



Sen. Terry Link

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LRB096 06812 AMC 27033 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.

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

26 (9) Own, acquire, construct, equip, lease, operate,

1 and maintain grounds, buildings, and facilities to carry  
2 out its corporate purposes and duties.

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

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

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

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

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

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



1 the person or entity.

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

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

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

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

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

19 Section 1-32. Ethical Conduct.

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

24 (b) Except as may be required in the conduct of official  
25 duties, Board members and employees of the Authority shall not

1 engage in gambling on any riverboat, in any casino, or in an  
2 electronic gaming facility licensed by the Illinois Gaming  
3 Board or engage in legalized gambling in any establishment  
4 identified by Board action that, in the judgment of the Board,  
5 could represent a potential for a conflict of interest.

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

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

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

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

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

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

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

26 (i) A spouse, child, or parent of a Board member or

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

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

22 (k) A spouse, child, or parent of a Board member or  
23 employee of the Authority may not, within a period of 2 years  
24 immediately after termination of employment, knowingly accept  
25 employment or receive compensation or fees for services from a  
26 person or entity, or its parent or affiliate, that has engaged

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

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

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

23 The written disclosure provided to the Board and Gaming  
24 Board shall be privileged and maintained strictly confidential  
25 and shall be exempt from public disclosure under the Freedom of  
26 Information Act.

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

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

7           Section 1-45. Casino management contracts.

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

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

1 entities responding to its request for proposal to meet the  
2 requirements of this Act and to undertake and perform the  
3 obligations set forth in its requests for proposal.

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

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

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

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

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

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

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



1 Section 1-60. Auditor General.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 Section 1-75. Borrowing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

21 Section 1-95. Tax exemption. The Authority and all of its  
22 operations and property used for public purposes shall be  
23 exempt from all taxation of any kind imposed by the State of  
24 Illinois or any political subdivision, school district,

1 municipal corporation, or unit of local government of the State  
2 of Illinois. However, nothing in this Act prohibits the  
3 imposition of any other taxes where such imposition is not  
4 prohibited by Section 21 of the Illinois Gambling Act.

5 Section 1-105. Budgets and reporting.

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

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

20 (c) The Board shall, for each fiscal year, prepare an  
21 annual report setting forth information concerning its  
22 activities in the fiscal year and the status of the development  
23 of the casino. The annual report shall include the audited  
24 financial statements of the Authority for the fiscal year, the  
25 budget for the succeeding fiscal year, and the current capital

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

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

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

22 No bank or savings and loan association shall receive  
23 public funds as permitted by this Section unless it has  
24 complied with the requirements established pursuant to Section  
25 6 of the Public Funds Investment Act.

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

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

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

1 beneficial interest of more than 1%.

2 (b) A bidder, respondent, offeror, or contractor for  
3 contracts with an annual value of \$10,000 or for a period to  
4 exceed one year shall disclose all political contributions of  
5 the bidder, respondent, offeror, or contractor and any  
6 affiliated person or entity. Disclosure shall include at least  
7 the names and addresses of the contributors and the dollar  
8 amounts of any contributions to any political committee made  
9 within the previous 2 years. The disclosure must be submitted  
10 to the Gaming Board with a copy of the contract.

11 (c) As used in this Section:

12 "Contribution" means contribution as defined in Section  
13 9-1.4 of the Election Code.

14 "Affiliated person" means (i) any person with any ownership  
15 interest or distributive share of the bidding, responding, or  
16 contracting entity in excess of 1%, (ii) executive employees of  
17 the bidding, responding, or contracting entity, and (iii) the  
18 spouse and minor children of any such persons.

19 "Affiliated entity" means (i) any parent or subsidiary of  
20 the bidding or contracting entity, (ii) any member of the same  
21 unitary business group, or (iii) any political committee for  
22 which the bidding, responding, or contracting entity is the  
23 sponsoring entity.

24 (d) The Gaming Board may direct the Authority or a casino  
25 operator licensee to void a contract if a violation of this  
26 Section occurs. The Authority may direct a casino operator

1 licensee to void a contract if a violation of this Section  
2 occurs.

3 Section 1-115. Purchasing.

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

9 (1) When repair parts, accessories, equipment, or  
10 services are required for equipment or services previously  
11 furnished or contracted for;

12 (2) Professional services;

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

16 (4) When contracts for the use, purchase, delivery,  
17 movement, or installation of data processing equipment,  
18 software, or services and telecommunications equipment,  
19 software, and services are required;

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

22 (6) Contracts where there is only one economically  
23 feasible source; and

24 (7) When a purchase is needed on an immediate,  
25 emergency basis because there exists a threat to public



1 health or public safety, or when immediate expenditure is  
2 necessary for repairs to Authority property in order to  
3 protect against further loss of or damage to Authority  
4 property, to prevent or minimize serious disruption in  
5 Authority services or to ensure the integrity of Authority  
6 records.

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

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

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

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

23           (f) All proposals in response to advertisements shall be  
24 sealed and shall be publicly opened by the Authority. All  
25 proposers shall be entitled to be present in person or by  
26 representatives. Cash or a certified or satisfactory cashier's

1 check, as a deposit of good faith, in a reasonable amount to be  
2 fixed by the Authority before advertising for proposals, shall  
3 be required with the proposal. A bond for faithful performance  
4 of the contract with surety or sureties satisfactory to the  
5 Authority and adequate insurance may be required in reasonable  
6 amounts to be fixed by the Authority before advertising for  
7 proposals.

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

17 (h) Notice of each and every contract that is offered,  
18 including renegotiated contracts and change orders, shall be  
19 published in an online bulletin. The online bulletin must  
20 include at least the date first offered, the date submission of  
21 offers is due, the location that offers are to be submitted to,  
22 a brief purchase description, the method of source selection,  
23 information of how to obtain a comprehensive purchase  
24 description and any disclosure and contract forms, and  
25 encouragement to prospective vendors to hire qualified  
26 veterans, as defined by Section 45-67 of the Illinois

1 Procurement Code, and Illinois residents discharged from any  
2 Illinois adult correctional center subject to Gaming Board  
3 licensing and eligibility rules. Notice of each and every  
4 contract that is let or awarded, including renegotiated  
5 contracts and change orders, shall be published in the online  
6 bulletin and must include at least all of the information  
7 specified in this item (h), as well as the name of the  
8 successful responsible proposer or offeror, the contract  
9 price, and the number of unsuccessful responsive proposers and  
10 any other disclosure specified in this Section. This notice  
11 must be posted in the online electronic bulletin prior to  
12 execution of the contract.

13 Section 1-130. Affirmative action and equal opportunity  
14 obligations of Authority.

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

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

13 ARTICLE 90.

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

16 (20 ILCS 301/5-20)

17 Sec. 5-20. Compulsive gambling program.

18 (a) Subject to appropriation, the Department shall  
19 establish a program for public education, research, and  
20 training regarding problem and compulsive gambling and the  
21 treatment and prevention of problem and compulsive gambling.  
22 Subject to specific appropriation for these stated purposes,  
23 the program must include all of the following:

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

5           (2) Promotion of public awareness regarding the  
6 recognition and prevention of problem and compulsive  
7 gambling.

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

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

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

22           (c) Subject to appropriation, the Department shall produce  
23 and supply the signs specified in Section 10.7 of the Illinois  
24 Lottery Law, Section 34.1 of the Illinois Horse Racing Act of  
25 1975, Section 4.3 of the Bingo License and Tax Act, Section 8.1  
26 of the Charitable Games Act, and Section 13.1 of the Illinois

1 ~~Riverboat~~ Gambling Act.

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

3 Section 90-10. The Department of Revenue Law of the Civil  
4 Administrative Code of Illinois is amended by changing Section  
5 2505-305 as follows:

6 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

7 Sec. 2505-305. Investigators.

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

16 (b) The Director must authorize to each investigator  
17 employed under this Section and to any other employee of the  
18 Department exercising the powers of a peace officer a distinct  
19 badge that, on its face, (i) clearly states that the badge is  
20 authorized by the Department and (ii) contains a unique  
21 identifying number. No other badge shall be authorized by the  
22 Department.

23 (c) Investigators appointed under this Section who are  
24 assigned to the Illinois Gaming Board have and may exercise all

1 the rights and powers of peace officers, provided that these  
2 powers shall be limited to offenses or violations occurring or  
3 committed on a riverboat or dock or in a casino, as defined in  
4 ~~subsections (d) and (f) of~~ Section 4 of the Illinois Riverboat  
5 Gambling Act.

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

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

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

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

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



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

3           (205 ILCS 670/12.5)

4           Sec. 12.5. Limited purpose branch.

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

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

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

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

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

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

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

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

13 Section 90-25. The Illinois Horse Racing Act of 1975 is  
14 amended by changing Sections 1.2, 1.3, 4, 5, 6, 9, 26, 28.1,  
15 and 31 and by adding Sections 3.24, 3.25, 3.26, and 3.27 as  
16 follows:

17 (230 ILCS 5/1.2)

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

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

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

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

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

9 (d) promote the further growth of tourism;

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

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

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

16 (230 ILCS 5/1.3)

17 Sec. 1.3. Legislative findings.

18 (a) The General Assembly finds that the Illinois gaming  
19 industry is a single industry consisting of horse racing, ~~and~~  
20 riverboat and casino gambling, and electronic gaming. Reports  
21 issued by the Economic and Fiscal Commission (now Commission on  
22 Government Forecasting and Accountability) in 1992, 1994, and  
23 1998 have found that horse racing and riverboat gambling:

24 (1) "share many of the same characteristics" and are  
25 "more alike than different";

- 1           (2) are planned events;
- 2           (3) have similar odds of winning;
- 3           (4) occur in similar settings; and
- 4           (5) compete with each other for limited gaming dollars.

5           (b) The General Assembly declares it to be the public  
6 policy of this State to ensure the viability of all ~~both horse~~  
7 ~~racing and riverboat~~ aspects of the Illinois gaming industry.

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

9           (230 ILCS 5/3.24 new)

10          Sec. 3.24. Adjusted gross receipts. "Adjusted gross  
11 receipts" means the gross receipts from electronic gaming less  
12 winnings paid to wagerers.

13          (230 ILCS 5/3.25 new)

14          Sec. 3.25. Electronic gaming. "Electronic gaming" means  
15 slot machine gambling conducted at a race track pursuant to an  
16 electronic gaming license.

17          (230 ILCS 5/3.26 new)

18          Sec. 3.26. Electronic gaming license. "Electronic gaming  
19 license" means a license to conduct electronic gaming issued  
20 under Section 56.

21          (230 ILCS 5/3.27 new)

22          Sec. 3.27. Electronic gaming facility. "Electronic gaming

1 facility" means that portion of an organization licensee's race  
2 track facility at which electronic gaming is conducted.

3 (230 ILCS 5/4) (from Ch. 8, par. 37-4)

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

10 Notwithstanding any provision of this Section to the  
11 contrary, the term of office of each member of the Board  
12 sitting on the effective date of this amendatory Act of the  
13 96th General Assembly ends on that date and those members shall  
14 hold office only until their successors are appointed and  
15 qualified pursuant to this amendatory Act.

16 Each member shall have a reasonable knowledge of harness or  
17 thoroughbred racing practices and procedure and of the  
18 principles of harness or thoroughbred racing and breeding.  
19 Additionally, at least 6 members must have personal experience  
20 working in the horse racing industry whether it be in the State  
21 of Illinois or elsewhere. At ~~and, at~~ the time of his or her  
22 appointment, the member shall be a resident of the State of  
23 Illinois and shall have resided therein for a period of at  
24 least 5 years next preceding his appointment and qualification  
25 and he shall be a qualified voter therein and not less than 25

1 years of age. The Board should reflect the ethnic, cultural,  
2 and geographic diversity of the State.

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

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

5 Sec. 5. As soon as practicable following the effective date  
6 of this amendatory Act of 1995, the Governor shall appoint,  
7 with the advice and consent of the Senate, members to the Board  
8 as follows: 3 members for terms expiring July 1, 1996; 3  
9 members for terms expiring July 1, 1998; and 3 members for  
10 terms expiring July 1, 2000. Of the 2 additional members  
11 appointed pursuant to this amendatory Act of the 91st General  
12 Assembly, the initial term of one member shall expire on July  
13 1, 2002 and the initial term of the other member shall expire  
14 on July 1, 2004. Thereafter, the terms of office of the Board  
15 members shall be 6 years. Incumbent members on the effective  
16 date of this amendatory Act of 1995 shall continue to serve  
17 only until their successors are appointed and have qualified.

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

1 Upon the expiration of the foregoing terms, the successors of  
2 such members shall serve a term of 4 years and until their  
3 successors are appointed and qualified for like terms.

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

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

14 (230 ILCS 5/6) (from Ch. 8, par. 37-6)

15 Sec. 6. Restrictions on Board members.

16 (a) No person shall be appointed a member of the Board or  
17 continue to be a member of the Board if the person or any  
18 member of their immediate family is a member of the Board of  
19 Directors, employee, or financially interested in any of the  
20 following: (i) any licensee or other person who has applied for  
21 racetrack licenses to the Board, or the operations thereof including,  
22 but not limited to, concessions, data processing, track  
23 maintenance, track security, and pari-mutuel operations,  
24 located, scheduled or doing business within the State of  
25 Illinois, (ii) any licensee or other person in any race horse

1 competing at a meeting under the Board's jurisdiction, or (iii)  
2 any licensee under the Illinois Gambling Act. No person shall  
3 be appointed a member of the Board or continue to be a member  
4 of the Board who is (or any member of whose family is) a member  
5 of the Board of Directors of, or who is a person financially  
6 interested in, 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, or in any race horse competing at a meeting under the  
12 Board's jurisdiction. No Board member shall hold any other  
13 public office for which he shall receive compensation other  
14 than necessary travel or other incidental expenses.

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

19 (c) No member of the Board or employee shall engage in any  
20 political activity. For the purposes of this Section,  
21 "political" means any activity in support of or in connection  
22 with any campaign for State or local elective office or any  
23 political organization, but does not include activities (i)  
24 relating to the support or opposition of any executive,  
25 legislative, or administrative action (as those terms are  
26 defined in Section 2 of the Lobbyist Registration Act), (ii)



1 relating to collective bargaining, or (iii) that are otherwise  
2 in furtherance of the person's official State duties or  
3 governmental and public service functions.

4 (d) Board members and employees may not engage in  
5 communications or any activity that may cause or have the  
6 appearance of causing a conflict of interest. A conflict of  
7 interest exists if a situation influences or creates the  
8 appearance that it may influence judgment or performance of  
9 regulatory duties and responsibilities. This prohibition shall  
10 extend to any act identified by Board action that, in the  
11 judgment of the Board, could represent the potential for or the  
12 appearance of a conflict of interest.

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

18 (f) A Board member or employee shall not use or attempt to  
19 use his or her official position to secure, or attempt to  
20 secure, any privilege, advantage, favor, or influence for  
21 himself or herself or others. No Board member or employee,  
22 within a period of one year immediately preceding nomination by  
23 the Governor or employment, shall have been employed or  
24 received compensation or fees for services from a person or  
25 entity, or its parent or affiliate, that has engaged in  
26 business with the Board, a licensee or a licensee under the

1 Illinois Gambling Act. In addition, no Board member or employee  
2 shall for one year after the expiration of his or her term or  
3 separation from the Board be employed or receive compensation  
4 or fees from the before-mentioned persons or entities.

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

6 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

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

10 (a) The Board is vested with jurisdiction and supervision  
11 over all race meetings in this State, over all licensees doing  
12 business in this State, over all occupation licensees, and over  
13 all persons on the facilities of any licensee. Such  
14 jurisdiction shall include the power to issue licenses to the  
15 Illinois Department of Agriculture authorizing the pari-mutuel  
16 system of wagering on harness and Quarter Horse races held (1)  
17 at the Illinois State Fair in Sangamon County, and (2) at the  
18 DuQuoin State Fair in Perry County. The jurisdiction of the  
19 Board shall also include the power to issue licenses to county  
20 fairs which are eligible to receive funds pursuant to the  
21 Agricultural Fair Act, as now or hereafter amended, or their  
22 agents, authorizing the pari-mutuel system of wagering on horse  
23 races conducted at the county fairs receiving such licenses.  
24 Such licenses shall be governed by subsection (n) of this  
25 Section.

1           Upon application, the Board shall issue a license to the  
2 Illinois Department of Agriculture to conduct harness and  
3 Quarter Horse races at the Illinois State Fair and at the  
4 DuQuoin State Fairgrounds during the scheduled dates of each  
5 fair. The Board shall not require and the Department of  
6 Agriculture shall be exempt from the requirements of Sections  
7 15.3, 18 and 19, paragraphs (a)(2), (b), (c), (d), (e), (e-5),  
8 (e-10), (f), (g), and (h) of Section 20, and Sections 21, 24  
9 and 25. The Board and the Department of Agriculture may extend  
10 any or all of these exemptions to any contractor or agent  
11 engaged by the Department of Agriculture to conduct its race  
12 meetings when the Board determines that this would best serve  
13 the public interest and the interest of horse racing.

14           Notwithstanding any provision of law to the contrary, it  
15 shall be lawful for any licensee to operate pari-mutuel  
16 wagering or contract with the Department of Agriculture to  
17 operate pari-mutuel wagering at the DuQuoin State Fairgrounds  
18 or for the Department to enter into contracts with a licensee,  
19 employ its owners, employees or agents and employ such other  
20 occupation licensees as the Department deems necessary in  
21 connection with race meetings and wagerings.

22           (b) The Board is vested with the full power to promulgate  
23 reasonable rules and regulations for the purpose of  
24 administering the provisions of this Act and to prescribe  
25 reasonable rules, regulations and conditions under which all  
26 horse race meetings or wagering in the State shall be

1 conducted. Such reasonable rules and regulations are to provide  
2 for the prevention of practices detrimental to the public  
3 interest and to promote the best interests of horse racing and  
4 to impose penalties for violations thereof.

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

10 (d) The Board, and any person or persons to whom it  
11 delegates this power, is vested with the authority to  
12 investigate alleged violations of the provisions of this Act,  
13 its reasonable rules and regulations, orders and final  
14 decisions; the Board shall take appropriate disciplinary  
15 action against any licensee or occupation licensee for  
16 violation thereof or institute appropriate legal action for the  
17 enforcement thereof.

18 (e) The Board, and any person or persons to whom it  
19 delegates this power, may eject or exclude from any race  
20 meeting or the facilities of any licensee, or any part thereof,  
21 any occupation licensee or any other individual whose conduct  
22 or reputation is such that his presence on those facilities  
23 may, in the opinion of the Board, call into question the  
24 honesty and integrity of horse racing or wagering or interfere  
25 with the orderly conduct of horse racing or wagering; provided,  
26 however, that no person shall be excluded or ejected from the

1 facilities of any licensee solely on the grounds of race,  
2 color, creed, national origin, ancestry, or sex. The power to  
3 eject or exclude an occupation licensee or other individual may  
4 be exercised for just cause by the licensee or the Board,  
5 subject to subsequent hearing by the Board as to the propriety  
6 of said exclusion.

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

16 (g) The Board may require that the records, including  
17 financial or other statements of any licensee or any person  
18 affiliated with the licensee who is involved directly or  
19 indirectly in the activities of any licensee as regulated under  
20 this Act to the extent that those financial or other statements  
21 relate to such activities be kept in such manner as prescribed  
22 by the Board, and that Board employees shall have access to  
23 those records during reasonable business hours. Within 120 days  
24 of the end of its fiscal year, each licensee shall transmit to  
25 the Board an audit of the financial transactions and condition  
26 of the licensee's total operations. All audits shall be

1 conducted by certified public accountants. Each certified  
2 public accountant must be registered in the State of Illinois  
3 under the Illinois Public Accounting Act. The compensation for  
4 each certified public accountant shall be paid directly by the  
5 licensee to the certified public accountant. A licensee shall  
6 also submit any other financial or related information the  
7 Board deems necessary to effectively administer this Act and  
8 all rules, regulations, and final decisions promulgated under  
9 this Act.

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

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

1 of this Act.

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

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

15 (l) The Board is vested with the power to impose civil  
16 penalties of up to \$5,000 against an individual and up to  
17 \$10,000 against a licensee for each violation of any provision  
18 of this Act, any rules adopted by the Board, any order of the  
19 Board or any other action which, in the Board's discretion, is  
20 a detriment or impediment to horse racing or wagering.

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

24 (n) The Board shall have the power to issue a license to  
25 any county fair, or its agent, authorizing the conduct of the  
26 pari-mutuel system of wagering. The Board is vested with the

1 full power to promulgate reasonable rules, regulations and  
2 conditions under which all horse race meetings licensed  
3 pursuant to this subsection shall be held and conducted,  
4 including rules, regulations and conditions for the conduct of  
5 the pari-mutuel system of wagering. The rules, regulations and  
6 conditions shall provide for the prevention of practices  
7 detrimental to the public interest and for the best interests  
8 of horse racing, and shall prescribe penalties for violations  
9 thereof. Any authority granted the Board under this Act shall  
10 extend to its jurisdiction and supervision over county fairs,  
11 or their agents, licensed pursuant to this subsection. However,  
12 the Board may waive any provision of this Act or its rules or  
13 regulations which would otherwise apply to such county fairs or  
14 their agents.

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

24 (p) To insure the convenience, comfort, and wagering  
25 accessibility of race track patrons, to provide for the  
26 maximization of State revenue, and to generate increases in



1     purse allotments to the horsemen, the Board shall require any  
2     licensee to staff the pari-mutuel department with adequate  
3     personnel.

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

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

6             Sec. 26. Wagering.

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

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

1 otherwise be permitted under this Act.

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

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

19 (c-5) Beginning January 1, 2000, the sum held by any  
20 licensee for payment of outstanding pari-mutuel tickets, if  
21 unclaimed prior to December 31 of the next year, shall be  
22 retained by the licensee for payment of such tickets until that  
23 date. Within 10 days thereafter, the balance of such sum  
24 remaining unclaimed, less any uncashed supplements contributed  
25 by such licensee for the purpose of guaranteeing minimum  
26 distributions of any pari-mutuel pool, shall be evenly

1 distributed to the purse account of the organization licensee  
2 and the organization licensee.

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

8 (e) No licensee shall knowingly permit any minor, other  
9 than an employee of such licensee or an owner, trainer, jockey,  
10 driver, or employee thereof, to be admitted during a racing  
11 program unless accompanied by a parent or guardian, or any  
12 minor to be a patron of the pari-mutuel system of wagering  
13 conducted or supervised by it. The admission of any  
14 unaccompanied minor, other than an employee of the licensee or  
15 an owner, trainer, jockey, driver, or employee thereof at a  
16 race track is a Class C misdemeanor.

17 (f) Notwithstanding the other provisions of this Act, an  
18 organization licensee may contract with an entity in another  
19 state or country to permit any legal wagering entity in another  
20 state or country to accept wagers solely within such other  
21 state or country on races conducted by the organization  
22 licensee in this State. Beginning January 1, 2000, these wagers  
23 shall not be subject to State taxation. Until January 1, 2000,  
24 when the out-of-State entity conducts a pari-mutuel pool  
25 separate from the organization licensee, a privilege tax equal  
26 to 7 1/2% of all monies received by the organization licensee

1 from entities in other states or countries pursuant to such  
2 contracts is imposed on the organization licensee, and such  
3 privilege tax shall be remitted to the Department of Revenue  
4 within 48 hours of receipt of the moneys from the simulcast.  
5 When the out-of-State entity conducts a combined pari-mutuel  
6 pool with the organization licensee, the tax shall be 10% of  
7 all monies received by the organization licensee with 25% of  
8 the receipts from this 10% tax to be distributed to the county  
9 in which the race was conducted.

10 An organization licensee may permit one or more of its  
11 races to be utilized for pari-mutuel wagering at one or more  
12 locations in other states and may transmit audio and visual  
13 signals of races the organization licensee conducts to one or  
14 more locations outside the State or country and may also permit  
15 pari-mutuel pools in other states or countries to be combined  
16 with its gross or net wagering pools or with wagering pools  
17 established by other states.

18 (g) A host track may accept interstate simulcast wagers on  
19 horse races conducted in other states or countries and shall  
20 control the number of signals and types of breeds of racing in  
21 its simulcast program, subject to the disapproval of the Board.  
22 The Board may prohibit a simulcast program only if it finds  
23 that the simulcast program is clearly adverse to the integrity  
24 of racing. The host track simulcast program shall include the  
25 signal of live racing of all organization licensees. All  
26 non-host licensees shall carry the host track simulcast program

1 and accept wagers on all races included as part of the  
2 simulcast program upon which wagering is permitted. The costs  
3 and expenses of the host track and non-host licensees  
4 associated with interstate simulcast wagering, other than the  
5 interstate commission fee, shall be borne by the host track and  
6 all non-host licensees incurring these costs. The interstate  
7 commission fee shall not exceed 5% of Illinois handle on the  
8 interstate simulcast race or races without prior approval of  
9 the Board. The Board shall promulgate rules under which it may  
10 permit interstate commission fees in excess of 5%. The  
11 interstate commission fee and other fees charged by the sending  
12 racetrack, including, but not limited to, satellite decoder  
13 fees, shall be uniformly applied to the host track and all  
14 non-host licensees.

15 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an  
16 intertrack wagering licensee other than the host track may  
17 supplement the host track simulcast program with  
18 additional simulcast races or race programs, provided that  
19 between January 1 and the third Friday in February of any  
20 year, inclusive, if no live thoroughbred racing is  
21 occurring in Illinois during this period, only  
22 thoroughbred races may be used for supplemental interstate  
23 simulcast purposes. The Board shall withhold approval for a  
24 supplemental interstate simulcast only if it finds that the  
25 simulcast is clearly adverse to the integrity of racing. A  
26 supplemental interstate simulcast may be transmitted from

1 an intertrack wagering licensee to its affiliated non-host  
2 licensees. The interstate commission fee for a  
3 supplemental interstate simulcast shall be paid by the  
4 non-host licensee and its affiliated non-host licensees  
5 receiving the simulcast.

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

16 (3) Each licensee conducting interstate simulcast  
17 wagering may retain, subject to the payment of all  
18 applicable taxes and the purses, an amount not to exceed  
19 17% of all money wagered. If any licensee conducts the  
20 pari-mutuel system wagering on races conducted at  
21 racetracks in another state or country, each such race or  
22 race program shall be considered a separate racing day for  
23 the purpose of determining the daily handle and computing  
24 the privilege tax of that daily handle as provided in  
25 subsection (a) of Section 27. Until January 1, 2000, from  
26 the sums permitted to be retained pursuant to this

1 subsection, each intertrack wagering location licensee  
2 shall pay 1% of the pari-mutuel handle wagered on simulcast  
3 wagering to the Horse Racing Tax Allocation Fund, subject  
4 to the provisions of subparagraph (B) of paragraph (11) of  
5 subsection (h) of Section 26 of this Act.

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

17 (5) After the payment of the interstate commission fee  
18 (except for the interstate commission fee on a supplemental  
19 interstate simulcast, which shall be paid by the host track  
20 and by each non-host licensee through the host-track) and  
21 all applicable State and local taxes, except as provided in  
22 subsection (g) of Section 27 of this Act, the remainder of  
23 moneys retained from simulcast wagering pursuant to this  
24 subsection (g), and Section 26.2 shall be divided as  
25 follows:

26 (A) For interstate simulcast wagers made at a host

1 track, 50% to the host track and 50% to purses at the  
2 host track.

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

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

18 (7) Notwithstanding any provision of this Act to the  
19 contrary, after payment of all applicable State and local  
20 taxes and interstate commission fees, non-host licensees  
21 who derive their licenses from a track located in a county  
22 with a population in excess of 230,000 and that borders the  
23 Mississippi River shall retain 50% of the retention from  
24 interstate simulcast wagers and shall pay 50% to purses at  
25 the track from which the non-host licensee derives its  
26 license as follows:



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

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

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

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

25           (E) Between the third Saturday in February and  
26 December 31, when the interstate simulcast occurs

1           between the hours of 6:30 p.m. and 6:30 a.m., the purse  
2           share to its standardbred purse account.

3           (7.1) Notwithstanding any other provision of this Act  
4           to the contrary, if no standardbred racing is conducted at  
5           a racetrack located in Madison County during any calendar  
6           year beginning on or after January 1, 2002, all moneys  
7           derived by that racetrack from simulcast wagering and  
8           inter-track wagering that (1) are to be used for purses and  
9           (2) are generated between the hours of 6:30 p.m. and 6:30  
10          a.m. during that calendar year shall be paid as follows:

11           (A) If the licensee that conducts horse racing at  
12          that racetrack requests from the Board at least as many  
13          racing dates as were conducted in calendar year 2000,  
14          80% shall be paid to its thoroughbred purse account;  
15          and

16           (B) Twenty percent shall be deposited into the  
17          Illinois Colt Stakes Purse Distribution Fund and shall  
18          be paid to purses for standardbred races for Illinois  
19          conceived and foaled horses conducted at any county  
20          fairgrounds. The moneys deposited into the Fund  
21          pursuant to this subparagraph (B) shall be deposited  
22          within 2 weeks after the day they were generated, shall  
23          be in addition to and not in lieu of any other moneys  
24          paid to standardbred purses under this Act, and shall  
25          not be commingled with other moneys paid into that  
26          Fund. The moneys deposited pursuant to this

1           subparagraph (B) shall be allocated as provided by the  
2           Department of Agriculture, with the advice and  
3           assistance of the Illinois Standardbred Breeders Fund  
4           Advisory Board.

5           (7.2) Notwithstanding any other provision of this Act  
6           to the contrary, if no thoroughbred racing is conducted at  
7           a racetrack located in Madison County during any calendar  
8           year beginning on or after January 1, 2002, all moneys  
9           derived by that racetrack from simulcast wagering and  
10          inter-track wagering that (1) are to be used for purses and  
11          (2) are generated between the hours of 6:30 a.m. and 6:30  
12          p.m. during that calendar year shall be deposited as  
13          follows:

14           (A) If the licensee that conducts horse racing at  
15           that racetrack requests from the Board at least as many  
16           racing dates as were conducted in calendar year 2000,  
17           80% shall be deposited into its standardbred purse  
18           account; and

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

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

11          (7.3) If no live standardbred racing is conducted at a  
12          racetrack located in Madison County in calendar year 2000  
13          or 2001, an organization licensee who is licensed to  
14          conduct horse racing at that racetrack shall, before  
15          January 1, 2002, pay all moneys derived from simulcast  
16          wagering and inter-track wagering in calendar years 2000  
17          and 2001 and paid into the licensee's standardbred purse  
18          account as follows:

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

21                (B) Twenty percent to the Illinois Colt Stakes  
22                Purse Distribution Fund.

23          Failure to make the payment to the Illinois Colt Stakes  
24          Purse Distribution Fund before January 1, 2002 shall result  
25          in the immediate revocation of the licensee's organization  
26          license, inter-track wagering license, and inter-track

1           wagering location license.

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

14          (7.4) If live standardbred racing is conducted at a  
15          racetrack located in Madison County at any time in calendar  
16          year 2001 before the payment required under paragraph (7.3)  
17          has been made, the organization licensee who is licensed to  
18          conduct racing at that racetrack shall pay all moneys  
19          derived by that racetrack from simulcast wagering and  
20          inter-track wagering during calendar years 2000 and 2001  
21          that (1) are to be used for purses and (2) are generated  
22          between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or  
23          2001 to the standardbred purse account at that racetrack to  
24          be used for standardbred purses.

25          (8) Notwithstanding any provision in this Act to the  
26          contrary, an organization licensee from a track located in

1 a county with a population in excess of 230,000 and that  
2 borders the Mississippi River and its affiliated non-host  
3 licensees shall not be entitled to share in any retention  
4 generated on racing, inter-track wagering, or simulcast  
5 wagering at any other Illinois wagering facility.

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

21 (9) (Blank).

22 (10) (Blank).

23 (11) (Blank).

24 (12) The Board shall have authority to compel all host  
25 tracks to receive the simulcast of any or all races  
26 conducted at the Springfield or DuQuoin State fairgrounds

1 and include all such races as part of their simulcast  
2 programs.

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

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



1       percentage equal to the percentage of the year remaining  
2       after the organization licensee begins conducting  
3       electronic gaming pursuant to its electronic gaming  
4       license. An organization licensee shall no longer be able  
5       to receive payments under this paragraph (13) beginning on  
6       the January 1 first occurring after the licensee begins  
7       receiving funds from electronic gaming pursuant to Section  
8       7.10 of the Illinois Gambling Act.

9       (h) The Board may approve and license the conduct of  
10      inter-track wagering and simulcast wagering by inter-track  
11      wagering licensees and inter-track wagering location licensees  
12      subject to the following terms and conditions:

13           (1) Any person licensed to conduct a race meeting (i)  
14           at a track where 60 or more days of racing were conducted  
15           during the immediately preceding calendar year or where  
16           over the 5 immediately preceding calendar years an average  
17           of 30 or more days of racing were conducted annually may be  
18           issued an inter-track wagering license; (ii) at a track  
19           located in a county that is bounded by the Mississippi  
20           River, which has a population of less than 150,000  
21           according to the 1990 decennial census, and an average of  
22           at least 60 days of racing per year between 1985 and 1993  
23           may be issued an inter-track wagering license; or (iii) at  
24           a track located in Madison County that conducted at least  
25           100 days of live racing during the immediately preceding  
26           calendar year may be issued an inter-track wagering

1 license, unless a lesser schedule of live racing is the  
2 result of (A) weather, unsafe track conditions, or other  
3 acts of God; (B) an agreement between the organization  
4 licensee and the associations representing the largest  
5 number of owners, trainers, jockeys, or standardbred  
6 drivers who race horses at that organization licensee's  
7 racing meeting; or (C) a finding by the Board of  
8 extraordinary circumstances and that it was in the best  
9 interest of the public and the sport to conduct fewer than  
10 100 days of live racing. Any such person having operating  
11 control of the racing facility may also receive up to 6  
12 inter-track wagering location licenses. In no event shall  
13 more than 6 inter-track wagering locations be established  
14 for each eligible race track, except that an eligible race  
15 track located in a county that has a population of more  
16 than 230,000 and that is bounded by the Mississippi River  
17 may establish up to 7 inter-track wagering locations. An  
18 application for said license shall be filed with the Board  
19 prior to such dates as may be fixed by the Board. With an  
20 application for an inter-track wagering location license  
21 there shall be delivered to the Board a certified check or  
22 bank draft payable to the order of the Board for an amount  
23 equal to \$500. The application shall be on forms prescribed  
24 and furnished by the Board. The application shall comply  
25 with all other rules, regulations and conditions imposed by  
26 the Board in connection therewith.

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

10          (3) In granting licenses to conduct inter-track  
11          wagering and simulcast wagering, the Board shall give due  
12          consideration to the best interests of the public, of horse  
13          racing, and of maximizing revenue to the State.

14          (4) Prior to the issuance of a license to conduct  
15          inter-track wagering and simulcast wagering, the applicant  
16          shall file with the Board a bond payable to the State of  
17          Illinois in the sum of \$50,000, executed by the applicant  
18          and a surety company or companies authorized to do business  
19          in this State, and conditioned upon (i) the payment by the  
20          licensee of all taxes due under Section 27 or 27.1 and any  
21          other monies due and payable under this Act, and (ii)  
22          distribution by the licensee, upon presentation of the  
23          winning ticket or tickets, of all sums payable to the  
24          patrons of pari-mutuel pools.

25          (5) Each license to conduct inter-track wagering and  
26          simulcast wagering shall specify the person to whom it is

1 issued, the dates on which such wagering is permitted, and  
2 the track or location where the wagering is to be  
3 conducted.

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

8 (7) An inter-track wagering licensee or inter-track  
9 wagering location licensee may accept wagers at the track  
10 or location where it is licensed, or as otherwise provided  
11 under this Act.

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

15 (8.1) Inter-track wagering location licensees who  
16 derive their licenses from a particular organization  
17 licensee shall conduct inter-track wagering and simulcast  
18 wagering only at locations which are either within 90 miles  
19 of that race track where the particular organization  
20 licensee is licensed to conduct racing, or within 135 miles  
21 of that race track where the particular organization  
22 licensee is licensed to conduct racing in the case of race  
23 tracks in counties of less than 400,000 that were operating  
24 on or before June 1, 1986. However, inter-track wagering  
25 and simulcast wagering shall not be conducted by those  
26 licensees at any location within 5 miles of any race track

1 at which a horse race meeting has been licensed in the  
2 current year, unless the person having operating control of  
3 such race track has given its written consent to such  
4 inter-track wagering location licensees, which consent  
5 must be filed with the Board at or prior to the time  
6 application is made.

7 (8.2) Inter-track wagering or simulcast wagering shall  
8 not be conducted by an inter-track wagering location  
9 licensee at any location within 500 feet of an existing  
10 church or existing school, nor within 500 feet of the  
11 residences of more than 50 registered voters without  
12 receiving written permission from a majority of the  
13 registered voters at such residences. Such written  
14 permission statements shall be filed with the Board. The  
15 distance of 500 feet shall be measured to the nearest part  
16 of any building used for worship services, education  
17 programs, residential purposes, or conducting inter-track  
18 wagering by an inter-track wagering location licensee, and  
19 not to property boundaries. However, inter-track wagering  
20 or simulcast wagering may be conducted at a site within 500  
21 feet of a church, school or residences of 50 or more  
22 registered voters if such church, school or residences have  
23 been erected or established, or such voters have been  
24 registered, after the Board issues the original  
25 inter-track wagering location license at the site in  
26 question. Inter-track wagering location licensees may

1       conduct inter-track wagering and simulcast wagering only  
2       in areas that are zoned for commercial or manufacturing  
3       purposes or in areas for which a special use has been  
4       approved by the local zoning authority. However, no license  
5       to conduct inter-track wagering and simulcast wagering  
6       shall be granted by the Board with respect to any  
7       inter-track wagering location within the jurisdiction of  
8       any local zoning authority which has, by ordinance or by  
9       resolution, prohibited the establishment of an inter-track  
10      wagering location within its jurisdiction. However,  
11      inter-track wagering and simulcast wagering may be  
12      conducted at a site if such ordinance or resolution is  
13      enacted after the Board licenses the original inter-track  
14      wagering location licensee for the site in question.

15           (9) (Blank).

16           (10) An inter-track wagering licensee or an  
17      inter-track wagering location licensee may retain, subject  
18      to the payment of the privilege taxes and the purses, an  
19      amount not to exceed 17% of all money wagered. Each program  
20      of racing conducted by each inter-track wagering licensee  
21      or inter-track wagering location licensee shall be  
22      considered a separate racing day for the purpose of  
23      determining the daily handle and computing the privilege  
24      tax or pari-mutuel tax on such daily handle as provided in  
25      Section 27.

26           (10.1) Except as provided in subsection (g) of Section

1           27 of this Act, inter-track wagering location licensees  
2 shall pay 1% of the pari-mutuel handle at each location to  
3 the municipality in which such location is situated and 1%  
4 of the pari-mutuel handle at each location to the county in  
5 which such location is situated. In the event that an  
6 inter-track wagering location licensee is situated in an  
7 unincorporated area of a county, such licensee shall pay 2%  
8 of the pari-mutuel handle from such location to such  
9 county.

10           (10.2) Notwithstanding any other provision of this  
11 Act, with respect to intertrack wagering at a race track  
12 located in a county that has a population of more than  
13 230,000 and that is bounded by the Mississippi River ("the  
14 first race track"), or at a facility operated by an  
15 inter-track wagering licensee or inter-track wagering  
16 location licensee that derives its license from the  
17 organization licensee that operates the first race track,  
18 on races conducted at the first race track or on races  
19 conducted at another Illinois race track and  
20 simultaneously televised to the first race track or to a  
21 facility operated by an inter-track wagering licensee or  
22 inter-track wagering location licensee that derives its  
23 license from the organization licensee that operates the  
24 first race track, those moneys shall be allocated as  
25 follows:

26           (A) That portion of all moneys wagered on

1           standardbred racing that is required under this Act to  
2           be paid to purses shall be paid to purses for  
3           standardbred races.

4           (B) That portion of all moneys wagered on  
5           thoroughbred racing that is required under this Act to  
6           be paid to purses shall be paid to purses for  
7           thoroughbred races.

8           (11) (A) After payment of the privilege or pari-mutuel  
9           tax, any other applicable taxes, and the costs and expenses  
10          in connection with the gathering, transmission, and  
11          dissemination of all data necessary to the conduct of  
12          inter-track wagering, the remainder of the monies retained  
13          under either Section 26 or Section 26.2 of this Act by the  
14          inter-track wagering licensee on inter-track wagering  
15          shall be allocated with 50% to be split between the 2  
16          participating licensees and 50% to purses, except that an  
17          intertrack wagering licensee that derives its license from  
18          a track located in a county with a population in excess of  
19          230,000 and that borders the Mississippi River shall not  
20          divide any remaining retention with the Illinois  
21          organization licensee that provides the race or races, and  
22          an intertrack wagering licensee that accepts wagers on  
23          races conducted by an organization licensee that conducts a  
24          race meet in a county with a population in excess of  
25          230,000 and that borders the Mississippi River shall not  
26          divide any remaining retention with that organization



1 licensee.

2 (B) From the sums permitted to be retained pursuant to  
3 this Act each inter-track wagering location licensee shall  
4 pay (i) the privilege or pari-mutuel tax to the State; (ii)  
5 4.75% of the pari-mutuel handle on intertrack wagering at  
6 such location on races as purses, except that an intertrack  
7 wagering location licensee that derives its license from a  
8 track located in a county with a population in excess of  
9 230,000 and that borders the Mississippi River shall retain  
10 all purse moneys for its own purse account consistent with  
11 distribution set forth in this subsection (h), and  
12 intertrack wagering location licensees that accept wagers  
13 on races conducted by an organization licensee located in a  
14 county with a population in excess of 230,000 and that  
15 borders the Mississippi River shall distribute all purse  
16 moneys to purses at the operating host track; (iii) until  
17 January 1, 2000, except as provided in subsection (g) of  
18 Section 27 of this Act, 1% of the pari-mutuel handle  
19 wagered on inter-track wagering and simulcast wagering at  
20 each inter-track wagering location licensee facility to  
21 the Horse Racing Tax Allocation Fund, provided that, to the  
22 extent the total amount collected and distributed to the  
23 Horse Racing Tax Allocation Fund under this subsection (h)  
24 during any calendar year exceeds the amount collected and  
25 distributed to the Horse Racing Tax Allocation Fund during  
26 calendar year 1994, that excess amount shall be

1        redistributed (I) to all inter-track wagering location  
2        licensees, based on each licensee's pro-rata share of the  
3        total handle from inter-track wagering and simulcast  
4        wagering for all inter-track wagering location licensees  
5        during the calendar year in which this provision is  
6        applicable; then (II) the amounts redistributed to each  
7        inter-track wagering location licensee as described in  
8        subpart (I) shall be further redistributed as provided in  
9        subparagraph (B) of paragraph (5) of subsection (g) of this  
10       Section 26 provided first, that the shares of those  
11       amounts, which are to be redistributed to the host track or  
12       to purses at the host track under subparagraph (B) of  
13       paragraph (5) of subsection (g) of this Section 26 shall be  
14       redistributed based on each host track's pro rata share of  
15       the total inter-track wagering and simulcast wagering  
16       handle at all host tracks during the calendar year in  
17       question, and second, that any amounts redistributed as  
18       described in part (I) to an inter-track wagering location  
19       licensee that accepts wagers on races conducted by an  
20       organization licensee that conducts a race meet in a county  
21       with a population in excess of 230,000 and that borders the  
22       Mississippi River shall be further redistributed as  
23       provided in subparagraphs (D) and (E) of paragraph (7) of  
24       subsection (g) of this Section 26, with the portion of that  
25       further redistribution allocated to purses at that  
26       organization licensee to be divided between standardbred

1 purses and thoroughbred purses based on the amounts  
2 otherwise allocated to purses at that organization  
3 licensee during the calendar year in question; and (iv) 8%  
4 of the pari-mutuel handle on inter-track wagering wagered  
5 at such location to satisfy all costs and expenses of  
6 conducting its wagering. The remainder of the monies  
7 retained by the inter-track wagering location licensee  
8 shall be allocated 40% to the location licensee and 60% to  
9 the organization licensee which provides the Illinois  
10 races to the location, except that an intertrack wagering  
11 location licensee that derives its license from a track  
12 located in a county with a population in excess of 230,000  
13 and that borders the Mississippi River shall not divide any  
14 remaining retention with the organization licensee that  
15 provides the race or races and an intertrack wagering  
16 location licensee that accepts wagers on races conducted by  
17 an organization licensee that conducts a race meet in a  
18 county with a population in excess of 230,000 and that  
19 borders the Mississippi River shall not divide any  
20 remaining retention with the organization licensee.  
21 Notwithstanding the provisions of clauses (ii) and (iv) of  
22 this paragraph, in the case of the additional inter-track  
23 wagering location licenses authorized under paragraph (1)  
24 of this subsection (h) by this amendatory Act of 1991,  
25 those licensees shall pay the following amounts as purses:  
26 during the first 12 months the licensee is in operation,

1 5.25% of the pari-mutuel handle wagered at the location on  
2 races; during the second 12 months, 5.25%; during the third  
3 12 months, 5.75%; during the fourth 12 months, 6.25%; and  
4 during the fifth 12 months and thereafter, 6.75%. The  
5 following amounts shall be retained by the licensee to  
6 satisfy all costs and expenses of conducting its wagering:  
7 during the first 12 months the licensee is in operation,  
8 8.25% of the pari-mutuel handle wagered at the location;  
9 during the second 12 months, 8.25%; during the third 12  
10 months, 7.75%; during the fourth 12 months, 7.25%; and  
11 during the fifth 12 months and thereafter, 6.75%. For  
12 additional intertrack wagering location licensees  
13 authorized under this amendatory Act of 1995, purses for  
14 the first 12 months the licensee is in operation shall be  
15 5.75% of the pari-mutuel wagered at the location, purses  
16 for the second 12 months the licensee is in operation shall  
17 be 6.25%, and purses thereafter shall be 6.75%. For  
18 additional intertrack location licensees authorized under  
19 this amendatory Act of 1995, the licensee shall be allowed  
20 to retain to satisfy all costs and expenses: 7.75% of the  
21 pari-mutuel handle wagered at the location during its first  
22 12 months of operation, 7.25% during its second 12 months  
23 of operation, and 6.75% thereafter.

24 (C) There is hereby created the Horse Racing Tax  
25 Allocation Fund which shall remain in existence until  
26 December 31, 1999. Moneys remaining in the Fund after

1 December 31, 1999 shall be paid into the General Revenue  
2 Fund. Until January 1, 2000, all monies paid into the Horse  
3 Racing Tax Allocation Fund pursuant to this paragraph (11)  
4 by inter-track wagering location licensees located in park  
5 districts of 500,000 population or less, or in a  
6 municipality that is not included within any park district  
7 but is included within a conservation district and is the  
8 county seat of a county that (i) is contiguous to the state  
9 of Indiana and (ii) has a 1990 population of 88,257  
10 according to the United States Bureau of the Census, and  
11 operating on May 1, 1994 shall be allocated by  
12 appropriation as follows:

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

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

24 Four-sevenths to park districts or municipalities  
25 that do not have a park district of 500,000 population  
26 or less for museum purposes (if an inter-track wagering

1 location licensee is located in such a park district)  
2 or to conservation districts for museum purposes (if an  
3 inter-track wagering location licensee is located in a  
4 municipality that is not included within any park  
5 district but is included within a conservation  
6 district and is the county seat of a county that (i) is  
7 contiguous to the state of Indiana and (ii) has a 1990  
8 population of 88,257 according to the United States  
9 Bureau of the Census, except that if the conservation  
10 district does not maintain a museum, the monies shall  
11 be allocated equally between the county and the  
12 municipality in which the inter-track wagering  
13 location licensee is located for general purposes) or  
14 to a municipal recreation board for park purposes (if  
15 an inter-track wagering location licensee is located  
16 in a municipality that is not included within any park  
17 district and park maintenance is the function of the  
18 municipal recreation board and the municipality has a  
19 1990 population of 9,302 according to the United States  
20 Bureau of the Census); provided that the monies are  
21 distributed to each park district or conservation  
22 district or municipality that does not have a park  
23 district in an amount equal to four-sevenths of the  
24 amount collected by each inter-track wagering location  
25 licensee within the park district or conservation  
26 district or municipality for the Fund. Monies that were

1           paid into the Horse Racing Tax Allocation Fund before  
2           the effective date of this amendatory Act of 1991 by an  
3           inter-track wagering location licensee located in a  
4           municipality that is not included within any park  
5           district but is included within a conservation  
6           district as provided in this paragraph shall, as soon  
7           as practicable after the effective date of this  
8           amendatory Act of 1991, be allocated and paid to that  
9           conservation district as provided in this paragraph.  
10          Any park district or municipality not maintaining a  
11          museum may deposit the monies in the corporate fund of  
12          the park district or municipality where the  
13          inter-track wagering location is located, to be used  
14          for general purposes; and

15                 One-seventh to the Agricultural Premium Fund to be  
16                 used for distribution to agricultural home economics  
17                 extension councils in accordance with "An Act in  
18                 relation to additional support and finances for the  
19                 Agricultural and Home Economic Extension Councils in  
20                 the several counties of this State and making an  
21                 appropriation therefor", approved July 24, 1967.

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

25                         Two-sevenths to the Department of Agriculture.  
26                         Fifty percent of this two-sevenths shall be used to



1 promote the Illinois horse racing and breeding  
2 industry, and shall be distributed by the Department of  
3 Agriculture upon the advice of a 9-member committee  
4 appointed by the Governor consisting of the following  
5 members: the Director of Agriculture, who shall serve  
6 as chairman; 2 representatives of organization  
7 licensees conducting thoroughbred race meetings in  
8 this State, recommended by those licensees; 2  
9 representatives of organization licensees conducting  
10 standardbred race meetings in this State, recommended  
11 by those licensees; a representative of the Illinois  
12 Thoroughbred Breeders and Owners Foundation,  
13 recommended by that Foundation; a representative of  
14 the Illinois Standardbred Owners and Breeders  
15 Association, recommended by that Association; a  
16 representative of the Horsemen's Benevolent and  
17 Protective Association or any successor organization  
18 thereto established in Illinois comprised of the  
19 largest number of owners and trainers, recommended by  
20 that Association or that successor organization; and a  
21 representative of the Illinois Harness Horsemen's  
22 Association, recommended by that Association.  
23 Committee members shall serve for terms of 2 years,  
24 commencing January 1 of each even-numbered year. If a  
25 representative of any of the above-named entities has  
26 not been recommended by January 1 of any even-numbered

1 year, the Governor shall appoint a committee member to  
2 fill that position. Committee members shall receive no  
3 compensation for their services as members but shall be  
4 reimbursed for all actual and necessary expenses and  
5 disbursements incurred in the performance of their  
6 official duties. The remaining 50% of this  
7 two-sevenths shall be distributed to county fairs for  
8 premiums and rehabilitation as set forth in the  
9 Agricultural Fair Act;

10 Four-sevenths to museums and aquariums located in  
11 park districts of over 500,000 population; provided  
12 that the monies are distributed in accordance with the  
13 previous year's distribution of the maintenance tax  
14 for such museums and aquariums as provided in Section 2  
15 of the Park District Aquarium and Museum Act; and

16 One-seventh to the Agricultural Premium Fund to be  
17 used for distribution to agricultural home economics  
18 extension councils in accordance with "An Act in  
19 relation to additional support and finances for the  
20 Agricultural and Home Economic Extension Councils in  
21 the several counties of this State and making an  
22 appropriation therefor", approved July 24, 1967. This  
23 subparagraph (C) shall be inoperative and of no force  
24 and effect on and after January 1, 2000.

25 (D) Except as provided in paragraph (11) of this  
26 subsection (h), with respect to purse allocation from

1 intertrack wagering, the monies so retained shall be  
2 divided as follows:

3 (i) If the inter-track wagering licensee,  
4 except an intertrack wagering licensee that  
5 derives its license from an organization licensee  
6 located in a county with a population in excess of  
7 230,000 and bounded by the Mississippi River, is  
8 not conducting its own race meeting during the same  
9 dates, then the entire purse allocation shall be to  
10 purses at the track where the races wagered on are  
11 being conducted.

12 (ii) If the inter-track wagering licensee,  
13 except an intertrack wagering licensee that  
14 derives its license from an organization licensee  
15 located in a county with a population in excess of  
16 230,000 and bounded by the Mississippi River, is  
17 also conducting its own race meeting during the  
18 same dates, then the purse allocation shall be as  
19 follows: 50% to purses at the track where the races  
20 wagered on are being conducted; 50% to purses at  
21 the track where the inter-track wagering licensee  
22 is accepting such wagers.

23 (iii) If the inter-track wagering is being  
24 conducted by an inter-track wagering location  
25 licensee, except an intertrack wagering location  
26 licensee that derives its license from an

1 organization licensee located in a county with a  
2 population in excess of 230,000 and bounded by the  
3 Mississippi River, the entire purse allocation for  
4 Illinois races shall be to purses at the track  
5 where the race meeting being wagered on is being  
6 held.

7 (12) The Board shall have all powers necessary and  
8 proper to fully supervise and control the conduct of  
9 inter-track wagering and simulcast wagering by inter-track  
10 wagering licensees and inter-track wagering location  
11 licensees, including, but not limited to the following:

12 (A) The Board is vested with power to promulgate  
13 reasonable rules and regulations for the purpose of  
14 administering the conduct of this wagering and to  
15 prescribe reasonable rules, regulations and conditions  
16 under which such wagering shall be held and conducted.  
17 Such rules and regulations are to provide for the  
18 prevention of practices detrimental to the public  
19 interest and for the best interests of said wagering  
20 and to impose penalties for violations thereof.

21 (B) The Board, and any person or persons to whom it  
22 delegates this power, is vested with the power to enter  
23 the facilities of any licensee to determine whether  
24 there has been compliance with the provisions of this  
25 Act and the rules and regulations relating to the  
26 conduct of such wagering.

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

11           (D) (Blank).

12           (E) The Board is vested with the power to appoint  
13 delegates to execute any of the powers granted to it  
14 under this Section for the purpose of administering  
15 this wagering and any rules and regulations  
16 promulgated in accordance with this Act.

17           (F) The Board shall name and appoint a State  
18 director of this wagering who shall be a representative  
19 of the Board and whose duty it shall be to supervise  
20 the conduct of inter-track wagering as may be provided  
21 for by the rules and regulations of the Board; such  
22 rules and regulation shall specify the method of  
23 appointment and the Director's powers, authority and  
24 duties.

25           (G) The Board is vested with the power to impose  
26 civil penalties of up to \$5,000 against individuals and

1 up to \$10,000 against licensees for each violation of  
2 any provision of this Act relating to the conduct of  
3 this wagering, any rules adopted by the Board, any  
4 order of the Board or any other action which in the  
5 Board's discretion, is a detriment or impediment to  
6 such wagering.

7 (13) The Department of Agriculture may enter into  
8 agreements with licensees authorizing such licensees to  
9 conduct inter-track wagering on races to be held at the  
10 licensed race meetings conducted by the Department of  
11 Agriculture. Such agreement shall specify the races of the  
12 Department of Agriculture's licensed race meeting upon  
13 which the licensees will conduct wagering. In the event  
14 that a licensee conducts inter-track pari-mutuel wagering  
15 on races from the Illinois State Fair or DuQuoin State Fair  
16 which are in addition to the licensee's previously approved  
17 racing program, those races shall be considered a separate  
18 racing day for the purpose of determining the daily handle  
19 and computing the privilege or pari-mutuel tax on that  
20 daily handle as provided in Sections 27 and 27.1. Such  
21 agreements shall be approved by the Board before such  
22 wagering may be conducted. In determining whether to grant  
23 approval, the Board shall give due consideration to the  
24 best interests of the public and of horse racing. The  
25 provisions of paragraphs (1), (8), (8.1), and (8.2) of  
26 subsection (h) of this Section which are not specified in

1           this paragraph (13) shall not apply to licensed race  
2           meetings conducted by the Department of Agriculture at the  
3           Illinois State Fair in Sangamon County or the DuQuoin State  
4           Fair in Perry County, or to any wagering conducted on those  
5           race meetings.

6           (i) Notwithstanding the other provisions of this Act, the  
7           conduct of wagering at wagering facilities is authorized on all  
8           days, except as limited by subsection (b) of Section 19 of this  
9           Act.

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

11           (230 ILCS 5/28.1)

12           Sec. 28.1. Payments.

13           (a) Beginning on January 1, 2000, moneys collected by the  
14           Department of Revenue and the Racing Board pursuant to Section  
15           26 or Section 27 of this Act shall be deposited into the Horse  
16           Racing Fund, which is hereby created as a special fund in the  
17           State Treasury.

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

1 urine samples in accordance with the rules and regulations of  
2 the Board.

3 (c) Beginning on January 1, 2000, the Board shall transfer  
4 the remainder of the funds generated pursuant to Sections 26  
5 and 27 from the Horse Racing Fund into the General Revenue  
6 Fund.

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

26 (e) Beginning July 1, 2006, the payment authorized under



1 subsection (d) to museums and aquariums located in park  
2 districts of over 500,000 population shall be paid to museums,  
3 aquariums, and zoos in amounts determined by Museums in the  
4 Park, an association of museums, aquariums, and zoos located on  
5 Chicago Park District property.

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

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

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

17 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

18 Sec. 31. (a) The General Assembly declares that it is the  
19 policy of this State to encourage the breeding of standardbred  
20 horses in this State and the ownership of such horses by  
21 residents of this State in order to provide for: sufficient  
22 numbers of high quality standardbred horses to participate in  
23 harness racing meetings in this State, and to establish and  
24 preserve the agricultural and commercial benefits of such  
25 breeding and racing industries to the State of Illinois. It is

1 the intent of the General Assembly to further this policy by  
2 the provisions of this Section of this Act.

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

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

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

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

1           (d) There is hereby created a special fund of the State  
2 Treasury to be known as the Illinois Standardbred Breeders  
3 Fund.

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

9           (e) The Illinois Standardbred Breeders Fund shall be  
10 administered by the Department of Agriculture with the  
11 assistance and advice of the Advisory Board created in  
12 subsection (f) of this Section.

13           (f) The Illinois Standardbred Breeders Fund Advisory Board  
14 is hereby created. The Advisory Board shall consist of the  
15 Director of the Department of Agriculture, who shall serve as  
16 Chairman; the Superintendent of the Illinois State Fair; a  
17 member of the Illinois Racing Board, designated by it; a  
18 representative of the Illinois Standardbred Owners and  
19 Breeders Association, recommended by it; a representative of  
20 the Illinois Association of Agricultural Fairs, recommended by  
21 it, such representative to be from a fair at which Illinois  
22 conceived and foaled racing is conducted; a representative of  
23 the organization licensees conducting harness racing meetings,  
24 recommended by them and a representative of the Illinois  
25 Harness Horsemen's Association, recommended by it. Advisory  
26 Board members shall serve for 2 years commencing January 1, of

1 each odd numbered year. If representatives of the Illinois  
2 Standardbred Owners and Breeders Associations, the Illinois  
3 Association of Agricultural Fairs, the Illinois Harness  
4 Horsemen's Association, and the organization licensees  
5 conducting harness racing meetings have not been recommended by  
6 January 1, of each odd numbered year, the Director of the  
7 Department of Agriculture shall make an appointment for the  
8 organization failing to so recommend a member of the Advisory  
9 Board. Advisory Board members shall receive no compensation for  
10 their services as members but shall be reimbursed for all  
11 actual and necessary expenses and disbursements incurred in the  
12 execution of their official duties.

13 (g) No monies shall be expended from the Illinois  
14 Standardbred Breeders Fund except as appropriated by the  
15 General Assembly. Monies appropriated from the Illinois  
16 Standardbred Breeders Fund shall be expended by the Department  
17 of Agriculture, with the assistance and advice of the Illinois  
18 Standardbred Breeders Fund Advisory Board for the following  
19 purposes only:

20 1. To provide purses for races limited to Illinois  
21 conceived and foaled horses at the State Fair and the  
22 DuQuoin State Fair.

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

25 3. To provide purse supplements for races limited to  
26 Illinois conceived and foaled horses conducted by

1 associations conducting harness racing meetings.

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

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

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

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

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

25 (h) Whenever the Governor finds that the amount in the  
26 Illinois Standardbred Breeders Fund is more than the total of

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

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

16 (j) The Department of Agriculture shall, by rule, with the  
17 assistance and advice of the Illinois Standardbred Breeders  
18 Fund Advisory Board:

19 1. Qualify stallions for Illinois Standardbred Breeders  
20 Fund breeding; such stallion shall be owned by a resident of  
21 the State of Illinois or by an Illinois corporation all of  
22 whose shareholders, directors, officers and incorporators are  
23 residents of the State of Illinois. Such stallion shall stand  
24 for service at and within the State of Illinois at the time of  
25 a foal's conception, and such stallion must not stand for  
26 service at any place, ~~nor may semen from such stallion be~~

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

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

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

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

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



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

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

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

23           (m) At all standardbred race meetings held or conducted  
24 under authority of a license granted by the Board, and at all  
25 standardbred races held at county fairs which are approved by  
26 the Department of Agriculture or at the Illinois or DuQuoin

1 State Fairs, no one shall jog, train, warm up or drive a  
2 standardbred horse unless he or she is wearing a protective  
3 safety helmet, with the chin strap fastened and in place, which  
4 meets the standards and requirements as set forth in the 1984  
5 Standard for Protective Headgear for Use in Harness Racing and  
6 Other Equestrian Sports published by the Snell Memorial  
7 Foundation, or any standards and requirements for headgear the  
8 Illinois Racing Board may approve. Any other standards and  
9 requirements so approved by the Board shall equal or exceed  
10 those published by the Snell Memorial Foundation. Any  
11 equestrian helmet bearing the Snell label shall be deemed to  
12 have met those standards and requirements.

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

14 Section 90-30. The Riverboat Gambling Act is amended by  
15 changing Sections 1, 2, 3, 4, 5, 5.1, 6, 7, 7.1, 7.3, 8, 9, 11,  
16 11.1, 12, 13, 14, 18, 19, and 20 and by adding Sections 7.6,  
17 7.7, 7.8, 7.10, and 7.14 as follows:

18 (230 ILCS 10/1) (from Ch. 120, par. 2401)

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

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

22 (230 ILCS 10/2) (from Ch. 120, par. 2402)

23 Sec. 2. Legislative Intent.

1 (a) This Act is intended to benefit the people of the State  
2 of Illinois by assisting economic development and promoting  
3 Illinois tourism and by increasing the amount of revenues  
4 available to the State to assist and support education.

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

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

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

20 (230 ILCS 10/3) (from Ch. 120, par. 2403)

21 Sec. 3. ~~Riverboat~~ Gambling Authorized.

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

1 accordance with the provisions of this Act.

2 (b) This Act does not apply to the pari-mutuel system of  
3 wagering used or intended to be used in connection with the  
4 horse-race meetings as authorized under the Illinois Horse  
5 Racing Act of 1975, lottery games authorized under the Illinois  
6 Lottery Law, bingo authorized under the Bingo License and Tax  
7 Act, charitable games authorized under the Charitable Games Act  
8 or pull tabs and jar games conducted under the Illinois Pull  
9 Tabs and Jar Games Act. This Act does apply to electronic  
10 gaming authorized under the Illinois Horse Racing Act of 1975  
11 to the extent provided in that Act and in this Act.

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

1        (d) Gambling that is conducted in accordance with this Act  
2        using slot machines shall be authorized at the race track of an  
3        organization licensee under the Illinois Horse Racing Act of  
4        1975 as provided in this Act.

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

6            (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

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

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

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

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

24          ~~(e)~~ "Managers license" means a license issued by the Board  
25          to a person or entity to manage gambling operations conducted

1 by the State pursuant to Section 7.3.

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

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

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

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

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

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

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

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

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

1       "Owners license" means a license to conduct riverboat or  
2 casino gambling operations, but does not include an electronic  
3 gaming license.

4       "Licensed owner" means a person who holds an owners  
5 license.

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

9       "Electronic gaming" means slot machine gambling, video  
10 games of chance, and electronic gambling games that are  
11 conducted at a race track licensed under the Illinois Horse  
12 Racing Act of 1975 pursuant to an electronic gaming license.

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

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

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

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

1 (230 ILCS 10/5) (from Ch. 120, par. 2405)

2 Sec. 5. Gaming Board.

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

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



1 qualified pursuant to this amendatory Act.

2 No more than 3 members of the Board may be from the same  
3 political party. No more than 3 members may reside within Cook,  
4 Will, Lake, DuPage, or Kane County. The Board should reflect  
5 the ethnic, cultural, and geographic diversity of the State. No  
6 Board member, within a period of one year immediately preceding  
7 nomination by the Governor or the expectation of his or her  
8 term or separation from the Board, 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 Horse Racing Act of 1975. This prohibition shall apply  
13 additionally for one year immediately after the expiration of  
14 his or her term or separation from the Board. ~~At least one~~  
15 ~~member shall be experienced in law enforcement and criminal~~  
16 ~~investigation, at least one member shall be a certified public~~  
17 ~~accountant experienced in accounting and auditing, and at least~~  
18 ~~one member shall be a lawyer licensed to practice law in~~  
19 ~~Illinois.~~

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

1 following confirmation, 1992, one and 2 for a term ending July  
2 1 three years following confirmation, and 2 for a term ending  
3 July 1 four years following confirmation 1993. Upon the  
4 expiration of the foregoing terms, the successors of such  
5 members shall serve a term for 3 years and until their  
6 successors are appointed and qualified for like terms.  
7 Vacancies in the Board shall be filled for the unexpired term  
8 in like manner as original appointments. Each member of the  
9 Board shall be eligible for reappointment at the discretion of  
10 the Governor with the advice and consent of the Senate.

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

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

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

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

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

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

1 neglect of duty and may be removed by the Governor. The cost of  
2 any bond given by any member of the Board under this Section  
3 shall be taken to be a part of the necessary expenses of the  
4 Board.

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

24 (9) An Administrator shall be appointed by the Governor  
25 with the advice and consent of the Senate. An Administrator  
26 shall perform any and all duties that the Board shall assign

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

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

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

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

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

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

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

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

1 State of Illinois;

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

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

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

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

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

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



1 (11) (Blank); ~~and~~

2 (12) To assume responsibility for the administration  
3 and enforcement of the Bingo License and Tax Act, the  
4 Charitable Games Act, and the Pull Tabs and Jar Games Act  
5 if such responsibility is delegated to it by the Director  
6 of Revenue; and.

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

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

16 (1) To investigate applicants and determine the  
17 eligibility of applicants for licenses and to select among  
18 competing applicants the applicants which best serve the  
19 interests of the citizens of Illinois.

20 (2) To have jurisdiction and supervision over all  
21 ~~riverboat~~ gambling operations authorized under this Act ~~in~~  
22 ~~this State~~ and all persons in places ~~on riverboats~~ where  
23 gambling operations are conducted.

24 (3) To promulgate rules and regulations for the purpose  
25 of administering the provisions of this Act and to  
26 prescribe rules, regulations and conditions under which

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

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

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

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

25 (7) To adopt appropriate standards for all electronic  
26 gaming facilities, riverboats, casinos, and other

1 facilities authorized under this Act.

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

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

22 (10) To prescribe a form to be used by any licensee  
23 involved in the ownership or management of gambling  
24 operations as an application for employment for their  
25 employees.

26 (11) To revoke or suspend licenses, as the Board may

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

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

26 (13) To require all licensees of gambling operations to

1           utilize a cashless wagering system whereby all players'  
2           money is converted to tokens, electronic cards, or chips  
3           which shall be used only for wagering in the gambling  
4           establishment.

5           (14) (Blank).

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

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

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

22          (18) To authorize a licensee to sell or serve alcoholic  
23          liquors, wine or beer as defined in the Liquor Control Act  
24          of 1934 on board a riverboat or in a casino and to have  
25          exclusive authority to establish the hours for sale and  
26          consumption of alcoholic liquor on board a riverboat or in

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

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

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

22       (21) To make rules concerning the conduct of electronic  
23       gaming.

24       (22) ~~(21)~~ To take any other action as may be reasonable  
25       or appropriate to enforce this Act and rules and  
26       regulations hereunder.

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

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

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

17 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

18 Sec. 5.1. Disclosure of records.

19 (a) Notwithstanding any applicable statutory provision to  
20 the contrary, the Board shall, on written request from any  
21 person, provide information furnished by an applicant or  
22 licensee concerning the applicant or licensee, his products,  
23 services or gambling enterprises and his business holdings, as  
24 follows:

25 (1) The name, business address and business telephone

1 number of any applicant or licensee.

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

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

24 (4) Whether an applicant or licensee has been indicted,  
25 convicted, pleaded guilty or nolo contendere, or forfeited  
26 bail concerning any criminal offense under the laws of any



1 jurisdiction, either felony or misdemeanor (except for  
2 traffic violations), including the date, the name and  
3 location of the court, arresting agency and prosecuting  
4 agency, the case number, the offense, the disposition and  
5 the location and length of incarceration.

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

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

21 (7) Whether an applicant or licensee has filed, or been  
22 served with a complaint or other notice filed with any  
23 public body, regarding the delinquency in the payment of,  
24 or a dispute over the filings concerning the payment of,  
25 any tax required under federal, State or local law,  
26 including the amount, type of tax, the taxing agency and

1 time periods involved.

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

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

16 (10) The name and business telephone number of the  
17 counsel representing an applicant or licensee in matters  
18 before the Board.

19 (11) A description of any proposed or approved  
20 riverboat or casino gaming or electronic gaming operation,  
21 including the type of boat, home dock or casino or  
22 electronic gaming location, expected economic benefit to  
23 the community, anticipated or actual number of employees,  
24 any statement from an applicant or licensee regarding  
25 compliance with federal and State affirmative action  
26 guidelines, projected or actual admissions and projected

1 or actual adjusted gross gaming receipts.

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

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

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

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

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

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

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

19 (2) The statutes, rules, regulations or  
20 intergovernmental agreements of any jurisdiction.

21 (d) The Board may assess fees for the copying of  
22 information in accordance with Section 6 of the Freedom of  
23 Information Act.

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

25 (230 ILCS 10/6) (from Ch. 120, par. 2406)

1           Sec. 6. Application for Owners License.

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

22           (b) Applicants shall submit with their application all  
23 documents, resolutions, and letters of support from the  
24 governing body that represents the municipality or county  
25 wherein the licensee will be located ~~dock~~.

26           (c) Each applicant shall disclose the identity of every

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

9 (d) An application shall be filed with the Board by January  
10 1 of the year preceding any calendar year for which an  
11 applicant seeks an owners license; however, applications for an  
12 owners license permitting operations on January 1, 1991 shall  
13 be filed by July 1, 1990. An application fee of \$50,000 shall  
14 be paid at the time of filing to defray the costs associated  
15 with the background investigation conducted by the Board. If  
16 the costs of the investigation exceed \$50,000, the applicant  
17 shall pay the additional amount to the Board. If the costs of  
18 the investigation are less than \$50,000, the applicant shall  
19 receive a refund of the remaining amount. All information,  
20 records, interviews, reports, statements, memoranda or other  
21 data supplied to or used by the Board in the course of its  
22 review or investigation of an application for a license under  
23 this Act shall be privileged, strictly confidential and shall  
24 be used only for the purpose of evaluating an applicant. Such  
25 information, records, interviews, reports, statements,  
26 memoranda or other data shall not be admissible as evidence,

1 nor discoverable in any action of any kind in any court or  
2 before any tribunal, board, agency or person, except for any  
3 action deemed necessary by the Board.

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

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

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

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

22 (230 ILCS 10/7) (from Ch. 120, par. 2407)

23 Sec. 7. Owners Licenses.

24 (a) The Board shall issue owners licenses to persons, firms  
25 or corporations which apply for such licenses upon payment to

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

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

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

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

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

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

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

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

23 (7) (blank); or

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



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

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

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

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

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

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

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

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

1 minority persons and females in all employment  
2 classifications;

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

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

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

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

12 (c) Each owners license shall specify the place where the  
13 casino shall operate or the riverboat ~~riverboats~~ shall operate  
14 and dock or the electronic gaming facility will operate.

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

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

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

19 In granting all licenses, the Board may give favorable  
20 consideration to economically depressed areas of the State, to  
21 applicants presenting plans which provide for significant  
22 economic development over a large geographic area, and to  
23 applicants who currently operate non-gambling riverboats in  
24 Illinois. The Board shall review all applications for owners  
25 licenses, and shall inform each applicant of the Board's  
26 decision. The Board may grant an owners license to an applicant

1 that has not submitted the highest license bid, but if it does  
2 not select the highest bidder, the Board shall issue a written  
3 decision explaining why another applicant was selected and  
4 identifying the factors set forth in this Section that favored  
5 the winning bidder.

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

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

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

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

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

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

26 (2) One license authorizing the conduct of riverboat

1 gambling in the City of Rockford.

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

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

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

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

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

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

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

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

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

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

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

17 (k) If an owners licensee elects to operate a land-based  
18 gaming facility in accordance with subsection (f) of Section  
19 7.1, then the owners licensee shall pay a one-time fee of  
20 \$5,000,000 immediately upon approval by the Board. All other  
21 owners licensees may elect to operate a land-based gaming  
22 facility upon approval of the Board and shall not be required  
23 to pay a fee.

24 (l) An owners licensee may apply to the Board for  
25 authorization to operate up to 100 electronic poker positions  
26 at its licensed facility. The authorization that the Board

1 issues to the owners licensee shall specify the number of  
2 electronic poker positions the owners licensee may operate,  
3 which shall not be counted against the limit on the number of  
4 gaming positions under this Act.

5 The Board must adopt rules for the authorization and  
6 administration of the conduct of electronic poker.

7 For the purposes of this subsection (1), "electronic poker"  
8 means a form of gambling operation by which players can play  
9 poker electronically via a network of machines at the same or  
10 any other location.

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

13 (230 ILCS 10/7.1)

14 Sec. 7.1. Re-issuance of revoked or non-renewed owners  
15 licenses.

16 (a) If an owners license terminates or expires without  
17 renewal or the Board revokes or determines not to renew an  
18 owners license (including, without limitation, an owners  
19 license for a licensee that was not conducting riverboat  
20 gambling operations on January 1, 1998) and that revocation or  
21 determination is final, the Board may re-issue such license to  
22 a qualified applicant pursuant to an open and competitive  
23 bidding process, as set forth in Section 7.5, and subject to  
24 the maximum number of authorized licenses set forth in  
25 subsections (e), (e-5), and (e-10) of Section 7 ~~Section 7(e).~~



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

8           (c) Notwithstanding anything to the contrary in Section  
9 7(e), an applicant may apply to the Board for approval of  
10 relocation of a re-issued license to a new home dock location  
11 authorized under Section 3(c) upon receipt of the approval from  
12 the municipality or county, as the case may be, pursuant to  
13 Section 7(j).

14           (d) In determining whether to grant a re-issued owners  
15 license to an applicant, the Board shall consider all of the  
16 factors set forth in Section ~~Sections~~ 7(b) and in Section 7(e),  
17 (e-5), or (e-10), whichever is applicable, ~~(e)~~ as well as the  
18 amount of the applicant's license bid. The Board may grant the  
19 re-issued owners license to an applicant that has not submitted  
20 the highest license bid, but if it does not select the highest  
21 bidder, the Board shall issue a written decision explaining why  
22 another applicant was selected and identifying the factors set  
23 forth in Section ~~Sections~~ 7(b) and in Section 7(e), (e-5), or  
24 (e-10), whichever is applicable, ~~(e)~~ that favored the winning  
25 bidder.

26           (e) Re-issued owners licenses shall be subject to annual

1 license fees as provided for in Section 7(a) and shall be  
2 governed by the provisions of Sections 7(f), (g), (h), and (i).

3 (f) An owners license that was re-issued before January 1,  
4 2010 shall authorize the conduct of gambling operations in a  
5 land-based facility if the owners licensee has complied with  
6 subsection (k) of Section 7 of this Act.

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

8 (230 ILCS 10/7.3)

9 Sec. 7.3. State conduct of gambling operations.

10 (a) If, after reviewing each application for a re-issued  
11 license, the Board determines that the highest prospective  
12 total revenue to the State would be derived from State conduct  
13 of the gambling operation in lieu of re-issuing the license,  
14 the Board shall inform each applicant of its decision. The  
15 Board shall thereafter have the authority, without obtaining an  
16 owners license, to conduct riverboat gambling operations as  
17 previously authorized by the terminated, expired, revoked, or  
18 nonrenewed license through a licensed manager selected  
19 pursuant to an open and competitive bidding process as set  
20 forth in Section 7.5 and as provided in Section 7.4.

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

1 (c) The Board shall have jurisdiction over and shall  
2 supervise all gambling operations conducted by the State  
3 provided for in this Act and shall have all powers necessary  
4 and proper to fully and effectively execute the provisions of  
5 this Act relating to gambling operations conducted by the  
6 State.

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

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

13 (230 ILCS 10/7.6 new)

14 Sec. 7.6. Electronic gaming.

15 (a) The General Assembly finds that the horse racing and  
16 riverboat gambling industries share many similarities and  
17 collectively comprise the bulk of the State's gaming industry.  
18 One feature in common to both industries is that each is highly  
19 regulated by the State of Illinois.

20 The General Assembly further finds, however, that despite  
21 their shared features each industry is distinct from the other  
22 in that horse racing is and continues to be intimately tied to  
23 Illinois' agricultural economy and is, at its core, a spectator  
24 sport. This distinction requires the General Assembly to  
25 utilize different methods to regulate and promote the horse

1 racine industry throughout the State.

2 The General Assembly finds that in order to promote live  
3 horse racing as a spectator sport in Illinois and the  
4 agricultural economy of this State, it is necessary to allow  
5 electronic gaming at Illinois race tracks given the success of  
6 other states in increasing live racing purse accounts and  
7 improving the quality of horses participating in horse race  
8 meetings.

9 Except as provided in subsection (a-5), only owners  
10 licensees shall be eligible for an electronic gaming license.  
11 Each electronic gaming license shall authorize the management  
12 and operation of authorized gaming at an electronic gaming  
13 facility. This amendatory act of the 96th General Assembly  
14 authorizes the Board to distribute up to 5,000 aggregate  
15 electronic gaming positions to electronic gaming facilities  
16 statewide. The Board shall distribute 1,000 positions to each  
17 electronic gaming facility, the organization licensee  
18 controlling the facility may chose to accept fewer than a 1,000  
19 positions, but in no case may they accept fewer than 500  
20 positions. The organization licensee controlling the facility  
21 may refuse to accept any positions; in such instance, the  
22 organization licensee shall not receive any proceeds generated  
23 by electronic gaming under this Section, unless the facility is  
24 prohibited from installing the positions on the facility  
25 premises by law. An owners licensee that wishes to conduct  
26 electronic gaming at an electronic gaming facility must obtain

1 an electronic gaming license from the Board. Any owners  
2 licensee that wishes to obtain an electronic gaming license  
3 must have a lease with and prior approval of the organization  
4 licensee that controls the electronic gaming facility prior to  
5 submitting a bid to obtain an electronic gaming license for an  
6 electronic gaming facility. The organization licensee and the  
7 owners licensee must bargain in good faith, and if the  
8 organization licensee acts in bad faith, the organization  
9 licensee shall lose the right to have electronic gaming on the  
10 licensee's property and shall not receive any proceeds  
11 generated by electronic gaming under this Section. Any owners  
12 licensee that wishes to receive an electronic gaming license  
13 shall submit evidence to the Board that minority persons and  
14 females hold ownership interests in the applicant of at least  
15 16% and 4% respectively; it is encouraged that these ownership  
16 interests be comprised of local and Illinois residents and  
17 persons who annually earn \$150,000 or less. The electronic  
18 gaming licenses authorized under this Section shall be subject  
19 to a competitive bidding process established by rule by the  
20 Board. The Board shall consider the following factors when  
21 reviewing applications for an electronic gaming license:

22 (1) the applicant's past and current operation of their  
23 riverboat or other gaming operation;

24 (2) the highest prospective total revenue to be derived  
25 by the State from the conduct of gambling;

26 (3) any agreements entered into by the applicant and

1       the organization licensee regarding placement and  
2       operation of electronic gaming positions, including, but  
3       not limited to, a lease; and

4           (4) any other factors contained in this Act or the  
5       Illinois Horse Racing Act of 1975 determined by the Board  
6       to be relevant.

7       Within 6 months after the effective date of this Amendatory  
8       Act of the 96th General Assembly, the Board shall award  
9       electronic gaming licenses as provided under this subsection.

10       (a-5) If any electronic gaming license is not awarded to an  
11       owners licensee applicant under subsection (a), within 6 months  
12       after the effective date of this Amendatory Act of the 96th  
13       General Assembly, the Board shall again conduct a competitive  
14       bidding process in order to award the remaining licenses in a  
15       method consistent with subsection (a). At the second round of  
16       bidding, an owners licensee as defined in this Act or  
17       organization licensee as defined in the Horse Racing Act of  
18       1975 shall not be permitted to make bids for the remaining  
19       licenses. At the second round of bidding, the Board shall allow  
20       an entity who is not yet licensed under this Act to bid for the  
21       remaining positions, so long as the entity has operated gaming  
22       operations in another state. If an applicant is awarded the  
23       license, the applicant must apply for and be issued an  
24       electronic gaming license and meet the criteria for an owners  
25       license under Sections 6 and 7 of this Act before the applicant  
26       can operate electronic gaming positions, and those electronic

1 gaming licensees shall be considered owners licensees for the  
2 purposes of Section 12 and 13 of this Act.

3 (a-10) An applicant that has been awarded an electronic  
4 gaming license shall not be required to pay a licensing fee or  
5 similar fee for each electronic gaming position initially  
6 awarded. Nothing in this subsection (a-10) precludes an  
7 electronic licensee from payment of any required taxes.

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

11 (c) The Board may approve electronic gaming licenses  
12 authorizing the conduct of electronic gaming by eligible owners  
13 licensees. The Board shall adopt rules establishing reasonable  
14 leases under which an electronic gaming licensee shall pay an  
15 organizational licensee for use of the electronic gaming  
16 facility.

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

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 Any electronic gaming positions awarded to an owners  
4 licensee under this Section shall not be counted toward any  
5 position operated by a owner licensee on that licensee's  
6 riverboat or casino.

7 (f) An electronic gaming licensee may only conduct  
8 electronic gaming at a facility located in a municipality in  
9 which the governing body has, by a majority vote, approved the  
10 location of the electronic gaming facility in the municipality.

11 (230 ILCS 10/7.7 new)

12 Sec. 7.7. Home rule. The regulation and licensing of  
13 electronic gaming, electronic gaming facilities, and  
14 electronic gaming licensees are exclusive powers and functions  
15 of the State. A home rule unit may not regulate or license  
16 electronic gaming or electronic gaming licensees. This Section  
17 is a denial and limitation of home rule powers and functions  
18 under subsection (h) of Section 6 of Article VII of the  
19 Illinois Constitution.

20 (230 ILCS 10/7.8 new)

21 Sec. 7.8. Casino operator license.

22 (a) A qualified person may apply to the Board for a casino  
23 operator license to operate and manage any gambling operation  
24 conducted by an Authority. The application shall be made on



1 forms provided by the Board and shall contain such information  
2 as the Board prescribes, including but not limited to  
3 information required in Sections 6(a), (b), and (c) and  
4 information relating to the applicant's proposed price to  
5 manage the Authority's gambling operations and to provide the  
6 casino, gambling equipment, and supplies necessary to conduct  
7 Authority gambling operations. The total license fee for a  
8 license authorized under subsection (e-5) of Section 7 of this  
9 Act shall be \$225,000,000. The license fee shall be paid by the  
10 casino operator license to the State in the following manner  
11 upon each of the following occurrences:

12 (1) when the annual adjusted gross receipts of a  
13 license authorized under subsection (e-5) of Section 7 of  
14 this Act exceeds \$300,000,000, the casino operator  
15 licensee shall pay the State, within a reasonable time, a  
16 license fee of \$50,000,000;

17 (2) when the annual adjusted gross receipts of a  
18 license authorized under subsection (e-5) of Section 7 of  
19 this Act exceeds \$500,000,000, the casino operator  
20 licensee shall pay the State, within a reasonable time, a  
21 license fee of \$75,000,000; and

22 (3) when the annual adjusted gross receipts of a  
23 license authorized under subsection (e-5) of Section 7 of  
24 this Act exceeds \$700,000,000, the casino operator  
25 licensee shall pay the State, within a reasonable time, a  
26 license fee of \$100,000,000.

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

9       After the Board has awarded a casino operator license,  
10 one-half of the accepted bid amount shall be paid into the  
11 State Gaming Fund. After the Board has awarded the licenses  
12 authorized under Subsection (e-10) of Section 7, one-half of  
13 the accepted bid amount shall be paid into the State Gaming  
14 Fund. Once gaming operations have commenced, the second half of  
15 the bid amount shall be paid into the State Gaming Fund.

16       (b) A person, firm, or corporation is ineligible to receive  
17 a casino operator 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) a person defined in (1), (2), (3), or (4) is an

1 officer, director, or managerial employee of the firm or  
2 corporation;

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

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

11 (c) In determining whether to grant a casino operator  
12 license, the Board shall consider:

13 (1) the character, reputation, experience and  
14 financial integrity of the applicants and of any other or  
15 separate person that either:

16 (A) controls, directly or indirectly, such  
17 applicant, or

18 (B) is controlled, directly or indirectly, by such  
19 applicant or by a person which controls, directly or  
20 indirectly, such applicant;

21 (2) the facilities or proposed facilities for the  
22 conduct of gambling;

23 (3) the preference of the municipality in which the  
24 licensee will operate;

25 (4) the extent to which the ownership of the applicant  
26 reflects the diversity of the State by including minority

1 persons and females and the good faith affirmative action  
2 plan of each applicant to recruit, train, and upgrade  
3 minority persons and females in all employment  
4 classifications;

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

7 (6) whether the applicant has adequate capitalization  
8 to provide and maintain, for the duration of a license, a  
9 casino; and

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

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

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

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

21 (g) The casino operator license shall be issued only upon  
22 proof that it has entered into a labor peace agreement with  
23 each labor organization that is actively engaged in  
24 representing and attempting to represent casino and  
25 hospitality industry workers in this State. The labor peace  
26 agreement must be a valid and enforceable agreement under 29

1 U.S.C. 185 that protects the city's and State's revenues from  
2 the operation of the casino facility by prohibiting the labor  
3 organization and its members from engaging in any picketing,  
4 work stoppages, boycotts, or any other economic interference  
5 with the casino facility for at least the first 5 years of the  
6 casino license and must cover all operations at the casino  
7 facility that are conducted by lessees or tenants or under  
8 management agreements.

9 (h) The casino operator license shall be for a term of 20  
10 years, shall be renewable at the Board's option, and shall  
11 contain such terms and provisions as the Board deems necessary  
12 to protect or enhance the credibility and integrity of State  
13 gambling operations, achieve the highest prospective total  
14 revenue to the State, and otherwise serve the interests of the  
15 citizens of Illinois. The Board may revoke the license:

16 (1) for violation of any provision of this Act;

17 (2) for violation of any rules of the Board;

18 (3) for any cause which, if known to the Board, would  
19 have disqualified the applicant from receiving the  
20 license; or

21 (4) for any other just cause.

22 (230 ILCS 10/7.10 new)

23 Sec. 7.10. Electronic gaming; deposits into Horse Racing  
24 Equity Fund. The adjusted gross receipts received by an  
25 electronic gaming licensee from electronic gaming remaining

1 after the payment of taxes under Section 13 of this Act and  
2 operational costs incurred by the electronic gaming licensee in  
3 electronic gaming operations shall be retained by the  
4 electronic gaming licensee, except that an amount equal to 30%  
5 of each licensee's remaining balance after payment of taxes  
6 under Section 13 of this Act and operational costs incurred by  
7 the electronic gaming licensee or \$50,000,000 annually, paid by  
8 the electronic gaming licensees pro rata based on adjusted  
9 gross receipts, whichever is greater, shall be deposited into  
10 the Horse Racing Equity Trust Fund; except that, if the  
11 percentage of adjusted gross receipts to be deposited into the  
12 Horse Racing Equity Trust Fund under subsection (c-5) of  
13 Section 13 is reduced by law, then 40% of the electronic gaming  
14 licensee's remaining balance after payment of taxes and  
15 operational costs or \$50,000,000 annually, paid by the  
16 electronic gaming licensees pro rata based on adjusted gross  
17 receipts, whichever is greater, shall be deposited into the  
18 Horse Racing Equity Trust Fund.

19 (230 ILCS 10/7.14 new)

20 Sec. 7.14. Obligations of licensure; licensure is a  
21 privilege.

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

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

4       (c) An applicant for licensure under this Act is seeking a  
5 privilege and assumes and accepts any and all risk of adverse  
6 publicity, notoriety, embarrassment, criticism, or other  
7 action or financial loss which may occur in connection with the  
8 application process. Any misrepresentation or omission made  
9 with respect to an application may be grounds for denial of the  
10 application.

11       (230 ILCS 10/8)   (from Ch. 120, par. 2408)

12       Sec. 8. Suppliers licenses.

13       (a) The Board may issue a suppliers license to such  
14 persons, firms or corporations which apply therefor upon the  
15 payment of a non-refundable application fee set by the Board,  
16 upon a determination by the Board that the applicant is  
17 eligible for a suppliers license and upon payment of a \$5,000  
18 annual license fee.

19       (b) The holder of a suppliers license is authorized to sell  
20 or lease, and to contract to sell or lease, gambling equipment  
21 and supplies to any licensee involved in the ownership or  
22 management of gambling operations.

23       (c) Gambling supplies and equipment may not be distributed  
24 unless supplies and equipment conform to standards adopted by  
25 rules of the Board.

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

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

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

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

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

11 (5) the firm or corporation is one in which a person  
12 defined in (1), (2), (3) or (4), is an officer, director or  
13 managerial employee;

14 (6) the firm or corporation employs a person who  
15 participates in the management or operation of riverboat  
16 gambling authorized under this Act;

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

21 (e) Any person that supplies any equipment, devices, or  
22 supplies to a licensed riverboat or casino gambling operation  
23 or electronic gaming operation must first obtain a suppliers  
24 license. A supplier shall furnish to the Board a list of all  
25 equipment, devices and supplies offered for sale or lease in  
26 connection with gambling games authorized under this Act. A



1 supplier shall keep books and records for the furnishing of  
2 equipment, devices and supplies to gambling operations  
3 separate and distinct from any other business that the supplier  
4 might operate. A supplier shall file a quarterly return with  
5 the Board listing all sales and leases. A supplier shall  
6 permanently affix its name to all its equipment, devices, and  
7 supplies for gambling operations. Any supplier's equipment,  
8 devices or supplies which are used by any person in an  
9 unauthorized gambling operation shall be forfeited to the  
10 State. A holder of an owners license or an electronic gaming  
11 license ~~licensed owner~~ may own its own equipment, devices and  
12 supplies. Each holder of an owners license or an electronic  
13 gaming license under the Act shall file an annual report  
14 listing its inventories of gambling equipment, devices and  
15 supplies.

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

18 (g) Any gambling equipment, devices and supplies provided  
19 by any licensed supplier may either be repaired on the  
20 riverboat, in a casino, or in an electronic gaming facility or  
21 removed from the riverboat, casino, or electronic gaming  
22 facility to a ~~an on-shore~~ facility owned by the holder of an  
23 owners license or electronic gaming facility license for  
24 repair.

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

1 (230 ILCS 10/9) (from Ch. 120, par. 2409)

2 Sec. 9. Occupational licenses.

3 (a) The Board may issue an occupational license to an  
4 applicant upon the payment of a non-refundable fee set by the  
5 Board, upon a determination by the Board that the applicant is  
6 eligible for an occupational license and upon payment of an  
7 annual license fee in an amount to be established. To be  
8 eligible for an occupational license, an applicant must:

9 (1) be at least 21 years of age if the applicant will  
10 perform any function involved in gaming by patrons. Any  
11 applicant seeking an occupational license for a non-gaming  
12 function shall be at least 18 years of age;

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

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

21 (4) have met standards for the holding of an  
22 occupational license as adopted by rules of the Board. Such  
23 rules shall provide that any person or entity seeking an  
24 occupational license to manage gambling operations  
25 hereunder shall be subject to background inquiries and  
26 further requirements similar to those required of

1 applicants for an owners license. Furthermore, such rules  
2 shall provide that each such entity shall be permitted to  
3 manage gambling operations for only one licensed owner.

4 (b) Each application for an occupational license shall be  
5 on forms prescribed by the Board and shall contain all  
6 information required by the Board. The applicant shall set  
7 forth in the application: whether he has been issued prior  
8 gambling related licenses; whether he has been licensed in any  
9 other state under any other name, and, if so, such name and his  
10 age; and whether or not a permit or license issued to him in  
11 any other state has been suspended, restricted or revoked, and,  
12 if so, for what period of time.

13 (c) Each applicant shall submit with his application, on  
14 forms provided by the Board, 2 sets of his fingerprints. The  
15 Board shall charge each applicant a fee set by the Department  
16 of State Police to defray the costs associated with the search  
17 and classification of fingerprints obtained by the Board with  
18 respect to the applicant's application. These fees shall be  
19 paid into the State Police Services Fund.

20 (d) The Board may in its discretion refuse an occupational  
21 license to any person: (1) who is unqualified to perform the  
22 duties required of such applicant; (2) who fails to disclose or  
23 states falsely any information called for in the application;  
24 (3) who has been found guilty of a violation of this Act or  
25 whose prior gambling related license or application therefor  
26 has been suspended, restricted, revoked or denied for just

1 cause in any other state; or (4) for any other just cause.

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

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

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

14 (h) Nothing in this Act shall be interpreted to prohibit a  
15 licensed owner or electronic gaming licensee from entering into  
16 an agreement with a school approved under the Private Business  
17 and Vocational Schools Act for the training of any occupational  
18 licensee. Any training offered by such a school shall be in  
19 accordance with a written agreement between the licensed owner  
20 or electronic gaming licensee and the school.

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

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

1 (230 ILCS 10/11) (from Ch. 120, par. 2411)

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

5 (1) A licensee may conduct riverboat gambling  
6 authorized under this Act regardless of whether it conducts  
7 excursion cruises. A licensee may permit the continuous  
8 ingress and egress of passengers for the purpose of  
9 gambling.

10 (2) (Blank).

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

13 (4) Agents of the Board and the Department of State  
14 Police may board and inspect any riverboat, enter and  
15 inspect any portion of a casino, or enter and inspect any  
16 portion of an electronic gaming facility where electronic  
17 gaming is conducted at any time for the purpose of  
18 determining whether this Act is being complied with. Every  
19 riverboat, if under way and being hailed by a law  
20 enforcement officer or agent of the Board, must stop  
21 immediately and lay to.

22 (5) Employees of the Board shall have the right to be  
23 present on the riverboat or in the casino or on adjacent  
24 facilities under the control of the licensee and at the  
25 electronic gaming facility under the control of the

1       electronic gaming licensee.

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

6           (7) Persons licensed under this Act shall permit no  
7       form of wagering on gambling games except as permitted by  
8       this Act.

9           (8) Wagers may be received only from a person present  
10       on a licensed riverboat, in a casino, or at an electronic  
11       gaming facility. No person present on a licensed riverboat,  
12       in a casino, or at an electronic gaming facility shall  
13       place or attempt to place a wager on behalf of another  
14       person who is not present on the riverboat, in the casino,  
15       or at the electronic gaming facility.

16           (9) Wagering, including electronic gaming, shall not  
17       be conducted with money or other negotiable currency.

18           (10) A person under age 21 shall not be permitted on an  
19       area of a riverboat or casino where gambling is being  
20       conducted or at an electronic gaming facility where  
21       gambling is conducted, except for a person at least 18  
22       years of age who is an employee of the riverboat or casino  
23       gambling operation or electronic gaming operation. No  
24       employee under age 21 shall perform any function involved  
25       in gambling by the patrons. No person under age 21 shall be  
26       permitted to make a wager under this Act.

1           (11) Gambling excursion cruises are permitted only  
2 when the waterway for which the riverboat is licensed is  
3 navigable, as determined by the Board in consultation with  
4 the U.S. Army Corps of Engineers. This paragraph (11) does  
5 not limit the ability of a licensee to conduct gambling  
6 authorized under this Act when gambling excursion cruises  
7 are not permitted.

8           (12) All tokens, chips, or electronic cards used to  
9 make wagers must be purchased (i) from a licensed owner or  
10 manager, in the case of a riverboat, either aboard the a  
11 riverboat or at an onshore facility which has been approved  
12 by the Board and which is located where the riverboat  
13 docks, (ii) in the case of a casino, from a licensed owner  
14 at the casino, or (iii) from an electronic gaming licensee  
15 at the electronic gaming facility. The tokens, chips or  
16 electronic cards may be purchased by means of an agreement  
17 under which the owner or manager extends credit to the  
18 patron. Such tokens, chips or electronic cards may be used  
19 while aboard the riverboat, in the casino, or at the  
20 electronic gaming facility only for the purpose of making  
21 wagers on gambling games.

22           (13) Notwithstanding any other Section of this Act, in  
23 addition to the other licenses authorized under this Act,  
24 the Board may issue special event licenses allowing persons  
25 who are not otherwise licensed to conduct riverboat  
26 gambling to conduct such gambling on a specified date or

1 series of dates. Riverboat gambling under such a license  
2 may take place on a riverboat not normally used for  
3 riverboat gambling. The Board shall establish standards,  
4 fees and fines for, and limitations upon, such licenses,  
5 which may differ from the standards, fees, fines and  
6 limitations otherwise applicable under this Act. All such  
7 fees shall be deposited into the State Gaming Fund. All  
8 such fines shall be deposited into the Education Assistance  
9 Fund, created by Public Act 86-0018, of the State of  
10 Illinois.

11 (14) In addition to the above, gambling must be  
12 conducted in accordance with all rules adopted by the  
13 Board.

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

15 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

16 Sec. 11.1. Collection of amounts owing under credit  
17 agreements. Notwithstanding any applicable statutory provision  
18 to the contrary, a licensed owner or manager or electronic  
19 gaming licensee who extends credit to a ~~riverboat~~ gambling  
20 patron pursuant to Section 11 (a) (12) of this Act is expressly  
21 authorized to institute a cause of action to collect any  
22 amounts due and owing under the extension of credit, as well as  
23 the owner's or manager's costs, expenses and reasonable  
24 attorney's fees incurred in collection.

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



1 (230 ILCS 10/12) (from Ch. 120, par. 2412)

2 Sec. 12. Admission tax; fees.

3 (a) A tax is hereby imposed upon admissions to riverboat  
4 and casino gambling facilities ~~riverboats~~ operated by licensed  
5 owners authorized pursuant to this Act.

6 Until July 1, 2002, the rate is \$2 per person admitted.  
7 From July 1, 2002 until July 1, 2003, the rate is \$3 per person  
8 admitted. From July 1, 2003 until the effective date of this  
9 amendatory Act of the 94th General Assembly, for a licensee  
10 that admitted 1,000,000 persons or fewer in the previous  
11 calendar year, the rate is \$3 per person admitted; for a  
12 licensee that admitted more than 1,000,000 but no more than  
13 2,300,000 persons in the previous calendar year, the rate is \$4  
14 per person admitted; and for a licensee that admitted more than  
15 2,300,000 persons in the previous calendar year, the rate is \$5  
16 per person admitted. Beginning on the effective date of this  
17 amendatory Act of the 94th General Assembly, for a licensee  
18 that admitted 1,000,000 persons or fewer in calendar year 2004,  
19 the rate is \$2 per person admitted, and for all other licensees  
20 the rate is \$3 per person admitted. This admission tax is  
21 imposed upon the licensed owner conducting gambling.

22 (1) The admission tax shall be paid for each admission,  
23 except that a person who exits a riverboat gambling  
24 facility and reenters that riverboat gambling facility  
25 within the same gaming day shall be subject only to the

1 initial admission tax.

2 (2) (Blank).

3 (3) The riverboat licensee may issue tax-free passes to  
4 actual and necessary officials and employees of the  
5 licensee or other persons actually working on the  
6 riverboat.

7 (4) The number and issuance of tax-free passes is  
8 subject to the rules of the Board, and a list of all  
9 persons to whom the tax-free passes are issued shall be  
10 filed with the Board.

11 At the request of an owners licensee, the tax may be paid  
12 in equal monthly rates based on admissions numbers from the  
13 preceding calendar year for each riverboat or casino. For the  
14 first year in which a riverboat or casino is operating, the  
15 Board shall base the monthly rate on estimated attendance at  
16 that particular riverboat or casino based on the admissions  
17 information provided by the other riverboats or casino. Each  
18 riverboat or casino shall keep detailed admission records and  
19 provide them to the Board on a quarterly basis. Such admission  
20 records must differentiate between actual and necessary  
21 officials and employees of the licensee or other person  
22 actually working on the riverboat or casino and other admitted  
23 persons. The tax shall only be based on those persons admitted  
24 to the riverboat or casino for the purpose of playing a  
25 gambling game. The Board shall set the tax annually based on  
26 those records provided and in a manner consistent with this

1 Section. If the Board finds that the admissions for the  
2 previous year exceeded the estimate used in calculating the  
3 prior year's payments, the Board shall require the riverboat or  
4 casino to pay the difference in an additional payment. If the  
5 Board finds that the admissions for the previous year were  
6 lower than the estimate used in calculating the prior year's  
7 payments, the Board shall reduce the monthly payments paid by  
8 the riverboat or casino to return the difference.

9 (a-5) A fee is hereby imposed upon admissions operated by  
10 licensed managers on behalf of the State pursuant to Section  
11 7.3 at the rates provided in this subsection (a-5).

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

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

20 (2) (Blank).

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

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

1 filed with the Board.

2 At the request of a licensed manager, the tax may be paid  
3 in equal monthly rates based on admissions numbers from the  
4 preceding calendar year for each riverboat or casino. For the  
5 first year in which a riverboat or casino is operating, the  
6 Board shall base the monthly rate on estimated attendance at  
7 that particular riverboat or casino based on the admissions  
8 information provided by the other riverboats or casino. Each  
9 riverboat or casino shall keep detailed admission records and  
10 provide them to the Board on a quarterly basis. Such admission  
11 records must differentiate between actual and necessary  
12 officials and employees of the licensee or other person  
13 actually working on the riverboat or casino and other admitted  
14 persons. The tax shall only be based on those persons admitted  
15 to the riverboat or casino for the purpose of playing a  
16 gambling game. The Board shall set the tax annually based on  
17 those records provided and in a manner consistent with this  
18 section. If the Board finds that the admissions for the  
19 previous year exceeded the estimate used in calculating the  
20 prior year's payments, the Board shall require the riverboat or  
21 casino to pay the difference in an additional payment. If the  
22 Board finds that the admissions for the previous year were  
23 lower than the estimate used in calculating the prior year's  
24 payments, the Board shall reduce the monthly payments paid by  
25 the riverboat or casino to return the difference.

26 If the licensed owner of a riverboat in operation on

1 January 1, 2009 has capital projects of at least \$45,000,000  
2 that are approved by the Board in calendar year 2006 and  
3 thereafter or, starting in 2006 and going forward, for which at  
4 least \$45,000,000 in capital expenditures have been made during  
5 a period of 3 calendar years, then no admissions tax is imposed  
6 on admissions to that riverboat for a 3-year period beginning  
7 on (i) the January 1 after the approval or the expenditures  
8 have been made or (ii) in the case of projects approved or  
9 expenditures made before the effective date of this amendatory  
10 Act of the 96th General Assembly, January 1, 2010.

11 (b) From the tax imposed under subsection (a) and the fee  
12 imposed under subsection (a-5), a municipality shall receive  
13 from the State \$1 for each person embarking or estimated to be  
14 embarking on a riverboat docked within the municipality or  
15 entering or estimated to be entering a casino located within  
16 the municipality, and a county shall receive \$1 for each person  
17 entering or estimated to be entering a casino or embarking or  
18 estimated to be embarking on a riverboat docked within the  
19 county but outside the boundaries of any municipality. The  
20 municipality's or county's share shall be collected by the  
21 Board on behalf of the State and remitted quarterly by the  
22 State, subject to appropriation, to the treasurer of the unit  
23 of local government for deposit in the general fund.

24 (c) The licensed owner, ~~shall pay the entire admission tax~~  
25 ~~to the Board and~~ the licensed manager, or the casino operator  
26 licensee shall pay the entire admission fee to the Board. Such

1 payments shall be made daily or monthly if the riverboat or  
2 casino is paying monthly payments. Accompanying each payment  
3 shall be a return on forms provided by the Board which shall  
4 include other information regarding admissions as the Board may  
5 require. Failure to submit either the payment or the return  
6 within the specified time may result in suspension or  
7 revocation of the owners or managers license.

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

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

15 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

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

25 15% of annual adjusted gross receipts up to and

1 including \$25,000,000;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26           An amount equal to the amount of wagering taxes collected



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

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

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

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

26 22.5% of annual adjusted gross receipts in excess of

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

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

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

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

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

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

12          (a-5) Beginning on the effective date of this amendatory  
13 Act of the 96th General Assembly, each of the privilege tax  
14 rates on annual adjusted gross receipts not exceeding  
15 \$150,000,000 shall be reduced by one percentage point and each  
16 of the privilege tax rates on annual adjusted gross receipts in  
17 excess of \$150,000,000 shall be reduced by 2 percentage points  
18 for each of the following occurrences beginning on January 1 of  
19 the next calendar year:

20           (1) The first electronic gaming licensee begins  
21 conducting electronic gaming operations.

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

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

26           (4) The licensee under paragraph (1) of subsection

1       (e-10) of Section 7 begins conducting gambling operations.

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

4       (a-7) If no admissions tax is imposed on admissions to a  
5       riverboat under Section 12, then in addition to any other tax  
6       imposed under this Section, a privilege tax of 1% of adjusted  
7       gross receipts is imposed on that riverboat, the proceeds of  
8       which shall be paid monthly, subject to appropriation by the  
9       General Assembly, to the unit of local government that is  
10       designated as the home dock of the riverboat upon which those  
11       riverboat gambling operations are conducted.

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

15       (a-10) The taxes imposed by this Section shall be paid by  
16       the licensed owner or electronic gaming licensee to the Board  
17       not later than 5:00 ~~3:00~~ o'clock p.m. of the day after the day  
18       when the wagers were made.

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

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

1 threat to the health and safety of patrons. If an owners  
2 licensee pays an amount in excess of its liability under this  
3 Section, the Board shall apply the overpayment to future  
4 payments required under this Section.

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

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

10 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

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

25 The changes made to this subsection (a-15) by Public Act  
26 94-839 are intended to restate and clarify the intent of Public

1 Act 94-673 with respect to the amount of the payments required  
2 to be made under this subsection by an owners licensee to the  
3 Board.

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

16 (b-5) Beginning on the effective date of this amendatory  
17 Act of the 96th General Assembly, from the tax revenue from  
18 electronic gaming deposited into the State Gaming Fund under  
19 this Section, an amount equal to 1% of the adjusted gross  
20 receipts generated by an electronic gaming licensee shall be  
21 paid monthly, subject to appropriation, to the municipality in  
22 which the electronic gaming facility is located. If an  
23 electronic gaming facility is not located within a  
24 municipality, then an amount equal to 1% of the adjusted gross  
25 receipts generated by the electronic gaming licensee shall be  
26 paid monthly, subject to appropriation, to the county in which

1 the electronic gaming facility is located.

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

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

17 (c-5) Before May 26, 2006 (the effective date of Public Act  
18 94-804) and beginning on the effective date of this amendatory  
19 Act of the 95th General Assembly, unless any organization  
20 licensee under the Illinois Horse Racing Act of 1975 begins to  
21 operate a slot machine or video game of chance under the  
22 Illinois Horse Racing Act of 1975 or this Act, after the  
23 payments required under subsections (b) and (c) have been made,  
24 an amount equal to 15% of the adjusted gross receipts of (1) an  
25 owners licensee that relocates pursuant to Section 11.2, (2) an  
26 owners licensee conducting riverboat gambling operations

1 pursuant to an owners license that is initially issued after  
2 June 25, 1999, or (3) the first riverboat gambling operations  
3 conducted by a licensed manager on behalf of the State under  
4 Section 7.3, whichever comes first, shall be paid from the  
5 State Gaming Fund into the Horse Racing Equity Trust Fund.

6 (c-10) Each year the General Assembly shall appropriate  
7 from the General Revenue Fund to the Education Assistance Fund  
8 an amount equal to the amount paid into the Horse Racing Equity  
9 Trust Fund pursuant to subsection (c-5) in the prior calendar  
10 year.

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

23 (c-20) Each year the General Assembly shall appropriate  
24 from the General Revenue Fund to the Education Assistance Fund  
25 an amount equal to the amount paid to each home rule county  
26 with a population of over 3,000,000 inhabitants pursuant to



1 subsection (c-15) in the prior calendar year.

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

12 (d) From time to time, the Board shall transfer the  
13 remainder of the funds generated by this Act into the Education  
14 Assistance Fund, created by Public Act 86-0018, of the State of  
15 Illinois.

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

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

1 (Source: P.A. 94-673, eff. 8-23-05; 94-804, eff. 5-26-06;  
2 94-839, eff. 6-6-06; 95-331, eff. 8-21-07; 95-1008, eff.  
3 12-15-08.)

4 (230 ILCS 10/14) (from Ch. 120, par. 2414)

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

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

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

10 (2) The total amount of gross receipts.

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

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

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

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

22 (230 ILCS 10/18) (from Ch. 120, par. 2418)

23 Sec. 18. Prohibited Activities - Penalty.

24 (a) A person is guilty of a Class A misdemeanor for doing

1 any of the following:

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

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

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

8 (1) permitting a person under 21 years to make a wager;  
9 or

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

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

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

22 (1) Offers, promises, or gives anything of value or  
23 benefit to a person who is connected with a riverboat or  
24 casino owner or electronic gaming licensee including, but  
25 not limited to, an officer or employee of a licensed owner  
26 or electronic gaming licensee or holder of an occupational

1 license pursuant to an agreement or arrangement or with the  
2 intent that the promise or thing of value or benefit will  
3 influence the actions of the person to whom the offer,  
4 promise, or gift was made in order to affect or attempt to  
5 affect the outcome of a gambling game, or to influence  
6 official action of a member of the Board.

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

18 (3) Uses or possesses with the intent to use a device  
19 to assist:

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

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

22 (iii) In analyzing the probability of the  
23 occurrence of an event relating to the gambling game.

24 (iv) In analyzing the strategy for playing or  
25 betting to be used in the game except as permitted by  
26 the Board.

1 (4) Cheats at a gambling game.

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

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

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

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

19 (9) Uses counterfeit chips or tokens in a gambling  
20 game.

21 (10) Possesses any key or device designed for the  
22 purpose of opening, entering, or affecting the operation of  
23 a gambling game, drop box, or an electronic or mechanical  
24 device connected with the gambling game or for removing  
25 coins, tokens, chips or other contents of a gambling game.  
26 This paragraph (10) does not apply to a gambling licensee

1 or employee of a gambling licensee acting in furtherance of  
2 the employee's employment.

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

7 An action to prosecute any crime occurring on a riverboat  
8 shall be tried in the county of the dock at which the riverboat  
9 is based. An action to prosecute any crime occurring in a  
10 casino shall be tried in the county in which the casino is  
11 located.

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

13 (230 ILCS 10/19) (from Ch. 120, par. 2419)

14 Sec. 19. Forfeiture of property.

15 (a) Except as provided in subsection (b), any riverboat,  
16 casino, or electronic gaming facility used for the conduct of  
17 gambling games in violation of this Act shall be considered a  
18 gambling place in violation of Section 28-3 of the Criminal  
19 Code of 1961, as now or hereafter amended. Every gambling  
20 device found on a riverboat, in a casino, or at an electronic  
21 gaming facility operating gambling games in violation of this  
22 Act and every slot machine found at an electronic gaming  
23 facility operating gambling games in violation of this Act  
24 shall be subject to seizure, confiscation and destruction as  
25 provided in Section 28-5 of the Criminal Code of 1961, as now

1 or hereafter amended.

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

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

18 (230 ILCS 10/20) (from Ch. 120, par. 2420)

19 Sec. 20. Prohibited activities - civil penalties. Any  
20 person who conducts a gambling operation without first  
21 obtaining a license to do so, or who continues to conduct such  
22 games after revocation of his license, or any licensee who  
23 conducts or allows to be conducted any unauthorized gambling  
24 games on a riverboat, in a casino, or at an electronic gaming  
25 facility where it is authorized to conduct its ~~riverboat~~

1 gambling operation, in addition to other penalties provided,  
2 shall be subject to a civil penalty equal to the amount of  
3 gross receipts derived from wagering on the gambling games,  
4 whether unauthorized or authorized, conducted on that day as  
5 well as confiscation and forfeiture of all gambling game  
6 equipment used in the conduct of unauthorized gambling games.

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

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

10 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

13 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
14 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
15 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.  
16 First Class Winemaker, Class 7. Second Class Winemaker, Class  
17 8. Limited Wine Manufacturer,

18 (b) Distributor's license,

19 (c) Importing Distributor's license,

20 (d) Retailer's license,

21 (e) Special Event Retailer's license (not-for-profit),

22 (f) Railroad license,

23 (g) Boat license,

24 (h) Non-Beverage User's license,



- 1 (i) Wine-maker's premises license,
- 2 (j) Airplane license,
- 3 (k) Foreign importer's license,
- 4 (l) Broker's license,
- 5 (m) Non-resident dealer's license,
- 6 (n) Brew Pub license,
- 7 (o) Auction liquor license,
- 8 (p) Caterer retailer license,
- 9 (q) Special use permit license,
- 10 (r) Winery shipper's license.

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

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

19 Class 1. A Distiller may make sales and deliveries of  
20 alcoholic liquor to distillers, rectifiers, importing  
21 distributors, distributors and non-beverage users and to no  
22 other licensees.

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

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

6           Class 4. A first class wine-manufacturer may make sales and  
7 deliveries of up to 50,000 gallons of wine to manufacturers,  
8 importing distributors and distributors, and to no other  
9 licensees.

10          Class 5. A second class Wine manufacturer may make sales  
11 and deliveries of more than 50,000 gallons of wine to  
12 manufacturers, importing distributors and distributors and to  
13 no other licensees.

14          Class 6. A first-class wine-maker's license shall allow the  
15 manufacture of up to 50,000 gallons of wine per year, and the  
16 storage and sale of such wine to distributors in the State and  
17 to persons without the State, as may be permitted by law. A  
18 person who, prior to the effective date of this amendatory Act  
19 of the 95th General Assembly, is a holder of a first-class  
20 wine-maker's license and annually produces more than 25,000  
21 gallons of its own wine and who distributes its wine to  
22 licensed retailers shall cease this practice on or before July  
23 1, 2008 in compliance with this amendatory Act of the 95th  
24 General Assembly.

25          Class 7. A second-class wine-maker's license shall allow  
26 the manufacture of between 50,000 and 150,000 gallons of wine

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

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

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

20 Registration of agents, representatives, or persons acting  
21 on behalf of a manufacturer is fulfilled by submitting a form  
22 to the Commission. The form shall be developed by the  
23 Commission and shall include the name and address of the  
24 applicant, the name and address of the manufacturer he or she  
25 represents, the territory or areas assigned to sell to or  
26 discuss pricing terms of alcoholic liquor, and any other

1 questions deemed appropriate and necessary. All statements in  
2 the forms required to be made by law or by rule shall be deemed  
3 material, and any person who knowingly misstates any material  
4 fact under oath in an application is guilty of a Class B  
5 misdemeanor. Fraud, misrepresentation, false statements,  
6 misleading statements, evasions, or suppression of material  
7 facts in the securing of a registration are grounds for  
8 suspension or revocation of the registration.

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

13 (c) An importing distributor's license may be issued to and  
14 held by those only who are duly licensed distributors, upon the  
15 filing of an application by a duly licensed distributor, with  
16 the Commission and the Commission shall, without the payment of  
17 any fee, immediately issue such importing distributor's  
18 license to the applicant, which shall allow the importation of  
19 alcoholic liquor by the licensee into this State from any point  
20 in the United States outside this State, and the purchase of  
21 alcoholic liquor in barrels, casks or other bulk containers and  
22 the bottling of such alcoholic liquors before resale thereof,  
23 but all bottles or containers so filled shall be sealed,  
24 labeled, stamped and otherwise made to comply with all  
25 provisions, rules and regulations governing manufacturers in  
26 the preparation and bottling of alcoholic liquors. The

1 importing distributor's license shall permit such licensee to  
2 purchase alcoholic liquor from Illinois licensed non-resident  
3 dealers and foreign importers only.

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

20 Notwithstanding any other provision of this subsection  
21 (d), a retail licensee may sell alcoholic liquors to a special  
22 event retailer licensee for resale to the extent permitted  
23 under subsection (e).

24 (e) A special event retailer's license (not-for-profit)  
25 shall permit the licensee to purchase alcoholic liquors from an  
26 Illinois licensed distributor (unless the licensee purchases

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

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

22 (g) A boat license shall allow the sale of alcoholic liquor  
23 in individual drinks, on any passenger boat regularly operated  
24 as a common carrier on navigable waters in this State or on any  
25 riverboat operated under the Illinois Riverboat ~~Riverboat~~ Gambling Act,  
26 which boat or riverboat maintains a public dining room or

1 restaurant thereon.

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

- 12 Class 1, not to exceed ..... 500 gallons
- 13 Class 2, not to exceed ..... 1,000 gallons
- 14 Class 3, not to exceed ..... 5,000 gallons
- 15 Class 4, not to exceed ..... 10,000 gallons
- 16 Class 5, not to exceed ..... 50,000 gallons

17 (i) A wine-maker's premises license shall allow a licensee  
 18 that concurrently holds a first-class wine-maker's license to  
 19 sell and offer for sale at retail in the premises specified in  
 20 such license not more than 50,000 gallons of the first-class  
 21 wine-maker's wine that is made at the first-class wine-maker's  
 22 licensed premises per year for use or consumption, but not for  
 23 resale in any form. A wine-maker's premises license shall allow  
 24 a licensee who concurrently holds a second-class wine-maker's  
 25 license to sell and offer for sale at retail in the premises  
 26 specified in such license up to 100,000 gallons of the



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

19 (j) An airplane license shall permit the licensee to import  
20 alcoholic liquors into this State from any point in the United  
21 States outside this State and to store such alcoholic liquors  
22 in this State; to make wholesale purchases of alcoholic liquors  
23 directly from manufacturers, foreign importers, distributors  
24 and importing distributors from within or outside this State;  
25 and to store such alcoholic liquors in this State; provided  
26 that the above powers may be exercised only in connection with

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

13 (k) A foreign importer's license shall permit such licensee  
14 to purchase alcoholic liquor from Illinois licensed  
15 non-resident dealers only, and to import alcoholic liquor other  
16 than in bulk from any point outside the United States and to  
17 sell such alcoholic liquor to Illinois licensed importing  
18 distributors and to no one else in Illinois; provided that (i)  
19 the foreign importer registers with the State Commission every  
20 brand of alcoholic liquor that it proposes to sell to Illinois  
21 licensees during the license period, (ii) the foreign importer  
22 complies with all of the provisions of Section 6-9 of this Act  
23 with respect to registration of such Illinois licensees as may  
24 be granted the right to sell such brands at wholesale, and  
25 (iii) the foreign importer complies with the provisions of  
26 Sections 6-5 and 6-6 of this Act to the same extent that these

1 provisions apply to manufacturers.

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

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

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

23 (ii) A broker's license shall be required of a person  
24 within this State, other than a retail licensee, who, for a fee  
25 or commission, promotes, solicits, or accepts orders for  
26 alcoholic liquor, for use or consumption and not for resale, to

1 be shipped from this State and delivered to residents outside  
2 of this State by an express company, common carrier, or  
3 contract carrier. This Section does not apply to any person who  
4 promotes, solicits, or accepts orders for wine as specifically  
5 authorized in Section 6-29 of this Act.

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

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

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

19 (m) A non-resident dealer's license shall permit such  
20 licensee to ship into and warehouse alcoholic liquor into this  
21 State from any point outside of this State, and to sell such  
22 alcoholic liquor to Illinois licensed foreign importers and  
23 importing distributors and to no one else in this State;  
24 provided that (i) said non-resident dealer shall register with  
25 the Illinois Liquor Control Commission each and every brand of  
26 alcoholic liquor which it proposes to sell to Illinois

1 licensees during the license period, (ii) it shall comply with  
2 all of the provisions of Section 6-9 hereof with respect to  
3 registration of such Illinois licensees as may be granted the  
4 right to sell such brands at wholesale, and (iii) the  
5 non-resident dealer shall comply with the provisions of  
6 Sections 6-5 and 6-6 of this Act to the same extent that these  
7 provisions apply to manufacturers.

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

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

21 (p) An auction liquor license shall allow the licensee to  
22 sell and offer for sale at auction wine and spirits for use or  
23 consumption, or for resale by an Illinois liquor licensee in  
24 accordance with provisions of this Act. An auction liquor  
25 license will be issued to a person and it will permit the  
26 auction liquor licensee to hold the auction anywhere in the

1 State. An auction liquor license must be obtained for each  
2 auction at least 14 days in advance of the auction date.

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

17 (r) A winery shipper's license shall allow a person with a  
18 first-class or second-class wine manufacturer's license, a  
19 first-class or second-class wine-maker's license, or a limited  
20 wine manufacturer's license or who is licensed to make wine  
21 under the laws of another state to ship wine made by that  
22 licensee directly to a resident of this State who is 21 years  
23 of age or older for that resident's personal use and not for  
24 resale. Prior to receiving a winery shipper's license, an  
25 applicant for the license must provide the Commission with a  
26 true copy of its current license in any state in which it is

1 licensed as a manufacturer of wine. An applicant for a winery  
2 shipper's license must also complete an application form that  
3 provides any other information the Commission deems necessary.  
4 The application form shall include an acknowledgement  
5 consenting to the jurisdiction of the Commission, the Illinois  
6 Department of Revenue, and the courts of this State concerning  
7 the enforcement of this Act and any related laws, rules, and  
8 regulations, including authorizing the Department of Revenue  
9 and the Commission to conduct audits for the purpose of  
10 ensuring compliance with this amendatory Act.

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

1 winery shipper and shipped to persons in this State, the winery  
2 shipper's license shall be revoked in accordance with the  
3 provisions of Article VII of this Act.

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

10 (Source: P.A. 95-331, eff. 8-21-07; 95-634, eff. 6-1-08;  
11 95-769, eff. 7-29-08.)

12 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

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

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

20 Section 90-40. The Criminal Code of 1961 is amended by  
21 changing Sections 28-1, 28-1.1, 28-3, 28-5, and 28-7 as  
22 follows:

23 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)



1           Sec. 28-1. Gambling.

2           (a) A person commits gambling when he:

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

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

8                 (3) Operates, keeps, owns, uses, purchases, exhibits,  
9           rents, sells, bargains for the sale or lease of,  
10          manufactures or distributes any gambling device; or

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

1 are exempt from such registration under Section 3 of the  
2 Illinois Securities Law of 1953 is not gambling within the  
3 meaning of this paragraph (4); or

4 (5) Knowingly owns or possesses any book, instrument or  
5 apparatus by means of which bets or wagers have been, or  
6 are, recorded or registered, or knowingly possesses any  
7 money which he has received in the course of a bet or  
8 wager; or

9 (6) Sells pools upon the result of any game or contest  
10 of skill or chance, political nomination, appointment or  
11 election; or

12 (7) Sets up or promotes any lottery or sells, offers to  
13 sell or transfers any ticket or share for any lottery; or

14 (8) Sets up or promotes any policy game or sells,  
15 offers to sell or knowingly possesses or transfers any  
16 policy ticket, slip, record, document or other similar  
17 device; or

18 (9) Knowingly drafts, prints or publishes any lottery  
19 ticket or share, or any policy ticket, slip, record,  
20 document or similar device, except for such activity  
21 related to lotteries, bingo games and raffles authorized by  
22 and conducted in accordance with the laws of Illinois or  
23 any other state or foreign government; or

24 (10) Knowingly advertises any lottery or policy game,  
25 except for such activity related to lotteries, bingo games  
26 and raffles authorized by and conducted in accordance with

1 the laws of Illinois or any other state; or

2 (11) Knowingly transmits information as to wagers,  
3 betting odds, or changes in betting odds by telephone,  
4 telegraph, radio, semaphore or similar means; or knowingly  
5 installs or maintains equipment for the transmission or  
6 receipt of such information; except that nothing in this  
7 subdivision (11) prohibits transmission or receipt of such  
8 information for use in news reporting of sporting events or  
9 contests; or

10 (12) Knowingly establishes, maintains, or operates an  
11 Internet site that permits a person to play a game of  
12 chance or skill for money or other thing of value by means  
13 of the Internet or to make a wager upon the result of any  
14 game, contest, political nomination, appointment, or  
15 election by means of the Internet.

16 (b) Participants in any of the following activities shall  
17 not be convicted of gambling therefor:

18 (1) Agreements to compensate for loss caused by the  
19 happening of chance including without limitation contracts  
20 of indemnity or guaranty and life or health or accident  
21 insurance;

22 (2) Offers of prizes, award or compensation to the  
23 actual contestants in any bona fide contest for the  
24 determination of skill, speed, strength or endurance or to  
25 the owners of animals or vehicles entered in such contest;

26 (3) Pari-mutuel betting as authorized by the law of

1 this State;

2 (4) Manufacture of gambling devices, including the  
3 acquisition of essential parts therefor and the assembly  
4 thereof, for transportation in interstate or foreign  
5 commerce to any place outside this State when such  
6 transportation is not prohibited by any applicable Federal  
7 law;

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

10 (6) Lotteries when conducted by the State of Illinois  
11 in accordance with the Illinois Lottery Law;

12 (7) Possession of an antique slot machine that is  
13 neither used nor intended to be used in the operation or  
14 promotion of any unlawful gambling activity or enterprise.  
15 For the purpose of this subparagraph (b)(7), an antique  
16 slot machine is one manufactured 25 years ago or earlier;

17 (8) Raffles when conducted in accordance with the  
18 Raffles Act;

19 (9) Charitable games when conducted in accordance with  
20 the Charitable Games Act;

21 (10) Pull tabs and jar games when conducted under the  
22 Illinois Pull Tabs and Jar Games Act; or

23 (11) Gambling games ~~conducted on riverboats~~ when  
24 authorized by the Illinois Riverboat Gambling Act.

25 (c) Sentence.

26 Gambling under subsection (a)(1) or (a)(2) of this Section

1 is a Class A misdemeanor. Gambling under any of subsections  
2 (a) (3) through (a) (11) of this Section is a Class A  
3 misdemeanor. A second or subsequent conviction under any of  
4 subsections (a) (3) through (a) (11), is a Class 4 felony.  
5 Gambling under subsection (a) (12) of this Section is a Class A  
6 misdemeanor. A second or subsequent conviction under  
7 subsection (a) (12) is a Class 4 felony.

8 (d) Circumstantial evidence.

9 In prosecutions under subsection (a) (1) through (a) (12) of  
10 this Section circumstantial evidence shall have the same  
11 validity and weight as in any criminal prosecution.

12 (Source: P.A. 91-257, eff. 1-1-00.)

13 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

14 Sec. 28-1.1. Syndicated gambling.

15 (a) Declaration of Purpose. Recognizing the close  
16 relationship between professional gambling and other organized  
17 crime, it is declared to be the policy of the legislature to  
18 restrain persons from engaging in the business of gambling for  
19 profit in this State. This Section shall be liberally construed  
20 and administered with a view to carrying out this policy.

21 (b) A person commits syndicated gambling when he operates a  
22 "policy game" or engages in the business of bookmaking.

23 (c) A person "operates a policy game" when he knowingly  
24 uses any premises or property for the purpose of receiving or  
25 knowingly does receive from what is commonly called "policy":

1           (1) money from a person other than the better or player  
2           whose bets or plays are represented by such money; or

3           (2) written "policy game" records, made or used over  
4           any period of time, from a person other than the better or  
5           player whose bets or plays are represented by such written  
6           record.

7           (d) A person engages in bookmaking when he receives or  
8           accepts more than five bets or wagers upon the result of any  
9           trials or contests of skill, speed or power of endurance or  
10          upon any lot, chance, casualty, unknown or contingent event  
11          whatsoever, which bets or wagers shall be of such size that the  
12          total of the amounts of money paid or promised to be paid to  
13          such bookmaker on account thereof shall exceed \$2,000.  
14          Bookmaking is the receiving or accepting of such bets or wagers  
15          regardless of the form or manner in which the bookmaker records  
16          them.

17          (e) Participants in any of the following activities shall  
18          not be convicted of syndicated gambling:

19               (1) Agreements to compensate for loss caused by the  
20               happening of chance including without limitation contracts  
21               of indemnity or guaranty and life or health or accident  
22               insurance; and

23               (2) Offers of prizes, award or compensation to the  
24               actual contestants in any bona fide contest for the  
25               determination of skill, speed, strength or endurance or to  
26               the owners of animals or vehicles entered in such contest;

1 and

2 (3) Pari-mutuel betting as authorized by law of this  
3 State; and

4 (4) Manufacture of gambling devices, including the  
5 acquisition of essential parts therefor and the assembly  
6 thereof, for transportation in interstate or foreign  
7 commerce to any place outside this State when such  
8 transportation is not prohibited by any applicable Federal  
9 law; and

10 (5) Raffles when conducted in accordance with the  
11 Raffles Act; and

12 (6) Gambling games conducted on riverboats, in  
13 casinos, or at electronic gaming facilities when  
14 authorized by the Illinois ~~Riverboat~~ Gambling Act.

15 (f) Sentence. Syndicated gambling is a Class 3 felony.

16 (Source: P.A. 86-1029; 87-435.)

17 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

18 Sec. 28-3. Keeping a Gambling Place. A "gambling place" is  
19 any real estate, vehicle, boat or any other property whatsoever  
20 used for the purposes of gambling other than gambling conducted  
21 in the manner authorized by the Illinois ~~Riverboat~~ Gambling  
22 Act. Any person who knowingly permits any premises or property  
23 owned or occupied by him or under his control to be used as a  
24 gambling place commits a Class A misdemeanor. Each subsequent  
25 offense is a Class 4 felony. When any premises is determined by

1 the circuit court to be a gambling place:

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

4 (b) All licenses, permits or certificates issued by the  
5 State of Illinois or any subdivision or public agency thereof  
6 authorizing the serving of food or liquor on such premises  
7 shall be void; and no license, permit or certificate so  
8 cancelled shall be reissued for such premises for a period of  
9 60 days thereafter; nor shall any person convicted of keeping a  
10 gambling place be reissued such license for one year from his  
11 conviction and, after a second conviction of keeping a gambling  
12 place, any such person shall not be reissued such license, and

13 (c) Such premises of any person who knowingly permits  
14 thereon a violation of any Section of this Article shall be  
15 held liable for, and may be sold to pay any unsatisfied  
16 judgment that may be recovered and any unsatisfied fine that  
17 may be levied under any Section of this Article.

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

19 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

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

21 (a) Every device designed for gambling which is incapable  
22 of lawful use or every device used unlawfully for gambling  
23 shall be considered a "gambling device", and shall be subject  
24 to seizure, confiscation and destruction by the Department of  
25 State Police or by any municipal, or other local authority,



1 within whose jurisdiction the same may be found. As used in  
2 this Section, a "gambling device" includes any slot machine,  
3 and includes any machine or device constructed for the  
4 reception of money or other thing of value and so constructed  
5 as to return, or to cause someone to return, on chance to the  
6 player thereof money, property or a right to receive money or  
7 property. With the exception of any device designed for  
8 gambling which is incapable of lawful use, no gambling device  
9 shall be forfeited or destroyed unless an individual with a  
10 property interest in said device knows of the unlawful use of  
11 the device.

12 (b) Every gambling device shall be seized and forfeited to  
13 the county wherein such seizure occurs. Any money or other  
14 thing of value integrally related to acts of gambling shall be  
15 seized and forfeited to the county wherein such seizure occurs.

16 (c) If, within 60 days after any seizure pursuant to  
17 subparagraph (b) of this Section, a person having any property  
18 interest in the seized property is charged with an offense, the  
19 court which renders judgment upon such charge shall, within 30  
20 days after such judgment, conduct a forfeiture hearing to  
21 determine whether such property was a gambling device at the  
22 time of seizure. Such hearing shall be commenced by a written  
23 petition by the State, including material allegations of fact,  
24 the name and address of every person determined by the State to  
25 have any property interest in the seized property, a  
26 representation that written notice of the date, time and place

1 of such hearing has been mailed to every such person by  
2 certified mail at least 10 days before such date, and a request  
3 for forfeiture. Every such person may appear as a party and  
4 present evidence at such hearing. The quantum of proof required  
5 shall be a preponderance of the evidence, and the burden of  
6 proof shall be on the State. If the court determines that the  
7 seized property was a gambling device at the time of seizure,  
8 an order of forfeiture and disposition of the seized property  
9 shall be entered: a gambling device shall be received by the  
10 State's Attorney, who shall effect its destruction, except that  
11 valuable parts thereof may be liquidated and the resultant  
12 money shall be deposited in the general fund of the county  
13 wherein such seizure occurred; money and other things of value  
14 shall be received by the State's Attorney and, upon  
15 liquidation, shall be deposited in the general fund of the  
16 county wherein such seizure occurred. However, in the event  
17 that a defendant raises the defense that the seized slot  
18 machine is an antique slot machine described in subparagraph  
19 (b) (7) of Section 28-1 of this Code and therefore he is exempt  
20 from the charge of a gambling activity participant, the seized  
21 antique slot machine shall not be destroyed or otherwise  
22 altered until a final determination is made by the Court as to  
23 whether it is such an antique slot machine. Upon a final  
24 determination by the Court of this question in favor of the  
25 defendant, such slot machine shall be immediately returned to  
26 the defendant. Such order of forfeiture and disposition shall,

1 for the purposes of appeal, be a final order and judgment in a  
2 civil proceeding.

3 (d) If a seizure pursuant to subparagraph (b) of this  
4 Section is not followed by a charge pursuant to subparagraph  
5 (c) of this Section, or if the prosecution of such charge is  
6 permanently terminated or indefinitely discontinued without  
7 any judgment of conviction or acquittal (1) the State's  
8 Attorney shall commence an in rem proceeding for the forfeiture  
9 and destruction of a gambling device, or for the forfeiture and  
10 deposit in the general fund of the county of any seized money  
11 or other things of value, or both, in the circuit court and (2)  
12 any person having any property interest in such seized gambling  
13 device, money or other thing of value may commence separate  
14 civil proceedings in the manner provided by law.

15 (e) Any gambling device displayed for sale to a riverboat  
16 gambling operation, casino gambling operation, or electronic  
17 gaming facility or used to train occupational licensees of a  
18 riverboat gambling operation, casino gambling operation, or  
19 electronic gaming facility as authorized under the Riverboat  
20 Gambling Act is exempt from seizure under this Section.

21 (f) Any gambling equipment, devices and supplies provided  
22 by a licensed supplier in accordance with the Riverboat  
23 Gambling Act which are removed from a the riverboat, casino, or  
24 electronic gaming facility for repair are exempt from seizure  
25 under this Section.

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

1 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

2 Sec. 28-7. Gambling contracts void.

3 (a) All promises, notes, bills, bonds, covenants,  
4 contracts, agreements, judgments, mortgages, or other  
5 securities or conveyances made, given, granted, drawn, or  
6 entered into, or executed by any person whatsoever, where the  
7 whole or any part of the consideration thereof is for any money  
8 or thing of value, won or obtained in violation of any Section  
9 of this Article are null and void.

10 (b) Any obligation void under this Section may be set aside  
11 and vacated by any court of competent jurisdiction, upon a  
12 complaint filed for that purpose, by the person so granting,  
13 giving, entering into, or executing the same, or by his  
14 executors or administrators, or by any creditor, heir, legatee,  
15 purchaser or other person interested therein; or if a judgment,  
16 the same may be set aside on motion of any person stated above,  
17 on due notice thereof given.

18 (c) No assignment of any obligation void under this Section  
19 may in any manner affect the defense of the person giving,  
20 granting, drawing, entering into or executing such obligation,  
21 or the remedies of any person interested therein.

22 (d) This Section shall not prevent a licensed owner of a  
23 riverboat gambling operation, casino gambling operation, or an  
24 electronic gaming licensee under the Illinois Gambling Act and  
25 the Illinois Horse Racing Act of 1975 from instituting a cause

1 of action to collect any amount due and owing under an  
2 extension of credit to a ~~riverboat~~ gambling patron as  
3 authorized under Section 11.1 of the Illinois Riverboat  
4 Gambling Act.

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

6 Section 90-45. The Payday Loan Reform Act is amended by  
7 changing Section 3-5 as follows:

8 (815 ILCS 122/3-5)

9 Sec. 3-5. Licensure.

10 (a) A license to make a payday loan shall state the  
11 address, including city and state, at which the business is to  
12 be conducted and shall state fully the name of the licensee.  
13 The license shall be conspicuously posted in the place of  
14 business of the licensee and shall not be transferable or  
15 assignable.

16 (b) An application for a license shall be in writing and in  
17 a form prescribed by the Secretary. The Secretary may not issue  
18 a payday loan license unless and until the following findings  
19 are made:

20 (1) that the financial responsibility, experience,  
21 character, and general fitness of the applicant are such as  
22 to command the confidence of the public and to warrant the  
23 belief that the business will be operated lawfully and  
24 fairly and within the provisions and purposes of this Act;

1           and

2                   (2) that the applicant has submitted such other  
3           information as the Secretary may deem necessary.

4           (c) A license shall be issued for no longer than one year,  
5           and no renewal of a license may be provided if a licensee has  
6           substantially violated this Act and has not cured the violation  
7           to the satisfaction of the Department.

8           (d) A licensee shall appoint, in writing, the Secretary as  
9           attorney-in-fact upon whom all lawful process against the  
10          licensee may be served with the same legal force and validity  
11          as if served on the licensee. A copy of the written  
12          appointment, duly certified, shall be filed in the office of  
13          the Secretary, and a copy thereof certified by the Secretary  
14          shall be sufficient evidence to subject a licensee to  
15          jurisdiction in a court of law. This appointment shall remain  
16          in effect while any liability remains outstanding in this State  
17          against the licensee. When summons is served upon the Secretary  
18          as attorney-in-fact for a licensee, the Secretary shall  
19          immediately notify the licensee by registered mail, enclosing  
20          the summons and specifying the hour and day of service.

21          (e) A licensee must pay an annual fee of \$1,000. In  
22          addition to the license fee, the reasonable expense of any  
23          examination or hearing by the Secretary under any provisions of  
24          this Act shall be borne by the licensee. If a licensee fails to  
25          renew its license by December 31, its license shall  
26          automatically expire; however, the Secretary, in his or her

1 discretion, may reinstate an expired license upon:

2 (1) payment of the annual fee within 30 days of the  
3 date of expiration; and

4 (2) proof of good cause for failure to renew.

5 (f) Not more than one place of business shall be maintained  
6 under the same license, but the Secretary may issue more than  
7 one license to the same licensee upon compliance with all the  
8 provisions of this Act governing issuance of a single license.  
9 The location, except those locations already in existence as of  
10 June 1, 2005, may not be within one mile of a horse race track  
11 subject to the Illinois Horse Racing Act of 1975, within one  
12 mile of a facility at which gambling is conducted under the  
13 Illinois ~~Riverboat~~ Gambling Act, within one mile of the  
14 location at which a riverboat subject to the Illinois ~~Riverboat~~  
15 Gambling Act docks, or within one mile of any State of Illinois  
16 or United States military base or naval installation.

17 (g) No licensee shall conduct the business of making loans  
18 under this Act within any office, suite, room, or place of  
19 business in which any other business is solicited or engaged in  
20 unless the other business is licensed by the Department or, in  
21 the opinion of the Secretary, the other business would not be  
22 contrary to the best interests of consumers and is authorized  
23 by the Secretary in writing.

24 (h) The Secretary shall maintain a list of licensees that  
25 shall be available to interested consumers and lenders and the  
26 public. The Secretary shall maintain a toll-free number whereby

1 consumers may obtain information about licensees. The  
2 Secretary shall also establish a complaint process under which  
3 an aggrieved consumer may file a complaint against a licensee  
4 or non-licensee who violates any provision of this Act.

5 (Source: P.A. 94-13, eff. 12-6-05.)

6 Section 90-50. The Travel Promotion Consumer Protection  
7 Act is amended by changing Section 2 as follows:

8 (815 ILCS 420/2) (from Ch. 121 1/2, par. 1852)

9 Sec. 2. Definitions.

10 (a) "Travel promoter" means a person, including a tour  
11 operator, who sells, provides, furnishes, contracts for,  
12 arranges or advertises that he or she will arrange wholesale or  
13 retail transportation by air, land, sea or navigable stream,  
14 either separately or in conjunction with other services.  
15 "Travel promoter" does not include (1) an air carrier; (2) a  
16 sea carrier; (3) an officially appointed agent of an air  
17 carrier who is a member in good standing of the Airline  
18 Reporting Corporation; (4) a travel promoter who has in force  
19 \$1,000,000 or more of liability insurance coverage for  
20 professional errors and omissions and a surety bond or  
21 equivalent surety in the amount of \$100,000 or more for the  
22 benefit of consumers in the event of a bankruptcy on the part  
23 of the travel promoter; or (5) a riverboat subject to  
24 regulation under the Illinois Riverboat ~~Riverboat~~ Gambling Act.



1 (b) "Advertise" means to make any representation in the  
2 solicitation of passengers and includes communication with  
3 other members of the same partnership, corporation, joint  
4 venture, association, organization, group or other entity.

5 (c) "Passenger" means a person on whose behalf money or  
6 other consideration has been given or is to be given to  
7 another, including another member of the same partnership,  
8 corporation, joint venture, association, organization, group  
9 or other entity, for travel.

10 (d) "Ticket or voucher" means a writing or combination of  
11 writings which is itself good and sufficient to obtain  
12 transportation and other services for which the passenger has  
13 contracted.

14 (Source: P.A. 91-357, eff. 7-29-99.)

15 (230 ILCS 5/32.1 rep.)

16 Section 90-55. The Illinois Horse Racing Act of 1975 is  
17 amended by repealing Section 32.1.

18 ARTICLE 99.

19 Section 99-99. Effective date. This Act takes effect upon  
20 becoming law."