



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3107

Introduced 2/23/2011, by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Horse Racing Act of 1975 and the Riverboat Gambling Act to authorize electronic gaming at race tracks (and makes conforming changes in various Acts). Further amends the Illinois Horse Racing Act of 1975. Makes various changes concerning Board members. Contains provisions concerning testing of horses at county fairs, payments from the Horse Racing Fund, and standardbred horses. Further amends the Riverboat Gambling Act. Changes the short title to the Illinois Gambling Act. Provides that no licenses or additional gaming positions authorized in the amendatory Act shall be awarded or issued before certain implementation of video gaming operations under the Video Gaming Act occurs, except under certain conditions. Makes changes in provisions concerning owners licenses and the purchasing of gaming positions. Provides that an owners licensee may conduct gaming at a temporary facility pending the construction of a permanent facility or the remodeling or relocation of an existing facility to accommodate gaming participants for up to 24 months after the temporary facility begins to conduct gaming. Provides that subject to the approval of the Illinois Gaming Board, an organization licensee that (i) receives an electronic gaming license under the Act and (ii) has operating control of a race track facility located in Cook County, may relocate its race track facility within Cook County subject to certain conditions. Provides that in order to be eligible to conduct electronic gaming, the Board must receive written proof that a labor peace agreement has been entered into with certain labor organizations. Makes changes in provisions concerning the admission tax and privilege tax. Makes other changes. Makes corresponding changes in other Acts. Includes severability clause. Effective immediately.

LRB097 10818 ASK 51286 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning gaming.

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

4 Section 5. Findings. The General Assembly makes all of the
5 following findings:

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

12 (2) That these shortfalls could postpone much-needed
13 road construction, school construction, and other
14 infrastructure improvements.

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

18 (4) That a significant infusion of new revenue is
19 necessary to ensure that those projects, which are
20 fundamental to the State's economic recovery, proceed as
21 planned.

22 (5) That the decline of the Illinois horse racing and
23 breeding program, a \$2.5 billion industry, would be
24 reversed if this amendatory Act of the 97th General

1 Assembly would be enacted.

2 (6) That the Illinois horse racing industry is on the
3 verge of extinction due to fierce competition from fully
4 developed horse racing and gaming operations in other
5 states.

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

11 (8) That allowing the State's horse racing venues,
12 currently licensed gaming destinations, to maximize their
13 capacities with gaming machines, would generate up to \$120
14 million to \$200 million for the State in the form of extra
15 licensing fees, plus an additional \$100 million to \$300
16 million in recurring annual tax revenue for the State to
17 help ensure that school, road, and other building projects
18 promised under the capital plan occur on schedule.

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

25 (10) That by keeping these projects on track, the State
26 can be sure that significant job and economic growth will

1 in fact result from the previously enacted legislation.

2 (11) That gaming machines at Illinois horse racing
3 tracks would create an estimated 1,200 to 1,500 permanent
4 jobs, and an estimated capital investment of up to \$200
5 million to \$400 million at these race tracks would prompt
6 additional trade organization jobs necessary to construct
7 new facilities or remodel race tracks to operate electronic
8 gaming.

9 Section 10. The State Officials and Employees Ethics Act is
10 amended by changing Section 5-45 as follows:

11 (5 ILCS 430/5-45)

12 Sec. 5-45. Procurement; revolving door prohibition.

13 (a) No former officer, member, or State employee, or spouse
14 or immediate family member living with such person, shall,
15 within a period of one year immediately after termination of
16 State employment, knowingly accept employment or receive
17 compensation or fees for services from a person or entity if
18 the officer, member, or State employee, during the year
19 immediately preceding termination of State employment,
20 participated personally and substantially in the award of State
21 contracts, or the issuance of State contract change orders,
22 with a cumulative value of \$25,000 or more to the person or
23 entity, or its parent or subsidiary.

24 (b) No former officer of the executive branch or State

1 employee of the executive branch with regulatory or licensing
2 authority, or spouse or immediate family member living with
3 such person, shall, within a period of one year immediately
4 after termination of State employment, knowingly accept
5 employment or receive compensation or fees for services from a
6 person or entity if the officer or State employee, during the
7 year immediately preceding termination of State employment,
8 participated personally and substantially in making a
9 regulatory or licensing decision that directly applied to the
10 person or entity, or its parent or subsidiary.

11 (c) Within 6 months after the effective date of this
12 amendatory Act of the 96th General Assembly, each executive
13 branch constitutional officer and legislative leader, the
14 Auditor General, and the Joint Committee on Legislative Support
15 Services shall adopt a policy delineating which State positions
16 under his or her jurisdiction and control, by the nature of
17 their duties, may have the authority to participate personally
18 and substantially in the award of State contracts or in
19 regulatory or licensing decisions. The Governor shall adopt
20 such a policy for all State employees of the executive branch
21 not under the jurisdiction and control of any other executive
22 branch constitutional officer.

23 The policies required under subsection (c) of this Section
24 shall be filed with the appropriate ethics commission
25 established under this Act or, for the Auditor General, with
26 the Office of the Auditor General.

1 (d) Each Inspector General shall have the authority to
2 determine that additional State positions under his or her
3 jurisdiction, not otherwise subject to the policies required by
4 subsection (c) of this Section, are nonetheless subject to the
5 notification requirement of subsection (f) below due to their
6 involvement in the award of State contracts or in regulatory or
7 licensing decisions.

8 (e) The Joint Committee on Legislative Support Services,
9 the Auditor General, and each of the executive branch
10 constitutional officers and legislative leaders subject to
11 subsection (c) of this Section shall provide written
12 notification to all employees in positions subject to the
13 policies required by subsection (c) or a determination made
14 under subsection (d): (1) upon hiring, promotion, or transfer
15 into the relevant position; and (2) at the time the employee's
16 duties are changed in such a way as to qualify that employee.
17 An employee receiving notification must certify in writing that
18 the person was advised of the prohibition and the requirement
19 to notify the appropriate Inspector General in subsection (f).

20 (f) Any State employee in a position subject to the
21 policies required by subsection (c) or to a determination under
22 subsection (d), but who does not fall within the prohibition of
23 subsection (h) below, who is offered non-State employment
24 during State employment or within a period of one year
25 immediately after termination of State employment shall, prior
26 to accepting such non-State employment, notify the appropriate

1 Inspector General. Within 10 calendar days after receiving
2 notification from an employee in a position subject to the
3 policies required by subsection (c), such Inspector General
4 shall make a determination as to whether the State employee is
5 restricted from accepting such employment by subsection (a) or
6 (b). In making a determination, in addition to any other
7 relevant information, an Inspector General shall assess the
8 effect of the prospective employment or relationship upon
9 decisions referred to in subsections (a) and (b), based on the
10 totality of the participation by the former officer, member, or
11 State employee in those decisions. A determination by an
12 Inspector General must be in writing, signed and dated by the
13 Inspector General, and delivered to the subject of the
14 determination within 10 calendar days or the person is deemed
15 eligible for the employment opportunity. For purposes of this
16 subsection, "appropriate Inspector General" means (i) for
17 members and employees of the legislative branch, the
18 Legislative Inspector General; (ii) for the Auditor General and
19 employees of the Office of the Auditor General, the Inspector
20 General provided for in Section 30-5 of this Act; and (iii) for
21 executive branch officers and employees, the Inspector General
22 having jurisdiction over the officer or employee. Notice of any
23 determination of an Inspector General and of any such appeal
24 shall be given to the ultimate jurisdictional authority, the
25 Attorney General, and the Executive Ethics Commission.

26 (g) An Inspector General's determination regarding

1 restrictions under subsection (a) or (b) may be appealed to the
2 appropriate Ethics Commission by the person subject to the
3 decision or the Attorney General no later than the 10th
4 calendar day after the date of the determination.

5 On appeal, the Ethics Commission or Auditor General shall
6 seek, accept, and consider written public comments regarding a
7 determination. In deciding whether to uphold an Inspector
8 General's determination, the appropriate Ethics Commission or
9 Auditor General shall assess, in addition to any other relevant
10 information, the effect of the prospective employment or
11 relationship upon the decisions referred to in subsections (a)
12 and (b), based on the totality of the participation by the
13 former officer, member, or State employee in those decisions.
14 The Ethics Commission shall decide whether to uphold an
15 Inspector General's determination within 10 calendar days or
16 the person is deemed eligible for the employment opportunity.

17 (h) The following officers, members, or State employees
18 shall not, within a period of one year immediately after
19 termination of office or State employment, knowingly accept
20 employment or receive compensation or fees for services from a
21 person or entity if the person or entity or its parent or
22 subsidiary, during the year immediately preceding termination
23 of State employment, was a party to a State contract or
24 contracts with a cumulative value of \$25,000 or more involving
25 the officer, member, or State employee's State agency, or was
26 the subject of a regulatory or licensing decision involving the

1 officer, member, or State employee's State agency, regardless
2 of whether he or she participated personally and substantially
3 in the award of the State contract or contracts or the making
4 of the regulatory or licensing decision in question:

5 (1) members or officers;

6 (2) members of a commission or board created by the
7 Illinois Constitution;

8 (3) persons whose appointment to office is subject to
9 the advice and consent of the Senate;

10 (4) the head of a department, commission, board,
11 division, bureau, authority, or other administrative unit
12 within the government of this State;

13 (5) chief procurement officers, State purchasing
14 officers, and their designees whose duties are directly
15 related to State procurement; ~~and~~

16 (6) chiefs of staff, deputy chiefs of staff, associate
17 chiefs of staff, assistant chiefs of staff, and deputy
18 governors; ~~and~~

19 (7) employees of the Illinois Racing Board; and

20 (8) employees of the Illinois Gaming Board.

21 (Source: P.A. 96-555, eff. 8-18-09.)

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

24 (20 ILCS 301/5-20)

1 Sec. 5-20. Compulsive gambling program.

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

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

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

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

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

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

1 in-service training concerning problem and compulsive
2 gambling.

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

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

10 Section 20. The Department of Commerce and Economic
11 Opportunity Law of the Civil Administrative Code of Illinois is
12 amended by adding Section 605-530 as follows:

13 (20 ILCS 605/605-530 new)

14 Sec. 605-530. The Depressed Communities Economic
15 Development Board.

16 (a) The Depressed Communities Economic Development Board
17 is created as an advisory board within the Department of
18 Commerce and Economic Opportunity. The Board shall consist of 8
19 members as follows:

20 (1) One member appointed by the President of the Senate
21 to serve an initial term of 2 years.

22 (2) One member appointed by the Minority Leader of the
23 Senate to serve an initial term of one year.

24 (3) One member appointed by the Speaker of the House of

1 Representatives to serve an initial term of 2 years.

2 (4) One member appointed by the Minority Leader of the
3 House of Representatives to serve an initial term of one
4 year.

5 (5) Four members appointed by the Governor, 2 of whom
6 are appointed to serve an initial term of one year and 2 of
7 whom are appointed to serve an initial term of 2 years with
8 one being designated as chair of the Board at the time of
9 appointment.

10 After the initial terms, each member shall be appointed to
11 serve a term of 2 years and until his or her successor has been
12 appointed and assumes office. If a vacancy occurs in the Board
13 membership, then the vacancy shall be filled in the same manner
14 as the initial appointment. No member of the Board shall, at
15 the time of his or her appointment or within 2 years before the
16 appointment, hold elected office or be appointed to a State
17 board, commission, or agency. All Board members are subject to
18 the State Officials and Employees Ethics Act.

19 (b) Board members shall serve without compensation, but may
20 be reimbursed for their reasonable travel expenses from funds
21 available for that purpose. The Department of Commerce and
22 Economic Opportunity shall provide staff and administrative
23 support services to the Board.

24 (c) The Board must make recommendations, which must be
25 approved by a majority of the Board, to the Department of
26 Commerce and Economic Opportunity concerning the award of

1 grants from amounts appropriated to the Department from the
2 Depressed Communities Economic Development Fund, a special
3 fund created in the State treasury. The Department must make
4 grants to public or private entities submitting proposals to
5 the Board to revitalize an Illinois depressed community. Grants
6 may be used by these entities only for those purposes
7 conditioned with the grant. For the purposes of this subsection
8 (c), plans for revitalizing an Illinois depressed community
9 include plans intended to curb high levels of poverty,
10 unemployment, job and population loss, and general distress. An
11 Illinois depressed community is an area where the poverty rate,
12 as determined by using the most recent data released by the
13 United States Census Bureau, is at least 3% greater than the
14 State poverty rate as determined by using the most recent data
15 released by the United States Census Bureau.

16 Section 25. The Department of Revenue Law of the Civil
17 Administrative Code of Illinois is amended by changing Section
18 2505-305 as follows:

19 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

20 Sec. 2505-305. Investigators.

21 (a) The Department has the power to appoint investigators
22 to conduct all investigations, searches, seizures, arrests,
23 and other duties imposed under the provisions of any law
24 administered by the Department. Except as provided in

1 subsection (c), these investigators have and may exercise all
2 the powers of peace officers solely for the purpose of
3 enforcing taxing measures administered by the Department.

4 (b) The Director must authorize to each investigator
5 employed under this Section and to any other employee of the
6 Department exercising the powers of a peace officer a distinct
7 badge that, on its face, (i) clearly states that the badge is
8 authorized by the Department and (ii) contains a unique
9 identifying number. No other badge shall be authorized by the
10 Department.

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

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

17 Section 30. The State Finance Act is amended by adding
18 Sections 5.786, 5.787, 5.788, and 6z-79 and by changing Section
19 6z-77 as follows:

20 (30 ILCS 105/5.786 new)

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

22 (30 ILCS 105/5.787 new)

23 Sec. 5.787. The Depressed Communities Economic Development

1 Fund.

2 (30 ILCS 105/5.788 new)

3 Sec. 5.788. The Gaming Facilities Fee Revenue Fund.

4 (30 ILCS 105/6z-77)

5 Sec. 6z-77. The Capital Projects Fund.

6 (a) The Capital Projects Fund is created as a special fund
7 in the State Treasury. The State Comptroller and State
8 Treasurer shall transfer from the Capital Projects Fund to the
9 General Revenue Fund \$61,294,550 on October 1, 2009,
10 \$122,589,100 on January 1, 2010, and \$61,294,550 on April 1,
11 2010. Beginning on July 1, 2010, and on July 1 and January 1 of
12 each year thereafter, the State Comptroller and State Treasurer
13 shall transfer the sum of \$122,589,100 from the Capital
14 Projects Fund to the General Revenue Fund.

15 (b) Subject to appropriation, the Capital Projects Fund may
16 be used only for capital projects and the payment of debt
17 service on bonds issued for capital projects. All interest
18 earned on moneys in the Fund shall be deposited into the Fund.
19 The Fund shall not be subject to administrative charges or
20 chargebacks, such as but not limited to those authorized under
21 Section 8h.

22 (c) Annually, the Governor's Office of Management and
23 Budget shall determine if revenues deposited into the Fund in
24 the fiscal year are expected to exceed the amount needed in the

1 fiscal year for capital projects and the payment of debt
2 service on bonds issued for capital projects. If any such
3 excess amount exists, then on April 1 or as soon thereafter as
4 practical, the Governor's Office of Management and Budget shall
5 certify such amount, accompanied by a description of the
6 process by which the amount was calculated, to the State
7 Comptroller and the State Treasurer. Within 15 days after the
8 receipt of the certification required by this subsection (c),
9 the State Comptroller and the State Treasurer shall transfer
10 that amount from the Capital Projects Fund to the Education
11 Assistance Fund, except that the amount transferred to the
12 Education Assistance Fund pursuant to this subsection (c) shall
13 not exceed the estimated amount of revenues that will be
14 deposited into the Fund pursuant to Sections 12 and 13 of the
15 Illinois Gambling Act in the fiscal year.

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

17 (30 ILCS 105/6z-79 new)

18 Sec. 6z-79. The Gaming Facilities Fee Revenue Fund.

19 (a) The Gaming Facilities Fee Revenue Fund is created as a
20 special fund in the State treasury.

21 (b) Twenty-five percent of revenues in the Fund shall be
22 transferred to the Capital Projects Fund for capital projects.
23 The remaining 75% of revenues in the Fund shall be used,
24 subject to appropriation, by the Comptroller solely for the
25 purpose of payment of vouchers that are outstanding for more

1 than 60 days. Whenever practical, the Comptroller must
2 prioritize voucher payments for expenses related to medical
3 assistance under the Illinois Public Aid Code, the Children's
4 Health Insurance Program Act, the Covering ALL KIDS Health
5 Insurance Act, and the Senior Citizens and Disabled Persons
6 Property Tax Relief and Pharmaceutical Assistance Act.

7 (c) The Fund shall consist of fee revenues received
8 pursuant to subsections (b) and (c) of Section 7.6 of the
9 Illinois Gambling Act. All interest earned on moneys in the
10 Fund shall be deposited into the Fund.

11 (d) The Fund shall not be subject to administrative charges
12 or chargebacks, including, but not limited to, those authorized
13 under subsection (h) of Section 8 of this Act.

14 Section 35. The Illinois Income Tax Act is amended by
15 changing Section 201 as follows:

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

17 Sec. 201. Tax Imposed.

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

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

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

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

15 (3) In the case of an individual, trust or estate, for
16 taxable years beginning after June 30, 1989, and ending
17 prior to January 1, 2011, an amount equal to 3% of the
18 taxpayer's net income for the taxable year.

19 (4) In the case of an individual, trust, or estate, for
20 taxable years beginning prior to January 1, 2011, and
21 ending after December 31, 2010, an amount equal to the sum
22 of (i) 3% of the taxpayer's net income for the period prior
23 to January 1, 2011, as calculated under Section 202.5, and
24 (ii) 5% of the taxpayer's net income for the period after
25 December 31, 2010, as calculated under Section 202.5.

26 (5) In the case of an individual, trust, or estate, for

1 taxable years beginning on or after January 1, 2011, and
2 ending prior to January 1, 2015, an amount equal to 5% of
3 the taxpayer's net income for the taxable year.

4 (5.1) In the case of an individual, trust, or estate,
5 for taxable years beginning prior to January 1, 2015, and
6 ending after December 31, 2014, an amount equal to the sum
7 of (i) 5% of the taxpayer's net income for the period prior
8 to January 1, 2015, as calculated under Section 202.5, and
9 (ii) 3.75% of the taxpayer's net income for the period
10 after December 31, 2014, as calculated under Section 202.5.

11 (5.2) In the case of an individual, trust, or estate,
12 for taxable years beginning on or after January 1, 2015,
13 and ending prior to January 1, 2025, an amount equal to
14 3.75% of the taxpayer's net income for the taxable year.

15 (5.3) In the case of an individual, trust, or estate,
16 for taxable years beginning prior to January 1, 2025, and
17 ending after December 31, 2024, an amount equal to the sum
18 of (i) 3.75% of the taxpayer's net income for the period
19 prior to January 1, 2025, as calculated under Section
20 202.5, and (ii) 3.25% of the taxpayer's net income for the
21 period after December 31, 2024, as calculated under Section
22 202.5.

23 (5.4) In the case of an individual, trust, or estate,
24 for taxable years beginning on or after January 1, 2025, an
25 amount equal to 3.25% of the taxpayer's net income for the
26 taxable year.

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

4 (7) In the case of a corporation, for taxable years
5 beginning prior to July 1, 1989 and ending after June 30,
6 1989, an amount equal to the sum of (i) 4% of the
7 taxpayer's net income for the period prior to July 1, 1989,
8 as calculated under Section 202.3, and (ii) 4.8% of the
9 taxpayer's net income for the period after June 30, 1989,
10 as calculated under Section 202.3.

11 (8) In the case of a corporation, for taxable years
12 beginning after June 30, 1989, and ending prior to January
13 1, 2011, an amount equal to 4.8% of the taxpayer's net
14 income for the taxable year.

15 (9) In the case of a corporation, for taxable years
16 beginning prior to January 1, 2011, and ending after
17 December 31, 2010, an amount equal to the sum of (i) 4.8%
18 of the taxpayer's net income for the period prior to
19 January 1, 2011, as calculated under Section 202.5, and
20 (ii) 7% of the taxpayer's net income for the period after
21 December 31, 2010, as calculated under Section 202.5.

22 (10) In the case of a corporation, for taxable years
23 beginning on or after January 1, 2011, and ending prior to
24 January 1, 2015, an amount equal to 7% of the taxpayer's
25 net income for the taxable year.

26 (11) In the case of a corporation, for taxable years

1 beginning prior to January 1, 2015, and ending after
2 December 31, 2014, an amount equal to the sum of (i) 7% of
3 the taxpayer's net income for the period prior to January
4 1, 2015, as calculated under Section 202.5, and (ii) 5.25%
5 of the taxpayer's net income for the period after December
6 31, 2014, as calculated under Section 202.5.

7 (12) In the case of a corporation, for taxable years
8 beginning on or after January 1, 2015, and ending prior to
9 January 1, 2025, an amount equal to 5.25% of the taxpayer's
10 net income for the taxable year.

11 (13) In the case of a corporation, for taxable years
12 beginning prior to January 1, 2025, and ending after
13 December 31, 2024, an amount equal to the sum of (i) 5.25%
14 of the taxpayer's net income for the period prior to
15 January 1, 2025, as calculated under Section 202.5, and
16 (ii) 4.8% of the taxpayer's net income for the period after
17 December 31, 2024, as calculated under Section 202.5.

18 (14) In the case of a corporation, for taxable years
19 beginning on or after January 1, 2025, an amount equal to
20 4.8% of the taxpayer's net income for the taxable year.

21 The rates under this subsection (b) are subject to the
22 provisions of Section 201.5.

23 (b-5) Surcharge; sale or exchange of assets, properties,
24 and intangibles of electronic gaming licensees. For each of
25 taxable years 2010 through 2019, a surcharge is imposed on all
26 taxpayers on income arising from the sale or exchange of

1 capital assets, depreciable business property, real property
2 used in the trade or business, and Section 197 intangibles (i)
3 of an organization licensee under the Illinois Horse Racing Act
4 of 1975 and (ii) of an electronic gaming licensee under the
5 Illinois Gambling Act. The amount of the surcharge is equal to
6 the amount of federal income tax liability for the taxable year
7 attributable to those sales and exchanges. The surcharge
8 imposed shall not apply if:

9 (1) the electronic gaming license, organization
10 license, or race track property is transferred as a result
11 of any of the following:

12 (A) bankruptcy, a receivership, or a debt
13 adjustment initiated by or against the initial
14 licensee or the substantial owners of the initial
15 licensee;

16 (B) cancellation, revocation, or termination of
17 any such license by the Illinois Gaming Board or the
18 Illinois Racing Board;

19 (C) a determination by the Illinois Gaming Board
20 that transfer of the license is in the best interests
21 of Illinois gaming;

22 (D) the death of an owner of the equity interest in
23 a licensee;

24 (E) the acquisition of a controlling interest in
25 the stock or substantially all of the assets of a
26 publicly traded company;

1 (F) a transfer by a parent company to a wholly
2 owned subsidiary; or

3 (G) the transfer or sale to or by one person to
4 another person where both persons were initial owners
5 of the license when the license was issued.

6 (2) the controlling interest in the electronic gaming
7 license, organization license, or race track property is
8 transferred in a transaction to lineal descendants in which
9 no gain or loss is recognized or as a result of a
10 transaction in accordance with Section 351 of the Internal
11 Revenue Code in which no gain or loss is recognized.

12 The transfer of an electronic gaming license, organization
13 license, or race track property by a person other than the
14 initial licensee to receive the electronic gaming license is
15 not subject to a surcharge. The Department shall adopt rules
16 necessary to implement and administer this subsection.

17 (c) Personal Property Tax Replacement Income Tax.
18 Beginning on July 1, 1979 and thereafter, in addition to such
19 income tax, there is also hereby imposed the Personal Property
20 Tax Replacement Income Tax measured by net income on every
21 corporation (including Subchapter S corporations), partnership
22 and trust, for each taxable year ending after June 30, 1979.
23 Such taxes are imposed on the privilege of earning or receiving
24 income in or as a resident of this State. The Personal Property
25 Tax Replacement Income Tax shall be in addition to the income
26 tax imposed by subsections (a) and (b) of this Section and in

1 addition to all other occupation or privilege taxes imposed by
2 this State or by any municipal corporation or political
3 subdivision thereof.

4 (d) Additional Personal Property Tax Replacement Income
5 Tax Rates. The personal property tax replacement income tax
6 imposed by this subsection and subsection (c) of this Section
7 in the case of a corporation, other than a Subchapter S
8 corporation and except as adjusted by subsection (d-1), shall
9 be an additional amount equal to 2.85% of such taxpayer's net
10 income for the taxable year, except that beginning on January
11 1, 1981, and thereafter, the rate of 2.85% specified in this
12 subsection shall be reduced to 2.5%, and in the case of a
13 partnership, trust or a Subchapter S corporation shall be an
14 additional amount equal to 1.5% of such taxpayer's net income
15 for the taxable year.

16 (d-1) Rate reduction for certain foreign insurers. In the
17 case of a foreign insurer, as defined by Section 35A-5 of the
18 Illinois Insurance Code, whose state or country of domicile
19 imposes on insurers domiciled in Illinois a retaliatory tax
20 (excluding any insurer whose premiums from reinsurance assumed
21 are 50% or more of its total insurance premiums as determined
22 under paragraph (2) of subsection (b) of Section 304, except
23 that for purposes of this determination premiums from
24 reinsurance do not include premiums from inter-affiliate
25 reinsurance arrangements), beginning with taxable years ending
26 on or after December 31, 1999, the sum of the rates of tax

1 imposed by subsections (b) and (d) shall be reduced (but not
2 increased) to the rate at which the total amount of tax imposed
3 under this Act, net of all credits allowed under this Act,
4 shall equal (i) the total amount of tax that would be imposed
5 on the foreign insurer's net income allocable to Illinois for
6 the taxable year by such foreign insurer's state or country of
7 domicile if that net income were subject to all income taxes
8 and taxes measured by net income imposed by such foreign
9 insurer's state or country of domicile, net of all credits
10 allowed or (ii) a rate of zero if no such tax is imposed on such
11 income by the foreign insurer's state of domicile. For the
12 purposes of this subsection (d-1), an inter-affiliate includes
13 a mutual insurer under common management.

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

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

20 (B) the privilege tax imposed by Section 409 of the
21 Illinois Insurance Code, the fire insurance company
22 tax imposed by Section 12 of the Fire Investigation
23 Act, and the fire department taxes imposed under
24 Section 11-10-1 of the Illinois Municipal Code,
25 equals 1.25% for taxable years ending prior to December 31,
26 2003, or 1.75% for taxable years ending on or after

1 December 31, 2003, of the net taxable premiums written for
2 the taxable year, as described by subsection (1) of Section
3 409 of the Illinois Insurance Code. This paragraph will in
4 no event increase the rates imposed under subsections (b)
5 and (d).

6 (2) Any reduction in the rates of tax imposed by this
7 subsection shall be applied first against the rates imposed
8 by subsection (b) and only after the tax imposed by
9 subsection (a) net of all credits allowed under this
10 Section other than the credit allowed under subsection (i)
11 has been reduced to zero, against the rates imposed by
12 subsection (d).

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

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

18 (1) A taxpayer shall be allowed a credit equal to .5%
19 of the basis of qualified property placed in service during
20 the taxable year, provided such property is placed in
21 service on or after July 1, 1984. There shall be allowed an
22 additional credit equal to .5% of the basis of qualified
23 property placed in service during the taxable year,
24 provided such property is placed in service on or after
25 July 1, 1986, and the taxpayer's base employment within
26 Illinois has increased by 1% or more over the preceding

1 year as determined by the taxpayer's employment records
2 filed with the Illinois Department of Employment Security.
3 Taxpayers who are new to Illinois shall be deemed to have
4 met the 1% growth in base employment for the first year in
5 which they file employment records with the Illinois
6 Department of Employment Security. The provisions added to
7 this Section by Public Act 85-1200 (and restored by Public
8 Act 87-895) shall be construed as declaratory of existing
9 law and not as a new enactment. If, in any year, the
10 increase in base employment within Illinois over the
11 preceding year is less than 1%, the additional credit shall
12 be limited to that percentage times a fraction, the
13 numerator of which is .5% and the denominator of which is
14 1%, but shall not exceed .5%. The investment credit shall
15 not be allowed to the extent that it would reduce a
16 taxpayer's liability in any tax year below zero, nor may
17 any credit for qualified property be allowed for any year
18 other than the year in which the property was placed in
19 service in Illinois. For tax years ending on or after
20 December 31, 1987, and on or before December 31, 1988, the
21 credit shall be allowed for the tax year in which the
22 property is placed in service, or, if the amount of the
23 credit exceeds the tax liability for that year, whether it
24 exceeds the original liability or the liability as later
25 amended, such excess may be carried forward and applied to
26 the tax liability of the 5 taxable years following the

1 excess credit years if the taxpayer (i) makes investments
2 which cause the creation of a minimum of 2,000 full-time
3 equivalent jobs in Illinois, (ii) is located in an
4 enterprise zone established pursuant to the Illinois
5 Enterprise Zone Act and (iii) is certified by the
6 Department of Commerce and Community Affairs (now
7 Department of Commerce and Economic Opportunity) as
8 complying with the requirements specified in clause (i) and
9 (ii) by July 1, 1986. The Department of Commerce and
10 Community Affairs (now Department of Commerce and Economic
11 Opportunity) shall notify the Department of Revenue of all
12 such certifications immediately. For tax years ending
13 after December 31, 1988, the credit shall be allowed for
14 the tax year in which the property is placed in service,
15 or, if the amount of the credit exceeds the tax liability
16 for that year, whether it exceeds the original liability or
17 the liability as later amended, such excess may be carried
18 forward and applied to the tax liability of the 5 taxable
19 years following the excess credit years. The credit shall
20 be applied to the earliest year for which there is a
21 liability. If there is credit from more than one tax year
22 that is available to offset a liability, earlier credit
23 shall be applied first.

24 (2) The term "qualified property" means property
25 which:

26 (A) is tangible, whether new or used, including

1 buildings and structural components of buildings and
2 signs that are real property, but not including land or
3 improvements to real property that are not a structural
4 component of a building such as landscaping, sewer
5 lines, local access roads, fencing, parking lots, and
6 other appurtenances;

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

12 (C) is acquired by purchase as defined in Section
13 179(d) of the Internal Revenue Code;

14 (D) is used in Illinois by a taxpayer who is
15 primarily engaged in manufacturing, or in mining coal
16 or fluorite, or in retailing, or was placed in service
17 on or after July 1, 2006 in a River Edge Redevelopment
18 Zone established pursuant to the River Edge
19 Redevelopment Zone Act; and

20 (E) has not previously been used in Illinois in
21 such a manner and by such a person as would qualify for
22 the credit provided by this subsection (e) or
23 subsection (f).

24 (3) For purposes of this subsection (e),
25 "manufacturing" means the material staging and production
26 of tangible personal property by procedures commonly

1 regarded as manufacturing, processing, fabrication, or
2 assembling which changes some existing material into new
3 shapes, new qualities, or new combinations. For purposes of
4 this subsection (e) the term "mining" shall have the same
5 meaning as the term "mining" in Section 613(c) of the
6 Internal Revenue Code. For purposes of this subsection (e),
7 the term "retailing" means the sale of tangible personal
8 property for use or consumption and not for resale, or
9 services rendered in conjunction with the sale of tangible
10 personal property for use or consumption and not for
11 resale. For purposes of this subsection (e), "tangible
12 personal property" has the same meaning as when that term
13 is used in the Retailers' Occupation Tax Act, and, for
14 taxable years ending after December 31, 2008, does not
15 include the generation, transmission, or distribution of
16 electricity.

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

20 (5) If the basis of the property for federal income tax
21 depreciation purposes is increased after it has been placed
22 in service in Illinois by the taxpayer, the amount of such
23 increase shall be deemed property placed in service on the
24 date of such increase in basis.

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

1 (7) If during any taxable year, any property ceases to
2 be qualified property in the hands of the taxpayer within
3 48 months after being placed in service, or the situs of
4 any qualified property is moved outside Illinois within 48
5 months after being placed in service, the Personal Property
6 Tax Replacement Income Tax for such taxable year shall be
7 increased. Such increase shall be determined by (i)
8 recomputing the investment credit which would have been
9 allowed for the year in which credit for such property was
10 originally allowed by eliminating such property from such
11 computation and, (ii) subtracting such recomputed credit
12 from the amount of credit previously allowed. For the
13 purposes of this paragraph (7), a reduction of the basis of
14 qualified property resulting from a redetermination of the
15 purchase price shall be deemed a disposition of qualified
16 property to the extent of such reduction.

17 (8) Unless the investment credit is extended by law,
18 the basis of qualified property shall not include costs
19 incurred after December 31, 2013, except for costs incurred
20 pursuant to a binding contract entered into on or before
21 December 31, 2013.

22 (9) Each taxable year ending before December 31, 2000,
23 a partnership may elect to pass through to its partners the
24 credits to which the partnership is entitled under this
25 subsection (e) for the taxable year. A partner may use the
26 credit allocated to him or her under this paragraph only

1 against the tax imposed in subsections (c) and (d) of this
2 Section. If the partnership makes that election, those
3 credits shall be allocated among the partners in the
4 partnership in accordance with the rules set forth in
5 Section 704(b) of the Internal Revenue Code, and the rules
6 promulgated under that Section, and the allocated amount of
7 the credits shall be allowed to the partners for that
8 taxable year. The partnership shall make this election on
9 its Personal Property Tax Replacement Income Tax return for
10 that taxable year. The election to pass through the credits
11 shall be irrevocable.

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

26 (f) Investment credit; Enterprise Zone; River Edge

1 Redevelopment Zone.

2 (1) A taxpayer shall be allowed a credit against the
3 tax imposed by subsections (a) and (b) of this Section for
4 investment in qualified property which is placed in service
5 in an Enterprise Zone created pursuant to the Illinois
6 Enterprise Zone Act or, for property placed in service on
7 or after July 1, 2006, a River Edge Redevelopment Zone
8 established pursuant to the River Edge Redevelopment Zone
9 Act. For partners, shareholders of Subchapter S
10 corporations, and owners of limited liability companies,
11 if the liability company is treated as a partnership for
12 purposes of federal and State income taxation, there shall
13 be allowed a credit under this subsection (f) to be
14 determined in accordance with the determination of income
15 and distributive share of income under Sections 702 and 704
16 and Subchapter S of the Internal Revenue Code. The credit
17 shall be .5% of the basis for such property. The credit
18 shall be available only in the taxable year in which the
19 property is placed in service in the Enterprise Zone or
20 River Edge Redevelopment Zone and shall not be allowed to
21 the extent that it would reduce a taxpayer's liability for
22 the tax imposed by subsections (a) and (b) of this Section
23 to below zero. For tax years ending on or after December
24 31, 1985, the credit shall be allowed for the tax year in
25 which the property is placed in service, or, if the amount
26 of the credit exceeds the tax liability for that year,

1 whether it exceeds the original liability or the liability
2 as later amended, such excess may be carried forward and
3 applied to the tax liability of the 5 taxable years
4 following the excess credit year. The credit shall be
5 applied to the earliest year for which there is a
6 liability. If there is credit from more than one tax year
7 that is available to offset a liability, the credit
8 accruing first in time shall be applied first.

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

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

12 (B) is depreciable pursuant to Section 167 of the
13 Internal Revenue Code, except that "3-year property"
14 as defined in Section 168(c) (2) (A) of that Code is not
15 eligible for the credit provided by this subsection
16 (f);

17 (C) is acquired by purchase as defined in Section
18 179(d) of the Internal Revenue Code;

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

21 (E) has not been previously used in Illinois in
22 such a manner and by such a person as would qualify for
23 the credit provided by this subsection (f) or
24 subsection (e).

25 (3) The basis of qualified property shall be the basis
26 used to compute the depreciation deduction for federal

1 income tax purposes.

2 (4) If the basis of the property for federal income tax
3 depreciation purposes is increased after it has been placed
4 in service in the Enterprise Zone or River Edge
5 Redevelopment Zone by the taxpayer, the amount of such
6 increase shall be deemed property placed in service on the
7 date of such increase in basis.

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

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

1 (7) There shall be allowed an additional credit equal
2 to 0.5% of the basis of qualified property placed in
3 service during the taxable year in a River Edge
4 Redevelopment Zone, provided such property is placed in
5 service on or after July 1, 2006, and the taxpayer's base
6 employment within Illinois has increased by 1% or more over
7 the preceding year as determined by the taxpayer's
8 employment records filed with the Illinois Department of
9 Employment Security. Taxpayers who are new to Illinois
10 shall be deemed to have met the 1% growth in base
11 employment for the first year in which they file employment
12 records with the Illinois Department of Employment
13 Security. If, in any year, the increase in base employment
14 within Illinois over the preceding year is less than 1%,
15 the additional credit shall be limited to that percentage
16 times a fraction, the numerator of which is 0.5% and the
17 denominator of which is 1%, but shall not exceed 0.5%.

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

20 (1) A taxpayer conducting a trade or business in an
21 enterprise zone or a High Impact Business designated by the
22 Department of Commerce and Economic Opportunity or for
23 taxable years ending on or after December 31, 2006, in a
24 River Edge Redevelopment Zone conducting a trade or
25 business in a federally designated Foreign Trade Zone or
26 Sub-Zone shall be allowed a credit against the tax imposed

1 by subsections (a) and (b) of this Section in the amount of
2 \$500 per eligible employee hired to work in the zone during
3 the taxable year.

4 (2) To qualify for the credit:

5 (A) the taxpayer must hire 5 or more eligible
6 employees to work in an enterprise zone, River Edge
7 Redevelopment Zone, or federally designated Foreign
8 Trade Zone or Sub-Zone during the taxable year;

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

18 (C) the eligible employees must be employed 180
19 consecutive days in order to be deemed hired for
20 purposes of this subsection.

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

22 (A) Certified by the Department of Commerce and
23 Economic Opportunity as "eligible for services"
24 pursuant to regulations promulgated in accordance with
25 Title II of the Job Training Partnership Act, Training
26 Services for the Disadvantaged or Title III of the Job

1 Training Partnership Act, Employment and Training
2 Assistance for Dislocated Workers Program.

3 (B) Hired after the enterprise zone, River Edge
4 Redevelopment Zone, or federally designated Foreign
5 Trade Zone or Sub-Zone was designated or the trade or
6 business was located in that zone, whichever is later.

7 (C) Employed in the enterprise zone, River Edge
8 Redevelopment Zone, or Foreign Trade Zone or Sub-Zone.
9 An employee is employed in an enterprise zone or
10 federally designated Foreign Trade Zone or Sub-Zone if
11 his services are rendered there or it is the base of
12 operations for the services performed.

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

15 (4) For tax years ending on or after December 31, 1985
16 and prior to December 31, 1988, the credit shall be allowed
17 for the tax year in which the eligible employees are hired.
18 For tax years ending on or after December 31, 1988, the
19 credit shall be allowed for the tax year immediately
20 following the tax year in which the eligible employees are
21 hired. If the amount of the credit exceeds the tax
22 liability for that year, whether it exceeds the original
23 liability or the liability as later amended, such excess
24 may be carried forward and applied to the tax liability of
25 the 5 taxable years following the excess credit year. The
26 credit shall be applied to the earliest year for which

1 there is a liability. If there is credit from more than one
2 tax year that is available to offset a liability, earlier
3 credit shall be applied first.

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

7 (6) The credit shall be available for eligible
8 employees hired on or after January 1, 1986.

9 (h) Investment credit; High Impact Business.

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

1 subsections (a) and (b) of this Section to below zero. The
2 credit applicable to such investments shall be taken in the
3 taxable year in which such investments have been completed.
4 The credit for additional investments beyond the minimum
5 investment by a designated high impact business authorized
6 under subdivision (a) (3) (A) of Section 5.5 of the Illinois
7 Enterprise Zone Act shall be available only in the taxable
8 year in which the property is placed in service and shall
9 not be allowed to the extent that it would reduce a
10 taxpayer's liability for the tax imposed by subsections (a)
11 and (b) of this Section to below zero. For tax years ending
12 on or after December 31, 1987, the credit shall be allowed
13 for the tax year in which the property is placed in
14 service, or, if the amount of the credit exceeds the tax
15 liability for that year, whether it exceeds the original
16 liability or the liability as later amended, such excess
17 may be carried forward and applied to the tax liability of
18 the 5 taxable years following the excess credit year. The
19 credit shall be applied to the earliest year for which
20 there is a liability. If there is credit from more than one
21 tax year that is available to offset a liability, the
22 credit accruing first in time shall be applied first.

23 Changes made in this subdivision (h) (1) by Public Act
24 88-670 restore changes made by Public Act 85-1182 and
25 reflect existing law.

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

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

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

8 (C) is acquired by purchase as defined in Section
9 179(d) of the Internal Revenue Code; and

10 (D) is not eligible for the Enterprise Zone
11 Investment Credit provided by subsection (f) of this
12 Section.

13 (3) The basis of qualified property shall be the basis
14 used to compute the depreciation deduction for federal
15 income tax purposes.

16 (4) If the basis of the property for federal income tax
17 depreciation purposes is increased after it has been placed
18 in service in a federally designated Foreign Trade Zone or
19 Sub-Zone located in Illinois by the taxpayer, the amount of
20 such increase shall be deemed property placed in service on
21 the date of such increase in basis.

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

24 (6) If during any taxable year ending on or before
25 December 31, 1996, any property ceases to be qualified
26 property in the hands of the taxpayer within 48 months

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

16 (7) Beginning with tax years ending after December 31,
17 1996, if a taxpayer qualifies for the credit under this
18 subsection (h) and thereby is granted a tax abatement and
19 the taxpayer relocates its entire facility in violation of
20 the explicit terms and length of the contract under Section
21 18-183 of the Property Tax Code, the tax imposed under
22 subsections (a) and (b) of this Section shall be increased
23 for the taxable year in which the taxpayer relocated its
24 facility by an amount equal to the amount of credit
25 received by the taxpayer under this subsection (h).

26 (i) Credit for Personal Property Tax Replacement Income

1 Tax. For tax years ending prior to December 31, 2003, a credit
2 shall be allowed against the tax imposed by subsections (a) and
3 (b) of this Section for the tax imposed by subsections (c) and
4 (d) of this Section. This credit shall be computed by
5 multiplying the tax imposed by subsections (c) and (d) of this
6 Section by a fraction, the numerator of which is base income
7 allocable to Illinois and the denominator of which is Illinois
8 base income, and further multiplying the product by the tax
9 rate imposed by subsections (a) and (b) of this Section.

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

24 If, during any taxable year ending on or after December 31,
25 1986, the tax imposed by subsections (c) and (d) of this
26 Section for which a taxpayer has claimed a credit under this

1 subsection (i) is reduced, the amount of credit for such tax
2 shall also be reduced. Such reduction shall be determined by
3 recomputing the credit to take into account the reduced tax
4 imposed by subsections (c) and (d). If any portion of the
5 reduced amount of credit has been carried to a different
6 taxable year, an amended return shall be filed for such taxable
7 year to reduce the amount of credit claimed.

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

1 Any credit allowed under this subsection which is unused in
2 the year the credit is earned may be carried forward to each of
3 the 5 taxable years following the year for which the credit is
4 first computed until it is used. This credit shall be applied
5 first to the earliest year for which there is a liability. If
6 there is a credit under this subsection from more than one tax
7 year that is available to offset a liability the earliest
8 credit arising under this subsection shall be applied first. No
9 carryforward credit may be claimed in any tax year ending on or
10 after December 31, 2003.

11 (k) Research and development credit.

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

1 Sections 702 and 704 and subchapter S of the Internal Revenue
2 Code.

3 For purposes of this subsection, "qualifying expenditures"
4 means the qualifying expenditures as defined for the federal
5 credit for increasing research activities which would be
6 allowable under Section 41 of the Internal Revenue Code and
7 which are conducted in this State, "qualifying expenditures for
8 increasing research activities in this State" means the excess
9 of qualifying expenditures for the taxable year in which
10 incurred over qualifying expenditures for the base period,
11 "qualifying expenditures for the base period" means the average
12 of the qualifying expenditures for each year in the base
13 period, and "base period" means the 3 taxable years immediately
14 preceding the taxable year for which the determination is being
15 made.

16 Any credit in excess of the tax liability for the taxable
17 year may be carried forward. A taxpayer may elect to have the
18 unused credit shown on its final completed return carried over
19 as a credit against the tax liability for the following 5
20 taxable years or until it has been fully used, whichever occurs
21 first; provided that no credit earned in a tax year ending
22 prior to December 31, 2003 may be carried forward to any year
23 ending on or after December 31, 2003, and no credit may be
24 carried forward to any taxable year ending on or after January
25 1, 2011.

26 If an unused credit is carried forward to a given year from

1 2 or more earlier years, that credit arising in the earliest
2 year will be applied first against the tax liability for the
3 given year. If a tax liability for the given year still
4 remains, the credit from the next earliest year will then be
5 applied, and so on, until all credits have been used or no tax
6 liability for the given year remains. Any remaining unused
7 credit or credits then will be carried forward to the next
8 following year in which a tax liability is incurred, except
9 that no credit can be carried forward to a year which is more
10 than 5 years after the year in which the expense for which the
11 credit is given was incurred.

12 No inference shall be drawn from this amendatory Act of the
13 91st General Assembly in construing this Section for taxable
14 years beginning before January 1, 1999.

15 (1) Environmental Remediation Tax Credit.

16 (i) For tax years ending after December 31, 1997 and on
17 or before December 31, 2001, a taxpayer shall be allowed a
18 credit against the tax imposed by subsections (a) and (b)
19 of this Section for certain amounts paid for unreimbursed
20 eligible remediation costs, as specified in this
21 subsection. For purposes of this Section, "unreimbursed
22 eligible remediation costs" means costs approved by the
23 Illinois Environmental Protection Agency ("Agency") under
24 Section 58.14 of the Environmental Protection Act that were
25 paid in performing environmental remediation at a site for
26 which a No Further Remediation Letter was issued by the

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

1 contained in an enterprise zone as determined by the
2 Department of Commerce and Community Affairs (now
3 Department of Commerce and Economic Opportunity). The
4 total credit allowed shall not exceed \$40,000 per year with
5 a maximum total of \$150,000 per site. For partners and
6 shareholders of subchapter S corporations, there shall be
7 allowed a credit under this subsection to be determined in
8 accordance with the determination of income and
9 distributive share of income under Sections 702 and 704 and
10 subchapter S of the Internal Revenue Code.

11 (ii) A credit allowed under this subsection that is
12 unused in the year the credit is earned may be carried
13 forward to each of the 5 taxable years following the year
14 for which the credit is first earned until it is used. The
15 term "unused credit" does not include any amounts of
16 unreimbursed eligible remediation costs in excess of the
17 maximum credit per site authorized under paragraph (i).
18 This credit shall be applied first to the earliest year for
19 which there is a liability. If there is a credit under this
20 subsection from more than one tax year that is available to
21 offset a liability, the earliest credit arising under this
22 subsection shall be applied first. A credit allowed under
23 this subsection may be sold to a buyer as part of a sale of
24 all or part of the remediation site for which the credit
25 was granted. The purchaser of a remediation site and the
26 tax credit shall succeed to the unused credit and remaining

1 carry-forward period of the seller. To perfect the
2 transfer, the assignor shall record the transfer in the
3 chain of title for the site and provide written notice to
4 the Director of the Illinois Department of Revenue of the
5 assignor's intent to sell the remediation site and the
6 amount of the tax credit to be transferred as a portion of
7 the sale. In no event may a credit be transferred to any
8 taxpayer if the taxpayer or a related party would not be
9 eligible under the provisions of subsection (i).

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

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

25 For purposes of this subsection:

26 "Qualifying pupils" means individuals who (i) are

1 residents of the State of Illinois, (ii) are under the age of
2 21 at the close of the school year for which a credit is
3 sought, and (iii) during the school year for which a credit is
4 sought were full-time pupils enrolled in a kindergarten through
5 twelfth grade education program at any school, as defined in
6 this subsection.

7 "Qualified education expense" means the amount incurred on
8 behalf of a qualifying pupil in excess of \$250 for tuition,
9 book fees, and lab fees at the school in which the pupil is
10 enrolled during the regular school year.

11 "School" means any public or nonpublic elementary or
12 secondary school in Illinois that is in compliance with Title
13 VI of the Civil Rights Act of 1964 and attendance at which
14 satisfies the requirements of Section 26-1 of the School Code,
15 except that nothing shall be construed to require a child to
16 attend any particular public or nonpublic school to qualify for
17 the credit under this Section.

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

21 (n) River Edge Redevelopment Zone site remediation tax
22 credit.

23 (i) For tax years ending on or after December 31, 2006,
24 a taxpayer shall be allowed a credit against the tax
25 imposed by subsections (a) and (b) of this Section for
26 certain amounts paid for unreimbursed eligible remediation

1 costs, as specified in this subsection. For purposes of
2 this Section, "unreimbursed eligible remediation costs"
3 means costs approved by the Illinois Environmental
4 Protection Agency ("Agency") under Section 58.14a of the
5 Environmental Protection Act that were paid in performing
6 environmental remediation at a site within a River Edge
7 Redevelopment Zone for which a No Further Remediation
8 Letter was issued by the Agency and recorded under Section
9 58.10 of the Environmental Protection Act. The credit must
10 be claimed for the taxable year in which Agency approval of
11 the eligible remediation costs is granted. The credit is
12 not available to any taxpayer if the taxpayer or any
13 related party caused or contributed to, in any material
14 respect, a release of regulated substances on, in, or under
15 the site that was identified and addressed by the remedial
16 action pursuant to the Site Remediation Program of the
17 Environmental Protection Act. Determinations as to credit
18 availability for purposes of this Section shall be made
19 consistent with rules adopted by the Pollution Control
20 Board pursuant to the Illinois Administrative Procedure
21 Act for the administration and enforcement of Section 58.9
22 of the Environmental Protection Act. For purposes of this
23 Section, "taxpayer" includes a person whose tax attributes
24 the taxpayer has succeeded to under Section 381 of the
25 Internal Revenue Code and "related party" includes the
26 persons disallowed a deduction for losses by paragraphs

1 (b), (c), and (f) (1) of Section 267 of the Internal Revenue
2 Code by virtue of being a related taxpayer, as well as any
3 of its partners. The credit allowed against the tax imposed
4 by subsections (a) and (b) shall be equal to 25% of the
5 unreimbursed eligible remediation costs in excess of
6 \$100,000 per site.

7 (ii) A credit allowed under this subsection that is
8 unused in the year the credit is earned may be carried
9 forward to each of the 5 taxable years following the year
10 for which the credit is first earned until it is used. This
11 credit shall be applied first to the earliest year for
12 which there is a liability. If there is a credit under this
13 subsection from more than one tax year that is available to
14 offset a liability, the earliest credit arising under this
15 subsection shall be applied first. A credit allowed under
16 this subsection may be sold to a buyer as part of a sale of
17 all or part of the remediation site for which the credit
18 was granted. The purchaser of a remediation site and the
19 tax credit shall succeed to the unused credit and remaining
20 carry-forward period of the seller. To perfect the
21 transfer, the assignor shall record the transfer in the
22 chain of title for the site and provide written notice to
23 the Director of the Illinois Department of Revenue of the
24 assignor's intent to sell the remediation site and the
25 amount of the tax credit to be transferred as a portion of
26 the sale. In no event may a credit be transferred to any

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

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

6 (iv) This subsection is exempt from the provisions of
7 Section 250.

8 (Source: P.A. 95-454, eff. 8-27-07; 96-115, eff. 7-31-09;
9 96-116, eff. 7-31-09; 96-937, eff. 6-23-10; 96-1000, eff.
10 7-2-10; 96-1496, eff. 1-13-11.)

11 Section 40. The Joliet Regional Port District Act is
12 amended by changing Section 5.1 as follows:

13 (70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

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

1 Illinois Gaming Board as provided in the Illinois Riverboat
2 Gambling Act.

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

4 Section 45. The Consumer Installment Loan Act is amended by
5 changing Section 12.5 as follows:

6 (205 ILCS 670/12.5)

7 Sec. 12.5. Limited purpose branch.

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

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

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

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

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

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

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

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

15 Section 50. The Illinois Horse Racing Act of 1975 is
16 amended by changing Sections 1.2, 3.11, 3.12, 6, 9, 15, 15.1,
17 18, 19, 20, 24, 26, 27, 28, 28.1, 30, 30.5, 31, 31.1, 32.1, 36,
18 and 40 and by adding Sections 3.31, 3.32, 3.33, 3.35, 3.36,
19 34.3, and 56 as follows:

20 (230 ILCS 5/1.2)

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

1 Assembly finds and declares it to be the public policy of the
2 State of Illinois to:

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

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

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

12 (d) promote the further growth of tourism;

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

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

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

19 (230 ILCS 5/3.11) (from Ch. 8, par. 37-3.11)

20 Sec. 3.11. "Organization Licensee" means any person
21 receiving an organization license from the Board to conduct a
22 race meeting or meetings. With respect only to electronic
23 gaming, "organization licensee" includes the authorization for
24 an electronic gaming license under subsection (a) of Section 56
25 of this Act.

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

2 (230 ILCS 5/3.12) (from Ch. 8, par. 37-3.12)

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

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

12 (230 ILCS 5/3.31 new)

13 Sec. 3.31. Adjusted gross receipts. "Adjusted gross
14 receipts" means the gross receipts less winnings paid to
15 wagerers.

16 (230 ILCS 5/3.32 new)

17 Sec. 3.32. Gross receipts. "Gross receipts" means the total
18 amount of money exchanged for the purchase of chips, tokens, or
19 electronic cards by riverboat or casino patrons or electronic
20 gaming patrons.

21 (230 ILCS 5/3.33 new)

22 Sec. 3.33. Electronic gaming. "Electronic gaming" means

1 slot machine gambling, video game of chance gambling, or
2 gambling with electronic gambling games as defined in the
3 Illinois Gambling Act or defined by the Illinois Gaming Board
4 that is conducted at a race track pursuant to an electronic
5 gaming license.

6 (230 ILCS 5/3.35 new)

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

11 (230 ILCS 5/3.36 new)

12 Sec. 3.36. Electronic gaming facility. "Electronic gaming
13 facility" means that portion of an organization licensee's race
14 track facility at which electronic gaming is conducted.

15 (230 ILCS 5/6) (from Ch. 8, par. 37-6)

16 Sec. 6. Restrictions on Board members.

17 (a) No person shall be appointed a member of the Board or
18 continue to be a member of the Board if the person or any
19 member of their immediate family is a member of the Board of
20 Directors, employee, or financially interested in any of the
21 following: (i) any licensee or other person who has applied for
22 racing dates to the Board, or the operations thereof including,
23 but not limited to, concessions, data processing, track

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

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

22 (c) No member of the Board or employee shall engage in any
23 political activity. For the purposes of this Section,
24 "political" means any activity in support of or in connection
25 with any campaign for State or local elective office or any
26 political organization, but does not include activities (i)

1 relating to the support or opposition of any executive,
2 legislative, or administrative action (as those terms are
3 defined in Section 2 of the Lobbyist Registration Act), (ii)
4 relating to collective bargaining, or (iii) that are otherwise
5 in furtherance of the person's official State duties or
6 governmental and public service functions.

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

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

21 (f) A Board member or employee shall not use or attempt to
22 use his or her official position to secure, or attempt to
23 secure, any privilege, advantage, favor, or influence for
24 himself or herself or others. No Board member or employee,
25 within a period of one year immediately preceding nomination by
26 the Governor or employment, shall have been employed or

1 received compensation or fees for services from a person or
2 entity, or its parent or affiliate, that has engaged in
3 business with the Board, a licensee or a licensee under the
4 Illinois Gambling Act. In addition, all Board members and
5 employees are subject to the restrictions set forth in Section
6 5-45 of the State Officials and Employees Ethics Act.

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

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

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

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

1 Such licenses shall be governed by subsection (n) of this
2 Section.

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

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

24 (b) The Board is vested with the full power to promulgate
25 reasonable rules and regulations for the purpose of
26 administering the provisions of this Act and to prescribe

1 reasonable rules, regulations and conditions under which all
2 horse race meetings or wagering in the State shall be
3 conducted. Such reasonable rules and regulations are to provide
4 for the prevention of practices detrimental to the public
5 interest and to promote the best interests of horse racing and
6 to impose penalties for violations thereof.

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

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

20 (e) The Board, and any person or persons to whom it
21 delegates this power, may eject or exclude from any race
22 meeting or the facilities of any licensee, or any part thereof,
23 any occupation licensee or any other individual whose conduct
24 or reputation is such that his presence on those facilities
25 may, in the opinion of the Board, call into question the
26 honesty and integrity of horse racing or wagering or interfere

1 with the orderly conduct of horse racing or wagering; provided,
2 however, that no person shall be excluded or ejected from the
3 facilities of any licensee solely on the grounds of race,
4 color, creed, national origin, ancestry, or sex. The power to
5 eject or exclude an occupation licensee or other individual may
6 be exercised for just cause by the licensee or the Board,
7 subject to subsequent hearing by the Board as to the propriety
8 of said exclusion.

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

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

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

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

23 (i) The Board shall require that there shall be 3 stewards
24 at each horse race meeting, at least 2 of whom shall be named
25 and appointed by the Board. Stewards appointed or approved by
26 the Board, while performing duties required by this Act or by

1 the Board, shall be entitled to the same rights and immunities
2 as granted to Board members and Board employees in Section 10
3 of this Act.

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

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

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

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

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

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

1 (p) To insure the convenience, comfort, and wagering
2 accessibility of race track patrons, to provide for the
3 maximization of State revenue, and to generate increases in
4 purse allotments to the horsemen, the Board shall require any
5 licensee to staff the pari-mutuel department with adequate
6 personnel.

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

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

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

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

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

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

20 (2) who is unqualified to perform the duties required
21 of such applicant;

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

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

26 (5) whose license or permit has been suspended, revoked

1 or denied for just cause in any other state.

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

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

4 or

5 (2) for violation of any of the rules or regulations of
6 the Board; or

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

10 (4) for any other just cause.

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

1 submitting such sets of fingerprints; however, with the prior
2 approval of a State steward, an applicant may have such sets of
3 fingerprints taken by an official law enforcement agency and
4 submitted to the Board.

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

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

12 (230 ILCS 5/15.1) (from Ch. 8, par. 37-15.1)

13 Sec. 15.1. Upon collection of the fee accompanying the
14 application for an occupation license, the Board shall be
15 authorized to make daily temporary deposits of the fees, for a
16 period not to exceed 7 days, with the horsemen's bookkeeper at
17 a race meeting. The horsemen's bookkeeper shall issue a check,
18 payable to the order of the Illinois Racing Board, for monies
19 deposited under this Section within 24 hours of receipt of the
20 monies. Provided however, upon the issuance of the check by the
21 horsemen's bookkeeper the check shall be deposited into the
22 Horse Racing Fund ~~in the State Treasury in accordance with the~~
23 ~~provisions of the "State Officers and Employees Money~~
24 ~~Disposition Act", approved June 9, 1911, as amended.~~

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

1 (230 ILCS 5/18) (from Ch. 8, par. 37-18)

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

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

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

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

1 (230 ILCS 5/19) (from Ch. 8, par. 37-19)

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

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

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

18 (3) to any person who has been convicted of the
19 violation of any law of the United States or any State law
20 which provided as all or part of its penalty imprisonment
21 in any penal institution; to any person against whom there
22 is pending a Federal or State criminal charge; to any
23 person who is or has been connected with or engaged in the
24 operation of any illegal business; to any person who does
25 not enjoy a general reputation in his community of being an
26 honest, upright, law-abiding person; provided that none of

1 the matters set forth in this subparagraph (3) shall make
2 any person ineligible to be granted an organization license
3 if the Board determines, based on circumstances of any such
4 case, that the granting of a license would not be
5 detrimental to the interests of horse racing and of the
6 public;

7 (4) to any person who does not at the time of
8 application for the organization license own or have a
9 contract or lease for the possession of a finished race
10 track suitable for the type of racing intended to be held
11 by the applicant and for the accommodation of the public.

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

16 (c) If any person is ineligible to receive an organization
17 license because of any of the matters set forth in subsection
18 (a) (2) or subsection (a) (3) of this Section, any other or
19 separate person that either (i) controls, directly or
20 indirectly, such ineligible person or (ii) is controlled,
21 directly or indirectly, by such ineligible person or by a
22 person which controls, directly or indirectly, such ineligible
23 person shall also be ineligible.

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

25 (230 ILCS 5/20) (from Ch. 8, par. 37-20)

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

5 (1) the dates on which it intends to conduct the horse
6 race meeting, which dates shall be provided under Section
7 21;

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

10 (3) the location where it proposes to conduct the
11 meeting; and

12 (4) any other information the Board may reasonably
13 require.

14 (b) A separate application for an organization license
15 shall be filed for each horse race meeting which such person
16 proposes to hold. Any such application, if made by an
17 individual, or by any individual as trustee, shall be signed
18 and verified under oath by such individual. If made by
19 individuals or a partnership, it shall be signed and verified
20 under oath by at least 2 of such individuals or members of such
21 partnership as the case may be. If made by an association,
22 corporation, corporate trustee or any other entity, it shall be
23 signed by the president and attested by the secretary or
24 assistant secretary under the seal of such association, trust
25 or corporation if it has a seal, and shall also be verified
26 under oath by one of the signing officers.

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

14 (d) The applicant shall execute and file with the Board a
15 good faith affirmative action plan to recruit, train, and
16 upgrade minorities in all classifications within the
17 association.

18 (e) With such application there shall be delivered to the
19 Board a certified check or bank draft payable to the order of
20 the Board for an amount equal to \$1,000. All applications for
21 the issuance of an organization license shall be filed with the
22 Board before August 1 of the year prior to the year for which
23 application is made and shall be acted upon by the Board at a
24 meeting to be held on such date as shall be fixed by the Board
25 during the last 15 days of September of such prior year. At
26 such meeting, the Board shall announce the award of the racing

1 meets, live racing schedule, and designation of host track to
2 the applicants and its approval or disapproval of each
3 application. No announcement shall be considered binding until
4 a formal order is executed by the Board, which shall be
5 executed no later than October 15 of that prior year. Absent
6 the agreement of the affected organization licensees, the Board
7 shall not grant overlapping race meetings to 2 or more tracks
8 that are within 100 miles of each other to conduct the
9 thoroughbred racing.

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

19 (e-2) In awarding racing dates for calendar year 2012 and
20 thereafter, the Board shall award racing dates and the
21 organization licensees shall run at least 2,500 thoroughbred
22 races at Cook County race tracks and 700 thoroughbred races at
23 a race track in Madison County each year. In awarding racing
24 dates under this subsection (e-2), the Board shall have the
25 discretion to allocate those racing dates among organization
26 licensees.

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

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

18 (e-5) In reviewing an application for the purpose of
19 granting an organization license consistent with the best
20 interests of the public and the sport of horse racing, the
21 Board shall consider:

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

25 (i) controls the applicant, directly or
26 indirectly, or

1 (ii) is controlled, directly or indirectly, by
2 that applicant or by a person who controls, directly or
3 indirectly, that applicant;

4 (2) the applicant's facilities or proposed facilities
5 for conducting horse racing;

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

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

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

14 (6) the applicant's proposed and prior year's
15 promotional and marketing activities and expenditures of
16 the applicant associated with those activities;

17 (7) an agreement, if any, among organization licensees
18 as provided in subsection (b) of Section 21 of this Act;
19 and

20 (8) the extent to which the applicant exceeds or meets
21 other standards for the issuance of an organization license
22 that the Board shall adopt by rule.

23 In granting organization licenses and allocating dates for
24 horse race meetings, the Board shall have discretion to
25 determine an overall schedule, including required simulcasts
26 of Illinois races by host tracks that will, in its judgment, be

1 conducive to the best interests of the public and the sport of
2 horse racing.

3 (e-10) The Illinois Administrative Procedure Act shall
4 apply to administrative procedures of the Board under this Act
5 for the granting of an organization license, except that (1)
6 notwithstanding the provisions of subsection (b) of Section
7 10-40 of the Illinois Administrative Procedure Act regarding
8 cross-examination, the Board may prescribe rules limiting the
9 right of an applicant or participant in any proceeding to award
10 an organization license to conduct cross-examination of
11 witnesses at that proceeding where that cross-examination
12 would unduly obstruct the timely award of an organization
13 license under subsection (e) of Section 20 of this Act; (2) the
14 provisions of Section 10-45 of the Illinois Administrative
15 Procedure Act regarding proposals for decision are excluded
16 under this Act; (3) notwithstanding the provisions of
17 subsection (a) of Section 10-60 of the Illinois Administrative
18 Procedure Act regarding ex parte communications, the Board may
19 prescribe rules allowing ex parte communications with
20 applicants or participants in a proceeding to award an
21 organization license where conducting those communications
22 would be in the best interest of racing, provided all those
23 communications are made part of the record of that proceeding
24 pursuant to subsection (c) of Section 10-60 of the Illinois
25 Administrative Procedure Act; (4) the provisions of Section 14a
26 of this Act and the rules of the Board promulgated under that

1 Section shall apply instead of the provisions of Article 10 of
2 the Illinois Administrative Procedure Act regarding
3 administrative law judges; and (5) the provisions of subsection
4 (d) of Section 10-65 of the Illinois Administrative Procedure
5 Act that prevent summary suspension of a license pending
6 revocation or other action shall not apply.

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

26 (f-5) If, (i) an applicant does not file an acceptance of

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

20 (g) (Blank).

21 (h) The Board shall send the applicant a copy of its
22 formally executed order by certified mail addressed to the
23 applicant at the address stated in his application, which
24 notice shall be mailed within 5 days of the date the formal
25 order is executed.

26 Each applicant notified shall, within 10 days after receipt

1 of the final executed order of the Board awarding racing dates:

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

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

6 (3) file with the Board the bonds required in Sections
7 21 and 25 at least 20 days prior to the first day of each
8 race meeting.

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

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

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

16 (230 ILCS 5/24) (from Ch. 8, par. 37-24)

17 Sec. 24. (a) No license shall be issued to or held by an
18 organization licensee unless all of its officers, directors,
19 and holders of ownership interests of at least 5% are first
20 approved by the Board. The Board shall not give approval of an
21 organization license application to any person who has been
22 convicted of or is under an indictment for a crime of moral
23 turpitude or has violated any provision of the racing law of
24 this State or any rules of the Board.

25 (b) An organization licensee must notify the Board within

1 10 days of any change in the holders of a direct or indirect
2 interest in the ownership of the organization licensee. The
3 Board may, after hearing, revoke the organization license of
4 any person who registers on its books or knowingly permits a
5 direct or indirect interest in the ownership of that person
6 without notifying the Board of the name of the holder in
7 interest within this period.

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

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

19 (e) (Blank).

20 (f) No organization licensee or concessionaire or officer,
21 director or holder or controller of 5% or more legal or
22 beneficial interest in any organization licensee or concession
23 shall make any sort of gift or contribution that is prohibited
24 under Article 10 of the State Officials and Employees Ethics
25 Act of any kind or pay or give any money or other thing of value
26 to any person who is a public official, or a candidate or

1 nominee for public office if that payment or gift is prohibited
2 under Article 10 of the State Officials and Employees Ethics
3 Act.

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

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) Except for those gaming activities for which a license
22 is obtained and authorized under the Illinois Lottery Act, the
23 Charitable Games Act, the Raffles Act, or the Illinois Gambling
24 Act, no ~~no~~ other method of betting, pool making, wagering or
25 gambling shall be used or permitted by the licensee. Each

1 licensee may retain, subject to the payment of all applicable
2 taxes and purses, an amount not to exceed 17% of all money
3 wagered under subsection (a) of this Section, except as may
4 otherwise be permitted under this Act.

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

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

22 (c-5) Beginning January 1, 2000, the sum held by any
23 licensee for payment of outstanding pari-mutuel tickets, if
24 unclaimed prior to December 31 of the next year, shall be
25 retained by the licensee for payment of such tickets until that
26 date. Within 10 days thereafter, the balance of such sum

1 remaining unclaimed, less any uncashed supplements contributed
2 by such licensee for the purpose of guaranteeing minimum
3 distributions of any pari-mutuel pool, shall be evenly
4 distributed to the purse account of the organization licensee
5 and the organization licensee.

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

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

20 (f) Notwithstanding the other provisions of this Act, an
21 organization licensee may contract with an entity in another
22 state or country to permit any legal wagering entity in another
23 state or country to accept wagers solely within such other
24 state or country on races conducted by the organization
25 licensee in this State. Beginning January 1, 2000, these wagers
26 shall not be subject to State taxation. Until January 1, 2000,

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

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

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

1 of racing. The host track simulcast program shall include the
2 signal of live racing of all organization licensees. All
3 non-host licensees and advance deposit wagering licensees
4 shall carry the signal of and accept wagers on live racing of
5 all organization licensees. Advance deposit wagering licensees
6 shall not be permitted to accept out-of-state wagers on any
7 Illinois signal provided pursuant to this Section without the
8 approval and consent of the organization licensee providing the
9 signal. Non-host licensees may carry the host track simulcast
10 program and shall accept wagers on all races included as part
11 of the simulcast program upon which wagering is permitted. All
12 organization licensees shall provide their live signal to all
13 advance deposit wagering licensees for a simulcast commission
14 fee not to exceed 6% of the advance deposit wagering licensee's
15 Illinois handle on the organization licensee's signal without
16 prior approval by the Board. The Board may adopt rules under
17 which it may permit simulcast commission fees in excess of 6%.
18 The Board shall adopt rules limiting the interstate commission
19 fees charged to an advance deposit wagering licensee. The Board
20 shall adopt rules regarding advance deposit wagering on
21 interstate simulcast races that shall reflect, among other
22 things, the General Assembly's desire to maximize revenues to
23 the State, horsemen purses, and organizational licensees.
24 However, organization licensees providing live signals
25 pursuant to the requirements of this subsection (g) may
26 petition the Board to withhold their live signals from an

1 advance deposit wagering licensee if the organization licensee
2 discovers and the Board finds reputable or credible information
3 that the advance deposit wagering licensee is under
4 investigation by another state or federal governmental agency,
5 the advance deposit wagering licensee's license has been
6 suspended in another state, or the advance deposit wagering
7 licensee's license is in revocation proceedings in another
8 state. The organization licensee's provision of their live
9 signal to an advance deposit wagering licensee under this
10 subsection (g) pertains to wagers placed from within Illinois.
11 Advance deposit wagering licensees may place advance deposit
12 wagering terminals at wagering facilities as a convenience to
13 customers. The advance deposit wagering licensee shall not
14 charge or collect any fee from purses for the placement of the
15 advance deposit wagering terminals. The costs and expenses of
16 the host track and non-host licensees associated with
17 interstate simulcast wagering, other than the interstate
18 commission fee, shall be borne by the host track and all
19 non-host licensees incurring these costs. The interstate
20 commission fee shall not exceed 5% of Illinois handle on the
21 interstate simulcast race or races without prior approval of
22 the Board. The Board shall promulgate rules under which it may
23 permit interstate commission fees in excess of 5%. The
24 interstate commission fee and other fees charged by the sending
25 racetrack, including, but not limited to, satellite decoder
26 fees, shall be uniformly applied to the host track and all

1 non-host licensees.

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

1 deposit wagering licensee, shall be paid 50% to the
2 organization licensee's purse account and 50% to the
3 organization licensee. If more than one breed races at the same
4 race track facility, then the 50% of the moneys to be paid to
5 an organization licensee's purse account shall be allocated
6 among all organization licensees' purse accounts operating at
7 that race track facility proportionately based on the actual
8 number of host days that the Board grants to that breed at that
9 race track facility in the current calendar year. To the extent
10 any fees from advance deposit wagering conducted in Illinois
11 for wagers in Illinois or other states have been placed in
12 escrow or otherwise withheld from wagers pending a
13 determination of the legality of advance deposit wagering, no
14 action shall be brought to declare such wagers or the
15 disbursement of any fees previously escrowed illegal.

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

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

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

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

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

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

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

1 (A) For interstate simulcast wagers made at a host
2 track, 50% to the host track and 50% to purses at the
3 host track.

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

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

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

1 license as follows:

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

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

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

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

26 (E) Between the third Saturday in February and

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

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

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

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

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

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

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

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

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

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

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

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

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

1 license, inter-track wagering license, and inter-track
2 wagering location license.

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

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

26 (8) Notwithstanding any provision in this Act to the

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

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

22 (9) (Blank).

23 (10) (Blank).

24 (11) (Blank).

25 (12) The Board shall have authority to compel all host
26 tracks to receive the simulcast of any or all races

1 conducted at the Springfield or DuQuoin State fairgrounds
2 and include all such races as part of their simulcast
3 programs.

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

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

1 of the payment due to all wagering facilities licensed
2 under that organization licensee under this paragraph (13)
3 shall be the amount certified by the Board in January of
4 that year. An organization licensee and its related
5 wagering facilities shall no longer be able to receive
6 payments under this paragraph (13) beginning in the year
7 subsequent to the first year in which the organization
8 licensee begins to receive funds from electronic gaming.

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

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

18 (9) (Blank).

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

1 tax or pari-mutuel tax on such daily handle as provided in
2 Section 27.

3 (10.1) Except as provided in subsection (g) of Section
4 27 of this Act, inter-track wagering location licensees
5 shall pay 1% of the pari-mutuel handle at each location to
6 the municipality in which such location is situated and 1%
7 of the pari-mutuel handle at each location to the county in
8 which such location is situated. In the event that an
9 inter-track wagering location licensee is situated in an
10 unincorporated area of a county, such licensee shall pay 2%
11 of the pari-mutuel handle from such location to such
12 county.

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

1 first race track, those moneys shall be allocated as
2 follows:

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

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

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

1 race meet in a county with a population in excess of
2 230,000 and that borders the Mississippi River shall not
3 divide any remaining retention with that organization
4 licensee.

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

1 during any calendar year exceeds the amount collected and
2 distributed to the Horse Racing Tax Allocation Fund during
3 calendar year 1994, that excess amount shall be
4 redistributed (I) to all inter-track wagering location
5 licensees, based on each licensee's pro-rata share of the
6 total handle from inter-track wagering and simulcast
7 wagering for all inter-track wagering location licensees
8 during the calendar year in which this provision is
9 applicable; then (II) the amounts redistributed to each
10 inter-track wagering location licensee as described in
11 subpart (I) shall be further redistributed as provided in
12 subparagraph (B) of paragraph (5) of subsection (g) of this
13 Section 26 provided first, that the shares of those
14 amounts, which are to be redistributed to the host track or
15 to purses at the host track under subparagraph (B) of
16 paragraph (5) of subsection (g) of this Section 26 shall be
17 redistributed based on each host track's pro rata share of
18 the total inter-track wagering and simulcast wagering
19 handle at all host tracks during the calendar year in
20 question, and second, that any amounts redistributed as
21 described in part (I) to an inter-track wagering location
22 licensee that accepts wagers on races conducted by an
23 organization licensee that conducts a race meet in a county
24 with a population in excess of 230,000 and that borders the
25 Mississippi River shall be further redistributed as
26 provided in subparagraphs (D) and (E) of paragraph (7) of

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

1 of this subsection (h) by this amendatory Act of 1991,
2 those licensees shall pay the following amounts as purses:
3 during the first 12 months the licensee is in operation,
4 5.25% of the pari-mutuel handle wagered at the location on
5 races; during the second 12 months, 5.25%; during the third
6 12 months, 5.75%; during the fourth 12 months, 6.25%; and
7 during the fifth 12 months and thereafter, 6.75%. The
8 following amounts shall be retained by the licensee to
9 satisfy all costs and expenses of conducting its wagering:
10 during the first 12 months the licensee is in operation,
11 8.25% of the pari-mutuel handle wagered at the location;
12 during the second 12 months, 8.25%; during the third 12
13 months, 7.75%; during the fourth 12 months, 7.25%; and
14 during the fifth 12 months and thereafter, 6.75%. For
15 additional intertrack wagering location licensees
16 authorized under this amendatory Act of 1995, purses for
17 the first 12 months the licensee is in operation shall be
18 5.75% of the pari-mutuel wagered at the location, purses
19 for the second 12 months the licensee is in operation shall
20 be 6.25%, and purses thereafter shall be 6.75%. For
21 additional intertrack location licensees authorized under
22 this amendatory Act of 1995, the licensee shall be allowed
23 to retain to satisfy all costs and expenses: 7.75% of the
24 pari-mutuel handle wagered at the location during its first
25 12 months of operation, 7.25% during its second 12 months
26 of operation, and 6.75% thereafter.

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

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

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

1 Four-sevenths to park districts or municipalities
2 that do not have a park district of 500,000 population
3 or less for museum purposes (if an inter-track wagering
4 location licensee is located in such a park district)
5 or to conservation districts for museum purposes (if an
6 inter-track wagering location licensee is located in a
7 municipality that is not included within any park
8 district but is included within a conservation
9 district and is the county seat of a county that (i) is
10 contiguous to the state of Indiana and (ii) has a 1990
11 population of 88,257 according to the United States
12 Bureau of the Census, except that if the conservation
13 district does not maintain a museum, the monies shall
14 be allocated equally between the county and the
15 municipality in which the inter-track wagering
16 location licensee is located for general purposes) or
17 to a municipal recreation board for park purposes (if
18 an inter-track wagering location licensee is located
19 in a municipality that is not included within any park
20 district and park maintenance is the function of the
21 municipal recreation board and the municipality has a
22 1990 population of 9,302 according to the United States
23 Bureau of the Census); provided that the monies are
24 distributed to each park district or conservation
25 district or municipality that does not have a park
26 district in an amount equal to four-sevenths of the

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

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

25 Until January 1, 2000, all other monies paid into the
26 Horse Racing Tax Allocation Fund pursuant to this paragraph

1 (11) shall be allocated by appropriation as follows:

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

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

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

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

1 and effect on and after January 1, 2000.

2 (D) Except as provided in paragraph (11) of this
3 subsection (h), with respect to purse allocation from
4 intertrack wagering, the monies so retained shall be
5 divided as follows:

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

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

26 (iii) If the inter-track wagering is being

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

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

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

24 (B) The Board, and any person or persons to whom it
25 delegates this power, is vested with the power to enter
26 the facilities of any licensee to determine whether

1 there has been compliance with the provisions of this
2 Act and the rules and regulations relating to the
3 conduct of such wagering.

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

14 (D) (Blank).

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

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

1 duties.

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

10 (13) The Department of Agriculture may enter into
11 agreements with licensees authorizing such licensees to
12 conduct inter-track wagering on races to be held at the
13 licensed race meetings conducted by the Department of
14 Agriculture. Such agreement shall specify the races of the
15 Department of Agriculture's licensed race meeting upon
16 which the licensees will conduct wagering. In the event
17 that a licensee conducts inter-track pari-mutuel wagering
18 on races from the Illinois State Fair or DuQuoin State Fair
19 which are in addition to the licensee's previously approved
20 racing program, those races shall be considered a separate
21 racing day for the purpose of determining the daily handle
22 and computing the privilege or pari-mutuel tax on that
23 daily handle as provided in Sections 27 and 27.1. Such
24 agreements shall be approved by the Board before such
25 wagering may be conducted. In determining whether to grant
26 approval, the Board shall give due consideration to the

1 best interests of the public and of horse racing. The
2 provisions of paragraphs (1), (8), (8.1), and (8.2) of
3 subsection (h) of this Section which are not specified in
4 this paragraph (13) shall not apply to licensed race
5 meetings conducted by the Department of Agriculture at the
6 Illinois State Fair in Sangamon County or the DuQuoin State
7 Fair in Perry County, or to any wagering conducted on those
8 race meetings.

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

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

14 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

15 Sec. 27. (a) In addition to the organization license fee
16 provided by this Act, until January 1, 2000, a graduated
17 privilege tax is hereby imposed for conducting the pari-mutuel
18 system of wagering permitted under this Act. Until January 1,
19 2000, except as provided in subsection (g) of Section 27 of
20 this Act, all of the breakage of each racing day held by any
21 licensee in the State shall be paid to the State. Until January
22 1, 2000, such daily graduated privilege tax shall be paid by
23 the licensee from the amount permitted to be retained under
24 this Act. Until January 1, 2000, each day's graduated privilege
25 tax, breakage, and Horse Racing Tax Allocation funds shall be

1 remitted to the Department of Revenue within 48 hours after the
2 close of the racing day upon which it is assessed or within
3 such other time as the Board prescribes. The privilege tax
4 hereby imposed, until January 1, 2000, shall be a flat tax at
5 the rate of 2% of the daily pari-mutuel handle except as
6 provided in Section 27.1.

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

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

20 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax
21 at the rate of 1.5% of the daily pari-mutuel handle is imposed
22 at all pari-mutuel wagering facilities and on advance deposit
23 wagering from a location other than a wagering facility, except
24 as otherwise provided for in this subsection (a-5). In addition
25 to the pari-mutuel tax imposed on advance deposit wagering
26 pursuant to this subsection (a-5), an additional pari-mutuel

1 tax at the rate of 0.25% shall be imposed on advance deposit
2 wagering, the amount of which shall not exceed \$250,000 in each
3 calendar year. The additional 0.25% pari-mutuel tax imposed on
4 advance deposit wagering by this amendatory Act of the 96th
5 General Assembly shall be deposited into the Quarter Horse
6 Purse Fund, which shall be created as a non-appropriated trust
7 fund administered by the Board for grants to thoroughbred
8 organization licensees for payment of purses for quarter horse
9 races conducted by the organization licensee. Thoroughbred
10 organization licensees may petition the Board to conduct
11 quarter horse racing and receive purse grants from the Quarter
12 Horse Purse Fund. The Board shall have complete discretion in
13 distributing the Quarter Horse Purse Fund to the petitioning
14 organization licensees. Beginning on the effective date of this
15 amendatory Act of the 96th General Assembly and until moneys
16 deposited pursuant to Section 54 are distributed and received,
17 a pari-mutuel tax at the rate of 0.75% of the daily pari-mutuel
18 handle is imposed at a pari-mutuel facility whose license is
19 derived from a track located in a county that borders the
20 Mississippi River and conducted live racing in the previous
21 year. After moneys deposited pursuant to Section 54 are
22 distributed and received, a pari-mutuel tax at the rate of 1.5%
23 of the daily pari-mutuel handle is imposed at a pari-mutuel
24 facility whose license is derived from a track located in a
25 county that borders the Mississippi River and conducted live
26 racing in the previous year. The pari-mutuel tax imposed by

1 this subsection (a-5) shall be remitted to the Department of
2 Revenue within 48 hours after the close of the racing day upon
3 which it is assessed or within such other time as the Board
4 prescribes.

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

10 1.5% of the pari-mutuel handle at or below the average
11 daily pari-mutuel handle for 2010.

12 2% of the pari-mutuel handle above the average daily
13 pari-mutuel handle for 2010 up to 125% of the average daily
14 pari-mutuel handle for 2010.

15 2.5% of the pari-mutuel handle 125% or more above the
16 average daily pari-mutuel handle for 2010 up to 150% of the
17 average daily pari-mutuel handle for 2010.

18 3% of the pari-mutuel handle 150% or more above the
19 average daily pari-mutuel handle for 2010 up to 175% of the
20 average daily pari-mutuel handle for 2010.

21 3.5% of the pari-mutuel handle 175% or more above the
22 average daily pari-mutuel handle for 2010.

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

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

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

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

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

4 (f) No other license fee, privilege tax, excise tax or
5 racing fee shall be assessed or collected from any such
6 licensee by units of local government except as provided in
7 paragraph 10.1 of subsection (h) and subsection (f) of Section
8 26 of this Act. However, any municipality that has a Board
9 licensed horse race meeting at a race track wholly within its
10 corporate boundaries or a township that has a Board licensed
11 horse race meeting at a race track wholly within the
12 unincorporated area of the township may charge a local
13 amusement tax not to exceed 10¢ per admission to such horse
14 race meeting by the enactment of an ordinance. However, any
15 municipality or county that has a Board licensed inter-track
16 wagering location facility wholly within its corporate
17 boundaries may each impose an admission fee not to exceed \$1.00
18 per admission to such inter-track wagering location facility,
19 so that a total of not more than \$2.00 per admission may be
20 imposed. Except as provided in subparagraph (g) of Section 27
21 of this Act, the inter-track wagering location licensee shall
22 collect any and all such fees and within 48 hours remit the
23 fees to the Board, which shall, pursuant to rule, cause the
24 fees to be distributed to the county or municipality.

25 (g) Notwithstanding any provision in this Act to the
26 contrary, if in any calendar year the total taxes and fees from

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

15 (i) the excess amount shall be initially divided
16 between thoroughbred and standardbred purses based on the
17 thoroughbred's and standardbred's respective percentages
18 of total Illinois live wagering in calendar year 1994;

19 (ii) each thoroughbred and standardbred organization
20 licensee issued an organization licensee in that
21 succeeding allocation year shall be allocated an amount
22 equal to the product of its percentage of total Illinois
23 live thoroughbred or standardbred wagering in calendar
24 year 1994 (the total to be determined based on the sum of
25 1994 on-track wagering for all organization licensees
26 issued organization licenses in both the allocation year

1 and the preceding year) multiplied by the total amount
2 allocated for standardbred or thoroughbred purses,
3 provided that the first \$1,500,000 of the amount allocated
4 to standardbred purses under item (i) shall be allocated to
5 the Department of Agriculture to be expended with the
6 assistance and advice of the Illinois Standardbred
7 Breeders Funds Advisory Board for the purposes listed in
8 subsection (g) of Section 31 of this Act, before the amount
9 allocated to standardbred purses under item (i) is
10 allocated to standardbred organization licensees in the
11 succeeding allocation year.

12 To the extent the excess amount of taxes and fees to be
13 collected and distributed to State and local governmental
14 authorities exceeds \$11 million, that excess amount shall be
15 collected and distributed to State and local authorities as
16 provided for under this Act.

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

18 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

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

22 (a) Thirty per cent of the total of all monies received by
23 the State as privilege taxes shall be paid into the
24 Metropolitan Exposition Auditorium and Office Building Fund in
25 the State Treasury.

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

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

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

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

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

24 (g) Until January 1, 2000, that part representing 1/2 of
25 the total breakage in Thoroughbred, Harness, Appaloosa,
26 Arabian, and Quarter Horse racing in the State shall be paid

1 into the Illinois Race Track Improvement Fund as established in
2 Section 32.

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

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

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

16 (1) for the expenses of operating the Illinois State
17 Fair and the DuQuoin State Fair, including the payment of
18 prize money or premiums;

19 (2) for the distribution to county fairs, vocational
20 agriculture section fairs, agricultural societies, and
21 agricultural extension clubs in accordance with the
22 Agricultural Fair Act, as amended;

23 (3) for payment of prize monies and premiums awarded
24 and for expenses incurred in connection with the
25 International Livestock Exposition and the Mid-Continent
26 Livestock Exposition held in Illinois, which premiums, and

1 awards must be approved, and paid by the Illinois
2 Department of Agriculture;

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

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

11 (6) for research on equine disease, including a
12 development center therefor;

13 (7) for training scholarships for study on equine
14 diseases to students at the University of Illinois College
15 of Veterinary Medicine;

16 (8) for the rehabilitation, repair and maintenance of
17 the Illinois and DuQuoin State Fair Grounds and the
18 structures and facilities thereon and the construction of
19 permanent improvements on such Fair Grounds, including
20 such structures, facilities and property located on such
21 State Fair Grounds which are under the custody and control
22 of the Department of Agriculture;

23 (9) for the expenses of the Department of Agriculture
24 under Section 5-530 of the Departments of State Government
25 Law (20 ILCS 5/5-530);

26 (10) for the expenses of the Department of Commerce and

1 Economic Opportunity under Sections 605-620, 605-625, and
2 605-630 of the Department of Commerce and Economic
3 Opportunity Law (20 ILCS 605/605-620, 605/605-625, and
4 605/605-630);

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

9 (12) for the purpose of assisting in the care and
10 general rehabilitation of disabled veterans of any war and
11 their surviving spouses and orphans;

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

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

16 (15) for the Department of Agriculture for grants to
17 the City of Chicago for conducting the Chicagofest;

18 (16) for the State Comptroller for grants and operating
19 expenses authorized by the Illinois Global Partnership
20 Act.

21 (k) To the extent that monies paid by the Board to the
22 Agricultural Premium Fund are in the opinion of the Governor in
23 excess of the amount necessary for the purposes herein stated,
24 the Governor shall notify the Comptroller and the State
25 Treasurer of such fact, who, upon receipt of such notification,
26 shall transfer such excess monies from the Agricultural Premium

1 Fund to the General Revenue Fund.

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

3 (230 ILCS 5/28.1)

4 Sec. 28.1. Payments.

5 (a) Beginning on January 1, 2000, moneys collected by the
6 Department of Revenue and the Racing Board pursuant to Section
7 26 or Section 27 of this Act shall be deposited into the Horse
8 Racing Fund, which is hereby created as a special fund in the
9 State Treasury.

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

20 (c) Beginning on January 1, 2000, the Board shall transfer
21 the remainder of the funds generated pursuant to Sections 26
22 and 27 from the Horse Racing Fund into the General Revenue
23 Fund.

24 In the event that in any fiscal year, the amount of total
25 funds in the Horse Racing Fund is insufficient to meet the

1 annual operating expenses of the Board, as appropriated by the
2 General Assembly for that fiscal year, the Board shall invoice
3 the organization licensees for the amount of the deficit. The
4 amount of the invoice shall be allocated in a proportionate
5 amount of pari-mutuel wagering handled by the organization
6 licensee in the year preceding assessment and divided by the
7 total pari-mutuel wagering handled by all Illinois
8 organization licensees. The payments shall be made 50% from the
9 organization licensee's account and 50% from the organization
10 licensee's purse account.

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

24 If an inter-track wagering location licensee's facility
25 changes its location, then the payments associated with that
26 facility under this subsection (d) for museum purposes shall be

1 paid to the park district in the area where the facility
2 relocates, and the payments shall be used for museum purposes.
3 If the facility does not relocate to a park district, then the
4 payments shall be paid to the taxing district that is
5 responsible for park or museum expenditures.

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

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

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

18 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

19 Sec. 30. (a) The General Assembly declares that it is the
20 policy of this State to encourage the breeding of thoroughbred
21 horses in this State and the ownership of such horses by
22 residents of this State in order to provide for: sufficient
23 numbers of high quality thoroughbred horses to participate in
24 thoroughbred racing meetings in this State, and to establish
25 and preserve the agricultural and commercial benefits of such

1 breeding and racing industries to the State of Illinois. It is
2 the intent of the General Assembly to further this policy by
3 the provisions of this Act.

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

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

19 (d) There is hereby created a special fund of the State
20 Treasury to be known as the Illinois Thoroughbred Breeders
21 Fund.

22 Beginning on the effective date of this amendatory Act of
23 the 97th General Assembly, the Illinois Thoroughbred Breeders
24 Fund shall become a non-appropriated trust fund held separate
25 and apart from State moneys. Expenditures from this fund shall
26 no longer be subject to appropriation.

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

5 Notwithstanding any provision of law to the contrary,
6 amounts deposited into the Illinois Thoroughbred Breeders Fund
7 from revenues generated by electronic gaming after the
8 effective date of this amendatory Act of the 97th General
9 Assembly shall be in addition to tax and fee amounts paid under
10 this Section for calendar year 2010 and thereafter.

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

15 (f) The Illinois Thoroughbred Breeders Fund Advisory Board
16 shall consist of the Director of the Department of Agriculture,
17 who shall serve as Chairman; a member of the Illinois Racing
18 Board, designated by it; 2 representatives of the organization
19 licensees conducting thoroughbred racing meetings, recommended
20 by them; 2 representatives of the Illinois Thoroughbred
21 Breeders and Owners Foundation, recommended by it; one
22 representative ~~and 2 representatives~~ of the Horsemen's
23 Benevolent Protective Association; and one representative from
24 the Illinois Thoroughbred Horsemen's Association ~~or any~~
25 ~~successor organization established in Illinois comprised of~~
26 ~~the largest number of owners and trainers, recommended by it,~~

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

17 (g) ~~No monies shall be expended from the Illinois~~
18 ~~Thoroughbred Breeders Fund except as appropriated by the~~
19 ~~General Assembly.~~ Monies expended ~~appropriated~~ from the
20 Illinois Thoroughbred Breeders Fund shall be expended by the
21 Department of Agriculture, with the advice and assistance of
22 the Illinois Thoroughbred Breeders Fund Advisory Board, for the
23 following purposes only:

24 (1) To provide purse supplements to owners of horses
25 participating in races limited to Illinois conceived and
26 foaled and Illinois foaled horses. Any such purse

1 supplements shall not be included in and shall be paid in
2 addition to any purses, stakes, or breeders' awards offered
3 by each organization licensee as determined by agreement
4 between such organization licensee and an organization
5 representing the horsemen. No monies from the Illinois
6 Thoroughbred Breeders Fund shall be used to provide purse
7 supplements for claiming races in which the minimum
8 claiming price is less than \$7,500.

9 (2) To provide stakes and awards to be paid to the
10 owners of the winning horses in certain races limited to
11 Illinois conceived and foaled and Illinois foaled horses
12 designated as stakes races.

13 (2.5) To provide an award to the owner or owners of an
14 Illinois conceived and foaled or Illinois foaled horse that
15 wins a maiden special weight, an allowance, overnight
16 handicap race, or claiming race with claiming price of
17 \$10,000 or more providing the race is not restricted to
18 Illinois conceived and foaled or Illinois foaled horses.
19 Awards shall also be provided to the owner or owners of
20 Illinois conceived and foaled and Illinois foaled horses
21 that place second or third in those races. To the extent
22 that additional moneys are required to pay the minimum
23 additional awards of 40% of the purse the horse earns for
24 placing first, second or third in those races for Illinois
25 foaled horses and of 60% of the purse the horse earns for
26 placing first, second or third in those races for Illinois

1 conceived and foaled horses, those moneys shall be provided
2 from the purse account at the track where earned.

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

17 (4) To provide \$75,000 annually for purses to be
18 distributed to county fairs that provide for the running of
19 races during each county fair exclusively for the
20 thoroughbreds conceived and foaled in Illinois. The
21 conditions of the races shall be developed by the county
22 fair association and reviewed by the Department with the
23 advice and assistance of the Illinois Thoroughbred
24 Breeders Fund Advisory Board. There shall be no wagering of
25 any kind on the running of Illinois conceived and foaled
26 races at county fairs.

1 (4.1) To provide purse money for an Illinois stallion
2 stakes program.

3 (5) No less than 90% ~~80%~~ of all monies appropriated
4 from the Illinois Thoroughbred Breeders Fund shall be
5 expended for the purposes in (1), (2), (2.5), (3), (4),
6 (4.1), and (5) as shown above.

7 (6) To provide for educational programs regarding the
8 thoroughbred breeding industry.

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

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

13 (9) To provide for dissemination of public information
14 designed to promote the breeding of thoroughbred horses in
15 Illinois.

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

18 (h) The Illinois Thoroughbred Breeders Fund is not subject
19 to administrative charges or chargebacks, including, but not
20 limited to, those authorized under Section 8h of the State
21 Finance Act. ~~Whenever the Governor finds that the amount in the~~
22 ~~Illinois Thoroughbred Breeders Fund is more than the total of~~
23 ~~the outstanding appropriations from such fund, the Governor~~
24 ~~shall notify the State Comptroller and the State Treasurer of~~
25 ~~such fact. The Comptroller and the State Treasurer, upon~~
26 ~~receipt of such notification, shall transfer such excess amount~~

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

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

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

13 (j) A sum equal to 13% ~~12 1/2%~~ of the first prize money won
14 in each race limited to Illinois foaled horses or Illinois
15 conceived and foaled horses, or both, shall be paid in the
16 following manner by the organization licensee conducting the
17 horse race meeting, 50% from the organization licensee's
18 account and 50% from the purse account of the licensee ~~share of~~
19 ~~the money wagered~~: 11 1/2% to the breeders of the horses in
20 each such race which are the official first, second, third and
21 fourth finishers and 1 1/2% ~~1%~~ to the organization representing
22 thoroughbred breeders and owners whose representative serves
23 on the Illinois Thoroughbred Breeders Fund Advisory Board for
24 verifying the amounts of breeders' awards earned, assuring
25 their proper distribution in accordance with this Act, and
26 servicing and promoting the Illinois thoroughbred horse racing

1 industry. The organization representing thoroughbred breeders
2 and owners shall cause all expenditures of monies received
3 under this subsection (j) to be audited at least annually by a
4 registered public accountant. The organization shall file
5 copies of each annual audit with the Racing Board, the Clerk of
6 the House of Representatives and the Secretary of the Senate,
7 and shall make copies of each annual audit available to the
8 public upon request and upon payment of the reasonable cost of
9 photocopying the requested number of copies.

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

12 (1) 60% of such sum shall be paid to the breeder of the
13 horse which finishes in the official first position;

14 (2) 20% of such sum shall be paid to the breeder of the
15 horse which finishes in the official second position;

16 (3) 15% of such sum shall be paid to the breeder of the
17 horse which finishes in the official third position; and

18 (4) 5% of such sum shall be paid to the breeder of the
19 horse which finishes in the official fourth position.

20 Such payments shall not reduce any award to the owners of a
21 horse or reduce the taxes payable under this Act. Upon
22 completion of its racing meet, each organization licensee shall
23 deliver to the organization representing thoroughbred breeders
24 and owners whose representative serves on the Illinois
25 Thoroughbred Breeders Fund Advisory Board a listing of all the
26 Illinois foaled and the Illinois conceived and foaled horses

1 which won breeders' awards and the amount of such breeders'
2 awards in accordance with the provisions of this Act. Such
3 payments shall be delivered by the organization licensee within
4 30 days of the end of each race meeting.

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

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

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

13 (2) Provide for the registration of Illinois conceived
14 and foaled horses and Illinois foaled horses. No such horse
15 shall compete in the races limited to Illinois conceived
16 and foaled horses or Illinois foaled horses or both unless
17 registered with the Department of Agriculture. The
18 Department of Agriculture may prescribe such forms as are
19 necessary to determine the eligibility of such horses. The
20 Department of Agriculture may assess and collect
21 application fees for the registration of Illinois-eligible
22 foals. All fees collected are to be held in trust accounts
23 for the purposes set forth in this Act and in accordance
24 with Section 205-15 of the Department of Agriculture Law
25 ~~paid into the Illinois Thoroughbred Breeders Fund.~~ No
26 person shall knowingly prepare or cause preparation of an

1 application for registration of such foals containing
2 false information.

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

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

19 (n) The Board and the organizational licensee shall notify
20 the Department of the conditions and minimum purses for races
21 limited to Illinois conceived and foaled and Illinois foaled
22 horses conducted for each organizational licensee conducting a
23 thoroughbred racing meeting. The Department of Agriculture
24 with the advice and assistance of the Illinois Thoroughbred
25 Breeders Fund Advisory Board may allocate monies for purse
26 supplements for such races. In determining whether to allocate

1 money and the amount, the Department of Agriculture shall
2 consider factors, including but not limited to, the amount of
3 money appropriated for the Illinois Thoroughbred Breeders Fund
4 program, the number of races that may occur, and the
5 organizational licensee's purse structure.

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

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

21 (230 ILCS 5/30.5)

22 Sec. 30.5. Illinois Quarter Horse Breeders Fund.

23 (a) The General Assembly declares that it is the policy of
24 this State to encourage the breeding of racing quarter horses
25 in this State and the ownership of such horses by residents of

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

7 (b) There is hereby created a non-appropriated trust
8 ~~special fund in the State Treasury~~ to be known as the Illinois
9 Racing Quarter Horse Breeders Fund, which is held separate and
10 apart from State moneys. Except as provided in subsection (g)
11 of Section 27 of this Act, 8.5% of all the moneys received by
12 the State as pari-mutuel taxes on quarter horse racing shall be
13 paid into the Illinois Racing Quarter Horse Breeders Fund. The
14 Illinois Racing Quarter Horse Breeders Fund shall not be
15 subject to administrative charges or chargebacks, including,
16 but not limited to, those authorized under Section 8h of the
17 State Finance Act.

18 (c) The Illinois Racing Quarter Horse Breeders Fund shall
19 be administered by the Department of Agriculture with the
20 advice and assistance of the Advisory Board created in
21 subsection (d) of this Section.

22 (d) The Illinois Racing Quarter Horse Breeders Fund
23 Advisory Board shall consist of the Director of the Department
24 of Agriculture, who shall serve as Chairman; a member of the
25 Illinois Racing Board, designated by it; one representative of
26 the organization licensees conducting pari-mutuel quarter

1 horse racing meetings, recommended by them; 2 representatives
2 of the Illinois Running Quarter Horse Association, recommended
3 by it; and the Superintendent of Fairs and Promotions from the
4 Department of Agriculture. Advisory Board members shall serve
5 for 2 years commencing January 1 of each odd numbered year. If
6 representatives have not been recommended by January 1 of each
7 odd numbered year, the Director of the Department of
8 Agriculture may make an appointment for the organization
9 failing to so recommend a member of the Advisory Board.
10 Advisory Board members shall receive no compensation for their
11 services as members but may be reimbursed for all actual and
12 necessary expenses and disbursements incurred in the execution
13 of their official duties.

14 (e) Moneys in ~~No moneys shall be expended from the Illinois~~
15 ~~Racing Quarter Horse Breeders Fund except as appropriated by~~
16 ~~the General Assembly. Moneys appropriated from~~ the Illinois
17 Racing Quarter Horse Breeders Fund shall be expended by the
18 Department of Agriculture, with the advice and assistance of
19 the Illinois Racing Quarter Horse Breeders Fund Advisory Board,
20 for the following purposes only:

21 (1) To provide stakes and awards to be paid to the
22 owners of the winning horses in certain races. This
23 provision is limited to Illinois conceived and foaled
24 horses.

25 (2) To provide an award to the owner or owners of an
26 Illinois conceived and foaled horse that wins a race when

1 pari-mutuel wagering is conducted; providing the race is
2 not restricted to Illinois conceived and foaled horses.

3 (3) To provide purse money for an Illinois stallion
4 stakes program.

5 (4) To provide for purses to be distributed for the
6 running of races during the Illinois State Fair and the
7 DuQuoin State Fair exclusively for quarter horses
8 conceived and foaled in Illinois.

9 (5) To provide for purses to be distributed for the
10 running of races at Illinois county fairs exclusively for
11 quarter horses conceived and foaled in Illinois.

12 (6) To provide for purses to be distributed for running
13 races exclusively for quarter horses conceived and foaled
14 in Illinois at locations in Illinois determined by the
15 Department of Agriculture with advice and consent of the
16 Racing Quarter Horse Breeders Fund Advisory Board.

17 (7) No less than 90% of all moneys appropriated from
18 the Illinois Racing Quarter Horse Breeders Fund shall be
19 expended for the purposes in items (1), (2), (3), (4), and
20 (5) of this subsection (e).

21 (8) To provide for research programs concerning the
22 health, development, and care of racing quarter horses.

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

26 (10) To provide for expenses incurred in the

1 administration of the Illinois Racing Quarter Horse
2 Breeders Fund.

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

6 (1) Qualify stallions for Illinois breeding; such
7 stallions to stand for service within the State of
8 Illinois, at the time of a foal's conception. Such stallion
9 must not stand for service at any place outside the State
10 of Illinois during the calendar year in which the foal is
11 conceived. The Department of Agriculture may assess and
12 collect application fees for the registration of
13 Illinois-eligible stallions. All fees collected are to be
14 paid into the Illinois Racing Quarter Horse Breeders Fund.

15 (2) Provide for the registration of Illinois conceived
16 and foaled horses. No such horse shall compete in the races
17 limited to Illinois conceived and foaled horses unless it
18 is registered with the Department of Agriculture. The
19 Department of Agriculture may prescribe such forms as are
20 necessary to determine the eligibility of such horses. The
21 Department of Agriculture may assess and collect
22 application fees for the registration of Illinois-eligible
23 foals. All fees collected are to be paid into the Illinois
24 Racing Quarter Horse Breeders Fund. No person shall
25 knowingly prepare or cause preparation of an application
26 for registration of such foals that contains false

1 information.

2 (g) The Department of Agriculture, with the advice and
3 assistance of the Illinois Racing Quarter Horse Breeders Fund
4 Advisory Board, shall provide that certain races limited to
5 Illinois conceived and foaled be stakes races and determine the
6 total amount of stakes and awards to be paid to the owners of
7 the winning horses in such races.

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

9 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

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

20 (b) Each organization licensee conducting a harness racing
21 meeting pursuant to this Act shall provide for at least two
22 races each race program limited to Illinois conceived and
23 foaled horses. A minimum of 6 races shall be conducted each
24 week limited to Illinois conceived and foaled horses. No horses
25 shall be permitted to start in such races unless duly

1 registered under the rules of the Department of Agriculture.

2 (b-5) Organization licensees, not including the Illinois
3 State Fair or the DuQuoin State Fair, shall provide stake races
4 and early closer races for Illinois conceived and foaled horses
5 so that purses distributed for such races shall be no less than
6 17% of total purses distributed for harness racing in that
7 calendar year in addition to any stakes payments and starting
8 fees contributed by horse owners.

9 (b-10) Each organization licensee conducting a harness
10 racing meeting pursuant to this Act shall provide an owner
11 award to be paid from the purse account equal to 25% of the
12 amount earned by Illinois conceived and foaled horses in races
13 that are not restricted to Illinois conceived and foaled
14 horses. The owner awards shall not be paid on races below the
15 \$10,000 claiming class.

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

22 (d) There is hereby created a special fund of the State
23 Treasury to be known as the Illinois Standardbred Breeders
24 Fund.

25 During the calendar year 1981, and each year thereafter,
26 except as provided in subsection (g) of Section 27 of this Act,

1 eight and one-half per cent of all the monies received by the
2 State as privilege taxes on harness racing meetings shall be
3 paid into the Illinois Standardbred Breeders Fund.

4 (e) The Illinois Standardbred Breeders Fund shall be
5 administered by the Department of Agriculture with the
6 assistance and advice of the Advisory Board created in
7 subsection (f) of this Section.

8 (f) The Illinois Standardbred Breeders Fund Advisory Board
9 is hereby created. The Advisory Board shall consist of the
10 Director of the Department of Agriculture, who shall serve as
11 Chairman; the Superintendent of the Illinois State Fair; a
12 member of the Illinois Racing Board, designated by it; a
13 representative of the Illinois Standardbred Owners and
14 Breeders Association, recommended by it; a representative of
15 the Illinois Association of Agricultural Fairs, recommended by
16 it, such representative to be from a fair at which Illinois
17 conceived and foaled racing is conducted; a representative of
18 the organization licensees conducting harness racing meetings,
19 recommended by them and a representative of the Illinois
20 Harness Horsemen's Association, recommended by it. Advisory
21 Board members shall serve for 2 years commencing January 1, of
22 each odd numbered year. If representatives of the Illinois
23 Standardbred Owners and Breeders Associations, the Illinois
24 Association of Agricultural Fairs, the Illinois Harness
25 Horsemen's Association, and the organization licensees
26 conducting harness racing meetings have not been recommended by

1 January 1, of each odd numbered year, the Director of the
2 Department of Agriculture shall make an appointment for the
3 organization failing to so recommend a member of the Advisory
4 Board. Advisory Board members shall receive no compensation for
5 their services as members but shall be reimbursed for all
6 actual and necessary expenses and disbursements incurred in the
7 execution of their official duties.

8 (g) No monies shall be expended from the Illinois
9 Standardbred Breeders Fund except as appropriated by the
10 General Assembly. Monies appropriated from the Illinois
11 Standardbred Breeders Fund shall be expended by the Department
12 of Agriculture, with the assistance and advice of the Illinois
13 Standardbred Breeders Fund Advisory Board for the following
14 purposes only:

15 1. To provide purses for races limited to Illinois
16 conceived and foaled horses at the State Fair and the
17 DuQuoin State Fair.

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

20 3. To provide purse supplements for races limited to
21 Illinois conceived and foaled horses conducted by
22 associations conducting harness racing meetings.

23 4. No less than 75% of all monies in the Illinois
24 Standardbred Breeders Fund shall be expended for purses in
25 1, 2 and 3 as shown above.

26 5. In the discretion of the Department of Agriculture

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

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

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

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

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

22 10. To pay up to \$100,000 annually for distribution to
23 Illinois county fairs to supplement premiums offered in
24 junior classes.

25 11. To pay up to \$100,000 annually for division and
26 equal distribution to the animal sciences department of

1 each Illinois public university system engaged in equine
2 research and education on or before the effective date of
3 this amendatory Act of the 97th General Assembly for equine
4 research and education.

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

13 (i) A sum equal to 13% ~~12-1/2%~~ of the first prize money of
14 the gross every purse won by an Illinois conceived and foaled
15 horse shall be paid 50% by the organization licensee conducting
16 the horse race meeting to the breeder of such winning horse
17 from the organization licensee's account and 50% from the purse
18 account of the licensee ~~share of the money wagered~~. Such
19 payment shall not reduce any award to the owner of the horse or
20 reduce the taxes payable under this Act. Such payment shall be
21 delivered by the organization licensee at the end of each
22 quarter ~~race meeting~~.

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

26 1. Qualify stallions for Illinois Standardbred

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

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

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

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

24 4. Provide for the payment of nominating, sustaining
25 and starting fees for races promoting the sport of harness
26 racing and for the races to be conducted at the State Fair

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

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

14 6. Provide for the promotion of producing standardbred
15 racehorses by providing a bonus award program for owners of
16 2-year-old horses that win multiple major stakes races that
17 are limited to Illinois conceived and foaled horses.

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

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

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

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

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

2 (230 ILCS 5/31.1) (from Ch. 8, par. 37-31.1)

3 Sec. 31.1. (a) Organization licensees collectively shall
4 contribute annually to charity the sum of \$1,000,000 ~~\$750,000~~
5 to non-profit organizations that provide medical and family,
6 counseling, and similar services to persons who reside or work
7 on the backstretch of Illinois racetracks. These contributions
8 shall be collected as follows: (i) no later than July 1st of
9 each year the Board shall assess each organization licensee,
10 except those tracks which are not within 100 miles of each
11 other which tracks shall pay \$40,000 ~~\$30,000~~ annually apiece
12 into the Board charity fund, that amount which equals \$920,000
13 ~~\$690,000~~ multiplied by the amount of pari-mutuel wagering
14 handled by the organization licensee in the year preceding
15 assessment and divided by the total pari-mutuel wagering
16 handled by all Illinois organization licensees, except those
17 tracks which are not within 100 miles of each other, in the
18 year preceding assessment; (ii) notice of the assessed
19 contribution shall be mailed to each organization licensee;
20 (iii) within thirty days of its receipt of such notice, each
21 organization licensee shall remit the assessed contribution to
22 the Board. If an organization licensee wilfully fails to so
23 remit the contribution, the Board may revoke its license to
24 conduct horse racing.

25 (b) No later than October 1st of each year, any qualified

1 charitable organization seeking an allotment of contributed
2 funds shall submit to the Board an application for those funds,
3 using the Board's approved form. No later than December 31st of
4 each year, the Board shall distribute all such amounts
5 collected that year to such charitable organization
6 applicants.

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

8 (230 ILCS 5/32.1)

9 Sec. 32.1. Pari-mutuel tax credit; statewide racetrack
10 real estate equalization.

11 (a) In order to encourage new investment in Illinois
12 racetrack facilities and mitigate differing real estate tax
13 burdens among all racetracks, the licensees affiliated or
14 associated with each racetrack that has been awarded live
15 racing dates in the current year shall receive an immediate
16 pari-mutuel tax credit in an amount equal to the greater of (i)
17 50% of the amount of the real estate taxes paid in the prior
18 year attributable to that racetrack, or (ii) the amount by
19 which the real estate taxes paid in the prior year attributable
20 to that racetrack exceeds 60% of the average real estate taxes
21 paid in the prior year for all racetracks awarded live horse
22 racing meets in the current year.

23 Each year, regardless of whether the organization licensee
24 conducted live racing in the year of certification, the Board
25 shall certify in writing, prior to December 31, the real estate

1 taxes paid in that year for each racetrack and the amount of
2 the pari-mutuel tax credit that each organization licensee,
3 intertrack wagering licensee, and intertrack wagering location
4 licensee that derives its license from such racetrack is
5 entitled in the succeeding calendar year. The real estate taxes
6 considered under this Section for any racetrack shall be those
7 taxes on the real estate parcels and related facilities used to
8 conduct a horse race meeting and inter-track wagering at such
9 racetrack under this Act. In no event shall the amount of the
10 tax credit under this Section exceed the amount of pari-mutuel
11 taxes otherwise calculated under this Act. The amount of the
12 tax credit under this Section shall be retained by each
13 licensee and shall not be subject to any reallocation or
14 further distribution under this Act. The Board may promulgate
15 emergency rules to implement this Section.

16 (b) Beginning on January 1 following the calendar year
17 during which an organization licensee begins conducting
18 electronic gaming operations pursuant to Section 56 of this
19 Act, the maximum credit amount an organization licensee shall
20 be eligible to receive pursuant to this Section shall be equal
21 to 50% of the credit awarded to the organization licensee in
22 calendar year 2010.

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

24 (230 ILCS 5/34.3 new)

25 Sec. 34.3. Drug testing. The Illinois Racing Board and the

1 Department of Agriculture shall jointly establish a program for
2 the purpose of conducting drug testing of horses at county
3 fairs and shall adopt any rules necessary for enforcement of
4 the program. The rules shall include appropriate penalties for
5 violations.

6 (230 ILCS 5/36) (from Ch. 8, par. 37-36)

7 Sec. 36. (a) Whoever administers or conspires to administer
8 to any horse a hypnotic, narcotic, stimulant, depressant or any
9 chemical substance which may affect the speed of a horse at any
10 time in any race where the purse or any part of the purse is
11 made of money authorized by any Section of this Act, except
12 those chemical substances permitted by ruling of the Board,
13 internally, externally or by hypodermic method in a race or
14 prior thereto, or whoever knowingly enters a horse in any race
15 within a period of 24 hours after any hypnotic, narcotic,
16 stimulant, depressant or any other chemical substance which may
17 affect the speed of a horse at any time, except those chemical
18 substances permitted by ruling of the Board, has been
19 administered to such horse either internally or externally or
20 by hypodermic method for the purpose of increasing or retarding
21 the speed of such horse shall be guilty of a Class 4 felony.
22 The Board shall suspend or revoke such violator's license.

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

25 (c) The term "narcotic" as used in this Section includes

1 opium and all its alkaloids, salts, preparations and
2 derivatives, cocaine and all its salts, preparations and
3 derivatives and substitutes.

4 (d) The provisions of this Section 36 and the treatment
5 authorized herein apply to horses entered in and competing in
6 race meetings as defined in Section 3.47 of this Act and to
7 horses entered in and competing at any county fair.

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

9 (230 ILCS 5/40) (from Ch. 8, par. 37-40)

10 Sec. 40. (a) The imposition of any fine or penalty provided
11 in this Act shall not preclude the Board in its rules and
12 regulations from imposing a fine or penalty for any other
13 action which, in the Board's discretion, is a detriment or
14 impediment to horse racing.

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

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

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

25 (B) if an application is submitted no more than 45

1 days late, \$150; or

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

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

6 (A) if a list or report is submitted no more than
7 30 days late, \$50;

8 (B) if a list or report is submitted no more than
9 60 days late \$150; or

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

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

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

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

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

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

25 (4) late filing of application for foal eligibility
26 certificate:

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

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

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

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

10 (5) failure to report the intent to remove a foal from
11 Illinois prior to inspection, identification and
12 certification by a Department of Agriculture investigator,
13 \$50; and

14 (6) if a list or report of mares bred is incomplete,
15 \$50 per mare not included on the list or report.

16 Any person upon whom monetary penalties are imposed under
17 this Section 3 times within a 5 year period shall have any
18 further monetary penalties imposed at double the amounts set
19 forth above. All monies assessed and collected for violations
20 relating to thoroughbreds shall be paid into the Thoroughbred
21 Breeders Fund. All monies assessed and collected for violations
22 relating to standardbreds shall be paid into the Standardbred
23 Breeders Fund.

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

25 (230 ILCS 5/56 new)

1 Sec. 56. Electronic gaming.

2 (a) A person, firm, or corporation having operating control
3 of a race track may apply to the Gaming Board for an electronic
4 gaming license. An electronic gaming license shall authorize
5 its holder to conduct electronic gaming on the grounds of the
6 race track controlled by the licensee's race track. Only one
7 electronic gaming license may be awarded for any race track.
8 Each license shall specify the number of gaming positions that
9 its holder may operate.

10 An electronic gaming licensee may not permit persons under
11 21 years of age to be present in its electronic gaming
12 facility, but the licensee may accept wagers on live racing and
13 inter-track wagers at its electronic gaming facility.

14 (b) The adjusted gross receipts by an electronic gaming
15 licensee from electronic gaming remaining after the payment of
16 taxes under Section 13 of the Illinois Gambling Act shall be
17 distributed as follows:

18 (1) Amounts shall be paid to the purse account at the
19 track at which the organization licensee is conducting
20 racing equal to the following:

21 12.75% of annual adjusted gross receipts up to and
22 including \$75,000,000;

23 20% of annual adjusted gross receipts in excess of
24 \$75,000,000 but not exceeding \$100,000,000;

25 26.5% of annual adjusted gross receipts in excess
26 of \$100,000,000 but not exceeding \$125,000,000; and

1 20.5% of annual adjusted gross receipts in excess
2 of \$125,000,000.

3 (2) The remainder shall be retained by the electronic
4 gaming licensee.

5 (c) Electronic gaming receipts placed into the purse
6 account of an organization licensee racing thoroughbred horses
7 shall be used for purses, for health care services and worker's
8 compensation for racing industry workers, for equine research,
9 for programs to care for and transition injured and retired
10 thoroughbred horses that race at the race track, or for horse
11 ownership promotion, in accordance with the agreement of the
12 horsemen's association representing the largest number of
13 owners or trainers who race at that organization licensee's
14 race meeting. Annually, from the purse account of an
15 organization licensee racing thoroughbred horses, an amount
16 equal to 12% of the electronic gaming receipts placed into the
17 purse accounts shall be paid to the Illinois Thoroughbred
18 Breeders Fund and shall be used for owner awards; a stallion
19 program pursuant to paragraph (3) of subsection (g) of Section
20 30 of this Act; and Illinois conceived and foaled stakes races
21 pursuant to paragraph (2) of subsection (g) of Section 30 of
22 this Act, as specifically designated by the horsemen's
23 association representing the largest number of owners or
24 trainers who race at the organization licensee's race meeting.
25 Annually, from the purse account of an organization licensee
26 conducting thoroughbred races at a race track in Madison

1 County, an amount equal to 1% of the electronic gaming receipts
2 distributed to purses per subsection (b) of this Section 56
3 shall be paid as follows: 0.33 1/3% to Southern Illinois
4 University Department of Animal Sciences for equine research
5 and education, an amount equal to 0.33 1/3% of the electronic
6 gaming receipts shall be used to operate laundry facilities for
7 backstretch workers at that race track, and an amount equal to
8 0.33 1/3% of the electronic gaming receipts shall be paid to
9 programs to care for injured and unwanted horses that race at
10 that race track.

11 Annually, from the purse account of organization licensees
12 conducting thoroughbred races at race tracks in Cook County,
13 \$100,000 shall be paid for division and equal distribution to
14 the animal sciences department of each Illinois public
15 university system engaged in equine research and education on
16 or before the effective date of this amendatory Act of the 97th
17 General Assembly for equine research and education.

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

1 Section 31 of this Act.

2 (e) As a requirement for continued eligibility to conduct
3 electronic gaming, each organization licensee must promote
4 live racing and horse ownership through marketing and
5 promotional efforts. To meet this requirement, all
6 organization licensees operating at each race track facility
7 must collectively expend the amount of the pari-mutuel tax
8 credit that was certified by the Illinois Racing Board in the
9 prior calendar year pursuant to Section 32.1 of this Act for
10 that race track facility, in addition to the amount that was
11 expended by each organizational licensee for such efforts in
12 calendar year 2009. Such incremental expenditures must be
13 directed to assure that all marketing expenditures, including
14 those for the organization licensee's electronic gaming
15 facility, advertise, market, and promote horse racing or horse
16 ownership. The amount spent by the organization licensee for
17 such marketing and promotional efforts in 2009 shall be
18 certified by the Board no later than 90 days after the
19 effective date of this Section.

20 Section 60. The Riverboat Gambling Act is amended by
21 changing Sections 1, 3, 4, 5, 5.1, 6, 7, 7.3, 8, 9, 11, 11.1,
22 12, 13, 14, 18, 19, 20, and 23 and by adding Sections 5.3, 7.6,
23 7.7, 7.9, and 7.10 as follows:

24 (230 ILCS 10/1) (from Ch. 120, par. 2401)

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

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

4 (230 ILCS 10/3) (from Ch. 120, par. 2403)

5 Sec. 3. ~~Riverboat~~ Gambling Authorized.

6 (a) Riverboat gambling operations and electronic gaming
7 operations ~~and the system of wagering incorporated therein~~, as
8 defined in this Act, are hereby authorized to the extent that
9 they are carried out in accordance with the provisions of this
10 Act.

11 (b) This Act does not apply to the pari-mutuel system of
12 wagering used or intended to be used in connection with the
13 horse-race meetings as authorized under the Illinois Horse
14 Racing Act of 1975, lottery games authorized under the Illinois
15 Lottery Law, bingo authorized under the Bingo License and Tax
16 Act, charitable games authorized under the Charitable Games Act
17 or pull tabs and jar games conducted under the Illinois Pull
18 Tabs and Jar Games Act. This Act applies to electronic gaming
19 authorized under the Illinois Horse Racing Act of 1975 to the
20 extent provided in that Act and in this Act.

21 (c) Riverboat gambling conducted pursuant to this Act may
22 be authorized upon any water within the State of Illinois or
23 any water other than Lake Michigan which constitutes a boundary
24 of the State of Illinois. A licensee may conduct riverboat
25 gambling authorized under this Act regardless of whether it

1 conducts excursion cruises. A licensee may permit the
2 continuous ingress and egress of passengers for the purpose of
3 gambling.

4 (d) Gambling that is conducted in accordance with this Act
5 using slot machines and video games of chance and other
6 electronic gambling games as defined in both the Illinois
7 Gambling Act and the Illinois Horse Racing Act of 1975 is
8 authorized.

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

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

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

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

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

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

23 ~~(d)~~ "Riverboat" means a self-propelled excursion boat, a
24 permanently moored barge, or permanently moored barges that are
25 permanently fixed together to operate as one vessel, on which

1 lawful gambling is authorized and licensed as provided in this
2 Act.

3 "Slot machine" means any mechanical, electrical, or other
4 device, contrivance, or machine that is authorized by the Board
5 as a wagering device under this Act which, upon insertion of a
6 coin, currency, token or similar object therein, or upon
7 payment of any consideration whatsoever, is available to play
8 or operate, the play or operation of which may deliver or
9 entitle the person playing or operating the machine to receive
10 cash, premiums, merchandise, tokens, or anything of value
11 whatsoever, whether the payoff is made automatically from the
12 machine or in any other manner whatsoever. A slot machine:

13 (1) May utilize spinning reels or video displays or
14 both.

15 (2) May or may not dispense coins, tickets or tokens to
16 winning patrons.

17 (3) May use an electronic credit system for receiving
18 wagers and making payouts.

19 "Slot machine" does not include table games authorized by the
20 Board as a wagering device under this Act.

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

24 ~~(f)~~ "Dock" means the location where a riverboat moors for
25 the purpose of embarking passengers for and disembarking
26 passengers from the riverboat.

1 ~~(g)~~ "Gross receipts" means the total amount of money
2 exchanged for the purchase of chips, tokens, or electronic
3 cards by gaming riverboat patrons, excluding the total dollar
4 amount of non-cashable vouchers, coupons, and electronic
5 promotions redeemed by patrons upon a riverboat.

6 ~~(h)~~ "Adjusted gross receipts" means the gross receipts less
7 winnings paid to wagerers. "Adjusted gross receipts" shall not
8 include the total dollar amount of non-cashable vouchers,
9 coupons, and electronic promotions redeemed by wagerers upon a
10 riverboat.

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)~~ (Blank).

15 ~~(k)~~ "Gambling operation" means the conduct of ~~authorized~~
16 gambling games authorized under this Act upon a riverboat or
17 authorized under this Act and the Illinois Horse Racing Act of
18 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 "Table game" means a live gaming apparatus upon which
23 gaming is conducted or that determines the outcome that is the
24 object of a wager, including, but not limited to, baccarat,
25 twenty-one, blackjack, poker, craps, roulette wheel, klondike
26 table, punchboard, faro layout, keno layout, numbers ticket,

1 push card, jar ticket, pull tab, or other similar games that
2 are authorized by the Board as a wagering device under this
3 Act. "Table game" does not include slot machines or video games
4 of chance.

5 ~~(m)~~ The terms "minority person", "female", and "person with
6 a disability" shall have the same meaning as defined in Section
7 2 of the Business Enterprise for Minorities, Females, and
8 Persons with Disabilities Act.

9 "Owners license" means a license to conduct riverboat
10 gambling operations, but does not include an electronic gaming
11 license.

12 "Licensed owner" means a person who holds an owners
13 license.

14 "Electronic gaming" means slot machine gambling, video
15 game of chance gambling, or gambling with electronic gambling
16 games as defined in the Illinois Gambling Act or defined by the
17 Board that is conducted at a race track pursuant to an
18 electronic gaming license.

19 "Electronic gaming facility" means the area where the Board
20 has authorized electronic gaming at a race track of an
21 organization licensee under the Illinois Horse Racing Act of
22 1975 that holds an electronic gaming license.

23 "Electronic gaming license" means a license issued by the
24 Board under Section 7.6 of this Act authorizing electronic
25 gaming at an electronic gaming facility.

26 "Electronic gaming licensee" means an entity that holds an

1 electronic gaming license.

2 "Organization licensee" means an entity authorized by the
3 Illinois Racing Board to conduct pari-mutuel wagering in
4 accordance with the Illinois Horse Racing Act of 1975. With
5 respect only to electronic gaming, "organization licensee"
6 includes the authorization for electronic gaming created under
7 subsection (a) of Section 56 of the Illinois Horse Racing Act
8 of 1975.

9 (Source: P.A. 95-331, eff. 8-21-07; 96-1392, eff. 1-1-11.)

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

11 Sec. 5. Gaming Board.

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

22 (2) The Board shall consist of 5 members to be appointed by
23 the Governor with the advice and consent of the Senate, one of
24 whom shall be designated by the Governor to be chairperson
25 ~~chairman~~. Each member shall have a reasonable knowledge of the

1 practice, procedure and principles of gambling operations.
2 Each member shall either be a resident of Illinois or shall
3 certify that he or she will become a resident of Illinois
4 before taking office.

5 The Board must include the following:

6 (A) One member who has received, at a minimum, a
7 bachelor's degree from an accredited school and at least 10
8 years of verifiable training and experience in the fields
9 of investigation and law enforcement.

10 (B) One member who is a certified public accountant
11 with experience in auditing and with knowledge of complex
12 corporate structures and transactions.

13 (C) One member who has 5 years' experience as a
14 principal, senior officer, or director of a company or
15 business with either material responsibility for the daily
16 operations and management of the overall company or
17 business or material responsibility for the policy making
18 of the company or business.

19 (D) One member who is a lawyer licensed to practice law
20 in Illinois.

21 No more than 3 members of the Board may be from the same
22 political party. The Board should reflect the ethnic, cultural,
23 and geographic diversity of the State. No Board member shall,
24 within a period of one year immediately preceding nomination,
25 have been employed or received compensation or fees for
26 services from a person or entity, or its parent or affiliate,

1 that has engaged in business with the Board, a licensee, or a
2 licensee under the Illinois Horse Racing Act of 1975. Board
3 members must publicly disclose all prior affiliations with
4 gaming interests, including any compensation, fees, bonuses,
5 salaries, and other reimbursement received from a person or
6 entity, or its parent or affiliate, that has engaged in
7 business with the Board, a licensee, or a licensee under the
8 Illinois Horse Racing Act of 1975. This disclosure must be made
9 within 30 days after nomination but prior to confirmation by
10 the Senate and must be made available to the members of the
11 Senate. At least one member shall be experienced in law
12 enforcement and criminal investigation, at least one member
13 shall be a certified public accountant experienced in
14 accounting and auditing, and at least one member shall be a
15 lawyer licensed to practice law in Illinois.

16 (3) The terms of office of the Board members shall be 3
17 years, except that the terms of office of the initial Board
18 members appointed pursuant to this Act will commence from the
19 effective date of this Act and run as follows: one for a term
20 ending July 1, 1991, 2 for a term ending July 1, 1992, and 2 for
21 a term ending July 1, 1993. Upon the expiration of the
22 foregoing terms, the successors of such members shall serve a
23 term for 3 years and until their successors are appointed and
24 qualified for like terms. Vacancies in the Board shall be
25 filled for the unexpired term in like manner as original
26 appointments. Each member of the Board shall be eligible for

1 reappointment at the discretion of the Governor with the advice
2 and consent of the Senate.

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

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

20 (5.5) No member of the Board shall engage in any political
21 activity. For the purposes of this Section, "political" means
22 any activity in support of or in connection with any campaign
23 for federal, State, or local elective office or any political
24 organization, but does not include activities (i) relating to
25 the support or opposition of any executive, legislative, or
26 administrative action (as those terms are defined in Section 2

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

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

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

1 (8) The Board shall employ such personnel as may be
2 necessary to carry out its functions and shall determine the
3 salaries of all personnel, except those personnel whose
4 salaries are determined under the terms of a collective
5 bargaining agreement. No person shall be employed to serve the
6 Board who is, or whose spouse, parent or child is, an official
7 of, or has a financial interest in or financial relation with,
8 any operator engaged in gambling operations within this State
9 or any organization engaged in conducting horse racing within
10 this State. For the one year immediately preceding employment,
11 an employee shall not have been employed or received
12 compensation or fees for services from a person or entity, or
13 its parent or affiliate, that has engaged in business with the
14 Board, a licensee, or a licensee under the Illinois Horse
15 Racing Act of 1975. Any employee violating these prohibitions
16 shall be subject to termination of employment. In addition, all
17 Board members and employees are subject to the restrictions set
18 forth in Section 5-45 of the State Officials and Employees
19 Ethics Act.

20 (9) An Administrator shall be appointed by the Governor
21 with the advice and consent of the Senate. An Administrator
22 shall perform any and all duties that the Board shall assign
23 him. The salary of the Administrator shall be determined by the
24 Board and, in addition, he shall be reimbursed for all actual
25 and necessary expenses incurred by him in discharge of his
26 official duties. The Administrator shall keep records of all

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

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

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

1 served by certified mail shall be deemed complete on the
2 business day following the date of such mailing. The Board
3 shall conduct all requested hearings promptly and in
4 reasonable order;

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

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

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

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

24 (6) To be present through its inspectors and agents any
25 time gambling operations are conducted on any riverboat or
26 at any electronic gaming facility for the purpose of

1 certifying the revenue thereof, receiving complaints from
2 the public, and conducting such other investigations into
3 the conduct of the gambling games and the maintenance of
4 the equipment as from time to time the Board may deem
5 necessary and proper;

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

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

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

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

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

23 (11) (Blank);

24 (12) (Blank);

25 (13) To assume responsibility for administration and
26 enforcement of the Video Gaming Act; ~~and~~

1 (13.5) To assume responsibility for the administration
2 and enforcement of operations at electronic gaming
3 facilities pursuant to this Act and the Illinois Horse
4 Racing Act of 1975; and

5 (14) To adopt, by rule, a code of conduct governing
6 Board members and employees that ensure, to the maximum
7 extent possible, that persons subject to this Code avoid
8 situations, relationships, or associations that may
9 represent or lead to a conflict of interest.

10 Any action by the Board or staff of the Board, including,
11 but not limited to, denying a renewal, approving procedures
12 (including internal controls), levying a fine or penalty,
13 promotions, or other activities by an applicant for licensure
14 or a licensee, may at the discretion of the applicant or
15 licensee be appealed to an administrative law judge in
16 accordance with subsection (b) of Section 17.1.

17 Internal controls and changes submitted by licensees must
18 be reviewed and either approved or denied with cause within 60
19 days after receipt by the Illinois Gaming Board. In the event
20 an internal control submission or change does not meet the
21 standards set by the Board, staff of the Board must provide
22 technical assistance to the licensee to rectify such
23 deficiencies within 60 days after the initial submission and
24 the revised submission must be reviewed and approved or denied
25 with cause within 60 days. For the purposes of this paragraph,
26 "with cause" means that the approval of the submission would

1 jeopardize the integrity of gaming. In the event the Board
2 staff has not acted within the timeframe, the submission shall
3 be deemed approved.

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

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

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

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

1 licenses necessary to operate a riverboat or electronic
2 gaming facilities under any laws or regulations applicable
3 to riverboats or electronic gaming facilities, and to
4 impose penalties for violations thereof.

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

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

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

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

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

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

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

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

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

1 license ~~riverboat's operation~~. The suspension may remain
2 in effect until the Board determines that the cause for
3 suspension has been abated. The Board may revoke the owners
4 license or electronic gaming license upon a determination
5 that the licensee ~~owner~~ has not made satisfactory progress
6 toward abating the hazard.

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

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

23 (14) (Blank).

24 (15) To suspend, revoke or restrict licenses, to
25 require the removal of a licensee or an employee of a
26 licensee for a violation of this Act or a Board rule or for

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

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

12 (17) To establish minimum levels of insurance to be
13 maintained by licensees.

14 (18) To authorize a licensee to sell or serve alcoholic
15 liquors, wine or beer as defined in the Liquor Control Act
16 of 1934 on board a riverboat and to have exclusive
17 authority to establish the hours for sale and consumption
18 of alcoholic liquor on board a riverboat, notwithstanding
19 any provision of the Liquor Control Act of 1934 or any
20 local ordinance, and regardless of whether the riverboat
21 makes excursions. The establishment of the hours for sale
22 and consumption of alcoholic liquor on board a riverboat is
23 an exclusive power and function of the State. A home rule
24 unit may not establish the hours for sale and consumption
25 of alcoholic liquor on board a riverboat. This subdivision
26 (18) ~~amendatory Act of 1991~~ is a denial and limitation of

1 home rule powers and functions under subsection (h) of
2 Section 6 of Article VII of the Illinois Constitution.

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

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

12 (20.5) To approve any contract entered into on its
13 behalf.

14 (20.6) To appoint investigators to conduct
15 investigations, searches, seizures, arrests, and other
16 duties imposed under this Act, as deemed necessary by the
17 Board. These investigators have and may exercise all of the
18 rights and powers of peace officers, provided that these
19 powers shall be limited to offenses or violations occurring
20 or committed on a riverboat or dock, as defined in
21 subsections (d) and (f) of Section 4, or as otherwise
22 provided by this Act or any other law.

23 (20.7) To contract with the Department of State Police
24 for the use of trained and qualified State police officers
25 and with the Department of Revenue for the use of trained
26 and qualified Department of Revenue investigators to

1 conduct investigations, searches, seizures, arrests, and
2 other duties imposed under this Act and to exercise all of
3 the rights and powers of peace officers, provided that the
4 powers of Department of Revenue investigators under this
5 subdivision (20.7) shall be limited to offenses or
6 violations occurring or committed on a riverboat or dock,
7 as defined in subsections (d) and (f) of Section 4, or as
8 otherwise provided by this Act or any other law. In the
9 event the Department of State Police or the Department of
10 Revenue is unable to fill contracted police or
11 investigative positions, the Board may appoint
12 investigators to fill those positions pursuant to
13 subdivision (20.6).

14 (21) To make rules concerning the conduct of electronic
15 gaming.

16 (22) ~~(21)~~ To take any other action as may be reasonable
17 or appropriate to enforce this Act and rules and
18 regulations hereunder.

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

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

7 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
8 96-1000, eff. 7-2-10; 96-1392, eff. 1-1-11.)

9 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

10 Sec. 5.1. Disclosure of records.

11 (a) Notwithstanding any applicable statutory provision to
12 the contrary, the Board shall, on written request from any
13 person, provide information furnished by an applicant or
14 licensee concerning the applicant or licensee, his products,
15 services or gambling enterprises and his business holdings, as
16 follows:

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

19 (2) An identification of any applicant or licensee
20 including, if an applicant or licensee is not an
21 individual, the state of incorporation or registration,
22 the corporate officers, and the identity of all
23 shareholders or participants. If an applicant or licensee
24 has a pending registration statement filed with the
25 Securities and Exchange Commission, only the names of those

1 persons or entities holding interest of 5% or more must be
2 provided.

3 (3) An identification of any business, including, if
4 applicable, the state of incorporation or registration, in
5 which an applicant or licensee or an applicant's or
6 licensee's spouse or children has an equity interest of
7 more than 1%. If an applicant or licensee is a corporation,
8 partnership or other business entity, the applicant or
9 licensee shall identify any other corporation, partnership
10 or business entity in which it has an equity interest of 1%
11 or more, including, if applicable, the state of
12 incorporation or registration. This information need not
13 be provided by a corporation, partnership or other business
14 entity that has a pending registration statement filed with
15 the Securities and Exchange Commission.

16 (4) Whether an applicant or licensee has been indicted,
17 convicted, pleaded guilty or nolo contendere, or forfeited
18 bail concerning any criminal offense under the laws of any
19 jurisdiction, either felony or misdemeanor (except for
20 traffic violations), including the date, the name and
21 location of the court, arresting agency and prosecuting
22 agency, the case number, the offense, the disposition and
23 the location and length of incarceration.

24 (5) Whether an applicant or licensee has had any
25 license or certificate issued by a licensing authority in
26 Illinois or any other jurisdiction denied, restricted,

1 suspended, revoked or not renewed and a statement
2 describing the facts and circumstances concerning the
3 denial, restriction, suspension, revocation or
4 non-renewal, including the licensing authority, the date
5 each such action was taken, and the reason for each such
6 action.

7 (6) Whether an applicant or licensee has ever filed or
8 had filed against it a proceeding in bankruptcy or has ever
9 been involved in any formal process to adjust, defer,
10 suspend or otherwise work out the payment of any debt
11 including the date of filing, the name and location of the
12 court, the case and number of the disposition.

13 (7) Whether an applicant or licensee has filed, or been
14 served with a complaint or other notice filed with any
15 public body, regarding the delinquency in the payment of,
16 or a dispute over the filings concerning the payment of,
17 any tax required under federal, State or local law,
18 including the amount, type of tax, the taxing agency and
19 time periods involved.

20 (8) A statement listing the names and titles of all
21 public officials or officers of any unit of government, and
22 relatives of said public officials or officers who,
23 directly or indirectly, own any financial interest in, have
24 any beneficial interest in, are the creditors of or hold
25 any debt instrument issued by, or hold or have any interest
26 in any contractual or service relationship with, an

1 applicant or licensee.

2 (9) Whether an applicant or licensee has made, directly
3 or indirectly, any political contribution, or any loans,
4 donations or other payments, to any candidate or office
5 holder, within 5 years from the date of filing the
6 application, including the amount and the method of
7 payment.

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

11 (11) A description of any proposed or approved
12 riverboat gaming or electronic gaming operation, including
13 the type of boat, home dock, or electronic gaming location,
14 expected economic benefit to the community, anticipated or
15 actual number of employees, any statement from an applicant
16 or licensee regarding compliance with federal and State
17 affirmative action guidelines, projected or actual
18 admissions and projected or actual adjusted gross gaming
19 receipts.

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

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

25 (1) The amount of the wagering tax and admission tax
26 paid daily to the State of Illinois by the holder of an

1 owner's license.

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

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

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

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

11 (2) The statutes, rules, regulations or
12 intergovernmental agreements of any jurisdiction.

13 (d) The Board may assess fees for the copying of
14 information in accordance with Section 6 of the Freedom of
15 Information Act.

16 (Source: P.A. 96-1392, eff. 1-1-11.)

17 (230 ILCS 10/5.3 new)

18 Sec. 5.3. Prioritization of video gaming operations.

19 (a) The General Assembly finds that the implementation of
20 the Video Gaming Act and the commencement of video gaming
21 operations authorized pursuant to that Act are no less
22 important than the activities and operations authorized by this
23 amendatory Act of the 97th General Assembly. It is the intent
24 of the General Assembly that the implementation of operations
25 authorized by the Video Gaming Act must not be delayed as a

1 result of this amendatory Act of the 97th General Assembly.

2 (b) No licenses or additional gaming positions authorized
3 in this amendatory Act of the 97th General Assembly shall be
4 awarded or issued before the video gaming implementation date.
5 For the purposes of this Section and this Act, "video gaming
6 implementation date" means the date when at least 2,000 video
7 gaming terminals authorized pursuant to the Video Gaming Act
8 are operational and are being used to conduct video gaming with
9 at least 1,000 video gaming terminals operating in Cook, Lake,
10 McHenry, Kane, DuPage, and Will Counties, and at least 1,000
11 video gaming terminals operating in the remaining counties.

12 If the implementation of video gaming is delayed due to a
13 court action and the Board is prohibited from taking further
14 action to implement video gaming because of that court action,
15 then this Section shall not apply so long as that prohibition
16 exists. If the Video Gaming Act, as it was enacted and amended
17 prior to the effective date of this amendatory Act of the 97th
18 General Assembly, becomes nullified through a court action,
19 then this Section shall not apply.

20 (230 ILCS 10/6) (from Ch. 120, par. 2406)

21 Sec. 6. Application for Owners License.

22 (a) A qualified person may apply to the Board for an owners
23 license to conduct a riverboat gambling operation as provided
24 in this Act. The application shall be made on forms provided by
25 the Board and shall contain such information as the Board

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

16 (a-5) In addition to any other information required under
17 this Section, each application for an owners license submitted
18 on or after July 1, 2011 must include the following
19 information:

20 (1) The history and success of the applicant and each
21 person and entity disclosed under subsection (c) of this
22 Section in developing tourism facilities ancillary to
23 gaming, if applicable.

24 (2) The likelihood that granting a license to the
25 applicant will lead to the creation of quality, living wage
26 jobs and permanent, full-time jobs for residents of the

1 State and residents of the unit of local government that is
2 designated as the home dock of the proposed facility where
3 gambling is to be conducted by the applicant.

4 (3) The projected number of jobs that would be created
5 if the license is granted and the projected number of new
6 employees at the proposed facility where gambling is to be
7 conducted by the applicant.

8 (4) The record of the applicant and its developer in
9 meeting commitments to local agencies, community-based
10 organizations, and employees at other locations where the
11 applicant or its developer has performed similar functions
12 as they would perform if the applicant were granted a
13 license.

14 (5) Identification of adverse effects that might be
15 caused by the proposed facility where gambling is to be
16 conducted by the applicant, including the costs of meeting
17 increased demand for public health care, child care, public
18 transportation, affordable housing, and social services,
19 and a plan to mitigate those adverse effects.

20 (6) The record of the applicant and its developer
21 regarding compliance with:

22 (A) federal, state, and local discrimination, wage
23 and hour, disability, and occupational and
24 environmental health and safety laws; and

25 (B) state and local labor relations and employment
26 laws.

1 (7) The applicant's record in dealing with its
2 employees and their representatives at other locations.

3 (8) A plan concerning the utilization of minority
4 person-owned and female-owned businesses and concerning
5 the hiring of minorities and females.

6 (9) Evidence that the applicant used its best efforts
7 to reach a goal of 25% ownership representation by minority
8 persons and 5% ownership representation by females.

9 (b) Applicants shall submit with their application all
10 documents, resolutions, and letters of support from the
11 governing body that represents the municipality or county
12 wherein the licensee will be located ~~deck~~.

13 (c) Each applicant shall disclose the identity of every
14 person, association, trust or corporation having a greater than
15 1% direct or indirect pecuniary interest in the ~~riverboat~~
16 gambling operation with respect to which the license is sought.
17 If the disclosed entity is a trust, the application shall
18 disclose the names and addresses of the beneficiaries; if a
19 corporation, the names and addresses of all stockholders and
20 directors; if a partnership, the names and addresses of all
21 partners, both general and limited.

22 (d) An application shall be filed and considered in
23 accordance with the rules of the Board. An application fee of
24 \$50,000 shall be paid at the time of filing to defray the costs
25 associated with the background investigation conducted by the
26 Board. If the costs of the investigation exceed \$50,000, the

1 applicant shall pay the additional amount to the Board. If the
2 costs of the investigation are less than \$50,000, the applicant
3 shall receive a refund of the remaining amount. All
4 information, records, interviews, reports, statements,
5 memoranda or other data supplied to or used by the Board in the
6 course of its review or investigation of an application for a
7 license or a renewal under this Act shall be privileged,
8 strictly confidential and shall be used only for the purpose of
9 evaluating an applicant for a license or a renewal. Such
10 information, records, interviews, reports, statements,
11 memoranda or other data shall not be admissible as evidence,
12 nor discoverable in any action of any kind in any court or
13 before any tribunal, board, agency or person, except for any
14 action deemed necessary by the Board.

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

20 (f) The licensed owner shall be the person primarily
21 responsible for the boat itself. Only one ~~riverboat~~ gambling
22 operation may be authorized by the Board on any riverboat. The
23 applicant must identify the ~~each~~ riverboat or premises it
24 intends to use and certify that the riverboat or premises: (1)
25 has the authorized capacity required in this Act; (2) is
26 accessible to disabled persons; and (3) is fully registered and

1 licensed in accordance with any applicable laws.

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

4 (Source: P.A. 96-1392, eff. 1-1-11.)

5 (230 ILCS 10/7) (from Ch. 120, par. 2407)

6 Sec. 7. Owners Licenses.

7 (a) The Board shall issue owners licenses to persons, firms
8 or corporations which apply for such licenses upon payment to
9 the Board of the non-refundable license fee set by the Board,
10 upon payment of a \$25,000 license fee for the first year of
11 operation and a \$5,000 license fee for each succeeding year and
12 upon a determination by the Board that the applicant is
13 eligible for an owners license pursuant to this Act and the
14 rules of the Board. From the effective date of this amendatory
15 Act of the 95th General Assembly until (i) 3 years after the
16 effective date of this amendatory Act of the 95th General
17 Assembly, (ii) the date any organization licensee begins to
18 operate a slot machine or video game of chance under the
19 Illinois Horse Racing Act of 1975 or this Act, (iii) the date
20 that payments begin under subsection (c-5) of Section 13 of the
21 Act, ~~or~~ (iv) the wagering tax imposed under Section 13 of this
22 Act is increased by law to reflect a tax rate that is at least
23 as stringent or more stringent than the tax rate contained in
24 subsection (a-3) of Section 13, or (v) when an owners licensee
25 holding a license issued pursuant to Section 7.1 of this Act

1 begins conducting gaming, whichever occurs first, as a
2 condition of licensure and as an alternative source of payment
3 for those funds payable under subsection (c-5) of Section 13 of
4 this ~~the Riverboat Gambling~~ Act, any owners licensee that holds
5 or receives its owners license on or after the effective date
6 of this amendatory Act of the 94th General Assembly, other than
7 an owners licensee operating a riverboat with adjusted gross
8 receipts in calendar year 2004 of less than \$200,000,000, must
9 pay into the Horse Racing Equity Trust Fund, in addition to any
10 other payments required under this Act, an amount equal to 3%
11 of the adjusted gross receipts received by the owners licensee.
12 The payments required under this Section shall be made by the
13 owners licensee to the State Treasurer no later than 3:00
14 o'clock p.m. of the day after the day when the adjusted gross
15 receipts were received by the owners licensee. A person, firm
16 or corporation is ineligible to receive an owners license if:

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

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

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

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

25 (5) a person defined in (1), (2), (3) or (4) is an
26 officer, director or managerial employee of the firm or

1 corporation;

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

6 (7) (blank); or

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

10 The Board is expressly prohibited from making changes to
11 the requirement that licensees make payment into the Horse
12 Racing Equity Trust Fund without the express authority of the
13 Illinois General Assembly and making any other rule to
14 implement or interpret this amendatory Act of the 95th General
15 Assembly. For the purposes of this paragraph, "rules" is given
16 the meaning given to that term in Section 1-70 of the Illinois
17 Administrative Procedure Act.

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

20 (1) the character, reputation, experience and
21 financial integrity of the applicants and of any other or
22 separate person that either:

23 (A) controls, directly or indirectly, such
24 applicant, or

25 (B) is controlled, directly or indirectly, by such
26 applicant or by a person which controls, directly or

1 indirectly, such applicant;

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

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

6 (4) the extent to which the ownership of the applicant
7 reflects the diversity of the State by including minority
8 persons, females, and persons with a disability and the
9 good faith affirmative action plan of each applicant to
10 recruit, train and upgrade minority persons, females, and
11 persons with a disability in all employment
12 classifications;

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

15 (6) whether the applicant has adequate capitalization
16 to provide and maintain, for the duration of a license, a
17 riverboat;

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

21 (8) the ~~The~~ amount of the applicant's license bid; ~~;~~

22 (9) the extent to which the applicant plans to enter
23 into revenue sharing agreements with communities other
24 than the host municipality and the terms of those
25 agreements; and

26 (10) the extent to which the ownership of the applicant

1 includes the most qualified number of minority persons,
2 females, and persons with a disability.

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

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

7 (e) The Board may issue up to 10 licenses authorizing the
8 holders of such licenses to own riverboats. In the application
9 for an owners license, the applicant shall state the dock at
10 which the riverboat is based and the water on which the
11 riverboat will be located. The Board shall issue 5 licenses to
12 become effective not earlier than January 1, 1991. Three of
13 such licenses shall authorize riverboat gambling on the
14 Mississippi River, or, with approval by the municipality in
15 which the riverboat was docked on August 7, 2003 and with Board
16 approval, be authorized to relocate to a new location, in a
17 municipality that (1) borders on the Mississippi River or is
18 within 5 miles of the city limits of a municipality that
19 borders on the Mississippi River and (2), on August 7, 2003,
20 had a riverboat conducting riverboat gambling operations
21 pursuant to a license issued under this Act; one of which shall
22 authorize riverboat gambling from a home dock in the city of
23 East St. Louis. One other license shall authorize riverboat
24 gambling on the Illinois River in Tazewell County, or, with
25 approval by a municipality in which such riverboat was docked
26 on January 1, 2010 and with Board approval, be authorized to

1 relocate to a new location that is no more than 10 miles away
2 from its original location, in a municipality that (1) borders
3 on the Illinois River or is within 5 miles of the city limits
4 of a municipality that borders on the Illinois River and (2),
5 on January 1, 2010, had a riverboat conducting riverboat
6 gambling operations pursuant to a license issued under this Act
7 ~~south of Marshall County~~. The Board shall issue one additional
8 license to become effective not earlier than March 1, 1992,
9 which shall authorize riverboat gambling on the Des Plaines
10 River in Will County. The Board may issue 4 additional licenses
11 to become effective not earlier than March 1, 1992. In
12 determining the water upon which riverboats will operate, the
13 Board shall consider the economic benefit which riverboat
14 gambling confers on the State, and shall seek to assure that
15 all regions of the State share in the economic benefits of
16 riverboat gambling.

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

1 decision explaining why another applicant was selected and
2 identifying the factors set forth in this Section that favored
3 the winning bidder.

4 In addition to any other revocation powers granted to the
5 Board under this Act, the Board may revoke the owners license
6 of a licensee which fails to begin conducting gambling within
7 15 months of receipt of the Board's approval of the application
8 if the Board determines that license revocation is in the best
9 interests of the State.

10 (e-16) The provisions of this subsection (e-16) apply only
11 to an owners licensee of a license issued or re-issued pursuant
12 to Section 7.1 of this Act and if the owners licensee was found
13 preliminarily suitable or suitable by the Board prior to the
14 effective date of this amendatory Act of the 97th General
15 Assembly. The owners licensee shall pay (i) a \$100,000 fee for
16 the issuance or renewal of its license and (ii) an initial fee
17 of \$25,000 per gaming position in place of, and not in addition
18 to, the initial fee under subsection (h) of this Section 7.
19 Additionally, the owners licensee shall make a reconciliation
20 payment on July 1, 2016 in an amount equal to 75% of the
21 average annual adjusted gross receipts, minus an amount equal
22 to the \$25,000 initial payment per gaming position. If this
23 calculation results in a negative amount, then the owners
24 licensee is not entitled to any reimbursement of fees
25 previously paid. This reconciliation payment may be made in
26 installments over a period of no more than 5 years, subject to

1 Board approval. Any installment payments shall include an
2 annual market interest rate as determined by the Board. All
3 payments by licensees under this subsection shall be deposited
4 into the Capital Projects Fund. For any payments required under
5 this Section, the owners licensee shall receive (i) a credit
6 for any amounts that the owners licensee has paid to the State
7 or the Board or their agents prior to November 1, 2010 for
8 consultants, licensing fees, up-front fees, or other items, not
9 to exceed \$53,000,000 and (ii) a credit for \$147,000,000 for
10 the payments that the unit of local government has pledged to
11 remit to the State. The Board shall review any such pledge to
12 remit payments to the State and consider a revision to that
13 pledge if the owners licensee subject to this subsection (e-16)
14 has experienced a significant increase in competition;
15 however, any such revision shall not impact the amount of the
16 credit the owners licensee shall receive for payments pledged
17 by the unit of local government to the State in this subsection
18 (e-16). An owners licensee subject to this subsection (e-16)
19 shall only pay the initial fees required pursuant to this
20 subsection and shall not have to pay any initial fees or
21 payments that were ordered by the Board prior to November 1,
22 2010. However, any payments that have been made by the owners
23 licensee to the State or the Board or to their agents for
24 consultants, licensing fees, up front fees, or other items
25 shall remain with the State, and the owners licensee shall
26 receive a credit as specified in this subsection.

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

7 (g) Upon the termination, expiration, or revocation of an
8 owners license ~~of each of the first 10 licenses~~, which shall be
9 issued for a 3 year period, all licenses are renewable annually
10 upon payment of the fee and a determination by the Board that
11 the licensee continues to meet all of the requirements of this
12 Act and the Board's rules. However, for licenses renewed on or
13 after May 1, 1998, renewal shall be for a period of 4 years,
14 unless the Board sets a shorter period.

15 (h) An owners license shall entitle the licensee to own up
16 to 2 riverboats.

17 A licensee shall limit the number of gaming positions
18 ~~gambling participants~~ to 1,200 for any such owners license
19 prior to July 1, 2011. On or after July 1, 2011, a licensee
20 shall limit the number of gaming positions to 2,000 for any
21 such owners license. The initial fee for each gaming position
22 obtained on or after the effective date of this amendatory Act
23 of the 97th General Assembly shall be \$12,500 for licensees not
24 located in Cook County and \$25,000 for licensees located in
25 Cook County, in addition to the reconciliation payment, as set
26 forth in (e-16) or (h-5). A licensee may operate both of its

1 riverboats concurrently, provided that the total number of
2 gaming positions ~~gambling participants~~ on both riverboats does
3 not exceed 1,200 prior to July 1, 2011 and 2,000 on or after
4 July 1, 2011. Riverboats licensed to operate on the Mississippi
5 River and the Illinois River south of Marshall County shall
6 have an authorized capacity of at least 500 persons. Any other
7 riverboat licensed under this Act shall have an authorized
8 capacity of at least 400 persons.

9 (h-5) An owners licensee who purchases positions under
10 subsection (h) on or after the effective date of this
11 amendatory Act of the 97th General Assembly must pay an initial
12 fee of \$12,500 per gaming position if the licensee is located
13 outside Cook County and an initial fee of \$25,000 per gaming
14 position if the licensee is located in Cook County, as stated
15 in subsection (h). These initial fees shall be deposited into
16 the Gaming Facilities Fee Revenue Fund. Additionally, the
17 owners licensee shall make a reconciliation payment 4 years
18 after any additional gaming positions authorized by subsection
19 (h) begin operating in an amount equal to 75% of the owners
20 licensee's average gross receipts for the most lucrative
21 12-month period of operations minus an amount equal to \$12,500
22 or \$25,000 that the owners licensee paid per additional gaming
23 position. For purposes of this subsection, "average gross
24 receipts" means (i) the increase in adjusted gross receipts for
25 the most lucrative 12-month period of operations over the
26 adjusted gross receipts for 2012, multiplied by (ii) the

1 percentage derived by dividing the number of additional gaming
2 positions that an owners licensee had purchased pursuant to
3 subsection (h) by the total number of gaming positions operated
4 by the owners licensee. If this calculation results in a
5 negative amount, then the owners licensee is not entitled to
6 any reimbursement of fees previously paid. This reconciliation
7 payment may be made in installments over a period of no more
8 than 5 years, subject to Board approval. Any installment
9 payments shall include an annual market interest rate as
10 determined by the Board. These reconciliation payments shall be
11 deposited into the Capital Projects Fund.

12 (h-10) Any positions that are not purchased by a licensed
13 owner as of January 1, 2016 shall be forfeited and retained by
14 the Board and shall be offered in equal amounts to licensed
15 owners who have purchased all of the positions that were
16 offered. This process shall continue until all positions have
17 been purchased. All positions obtained pursuant to this process
18 must be in operation within 18 months after they were obtained
19 or the licensed owner forfeits the right to operate all of the
20 positions, but is not entitled to a refund of any fees paid.
21 The Board may, after holding a public hearing, grant extensions
22 so long as a licensed owner is working in good faith to make
23 the positions operational. The extension may be for a period of
24 6 months. If, after the period of the extension, a licensed
25 owner has not made the positions operational, another public
26 hearing must be held by the Board before it may grant another

1 extension.

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

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

23 (k) An owners licensee may conduct land-based gambling
24 operations upon approval by the Board.

25 (l) An owners licensee may conduct gaming at a temporary
26 facility pending the construction of a permanent facility or

1 the remodeling or relocation of an existing facility to
2 accommodate gaming participants for up to 24 months after the
3 temporary facility begins to conduct gaming. Upon request by an
4 owners licensee and upon a showing of good cause by the owners
5 licensee, the Board shall extend the period during which the
6 licensee may conduct gaming at a temporary facility by up to 12
7 months. The Board shall make rules concerning the conduct of
8 gaming from temporary facilities.

9 (m) All riverboats and electronic gaming facilities shall
10 consist of buildings that are certified as meeting the U.S.
11 Green Building Council's Leadership in Energy and
12 Environmental Design standards. The provisions of this
13 subsection (m) apply to a holder of an owners license or
14 electronic gaming license that (i) begins operations on or
15 after January 1, 2012 or (ii) relocates its facilities.

16 (Source: P.A. 95-1008, eff. 12-15-08; 96-1392, eff. 1-1-11.)

17 (230 ILCS 10/7.3)

18 Sec. 7.3. State conduct of gambling operations.

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

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

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

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

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

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

22 (230 ILCS 10/7.6 new)

23 Sec. 7.6. Electronic gaming.

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

1 collectively comprise the bulk of the State's gaming industry.
2 One feature common to both industries is that each is highly
3 regulated by the State of Illinois. The General Assembly
4 further finds, however, that despite their shared features each
5 industry is distinct from the other in that horse racing is and
6 continues to be intimately tied to Illinois' agricultural
7 economy and is, at its core, a spectator sport. This
8 distinction requires the General Assembly to utilize different
9 methods to regulate and promote the horse racing industry
10 throughout the State. The General Assembly finds that in order
11 to promote live horse racing as a spectator sport in Illinois
12 and the agricultural economy of this State, it is necessary to
13 allow electronic gaming at Illinois race tracks as an ancillary
14 use given the success of other states in increasing live racing
15 purse accounts and improving the quality of horses
16 participating in horse race meetings.

17 (b) The Illinois Gaming Board shall award one electronic
18 gaming license to each person, firm, or corporation having
19 operating control of a race track that applies under Section 56
20 of the Illinois Horse Racing Act of 1975, subject to the
21 application and eligibility requirements of this Section.
22 Within 60 days after the effective date of this amendatory Act
23 of the 97th General Assembly, a person, firm, or corporation
24 having operating control of a race track may submit an
25 application for an electronic gaming license. The application
26 shall specify the number of gaming positions the applicant

1 intends to use and the place where the electronic gaming
2 facility will operate.

3 The Board shall determine within 120 days after the video
4 gaming implementation date, as defined in Section 5.3 of this
5 Act, whether to grant an electronic gaming license to the
6 applicant. If the Board does not make a determination within
7 that time period, the Board shall give a written explanation to
8 the applicant as to why it has not reached a determination and
9 when it reasonably expects to make a determination.

10 The electronic gaming licensee shall purchase up to the
11 amount of electronic gaming positions authorized under this Act
12 within 120 days after receiving its electronic gaming license.
13 If an electronic gaming licensee is prepared to purchase the
14 electronic gaming positions, but is temporarily prohibited
15 from doing so by order of a court of competent jurisdiction or
16 the Board, then the 120-day period is tolled until a resolution
17 is reached.

18 An electronic gaming license shall authorize its holder to
19 conduct electronic gaming at its race track at the following
20 times:

21 (1) On days when it conducts live racing at the track
22 where its electronic gaming facility is located, from 8:00
23 a.m. until 3:00 a.m. on the following day.

24 (2) On days when it is scheduled to conduct simulcast
25 wagering on races run in the United States, from 8:00 a.m.
26 until 3:00 a.m. on the following day.

1 Additionally, the Board may extend these days of operation
2 and hours upon request by an organization licensee as the Board
3 sees fit.

4 A license to conduct electronic gaming and any renewal of
5 an electronic gaming license shall authorize electronic gaming
6 for a period of 4 years. The fee for the issuance or renewal of
7 an electronic gaming license shall be \$100,000.

8 (c) To be eligible to conduct electronic gaming, a person,
9 firm, or corporation having operating control of a race track
10 must (i) obtain an electronic gaming license, (ii) hold an
11 organization license under the Illinois Horse Racing Act of
12 1975, (iii) hold an inter-track wagering license, (iv) pay an
13 initial fee of \$25,000 per gaming position from electronic
14 gaming licensees where electronic gaming is conducted in Cook
15 County and \$12,500 for electronic gaming licensees where
16 electronic gaming is located outside of Cook County before
17 beginning to conduct electronic gaming plus make the
18 reconciliation payment required under subsection (i), (v)
19 conduct at least 240 live races per year, (vi) meet the
20 requirements of subsection (a) of Section 56 of the Illinois
21 Horse Racing Act of 1975, (vii) for organization licensees
22 conducting standardbred race meetings that had an open
23 backstretch in 2009, keep backstretch barns and dormitories
24 open and operational year-round unless a lesser schedule is
25 mutually agreed to by the organization licensee and the
26 horsemen's association racing at that organization licensee's

1 race meeting, (viii) for organization licensees conducting
2 thoroughbred race meetings, the organization licensee must
3 maintain accident medical expense liability insurance coverage
4 of \$1,000,000 for jockeys, and (ix) meet all other requirements
5 of this Act that apply to owners licensees. Only those persons,
6 firms, or corporations (or its successors or assigns) that had
7 operating control of a race track and held an inter-track
8 wagering license authorized by the Illinois Racing Board in
9 2009 are eligible.

10 All payments by licensees under this subsection (c) shall
11 be deposited into the Gaming Facilities Fee Revenue Fund,
12 except for the reconciliation payments that are governed by
13 subsection (i) of this Section.

14 (d) The Board may approve electronic gaming positions
15 statewide as provided in this Section. The authority to operate
16 electronic gaming positions under this Section shall be
17 allocated as follows: up to 1,200 gaming positions for any
18 electronic gaming licensee in Cook County and up to 900 gaming
19 positions for any electronic gaming licensee outside of Cook
20 County.

21 (e) Any positions that are not obtained by an organization
22 licensee shall be retained by the Gaming Board and shall be
23 offered in equal amounts to organization licensees who have
24 purchased all of the positions that were offered. This process
25 shall continue until all positions have been purchased. All
26 positions obtained pursuant to this process must be in

1 operation within 18 months after they were obtained or the
2 organization licensee forfeits the right to operate all of the
3 positions, but is not entitled to a refund of any fees paid.
4 The Board may, after holding a public hearing, grant extensions
5 so long as an organization licensee is working in good faith to
6 begin conducting electronic gaming. The extension may be for a
7 period of 6 months. If, after the period of the extension, a
8 licensee has not begun to conduct electronic gaming, another
9 public hearing must be held by the Board before it may grant
10 another extension.

11 (f) Subject to the approval of the Illinois Gaming Board,
12 an electronic gaming licensee may make modification or
13 additions to any existing buildings and structures to comply
14 with the requirements of this Act. The Illinois Gaming Board
15 shall make its decision after consulting with the Illinois
16 Racing Board. In no case, however, shall the Illinois Gaming
17 Board approve any modification or addition that alters the
18 grounds of the organizational licensee such that the act of
19 live racing is an ancillary activity to electronic gaming.
20 Electronic gaming may take place in existing structures where
21 inter-track wagering is conducted at the race track or a
22 facility within 300 yards of the race track in accordance with
23 the provisions of this Act and the Illinois Horse Racing Act of
24 1975.

25 (g) An electronic gaming licensee may conduct electronic
26 gaming at a temporary facility pending the construction of a

1 permanent facility or the remodeling or relocation of an
2 existing facility to accommodate electronic gaming
3 participants for up to 24 months after the temporary facility
4 begins to conduct electronic gaming. Upon request by an
5 electronic gaming licensee and upon a showing of good cause by
6 the electronic gaming licensee, the Board shall extend the
7 period during which the licensee may conduct electronic gaming
8 at a temporary facility by up to 12 months. The Board shall
9 make rules concerning the conduct of electronic gaming from
10 temporary facilities.

11 Electronic gaming may take place in existing structures
12 where inter-track wagering is conducted at the race track or a
13 facility within 300 yards of the race track in accordance with
14 the provisions of this Act and the Illinois Horse Racing Act of
15 1975. Any electronic gaming conducted at a permanent facility
16 within 300 yards of the race track in accordance with this Act
17 and the Illinois Horse Racing Act of 1975 shall have either an
18 all-weather egress connecting the electronic gaming facility
19 to the race track facility or, on days and hours of live
20 racing, a complimentary shuttle service between the permanent
21 electronic gaming facility and the race track facility and
22 shall not charge electronic gaming participants an additional
23 admission fee to the race track facility.

24 (h) The Illinois Gaming Board must adopt emergency rules in
25 accordance with Section 5-45 of the Illinois Administrative
26 Procedure Act as necessary to ensure compliance with the

1 provisions of this amendatory Act of the 97th General Assembly
2 concerning electronic gaming. The adoption of emergency rules
3 authorized by this subsection (h) shall be deemed to be
4 necessary for the public interest, safety, and welfare.

5 (i) Each electronic gaming licensee who obtains electronic
6 gaming positions must make a reconciliation payment 4 years
7 after the date the electronic gaming licensee begins operating
8 the positions in an amount equal to 75% of the difference
9 between its adjusted gross receipts from electronic gaming and
10 amounts paid to its purse accounts pursuant to item (1) of
11 subsection (b) of Section 56 of the Illinois Horse Racing Act
12 of 1975 for the 12-month period of operations over which such
13 difference was the largest, minus an amount equal to the
14 initial \$25,000 or \$12,500 per electronic gaming position
15 initial payment. If this calculation results in a negative
16 amount, then the electronic gaming licensee is not entitled to
17 any reimbursement of fees previously paid. This reconciliation
18 payment may be made in installments over a period of no more
19 than 5 years, subject to Board approval. Any installment
20 payments shall include an annual market interest rate as
21 determined by the Board.

22 All payments by licensees under this subsection (i) shall
23 be deposited into the Capital Projects Fund.

24 (j) As soon as practical after a request is made by the
25 Illinois Gaming Board, to minimize duplicate submissions by the
26 applicant, the Illinois Racing Board must provide information

1 on an applicant for an electronic gaming license to the
2 Illinois Gaming Board.

3 (k) Subject to the approval of the Illinois Gaming Board,
4 an organization licensee that has received an electronic gaming
5 license under this Act and has operating control of a race
6 track facility located in Cook County may relocate its race
7 track facility as follows:

8 (1) the organization licensee may relocate within a
9 3-mile radius of its existing race track facility so long
10 as the organization licensee remains in Cook County and
11 submits its plan to construct a new structure to conduct
12 electronic gaming operations; and

13 (2) the organization licensee may not relocate within a
14 5-mile radius of a riverboat operated by an owners licensee
15 pursuant to this Act.

16 The relocation must include the race track facility,
17 including the race track operations used to conduct live racing
18 and the electronic gaming facility in its entirety. For the
19 purposes of this subsection (k), "race track facility" means
20 all operations conducted on the race track property for which
21 it was awarded a license for pari-mutuel wagering and live
22 racing in the year 2010, except for the real estate itself. The
23 Illinois Gaming Board shall make its decision after consulting
24 with the Illinois Racing Board, and any relocation application
25 shall be subject to all of the provisions of this Act and the
26 Illinois Horse Racing Act of 1975.

1 (1) In addition to all other requirements of this Section
2 and this Act, in order to be eligible to conduct electronic
3 gaming, a person, firm, or corporation having operating control
4 of a race track must first submit to the Illinois Gaming Board
5 written proof that a labor peace agreement has been entered
6 into between that entity and each labor organization that (1)
7 is actively engaged in representing and attempting to represent
8 food and beverage, hospitality, custodial, and maintenance
9 workers and (2) represents at least 10 workers employed to work
10 at that entity's race track facility.

11 (230 ILCS 10/7.7 new)

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

19 (230 ILCS 10/7.9 new)

20 Sec. 7.9. Diversity program.

21 (a) Each owners licensee, electronic gaming licensee, and
22 suppliers licensee shall establish and maintain a diversity
23 program to ensure non-discrimination in the award and
24 administration of contracts. The programs shall establish

1 goals of awarding not less than 20% of the annual dollar value
2 of all contracts, purchase orders, or other agreements to
3 minority owned businesses and 5% of the annual dollar value of
4 all contracts to female owned businesses.

5 (b) Each owners licensee, electronic gaming licensee, and
6 suppliers licensee shall establish and maintain a diversity
7 program designed to promote equal opportunity for employment.
8 The program shall establish hiring goals as the Board and each
9 licensee determines appropriate. The Board shall monitor the
10 progress of the gaming licensee's progress with respect to the
11 program's goals.

12 (c) No later than May 31 of each year each licensee shall
13 report to the Board the number of respective employees and the
14 number of their respective employees who have designated
15 themselves as members of a minority group and gender. In
16 addition, all licensees shall submit a report with respect to
17 the minority owned and female owned businesses program created
18 in this Section to the Board.

19 (230 ILCS 10/7.10 new)

20 Sec. 7.10. Annual report on diversity.

21 (a) Each licensee that receives a license under Sections 7,
22 7.1, and 7.6 shall execute and file a report with the Board no
23 later than December 31 of each year that shall contain, but not
24 be limited to, the following information:

25 (i) a good faith affirmative action plan to recruit,

1 train, and upgrade minority persons, females, and persons
2 with a disability in all employment classifications;

3 (ii) the total dollar amount of contracts that were
4 awarded to businesses owned by minority persons, females,
5 and persons with a disability;

6 (iii) the total number of businesses owned by minority
7 persons, females, and persons with a disability that were
8 utilized by the licensee;

9 (iv) the utilization of businesses owned by minority
10 persons, females, and persons with disabilities during the
11 preceding year; and

12 (v) the outreach efforts used by the licensee to
13 attract investors and businesses consisting of minority
14 persons, females, and persons with a disability.

15 (b) The Board shall forward a copy of each licensee's
16 annual reports to the General Assembly no later than February 1
17 of each year.

18 (230 ILCS 10/8) (from Ch. 120, par. 2408)

19 Sec. 8. Suppliers licenses.

20 (a) The Board may issue a suppliers license to such
21 persons, firms or corporations which apply therefor upon the
22 payment of a non-refundable application fee set by the Board,
23 upon a determination by the Board that the applicant is
24 eligible for a suppliers license and upon payment of a \$5,000
25 annual license fee.

1 (b) The holder of a suppliers license is authorized to sell
2 or lease, and to contract to sell or lease, gambling equipment
3 and supplies to any licensee involved in the ownership or
4 management of gambling operations.

5 (c) Gambling supplies and equipment may not be distributed
6 unless supplies and equipment conform to standards adopted by
7 rules of the Board.

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

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

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

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

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

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

21 (6) the firm or corporation employs a person who
22 participates in the management or operation of riverboat
23 gambling authorized under this Act;

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

1 revoked.

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

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

25 (g) Any gambling equipment, devices and supplies provided
26 by any licensed supplier may either be repaired on the

1 riverboat or at the electronic gaming facility or removed from
2 the riverboat or electronic gaming facility to a ~~an on-shore~~
3 facility owned by the holder of an owners license or electronic
4 gaming license for repair.

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

6 (230 ILCS 10/9) (from Ch. 120, par. 2409)

7 Sec. 9. Occupational licenses.

8 (a) The Board may issue an occupational license to an
9 applicant upon the payment of a non-refundable fee set by the
10 Board, upon a determination by the Board that the applicant is
11 eligible for an occupational license and upon payment of an
12 annual license fee in an amount to be established. To be
13 eligible for an occupational license, an applicant must:

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

18 (2) not have been convicted of a felony offense, a
19 violation of Article 28 of the Criminal Code of 1961, or a
20 similar statute of any other jurisdiction;

21 (2.5) not have been convicted of a crime, other than a
22 crime described in item (2) of this subsection (a),
23 involving dishonesty or moral turpitude, except that the
24 Board may, in its discretion, issue an occupational license
25 to a person who has been convicted of a crime described in

1 this item (2.5) more than 10 years prior to his or her
2 application and has not subsequently been convicted of any
3 other crime;

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

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

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

26 (c) Each applicant shall submit with his application, on

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

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

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

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

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

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

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

14 (Source: P.A. 96-1392, eff. 1-1-11.)

15 (230 ILCS 10/11) (from Ch. 120, par. 2411)

16 Sec. 11. Conduct of gambling. Gambling may be conducted by
17 licensed owners or licensed managers on behalf of the State
18 aboard riverboats. Gambling may be conducted by electronic
19 gaming licensees at electronic gaming facilities. Gambling
20 authorized under this Section is~~7~~ subject to the following
21 standards:

22 (1) A licensee may conduct riverboat gambling
23 authorized under this Act regardless of whether it conducts
24 excursion cruises. A licensee may permit the continuous
25 ingress and egress of patrons ~~passengers~~ on a riverboat not

1 used for excursion cruises for the purpose of gambling.
2 Excursion cruises shall not exceed 4 hours for a round
3 trip. However, the Board may grant express approval for an
4 extended cruise on a case-by-case basis.

5 (2) (Blank).

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

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

15 (5) Employees of the Board shall have the right to be
16 present on the riverboat or on adjacent facilities under
17 the control of the licensee and at the electronic gaming
18 facility under the control of the electronic gaming
19 licensee.

20 (6) Gambling equipment and supplies customarily used
21 in conducting riverboat gambling or electronic gaming must
22 be purchased or leased only from suppliers licensed for
23 such purpose under this Act. The Board may approve the
24 transfer, sale, or lease of gambling equipment and supplies
25 by a licensed owner from or to an affiliate of the licensed
26 owner as long as the gambling equipment and supplies were

1 initially acquired from a supplier licensed in Illinois.

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

5 (8) Wagers may be received only from a person present
6 on a licensed riverboat or at an electronic gaming
7 facility. No person present on a licensed riverboat or at
8 an electronic gaming facility shall place or attempt to
9 place a wager on behalf of another person who is not
10 present on the riverboat or at the electronic gaming
11 facility.

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

14 (10) A person under age 21 shall not be permitted on an
15 area of a riverboat where gambling is being conducted or at
16 an electronic gaming facility where gambling is being
17 conducted, except for a person at least 18 years of age who
18 is an employee of the riverboat gambling operation or
19 electronic gaming operation. No employee under age 21 shall
20 perform any function involved in gambling by the patrons.
21 No person under age 21 shall be permitted to make a wager
22 under this Act, and any winnings that are a result of a
23 wager by a person under age 21, whether or not paid by a
24 licensee, shall be treated as winnings for the privilege
25 tax purposes, confiscated, and forfeited to the State and
26 deposited into the Education Assistance Fund.

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

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

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

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

13 (Source: P.A. 96-1392, eff. 1-1-11.)

14 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

15 Sec. 11.1. Collection of amounts owing under credit
16 agreements. Notwithstanding any applicable statutory provision
17 to the contrary, a licensed owner, ~~or~~ manager, or electronic
18 gaming licensee who extends credit to a ~~riverboat~~ gambling
19 patron or an electronic gaming patron pursuant to Section 11
20 (a) (12) of this Act is expressly authorized to institute a
21 cause of action to collect any amounts due and owing under the
22 extension of credit, as well as the owner's or manager's costs,
23 expenses and reasonable attorney's fees incurred in
24 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 gambling facilities ~~riverboats~~ operated by licensed owners
5 authorized pursuant to this Act. Until July 1, 2002, the rate
6 is \$2 per person admitted. From July 1, 2002 until July 1,
7 2003, the rate is \$3 per person admitted. From July 1, 2003
8 until August 23, 2005 (the effective date of Public Act
9 94-673), for a licensee that admitted 1,000,000 persons or
10 fewer in the previous calendar year, the rate is \$3 per person
11 admitted; for a licensee that admitted more than 1,000,000 but
12 no more than 2,300,000 persons in the previous calendar year,
13 the rate is \$4 per person admitted; and for a licensee that
14 admitted more than 2,300,000 persons in the previous calendar
15 year, the rate is \$5 per person admitted. Beginning on August
16 23, 2005 (the effective date of Public Act 94-673), for a
17 licensee that admitted 1,000,000 persons or fewer in calendar
18 year 2004, the rate is \$2 per person admitted, and for all
19 other licensees, including licensees that were not conducting
20 gambling operations in 2004, the rate is \$3 per person
21 admitted. This admission tax is imposed upon the licensed owner
22 conducting gambling.

23 (1) The admission tax shall be paid for each admission,
24 except that a person who exits a riverboat gambling
25 facility and reenters that riverboat gambling facility

1 within the same gaming day shall be subject only to the
2 initial admission tax.

3 (2) (Blank).

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

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

12 (a-5) A fee is hereby imposed upon admissions operated by
13 licensed managers on behalf of the State pursuant to Section
14 7.3 at the rates provided in this subsection (a-5). For a
15 licensee that admitted 1,000,000 persons or fewer in the
16 previous calendar year, the rate is \$3 per person admitted; for
17 a licensee that admitted more than 1,000,000 but no more than
18 2,300,000 persons in the previous calendar year, the rate is \$4
19 per person admitted; and for a licensee that admitted more than
20 2,300,000 persons in the previous calendar year, the rate is \$5
21 per person admitted.

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

23 (2) (Blank).

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

1 (4) The number and issuance of fee-free passes is
2 subject to the rules of the Board, and a list of all
3 persons to whom the fee-free passes are issued shall be
4 filed with the Board.

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

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

24 (c-5) A tax is imposed on admissions to electronic gaming
25 facilities at the rate of \$3 per person admitted by an
26 electronic gaming licensee. The tax is imposed upon the

1 electronic gaming licensee.

2 (1) The admission tax shall be paid for each admission,
3 except that a person who exits an electronic gaming
4 facility and reenters that electronic gaming facility
5 within the same gaming day, as the term "gaming day" is
6 defined by the Board by rule, shall be subject only to the
7 initial admission tax. The Board shall establish, by rule,
8 a procedure to determine whether a person admitted to an
9 electronic gaming facility has paid the admission tax.

10 (2) An electronic gaming licensee may issue tax-free
11 passes to actual and necessary officials and employees of
12 the licensee and other persons associated with electronic
13 gaming operations.

14 (3) The number and issuance of tax-free passes is
15 subject to the rules of the Board, and a list of all
16 persons to whom the tax-free passes are issued shall be
17 filed with the Board.

18 (4) The electronic gaming licensee shall pay the entire
19 admission tax to the Board.

20 Such payments shall be made daily. Accompanying each
21 payment shall be a return on forms provided by the Board, which
22 shall include other information regarding admission as the
23 Board may require. Failure to submit either the payment or the
24 return within the specified time may result in suspension or
25 revocation of the electronic gaming license.

26 From the tax imposed under this subsection (c-5), a

1 municipality in which an electronic gaming facility is located,
2 other than the Village of Stickney, the City of Collinsville,
3 or the Village of Arlington Heights, or if the electronic
4 gaming facility is not located within a municipality, then the
5 county in which the electronic gaming facility is located,
6 except as otherwise provided in this Section, shall receive,
7 subject to appropriation, \$1 for each person who enters the
8 electronic gaming facility. For each admission to the
9 electronic gaming facility in excess of 1,500,000 in a year,
10 from the tax imposed under this subsection (c-5), the county in
11 which the electronic gaming facility is located shall receive,
12 subject to appropriation, \$0.30, which shall be in addition to
13 any other moneys paid to the county under this Section.

14 From the tax imposed under this subsection (c-5) on an
15 electronic gaming facility located in the Village of Stickney,
16 \$1 for each person who enters the electronic gaming facility
17 shall be distributed as follows, subject to appropriation:
18 \$0.125 to the Village of Stickney, \$0.125 to the City of
19 Berwyn, \$0.50 to the Town of Cicero, and \$0.25 to the Stickney
20 Public Health District.

21 From the tax imposed under this subsection (c-5) on an
22 electronic gaming facility located in the City of Collinsville,
23 \$1 for each person who enters the electronic gaming facility
24 shall be distributed as follows, subject to appropriation:
25 \$0.45 to the City of Alton, \$0.45 to the City of East St.
26 Louis, and \$0.10 to the City of Collinsville.

1 From the tax imposed under this subsection (c-5) from an
2 electronic gaming facility located in the Village of Arlington
3 Heights, \$1 for each person who enters the electronic gaming
4 facility shall be distributed as follows, subject to
5 appropriation: \$0.67 to the Village of Arlington Heights and
6 \$0.33 to the City of Des Plaines, except that the combined
7 amount paid to the City of Des Plaines under this subsection
8 (c-5) and subsection (b-5) of Section 13 of this Act shall not
9 exceed \$3,000,000 in a calendar year. Payments received by the
10 City of Des Plains pursuant to this paragraph may not be shared
11 with any other unit of local Government.

12 From the tax imposed under this subsection (c-5) on an
13 electronic gaming facility that is located in an unincorporated
14 area of Cook County and has been awarded standardbred racing
15 dates during 2010 by the Illinois Racing Board, \$1 for each
16 person who enters the electronic gaming facility shall be
17 distributed as follows, subject to appropriation: \$0.50 to the
18 Village of Melrose Park and \$0.50 to Cook County.

19 After payments required under this subsection (c-5) have
20 been made, all remaining amounts shall be deposited into the
21 Capital Projects Fund.

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

1 Penalty and Interest Act.

2 (Source: P.A. 95-663, eff. 10-11-07; 96-1392, eff. 1-1-11.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 15% of annual adjusted gross receipts up to and

1 including \$25,000,000;

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

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

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

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

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

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

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

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

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

4 (a-4) Beginning on the first day on which the tax imposed
5 under subsection (a-3) is no longer imposed and ending on
6 December 31, 2011, a privilege tax is imposed on persons
7 engaged in the business of conducting riverboat gambling or
8 electronic gaming operations, other than licensed managers
9 conducting riverboat gambling operations on behalf of the
10 State, based on the adjusted gross receipts received by a
11 licensed owner from gambling games authorized under this Act at
12 the following rates:

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

15 22.5% of annual adjusted gross receipts in excess of
16 \$25,000,000 but not exceeding \$50,000,000;

17 27.5% of annual adjusted gross receipts in excess of
18 \$50,000,000 but not exceeding \$75,000,000;

19 32.5% of annual adjusted gross receipts in excess of
20 \$75,000,000 but not exceeding \$100,000,000;

21 37.5% of annual adjusted gross receipts in excess of
22 \$100,000,000 but not exceeding \$150,000,000;

23 45% of annual adjusted gross receipts in excess of
24 \$150,000,000 but not exceeding \$200,000,000;

25 50% of annual adjusted gross receipts in excess of
26 \$200,000,000.

1 (a-5) Beginning on January 1, 2012 and ending on June 30,
2 2013, a privilege tax is imposed on persons engaged in the
3 business of conducting riverboat gambling or electronic gaming
4 operations, other than licensed managers conducting riverboat
5 gambling operations on behalf of the State, based on the
6 adjusted gross receipts received by such licensee from the
7 gambling games authorized under this Act. The privilege tax for
8 all gambling games other than table games, including, but not
9 limited to, slot machines, video game of chance gambling, and
10 electronic gambling games shall be at the following rates:

11 12% of annual adjusted gross receipts up to and
12 including \$25,000,000;

13 19.5% of annual adjusted gross receipts in excess of
14 \$25,000,000 but not exceeding \$50,000,000;

15 24.5% of annual adjusted gross receipts in excess of
16 \$50,000,000 but not exceeding \$75,000,000;

17 29.5% of annual adjusted gross receipts in excess of
18 \$75,000,000 but not exceeding \$100,000,000;

19 34.5% of annual adjusted gross receipts in excess of
20 \$100,000,000 but not exceeding \$150,000,000;

21 39% of annual adjusted gross receipts in excess of
22 \$150,000,000 but not exceeding \$200,000,000;

23 44% of annual adjusted gross receipts in excess of
24 \$200,000,000.

25 The privilege tax for table games shall be at the following
26 rates:

1 12% of annual adjusted gross receipts up to and
2 including \$25,000,000;

3 19.5% of annual adjusted gross receipts in excess of
4 \$25,000,000 but not exceeding \$50,000,000;

5 24.5% of annual adjusted gross receipts in excess of
6 \$50,000,000 but not exceeding \$70,000,000;

7 16% of annual adjusted gross receipts in excess of
8 \$70,000,000.

9 For the imposition of the privilege tax in this subsection
10 (a-5), amounts paid pursuant to item (1) of subsection (b) of
11 Section 56 of the Illinois Horse Racing Act of 1975 shall not
12 be included in the determination of adjusted gross receipts.

13 From the effective date of this amendatory Act of the 97th
14 General Assembly until June 30, 2015, an owners licensee shall
15 receive a dollar-for-dollar credit by the Board for any
16 renovation or construction costs paid by the owners licensee,
17 but in no event shall the credit exceed \$2,000,000. In
18 determining whether or not to approve a relocation, the Board
19 must consider the extent to which the relocation will diminish
20 the gaming revenues received by other Illinois gaming
21 facilities.

22 (a-6) Beginning on July 1, 2013, a privilege tax is imposed
23 on persons engaged in the business of conducting riverboat
24 gambling or electronic gaming operations, other than licensed
25 managers conducting riverboat gambling operations on behalf of
26 the State, based on the adjusted gross receipts received by a

1 licensed owner from the gambling games authorized under this
2 Act. The privilege tax for all gambling games other than table
3 games, including, but not limited to, slot machines, video game
4 of chance gambling, and electronic gambling games shall be at
5 the following rates:

6 10% of annual adjusted gross receipts up to and
7 including \$25,000,000;

8 17.5% of annual adjusted gross receipts in excess of
9 \$25,000,000 but not exceeding \$50,000,000;

10 22.5% of annual adjusted gross receipts in excess of
11 \$50,000,000 but not exceeding \$75,000,000;

12 27.5% of annual adjusted gross receipts in excess of
13 \$75,000,000 but not exceeding \$100,000,000;

14 32.5% of annual adjusted gross receipts in excess of
15 \$100,000,000 but not exceeding \$150,000,000;

16 35% of annual adjusted gross receipts in excess of
17 \$150,000,000 but not exceeding \$200,000,000;

18 40% of annual adjusted gross receipts in excess of
19 \$200,000,000.

20 The privilege tax for table games shall be at the following
21 rates:

22 10% of annual adjusted gross receipts up to and
23 including \$25,000,000;

24 17.5% of annual adjusted gross receipts in excess of
25 \$25,000,000 but not exceeding \$50,000,000;

26 22.5% of annual adjusted gross receipts in excess of

1 \$50,000,000 but not exceeding \$60,000,000;

2 16% of annual adjusted gross receipts in excess of
3 \$60,000,000.

4 For the imposition of the privilege tax in this subsection
5 (a-6), amounts paid pursuant to item (1) of subsection (b) of
6 Section 56 of the Illinois Horse Racing Act of 1975 shall not
7 be included in the determination of adjusted gross receipts.

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

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

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

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

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

2 "Act of God" means an incident caused by the operation of
3 an extraordinary force that cannot be foreseen, that cannot be
4 avoided by the exercise of due care, and for which no person
5 can be held liable.

6 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

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

21 The changes made to this subsection (a-15) by Public Act
22 94-839 are intended to restate and clarify the intent of Public
23 Act 94-673 with respect to the amount of the payments required
24 to be made under this subsection by an owners licensee to the
25 Board.

26 (b) Until January 1, 1998, 25% of the tax revenue deposited

1 in the State Gaming Fund under this Section shall be paid,
2 subject to appropriation by the General Assembly, to the unit
3 of local government which is designated as the home dock of the
4 riverboat. Beginning January 1, 1998, from the tax revenue from
5 riverboat gambling deposited in the State Gaming Fund under
6 this Section, an amount equal to 5% of adjusted gross receipts
7 generated by a riverboat shall be paid monthly, subject to
8 appropriation by the General Assembly, to the unit of local
9 government that is designated as the home dock of the
10 riverboat. From the tax revenue deposited in the State Gaming
11 Fund pursuant to riverboat gambling operations conducted by a
12 licensed manager on behalf of the State, an amount equal to 5%
13 of adjusted gross receipts generated pursuant to those
14 riverboat gambling operations shall be paid monthly, subject to
15 appropriation by the General Assembly, to the unit of local
16 government that is designated as the home dock of the riverboat
17 upon which those riverboat gambling operations are conducted.
18 Units of local government may refund any portion of the payment
19 that they receive pursuant to this subsection (b) to the
20 riverboat or casino.

21 (b-5) Beginning on the effective date of this amendatory
22 Act of the 97th General Assembly, from the tax revenue
23 deposited in the State Gaming Fund under this Section, an
24 amount equal to 3% of adjusted gross receipts generated by each
25 electronic gaming facility located outside Madison County
26 shall be paid monthly, subject to appropriation by the General

1 Assembly, to a municipality outside of Madison County other
2 than the Village of Stickney or the Village of Arlington
3 Heights in which each electronic gaming facility is located or,
4 if the electronic gaming facility is not located within a
5 municipality, to the county in which the electronic gaming
6 facility is located, except as otherwise provided in this
7 Section. From the tax revenue deposited in the State Gaming
8 Fund under this Section, an amount equal to 3% of adjusted
9 gross receipts generated by each electronic gaming facility
10 that is located in an unincorporated area of Cook County and
11 has been awarded standardbred racing dates during 2010 by the
12 Illinois Racing Board shall be paid monthly, subject to
13 appropriation by the General Assembly, as follows: 50% to the
14 Village of Melrose Park and 50% to Cook County. From the tax
15 revenue deposited in the State Gaming Fund under this Section,
16 an amount equal to 3% of adjusted gross receipts generated by
17 an electronic gaming facility located in the Village of
18 Stickney shall be paid monthly, subject to appropriation by the
19 General Assembly, as follows: 12.5% to the Village of Stickney,
20 12.5% to the City of Berwyn, 50% to the Town of Cicero, and 25%
21 to the Stickney Public Health District.

22 From the tax revenue deposited in the State Gaming Fund
23 under this Section, an amount equal to 3% of adjusted gross
24 receipts generated by each electronic gaming facility located
25 in the Village of Arlington Heights shall be paid monthly,
26 subject to appropriation by the General Assembly, as follows:

1 67% to the Village of Arlington Heights and 33% to the City of
2 Des Plaines, except that the combined amount paid to the City
3 of Des Plaines under this subsection (b-5) and subsection (c-5)
4 of Section 12 of this Act shall not exceed \$3,000,000 in a
5 calendar year. Payments received by the City of Des Plaines
6 pursuant to this paragraph may not be shared with any other
7 unit of local government.

8 From the tax revenue deposited in the State Gaming Fund
9 under this Section, an amount equal to 3% of adjusted gross
10 receipts generated by an electronic gaming facility located in
11 the City of Collinsville shall be paid monthly, subject to
12 appropriation by the General Assembly, as follows: 45% to the
13 City of Alton, 45% to the City of East St. Louis, and 10% to the
14 City of Collinsville.

15 Municipalities and counties may refund any portion of the
16 payment that they receive pursuant to this subsection (b-5) to
17 the electronic gaming facility.

18 (b-6) Beginning on the effective date of this amendatory
19 Act of the 97th General Assembly, from the tax revenue
20 deposited in the State Gaming Fund under this Section, an
21 amount equal to 2% of adjusted gross receipts generated by an
22 electronic gaming facility located outside Madison County
23 shall be paid monthly, subject to appropriation by the General
24 Assembly, to the county in which the electronic gaming facility
25 is located for the purposes of its criminal justice system or
26 health care system.

1 Beginning on the effective date of this amendatory Act of
2 the 97th General Assembly, from the tax revenue deposited in
3 the State Gaming Fund under this Section, an amount equal to
4 (i) 1% of adjusted gross receipts generated by an electronic
5 gaming facility located in Madison County shall be paid
6 monthly, subject to appropriation by the General Assembly, to
7 Madison County for the purposes of infrastructure improvements
8 and (ii) 1% of adjusted gross receipts generated by an
9 electronic gaming facility located in Madison County shall be
10 paid monthly, subject to appropriation by the General Assembly,
11 to St. Clair County for the purposes of infrastructure
12 improvements.

13 Counties may refund any portion of the payment that they
14 receive pursuant to this subsection (b-6) to the electronic
15 gaming facility.

16 (b-7) The State and County Fair Assistance Fund is created
17 as a special fund in the State treasury. The Fund shall be
18 administered by the Department of Agriculture. Beginning on the
19 effective date of this amendatory Act of the 97th General
20 Assembly, from the tax revenue deposited in the State Gaming
21 Fund under this Section, an amount equal to 2% of adjusted
22 gross receipts, not to exceed \$1,000,000, shall be paid into
23 the State and County Fair Assistance Fund annually. No moneys
24 shall be expended from the State and County Fair Assistance
25 Fund except as appropriated by the General Assembly.

26 The Department of Agriculture is authorized to award grants

1 from moneys appropriated from the State and County Fair
2 Assistance Fund to counties for the development, expansion, or
3 support of county fairs that showcase Illinois agriculture
4 products or byproducts. No grant may exceed \$20,000. Not more
5 than one grant under this Section may be made to any one county
6 fair annually. The Illinois State Fair and the DuQuoin State
7 Fair shall be entitled to one annual grant.

8 (b-8) Beginning on the effective date of this amendatory
9 Act of the 97th General Assembly, from the tax revenue
10 deposited in the State Gaming Fund under this Section, \$250,000
11 shall be deposited annually into the Illinois Racing Quarter
12 Horse Breeders Fund.

13 (b-10) Beginning on the effective date of this amendatory
14 Act of the 97th General Assembly, from the tax revenue
15 deposited in the State Gaming Fund under this Section, an
16 amount equal to 10% of the wagering taxes paid by an owners
17 licensee whose owners license was issued pursuant to Section
18 7.1 of this Act shall be paid into the Depressed Communities
19 Economic Development Fund annually.

20 (c) Appropriations, as approved by the General Assembly,
21 may be made from the State Gaming Fund to the Board (i) for the
22 administration and enforcement of this Act and the Video Gaming
23 Act, (ii) for distribution to the Department of State Police
24 and to the Department of Revenue for the enforcement of this
25 Act, and (iii) to the Department of Human Services for the
26 administration of programs to treat problem gambling. From the

1 tax revenue deposited in the State Gaming Fund under this
2 Section, \$10,000,000 shall be paid annually to the Department
3 of Human Services for the administration of programs to treat
4 problem gambling. The Board's annual appropriations request
5 must separately state its funding needs for the regulation of
6 electronic gaming, riverboat gaming, and video gaming.

7 (c-3) Appropriations, as approved by the General Assembly,
8 may be made from the tax revenue deposited into the State
9 Gaming Fund from electronic gaming pursuant to this Section for
10 the administration and enforcement of this Act.

11 (c-4) After payments required under subsection (b-5),
12 (b-6), (b-7), (b-8), (c), and (c-3) have been made from the tax
13 revenue from electronic gaming deposited into the State Gaming
14 Fund under this Section, all remaining amounts from electronic
15 gaming shall be deposited into the Capital Projects Fund.

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

1 ~~issued after June 25, 1999, or (3) the first riverboat gambling~~
2 ~~operations conducted by a licensed manager on behalf of the~~
3 ~~State under Section 7.3, whichever comes first, shall be paid~~
4 ~~from the State Gaming Fund into the Horse Racing Equity Fund.~~

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

10 (c-15) After the payments required under subsections (b),
11 (b-5), (b-6), (b-7), (b-8), and (c), and (e-5) have been made,
12 an amount equal to 2% of the adjusted gross receipts of (1) an
13 owners licensee that relocates pursuant to Section 11.2, (2) an
14 owners licensee conducting riverboat gambling operations
15 pursuant to an owners license that is initially issued after
16 June 25, 1999 and before December 31, 2011, or (3) the first
17 riverboat gambling operations conducted by a licensed manager
18 on behalf of the State under Section 7.3, whichever comes
19 first, shall be paid, subject to appropriation from the General
20 Assembly, from the State Gaming Fund to each home rule county
21 with a population of over 3,000,000 inhabitants for the purpose
22 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 (b-5), (b-6), (b-7), (b-8), (c), ~~(e-5)~~ and (c-15) have been
4 made, an amount equal to 2% of the adjusted gross receipts of
5 (1) an owners licensee that relocates pursuant to Section 11.2,
6 (2) an owners licensee conducting riverboat gambling
7 operations pursuant to an owners license that is initially
8 issued after June 25, 1999 and before December 31, 2011, or (3)
9 the first riverboat gambling operations conducted by a licensed
10 manager on behalf of the State under Section 7.3, whichever
11 comes first, shall be paid from the State Gaming Fund to
12 Chicago State University.

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

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

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

1 Penalty and Interest Act.

2 (Source: P.A. 95-331, eff. 8-21-07; 95-1008, eff. 12-15-08;
3 96-37, eff. 7-13-09; 96-1392, eff. 1-1-11.)

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

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

6 (a) Licensed owners and electronic gaming licensees ~~A~~
7 ~~licensed owner~~ shall keep ~~his~~ books and records so as to
8 clearly show 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) Licensed owners and electronic gaming licensees ~~The~~
13 ~~licensed owner~~ shall furnish to the Board reports and
14 information as the Board may require with respect to its
15 activities on forms designed and supplied for such purpose by
16 the Board.

17 (c) The books and records kept by a licensed owner as
18 provided by this Section are public records and the
19 examination, publication, and dissemination of the books and
20 records are governed by the provisions of The Freedom of
21 Information Act.

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

23 (230 ILCS 10/18) (from Ch. 120, par. 2418)

24 Sec. 18. Prohibited Activities - Penalty.

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

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

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

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

9 (1) permitting a person under 21 years to make a wager;
10 or

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

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

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

23 (1) Offers, promises, or gives anything of value or
24 benefit to a person who is connected with a riverboat owner
25 or electronic gaming licensee including, but not limited
26 to, an officer or employee of a licensed owner or

1 electronic gaming licensee or holder of an occupational
2 license pursuant to an agreement or arrangement or with the
3 intent that the promise or thing of value or benefit will
4 influence the actions of the person to whom the offer,
5 promise, or gift was made in order to affect or attempt to
6 affect the outcome of a gambling game, or to influence
7 official action of a member of the Board.

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

19 (3) Uses or possesses with the intent to use a device
20 to assist:

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

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

23 (iii) In analyzing the probability of the
24 occurrence of an event relating to the gambling game.

25 (iv) In analyzing the strategy for playing or
26 betting to be used in the game except as permitted by

1 the Board.

2 (4) Cheats at a gambling game.

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

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

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

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

20 (9) Uses counterfeit chips or tokens in a gambling
21 game.

22 (10) Possesses any key or device designed for the
23 purpose of opening, entering, or affecting the operation of
24 a gambling game, drop box, or an electronic or mechanical
25 device connected with the gambling game or for removing
26 coins, tokens, chips or other contents of a gambling game.

1 This paragraph (10) does not apply to a gambling licensee
2 or employee of a gambling licensee acting in furtherance of
3 the employee's employment.

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

8 (f) A person under the age of 21 who, except as authorized
9 under paragraph (10) of Section 11, enters upon a riverboat or
10 electronic gaming facility commits a petty offense and is
11 subject to a fine of not less than \$100 or more than \$250 for a
12 first offense and of not less than \$200 or more than \$500 for a
13 second or subsequent offense.

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

17 (Source: P.A. 96-1392, eff. 1-1-11.)

18 (230 ILCS 10/19) (from Ch. 120, par. 2419)

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

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

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

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

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

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

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

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

12 (230 ILCS 10/23) (from Ch. 120, par. 2423)

13 Sec. 23. The State Gaming Fund. On or after the effective
14 date of this Act, except as provided for payments into the
15 Horse Racing Equity Trust Fund under subsection (a) of Section
16 7, all of the fees and taxes collected pursuant to this Act
17 shall be deposited into the State Gaming Fund, a special fund
18 in the State Treasury, which is hereby created. The adjusted
19 gross receipts of any riverboat gambling operations conducted
20 by a licensed manager on behalf of the State remaining after
21 the payment of the fees and expenses of the licensed manager
22 shall be deposited into the State Gaming Fund. Fines and
23 penalties collected pursuant to this Act shall be deposited
24 into the Education Assistance Fund, created by Public Act
25 86-0018, of the State of Illinois.

1 (Source: P.A. 93-28, eff. 6-20-03; 94-804, eff. 5-26-06.)

2 Section 65. The Liquor Control Act of 1934 is amended by
3 changing Sections 5-1 and 6-30 as follows:

4 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

7 (a) Manufacturer's license - Class 1. Distiller, Class 2.
8 Rectifier, Class 3. Brewer, Class 4. First Class Wine
9 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.
10 First Class Winemaker, Class 7. Second Class Winemaker, Class
11 8. Limited Wine Manufacturer, Class 9. Craft Distiller,

12 (b) Distributor's license,

13 (c) Importing Distributor's license,

14 (d) Retailer's license,

15 (e) Special Event Retailer's license (not-for-profit),

16 (f) Railroad license,

17 (g) Boat license,

18 (h) Non-Beverage User's license,

19 (i) Wine-maker's premises license,

20 (j) Airplane license,

21 (k) Foreign importer's license,

22 (l) Broker's license,

23 (m) Non-resident dealer's license,

24 (n) Brew Pub license,

- 1 (o) Auction liquor license,
- 2 (p) Caterer retailer license,
- 3 (q) Special use permit license,
- 4 (r) Winery shipper's license.

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

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

13 Class 1. A Distiller may make sales and deliveries of
14 alcoholic liquor to distillers, rectifiers, importing
15 distributors, distributors and non-beverage users and to no
16 other licensees.

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

21 Class 3. A Brewer may make sales and deliveries of beer to
22 importing distributors, distributors, and to non-licensees,
23 and to retailers provided the brewer obtains an importing
24 distributor's license or distributor's license in accordance
25 with the provisions of this Act.

26 Class 4. A first class wine-manufacturer may make sales and

1 deliveries of up to 50,000 gallons of wine to manufacturers,
2 importing distributors and distributors, and to no other
3 licensees.

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

8 Class 6. A first-class wine-maker's license shall allow the
9 manufacture of up to 50,000 gallons of wine per year, and the
10 storage and sale of such wine to distributors in the State and
11 to persons without the State, as may be permitted by law. A
12 person who, prior to the effective date of this amendatory Act
13 of the 95th General Assembly, is a holder of a first-class
14 wine-maker's license and annually produces more than 25,000
15 gallons of its own wine and who distributes its wine to
16 licensed retailers shall cease this practice on or before July
17 1, 2008 in compliance with this amendatory Act of the 95th
18 General Assembly.

19 Class 7. A second-class wine-maker's license shall allow
20 the manufacture of between 50,000 and 150,000 gallons of wine
21 per year, and the storage and sale of such wine to distributors
22 in this State and to persons without the State, as may be
23 permitted by law. A person who, prior to the effective date of
24 this amendatory Act of the 95th General Assembly, is a holder
25 of a second-class wine-maker's license and annually produces
26 more than 25,000 gallons of its own wine and who distributes

1 its wine to licensed retailers shall cease this practice on or
2 before July 1, 2008 in compliance with this amendatory Act of
3 the 95th General Assembly.

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

8 Class 9. A craft distiller license shall allow the
9 manufacture of up to 5,000 gallons of spirits by distillation
10 per year and the storage of such spirits. If a craft distiller
11 licensee is not affiliated with any other manufacturer, then
12 the craft distiller licensee may sell such spirits to
13 distributors in this State and non-licensees to the extent
14 permitted by any exemption approved by the Commission pursuant
15 to Section 6-4 of this Act.

16 Any craft distiller licensed under this Act who on the
17 effective date of this amendatory Act of the 96th General
18 Assembly was licensed as a distiller and manufactured no more
19 spirits than permitted by this Section shall not be required to
20 pay the initial licensing fee.

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

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

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

20 (c) An importing distributor's license may be issued to and
21 held by those only who are duly licensed distributors, upon the
22 filing of an application by a duly licensed distributor, with
23 the Commission and the Commission shall, without the payment of
24 any fee, immediately issue such importing distributor's
25 license to the applicant, which shall allow the importation of
26 alcoholic liquor by the licensee into this State from any point

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

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

1 Notwithstanding any other provision of this subsection
2 (d), a retail licensee may sell alcoholic liquors to a special
3 event retailer licensee for resale to the extent permitted
4 under subsection (e).

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

1 in which event the Commission shall set forth on the special
2 event retailer's license a statement to that effect; (ii)
3 submit with the application proof satisfactory to the State
4 Commission that the applicant will provide dram shop liability
5 insurance in the maximum limits; and (iii) show proof
6 satisfactory to the State Commission that the applicant has
7 obtained local authority approval.

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

1 licensee within this State. A license shall be obtained for
2 each car in which such sales are made.

3 (g) A boat license shall allow the sale of alcoholic liquor
4 in individual drinks, on any passenger boat regularly operated
5 as a common carrier on navigable waters in this State or on any
6 riverboat operated under the Illinois ~~Riverboat~~ Gambling Act,
7 which boat or riverboat maintains a public dining room or
8 restaurant thereon.

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

- 19 Class 1, not to exceed 500 gallons
- 20 Class 2, not to exceed 1,000 gallons
- 21 Class 3, not to exceed 5,000 gallons
- 22 Class 4, not to exceed 10,000 gallons
- 23 Class 5, not to exceed 50,000 gallons

24 (i) A wine-maker's premises license shall allow a licensee
25 that concurrently holds a first-class wine-maker's license to
26 sell and offer for sale at retail in the premises specified in

1 such license not more than 50,000 gallons of the first-class
2 wine-maker's wine that is made at the first-class wine-maker's
3 licensed premises per year for use or consumption, but not for
4 resale in any form. A wine-maker's premises license shall allow
5 a licensee who concurrently holds a second-class wine-maker's
6 license to sell and offer for sale at retail in the premises
7 specified in such license up to 100,000 gallons of the
8 second-class wine-maker's wine that is made at the second-class
9 wine-maker's licensed premises per year for use or consumption
10 but not for resale in any form. A wine-maker's premises license
11 shall allow a licensee that concurrently holds a first-class
12 wine-maker's license or a second-class wine-maker's license to
13 sell and offer for sale at retail at the premises specified in
14 the wine-maker's premises license, for use or consumption but
15 not for resale in any form, any beer, wine, and spirits
16 purchased from a licensed distributor. Upon approval from the
17 State Commission, a wine-maker's premises license shall allow
18 the licensee to sell and offer for sale at (i) the wine-maker's
19 licensed premises and (ii) at up to 2 additional locations for
20 use and consumption and not for resale. Each location shall
21 require additional licensing per location as specified in
22 Section 5-3 of this Act. A wine-maker's premises licensee shall
23 secure liquor liability insurance coverage in an amount at
24 least equal to the maximum liability amounts set forth in
25 subsection (a) of Section 6-21 of this Act.

26 (j) An airplane license shall permit the licensee to import

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

20 (k) A foreign importer's license shall permit such licensee
21 to purchase alcoholic liquor from Illinois licensed
22 non-resident dealers only, and to import alcoholic liquor other
23 than in bulk from any point outside the United States and to
24 sell such alcoholic liquor to Illinois licensed importing
25 distributors and to no one else in Illinois; provided that (i)
26 the foreign importer registers with the State Commission every

1 brand of alcoholic liquor that it proposes to sell to Illinois
2 licensees during the license period, (ii) the foreign importer
3 complies with all of the provisions of Section 6-9 of this Act
4 with respect to registration of such Illinois licensees as may
5 be granted the right to sell such brands at wholesale, and
6 (iii) the foreign importer complies with the provisions of
7 Sections 6-5 and 6-6 of this Act to the same extent that these
8 provisions apply to manufacturers.

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

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

24 The broker shall, upon the acceptance by a retailer of the
25 broker's solicitation of an order or offer to sell or supply or
26 deliver or have delivered alcoholic liquors, promptly forward

1 to the Illinois Liquor Control Commission a notification of
2 said transaction in such form as the Commission may by
3 regulations prescribe.

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

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

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

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

26 (m) A non-resident dealer's license shall permit such

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

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

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

1 unlicensed.

2 (p) An auction liquor license shall allow the licensee to
3 sell and offer for sale at auction wine and spirits for use or
4 consumption, or for resale by an Illinois liquor licensee in
5 accordance with provisions of this Act. An auction liquor
6 license will be issued to a person and it will permit the
7 auction liquor licensee to hold the auction anywhere in the
8 State. An auction liquor license must be obtained for each
9 auction at least 14 days in advance of the auction date.

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

24 (r) A winery shipper's license shall allow a person with a
25 first-class or second-class wine manufacturer's license, a
26 first-class or second-class wine-maker's license, or a limited

1 wine manufacturer's license or who is licensed to make wine
2 under the laws of another state to ship wine made by that
3 licensee directly to a resident of this State who is 21 years
4 of age or older for that resident's personal use and not for
5 resale. Prior to receiving a winery shipper's license, an
6 applicant for the license must provide the Commission with a
7 true copy of its current license in any state in which it is
8 licensed as a manufacturer of wine. An applicant for a winery
9 shipper's license must also complete an application form that
10 provides any other information the Commission deems necessary.
11 The application form shall include an acknowledgement
12 consenting to the jurisdiction of the Commission, the Illinois
13 Department of Revenue, and the courts of this State concerning
14 the enforcement of this Act and any related laws, rules, and
15 regulations, including authorizing the Department of Revenue
16 and the Commission to conduct audits for the purpose of
17 ensuring compliance with this amendatory Act.

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

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

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

17 (Source: P.A. 95-331, eff. 8-21-07; 95-634, eff. 6-1-08;
18 95-769, eff. 7-29-08; 96-1367, eff. 7-28-10.)

19 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

20 Sec. 6-30. Notwithstanding any other provision of this Act,
21 the Illinois Gaming Board shall have exclusive authority to
22 establish the hours for sale and consumption of alcoholic
23 liquor on ~~board~~ a riverboat where gambling operations are being
24 ~~during riverboat gambling excursions~~ conducted in accordance
25 with the Illinois Riverboat Gambling Act.

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

2 Section 70. The Criminal Code of 1961 is amended by
3 changing Sections 28-1, 28-1.1, 28-3, 28-5, and 28-7 as
4 follows:

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

6 Sec. 28-1. Gambling.

7 (a) A person commits gambling when he:

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

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

13 (3) Operates, keeps, owns, uses, purchases, exhibits,
14 rents, sells, bargains for the sale or lease of,
15 manufactures or distributes any gambling device; or

16 (4) Contracts to have or give himself or another the
17 option to buy or sell, or contracts to buy or sell, at a
18 future time, any grain or other commodity whatsoever, or
19 any stock or security of any company, where it is at the
20 time of making such contract intended by both parties
21 thereto that the contract to buy or sell, or the option,
22 whenever exercised, or the contract resulting therefrom,
23 shall be settled, not by the receipt or delivery of such
24 property, but by the payment only of differences in prices

1 thereof; however, the issuance, purchase, sale, exercise,
2 endorsement or guarantee, by or through a person registered
3 with the Secretary of State pursuant to Section 8 of the
4 Illinois Securities Law of 1953, or by or through a person
5 exempt from such registration under said Section 8, of a
6 put, call, or other option to buy or sell securities which
7 have been registered with the Secretary of State or which
8 are exempt from such registration under Section 3 of the
9 Illinois Securities Law of 1953 is not gambling within the
10 meaning of this paragraph (4); or

11 (5) Knowingly owns or possesses any book, instrument or
12 apparatus by means of which bets or wagers have been, or
13 are, recorded or registered, or knowingly possesses any
14 money which he has received in the course of a bet or
15 wager; or

16 (6) Sells pools upon the result of any game or contest
17 of skill or chance, political nomination, appointment or
18 election; or

19 (7) Sets up or promotes any lottery or sells, offers to
20 sell or transfers any ticket or share for any lottery; or

21 (8) Sets up or promotes any policy game or sells,
22 offers to sell or knowingly possesses or transfers any
23 policy ticket, slip, record, document or other similar
24 device; or

25 (9) Knowingly drafts, prints or publishes any lottery
26 ticket or share, or any policy ticket, slip, record,

1 document or similar device, except for such activity
2 related to lotteries, bingo games and raffles authorized by
3 and conducted in accordance with the laws of Illinois or
4 any other state or foreign government; or

5 (10) Knowingly advertises any lottery or policy game,
6 except for such activity related to lotteries, bingo games
7 and raffles authorized by and conducted in accordance with
8 the laws of Illinois or any other state; or

9 (11) Knowingly transmits information as to wagers,
10 betting odds, or changes in betting odds by telephone,
11 telegraph, radio, semaphore or similar means; or knowingly
12 installs or maintains equipment for the transmission or
13 receipt of such information; except that nothing in this
14 subdivision (11) prohibits transmission or receipt of such
15 information for use in news reporting of sporting events or
16 contests; or

17 (12) Knowingly establishes, maintains, or operates an
18 Internet site that permits a person to play a game of
19 chance or skill for money or other thing of value by means
20 of the Internet or to make a wager upon the result of any
21 game, contest, political nomination, appointment, or
22 election by means of the Internet. This item (12) does not
23 apply to activities referenced in items (6) and (6.1) of
24 subsection (b) of this Section.

25 (b) Participants in any of the following activities shall
26 not be convicted of gambling therefor:

1 (1) Agreements to compensate for loss caused by the
2 happening of chance including without limitation contracts
3 of indemnity or guaranty and life or health or accident
4 insurance.

5 (2) Offers of prizes, award or compensation to the
6 actual contestants in any bona fide contest for the
7 determination of skill, speed, strength or endurance or to
8 the owners of animals or vehicles entered in such contest.

9 (3) Pari-mutuel betting as authorized by the law of
10 this State.

11 (4) Manufacture of gambling devices, including the
12 acquisition of essential parts therefor and the assembly
13 thereof, for transportation in interstate or foreign
14 commerce to any place outside this State when such
15 transportation is not prohibited by any applicable Federal
16 law; or the manufacture, distribution, or possession of
17 video gaming terminals, as defined in the Video Gaming Act,
18 by manufacturers, distributors, and terminal operators
19 licensed to do so under the Video Gaming Act.

20 (5) The game commonly known as "bingo", when conducted
21 in accordance with the Bingo License and Tax Act.

22 (6) Lotteries when conducted by the State of Illinois
23 in accordance with the Illinois Lottery Law. This exemption
24 includes any activity conducted by the Department of
25 Revenue to sell lottery tickets pursuant to the provisions
26 of the Illinois Lottery Law and its rules.

1 (6.1) The purchase of lottery tickets through the
2 Internet for a lottery conducted by the State of Illinois
3 under the program established in Section 7.12 of the
4 Illinois Lottery Law.

5 (7) Possession of an antique slot machine that is
6 neither used nor intended to be used in the operation or
7 promotion of any unlawful gambling activity or enterprise.
8 For the purpose of this subparagraph (b)(7), an antique
9 slot machine is one manufactured 25 years ago or earlier.

10 (8) Raffles when conducted in accordance with the
11 Raffles Act.

12 (9) Charitable games when conducted in accordance with
13 the Charitable Games Act.

14 (10) Pull tabs and jar games when conducted under the
15 Illinois Pull Tabs and Jar Games Act.

16 (11) Gambling games ~~conducted on riverboats~~ when
17 authorized by the Illinois Riverboat Gambling Act.

18 (12) Video gaming terminal games at a licensed
19 establishment, licensed truck stop establishment, licensed
20 fraternal establishment, or licensed veterans
21 establishment when conducted in accordance with the Video
22 Gaming Act.

23 (13) Games of skill or chance where money or other
24 things of value can be won but no payment or purchase is
25 required to participate.

26 (c) Sentence.

1 Gambling under subsection (a)(1) or (a)(2) of this Section
2 is a Class A misdemeanor. Gambling under any of subsections
3 (a)(3) through (a)(11) of this Section is a Class A
4 misdemeanor. A second or subsequent conviction under any of
5 subsections (a)(3) through (a)(11), is a Class 4 felony.
6 Gambling under subsection (a)(12) of this Section is a Class A
7 misdemeanor. A second or subsequent conviction under
8 subsection (a)(12) is a Class 4 felony.

9 (d) Circumstantial evidence.

10 In prosecutions under subsection (a)(1) through (a)(12) of
11 this Section circumstantial evidence shall have the same
12 validity and weight as in any criminal prosecution.

13 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
14 96-1203, eff. 7-22-10.)

15 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

16 Sec. 28-1.1. Syndicated gambling.

17 (a) Declaration of Purpose. Recognizing the close
18 relationship between professional gambling and other organized
19 crime, it is declared to be the policy of the legislature to
20 restrain persons from engaging in the business of gambling for
21 profit in this State. This Section shall be liberally construed
22 and administered with a view to carrying out this policy.

23 (b) A person commits syndicated gambling when he operates a
24 "policy game" or engages in the business of bookmaking.

25 (c) A person "operates a policy game" when he knowingly

1 uses any premises or property for the purpose of receiving or
2 knowingly does receive from what is commonly called "policy":

3 (1) money from a person other than the better or player
4 whose bets or plays are represented by such money; or

5 (2) written "policy game" records, made or used over
6 any period of time, from a person other than the better or
7 player whose bets or plays are represented by such written
8 record.

9 (d) A person engages in bookmaking when he receives or
10 accepts more than five bets or wagers upon the result of any
11 trials or contests of skill, speed or power of endurance or
12 upon any lot, chance, casualty, unknown or contingent event
13 whatsoever, which bets or wagers shall be of such size that the
14 total of the amounts of money paid or promised to be paid to
15 such bookmaker on account thereof shall exceed \$2,000.
16 Bookmaking is the receiving or accepting of such bets or wagers
17 regardless of the form or manner in which the bookmaker records
18 them.

19 (e) Participants in any of the following activities shall
20 not be convicted of syndicated gambling:

21 (1) Agreements to compensate for loss caused by the
22 happening of chance including without limitation contracts
23 of indemnity or guaranty and life or health or accident
24 insurance; and

25 (2) Offers of prizes, award or compensation to the
26 actual contestants in any bona fide contest for the

1 determination of skill, speed, strength or endurance or to
2 the owners of animals or vehicles entered in such contest;
3 and

4 (3) Pari-mutuel betting as authorized by law of this
5 State; and

6 (4) Manufacture of gambling devices, including the
7 acquisition of essential parts therefor and the assembly
8 thereof, for transportation in interstate or foreign
9 commerce to any place outside this State when such
10 transportation is not prohibited by any applicable Federal
11 law; and

12 (5) Raffles when conducted in accordance with the
13 Raffles Act; and

14 (6) Gambling games conducted on riverboats or at
15 electronic gaming facilities when authorized by the
16 Illinois Riverboat Gambling Act; and

17 (7) Video gaming terminal games at a licensed
18 establishment, licensed truck stop establishment, licensed
19 fraternal establishment, or licensed veterans
20 establishment when conducted in accordance with the Video
21 Gaming Act.

22 (f) Sentence. Syndicated gambling is a Class 3 felony.

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

24 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

25 Sec. 28-3. Keeping a Gambling Place. A "gambling place" is

1 any real estate, vehicle, boat or any other property whatsoever
2 used for the purposes of gambling other than gambling conducted
3 in the manner authorized by the Illinois ~~Riverboat~~ Gambling Act
4 or the Video Gaming Act. Any person who knowingly permits any
5 premises or property owned or occupied by him or under his
6 control to be used as a gambling place commits a Class A
7 misdemeanor. Each subsequent offense is a Class 4 felony. When
8 any premises is determined by the circuit court to be a
9 gambling place:

10 (a) Such premises is a public nuisance and may be proceeded
11 against as such, and

12 (b) All licenses, permits or certificates issued by the
13 State of Illinois or any subdivision or public agency thereof
14 authorizing the serving of food or liquor on such premises
15 shall be void; and no license, permit or certificate so
16 cancelled shall be reissued for such premises for a period of
17 60 days thereafter; nor shall any person convicted of keeping a
18 gambling place be reissued such license for one year from his
19 conviction and, after a second conviction of keeping a gambling
20 place, any such person shall not be reissued such license, and

21 (c) Such premises of any person who knowingly permits
22 thereon a violation of any Section of this Article shall be
23 held liable for, and may be sold to pay any unsatisfied
24 judgment that may be recovered and any unsatisfied fine that
25 may be levied under any Section of this Article.

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

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

2 Sec. 28-5. Seizure of gambling devices and gambling funds.

3 (a) Every device designed for gambling which is incapable
4 of lawful use or every device used unlawfully for gambling
5 shall be considered a "gambling device", and shall be subject
6 to seizure, confiscation and destruction by the Department of
7 State Police or by any municipal, or other local authority,
8 within whose jurisdiction the same may be found. As used in
9 this Section, a "gambling device" includes any slot machine,
10 and includes any machine or device constructed for the
11 reception of money or other thing of value and so constructed
12 as to return, or to cause someone to return, on chance to the
13 player thereof money, property or a right to receive money or
14 property. With the exception of any device designed for
15 gambling which is incapable of lawful use, no gambling device
16 shall be forfeited or destroyed unless an individual with a
17 property interest in said device knows of the unlawful use of
18 the device.

19 (b) Every gambling device shall be seized and forfeited to
20 the county wherein such seizure occurs. Any money or other
21 thing of value integrally related to acts of gambling shall be
22 seized and forfeited to the county wherein such seizure occurs.

23 (c) If, within 60 days after any seizure pursuant to
24 subparagraph (b) of this Section, a person having any property
25 interest in the seized property is charged with an offense, the

1 court which renders judgment upon such charge shall, within 30
2 days after such judgment, conduct a forfeiture hearing to
3 determine whether such property was a gambling device at the
4 time of seizure. Such hearing shall be commenced by a written
5 petition by the State, including material allegations of fact,
6 the name and address of every person determined by the State to
7 have any property interest in the seized property, a
8 representation that written notice of the date, time and place
9 of such hearing has been mailed to every such person by
10 certified mail at least 10 days before such date, and a request
11 for forfeiture. Every such person may appear as a party and
12 present evidence at such hearing. The quantum of proof required
13 shall be a preponderance of the evidence, and the burden of
14 proof shall be on the State. If the court determines that the
15 seized property was a gambling device at the time of seizure,
16 an order of forfeiture and disposition of the seized property
17 shall be entered: a gambling device shall be received by the
18 State's Attorney, who shall effect its destruction, except that
19 valuable parts thereof may be liquidated and the resultant
20 money shall be deposited in the general fund of the county
21 wherein such seizure occurred; money and other things of value
22 shall be received by the State's Attorney and, upon
23 liquidation, shall be deposited in the general fund of the
24 county wherein such seizure occurred. However, in the event
25 that a defendant raises the defense that the seized slot
26 machine is an antique slot machine described in subparagraph

1 (b) (7) of Section 28-1 of this Code and therefore he is exempt
2 from the charge of a gambling activity participant, the seized
3 antique slot machine shall not be destroyed or otherwise
4 altered until a final determination is made by the Court as to
5 whether it is such an antique slot machine. Upon a final
6 determination by the Court of this question in favor of the
7 defendant, such slot machine shall be immediately returned to
8 the defendant. Such order of forfeiture and disposition shall,
9 for the purposes of appeal, be a final order and judgment in a
10 civil proceeding.

11 (d) If a seizure pursuant to subparagraph (b) of this
12 Section is not followed by a charge pursuant to subparagraph
13 (c) of this Section, or if the prosecution of such charge is
14 permanently terminated or indefinitely discontinued without
15 any judgment of conviction or acquittal (1) the State's
16 Attorney shall commence an in rem proceeding for the forfeiture
17 and destruction of a gambling device, or for the forfeiture and
18 deposit in the general fund of the county of any seized money
19 or other things of value, or both, in the circuit court and (2)
20 any person having any property interest in such seized gambling
21 device, money or other thing of value may commence separate
22 civil proceedings in the manner provided by law.

23 (e) Any gambling device displayed for sale to a riverboat
24 gambling operation or electronic gaming facility or used to
25 train occupational licensees of a riverboat gambling operation
26 or an electronic gaming facility as authorized under the

1 Illinois Riverboat Gambling Act is exempt from seizure under
2 this Section.

3 (f) Any gambling equipment, devices and supplies provided
4 by a licensed supplier in accordance with the Illinois
5 Riverboat Gambling Act which are removed from a the riverboat
6 or electronic gaming facility for repair are exempt from
7 seizure under this Section.

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

9 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

10 Sec. 28-7. Gambling contracts void.

11 (a) All promises, notes, bills, bonds, covenants,
12 contracts, agreements, judgments, mortgages, or other
13 securities or conveyances made, given, granted, drawn, or
14 entered into, or executed by any person whatsoever, where the
15 whole or any part of the consideration thereof is for any money
16 or thing of value, won or obtained in violation of any Section
17 of this Article are null and void.

18 (b) Any obligation void under this Section may be set aside
19 and vacated by any court of competent jurisdiction, upon a
20 complaint filed for that purpose, by the person so granting,
21 giving, entering into, or executing the same, or by his
22 executors or administrators, or by any creditor, heir, legatee,
23 purchaser or other person interested therein; or if a judgment,
24 the same may be set aside on motion of any person stated above,
25 on due notice thereof given.

1 (c) No assignment of any obligation void under this Section
2 may in any manner affect the defense of the person giving,
3 granting, drawing, entering into or executing such obligation,
4 or the remedies of any person interested therein.

5 (d) This Section shall not prevent a licensed owner of a
6 riverboat gambling operation or an electronic gaming licensee
7 under the Illinois Gambling Act and the Illinois Horse Racing
8 Act of 1975 from instituting a cause of action to collect any
9 amount due and owing under an extension of credit to a
10 ~~riverboat~~ gambling patron as authorized under Section 11.1 of
11 the Illinois Riverboat Gambling Act.

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

13 Section 75. The Payday Loan Reform Act is amended by
14 changing Section 3-5 as follows:

15 (815 ILCS 122/3-5)

16 (Text of Section before amendment by P.A. 96-936)

17 Sec. 3-5. Licensure.

18 (a) A license to make a payday loan shall state the
19 address, including city and state, at which the business is to
20 be conducted and shall state fully the name of the licensee.
21 The license shall be conspicuously posted in the place of
22 business of the licensee and shall not be transferable or
23 assignable.

24 (b) An application for a license shall be in writing and in

1 a form prescribed by the Secretary. The Secretary may not issue
2 a payday loan license unless and until the following findings
3 are made:

4 (1) that the financial responsibility, experience,
5 character, and general fitness of the applicant are such as
6 to command the confidence of the public and to warrant the
7 belief that the business will be operated lawfully and
8 fairly and within the provisions and purposes of this Act;
9 and

10 (2) that the applicant has submitted such other
11 information as the Secretary may deem necessary.

12 (c) A license shall be issued for no longer than one year,
13 and no renewal of a license may be provided if a licensee has
14 substantially violated this Act and has not cured the violation
15 to the satisfaction of the Department.

16 (d) A licensee shall appoint, in writing, the Secretary as
17 attorney-in-fact upon whom all lawful process against the
18 licensee may be served with the same legal force and validity
19 as if served on the licensee. A copy of the written
20 appointment, duly certified, shall be filed in the office of
21 the Secretary, and a copy thereof certified by the Secretary
22 shall be sufficient evidence to subject a licensee to
23 jurisdiction in a court of law. This appointment shall remain
24 in effect while any liability remains outstanding in this State
25 against the licensee. When summons is served upon the Secretary
26 as attorney-in-fact for a licensee, the Secretary shall

1 immediately notify the licensee by registered mail, enclosing
2 the summons and specifying the hour and day of service.

3 (e) A licensee must pay an annual fee of \$1,000. In
4 addition to the license fee, the reasonable expense of any
5 examination or hearing by the Secretary under any provisions of
6 this Act shall be borne by the licensee. If a licensee fails to
7 renew its license by December 31, its license shall
8 automatically expire; however, the Secretary, in his or her
9 discretion, may reinstate an expired license upon:

10 (1) payment of the annual fee within 30 days of the
11 date of expiration; and

12 (2) proof of good cause for failure to renew.

13 (f) Not more than one place of business shall be maintained
14 under the same license, but the Secretary may issue more than
15 one license to the same licensee upon compliance with all the
16 provisions of this Act governing issuance of a single license.
17 The location, except those locations already in existence as of
18 June 1, 2005, may not be within one mile of a horse race track
19 subject to the Illinois Horse Racing Act of 1975, within one
20 mile of a facility at which gambling is conducted under the
21 Illinois ~~Riverboat~~ Gambling Act, within one mile of the
22 location at which a riverboat subject to the Illinois ~~Riverboat~~
23 Gambling Act docks, or within one mile of any State of Illinois
24 or United States military base or naval installation.

25 (g) No licensee shall conduct the business of making loans
26 under this Act within any office, suite, room, or place of

1 business in which any other business is solicited or engaged in
2 unless the other business is licensed by the Department or, in
3 the opinion of the Secretary, the other business would not be
4 contrary to the best interests of consumers and is authorized
5 by the Secretary in writing.

6 (h) The Secretary shall maintain a list of licensees that
7 shall be available to interested consumers and lenders and the
8 public. The Secretary shall maintain a toll-free number whereby
9 consumers may obtain information about licensees. The
10 Secretary shall also establish a complaint process under which
11 an aggrieved consumer may file a complaint against a licensee
12 or non-licensee who violates any provision of this Act.

13 (Source: P.A. 94-13, eff. 12-6-05.)

14 (Text of Section after amendment by P.A. 96-936)

15 Sec. 3-5. Licensure.

16 (a) A license to make a payday loan shall state the
17 address, including city and state, at which the business is to
18 be conducted and shall state fully the name of the licensee.
19 The license shall be conspicuously posted in the place of
20 business of the licensee and shall not be transferable or
21 assignable.

22 (b) An application for a license shall be in writing and in
23 a form prescribed by the Secretary. The Secretary may not issue
24 a payday loan license unless and until the following findings
25 are made:

1 (1) that the financial responsibility, experience,
2 character, and general fitness of the applicant are such as
3 to command the confidence of the public and to warrant the
4 belief that the business will be operated lawfully and
5 fairly and within the provisions and purposes of this Act;
6 and

7 (2) that the applicant has submitted such other
8 information as the Secretary may deem necessary.

9 (c) A license shall be issued for no longer than one year,
10 and no renewal of a license may be provided if a licensee has
11 substantially violated this Act and has not cured the violation
12 to the satisfaction of the Department.

13 (d) A licensee shall appoint, in writing, the Secretary as
14 attorney-in-fact upon whom all lawful process against the
15 licensee may be served with the same legal force and validity
16 as if served on the licensee. A copy of the written
17 appointment, duly certified, shall be filed in the office of
18 the Secretary, and a copy thereof certified by the Secretary
19 shall be sufficient evidence to subject a licensee to
20 jurisdiction in a court of law. This appointment shall remain
21 in effect while any liability remains outstanding in this State
22 against the licensee. When summons is served upon the Secretary
23 as attorney-in-fact for a licensee, the Secretary shall
24 immediately notify the licensee by registered mail, enclosing
25 the summons and specifying the hour and day of service.

26 (e) A licensee must pay an annual fee of \$1,000. In

1 addition to the license fee, the reasonable expense of any
2 examination or hearing by the Secretary under any provisions of
3 this Act shall be borne by the licensee. If a licensee fails to
4 renew its license by December 31, its license shall
5 automatically expire; however, the Secretary, in his or her
6 discretion, may reinstate an expired license upon:

7 (1) payment of the annual fee within 30 days of the
8 date of expiration; and

9 (2) proof of good cause for failure to renew.

10 (f) Not more than one place of business shall be maintained
11 under the same license, but the Secretary may issue more than
12 one license to the same licensee upon compliance with all the
13 provisions of this Act governing issuance of a single license.
14 The location, except those locations already in existence as of
15 June 1, 2005, may not be within one mile of a horse race track
16 subject to the Illinois Horse Racing Act of 1975, within one
17 mile of a facility at which gambling is conducted under the
18 Illinois ~~Riverboat~~ Gambling Act, within one mile of the
19 location at which a riverboat subject to the Illinois ~~Riverboat~~
20 Gambling Act docks, or within one mile of any State of Illinois
21 or United States military base or naval installation.

22 (g) No licensee shall conduct the business of making loans
23 under this Act within any office, suite, room, or place of
24 business in which (1) any loans are offered or made under the
25 Consumer Installment Loan Act other than title secured loans as
26 defined in subsection (a) of Section 15 of the Consumer

1 Installment Loan Act and governed by Title 38, Section 110.330
2 of the Illinois Administrative Code or (2) any other business
3 is solicited or engaged in unless the other business is
4 licensed by the Department or, in the opinion of the Secretary,
5 the other business would not be contrary to the best interests
6 of consumers and is authorized by the Secretary in writing.

7 (g-5) Notwithstanding subsection (g) of this Section, a
8 licensee may obtain a license under the Consumer Installment
9 Loan Act (CILA) for the exclusive purpose and use of making
10 title secured loans, as defined in subsection (a) of Section 15
11 of CILA and governed by Title 38, Section 110.300 of the
12 Illinois Administrative Code. A licensee may continue to
13 service Consumer Installment Loan Act loans that were
14 outstanding as of the effective date of this amendatory Act of
15 the 96th General Assembly.

16 (h) The Secretary shall maintain a list of licensees that
17 shall be available to interested consumers and lenders and the
18 public. The Secretary shall maintain a toll-free number whereby
19 consumers may obtain information about licensees. The
20 Secretary shall also establish a complaint process under which
21 an aggrieved consumer may file a complaint against a licensee
22 or non-licensee who violates any provision of this Act.

23 (Source: P.A. 96-936, eff. 3-21-11.)

24 Section 80. The Travel Promotion Consumer Protection Act is
25 amended by changing Section 2 as follows:

1 (815 ILCS 420/2) (from Ch. 121 1/2, par. 1852)

2 Sec. 2. Definitions.

3 (a) "Travel promoter" means a person, including a tour
4 operator, who sells, provides, furnishes, contracts for,
5 arranges or advertises that he or she will arrange wholesale or
6 retail transportation by air, land, sea or navigable stream,
7 either separately or in conjunction with other services.

8 "Travel promoter" does not include (1) an air carrier; (2) a
9 sea carrier; (3) an officially appointed agent of an air
10 carrier who is a member in good standing of the Airline
11 Reporting Corporation; (4) a travel promoter who has in force
12 \$1,000,000 or more of liability insurance coverage for
13 professional errors and omissions and a surety bond or
14 equivalent surety in the amount of \$100,000 or more for the
15 benefit of consumers in the event of a bankruptcy on the part
16 of the travel promoter; or (5) a riverboat subject to
17 regulation under the Illinois Riverboat ~~Gambling~~ Act.

18 (b) "Advertise" means to make any representation in the
19 solicitation of passengers and includes communication with
20 other members of the same partnership, corporation, joint
21 venture, association, organization, group or other entity.

22 (c) "Passenger" means a person on whose behalf money or
23 other consideration has been given or is to be given to
24 another, including another member of the same partnership,
25 corporation, joint venture, association, organization, group

1 or other entity, for travel.

2 (d) "Ticket or voucher" means a writing or combination of
3 writings which is itself good and sufficient to obtain
4 transportation and other services for which the passenger has
5 contracted.

6 (Source: P.A. 91-357, eff. 7-29-99.)

7 (30 ILCS 105/5.490 rep.)

8 Section 100. The State Finance Act is amended by repealing
9 Section 5.490.

10 (230 ILCS 5/54 rep.)

11 Section 110. The Illinois Horse Racing Act of 1975 is
12 amended by repealing Section 54.

13 Section 900. Severability. The provisions of this Act are
14 severable under Section 1.31 of the Statute on Statutes.

15 Section 999. Effective date. This Act takes effect upon
16 becoming law.

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