



Sen. Emil Jones Jr.

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1 AMENDMENT TO SENATE BILL 2236

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2236 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Riverboat Gambling Act is amended by  
5 changing Section 5 as follows:

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

7 Sec. 5. Gaming Board.

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

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

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

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

18 (3.5) The terms of office of the Board members serving on  
19 the effective date of this amendatory Act of the 93rd General  
20 Assembly shall expire on that effective date. Five new Board  
21 members shall be appointed in the manner provided under  
22 paragraph (2) within 7 working days after the effective date of  
23 this amendatory Act of the 93rd General Assembly. The terms of  
24 office of the Board members shall be 3 years, except that the  
25 terms of office of the initial Board members appointed pursuant  
26 to this amendatory Act of the 93rd General Assembly shall  
27 commence from the effective date of this amendatory Act of the  
28 93rd General Assembly and run as follows: 2 for a term ending  
29 July 1, 2005 and 3 for a term ending July 1, 2006. Upon the  
30 expiration of the foregoing terms, the successors of those  
31 members shall serve a term for 3 years and until their  
32 successors are appointed and qualified for like terms.  
33 Vacancies in the Board shall be filled for the unexpired term  
34 in like manner as original appointments.

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

6           (5) No person shall be appointed a member of the Board or  
7 continue to be a member of the Board who is, or whose spouse,  
8 child or parent is, a member of the board of directors of, or a  
9 person financially interested in, any gambling operation  
10 subject to the jurisdiction of this Board, or any race track,  
11 race meeting, racing association or the operations thereof  
12 subject to the jurisdiction of the Illinois Racing Board. No  
13 Board member shall hold any other public office for which he or  
14 she shall receive compensation other than necessary travel or  
15 other incidental expenses. No person shall be a member of the  
16 Board who is not of good moral character or who has been  
17 convicted of, or is under indictment for, a felony under the  
18 laws of Illinois or any other state, or the United States.

19           (6) Any member of the Board may be removed by the Governor  
20 for neglect of duty, misfeasance, malfeasance, or nonfeasance  
21 in office.

22           (7) Before entering upon the discharge of the duties of his  
23 or her office, each member of the Board shall take an oath that  
24 he or she will faithfully execute the duties of his or her  
25 office according to the laws of the State and the rules and  
26 regulations adopted therewith and shall give bond to the State  
27 of Illinois, approved by the Governor, in the sum of \$25,000.  
28 Every such bond, when duly executed and approved, shall be  
29 recorded in the office of the Secretary of State. Whenever the  
30 Governor determines that the bond of any member of the Board  
31 has become or is likely to become invalid or insufficient, he  
32 or she shall require such member forthwith to renew his or her  
33 bond, which is to be approved by the Governor. Any member of  
34 the Board who fails to take oath and give bond within 30 days

1 from the date of his or her appointment, or who fails to renew  
2 his or her bond within 30 days after it is demanded by the  
3 Governor, shall be guilty of neglect of duty and may be removed  
4 by the Governor. The cost of any bond given by any member of  
5 the Board under this Section shall be taken to be a part of the  
6 necessary expenses of the Board.

7 (8) Upon the request of the Board, the Department shall  
8 employ such personnel as may be necessary to carry out the  
9 functions of the Board. No person shall be employed to serve  
10 the Board who is, or whose spouse, parent or child is, an  
11 official of, or has a financial interest in or financial  
12 relation with, any operator engaged in gambling operations  
13 within this State or any organization engaged in conducting  
14 horse racing within this State. Any employee violating these  
15 prohibitions shall be subject to termination of employment.

16 (9) An Administrator shall perform any and all duties that  
17 the Board shall assign him. The salary of the Administrator  
18 shall be determined by the Board and approved by the Director  
19 of the Department and, in addition, he shall be reimbursed for  
20 all actual and necessary expenses incurred by him in discharge  
21 of his or her official duties. The Administrator shall keep  
22 records of all proceedings of the Board and shall preserve all  
23 records, books, documents and other papers belonging to the  
24 Board or entrusted to its care. The Administrator shall devote  
25 his or her full time to the duties of the office and shall not  
26 hold any other office or employment.

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

30 (1) To decide promptly and in reasonable order all  
31 license applications. Any party aggrieved by an action of  
32 the Board denying, suspending, revoking, restricting or  
33 refusing to renew a license may request a hearing before  
34 the Board. A request for a hearing must be made to the

1 Board in writing within 5 days after service of notice of  
2 the action of the Board. Notice of the action of the Board  
3 shall be served either by personal delivery or by certified  
4 mail, postage prepaid, to the aggrieved party. Notice  
5 served by certified mail shall be deemed complete on the  
6 business day following the date of such mailing. The Board  
7 shall conduct all requested hearings promptly and in  
8 reasonable order;

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

12 (3) To promulgate such rules and regulations as in its  
13 judgment may be necessary to protect or enhance the  
14 credibility and integrity of gambling operations  
15 authorized by this Act and the regulatory process  
16 hereunder;

17 (4) To provide for the establishment and collection of  
18 all license and registration fees and taxes imposed by this  
19 Act and the rules and regulations issued pursuant hereto.  
20 All such fees and taxes shall be deposited into the State  
21 Gaming Fund;

22 (5) To provide for the levy and collection of penalties  
23 and fines for the violation of provisions of this Act and  
24 the rules and regulations promulgated hereunder. All such  
25 fines and penalties shall be deposited into the Education  
26 Assistance Fund, created by Public Act 86-0018, of the  
27 State of Illinois;

28 (6) To be present through its inspectors and agents any  
29 time gambling operations are conducted on any riverboat for  
30 the purpose of certifying the revenue thereof, receiving  
31 complaints from the public, and conducting such other  
32 investigations into the conduct of the gambling games and  
33 the maintenance of the equipment as from time to time the  
34 Board may deem necessary and proper;

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

10           (8) To hold at least one meeting each quarter of the  
11 fiscal year. In addition, special meetings may be called by  
12 the Chairman or any 2 Board members upon 72 hours written  
13 notice to each member. All Board meetings shall be subject  
14 to the Open Meetings Act. Three members of the Board shall  
15 constitute a quorum, and 3 votes shall be required for any  
16 final determination by the Board. The Board shall keep a  
17 complete and accurate record of all its meetings. A  
18 majority of the members of the Board shall constitute a  
19 quorum for the transaction of any business, for the  
20 performance of any duty, or for the exercise of any power  
21 which this Act requires the Board members to transact,  
22 perform or exercise en banc, except that, upon order of the  
23 Board, one of the Board members or an administrative law  
24 judge designated by the Board may conduct any hearing  
25 provided for under this Act or by Board rule and may  
26 recommend findings and decisions to the Board. The Board  
27 member or administrative law judge conducting such hearing  
28 shall have all powers and rights granted to the Board in  
29 this Act. The record made at the time of the hearing shall  
30 be reviewed by the Board, or a majority thereof, and the  
31 findings and decision of the majority of the Board shall  
32 constitute the order of the Board in such case;

33           (9) To maintain records which are separate and distinct  
34 from the records of any other State board or commission.

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

3 (10) To file a written annual report with the Governor  
4 on or before March 1 each year and such additional reports  
5 as the Governor may request. The annual report shall  
6 include a statement of receipts and disbursements by the  
7 Board, actions taken by the Board, and any additional  
8 information and recommendations which the Board may deem  
9 valuable or which the Governor may request;

10 (11) (Blank); and

11 (12) To assume responsibility for the administration  
12 and enforcement of the Bingo License and Tax Act, the  
13 Charitable Games Act, and the Pull Tabs and Jar Games Act  
14 if such responsibility is delegated to it by the Director  
15 of Revenue.

16 (c) The Board shall have jurisdiction over and shall  
17 supervise all gambling operations governed by this Act. The  
18 Board shall have all powers necessary and proper to fully and  
19 effectively execute the provisions of this Act, including, but  
20 not limited to, the following:

21 (1) To investigate applicants and determine the  
22 eligibility of applicants for licenses and to select among  
23 competing applicants the applicants which best serve the  
24 interests of the citizens of Illinois.

25 (2) To have jurisdiction and supervision over all  
26 riverboat gambling operations in this State and all persons  
27 on riverboats where gambling operations are conducted.

28 (3) To promulgate rules and regulations for the purpose  
29 of administering the provisions of this Act and to  
30 prescribe rules, regulations and conditions under which  
31 all riverboat gambling in the State shall be conducted.  
32 Such rules and regulations are to provide for the  
33 prevention of practices detrimental to the public interest  
34 and for the best interests of riverboat gambling, including

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

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

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

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

18 (7) To adopt appropriate standards for all riverboats  
19 and facilities.

20 (8) To require that the records, including financial or  
21 other statements of any licensee under this Act, shall be  
22 kept in such manner as prescribed by the Board and that any  
23 such licensee involved in the ownership or management of  
24 gambling operations submit to the Board an annual balance  
25 sheet and profit and loss statement, list of the  
26 stockholders or other persons having a 1% or greater  
27 beneficial interest in the gambling activities of each  
28 licensee, and any other information the Board deems  
29 necessary in order to effectively administer this Act and  
30 all rules, regulations, orders and final decisions  
31 promulgated under this Act.

32 (9) To conduct hearings, issue subpoenas for the  
33 attendance of witnesses and subpoenas duces tecum for the  
34 production of books, records and other pertinent documents



1 in accordance with the Illinois Administrative Procedure  
2 Act, and to administer oaths and affirmations to the  
3 witnesses, when, in the judgment of the Board, it is  
4 necessary to administer or enforce this Act or the Board  
5 rules.

6 (10) To prescribe a form to be used by any licensee  
7 involved in the ownership or management of gambling  
8 operations as an application for employment for their  
9 employees.

10 (11) To revoke or suspend licenses, as the Board may  
11 see fit and in compliance with applicable laws of the State  
12 regarding administrative procedures, and to review  
13 applications for the renewal of licenses. The Board may  
14 suspend an owners license, without notice or hearing upon a  
15 determination that the safety or health of patrons or  
16 employees is jeopardized by continuing a riverboat's  
17 operation. The suspension may remain in effect until the  
18 Board determines that the cause for suspension has been  
19 abated. The Board may revoke the owners license upon a  
20 determination that the owner has not made satisfactory  
21 progress toward abating the hazard.

22 (12) To eject or exclude or authorize the ejection or  
23 exclusion of, any person from riverboat gambling  
24 facilities where such person is in violation of this Act,  
25 rules and regulations thereunder, or final orders of the  
26 Board, or where such person's conduct or reputation is such  
27 that his or her presence within the riverboat gambling  
28 facilities may, in the opinion of the Board, call into  
29 question the honesty and integrity of the gambling  
30 operations or interfere with orderly conduct thereof;  
31 provided that the propriety of such ejection or exclusion  
32 is subject to subsequent hearing by the Board.

33 (13) To require all licensees of gambling operations to  
34 utilize a cashless wagering system whereby all players'

1 money is converted to tokens, electronic cards, or chips  
2 which shall be used only for wagering in the gambling  
3 establishment.

4 (14) (Blank).

5 (15) To suspend, revoke or restrict licenses, to  
6 require the removal of a licensee or an employee of a  
7 licensee for a violation of this Act or a Board rule or for  
8 engaging in a fraudulent practice, and to impose civil  
9 penalties of up to \$5,000 against individuals and up to  
10 \$10,000 or an amount equal to the daily gross receipts,  
11 whichever is larger, against licensees for each violation  
12 of any provision of the Act, any rules adopted by the  
13 Board, any order of the Board or any other action which, in  
14 the Board's discretion, is a detriment or impediment to  
15 riverboat gambling operations.

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

19 (17) To establish minimum levels of insurance to be  
20 maintained by licensees.

21 (18) To authorize a licensee to sell or serve alcoholic  
22 liquors, wine or beer as defined in the Liquor Control Act  
23 of 1934 on board a riverboat and to have exclusive  
24 authority to establish the hours for sale and consumption  
25 of alcoholic liquor on board a riverboat, notwithstanding  
26 any provision of the Liquor Control Act of 1934 or any  
27 local ordinance, and regardless of whether the riverboat  
28 makes excursions. The establishment of the hours for sale  
29 and consumption of alcoholic liquor on board a riverboat is  
30 an exclusive power and function of the State. A home rule  
31 unit may not establish the hours for sale and consumption  
32 of alcoholic liquor on board a riverboat. This amendatory  
33 Act of 1991 is a denial and limitation of home rule powers  
34 and functions under subsection (h) of Section 6 of Article

1 VII of the Illinois Constitution.

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

8 (20) To delegate the execution of any of its powers  
9 under this Act for the purpose of administering and  
10 enforcing this Act and its rules and regulations hereunder.

11 (21) To take any other action as may be reasonable or  
12 appropriate to enforce this Act and rules and regulations  
13 hereunder.

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

22 (e) The Board must authorize to each investigator and to  
23 any other employee of the Board exercising the powers of a  
24 peace officer a distinct badge that, on its face, (i) clearly  
25 states that the badge is authorized by the Board and (ii)  
26 contains a unique identifying number. No other badge shall be  
27 authorized by the Board.

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

30 Section 99. Effective date. This Act takes effect upon  
31 becoming law."