,
6 a partner that qualifies its partnership for a subtraction
7 under subparagraph (I) of paragraph (2) of subsection (d)
8 of Section 203 or a shareholder that qualifies a Subchapter
9 S corporation for a subtraction under subparagraph (S) of
10 paragraph (2) of subsection (b) of Section 203 shall be
11 allowed a credit under this subsection (e) equal to its
12 share of the credit earned under this subsection (e) during
13 the taxable year by the partnership or Subchapter S
14 corporation, determined in accordance with the
15 determination of income and distributive share of income
16 under Sections 702 and 704 and Subchapter S of the Internal
17 Revenue Code. This paragraph is exempt from the provisions
18 of Section 250.

19 (f) Investment credit; Enterprise Zone; River Edge
20 Redevelopment Zone.

21 (1) A taxpayer shall be allowed a credit against the
22 tax imposed by subsections (a) and (b) of this Section for
23 investment in qualified property which is placed in service
24 in an Enterprise Zone created pursuant to the Illinois
25 Enterprise Zone Act or, for property placed in service on
26 or after July 1, 2006, a River Edge Redevelopment Zone

1 established pursuant to the River Edge Redevelopment Zone
2 Act. For partners, shareholders of Subchapter S
3 corporations, and owners of limited liability companies,
4 if the liability company is treated as a partnership for
5 purposes of federal and State income taxation, there shall
6 be allowed a credit under this subsection (f) to be
7 determined in accordance with the determination of income
8 and distributive share of income under Sections 702 and 704
9 and Subchapter S of the Internal Revenue Code. The credit
10 shall be .5% of the basis for such property. The credit
11 shall be available only in the taxable year in which the
12 property is placed in service in the Enterprise Zone or
13 River Edge Redevelopment Zone and shall not be allowed to
14 the extent that it would reduce a taxpayer's liability for
15 the tax imposed by subsections (a) and (b) of this Section
16 to below zero. For tax years ending on or after December
17 31, 1985, the credit shall be allowed for the tax year in
18 which the property is placed in service, or, if the amount
19 of the credit exceeds the tax liability for that year,
20 whether it exceeds the original liability or the liability
21 as later amended, such excess may be carried forward and
22 applied to the tax liability of the 5 taxable years
23 following the excess credit year. The credit shall be
24 applied to the earliest year for which there is a
25 liability. If there is credit from more than one tax year
26 that is available to offset a liability, the credit

1 accruing first in time shall be applied first.

2 (2) The term qualified property means property which:

3 (A) is tangible, whether new or used, including
4 buildings and structural components of buildings;

5 (B) is depreciable pursuant to Section 167 of the
6 Internal Revenue Code, except that "3-year property"
7 as defined in Section 168(c)(2)(A) of that Code is not
8 eligible for the credit provided by this subsection
9 (f);

10 (C) is acquired by purchase as defined in Section
11 179(d) of the Internal Revenue Code;

12 (D) is used in the Enterprise Zone or River Edge
13 Redevelopment Zone by the taxpayer; and

14 (E) has not been previously used in Illinois in
15 such a manner and by such a person as would qualify for
16 the credit provided by this subsection (f) or
17 subsection (e).

18 (3) The basis of qualified property shall be the basis
19 used to compute the depreciation deduction for federal
20 income tax purposes.

21 (4) If the basis of the property for federal income tax
22 depreciation purposes is increased after it has been placed
23 in service in the Enterprise Zone or River Edge
24 Redevelopment Zone by the taxpayer, the amount of such
25 increase shall be deemed property placed in service on the
26 date of such increase in basis.

1 (5) The term "placed in service" shall have the same
2 meaning as under Section 46 of the Internal Revenue Code.

3 (6) If during any taxable year, any property ceases to
4 be qualified property in the hands of the taxpayer within
5 48 months after being placed in service, or the situs of
6 any qualified property is moved outside the Enterprise Zone
7 or River Edge Redevelopment Zone within 48 months after
8 being placed in service, the tax imposed under subsections
9 (a) and (b) of this Section for such taxable year shall be
10 increased. Such increase shall be determined by (i)
11 recomputing the investment credit which would have been
12 allowed for the year in which credit for such property was
13 originally allowed by eliminating such property from such
14 computation, and (ii) subtracting such recomputed credit
15 from the amount of credit previously allowed. For the
16 purposes of this paragraph (6), a reduction of the basis of
17 qualified property resulting from a redetermination of the
18 purchase price shall be deemed a disposition of qualified
19 property to the extent of such reduction.

20 (7) There shall be allowed an additional credit equal
21 to 0.5% of the basis of qualified property placed in
22 service during the taxable year in a River Edge
23 Redevelopment Zone, provided such property is placed in
24 service on or after July 1, 2006, and the taxpayer's base
25 employment within Illinois has increased by 1% or more over
26 the preceding year as determined by the taxpayer's

1 employment records filed with the Illinois Department of
2 Employment Security. Taxpayers who are new to Illinois
3 shall be deemed to have met the 1% growth in base
4 employment for the first year in which they file employment
5 records with the Illinois Department of Employment
6 Security. If, in any year, the increase in base employment
7 within Illinois over the preceding year is less than 1%,
8 the additional credit shall be limited to that percentage
9 times a fraction, the numerator of which is 0.5% and the
10 denominator of which is 1%, but shall not exceed 0.5%.

11 (g) Jobs Tax Credit; Enterprise Zone, River Edge
12 Redevelopment Zone, and Foreign Trade Zone or Sub-Zone.

13 (1) A taxpayer conducting a trade or business in an
14 enterprise zone or a High Impact Business designated by the
15 Department of Commerce and Economic Opportunity or for
16 taxable years ending on or after December 31, 2006, in a
17 River Edge Redevelopment Zone conducting a trade or
18 business in a federally designated Foreign Trade Zone or
19 Sub-Zone shall be allowed a credit against the tax imposed
20 by subsections (a) and (b) of this Section in the amount of
21 \$500 per eligible employee hired to work in the zone during
22 the taxable year.

23 (2) To qualify for the credit:

24 (A) the taxpayer must hire 5 or more eligible
25 employees to work in an enterprise zone, River Edge
26 Redevelopment Zone, or federally designated Foreign

1 Trade Zone or Sub-Zone during the taxable year;

2 (B) the taxpayer's total employment within the
3 enterprise zone, River Edge Redevelopment Zone, or
4 federally designated Foreign Trade Zone or Sub-Zone
5 must increase by 5 or more full-time employees beyond
6 the total employed in that zone at the end of the
7 previous tax year for which a jobs tax credit under
8 this Section was taken, or beyond the total employed by
9 the taxpayer as of December 31, 1985, whichever is
10 later; and

11 (C) the eligible employees must be employed 180
12 consecutive days in order to be deemed hired for
13 purposes of this subsection.

14 (3) An "eligible employee" means an employee who is:

15 (A) Certified by the Department of Commerce and
16 Economic Opportunity as "eligible for services"
17 pursuant to regulations promulgated in accordance with
18 Title II of the Job Training Partnership Act, Training
19 Services for the Disadvantaged or Title III of the Job
20 Training Partnership Act, Employment and Training
21 Assistance for Dislocated Workers Program.

22 (B) Hired after the enterprise zone, River Edge
23 Redevelopment Zone, or federally designated Foreign
24 Trade Zone or Sub-Zone was designated or the trade or
25 business was located in that zone, whichever is later.

26 (C) Employed in the enterprise zone, River Edge

1 Redevelopment Zone, or Foreign Trade Zone or Sub-Zone.
2 An employee is employed in an enterprise zone or
3 federally designated Foreign Trade Zone or Sub-Zone if
4 his services are rendered there or it is the base of
5 operations for the services performed.

6 (D) A full-time employee working 30 or more hours
7 per week.

8 (4) For tax years ending on or after December 31, 1985
9 and prior to December 31, 1988, the credit shall be allowed
10 for the tax year in which the eligible employees are hired.
11 For tax years ending on or after December 31, 1988, the
12 credit shall be allowed for the tax year immediately
13 following the tax year in which the eligible employees are
14 hired. If the amount of the credit exceeds the tax
15 liability for that year, whether it exceeds the original
16 liability or the liability as later amended, such excess
17 may be carried forward and applied to the tax liability of
18 the 5 taxable years following the excess credit year. The
19 credit shall be applied to the earliest year for which
20 there is a liability. If there is credit from more than one
21 tax year that is available to offset a liability, earlier
22 credit shall be applied first.

23 (5) The Department of Revenue shall promulgate such
24 rules and regulations as may be deemed necessary to carry
25 out the purposes of this subsection (g).

26 (6) The credit shall be available for eligible

1 employees hired on or after January 1, 1986.

2 (h) Investment credit; High Impact Business.

3 (1) Subject to subsections (b) and (b-5) of Section 5.5
4 of the Illinois Enterprise Zone Act, a taxpayer shall be
5 allowed a credit against the tax imposed by subsections (a)
6 and (b) of this Section for investment in qualified
7 property which is placed in service by a Department of
8 Commerce and Economic Opportunity designated High Impact
9 Business. The credit shall be .5% of the basis for such
10 property. The credit shall not be available (i) until the
11 minimum investments in qualified property set forth in
12 subdivision (a)(3)(A) of Section 5.5 of the Illinois
13 Enterprise Zone Act have been satisfied or (ii) until the
14 time authorized in subsection (b-5) of the Illinois
15 Enterprise Zone Act for entities designated as High Impact
16 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and
17 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone
18 Act, and shall not be allowed to the extent that it would
19 reduce a taxpayer's liability for the tax imposed by
20 subsections (a) and (b) of this Section to below zero. The
21 credit applicable to such investments shall be taken in the
22 taxable year in which such investments have been completed.
23 The credit for additional investments beyond the minimum
24 investment by a designated high impact business authorized
25 under subdivision (a)(3)(A) of Section 5.5 of the Illinois
26 Enterprise Zone Act shall be available only in the taxable

1 year in which the property is placed in service and shall
2 not be allowed to the extent that it would reduce a
3 taxpayer's liability for the tax imposed by subsections (a)
4 and (b) of this Section to below zero. For tax years ending
5 on or after December 31, 1987, the credit shall be allowed
6 for the tax year in which the property is placed in
7 service, or, if the amount of the credit exceeds the tax
8 liability for that year, whether it exceeds the original
9 liability or the liability as later amended, such excess
10 may be carried forward and applied to the tax liability of
11 the 5 taxable years following the excess credit year. The
12 credit shall be applied to the earliest year for which
13 there is a liability. If there is credit from more than one
14 tax year that is available to offset a liability, the
15 credit accruing first in time shall be applied first.

16 Changes made in this subdivision (h) (1) by Public Act
17 88-670 restore changes made by Public Act 85-1182 and
18 reflect existing law.

19 (2) The term qualified property means property which:

20 (A) is tangible, whether new or used, including
21 buildings and structural components of buildings;

22 (B) is depreciable pursuant to Section 167 of the
23 Internal Revenue Code, except that "3-year property"
24 as defined in Section 168(c) (2) (A) of that Code is not
25 eligible for the credit provided by this subsection

26 (h);

1 (C) is acquired by purchase as defined in Section
2 179(d) of the Internal Revenue Code; and

3 (D) is not eligible for the Enterprise Zone
4 Investment Credit provided by subsection (f) of this
5 Section.

6 (3) The basis of qualified property shall be the basis
7 used to compute the depreciation deduction for federal
8 income tax purposes.

9 (4) If the basis of the property for federal income tax
10 depreciation purposes is increased after it has been placed
11 in service in a federally designated Foreign Trade Zone or
12 Sub-Zone located in Illinois by the taxpayer, the amount of
13 such increase shall be deemed property placed in service on
14 the date of such increase in basis.

15 (5) The term "placed in service" shall have the same
16 meaning as under Section 46 of the Internal Revenue Code.

17 (6) If during any taxable year ending on or before
18 December 31, 1996, any property ceases to be qualified
19 property in the hands of the taxpayer within 48 months
20 after being placed in service, or the situs of any
21 qualified property is moved outside Illinois within 48
22 months after being placed in service, the tax imposed under
23 subsections (a) and (b) of this Section for such taxable
24 year shall be increased. Such increase shall be determined
25 by (i) recomputing the investment credit which would have
26 been allowed for the year in which credit for such property

1 was originally allowed by eliminating such property from
2 such computation, and (ii) subtracting such recomputed
3 credit from the amount of credit previously allowed. For
4 the purposes of this paragraph (6), a reduction of the
5 basis of qualified property resulting from a
6 redetermination of the purchase price shall be deemed a
7 disposition of qualified property to the extent of such
8 reduction.

9 (7) Beginning with tax years ending after December 31,
10 1996, if a taxpayer qualifies for the credit under this
11 subsection (h) and thereby is granted a tax abatement and
12 the taxpayer relocates its entire facility in violation of
13 the explicit terms and length of the contract under Section
14 18-183 of the Property Tax Code, the tax imposed under
15 subsections (a) and (b) of this Section shall be increased
16 for the taxable year in which the taxpayer relocated its
17 facility by an amount equal to the amount of credit
18 received by the taxpayer under this subsection (h).

19 (i) Credit for Personal Property Tax Replacement Income
20 Tax. For tax years ending prior to December 31, 2003, a credit
21 shall be allowed against the tax imposed by subsections (a) and
22 (b) of this Section for the tax imposed by subsections (c) and
23 (d) of this Section. This credit shall be computed by
24 multiplying the tax imposed by subsections (c) and (d) of this
25 Section by a fraction, the numerator of which is base income
26 allocable to Illinois and the denominator of which is Illinois

1 base income, and further multiplying the product by the tax
2 rate imposed by subsections (a) and (b) of this Section.

3 Any credit earned on or after December 31, 1986 under this
4 subsection which is unused in the year the credit is computed
5 because it exceeds the tax liability imposed by subsections (a)
6 and (b) for that year (whether it exceeds the original
7 liability or the liability as later amended) may be carried
8 forward and applied to the tax liability imposed by subsections
9 (a) and (b) of the 5 taxable years following the excess credit
10 year, provided that no credit may be carried forward to any
11 year ending on or after December 31, 2003. This credit shall be
12 applied first to the earliest year for which there is a
13 liability. If there is a credit under this subsection from more
14 than one tax year that is available to offset a liability the
15 earliest credit arising under this subsection shall be applied
16 first.

17 If, during any taxable year ending on or after December 31,
18 1986, the tax imposed by subsections (c) and (d) of this
19 Section for which a taxpayer has claimed a credit under this
20 subsection (i) is reduced, the amount of credit for such tax
21 shall also be reduced. Such reduction shall be determined by
22 recomputing the credit to take into account the reduced tax
23 imposed by subsections (c) and (d). If any portion of the
24 reduced amount of credit has been carried to a different
25 taxable year, an amended return shall be filed for such taxable
26 year to reduce the amount of credit claimed.

1 (j) Training expense credit. Beginning with tax years
2 ending on or after December 31, 1986 and prior to December 31,
3 2003, a taxpayer shall be allowed a credit against the tax
4 imposed by subsections (a) and (b) under this Section for all
5 amounts paid or accrued, on behalf of all persons employed by
6 the taxpayer in Illinois or Illinois residents employed outside
7 of Illinois by a taxpayer, for educational or vocational
8 training in semi-technical or technical fields or semi-skilled
9 or skilled fields, which were deducted from gross income in the
10 computation of taxable income. The credit against the tax
11 imposed by subsections (a) and (b) shall be 1.6% of such
12 training expenses. For partners, shareholders of subchapter S
13 corporations, and owners of limited liability companies, if the
14 liability company is treated as a partnership for purposes of
15 federal and State income taxation, there shall be allowed a
16 credit under this subsection (j) to be determined in accordance
17 with the determination of income and distributive share of
18 income under Sections 702 and 704 and subchapter S of the
19 Internal Revenue Code.

20 Any credit allowed under this subsection which is unused in
21 the year the credit is earned may be carried forward to each of
22 the 5 taxable years following the year for which the credit is
23 first computed until it is used. This credit shall be applied
24 first to the earliest year for which there is a liability. If
25 there is a credit under this subsection from more than one tax
26 year that is available to offset a liability the earliest

1 credit arising under this subsection shall be applied first. No
2 carryforward credit may be claimed in any tax year ending on or
3 after December 31, 2003.

4 (k) Research and development credit.

5 For tax years ending after July 1, 1990 and prior to
6 December 31, 2003, and beginning again for tax years ending on
7 or after December 31, 2004, and ending prior to January 1,
8 2011, a taxpayer shall be allowed a credit against the tax
9 imposed by subsections (a) and (b) of this Section for
10 increasing research activities in this State. The credit
11 allowed against the tax imposed by subsections (a) and (b)
12 shall be equal to 6 1/2% of the qualifying expenditures for
13 increasing research activities in this State. For partners,
14 shareholders of subchapter S corporations, and owners of
15 limited liability companies, if the liability company is
16 treated as a partnership for purposes of federal and State
17 income taxation, there shall be allowed a credit under this
18 subsection to be determined in accordance with the
19 determination of income and distributive share of income under
20 Sections 702 and 704 and subchapter S of the Internal Revenue
21 Code.

22 For purposes of this subsection, "qualifying expenditures"
23 means the qualifying expenditures as defined for the federal
24 credit for increasing research activities which would be
25 allowable under Section 41 of the Internal Revenue Code and
26 which are conducted in this State, "qualifying expenditures for

1 increasing research activities in this State" means the excess
2 of qualifying expenditures for the taxable year in which
3 incurred over qualifying expenditures for the base period,
4 "qualifying expenditures for the base period" means the average
5 of the qualifying expenditures for each year in the base
6 period, and "base period" means the 3 taxable years immediately
7 preceding the taxable year for which the determination is being
8 made.

9 Any credit in excess of the tax liability for the taxable
10 year may be carried forward. A taxpayer may elect to have the
11 unused credit shown on its final completed return carried over
12 as a credit against the tax liability for the following 5
13 taxable years or until it has been fully used, whichever occurs
14 first; provided that no credit earned in a tax year ending
15 prior to December 31, 2003 may be carried forward to any year
16 ending on or after December 31, 2003, and no credit may be
17 carried forward to any taxable year ending on or after January
18 1, 2011.

19 If an unused credit is carried forward to a given year from
20 2 or more earlier years, that credit arising in the earliest
21 year will be applied first against the tax liability for the
22 given year. If a tax liability for the given year still
23 remains, the credit from the next earliest year will then be
24 applied, and so on, until all credits have been used or no tax
25 liability for the given year remains. Any remaining unused
26 credit or credits then will be carried forward to the next

1 following year in which a tax liability is incurred, except
2 that no credit can be carried forward to a year which is more
3 than 5 years after the year in which the expense for which the
4 credit is given was incurred.

5 No inference shall be drawn from this amendatory Act of the
6 91st General Assembly in construing this Section for taxable
7 years beginning before January 1, 1999.

8 (1) Environmental Remediation Tax Credit.

9 (i) For tax years ending after December 31, 1997 and on
10 or before December 31, 2001, a taxpayer shall be allowed a
11 credit against the tax imposed by subsections (a) and (b)
12 of this Section for certain amounts paid for unreimbursed
13 eligible remediation costs, as specified in this
14 subsection. For purposes of this Section, "unreimbursed
15 eligible remediation costs" means costs approved by the
16 Illinois Environmental Protection Agency ("Agency") under
17 Section 58.14 of the Environmental Protection Act that were
18 paid in performing environmental remediation at a site for
19 which a No Further Remediation Letter was issued by the
20 Agency and recorded under Section 58.10 of the
21 Environmental Protection Act. The credit must be claimed
22 for the taxable year in which Agency approval of the
23 eligible remediation costs is granted. The credit is not
24 available to any taxpayer if the taxpayer or any related
25 party caused or contributed to, in any material respect, a
26 release of regulated substances on, in, or under the site

1 that was identified and addressed by the remedial action
2 pursuant to the Site Remediation Program of the
3 Environmental Protection Act. After the Pollution Control
4 Board rules are adopted pursuant to the Illinois
5 Administrative Procedure Act for the administration and
6 enforcement of Section 58.9 of the Environmental
7 Protection Act, determinations as to credit availability
8 for purposes of this Section shall be made consistent with
9 those rules. For purposes of this Section, "taxpayer"
10 includes a person whose tax attributes the taxpayer has
11 succeeded to under Section 381 of the Internal Revenue Code
12 and "related party" includes the persons disallowed a
13 deduction for losses by paragraphs (b), (c), and (f)(1) of
14 Section 267 of the Internal Revenue Code by virtue of being
15 a related taxpayer, as well as any of its partners. The
16 credit allowed against the tax imposed by subsections (a)
17 and (b) shall be equal to 25% of the unreimbursed eligible
18 remediation costs in excess of \$100,000 per site, except
19 that the \$100,000 threshold shall not apply to any site
20 contained in an enterprise zone as determined by the
21 Department of Commerce and Community Affairs (now
22 Department of Commerce and Economic Opportunity). The
23 total credit allowed shall not exceed \$40,000 per year with
24 a maximum total of \$150,000 per site. For partners and
25 shareholders of subchapter S corporations, there shall be
26 allowed a credit under this subsection to be determined in

1 accordance with the determination of income and
2 distributive share of income under Sections 702 and 704 and
3 subchapter S of the Internal Revenue Code.

4 (ii) A credit allowed under this subsection that is
5 unused in the year the credit is earned may be carried
6 forward to each of the 5 taxable years following the year
7 for which the credit is first earned until it is used. The
8 term "unused credit" does not include any amounts of
9 unreimbursed eligible remediation costs in excess of the
10 maximum credit per site authorized under paragraph (i).
11 This credit shall be applied first to the earliest year for
12 which there is a liability. If there is a credit under this
13 subsection from more than one tax year that is available to
14 offset a liability, the earliest credit arising under this
15 subsection shall be applied first. A credit allowed under
16 this subsection may be sold to a buyer as part of a sale of
17 all or part of the remediation site for which the credit
18 was granted. The purchaser of a remediation site and the
19 tax credit shall succeed to the unused credit and remaining
20 carry-forward period of the seller. To perfect the
21 transfer, the assignor shall record the transfer in the
22 chain of title for the site and provide written notice to
23 the Director of the Illinois Department of Revenue of the
24 assignor's intent to sell the remediation site and the
25 amount of the tax credit to be transferred as a portion of
26 the sale. In no event may a credit be transferred to any

1 taxpayer if the taxpayer or a related party would not be
2 eligible under the provisions of subsection (i).

3 (iii) For purposes of this Section, the term "site"
4 shall have the same meaning as under Section 58.2 of the
5 Environmental Protection Act.

6 (m) Education expense credit. Beginning with tax years
7 ending after December 31, 1999, a taxpayer who is the custodian
8 of one or more qualifying pupils shall be allowed a credit
9 against the tax imposed by subsections (a) and (b) of this
10 Section for qualified education expenses incurred on behalf of
11 the qualifying pupils. The credit shall be equal to 25% of
12 qualified education expenses, but in no event may the total
13 credit under this subsection claimed by a family that is the
14 custodian of qualifying pupils exceed \$500. In no event shall a
15 credit under this subsection reduce the taxpayer's liability
16 under this Act to less than zero. This subsection is exempt
17 from the provisions of Section 250 of this Act.

18 For purposes of this subsection:

19 "Qualifying pupils" means individuals who (i) are
20 residents of the State of Illinois, (ii) are under the age of
21 21 at the close of the school year for which a credit is
22 sought, and (iii) during the school year for which a credit is
23 sought were full-time pupils enrolled in a kindergarten through
24 twelfth grade education program at any school, as defined in
25 this subsection.

26 "Qualified education expense" means the amount incurred on

1 behalf of a qualifying pupil in excess of \$250 for tuition,
2 book fees, and lab fees at the school in which the pupil is
3 enrolled during the regular school year.

4 "School" means any public or nonpublic elementary or
5 secondary school in Illinois that is in compliance with Title
6 VI of the Civil Rights Act of 1964 and attendance at which
7 satisfies the requirements of Section 26-1 of the School Code,
8 except that nothing shall be construed to require a child to
9 attend any particular public or nonpublic school to qualify for
10 the credit under this Section.

11 "Custodian" means, with respect to qualifying pupils, an
12 Illinois resident who is a parent, the parents, a legal
13 guardian, or the legal guardians of the qualifying pupils.

14 (n) River Edge Redevelopment Zone site remediation tax
15 credit.

16 (i) For tax years ending on or after December 31, 2006,
17 a taxpayer shall be allowed a credit against the tax
18 imposed by subsections (a) and (b) of this Section for
19 certain amounts paid for unreimbursed eligible remediation
20 costs, as specified in this subsection. For purposes of
21 this Section, "unreimbursed eligible remediation costs"
22 means costs approved by the Illinois Environmental
23 Protection Agency ("Agency") under Section 58.14a of the
24 Environmental Protection Act that were paid in performing
25 environmental remediation at a site within a River Edge
26 Redevelopment Zone for which a No Further Remediation

1 Letter was issued by the Agency and recorded under Section
2 58.10 of the Environmental Protection Act. The credit must
3 be claimed for the taxable year in which Agency approval of
4 the eligible remediation costs is granted. The credit is
5 not available to any taxpayer if the taxpayer or any
6 related party caused or contributed to, in any material
7 respect, a release of regulated substances on, in, or under
8 the site that was identified and addressed by the remedial
9 action pursuant to the Site Remediation Program of the
10 Environmental Protection Act. Determinations as to credit
11 availability for purposes of this Section shall be made
12 consistent with rules adopted by the Pollution Control
13 Board pursuant to the Illinois Administrative Procedure
14 Act for the administration and enforcement of Section 58.9
15 of the Environmental Protection Act. For purposes of this
16 Section, "taxpayer" includes a person whose tax attributes
17 the taxpayer has succeeded to under Section 381 of the
18 Internal Revenue Code and "related party" includes the
19 persons disallowed a deduction for losses by paragraphs
20 (b), (c), and (f)(1) of Section 267 of the Internal Revenue
21 Code by virtue of being a related taxpayer, as well as any
22 of its partners. The credit allowed against the tax imposed
23 by subsections (a) and (b) shall be equal to 25% of the
24 unreimbursed eligible remediation costs in excess of
25 \$100,000 per site.

26 (ii) A credit allowed under this subsection that is

1 unused in the year the credit is earned may be carried
2 forward to each of the 5 taxable years following the year
3 for which the credit is first earned until it is used. This
4 credit shall be applied first to the earliest year for
5 which there is a liability. If there is a credit under this
6 subsection from more than one tax year that is available to
7 offset a liability, the earliest credit arising under this
8 subsection shall be applied first. A credit allowed under
9 this subsection may be sold to a buyer as part of a sale of
10 all or part of the remediation site for which the credit
11 was granted. The purchaser of a remediation site and the
12 tax credit shall succeed to the unused credit and remaining
13 carry-forward period of the seller. To perfect the
14 transfer, the assignor shall record the transfer in the
15 chain of title for the site and provide written notice to
16 the Director of the Illinois Department of Revenue of the
17 assignor's intent to sell the remediation site and the
18 amount of the tax credit to be transferred as a portion of
19 the sale. In no event may a credit be transferred to any
20 taxpayer if the taxpayer or a related party would not be
21 eligible under the provisions of subsection (i).

22 (iii) For purposes of this Section, the term "site"
23 shall have the same meaning as under Section 58.2 of the
24 Environmental Protection Act.

25 (iv) This subsection is exempt from the provisions of
26 Section 250.

1 (Source: P.A. 95-454, eff. 8-27-07; 96-115, eff. 7-31-09;
2 96-116, eff. 7-31-09; 96-937, eff. 6-23-10; 96-1000, eff.
3 7-2-10.)

4 Section 90-23. The Property Tax Code is amended by adding
5 Section 15-144 as follows:

6 (35 ILCS 200/15-144 new)

7 Sec. 15-144. Chicago Casino Development Authority. All
8 property owned by the Chicago Casino Development Authority is
9 exempt. Any property owned by the Chicago Casino Development
10 Authority and leased to an entity that is not exempt shall
11 remain exempt so long as it is used for a public purpose.

12 Section 90-25. The Joliet Regional Port District Act is
13 amended by changing Section 5.1 as follows:

14 (70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

15 Sec. 5.1. Riverboat and casino gambling. Notwithstanding
16 any other provision of this Act, the District may not regulate
17 the operation, conduct, or navigation of any riverboat gambling
18 casino licensed under the Illinois Riverboat Gambling Act, and
19 the District may not license, tax, or otherwise levy any
20 assessment of any kind on any riverboat gambling casino
21 licensed under the Illinois Riverboat Gambling Act. The General
22 Assembly declares that the powers to regulate the operation,

1 conduct, and navigation of riverboat gambling casinos and to
2 license, tax, and levy assessments upon riverboat gambling
3 casinos are exclusive powers of the State of Illinois and the
4 Illinois Gaming Board as provided in the Illinois Riverboat
5 Gambling Act.

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

7 Section 90-30. The Consumer Installment Loan Act is amended
8 by changing Section 12.5 as follows:

9 (205 ILCS 670/12.5)

10 Sec. 12.5. Limited purpose branch.

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

17 (b) The licensee must submit an application for a limited
18 purpose branch to the Director on forms prescribed by the
19 Director with an application fee of \$300. The approval for the
20 limited purpose branch must be renewed concurrently with the
21 renewal of the licensee's license along with a renewal fee of
22 \$300 for the limited purpose branch.

23 (c) The books, accounts, records, and files of the limited
24 purpose branch's transactions shall be maintained at the

1 licensee's licensed location. The licensee shall notify the
2 Director of the licensed location at which the books, accounts,
3 records, and files shall be maintained.

4 (d) The licensee shall prominently display at the limited
5 purpose branch the address and telephone number of the
6 licensee's licensed location.

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

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

11 (g) A limited purpose branch may not be located within
12 1,000 feet of a facility operated by an inter-track wagering
13 licensee or an organization licensee subject to the Illinois
14 Horse Racing Act of 1975, on a riverboat or in a casino subject
15 to the Illinois Riverboat Gambling Act, or within 1,000 feet of
16 the location at which the riverboat docks or within 1,000 feet
17 of a casino.

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

19 Section 90-35. The Illinois Horse Racing Act of 1975 is
20 amended by changing Sections 1.2, 3.11, 3.12, 6, 9, 15, 15.1,
21 18, 19, 20, 24, 26, 27, 28, 28.1, 30, 31, 31.1, 32.1, 36, and 40
22 and by adding Sections 3.31, 3.32, 3.33, 3.35, 3.36, 34.3, and
23 56 as follows:

24 (230 ILCS 5/1.2)

1 Sec. 1.2. Legislative intent. This Act is intended to
2 benefit the people of the State of Illinois by encouraging the
3 breeding and production of race horses, assisting economic
4 development and promoting Illinois tourism. The General
5 Assembly finds and declares it to be the public policy of the
6 State of Illinois to:

7 (a) support and enhance Illinois' horse racing industry,
8 which is a significant component within the agribusiness
9 industry;

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

12 (c) stimulate growth within Illinois' horse racing
13 industry, thereby encouraging new investment and development
14 to produce additional tax revenues and to create additional
15 jobs;

16 (d) promote the further growth of tourism;

17 (e) encourage the breeding of thoroughbred and
18 standardbred horses in this State; and

19 (f) ensure that public confidence and trust in the
20 credibility and integrity of racing operations and the
21 regulatory process is maintained.

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

23 (230 ILCS 5/3.11) (from Ch. 8, par. 37-3.11)

24 Sec. 3.11. "Organization Licensee" means any person
25 receiving an organization license from the Board to conduct a

1 race meeting or meetings. With respect only to electronic
2 gaming, "organization licensee" includes the authorization for
3 an electronic gaming license under subsection (a) of Section 56
4 of this Act.

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

6 (230 ILCS 5/3.12) (from Ch. 8, par. 37-3.12)

7 Sec. 3.12. Pari-mutuel system of wagering. "Pari-mutuel
8 system of wagering" means a form of wagering on the outcome of
9 horse races in which wagers are made in various denominations
10 on a horse or horses and all wagers for each race are pooled
11 and held by a licensee for distribution in a manner approved by
12 the Board. "Pari-mutuel system of wagering" shall not include
13 wagering on historic races. Wagers may be placed via any method
14 or at any location authorized under this Act.

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

16 (230 ILCS 5/3.31 new)

17 Sec. 3.31. Adjusted gross receipts. "Adjusted gross
18 receipts" means the gross receipts less winnings paid to
19 wagerers.

20 (230 ILCS 5/3.32 new)

21 Sec. 3.32. Gross receipts. "Gross receipts" means the total
22 amount of money exchanged for the purchase of chips, tokens, or
23 electronic cards by riverboat or casino patrons or electronic

1 gaming patrons.

2 (230 ILCS 5/3.33 new)

3 Sec. 3.33. Electronic gaming. "Electronic gaming" means
4 slot machine gambling, video game of chance gambling, or
5 gambling with electronic gambling games as defined in the
6 Illinois Gambling Act or defined by the Illinois Gaming Board
7 that is conducted at a race track pursuant to an electronic
8 gaming license.

9 (230 ILCS 5/3.35 new)

10 Sec. 3.35. Electronic gaming license. "Electronic gaming
11 license" means a license issued by the Illinois Gaming Board
12 under Section 7.6 of the Illinois Gambling Act authorizing
13 electronic gaming at an electronic gaming facility.

14 (230 ILCS 5/3.36 new)

15 Sec. 3.36. Electronic gaming facility. "Electronic gaming
16 facility" means that portion of an organization licensee's race
17 track facility at which electronic gaming is conducted.

18 (230 ILCS 5/6) (from Ch. 8, par. 37-6)

19 Sec. 6. Restrictions on Board members.

20 (a) No person shall be appointed a member of the Board or
21 continue to be a member of the Board if the person or any
22 member of their immediate family is a member of the Board of

1 Directors, employee, or financially interested in any of the
2 following: (i) any licensee or other person who has applied for
3 racing dates to the Board, or the operations thereof including,
4 but not limited to, concessions, data processing, track
5 maintenance, track security, and pari-mutuel operations,
6 located, scheduled or doing business within the State of
7 Illinois, (ii) any licensee or other person in any race horse
8 competing at a meeting under the Board's jurisdiction, or (iii)
9 any licensee under the Illinois Gambling Act. No person shall
10 be appointed a member of the Board or continue to be a member
11 of the Board who is (or any member of whose family is) a member
12 of the Board of Directors of, or who is a person financially
13 interested in, any licensee or other person who has applied for
14 racing dates to the Board, or the operations thereof including,
15 but not limited to, concessions, data processing, track
16 maintenance, track security and pari mutuel operations,
17 located, scheduled or doing business within the State of
18 Illinois, or in any race horse competing at a meeting under the
19 Board's jurisdiction. No Board member shall hold any other
20 public office for which he shall receive compensation other
21 than necessary travel or other incidental expenses.

22 (b) No person shall be a member of the Board who is not of
23 good moral character or who has been convicted of, or is under
24 indictment for, a felony under the laws of Illinois or any
25 other state, or the United States.

26 (c) No member of the Board or employee shall engage in any

1 political activity. For the purposes of this Section,
2 "political" means any activity in support of or in connection
3 with any campaign for State or local elective office or any
4 political organization, but does not include activities (i)
5 relating to the support or opposition of any executive,
6 legislative, or administrative action (as those terms are
7 defined in Section 2 of the Lobbyist Registration Act), (ii)
8 relating to collective bargaining, or (iii) that are otherwise
9 in furtherance of the person's official State duties or
10 governmental and public service functions.

11 (d) Board members and employees may not engage in
12 communications or any activity that may cause or have the
13 appearance of causing a conflict of interest. A conflict of
14 interest exists if a situation influences or creates the
15 appearance that it may influence judgment or performance of
16 regulatory duties and responsibilities. This prohibition shall
17 extend to any act identified by Board action that, in the
18 judgment of the Board, could represent the potential for or the
19 appearance of a conflict of interest.

20 (e) Board members and employees may not accept any gift,
21 gratuity, service, compensation, travel, lodging, or thing of
22 value, with the exception of unsolicited items of an incidental
23 nature, from any person, corporation, or entity doing business
24 with the Board.

25 (f) A Board member or employee shall not use or attempt to
26 use his or her official position to secure, or attempt to

1 secure, any privilege, advantage, favor, or influence for
2 himself or herself or others. No Board member or employee,
3 within a period of one year immediately preceding nomination by
4 the Governor or employment, shall have been employed or
5 received compensation or fees for services from a person or
6 entity, or its parent or affiliate, that has engaged in
7 business with the Board, a licensee or a licensee under the
8 Illinois Gambling Act. In addition, no Board member or employee
9 shall for one year after the expiration of his or her term or
10 separation from the Board be employed or receive compensation
11 or fees from the before mentioned persons or entities.

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

13 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

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

17 (a) The Board is vested with jurisdiction and supervision
18 over all race meetings in this State, over all licensees doing
19 business in this State, over all occupation licensees, and over
20 all persons on the facilities of any licensee. Such
21 jurisdiction shall include the power to issue licenses to the
22 Illinois Department of Agriculture authorizing the pari-mutuel
23 system of wagering on harness and Quarter Horse races held (1)
24 at the Illinois State Fair in Sangamon County, and (2) at the
25 DuQuoin State Fair in Perry County. The jurisdiction of the

1 Board shall also include the power to issue licenses to county
2 fairs which are eligible to receive funds pursuant to the
3 Agricultural Fair Act, as now or hereafter amended, or their
4 agents, authorizing the pari-mutuel system of wagering on horse
5 races conducted at the county fairs receiving such licenses.
6 Such licenses shall be governed by subsection (n) of this
7 Section.

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

21 Notwithstanding any provision of law to the contrary, it
22 shall be lawful for any licensee to operate pari-mutuel
23 wagering or contract with the Department of Agriculture to
24 operate pari-mutuel wagering at the DuQuoin State Fairgrounds
25 or for the Department to enter into contracts with a licensee,
26 employ its owners, employees or agents and employ such other

1 occupation licensees as the Department deems necessary in
2 connection with race meetings and wagerings.

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

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

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

25 (e) The Board, and any person or persons to whom it
26 delegates this power, may eject or exclude from any race

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

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

23 (g) The Board may require that the records, including
24 financial or other statements of any licensee or any person
25 affiliated with the licensee who is involved directly or
26 indirectly in the activities of any licensee as regulated under

1 this Act to the extent that those financial or other statements
2 relate to such activities be kept in such manner as prescribed
3 by the Board, and that Board employees shall have access to
4 those records during reasonable business hours. Within 120 days
5 of the end of its fiscal year, each licensee shall transmit to
6 the Board an audit of the financial transactions and condition
7 of the licensee's total operations. All audits shall be
8 conducted by certified public accountants. Each certified
9 public accountant must be registered in the State of Illinois
10 under the Illinois Public Accounting Act. The compensation for
11 each certified public accountant shall be paid directly by the
12 licensee to the certified public accountant. A licensee shall
13 also submit any other financial or related information the
14 Board deems necessary to effectively administer this Act and
15 all rules, regulations, and final decisions promulgated under
16 this Act.

17 (h) The Board shall name and appoint in the manner provided
18 by the rules and regulations of the Board: an Executive
19 Director; a State director of mutuels; State veterinarians and
20 representatives to take saliva, blood, urine and other tests on
21 horses; licensing personnel; revenue inspectors; and State
22 seasonal employees (excluding admission ticket sellers and
23 mutuel clerks). All of those named and appointed as provided in
24 this subsection shall serve during the pleasure of the Board;
25 their compensation shall be determined by the Board and be paid
26 in the same manner as other employees of the Board under this

1 Act.

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

9 (j) The Board may discharge any Board employee who fails or
10 refuses for any reason to comply with the rules and regulations
11 of the Board, or who, in the opinion of the Board, is guilty of
12 fraud, dishonesty or who is proven to be incompetent. The Board
13 shall have no right or power to determine who shall be
14 officers, directors or employees of any licensee, or their
15 salaries except the Board may, by rule, require that all or any
16 officials or employees in charge of or whose duties relate to
17 the actual running of races be approved by the Board.

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

22 (l) The Board is vested with the power to impose civil
23 penalties of up to \$5,000 against an individual and up to
24 \$10,000 against a licensee for each violation of any provision
25 of this Act, any rules adopted by the Board, any order of the
26 Board or any other action which, in the Board's discretion, is

1 a detriment or impediment to horse racing or wagering. All such
2 civil penalties shall be deposited into the Horse Racing Fund.

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

6 (n) The Board shall have the power to issue a license to
7 any county fair, or its agent, authorizing the conduct of the
8 pari-mutuel system of wagering. The Board is vested with the
9 full power to promulgate reasonable rules, regulations and
10 conditions under which all horse race meetings licensed
11 pursuant to this subsection shall be held and conducted,
12 including rules, regulations and conditions for the conduct of
13 the pari-mutuel system of wagering. The rules, regulations and
14 conditions shall provide for the prevention of practices
15 detrimental to the public interest and for the best interests
16 of horse racing, and shall prescribe penalties for violations
17 thereof. Any authority granted the Board under this Act shall
18 extend to its jurisdiction and supervision over county fairs,
19 or their agents, licensed pursuant to this subsection. However,
20 the Board may waive any provision of this Act or its rules or
21 regulations which would otherwise apply to such county fairs or
22 their agents.

23 (o) Whenever the Board is authorized or required by law to
24 consider some aspect of criminal history record information for
25 the purpose of carrying out its statutory powers and
26 responsibilities, then, upon request and payment of fees in

1 conformance with the requirements of Section 2605-400 of the
2 Department of State Police Law (20 ILCS 2605/2605-400), the
3 Department of State Police is authorized to furnish, pursuant
4 to positive identification, such information contained in
5 State files as is necessary to fulfill the request.

6 (p) To insure the convenience, comfort, and waging
7 accessibility of race track patrons, to provide for the
8 maximization of State revenue, and to generate increases in
9 purse allotments to the horsemen, the Board shall require any
10 licensee to staff the pari-mutuel department with adequate
11 personnel.

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

13 (230 ILCS 5/15) (from Ch. 8, par. 37-15)

14 Sec. 15. (a) The Board shall, in its discretion, issue
15 occupation licenses to horse owners, trainers, harness
16 drivers, jockeys, agents, apprentices, grooms, stable foremen,
17 exercise persons, veterinarians, valets, blacksmiths,
18 concessionaires and others designated by the Board whose work,
19 in whole or in part, is conducted upon facilities within the
20 State. Such occupation licenses will be obtained prior to the
21 persons engaging in their vocation upon such facilities. The
22 Board shall not license pari-mutuel clerks, parking
23 attendants, security guards and employees of concessionaires.
24 No occupation license shall be required of any person who works
25 at facilities within this State as a pari-mutuel clerk, parking

1 attendant, security guard or as an employee of a
2 concessionaire. Concessionaires of the Illinois State Fair and
3 DuQuoin State Fair and employees of the Illinois Department of
4 Agriculture shall not be required to obtain an occupation
5 license by the Board.

6 (b) Each application for an occupation license shall be on
7 forms prescribed by the Board. Such license, when issued, shall
8 be for the period ending December 31 of each year, except that
9 the Board in its discretion may grant 3-year licenses. The
10 application shall be accompanied by a fee of not more than \$25
11 per year or, in the case of 3-year occupation license
12 applications, a fee of not more than \$60. Each applicant shall
13 set forth in the application his full name and address, and if
14 he had been issued prior occupation licenses or has been
15 licensed in any other state under any other name, such name,
16 his age, whether or not a permit or license issued to him in
17 any other state has been suspended or revoked and if so whether
18 such suspension or revocation is in effect at the time of the
19 application, and such other information as the Board may
20 require. Fees for registration of stable names shall not exceed
21 \$50.00.

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

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

25 (2) who is unqualified to perform the duties required
26 of such applicant;

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

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

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

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

8 (1) for violation of any of the provisions of this Act;
9 or

10 (2) for violation of any of the rules or regulations of
11 the Board; or

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

15 (4) for any other just cause.

16 (e) Each applicant shall submit his or her fingerprints
17 to the Department of State Police in the form and manner
18 prescribed by the Department of State Police. These
19 fingerprints shall be checked against the fingerprint records
20 now and hereafter filed in the Department of State Police and
21 Federal Bureau of Investigation criminal history records
22 databases. The Department of State Police shall charge a fee
23 for conducting the criminal history records check, which shall
24 be deposited in the State Police Services Fund and shall not
25 exceed the actual cost of the records check. The Department of
26 State Police shall furnish, pursuant to positive

1 identification, records of conviction to the Board. Each
2 applicant for licensure shall submit with his occupation
3 license application, on forms provided by the Board, 2 sets of
4 his fingerprints. All such applicants shall appear in person at
5 the location designated by the Board for the purpose of
6 submitting such sets of fingerprints; however, with the prior
7 approval of a State steward, an applicant may have such sets of
8 fingerprints taken by an official law enforcement agency and
9 submitted to the Board.

10 (f) The Board may, in its discretion, issue an occupation
11 license without submission of fingerprints ~~if an applicant has~~
12 ~~been duly licensed in another recognized racing jurisdiction~~
13 ~~after submitting fingerprints that were subjected to a Federal~~
14 ~~Bureau of Investigation criminal history background check in~~
15 ~~that jurisdiction.~~

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

17 (230 ILCS 5/15.1) (from Ch. 8, par. 37-15.1)

18 Sec. 15.1. Upon collection of the fee accompanying the
19 application for an occupation license, the Board shall be
20 authorized to make daily temporary deposits of the fees, for a
21 period not to exceed 7 days, with the horsemen's bookkeeper at
22 a race meeting. The horsemen's bookkeeper shall issue a check,
23 payable to the order of the Illinois Racing Board, for monies
24 deposited under this Section within 24 hours of receipt of the
25 monies. Provided however, upon the issuance of the check by the

1 horsemen's bookkeeper the check shall be deposited into the
2 Horse Racing Fund ~~in the State Treasury in accordance with the~~
3 ~~provisions of the "State Officers and Employees Money~~
4 ~~Disposition Act", approved June 9, 1911, as amended.~~

5 (Source: P.A. 84-432.)

6 (230 ILCS 5/18) (from Ch. 8, par. 37-18)

7 Sec. 18. (a) Together with its application, each applicant
8 for racing dates shall deliver to the Board a certified check
9 or bank draft payable to the order of the Board for \$1,000. In
10 the event the applicant applies for racing dates in 2 or 3
11 successive calendar years as provided in subsection (b) of
12 Section 21, the fee shall be \$2,000. Filing fees shall not be
13 refunded in the event the application is denied. All filing
14 fees shall be deposited into the Horse Racing Fund.

15 (b) In addition to the filing fee of \$1000 and the fees
16 provided in subsection (j) of Section 20, each organization
17 licensee shall pay a license fee of \$100 for each racing
18 program on which its daily pari-mutuel handle is \$400,000 or
19 more but less than \$700,000, and a license fee of \$200 for each
20 racing program on which its daily pari-mutuel handle is
21 \$700,000 or more. The additional fees required to be paid under
22 this Section by this amendatory Act of 1982 shall be remitted
23 by the organization licensee to the Illinois Racing Board with
24 each day's graduated privilege tax or pari-mutuel tax and
25 breakage as provided under Section 27.

1 (c) Sections 11-42-1, 11-42-5, and 11-54-1 of the "Illinois
2 Municipal Code," approved May 29, 1961, as now or hereafter
3 amended, shall not apply to any license under this Act.

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

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

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

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

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

22 (3) to any person who has been convicted of the
23 violation of any law of the United States or any State law
24 which provided as all or part of its penalty imprisonment
25 in any penal institution; to any person against whom there

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

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

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

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

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

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

4 (230 ILCS 5/20) (from Ch. 8, par. 37-20)

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

9 (1) the dates on which it intends to conduct the horse
10 race meeting, which dates shall be provided under Section
11 21;

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

14 (3) the location where it proposes to conduct the
15 meeting; and

16 (4) any other information the Board may reasonably
17 require.

18 (b) A separate application for an organization license
19 shall be filed for each horse race meeting which such person
20 proposes to hold. Any such application, if made by an
21 individual, or by any individual as trustee, shall be signed
22 and verified under oath by such individual. If made by
23 individuals or a partnership, it shall be signed and verified
24 under oath by at least 2 of such individuals or members of such
25 partnership as the case may be. If made by an association,

1 corporation, corporate trustee or any other entity, it shall be
2 signed by the president and attested by the secretary or
3 assistant secretary under the seal of such association, trust
4 or corporation if it has a seal, and shall also be verified
5 under oath by one of the signing officers.

6 (c) The application shall specify the name of the persons,
7 association, trust, or corporation making such application and
8 the post office address of the applicant; if the applicant is a
9 trustee, the names and addresses of the beneficiaries; if a
10 corporation, the names and post office addresses of all
11 officers, stockholders and directors; or if such stockholders
12 hold stock as a nominee or fiduciary, the names and post office
13 addresses of these persons, partnerships, corporations, or
14 trusts who are the beneficial owners thereof or who are
15 beneficially interested therein; and if a partnership, the
16 names and post office addresses of all partners, general or
17 limited; if the applicant is a corporation, the name of the
18 state of its incorporation shall be specified.

19 (d) The applicant shall execute and file with the Board a
20 good faith affirmative action plan to recruit, train, and
21 upgrade minorities in all classifications within the
22 association.

23 (e) With such application there shall be delivered to the
24 Board a certified check or bank draft payable to the order of
25 the Board for an amount equal to \$1,000. All applications for
26 the issuance of an organization license shall be filed with the

1 Board before August 1 of the year prior to the year for which
2 application is made and shall be acted upon by the Board at a
3 meeting to be held on such date as shall be fixed by the Board
4 during the last 15 days of September of such prior year. At
5 such meeting, the Board shall announce the award of the racing
6 meets, live racing schedule, and designation of host track to
7 the applicants and its approval or disapproval of each
8 application. No announcement shall be considered binding until
9 a formal order is executed by the Board, which shall be
10 executed no later than October 15 of that prior year. Absent
11 the agreement of the affected organization licensees, the Board
12 shall not grant overlapping race meetings to 2 or more tracks
13 that are within 100 miles of each other to conduct the
14 thoroughbred racing.

15 (e-1) In awarding standardbred racing dates for calendar
16 year 2012 and thereafter, the Board shall award at least 310
17 racing days, and each organization licensees shall average at
18 least 12 races for each racing day awarded. The Board shall
19 have the discretion to allocate those racing days among
20 organization licensees requesting standardbred race dates.
21 Once awarded by the Board, organization licensees awarded
22 standardbred dates shall run at least 3,500 races in total
23 during that calendar year.

24 (e-2) In awarding racing dates for calendar year 2011 and
25 thereafter, the Board shall award racing dates and the
26 organization licensees shall run at least 2,500 thoroughbred

1 races at Cook County race tracks and 700 thoroughbred races at
2 a race track in Madison County each year. In awarding racing
3 dates under this subsection (e-2), the Board shall have the
4 discretion to allocate those racing dates among organization
5 licensees.

6 (e-3) The Board shall ensure that each organization
7 licensee shall individually run a sufficient number of races
8 per year to qualify for an electronic gaming license under
9 Section 7.6 of the Illinois Gambling Act.

10 (e-4) Notwithstanding the provisions of Section 7.6 of the
11 Illinois Gambling Act, for each calendar year for which an
12 electronic gaming licensee requests a number of live racing
13 days under its organization license that is less than the
14 number of days of live racing awarded in 2009 for its race
15 track facility, the electronic gaming licensee may not conduct
16 electronic gaming for the calendar year of such requested
17 racing days. The number of days of live racing may be adjusted,
18 on a year-by-year basis, because of weather or unsafe track
19 conditions due to acts of God or an agreement between the
20 organization licensee and the association representing the
21 largest number of owners, trainers, or standardbred drivers who
22 race horses at that organization licensee's racing meeting.

23 (e-5) In reviewing an application for the purpose of
24 granting an organization license consistent with the best
25 interests of the public and the sport of horse racing, the
26 Board shall consider:

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

4 (i) controls the applicant, directly or
5 indirectly, or

6 (ii) is controlled, directly or indirectly, by
7 that applicant or by a person who controls, directly or
8 indirectly, that applicant;

9 (2) the applicant's facilities or proposed facilities
10 for conducting horse racing;

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

14 (4) the applicant's good faith affirmative action plan
15 to recruit, train, and upgrade minorities in all employment
16 classifications;

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

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

22 (7) an agreement, if any, among organization licensees
23 as provided in subsection (b) of Section 21 of this Act;
24 and

25 (8) the extent to which the applicant exceeds or meets
26 other standards for the issuance of an organization license

1 that the Board shall adopt by rule.

2 In granting organization licenses and allocating dates for
3 horse race meetings, the Board shall have discretion to
4 determine an overall schedule, including required simulcasts
5 of Illinois races by host tracks that will, in its judgment, be
6 conducive to the best interests of the public and the sport of
7 horse racing.

8 (e-10) The Illinois Administrative Procedure Act shall
9 apply to administrative procedures of the Board under this Act
10 for the granting of an organization license, except that (1)
11 notwithstanding the provisions of subsection (b) of Section
12 10-40 of the Illinois Administrative Procedure Act regarding
13 cross-examination, the Board may prescribe rules limiting the
14 right of an applicant or participant in any proceeding to award
15 an organization license to conduct cross-examination of
16 witnesses at that proceeding where that cross-examination
17 would unduly obstruct the timely award of an organization
18 license under subsection (e) of Section 20 of this Act; (2) the
19 provisions of Section 10-45 of the Illinois Administrative
20 Procedure Act regarding proposals for decision are excluded
21 under this Act; (3) notwithstanding the provisions of
22 subsection (a) of Section 10-60 of the Illinois Administrative
23 Procedure Act regarding ex parte communications, the Board may
24 prescribe rules allowing ex parte communications with
25 applicants or participants in a proceeding to award an
26 organization license where conducting those communications

1 would be in the best interest of racing, provided all those
2 communications are made part of the record of that proceeding
3 pursuant to subsection (c) of Section 10-60 of the Illinois
4 Administrative Procedure Act; (4) the provisions of Section 14a
5 of this Act and the rules of the Board promulgated under that
6 Section shall apply instead of the provisions of Article 10 of
7 the Illinois Administrative Procedure Act regarding
8 administrative law judges; and (5) the provisions of subsection
9 (d) of Section 10-65 of the Illinois Administrative Procedure
10 Act that prevent summary suspension of a license pending
11 revocation or other action shall not apply.

12 (f) The Board may allot racing dates to an organization
13 licensee for more than one calendar year but for no more than 3
14 successive calendar years in advance, provided that the Board
15 shall review such allotment for more than one calendar year
16 prior to each year for which such allotment has been made. The
17 granting of an organization license to a person constitutes a
18 privilege to conduct a horse race meeting under the provisions
19 of this Act, and no person granted an organization license
20 shall be deemed to have a vested interest, property right, or
21 future expectation to receive an organization license in any
22 subsequent year as a result of the granting of an organization
23 license. Organization licenses shall be subject to revocation
24 if the organization licensee has violated any provision of this
25 Act or the rules and regulations promulgated under this Act or
26 has been convicted of a crime or has failed to disclose or has

1 stated falsely any information called for in the application
2 for an organization license. Any organization license
3 revocation proceeding shall be in accordance with Section 16
4 regarding suspension and revocation of occupation licenses.

5 (f-5) If, (i) an applicant does not file an acceptance of
6 the racing dates awarded by the Board as required under part
7 (1) of subsection (h) of this Section 20, or (ii) an
8 organization licensee has its license suspended or revoked
9 under this Act, the Board, upon conducting an emergency hearing
10 as provided for in this Act, may reaward on an emergency basis
11 pursuant to rules established by the Board, racing dates not
12 accepted or the racing dates associated with any suspension or
13 revocation period to one or more organization licensees, new
14 applicants, or any combination thereof, upon terms and
15 conditions that the Board determines are in the best interest
16 of racing, provided, the organization licensees or new
17 applicants receiving the awarded racing dates file an
18 acceptance of those reawarded racing dates as required under
19 paragraph (1) of subsection (h) of this Section 20 and comply
20 with the other provisions of this Act. The Illinois
21 Administrative Procedure ~~Procedures~~ Act shall not apply to the
22 administrative procedures of the Board in conducting the
23 emergency hearing and the reallocation of racing dates on an
24 emergency basis.

25 (g) (Blank).

26 (h) The Board shall send the applicant a copy of its

1 formally executed order by certified mail addressed to the
2 applicant at the address stated in his application, which
3 notice shall be mailed within 5 days of the date the formal
4 order is executed.

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

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

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

11 (3) file with the Board the bonds required in Sections
12 21 and 25 at least 20 days prior to the first day of each
13 race meeting.

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

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

20 (Source: P.A. 91-40, eff. 6-25-99; revised 9-16-10.)

21 (230 ILCS 5/24) (from Ch. 8, par. 37-24)

22 Sec. 24. (a) No license shall be issued to or held by an
23 organization licensee unless all of its officers, directors,
24 and holders of ownership interests of at least 5% are first
25 approved by the Board. The Board shall not give approval of an

1 organization license application to any person who has been
2 convicted of or is under an indictment for a crime of moral
3 turpitude or has violated any provision of the racing law of
4 this State or any rules of the Board.

5 (b) An organization licensee must notify the Board within
6 10 days of any change in the holders of a direct or indirect
7 interest in the ownership of the organization licensee. The
8 Board may, after hearing, revoke the organization license of
9 any person who registers on its books or knowingly permits a
10 direct or indirect interest in the ownership of that person
11 without notifying the Board of the name of the holder in
12 interest within this period.

13 (c) In addition to the provisions of subsection (a) of this
14 Section, no person shall be granted an organization license if
15 any public official of the State or member of his or her family
16 holds any ownership or financial interest, directly or
17 indirectly, in the person.

18 (d) No person which has been granted an organization
19 license to hold a race meeting shall give to any public
20 official or member of his family, directly or indirectly, for
21 or without consideration, any interest in the person. The Board
22 shall, after hearing, revoke the organization license granted
23 to a person which has violated this subsection.

24 (e) (Blank).

25 (f) No organization licensee or concessionaire or officer,
26 director or holder or controller of 5% or more legal or

1 beneficial interest in any organization licensee or concession
2 shall make any sort of gift or contribution that is prohibited
3 under Article 10 of the State Officials and Employees Ethics
4 Act of any kind or pay or give any money or other thing of value
5 to any person who is a public official, or a candidate or
6 nominee for public office if that payment or gift is prohibited
7 under Article 10 of the State Officials and Employees Ethics
8 Act.

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

10 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

11 Sec. 26. Wagering.

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

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

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

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

1 (c-5) Beginning January 1, 2000, the sum held by any
2 licensee for payment of outstanding pari-mutuel tickets, if
3 unclaimed prior to December 31 of the next year, shall be
4 retained by the licensee for payment of such tickets until that
5 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 and advance deposit wagering licensees
9 shall carry the signal of and accept wagers on live racing of
10 all organization licensees. Advance deposit wagering licensees
11 shall not be permitted to accept out-of-state wagers on any
12 Illinois signal provided pursuant to this Section without the
13 approval and consent of the organization licensee providing the
14 signal. Non-host licensees may carry the host track simulcast
15 program and shall accept wagers on all races included as part
16 of the simulcast program upon which wagering is permitted. All
17 organization licensees shall provide their live signal to all
18 advance deposit wagering licensees for a simulcast commission
19 fee not to exceed 6% of the advance deposit wagering licensee's
20 Illinois handle on the organization licensee's signal without
21 prior approval by the Board. The Board may adopt rules under
22 which it may permit simulcast commission fees in excess of 6%.
23 The Board shall adopt rules limiting the interstate commission
24 fees charged to an advance deposit wagering licensee. The Board
25 shall adopt rules regarding advance deposit wagering on
26 interstate simulcast races that shall reflect, among other

1 things, the General Assembly's desire to maximize revenues to
2 the State, horsemen purses, and organizational licensees.
3 However, organization licensees providing live signals
4 pursuant to the requirements of this subsection (g) may
5 petition the Board to withhold their live signals from an
6 advance deposit wagering licensee if the organization licensee
7 discovers and the Board finds reputable or credible information
8 that the advance deposit wagering licensee is under
9 investigation by another state or federal governmental agency,
10 the advance deposit wagering licensee's license has been
11 suspended in another state, or the advance deposit wagering
12 licensee's license is in revocation proceedings in another
13 state. The organization licensee's provision of their live
14 signal to an advance deposit wagering licensee under this
15 subsection (g) pertains to wagers placed from within Illinois.
16 Advance deposit wagering licensees may place advance deposit
17 wagering terminals at wagering facilities as a convenience to
18 customers. The advance deposit wagering licensee shall not
19 charge or collect any fee from purses for the placement of the
20 advance deposit wagering terminals. The costs and expenses of
21 the host track and non-host licensees associated with
22 interstate simulcast wagering, other than the interstate
23 commission fee, shall be borne by the host track and all
24 non-host licensees incurring these costs. The interstate
25 commission fee shall not exceed 5% of Illinois handle on the
26 interstate simulcast race or races without prior approval of

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

7 Notwithstanding any other provision of this Act, for a
8 period of 3 years after the effective date of this amendatory
9 Act of the 96th General Assembly, an organization licensee may
10 maintain a system whereby advance deposit wagering may take
11 place or an organization licensee, with the consent of the
12 horsemen association representing the largest number of
13 owners, trainers, jockeys, or standardbred drivers who race
14 horses at that organization licensee's racing meeting, may
15 contract with another person to carry out a system of advance
16 deposit wagering. Such consent may not be unreasonably
17 withheld. All advance deposit wagers placed from within
18 Illinois must be placed through a Board-approved advance
19 deposit wagering licensee; no other entity may accept an
20 advance deposit wager from a person within Illinois. All
21 advance deposit wagering is subject to any rules adopted by the
22 Board. The Board may adopt rules necessary to regulate advance
23 deposit wagering through the use of emergency rulemaking in
24 accordance with Section 5-45 of the Illinois Administrative
25 Procedure Act. The General Assembly finds that the adoption of
26 rules to regulate advance deposit wagering is deemed an

1 emergency and necessary for the public interest, safety, and
2 welfare. An advance deposit wagering licensee may retain all
3 moneys as agreed to by contract with an organization licensee.
4 Any moneys retained by the organization licensee from advance
5 deposit wagering, not including moneys retained by the advance
6 deposit wagering licensee, shall be paid 50% to the
7 organization licensee's purse account and 50% to the
8 organization licensee. If more than one breed races at the same
9 race track facility, then the 50% of the moneys to be paid to
10 an organization licensee's purse account shall be allocated
11 among all organization licensees' purse accounts operating at
12 that race track facility proportionately based on the actual
13 number of host days that the Board grants to that breed at that
14 race track facility in the current calendar year. To the extent
15 any fees from advance deposit wagering conducted in Illinois
16 for wagers in Illinois or other states have been placed in
17 escrow or otherwise withheld from wagers pending a
18 determination of the legality of advance deposit wagering, no
19 action shall be brought to declare such wagers or the
20 disbursement of any fees previously escrowed illegal.

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

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

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

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

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

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

23 (5) After the payment of the interstate commission fee
24 (except for the interstate commission fee on a supplemental
25 interstate simulcast, which shall be paid by the host track
26 and by each non-host licensee through the host-track) and

1 all applicable State and local taxes, except as provided in
2 subsection (g) of Section 27 of this Act, the remainder of
3 moneys retained from simulcast wagering pursuant to this
4 subsection (g), and Section 26.2 shall be divided as
5 follows:

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

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

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

24 (7) Notwithstanding any provision of this Act to the
25 contrary, after payment of all applicable State and local
26 taxes and interstate commission fees, non-host licensees

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (B) Twenty percent to the Illinois Colt Stakes
2 Purse Distribution Fund.

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

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

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

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

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

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

1 (9) (Blank).

2 (10) (Blank).

3 (11) (Blank).

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

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

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

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

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

18 (1) Any person licensed to conduct a race meeting (i)
19 at a track where 60 or more days of racing were conducted
20 during the immediately preceding calendar year or where
21 over the 5 immediately preceding calendar years an average
22 of 30 or more days of racing were conducted annually may be
23 issued an inter-track wagering license; (ii) at a track
24 located in a county that is bounded by the Mississippi
25 River, which has a population of less than 150,000
26 according to the 1990 decennial census, and an average of

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

1 bank draft payable to the order of the Board for an amount
2 equal to \$500. The application shall be on forms prescribed
3 and furnished by the Board. The application shall comply
4 with all other rules, regulations and conditions imposed by
5 the Board in connection therewith.

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

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

19 (4) Prior to the issuance of a license to conduct
20 inter-track wagering and simulcast wagering, the applicant
21 shall file with the Board a bond payable to the State of
22 Illinois in the sum of \$50,000, executed by the applicant
23 and a surety company or companies authorized to do business
24 in this State, and conditioned upon (i) the payment by the
25 licensee of all taxes due under Section 27 or 27.1 and any
26 other monies due and payable under this Act, and (ii)

1 distribution by the licensee, upon presentation of the
2 winning ticket or tickets, of all sums payable to the
3 patrons of pari-mutuel pools.

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

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

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

17 (8) Inter-track wagering or simulcast wagering shall
18 not be conducted at any track less than 4 ~~5~~ miles from a
19 track at which a racing meeting is in progress.

20 (8.1) Inter-track wagering location licensees who
21 derive their licenses from a particular organization
22 licensee shall conduct inter-track wagering and simulcast
23 wagering only at locations which are either within 90 miles
24 of that race track where the particular organization
25 licensee is licensed to conduct racing, or within 135 miles
26 of that race track where the particular organization

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

12 (8.2) Inter-track wagering or simulcast wagering shall
13 not be conducted by an inter-track wagering location
14 licensee at any location within 500 feet of an existing
15 church, an ~~or~~ existing elementary or secondary public
16 school, or an existing elementary or secondary private
17 school registered with or recognized by the State Board of
18 Education ~~school~~, nor within 500 feet of the residences of
19 more than 50 registered voters without receiving written
20 permission from a majority of the registered voters at such
21 residences. Such written permission statements shall be
22 filed with the Board. The distance of 500 feet shall be
23 measured to the nearest part of any building used for
24 worship services, education programs, residential
25 purposes, or conducting inter-track wagering by an
26 inter-track wagering location licensee, and not to

1 property boundaries. However, inter-track wagering or
2 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. 96-762, eff. 8-25-09.)

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). In addition
4 to the pari-mutuel tax imposed on advance deposit wagering
5 pursuant to this subsection (a-5), an additional pari-mutuel
6 tax at the rate of 0.25% shall be imposed on advance deposit
7 wagering, the amount of which shall not exceed \$250,000 in each
8 calendar year. The additional 0.25% pari-mutuel tax imposed on
9 advance deposit wagering by this amendatory Act of the 96th
10 General Assembly shall be deposited into the Quarter Horse
11 Purse Fund, which shall be created as a non-appropriated trust
12 fund administered by the Board for grants to thoroughbred
13 organization licensees for payment of purses for quarter horse
14 races conducted by the organization licensee. Thoroughbred
15 organization licensees may petition the Board to conduct
16 quarter horse racing and receive purse grants from the Quarter
17 Horse Purse Fund. The Board shall have complete discretion in
18 distributing the Quarter Horse Purse Fund to the petitioning
19 organization licensees. Beginning on the effective date of this
20 amendatory Act of the 96th General Assembly and until moneys
21 deposited pursuant to Section 54 are distributed and received,
22 a pari-mutuel tax at the rate of 0.75% of the daily pari-mutuel
23 handle is imposed at a pari-mutuel facility whose license is
24 derived from a track located in a county that borders the
25 Mississippi River and conducted live racing in the previous
26 year. After moneys deposited pursuant to Section 54 are

1 distributed and received, a pari-mutuel tax at the rate of 1.5%
2 of the daily pari-mutuel handle is imposed at a pari-mutuel
3 facility whose license is derived from a track located in a
4 county that borders the Mississippi River and conducted live
5 racing in the previous year. The pari-mutuel tax imposed by
6 this subsection (a-5) shall be remitted to the Department of
7 Revenue within 48 hours after the close of the racing day upon
8 which it is assessed or within such other time as the Board
9 prescribes.

10 (a-10) Beginning on the date when an organization licensee
11 begins conducting electronic gaming pursuant to an electronic
12 gaming license, the following pari-mutuel tax is imposed upon
13 an organization licensee on Illinois races at the licensee's
14 race track:

15 1.5% of the pari-mutuel handle at or below the average
16 daily pari-mutuel handle for 2010.

17 2% of the pari-mutuel handle above the average daily
18 pari-mutuel handle for 2010 up to 125% of the average daily
19 pari-mutuel handle for 2010.

20 2.5% of the pari-mutuel handle 125% or more above the
21 average daily pari-mutuel handle for 2010 up to 150% of the
22 average daily pari-mutuel handle for 2010.

23 3% of the pari-mutuel handle 150% or more above the
24 average daily pari-mutuel handle for 2010 up to 175% of the
25 average daily pari-mutuel handle for 2010.

26 3.5% of the pari-mutuel handle 175% or more above the

1 average daily pari-mutuel handle for 2010.

2 The pari-mutuel tax imposed by this subsection (a-10) shall
3 be remitted to the Board within 48 hours after the close of the
4 racing day upon which it is assessed or within such other time
5 as the Board prescribes.

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

12 (c) Licensees shall at all times keep accurate books and
13 records of all monies wagered on each day of a race meeting and
14 of the taxes paid to the Department of Revenue under the
15 provisions of this Section. The Board or its duly authorized
16 representative or representatives shall at all reasonable
17 times have access to such records for the purpose of examining
18 and checking the same and ascertaining whether the proper
19 amount of taxes is being paid as provided. The Board shall
20 require verified reports and a statement of the total of all
21 monies wagered daily at each wagering facility upon which the
22 taxes are assessed and may prescribe forms upon which such
23 reports and statement shall be made.

24 (d) Any licensee failing or refusing to pay the amount of
25 any tax due under this Section shall be guilty of a business
26 offense and upon conviction shall be fined not more than \$5,000

1 in addition to the amount found due as tax under this Section.
2 Each day's violation shall constitute a separate offense. All
3 fines paid into Court by a licensee hereunder shall be
4 transmitted and paid over by the Clerk of the Court to the
5 Board.

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

9 (f) No other license fee, privilege tax, excise tax or
10 racing fee shall be assessed or collected from any such
11 licensee by units of local government except as provided in
12 paragraph 10.1 of subsection (h) and subsection (f) of Section
13 26 of this Act. However, any municipality that has a Board
14 licensed horse race meeting at a race track wholly within its
15 corporate boundaries or a township that has a Board licensed
16 horse race meeting at a race track wholly within the
17 unincorporated area of the township may charge a local
18 amusement tax not to exceed 10¢ per admission to such horse
19 race meeting by the enactment of an ordinance. However, any
20 municipality or county that has a Board licensed inter-track
21 wagering location facility wholly within its corporate
22 boundaries may each impose an admission fee not to exceed \$1.00
23 per admission to such inter-track wagering location facility,
24 so that a total of not more than \$2.00 per admission may be
25 imposed. Except as provided in subparagraph (g) of Section 27
26 of this Act, the inter-track wagering location licensee shall

1 collect any and all such fees and within 48 hours remit the
2 fees to the Board, which shall, pursuant to rule, cause the
3 fees to be distributed to the county or municipality.

4 (g) Notwithstanding any provision in this Act to the
5 contrary, if in any calendar year the total taxes and fees from
6 wagering on live racing and from inter-track wagering required
7 to be collected from licensees and distributed under this Act
8 to all State and local governmental authorities exceeds the
9 amount of such taxes and fees distributed to each State and
10 local governmental authority to which each State and local
11 governmental authority was entitled under this Act for calendar
12 year 1994, then the first \$11 million of that excess amount
13 shall be allocated at the earliest possible date for
14 distribution as purse money for the succeeding calendar year.
15 Upon reaching the 1994 level, and until the excess amount of
16 taxes and fees exceeds \$11 million, the Board shall direct all
17 licensees to cease paying the subject taxes and fees and the
18 Board shall direct all licensees to allocate any such excess
19 amount for purses as follows:

20 (i) the excess amount shall be initially divided
21 between thoroughbred and standardbred purses based on the
22 thoroughbred's and standardbred's respective percentages
23 of total Illinois live wagering in calendar year 1994;

24 (ii) each thoroughbred and standardbred organization
25 licensee issued an organization licensee in that
26 succeeding allocation year shall be allocated an amount

1 equal to the product of its percentage of total Illinois
2 live thoroughbred or standardbred wagering in calendar
3 year 1994 (the total to be determined based on the sum of
4 1994 on-track wagering for all organization licensees
5 issued organization licenses in both the allocation year
6 and the preceding year) multiplied by the total amount
7 allocated for standardbred or thoroughbred purses,
8 provided that the first \$1,500,000 of the amount allocated
9 to standardbred purses under item (i) shall be allocated to
10 the Department of Agriculture to be expended with the
11 assistance and advice of the Illinois Standardbred
12 Breeders Funds Advisory Board for the purposes listed in
13 subsection (g) of Section 31 of this Act, before the amount
14 allocated to standardbred purses under item (i) is
15 allocated to standardbred organization licensees in the
16 succeeding allocation year.

17 To the extent the excess amount of taxes and fees to be
18 collected and distributed to State and local governmental
19 authorities exceeds \$11 million, that excess amount shall be
20 collected and distributed to State and local authorities as
21 provided for under this Act.

22 (Source: P.A. 96-762, eff. 8-25-09; 96-1287, eff. 7-26-10.)

23 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

24 Sec. 28. Except as provided in subsection (g) of Section 27
25 of this Act, moneys collected shall be distributed according to

1 the provisions of this Section 28.

2 (a) Thirty per cent of the total of all monies received by
3 the State as privilege taxes shall be paid into the
4 Metropolitan Exposition Auditorium and Office Building Fund in
5 the State Treasury.

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

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

13 (d) Seven per cent of the total of all monies received by
14 the State as privilege taxes shall be paid into the Fair and
15 Exposition Fund in the State treasury; provided, however, that
16 when all bonds issued prior to July 1, 1984 by the Metropolitan
17 Fair and Exposition Authority shall have been paid or payment
18 shall have been provided for upon a refunding of those bonds,
19 thereafter 1/12 of \$1,665,662 of such monies shall be paid each
20 month into the Build Illinois Fund, and the remainder into the
21 Fair and Exposition Fund. All excess monies shall be allocated
22 to the Department of Agriculture for distribution to county
23 fairs for premiums and rehabilitation as set forth in the
24 Agricultural Fair Act.

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

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

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

8 (h) All other monies received by the Board under this Act
9 shall be paid into the Horse Racing Fund ~~General Revenue Fund~~
10 ~~of the State~~.

11 (i) The salaries of the Board members, secretary, stewards,
12 directors of mutuels, veterinarians, representatives,
13 accountants, clerks, stenographers, inspectors and other
14 employees of the Board, and all expenses of the Board incident
15 to the administration of this Act, including, but not limited
16 to, all expenses and salaries incident to the taking of saliva
17 and urine samples in accordance with the rules and regulations
18 of the Board shall be paid out of the Agricultural Premium
19 Fund.

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

21 (1) for the expenses of operating the Illinois State
22 Fair and the DuQuoin State Fair, including the payment of
23 prize money or premiums;

24 (2) for the distribution to county fairs, vocational
25 agriculture section fairs, agricultural societies, and
26 agricultural extension clubs in accordance with the

1 Agricultural Fair Act, as amended;

2 (3) for payment of prize monies and premiums awarded
3 and for expenses incurred in connection with the
4 International Livestock Exposition and the Mid-Continent
5 Livestock Exposition held in Illinois, which premiums, and
6 awards must be approved, and paid by the Illinois
7 Department of Agriculture;

8 (4) for personal service of county agricultural
9 advisors and county home advisors;

10 (5) for distribution to agricultural home economic
11 extension councils in accordance with "An Act in relation
12 to additional support and finance for the Agricultural and
13 Home Economic Extension Councils in the several counties in
14 this State and making an appropriation therefor", approved
15 July 24, 1967, as amended;

16 (6) for research on equine disease, including a
17 development center therefor;

18 (7) for training scholarships for study on equine
19 diseases to students at the University of Illinois College
20 of Veterinary Medicine;

21 (8) for the rehabilitation, repair and maintenance of
22 the Illinois and DuQuoin State Fair Grounds and the
23 structures and facilities thereon and the construction of
24 permanent improvements on such Fair Grounds, including
25 such structures, facilities and property located on such
26 State Fair Grounds which are under the custody and control

1 of the Department of Agriculture;

2 (9) for the expenses of the Department of Agriculture
3 under Section 5-530 of the Departments of State Government
4 Law (20 ILCS 5/5-530);

5 (10) for the expenses of the Department of Commerce and
6 Economic Opportunity under Sections 605-620, 605-625, and
7 605-630 of the Department of Commerce and Economic
8 Opportunity Law (20 ILCS 605/605-620, 605/605-625, and
9 605/605-630);

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

14 (12) for the purpose of assisting in the care and
15 general rehabilitation of disabled veterans of any war and
16 their surviving spouses and orphans;

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

19 (14) for the Department of Agriculture for soil surveys
20 and soil and water conservation purposes;

21 (15) for the Department of Agriculture for grants to
22 the City of Chicago for conducting the Chicagofest;

23 (16) for the State Comptroller for grants and operating
24 expenses authorized by the Illinois Global Partnership
25 Act.

26 (k) To the extent that monies paid by the Board to the

1 Agricultural Premium Fund are in the opinion of the Governor in
2 excess of the amount necessary for the purposes herein stated,
3 the Governor shall notify the Comptroller and the State
4 Treasurer of such fact, who, upon receipt of such notification,
5 shall transfer such excess monies from the Agricultural Premium
6 Fund to the General Revenue Fund.

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

8 (230 ILCS 5/28.1)

9 Sec. 28.1. Payments.

10 (a) Beginning on January 1, 2000, moneys collected by the
11 Department of Revenue and the Racing Board pursuant to Section
12 26 or Section 27 of this Act shall be deposited into the Horse
13 Racing Fund, which is hereby created as a special fund in the
14 State Treasury.

15 (b) Appropriations, as approved by the General Assembly,
16 may be made from the Horse Racing Fund to the Board to pay the
17 salaries of the Board members, secretary, stewards, directors
18 of mutuels, veterinarians, representatives, accountants,
19 clerks, stenographers, inspectors and other employees of the
20 Board, and all expenses of the Board incident to the
21 administration of this Act, including, but not limited to, all
22 expenses and salaries incident to the taking of saliva and
23 urine samples in accordance with the rules and regulations of
24 the Board.

25 (c) Beginning on January 1, 2000, the Board shall transfer

1 the remainder of the funds generated pursuant to Sections 26
2 and 27 from the Horse Racing Fund into the General Revenue
3 Fund.

4 In the event that in any fiscal year, the amount of total
5 funds in the Horse Racing Fund is insufficient to meet the
6 annual operating expenses of the Board, as appropriated by the
7 General Assembly for that fiscal year, the Board shall invoice
8 the organization licensees for the amount of the deficit. The
9 amount of the invoice shall be allocated in a proportionate
10 amount of pari-mutuel wagering handled by the organization
11 licensee in the year preceding assessment and divided by the
12 total pari-mutuel wagering handled by all Illinois
13 organization licensees. The payments shall be made 50% from the
14 organization licensee's account and 50% from the organization
15 licensee's purse account.

16 (d) Beginning January 1, 2000, payments to all programs in
17 existence on the effective date of this amendatory Act of 1999
18 that are identified in Sections 26(c), 26(f), 26(h)(11)(C), and
19 28, subsections (a), (b), (c), (d), (e), (f), (g), and (h) of
20 Section 30, and subsections (a), (b), (c), (d), (e), (f), (g),
21 and (h) of Section 31 shall be made from the General Revenue
22 Fund at the funding levels determined by amounts paid under
23 this Act in calendar year 1998. Beginning on the effective date
24 of this amendatory Act of the 93rd General Assembly, payments
25 to the Peoria Park District shall be made from the General
26 Revenue Fund at the funding level determined by amounts paid to

1 that park district for museum purposes under this Act in
2 calendar year 1994.

3 If an inter-track wagering location licensee's facility
4 changes its location, then the payments associated with that
5 facility under this subsection (d) for museum purposes shall be
6 paid to the park district in the area where the facility
7 relocates, and the payments shall be used for museum purposes.
8 If the facility does not relocate to a park district, then the
9 payments shall be paid to the taxing district that is
10 responsible for park or museum expenditures.

11 (e) Beginning July 1, 2006, the payment authorized under
12 subsection (d) to museums and aquariums located in park
13 districts of over 500,000 population shall be paid to museums,
14 aquariums, and zoos in amounts determined by Museums in the
15 Park, an association of museums, aquariums, and zoos located on
16 Chicago Park District property.

17 (f) Beginning July 1, 2007, the Children's Discovery Museum
18 in Normal, Illinois shall receive payments from the General
19 Revenue Fund at the funding level determined by the amounts
20 paid to the Miller Park Zoo in Bloomington, Illinois under this
21 Section in calendar year 2006.

22 (Source: P.A. 95-222, eff. 8-16-07; 96-562, eff. 8-18-09.)

23 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

24 Sec. 30. (a) The General Assembly declares that it is the
25 policy of this State to encourage the breeding of thoroughbred

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

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

17 (c) Conditions of races under subsection (b) shall be
18 commensurate with past performance, quality, and class of
19 Illinois conceived and foaled and Illinois foaled horses
20 available. If, however, sufficient competition cannot be had
21 among horses of that class on any day, the races may, with
22 consent of the Board, be eliminated for that day and substitute
23 races provided.

24 (d) There is hereby created a special fund of the State
25 Treasury to be known as the Illinois Thoroughbred Breeders
26 Fund.

1 Beginning on the effective date of this amendatory Act of
2 the 96th General Assembly, the Illinois Thoroughbred Breeders
3 Fund shall become a non-appropriated trust fund held separate
4 and apart from State moneys. Expenditures from this fund shall
5 no longer be subject to appropriation.

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

10 Notwithstanding any provision of law to the contrary,
11 amounts deposited into the Illinois Thoroughbred Breeders Fund
12 from revenues generated by electronic gaming after the
13 effective date of this amendatory Act of the 96th General
14 Assembly shall be in addition to tax and fee amounts paid under
15 this Section for calendar year 2010 and thereafter.

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

20 (f) The Illinois Thoroughbred Breeders Fund Advisory Board
21 shall consist of the Director of the Department of Agriculture,
22 who shall serve as Chairman; a member of the Illinois Racing
23 Board, designated by it; 2 representatives of the organization
24 licensees conducting thoroughbred racing meetings, recommended
25 by them; 2 representatives of the Illinois Thoroughbred
26 Breeders and Owners Foundation, recommended by it; one

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

22 (g) ~~No monies shall be expended from the Illinois~~
23 ~~Thoroughbred Breeders Fund except as appropriated by the~~
24 ~~General Assembly.~~ Monies expended ~~appropriated~~ from the
25 Illinois Thoroughbred Breeders Fund shall be expended by the
26 Department of Agriculture, with the advice and assistance of

1 the Illinois Thoroughbred Breeders Fund Advisory Board, for the
2 following purposes only:

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

14 (2) To provide stakes and awards to be paid to the
15 owners of the winning horses in certain races limited to
16 Illinois conceived and foaled and Illinois foaled horses
17 designated as stakes races.

18 (2.5) To provide an award to the owner or owners of an
19 Illinois conceived and foaled or Illinois foaled horse that
20 wins a maiden special weight, an allowance, overnight
21 handicap race, or claiming race with claiming price of
22 \$10,000 or more providing the race is not restricted to
23 Illinois conceived and foaled or Illinois foaled horses.
24 Awards shall also be provided to the owner or owners of
25 Illinois conceived and foaled and Illinois foaled horses
26 that place second or third in those races. To the extent

1 that additional moneys are required to pay the minimum
2 additional awards of 40% of the purse the horse earns for
3 placing first, second or third in those races for Illinois
4 foaled horses and of 60% of the purse the horse earns for
5 placing first, second or third in those races for Illinois
6 conceived and foaled horses, those moneys shall be provided
7 from the purse account at the track where earned.

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

22 (4) To provide \$75,000 annually for purses to be
23 distributed to county fairs that provide for the running of
24 races during each county fair exclusively for the
25 thoroughbreds conceived and foaled in Illinois. The
26 conditions of the races shall be developed by the county

1 fair association and reviewed by the Department with the
2 advice and assistance of the Illinois Thoroughbred
3 Breeders Fund Advisory Board. There shall be no wagering of
4 any kind on the running of Illinois conceived and foaled
5 races at county fairs.

6 (4.1) To provide purse money for an Illinois stallion
7 stakes program.

8 (5) No less than 90% ~~80%~~ of all monies appropriated
9 from the Illinois Thoroughbred Breeders Fund shall be
10 expended for the purposes in (1), (2), (2.5), (3), (4),
11 (4.1), and (5) as shown above.

12 (6) To provide for educational programs regarding the
13 thoroughbred breeding industry.

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

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

18 (9) To provide for dissemination of public information
19 designed to promote the breeding of thoroughbred horses in
20 Illinois.

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

23 (h) The Illinois Thoroughbred Breeders Fund is not subject
24 to administrative charges or charge-backs, including, but not
25 limited to, those authorized under Section 8h of the State
26 Finance Act. ~~Whenever the Governor finds that the amount in the~~

1 ~~Illinois Thoroughbred Breeders Fund is more than the total of~~
2 ~~the outstanding appropriations from such fund, the Governor~~
3 ~~shall notify the State Comptroller and the State Treasurer of~~
4 ~~such fact. The Comptroller and the State Treasurer, upon~~
5 ~~receipt of such notification, shall transfer such excess amount~~
6 ~~from the Illinois Thoroughbred Breeders Fund to the General~~
7 ~~Revenue Fund.~~

8 (i) A sum equal to 13% ~~12 1/2%~~ of the first prize money of
9 every purse won by an Illinois foaled or an Illinois conceived
10 and foaled horse in races not limited to Illinois foaled horses
11 or Illinois conceived and foaled horses, or both, shall be paid
12 by the organization licensee conducting the horse race meeting.
13 Such sum shall be paid 50% from the organization licensee's
14 account and 50% from the purse account of the licensee ~~share of~~
15 ~~the money wagered~~ as follows: 11 1/2% to the breeder of the
16 winning horse and 1 1/2% ~~1%~~ to the organization representing
17 thoroughbred breeders and owners whose representative serves
18 on the Illinois Thoroughbred Breeders Fund Advisory Board for
19 verifying the amounts of breeders' awards earned, assuring
20 their distribution in accordance with this Act, and servicing
21 and promoting the Illinois thoroughbred horse racing industry.
22 The organization representing thoroughbred breeders and owners
23 shall cause all expenditures of monies received under this
24 subsection (i) to be audited at least annually by a registered
25 public accountant. The organization shall file copies of each
26 annual audit with the Racing Board, the Clerk of the House of

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

18 (j) A sum equal to 13% ~~12 1/2%~~ of the first prize money won
19 in each race limited to Illinois foaled horses or Illinois
20 conceived and foaled horses, or both, shall be paid in the
21 following manner by the organization licensee conducting the
22 horse race meeting, 50% from the organization licensee's
23 account and 50% from the purse account of the licensee ~~share of~~
24 ~~the money wagered~~: 11 1/2% to the breeders of the horses in
25 each such race which are the official first, second, third and
26 fourth finishers and 1 1/2% ~~1%~~ to the organization representing

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

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

17 (1) 60% of such sum shall be paid to the breeder of the
18 horse which finishes in the official first position;

19 (2) 20% of such sum shall be paid to the breeder of the
20 horse which finishes in the official second position;

21 (3) 15% of such sum shall be paid to the breeder of the
22 horse which finishes in the official third position; and

23 (4) 5% of such sum shall be paid to the breeder of the
24 horse which finishes in the official fourth position.

25 Such payments shall not reduce any award to the owners of a
26 horse or reduce the taxes payable under this Act. Upon

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

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

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

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

6 (1) Qualify stallions for Illinois breeding; such
7 stallions to stand for service within the State of Illinois
8 at the time of a foal's conception. Such stallion must not
9 stand for service at any place outside the State of
10 Illinois during the calendar year in which the foal is
11 conceived. The Department of Agriculture may assess and
12 collect an application fee of up to \$500 ~~fees~~ for the
13 registration of Illinois-eligible stallions. All fees
14 collected are to be held in trust accounts for the purposes
15 set forth in this Act and in accordance with Section 205-15
16 of the Department of Agriculture Law ~~paid into the Illinois~~
17 ~~Thoroughbred Breeders Fund.~~

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

1 foals. All fees collected are to be held in trust accounts
2 for the purposes set forth in this Act and in accordance
3 with Section 205-15 of the Department of Agriculture Law
4 ~~paid into the Illinois Thoroughbred Breeders Fund.~~ No
5 person shall knowingly prepare or cause preparation of an
6 application for registration of such foals containing
7 false information.

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

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

24 (n) The Board and the organizational licensee shall notify
25 the Department of the conditions and minimum purses for races
26 limited to Illinois conceived and foaled and Illinois foaled

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

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

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

1 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

2 Sec. 31. (a) The General Assembly declares that it is the
3 policy of this State to encourage the breeding of standardbred
4 horses in this State and the ownership of such horses by
5 residents of this State in order to provide for: sufficient
6 numbers of high quality standardbred horses to participate in
7 harness racing meetings in this State, and to establish and
8 preserve the agricultural and commercial benefits of such
9 breeding and racing industries to the State of Illinois. It is
10 the intent of the General Assembly to further this policy by
11 the provisions of this Section of this Act.

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

19 (b-5) Organization licensees, not including the Illinois
20 State Fair or the DuQuoin State Fair, shall provide stake races
21 and early closer races for Illinois conceived and foaled horses
22 so that purses distributed for such races shall be no less than
23 17% of total purses distributed for harness racing in that
24 calendar year in addition to any stakes payments and starting
25 fees contributed by horse owners.

26 (b-10) Each organization licensee conducting a harness

1 racine meeting pursuant to this Act shall provide an owner
2 award to be paid from the purse account equal to 25% of the
3 amount earned by Illinois conceived and foaled horses in races
4 that are not restricted to Illinois conceived and foaled
5 horses. The owner awards shall not be paid on races below the
6 \$10,000 claiming class.

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

13 (d) There is hereby created a special fund of the State
14 Treasury to be known as the Illinois Standardbred Breeders
15 Fund.

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

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

25 (f) The Illinois Standardbred Breeders Fund Advisory Board
26 is hereby created. The Advisory Board shall consist of the

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

25 (g) No monies shall be expended from the Illinois
26 Standardbred Breeders Fund except as appropriated by the

1 General Assembly. Monies appropriated from the Illinois
2 Standardbred Breeders Fund shall be expended by the Department
3 of Agriculture, with the assistance and advice of the Illinois
4 Standardbred Breeders Fund Advisory Board for the following
5 purposes only:

6 1. To provide purses for races limited to Illinois
7 conceived and foaled horses at the State Fair and the
8 DuQuoin State Fair.

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

11 3. To provide purse supplements for races limited to
12 Illinois conceived and foaled horses conducted by
13 associations conducting harness racing meetings.

14 4. No less than 75% of all monies in the Illinois
15 Standardbred Breeders Fund shall be expended for purses in
16 1, 2 and 3 as shown above.

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

1 breeders awards.

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

4 7. To pay the expenses incurred in the administration
5 of the Illinois Standardbred Breeders Fund.

6 8. To promote the sport of harness racing, including
7 grants up to a maximum of \$7,500 per fair per year for
8 conducting pari-mutuel wagering during the advertised
9 dates of a county fair.

10 9. To pay up to \$50,000 annually for the Department of
11 Agriculture to conduct drug testing at county fairs racing
12 standardbred horses.

13 10. To pay up to \$100,000 annually for distribution to
14 Illinois county fairs to supplement premiums offered in
15 junior classes.

16 11. To pay up to \$100,000 annually for division and
17 equal distribution to each Illinois public university
18 system engaged in equine research and education on or
19 before the effective date of this amendatory Act of the
20 96th General Assembly for equine research and education.

21 (h) (Blank) ~~Whenever the Governor finds that the amount in~~
22 ~~the Illinois Standardbred Breeders Fund is more than the total~~
23 ~~of the outstanding appropriations from such fund, the Governor~~
24 ~~shall notify the State Comptroller and the State Treasurer of~~
25 ~~such fact. The Comptroller and the State Treasurer, upon~~
26 ~~receipt of such notification, shall transfer such excess amount~~

1 ~~from the Illinois Standardbred Breeders Fund to the General~~
2 ~~Revenue Fund.~~

3 (i) A sum equal to 13% ~~12 1/2%~~ of the first prize money of
4 the gross ~~every~~ purse won by an Illinois conceived and foaled
5 horse shall be paid 50% by the organization licensee conducting
6 the horse race meeting to the breeder of such winning horse
7 from the organization licensee's account and 50% from the purse
8 account of the licensee ~~share of the money wagered~~. Such
9 payment shall not reduce any award to the owner of the horse or
10 reduce the taxes payable under this Act. Such payment shall be
11 delivered by the organization licensee at the end of each
12 quarter ~~race meeting~~.

13 (j) The Department of Agriculture shall, by rule, with the
14 assistance and advice of the Illinois Standardbred Breeders
15 Fund Advisory Board:

16 1. Qualify stallions for Illinois Standardbred
17 Breeders Fund breeding; ~~such stallion shall be owned by a~~
18 ~~resident of the State of Illinois or by an Illinois~~
19 ~~corporation all of whose shareholders, directors, officers~~
20 ~~and incorporators are residents of the State of Illinois.~~

21 Such stallion shall stand for service at and within the
22 State of Illinois at the time of a foal's conception, and
23 such stallion must not stand for service at any place, ~~nor~~
24 ~~may semen from such stallion be transported,~~ outside the
25 State of Illinois during that calendar year in which the
26 foal is conceived ~~and that the owner of the stallion was~~

1 ~~for the 12 months prior, a resident of Illinois. Foals~~
2 ~~conceived outside the State of Illinois from shipped semen~~
3 ~~from a stallion qualified for breeders' awards under this~~
4 ~~Section are not eligible to participate in the Illinois~~
5 ~~conceived and foaled program. The articles of agreement of~~
6 ~~any partnership, joint venture, limited partnership,~~
7 ~~syndicate, association or corporation and any bylaws and~~
8 ~~stock certificates must contain a restriction that~~
9 ~~provides that the ownership or transfer of interest by any~~
10 ~~one of the persons a party to the agreement can only be~~
11 ~~made to a person who qualifies as an Illinois resident.~~

12 2. Provide for the registration of Illinois conceived
13 and foaled horses and no such horse shall compete in the
14 races limited to Illinois conceived and foaled horses
15 unless registered with the Department of Agriculture. The
16 Department of Agriculture may prescribe such forms as may
17 be necessary to determine the eligibility of such horses.
18 No person shall knowingly prepare or cause preparation of
19 an application for registration of such foals containing
20 false information. A mare (dam) must be in the state at
21 least 30 days prior to foaling or remain in the State at
22 least 30 days at the time of foaling. Beginning with the
23 1996 breeding season and for foals of 1997 and thereafter,
24 a foal conceived in the State of Illinois by transported
25 fresh semen may be eligible for Illinois conceived and
26 foaled registration provided all breeding and foaling

1 requirements are met. The stallion must be qualified for
2 Illinois Standardbred Breeders Fund breeding at the time of
3 conception and the mare must be inseminated within the
4 State of Illinois. The foal must be dropped in Illinois and
5 properly registered with the Department of Agriculture in
6 accordance with this Act.

7 3. Provide that at least a 5 day racing program shall
8 be conducted at the State Fair each year, which program
9 shall include at least the following races limited to
10 Illinois conceived and foaled horses: (a) a two year old
11 Trot and Pace, and Filly Division of each; (b) a three year
12 old Trot and Pace, and Filly Division of each; (c) an aged
13 Trot and Pace, and Mare Division of each.

14 4. Provide for the payment of nominating, sustaining
15 and starting fees for races promoting the sport of harness
16 racing and for the races to be conducted at the State Fair
17 as provided in subsection (j) 3 of this Section provided
18 that the nominating, sustaining and starting payment
19 required from an entrant shall not exceed 2% of the purse
20 of such race. All nominating, sustaining and starting
21 payments shall be held for the benefit of entrants and
22 shall be paid out as part of the respective purses for such
23 races. Nominating, sustaining and starting fees shall be
24 held in trust accounts for the purposes as set forth in
25 this Act and in accordance with Section 205-15 of the
26 Department of Agriculture Law (20 ILCS 205/205-15).

1 5. Provide for the registration with the Department of
2 Agriculture of Colt Associations or county fairs desiring
3 to sponsor races at county fairs.

4 6. Provide for the promotion of producing standardbred
5 racehorses by providing a bonus award program for owners of
6 2-year-old horses that win multiple major stakes races that
7 are limited to Illinois conceived and foaled horses.

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

22 (l) All races held at county fairs and the State Fair which
23 receive funds from the Illinois Standardbred Breeders Fund
24 shall be conducted in accordance with the rules of the United
25 States Trotting Association unless otherwise modified by the
26 Department of Agriculture.

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

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

18 (230 ILCS 5/31.1) (from Ch. 8, par. 37-31.1)

19 Sec. 31.1. (a) Organization licensees collectively shall
20 contribute annually to charity the sum of \$1,000,000 ~~\$750,000~~
21 to non-profit organizations that provide medical and family,
22 counseling, and similar services to persons who reside or work
23 on the backstretch of Illinois racetracks. These contributions
24 shall be collected as follows: (i) no later than July 1st of
25 each year the Board shall assess each organization licensee,

1 except those tracks which are not within 100 miles of each
2 other which tracks shall pay \$40,000 ~~\$30,000~~ annually apiece
3 into the Board charity fund, that amount which equals \$920,000
4 ~~\$690,000~~ multiplied by the amount of pari-mutuel wagering
5 handled by the organization licensee in the year preceding
6 assessment and divided by the total pari-mutuel wagering
7 handled by all Illinois organization licensees, except those
8 tracks which are not within 100 miles of each other, in the
9 year preceding assessment; (ii) notice of the assessed
10 contribution shall be mailed to each organization licensee;
11 (iii) within thirty days of its receipt of such notice, each
12 organization licensee shall remit the assessed contribution to
13 the Board. If an organization licensee wilfully fails to so
14 remit the contribution, the Board may revoke its license to
15 conduct horse racing.

16 (b) No later than October 1st of each year, any qualified
17 charitable organization seeking an allotment of contributed
18 funds shall submit to the Board an application for those funds,
19 using the Board's approved form. No later than December 31st of
20 each year, the Board shall distribute all such amounts
21 collected that year to such charitable organization
22 applicants.

23 (Source: P.A. 87-110.)

24 (230 ILCS 5/32.1)

25 Sec. 32.1. Pari-mutuel tax credit; statewide racetrack

1 real estate equalization.

2 (a) In order to encourage new investment in Illinois
3 racetrack facilities and mitigate differing real estate tax
4 burdens among all racetracks, the licensees affiliated or
5 associated with each racetrack that has been awarded live
6 racing dates in the current year shall receive an immediate
7 pari-mutuel tax credit in an amount equal to the greater of (i)
8 50% of the amount of the real estate taxes paid in the prior
9 year attributable to that racetrack, or (ii) the amount by
10 which the real estate taxes paid in the prior year attributable
11 to that racetrack exceeds 60% of the average real estate taxes
12 paid in the prior year for all racetracks awarded live horse
13 racing meets in the current year.

14 Each year, regardless of whether the organization licensee
15 conducted live racing in the year of certification, the Board
16 shall certify in writing, prior to December 31, the real estate
17 taxes paid in that year for each racetrack and the amount of
18 the pari-mutuel tax credit that each organization licensee,
19 intertrack wagering licensee, and intertrack wagering location
20 licensee that derives its license from such racetrack is
21 entitled in the succeeding calendar year. The real estate taxes
22 considered under this Section for any racetrack shall be those
23 taxes on the real estate parcels and related facilities used to
24 conduct a horse race meeting and inter-track wagering at such
25 racetrack under this Act. In no event shall the amount of the
26 tax credit under this Section exceed the amount of pari-mutuel

1 taxes otherwise calculated under this Act. The amount of the
2 tax credit under this Section shall be retained by each
3 licensee and shall not be subject to any reallocation or
4 further distribution under this Act. The Board may promulgate
5 emergency rules to implement this Section.

6 (b) Beginning on January 1 following the first 12-month
7 period that an organization licensee begins conducting
8 electronic gaming operations pursuant to Section 56 of this
9 Act, an organization licensee shall be ineligible to receive
10 the pari-mutuel tax credit provided in subsection (a).

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

12 (230 ILCS 5/34.3 new)

13 Sec. 34.3. Drug testing. The Illinois Racing Board and the
14 Department of Agriculture shall jointly establish a program for
15 the purpose of conducting drug testing of horses at county
16 fairs and shall adopt any rules necessary for enforcement of
17 the program. The rules shall include appropriate penalties for
18 violations.

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 in any race where the purse or any part of the purse is
24 made of money authorized by any Section of this Act, except

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

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

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

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

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

23 (230 ILCS 5/40) (from Ch. 8, par. 37-40)

24 Sec. 40. (a) The imposition of any fine or penalty provided
25 in this Act shall not preclude the Board in its rules and

1 regulations from imposing a fine or penalty for any other
2 action which, in the Board's discretion, is a detriment or
3 impediment to horse racing.

4 (b) The Director of Agriculture or his or her authorized
5 representative shall impose the following monetary penalties
6 and hold administrative hearings as required for failure to
7 submit the following applications, lists, or reports within the
8 time period, date or manner required by statute or rule or for
9 removing a foal from Illinois prior to inspection:

10 (1) late filing of a renewal application for offering
11 or standing stallion for service:

12 (A) if an application is submitted no more than 30
13 days late, \$50;

14 (B) if an application is submitted no more than 45
15 days late, \$150; or

16 (C) if an application is submitted more than 45
17 days late, if filing of the application is allowed
18 under an administrative hearing, \$250;

19 (2) late filing of list or report of mares bred:

20 (A) if a list or report is submitted no more than
21 30 days late, \$50;

22 (B) if a list or report is submitted no more than
23 60 days late \$150; or

24 (C) if a list or report is submitted more than 60
25 days late, if filing of the list or report is allowed
26 under an administrative hearing, \$250;

1 (3) filing an Illinois foaled thoroughbred mare status
2 report after the statutory deadline as provided in
3 subsection (k) of Section 30 of this Act ~~December 31~~:

4 (A) if a report is submitted no more than 30 days
5 late, \$50;

6 (B) if a report is submitted no more than 90 days
7 late, \$150;

8 (C) if a report is submitted no more than 150 days
9 late, \$250; or

10 (D) if a report is submitted more than 150 days
11 late, if filing of the report is allowed under an
12 administrative hearing, \$500;

13 (4) late filing of application for foal eligibility
14 certificate:

15 (A) if an application is submitted no more than 30
16 days late, \$50;

17 (B) if an application is submitted no more than 90
18 days late, \$150;

19 (C) if an application is submitted no more than 150
20 days late, \$250; or

21 (D) if an application is submitted more than 150
22 days late, if filing of the application is allowed
23 under an administrative hearing, \$500;

24 (5) failure to report the intent to remove a foal from
25 Illinois prior to inspection, identification and
26 certification by a Department of Agriculture investigator,

1 \$50; and

2 (6) if a list or report of mares bred is incomplete,
3 \$50 per mare not included on the list or report.

4 Any person upon whom monetary penalties are imposed under
5 this Section 3 times within a 5 year period shall have any
6 further monetary penalties imposed at double the amounts set
7 forth above. All monies assessed and collected for violations
8 relating to thoroughbreds shall be paid into the Thoroughbred
9 Breeders Fund. All monies assessed and collected for violations
10 relating to standardbreds shall be paid into the Standardbred
11 Breeders Fund.

12 (Source: P.A. 87-397.)

13 (230 ILCS 5/56 new)

14 Sec. 56. Electronic gaming.

15 (a) A person, firm, or corporation having operating control
16 of a race track may apply to the Gaming Board for an electronic
17 gaming license. An electronic gaming license shall authorize
18 its holder to conduct electronic gaming on the grounds of the
19 race track controlled by the licensee's race track. Only one
20 electronic gaming license may be awarded for any race track.
21 Each license shall specify the number of gaming positions that
22 its holder may operate.

23 An electronic gaming licensee may not permit persons under
24 21 years of age to be present in its electronic gaming
25 facility, but the licensee may accept wagers on live racing and

1 inter-track wagers at its electronic gaming facility.

2 (b) The adjusted gross receipts by an electronic gaming
3 licensee from electronic gaming remaining after the payment of
4 taxes under Section 13 of the Illinois Gambling Act shall be
5 distributed as follows:

6 (1) Amounts shall be paid to the purse account at the
7 track at which the organization licensee is conducting
8 racing equal to the following:

9 12.75% of annual adjusted gross receipts up to and
10 including \$75,000,000;

11 20% of annual adjusted gross receipts in excess of
12 \$75,000,000 but not exceeding \$100,000,000;

13 26.5% of annual adjusted gross receipts in excess
14 of \$100,000,000 but not exceeding \$125,000,000; and

15 20.5% of annual adjusted gross receipts in excess
16 of \$125,000,000.

17 (2) The remainder shall be retained by the electronic
18 gaming licensee.

19 (c) Electronic gaming receipts placed into the purse
20 account of an organization licensee racing thoroughbred horses
21 shall be used for purses, for health care services and worker's
22 compensation for racing industry workers, for equine research,
23 for programs to care for and transition injured and retired
24 thoroughbred horses that race at the race track, or for horse
25 ownership promotion, in accordance with the agreement of the
26 horsemen's association representing the largest number of

1 owners or trainers who race at that organization licensee's
2 race meeting. Annually, from the purse account of an
3 organization licensee racing thoroughbred horses, an amount
4 equal to 12% of the electronic gaming receipts placed into the
5 purse accounts shall be paid to the Illinois Thoroughbred
6 Breeders Fund and shall be used for owner awards; a stallion
7 program pursuant to paragraph (3) of subsection (g) of Section
8 30 of this Act; and Illinois conceived and foaled stakes races
9 pursuant to paragraph (2) of subsection (g) of Section 30 of
10 this Act, as specifically designated by the horsemen's
11 association representing the largest number of owners or
12 trainers who race at the organization licensee's race meeting.
13 Annually, from the purse account of an organization licensee
14 conducting thoroughbred races at a race track in Madison
15 County, an amount equal to 0.33 1/3% of the electronic gaming
16 receipts shall be paid to Southern Illinois University
17 Department of Animal Sciences for equine research and
18 education, an amount equal to 0.33 1/3% of the electronic
19 gaming receipts shall be used to operate laundry facilities for
20 backstretch workers at that race track, and an amount equal to
21 0.33 1/3% of the electronic gaming receipts shall be paid to
22 programs to care for injured and unwanted horses that race at
23 that race track.

24 Annually, from the purse account of organization licensees
25 conducting thoroughbred races at race tracks in Cook County,
26 \$100,000 shall be paid for division and equal distribution to

1 each Illinois public university system engaged in equine
2 research and education on or before the effective date of this
3 amendatory Act of the 96th General Assembly for equine research
4 and education.

5 (d) Annually, from the purse account of an organization
6 licensee racing standardbred horses, an amount equal to 15% of
7 the electronic gaming receipts placed into that purse account
8 shall be paid to the Illinois Colt Stakes Purse Distribution
9 Fund. Moneys deposited into the Illinois Colt Stakes Purse
10 Distribution Fund shall be used for standardbred racing as
11 authorized in paragraphs 1, 2, 3, 8, 9, 10, and 11 of
12 subsection (g) of Section 31 of this Act and for bonus awards
13 as authorized under paragraph 6 of subsection (j) of Section 31
14 of this Act.

15 As a requirement for continued eligibility to conduct
16 electronic gaming, each organization licensee must promote
17 live racing and horse ownership through marketing and
18 promotional efforts. To meet this requirement, all
19 organization licensees operating at each race track facility
20 must collectively expend the amount of the pari-mutuel tax
21 credit that was certified by the Illinois Racing Board in the
22 prior calendar year pursuant to Section 32.1 of this Act for
23 that race track facility, in addition to the amount that was
24 expended by each organizational licensee for such efforts in
25 calendar year 2009. Such incremental expenditures must be
26 directed to assure that all marketing expenditures, including

1 those for the organization licensee's electronic gaming
2 facility, advertise, market, and promote horse racing or horse
3 ownership. The amount spent by the organization licensee for
4 such marketing and promotional efforts in 2009 shall be
5 certified by the Board no later than 90 days after the
6 effective date of this Section.

7 Section 90-40. The Riverboat Gambling Act is amended by
8 changing Sections 1, 2, 3, 4, 5, 5.1, 6, 7, 7.1, 7.3, 8, 9, 11,
9 11.1, 12, 13, 14, 18, 19, 20, and 23 and by adding Sections
10 7.6, 7.7, and 7.8 as follows:

11 (230 ILCS 10/1) (from Ch. 120, par. 2401)

12 Sec. 1. Short title. This Act shall be known and may be
13 cited as the Illinois ~~Riverboat~~ Gambling Act.

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

15 (230 ILCS 10/2) (from Ch. 120, par. 2402)

16 Sec. 2. Legislative Intent.

17 (a) This Act is intended to benefit the people of the State
18 of Illinois by assisting economic development and promoting
19 Illinois tourism and by increasing the amount of revenues
20 available to the State to assist and support education.

21 (b) While authorization of riverboat and casino gambling
22 will enhance investment, development and tourism in Illinois,
23 it is recognized that it will do so successfully only if public

1 confidence and trust in the credibility and integrity of the
2 gambling operations and the regulatory process is maintained.
3 Therefore, regulatory provisions of this Act are designed to
4 strictly regulate the facilities, persons, associations and
5 practices related to gambling operations pursuant to the police
6 powers of the State, including comprehensive law enforcement
7 supervision.

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

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

13 (230 ILCS 10/3) (from Ch. 120, par. 2403)

14 Sec. 3. ~~Riverboat~~ Gambling Authorized.

15 (a) Riverboat and casino gambling operations and
16 electronic gaming operations ~~and the system of wagering~~
17 ~~incorporated therein~~, as defined in this Act, are hereby
18 authorized to the extent that they are carried out in
19 accordance with the provisions of this Act.

20 (b) This Act does not apply to the pari-mutuel system of
21 wagering used or intended to be used in connection with the
22 horse-race meetings as authorized under the Illinois Horse
23 Racing Act of 1975, lottery games authorized under the Illinois
24 Lottery Law, bingo authorized under the Bingo License and Tax
25 Act, charitable games authorized under the Charitable Games Act

1 or pull tabs and jar games conducted under the Illinois Pull
2 Tabs and Jar Games Act. This Act applies to electronic gaming
3 authorized under the Illinois Horse Racing Act of 1975 to the
4 extent provided in that Act and in this Act.

5 (c) Riverboat gambling conducted pursuant to this Act may
6 be authorized upon any water within the State of Illinois or
7 any water other than Lake Michigan which constitutes a boundary
8 of the State of Illinois. Notwithstanding any provision in this
9 subsection (c) to the contrary, a licensee that receives its
10 license pursuant to subsection (e-5) of Section 7 may conduct
11 riverboat gambling on Lake Michigan from a home dock located on
12 Lake Michigan subject to any limitations contained in Section
13 7. Notwithstanding any provision in this subsection (c) to the
14 contrary, a licensee may conduct gambling at its home dock
15 facility as provided in Sections 7 and 11. A licensee may
16 conduct riverboat gambling authorized under this Act
17 regardless of whether it conducts excursion cruises. A licensee
18 may permit the continuous ingress and egress of passengers for
19 the purpose of gambling.

20 (d) Gambling that is conducted in accordance with this Act
21 using slot machines and video games of chance and other
22 electronic gambling games as defined in both the Illinois
23 Gambling Act and the Horse Racing Act of 1975.

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

25 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

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

3 ~~(b)~~ "Occupational license" means a license issued by the
4 Board to a person or entity to perform an occupation which the
5 Board has identified as requiring a license to engage in
6 riverboat gambling in Illinois.

7 ~~(c)~~ "Gambling game" includes, but is not limited to,
8 baccarat, twenty-one, poker, craps, slot machine, video game of
9 chance, roulette wheel, klondike table, punchboard, faro
10 layout, keno layout, numbers ticket, push card, jar ticket, or
11 pull tab which is authorized by the Board as a wagering device
12 under this Act.

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

18 "Slot machine" means any mechanical, electrical, or other
19 device, contrivance, or machine that is authorized by the Board
20 as a wagering device under this Act which, upon insertion of a
21 coin, currency, token or similar object therein, or upon
22 payment of any consideration whatsoever, is available to play
23 or operate, the play or operation of which may deliver or
24 entitle the person playing or operating the machine to receive
25 cash, premiums, merchandise, tokens, or anything of value
26 whatsoever, whether the payoff is made automatically from the

1 machine or in any other manner whatsoever. A slot machine:

2 (1) May utilize spinning reels or video displays or
3 both.

4 (2) May or may not dispense coins, tickets or tokens to
5 winning patrons.

6 (3) May use an electronic credit system for receiving
7 wagers and making payouts.

8 "Slot machine" does not include table games, including, but
9 not limited to, roulette wheel, craps, baccarat, blackjack,
10 poker, craps, twenty-one, or other similar table games that are
11 authorized by the Board as a wagering device under this Act.

12 ~~(e)~~ "Managers license" means a license issued by the Board
13 to a person or entity to manage gambling operations conducted
14 by the State pursuant to Section 7.3.

15 ~~(f)~~ "Dock" means the location where a riverboat moors for
16 the purpose of embarking passengers for and disembarking
17 passengers from the riverboat.

18 ~~(g)~~ "Gross receipts" means the total amount of money
19 exchanged for the purchase of chips, tokens, or electronic
20 cards by riverboat patrons.

21 ~~(h)~~ "Adjusted gross receipts" means the gross receipts less
22 winnings paid to wagerers.

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

26 ~~(j) (Blank).~~

1 ~~(k)~~ "Gambling operation" means the conduct of ~~authorized~~
2 gambling games authorized under this Act upon a riverboat or in
3 a casino or authorized under this Act and the Illinois Horse
4 Racing Act of 1975 at an electronic gaming facility.

5 ~~(l)~~ "License bid" means the lump sum amount of money that
6 an applicant bids and agrees to pay the State in return for an
7 owners license that is re-issued on or after July 1, 2003.

8 "Table game" means baccarat, twenty-one, blackjack, poker,
9 craps, roulette wheel, klondike table, punchboard, faro
10 layout, keno layout, numbers ticket, push card, jar ticket,
11 pull tab, or other similar games that are authorized by the
12 Board as a wagering device under this Act. "Table game" does
13 not include slot machines or video games of chance.

14 ~~(m)~~ The terms "minority person", "female", and "person with
15 a disability" shall have the same meaning as defined in Section
16 2 of the Business Enterprise for Minorities, Females, and
17 Persons with Disabilities Act.

18 "Casino" means a land-based facility at which lawful
19 gambling is authorized as provided in this Act.

20 "Owners license" means a license to conduct riverboat
21 gambling operations, but does not include an electronic gaming
22 license.

23 "Licensed owner" means a person who holds an owners
24 license.

25 "Electronic gaming" means slot machine gambling, video
26 game of chance gambling, or gambling with electronic gambling

1 games as defined in the Illinois Gambling Act or defined by the
2 Board that is conducted at a race track pursuant to an
3 electronic gaming license.

4 "Electronic gaming facility" means the area where the Board
5 has authorized electronic gaming at a race track of an
6 organization licensee under the Illinois Horse Racing Act of
7 1975 that holds an electronic gaming license.

8 "Electronic gaming license" means a license issued by the
9 Board under Section 7.6 of this Act authorizing electronic
10 gaming at an electronic gaming facility.

11 "Electronic gaming licensee" means an entity that holds an
12 electronic gaming license.

13 "Organization licensee" means an entity authorized by the
14 Illinois Racing Board to conduct pari-mutuel wagering in
15 accordance with the Illinois Horse Racing Act of 1975. With
16 respect only to electronic gaming, "organization licensee"
17 includes the authorization for electronic gaming created under
18 subsection (a) of Section 56 of the Illinois Horse Racing Act
19 of 1975.

20 "Casino operator license" means the license held by the
21 person or entity selected by the Chicago Casino Development
22 Authority to manage and operate a riverboat or casino within
23 the geographic area of the authorized municipality pursuant to
24 this Act and the Chicago Casino Development Authority Act.

25 (Source: P.A. 95-331, eff. 8-21-07; 96-1392, eff. 1-1-11.)

1 (230 ILCS 10/5) (from Ch. 120, par. 2405)

2 Sec. 5. Gaming Board.

3 (a) (1) There is hereby established the Illinois Gaming
4 Board, which shall have the powers and duties specified in this
5 Act, and all other powers necessary and proper to fully and
6 effectively execute this Act for the purpose of administering,
7 regulating, and enforcing the system of riverboat and casino
8 gambling and electronic gaming established by this Act. Its
9 jurisdiction shall extend under this Act to every person,
10 association, corporation, partnership and trust involved in
11 riverboat and casino gambling operations and electronic gaming
12 in the State of Illinois.

13 (2) The Board shall consist of 5 members to be appointed by
14 the Governor with the advice and consent of the Senate, one of
15 whom shall be designated by the Governor to be chairperson
16 ~~chairman~~. Each member shall have a reasonable knowledge of the
17 practice, procedure and principles of gambling operations.
18 Each member shall either be a resident of Illinois or shall
19 certify that he or she will become a resident of Illinois
20 before taking office. At least one member shall be experienced
21 in law enforcement and criminal investigation, at least one
22 member shall be a certified public accountant experienced in
23 accounting and auditing, and at least one member shall be a
24 lawyer licensed to practice law in Illinois.

25 (3) The terms of office of the Board members shall be 3
26 years, except that the terms of office of the initial Board

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

12 (3.05) Notwithstanding any provision of this Act to the
13 contrary, the persons serving as Board members on November 1,
14 2010, shall serve no longer than the thirtieth day after the
15 effective date of this amendatory Act of the 96th General
16 Assembly. After the thirtieth day after the effective date of
17 this amendatory Act of the 96th General Assembly, those offices
18 shall be considered vacant and shall only be filled pursuant to
19 the provisions of this Section.

20 The terms of office of the Board members appointed to fill
21 the vacancies created by this amendatory Act of the 96th
22 General Assembly will run as follows, to be determined by lot:
23 one for a term expiring July 1 of the year following
24 confirmation, 2 for a term expiring July 1 two years following
25 confirmation, and 2 for a term expiring July 1 three years
26 following confirmation. Upon the expiration of the foregoing

1 terms, the successors of such members shall serve a term of 3
2 years and until their successors are appointed and qualified
3 for like terms.

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

9 (5) No person shall be appointed a member of the Board or
10 continue to be a member of the Board who is, or whose spouse,
11 child or parent is, a member of the board of directors of, or a
12 person financially interested in, any gambling operation
13 subject to the jurisdiction of this Board, or any race track,
14 race meeting, racing association or the operations thereof
15 subject to the jurisdiction of the Illinois Racing Board. No
16 Board member shall hold any other public office. No person
17 shall be a member of the Board who is not of good moral
18 character or who has been convicted of, or is under indictment
19 for, a felony under the laws of Illinois or any other state, or
20 the United States.

21 (5.5) No member of the Board shall engage in any political
22 activity. For the purposes of this Section, "political" means
23 any activity in support of or in connection with any campaign
24 for federal, State, or local elective office or any political
25 organization, but does not include activities (i) relating to
26 the support or opposition of any executive, legislative, or

1 administrative action (as those terms are defined in Section 2
2 of the Lobbyist Registration Act), (ii) relating to collective
3 bargaining, or (iii) that are otherwise in furtherance of the
4 person's official State duties or governmental and public
5 service functions.

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

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

1 Board.

2 (8) The Board shall employ such personnel as may be
3 necessary to carry out its functions and shall determine the
4 salaries of all personnel, except those personnel whose
5 salaries are determined under the terms of a collective
6 bargaining agreement. No person shall be employed to serve the
7 Board who is, or whose spouse, parent or child is, an official
8 of, or has a financial interest in or financial relation with,
9 any operator engaged in gambling operations within this State
10 or any organization engaged in conducting horse racing within
11 this State. For the one year immediately preceding employment,
12 an employee shall not have been employed or received
13 compensation or fees for services from a person or entity, or
14 its parent or affiliate, that has engaged in business with the
15 Board, a licensee, or a licensee under the Illinois Horse
16 Racing Act of 1975. Any employee violating these prohibitions
17 shall be subject to termination of employment. In addition, no
18 employee shall for one year after separation from the Board be
19 employed or receive compensation or fees from the before
20 mentioned persons or entities.

21 (9) An Administrator shall be appointed by the Governor
22 with the advice and consent of the Senate. An Administrator
23 shall perform any and all duties that the Board shall assign
24 him. The salary of the Administrator shall be determined by the
25 Board and, in addition, he shall be reimbursed for all actual
26 and necessary expenses incurred by him in discharge of his

1 official duties. The Administrator shall keep records of all
2 proceedings of the Board and shall preserve all records, books,
3 documents and other papers belonging to the Board or entrusted
4 to its care. The Administrator shall devote his full time to
5 the duties of the office and shall not hold any other office or
6 employment. In addition to other prescribed duties, the
7 Administrator shall establish a system by which personnel
8 assisting the Board regarding the issuance of owner's licenses,
9 whether it be relocation, re-issuance, or the initial issuance,
10 shall be assigned specific duties in each instance, thereby
11 preventing a conflict of interest in regards to the
12 decision-making process. A conflict of interest exists if a
13 situation influences or creates the appearance that it may
14 influence judgment or performance of duties or
15 responsibilities.

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

19 (1) To decide promptly and in reasonable order all
20 license applications. Any party aggrieved by an action of
21 the Board denying, suspending, revoking, restricting or
22 refusing to renew a license may request a hearing before
23 the Board. A request for a hearing must be made to the
24 Board in writing within 5 days after service of notice of
25 the action of the Board. Notice of the action of the Board
26 shall be served either by personal delivery or by certified

1 mail, postage prepaid, to the aggrieved party. Notice
2 served by certified mail shall be deemed complete on the
3 business day following the date of such mailing. The Board
4 shall conduct all requested hearings promptly and in
5 reasonable order;

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

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

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

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

25 (6) To be present through its inspectors and agents any
26 time gambling operations are conducted on any riverboat, in

1 any casino, or at any electronic gaming facility for the
2 purpose of certifying the revenue thereof, receiving
3 complaints from the public, and conducting such other
4 investigations into the conduct of the gambling games and
5 the maintenance of the equipment as from time to time the
6 Board may deem necessary and proper;

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

16 (8) To hold at least one meeting each quarter of the
17 fiscal year. In addition, special meetings may be called by
18 the Chairman or any 2 Board members upon 72 hours written
19 notice to each member. All Board meetings shall be subject
20 to the Open Meetings Act. Three members of the Board shall
21 constitute a quorum, and 3 votes shall be required for any
22 final determination by the Board. The Board shall keep a
23 complete and accurate record of all its meetings. A
24 majority of the members of the Board shall constitute a
25 quorum for the transaction of any business, for the
26 performance of any duty, or for the exercise of any power

1 which this Act requires the Board members to transact,
2 perform or exercise en banc, except that, upon order of the
3 Board, one of the Board members or an administrative law
4 judge designated by the Board may conduct any hearing
5 provided for under this Act or by Board rule and may
6 recommend findings and decisions to the Board. The Board
7 member or administrative law judge conducting such hearing
8 shall have all powers and rights granted to the Board in
9 this Act. The record made at the time of the hearing shall
10 be reviewed by the Board, or a majority thereof, and the
11 findings and decision of the majority of the Board shall
12 constitute the order of the Board in such case;

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

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

24 (11) (Blank);

25 (12) (Blank);

26 (13) To assume responsibility for administration and

1 enforcement of the Video Gaming Act; ~~and~~

2 (13.5) To assume responsibility for the administration
3 and enforcement of operations at electronic gaming
4 facilities pursuant to this Act and the Illinois Horse
5 Racing Act of 1975; and

6 (14) To adopt, by rule, a code of conduct governing
7 Board members and employees that ensure, to the maximum
8 extent possible, that persons subject to this Code avoid
9 situations, relationships, or associations that may
10 represent or lead to a conflict of interest.

11 Any action by the Board or staff of the Board, including,
12 but not limited to, denying a renewal, approving procedures
13 (including internal controls), levying a fine or penalty,
14 promotions, or other activities by an applicant for licensure
15 or a licensee, may at the discretion of the applicant or
16 licensee be appealed to an administrative law judge in
17 accordance with subsection (b) of Section 17.1.

18 Internal controls and changes submitted by licensees must
19 be reviewed and either approved or denied with cause within 60
20 days after receipt by the Illinois Gaming Board. In the event
21 an internal control submission or change does not meet the
22 standards set by the Board, staff of the Board must provide
23 technical assistance to the licensee to rectify such
24 deficiencies within 60 days after the initial submission and
25 the revised submission must be reviewed and approved or denied
26 with cause within 60 days. For the purposes of this paragraph,

1 "with cause" means that the approval of the submission would
2 jeopardize the integrity of gaming. In the event the Board
3 staff has not acted within the timeframe, the submission shall
4 be deemed approved.

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 electronic gaming facilities,

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

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

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

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

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

22 (8) To require that the records, including financial or
23 other statements of any licensee under this Act, shall be
24 kept in such manner as prescribed by the Board and that any
25 such licensee involved in the ownership or management of
26 gambling operations submit to the Board an annual balance

1 sheet and profit and loss statement, list of the
2 stockholders or other persons having a 1% or greater
3 beneficial interest in the gambling activities of each
4 licensee, and any other information the Board deems
5 necessary in order to effectively administer this Act and
6 all rules, regulations, orders and final decisions
7 promulgated under this Act.

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

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

20 (11) To revoke or suspend licenses, as the Board may
21 see fit and in compliance with applicable laws of the State
22 regarding administrative procedures, and to review
23 applications for the renewal of licenses. The Board may
24 suspend an owners license, electronic gaming license, or
25 casino operator license, without notice or hearing upon a
26 determination that the safety or health of patrons or

1 employees is jeopardized by continuing a a gambling
2 operation conducted under that license ~~riverboat's~~
3 ~~operation~~. The suspension may remain in effect until the
4 Board determines that the cause for suspension has been
5 abated. The Board may revoke the owners license, electronic
6 gaming license, or casino operator license upon a
7 determination that the licensee ~~owner~~ has not made
8 satisfactory progress toward abating the hazard.

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

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

25 (14) (Blank).

26 (15) To suspend, revoke or restrict licenses, to

1 require the removal of a licensee or an employee of a
2 licensee for a violation of this Act or a Board rule or for
3 engaging in a fraudulent practice, and to impose civil
4 penalties of up to \$5,000 against individuals and up to
5 \$10,000 or an amount equal to the daily gross receipts,
6 whichever is larger, against licensees for each violation
7 of any provision of the Act, any rules adopted by the
8 Board, any order of the Board or any other action which, in
9 the 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 makes excursions. The
24 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 (20.5) To approve any contract entered into on its
17 behalf.

18 (20.6) To appoint investigators to conduct
19 investigations, searches, seizures, arrests, and other
20 duties imposed under this Act, as deemed necessary by the
21 Board. These investigators have and may exercise all of the
22 rights and powers of peace officers, provided that these
23 powers shall be limited to offenses or violations occurring
24 or committed on a riverboat or dock, as defined in
25 subsections (d) and (f) of Section 4, or as otherwise
26 provided by this Act or any other law.

1 (20.7) To contract with the Department of State Police
2 for the use of trained and qualified State police officers
3 and with the Department of Revenue for the use of trained
4 and qualified Department of Revenue investigators to
5 conduct investigations, searches, seizures, arrests, and
6 other duties imposed under this Act and to exercise all of
7 the rights and powers of peace officers, provided that the
8 powers of Department of Revenue investigators under this
9 subdivision (20.7) shall be limited to offenses or
10 violations occurring or committed on a riverboat or dock,
11 as defined in subsections (d) and (f) of Section 4, or as
12 otherwise provided by this Act or any other law. In the
13 event the Department of State Police or the Department of
14 Revenue is unable to fill contracted police or
15 investigative positions, the Board may appoint
16 investigators to fill those positions pursuant to
17 subdivision (20.6).

18 (21) To make rules concerning the conduct of electronic
19 gaming.

20 (22) ~~(21)~~ To take any other action as may be reasonable
21 or appropriate to enforce this Act and rules and
22 regulations hereunder.

23 (d) The Board may seek and shall receive the cooperation of
24 the Department of State Police in conducting background
25 investigations of applicants and in fulfilling its
26 responsibilities under this Section. Costs incurred by the

1 Department of State Police as a result of such cooperation
2 shall be paid by the Board in conformance with the requirements
3 of Section 2605-400 of the Department of State Police Law (20
4 ILCS 2605/2605-400).

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

11 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
12 96-1000, eff. 7-2-10; 96-1392, eff. 1-1-11.)

13 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

14 Sec. 5.1. Disclosure of records.

15 (a) Notwithstanding any applicable statutory provision to
16 the contrary, the Board shall, on written request from any
17 person, provide information furnished by an applicant or
18 licensee concerning the applicant or licensee, his products,
19 services or gambling enterprises and his business holdings, as
20 follows:

21 (1) The name, business address and business telephone
22 number of any applicant or licensee.

23 (2) An identification of any applicant or licensee
24 including, if an applicant or licensee is not an
25 individual, the state of incorporation or registration,

1 the corporate officers, and the identity of all
2 shareholders or participants. If an applicant or licensee
3 has a pending registration statement filed with the
4 Securities and Exchange Commission, only the names of those
5 persons or entities holding interest of 5% or more must be
6 provided.

7 (3) An identification of any business, including, if
8 applicable, the state of incorporation or registration, in
9 which an applicant or licensee or an applicant's or
10 licensee's spouse or children has an equity interest of
11 more than 1%. If an applicant or licensee is a corporation,
12 partnership or other business entity, the applicant or
13 licensee shall identify any other corporation, partnership
14 or business entity in which it has an equity interest of 1%
15 or more, including, if applicable, the state of
16 incorporation or registration. This information need not
17 be provided by a corporation, partnership or other business
18 entity that has a pending registration statement filed with
19 the Securities and Exchange Commission.

20 (4) Whether an applicant or licensee has been indicted,
21 convicted, pleaded guilty or nolo contendere, or forfeited
22 bail concerning any criminal offense under the laws of any
23 jurisdiction, either felony or misdemeanor (except for
24 traffic violations), including the date, the name and
25 location of the court, arresting agency and prosecuting
26 agency, the case number, the offense, the disposition and

1 the location and length of incarceration.

2 (5) Whether an applicant or licensee has had any
3 license or certificate issued by a licensing authority in
4 Illinois or any other jurisdiction denied, restricted,
5 suspended, revoked or not renewed and a statement
6 describing the facts and circumstances concerning the
7 denial, restriction, suspension, revocation or
8 non-renewal, including the licensing authority, the date
9 each such action was taken, and the reason for each such
10 action.

11 (6) Whether an applicant or licensee has ever filed or
12 had filed against it a proceeding in bankruptcy or has ever
13 been involved in any formal process to adjust, defer,
14 suspend or otherwise work out the payment of any debt
15 including the date of filing, the name and location of the
16 court, the case and number of the disposition.

17 (7) Whether an applicant or licensee has filed, or been
18 served with a complaint or other notice filed with any
19 public body, regarding the delinquency in the payment of,
20 or a dispute over the filings concerning the payment of,
21 any tax required under federal, State or local law,
22 including the amount, type of tax, the taxing agency and
23 time periods involved.

24 (8) A statement listing the names and titles of all
25 public officials or officers of any unit of government, and
26 relatives of said public officials or officers who,

1 directly or indirectly, own any financial interest in, have
2 any beneficial interest in, are the creditors of or hold
3 any debt instrument issued by, or hold or have any interest
4 in any contractual or service relationship with, an
5 applicant or licensee.

6 (9) Whether an applicant or licensee has made, directly
7 or indirectly, any political contribution, or any loans,
8 donations or other payments, to any candidate or office
9 holder, within 5 years from the date of filing the
10 application, including the amount and the method of
11 payment.

12 (10) The name and business telephone number of the
13 counsel representing an applicant or licensee in matters
14 before the Board.

15 (11) A description of any proposed or approved
16 riverboat or casino gaming or electronic gaming operation,
17 including the type of boat, home dock or casino or
18 electronic gaming location, expected economic benefit to
19 the community, anticipated or actual number of employees,
20 any statement from an applicant or licensee regarding
21 compliance with federal and State affirmative action
22 guidelines, projected or actual admissions and projected
23 or actual adjusted gross gaming receipts.

24 (12) A description of the product or service to be
25 supplied by an applicant for a supplier's license.

26 (b) Notwithstanding any applicable statutory provision to

1 the contrary, the Board shall, on written request from any
2 person, also provide the following information:

3 (1) The amount of the wagering tax and admission tax
4 paid daily to the State of Illinois by the holder of an
5 owner's license.

6 (2) Whenever the Board finds an applicant for an
7 owner's license unsuitable for licensing, a copy of the
8 written letter outlining the reasons for the denial.

9 (3) Whenever the Board has refused to grant leave for
10 an applicant to withdraw his application, a copy of the
11 letter outlining the reasons for the refusal.

12 (c) Subject to the above provisions, the Board shall not
13 disclose any information which would be barred by:

14 (1) Section 7 of the Freedom of Information Act; or

15 (2) The statutes, rules, regulations or
16 intergovernmental agreements of any jurisdiction.

17 (d) The Board may assess fees for the copying of
18 information in accordance with Section 6 of the Freedom of
19 Information Act.

20 (Source: P.A. 96-1392, eff. 1-1-11.)

21 (230 ILCS 10/6) (from Ch. 120, par. 2406)

22 Sec. 6. Application for Owners License.

23 (a) A qualified person may apply to the Board for an owners
24 license to conduct a riverboat gambling operation as provided
25 in this Act. The application shall be made on forms provided by

1 the Board and shall contain such information as the Board
2 prescribes, including but not limited to the identity of the
3 riverboat on which such gambling operation is to be conducted,
4 if applicable, and the exact location where such riverboat or
5 casino or electronic gaming operation will be located ~~docked~~, a
6 certification that the riverboat will be registered under this
7 Act at all times during which gambling operations are conducted
8 on board, detailed information regarding the ownership and
9 management of the applicant, and detailed personal information
10 regarding the applicant. Any application for an owners license
11 to be re-issued on or after June 1, 2003 shall also include the
12 applicant's license bid in a form prescribed by the Board.
13 Information provided on the application shall be used as a
14 basis for a thorough background investigation which the Board
15 shall conduct with respect to each applicant. An incomplete
16 application shall be cause for denial of a license by the
17 Board.

18 (b) Applicants shall submit with their application all
19 documents, resolutions, and letters of support from the
20 governing body that represents the municipality or county
21 wherein the licensee will be located ~~dock~~.

22 (c) Each applicant shall disclose the identity of every
23 person, association, trust or corporation having a greater than
24 1% direct or indirect pecuniary interest in the ~~riverboat~~
25 gambling operation with respect to which the license is sought.
26 If the disclosed entity is a trust, the application shall

1 disclose the names and addresses of the beneficiaries; if a
2 corporation, the names and addresses of all stockholders and
3 directors; if a partnership, the names and addresses of all
4 partners, both general and limited.

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

24 (e) The Board shall charge each applicant a fee set by the
25 Department of State Police to defray the costs associated with
26 the search and classification of fingerprints obtained by the

1 Board with respect to the applicant's application. These fees
2 shall be paid into the State Police Services Fund.

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

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

15 (Source: P.A. 96-1392, eff. 1-1-11.)

16 (230 ILCS 10/7) (from Ch. 120, par. 2407)

17 Sec. 7. Owners Licenses.

18 (a) The Board shall issue owners licenses to persons, firms
19 or corporations which apply for such licenses upon payment to
20 the Board of the non-refundable license fee set by the Board,
21 upon payment of a \$25,000 license fee for the first year of
22 operation and a \$5,000 license fee for each succeeding year and
23 upon a determination by the Board that the applicant is
24 eligible for an owners license pursuant to this Act and the
25 rules of the Board. From the effective date of this amendatory

1 Act of the 95th General Assembly until (i) 3 years after the
2 effective date of this amendatory Act of the 95th General
3 Assembly, (ii) the date any organization licensee begins to
4 operate a slot machine or video game of chance under the
5 Illinois Horse Racing Act of 1975 or this Act, (iii) the date
6 that payments begin under subsection (c-5) of Section 13 of the
7 Act, ~~or~~ (iv) the wagering tax imposed under Section 13, or (v)
8 when the first electronic gaming licensee begins conducting
9 electronic gaming operations of this Act is increased by law to
10 reflect a tax rate that is at least as stringent or more
11 stringent than the tax rate contained in subsection (a-3) of
12 Section 13, whichever occurs first, as a condition of licensure
13 and as an alternative source of payment for those funds payable
14 under subsection (c-5) of Section 13 of this ~~the Riverboat~~
15 ~~Gambling~~ Act, any owners licensee that holds or receives its
16 owners license on or after the effective date of this
17 amendatory Act of the 94th General Assembly, other than an
18 owners licensee operating a riverboat with adjusted gross
19 receipts in calendar year 2004 of less than \$200,000,000, must
20 pay into the Horse Racing Equity Trust Fund, in addition to any
21 other payments required under this Act, an amount equal to 3%
22 of the adjusted gross receipts received by the owners licensee.
23 The payments required under this Section shall be made by the
24 owners licensee to the State Treasurer no later than 3:00
25 o'clock p.m. of the day after the day when the adjusted gross
26 receipts were received by the owners licensee. A person, firm

1 or corporation is ineligible to receive an owners license if:

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

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

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

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

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

13 (6) the firm or corporation employs a person defined in
14 (1), (2), (3) or (4) who participates in the management or
15 operation of gambling operations authorized under this
16 Act;

17 (7) (blank); or

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

21 The Board is expressly prohibited from making changes to
22 the requirement that licensees make payment into the Horse
23 Racing Equity Trust Fund without the express authority of the
24 Illinois General Assembly and making any other rule to
25 implement or interpret this amendatory Act of the 95th General
26 Assembly. For the purposes of this paragraph, "rules" is given

1 the meaning given to that term in Section 1-70 of the Illinois
2 Administrative Procedure Act.

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

5 (1) the character, reputation, experience and
6 financial integrity of the applicants and of any other or
7 separate person that either:

8 (A) controls, directly or indirectly, such
9 applicant, or

10 (B) is controlled, directly or indirectly, by such
11 applicant or by a person which controls, directly or
12 indirectly, such applicant;

13 (2) the facilities or proposed facilities for the
14 conduct of ~~riverboat~~ gambling;

15 (3) the highest prospective total revenue to be derived
16 by the State from the conduct of ~~riverboat~~ gambling;

17 (4) the extent to which the ownership of the applicant
18 reflects the diversity of the State by including minority
19 persons, females, and persons with a disability and the
20 good faith affirmative action plan of each applicant to
21 recruit, train and upgrade minority persons, females, and
22 persons with a disability in all employment
23 classifications;

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

26 (6) whether the applicant has adequate capitalization

1 to provide and maintain, for the duration of a license, a
2 riverboat or casino;

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

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

7 (c) Each owners license shall specify the place where the
8 casino shall operate or the riverboat ~~riverboats~~ shall operate
9 and dock.

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

12 (e) In addition to any licenses authorized under
13 subsections (e-5) and (e-10), the ~~The~~ Board may issue up to 10
14 licenses authorizing the holders of such licenses to own
15 riverboats. In the application for an owners license, the
16 applicant shall state the dock at which the riverboat is based
17 and the water on which the riverboat will be located. The Board
18 shall issue 5 licenses to become effective not earlier than
19 January 1, 1991. Three of such licenses shall authorize
20 riverboat gambling on the Mississippi River, or, with approval
21 by the municipality in which the riverboat was docked on August
22 7, 2003 and with Board approval, be authorized to relocate to a
23 new location, in a municipality that (1) borders on the
24 Mississippi River or is within 5 miles of the city limits of a
25 municipality that borders on the Mississippi River and (2), on
26 August 7, 2003, had a riverboat conducting riverboat gambling

1 operations pursuant to a license issued under this Act; one of
2 which shall authorize riverboat gambling from a home dock in
3 the city of East St. Louis. One other license shall authorize
4 riverboat gambling on the Illinois River in Tazewell County,
5 or, with approval by a municipality in which such riverboat was
6 docked on January 1, 2010 and with Board approval, be
7 authorized to relocate to a new location, in a municipality
8 that (1) borders on the Illinois River or is within 5 miles of
9 the city limits of a municipality that borders on the Illinois
10 River and (2), on January 1, 2010, had a riverboat conducting
11 riverboat gambling operations pursuant to a license issued
12 under this Act south of Marshall County. The Board shall issue
13 one additional license to become effective not earlier than
14 March 1, 1992, which shall authorize riverboat gambling on the
15 Des Plaines River in Will County. The Board may issue 4
16 additional licenses to become effective not earlier than March
17 1, 1992. In determining the water upon which riverboats will
18 operate, the Board shall consider the economic benefit which
19 riverboat gambling confers on the State, and shall seek to
20 assure that all regions of the State share in the economic
21 benefits of riverboat gambling.

22 In granting all licenses, the Board may give favorable
23 consideration to economically depressed areas of the State, to
24 applicants presenting plans which provide for significant
25 economic development over a large geographic area, and to
26 applicants who currently operate non-gambling riverboats in

1 Illinois. The Board shall review all applications for owners
2 licenses, and shall inform each applicant of the Board's
3 decision. The Board may grant an owners license to an applicant
4 that has not submitted the highest license bid, but if it does
5 not select the highest bidder, the Board shall issue a written
6 decision explaining why another applicant was selected and
7 identifying the factors set forth in this Section that favored
8 the winning bidder.

9 (e-5) In addition to licenses authorized under subsections
10 (e) and (e-10), the Board may issue one owners license
11 authorizing either the conduct of riverboat gambling
12 operations from a home dock located in the City of Chicago or
13 the conduct of gambling operations in a casino located in the
14 City of Chicago.

15 The license authorized under this subsection (e-5) shall be
16 awarded to the Chicago Casino Development Authority.

17 The license authorized under this subsection (e-5) may
18 authorize the conduct of riverboat gambling on Lake Michigan or
19 at a land-based facility.

20 Additionally, the license authorized under this subsection
21 (e-5) shall be issued within 12 months after the effective date
22 of this amendatory Act of the 96th General Assembly. The fee
23 for the issuance or renewal of a license authorized under this
24 subsection (e-5) shall be \$100,000. Additionally, the licensee
25 shall pay an initial fee of \$25,000 per gaming position.

26 (e-10) In addition to licenses authorized under

1 subsections (e) and (e-5), the Board may issue the following
2 owners licenses:

3 (1) One owners license authorizing the conduct of
4 riverboat gambling from a home dock located in the City of
5 Park City.

6 (2) One owners license authorizing the conduct of
7 riverboat gambling in the City of Danville.

8 (3) One owners license authorizing the conduct of
9 riverboat gambling in the Village of Ford Heights.

10 (4) One owners license authorizing the conduct of
11 riverboat gambling in the City of Rockford.

12 The city council of the municipality in which the home dock
13 of the riverboat is located may make recommendations regarding
14 the location, proposal for ownership, licensee, and any other
15 decisions made in connection with the license issued under this
16 subsection (e-10).

17 The licenses authorized under this subsection (e-10) shall
18 be issued within 12 months after the effective date of this
19 amendatory Act of the 96th General Assembly. The fee for the
20 issuance or renewal of a license issued pursuant to this
21 subsection (e-10) shall be \$100,000. Additionally, a licensee
22 located outside of Cook County shall pay an initial fee of
23 \$12,500 per gaming position, and a licensee located in Cook
24 County shall pay \$25,000 per gaming position.

25 (e-12) Each owners licensee of a license authorized under
26 subsection (e-5) or (e-10) shall make a reconciliation payment

1 4 years after the date the owners licensee begins operating in
2 an amount equal to 75% of the amount for which privilege tax
3 was paid under subsection (a-5) of Section 13 of this Act for
4 the most lucrative 12-month period of operations, minus an
5 amount equal to the initial \$12,500 or \$25,000 initial payment
6 per gaming position, whichever was the initial amount paid by
7 the specific licensee. If this calculation results in a
8 negative amount, then the owners licensee is not entitled to
9 any reimbursement of fees previously paid. This reconciliation
10 payment may be made in installments over a period of no more
11 than 5 years, subject to Board approval. Any installment
12 payments shall include an annual market interest rate as
13 determined by the Board. All payments by licensees under this
14 subsection shall be deposited into the Capital Projects Fund.

15 (e-15) In addition to any other revocation powers granted
16 to the Board under this Act, the Board may revoke the owners
17 license of a licensee which fails to begin conducting gambling
18 within 15 months of receipt of the Board's approval of the
19 application if the Board determines that license revocation is
20 in the best interests of the State.

21 (e-16) The provisions of this subsection (e-16) apply only
22 to an owners licensee of a license issued pursuant to Section
23 7.1 of this Act. The owners licensee shall pay (i) a \$100,000
24 fee for the issuance or renewal of its license and (ii) an
25 initial fee of \$25,000 per gaming position. Additionally, the
26 owners licensee shall make a reconciliation payment on July 1,

1 2016 in an amount equal to 75% of the amount for which
2 privilege tax was paid under subsection (a-5) of Section 13 of
3 this Act for the most lucrative 12-month period of operations
4 beginning on July 1, 2012, minus an amount equal to the \$25,000
5 initial payment per gaming position. If this calculation
6 results in a negative amount, then the owners licensee is not
7 entitled to any reimbursement of fees previously paid. This
8 reconciliation payment may be made in installments over a
9 period of no more than 5 years, subject to Board approval. Any
10 installment payments shall include an annual market interest
11 rate as determined by the Board. All payments by licensees
12 under this subsection shall be deposited into the Capital
13 Projects Fund. For any payments required under this subsection,
14 the owners licensee shall receive (i) a credit for any amounts
15 that the owners licensee has paid to the State or the Board
16 prior to November 1, 2010 for consultants, licensing fees,
17 up-front fees, or other items, not to exceed \$53,000,000 and
18 (ii) a credit for any payments that the local unit of
19 government has pledged to remit to the State, which shall be
20 equal to the present-day value of such payments as determined
21 by the Board but in no event shall the credit exceed
22 \$125,000,000. An owners licensee of a license issued pursuant
23 to Section 7.1 of this Act shall only pay the initial fees
24 required pursuant to this subsection and shall not have to pay
25 any initial fees or payments that were ordered by the Board
26 prior to November 1, 2010. However, any payments that have been

1 made by the owners licensee of a license issued pursuant to
2 Section 7.1 of this Act shall remain with the State and the
3 owners licensee shall receive a credit as specified in this
4 subsection.

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

11 (g) Upon the termination, expiration, or revocation owners
12 license ~~of each of the first 10 licenses~~, which shall be issued
13 for a 3 year period, all licenses are renewable annually upon
14 payment of the fee and a determination by the Board that the
15 licensee continues to meet all of the requirements of this Act
16 and the Board's rules. However, for licenses renewed on or
17 after May 1, 1998, renewal shall be for a period of 4 years,
18 unless the Board sets a shorter period.

19 (h) An owners license, except for an owners license issued
20 under subsection (e-5) or (e-10), shall entitle the licensee to
21 own up to 2 riverboats.

22 An owners licensee that acquired its license under
23 subsection (e-5) shall limit the number of gambling
24 participants to 4,000 for such owners.

25 All other licensees ~~A licensee~~ shall limit the number of
26 gambling participants to 1,200 for any such owners license

1 prior to January 1, 2013. On or after January 1, 2013, a
2 licensee shall limit the number of gambling participants to
3 1,600 for any such owners license. On or after January 1, 2015,
4 a licensee shall limit the number of gambling participants to
5 2,000 for any such owners license. The initial fee for each
6 gaming position obtained on or after January 1, 2013 shall be
7 \$12,500 for licensees not located in Cook County and \$25,000
8 for licensees located in Cook County. A licensee may operate
9 both of its riverboats concurrently, provided that the total
10 number of gambling participants on both riverboats does not
11 exceed 1,200 prior to January 1, 2013, 1,600 prior to January
12 1, 2015, and 2,000 on or after January 1, 2015. The initial fee
13 for each gaming position obtained on or after January 1, 2013
14 shall be \$12,500 for licensees not located in Cook County and
15 \$25,000 for licensees located in Cook County. Riverboats
16 licensed to operate on the Mississippi River and the Illinois
17 River south of Marshall County shall have an authorized
18 capacity of at least 500 persons. Any other riverboat licensed
19 under this Act shall have an authorized capacity of at least
20 400 persons.

21 (h-5) An owners licensee who purchases positions under
22 subsection (h) that are in addition to the initial positions
23 that were purchased must pay an initial fee of \$12,500 per
24 gaming position if the licensee is located outside Cook County
25 and an initial fee of \$25,000 per gaming position if the
26 licensee is located in Cook County. Additionally, the owners

1 licensee shall make a reconciliation payment 4 years after any
2 additional gaming positions authorized by subsection (h) begin
3 operating in an amount equal to 75% of the owner licensee's
4 average gross receipts for the most lucrative 12-month period
5 of operations minus an amount equal to \$12,500 or \$25,000 that
6 the owners licensee paid per additional gaming position. For
7 purposes of this subsection, "average gross receipts" means (i)
8 the average adjusted gross receipts for the most lucrative
9 12-month period of operations for each gaming position, minus
10 (ii) the average adjusted gross receipts for each gaming
11 position in 2012 or the first year of operations for the owners
12 licensee, whichever is later, multiplied (iii) by the number of
13 additional gaming positions that an owners licensee is
14 purchasing pursuant to subsection (h). If this calculation
15 results in a negative amount, then the owners licensee is not
16 entitled to any reimbursement of fees previously paid. This
17 reconciliation payment may be made in installments over a
18 period of no more than 5 years, subject to Board approval.

19 (i) A licensed owner is authorized to apply to the Board
20 for and, if approved therefor, to receive all licenses from the
21 Board necessary for the operation of a riverboat or a casino,
22 including a liquor license, a license to prepare and serve food
23 for human consumption, and other necessary licenses. All use,
24 occupation and excise taxes which apply to the sale of food and
25 beverages in this State and all taxes imposed on the sale or
26 use of tangible personal property apply to such sales aboard

1 the riverboat or in a casino.

2 (j) The Board may issue or re-issue a license authorizing a
3 riverboat to dock in a municipality or approve a relocation
4 under Section 11.2 only if, prior to the issuance or
5 re-issuance of the license or approval, the governing body of
6 the municipality in which the riverboat will dock has by a
7 majority vote approved the docking of riverboats in the
8 municipality. The Board may issue or re-issue a license
9 authorizing a riverboat to dock in areas of a county outside
10 any municipality or approve a relocation under Section 11.2
11 only if, prior to the issuance or re-issuance of the license or
12 approval, the governing body of the county has by a majority
13 vote approved of the docking of riverboats within such areas.

14 (k) An owners licensee may conduct land-based gambling
15 operations upon approval by the Board.

16 (Source: P.A. 95-1008, eff. 12-15-08; 96-1392, eff. 1-1-11.)

17 (230 ILCS 10/7.1)

18 Sec. 7.1. Re-issuance of revoked or non-renewed owners
19 licenses.

20 (a) If an owners license terminates or expires without
21 renewal or the Board revokes or determines not to renew an
22 owners license (including, without limitation, an owners
23 license for a licensee that was not conducting riverboat
24 gambling operations on January 1, 1998) and that revocation or
25 determination is final, the Board may re-issue such license to

1 a qualified applicant pursuant to an open and competitive
2 bidding process, as set forth in Section 7.5, and subject to
3 the maximum number of authorized licenses set forth in
4 subsections (e), (e-5), and (e-10) of Section 7 ~~Section 7(e)~~.

5 (b) To be a qualified applicant, a person, firm, or
6 corporation cannot be ineligible to receive an owners license
7 under Section 7(a) and must submit an application for an owners
8 license that complies with Section 6. Each such applicant must
9 also submit evidence to the Board that minority persons and
10 females hold ownership interests in the applicant of at least
11 16% and 4% respectively.

12 (c) Notwithstanding anything to the contrary in Section
13 7(e), an applicant may apply to the Board for approval of
14 relocation of a re-issued license to a new home dock location
15 authorized under Section 3(c) upon receipt of the approval from
16 the municipality or county, as the case may be, pursuant to
17 Section 7(j).

18 (d) In determining whether to grant a re-issued owners
19 license to an applicant, the Board shall consider all of the
20 factors set forth in Section ~~Sections~~ 7(b) and in Section 7(e),
21 (e-5), or (e-10), whichever is applicable, ~~(e)~~ as well as the
22 amount of the applicant's license bid. The Board may grant the
23 re-issued owners license to an applicant that has not submitted
24 the highest license bid, but if it does not select the highest
25 bidder, the Board shall issue a written decision explaining why
26 another applicant was selected and identifying the factors set

1 forth in Section ~~Sections~~ 7(b) and in Section 7(e), (e-5), or
2 (e-10), whichever is applicable, ~~(e)~~ that favored the winning
3 bidder.

4 (e) Re-issued owners licenses shall be subject to annual
5 license fees as provided for in Section 7(a) and shall be
6 governed by the provisions of Sections 7(f), (g), (h), and (i).
7 (Source: P.A. 93-28, eff. 6-20-03.)

8 (230 ILCS 10/7.3)

9 Sec. 7.3. State conduct of gambling operations.

10 (a) If, after reviewing each application for a re-issued
11 license, the Board determines that the highest prospective
12 total revenue to the State would be derived from State conduct
13 of the gambling operation in lieu of re-issuing the license,
14 the Board shall inform each applicant of its decision. The
15 Board shall thereafter have the authority, without obtaining an
16 owners license, to conduct riverboat gambling operations as
17 previously authorized by the terminated, expired, revoked, or
18 nonrenewed license through a licensed manager selected
19 pursuant to an open and competitive bidding process as set
20 forth in Section 7.5 and as provided in Section 7.4.

21 (b) The Board may locate any riverboat on which a gambling
22 operation is conducted by the State in any home dock location
23 authorized by Section 3(c) upon receipt of approval from a
24 majority vote of the governing body of the municipality or
25 county, as the case may be, in which the riverboat will dock.

1 (c) The Board shall have jurisdiction over and shall
2 supervise all gambling operations conducted by the State
3 provided for in this Act and shall have all powers necessary
4 and proper to fully and effectively execute the provisions of
5 this Act relating to gambling operations conducted by the
6 State.

7 (d) The maximum number of owners licenses authorized under
8 Section 7 ~~7(e)~~ shall be reduced by one for each instance in
9 which the Board authorizes the State to conduct a riverboat
10 gambling operation under subsection (a) in lieu of re-issuing a
11 license to an applicant under Section 7.1.

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

13 (230 ILCS 10/7.6 new)

14 Sec. 7.6. Electronic gaming.

15 (a) The General Assembly finds that the horse racing and
16 riverboat gambling industries share many similarities and
17 collectively comprise the bulk of the State's gaming industry.
18 One feature common to both industries is that each is highly
19 regulated by the State of Illinois. The General Assembly
20 further finds, however, that despite their shared features each
21 industry is distinct from the other in that horse racing is and
22 continues to be intimately tied to Illinois' agricultural
23 economy and is, at its core, a spectator sport. This
24 distinction requires the General Assembly to utilize different
25 methods to regulate and promote the horse racing industry

1 throughout the State. The General Assembly finds that in order
2 to promote live horse racing as a spectator sport in Illinois
3 and the agricultural economy of this State, it is necessary to
4 allow electronic gaming at Illinois race tracks as an ancillary
5 use given the success of other states in increasing live racing
6 purse accounts and improving the quality of horses
7 participating in horse race meetings.

8 (b) The Illinois Gaming Board shall award one electronic
9 gaming license to each person, firm, or corporation having
10 operating control of a race track that applies under Section 56
11 of the Illinois Horse Racing Act of 1975, subject to the
12 application and eligibility requirements of this Section.
13 Within 60 days after the effective date of this amendatory Act
14 of the 96th General Assembly, a person, firm, or corporation
15 having operating control of a race track may submit an
16 application for an electronic gaming license. The application
17 shall specify the number of gaming positions the applicant
18 intends to use and the place where the electronic gaming
19 facility will operate.

20 The Board shall determine within 120 days after receiving
21 an application for an electronic gaming license, whether to
22 grant an electronic gaming license to the applicant. If the
23 Board does not make a determination within 120 days, the Board
24 shall give a written explanation to the applicant as to why it
25 has not reached a determination and when it reasonably expects
26 to make a determination.

1 The electronic gaming licensee shall purchase up to the
2 amount of electronic gaming positions authorized under this Act
3 within 120 days after receiving its electronic gaming license.
4 If an electronic gaming licensee is prepared to purchase the
5 electronic gaming positions, but is temporarily prohibited
6 from doing so by order of a court of competent jurisdiction or
7 the Board, then the 120-day period is tolled until a resolution
8 is reached.

9 An electronic gaming license shall authorize its holder to
10 conduct electronic gaming at its race track at the following
11 times:

12 (1) On days when it conducts live racing at the track
13 where its electronic gaming facility is located, from 8:00
14 a.m. until 3:00 a.m. on the following day.

15 (2) On days when it is scheduled to conduct simulcast
16 wagering on races run in the United States, from 8:00 a.m.
17 until 3:00 a.m. on the following day.

18 Additionally, the Board may extend these hours upon request
19 by an organization licensee as the Board sees fit.

20 A license to conduct electronic gaming and any renewal of
21 an electronic gaming license shall authorize electronic gaming
22 for a period of 4 years. The fee for the issuance or renewal of
23 an electronic gaming license shall be \$100,000.

24 (c) To be eligible to conduct electronic gaming, a person,
25 firm, or corporation having operating control of a race track
26 must (i) obtain an electronic gaming license, (ii) hold an

1 organization license under the Illinois Horse Racing Act of
2 1975, (iii) hold an inter-track wagering license, (iv) pay an
3 initial fee of \$25,000 per gaming position from electronic
4 gaming licensees where electronic gaming is conducted in Cook
5 County and \$12,500 for electronic gaming licensees where
6 electronic gaming is located outside of Cook County before
7 beginning to conduct electronic gaming plus make the
8 reconciliation payment required under subsection (h), (v)
9 conduct at least 240 live races per year, (vi) meet the
10 requirements of subsection (a) of Section 56 of the Illinois
11 Horse Racing Act of 1975, (vii) for organization licensees
12 conducting standardbred race meetings that had an open
13 backstretch in 2009, keep backstretch barns and dormitories
14 open and operational year-round unless a lesser schedule is
15 mutually agreed to by the organization licensee and the
16 horsemen's association racing at that organization licensee's
17 race meeting, (viii) for organization licensees conducting
18 thoroughbred race meetings, the organization licensee must
19 maintain accident medical expense liability insurance coverage
20 of \$1,000,000 for jockeys, and (ix) meet all other requirements
21 of this Act that apply to owners licensees. Only those persons,
22 firms, or corporations (or its successors or assigns) that had
23 operating control of a race track and held an inter-track
24 wagering license authorized by the Illinois Racing Board in
25 2009 are eligible.

26 All payments by licensees under this subsection (c) shall

1 be deposited into the Capital Projects Fund.

2 (d) The Board may approve electronic gaming positions
3 statewide as provided in this Section. The authority to operate
4 electronic gaming positions under this Section shall be
5 allocated as follows: up to 1,200 gaming positions for any
6 electronic gaming licensee in Cook County and up to 900 gaming
7 positions for any electronic gaming licensee outside of Cook
8 County.

9 (e) Any positions that are not obtained by an organization
10 licensee shall be retained by the Gaming Board and shall be
11 offered in equal amounts to organization licensees who have
12 purchased all of the positions that were offered. This process
13 shall continue until all positions have been purchased. All
14 positions obtained pursuant to this process must be in
15 operation within 18 months after they were obtained or the
16 organization licensee forfeits the right to operate all of the
17 positions, but is not entitled to a refund of any fees paid.
18 The Board may, after holding a public hearing, grant extensions
19 so long as an organization licensee is working in good faith to
20 begin conducting electronic gaming. The extension may be for a
21 period of 6 months. If, after the period of the extension, a
22 licensee has not begun to conduct electronic gaming, another
23 public hearing must be held by the Board before it may grant
24 another extension.

25 (f) Subject to the approval of the Illinois Gaming Board,
26 an electronic gaming licensee may make modification or

1 additions to any existing buildings and structures to comply
2 with the requirements of this Act. The Illinois Gaming Board
3 shall make its decision after consulting with the Illinois
4 Racing Board. In no case, however, shall the Illinois Gaming
5 Board approve any modification or addition that alters the
6 grounds of the organizational licensee such that the act of
7 live racing is an ancillary activity to electronic gaming.
8 Electronic gaming may take place in existing structures where
9 inter-track wagering is conducted at the race track or a
10 facility within 300 yards of the race track in accordance with
11 the provisions of this Act and the Illinois Horse Racing Act of
12 1975.

13 (g) An electronic gaming licensee may conduct electronic
14 gaming at a temporary facility pending the construction of a
15 permanent facility or the remodeling of an existing facility to
16 accommodate electronic gaming participants for up to 24 months
17 after the temporary facility begins to conduct electronic
18 gaming. Upon request by an electronic gaming licensee and upon
19 a showing of good cause by the electronic gaming licensee, the
20 Board shall extend the period during which the licensee may
21 conduct electronic gaming at a temporary facility by up to 12
22 months. The Board shall make rules concerning the conduct of
23 electronic gaming from temporary facilities.

24 Electronic gaming may take place in existing structures
25 where inter-track wagering is conducted at the race track or a
26 facility within 300 yards of the race track in accordance with

1 the provisions of this Act and the Illinois Horse Racing Act of
2 1975. Pari-mutuel wagering on live horse racing at the track on
3 which the facility is located must be provided in the
4 electronic gaming facility.

5 (h) The Illinois Gaming Board must adopt emergency rules in
6 accordance with Section 5-45 of the Illinois Administrative
7 Procedure Act as necessary to ensure compliance with the
8 provisions of this amendatory Act of the 96th General Assembly
9 concerning electronic gaming. The adoption of emergency rules
10 authorized by this subsection (h) shall be deemed to be
11 necessary for the public interest, safety, and welfare.

12 (i) Each electronic gaming licensee who obtains electronic
13 gaming positions must make a reconciliation payment 4 years
14 after the date the electronic gaming licensee begins operating
15 the positions in an amount equal to 75% of the amount for which
16 privilege tax was paid under subsection (a-5) of Section 13 of
17 this Act from electronic gaming for the most lucrative 12-month
18 period of operations, minus an amount equal to the initial
19 \$25,000 or \$12,500 per electronic gaming position initial
20 payment. If this calculation results in a negative amount, then
21 the electronic gaming licensee is not entitled to any
22 reimbursement of fees previously paid. This reconciliation
23 payment may be made in installments over a period of no more
24 than 5 years, subject to Board approval. Any installment
25 payments shall include an annual market interest rate as
26 determined by the Board.

1 All payments by licensees under this subsection (i) shall
2 be deposited into the Capital Projects Fund.

3 (j) As soon as practical after a request is made by the
4 Illinois Gaming Board, to minimize duplicate submissions by the
5 applicant, the Illinois Racing Board must provide information
6 on an applicant for an electronic gaming license to the
7 Illinois Gaming Board.

8 (k) Subject to the approval of the Illinois Gaming Board,
9 an organization licensee that (i) receives an electronic gaming
10 license under this Act, (ii) has operating control of a race
11 track located in Will County and (iii) has been awarded
12 standardbred racing dates in 2010 by the Illinois Racing Board,
13 may relocate its race track facility in conjunction with plans
14 to construct a new electronic gaming facility to a location
15 within a 15 mile radius of its current race track facility. The
16 Illinois Gaming Board shall make its decision after consulting
17 with the Illinois Racing Board and any such relocation
18 application shall be subject to all the provisions of this Act
19 and the Illinois Horse Racing Act of 1975.

20 (l) Subject to the approval of the Illinois Gaming Board,
21 an organization licensee that (i) receives an electronic gaming
22 license under this Act, (ii) has operating control of a race
23 track located in Cook County, and (iii) has been awarded
24 standardbred racing dates during 2010 by the Illinois Racing
25 Board, may relocate its race track facility in conjunction with
26 plans to construct a new structure for purposes of electronic

1 gaming to a location within a 3 mile radius of its current race
2 track facility. The Illinois Gaming Board shall make its
3 decision after consulting with the Illinois Racing Board and
4 any such relocation application shall be subject to all the
5 provisions of this Act and the Illinois Horse Racing Act of
6 1975.

7 (230 ILCS 10/7.7 new)

8 Sec. 7.7. Home rule. The regulation and licensing of
9 electronic gaming and electronic gaming licensees are
10 exclusive powers and functions of the State. A home rule unit
11 may not regulate or license electronic gaming or electronic
12 gaming licensees. This Section is a denial and limitation of
13 home rule powers and functions under subsection (h) of Section
14 6 of Article VII of the Illinois Constitution.

15 (230 ILCS 10/7.8 new)

16 Sec. 7.8. Casino operator license.

17 (a) A qualified person may apply to the Board for a casino
18 operator license to operate and manage any gambling operation
19 conducted by an Authority. The application shall be made on
20 forms provided by the Board and shall contain such information
21 as the Board prescribes, including but not limited to
22 information required in Sections 6(a), (b), and (c) and
23 information relating to the applicant's proposed price to
24 manage the Authority's gambling operations and to provide the

1 casino, gambling equipment, and supplies necessary to conduct
2 Authority gambling operations.

3 (b) A person, firm, or corporation is ineligible to receive
4 a casino operator license if:

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

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

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

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

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

16 (6) the firm or corporation employs a person defined in
17 (1), (2), (3), or (4) who participates in the management or
18 operation of gambling operations authorized under this
19 Act; or

20 (7) a license of the person, firm, or corporation
21 issued under this Act, or a license to own or operate
22 gambling facilities in any other jurisdiction, has been
23 revoked.

24 (c) In determining whether to grant a casino operator
25 license, the Board shall consider:

26 (1) the character, reputation, experience and

1 financial integrity of the applicants and of any other or
2 separate person that either:

3 (A) controls, directly or indirectly, such
4 applicant, or

5 (B) is controlled, directly or indirectly, by such
6 applicant or by a person which controls, directly or
7 indirectly, such applicant;

8 (2) the facilities or proposed facilities for the
9 conduct of gambling;

10 (3) the preference of the municipality in which the
11 licensee will operate;

12 (4) the extent to which the ownership of the applicant
13 reflects the diversity of the State by including minority
14 persons and females and the good faith affirmative action
15 plan of each applicant to recruit, train, and upgrade
16 minority persons and females in all employment
17 classifications;

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

20 (6) whether the applicant has adequate capitalization
21 to provide and maintain, for the duration of a license, a
22 casino; and

23 (7) the extent to which the applicant exceeds or meets
24 other standards for the issuance of a managers license that
25 the Board may adopt by rule.

26 (d) Each applicant shall submit with his or her

1 application, on forms prescribed by the Board, 2 sets of his or
2 her fingerprints.

3 (e) The Board shall charge each applicant a fee, set by the
4 Board, to defray the costs associated with the background
5 investigation conducted by the Board.

6 (f) A person who knowingly makes a false statement on an
7 application is guilty of a Class A misdemeanor.

8 (g) The casino operator license shall be issued only upon
9 proof that it has entered into a labor peace agreement with
10 each labor organization that is actively engaged in
11 representing and attempting to represent casino and
12 hospitality industry workers in this State. The labor peace
13 agreement must be a valid and enforceable agreement under 29
14 U.S.C. 185 that protects the city's and State's revenues from
15 the operation of the casino facility by prohibiting the labor
16 organization and its members from engaging in any picketing,
17 work stoppages, boycotts, or any other economic interference
18 with the casino facility for at least the first 5 years of the
19 casino license and must cover all operations at the casino
20 facility that are conducted by lessees or tenants or under
21 management agreements.

22 (h) The casino operator license shall be for a term of 20
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 Board may revoke the license:

3 (1) for violation of any provision of this Act;

4 (2) for violation of any rules of the Board;

5 (3) for any cause which, if known to the Board, would
6 have disqualified the applicant from receiving the
7 license; or

8 (4) for any other just cause.

9 (230 ILCS 10/8) (from Ch. 120, par. 2408)

10 Sec. 8. Suppliers licenses.

11 (a) The Board may issue a suppliers license to such
12 persons, firms or corporations which apply therefor upon the
13 payment of a non-refundable application fee set by the Board,
14 upon a determination by the Board that the applicant is
15 eligible for a suppliers license and upon payment of a \$5,000
16 annual license fee.

17 (b) The holder of a suppliers license is authorized to sell
18 or lease, and to contract to sell or lease, gambling equipment
19 and supplies to any licensee involved in the ownership or
20 management of gambling operations.

21 (c) Gambling supplies and equipment may not be distributed
22 unless supplies and equipment conform to standards adopted by
23 rules of the Board.

24 (d) A person, firm or corporation is ineligible to receive
25 a suppliers license if:

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

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

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

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

9 (5) the firm or corporation is one in which a person
10 defined in (1), (2), (3) or (4), is an officer, director or
11 managerial employee;

12 (6) the firm or corporation employs a person who
13 participates in the management or operation of riverboat
14 gambling authorized under this Act;

15 (7) the license of the person, firm or corporation
16 issued under this Act, or a license to own or operate
17 gambling facilities in any other jurisdiction, has been
18 revoked.

19 (e) Any person that supplies any equipment, devices, or
20 supplies to a licensed riverboat gambling operation or casino
21 or electronic gaming operation must first obtain a suppliers
22 license. A supplier shall furnish to the Board a list of all
23 equipment, devices and supplies offered for sale or lease in
24 connection with gambling games authorized under this Act. A
25 supplier shall keep books and records for the furnishing of
26 equipment, devices and supplies to gambling operations

1 separate and distinct from any other business that the supplier
2 might operate. A supplier shall file a quarterly return with
3 the Board listing all sales and leases. A supplier shall
4 permanently affix its name to all its equipment, devices, and
5 supplies for gambling operations. Any supplier's equipment,
6 devices or supplies which are used by any person in an
7 unauthorized gambling operation shall be forfeited to the
8 State. A holder of an owners license or an electronic gaming
9 license ~~A licensed owner~~ may own its own equipment, devices and
10 supplies. Each holder of an owners license or an electronic
11 gaming license under the Act shall file an annual report
12 listing its inventories of gambling equipment, devices and
13 supplies.

14 (f) Any person who knowingly makes a false statement on an
15 application is guilty of a Class A misdemeanor.

16 (g) Any gambling equipment, devices and supplies provided
17 by any licensed supplier may either be repaired on the
18 riverboat, in the casino, or at the electronic gaming facility
19 or removed from the riverboat, casino, or electronic gaming
20 facility to a an on-shore facility owned by the holder of an
21 owners license or electronic gaming license for repair.

22 (Source: P.A. 86-1029; 87-826.)

23 (230 ILCS 10/9) (from Ch. 120, par. 2409)

24 Sec. 9. Occupational licenses.

25 (a) The Board may issue an occupational license to an

1 applicant upon the payment of a non-refundable fee set by the
2 Board, upon a determination by the Board that the applicant is
3 eligible for an occupational license and upon payment of an
4 annual license fee in an amount to be established. To be
5 eligible for an occupational license, an applicant must:

6 (1) be at least 21 years of age if the applicant will
7 perform any function involved in gaming by patrons. Any
8 applicant seeking an occupational license for a non-gaming
9 function shall be at least 18 years of age;

10 (2) not have been convicted of a felony offense, a
11 violation of Article 28 of the Criminal Code of 1961, or a
12 similar statute of any other jurisdiction;

13 (2.5) not have been convicted of a crime, other than a
14 crime described in item (2) of this subsection (a),
15 involving dishonesty or moral turpitude, except that the
16 Board may, in its discretion, issue an occupational license
17 to a person who has been convicted of a crime described in
18 this item (2.5) more than 10 years prior to his or her
19 application and has not subsequently been convicted of any
20 other crime;

21 (3) have demonstrated a level of skill or knowledge
22 which the Board determines to be necessary in order to
23 operate gambling aboard a riverboat , in a casino, or at an
24 electronic gaming facility; and

25 (4) have met standards for the holding of an
26 occupational license as adopted by rules of the Board. Such

1 rules shall provide that any person or entity seeking an
2 occupational license to manage gambling operations
3 hereunder shall be subject to background inquiries and
4 further requirements similar to those required of
5 applicants for an owners license. Furthermore, such rules
6 shall provide that each such entity shall be permitted to
7 manage gambling operations for only one licensed owner.

8 (b) Each application for an occupational license shall be
9 on forms prescribed by the Board and shall contain all
10 information required by the Board. The applicant shall set
11 forth in the application: whether he has been issued prior
12 gambling related licenses; whether he has been licensed in any
13 other state under any other name, and, if so, such name and his
14 age; and whether or not a permit or license issued to him in
15 any other state has been suspended, restricted or revoked, and,
16 if so, for what period of time.

17 (c) Each applicant shall submit with his application, on
18 forms provided by the Board, 2 sets of his fingerprints. The
19 Board shall charge each applicant a fee set by the Department
20 of State Police to defray the costs associated with the search
21 and classification of fingerprints obtained by the Board with
22 respect to the applicant's application. These fees shall be
23 paid into the State Police Services Fund.

24 (d) The Board may in its discretion refuse an occupational
25 license to any person: (1) who is unqualified to perform the
26 duties required of such applicant; (2) who fails to disclose or

1 states falsely any information called for in the application;
2 (3) who has been found guilty of a violation of this Act or
3 whose prior gambling related license or application therefor
4 has been suspended, restricted, revoked or denied for just
5 cause in any other state; or (4) for any other just cause.

6 (e) The Board may suspend, revoke or restrict any
7 occupational licensee: (1) for violation of any provision of
8 this Act; (2) for violation of any of the rules and regulations
9 of the Board; (3) for any cause which, if known to the Board,
10 would have disqualified the applicant from receiving such
11 license; or (4) for default in the payment of any obligation or
12 debt due to the State of Illinois; or (5) for any other just
13 cause.

14 (f) A person who knowingly makes a false statement on an
15 application is guilty of a Class A misdemeanor.

16 (g) Any license issued pursuant to this Section shall be
17 valid for a period of one year from the date of issuance.

18 (h) Nothing in this Act shall be interpreted to prohibit a
19 licensed owner or electronic gaming licensee from entering into
20 an agreement with a public community college or a school
21 approved under the Private Business and Vocational Schools Act
22 for the training of any occupational licensee. Any training
23 offered by such a school shall be in accordance with a written
24 agreement between the licensed owner or electronic gaming
25 licensee and the school.

26 (i) Any training provided for occupational licensees may be

1 conducted either at the site of the gambling facility on the
2 riverboat or at a school with which a licensed owner or
3 electronic gaming licensee has entered into an agreement
4 pursuant to subsection (h).

5 (Source: P.A. 96-1392, eff. 1-1-11.)

6 (230 ILCS 10/11) (from Ch. 120, par. 2411)

7 Sec. 11. Conduct of gambling. Gambling may be conducted by
8 licensed owners or licensed managers on behalf of the State
9 aboard riverboats. Gambling may be conducted by electronic
10 gaming licensees at electronic gaming facilities. Gambling
11 authorized under this Section shall be, subject to the
12 following standards:

13 (1) A licensee may conduct riverboat gambling
14 authorized under this Act regardless of whether it conducts
15 excursion cruises. A licensee may permit the continuous
16 ingress and egress of patrons ~~passengers~~ on a riverboat not
17 used for excursion cruises for the purpose of gambling.
18 Excursion cruises shall not exceed 4 hours for a round
19 trip. However, the Board may grant express approval for an
20 extended cruise on a case-by-case basis.

21 (2) (Blank).

22 (3) Minimum and maximum wagers on games shall be set by
23 the licensee.

24 (4) Agents of the Board and the Department of State
25 Police may board and inspect any riverboat, enter and

1 inspect any portion of a casino, or enter and inspect any
2 portion of an electronic gaming facility at any time for
3 the purpose of determining whether this Act is being
4 complied with. Every riverboat, if under way and being
5 hailed by a law enforcement officer or agent of the Board,
6 must stop immediately and lay to.

7 (5) Employees of the Board shall have the right to be
8 present on the riverboat or in the casino or on adjacent
9 facilities under the control of the licensee and at the
10 electronic gaming facility under the control of the
11 electronic gaming licensee.

12 (6) Gambling equipment and supplies customarily used
13 in conducting riverboat or casino gambling or electronic
14 gaming must be purchased or leased only from suppliers
15 licensed for such purpose under this Act. The Board may
16 approve the transfer, sale, or lease of gambling equipment
17 and supplies by a licensed owner from or to an affiliate of
18 the licensed owner as long as the gambling equipment and
19 supplies were initially acquired from a supplier licensed
20 in Illinois.

21 (7) Persons licensed under this Act shall permit no
22 form of wagering on gambling games except as permitted by
23 this Act.

24 (8) Wagers may be received only from a person present
25 on a licensed riverboat, in a casino, or at an electronic
26 gaming facility. No person present on a licensed riverboat,

1 in a casino, or at an electronic gaming facility shall
2 place or attempt to place a wager on behalf of another
3 person who is not present on the riverboat , in a casino,
4 or at the electronic gaming facility.

5 (9) Wagering, including electronic gaming, shall not
6 be conducted with money or other negotiable currency.

7 (10) A person under age 21 shall not be permitted on an
8 area of a riverboat or casino where gambling is being
9 conducted or at an electronic gaming facility where
10 gambling is being conducted, except for a person at least
11 18 years of age who is an employee of the riverboat or
12 casinogambling operation or electronic gaming operation.

13 No employee under age 21 shall perform any function
14 involved in gambling by the patrons. No person under age 21
15 shall be permitted to make a wager under this Act, and any
16 winnings that are a result of a wager by a person under age
17 21, whether or not paid by a licensee, shall be treated as
18 winnings for the privilege tax purposes, confiscated, and
19 forfeited to the State and deposited into the Education
20 Assistance Fund.

21 (11) Gambling excursion cruises are permitted only
22 when the waterway for which the riverboat is licensed is
23 navigable, as determined by the Board in consultation with
24 the U.S. Army Corps of Engineers. This paragraph (11) does
25 not limit the ability of a licensee to conduct gambling
26 authorized under this Act when gambling excursion cruises

1 are not permitted.

2 (12) All tokens, chips or electronic cards used to make
3 wagers must be purchased (i) from a licensed owner or
4 manager, in the case of a riverboat, either aboard a
5 riverboat or at an onshore facility which has been approved
6 by the Board and which is located where the riverboat
7 docks, (ii) in the case of a casino, from a licensed owner
8 at the casino, or (iii) from an electronic gaming licensee
9 at the electronic gaming facility. The tokens, chips or
10 electronic cards may be purchased by means of an agreement
11 under which the owner or manager extends credit to the
12 patron. Such tokens, chips or electronic cards may be used
13 while aboard the riverboat, in the casino, or at the
14 electronic gaming facility only for the purpose of making
15 wagers on gambling games.

16 (13) Notwithstanding any other Section of this Act, in
17 addition to the other licenses authorized under this Act,
18 the Board may issue special event licenses allowing persons
19 who are not otherwise licensed to conduct riverboat
20 gambling to conduct such gambling on a specified date or
21 series of dates. Riverboat gambling under such a license
22 may take place on a riverboat not normally used for
23 riverboat gambling. The Board shall establish standards,
24 fees and fines for, and limitations upon, such licenses,
25 which may differ from the standards, fees, fines and
26 limitations otherwise applicable under this Act. All such

1 fees shall be deposited into the State Gaming Fund. All
2 such fines shall be deposited into the Education Assistance
3 Fund, created by Public Act 86-0018, of the State of
4 Illinois.

5 (14) In addition to the above, gambling must be
6 conducted in accordance with all rules adopted by the
7 Board.

8 (Source: P.A. 96-1392, eff. 1-1-11.)

9 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

10 Sec. 11.1. Collection of amounts owing under credit
11 agreements. Notwithstanding any applicable statutory provision
12 to the contrary, a licensed owner, ~~or~~ manager, or electronic
13 gaming licensee who extends credit to a ~~riverboat~~ gambling
14 patron or an electronic gaming patron pursuant to Section 11
15 (a) (12) of this Act is expressly authorized to institute a
16 cause of action to collect any amounts due and owing under the
17 extension of credit, as well as the owner's or manager's costs,
18 expenses and reasonable attorney's fees incurred in
19 collection.

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

21 (230 ILCS 10/12) (from Ch. 120, par. 2412)

22 Sec. 12. Admission tax; fees.

23 (a) A tax is hereby imposed upon admissions to riverboat
24 and casino gambling facilities ~~riverboats~~ operated by licensed

1 owners authorized pursuant to this Act. Until July 1, 2002, the
2 rate is \$2 per person admitted. From July 1, 2002 until July 1,
3 2003, the rate is \$3 per person admitted. From July 1, 2003
4 until August 23, 2005 (the effective date of Public Act
5 94-673), for a licensee that admitted 1,000,000 persons or
6 fewer in the previous calendar year, the rate is \$3 per person
7 admitted; for a licensee that admitted more than 1,000,000 but
8 no more than 2,300,000 persons in the previous calendar year,
9 the rate is \$4 per person admitted; and for a licensee that
10 admitted more than 2,300,000 persons in the previous calendar
11 year, the rate is \$5 per person admitted. Beginning on August
12 23, 2005 (the effective date of Public Act 94-673), for a
13 licensee that admitted 1,000,000 persons or fewer in calendar
14 year 2004, the rate is \$2 per person admitted, and for all
15 other licensees, including licensees that were not conducting
16 gambling operations in 2004, the rate is \$3 per person
17 admitted. This admission tax is imposed upon the licensed owner
18 conducting gambling.

19 (1) The admission tax shall be paid for each admission,
20 except that a person who exits a riverboat gambling
21 facility and reenters that riverboat gambling facility
22 within the same gaming day shall be subject only to the
23 initial admission tax.

24 (2) (Blank).

25 (3) The riverboat licensee may issue tax-free passes to
26 actual and necessary officials and employees of the

1 licensee or other persons actually working on the
2 riverboat.

3 (4) The number and issuance of tax-free passes is
4 subject to the rules of the Board, and a list of all
5 persons to whom the tax-free passes are issued shall be
6 filed with the Board.

7 (a-5) A fee is hereby imposed upon admissions operated by
8 licensed managers on behalf of the State pursuant to Section
9 7.3 at the rates provided in this subsection (a-5). For a
10 licensee that admitted 1,000,000 persons or fewer in the
11 previous calendar year, the rate is \$3 per person admitted; for
12 a licensee that admitted more than 1,000,000 but no more than
13 2,300,000 persons in the previous calendar year, the rate is \$4
14 per person admitted; and for a licensee that admitted more than
15 2,300,000 persons in the previous calendar year, the rate is \$5
16 per person admitted.

17 (1) The admission fee shall be paid for each admission.

18 (2) (Blank).

19 (3) The licensed manager may issue fee-free passes to
20 actual and necessary officials and employees of the manager
21 or other persons actually working on the riverboat.

22 (4) The number and issuance of fee-free passes is
23 subject to the rules of the Board, and a list of all
24 persons to whom the fee-free passes are issued shall be
25 filed with the Board.

26 (b) From the tax imposed under subsection (a) and the fee

1 imposed under subsection (a-5), a municipality shall receive
2 from the State \$1 for each person embarking on a riverboat
3 docked within the municipality or entering a casino located
4 within the municipality, and a county shall receive \$1 for each
5 person entering a casino or embarking on a riverboat docked
6 within the county but outside the boundaries of any
7 municipality. The municipality's or county's share shall be
8 collected by the Board on behalf of the State and remitted
9 quarterly by the State, subject to appropriation, to the
10 treasurer of the unit of local government for deposit in the
11 general fund.

12 (c) The licensed owner shall pay the entire admission tax
13 to the Board and the licensed manager or the casino operator
14 licensee shall pay the entire admission fee to the Board. Such
15 payments shall be made daily. Accompanying each payment shall
16 be a return on forms provided by the Board which shall include
17 other information regarding admissions as the Board may
18 require. Failure to submit either the payment or the return
19 within the specified time may result in suspension or
20 revocation of the owners or managers license.

21 (c-5) A tax is imposed on admissions to electronic gaming
22 facilities at the rate of \$3 per person admitted by an
23 electronic gaming licensee. The tax is imposed upon the
24 electronic gaming licensee.

25 (1) The admission tax shall be paid for each admission,
26 except that a person who exits an electronic gaming

1 facility and reenters that electronic gaming facility
2 within the same gaming day, as the term "gaming day" is
3 defined by the Board by rule, shall be subject only to the
4 initial admission tax. The Board shall establish, by rule,
5 a procedure to determine whether a person admitted to an
6 electronic gaming facility has paid the admission tax.

7 (2) An electronic gaming licensee may issue tax-free
8 passes to actual and necessary officials and employees of
9 the licensee and other persons associated with electronic
10 gaming operations.

11 (3) The number and issuance of tax-free passes is
12 subject to the rules of the Board, and a list of all
13 persons to whom the tax-free passes are issued shall be
14 filed with the Board.

15 (4) The electronic gaming licensee shall pay the entire
16 admission tax to the Board.

17 Such payments shall be made daily. Accompanying each
18 payment shall be a return on forms provided by the Board, which
19 shall include other information regarding admission as the
20 Board may require. Failure to submit either the payment or the
21 return within the specified time may result in suspension or
22 revocation of the electronic gaming license.

23 From the tax imposed under this subsection (c-5), a
24 municipality other than the Village of Stickney or the Village
25 of Arlington Heights in which an electronic gaming facility is
26 located, or if the electronic gaming facility is not located

1 within a municipality, then the county in which the electronic
2 gaming facility is located, shall receive, subject to
3 appropriation, \$1 for each person who enters the electronic
4 gaming facility.

5 From the tax imposed under this subsection (c-5) from an
6 electronic gaming facility located in the Village of Stickney,
7 \$1 for each person who enters the electronic gaming facility
8 shall be distributed as follows, subject to appropriation:
9 \$0.25 to the Village of Stickney, \$.50 to the Town of Cicero,
10 and \$0.25 to the Stickney Public Health District. For each
11 admission to the electronic gaming facility in excess of
12 1,500,000 in a year, from the tax imposed under this subsection
13 (c-5), the county in which the electronic gaming facility is
14 located shall receive, subject to appropriation, \$0.30, which
15 shall be in addition to any other moneys paid to the county
16 under this Section.

17 From the tax imposed under this subsection (c-5) from an
18 electronic gaming facility located in the Village of Arlington
19 Heights, \$1 for each person who enters the electronic gaming
20 facility shall be distributed as follows, subject to
21 appropriation: \$0.67 to the Village of Arlington Heights and
22 \$0.33 to the City of Des Plaines.

23 After payments required under this subsection (c-5) have
24 been made, all remaining amounts shall be deposited into the
25 Capital Projects Fund.

26 (d) The Board shall administer and collect the admission

1 tax imposed by this Section, to the extent practicable, in a
2 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
3 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the
4 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
5 Penalty and Interest Act.

6 (Source: P.A. 95-663, eff. 10-11-07; 96-1392, eff. 1-1-11.)

7 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

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

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

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

21 25% of annual adjusted gross receipts in excess of
22 \$50,000,000 but not exceeding \$75,000,000;

23 30% of annual adjusted gross receipts in excess of
24 \$75,000,000 but not exceeding \$100,000,000;

25 35% of annual adjusted gross receipts in excess of

1 \$100,000,000.

2 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
3 is imposed on persons engaged in the business of conducting
4 riverboat gambling operations, other than licensed managers
5 conducting riverboat gambling operations on behalf of the
6 State, based on the adjusted gross receipts received by a
7 licensed owner from gambling games authorized under this Act at
8 the following rates:

9 15% of annual adjusted gross receipts up to and
10 including \$25,000,000;

11 22.5% of annual adjusted gross receipts in excess of
12 \$25,000,000 but not exceeding \$50,000,000;

13 27.5% of annual adjusted gross receipts in excess of
14 \$50,000,000 but not exceeding \$75,000,000;

15 32.5% of annual adjusted gross receipts in excess of
16 \$75,000,000 but not exceeding \$100,000,000;

17 37.5% of annual adjusted gross receipts in excess of
18 \$100,000,000 but not exceeding \$150,000,000;

19 45% of annual adjusted gross receipts in excess of
20 \$150,000,000 but not exceeding \$200,000,000;

21 50% of annual adjusted gross receipts in excess of
22 \$200,000,000.

23 (a-3) Beginning July 1, 2003, a privilege tax is imposed on
24 persons engaged in the business of conducting riverboat
25 gambling operations, other than licensed managers conducting
26 riverboat gambling operations on behalf of the State, based on

1 the adjusted gross receipts received by a licensed owner from
2 gambling games authorized under this Act at the following
3 rates:

4 15% of annual adjusted gross receipts up to and
5 including \$25,000,000;

6 27.5% of annual adjusted gross receipts in excess of
7 \$25,000,000 but not exceeding \$37,500,000;

8 32.5% of annual adjusted gross receipts in excess of
9 \$37,500,000 but not exceeding \$50,000,000;

10 37.5% of annual adjusted gross receipts in excess of
11 \$50,000,000 but not exceeding \$75,000,000;

12 45% of annual adjusted gross receipts in excess of
13 \$75,000,000 but not exceeding \$100,000,000;

14 50% of annual adjusted gross receipts in excess of
15 \$100,000,000 but not exceeding \$250,000,000;

16 70% of annual adjusted gross receipts in excess of
17 \$250,000,000.

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

23 The privilege tax imposed under this subsection (a-3) shall
24 no longer be imposed beginning on the earlier of (i) July 1,
25 2005; (ii) the first date after June 20, 2003 that riverboat
26 gambling operations are conducted pursuant to a dormant

1 license; or (iii) the first day that riverboat gambling
2 operations are conducted under the authority of an owners
3 license that is in addition to the 10 owners licenses initially
4 authorized under this Act. For the purposes of this subsection
5 (a-3), the term "dormant license" means an owners license that
6 is authorized by this Act under which no riverboat gambling
7 operations are being conducted on June 20, 2003.

8 (a-4) Beginning on the first day on which the tax imposed
9 under subsection (a-3) is no longer imposed, a privilege tax is
10 imposed on persons engaged in the business of conducting
11 riverboat or casino gambling or electronic gaming operations,
12 other than licensed managers conducting riverboat gambling
13 operations on behalf of the State, based on the adjusted gross
14 receipts received by a licensed owner from gambling games
15 authorized under this Act at the following rates:

16 15% of annual adjusted gross receipts up to and
17 including \$25,000,000;

18 22.5% of annual adjusted gross receipts in excess of
19 \$25,000,000 but not exceeding \$50,000,000;

20 27.5% of annual adjusted gross receipts in excess of
21 \$50,000,000 but not exceeding \$75,000,000;

22 32.5% of annual adjusted gross receipts in excess of
23 \$75,000,000 but not exceeding \$100,000,000;

24 37.5% of annual adjusted gross receipts in excess of
25 \$100,000,000 but not exceeding \$150,000,000;

26 45% of annual adjusted gross receipts in excess of

1 \$150,000,000 but not exceeding \$200,000,000;

2 50% of annual adjusted gross receipts in excess of
3 \$200,000,000.

4 (a-5) Beginning on the effective date of this amendatory
5 Act of the 96th General Assembly, a privilege tax is imposed on
6 persons engaged in the business of conducting riverboat or
7 casino gambling or electronic gaming operations, other than
8 licensed managers conducting riverboat gambling operations on
9 behalf of the State, based on the adjusted gross receipts
10 received by a licensed owner from the gambling games authorized
11 under this Act. The privilege tax for table games shall be 16%
12 of annual adjusted gross receipts. The privilege tax for all
13 other gambling games, including, but not limited to, slot
14 machines, video game of chance gambling, and electronic
15 gambling games shall be at the following rates:

16 10.0% of annual adjusted gross receipts up to and
17 including \$25,000,000;

18 17.5% of annual adjusted gross receipts in excess of
19 \$25,000,000 but not exceeding \$50,000,000;

20 22.5% of annual adjusted gross receipts in excess of
21 \$50,000,000 but not exceeding \$75,000,000;

22 27.5% of annual adjusted gross receipts in excess of
23 \$75,000,000 but not exceeding \$100,000,000;

24 32.5% of annual adjusted gross receipts in excess of
25 \$100,000,000 but not exceeding \$150,000,000;

26 35.0% of annual adjusted gross receipts in excess of

1 \$150,000,000 but not exceeding \$200,000,000;

2 40.0% of annual adjusted gross receipts in excess of

3 \$200,000,000.

4 Prior to January 1, 2014, if the obligation imposed
5 pursuant to this subsection will result in an owners licensee
6 receiving less after-tax adjusted gross receipts than it
7 received in calendar year 2010, the Board must reduce the total
8 amount of privilege taxes that an owners licensee is required
9 to pay for that calendar year pursuant to this subsection by
10 3%. For purposes of this subsection, "after-tax adjusted gross
11 receipts" means the adjusted gross receipts less privilege
12 taxes paid to the State.

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

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

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

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

1 owners licensee or any of its agents and that poses a hazardous
2 threat to the health and safety of patrons. If an owners
3 licensee pays an amount in excess of its liability under this
4 Section, the Board shall apply the overpayment to future
5 payments required under this Section.

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

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

11 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

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

26 The changes made to this subsection (a-15) by Public Act

1 94-839 are intended to restate and clarify the intent of Public
2 Act 94-673 with respect to the amount of the payments required
3 to be made under this subsection by an owners licensee to the
4 Board.

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

25 (b-5) Beginning on the effective date of this amendatory
26 Act of the 96th General Assembly, from the tax revenue

1 deposited in the State Gaming Fund under this Section, an
2 amount equal to 3% of adjusted gross receipts generated by each
3 electronic gaming facility located outside Madison County
4 shall be paid monthly, subject to appropriation by the General
5 Assembly, to a municipality outside of Madison County other
6 than the Village of Stickney or the Village of Arlington
7 Heights in which each electronic gaming facility is located or,
8 if the electronic gaming facility is not located within a
9 municipality, to the county in which the electronic gaming
10 facility is located. From the tax revenue deposited in the
11 State Gaming Fund under this Section, an amount equal to 3% of
12 adjusted gross receipts generated by each electronic gaming
13 facility located in the Village of Arlington Heights shall be
14 paid monthly, subject to appropriation by the General Assembly,
15 as follows: 67% to the Village of Arlington Heights and 33% to
16 the City of Des Plaines. From the tax revenue deposited in the
17 State Gaming Fund under this Section, an amount equal to 3% of
18 adjusted gross receipts generated by each electronic gaming
19 facility located in the Village of Stickney shall be paid
20 monthly, subject to appropriation by the General Assembly, as
21 follows: 25% to the Village of Stickney, 50% to the Town of
22 Cicero, and 25% to the Stickney Public Health District.

23 Beginning on the effective date of this amendatory Act of
24 the 96th General Assembly, from the tax revenue deposited in
25 the State Gaming Fund under this Section, an amount equal to
26 (i) 3% of adjusted gross receipts generated by an electronic

1 gaming facility located in Madison County shall be paid
2 monthly, subject to appropriation by the General Assembly, to
3 the unit of local government in which the electronic gaming
4 facility is located in Madison County, (ii) 1% of adjusted
5 gross receipts generated by an electronic gaming facility
6 located in Madison County shall be paid monthly, subject to
7 appropriation by the General Assembly, to Madison County for
8 the purposes of infrastructure improvements, and (iii) 1% of
9 adjusted gross receipts generated by an electronic gaming
10 facility located in Madison County shall be paid monthly,
11 subject to appropriation by the General Assembly, to St. Clair
12 County for the purposes of infrastructure improvements.

13 (b-6) Beginning on the effective date of this amendatory
14 Act of the 96th General Assembly, from the tax revenue
15 deposited in the State Gaming Fund under this Section, an
16 amount equal to 2% of adjusted gross receipts generated by an
17 electronic gaming facility located outside Madison County
18 shall be paid monthly, subject to appropriation by the General
19 Assembly, to the county in which the electronic gaming facility
20 is located for the purposes of its criminal justice system or
21 health care system.

22 (b-7) The State and County Fair Assistance Fund is created
23 as a special fund in the State treasury. The Fund shall be
24 administered by the Department of Agriculture. Beginning on the
25 effective date of this amendatory Act of the 96th General
26 Assembly, from the tax revenue deposited in the State Gaming

1 Fund under this Section, an amount equal to 2% of adjusted
2 gross receipts, not to exceed \$1,000,000, shall be paid into
3 the State and County Fair Assistance Fund annually. No moneys
4 shall be expended from the State and County Fair Assistance
5 Fund except as appropriated by the General Assembly.

6 The Department of Agriculture is authorized to award grants
7 from moneys appropriated from the State and County Fair
8 Assistance Fund to counties for the development, expansion, or
9 support of county fairs that showcase Illinois agriculture
10 products or by products. No grant may exceed \$20,000. Not more
11 than one grant under this Section may be made to any one county
12 except for Sangamon County and Perry County, which shall be
13 entitled to an additional grant for the Illinois State Fair and
14 the DuQuoin State Fair, respectively.

15 (b-8) Beginning on the effective date of this amendatory
16 Act of the 96th General Assembly, from the tax revenue
17 deposited in the State Gaming Fund under this Section, \$250,000
18 shall be deposited annually into the Quarter Horse Fund, which
19 is created as a non-appropriated trust fund administered by the
20 Illinois Racing Board for grants to thoroughbred organization
21 licensees, for payment of purses for Quarter Horse racing
22 conducted by the organization licensee and utilized solely for
23 the payment of purses for races run in Madison County. For
24 purposes of this subsection, the term "Quarter Horse racing"
25 shall have the same meaning as in the Illinois Horse Racing Act
26 of 1975.

1 (c) Appropriations, as approved by the General Assembly,
2 may be made from the State Gaming Fund to the Board (i) for the
3 administration and enforcement of this Act and the Video Gaming
4 Act, (ii) for distribution to the Department of State Police
5 and to the Department of Revenue for the enforcement of this
6 Act, and (iii) to the Department of Human Services for the
7 administration of programs to treat problem gambling. The
8 Board's annual appropriations request must separately state
9 its funding needs for the regulation of electronic gaming,
10 riverboat gaming, casino gaming within the City of Chicago, and
11 video gaming.

12 (c-3) Appropriations, as approved by the General Assembly,
13 may be made from the tax revenue deposited into the State
14 Gaming Fund from electronic gaming pursuant to this Section for
15 the administration and enforcement of this Act.

16 (c-4) After payments required under subsection (b-5),
17 (b-6), (b-7), (b-8), (c), and (c-3) have been made from the tax
18 revenue from electronic gaming deposited into the State Gaming
19 Fund under this Section, all remaining amounts from electronic
20 gaming shall be deposited into the Capital Projects Fund.

21 (c-5) (Blank). ~~Before May 26, 2006 (the effective date of~~
22 ~~Public Act 94-804) and beginning on the effective date of this~~
23 ~~amendatory Act of the 95th General Assembly, unless any~~
24 ~~organization licensee under the Illinois Horse Racing Act of~~
25 ~~1975 begins to operate a slot machine or video game of chance~~
26 ~~under the Illinois Horse Racing Act of 1975 or this Act, after~~

1 ~~the payments required under subsections (b) and (c) have been~~
2 ~~made, an amount equal to 15% of the adjusted gross receipts of~~
3 ~~(1) an owners licensee that relocates pursuant to Section 11.2,~~
4 ~~(2) an owners licensee conducting riverboat gambling~~
5 ~~operations pursuant to an owners license that is initially~~
6 ~~issued after June 25, 1999, or (3) the first riverboat gambling~~
7 ~~operations conducted by a licensed manager on behalf of the~~
8 ~~State under Section 7.3, whichever comes first, shall be paid~~
9 ~~from the State Gaming Fund into the Horse Racing Equity Fund.~~

10 (c-10) (Blank). ~~Each year the General Assembly shall~~
11 ~~appropriate from the General Revenue Fund to the Education~~
12 ~~Assistance Fund an amount equal to the amount paid into the~~
13 ~~Horse Racing Equity Fund pursuant to subsection (e-5) in the~~
14 ~~prior calendar year.~~

15 (c-15) After the payments required under subsections (b),
16 (b-5), (b-6), (b-7), (b-8), and (c), and (e-5) have been made,
17 an amount equal to 2% of the adjusted gross receipts of (1) an
18 owners licensee that relocates pursuant to Section 11.2, (2) an
19 owners licensee conducting riverboat gambling operations
20 pursuant to an owners license that is initially issued after
21 June 25, 1999 and before the effective date of this amendatory
22 Act of the 96th General Assembly, or (3) the first riverboat
23 gambling operations conducted by a licensed manager on behalf
24 of the State under Section 7.3, whichever comes first, shall be
25 paid, subject to appropriation from the General Assembly, from
26 the State Gaming Fund to each home rule county with a

1 population of over 3,000,000 inhabitants for the purpose of
2 enhancing the county's criminal justice system.

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

8 (c-25) After the payments required under subsections (b),
9 (b-5), (b-6), (b-7), (b-8), (c), ~~(c-5)~~ and (c-15) have been
10 made, an amount equal to 2% of the adjusted gross receipts of
11 (1) an owners licensee that relocates pursuant to Section 11.2,
12 (2) an owners licensee conducting riverboat gambling
13 operations pursuant to an owners license that is initially
14 issued after June 25, 1999 and before the effective date of
15 this amendatory Act of the 96th General Assembly, or (3) the
16 first riverboat gambling operations conducted by a licensed
17 manager on behalf of the State under Section 7.3, whichever
18 comes first, shall be paid from the State Gaming Fund to
19 Chicago State University.

20 (d) From time to time, the Board shall transfer the
21 remainder of the funds generated by this Act into the Education
22 Assistance Fund, created by Public Act 86-0018, of the State of
23 Illinois.

24 (e) Nothing in this Act shall prohibit the unit of local
25 government designated as the home dock of the riverboat from
26 entering into agreements with other units of local government

1 in this State or in other states to share its portion of the
2 tax revenue.

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

9 (Source: P.A. 95-331, eff. 8-21-07; 95-1008, eff. 12-15-08;
10 96-37, eff. 7-13-09; 96-1392, eff. 1-1-11.)

11 (230 ILCS 10/14) (from Ch. 120, par. 2414)

12 Sec. 14. Licensees - Records - Reports - Supervision.

13 (a) Licensed owners and electronic gaming licensees ~~A~~
14 ~~licensed owner~~ shall keep ~~his~~ books and records so as to
15 clearly show the following:

16 (1) The amount received daily from admission fees.

17 (2) The total amount of gross receipts.

18 (3) The total amount of the adjusted gross receipts.

19 (b) Licensed owners and electronic gaming licensees ~~The~~
20 ~~licensed owner~~ shall furnish to the Board reports and
21 information as the Board may require with respect to its
22 activities on forms designed and supplied for such purpose by
23 the Board.

24 (c) The books and records kept by a licensed owner as
25 provided by this Section are public records and the

1 examination, publication, and dissemination of the books and
2 records are governed by the provisions of The Freedom of
3 Information Act.

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

5 (230 ILCS 10/18) (from Ch. 120, par. 2418)

6 Sec. 18. Prohibited Activities - Penalty.

7 (a) A person is guilty of a Class A misdemeanor for doing
8 any of the following:

9 (1) Conducting gambling where wagering is used or to be
10 used without a license issued by the Board.

11 (2) Conducting gambling where wagering is permitted
12 other than in the manner specified by Section 11.

13 (b) A person is guilty of a Class B misdemeanor for doing
14 any of the following:

15 (1) permitting a person under 21 years to make a wager;
16 or

17 (2) violating paragraph (12) of subsection (a) of
18 Section 11 of this Act.

19 (c) A person wagering or accepting a wager at any location
20 outside the riverboat, casino, or electronic gaming facility in
21 violation of paragraph ~~is subject to the penalties in~~
22 ~~paragraphs~~ (1) or (2) of subsection (a) of Section 28-1 of the
23 Criminal Code of 1961 is subject to the penalties provided in
24 that Section.

25 (d) A person commits a Class 4 felony and, in addition,

1 shall be barred for life from gambling operations ~~riverboats~~
2 under the jurisdiction of the Board, if the person does any of
3 the following:

4 (1) Offers, promises, or gives anything of value or
5 benefit to a person who is connected with a riverboat or
6 casino owner or electronic gaming licensee including, but
7 not limited to, an officer or employee of a licensed owner
8 or electronic gaming licensee or holder of an occupational
9 license pursuant to an agreement or arrangement or with the
10 intent that the promise or thing of value or benefit will
11 influence the actions of the person to whom the offer,
12 promise, or gift was made in order to affect or attempt to
13 affect the outcome of a gambling game, or to influence
14 official action of a member of the Board.

15 (2) Solicits or knowingly accepts or receives a promise
16 of anything of value or benefit while the person is
17 connected with a riverboat, or casino, or electronic gaming
18 facility, including, but not limited to, an officer or
19 employee of a licensed owner or electronic gaming licensee,
20 or the holder of an occupational license, pursuant to an
21 understanding or arrangement or with the intent that the
22 promise or thing of value or benefit will influence the
23 actions of the person to affect or attempt to affect the
24 outcome of a gambling game, or to influence official action
25 of a member of the Board.

26 (3) Uses or possesses with the intent to use a device

1 to assist:

2 (i) In projecting the outcome of the game.

3 (ii) In keeping track of the cards played.

4 (iii) In analyzing the probability of the
5 occurrence of an event relating to the gambling game.

6 (iv) In analyzing the strategy for playing or
7 betting to be used in the game except as permitted by
8 the Board.

9 (4) Cheats at a gambling game.

10 (5) Manufactures, sells, or distributes any cards,
11 chips, dice, game or device which is intended to be used to
12 violate any provision of this Act.

13 (6) Alters or misrepresents the outcome of a gambling
14 game on which wagers have been made after the outcome is
15 made sure but before it is revealed to the players.

16 (7) Places a bet after acquiring knowledge, not
17 available to all players, of the outcome of the gambling
18 game which is subject of the bet or to aid a person in
19 acquiring the knowledge for the purpose of placing a bet
20 contingent on that outcome.

21 (8) Claims, collects, or takes, or attempts to claim,
22 collect, or take, money or anything of value in or from the
23 gambling games, with intent to defraud, without having made
24 a wager contingent on winning a gambling game, or claims,
25 collects, or takes an amount of money or thing of value of
26 greater value than the amount won.

1 (9) Uses counterfeit chips or tokens in a gambling
2 game.

3 (10) Possesses any key or device designed for the
4 purpose of opening, entering, or affecting the operation of
5 a gambling game, drop box, or an electronic or mechanical
6 device connected with the gambling game or for removing
7 coins, tokens, chips or other contents of a gambling game.
8 This paragraph (10) does not apply to a gambling licensee
9 or employee of a gambling licensee acting in furtherance of
10 the employee's employment.

11 (e) The possession of more than one of the devices
12 described in subsection (d), paragraphs (3), (5), or (10)
13 permits a rebuttable presumption that the possessor intended to
14 use the devices for cheating.

15 (f) A person under the age of 21 who, except as authorized
16 under paragraph (10) of Section 11, enters upon a riverboat
17 commits a petty offense and is subject to a fine of not less
18 than \$100 or more than \$250 for a first offense and of not less
19 than \$200 or more than \$500 for a second or subsequent offense.

20 An action to prosecute any crime occurring on a riverboat
21 shall be tried in the county of the dock at which the riverboat
22 is based.

23 (Source: P.A. 96-1392, eff. 1-1-11.)

24 (230 ILCS 10/19) (from Ch. 120, par. 2419)

25 Sec. 19. Forfeiture of property. (a) Except as provided in

1 subsection (b), any riverboat, casino, or electronic gaming
2 facility used for the conduct of gambling games in violation of
3 this Act shall be considered a gambling place in violation of
4 Section 28-3 of the Criminal Code of 1961, as now or hereafter
5 amended. Every gambling device found on a riverboat, in a
6 casino, or at an electronic gaming facility operating gambling
7 games in violation of this Act and every slot machine and video
8 game of chance found at an electronic gaming facility operating
9 gambling games in violation of this Act shall be subject to
10 seizure, confiscation and destruction as provided in Section
11 28-5 of the Criminal Code of 1961, as now or hereafter amended.

12 (b) It is not a violation of this Act for a riverboat or
13 other watercraft which is licensed for gaming by a contiguous
14 state to dock on the shores of this State if the municipality
15 having jurisdiction of the shores, or the county in the case of
16 unincorporated areas, has granted permission for docking and no
17 gaming is conducted on the riverboat or other watercraft while
18 it is docked on the shores of this State. No gambling device
19 shall be subject to seizure, confiscation or destruction if the
20 gambling device is located on a riverboat or other watercraft
21 which is licensed for gaming by a contiguous state and which is
22 docked on the shores of this State if the municipality having
23 jurisdiction of the shores, or the county in the case of
24 unincorporated areas, has granted permission for docking and no
25 gaming is conducted on the riverboat or other watercraft while
26 it is docked on the shores of this State.

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

2 (230 ILCS 10/20) (from Ch. 120, par. 2420)

3 Sec. 20. Prohibited activities - civil penalties. Any
4 person who conducts a gambling operation without first
5 obtaining a license to do so, or who continues to conduct such
6 games after revocation of his license, or any licensee who
7 conducts or allows to be conducted any unauthorized gambling
8 games on a riverboat, in a casino, or at an electronic gaming
9 facility where it is authorized to conduct its ~~riverboat~~
10 gambling operation, in addition to other penalties provided,
11 shall be subject to a civil penalty equal to the amount of
12 gross receipts derived from wagering on the gambling games,
13 whether unauthorized or authorized, conducted on that day as
14 well as confiscation and forfeiture of all gambling game
15 equipment used in the conduct of unauthorized gambling games.

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

17 (230 ILCS 10/23) (from Ch. 120, par. 2423)

18 Sec. 23. The State Gaming Fund. On or after the effective
19 date of this Act, except as provided for payments into the
20 Horse Racing Equity Trust Fund under subsection (a) of Section
21 7, all of the fees and taxes collected pursuant to this Act
22 shall be deposited into the State Gaming Fund, a special fund
23 in the State Treasury, which is hereby created. The adjusted
24 gross receipts of any riverboat gambling operations conducted

1 by a licensed manager on behalf of the State remaining after
2 the payment of the fees and expenses of the licensed manager
3 shall be deposited into the State Gaming Fund. Fines and
4 penalties collected pursuant to this Act shall be deposited
5 into the Education Assistance Fund, created by Public Act
6 86-0018, of the State of Illinois.

7 (Source: P.A. 93-28, eff. 6-20-03; 94-804, eff. 5-26-06.)

8 Section 90-45. The Liquor Control Act of 1934 is amended by
9 changing Sections 5-1 and 6-30 as follows:

10 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

11 Sec. 5-1. Licenses issued by the Illinois Liquor Control
12 Commission shall be of the following classes:

13 (a) Manufacturer's license - Class 1. Distiller, Class 2.
14 Rectifier, Class 3. Brewer, Class 4. First Class Wine
15 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
16 First Class Winemaker, Class 7. Second Class Winemaker, Class
17 8. Limited Wine Manufacturer, Class 9. Craft Distiller,

18 (b) Distributor's license,

19 (c) Importing Distributor's license,

20 (d) Retailer's license,

21 (e) Special Event Retailer's license (not-for-profit),

22 (f) Railroad license,

23 (g) Boat license,

24 (h) Non-Beverage User's license,

- 1 (i) Wine-maker's premises license,
- 2 (j) Airplane license,
- 3 (k) Foreign importer's license,
- 4 (l) Broker's license,
- 5 (m) Non-resident dealer's license,
- 6 (n) Brew Pub license,
- 7 (o) Auction liquor license,
- 8 (p) Caterer retailer license,
- 9 (q) Special use permit license,
- 10 (r) Winery shipper's license.

11 No person, firm, partnership, corporation, or other legal
12 business entity that is engaged in the manufacturing of wine
13 may concurrently obtain and hold a wine-maker's license and a
14 wine manufacturer's license.

15 (a) A manufacturer's license shall allow the manufacture,
16 importation in bulk, storage, distribution and sale of
17 alcoholic liquor to persons without the State, as may be
18 permitted by law and to licensees in this State as follows:

19 Class 1. A Distiller may make sales and deliveries of
20 alcoholic liquor to distillers, rectifiers, importing
21 distributors, distributors and non-beverage users and to no
22 other licensees.

23 Class 2. A Rectifier, who is not a distiller, as defined
24 herein, may make sales and deliveries of alcoholic liquor to
25 rectifiers, importing distributors, distributors, retailers
26 and non-beverage users and to no other licensees.

1 Class 3. A Brewer may make sales and deliveries of beer to
2 importing distributors, distributors, and to non-licensees,
3 and to retailers provided the brewer obtains an importing
4 distributor's license or distributor's license in accordance
5 with the provisions of this Act.

6 Class 4. A first class wine-manufacturer may make sales and
7 deliveries of up to 50,000 gallons of wine to manufacturers,
8 importing distributors and distributors, and to no other
9 licensees.

10 Class 5. A second class Wine manufacturer may make sales
11 and deliveries of more than 50,000 gallons of wine to
12 manufacturers, importing distributors and distributors and to
13 no other licensees.

14 Class 6. A first-class wine-maker's license shall allow the
15 manufacture of up to 50,000 gallons of wine per year, and the
16 storage and sale of such wine to distributors in the State and
17 to persons without the State, as may be permitted by law. A
18 person who, prior to the effective date of this amendatory Act
19 of the 95th General Assembly, is a holder of a first-class
20 wine-maker's license and annually produces more than 25,000
21 gallons of its own wine and who distributes its wine to
22 licensed retailers shall cease this practice on or before July
23 1, 2008 in compliance with this amendatory Act of the 95th
24 General Assembly.

25 Class 7. A second-class wine-maker's license shall allow
26 the manufacture of between 50,000 and 150,000 gallons of wine

1 per year, and the storage and sale of such wine to distributors
2 in this State and to persons without the State, as may be
3 permitted by law. A person who, prior to the effective date of
4 this amendatory Act of the 95th General Assembly, is a holder
5 of a second-class wine-maker's license and annually produces
6 more than 25,000 gallons of its own wine and who distributes
7 its wine to licensed retailers shall cease this practice on or
8 before July 1, 2008 in compliance with this amendatory Act of
9 the 95th General Assembly.

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 Class 9. A craft distiller license shall allow the
15 manufacture of up to 5,000 gallons of spirits by distillation
16 per year and the storage of such spirits. If a craft distiller
17 licensee is not affiliated with any other manufacturer, then
18 the craft distiller licensee may sell such spirits to
19 distributors in this State and non-licensees to the extent
20 permitted by any exemption approved by the Commission pursuant
21 to Section 6-4 of this Act.

22 Any craft distiller licensed under this Act who on the
23 effective date of this amendatory Act of the 96th General
24 Assembly was licensed as a distiller and manufactured no more
25 spirits than permitted by this Section shall not be required to
26 pay the initial licensing fee.

1 (a-1) A manufacturer which is licensed in this State to
2 make sales or deliveries of alcoholic liquor and which enlists
3 agents, representatives, or individuals acting on its behalf
4 who contact licensed retailers on a regular and continual basis
5 in this State must register those agents, representatives, or
6 persons acting on its behalf with the State Commission.

7 Registration of agents, representatives, or persons acting
8 on behalf of a manufacturer is fulfilled by submitting a form
9 to the Commission. The form shall be developed by the
10 Commission and shall include the name and address of the
11 applicant, the name and address of the manufacturer he or she
12 represents, the territory or areas assigned to sell to or
13 discuss pricing terms of alcoholic liquor, and any other
14 questions deemed appropriate and necessary. All statements in
15 the forms required to be made by law or by rule shall be deemed
16 material, and any person who knowingly misstates any material
17 fact under oath in an application is guilty of a Class B
18 misdemeanor. Fraud, misrepresentation, false statements,
19 misleading statements, evasions, or suppression of material
20 facts in the securing of a registration are grounds for
21 suspension or revocation of the registration.

22 (b) A distributor's license shall allow the wholesale
23 purchase and storage of alcoholic liquors and sale of alcoholic
24 liquors to licensees in this State and to persons without the
25 State, as may be permitted by law.

26 (c) An importing distributor's license may be issued to and

1 held by those only who are duly licensed distributors, upon the
2 filing of an application by a duly licensed distributor, with
3 the Commission and the Commission shall, without the payment of
4 any fee, immediately issue such importing distributor's
5 license to the applicant, which shall allow the importation of
6 alcoholic liquor by the licensee into this State from any point
7 in the United States outside this State, and the purchase of
8 alcoholic liquor in barrels, casks or other bulk containers and
9 the bottling of such alcoholic liquors before resale thereof,
10 but all bottles or containers so filled shall be sealed,
11 labeled, stamped and otherwise made to comply with all
12 provisions, rules and regulations governing manufacturers in
13 the preparation and bottling of alcoholic liquors. The
14 importing distributor's license shall permit such licensee to
15 purchase alcoholic liquor from Illinois licensed non-resident
16 dealers and foreign importers only.

17 (d) A retailer's license shall allow the licensee to sell
18 and offer for sale at retail, only in the premises specified in
19 the license, alcoholic liquor for use or consumption, but not
20 for resale in any form. Nothing in this amendatory Act of the
21 95th General Assembly shall deny, limit, remove, or restrict
22 the ability of a holder of a retailer's license to transfer,
23 deliver, or ship alcoholic liquor to the purchaser for use or
24 consumption subject to any applicable local law or ordinance.
25 Any retail license issued to a manufacturer shall only permit
26 the manufacturer to sell beer at retail on the premises

1 actually occupied by the manufacturer. For the purpose of
2 further describing the type of business conducted at a retail
3 licensed premises, a retailer's licensee may be designated by
4 the State Commission as (i) an on premise consumption retailer,
5 (ii) an off premise sale retailer, or (iii) a combined on
6 premise consumption and off premise sale retailer.

7 Notwithstanding any other provision of this subsection
8 (d), a retail licensee may sell alcoholic liquors to a special
9 event retailer licensee for resale to the extent permitted
10 under subsection (e).

11 (e) A special event retailer's license (not-for-profit)
12 shall permit the licensee to purchase alcoholic liquors from an
13 Illinois licensed distributor (unless the licensee purchases
14 less than \$500 of alcoholic liquors for the special event, in
15 which case the licensee may purchase the alcoholic liquors from
16 a licensed retailer) and shall allow the licensee to sell and
17 offer for sale, at retail, alcoholic liquors for use or
18 consumption, but not for resale in any form and only at the
19 location and on the specific dates designated for the special
20 event in the license. An applicant for a special event retailer
21 license must (i) furnish with the application: (A) a resale
22 number issued under Section 2c of the Retailers' Occupation Tax
23 Act or evidence that the applicant is registered under Section
24 2a of the Retailers' Occupation Tax Act, (B) a current, valid
25 exemption identification number issued under Section 1g of the
26 Retailers' Occupation Tax Act, and a certification to the

1 Commission that the purchase of alcoholic liquors will be a
2 tax-exempt purchase, or (C) a statement that the applicant is
3 not registered under Section 2a of the Retailers' Occupation
4 Tax Act, does not hold a resale number under Section 2c of the
5 Retailers' Occupation Tax Act, and does not hold an exemption
6 number under Section 1g of the Retailers' Occupation Tax Act,
7 in which event the Commission shall set forth on the special
8 event retailer's license a statement to that effect; (ii)
9 submit with the application proof satisfactory to the State
10 Commission that the applicant will provide dram shop liability
11 insurance in the maximum limits; and (iii) show proof
12 satisfactory to the State Commission that the applicant has
13 obtained local authority approval.

14 (f) A railroad license shall permit the licensee to import
15 alcoholic liquors into this State from any point in the United
16 States outside this State and to store such alcoholic liquors
17 in this State; to make wholesale purchases of alcoholic liquors
18 directly from manufacturers, foreign importers, distributors
19 and importing distributors from within or outside this State;
20 and to store such alcoholic liquors in this State; provided
21 that the above powers may be exercised only in connection with
22 the importation, purchase or storage of alcoholic liquors to be
23 sold or dispensed on a club, buffet, lounge or dining car
24 operated on an electric, gas or steam railway in this State;
25 and provided further, that railroad licensees exercising the
26 above powers shall be subject to all provisions of Article VIII

1 of this Act as applied to importing distributors. A railroad
 2 license shall also permit the licensee to sell or dispense
 3 alcoholic liquors on any club, buffet, lounge or dining car
 4 operated on an electric, gas or steam railway regularly
 5 operated by a common carrier in this State, but shall not
 6 permit the sale for resale of any alcoholic liquors to any
 7 licensee within this State. A license shall be obtained for
 8 each car in which such sales are made.

9 (g) A boat license shall allow the sale of alcoholic liquor
 10 in individual drinks, on any passenger boat regularly operated
 11 as a common carrier on navigable waters in this State or on any
 12 riverboat operated under the Illinois ~~Riverboat~~ Gambling Act,
 13 which boat or riverboat maintains a public dining room or
 14 restaurant thereon.

15 (h) A non-beverage user's license shall allow the licensee
 16 to purchase alcoholic liquor from a licensed manufacturer or
 17 importing distributor, without the imposition of any tax upon
 18 the business of such licensed manufacturer or importing
 19 distributor as to such alcoholic liquor to be used by such
 20 licensee solely for the non-beverage purposes set forth in
 21 subsection (a) of Section 8-1 of this Act, and such licenses
 22 shall be divided and classified and shall permit the purchase,
 23 possession and use of limited and stated quantities of
 24 alcoholic liquor as follows:

- 25 Class 1, not to exceed 500 gallons
- 26 Class 2, not to exceed 1,000 gallons

- 1 Class 3, not to exceed 5,000 gallons
- 2 Class 4, not to exceed 10,000 gallons
- 3 Class 5, not to exceed 50,000 gallons

4 (i) A wine-maker's premises license shall allow a licensee
5 that concurrently holds a first-class wine-maker's license to
6 sell and offer for sale at retail in the premises specified in
7 such license not more than 50,000 gallons of the first-class
8 wine-maker's wine that is made at the first-class wine-maker's
9 licensed premises per year for use or consumption, but not for
10 resale in any form. A wine-maker's premises license shall allow
11 a licensee who concurrently holds a second-class wine-maker's
12 license to sell and offer for sale at retail in the premises
13 specified in such license up to 100,000 gallons of the
14 second-class wine-maker's wine that is made at the second-class
15 wine-maker's licensed premises per year for use or consumption
16 but not for resale in any form. A wine-maker's premises license
17 shall allow a licensee that concurrently holds a first-class
18 wine-maker's license or a second-class wine-maker's license to
19 sell and offer for sale at retail at the premises specified in
20 the wine-maker's premises license, for use or consumption but
21 not for resale in any form, any beer, wine, and spirits
22 purchased from a licensed distributor. Upon approval from the
23 State Commission, a wine-maker's premises license shall allow
24 the licensee to sell and offer for sale at (i) the wine-maker's
25 licensed premises and (ii) at up to 2 additional locations for
26 use and consumption and not for resale. Each location shall

1 require additional licensing per location as specified in
2 Section 5-3 of this Act. A wine-maker's premises licensee shall
3 secure liquor liability insurance coverage in an amount at
4 least equal to the maximum liability amounts set forth in
5 subsection (a) of Section 6-21 of this Act.

6 (j) An airplane license shall permit the licensee to import
7 alcoholic liquors into this State from any point in the United
8 States outside this State and to store such alcoholic liquors
9 in this State; to make wholesale purchases of alcoholic liquors
10 directly from manufacturers, foreign importers, distributors
11 and importing distributors from within or outside this State;
12 and to store such alcoholic liquors in this State; provided
13 that the above powers may be exercised only in connection with
14 the importation, purchase or storage of alcoholic liquors to be
15 sold or dispensed on an airplane; and provided further, that
16 airplane licensees exercising the above powers shall be subject
17 to all provisions of Article VIII of this Act as applied to
18 importing distributors. An airplane licensee shall also permit
19 the sale or dispensing of alcoholic liquors on any passenger
20 airplane regularly operated by a common carrier in this State,
21 but shall not permit the sale for resale of any alcoholic
22 liquors to any licensee within this State. A single airplane
23 license shall be required of an airline company if liquor
24 service is provided on board aircraft in this State. The annual
25 fee for such license shall be as determined in Section 5-3.

26 (k) A foreign importer's license shall permit such licensee

1 to purchase alcoholic liquor from Illinois licensed
2 non-resident dealers only, and to import alcoholic liquor other
3 than in bulk from any point outside the United States and to
4 sell such alcoholic liquor to Illinois licensed importing
5 distributors and to no one else in Illinois; provided that (i)
6 the foreign importer registers with the State Commission every
7 brand of alcoholic liquor that it proposes to sell to Illinois
8 licensees during the license period, (ii) the foreign importer
9 complies with all of the provisions of Section 6-9 of this Act
10 with respect to registration of such Illinois licensees as may
11 be granted the right to sell such brands at wholesale, and
12 (iii) the foreign importer complies with the provisions of
13 Sections 6-5 and 6-6 of this Act to the same extent that these
14 provisions apply to manufacturers.

15 (1) (i) A broker's license shall be required of all persons
16 who solicit orders for, offer to sell or offer to supply
17 alcoholic liquor to retailers in the State of Illinois, or who
18 offer to retailers to ship or cause to be shipped or to make
19 contact with distillers, rectifiers, brewers or manufacturers
20 or any other party within or without the State of Illinois in
21 order that alcoholic liquors be shipped to a distributor,
22 importing distributor or foreign importer, whether such
23 solicitation or offer is consummated within or without the
24 State of Illinois.

25 No holder of a retailer's license issued by the Illinois
26 Liquor Control Commission shall purchase or receive any

1 alcoholic liquor, the order for which was solicited or offered
2 for sale to such retailer by a broker unless the broker is the
3 holder of a valid broker's license.

4 The broker shall, upon the acceptance by a retailer of the
5 broker's solicitation of an order or offer to sell or supply or
6 deliver or have delivered alcoholic liquors, promptly forward
7 to the Illinois Liquor Control Commission a notification of
8 said transaction in such form as the Commission may by
9 regulations prescribe.

10 (ii) A broker's license shall be required of a person
11 within this State, other than a retail licensee, who, for a fee
12 or commission, promotes, solicits, or accepts orders for
13 alcoholic liquor, for use or consumption and not for resale, to
14 be shipped from this State and delivered to residents outside
15 of this State by an express company, common carrier, or
16 contract carrier. This Section does not apply to any person who
17 promotes, solicits, or accepts orders for wine as specifically
18 authorized in Section 6-29 of this Act.

19 A broker's license under this subsection (1) shall not
20 entitle the holder to buy or sell any alcoholic liquors for his
21 own account or to take or deliver title to such alcoholic
22 liquors.

23 This subsection (1) shall not apply to distributors,
24 employees of distributors, or employees of a manufacturer who
25 has registered the trademark, brand or name of the alcoholic
26 liquor pursuant to Section 6-9 of this Act, and who regularly

1 sells such alcoholic liquor in the State of Illinois only to
2 its registrants thereunder.

3 Any agent, representative, or person subject to
4 registration pursuant to subsection (a-1) of this Section shall
5 not be eligible to receive a broker's license.

6 (m) A non-resident dealer's license shall permit such
7 licensee to ship into and warehouse alcoholic liquor into this
8 State from any point outside of this State, and to sell such
9 alcoholic liquor to Illinois licensed foreign importers and
10 importing distributors and to no one else in this State;
11 provided that (i) said non-resident dealer shall register with
12 the Illinois Liquor Control Commission each and every brand of
13 alcoholic liquor which it proposes to sell to Illinois
14 licensees during the license period, (ii) it shall comply with
15 all of the provisions of Section 6-9 hereof with respect to
16 registration of such Illinois licensees as may be granted the
17 right to sell such brands at wholesale, and (iii) the
18 non-resident dealer shall comply with the provisions of
19 Sections 6-5 and 6-6 of this Act to the same extent that these
20 provisions apply to manufacturers.

21 (n) A brew pub license shall allow the licensee to
22 manufacture beer only on the premises specified in the license,
23 to make sales of the beer manufactured on the premises to
24 importing distributors, distributors, and to non-licensees for
25 use and consumption, to store the beer upon the premises, and
26 to sell and offer for sale at retail from the licensed

1 premises, provided that a brew pub licensee shall not sell for
2 off-premises consumption more than 50,000 gallons per year.

3 (o) A caterer retailer license shall allow the holder to
4 serve alcoholic liquors as an incidental part of a food service
5 that serves prepared meals which excludes the serving of snacks
6 as the primary meal, either on or off-site whether licensed or
7 unlicensed.

8 (p) An auction liquor license shall allow the licensee to
9 sell and offer for sale at auction wine and spirits for use or
10 consumption, or for resale by an Illinois liquor licensee in
11 accordance with provisions of this Act. An auction liquor
12 license will be issued to a person and it will permit the
13 auction liquor licensee to hold the auction anywhere in the
14 State. An auction liquor license must be obtained for each
15 auction at least 14 days in advance of the auction date.

16 (q) A special use permit license shall allow an Illinois
17 licensed retailer to transfer a portion of its alcoholic liquor
18 inventory from its retail licensed premises to the premises
19 specified in the license hereby created, and to sell or offer
20 for sale at retail, only in the premises specified in the
21 license hereby created, the transferred alcoholic liquor for
22 use or consumption, but not for resale in any form. A special
23 use permit license may be granted for the following time
24 periods: one day or less; 2 or more days to a maximum of 15 days
25 per location in any 12 month period. An applicant for the
26 special use permit license must also submit with the

1 application proof satisfactory to the State Commission that the
2 applicant will provide dram shop liability insurance to the
3 maximum limits and have local authority approval.

4 (r) A winery shipper's license shall allow a person with a
5 first-class or second-class wine manufacturer's license, a
6 first-class or second-class wine-maker's license, or a limited
7 wine manufacturer's license or who is licensed to make wine
8 under the laws of another state to ship wine made by that
9 licensee directly to a resident of this State who is 21 years
10 of age or older for that resident's personal use and not for
11 resale. Prior to receiving a winery shipper's license, an
12 applicant for the license must provide the Commission with a
13 true copy of its current license in any state in which it is
14 licensed as a manufacturer of wine. An applicant for a winery
15 shipper's license must also complete an application form that
16 provides any other information the Commission deems necessary.
17 The application form shall include an acknowledgement
18 consenting to the jurisdiction of the Commission, the Illinois
19 Department of Revenue, and the courts of this State concerning
20 the enforcement of this Act and any related laws, rules, and
21 regulations, including authorizing the Department of Revenue
22 and the Commission to conduct audits for the purpose of
23 ensuring compliance with this amendatory Act.

24 A winery shipper licensee must pay to the Department of
25 Revenue the State liquor gallonage tax under Section 8-1 for
26 all wine that is sold by the licensee and shipped to a person

1 in this State. For the purposes of Section 8-1, a winery
2 shipper licensee shall be taxed in the same manner as a
3 manufacturer of wine. A licensee who is not otherwise required
4 to register under the Retailers' Occupation Tax Act must
5 register under the Use Tax Act to collect and remit use tax to
6 the Department of Revenue for all gallons of wine that are sold
7 by the licensee and shipped to persons in this State. If a
8 licensee fails to remit the tax imposed under this Act in
9 accordance with the provisions of Article VIII of this Act, the
10 winery shipper's license shall be revoked in accordance with
11 the provisions of Article VII of this Act. If a licensee fails
12 to properly register and remit tax under the Use Tax Act or the
13 Retailers' Occupation Tax Act for all wine that is sold by the
14 winery shipper and shipped to persons in this State, the winery
15 shipper's license shall be revoked in accordance with the
16 provisions of Article VII of this Act.

17 A winery shipper licensee must collect, maintain, and
18 submit to the Commission on a semi-annual basis the total
19 number of cases per resident of wine shipped to residents of
20 this State. A winery shipper licensed under this subsection (r)
21 must comply with the requirements of Section 6-29 of this
22 amendatory Act.

23 (Source: P.A. 95-331, eff. 8-21-07; 95-634, eff. 6-1-08;
24 95-769, eff. 7-29-08; 96-1367, eff. 7-28-10.)

25 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

1 Sec. 6-30. Notwithstanding any other provision of this Act,
2 the Illinois Gaming Board shall have exclusive authority to
3 establish the hours for sale and consumption of alcoholic
4 liquor on board a riverboat during riverboat gambling
5 excursions and in a casino conducted in accordance with the
6 Illinois Riverboat Gambling Act.

7 (Source: P.A. 87-826.)

8 Section 90-50. The Criminal Code of 1961 is amended by
9 changing Sections 28-1, 28-1.1, 28-3, 28-5, and 28-7 as
10 follows:

11 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

12 Sec. 28-1. Gambling.

13 (a) A person commits gambling when he:

14 (1) Plays a game of chance or skill for money or other
15 thing of value, unless excepted in subsection (b) of this
16 Section; or

17 (2) Makes a wager upon the result of any game, contest,
18 or any political nomination, appointment or election; or

19 (3) Operates, keeps, owns, uses, purchases, exhibits,
20 rents, sells, bargains for the sale or lease of,
21 manufactures or distributes any gambling device; or

22 (4) Contracts to have or give himself or another the
23 option to buy or sell, or contracts to buy or sell, at a
24 future time, any grain or other commodity whatsoever, or

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

17 (5) Knowingly owns or possesses any book, instrument or
18 apparatus by means of which bets or wagers have been, or
19 are, recorded or registered, or knowingly possesses any
20 money which he has received in the course of a bet or
21 wager; or

22 (6) Sells pools upon the result of any game or contest
23 of skill or chance, political nomination, appointment or
24 election; or

25 (7) Sets up or promotes any lottery or sells, offers to
26 sell or transfers any ticket or share for any lottery; or

1 (8) Sets up or promotes any policy game or sells,
2 offers to sell or knowingly possesses or transfers any
3 policy ticket, slip, record, document or other similar
4 device; or

5 (9) Knowingly drafts, prints or publishes any lottery
6 ticket or share, or any policy ticket, slip, record,
7 document or similar device, except for such activity
8 related to lotteries, bingo games and raffles authorized by
9 and conducted in accordance with the laws of Illinois or
10 any other state or foreign government; or

11 (10) Knowingly advertises any lottery or policy game,
12 except for such activity related to lotteries, bingo games
13 and raffles authorized by and conducted in accordance with
14 the laws of Illinois or any other state; or

15 (11) Knowingly transmits information as to wagers,
16 betting odds, or changes in betting odds by telephone,
17 telegraph, radio, semaphore or similar means; or knowingly
18 installs or maintains equipment for the transmission or
19 receipt of such information; except that nothing in this
20 subdivision (11) prohibits transmission or receipt of such
21 information for use in news reporting of sporting events or
22 contests; or

23 (12) Knowingly establishes, maintains, or operates an
24 Internet site that permits a person to play a game of
25 chance or skill for money or other thing of value by means
26 of the Internet or to make a wager upon the result of any

1 game, contest, political nomination, appointment, or
2 election by means of the Internet. This item (12) does not
3 apply to activities referenced in items (6) and (6.1) of
4 subsection (b) of this Section.

5 (b) Participants in any of the following activities shall
6 not be convicted of gambling therefor:

7 (1) Agreements to compensate for loss caused by the
8 happening of chance including without limitation contracts
9 of indemnity or guaranty and life or health or accident
10 insurance.

11 (2) Offers of prizes, award or compensation to the
12 actual contestants in any bona fide contest for the
13 determination of skill, speed, strength or endurance or to
14 the owners of animals or vehicles entered in such contest.

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

17 (4) Manufacture of gambling devices, including the
18 acquisition of essential parts therefor and the assembly
19 thereof, for transportation in interstate or foreign
20 commerce to any place outside this State when such
21 transportation is not prohibited by any applicable Federal
22 law; or the manufacture, distribution, or possession of
23 video gaming terminals, as defined in the Video Gaming Act,
24 by manufacturers, distributors, and terminal operators
25 licensed to do so under the Video Gaming Act.

26 (5) The game commonly known as "bingo", when conducted

1 in accordance with the Bingo License and Tax Act.

2 (6) Lotteries when conducted by the State of Illinois
3 in accordance with the Illinois Lottery Law. This exemption
4 includes any activity conducted by the Department of
5 Revenue to sell lottery tickets pursuant to the provisions
6 of the Illinois Lottery Law and its rules.

7 (6.1) The purchase of lottery tickets through the
8 Internet for a lottery conducted by the State of Illinois
9 under the program established in Section 7.12 of the
10 Illinois Lottery Law.

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

16 (8) Raffles when conducted in accordance with the
17 Raffles Act.

18 (9) Charitable games when conducted in accordance with
19 the Charitable Games Act.

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

22 (11) Gambling games ~~conducted on riverboats~~ when
23 authorized by the Illinois Riverboat Gambling Act.

24 (12) Video gaming terminal games at a licensed
25 establishment, licensed truck stop establishment, licensed
26 fraternal establishment, or licensed veterans

1 establishment when conducted in accordance with the Video
2 Gaming Act.

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

6 (c) Sentence.

7 Gambling under subsection (a) (1) or (a) (2) of this Section
8 is a Class A misdemeanor. Gambling under any of subsections
9 (a) (3) through (a) (11) of this Section is a Class A
10 misdemeanor. A second or subsequent conviction under any of
11 subsections (a) (3) through (a) (11), is a Class 4 felony.
12 Gambling under subsection (a) (12) of this Section is a Class A
13 misdemeanor. A second or subsequent conviction under
14 subsection (a) (12) is a Class 4 felony.

15 (d) Circumstantial evidence.

16 In prosecutions under subsection (a) (1) through (a) (12) of
17 this Section circumstantial evidence shall have the same
18 validity and weight as in any criminal prosecution.

19 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
20 96-1203, eff. 7-22-10.)

21 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

22 Sec. 28-1.1. Syndicated gambling.

23 (a) Declaration of Purpose. Recognizing the close
24 relationship between professional gambling and other organized
25 crime, it is declared to be the policy of the legislature to

1 restrain persons from engaging in the business of gambling for
2 profit in this State. This Section shall be liberally construed
3 and administered with a view to carrying out this policy.

4 (b) A person commits syndicated gambling when he operates a
5 "policy game" or engages in the business of bookmaking.

6 (c) A person "operates a policy game" when he knowingly
7 uses any premises or property for the purpose of receiving or
8 knowingly does receive from what is commonly called "policy":

9 (1) money from a person other than the better or player
10 whose bets or plays are represented by such money; or

11 (2) written "policy game" records, made or used over
12 any period of time, from a person other than the better or
13 player whose bets or plays are represented by such written
14 record.

15 (d) A person engages in bookmaking when he receives or
16 accepts more than five bets or wagers upon the result of any
17 trials or contests of skill, speed or power of endurance or
18 upon any lot, chance, casualty, unknown or contingent event
19 whatsoever, which bets or wagers shall be of such size that the
20 total of the amounts of money paid or promised to be paid to
21 such bookmaker on account thereof shall exceed \$2,000.
22 Bookmaking is the receiving or accepting of such bets or wagers
23 regardless of the form or manner in which the bookmaker records
24 them.

25 (e) Participants in any of the following activities shall
26 not be convicted of syndicated gambling:

1 (1) Agreements to compensate for loss caused by the
2 happening of chance including without limitation contracts
3 of indemnity or guaranty and life or health or accident
4 insurance; and

5 (2) Offers of prizes, award or compensation to the
6 actual contestants in any bona fide contest for the
7 determination of skill, speed, strength or endurance or to
8 the owners of animals or vehicles entered in such contest;
9 and

10 (3) Pari-mutuel betting as authorized by law of this
11 State; and

12 (4) Manufacture of gambling devices, including the
13 acquisition of essential parts therefor and the assembly
14 thereof, for transportation in interstate or foreign
15 commerce to any place outside this State when such
16 transportation is not prohibited by any applicable Federal
17 law; and

18 (5) Raffles when conducted in accordance with the
19 Raffles Act; and

20 (6) Gambling games conducted on riverboats, in
21 casinos, or at electronic gaming facilities when
22 authorized by the Illinois Riverboat ~~Riverboat~~ Gambling Act; and

23 (7) Video gaming terminal games at a licensed
24 establishment, licensed truck stop establishment, licensed
25 fraternal establishment, or licensed veterans
26 establishment when conducted in accordance with the Video

1 Gaming Act.

2 (f) Sentence. Syndicated gambling is a Class 3 felony.

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

4 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

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

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

17 (b) All licenses, permits or certificates issued by the
18 State of Illinois or any subdivision or public agency thereof
19 authorizing the serving of food or liquor on such premises
20 shall be void; and no license, permit or certificate so
21 cancelled shall be reissued for such premises for a period of
22 60 days thereafter; nor shall any person convicted of keeping a
23 gambling place be reissued such license for one year from his
24 conviction and, after a second conviction of keeping a gambling
25 place, any such person shall not be reissued such license, and

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

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

7 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

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

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

25 (b) Every gambling device shall be seized and forfeited to

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

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

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

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

1 device, money or other thing of value may commence separate
2 civil proceedings in the manner provided by law.

3 (e) Any gambling device displayed for sale to a riverboat
4 gambling operation, casino gambling operation, or electronic
5 gaming facility or used to train occupational licensees of a
6 riverboat gambling operation, casino gambling operation, or
7 electronic gaming facility as authorized under the Illinois
8 ~~Riverboat~~ Gambling Act is exempt from seizure under this
9 Section.

10 (f) Any gambling equipment, devices and supplies provided
11 by a licensed supplier in accordance with the Illinois
12 ~~Riverboat~~ Gambling Act which are removed from a the riverboat,
13 casino, or electronic gaming facility for repair are exempt
14 from seizure under this Section.

15 (Source: P.A. 87-826.)

16 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

17 Sec. 28-7. Gambling contracts void.

18 (a) All promises, notes, bills, bonds, covenants,
19 contracts, agreements, judgments, mortgages, or other
20 securities or conveyances made, given, granted, drawn, or
21 entered into, or executed by any person whatsoever, where the
22 whole or any part of the consideration thereof is for any money
23 or thing of value, won or obtained in violation of any Section
24 of this Article are null and void.

25 (b) Any obligation void under this Section may be set aside

1 and vacated by any court of competent jurisdiction, upon a
2 complaint filed for that purpose, by the person so granting,
3 giving, entering into, or executing the same, or by his
4 executors or administrators, or by any creditor, heir, legatee,
5 purchaser or other person interested therein; or if a judgment,
6 the same may be set aside on motion of any person stated above,
7 on due notice thereof given.

8 (c) No assignment of any obligation void under this Section
9 may in any manner affect the defense of the person giving,
10 granting, drawing, entering into or executing such obligation,
11 or the remedies of any person interested therein.

12 (d) This Section shall not prevent a licensed owner of a
13 riverboat gambling operation, casino gambling operation, or an
14 electronic gaming licensee under the Illinois Gambling Act and
15 the Illinois Horse Racing Act of 1975 from instituting a cause
16 of action to collect any amount due and owing under an
17 extension of credit to a ~~riverboat~~ gambling patron as
18 authorized under Section 11.1 of the Illinois Riverboat
19 Gambling Act.

20 (Source: P.A. 87-826.)

21 Section 90-55. The Eminent Domain Act is amended by adding
22 Section 15-5-50 as follows:

23 (735 ILCS 30/15-5-50 new)

24 Sec. 15-5-50. Eminent domain powers in New Acts. The

1 following provisions of law may include express grants of the
2 power to acquire property by condemnation or eminent domain:

3 Chicago Casino Development Authority Act; City of Chicago; for
4 the purposes of the Act.

5 Section 90-60. The Payday Loan Reform Act is amended by
6 changing Section 3-5 as follows:

7 (815 ILCS 122/3-5)

8 (Text of Section before amendment by P.A. 96-936)

9 Sec. 3-5. Licensure.

10 (a) A license to make a payday loan shall state the
11 address, including city and state, at which the business is to
12 be conducted and shall state fully the name of the licensee.
13 The license shall be conspicuously posted in the place of
14 business of the licensee and shall not be transferable or
15 assignable.

16 (b) An application for a license shall be in writing and in
17 a form prescribed by the Secretary. The Secretary may not issue
18 a payday loan license unless and until the following findings
19 are made:

20 (1) that the financial responsibility, experience,
21 character, and general fitness of the applicant are such as
22 to command the confidence of the public and to warrant the
23 belief that the business will be operated lawfully and

1 fairly and within the provisions and purposes of this Act;
2 and

3 (2) that the applicant has submitted such other
4 information as the Secretary may deem necessary.

5 (c) A license shall be issued for no longer than one year,
6 and no renewal of a license may be provided if a licensee has
7 substantially violated this Act and has not cured the violation
8 to the satisfaction of the Department.

9 (d) A licensee shall appoint, in writing, the Secretary as
10 attorney-in-fact upon whom all lawful process against the
11 licensee may be served with the same legal force and validity
12 as if served on the licensee. A copy of the written
13 appointment, duly certified, shall be filed in the office of
14 the Secretary, and a copy thereof certified by the Secretary
15 shall be sufficient evidence to subject a licensee to
16 jurisdiction in a court of law. This appointment shall remain
17 in effect while any liability remains outstanding in this State
18 against the licensee. When summons is served upon the Secretary
19 as attorney-in-fact for a licensee, the Secretary shall
20 immediately notify the licensee by registered mail, enclosing
21 the summons and specifying the hour and day of service.

22 (e) A licensee must pay an annual fee of \$1,000. In
23 addition to the license fee, the reasonable expense of any
24 examination or hearing by the Secretary under any provisions of
25 this Act shall be borne by the licensee. If a licensee fails to
26 renew its license by December 31, its license shall

1 automatically expire; however, the Secretary, in his or her
2 discretion, may reinstate an expired license upon:

3 (1) payment of the annual fee within 30 days of the
4 date of expiration; and

5 (2) proof of good cause for failure to renew.

6 (f) Not more than one place of business shall be maintained
7 under the same license, but the Secretary may issue more than
8 one license to the same licensee upon compliance with all the
9 provisions of this Act governing issuance of a single license.
10 The location, except those locations already in existence as of
11 June 1, 2005, may not be within one mile of a horse race track
12 subject to the Illinois Horse Racing Act of 1975, within one
13 mile of a facility at which gambling is conducted under the
14 Illinois ~~Riverboat~~ Gambling Act, within one mile of the
15 location at which a riverboat subject to the Illinois ~~Riverboat~~
16 Gambling Act docks, or within one mile of any State of Illinois
17 or United States military base or naval installation.

18 (g) No licensee shall conduct the business of making loans
19 under this Act within any office, suite, room, or place of
20 business in which any other business is solicited or engaged in
21 unless the other business is licensed by the Department or, in
22 the opinion of the Secretary, the other business would not be
23 contrary to the best interests of consumers and is authorized
24 by the Secretary in writing.

25 (h) The Secretary shall maintain a list of licensees that
26 shall be available to interested consumers and lenders and the

1 public. The Secretary shall maintain a toll-free number whereby
2 consumers may obtain information about licensees. The
3 Secretary shall also establish a complaint process under which
4 an aggrieved consumer may file a complaint against a licensee
5 or non-licensee who violates any provision of this Act.

6 (Source: P.A. 94-13, eff. 12-6-05.)

7 (Text of Section after amendment by P.A. 96-936)

8 Sec. 3-5. Licensure.

9 (a) A license to make a payday loan shall state the
10 address, including city and state, at which the business is to
11 be conducted and shall state fully the name of the licensee.
12 The license shall be conspicuously posted in the place of
13 business of the licensee and shall not be transferable or
14 assignable.

15 (b) An application for a license shall be in writing and in
16 a form prescribed by the Secretary. The Secretary may not issue
17 a payday loan license unless and until the following findings
18 are made:

19 (1) that the financial responsibility, experience,
20 character, and general fitness of the applicant are such as
21 to command the confidence of the public and to warrant the
22 belief that the business will be operated lawfully and
23 fairly and within the provisions and purposes of this Act;
24 and

25 (2) that the applicant has submitted such other

1 information as the Secretary may deem necessary.

2 (c) A license shall be issued for no longer than one year,
3 and no renewal of a license may be provided if a licensee has
4 substantially violated this Act and has not cured the violation
5 to the satisfaction of the Department.

6 (d) A licensee shall appoint, in writing, the Secretary as
7 attorney-in-fact upon whom all lawful process against the
8 licensee may be served with the same legal force and validity
9 as if served on the licensee. A copy of the written
10 appointment, duly certified, shall be filed in the office of
11 the Secretary, and a copy thereof certified by the Secretary
12 shall be sufficient evidence to subject a licensee to
13 jurisdiction in a court of law. This appointment shall remain
14 in effect while any liability remains outstanding in this State
15 against the licensee. When summons is served upon the Secretary
16 as attorney-in-fact for a licensee, the Secretary shall
17 immediately notify the licensee by registered mail, enclosing
18 the summons and specifying the hour and day of service.

19 (e) A licensee must pay an annual fee of \$1,000. In
20 addition to the license fee, the reasonable expense of any
21 examination or hearing by the Secretary under any provisions of
22 this Act shall be borne by the licensee. If a licensee fails to
23 renew its license by December 31, its license shall
24 automatically expire; however, the Secretary, in his or her
25 discretion, may reinstate an expired license upon:

26 (1) payment of the annual fee within 30 days of the

1 date of expiration; and

2 (2) proof of good cause for failure to renew.

3 (f) Not more than one place of business shall be maintained
4 under the same license, but the Secretary may issue more than
5 one license to the same licensee upon compliance with all the
6 provisions of this Act governing issuance of a single license.
7 The location, except those locations already in existence as of
8 June 1, 2005, may not be within one mile of a horse race track
9 subject to the Illinois Horse Racing Act of 1975, within one
10 mile of a facility at which gambling is conducted under the
11 Illinois ~~Riverboat~~ Gambling Act, within one mile of the
12 location at which a riverboat subject to the Illinois ~~Riverboat~~
13 Gambling Act docks, or within one mile of any State of Illinois
14 or United States military base or naval installation.

15 (g) No licensee shall conduct the business of making loans
16 under this Act within any office, suite, room, or place of
17 business in which (1) any loans are offered or made under the
18 Consumer Installment Loan Act other than title secured loans as
19 defined in subsection (a) of Section 15 of the Consumer
20 Installment Loan Act and governed by Title 38, Section 110.330
21 of the Illinois Administrative Code or (2) any other business
22 is solicited or engaged in unless the other business is
23 licensed by the Department or, in the opinion of the Secretary,
24 the other business would not be contrary to the best interests
25 of consumers and is authorized by the Secretary in writing.

26 (g-5) Notwithstanding subsection (g) of this Section, a

1 licensee may obtain a license under the Consumer Installment
2 Loan Act (CILA) for the exclusive purpose and use of making
3 title secured loans, as defined in subsection (a) of Section 15
4 of CILA and governed by Title 38, Section 110.300 of the
5 Illinois Administrative Code. A licensee may continue to
6 service Consumer Installment Loan Act loans that were
7 outstanding as of the effective date of this amendatory Act of
8 the 96th General Assembly.

9 (h) The Secretary shall maintain a list of licensees that
10 shall be available to interested consumers and lenders and the
11 public. The Secretary shall maintain a toll-free number whereby
12 consumers may obtain information about licensees. The
13 Secretary shall also establish a complaint process under which
14 an aggrieved consumer may file a complaint against a licensee
15 or non-licensee who violates any provision of this Act.

16 (Source: P.A. 96-936, eff. 3-21-11.)

17 Section 90-65. The Travel Promotion Consumer Protection
18 Act 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
22 operator, who sells, provides, furnishes, contracts for,
23 arranges or advertises that he or she will arrange wholesale or
24 retail transportation by air, land, sea or navigable stream,

1 either separately or in conjunction with other services.
2 "Travel promoter" does not include (1) an air carrier; (2) a
3 sea carrier; (3) an officially appointed agent of an air
4 carrier who is a member in good standing of the Airline
5 Reporting Corporation; (4) a travel promoter who has in force
6 \$1,000,000 or more of liability insurance coverage for
7 professional errors and omissions and a surety bond or
8 equivalent surety in the amount of \$100,000 or more for the
9 benefit of consumers in the event of a bankruptcy on the part
10 of the travel promoter; or (5) a riverboat subject to
11 regulation under the Illinois Riverboat Gambling Act.

12 (b) "Advertise" means to make any representation in the
13 solicitation of passengers and includes communication with
14 other members of the same partnership, corporation, joint
15 venture, association, organization, group or other entity.

16 (c) "Passenger" means a person on whose behalf money or
17 other consideration has been given or is to be given to
18 another, including another member of the same partnership,
19 corporation, joint venture, association, organization, group
20 or other entity, for travel.

21 (d) "Ticket or voucher" means a writing or combination of
22 writings which is itself good and sufficient to obtain
23 transportation and other services for which the passenger has
24 contracted.

25 (Source: P.A. 91-357, eff. 7-29-99.)

1 (30 ILCS 105/5.490 rep.)

2 Section 90-70. The State Finance Act is amended by
3 repealing Section 5.490.

4 (230 ILCS 5/54 rep.)

5 Section 90-75. The Illinois Horse Racing Act of 1975 is
6 amended by repealing Section 54.

7 ARTICLE 99.

8 Section 99-97. Severability. The provisions of this Act are
9 severable under Section 1.31 of the Statute on Statutes.

10 Section 99-99. Effective date. This Act takes effect upon
11 becoming law.

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5	20 ILCS 2505/2505-305	was 20 ILCS 2505/39b15.1
6	30 ILCS 105/5.786 new	
7	30 ILCS 105/6z-77	
8	35 ILCS 5/201	from Ch. 120, par. 2-201
9	35 ILCS 200/15-144 new	
10	70 ILCS 1825/5.1	from Ch. 19, par. 255.1
11	205 ILCS 670/12.5	
12	230 ILCS 5/1.2	
13	230 ILCS 5/3.11	from Ch. 8, par. 37-3.11
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