



Sen. Terry Link

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LRB096 06812 MJR 26351 a

1 AMENDMENT TO SENATE BILL 744

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 744 by replacing  
3 everything after the enacting clause with the following:

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 facility and a  
13 permanent land-based facility, at each of which lawful gambling  
14 is authorized and licensed as provided in the Illinois Gambling  
15 Act.

1 "City" means the City of Chicago.

2 "Casino operator licensee" means any person or entity  
3 selected by the Authority and approved and licensed by the  
4 Gaming Board to manage and operate a casino within the City of  
5 Chicago pursuant to a casino management contract.

6 "Casino management contract" means a legally binding  
7 agreement between the Authority and a casino operator licensee  
8 to operate or manage a casino.

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

11 "Gaming Board" means the Illinois Gaming Board created by  
12 the Illinois Gambling Act.

13 "Mayor" means the Mayor of the City.

14 Section 1-12. Creation of the Authority. After the 5  
15 members of the Illinois Gaming Board are appointed and  
16 qualified pursuant to this amendatory Act of the 96th General  
17 Assembly, there is hereby created a political subdivision, unit  
18 of local government with only the powers authorized by law,  
19 body politic, and municipal corporation, by the name and style  
20 of the Chicago Casino Development Authority.

21 Section 1-13. Duties of the Authority. It shall be the duty  
22 of the Authority, as a casino licensee under the Illinois  
23 Gambling Act, to promote, operate, and maintain a casino in the  
24 City. The Authority shall construct, equip, and maintain

1 grounds, buildings, and facilities for that purpose. The  
2 Authority has the right to contract with a casino operator  
3 licensee and other third parties in order to fulfill its  
4 purpose. If the Authority does not contract with a casino  
5 operator licensee, then the Authority is responsible for the  
6 payment of any fees required of a casino operator under  
7 subsection (a) of Section 7.8 of the Illinois Gambling Act. The  
8 Authority is granted all rights and powers necessary to perform  
9 such duties.

10 Section 1-15. Board.

11 (a) The governing and administrative powers of the  
12 Authority shall be vested in a body known as the Chicago Casino  
13 Development Board. The Board shall consist of 3 members  
14 appointed by the Mayor. All appointees shall be subject to  
15 background investigation and approval by the Gaming Board. One  
16 of these members shall be designated by the Mayor to serve as  
17 chairperson. All of the members appointed by the Mayor shall be  
18 residents of the City.

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

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

3           (a) The Mayor shall appoint one member of the Board for an  
4 initial term expiring July 1 of the year following approval by  
5 the Gaming Board, one member for an initial term expiring July  
6 1 three years following approval by the Gaming Board, and one  
7 member for an initial term expiring July 1 five years following  
8 approval by the Gaming Board.

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

22           (c) The Mayor or the Gaming Board may remove any member of  
23 the Board upon a finding of incompetence, neglect of duty, or  
24 misfeasance or malfeasance in office or for a violation of this  
25 Act. The Gaming Board may remove any member of the Board for  
26 any violation of the Illinois Gambling Act or the rules and

1 regulations of the Gaming Board.

2 Section 1-25. Organization of Board; meetings. After  
3 appointment by the Mayor and approval of the Gaming Board, the  
4 Board shall organize for the transaction of business. The Board  
5 shall prescribe the time and place for meetings, the manner in  
6 which special meetings may be called, and the notice that must  
7 be given to members. All actions and meetings of the Board  
8 shall be subject to the provisions of the Open Meetings Act.  
9 Two members of the Board shall constitute a quorum. All  
10 substantive action of the Board shall be by resolution with an  
11 affirmative vote of a majority of the members.

12 Section 1-30. Executive director; officers.

13 (a) The Board shall appoint an executive director, subject  
14 to completion of a background investigation and approval by the  
15 Gaming Board, who shall be the chief executive officer of the  
16 Authority. The Board shall fix the compensation of the  
17 executive director. Subject to the general control of the  
18 Board, the executive director shall be responsible for the  
19 management of the business, properties, and employees of the  
20 Authority. The executive director shall direct the enforcement  
21 of all resolutions, rules, and regulations of the Board, and  
22 shall perform such other duties as may be prescribed from time  
23 to time by the Board. All employees and independent  
24 contractors, consultants, engineers, architects, accountants,

1 attorneys, financial experts, construction experts and  
2 personnel, superintendents, managers, and other personnel  
3 appointed or employed pursuant to this Act shall report to the  
4 executive director. In addition to any other duties set forth  
5 in this Act, the executive director shall do all of the  
6 following:

7 (1) Direct and supervise the administrative affairs  
8 and activities of the Authority in accordance with its  
9 rules, regulations, and policies.

10 (2) Attend meetings of the Board.

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

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

15 (5) Report and make recommendations to the Board  
16 concerning the terms and conditions of any casino  
17 management contract.

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

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

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

25 Section 1-31. General rights and powers of the Authority.

1 In addition to the duties and powers set forth in this Act, the  
2 Authority shall have the following rights and powers:

3 (1) Adopt and alter an official seal.

4 (2) Establish and change its fiscal year.

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

8 (4) Adopt, amend, and repeal by-laws, rules, and  
9 regulations consistent with the furtherance of the powers  
10 and duties provided for.

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

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

16 (7) Conduct background investigations of potential  
17 casino operator licensees, including its principals or  
18 shareholders, and Authority staff. The Authority may  
19 request the assistance of the Office of Gaming Enforcement.

20 (8) Employ, either as regular employees or independent  
21 contractors, consultants, engineers, architects,  
22 accountants, attorneys, financial experts, construction  
23 experts and personnel, superintendents, managers and other  
24 professional personnel, and such other personnel as may be  
25 necessary in the judgment of the Board, and fix their  
26 compensation.

1           (9) Own, acquire, construct, equip, lease, operate,  
2           and maintain grounds, buildings, and facilities to carry  
3           out its corporate purposes and duties.

4           (10) Enter into, revoke, and modify contracts in  
5           accordance with the of the Gaming Board.

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

8           (12) Develop, or cause to be developed by a third  
9           party, a master plan for the design, planning, and  
10          development of a casino.

11          (13) Negotiate and enter into intergovernmental  
12          agreements with the State and its agencies, the City, and  
13          other units of local government, in furtherance of the  
14          powers and duties of the Board. However, the Authority may  
15          not enter into an agreement with the State Police.

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

18          (15) Borrow money from any source, public or private,  
19          for any corporate purpose, including, without limitation,  
20          working capital for its operations, reserve funds, or  
21          payment of interest, and to mortgage, pledge, or otherwise  
22          encumber the property or funds of the Authority and to  
23          contract with or engage the services of any person in  
24          connection with any financing, including financial  
25          institutions, issuers of letters of credit, or insurers and  
26          enter into reimbursement agreements with this person or



1           entity which may be secured as if money were borrowed from  
2           the person or entity.

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

4           (17) Receive and accept from any source, private or  
5           public, contributions, gifts, or grants of money or  
6           property to the Authority.

7           (18) Provide for the insurance of any property,  
8           operations, officers, members, agents, or employees of the  
9           Authority against any risk or hazard, to self-insure or  
10          participate in joint self-insurance pools or entities to  
11          insure against such risk or hazard, and to provide for the  
12          indemnification of its officers, members, employees,  
13          contractors, or agents against any and all risks.

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

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

20          Section 1-32. Ethical Conduct.

21          (a) Board members and employees of the Authority must carry  
22          out their duties and responsibilities in such a manner as to  
23          promote and preserve public trust and confidence in the  
24          integrity and conduct of gaming.

25          (b) Except as may be required in the conduct of official

1 duties, Board members and employees of the Authority shall not  
2 engage in gambling on any riverboat, in any casino, or in an  
3 electronic gaming facility licensed by the Illinois Gaming  
4 Board or engage in legalized gambling in any establishment  
5 identified by Board action that, in the judgment of the Board,  
6 could represent a potential for a conflict of interest.

7 (c) A Board member or employee of the Authority shall not  
8 use or attempt to use his or her official position to secure or  
9 attempt to secure any privilege, advantage, favor, or influence  
10 for himself or herself or others.

11 (d) Board members and employees of the Authority shall not  
12 hold or pursue employment, office, position, business, or  
13 occupation that may conflict with his or her official duties.  
14 Employees may engage in other gainful employment so long as  
15 that employment does not interfere or conflict with their  
16 duties. Such employment must be disclosed to the Executive  
17 Director and approved by the Board.

18 (e) Board members and employees of the Authority may not  
19 engage in employment, communications, or any activity that may  
20 be deemed a conflict of interest. This prohibition shall extend  
21 to any act identified by Board action or Gaming Board action  
22 that, in the judgment of the either entity, could represent the  
23 potential for or the appearance of a conflict of interest.

24 (f) Board members and employees of the Authority may not  
25 have a financial interest, directly or indirectly, in his or  
26 her own name or in the name of any other person, partnership,

1 association, trust, corporation, or other entity in any  
2 contract or subcontract for the performance of any work for the  
3 Authority. This prohibition shall extend to the holding or  
4 acquisition of an interest in any entity identified by Board  
5 action or Gaming Board action that, in the judgment of the  
6 either entity, could represent the potential for or the  
7 appearance of a financial interest. The holding or acquisition  
8 of an interest in such entities through an indirect means, such  
9 as through a mutual fund, shall not be prohibited, except that  
10 the Gaming Board may identify specific investments or funds  
11 that, in its judgment, are so influenced by gaming holdings as  
12 to represent the potential for or the appearance of a conflict  
13 of interest.

14 (g) Board members and employees of the Authority may not  
15 accept any gift, gratuity, service, compensation, travel,  
16 lodging, or thing of value, with the exception of unsolicited  
17 items of an incidental nature, from any person, corporation, or  
18 entity doing business with the Authority.

19 (h) No Board member or employee of the Authority may,  
20 within a period of 2 years immediately after termination of  
21 employment, knowingly accept employment or receive  
22 compensation or fees for services from a person or entity, or  
23 its parent or affiliate, that has engaged in business with the  
24 Authority that resulted in contracts with an aggregate value of  
25 at least \$25,000 or if that Board member or employee has made a  
26 decision that directly applied to the person or entity, or its

1 parent or affiliate.

2 (i) A spouse, child, or parent of a Board member or  
3 employee of the Authority may not have a financial interest,  
4 directly or indirectly, in his or her own name or in the name  
5 of any other person, partnership, association, trust,  
6 corporation, or other entity in any contract or subcontract for  
7 the performance of any work for the Authority. This prohibition  
8 shall extend to the holding or acquisition of an interest in  
9 any entity identified by Board action or Gaming Board action  
10 that, in the judgment of the either entity, could represent the  
11 potential for or the appearance of a conflict of interest. The  
12 holding or acquisition of an interest in such entities through  
13 an indirect means, such as through a mutual fund, shall not be  
14 prohibited, except that the Gaming Board may identify specific  
15 investments or funds that, in its judgment, are so influenced  
16 by gaming holdings as to represent the potential for or the  
17 appearance of a conflict of interest.

18 (j) A spouse, child, or parent of a Board member or  
19 employee of the Authority may not accept any gift, gratuity,  
20 service, compensation, travel, lodging, or thing of value, with  
21 the exception of unsolicited items of an incidental nature,  
22 from any person, corporation, or entity doing business with the  
23 Authority.

24 (k) A spouse, child, or parent of a Board member or  
25 employee of the Authority may not, within a period of 2 years  
26 immediately after termination of employment, knowingly accept

1 employment or receive compensation or fees for services from a  
2 person or entity, or its parent or affiliate, that has engaged  
3 in business with the Authority that resulted in contracts with  
4 an aggregate value of at least \$25,000 or if that Board member  
5 or employee has made a decision that directly applied to the  
6 person or entity, or its parent or affiliate.

7 (l) No Board member or employee of the Authority may  
8 attempt, in any way, to influence any person or corporation  
9 doing business with the Authority or any officer, agent, or  
10 employee thereof to hire or contract with any person or  
11 corporation for any compensated work.

12 (m) Any communication between an elected official of the  
13 City and any applicant for or party to a casino management  
14 contract with the Authority, or an officer, director, or  
15 employee thereof, concerning any manner relating in any way to  
16 gaming or the Authority shall be disclosed to the Board and the  
17 Gaming Board. Such disclosure shall be in writing by the  
18 official within 30 days of the communication and shall be filed  
19 with the Board. Disclosure must consist of the date of the  
20 communication, the identity and job title of the person with  
21 whom the communication was made, a brief summary of the  
22 communication, the action requested or recommended, all  
23 responses made, the identity and job title of the person making  
24 the response, and any other pertinent information.

25 The written disclosure provided to the Board and Gaming  
26 Board shall be privileged and maintained strictly confidential

1 and shall be exempt from public disclosure under the Freedom of  
2 Information Act.

3 Public disclosure of the written summary provided to the  
4 Board and the Gaming Board shall be subject to the exemptions  
5 provided under Section 7 of the Freedom of Information Act.

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

9 Section 1-45. Casino management contracts.

10 (a) The Board shall develop and administer a competitive  
11 sealed bidding process for the selection of a potential casino  
12 operator licensee to develop or operate a casino within the  
13 City. The Board shall issue one or more requests for proposals.  
14 The Board may establish minimum financial and investment  
15 requirements to determine the eligibility of persons to respond  
16 to the Board's requests for proposal, and may establish and  
17 consider such other criteria as it deems appropriate. The Board  
18 may impose a fee upon persons who respond to requests for  
19 proposal, in order to reimburse the Board for its costs in  
20 preparing and issuing the requests and reviewing the proposals.

21 (b) Within 5 days after the time limit for submitting bids  
22 and proposals has passed, the Board shall make all bids and  
23 proposals public, provided, however, the Board shall not be  
24 required to disclose any information which would be exempt from  
25 disclosure under Section 7 of the Freedom of Information Act.

1       Thereafter, the Board shall evaluate the responses to its  
2       requests for proposal and the ability of all persons or  
3       entities responding to its request for proposal to meet the  
4       requirements of this Act and to undertake and perform the  
5       obligations set forth in its requests for proposal.

6           (c) After reviewing proposals and subject to Gaming Board  
7       approval, the Board shall enter into a casino management  
8       contract authorizing the development, construction, or  
9       operation of a casino. Validity of the casino management  
10      contract is contingent upon the issuance of a casino operator  
11      license to the successful bidder. If the Gaming Board approves  
12      the contract and grants a casino operator license, the Board  
13      shall transmit a copy of the executed casino management  
14      contract to the Gaming Board.

15          (d) After the Authority has been issued a casino license,  
16      the Gaming Board has issued a casino operator license, and the  
17      Gaming Board has approved the location of a temporary facility,  
18      the Authority may conduct gaming operations at a temporary  
19      facility for no longer than 24 months after gaming operations  
20      begin. The Gaming Board may, after holding a public hearing,  
21      grant an extension so long as a permanent facility is not  
22      operational and the Authority is working in good faith to  
23      complete the permanent facility. The Gaming Board may grant  
24      additional extensions following a public hearing. Each  
25      extension may be for a period of no longer than 6 months.

1           Section 1-50. Transfer of funds. The revenues received by  
2 the Authority (other than amounts required to be paid pursuant  
3 to the Illinois Gambling Act and amounts required to pay the  
4 operating expenses of the Authority, to pay amounts due the  
5 casino operator licensee pursuant to a casino management  
6 contract, to repay any borrowing of the Authority made pursuant  
7 to Section 1-31, to pay debt service on any bonds issued under  
8 Section 1-75, and to pay any expenses in connection with the  
9 issuance of such bonds pursuant to Section 1-75 or derivative  
10 products pursuant to Section 1-85) shall be transferred to the  
11 City by the Authority.

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

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

24           (2) 60% of such gaming endowment funds shall be used  
25 for or pledged for the construction and maintenance of



1 schools, parks and cultural institution facilities, and  
2 museums within the municipality.

3 Section 1-60. Auditor General.

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

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

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

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

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

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

1 website.

2 Section 1-62. Advisory committee. An Advisory Committee is  
3 established to monitor, review, and report on (1) the  
4 Authority's utilization of minority-owned business enterprises  
5 and female-owned business enterprises, (2) employment of  
6 females, and (3) employment of minorities with regard to the  
7 development and construction of the casino as authorized under  
8 Section 7 of the Illinois Gambling Act. The Authority shall  
9 work with the Advisory Committee in accumulating necessary  
10 information for the Committee to submit reports, as necessary,  
11 to the General Assembly and to the City of Chicago.

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

23 The Advisory Committee shall be dissolved on the date that  
24 casino gambling operations are first conducted under the  
25 license authorized under Section 7 of the Illinois Gambling

1 Act, other than at a temporary facility.

2 For the purposes of this Section, the terms "female" and  
3 "minority person" have the meanings provided in Section 2 of  
4 the Business Enterprise for Minorities, Females, and Persons  
5 with Disabilities Act.

6 Section 1-65. Acquisition of property; eminent domain  
7 proceedings. For the lawful purposes of this Act, the City may  
8 acquire by eminent domain or by condemnation proceedings in the  
9 manner provided by the Eminent Domain Act, real or personal  
10 property or interests in real or personal property located in  
11 the City, and the City may convey to the Authority property so  
12 acquired. The acquisition of property under this Section is  
13 declared to be for a public use.

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

23 Section 1-75. Borrowing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           (4) Limitations on the issue of additional bonds, the  
2 terms upon which additional bonds may be issued and  
3 secured, the terms upon which additional bonds may rank on  
4 a parity with, or be subordinate or superior to, other  
5 bonds.

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

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

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

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

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

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



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

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

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

1 the application of State revenues or funds to the payment of  
2 bonds of the Authority.

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

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

20 Section 1-85. Derivative products. With respect to all or  
21 part of any issue of its bonds, the Authority may enter into  
22 agreements or contracts with any necessary or appropriate  
23 person, which will have the benefit of providing to the  
24 Authority an interest rate basis, cash flow basis, or other  
25 basis different from that provided in the bonds for the payment

1 of interest. Such agreements or contracts may include, without  
2 limitation, agreements or contracts commonly known as  
3 "interest rate swap agreements", "forward payment conversion  
4 agreements", "futures", "options", "puts", or "calls" and  
5 agreements or contracts providing for payments based on levels  
6 of or changes in interest rates, agreements or contracts to  
7 exchange cash flows or a series of payments, or to hedge  
8 payment, rate spread, or similar exposure.

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

23 Section 1-95. Tax exemption. The Authority and all of its  
24 operations and property used for public purposes shall be

1 exempt from all taxation of any kind imposed by the State of  
2 Illinois or any political subdivision, school district,  
3 municipal corporation, or unit of local government of the State  
4 of Illinois. However, nothing in this Act prohibits the  
5 imposition of any other taxes where such imposition is not  
6 prohibited by Section 21 of the Illinois Gambling Act.

7 Section 1-105. Budgets and reporting.

8 (a) The Board shall annually adopt a budget for each fiscal  
9 year. The budget may be modified from time to time in the same  
10 manner and upon the same vote as it may be adopted. The budget  
11 shall include the Authority's available funds and estimated  
12 revenues and shall provide for payment of its obligations and  
13 estimated expenditures for the fiscal year, including, without  
14 limitation, expenditures for administration, operation,  
15 maintenance and repairs, debt service, and deposits into  
16 reserve and other funds and capital projects.

17 (b) The Board shall annually cause the finances of the  
18 Authority to be audited by a firm of certified public  
19 accountants selected by the Board in accordance with the rules  
20 of the Gaming Board and post the firm's audits of the Authority  
21 on the Authority's Internet website.

22 (c) The Board shall, for each fiscal year, prepare an  
23 annual report setting forth information concerning its  
24 activities in the fiscal year and the status of the development  
25 of the casino. The annual report shall include the audited

1 financial statements of the Authority for the fiscal year, the  
2 budget for the succeeding fiscal year, and the current capital  
3 plan as of the date of the report. Copies of the annual report  
4 shall be made available to persons who request them and shall  
5 be submitted not later than 120 days after the end of the  
6 Authority's fiscal year or, if the audit of the Authority's  
7 financial statements is not completed within 120 days after the  
8 end of the Authority's fiscal year, as soon as practical after  
9 completion of the audit, to the Governor, the Mayor, the  
10 General Assembly, and the Commission on Government Forecasting  
11 and Accountability.

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

13 (a) All funds deposited by the Authority in any bank or  
14 savings and loan association shall be placed in the name of the  
15 Authority and shall be withdrawn or paid out only by check or  
16 draft upon the bank or savings and loan association, signed by  
17 2 officers or employees designated by the Board.  
18 Notwithstanding any other provision of this Section, the Board  
19 may designate any of its members or any officer or employee of  
20 the Authority to authorize the wire transfer of funds deposited  
21 by the secretary-treasurer of funds in a bank or savings and  
22 loan association for the payment of payroll and employee  
23 benefits-related expenses.

24 No bank or savings and loan association shall receive  
25 public funds as permitted by this Section unless it has

1 complied with the requirements established pursuant to Section  
2 6 of the Public Funds Investment Act.

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

10 Section 1-112. Contracts with the Authority or casino  
11 operator licensee; disclosure requirements.

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

1 contractor shall notify the Authority of any changes in  
2 officers, directors, ownership, or individuals having a  
3 beneficial interest of more than 1%.

4 (b) A bidder, respondent, offeror, or contractor for  
5 contracts with an annual value of \$10,000 or for a period to  
6 exceed one year shall disclose all political contributions of  
7 the bidder, respondent, offeror, or contractor and any  
8 affiliated person or entity. Disclosure shall include at least  
9 the names and addresses of the contributors and the dollar  
10 amounts of any contributions to any political committee made  
11 within the previous 2 years. The disclosure must be submitted  
12 to the Gaming Board with a copy of the contract prior to Gaming  
13 Board approval of the contract. The Gaming Board shall refuse  
14 to approve any contract that does not include the required  
15 disclosure.

16 (c) As used in this Section:

17 "Contribution" means contribution as defined in Section  
18 9-1.4 of the Election Code.

19 "Affiliated person" means (i) any person with any ownership  
20 interest or distributive share of the bidding, responding, or  
21 contracting entity in excess of 1%, (ii) executive employees of  
22 the bidding, responding, or contracting entity, and (iii) the  
23 spouse and minor children of any such persons.

24 "Affiliated entity" means (i) any parent or subsidiary of  
25 the bidding or contracting entity, (ii) any member of the same  
26 unitary business group, or (iii) any political committee for

1 which the bidding, responding, or contracting entity is the  
2 sponsoring entity.

3 (d) The Gaming Board may direct the Authority or a casino  
4 operator licensee to void a contract if a violation of this  
5 Section occurs. The Authority may direct a casino operator  
6 licensee to void a contract if a violation of this Section  
7 occurs.

8 Section 1-115. Purchasing.

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

14 (1) When repair parts, accessories, equipment, or  
15 services are required for equipment or services previously  
16 furnished or contracted for;

17 (2) Professional services;

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

21 (4) When contracts for the use, purchase, delivery,  
22 movement, or installation of data processing equipment,  
23 software, or services and telecommunications equipment,  
24 software, and services are required;

25 (5) Casino management contracts, which shall be



1 awarded as set forth in Section 1-45 of this Act; and.

2 (6) Contracts where there is only one economically  
3 feasible source; and

4 (7) When a purchase is needed on an immediate,  
5 emergency basis because there exists a threat to public  
6 health or public safety, or when immediate expenditure is  
7 necessary for repairs to Authority property in order to  
8 protect against further loss of or damage to Authority  
9 property, to prevent or minimize serious disruption in  
10 Authority services or to ensure the integrity of Authority  
11 records.

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

16 (c) In determining the responsibility of any proposer, the  
17 Authority may take into account the proposer's (or an  
18 individual having a beneficial interest, directly or  
19 indirectly, of more than 1% in such proposing entity) past  
20 record of dealings with the Authority, the proposer's  
21 experience, adequacy of equipment, and ability to complete  
22 performance within the time set, and other factors besides  
23 financial responsibility. No such contract shall be awarded to  
24 any proposer other than the lowest proposer (in case of  
25 purchase or expenditure) unless authorized or approved by a  
26 vote of at least 2 members of the Board and such action is

1 accompanied by a written statement setting forth the reasons  
2 for not awarding the contract to the highest or lowest  
3 proposer, as the case may be. The statement shall be kept on  
4 file in the principal office of the Authority and open to  
5 public inspection.

6 (d) The Authority shall have the right to reject all  
7 proposals and to re-advertise for proposals. If after any such  
8 re-advertisement, no responsible and satisfactory proposals,  
9 within the terms of the re-advertisement, is received, the  
10 Authority may award such contract without competitive  
11 selection, provided that the Gaming Board must approve the  
12 contract prior to its execution. The contract must not be less  
13 advantageous to the Authority than any valid proposal received  
14 pursuant to advertisement.

15 (e) Advertisements for proposals and re-proposals shall be  
16 published at least once in a daily newspaper of general  
17 circulation published in the City at least 10 calendar days  
18 before the time for receiving proposals, and such  
19 advertisements shall also be posted on readily accessible  
20 bulletin boards in the principal office of the Authority. Such  
21 advertisements shall state the time and place for receiving and  
22 opening of proposals and, by reference to plans and  
23 specifications on file at the time of the first publication or  
24 in the advertisement itself, shall describe the character of  
25 the proposed contract in sufficient detail to fully advise  
26 prospective proposers of their obligations and to ensure free

1 and open competitive selection.

2 (f) All proposals in response to advertisements shall be  
3 sealed and shall be publicly opened by the Authority. All  
4 proposers shall be entitled to be present in person or by  
5 representatives. Cash or a certified or satisfactory cashier's  
6 check, as a deposit of good faith, in a reasonable amount to be  
7 fixed by the Authority before advertising for proposals, shall  
8 be required with the proposal. A bond for faithful performance  
9 of the contract with surety or sureties satisfactory to the  
10 Authority and adequate insurance may be required in reasonable  
11 amounts to be fixed by the Authority before advertising for  
12 proposals.

13 (g) The contract shall be awarded as promptly as possible  
14 after the opening of proposals. The proposal of the successful  
15 proposer, as well as the bids of the unsuccessful proposers,  
16 shall be placed on file and be open to public inspection  
17 subject to the exemptions from disclosure provided under  
18 Section 7 of the Freedom of Information Act. All proposals  
19 shall be void if any disclosure of the terms of any proposals  
20 in response to an advertisement is made or permitted to be made  
21 by the Authority before the time fixed for opening proposals.

22 (h) Notice of each and every contract that is offered,  
23 including renegotiated contracts and change orders, shall be  
24 published in an online bulletin. The online bulletin must  
25 include at least the date first offered, the date submission of  
26 offers is due, the location that offers are to be submitted to,

1 a brief purchase description, the method of source selection,  
2 information of how to obtain a comprehensive purchase  
3 description and any disclosure and contract forms, and  
4 encouragement to prospective vendors to hire qualified  
5 veterans, as defined by Section 45-67 of the Illinois  
6 Procurement Code, and Illinois residents discharged from any  
7 Illinois adult correctional center subject to Gaming Board  
8 licensing and eligibility rules. Notice of each and every  
9 contract that is let or awarded, including renegotiated  
10 contracts and change orders, shall be published in the online  
11 bulletin and must include at least all of the information  
12 specified in this item (h), as well as the name of the  
13 successful responsible proposer or offeror, the contract  
14 price, and the number of unsuccessful responsive proposers and  
15 any other disclosure specified in this Section. This notice  
16 must be posted in the online electronic bulletin prior to  
17 execution of the contract.

18 Section 1-130. Affirmative action and equal opportunity  
19 obligations of Authority.

20 (a) The Authority is subject to the requirements of Article  
21 V of Chapter 2-92 (Sections 2-92-650 through 2-92-720  
22 inclusive) of the Chicago Municipal Code, as now or hereafter  
23 amended, renumbered, or succeeded, concerning a Minority-Owned  
24 and Women-Owned Business Enterprise Procurement Program for  
25 construction contracts, and Chapter 2-92-420 et. seq. of the

1 Chicago Municipal Code, as now or hereafter amended,  
2 renumbered, or succeeded, concerning a Minority-Owned and  
3 Women-Owned Business Enterprise Procurement Program to  
4 determine the status of a firm as a Minority Business  
5 Enterprise for city procurement purposes.

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

18 ARTICLE 90.

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

21 (20 ILCS 301/5-20)

22 Sec. 5-20. Compulsive gambling program.

23 (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 or the Illinois Gaming Board.  
17 Except as provided in subsection (c), these investigators have  
18 and may exercise all the powers of peace officers solely for  
19 the purpose of enforcing taxing measures administered by the  
20 Department or the Illinois Gaming Board.

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

1 authorized by the Department and (ii) contains a unique  
2 identifying number. No other badge shall be authorized by the  
3 Department.

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

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

13 Section 90-15. The Joliet Regional Port District Act is  
14 amended by changing Section 5.1 as follows:

15 (70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

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



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

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

6 Section 90-20. The Consumer Installment Loan Act is amended  
7 by changing Section 12.5 as follows:

8 (205 ILCS 670/12.5)

9 Sec. 12.5. Limited purpose branch.

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

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

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

1 Director of the licensed location at which the books, accounts,  
2 records, and files shall be maintained.

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

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

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

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

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

18 Section 90-25. The Illinois Horse Racing Act of 1975 is  
19 amended by changing Sections 1.2, 4, 5, 6, 9, 28.1, and 31 and  
20 by adding Sections 3.24, 3.25, 3.26, 3.27, and 56 as follows:

21 (230 ILCS 5/1.2)

22 Sec. 1.2. Legislative intent. This Act is intended to  
23 benefit the people of the State of Illinois by encouraging the  
24 breeding and production of race horses, assisting economic

1 development, and promoting Illinois tourism. The General  
2 Assembly finds and declares it to be the public policy of the  
3 State of Illinois to:

4 (a) support and enhance Illinois' horse racing industry,  
5 which is a significant component within the agribusiness  
6 industry;

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

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

13 (d) promote the further growth of tourism;

14 (e) encourage the breeding of thoroughbred and  
15 standardbred horses in this State; and

16 (f) ensure that public confidence and trust in the  
17 credibility and integrity of racing operations and the  
18 regulatory process is maintained.

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

20 (230 ILCS 5/3.24 new)

21 Sec. 3.24. Adjusted gross receipts. "Adjusted gross  
22 receipts" means the gross receipts from electronic gaming less  
23 winnings paid to wagerers.

24 (230 ILCS 5/3.25 new)

1       Sec. 3.25. Electronic gaming. "Electronic gaming" means  
2 slot machine gambling conducted at a race track pursuant to an  
3 electronic gaming license.

4           (230 ILCS 5/3.26 new)

5       Sec. 3.26. Electronic gaming license. "Electronic gaming  
6 license" means a license to conduct electronic gaming issued  
7 under Section 56.

8           (230 ILCS 5/3.27 new)

9       Sec. 3.27. Electronic gaming facility. "Electronic gaming  
10 facility" means that portion of an organization licensee's race  
11 track facility at which electronic gaming is conducted.

12           (230 ILCS 5/4) (from Ch. 8, par. 37-4)

13       Sec. 4. Until the effective date of this amendatory Act of  
14 the 96th General Assembly, the ~~The~~ Board shall consist of 11  
15 members to be appointed by the Governor with the advice and  
16 consent of the Senate, not more than 6 of whom shall be of the  
17 same political party, and one of whom shall be designated by  
18 the Governor to be chairman.

19       Notwithstanding any provision of this Section to the  
20 contrary, the term of office of each member of the Board  
21 sitting on the effective date of this amendatory Act of the  
22 96th General Assembly ends on that date and those members shall  
23 hold office only until their successors are appointed and

1 qualified pursuant to this amendatory Act.

2 Each member shall have a reasonable knowledge of harness or  
3 thoroughbred racing practices and procedure and of the  
4 principles of harness or thoroughbred racing and breeding.  
5 Additionally, at least 6 members shall have must have personal  
6 experience working in the horse racing industry whether it be  
7 in the State of Illinois or elsewhere. At ~~and, at~~ the time of  
8 his or her appointment, the member shall be a resident of the  
9 State of Illinois and shall have resided therein for a period  
10 of at least 5 years next preceding his appointment and  
11 qualification and he shall be a qualified voter therein and not  
12 less than 25 years of age. The Board should reflect the ethnic,  
13 cultural, and geographic diversity of the State.

14 (Source: P.A. 91-798, eff. 7-9-00.)

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

16 Sec. 5. As soon as practicable following the effective date  
17 of this amendatory Act of 1995, the Governor shall appoint,  
18 with the advice and consent of the Senate, members to the Board  
19 as follows: 3 members for terms expiring July 1, 1996; 3  
20 members for terms expiring July 1, 1998; and 3 members for  
21 terms expiring July 1, 2000. Of the 2 additional members  
22 appointed pursuant to this amendatory Act of the 91st General  
23 Assembly, the initial term of one member shall expire on July  
24 1, 2002 and the initial term of the other member shall expire  
25 on July 1, 2004. Thereafter, the terms of office of the Board

1 members shall be 6 years. Incumbent members on the effective  
2 date of this amendatory Act of 1995 shall continue to serve  
3 only until their successors are appointed and have qualified.

4 The terms of office of the initial Board members appointed  
5 pursuant to this amendatory Act of the 96th General Assembly  
6 will commence from the effective date of this amendatory Act  
7 and run as follows, to be determined by lot: one for a term  
8 expiring July 1 of the year following confirmation, 2 for a  
9 term expiring July 1 two years following confirmation, 2 for a  
10 term expiring July 1 three years following confirmation, and 2  
11 for a term expiring July 1 four years following confirmation.  
12 Upon the expiration of the foregoing terms, the successors of  
13 such members shall serve a term of 4 years and until their  
14 successors are appointed and qualified for like terms.

15 Each member of the Board shall receive \$300 per day for  
16 each day the Board meets and for each day the member conducts a  
17 hearing pursuant to Section 16 of this Act, provided that no  
18 Board member shall receive more than \$5,000 in such fees during  
19 any calendar year, or an amount set by the Compensation Review  
20 Board, whichever is greater. Members of the Board shall also be  
21 reimbursed for all actual and necessary expenses and  
22 disbursements incurred in the execution of their official  
23 duties.

24 (Source: P.A. 91-357, eff. 7-29-99; 91-798, eff. 7-9-00.)

1           Sec. 6. Restrictions on Board members.

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

26           (b) No person shall be a member of the Board who is not of

1 good moral character or who has been convicted of, or is under  
2 indictment for, a felony under the laws of Illinois or any  
3 other state, or the United States.

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

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

24 (e) Board members and employees may not accept any gift,  
25 gratuity, service, compensation, travel, lodging, or thing of  
26 value, with the exception of unsolicited items of an incidental



1 nature, from any person, corporation, or entity doing business  
2 with the Board.

3 (f) A Board member or employee shall not use or attempt to  
4 use his or her official position to secure, or attempt to  
5 secure, any privilege, advantage, favor, or influence for  
6 himself or herself or others. No Board member or employee,  
7 within a period of one year immediately preceding nomination by  
8 the Governor or employment, shall have been employed or  
9 received compensation or fees for services from a person or  
10 entity, or its parent or affiliate, that has engaged in  
11 business with the Board, a licensee or a licensee under the  
12 Illinois Gambling Act. In addition, no Board member or employee  
13 shall for one year after the expiration of his or her term or  
14 separation from the Board be employed or receive compensation  
15 or fees from the before-mentioned persons or entities.

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

17 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

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

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

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

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

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

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

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

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

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

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

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

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

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

21           (h) The Board shall name and appoint in the manner provided  
22 by the rules and regulations of the Board: an Executive  
23 Director; a State director of mutuels; State veterinarians and  
24 representatives to take saliva, blood, urine and other tests on  
25 horses; licensing personnel; revenue inspectors; and State  
26 seasonal employees (excluding admission ticket sellers and

1 mutuel clerks). All of those named and appointed as provided in  
2 this subsection shall serve during the pleasure of the Board;  
3 their compensation shall be determined by the Board and be paid  
4 in the same manner as other employees of the Board under this  
5 Act.

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

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

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

26 (l) The Board is vested with the power to impose civil

1 penalties of up to \$5,000 against an individual and up to  
2 \$10,000 against a licensee for each violation of any provision  
3 of this Act, any rules adopted by the Board, any order of the  
4 Board or any other action which, in the Board's discretion, is  
5 a detriment or impediment to horse racing or wagering.

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

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

26 (o) Whenever the Board is authorized or required by law to

1 consider some aspect of criminal history record information for  
2 the purpose of carrying out its statutory powers and  
3 responsibilities, then, upon request and payment of fees in  
4 conformance with the requirements of Section 2605-400 of the  
5 Department of State Police Law (20 ILCS 2605/2605-400), the  
6 Department of State Police is authorized to furnish, pursuant  
7 to positive identification, such information contained in  
8 State files as is necessary to fulfill the request.

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

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

16 (230 ILCS 5/28.1)

17 Sec. 28.1. Payments.

18 (a) Beginning on January 1, 2000, moneys collected by the  
19 Department of Revenue and the Racing Board pursuant to Section  
20 26 or Section 27 of this Act shall be deposited into the Horse  
21 Racing Fund, which is hereby created as a special fund in the  
22 State Treasury.

23 (b) Appropriations, as approved by the General Assembly,  
24 may be made from the Horse Racing Fund to the Board to pay the  
25 salaries of the Board members, secretary, stewards, directors



1 of mutuels, veterinarians, representatives, accountants,  
2 clerks, stenographers, inspectors and other employees of the  
3 Board, and all expenses of the Board incident to the  
4 administration of this Act, including, but not limited to, all  
5 expenses and salaries incident to the taking of saliva and  
6 urine samples in accordance with the rules and regulations of  
7 the Board.

8 (c) Appropriations, as approved by the General Assembly,  
9 shall be made from the Horse Racing Fund to the Department of  
10 Agriculture for the purposes identified in paragraphs (2),  
11 (2.5), (4), (4.1), (6), (7), (8), and (9) of subsection (g) of  
12 Section 30, subsection (e) of Section 30.5, paragraphs (1),  
13 (2), (3), (5), and (8) of subsection (g) of Section 31, and for  
14 standardbred bonus programs for owners of horses that win  
15 multiple stakes races that are limited to Illinois conceived  
16 and foaled horses. From ~~Beginning on~~ January 1, 2000 until the  
17 effective date of this amendatory Act of the 96th General  
18 Assembly, the Board shall transfer the remainder of the funds  
19 generated pursuant to Sections 26 and 27 from the Horse Racing  
20 Fund into the General Revenue Fund.

21 (d) Beginning January 1, 2000, payments to all programs in  
22 existence on the effective date of this amendatory Act of 1999  
23 that are identified in Sections 26(c), 26(f), 26(h)(11)(C), and  
24 28, subsections (a), (b), (c), (d), (e), (f), (g), and (h) of  
25 Section 30, and subsections (a), (b), (c), (d), (e), (f), (g),  
26 and (h) of Section 31 shall be made from the General Revenue

1 Fund at the funding levels determined by amounts paid under  
2 this Act in calendar year 1998. Beginning on the effective date  
3 of this amendatory Act of the 93rd General Assembly, payments  
4 to the Peoria Park District shall be made from the General  
5 Revenue Fund at the funding level determined by amounts paid to  
6 that park district for museum purposes under this Act in  
7 calendar year 1994. Beginning on the effective date of this  
8 amendatory Act of the 94th General Assembly, in lieu of  
9 payments to the Champaign Park District for museum purposes,  
10 payments to the Urbana Park District shall be made from the  
11 General Revenue Fund at the funding level determined by amounts  
12 paid to the Champaign Park District for museum purposes under  
13 this Act in calendar year 2005.

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

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

25 (g) Notwithstanding any other provision of this Act to the  
26 contrary, appropriations, as approved by the General Assembly,

1 may be made from the Fair and Exposition Fund to the Department  
2 of Agriculture for distribution to Illinois county fairs to  
3 supplement premiums offered in junior classes.

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

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

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

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

23 (b-5) Each organization licensee conducting a harness  
24 racing meeting pursuant to this Act shall provide stakes races  
25 and early closer races for Illinois conceived and foaled horses

1 so the total purses distributed for such races shall be no less  
2 than 17% of the total purses distributed at the meeting.

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

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

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

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

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

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

1 (g) No monies shall be expended from the Illinois  
2 Standardbred Breeders Fund except as appropriated by the  
3 General Assembly. Monies appropriated from the Illinois  
4 Standardbred Breeders Fund shall be expended by the Department  
5 of Agriculture, with the assistance and advice of the Illinois  
6 Standardbred Breeders Fund Advisory Board for the following  
7 purposes only:

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

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

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

16 4. No less than 75% of all monies in the Illinois  
17 Standardbred Breeders Fund shall be expended for purses in  
18 1, 2 and 3 as shown above.

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

1           expended for harness breeders awards shall be expended for  
2           expenses incurred in the administration of such harness  
3           breeders awards.

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

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

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

13           (h) Whenever the Governor finds that the amount in the  
14           Illinois Standardbred Breeders Fund is more than the total of  
15           the outstanding appropriations from such fund, the Governor  
16           shall notify the State Comptroller and the State Treasurer of  
17           such fact. The Comptroller and the State Treasurer, upon  
18           receipt of such notification, shall transfer such excess amount  
19           from the Illinois Standardbred Breeders Fund to the General  
20           Revenue Fund.

21           (i) A sum equal to 12 1/2% of the first prize money of  
22           every purse won by an Illinois conceived and foaled horse shall  
23           be paid by the organization licensee conducting the horse race  
24           meeting to the breeder of such winning horse from the  
25           organization licensee's account ~~share of the money wagered.~~  
26           Such payment shall not reduce any award to the owner of the

1 horse or reduce the taxes payable under this Act. Such payment  
2 shall be delivered by the organization licensee at the end of  
3 each month ~~race meeting~~.

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

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



1 foaled program.

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

22       3. Provide that at least a 5 day racing program shall be  
23 conducted at the State Fair each year, which program shall  
24 include at least the following races limited to Illinois  
25 conceived and foaled horses: (a) a two year old Trot and Pace,  
26 and Filly Division of each; (b) a three year old Trot and Pace,

1 and Filly Division of each; (c) an aged Trot and Pace, and Mare  
2 Division of each.

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

15 5. Provide for the registration with the Department of  
16 Agriculture of Colt Associations or county fairs desiring to  
17 sponsor races at county fairs.

18 (k) The Department of Agriculture, with the advice and  
19 assistance of the Illinois Standardbred Breeders Fund Advisory  
20 Board, may allocate monies for purse supplements for such  
21 races. In determining whether to allocate money and the amount,  
22 the Department of Agriculture shall consider factors,  
23 including but not limited to, the amount of money appropriated  
24 for the Illinois Standardbred Breeders Fund program, the number  
25 of races that may occur, and an organizational licensee's purse  
26 structure. The organizational licensee shall notify the

1 Department of Agriculture of the conditions and minimum purses  
2 for races limited to Illinois conceived and foaled horses to be  
3 conducted by each organizational licensee conducting a harness  
4 racing meeting for which purse supplements have been  
5 negotiated.

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

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

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

2 (230 ILCS 5/56 new)

3 Sec. 56. Electronic gaming; deposits into Horse Racing  
4 Equity Fund. The adjusted gross receipts received by an  
5 electronic gaming licensee from electronic gaming remaining  
6 after the payment of taxes under Section 13 of the Illinois  
7 Gambling Act shall be retained by the electronic gaming  
8 licensee, except that 30% of each licensees adjusted gross  
9 receipts after payment of taxes shall be deposited into the  
10 Horse Racing Equity Fund.

11 Section 90-30. The Riverboat Gambling Act is amended by  
12 changing Sections 1, 2, 3, 4, 5, 5.1, 6, 7, 7.1, 7.3, 8, 9, 11,  
13 11.1, 12, 13, 14, 18, 19, and 20 and by adding Sections 7.6,  
14 7.7, 7.8, and 7.14 as follows:

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

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

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

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

20 Sec. 2. Legislative Intent.

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

1 Illinois tourism and by increasing the amount of revenues  
2 available to the State to assist and support education.

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

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

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

18 (230 ILCS 10/3) (from Ch. 120, par. 2403)

19 Sec. 3. ~~Riverboat~~ Gambling Authorized.

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

25 (b) This Act does not apply to the pari-mutuel system of

1     wagering used or intended to be used in connection with the  
2     horse-race meetings as authorized under the Illinois Horse  
3     Racing Act of 1975, lottery games authorized under the Illinois  
4     Lottery Law, bingo authorized under the Bingo License and Tax  
5     Act, charitable games authorized under the Charitable Games Act  
6     or pull tabs and jar games conducted under the Illinois Pull  
7     Tabs and Jar Games Act. This Act does apply to electronic  
8     gaming authorized under the Illinois Horse Racing Act of 1975  
9     to the extent provided in that Act and in this Act.

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

25         (d) Gambling that is conducted in accordance with this Act  
26     using slot machines shall be authorized at the race track of an

1 organization licensee under the Illinois Horse Racing Act of  
2 1975 as provided in this Act.

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

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

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

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

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

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

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

22 ~~(e)~~ "Managers license" means a license issued by the Board  
23 to a person or entity to manage gambling operations conducted  
24 by the State pursuant to Section 7.3.

25 ~~(f)~~ "Dock" means the location where a riverboat moors for

1 the purpose of embarking passengers for and disembarking  
2 passengers from the riverboat.

3 ~~(g)~~ "Gross receipts" means the total amount of money  
4 exchanged for the purchase of chips, tokens or electronic cards  
5 by riverboat or casino patrons or electronic gaming operation  
6 patrons.

7 ~~(h)~~ "Adjusted gross receipts" means the gross receipts less  
8 winnings paid to wagerers.

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

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

13 ~~(k)~~ "Gambling operation" means the conduct of ~~authorized~~  
14 gambling games authorized under this Act on ~~upon~~ a riverboat or  
15 in a casino or authorized under this Act and the Illinois Horse  
16 Racing Act of 1975 at an electronic gaming facility.

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

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

23 "Casino" means a land-based facility at which lawful  
24 gambling is authorized as provided in this Act.

25 "Owners license" means a license to conduct riverboat or  
26 casino gambling operations, but does not include an electronic



1 gaming license.

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

4 "Electronic gaming license" means a license issued by the  
5 Board under Section 7.6 of this Act authorizing electronic  
6 gaming at an electronic gaming facility.

7 "Electronic gaming" means the conduct of gambling using  
8 slot machines at a race track licensed under the Illinois Horse  
9 Racing Act of 1975 pursuant to the Illinois Horse Racing Act of  
10 1975 and this Act.

11 "Electronic gaming facility" means the area where the Board  
12 has authorized limited gaming at a race track of an  
13 organization licensee under the Illinois Horse Racing Act of  
14 1975 that holds an electronic gaming facility license.

15 "Organization licensee" means an entity authorized by the  
16 Illinois Racing Board to conduct pari-mutuel wagering in  
17 accordance with the Illinois Horse Racing Act of 1975.

18 "Casino operator license" means the license held by the  
19 person or entity selected by the Chicago Casino Development  
20 Authority to manage and operate a riverboat or casino within  
21 the geographic area of the authorized municipality pursuant to  
22 this Act and the Chicago Casino Development Authority Act.

23 (Source: P.A. 95-331, eff. 8-21-07.)

24 (230 ILCS 10/5) (from Ch. 120, par. 2405)

25 Sec. 5. Gaming Board.

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

11 (2) The Board shall consist of 5 members to be appointed by  
12 the Governor with the advice and consent of the Senate, one of  
13 whom shall be designated by the Governor to be chairperson  
14 ~~chairman~~. Each member shall have a reasonable knowledge of the  
15 practice, procedure and principles of gambling operations. At  
16 least 3 members must have personal experience working in the  
17 gaming industry whether it be in the State of Illinois or  
18 elsewhere. Each member shall either be a resident of Illinois  
19 or shall certify that he or she will become a resident of  
20 Illinois before taking office. Notwithstanding any provision  
21 of this Section to the contrary, the term of office of each  
22 member of the Board ends on the effective date of this  
23 amendatory Act of the 96th General Assembly and those members  
24 shall hold office only until their successors are appointed and  
25 qualified pursuant to this amendatory Act.

26 No more than 3 members of the Board may be from the same

1 political party. No more than 3 members may reside within Cook,  
2 Will, Lake, DuPage, or Kane County. The Board should reflect  
3 the ethnic, cultural, and geographic diversity of the State. No  
4 Board member, within a period of one year immediately preceding  
5 nomination by the Governor or the expectation of his or her  
6 term or separation from the Board, shall have been employed or  
7 received compensation or fees for services from a person or  
8 entity, or its parent or affiliate, that has engaged in  
9 business with the Board, a licensee, or a licensee under the  
10 Horse Racing Act of 1975. This prohibition shall apply  
11 additionally for one year after immediately after the  
12 expiration of his or her term or separation from the Board. At  
13 ~~least one member shall be experienced in law enforcement and~~  
14 ~~criminal investigation, at least one member shall be a~~  
15 ~~certified public accountant experienced in accounting and~~  
16 ~~auditing, and at least one member shall be a lawyer licensed to~~  
17 ~~practice law in Illinois.~~

18 (3) The terms of office of the Board members shall be 3  
19 years, except that the terms of office of the initial Board  
20 members appointed pursuant to this amendatory Act of the 96th  
21 General Assembly Act will commence from the effective date of  
22 this amendatory Act and run as follows, to be determined by  
23 lot: one for a term ending July 1 of the year following  
24 confirmation, 1991, one 2 for a term ending July 1 two years  
25 following confirmation, 1992, one and 2 for a term ending July  
26 1 three years following confirmation, and 2 for a term ending

1 July 1 four years following confirmation ~~1993~~. Upon the  
2 expiration of the foregoing terms, the successors of such  
3 members shall serve a term for ~~3~~ years and until their  
4 successors are appointed and qualified for like terms.  
5 Vacancies in the Board shall be filled for the unexpired term  
6 in like manner as original appointments. Each member of the  
7 Board shall be eligible for reappointment at the discretion of  
8 the Governor with the advice and consent of the Senate.

9 Until all 5 members of the Board are appointed and  
10 qualified pursuant to this amendatory Act of the 96th General  
11 Assembly, the Illinois Gaming Board may not act with regard to  
12 any license that has not been granted by January 1, 2010;  
13 however, the Board may issue electronic gaming licenses  
14 pursuant to this amendatory Act.

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

20 (5) No person shall be appointed a member of the Board or  
21 continue to be a member of the Board who is, or whose spouse,  
22 child or parent is, a member of the board of directors of, or a  
23 person financially interested in, any gambling operation  
24 subject to the jurisdiction of this Board, or any race track,  
25 race meeting, racing association or the operations thereof  
26 subject to the jurisdiction of the Illinois Racing Board. No

1 Board member shall hold any other public office for which he  
2 shall receive compensation other than necessary travel or other  
3 incidental expenses. No person shall be a member of the Board  
4 who is not of good moral character or who has been convicted  
5 of, or is under indictment for, a felony under the laws of  
6 Illinois or any other state, or the United States.

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

10 (7) Before entering upon the discharge of the duties of his  
11 office, each member of the Board shall take an oath that he  
12 will faithfully execute the duties of his office according to  
13 the laws of the State and the rules and regulations adopted  
14 therewith and shall give bond to the State of Illinois,  
15 approved by the Governor, in the sum of \$25,000. Every such  
16 bond, when duly executed and approved, shall be recorded in the  
17 office of the Secretary of State. Whenever the Governor  
18 determines that the bond of any member of the Board has become  
19 or is likely to become invalid or insufficient, he shall  
20 require such member forthwith to renew his bond, which is to be  
21 approved by the Governor. Any member of the Board who fails to  
22 take oath and give bond within 30 days from the date of his  
23 appointment, or who fails to renew his bond within 30 days  
24 after it is demanded by the Governor, shall be guilty of  
25 neglect of duty and may be removed by the Governor. The cost of  
26 any bond given by any member of the Board under this Section

1 shall be taken to be a part of the necessary expenses of the  
2 Board.

3 (8) ~~The~~ ~~Upon the request of the Board, the Department~~ shall  
4 employ such personnel as may be necessary to carry out ~~its~~ ~~the~~  
5 functions and shall determine the salaries of all personnel,  
6 except those personnel whose salaries are determined under the  
7 terms of a collective bargaining agreement of the Board. No  
8 person shall be employed to serve the Board who is, or whose  
9 spouse, parent or child is, an official of, or has a financial  
10 interest in or financial relation with, any operator engaged in  
11 gambling operations within this State or any organization  
12 engaged in conducting horse racing within this State. For the  
13 one year immediately preceding employment, an employee shall  
14 not have been employed or received compensation or fees for  
15 services from a person or entity, or its parent or affiliate,  
16 that has engaged in business with the Board, a licensee, or a  
17 licensee under the Horse Racing Act of 1975. Any employee  
18 violating these prohibitions shall be subject to termination of  
19 employment. In addition, no employee shall for one year after  
20 separation from the Board be employed or receive compensation  
21 or fees from the before-mentioned persons or entities.

22 (9) An Administrator shall be appointed by the Governor  
23 with the advice and consent of the Senate. An Administrator  
24 shall perform any and all duties that the Board shall assign  
25 him. The salary of the Administrator shall be determined by the  
26 Board and approved by the Director of the Department and, in

1 addition, he shall be reimbursed for all actual and necessary  
2 expenses incurred by him in discharge of his official duties.  
3 The Administrator shall keep records of all proceedings of the  
4 Board and shall preserve all records, books, documents and  
5 other papers belonging to the Board or entrusted to its care.  
6 The Administrator shall devote his full time to the duties of  
7 the office and shall not hold any other office or employment.  
8 In addition to other prescribed duties, the Administrator shall  
9 establish a system by which personnel assisting the Board  
10 regarding the issuance of owner's licenses, whether it be  
11 relocation, re-issuance, or the initial issuance, shall be  
12 assigned specific duties in each instance, thereby preventing a  
13 conflict of interest in regards to the decision-making process.  
14 A conflict of interest exists if a situation influences or  
15 creates the appearance that it may influence judgment or  
16 performance of duties or responsibilities.

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

20 (1) To decide promptly and in reasonable order all  
21 license applications. Any party aggrieved by an action of  
22 the Board denying, suspending, revoking, restricting or  
23 refusing to renew a license may request a hearing before  
24 the Board. A request for a hearing must be made to the  
25 Board in writing within 5 days after service of notice of  
26 the action of the Board. Notice of the action of the Board

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

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

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

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

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

26 (6) To be present through its inspectors and agents any



1 time gambling operations are conducted on any riverboat, in  
2 any casino, or at any electronic gaming facility for the  
3 purpose of certifying the revenue thereof, receiving  
4 complaints from the public, and conducting such other  
5 investigations into the conduct of the gambling games and  
6 the maintenance of the equipment as from time to time the  
7 Board may deem necessary and proper;

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

17 (8) To hold at least one meeting each quarter of the  
18 fiscal year. In addition, special meetings may be called by  
19 the Chairman or any 2 Board members upon 72 hours written  
20 notice to each member. All Board meetings shall be subject  
21 to the Open Meetings Act. Three members of the Board shall  
22 constitute a quorum, and 3 votes shall be required for any  
23 final determination by the Board. The Board shall keep a  
24 complete and accurate record of all its meetings. A  
25 majority of the members of the Board shall constitute a  
26 quorum for the transaction of any business, for the

1 performance of any duty, or for the exercise of any power  
2 which this Act requires the Board members to transact,  
3 perform or exercise en banc, except that, upon order of the  
4 Board, one of the Board members or an administrative law  
5 judge designated by the Board may conduct any hearing  
6 provided for under this Act or by Board rule and may  
7 recommend findings and decisions to the Board. The Board  
8 member or administrative law judge conducting such hearing  
9 shall have all powers and rights granted to the Board in  
10 this Act. The record made at the time of the hearing shall  
11 be reviewed by the Board, or a majority thereof, and the  
12 findings and decision of the majority of the Board shall  
13 constitute the order of the Board in such case;

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

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

25 (11) (Blank); ~~and~~

26 (12) To assume responsibility for the administration

1 and enforcement of the Bingo License and Tax Act, the  
2 Charitable Games Act, and the Pull Tabs and Jar Games Act  
3 if such responsibility is delegated to it by the Director  
4 of Revenue;

5 (13) To assume responsibility for the administration  
6 and enforcement of operations at electronic gaming  
7 facilities pursuant to this Act and the Illinois Horse  
8 Racing Act of 1975; and

9 (14) To regulate business practices of owners  
10 licensees, including, but not limited to, the authority to  
11 approve marketing plans and gaming promotions. This  
12 authority, however, does not allow the Board to change tax  
13 structures or any other fees expressly provided for in  
14 statute.

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

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

24 (2) To have jurisdiction and supervision over all  
25 ~~riverboat~~ gambling operations authorized under this Act in  
26 ~~this State~~ and all persons in places ~~on riverboats~~ where

1 gambling operations are conducted.

2 (3) To promulgate rules and regulations for the purpose  
3 of administering the provisions of this Act and to  
4 prescribe rules, regulations and conditions under which  
5 all ~~riverboat~~ gambling operations subject to this Act in  
6 ~~the State~~ shall be conducted. Such rules and regulations  
7 are to provide for the prevention of practices detrimental  
8 to the public interest and for the best interests of  
9 ~~riverboat~~ gambling, including rules and regulations  
10 regarding the inspection of electronic gaming facilities,  
11 casinos, and such riverboats and the review of any permits  
12 or licenses necessary to operate a riverboat, casino, or  
13 electronic gaming facilities under any laws or regulations  
14 applicable to riverboats, casinos, or electronic gaming  
15 facilities and to impose penalties for violations thereof.

16 (4) To enter the office, riverboats, casinos,  
17 electronic gaming facilities, and other facilities, or  
18 other places of business of a licensee, where evidence of  
19 the compliance or noncompliance with the provisions of this  
20 Act is likely to be found.

21 (5) To investigate alleged violations of this Act or  
22 the rules of the Board and to take appropriate disciplinary  
23 action against a licensee or a holder of an occupational  
24 license for a violation, or institute appropriate legal  
25 action for enforcement, or both.

26 (6) To adopt standards for the licensing of all persons

1 under this Act, as well as for electronic or mechanical  
2 gambling games, and to establish fees for such licenses.

3 (7) To adopt appropriate standards for all electronic  
4 gaming facilities, riverboats, casinos, and other  
5 facilities authorized under this Act.

6 (8) To require that the records, including financial or  
7 other statements of any licensee under this Act, shall be  
8 kept in such manner as prescribed by the Board and that any  
9 such licensee involved in the ownership or management of  
10 gambling operations submit to the Board an annual balance  
11 sheet and profit and loss statement, list of the  
12 stockholders or other persons having a 1% or greater  
13 beneficial interest in the gambling activities of each  
14 licensee, and any other information the Board deems  
15 necessary in order to effectively administer this Act and  
16 all rules, regulations, orders and final decisions  
17 promulgated under this Act.

18 (9) To conduct hearings, issue subpoenas for the  
19 attendance of witnesses and subpoenas duces tecum for the  
20 production of books, records and other pertinent documents  
21 in accordance with the Illinois Administrative Procedure  
22 Act, and to administer oaths and affirmations to the  
23 witnesses, when, in the judgment of the Board, it is  
24 necessary to administer or enforce this Act or the Board  
25 rules.

26 (10) To prescribe a form to be used by any licensee

1 involved in the ownership or management of gambling  
2 operations as an application for employment for their  
3 employees.

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

19 (12) To eject or exclude or authorize the ejection or  
20 exclusion of, any person from ~~riverboat~~ gambling  
21 facilities where that ~~such~~ person is in violation of this  
22 Act, rules and regulations thereunder, or final orders of  
23 the Board, or where such person's conduct or reputation is  
24 such that his or her presence within the ~~riverboat~~ gambling  
25 facilities may, in the opinion of the Board, call into  
26 question the honesty and integrity of the gambling

1 operations or interfere with the orderly conduct thereof;  
2 provided that the propriety of such ejection or exclusion  
3 is subject to subsequent hearing by the Board.

4 (13) To require all licensees of gambling operations to  
5 utilize a cashless wagering system whereby all players'  
6 money is converted to tokens, electronic cards, or chips  
7 which shall be used only for wagering in the gambling  
8 establishment.

9 (14) (Blank).

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

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

24 (17) To establish minimum levels of insurance to be  
25 maintained by licensees.

26 (18) To authorize a licensee to sell or serve alcoholic

1 liquors, wine or beer as defined in the Liquor Control Act  
2 of 1934 on board a riverboat or in a casino and to have  
3 exclusive authority to establish the hours for sale and  
4 consumption of alcoholic liquor on board a riverboat or in  
5 a casino, notwithstanding any provision of the Liquor  
6 Control Act of 1934 or any local ordinance, and regardless  
7 of whether the riverboat makes excursions. The  
8 establishment of the hours for sale and consumption of  
9 alcoholic liquor on board a riverboat or in a casino is an  
10 exclusive power and function of the State. A home rule unit  
11 may not establish the hours for sale and consumption of  
12 alcoholic liquor on board a riverboat or in a casino. This  
13 subdivision (18) amendatory Act of 1991 is a denial and  
14 limitation of home rule powers and functions under  
15 subsection (h) of Section 6 of Article VII of the Illinois  
16 Constitution.

17 (19) After consultation with the U.S. Army Corps of  
18 Engineers, to establish binding emergency orders upon the  
19 concurrence of a majority of the members of the Board  
20 regarding the navigability of water, relative to  
21 excursions, in the event of extreme weather conditions,  
22 acts of God or other extreme circumstances.

23 (20) To delegate the execution of any of its powers  
24 under this Act for the purpose of administering and  
25 enforcing this Act and its rules and regulations hereunder.

26 (21) To make rules concerning the conduct of electronic



1        gaming.

2            (22) ~~(21)~~ To take any other action as may be reasonable  
3        or appropriate to enforce this Act and rules and  
4        regulations hereunder.

5            (d) The Board may seek and shall receive the cooperation of  
6        the Department of State Police in conducting background  
7        investigations of applicants and in fulfilling its  
8        responsibilities under this Section. Costs incurred by the  
9        Department of State Police as a result of such cooperation  
10       shall be paid by the Board in conformance with the requirements  
11       of Section 2605-400 of the Department of State Police Law (20  
12       ILCS 2605/2605-400).

13           (e) The Board must authorize to each investigator and to  
14        any other employee of the Board exercising the powers of a  
15        peace officer a distinct badge that, on its face, (i) clearly  
16        states that the badge is authorized by the Board and (ii)  
17        contains a unique identifying number. No other badge shall be  
18        authorized by the Board.

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

21           (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

22           Sec. 5.1. Disclosure of records.

23           (a) Notwithstanding any applicable statutory provision to  
24        the contrary, the Board shall, on written request from any  
25        person, provide information furnished by an applicant or

1 licensee concerning the applicant or licensee, his products,  
2 services or gambling enterprises and his business holdings, as  
3 follows:

4 (1) The name, business address and business telephone  
5 number of any applicant or licensee.

6 (2) An identification of any applicant or licensee  
7 including, if an applicant or licensee is not an  
8 individual, the state of incorporation or registration,  
9 the corporate officers, and the identity of all  
10 shareholders or participants. If an applicant or licensee  
11 has a pending registration statement filed with the  
12 Securities and Exchange Commission, only the names of those  
13 persons or entities holding interest of 5% or more must be  
14 provided.

15 (3) An identification of any business, including, if  
16 applicable, the state of incorporation or registration, in  
17 which an applicant or licensee or an applicant's or  
18 licensee's spouse or children has an equity interest of  
19 more than 5%. If an applicant or licensee is a corporation,  
20 partnership or other business entity, the applicant or  
21 licensee shall identify any other corporation, partnership  
22 or business entity in which it has an equity interest of 5%  
23 or more, including, if applicable, the state of  
24 incorporation or registration. This information need not  
25 be provided by a corporation, partnership or other business  
26 entity that has a pending registration statement filed with

1 the Securities and Exchange Commission.

2 (4) Whether an applicant or licensee has been indicted,  
3 convicted, pleaded guilty or nolo contendere, or forfeited  
4 bail concerning any criminal offense under the laws of any  
5 jurisdiction, either felony or misdemeanor (except for  
6 traffic violations), including the date, the name and  
7 location of the court, arresting agency and prosecuting  
8 agency, the case number, the offense, the disposition and  
9 the location and length of incarceration.

10 (5) Whether an applicant or licensee has had any  
11 license or certificate issued by a licensing authority in  
12 Illinois or any other jurisdiction denied, restricted,  
13 suspended, revoked or not renewed and a statement  
14 describing the facts and circumstances concerning the  
15 denial, restriction, suspension, revocation or  
16 non-renewal, including the licensing authority, the date  
17 each such action was taken, and the reason for each such  
18 action.

19 (6) Whether an applicant or licensee has ever filed or  
20 had filed against it a proceeding in bankruptcy or has ever  
21 been involved in any formal process to adjust, defer,  
22 suspend or otherwise work out the payment of any debt  
23 including the date of filing, the name and location of the  
24 court, the case and number of the disposition.

25 (7) Whether an applicant or licensee has filed, or been  
26 served with a complaint or other notice filed with any

1 public body, regarding the delinquency in the payment of,  
2 or a dispute over the filings concerning the payment of,  
3 any tax required under federal, State or local law,  
4 including the amount, type of tax, the taxing agency and  
5 time periods involved.

6 (8) A statement listing the names and titles of all  
7 public officials or officers of any unit of government, and  
8 relatives of said public officials or officers who,  
9 directly or indirectly, own any financial interest in, have  
10 any beneficial interest in, are the creditors of or hold  
11 any debt instrument issued by, or hold or have any interest  
12 in any contractual or service relationship with, an  
13 applicant or licensee.

14 (9) Whether an applicant or licensee has made, directly  
15 or indirectly, any political contribution, or any loans,  
16 donations or other payments, to any candidate or office  
17 holder, within 5 years from the date of filing the  
18 application, including the amount and the method of  
19 payment.

20 (10) The name and business telephone number of the  
21 counsel representing an applicant or licensee in matters  
22 before the Board.

23 (11) A description of any proposed or approved  
24 riverboat or casino gaming operation, including the type of  
25 boat, home dock or casino location, expected economic  
26 benefit to the community, anticipated or actual number of

1 employees, any statement from an applicant or licensee  
2 regarding compliance with federal and State affirmative  
3 action guidelines, projected or actual admissions and  
4 projected or actual adjusted gross gaming receipts.

5 (12) A description of the product or service to be  
6 supplied by an applicant for a supplier's license.

7 (b) Notwithstanding any applicable statutory provision to  
8 the contrary, the Board shall, on written request from any  
9 person, also provide the following information:

10 (1) The amount of the wagering tax and admission tax  
11 paid daily to the State of Illinois by the holder of an  
12 owner's license.

13 (2) Whenever the Board finds an applicant for an  
14 owner's license unsuitable for licensing, a copy of the  
15 written letter outlining the reasons for the denial.

16 (3) Whenever the Board has refused to grant leave for  
17 an applicant to withdraw his application, a copy of the  
18 letter outlining the reasons for the refusal.

19 (c) Subject to the above provisions, the Board shall not  
20 disclose any information which would be barred by:

21 (1) Section 7 of the Freedom of Information Act; or

22 (2) The statutes, rules, regulations or  
23 intergovernmental agreements of any jurisdiction.

24 (d) The Board may assess fees for the copying of  
25 information in accordance with Section 6 of the Freedom of  
26 Information Act.

1 (Source: P.A. 87-826.)

2 (230 ILCS 10/6) (from Ch. 120, par. 2406)

3 Sec. 6. Application for Owners License.

4 (a) A qualified person may apply to the Board for an owners  
5 license to conduct a ~~riverboat~~ gambling operation as provided  
6 in this Act. The application shall be made on forms provided by  
7 the Board and shall contain such information as the Board  
8 prescribes, including but not limited to the identity of the  
9 riverboat on which such gambling operation is to be conducted,  
10 if applicable, and the exact location where such riverboat will  
11 be docked, a certification that the riverboat will be  
12 registered under this Act at all times during which gambling  
13 operations are conducted on board, detailed information  
14 regarding the ownership and management of the applicant, and  
15 detailed personal information regarding the applicant. Any  
16 application for an owners license to be re-issued on or after  
17 June 1, 2003 shall also include the applicant's license bid in  
18 a form prescribed by the Board. Information provided on the  
19 application shall be used as a basis for a thorough background  
20 investigation which the Board shall conduct with respect to  
21 each applicant. An incomplete application shall be cause for  
22 denial of a license by the Board.

23 (b) Applicants shall submit with their application all  
24 documents, resolutions, and letters of support from the  
25 governing body that represents the municipality or county

1 wherein the licensee will dock.

2 (c) Each applicant shall disclose the identity of every  
3 person, association, trust or corporation having a greater than  
4 1% direct or indirect pecuniary interest in the ~~riverboat~~  
5 gambling operation with respect to which the license is sought.  
6 If the disclosed entity is a trust, the application shall  
7 disclose the names and addresses of the beneficiaries; if a  
8 corporation, the names and addresses of all stockholders and  
9 directors; if a partnership, the names and addresses of all  
10 partners, both general and limited.

11 (d) An application shall be filed with the Board by January  
12 1 of the year preceding any calendar year for which an  
13 applicant seeks an owners license; however, applications for an  
14 owners license permitting operations on January 1, 1991 shall  
15 be filed by July 1, 1990. An application fee of \$50,000 shall  
16 be paid at the time of filing to defray the costs associated  
17 with the background investigation conducted by the Board. If  
18 the costs of the investigation exceed \$50,000, the applicant  
19 shall pay the additional amount to the Board. If the costs of  
20 the investigation are less than \$50,000, the applicant shall  
21 receive a refund of the remaining amount. All information,  
22 records, interviews, reports, statements, memoranda or other  
23 data supplied to or used by the Board in the course of its  
24 review or investigation of an application for a license under  
25 this Act shall be privileged, strictly confidential and shall  
26 be used only for the purpose of evaluating an applicant. Such

1 information, records, interviews, reports, statements,  
2 memoranda or other data shall not be admissible as evidence,  
3 nor discoverable in any action of any kind in any court or  
4 before any tribunal, board, agency or person, except for any  
5 action deemed necessary by the Board.

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

11 (f) The licensed owner shall be the person primarily  
12 responsible for the boat or casino itself. Only one ~~riverboat~~  
13 gambling operation may be authorized by the Board on any  
14 riverboat or in any casino. The applicant must identify the  
15 ~~each~~ riverboat or premises it intends to use and certify that  
16 the riverboat or premises: (1) has the authorized capacity  
17 required in this Act; (2) is accessible to disabled persons;  
18 and (3) is fully registered and licensed in accordance with any  
19 applicable laws.

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

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

23 (230 ILCS 10/7) (from Ch. 120, par. 2407)

24 Sec. 7. Owners Licenses.

25 (a) The Board shall issue owners licenses to persons, firms



1 or corporations which apply for such licenses upon payment to  
2 the Board of the non-refundable license fee set by the Board,  
3 upon payment of a \$25,000 license fee for the first year of  
4 operation and a \$5,000 license fee for each succeeding year and  
5 upon a determination by the Board that the applicant is  
6 eligible for an owners license pursuant to this Act and the  
7 rules of the Board. From the effective date of this amendatory  
8 Act of the 95th General Assembly until (i) 3 years after the  
9 effective date of this amendatory Act of the 95th General  
10 Assembly, (ii) the date any organization licensee begins to  
11 operate a slot machine or video game of chance under the  
12 Illinois Horse Racing Act of 1975 or this Act, (iii) the date  
13 that payments begin under subsection (c-5) of Section 13 of the  
14 Act, or (iv) the wagering tax imposed under Section 13 of this  
15 Act is increased by law to reflect a tax rate that is at least  
16 as stringent or more stringent than the tax rate contained in  
17 subsection (a-3) of Section 13, whichever occurs first, as a  
18 condition of licensure and as an alternative source of payment  
19 for those funds payable under subsection (c-5) of Section 13 of  
20 this ~~the Riverboat Gambling~~ Act, any owners licensee that holds  
21 or receives its owners license on or after the effective date  
22 of this amendatory Act of the 94th General Assembly, other than  
23 an owners licensee operating a riverboat with adjusted gross  
24 receipts in calendar year 2004 of less than \$200,000,000, must  
25 pay into the Horse Racing Equity Trust Fund, in addition to any  
26 other payments required under this Act, an amount equal to 3%

1 of the adjusted gross receipts received by the owners licensee.  
2 The payments required under this Section shall be made by the  
3 owners licensee to the State Treasurer no later than 3:00  
4 o'clock p.m. of the day after the day when the adjusted gross  
5 receipts were received by the owners licensee. A person, firm  
6 or corporation is ineligible to receive an owners license if:

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

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

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

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

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

18 (6) the firm or corporation employs a person defined in  
19 (1), (2), (3) or (4) who participates in the management or  
20 operation of gambling operations authorized under this  
21 Act;

22 (7) (blank); or

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

26 The Board is expressly prohibited from making changes to

1 the requirement that licensees make payment into the Horse  
2 Racing Equity Trust Fund without the express authority of the  
3 Illinois General Assembly and making any other rule to  
4 implement or interpret this amendatory Act of the 95th General  
5 Assembly. For the purposes of this paragraph, "rules" is given  
6 the meaning given to that term in Section 1-70 of the Illinois  
7 Administrative Procedure Act.

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

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

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

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

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

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

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

1 classifications;

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

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

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

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

11 (c) Each owners license shall specify the place where the  
12 casino shall operate or the riverboat ~~riverboats~~ shall operate  
13 and dock.

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

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

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

18 In granting all licenses, the Board may give favorable  
19 consideration to economically depressed areas of the State, to  
20 applicants presenting plans which provide for significant  
21 economic development over a large geographic area, and to  
22 applicants who currently operate non-gambling riverboats in  
23 Illinois. The Board shall review all applications for owners  
24 licenses, and shall inform each applicant of the Board's  
25 decision. The Board may grant an owners license to an applicant  
26 that has not submitted the highest license bid, but if it does

1 not select the highest bidder, the Board shall issue a written  
2 decision explaining why another applicant was selected and  
3 identifying the factors set forth in this Section that favored  
4 the winning bidder.

5 (e-5) In addition to licenses authorized under subsections  
6 (e) and (e-10), the Board may issue one owners license  
7 authorizing either the conduct of riverboat gambling  
8 operations from a home dock located in the City of Chicago or  
9 the conduct of gambling operations in a casino located in the  
10 City of Chicago.

11 The license authorized under this subsection (e-5) shall be  
12 awarded to the Chicago Casino Development Authority.

13 The license authorized under this subsection (e-5) may  
14 authorize the conduct of riverboat gambling on Lake Michigan or  
15 at a land-based facility.

16 Additionally, the license authorized under this subsection  
17 (e-5) shall be issued within 6 months after the effective date  
18 of this amendatory Act of the 96th General Assembly.

19 (e-10) In addition to licenses authorized under  
20 subsections (e) and (e-5), the Board may issue the following  
21 owners licenses:

22 (1) One owners license authorizing the conduct of  
23 riverboat gambling from a home dock located in the City of  
24 Park City.

25 (2) One license authorizing the conduct of riverboat  
26 gambling in the City of Rockford.

1       The city council of the municipality in which the home dock  
2 of the riverboat is located may make recommendations regarding  
3 the location, proposal for ownership, licensee, and any other  
4 decisions made in connection with the license issued under this  
5 subsection (e-10).

6       The licenses authorized under this subsection (e-10) shall  
7 be issued within 6 months after the effective date of this  
8 amendatory Act of the 96th General Assembly. The license fee to  
9 be paid by each licensee under this subsection (e-10) shall not  
10 be less than \$150,000,000.

11       (e-15) In addition to any other revocation powers granted  
12 to the Board under this Act, the Board may revoke the owners  
13 license of a licensee which fails to begin conducting gambling  
14 within 15 months of receipt of the Board's approval of the  
15 application if the Board determines that license revocation is  
16 in the best interests of the State.

17       (f) The ~~first 10 owners~~ licenses issued under this Act  
18 shall permit the holder to own up to 2 riverboats and equipment  
19 thereon for a period of 3 years after the effective date of the  
20 license. Holders of the first 10 owners licenses must pay the  
21 annual license fee for each of the 3 years during which they  
22 are authorized to own riverboats.

23       (g) Upon the termination, expiration, or revocation of each  
24 owners license of the first 10 licenses, which shall be issued  
25 for a 3 year period, all licenses are renewable annually upon  
26 payment of the fee and a determination by the Board that the

1 licensee continues to meet all of the requirements of this Act  
2 and the Board's rules. However, for licenses renewed on or  
3 after May 1, 1998, renewal shall be for a period of 4 years,  
4 unless the Board sets a shorter period.

5 (h) An owners license, except for the owners license issued  
6 under subsections (e-5) and (e-10), shall entitle the licensee  
7 to own up to 2 riverboats.

8 A licensee, except for the owners licensee issued under  
9 subsection (e-5), shall limit the number of gambling  
10 participants to 2,000 ~~1,200~~ for any such owners license. A  
11 licensee may operate both of its riverboats concurrently,  
12 provided that the total number of gambling participants on both  
13 riverboats does not exceed 2,000 ~~1,200~~. Riverboats licensed to  
14 operate on the Mississippi River and the Illinois River south  
15 of Marshall County shall have an authorized capacity of at  
16 least 500 persons. Any other riverboat licensed under this Act  
17 shall have an authorized capacity of at least 400 persons. An  
18 owners licensee that acquired its license under subsection  
19 (e-5) shall limit the number of gambling participants to 4,000  
20 for such owners license.

21 (i) A licensed owner is authorized to apply to the Board  
22 for and, if approved therefor, to receive all licenses from the  
23 Board necessary for the operation of a riverboat or a casino,  
24 including a liquor license, a license to prepare and serve food  
25 for human consumption, and other necessary licenses. All use,  
26 occupation and excise taxes which apply to the sale of food and



1 beverages in this State and all taxes imposed on the sale or  
2 use of tangible personal property apply to such sales aboard  
3 the riverboat or in a casino.

4 (j) The Board may issue or re-issue a license authorizing a  
5 riverboat to dock in a municipality or approve a relocation  
6 under Section 11.2 only if, prior to the issuance or  
7 re-issuance of the license or approval, the governing body of  
8 the municipality in which the riverboat will dock has by a  
9 majority vote approved the docking of riverboats in the  
10 municipality. The Board may issue or re-issue a license  
11 authorizing a riverboat to dock in areas of a county outside  
12 any municipality or approve a relocation under Section 11.2  
13 only if, prior to the issuance or re-issuance of the license or  
14 approval, the governing body of the county has by a majority  
15 vote approved of the docking of riverboats within such areas.

16 (k) If an owners licensee elects to operate a land-based  
17 gaming facility in accordance with subsection (f) of Section  
18 7.1, then the owners licensee shall pay a one-time fee of  
19 \$5,000,000 immediately upon approval by the Board.

20 (Source: P.A. 94-667, eff. 8-23-05; 94-804, eff. 5-26-06;  
21 95-1008, eff. 12-15-08.)

22 (230 ILCS 10/7.1)

23 Sec. 7.1. Re-issuance of revoked or non-renewed owners  
24 licenses.

25 (a) If an owners license terminates or expires without

1 renewal or the Board revokes or determines not to renew an  
2 owners license (including, without limitation, an owners  
3 license for a licensee that was not conducting riverboat  
4 gambling operations on January 1, 1998) and that revocation or  
5 determination is final, the Board may re-issue such license to  
6 a qualified applicant pursuant to an open and competitive  
7 bidding process, as set forth in Section 7.5, and subject to  
8 the maximum number of authorized licenses set forth in  
9 subsections (e), (e-5), and (e-10) of Section 7 ~~Section 7(e)~~.

10 (b) To be a qualified applicant, a person, firm, or  
11 corporation cannot be ineligible to receive an owners license  
12 under Section 7(a) and must submit an application for an owners  
13 license that complies with Section 6. Each such applicant must  
14 also submit evidence to the Board that minority persons and  
15 females hold ownership interests in the applicant of at least  
16 16% and 4% respectively.

17 (c) Notwithstanding anything to the contrary in Section  
18 7(e), an applicant may apply to the Board for approval of  
19 relocation of a re-issued license to a new home dock location  
20 authorized under Section 3(c) upon receipt of the approval from  
21 the municipality or county, as the case may be, pursuant to  
22 Section 7(j).

23 (d) In determining whether to grant a re-issued owners  
24 license to an applicant, the Board shall consider all of the  
25 factors set forth in Section Sections 7(b) and in Section 7(e),  
26 (e-5), or (e-10), whichever is applicable, ~~(e)~~ as well as the

1 amount of the applicant's license bid. The Board may grant the  
2 re-issued owners license to an applicant that has not submitted  
3 the highest license bid, but if it does not select the highest  
4 bidder, the Board shall issue a written decision explaining why  
5 another applicant was selected and identifying the factors set  
6 forth in Section Sections 7(b) and in Section 7(e), (e-5), or  
7 (e-10), whichever is applicable, ~~(e)~~ that favored the winning  
8 bidder.

9 (e) Re-issued owners licenses shall be subject to annual  
10 license fees as provided for in Section 7(a) and shall be  
11 governed by the provisions of Sections 7(f), (g), (h), and (i).

12 (f) An owners license that was re-issued before January 1,  
13 2010 shall authorize the conduct of gambling operations in a  
14 land-based facility if the owners licensee has complied with  
15 subsection (k) of Section 7 of this Act.

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

17 (230 ILCS 10/7.3)

18 Sec. 7.3. State conduct of gambling operations.

19 (a) If, after reviewing each application for a re-issued  
20 license, the Board determines that the highest prospective  
21 total revenue to the State would be derived from State conduct  
22 of the gambling operation in lieu of re-issuing the license,  
23 the Board shall inform each applicant of its decision. The  
24 Board shall thereafter have the authority, without obtaining an  
25 owners license, to conduct riverboat gambling operations as

1 previously authorized by the terminated, expired, revoked, or  
2 nonrenewed license through a licensed manager selected  
3 pursuant to an open and competitive bidding process as set  
4 forth in Section 7.5 and as provided in Section 7.4.

5 (b) The Board may locate any riverboat on which a gambling  
6 operation is conducted by the State in any home dock location  
7 authorized by Section 3(c) upon receipt of approval from a  
8 majority vote of the governing body of the municipality or  
9 county, as the case may be, in which the riverboat will dock.

10 (c) The Board shall have jurisdiction over and shall  
11 supervise all gambling operations conducted by the State  
12 provided for in this Act and shall have all powers necessary  
13 and proper to fully and effectively execute the provisions of  
14 this Act relating to gambling operations conducted by the  
15 State.

16 (d) The maximum number of owners licenses authorized under  
17 Section 7 ~~7(e)~~ shall be reduced by one for each instance in  
18 which the Board authorizes the State to conduct a riverboat  
19 gambling operation under subsection (a) in lieu of re-issuing a  
20 license to an applicant under Section 7.1.

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

22 (230 ILCS 10/7.6 new)

23 Sec. 7.6. Electronic gaming.

24 (a) The General Assembly finds that the horse racing and  
25 riverboat gambling industries share many similarities and

1 collectively comprise the bulk of the State's gaming industry.  
2 One feature in common to both industries is that each is highly  
3 regulated by the State of Illinois.

4 The General Assembly further finds, however, that despite  
5 their shared features each industry is distinct from the other  
6 in that horse racing is and continues to be intimately tied to  
7 Illinois' agricultural economy and is, at its core, a spectator  
8 sport. This distinction requires the General Assembly to  
9 utilize different methods to regulate and promote the horse  
10 racing industry throughout the State.

11 The General Assembly finds that in order to promote live  
12 horse racing as a spectator sport in Illinois and the  
13 agricultural economy of this State, it is necessary to allow  
14 electronic gaming at Illinois race tracks given the success of  
15 other states in increasing live racing purse accounts and  
16 improving the quality of horses participating in horse race  
17 meetings.

18 Only owners licensees shall be eligible for an electronic  
19 gaming license. Each electronic gaming license shall authorize  
20 the management and operation of authorized gaming at an  
21 electronic gaming facility. This amendatory act of the 96th  
22 General Assembly authorizes the Board to distribute up to 2,500  
23 aggregate electronic gaming positions statewide. The  
24 distributions of this aggregate number shall be determined by  
25 the Board. The electronic gaming licenses authorized under this  
26 Section shall be subject to a competitive bidding process in

1 accordance with the Illinois Procurement Code. The Board shall  
2 consider the following factors when reviewing applications for  
3 an electronic gaming license:

4 (1) the applicant's past and current operation of their  
5 riverboat;

6 (2) the applicant's bid; and

7 (3) any other factors contained in the this Act or  
8 Illinois Horse Racing Act of 1975 as determined by the  
9 Board to be relevant.

10 (b) An electronic gaming license shall authorize its holder  
11 to conduct electronic gaming at its race track as determined by  
12 the Board.

13 (c) The Board may approve electronic gaming licenses  
14 authorizing the conduct of electronic gaming by eligible  
15 organization licensees.

16 (d) For each calendar year after 2009 in which an  
17 electronic gaming facility licensee requests a number of racing  
18 days under its organization license that is less than 90% of  
19 the number of days of live racing it was awarded in 2005, the  
20 electronic gaming facility licensee may not operate its  
21 facility.

22 (e) An electronic gaming licensee may conduct electronic  
23 gaming at a temporary facility pending the construction of a  
24 permanent facility or the remodeling of an existing facility to  
25 accommodate electronic gaming participants for up to 12 months  
26 after receiving an electronic gaming license. The Board shall

1 make rules concerning the conduct of electronic gaming from  
2 temporary facilities.

3 (230 ILCS 10/7.7 new)

4 Sec. 7.7. Home rule. The regulation and licensing of  
5 electronic gaming, electronic gaming facilities, and  
6 electronic gaming licensees are exclusive powers and functions  
7 of the State. A home rule unit may not regulate or license  
8 electronic gaming or electronic gaming licensees. This Section  
9 is a denial and limitation of home rule powers and functions  
10 under subsection (h) of Section 6 of Article VII of the  
11 Illinois Constitution.

12 (230 ILCS 10/7.8 new)

13 Sec. 7.8. Casino operator license.

14 (a) A qualified person may apply to the Board for a casino  
15 operator license to operate and manage any gambling operation  
16 conducted by an Authority. The application shall be made on  
17 forms provided by the Board and shall contain such information  
18 as the Board prescribes, including but not limited to  
19 information required in Sections 6(a), (b), and (c) and  
20 information relating to the applicant's proposed price to  
21 manage the Authority's gambling operations and to provide the  
22 casino, gambling equipment, and supplies necessary to conduct  
23 Authority gambling operations. The total license fee for a  
24 license authorized under subsection (e-5) of Section 7 of this

1 Act shall be \$225,000,000. The license fee shall be paid by the  
2 casino operator license to the State in the following manner  
3 upon each of the following occurrences:

4 (1) once the annual adjusted gross receipts of a  
5 license authorized under subsection (e-5) of Section 7 of  
6 this Act exceeds \$300,000,000, the casino operator  
7 licensee shall pay the State, within a reasonable time, a  
8 license fee of \$50,000,000;

9 (2) once the annual adjusted gross receipts of license  
10 authorized under subsection (e-5) of Section 7 of this Act  
11 exceeds \$500,000,000, the casino operator licensee shall  
12 pay the State, within a reasonable time, a license fee of  
13 \$75,000,000; and

14 (3) once the annual adjusted gross receipts of license  
15 authorized under subsection (e-5) of Section 7 of this Act  
16 exceeds \$700,000,000, the casino operator licensee shall  
17 pay the State, within a reasonable time, a license fee of  
18 \$100,000,000.

19 Each of the license fees shall be paid to the State. If the  
20 adjusted gross receipts of a license authorized under  
21 subsection (e-5) of Section 7 of this Act exceeds one of the  
22 above listed occurrences before the license fee has been paid  
23 for that occurrence, then the casino operator licensee shall  
24 pay to the State the lowest license fee that has not yet been  
25 paid. No more than one payment shall be made to the State  
26 within a calendar year.



1       After the Board has awarded a casino operator license,  
2 one-half of the accepted bid amount shall be paid into the  
3 State Gaming Fund. After the Board has awarded the licenses  
4 authorized under Subsection (e-10) of Section 7, one-half of  
5 the accepted bid amount shall be paid into the State Gaming  
6 Fund. Once gaming operations have commenced, the second half of  
7 the bid amount shall be paid into the State Gaming Fund.

8       (b) A person, firm, or corporation is ineligible to receive  
9 a casino operator license if:

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

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

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

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

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

21           (6) the firm or corporation employs a person defined in  
22 (1), (2), (3), or (4) who participates in the management or  
23 operation of gambling operations authorized under this  
24 Act; or

25           (7) a license of the person, firm, or corporation  
26 issued under this Act, or a license to own or operate

1 gambling facilities in any other jurisdiction, has been  
2 revoked.

3 (c) In determining whether to grant a casino operator  
4 license, 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 gambling;

15 (3) the preference of the municipality in which the  
16 licensee will operate;

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

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

25 (6) whether the applicant has adequate capitalization  
26 to provide and maintain, for the duration of a license, a

1       casino; and

2           (7) the extent to which the applicant exceeds or meets  
3       other standards for the issuance of a managers license that  
4       the Board may adopt by rule.

5       (d) Each applicant shall submit with his or her  
6       application, on forms prescribed by the Board, 2 sets of his or  
7       her fingerprints.

8       (e) The Board shall charge each applicant a fee, set by the  
9       Board, to defray the costs associated with the background  
10       investigation conducted by the Board.

11       (f) A person who knowingly makes a false statement on an  
12       application is guilty of a Class A misdemeanor.

13       (g) The casino operator license shall be issued only upon  
14       proof that it has entered into a labor peace agreement with  
15       each labor organization that is actively engaged in  
16       representing and attempting to represent casino and  
17       hospitality industry workers in this State. The labor peace  
18       agreement must be a valid and enforceable agreement under 29  
19       U.S.C. 185 that protects the city's and State's revenues from  
20       the operation of the casino facility by prohibiting the labor  
21       organization and its members from engaging in any picketing,  
22       work stoppages, boycotts, or any other economic interference  
23       with the casino facility for at least the first 5 years of the  
24       casino license and must cover all operations at the casino  
25       facility that are conducted by lessees or tenants or under  
26       management agreements.

1       (h) The casino operator license shall be for a term of 20  
2 years, shall be renewable at the Board's option, and shall  
3 contain such terms and provisions as the Board deems necessary  
4 to protect or enhance the credibility and integrity of State  
5 gambling operations, achieve the highest prospective total  
6 revenue to the State, and otherwise serve the interests of the  
7 citizens of Illinois.

8       (230 ILCS 10/7.14 new)

9       Sec. 7.14. Obligations of licensure; licensure is a  
10 privilege.

11       (a) All licensees under this Act have a continuing duty to  
12 maintain suitability for licensure. A license does not create a  
13 property right, but is a revocable privilege granted by the  
14 State contingent upon continuing suitability for licensure.

15       (b) Licensees under this Act shall have a continuing,  
16 affirmative duty to investigate the backgrounds of its  
17 principal shareholders and officers.

18       (c) An applicant for licensure under this Act is seeking a  
19 privilege and assumes and accepts any and all risk of adverse  
20 publicity, notoriety, embarrassment, criticism, or other  
21 action or financial loss which may occur in connection with the  
22 application process. Any misrepresentation or omission made  
23 with respect to an application may be grounds for denial of the  
24 application.

1 (230 ILCS 10/8) (from Ch. 120, par. 2408)

2 Sec. 8. Suppliers licenses.

3 (a) The Board may issue a suppliers license to such  
4 persons, firms or corporations which apply therefor upon the  
5 payment of a non-refundable application fee set by the Board,  
6 upon a determination by the Board that the applicant is  
7 eligible for a suppliers license and upon payment of a \$5,000  
8 annual license fee.

9 (b) The holder of a suppliers license is authorized to sell  
10 or lease, and to contract to sell or lease, gambling equipment  
11 and supplies to any licensee involved in the ownership or  
12 management of gambling operations.

13 (c) Gambling supplies and equipment may not be distributed  
14 unless supplies and equipment conform to standards adopted by  
15 rules of the Board.

16 (d) A person, firm or corporation is ineligible to receive  
17 a suppliers license if:

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

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

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

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

26 (5) the firm or corporation is one in which a person

1 defined in (1), (2), (3) or (4), is an officer, director or  
2 managerial employee;

3 (6) the firm or corporation employs a person who  
4 participates in the management or operation of riverboat  
5 gambling authorized under this Act;

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

10 (e) Any person that supplies any equipment, devices, or  
11 supplies to a licensed riverboat or casino gambling operation  
12 or electronic gaming operation must first obtain a suppliers  
13 license. A supplier shall furnish to the Board a list of all  
14 equipment, devices and supplies offered for sale or lease in  
15 connection with gambling games authorized under this Act. A  
16 supplier shall keep books and records for the furnishing of  
17 equipment, devices and supplies to gambling operations  
18 separate and distinct from any other business that the supplier  
19 might operate. A supplier shall file a quarterly return with  
20 the Board listing all sales and leases. A supplier shall  
21 permanently affix its name to all its equipment, devices, and  
22 supplies for gambling operations. Any supplier's equipment,  
23 devices or supplies which are used by any person in an  
24 unauthorized gambling operation shall be forfeited to the  
25 State. A holder of an owners license or an electronic gaming  
26 license ~~licensed owner~~ may own its own equipment, devices and

1 supplies. Each holder of an owners license or an electronic  
2 gaming license under the Act shall file an annual report  
3 listing its inventories of gambling equipment, devices and  
4 supplies.

5 (f) Any person who knowingly makes a false statement on an  
6 application is guilty of a Class A misdemeanor.

7 (g) Any gambling equipment, devices and supplies provided  
8 by any licensed supplier may either be repaired on the  
9 riverboat, in a casino, or in an electronic gaming facility or  
10 removed from the riverboat, casino, or electronic gaming  
11 facility to a an on-shore facility owned by the holder of an  
12 owners license or electronic gaming facility license for  
13 repair.

14 (Source: P.A. 86-1029; 87-826.)

15 (230 ILCS 10/9) (from Ch. 120, par. 2409)

16 Sec. 9. Occupational licenses.

17 (a) The Board may issue an occupational license to an  
18 applicant upon the payment of a non-refundable fee set by the  
19 Board, upon a determination by the Board that the applicant is  
20 eligible for an occupational license and upon payment of an  
21 annual license fee in an amount to be established. To be  
22 eligible for an occupational license, an applicant must:

23 (1) be at least 21 years of age if the applicant will  
24 perform any function involved in gaming by patrons. Any  
25 applicant seeking an occupational license for a non-gaming

1 function shall be at least 18 years of age;

2 (2) not have been convicted of a felony offense, a  
3 violation of Article 28 of the Criminal Code of 1961, or a  
4 similar statute of any other jurisdiction, or a crime  
5 involving dishonesty or moral turpitude;

6 (3) have demonstrated a level of skill or knowledge  
7 which the Board determines to be necessary in order to  
8 operate gambling aboard a riverboat, in a casino, or at an  
9 electronic gaming facility; and

10 (4) have met standards for the holding of an  
11 occupational license as adopted by rules of the Board. Such  
12 rules shall provide that any person or entity seeking an  
13 occupational license to manage gambling operations  
14 hereunder shall be subject to background inquiries and  
15 further requirements similar to those required of  
16 applicants for an owners license. Furthermore, such rules  
17 shall provide that each such entity shall be permitted to  
18 manage gambling operations for only one licensed owner.

19 (b) Each application for an occupational license shall be  
20 on forms prescribed by the Board and shall contain all  
21 information required by the Board. The applicant shall set  
22 forth in the application: whether he has been issued prior  
23 gambling related licenses; whether he has been licensed in any  
24 other state under any other name, and, if so, such name and his  
25 age; and whether or not a permit or license issued to him in  
26 any other state has been suspended, restricted or revoked, and,



1 if so, for what period of time.

2 (c) Each applicant shall submit with his application, on  
3 forms provided by the Board, 2 sets of his fingerprints. The  
4 Board shall charge each applicant a fee set by the Department  
5 of State Police to defray the costs associated with the search  
6 and classification of fingerprints obtained by the Board with  
7 respect to the applicant's application. These fees shall be  
8 paid into the State Police Services Fund.

9 (d) The Board may in its discretion refuse an occupational  
10 license to any person: (1) who is unqualified to perform the  
11 duties required of such applicant; (2) who fails to disclose or  
12 states falsely any information called for in the application;  
13 (3) who has been found guilty of a violation of this Act or  
14 whose prior gambling related license or application therefor  
15 has been suspended, restricted, revoked or denied for just  
16 cause in any other state; or (4) for any other just cause.

17 (e) The Board may suspend, revoke or restrict any  
18 occupational licensee: (1) for violation of any provision of  
19 this Act; (2) for violation of any of the rules and regulations  
20 of the Board; (3) for any cause which, if known to the Board,  
21 would have disqualified the applicant from receiving such  
22 license; or (4) for default in the payment of any obligation or  
23 debt due to the State of Illinois; or (5) for any other just  
24 cause.

25 (f) A person who knowingly makes a false statement on an  
26 application is guilty of a Class A misdemeanor.

1 (g) Any license issued pursuant to this Section shall be  
2 valid for a period of one year from the date of issuance.

3 (h) Nothing in this Act shall be interpreted to prohibit a  
4 licensed owner or electronic gaming licensee from entering into  
5 an agreement with a school approved under the Private Business  
6 and Vocational Schools Act for the training of any occupational  
7 licensee. Any training offered by such a school shall be in  
8 accordance with a written agreement between the licensed owner  
9 or electronic gaming licensee and the school.

10 (i) Any training provided for occupational licensees may be  
11 conducted either at the site of the gambling facility ~~on the~~  
12 ~~riverboat~~ or at a school with which a licensed owner or  
13 electronic gaming licensee has entered into an agreement  
14 pursuant to subsection (h).

15 (Source: P.A. 86-1029; 87-826.)

16 (230 ILCS 10/11) (from Ch. 120, par. 2411)

17 Sec. 11. Conduct of gambling. Gambling may be conducted by  
18 licensed owners or licensed managers on behalf of the State  
19 aboard riverboats, subject to the following standards:

20 (1) A licensee may conduct riverboat gambling  
21 authorized under this Act regardless of whether it conducts  
22 excursion cruises. A licensee may permit the continuous  
23 ingress and egress of passengers for the purpose of  
24 gambling.

25 (2) (Blank).

1           (3) Minimum and maximum wagers on games shall be set by  
2 the licensee.

3           (4) Agents of the Board and the Department of State  
4 Police may board and inspect any riverboat, enter and  
5 inspect any portion of a casino, or enter and inspect any  
6 portion of an electronic gaming facility where electronic  
7 gaming is conducted at any time for the purpose of  
8 determining whether this Act is being complied with. Every  
9 riverboat, if under way and being hailed by a law  
10 enforcement officer or agent of the Board, must stop  
11 immediately and lay to.

12           (5) Employees of the Board shall have the right to be  
13 present on the riverboat or in the casino or on adjacent  
14 facilities under the control of the licensee and at the  
15 electronic gaming facility under the control of the  
16 electronic gaming licensee.

17           (6) Gambling equipment and supplies customarily used  
18 in conducting riverboat or casino gambling or electronic  
19 gaming must be purchased or leased only from suppliers  
20 licensed for such purpose under this Act.

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 the 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 conducted, except for a person at least 18  
11 years of age who is an employee of the riverboat or casino  
12 gambling operation or electronic gaming operation. No  
13 employee under age 21 shall perform any function involved  
14 in gambling by the patrons. No person under age 21 shall be  
15 permitted to make a wager under this Act.

16       (11) Gambling excursion cruises are permitted only  
17 when the waterway for which the riverboat is licensed is  
18 navigable, as determined by the Board in consultation with  
19 the U.S. Army Corps of Engineers. This paragraph (11) does  
20 not limit the ability of a licensee to conduct gambling  
21 authorized under this Act when gambling excursion cruises  
22 are not permitted.

23       (12) All tokens, chips, or electronic cards used to  
24 make wagers must be purchased (i) from a licensed owner or  
25 manager, in the case of a riverboat, either aboard the a  
26 riverboat or at an onshore facility which has been approved

1 by the Board and which is located where the riverboat  
2 docks, (ii) in the case of a casino, from a licensed owner  
3 at the casino, or (iii) from an electronic gaming licensee  
4 at the electronic gaming facility. The tokens, chips or  
5 electronic cards may be purchased by means of an agreement  
6 under which the owner or manager extends credit to the  
7 patron. Such tokens, chips or electronic cards may be used  
8 while aboard the riverboat, in the casino, or at the  
9 electronic gaming facility only for the purpose of making  
10 wagers on gambling games.

11 (13) Notwithstanding any other Section of this Act, in  
12 addition to the other licenses authorized under this Act,  
13 the Board may issue special event licenses allowing persons  
14 who are not otherwise licensed to conduct riverboat  
15 gambling to conduct such gambling on a specified date or  
16 series of dates. Riverboat gambling under such a license  
17 may take place on a riverboat not normally used for  
18 riverboat gambling. The Board shall establish standards,  
19 fees and fines for, and limitations upon, such licenses,  
20 which may differ from the standards, fees, fines and  
21 limitations otherwise applicable under this Act. All such  
22 fees shall be deposited into the State Gaming Fund. All  
23 such fines shall be deposited into the Education Assistance  
24 Fund, created by Public Act 86-0018, of the State of  
25 Illinois.

26 (14) In addition to the above, gambling must be

1           conducted in accordance with all rules adopted by the  
2           Board.

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

4           (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

5           Sec. 11.1. Collection of amounts owing under credit  
6           agreements. Notwithstanding any applicable statutory provision  
7           to the contrary, a licensed owner or manager or electronic  
8           gaming licensee who extends credit to a ~~riverboat~~ gambling  
9           patron pursuant to Section 11 (a) (12) of this Act is expressly  
10          authorized to institute a cause of action to collect any  
11          amounts due and owing under the extension of credit, as well as  
12          the owner's or manager's costs, expenses and reasonable  
13          attorney's fees incurred in collection.

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

15          (230 ILCS 10/12) (from Ch. 120, par. 2412)

16          Sec. 12. Admission tax; fees.

17          (a) A tax is hereby imposed upon admissions to riverboat  
18          and casino gambling facilities ~~riverboats~~ operated by licensed  
19          owners authorized pursuant to this Act. The tax shall be set at  
20          a monthly rate estimated by the Board based on admissions  
21          numbers from the proceeding calendar year for each riverboat or  
22          casino. For the first year in which a riverboat or casino is  
23          operating, the Board shall base the monthly rate on estimated  
24          attendance at that particular riverboat or casino based on the

1 admissions information provided by the other riverboats or  
2 casino.

3 Each riverboat or casino shall keep detailed admission  
4 records and provide them to the Board on a quarterly basis.  
5 Such admission records must differentiate between actual and  
6 necessary officials and employees of the licensee or other  
7 person actually working on the riverboat or casino and other  
8 admitted persons. The tax shall only be based on those persons  
9 admitted to the riverboat or casino for the purpose of playing  
10 a gambling game.

11 The Board shall set the tax annually. ~~Until July 1, 2002,~~  
12 ~~the rate is \$2 per person admitted. From July 1, 2002 until~~  
13 ~~July 1, 2003, the rate is \$3 per person admitted. From July 1,~~  
14 ~~2003 until the effective date of this amendatory Act of the~~  
15 ~~94th General Assembly, for a licensee that admitted 1,000,000~~  
16 ~~persons or fewer in the previous calendar year, the rate is \$3~~  
17 ~~per person admitted; for a licensee that admitted more than~~  
18 ~~1,000,000 but no more than 2,300,000 persons in the previous~~  
19 ~~calendar year, the rate is \$4 per person admitted; and for a~~  
20 ~~licensee that admitted more than 2,300,000 persons in the~~  
21 ~~previous calendar year, the rate is \$5 per person admitted.~~  
22 ~~Beginning on the effective date of this amendatory Act of the~~  
23 ~~94th General Assembly, for a licensee that admitted 1,000,000~~  
24 ~~persons or fewer in calendar year 2004, the rate is \$2 per~~  
25 ~~person admitted, and for all other licensees the rate is \$3 per~~  
26 ~~person admitted. This admission tax is imposed upon the~~

1 ~~licensed owner conducting gambling.~~

2 ~~(1) The admission tax shall be paid for each admission,~~  
3 ~~except that a person who exits a riverboat gambling~~  
4 ~~facility and reenters that riverboat gambling facility~~  
5 ~~within the same gaming day shall be subject only to the~~  
6 ~~initial admission tax.~~

7 ~~(2) (Blank).~~

8 ~~(3) The riverboat licensee may issue tax free passes to~~  
9 ~~actual and necessary officials and employees of the~~  
10 ~~licensee or other persons actually working on the~~  
11 ~~riverboat.~~

12 ~~(4) The number and issuance of tax free passes is~~  
13 ~~subject to the rules of the Board, and a list of all~~  
14 ~~persons to whom the tax free passes are issued shall be~~  
15 ~~filed with the Board.~~

16 (a-5) A fee is hereby imposed upon admissions operated by  
17 licensed managers on behalf of the State pursuant to Section  
18 7.3 at the rates provided in this subsection (a-5). The tax  
19 shall be set at a monthly rate estimated by the Board based on  
20 admissions numbers from the proceeding calendar year for each  
21 riverboat or casino. For the first year in which a riverboat or  
22 casino is operated by a licensed manager on behalf of the  
23 State, the Board shall base the monthly rate on estimated  
24 attendance at that particular riverboat or casino based on the  
25 admissions information provided by the other riverboats or  
26 casino.



1       Each riverboat or casino operated by a licensed manager on  
2 behalf of the State shall keep detailed admission records and  
3 provide them to the Board on a quarterly basis. Such admission  
4 records must differentiate between actual and necessary  
5 officials and employees of the licensee or other person  
6 actually working on the riverboat or casino and other admitted  
7 persons. The tax shall only be based on those persons admitted  
8 to the riverboat or casino for the purpose of playing a  
9 gambling game.

10       The Board shall set the tax annually. For a licensee that  
11 admitted 1,000,000 persons or fewer in the previous calendar  
12 year, the rate is \$3 per person admitted; for a licensee that  
13 admitted more than 1,000,000 but no more than 2,300,000 persons  
14 in the previous calendar year, the rate is \$4 per person  
15 admitted; and for a licensee that admitted more than 2,300,000  
16 persons in the previous calendar year, the rate is \$5 per  
17 person admitted.

18       ~~(1) The admission fee shall be paid for each admission.~~

19       ~~(2) (Blank).~~

20       ~~(3) The licensed manager may issue fee-free passes to~~  
21 ~~actual and necessary officials and employees of the manager~~  
22 ~~or other persons actually working on the riverboat.~~

23       ~~(4) The number and issuance of fee-free passes is~~  
24 ~~subject to the rules of the Board, and a list of all~~  
25 ~~persons to whom the fee-free passes are issued shall be~~  
26 ~~filed with the Board.~~

1 (b) From the tax imposed under subsection (a) and the fee  
2 imposed under subsection (a-5), a municipality shall receive  
3 from the State \$1 for each person that is estimated to be  
4 embarking on a riverboat docked within the municipality or  
5 entering a casino located within the municipality, and a county  
6 shall receive \$1 for each person entering a casino or embarking  
7 on a riverboat docked within the county but outside the  
8 boundaries of any municipality. The municipality's or county's  
9 share shall be collected by the Board on behalf of the State  
10 and remitted quarterly by the State, subject to appropriation,  
11 to the treasurer of the unit of local government for deposit in  
12 the general fund.

13 (c) The licensed owner shall pay the entire admission tax  
14 to the Board and the licensed manager shall pay the entire  
15 admission fee to the Board. Such payments shall be made monthly  
16 ~~daily~~. Accompanying each payment shall be a return on forms  
17 provided by the Board which shall include other information  
18 regarding admissions as the Board may require. Failure to  
19 submit either the payment or the return within the specified  
20 time may result in suspension or revocation of the owners or  
21 managers license.

22 (d) The Board shall administer and collect the admission  
23 tax imposed by this Section, to the extent practicable, in a  
24 manner consistent with the provisions of Sections 4, 5, 5a, 5b,  
25 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the  
26 Retailers' Occupation Tax Act and Section 3-7 of the Uniform

1 Penalty and Interest Act.

2 (Source: P.A. 94-673, eff. 8-23-05; 95-663, eff. 10-11-07.)

3 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

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

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

15 20% of annual adjusted gross receipts in excess of  
16 \$25,000,000 but not exceeding \$50,000,000;

17 25% of annual adjusted gross receipts in excess of  
18 \$50,000,000 but not exceeding \$75,000,000;

19 30% of annual adjusted gross receipts in excess of  
20 \$75,000,000 but not exceeding \$100,000,000;

21 35% of annual adjusted gross receipts in excess of  
22 \$100,000,000.

23 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax  
24 is imposed on persons engaged in the business of conducting  
25 riverboat gambling operations, other than licensed managers

1 conducting riverboat gambling operations on behalf of the  
2 State, based on the adjusted gross receipts received by a  
3 licensed owner from gambling games authorized under this Act at  
4 the following rates:

5 15% of annual adjusted gross receipts up to and  
6 including \$25,000,000;

7 22.5% of annual adjusted gross receipts in excess of  
8 \$25,000,000 but not exceeding \$50,000,000;

9 27.5% of annual adjusted gross receipts in excess of  
10 \$50,000,000 but not exceeding \$75,000,000;

11 32.5% of annual adjusted gross receipts in excess of  
12 \$75,000,000 but not exceeding \$100,000,000;

13 37.5% of annual adjusted gross receipts in excess of  
14 \$100,000,000 but not exceeding \$150,000,000;

15 45% of annual adjusted gross receipts in excess of  
16 \$150,000,000 but not exceeding \$200,000,000;

17 50% of annual adjusted gross receipts in excess of  
18 \$200,000,000.

19 (a-3) Beginning July 1, 2003, a privilege tax is imposed on  
20 persons engaged in the business of conducting riverboat  
21 gambling operations, other than licensed managers conducting  
22 riverboat gambling operations on behalf of the State, based on  
23 the adjusted gross receipts received by a licensed owner from  
24 gambling games authorized under this Act at the following  
25 rates:

26 15% of annual adjusted gross receipts up to and

1 including \$25,000,000;

2 27.5% of annual adjusted gross receipts in excess of  
3 \$25,000,000 but not exceeding \$37,500,000;

4 32.5% of annual adjusted gross receipts in excess of  
5 \$37,500,000 but not exceeding \$50,000,000;

6 37.5% of annual adjusted gross receipts in excess of  
7 \$50,000,000 but not exceeding \$75,000,000;

8 45% of annual adjusted gross receipts in excess of  
9 \$75,000,000 but not exceeding \$100,000,000;

10 50% of annual adjusted gross receipts in excess of  
11 \$100,000,000 but not exceeding \$250,000,000;

12 70% of annual adjusted gross receipts in excess of  
13 \$250,000,000.

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

19 The privilege tax imposed under this subsection (a-3) shall  
20 no longer be imposed beginning on the earlier of (i) July 1,  
21 2005; (ii) the first date after June 20, 2003 that riverboat  
22 gambling operations are conducted pursuant to a dormant  
23 license; or (iii) the first day that riverboat gambling  
24 operations are conducted under the authority of an owners  
25 license that is in addition to the 10 owners licenses initially  
26 authorized under this Act. For the purposes of this subsection

1 (a-3), the term "dormant license" means an owners license that  
2 is authorized by this Act under which no riverboat gambling  
3 operations are being conducted on June 20, 2003.

4 (a-4) Beginning on the first day on which the tax imposed  
5 under subsection (a-3) is no longer imposed, a privilege tax is  
6 imposed on persons engaged in the business of conducting  
7 riverboat or casino gambling operations, other than licensed  
8 managers conducting riverboat gambling operations on behalf of  
9 the State, based on the adjusted gross receipts received by a  
10 licensed owner from gambling games authorized under this Act at  
11 the following rates:

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

14 22.5% of annual adjusted gross receipts in excess of  
15 \$25,000,000 but not exceeding \$50,000,000;

16 27.5% of annual adjusted gross receipts in excess of  
17 \$50,000,000 but not exceeding \$75,000,000;

18 32.5% of annual adjusted gross receipts in excess of  
19 \$75,000,000 but not exceeding \$100,000,000;

20 37.5% of annual adjusted gross receipts in excess of  
21 \$100,000,000 but not exceeding \$150,000,000;

22 45% of annual adjusted gross receipts in excess of  
23 \$150,000,000 but not exceeding \$200,000,000;

24 50% of annual adjusted gross receipts in excess of  
25 \$200,000,000.

26 (a-5) Beginning on the effective date of this amendatory

1 Act of the 96th General Assembly, the privilege tax rate on  
2 annual adjusted gross receipts not exceeding \$150,000,000  
3 shall be reduced by 1% and the privilege tax rate on annual  
4 adjusted gross receipts in excess of \$150,000,000 shall be  
5 reduced by 2% for each of the following occurrences:

6 (1) The first electronic gaming licensee begins  
7 conducting electronic gaming operations.

8 (2) The Board awards the license authorized under  
9 subsection (e-5) of Section 7 of this Act.

10 (3) The licensee under subsection (e-5) of Section 7  
11 begins conducting gambling operations.

12 (4) The licensee under paragraph (1) of subsection  
13 (e-10) of Section 7 begins conducting gambling operations.

14 (5) The licensee under paragraph (2) of subsection  
15 (e-10) of Section 7 begins conducting gambling operations.

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

19 (a-10) The taxes imposed by this Section shall be paid by  
20 the licensed owner or electronic gaming licensee to the Board  
21 not later than 3:00 o'clock p.m. of the day after the day when  
22 the wagers were made.

23 (a-15) If the privilege tax imposed under subsection (a-3)  
24 is no longer imposed pursuant to item (i) of the last paragraph  
25 of subsection (a-3), then by June 15 of each year, each owners  
26 licensee, other than an owners licensee that admitted 1,000,000

1 persons or fewer in calendar year 2004, must, in addition to  
2 the payment of all amounts otherwise due under this Section,  
3 pay to the Board a reconciliation payment in the amount, if  
4 any, by which the licensed owner's base amount exceeds the  
5 amount of net privilege tax paid by the licensed owner to the  
6 Board in the then current State fiscal year. A licensed owner's  
7 net privilege tax obligation due for the balance of the State  
8 fiscal year shall be reduced up to the total of the amount paid  
9 by the licensed owner in its June 15 reconciliation payment.  
10 The obligation imposed by this subsection (a-15) is binding on  
11 any person, firm, corporation, or other entity that acquires an  
12 ownership interest in any such owners license. The obligation  
13 imposed under this subsection (a-15) terminates on the earliest  
14 of: (i) July 1, 2007, (ii) the first day after the effective  
15 date of this amendatory Act of the 94th General Assembly that  
16 riverboat gambling operations are conducted pursuant to a  
17 dormant license, (iii) the first day that riverboat gambling  
18 operations are conducted under the authority of an owners  
19 license that is in addition to the 10 owners licenses initially  
20 authorized under this Act, or (iv) the first day that a  
21 licensee under the Illinois Horse Racing Act of 1975 conducts  
22 gaming operations with slot machines or other electronic gaming  
23 devices. The Board must reduce the obligation imposed under  
24 this subsection (a-15) by an amount the Board deems reasonable  
25 for any of the following reasons: (A) an act or acts of God,  
26 (B) an act of bioterrorism or terrorism or a bioterrorism or



1 terrorism threat that was investigated by a law enforcement  
2 agency, or (C) a condition beyond the control of the owners  
3 licensee that does not result from any act or omission by the  
4 owners licensee or any of its agents and that poses a hazardous  
5 threat to the health and safety of patrons. If an owners  
6 licensee pays an amount in excess of its liability under this  
7 Section, the Board shall apply the overpayment to future  
8 payments required under this Section.

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

10 "Act of God" means an incident caused by the operation of  
11 an extraordinary force that cannot be foreseen, that cannot be  
12 avoided by the exercise of due care, and for which no person  
13 can be held liable.

14 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

25 "Net privilege tax" means all privilege taxes paid by a  
26 licensed owner to the Board under this Section, less all

1 payments made from the State Gaming Fund pursuant to subsection  
2 (b) of this Section.

3 The changes made to this subsection (a-15) by Public Act  
4 94-839 are intended to restate and clarify the intent of Public  
5 Act 94-673 with respect to the amount of the payments required  
6 to be made under this subsection by an owners licensee to the  
7 Board.

8 (b) Until January 1, 1998, 25% of the tax revenue deposited  
9 in the State Gaming Fund under this Section shall be paid,  
10 subject to appropriation by the General Assembly, to the unit  
11 of local government which is designated as the home dock of the  
12 riverboat. Except as otherwise provided in this subsection (b),  
13 beginning ~~Beginning~~ January 1, 1998, from the tax revenue from  
14 riverboat or casino gambling deposited in the State Gaming Fund  
15 under this Section, an amount equal to 5% of adjusted gross  
16 receipts generated by a casino or a riverboat shall be paid  
17 monthly, subject to appropriation by the General Assembly, to  
18 the unit of local government that is designated as the home  
19 dock of the riverboat.

20 (b-5) Beginning on the effective date of this amendatory  
21 Act of the 96th General Assembly, from the tax revenue from  
22 electronic gaming deposited into the State Gaming Fund under  
23 this Section, an amount equal to 1% of the adjusted gross  
24 receipts generated by an electronic gaming licensee shall be  
25 paid monthly, subject to appropriation, to the municipality in  
26 which the electronic gaming facility is located. If an

1 electronic gaming facility is not located within a  
2 municipality, then an amount equal to 1% of the adjusted gross  
3 receipts generated by the electronic gaming licensee shall be  
4 paid monthly, subject to appropriation, to the county in which  
5 the electronic gaming facility is located.

6 (b-10) From the tax revenue deposited in the State Gaming  
7 Fund pursuant to riverboat gambling operations conducted by a  
8 licensed manager on behalf of the State, an amount equal to 5%  
9 of adjusted gross receipts generated pursuant to those  
10 riverboat gambling operations shall be paid monthly, subject to  
11 appropriation by the General Assembly, to the unit of local  
12 government in which the casino is located or that is designated  
13 as the home dock of the riverboat upon which those riverboat  
14 gambling operations are conducted.

15 (c) Appropriations, as approved by the General Assembly,  
16 may be made from the State Gaming Fund to the Department of  
17 Revenue and the Department of State Police for the  
18 administration and enforcement of this Act, or to the  
19 Department of Human Services for the administration of programs  
20 to treat problem gambling.

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 (c-5) in the~~  
14 ~~prior calendar year.~~

15 (c-15) After the payments required under subsections (b)  
16 ~~and~~, (c), ~~and (c-5)~~ have been made, an amount equal to 2% of  
17 the adjusted gross receipts of (1) an owners licensee that  
18 relocates pursuant to Section 11.2, (2) an owners licensee  
19 conducting riverboat gambling operations pursuant to an owners  
20 license that is initially issued after June 25, 1999, or (3)  
21 the first riverboat gambling operations conducted by a licensed  
22 manager on behalf of the State under Section 7.3, whichever  
23 comes first, shall be paid, subject to appropriation from the  
24 General Assembly, from the State Gaming Fund to each home rule  
25 county with a population of over 3,000,000 inhabitants for the  
26 purpose of enhancing the county's criminal justice system.

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

6 (c-25) After the payments required under subsections (b),  
7 (c), ~~(c-5)~~ and (c-15) have been made, an amount equal to 2% of  
8 the adjusted gross receipts of (1) an owners licensee that  
9 relocates pursuant to Section 11.2, (2) an owners licensee  
10 conducting riverboat gambling operations pursuant to an owners  
11 license that is initially issued after June 25, 1999, or (3)  
12 the first riverboat gambling operations conducted by a licensed  
13 manager on behalf of the State under Section 7.3, whichever  
14 comes first, shall be paid from the State Gaming Fund to  
15 Chicago State University.

16 (d) From time to time, the Board shall transfer the  
17 remainder of the funds generated by this Act into the Education  
18 Assistance Fund, created by Public Act 86-0018, of the State of  
19 Illinois.

20 (e) Nothing in this Act shall prohibit the unit of local  
21 government designated as the home dock of the riverboat or the  
22 municipality in which a casino is located from entering into  
23 agreements with other units of local government in this State  
24 or in other states to share its portion of the tax revenue.

25 (f) To the extent practicable, the Board shall administer  
26 and collect the wagering taxes imposed by this Section in a

1 manner consistent with the provisions of Sections 4, 5, 5a, 5b,  
2 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the  
3 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
4 Penalty and Interest Act.

5 (Source: P.A. 94-673, eff. 8-23-05; 94-804, eff. 5-26-06;  
6 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-1008, eff.  
7 12-15-08.)

8 (230 ILCS 10/14) (from Ch. 120, par. 2414)

9 Sec. 14. Licensees - Records - Reports - Supervision.

10 (a) ~~A~~ Licensed owners and electronic gaming licensees ~~owner~~  
11 shall keep their ~~his~~ books and records so as to clearly show  
12 the following:

13 (1) The amount received daily from admission fees.

14 (2) The total amount of gross receipts.

15 (3) The total amount of the adjusted gross receipts.

16 (b) ~~The~~ Licensed owners and electronic gaming licensees  
17 ~~owner~~ shall furnish to the Board reports and information as the  
18 Board may require with respect to its activities on forms  
19 designed and supplied for such purpose by the Board.

20 (c) The books and records kept by a licensed owner or  
21 electronic gaming licensee as provided by this Section are  
22 public records and the examination, publication, and  
23 dissemination of the books and records are governed by the  
24 provisions of The Freedom of Information Act.

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

1 (230 ILCS 10/18) (from Ch. 120, par. 2418)

2 Sec. 18. Prohibited Activities - Penalty.

3 (a) A person is guilty of a Class A misdemeanor for doing  
4 any of the following:

5 (1) Conducting gambling where wagering is used or to be  
6 used without a license issued by the Board.

7 (2) Conducting gambling where wagering is permitted  
8 other than in the manner specified by Section 11.

9 (b) A person is guilty of a Class B misdemeanor for doing  
10 any of the following:

11 (1) permitting a person under 21 years to make a wager;

12 or

13 (2) violating paragraph (12) of subsection (a) of  
14 Section 11 of this Act.

15 (c) A person wagering or accepting a wager at any location  
16 outside the riverboat, casino, or electronic gaming facility in  
17 violation of paragraph ~~is subject to the penalties in~~  
18 ~~paragraphs~~ (1) or (2) of subsection (a) of Section 28-1 of the  
19 Criminal Code of 1961 is subject to the penalties provided in  
20 that Section.

21 (d) A person commits a Class 4 felony and, in addition,  
22 shall be barred for life from gambling operations ~~riverboats~~  
23 under the jurisdiction of the Board, if the person does any of  
24 the following:

25 (1) Offers, promises, or gives anything of value or

1 benefit to a person who is connected with a riverboat or  
2 casino owner or electronic gaming licensee including, but  
3 not limited to, an officer or employee of a licensed owner  
4 or electronic gaming licensee or holder of an occupational  
5 license pursuant to an agreement or arrangement or with the  
6 intent that the promise or thing of value or benefit will  
7 influence the actions of the person to whom the offer,  
8 promise, or gift was made in order to affect or attempt to  
9 affect the outcome of a gambling game, or to influence  
10 official action of a member of the Board.

11 (2) Solicits or knowingly accepts or receives a promise  
12 of anything of value or benefit while the person is  
13 connected with a riverboat, casino, or electronic gaming  
14 facility, including, but not limited to, an officer or  
15 employee of a licensed owner or electronic gaming licensee,  
16 or the holder of an occupational license, pursuant to an  
17 understanding or arrangement or with the intent that the  
18 promise or thing of value or benefit will influence the  
19 actions of the person to affect or attempt to affect the  
20 outcome of a gambling game, or to influence official action  
21 of a member of the Board.

22 (3) Uses or possesses with the intent to use a device  
23 to assist:

24 (i) In projecting the outcome of the game.

25 (ii) In keeping track of the cards played.

26 (iii) In analyzing the probability of the



1 occurrence of an event relating to the gambling game.

2 (iv) In analyzing the strategy for playing or  
3 betting to be used in the game except as permitted by  
4 the Board.

5 (4) Cheats at a gambling game.

6 (5) Manufactures, sells, or distributes any cards,  
7 chips, dice, game or device which is intended to be used to  
8 violate any provision of this Act.

9 (6) Alters or misrepresents the outcome of a gambling  
10 game on which wagers have been made after the outcome is  
11 made sure but before it is revealed to the players.

12 (7) Places a bet after acquiring knowledge, not  
13 available to all players, of the outcome of the gambling  
14 game which is subject of the bet or to aid a person in  
15 acquiring the knowledge for the purpose of placing a bet  
16 contingent on that outcome.

17 (8) Claims, collects, or takes, or attempts to claim,  
18 collect, or take, money or anything of value in or from the  
19 gambling games, with intent to defraud, without having made  
20 a wager contingent on winning a gambling game, or claims,  
21 collects, or takes an amount of money or thing of value of  
22 greater value than the amount won.

23 (9) Uses counterfeit chips or tokens in a gambling  
24 game.

25 (10) Possesses any key or device designed for the  
26 purpose of opening, entering, or affecting the operation of

1 a gambling game, drop box, or an electronic or mechanical  
2 device connected with the gambling game or for removing  
3 coins, tokens, chips or other contents of a gambling game.  
4 This paragraph (10) does not apply to a gambling licensee  
5 or employee of a gambling licensee acting in furtherance of  
6 the employee's employment.

7 (e) The possession of more than one of the devices  
8 described in subsection (d), paragraphs (3), (5) or (10)  
9 permits a rebuttable presumption that the possessor intended to  
10 use the devices for cheating.

11 An action to prosecute any crime occurring on a riverboat  
12 shall be tried in the county of the dock at which the riverboat  
13 is based. An action to prosecute any crime occurring in a  
14 casino shall be tried in the county in which the casino is  
15 located.

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

17 (230 ILCS 10/19) (from Ch. 120, par. 2419)

18 Sec. 19. Forfeiture of property.

19 (a) Except as provided in subsection (b), any riverboat,  
20 casino, or electronic gaming facility used for the conduct of  
21 gambling games in violation of this Act shall be considered a  
22 gambling place in violation of Section 28-3 of the Criminal  
23 Code of 1961, as now or hereafter amended. Every gambling  
24 device found on a riverboat, in a casino, or at an electronic  
25 gaming facility operating gambling games in violation of this

1 Act and every slot machine found at an electronic gaming  
2 facility operating gambling games in violation of this Act  
3 shall be subject to seizure, confiscation and destruction as  
4 provided in Section 28-5 of the Criminal Code of 1961, as now  
5 or hereafter amended.

6 (b) It is not a violation of this Act for a riverboat or  
7 other watercraft which is licensed for gaming by a contiguous  
8 state to dock on the shores of this State if the municipality  
9 having jurisdiction of the shores, or the county in the case of  
10 unincorporated areas, has granted permission for docking and no  
11 gaming is conducted on the riverboat or other watercraft while  
12 it is docked on the shores of this State. No gambling device  
13 shall be subject to seizure, confiscation or destruction if the  
14 gambling device is located on a riverboat or other watercraft  
15 which is licensed for gaming by a contiguous state and which is  
16 docked on the shores of this State if the municipality having  
17 jurisdiction of the shores, or the county in the case of  
18 unincorporated areas, has granted permission for docking and no  
19 gaming is conducted on the riverboat or other watercraft while  
20 it is docked on the shores of this State.

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

22 (230 ILCS 10/20) (from Ch. 120, par. 2420)

23 Sec. 20. Prohibited activities - civil penalties. Any  
24 person who conducts a gambling operation without first  
25 obtaining a license to do so, or who continues to conduct such

1 games after revocation of his license, or any licensee who  
2 conducts or allows to be conducted any unauthorized gambling  
3 games on a riverboat, in a casino, or at an electronic gaming  
4 facility where it is authorized to conduct its ~~riverboat~~  
5 gambling operation, in addition to other penalties provided,  
6 shall be subject to a civil penalty equal to the amount of  
7 gross receipts derived from wagering on the gambling games,  
8 whether unauthorized or authorized, conducted on that day as  
9 well as confiscation and forfeiture of all gambling game  
10 equipment used in the conduct of unauthorized gambling games.

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

12 Section 90-35. The Liquor Control Act of 1934 is amended by  
13 changing Sections 5-1 and 6-30 as follows:

14 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

15 Sec. 5-1. Licenses issued by the Illinois Liquor Control  
16 Commission shall be of the following classes:

17 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
18 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
19 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.  
20 First Class Winemaker, Class 7. Second Class Winemaker, Class  
21 8. Limited Wine Manufacturer,

22 (b) Distributor's license,

23 (c) Importing Distributor's license,

24 (d) Retailer's license,

- 1 (e) Special Event Retailer's license (not-for-profit),  
2 (f) Railroad license,  
3 (g) Boat license,  
4 (h) Non-Beverage User's license,  
5 (i) Wine-maker's premises license,  
6 (j) Airplane license,  
7 (k) Foreign importer's license,  
8 (l) Broker's license,  
9 (m) Non-resident dealer's license,  
10 (n) Brew Pub license,  
11 (o) Auction liquor license,  
12 (p) Caterer retailer license,  
13 (q) Special use permit license,  
14 (r) Winery shipper's license.

15 No person, firm, partnership, corporation, or other legal  
16 business entity that is engaged in the manufacturing of wine  
17 may concurrently obtain and hold a wine-maker's license and a  
18 wine manufacturer's license.

19 (a) A manufacturer's license shall allow the manufacture,  
20 importation in bulk, storage, distribution and sale of  
21 alcoholic liquor to persons without the State, as may be  
22 permitted by law and to licensees in this State as follows:

23 Class 1. A Distiller may make sales and deliveries of  
24 alcoholic liquor to distillers, rectifiers, importing  
25 distributors, distributors and non-beverage users and to no  
26 other licensees.

1           Class 2. A Rectifier, who is not a distiller, as defined  
2 herein, may make sales and deliveries of alcoholic liquor to  
3 rectifiers, importing distributors, distributors, retailers  
4 and non-beverage users and to no other licensees.

5           Class 3. A Brewer may make sales and deliveries of beer to  
6 importing distributors, distributors, and to non-licensees,  
7 and to retailers provided the brewer obtains an importing  
8 distributor's license or distributor's license in accordance  
9 with the provisions of this Act.

10          Class 4. A first class wine-manufacturer may make sales and  
11 deliveries of up to 50,000 gallons of wine to manufacturers,  
12 importing distributors and distributors, and to no other  
13 licensees.

14          Class 5. A second class Wine manufacturer may make sales  
15 and deliveries of more than 50,000 gallons of wine to  
16 manufacturers, importing distributors and distributors and to  
17 no other licensees.

18          Class 6. A first-class wine-maker's license shall allow the  
19 manufacture of up to 50,000 gallons of wine per year, and the  
20 storage and sale of such wine to distributors in the State and  
21 to persons without the State, as may be permitted by law. A  
22 person who, prior to the effective date of this amendatory Act  
23 of the 95th General Assembly, is a holder of a first-class  
24 wine-maker's license and annually produces more than 25,000  
25 gallons of its own wine and who distributes its wine to  
26 licensed retailers shall cease this practice on or before July

1 1, 2008 in compliance with this amendatory Act of the 95th  
2 General Assembly.

3 Class 7. A second-class wine-maker's license shall allow  
4 the manufacture of between 50,000 and 150,000 gallons of wine  
5 per year, and the storage and sale of such wine to distributors  
6 in this State and to persons without the State, as may be  
7 permitted by law. A person who, prior to the effective date of  
8 this amendatory Act of the 95th General Assembly, is a holder  
9 of a second-class wine-maker's license and annually produces  
10 more than 25,000 gallons of its own wine and who distributes  
11 its wine to licensed retailers shall cease this practice on or  
12 before July 1, 2008 in compliance with this amendatory Act of  
13 the 95th General Assembly.

14 Class 8. A limited wine-manufacturer may make sales and  
15 deliveries not to exceed 40,000 gallons of wine per year to  
16 distributors, and to non-licensees in accordance with the  
17 provisions of this Act.

18 (a-1) A manufacturer which is licensed in this State to  
19 make sales or deliveries of alcoholic liquor and which enlists  
20 agents, representatives, or individuals acting on its behalf  
21 who contact licensed retailers on a regular and continual basis  
22 in this State must register those agents, representatives, or  
23 persons acting on its behalf with the State Commission.

24 Registration of agents, representatives, or persons acting  
25 on behalf of a manufacturer is fulfilled by submitting a form  
26 to the Commission. The form shall be developed by the

1 Commission and shall include the name and address of the  
2 applicant, the name and address of the manufacturer he or she  
3 represents, the territory or areas assigned to sell to or  
4 discuss pricing terms of alcoholic liquor, and any other  
5 questions deemed appropriate and necessary. All statements in  
6 the forms required to be made by law or by rule shall be deemed  
7 material, and any person who knowingly misstates any material  
8 fact under oath in an application is guilty of a Class B  
9 misdemeanor. Fraud, misrepresentation, false statements,  
10 misleading statements, evasions, or suppression of material  
11 facts in the securing of a registration are grounds for  
12 suspension or revocation of the registration.

13 (b) A distributor's license shall allow the wholesale  
14 purchase and storage of alcoholic liquors and sale of alcoholic  
15 liquors to licensees in this State and to persons without the  
16 State, as may be permitted by law.

17 (c) An importing distributor's license may be issued to and  
18 held by those only who are duly licensed distributors, upon the  
19 filing of an application by a duly licensed distributor, with  
20 the Commission and the Commission shall, without the payment of  
21 any fee, immediately issue such importing distributor's  
22 license to the applicant, which shall allow the importation of  
23 alcoholic liquor by the licensee into this State from any point  
24 in the United States outside this State, and the purchase of  
25 alcoholic liquor in barrels, casks or other bulk containers and  
26 the bottling of such alcoholic liquors before resale thereof,



1 but all bottles or containers so filled shall be sealed,  
2 labeled, stamped and otherwise made to comply with all  
3 provisions, rules and regulations governing manufacturers in  
4 the preparation and bottling of alcoholic liquors. The  
5 importing distributor's license shall permit such licensee to  
6 purchase alcoholic liquor from Illinois licensed non-resident  
7 dealers and foreign importers only.

8 (d) A retailer's license shall allow the licensee to sell  
9 and offer for sale at retail, only in the premises specified in  
10 the license, alcoholic liquor for use or consumption, but not  
11 for resale in any form. Nothing in this amendatory Act of the  
12 95th General Assembly shall deny, limit, remove, or restrict  
13 the ability of a holder of a retailer's license to transfer,  
14 deliver, or ship alcoholic liquor to the purchaser for use or  
15 consumption subject to any applicable local law or ordinance.  
16 Any retail license issued to a manufacturer shall only permit  
17 the manufacturer to sell beer at retail on the premises  
18 actually occupied by the manufacturer. For the purpose of  
19 further describing the type of business conducted at a retail  
20 licensed premises, a retailer's licensee may be designated by  
21 the State Commission as (i) an on premise consumption retailer,  
22 (ii) an off premise sale retailer, or (iii) a combined on  
23 premise consumption and off premise sale retailer.

24 Notwithstanding any other provision of this subsection  
25 (d), a retail licensee may sell alcoholic liquors to a special  
26 event retailer licensee for resale to the extent permitted

1 under subsection (e).

2 (e) A special event retailer's license (not-for-profit)  
3 shall permit the licensee to purchase alcoholic liquors from an  
4 Illinois licensed distributor (unless the licensee purchases  
5 less than \$500 of alcoholic liquors for the special event, in  
6 which case the licensee may purchase the alcoholic liquors from  
7 a licensed retailer) and shall allow the licensee to sell and  
8 offer for sale, at retail, alcoholic liquors for use or  
9 consumption, but not for resale in any form and only at the  
10 location and on the specific dates designated for the special  
11 event in the license. An applicant for a special event retailer  
12 license must (i) furnish with the application: (A) a resale  
13 number issued under Section 2c of the Retailers' Occupation Tax  
14 Act or evidence that the applicant is registered under Section  
15 2a of the Retailers' Occupation Tax Act, (B) a current, valid  
16 exemption identification number issued under Section 1g of the  
17 Retailers' Occupation Tax Act, and a certification to the  
18 Commission that the purchase of alcoholic liquors will be a  
19 tax-exempt purchase, or (C) a statement that the applicant is  
20 not registered under Section 2a of the Retailers' Occupation  
21 Tax Act, does not hold a resale number under Section 2c of the  
22 Retailers' Occupation Tax Act, and does not hold an exemption  
23 number under Section 1g of the Retailers' Occupation Tax Act,  
24 in which event the Commission shall set forth on the special  
25 event retailer's license a statement to that effect; (ii)  
26 submit with the application proof satisfactory to the State

1 Commission that the applicant will provide dram shop liability  
2 insurance in the maximum limits; and (iii) show proof  
3 satisfactory to the State Commission that the applicant has  
4 obtained local authority approval.

5 (f) A railroad license shall permit the licensee to import  
6 alcoholic liquors into this State from any point in the United  
7 States outside this State and to store such alcoholic liquors  
8 in this State; to make wholesale purchases of alcoholic liquors  
9 directly from manufacturers, foreign importers, distributors  
10 and importing distributors from within or outside this State;  
11 and to store such alcoholic liquors in this State; provided  
12 that the above powers may be exercised only in connection with  
13 the importation, purchase or storage of alcoholic liquors to be  
14 sold or dispensed on a club, buffet, lounge or dining car  
15 operated on an electric, gas or steam railway in this State;  
16 and provided further, that railroad licensees exercising the  
17 above powers shall be subject to all provisions of Article VIII  
18 of this Act as applied to importing distributors. A railroad  
19 license shall also permit the licensee to sell or dispense  
20 alcoholic liquors on any club, buffet, lounge or dining car  
21 operated on an electric, gas or steam railway regularly  
22 operated by a common carrier in this State, but shall not  
23 permit the sale for resale of any alcoholic liquors to any  
24 licensee within this State. A license shall be obtained for  
25 each car in which such sales are made.

26 (g) A boat license shall allow the sale of alcoholic liquor

1 in individual drinks, on any passenger boat regularly operated  
 2 as a common carrier on navigable waters in this State or on any  
 3 riverboat operated under the Illinois ~~Riverboat~~ Gambling Act,  
 4 which boat or riverboat maintains a public dining room or  
 5 restaurant thereon.

6 (h) A non-beverage user's license shall allow the licensee  
 7 to purchase alcoholic liquor from a licensed manufacturer or  
 8 importing distributor, without the imposition of any tax upon  
 9 the business of such licensed manufacturer or importing  
 10 distributor as to such alcoholic liquor to be used by such  
 11 licensee solely for the non-beverage purposes set forth in  
 12 subsection (a) of Section 8-1 of this Act, and such licenses  
 13 shall be divided and classified and shall permit the purchase,  
 14 possession and use of limited and stated quantities of  
 15 alcoholic liquor as follows:

- 16 Class 1, not to exceed ..... 500 gallons
- 17 Class 2, not to exceed ..... 1,000 gallons
- 18 Class 3, not to exceed ..... 5,000 gallons
- 19 Class 4, not to exceed ..... 10,000 gallons
- 20 Class 5, not to exceed ..... 50,000 gallons

21 (i) A wine-maker's premises license shall allow a licensee  
 22 that concurrently holds a first-class wine-maker's license to  
 23 sell and offer for sale at retail in the premises specified in  
 24 such license not more than 50,000 gallons of the first-class  
 25 wine-maker's wine that is made at the first-class wine-maker's  
 26 licensed premises per year for use or consumption, but not for

1 resale in any form. A wine-maker's premises license shall allow  
2 a licensee who concurrently holds a second-class wine-maker's  
3 license to sell and offer for sale at retail in the premises  
4 specified in such license up to 100,000 gallons of the  
5 second-class wine-maker's wine that is made at the second-class  
6 wine-maker's licensed premises per year for use or consumption  
7 but not for resale in any form. A wine-maker's premises license  
8 shall allow a licensee that concurrently holds a first-class  
9 wine-maker's license or a second-class wine-maker's license to  
10 sell and offer for sale at retail at the premises specified in  
11 the wine-maker's premises license, for use or consumption but  
12 not for resale in any form, any beer, wine, and spirits  
13 purchased from a licensed distributor. Upon approval from the  
14 State Commission, a wine-maker's premises license shall allow  
15 the licensee to sell and offer for sale at (i) the wine-maker's  
16 licensed premises and (ii) at up to 2 additional locations for  
17 use and consumption and not for resale. Each location shall  
18 require additional licensing per location as specified in  
19 Section 5-3 of this Act. A wine-maker's premises licensee shall  
20 secure liquor liability insurance coverage in an amount at  
21 least equal to the maximum liability amounts set forth in  
22 subsection (a) of Section 6-21 of this Act.

23 (j) An airplane license shall permit the licensee to import  
24 alcoholic liquors into this State from any point in the United  
25 States outside this State and to store such alcoholic liquors  
26 in this State; to make wholesale purchases of alcoholic liquors

1 directly from manufacturers, foreign importers, distributors  
2 and importing distributors from within or outside this State;  
3 and to store such alcoholic liquors in this State; provided  
4 that the above powers may be exercised only in connection with  
5 the importation, purchase or storage of alcoholic liquors to be  
6 sold or dispensed on an airplane; and provided further, that  
7 airplane licensees exercising the above powers shall be subject  
8 to all provisions of Article VIII of this Act as applied to  
9 importing distributors. An airplane licensee shall also permit  
10 the sale or dispensing of alcoholic liquors on any passenger  
11 airplane regularly operated by a common carrier in this State,  
12 but shall not permit the sale for resale of any alcoholic  
13 liquors to any licensee within this State. A single airplane  
14 license shall be required of an airline company if liquor  
15 service is provided on board aircraft in this State. The annual  
16 fee for such license shall be as determined in Section 5-3.

17 (k) A foreign importer's license shall permit such licensee  
18 to purchase alcoholic liquor from Illinois licensed  
19 non-resident dealers only, and to import alcoholic liquor other  
20 than in bulk from any point outside the United States and to  
21 sell such alcoholic liquor to Illinois licensed importing  
22 distributors and to no one else in Illinois; provided that (i)  
23 the foreign importer registers with the State Commission every  
24 brand of alcoholic liquor that it proposes to sell to Illinois  
25 licensees during the license period, (ii) the foreign importer  
26 complies with all of the provisions of Section 6-9 of this Act

1 with respect to registration of such Illinois licensees as may  
2 be granted the right to sell such brands at wholesale, and  
3 (iii) the foreign importer complies with the provisions of  
4 Sections 6-5 and 6-6 of this Act to the same extent that these  
5 provisions apply to manufacturers.

6 (1) (i) A broker's license shall be required of all persons  
7 who solicit orders for, offer to sell or offer to supply  
8 alcoholic liquor to retailers in the State of Illinois, or who  
9 offer to retailers to ship or cause to be shipped or to make  
10 contact with distillers, rectifiers, brewers or manufacturers  
11 or any other party within or without the State of Illinois in  
12 order that alcoholic liquors be shipped to a distributor,  
13 importing distributor or foreign importer, whether such  
14 solicitation or offer is consummated within or without the  
15 State of Illinois.

16 No holder of a retailer's license issued by the Illinois  
17 Liquor Control Commission shall purchase or receive any  
18 alcoholic liquor, the order for which was solicited or offered  
19 for sale to such retailer by a broker unless the broker is the  
20 holder of a valid broker's license.

21 The broker shall, upon the acceptance by a retailer of the  
22 broker's solicitation of an order or offer to sell or supply or  
23 deliver or have delivered alcoholic liquors, promptly forward  
24 to the Illinois Liquor Control Commission a notification of  
25 said transaction in such form as the Commission may by  
26 regulations prescribe.

1           (ii) A broker's license shall be required of a person  
2 within this State, other than a retail licensee, who, for a fee  
3 or commission, promotes, solicits, or accepts orders for  
4 alcoholic liquor, for use or consumption and not for resale, to  
5 be shipped from this State and delivered to residents outside  
6 of this State by an express company, common carrier, or  
7 contract carrier. This Section does not apply to any person who  
8 promotes, solicits, or accepts orders for wine as specifically  
9 authorized in Section 6-29 of this Act.

10           A broker's license under this subsection (1) shall not  
11 entitle the holder to buy or sell any alcoholic liquors for his  
12 own account or to take or deliver title to such alcoholic  
13 liquors.

14           This subsection (1) shall not apply to distributors,  
15 employees of distributors, or employees of a manufacturer who  
16 has registered the trademark, brand or name of the alcoholic  
17 liquor pursuant to Section 6-9 of this Act, and who regularly  
18 sells such alcoholic liquor in the State of Illinois only to  
19 its registrants thereunder.

20           Any agent, representative, or person subject to  
21 registration pursuant to subsection (a-1) of this Section shall  
22 not be eligible to receive a broker's license.

23           (m) A non-resident dealer's license shall permit such  
24 licensee to ship into and warehouse alcoholic liquor into this  
25 State from any point outside of this State, and to sell such  
26 alcoholic liquor to Illinois licensed foreign importers and



1 importing distributors and to no one else in this State;  
2 provided that (i) said non-resident dealer shall register with  
3 the Illinois Liquor Control Commission each and every brand of  
4 alcoholic liquor which it proposes to sell to Illinois  
5 licensees during the license period, (ii) it shall comply with  
6 all of the provisions of Section 6-9 hereof with respect to  
7 registration of such Illinois licensees as may be granted the  
8 right to sell such brands at wholesale, and (iii) the  
9 non-resident dealer shall comply with the provisions of  
10 Sections 6-5 and 6-6 of this Act to the same extent that these  
11 provisions apply to manufacturers.

12 (n) A brew pub license shall allow the licensee to  
13 manufacture beer only on the premises specified in the license,  
14 to make sales of the beer manufactured on the premises to  
15 importing distributors, distributors, and to non-licensees for  
16 use and consumption, to store the beer upon the premises, and  
17 to sell and offer for sale at retail from the licensed  
18 premises, provided that a brew pub licensee shall not sell for  
19 off-premises consumption more than 50,000 gallons per year.

20 (o) A caterer retailer license shall allow the holder to  
21 serve alcoholic liquors as an incidental part of a food service  
22 that serves prepared meals which excludes the serving of snacks  
23 as the primary meal, either on or off-site whether licensed or  
24 unlicensed.

25 (p) An auction liquor license shall allow the licensee to  
26 sell and offer for sale at auction wine and spirits for use or

1 consumption, or for resale by an Illinois liquor licensee in  
2 accordance with provisions of this Act. An auction liquor  
3 license will be issued to a person and it will permit the  
4 auction liquor licensee to hold the auction anywhere in the  
5 State. An auction liquor license must be obtained for each  
6 auction at least 14 days in advance of the auction date.

7 (q) A special use permit license shall allow an Illinois  
8 licensed retailer to transfer a portion of its alcoholic liquor  
9 inventory from its retail licensed premises to the premises  
10 specified in the license hereby created, and to sell or offer  
11 for sale at retail, only in the premises specified in the  
12 license hereby created, the transferred alcoholic liquor for  
13 use or consumption, but not for resale in any form. A special  
14 use permit license may be granted for the following time  
15 periods: one day or less; 2 or more days to a maximum of 15 days  
16 per location in any 12 month period. An applicant for the  
17 special use permit license must also submit with the  
18 application proof satisfactory to the State Commission that the  
19 applicant will provide dram shop liability insurance to the  
20 maximum limits and have local authority approval.

21 (r) A winery shipper's license shall allow a person with a  
22 first-class or second-class wine manufacturer's license, a  
23 first-class or second-class wine-maker's license, or a limited  
24 wine manufacturer's license or who is licensed to make wine  
25 under the laws of another state to ship wine made by that  
26 licensee directly to a resident of this State who is 21 years

1 of age or older for that resident's personal use and not for  
2 resale. Prior to receiving a winery shipper's license, an  
3 applicant for the license must provide the Commission with a  
4 true copy of its current license in any state in which it is  
5 licensed as a manufacturer of wine. An applicant for a winery  
6 shipper's license must also complete an application form that  
7 provides any other information the Commission deems necessary.  
8 The application form shall include an acknowledgement  
9 consenting to the jurisdiction of the Commission, the Illinois  
10 Department of Revenue, and the courts of this State concerning  
11 the enforcement of this Act and any related laws, rules, and  
12 regulations, including authorizing the Department of Revenue  
13 and the Commission to conduct audits for the purpose of  
14 ensuring compliance with this amendatory Act.

15 A winery shipper licensee must pay to the Department of  
16 Revenue the State liquor gallonage tax under Section 8-1 for  
17 all wine that is sold by the licensee and shipped to a person  
18 in this State. For the purposes of Section 8-1, a winery  
19 shipper licensee shall be taxed in the same manner as a  
20 manufacturer of wine. A licensee who is not otherwise required  
21 to register under the Retailers' Occupation Tax Act must  
22 register under the Use Tax Act to collect and remit use tax to  
23 the Department of Revenue for all gallons of wine that are sold  
24 by the licensee and shipped to persons in this State. If a  
25 licensee fails to remit the tax imposed under this Act in  
26 accordance with the provisions of Article VIII of this Act, the

1 winery shipper's license shall be revoked in accordance with  
2 the provisions of Article VII of this Act. If a licensee fails  
3 to properly register and remit tax under the Use Tax Act or the  
4 Retailers' Occupation Tax Act for all wine that is sold by the  
5 winery shipper and shipped to persons in this State, the winery  
6 shipper's license shall be revoked in accordance with the  
7 provisions of Article VII of this Act.

8 A winery shipper licensee must collect, maintain, and  
9 submit to the Commission on a semi-annual basis the total  
10 number of cases per resident of wine shipped to residents of  
11 this State. A winery shipper licensed under this subsection (r)  
12 must comply with the requirements of Section 6-29 of this  
13 amendatory Act.

14 (Source: P.A. 95-331, eff. 8-21-07; 95-634, eff. 6-1-08;  
15 95-769, eff. 7-29-08.)

16 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

17 Sec. 6-30. Notwithstanding any other provision of this Act,  
18 the Illinois Gaming Board shall have exclusive authority to  
19 establish the hours for sale and consumption of alcoholic  
20 liquor on board a riverboat during riverboat gambling  
21 excursions and in a casino conducted in accordance with the  
22 Illinois Riverboat Gambling Act.

23 (Source: P.A. 87-826.)

24 Section 90-40. The Criminal Code of 1961 is amended by

1 changing Sections 28-1, 28-1.1, 28-3, 28-5, and 28-7 as  
2 follows:

3 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

4 Sec. 28-1. Gambling.

5 (a) A person commits gambling when he:

6 (1) Plays a game of chance or skill for money or other  
7 thing of value, unless excepted in subsection (b) of this  
8 Section; or

9 (2) Makes a wager upon the result of any game, contest,  
10 or any political nomination, appointment or election; or

11 (3) Operates, keeps, owns, uses, purchases, exhibits,  
12 rents, sells, bargains for the sale or lease of,  
13 manufactures or distributes any gambling device; or

14 (4) Contracts to have or give himself or another the  
15 option to buy or sell, or contracts to buy or sell, at a  
16 future time, any grain or other commodity whatsoever, or  
17 any stock or security of any company, where it is at the  
18 time of making such contract intended by both parties  
19 thereto that the contract to buy or sell, or the option,  
20 whenever exercised, or the contract resulting therefrom,  
21 shall be settled, not by the receipt or delivery of such  
22 property, but by the payment only of differences in prices  
23 thereof; however, the issuance, purchase, sale, exercise,  
24 endorsement or guarantee, by or through a person registered  
25 with the Secretary of State pursuant to Section 8 of the

1 Illinois Securities Law of 1953, or by or through a person  
2 exempt from such registration under said Section 8, of a  
3 put, call, or other option to buy or sell securities which  
4 have been registered with the Secretary of State or which  
5 are exempt from such registration under Section 3 of the  
6 Illinois Securities Law of 1953 is not gambling within the  
7 meaning of this paragraph (4); or

8 (5) Knowingly owns or possesses any book, instrument or  
9 apparatus by means of which bets or wagers have been, or  
10 are, recorded or registered, or knowingly possesses any  
11 money which he has received in the course of a bet or  
12 wager; or

13 (6) Sells pools upon the result of any game or contest  
14 of skill or chance, political nomination, appointment or  
15 election; or

16 (7) Sets up or promotes any lottery or sells, offers to  
17 sell or transfers any ticket or share for any lottery; or

18 (8) Sets up or promotes any policy game or sells,  
19 offers to sell or knowingly possesses or transfers any  
20 policy ticket, slip, record, document or other similar  
21 device; or

22 (9) Knowingly drafts, prints or publishes any lottery  
23 ticket or share, or any policy ticket, slip, record,  
24 document or similar device, except for such activity  
25 related to lotteries, bingo games and raffles authorized by  
26 and conducted in accordance with the laws of Illinois or

1 any other state or foreign government; or

2 (10) Knowingly advertises any lottery or policy game,  
3 except for such activity related to lotteries, bingo games  
4 and raffles authorized by and conducted in accordance with  
5 the laws of Illinois or any other state; or

6 (11) Knowingly transmits information as to wagers,  
7 betting odds, or changes in betting odds by telephone,  
8 telegraph, radio, semaphore or similar means; or knowingly  
9 installs or maintains equipment for the transmission or  
10 receipt of such information; except that nothing in this  
11 subdivision (11) prohibits transmission or receipt of such  
12 information for use in news reporting of sporting events or  
13 contests; or

14 (12) Knowingly establishes, maintains, or operates an  
15 Internet site that permits a person to play a game of  
16 chance or skill for money or other thing of value by means  
17 of the Internet or to make a wager upon the result of any  
18 game, contest, political nomination, appointment, or  
19 election by means of the Internet.

20 (b) Participants in any of the following activities shall  
21 not be convicted of gambling therefor:

22 (1) Agreements to compensate for loss caused by the  
23 happening of chance including without limitation contracts  
24 of indemnity or guaranty and life or health or accident  
25 insurance;

26 (2) Offers of prizes, award or compensation to the

1 actual contestants in any bona fide contest for the  
2 determination of skill, speed, strength or endurance or to  
3 the owners of animals or vehicles entered in such contest;

4 (3) Pari-mutuel betting as authorized by the law of  
5 this State;

6 (4) Manufacture of gambling devices, including the  
7 acquisition of essential parts therefor and the assembly  
8 thereof, for transportation in interstate or foreign  
9 commerce to any place outside this State when such  
10 transportation is not prohibited by any applicable Federal  
11 law;

12 (5) The game commonly known as "bingo", when conducted  
13 in accordance with the Bingo License and Tax Act;

14 (6) Lotteries when conducted by the State of Illinois  
15 in accordance with the Illinois Lottery Law;

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

21 (8) Raffles when conducted in accordance with the  
22 Raffles Act;

23 (9) Charitable games when conducted in accordance with  
24 the Charitable Games Act;

25 (10) Pull tabs and jar games when conducted under the  
26 Illinois Pull Tabs and Jar Games Act; or



1           (11) Gambling games ~~conducted on riverboats~~ when  
2 authorized by the Illinois Riverboat Gambling Act.

3           (c) Sentence.

4           Gambling under subsection (a)(1) or (a)(2) of this Section  
5 is a Class A misdemeanor. Gambling under any of subsections  
6 (a)(3) through (a)(11) of this Section is a Class A  
7 misdemeanor. A second or subsequent conviction under any of  
8 subsections (a)(3) through (a)(11), is a Class 4 felony.  
9 Gambling under subsection (a)(12) of this Section is a Class A  
10 misdemeanor. A second or subsequent conviction under  
11 subsection (a)(12) is a Class 4 felony.

12           (d) Circumstantial evidence.

13           In prosecutions under subsection (a)(1) through (a)(12) of  
14 this Section circumstantial evidence shall have the same  
15 validity and weight as in any criminal prosecution.

16           (Source: P.A. 91-257, eff. 1-1-00.)

17           (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

18           Sec. 28-1.1. Syndicated gambling.

19           (a) Declaration of Purpose. Recognizing the close  
20 relationship between professional gambling and other organized  
21 crime, it is declared to be the policy of the legislature to  
22 restrain persons from engaging in the business of gambling for  
23 profit in this State. This Section shall be liberally construed  
24 and administered with a view to carrying out this policy.

25           (b) A person commits syndicated gambling when he operates a

1 "policy game" or engages in the business of bookmaking.

2 (c) A person "operates a policy game" when he knowingly  
3 uses any premises or property for the purpose of receiving or  
4 knowingly does receive from what is commonly called "policy":

5 (1) money from a person other than the better or player  
6 whose bets or plays are represented by such money; or

7 (2) written "policy game" records, made or used over  
8 any period of time, from a person other than the better or  
9 player whose bets or plays are represented by such written  
10 record.

11 (d) A person engages in bookmaking when he receives or  
12 accepts more than five bets or wagers upon the result of any  
13 trials or contests of skill, speed or power of endurance or  
14 upon any lot, chance, casualty, unknown or contingent event  
15 whatsoever, which bets or wagers shall be of such size that the  
16 total of the amounts of money paid or promised to be paid to  
17 such bookmaker on account thereof shall exceed \$2,000.  
18 Bookmaking is the receiving or accepting of such bets or wagers  
19 regardless of the form or manner in which the bookmaker records  
20 them.

21 (e) Participants in any of the following activities shall  
22 not be convicted of syndicated gambling:

23 (1) Agreements to compensate for loss caused by the  
24 happening of chance including without limitation contracts  
25 of indemnity or guaranty and life or health or accident  
26 insurance; and

1           (2) Offers of prizes, award or compensation to the  
2 actual contestants in any bona fide contest for the  
3 determination of skill, speed, strength or endurance or to  
4 the owners of animals or vehicles entered in such contest;  
5 and

6           (3) Pari-mutuel betting as authorized by law of this  
7 State; and

8           (4) Manufacture of gambling devices, including the  
9 acquisition of essential parts therefor and the assembly  
10 thereof, for transportation in interstate or foreign  
11 commerce to any place outside this State when such  
12 transportation is not prohibited by any applicable Federal  
13 law; and

14           (5) Raffles when conducted in accordance with the  
15 Raffles Act; and

16           (6) Gambling games conducted on riverboats, in  
17 casinos, or at electronic gaming facilities when  
18 authorized by the Illinois Riverboat Gambling Act.

19           (f) Sentence. Syndicated gambling is a Class 3 felony.

20           (Source: P.A. 86-1029; 87-435.)

21           (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

22           Sec. 28-3. Keeping a Gambling Place. A "gambling place" is  
23 any real estate, vehicle, boat or any other property whatsoever  
24 used for the purposes of gambling other than gambling conducted  
25 in the manner authorized by the Illinois Riverboat Gambling

1 Act. Any person who knowingly permits any premises or property  
2 owned or occupied by him or under his control to be used as a  
3 gambling place commits a Class A misdemeanor. Each subsequent  
4 offense is a Class 4 felony. When any premises is determined by  
5 the circuit court to be a gambling place:

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

8 (b) All licenses, permits or certificates issued by the  
9 State of Illinois or any subdivision or public agency thereof  
10 authorizing the serving of food or liquor on such premises  
11 shall be void; and no license, permit or certificate so  
12 cancelled shall be reissued for such premises for a period of  
13 60 days thereafter; nor shall any person convicted of keeping a  
14 gambling place be reissued such license for one year from his  
15 conviction and, after a second conviction of keeping a gambling  
16 place, any such person shall not be reissued such license, and

17 (c) Such premises of any person who knowingly permits  
18 thereon a violation of any Section of this Article shall be  
19 held liable for, and may be sold to pay any unsatisfied  
20 judgment that may be recovered and any unsatisfied fine that  
21 may be levied under any Section of this Article.

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

23 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

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

25 (a) Every device designed for gambling which is incapable

1 of lawful use or every device used unlawfully for gambling  
2 shall be considered a "gambling device", and shall be subject  
3 to seizure, confiscation and destruction by the Department of  
4 State Police or by any municipal, or other local authority,  
5 within whose jurisdiction the same may be found. As used in  
6 this Section, a "gambling device" includes any slot machine,  
7 and includes any machine or device constructed for the  
8 reception of money or other thing of value and so constructed  
9 as to return, or to cause someone to return, on chance to the  
10 player thereof money, property or a right to receive money or  
11 property. With the exception of any device designed for  
12 gambling which is incapable of lawful use, no gambling device  
13 shall be forfeited or destroyed unless an individual with a  
14 property interest in said device knows of the unlawful use of  
15 the device.

16 (b) Every gambling device shall be seized and forfeited to  
17 the county wherein such seizure occurs. Any money or other  
18 thing of value integrally related to acts of gambling shall be  
19 seized and forfeited to the county wherein such seizure occurs.

20 (c) If, within 60 days after any seizure pursuant to  
21 subparagraph (b) of this Section, a person having any property  
22 interest in the seized property is charged with an offense, the  
23 court which renders judgment upon such charge shall, within 30  
24 days after such judgment, conduct a forfeiture hearing to  
25 determine whether such property was a gambling device at the  
26 time of seizure. Such hearing shall be commenced by a written

1 petition by the State, including material allegations of fact,  
2 the name and address of every person determined by the State to  
3 have any property interest in the seized property, a  
4 representation that written notice of the date, time and place  
5 of such hearing has been mailed to every such person by  
6 certified mail at least 10 days before such date, and a request  
7 for forfeiture. Every such person may appear as a party and  
8 present evidence at such hearing. The quantum of proof required  
9 shall be a preponderance of the evidence, and the burden of  
10 proof shall be on the State. If the court determines that the  
11 seized property was a gambling device at the time of seizure,  
12 an order of forfeiture and disposition of the seized property  
13 shall be entered: a gambling device shall be received by the  
14 State's Attorney, who shall effect its destruction, except that  
15 valuable parts thereof may be liquidated and the resultant  
16 money shall be deposited in the general fund of the county  
17 wherein such seizure occurred; money and other things of value  
18 shall be received by the State's Attorney and, upon  
19 liquidation, shall be deposited in the general fund of the  
20 county wherein such seizure occurred. However, in the event  
21 that a defendant raises the defense that the seized slot  
22 machine is an antique slot machine described in subparagraph  
23 (b) (7) of Section 28-1 of this Code and therefore he is exempt  
24 from the charge of a gambling activity participant, the seized  
25 antique slot machine shall not be destroyed or otherwise  
26 altered until a final determination is made by the Court as to

1 whether it is such an antique slot machine. Upon a final  
2 determination by the Court of this question in favor of the  
3 defendant, such slot machine shall be immediately returned to  
4 the defendant. Such order of forfeiture and disposition shall,  
5 for the purposes of appeal, be a final order and judgment in a  
6 civil proceeding.

7 (d) If a seizure pursuant to subparagraph (b) of this  
8 Section is not followed by a charge pursuant to subparagraph  
9 (c) of this Section, or if the prosecution of such charge is  
10 permanently terminated or indefinitely discontinued without  
11 any judgment of conviction or acquittal (1) the State's  
12 Attorney shall commence an in rem proceeding for the forfeiture  
13 and destruction of a gambling device, or for the forfeiture and  
14 deposit in the general fund of the county of any seized money  
15 or other things of value, or both, in the circuit court and (2)  
16 any person having any property interest in such seized gambling  
17 device, money or other thing of value may commence separate  
18 civil proceedings in the manner provided by law.

19 (e) Any gambling device displayed for sale to a riverboat  
20 gambling operation, casino gambling operation, or electronic  
21 gaming facility or used to train occupational licensees of a  
22 riverboat gambling operation, casino gambling operation, or  
23 electronic gaming facility as authorized under the Riverboat  
24 Gambling Act is exempt from seizure under this Section.

25 (f) Any gambling equipment, devices and supplies provided  
26 by a licensed supplier in accordance with the Riverboat

1 Gambling Act which are removed from a ~~the~~ riverboat, casino, or  
2 electronic gaming facility for repair are exempt from seizure  
3 under this Section.

4 (Source: P.A. 87-826.)

5 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

6 Sec. 28-7. Gambling contracts void.

7 (a) All promises, notes, bills, bonds, covenants,  
8 contracts, agreements, judgments, mortgages, or other  
9 securities or conveyances made, given, granted, drawn, or  
10 entered into, or executed by any person whatsoever, where the  
11 whole or any part of the consideration thereof is for any money  
12 or thing of value, won or obtained in violation of any Section  
13 of this Article are null and void.

14 (b) Any obligation void under this Section may be set aside  
15 and vacated by any court of competent jurisdiction, upon a  
16 complaint filed for that purpose, by the person so granting,  
17 giving, entering into, or executing the same, or by his  
18 executors or administrators, or by any creditor, heir, legatee,  
19 purchaser or other person interested therein; or if a judgment,  
20 the same may be set aside on motion of any person stated above,  
21 on due notice thereof given.

22 (c) No assignment of any obligation void under this Section  
23 may in any manner affect the defense of the person giving,  
24 granting, drawing, entering into or executing such obligation,  
25 or the remedies of any person interested therein.



1 (d) This Section shall not prevent a licensed owner of a  
2 riverboat gambling operation, casino gambling operation, or an  
3 electronic gaming licensee under the Illinois Gambling Act and  
4 the Illinois Horse Racing Act of 1975 from instituting a cause  
5 of action to collect any amount due and owing under an  
6 extension of credit to a ~~riverboat~~ gambling patron as  
7 authorized under Section 11.1 of the Illinois Riverboat  
8 Gambling Act.

9 (Source: P.A. 87-826.)

10 Section 90-45. The Payday Loan Reform Act is amended by  
11 changing Section 3-5 as follows:

12 (815 ILCS 122/3-5)

13 Sec. 3-5. Licensure.

14 (a) A license to make a payday loan shall state the  
15 address, including city and state, at which the business is to  
16 be conducted and shall state fully the name of the licensee.  
17 The license shall be conspicuously posted in the place of  
18 business of the licensee and shall not be transferable or  
19 assignable.

20 (b) An application for a license shall be in writing and in  
21 a form prescribed by the Secretary. The Secretary may not issue  
22 a payday loan license unless and until the following findings  
23 are made:

24 (1) that the financial responsibility, experience,

1 character, and general fitness of the applicant are such as  
2 to command the confidence of the public and to warrant the  
3 belief that the business will be operated lawfully and  
4 fairly and within the provisions and purposes of this Act;  
5 and

6 (2) that the applicant has submitted such other  
7 information as the Secretary may deem necessary.

8 (c) A license shall be issued for no longer than one year,  
9 and no renewal of a license may be provided if a licensee has  
10 substantially violated this Act and has not cured the violation  
11 to the satisfaction of the Department.

12 (d) A licensee shall appoint, in writing, the Secretary as  
13 attorney-in-fact upon whom all lawful process against the  
14 licensee may be served with the same legal force and validity  
15 as if served on the licensee. A copy of the written  
16 appointment, duly certified, shall be filed in the office of  
17 the Secretary, and a copy thereof certified by the Secretary  
18 shall be sufficient evidence to subject a licensee to  
19 jurisdiction in a court of law. This appointment shall remain  
20 in effect while any liability remains outstanding in this State  
21 against the licensee. When summons is served upon the Secretary  
22 as attorney-in-fact for a licensee, the Secretary shall  
23 immediately notify the licensee by registered mail, enclosing  
24 the summons and specifying the hour and day of service.

25 (e) A licensee must pay an annual fee of \$1,000. In  
26 addition to the license fee, the reasonable expense of any

1 examination or hearing by the Secretary under any provisions of  
2 this Act shall be borne by the licensee. If a licensee fails to  
3 renew its license by December 31, its license shall  
4 automatically expire; however, the Secretary, in his or her  
5 discretion, may reinstate an expired license upon:

6 (1) payment of the annual fee within 30 days of the  
7 date of expiration; and

8 (2) proof of good cause for failure to renew.

9 (f) Not more than one place of business shall be maintained  
10 under the same license, but the Secretary may issue more than  
11 one license to the same licensee upon compliance with all the  
12 provisions of this Act governing issuance of a single license.  
13 The location, except those locations already in existence as of  
14 June 1, 2005, may not be within one mile of a horse race track  
15 subject to the Illinois Horse Racing Act of 1975, within one  
16 mile of a facility at which gambling is conducted under the  
17 Illinois Riverboat ~~Riverboat~~ Gambling Act, within one mile of the  
18 location at which a riverboat subject to the Illinois Riverboat  
19 ~~Riverboat~~ Gambling Act docks, or within one mile of any State of Illinois  
20 or United States military base or naval installation.

21 (g) No licensee shall conduct the business of making loans  
22 under this Act within any office, suite, room, or place of  
23 business in which any other business is solicited or engaged in  
24 unless the other business is licensed by the Department or, in  
25 the opinion of the Secretary, the other business would not be  
26 contrary to the best interests of consumers and is authorized

1 by the Secretary in writing.

2 (h) The Secretary shall maintain a list of licensees that  
3 shall be available to interested consumers and lenders and the  
4 public. The Secretary shall maintain a toll-free number whereby  
5 consumers may obtain information about licensees. The  
6 Secretary shall also establish a complaint process under which  
7 an aggrieved consumer may file a complaint against a licensee  
8 or non-licensee who violates any provision of this Act.

9 (Source: P.A. 94-13, eff. 12-6-05.)

10 Section 90-50. The Travel Promotion Consumer Protection  
11 Act is amended by changing Section 2 as follows:

12 (815 ILCS 420/2) (from Ch. 121 1/2, par. 1852)

13 Sec. 2. Definitions.

14 (a) "Travel promoter" means a person, including a tour  
15 operator, who sells, provides, furnishes, contracts for,  
16 arranges or advertises that he or she will arrange wholesale or  
17 retail transportation by air, land, sea or navigable stream,  
18 either separately or in conjunction with other services.  
19 "Travel promoter" does not include (1) an air carrier; (2) a  
20 sea carrier; (3) an officially appointed agent of an air  
21 carrier who is a member in good standing of the Airline  
22 Reporting Corporation; (4) a travel promoter who has in force  
23 \$1,000,000 or more of liability insurance coverage for  
24 professional errors and omissions and a surety bond or

1 equivalent surety in the amount of \$100,000 or more for the  
2 benefit of consumers in the event of a bankruptcy on the part  
3 of the travel promoter; or (5) a riverboat subject to  
4 regulation under the Illinois Riverboat Gambling Act.

5 (b) "Advertise" means to make any representation in the  
6 solicitation of passengers and includes communication with  
7 other members of the same partnership, corporation, joint  
8 venture, association, organization, group or other entity.

9 (c) "Passenger" means a person on whose behalf money or  
10 other consideration has been given or is to be given to  
11 another, including another member of the same partnership,  
12 corporation, joint venture, association, organization, group  
13 or other entity, for travel.

14 (d) "Ticket or voucher" means a writing or combination of  
15 writings which is itself good and sufficient to obtain  
16 transportation and other services for which the passenger has  
17 contracted.

18 (Source: P.A. 91-357, eff. 7-29-99.)

19 (230 ILCS 5/32.1 rep.)

20 (230 ILCS 5/54 rep.)

21 Section 90-55. The Illinois Horse Racing Act of 1975 is  
22 amended by repealing Sections 32.1 and 54.

23 ARTICLE 99.

1           Section 99-99. Effective date. This Act takes effect upon  
2    becoming law.".