

SB0280



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0280

Introduced 1/31/2023, by Sen. Dale Fowler

SYNOPSIS AS INTRODUCED:

See Index

Creates the Department of Lottery and Gaming Act. Creates the Department of Lottery and Gaming to consolidate the functions of the Department of the Lottery, the Illinois Racing Board, and the Illinois Gaming Board. Creates the Lottery and Gaming Board consisting of the directors of the divisions in the new Department of Lottery and Gaming. Provides that the divisions shall be: Division of Casino Gambling, Division of Video Gaming, Division of Horse Racing, Division of Sports Wagering, and Division of Lottery. Provides for the transfer of functions, abolition of consolidating agencies, and the effect of transfer. Makes conforming changes throughout various Acts.

LRB103 24970 AMQ 51304 b

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 1. Short title. This Act may be cited as the
5 Department of Lottery and Gaming Act.

6 Section 5. Definitions. As used in this Act:

7 "Consolidating agencies" means the Department of the
8 Lottery, the Illinois Racing Board, and the Illinois Gaming
9 Board.

10 "Department" means the Department of Lottery and Gaming.

11 Section 10. Department of Lottery and Gaming.

12 (a) There is created the Department of Lottery and Gaming
13 to consolidate the functions of the Department of the Lottery,
14 the Illinois Racing Board, and the Illinois Gaming Board.

15 (b) Within the Department, there shall be the following
16 divisions:

17 Division of Casino Gambling.

18 Division of Video Gaming.

19 Division of Horse Racing.

20 Division of Sports Wagering.

21 Division of Lottery.

22 (c) Each Division shall have responsibility for its

1 respective area within the Department and as provided by the
2 Illinois Gambling Act, the Video Gaming Act, the State Fair
3 Gaming Act, the Illinois Horse Racing Act of 1975, the Sports
4 Wagering Act, and the Illinois Lottery Law.

5 Section 15. Lottery and Gaming Board.

6 (a) The Department shall be led by the Lottery and Gaming
7 Board. The Board shall have 5 members:

8 Director of Casino Gambling.

9 Director of Video Gaming.

10 Director of Horse Racing.

11 Director of Sports Wagering.

12 Director of Lottery.

13 (b) The Directors of Casino Gambling, Video Gaming, Horse
14 Racing, Sports Wagering, and Lottery shall be appointed by the
15 Governor for terms of 4 years, with the advice and consent of
16 the Senate. The compensation of the Directors shall be set by
17 the Governor at the time of their appointment. Directors must
18 have relevant experience in the gaming industry related to
19 their respective divisions.

20 (c) The Director of Casino Gambling shall have the duties
21 and powers described in the Illinois Gambling Act. The
22 Director of Video Gaming shall have the duties and powers
23 described in the Video Gaming Act and the State Fair Gaming
24 Act. The Director of Horse Racing shall have the duties and
25 powers described in the Illinois Horse Racing Act of 1975. The

1 Director of Sport Wagering shall have the duties and powers
2 described in the Sports Wagering Act. The Director of Lottery
3 shall have the duties and powers described in the Illinois
4 Lottery Law.

5 (d) The Directors shall exercise day to day supervision
6 over their respective Divisions, subject to the supervision of
7 the Lottery and Gaming Board.

8 Section 20. Transfer of functions.

9 (a) The functions and all associated powers, duties,
10 rights, and responsibilities of the consolidating agencies
11 shall be transferred to the Department of Lottery and Gaming
12 and shall be exercised by the respective Divisions on behalf
13 of the Department. The statutory powers, duties, rights, and
14 responsibilities of the consolidating agencies associated with
15 these functions derive from the Illinois Lottery Law, the
16 Illinois Horse Racing Act of 1975, and the Illinois Gambling
17 Act, the Video Gaming Act, the Sports Wagering Act, and the
18 State Fair Gaming Act.

19 (b) If a provision of an Executive Order or any Act or
20 Section thereof transferred by this Act provides for
21 membership of the director or commissioner of any of the
22 consolidating agencies on any council, commission, board, or
23 other entity, the Lottery and Gaming Board or, at the
24 Governor's discretion, the appropriate director of the
25 respective division, or the appropriate director's designee,

1 shall serve in that place. If more than one such person is
2 required by law to serve on any council, commission, board, or
3 other entity, an equivalent number of representatives of the
4 Department shall so serve.

5 Section 25. Abolition of consolidating agencies; successor
6 agency. The consolidating agencies listed in this Section
7 shall be abolished. The rights, powers, and duties associated
8 with the functions vested by law in these consolidating
9 agencies, or any office, division, council, committee, bureau,
10 board, commission, officer, employee, or associated
11 individual, person, or entity, and all rights, powers, and
12 duties of the consolidating agencies related to the functions,
13 including funding mechanisms, shall be transferred to the
14 Department of Lottery and Gaming with this Act:

15 (1) Department of the Lottery.

16 (2) Illinois Racing Board.

17 (3) Illinois Gaming Board.

18 The Department of Lottery and Gaming is the successor agency
19 of the Department of the Lottery, the Illinois Racing Board,
20 and the Illinois Gaming Board under Section 10-5 of the
21 Successor Agency Act.

22 Section 30. Effect of transfer.

23 (a) The powers, duties, rights, and responsibilities
24 related to the functions and transferred by the consolidating

1 agencies to the Department shall not be affected by this Act,
2 except that they shall all be carried out by the Department
3 from the effective date of the transfers.

4 (b) The staffs of the consolidating agencies engaged in
5 the performance of the functions shall be transferred to the
6 Department. The status and rights of employees under the
7 Personnel Code shall not be affected by the transfers. The
8 rights of the employees, the State of Illinois, and its
9 agencies under the Personnel Code and applicable collective
10 bargaining agreements or under any pension, retirement, or
11 annuity plan shall not be affected by this Act.

12 (c) All books, records, papers, documents, property (real
13 and personal), contracts, and pending business pertaining to
14 the powers, duties, rights, and responsibilities transferred
15 by this Act from the consolidating agencies to the Department,
16 including, but not limited to, material in electronic or
17 magnetic format and necessary computer hardware and software,
18 shall be delivered to the Department.

19 (d) All unexpended appropriations and balances and other
20 funds available for use in connection with any of the
21 functions shall be transferred for use by the Department for
22 the functions pursuant to the direction of the Governor.
23 Unexpended balances so transferred shall be expended only for
24 the purpose for which the appropriations were originally made.

25 Section 35. Saving clause.

1 (a) The powers, duties, rights, and responsibilities
2 related to the functions and transferred from the
3 consolidating agencies by this Act shall be vested in and
4 shall be exercised by the Department. Each act done in
5 exercise of such powers, duties, rights, and responsibilities
6 shall have the same legal effect as if done by any of the
7 consolidating agencies or their divisions, officers, or
8 employees.

9 (b) Every officer of the Department shall, for any
10 offense, be subject to the same penalty or penalties, civil or
11 criminal, as are prescribed by existing law for the same
12 offense by any officer whose powers or duties were transferred
13 under this Act.

14 (c) Whenever reports or notices are now required to be
15 made or given or papers or documents furnished or served by any
16 person to or upon any of the consolidating agencies in
17 connection with any of the functions transferred by this Act,
18 the same shall be made, given, furnished, or served in the same
19 manner to or upon the Department.

20 (d) This Act shall not affect any act done, ratified, or
21 canceled or any right occurring or established or any action
22 or proceeding had or commenced in an administrative, civil, or
23 criminal cause regarding the functions of any of the
24 consolidating agencies before this Act takes effect; such
25 actions or proceedings may be prosecuted and continued by the
26 Department.

1 (e) Any rules of the consolidating agencies that relate to
2 the functions are in full force on the effective date of this
3 Act and that have been duly adopted by the consolidating
4 agencies shall become the rules of the Department. This Act
5 shall not affect the legality of any such rules in the Illinois
6 Administrative Code. Any proposed rules filed with the
7 Secretary of State by the consolidating agencies that are
8 pending in the rulemaking process on the effective date of
9 this Act and pertain to the functions transferred, shall be
10 deemed to have been filed by the Department. As soon as
11 practicable hereafter, the Department shall revise and clarify
12 the rules transferred to it under this Act to reflect the
13 reorganization of rights, powers, and duties affected by this
14 Act, using the procedures for recodification of rules
15 available under the Illinois Administrative Procedure Act,
16 except that existing title, part, and section numbering for
17 the affected rules may be retained. The Department, consistent
18 with the consolidating agencies' authority to do so, may
19 propose and adopt under the Illinois Administrative Procedure
20 Act such other rules of the consolidating agencies that will
21 now be administered by the Department. To the extent that,
22 prior to the effective date of the transfers, the director or
23 commissioner of a consolidating agency had been empowered to
24 prescribe regulations or had other rulemaking authority with
25 respect to transferred functions, such duties shall be
26 exercised from and after the effective date of the transfers

1 by the director responsible for the oversight of those
2 respective functions.

3 (f) Any references to the Department of the Lottery, the
4 Illinois Racing Board, and the Illinois Gaming Board shall be
5 construed as references to the Department of Lottery and
6 Gaming.

7 Section 45. The Open Meetings Act is amended by changing
8 Section 2 as follows:

9 (5 ILCS 120/2) (from Ch. 102, par. 42)

10 Sec. 2. Open meetings.

11 (a) Openness required. All meetings of public bodies shall
12 be open to the public unless excepted in subsection (c) and
13 closed in accordance with Section 2a.

14 (b) Construction of exceptions. The exceptions contained
15 in subsection (c) are in derogation of the requirement that
16 public bodies meet in the open, and therefore, the exceptions
17 are to be strictly construed, extending only to subjects
18 clearly within their scope. The exceptions authorize but do
19 not require the holding of a closed meeting to discuss a
20 subject included within an enumerated exception.

21 (c) Exceptions. A public body may hold closed meetings to
22 consider the following subjects:

23 (1) The appointment, employment, compensation,
24 discipline, performance, or dismissal of specific

1 employees, specific individuals who serve as independent
2 contractors in a park, recreational, or educational
3 setting, or specific volunteers of the public body or
4 legal counsel for the public body, including hearing
5 testimony on a complaint lodged against an employee, a
6 specific individual who serves as an independent
7 contractor in a park, recreational, or educational
8 setting, or a volunteer of the public body or against
9 legal counsel for the public body to determine its
10 validity. However, a meeting to consider an increase in
11 compensation to a specific employee of a public body that
12 is subject to the Local Government Wage Increase
13 Transparency Act may not be closed and shall be open to the
14 public and posted and held in accordance with this Act.

15 (2) Collective negotiating matters between the public
16 body and its employees or their representatives, or
17 deliberations concerning salary schedules for one or more
18 classes of employees.

19 (3) The selection of a person to fill a public office,
20 as defined in this Act, including a vacancy in a public
21 office, when the public body is given power to appoint
22 under law or ordinance, or the discipline, performance or
23 removal of the occupant of a public office, when the
24 public body is given power to remove the occupant under
25 law or ordinance.

26 (4) Evidence or testimony presented in open hearing,

1 or in closed hearing where specifically authorized by law,
2 to a quasi-adjudicative body, as defined in this Act,
3 provided that the body prepares and makes available for
4 public inspection a written decision setting forth its
5 determinative reasoning.

6 (5) The purchase or lease of real property for the use
7 of the public body, including meetings held for the
8 purpose of discussing whether a particular parcel should
9 be acquired.

10 (6) The setting of a price for sale or lease of
11 property owned by the public body.

12 (7) The sale or purchase of securities, investments,
13 or investment contracts. This exception shall not apply to
14 the investment of assets or income of funds deposited into
15 the Illinois Prepaid Tuition Trust Fund.

16 (8) Security procedures, school building safety and
17 security, and the use of personnel and equipment to
18 respond to an actual, a threatened, or a reasonably
19 potential danger to the safety of employees, students,
20 staff, the public, or public property.

21 (9) Student disciplinary cases.

22 (10) The placement of individual students in special
23 education programs and other matters relating to
24 individual students.

25 (11) Litigation, when an action against, affecting or
26 on behalf of the particular public body has been filed and

1 is pending before a court or administrative tribunal, or
2 when the public body finds that an action is probable or
3 imminent, in which case the basis for the finding shall be
4 recorded and entered into the minutes of the closed
5 meeting.

6 (12) The establishment of reserves or settlement of
7 claims as provided in the Local Governmental and
8 Governmental Employees Tort Immunity Act, if otherwise the
9 disposition of a claim or potential claim might be
10 prejudiced, or the review or discussion of claims, loss or
11 risk management information, records, data, advice or
12 communications from or with respect to any insurer of the
13 public body or any intergovernmental risk management
14 association or self insurance pool of which the public
15 body is a member.

16 (13) Conciliation of complaints of discrimination in
17 the sale or rental of housing, when closed meetings are
18 authorized by the law or ordinance prescribing fair
19 housing practices and creating a commission or
20 administrative agency for their enforcement.

21 (14) Informant sources, the hiring or assignment of
22 undercover personnel or equipment, or ongoing, prior or
23 future criminal investigations, when discussed by a public
24 body with criminal investigatory responsibilities.

25 (15) Professional ethics or performance when
26 considered by an advisory body appointed to advise a

1 licensing or regulatory agency on matters germane to the
2 advisory body's field of competence.

3 (16) Self evaluation, practices and procedures or
4 professional ethics, when meeting with a representative of
5 a statewide association of which the public body is a
6 member.

7 (17) The recruitment, credentialing, discipline or
8 formal peer review of physicians or other health care
9 professionals, or for the discussion of matters protected
10 under the federal Patient Safety and Quality Improvement
11 Act of 2005, and the regulations promulgated thereunder,
12 including 42 C.F.R. Part 3 (73 FR 70732), or the federal
13 Health Insurance Portability and Accountability Act of
14 1996, and the regulations promulgated thereunder,
15 including 45 C.F.R. Parts 160, 162, and 164, by a
16 hospital, or other institution providing medical care,
17 that is operated by the public body.

18 (18) Deliberations for decisions of the Prisoner
19 Review Board.

20 (19) Review or discussion of applications received
21 under the Experimental Organ Transplantation Procedures
22 Act.

23 (20) The classification and discussion of matters
24 classified as confidential or continued confidential by
25 the State Government Suggestion Award Board.

26 (21) Discussion of minutes of meetings lawfully closed

1 under this Act, whether for purposes of approval by the
2 body of the minutes or semi-annual review of the minutes
3 as mandated by Section 2.06.

4 (22) Deliberations for decisions of the State
5 Emergency Medical Services Disciplinary Review Board.

6 (23) The operation by a municipality of a municipal
7 utility or the operation of a municipal power agency or
8 municipal natural gas agency when the discussion involves
9 (i) contracts relating to the purchase, sale, or delivery
10 of electricity or natural gas or (ii) the results or
11 conclusions of load forecast studies.

12 (24) Meetings of a residential health care facility
13 resident sexual assault and death review team or the
14 Executive Council under the Abuse Prevention Review Team
15 Act.

16 (25) Meetings of an independent team of experts under
17 Brian's Law.

18 (26) Meetings of a mortality review team appointed
19 under the Department of Juvenile Justice Mortality Review
20 Team Act.

21 (27) (Blank).

22 (28) Correspondence and records (i) that may not be
23 disclosed under Section 11-9 of the Illinois Public Aid
24 Code or (ii) that pertain to appeals under Section 11-8 of
25 the Illinois Public Aid Code.

26 (29) Meetings between internal or external auditors

1 and governmental audit committees, finance committees, and
2 their equivalents, when the discussion involves internal
3 control weaknesses, identification of potential fraud risk
4 areas, known or suspected frauds, and fraud interviews
5 conducted in accordance with generally accepted auditing
6 standards of the United States of America.

7 (30) Those meetings or portions of meetings of a
8 fatality review team or the Illinois Fatality Review Team
9 Advisory Council during which a review of the death of an
10 eligible adult in which abuse or neglect is suspected,
11 alleged, or substantiated is conducted pursuant to Section
12 15 of the Adult Protective Services Act.

13 (31) Meetings and deliberations for decisions of the
14 Concealed Carry Licensing Review Board under the Firearm
15 Concealed Carry Act.

16 (32) Meetings between the Regional Transportation
17 Authority Board and its Service Boards when the discussion
18 involves review by the Regional Transportation Authority
19 Board of employment contracts under Section 28d of the
20 Metropolitan Transit Authority Act and Sections 3A.18 and
21 3B.26 of the Regional Transportation Authority Act.

22 (33) Those meetings or portions of meetings of the
23 advisory committee and peer review subcommittee created
24 under Section 320 of the Illinois Controlled Substances
25 Act during which specific controlled substance prescriber,
26 dispenser, or patient information is discussed.

1 (34) Meetings of the Tax Increment Financing Reform
2 Task Force under Section 2505-800 of the Department of
3 Revenue Law of the Civil Administrative Code of Illinois.

4 (35) Meetings of the group established to discuss
5 Medicaid capitation rates under Section 5-30.8 of the
6 Illinois Public Aid Code.

7 (36) Those deliberations or portions of deliberations
8 for decisions of any Division of the Department of Lottery
9 and Gaming ~~the Illinois Gaming Board~~ in which there is
10 discussed any of the following: (i) personal, commercial,
11 financial, or other information obtained from any source
12 that is privileged, proprietary, confidential, or a trade
13 secret; or (ii) information specifically exempted from the
14 disclosure by federal or State law.

15 (37) Deliberations for decisions of the Illinois Law
16 Enforcement Training Standards Board, the Certification
17 Review Panel, and the Illinois State Police Merit Board
18 regarding certification and decertification.

19 (38) Meetings of the Ad Hoc Statewide Domestic
20 Violence Fatality Review Committee of the Illinois
21 Criminal Justice Information Authority Board that occur in
22 closed executive session under subsection (d) of Section
23 35 of the Domestic Violence Fatality Review Act.

24 (39) Meetings of the regional review teams under
25 subsection (a) of Section 75 of the Domestic Violence
26 Fatality Review Act.

1 (40) Meetings of the Firearm Owner's Identification
2 Card Review Board under Section 10 of the Firearm Owners
3 Identification Card Act.

4 (d) Definitions. For purposes of this Section:

5 "Employee" means a person employed by a public body whose
6 relationship with the public body constitutes an
7 employer-employee relationship under the usual common law
8 rules, and who is not an independent contractor.

9 "Public office" means a position created by or under the
10 Constitution or laws of this State, the occupant of which is
11 charged with the exercise of some portion of the sovereign
12 power of this State. The term "public office" shall include
13 members of the public body, but it shall not include
14 organizational positions filled by members thereof, whether
15 established by law or by a public body itself, that exist to
16 assist the body in the conduct of its business.

17 "Quasi-adjudicative body" means an administrative body
18 charged by law or ordinance with the responsibility to conduct
19 hearings, receive evidence or testimony and make
20 determinations based thereon, but does not include local
21 electoral boards when such bodies are considering petition
22 challenges.

23 (e) Final action. No final action may be taken at a closed
24 meeting. Final action shall be preceded by a public recital of
25 the nature of the matter being considered and other
26 information that will inform the public of the business being

1 conducted.

2 (Source: P.A. 101-31, eff. 6-28-19; 101-459, eff. 8-23-19;
3 101-652, eff. 1-1-22; 102-237, eff. 1-1-22; 102-520, eff.
4 8-20-21; 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

5 Section 50. The Illinois Public Labor Relations Act is
6 amended by changing Section 3 as follows:

7 (5 ILCS 315/3) (from Ch. 48, par. 1603)

8 Sec. 3. Definitions. As used in this Act, unless the
9 context otherwise requires:

10 (a) "Board" means the Illinois Labor Relations Board or,
11 with respect to a matter over which the jurisdiction of the
12 Board is assigned to the State Panel or the Local Panel under
13 Section 5, the panel having jurisdiction over the matter.

14 (b) "Collective bargaining" means bargaining over terms
15 and conditions of employment, including hours, wages, and
16 other conditions of employment, as detailed in Section 7 and
17 which are not excluded by Section 4.

18 (c) "Confidential employee" means an employee who, in the
19 regular course of his or her duties, assists and acts in a
20 confidential capacity to persons who formulate, determine, and
21 effectuate management policies with regard to labor relations
22 or who, in the regular course of his or her duties, has
23 authorized access to information relating to the effectuation
24 or review of the employer's collective bargaining policies.

1 Determinations of confidential employee status shall be based
2 on actual employee job duties and not solely on written job
3 descriptions.

4 (d) "Craft employees" means skilled journeymen, crafts
5 persons, and their apprentices and helpers.

6 (e) "Essential services employees" means those public
7 employees performing functions so essential that the
8 interruption or termination of the function will constitute a
9 clear and present danger to the health and safety of the
10 persons in the affected community.

11 (f) "Exclusive representative", except with respect to
12 non-State fire fighters and paramedics employed by fire
13 departments and fire protection districts, non-State peace
14 officers, and peace officers in the Illinois State Police,
15 means the labor organization that has been (i) designated by
16 the Board as the representative of a majority of public
17 employees in an appropriate bargaining unit in accordance with
18 the procedures contained in this Act; (ii) historically
19 recognized by the State of Illinois or any political
20 subdivision of the State before July 1, 1984 (the effective
21 date of this Act) as the exclusive representative of the
22 employees in an appropriate bargaining unit; (iii) after July
23 1, 1984 (the effective date of this Act) recognized by an
24 employer upon evidence, acceptable to the Board, that the
25 labor organization has been designated as the exclusive
26 representative by a majority of the employees in an

1 appropriate bargaining unit; (iv) recognized as the exclusive
2 representative of personal assistants under Executive Order
3 2003-8 prior to July 16, 2003 (the effective date of Public Act
4 93-204), and the organization shall be considered to be the
5 exclusive representative of the personal assistants as defined
6 in this Section; or (v) recognized as the exclusive
7 representative of child and day care home providers, including
8 licensed and license exempt providers, pursuant to an election
9 held under Executive Order 2005-1 prior to January 1, 2006
10 (the effective date of Public Act 94-320), and the
11 organization shall be considered to be the exclusive
12 representative of the child and day care home providers as
13 defined in this Section.

14 With respect to non-State fire fighters and paramedics
15 employed by fire departments and fire protection districts,
16 non-State peace officers, and peace officers in the Illinois
17 State Police, "exclusive representative" means the labor
18 organization that has been (i) designated by the Board as the
19 representative of a majority of peace officers or fire
20 fighters in an appropriate bargaining unit in accordance with
21 the procedures contained in this Act, (ii) historically
22 recognized by the State of Illinois or any political
23 subdivision of the State before January 1, 1986 (the effective
24 date of this amendatory Act of 1985) as the exclusive
25 representative by a majority of the peace officers or fire
26 fighters in an appropriate bargaining unit, or (iii) after

1 January 1, 1986 (the effective date of this amendatory Act of
2 1985) recognized by an employer upon evidence, acceptable to
3 the Board, that the labor organization has been designated as
4 the exclusive representative by a majority of the peace
5 officers or fire fighters in an appropriate bargaining unit.

6 Where a historical pattern of representation exists for
7 the workers of a water system that was owned by a public
8 utility, as defined in Section 3-105 of the Public Utilities
9 Act, prior to becoming certified employees of a municipality
10 or municipalities once the municipality or municipalities have
11 acquired the water system as authorized in Section 11-124-5 of
12 the Illinois Municipal Code, the Board shall find the labor
13 organization that has historically represented the workers to
14 be the exclusive representative under this Act, and shall find
15 the unit represented by the exclusive representative to be the
16 appropriate unit.

17 (g) "Fair share agreement" means an agreement between the
18 employer and an employee organization under which all or any
19 of the employees in a collective bargaining unit are required
20 to pay their proportionate share of the costs of the
21 collective bargaining process, contract administration, and
22 pursuing matters affecting wages, hours, and other conditions
23 of employment, but not to exceed the amount of dues uniformly
24 required of members. The amount certified by the exclusive
25 representative shall not include any fees for contributions
26 related to the election or support of any candidate for

1 political office. Nothing in this subsection (g) shall
2 preclude an employee from making voluntary political
3 contributions in conjunction with his or her fair share
4 payment.

5 (g-1) "Fire fighter" means, for the purposes of this Act
6 only, any person who has been or is hereafter appointed to a
7 fire department or fire protection district or employed by a
8 state university and sworn or commissioned to perform fire
9 fighter duties or paramedic duties, including paramedics
10 employed by a unit of local government, except that the
11 following persons are not included: part-time fire fighters,
12 auxiliary, reserve or voluntary fire fighters, including paid
13 on-call fire fighters, clerks and dispatchers or other
14 civilian employees of a fire department or fire protection
15 district who are not routinely expected to perform fire
16 fighter duties, or elected officials.

17 (g-2) "General Assembly of the State of Illinois" means
18 the legislative branch of the government of the State of
19 Illinois, as provided for under Article IV of the Constitution
20 of the State of Illinois, and includes, but is not limited to,
21 the House of Representatives, the Senate, the Speaker of the
22 House of Representatives, the Minority Leader of the House of
23 Representatives, the President of the Senate, the Minority
24 Leader of the Senate, the Joint Committee on Legislative
25 Support Services, and any legislative support services agency
26 listed in the Legislative Commission Reorganization Act of

1 1984.

2 (h) "Governing body" means, in the case of the State, the
3 State Panel of the Illinois Labor Relations Board, the
4 Director of the Department of Central Management Services, and
5 the Director of the Department of Labor; the county board in
6 the case of a county; the corporate authorities in the case of
7 a municipality; and the appropriate body authorized to provide
8 for expenditures of its funds in the case of any other unit of
9 government.

10 (i) "Labor organization" means any organization in which
11 public employees participate and that exists for the purpose,
12 in whole or in part, of dealing with a public employer
13 concerning wages, hours, and other terms and conditions of
14 employment, including the settlement of grievances.

15 (i-5) "Legislative liaison" means a person who is an
16 employee of a State agency, the Attorney General, the
17 Secretary of State, the Comptroller, or the Treasurer, as the
18 case may be, and whose job duties require the person to
19 regularly communicate in the course of his or her employment
20 with any official or staff of the General Assembly of the State
21 of Illinois for the purpose of influencing any legislative
22 action.

23 (j) "Managerial employee" means an individual who is
24 engaged predominantly in executive and management functions
25 and is charged with the responsibility of directing the
26 effectuation of management policies and practices.

1 Determination of managerial employee status shall be based on
2 actual employee job duties and not solely on written job
3 descriptions. With respect only to State employees in
4 positions under the jurisdiction of the Attorney General,
5 Secretary of State, Comptroller, or Treasurer (i) that were
6 certified in a bargaining unit on or after December 2, 2008,
7 (ii) for which a petition is filed with the Illinois Public
8 Labor Relations Board on or after April 5, 2013 (the effective
9 date of Public Act 97-1172), or (iii) for which a petition is
10 pending before the Illinois Public Labor Relations Board on
11 that date, "managerial employee" means an individual who is
12 engaged in executive and management functions or who is
13 charged with the effectuation of management policies and
14 practices or who represents management interests by taking or
15 recommending discretionary actions that effectively control or
16 implement policy. Nothing in this definition prohibits an
17 individual from also meeting the definition of "supervisor"
18 under subsection (r) of this Section.

19 (k) "Peace officer" means, for the purposes of this Act
20 only, any persons who have been or are hereafter appointed to a
21 police force, department, or agency and sworn or commissioned
22 to perform police duties, except that the following persons
23 are not included: part-time police officers, special police
24 officers, auxiliary police as defined by Section 3.1-30-20 of
25 the Illinois Municipal Code, night watchmen, "merchant
26 police", court security officers as defined by Section

1 3-6012.1 of the Counties Code, temporary employees, traffic
2 guards or wardens, civilian parking meter and parking
3 facilities personnel or other individuals specially appointed
4 to aid or direct traffic at or near schools or public functions
5 or to aid in civil defense or disaster, parking enforcement
6 employees who are not commissioned as peace officers and who
7 are not armed and who are not routinely expected to effect
8 arrests, parking lot attendants, clerks and dispatchers or
9 other civilian employees of a police department who are not
10 routinely expected to effect arrests, or elected officials.

11 (l) "Person" includes one or more individuals, labor
12 organizations, public employees, associations, corporations,
13 legal representatives, trustees, trustees in bankruptcy,
14 receivers, or the State of Illinois or any political
15 subdivision of the State or governing body, but does not
16 include the General Assembly of the State of Illinois or any
17 individual employed by the General Assembly of the State of
18 Illinois.

19 (m) "Professional employee" means any employee engaged in
20 work predominantly intellectual and varied in character rather
21 than routine mental, manual, mechanical or physical work;
22 involving the consistent exercise of discretion and adjustment
23 in its performance; of such a character that the output
24 produced or the result accomplished cannot be standardized in
25 relation to a given period of time; and requiring advanced
26 knowledge in a field of science or learning customarily

1 acquired by a prolonged course of specialized intellectual
2 instruction and study in an institution of higher learning or
3 a hospital, as distinguished from a general academic education
4 or from apprenticeship or from training in the performance of
5 routine mental, manual, or physical processes; or any employee
6 who has completed the courses of specialized intellectual
7 instruction and study prescribed in this subsection (m) and is
8 performing related work under the supervision of a
9 professional person to qualify to become a professional
10 employee as defined in this subsection (m).

11 (n) "Public employee" or "employee", for the purposes of
12 this Act, means any individual employed by a public employer,
13 including (i) interns and residents at public hospitals, (ii)
14 as of July 16, 2003 (the effective date of Public Act 93-204),
15 but not before, personal assistants working under the Home
16 Services Program under Section 3 of the Rehabilitation of
17 Persons with Disabilities Act, subject to the limitations set
18 forth in this Act and in the Rehabilitation of Persons with
19 Disabilities Act, (iii) as of January 1, 2006 (the effective
20 date of Public Act 94-320), but not before, child and day care
21 home providers participating in the child care assistance
22 program under Section 9A-11 of the Illinois Public Aid Code,
23 subject to the limitations set forth in this Act and in Section
24 9A-11 of the Illinois Public Aid Code, (iv) as of January 29,
25 2013 (the effective date of Public Act 97-1158), but not
26 before except as otherwise provided in this subsection (n),

1 home care and home health workers who function as personal
2 assistants and individual maintenance home health workers and
3 who also work under the Home Services Program under Section 3
4 of the Rehabilitation of Persons with Disabilities Act, no
5 matter whether the State provides those services through
6 direct fee-for-service arrangements, with the assistance of a
7 managed care organization or other intermediary, or otherwise,
8 (v) beginning on July 19, 2013 (the effective date of Public
9 Act 98-100) and notwithstanding any other provision of this
10 Act, any person employed by a public employer and who is
11 classified as or who holds the employment title of Chief
12 Stationary Engineer, Assistant Chief Stationary Engineer,
13 Sewage Plant Operator, Water Plant Operator, Stationary
14 Engineer, Plant Operating Engineer, and any other employee who
15 holds the position of: Civil Engineer V, Civil Engineer VI,
16 Civil Engineer VII, Technical Manager I, Technical Manager II,
17 Technical Manager III, Technical Manager IV, Technical Manager
18 V, Technical Manager VI, Realty Specialist III, Realty
19 Specialist IV, Realty Specialist V, Technical Advisor I,
20 Technical Advisor II, Technical Advisor III, Technical Advisor
21 IV, or Technical Advisor V employed by the Department of
22 Transportation who is in a position which is certified in a
23 bargaining unit on or before July 19, 2013 (the effective date
24 of Public Act 98-100), and (vi) beginning on July 19, 2013 (the
25 effective date of Public Act 98-100) and notwithstanding any
26 other provision of this Act, any mental health administrator

1 in the Department of Corrections who is classified as or who
2 holds the position of Public Service Administrator (Option
3 8K), any employee of the Office of the Inspector General in the
4 Department of Human Services who is classified as or who holds
5 the position of Public Service Administrator (Option 7), any
6 Deputy of Intelligence in the Department of Corrections who is
7 classified as or who holds the position of Public Service
8 Administrator (Option 7), and any employee of the Illinois
9 State Police who handles issues concerning the Illinois State
10 Police Sex Offender Registry and who is classified as or holds
11 the position of Public Service Administrator (Option 7), but
12 excluding all of the following: employees of the General
13 Assembly of the State of Illinois; elected officials;
14 executive heads of a department; members of boards or
15 commissions; the Executive Inspectors General; any special
16 Executive Inspectors General; employees of each Office of an
17 Executive Inspector General; commissioners and employees of
18 the Executive Ethics Commission; the Auditor General's
19 Inspector General; employees of the Office of the Auditor
20 General's Inspector General; the Legislative Inspector
21 General; any special Legislative Inspectors General; employees
22 of the Office of the Legislative Inspector General;
23 commissioners and employees of the Legislative Ethics
24 Commission; employees of any agency, board or commission
25 created by this Act; employees appointed to State positions of
26 a temporary or emergency nature; all employees of school

1 districts and higher education institutions except
2 firefighters and peace officers employed by a state university
3 and except peace officers employed by a school district in its
4 own police department in existence on July 23, 2010 (the
5 effective date of Public Act 96-1257); managerial employees;
6 short-term employees; legislative liaisons; a person who is a
7 State employee under the jurisdiction of the Office of the
8 Attorney General who is licensed to practice law or whose
9 position authorizes, either directly or indirectly, meaningful
10 input into government decision-making on issues where there is
11 room for principled disagreement on goals or their
12 implementation; a person who is a State employee under the
13 jurisdiction of the Office of the Comptroller who holds the
14 position of Public Service Administrator or whose position is
15 otherwise exempt under the Comptroller Merit Employment Code;
16 a person who is a State employee under the jurisdiction of the
17 Secretary of State who holds the position classification of
18 Executive I or higher, whose position authorizes, either
19 directly or indirectly, meaningful input into government
20 decision-making on issues where there is room for principled
21 disagreement on goals or their implementation, or who is
22 otherwise exempt under the Secretary of State Merit Employment
23 Code; employees in the Office of the Secretary of State who are
24 completely exempt from jurisdiction B of the Secretary of
25 State Merit Employment Code and who are in Rutan-exempt
26 positions on or after April 5, 2013 (the effective date of

1 Public Act 97-1172); a person who is a State employee under the
2 jurisdiction of the Treasurer who holds a position that is
3 exempt from the State Treasurer Employment Code; any employee
4 of a State agency who (i) holds the title or position of, or
5 exercises substantially similar duties as a legislative
6 liaison, Agency General Counsel, Agency Chief of Staff, Agency
7 Executive Director, Agency Deputy Director, Agency Chief
8 Fiscal Officer, Agency Human Resources Director, Public
9 Information Officer, or Chief Information Officer and (ii) was
10 neither included in a bargaining unit nor subject to an active
11 petition for certification in a bargaining unit; any employee
12 of a State agency who (i) is in a position that is
13 Rutan-exempt, as designated by the employer, and completely
14 exempt from jurisdiction B of the Personnel Code and (ii) was
15 neither included in a bargaining unit nor subject to an active
16 petition for certification in a bargaining unit; any term
17 appointed employee of a State agency pursuant to Section 8b.18
18 or 8b.19 of the Personnel Code who was neither included in a
19 bargaining unit nor subject to an active petition for
20 certification in a bargaining unit; any employment position
21 properly designated pursuant to Section 6.1 of this Act;
22 confidential employees; independent contractors; and
23 supervisors except as provided in this Act.

24 Home care and home health workers who function as personal
25 assistants and individual maintenance home health workers and
26 who also work under the Home Services Program under Section 3

1 of the Rehabilitation of Persons with Disabilities Act shall
2 not be considered public employees for any purposes not
3 specifically provided for in Public Act 93-204 or Public Act
4 97-1158, including, but not limited to, purposes of vicarious
5 liability in tort and purposes of statutory retirement or
6 health insurance benefits. Home care and home health workers
7 who function as personal assistants and individual maintenance
8 home health workers and who also work under the Home Services
9 Program under Section 3 of the Rehabilitation of Persons with
10 Disabilities Act shall not be covered by the State Employees
11 Group Insurance Act of 1971.

12 Child and day care home providers shall not be considered
13 public employees for any purposes not specifically provided
14 for in Public Act 94-320, including, but not limited to,
15 purposes of vicarious liability in tort and purposes of
16 statutory retirement or health insurance benefits. Child and
17 day care home providers shall not be covered by the State
18 Employees Group Insurance Act of 1971.

19 Notwithstanding Section 9, subsection (c), or any other
20 provisions of this Act, all peace officers above the rank of
21 captain in municipalities with more than 1,000,000 inhabitants
22 shall be excluded from this Act.

23 (o) Except as otherwise in subsection (o-5), "public
24 employer" or "employer" means the State of Illinois; any
25 political subdivision of the State, unit of local government
26 or school district; authorities including departments,

1 divisions, bureaus, boards, commissions, or other agencies of
2 the foregoing entities; and any person acting within the scope
3 of his or her authority, express or implied, on behalf of those
4 entities in dealing with its employees. As of July 16, 2003
5 (the effective date of Public Act 93-204), but not before, the
6 State of Illinois shall be considered the employer of the
7 personal assistants working under the Home Services Program
8 under Section 3 of the Rehabilitation of Persons with
9 Disabilities Act, subject to the limitations set forth in this
10 Act and in the Rehabilitation of Persons with Disabilities
11 Act. As of January 29, 2013 (the effective date of Public Act
12 97-1158), but not before except as otherwise provided in this
13 subsection (o), the State shall be considered the employer of
14 home care and home health workers who function as personal
15 assistants and individual maintenance home health workers and
16 who also work under the Home Services Program under Section 3
17 of the Rehabilitation of Persons with Disabilities Act, no
18 matter whether the State provides those services through
19 direct fee-for-service arrangements, with the assistance of a
20 managed care organization or other intermediary, or otherwise,
21 but subject to the limitations set forth in this Act and the
22 Rehabilitation of Persons with Disabilities Act. The State
23 shall not be considered to be the employer of home care and
24 home health workers who function as personal assistants and
25 individual maintenance home health workers and who also work
26 under the Home Services Program under Section 3 of the

1 Rehabilitation of Persons with Disabilities Act, for any
2 purposes not specifically provided for in Public Act 93-204 or
3 Public Act 97-1158, including but not limited to, purposes of
4 vicarious liability in tort and purposes of statutory
5 retirement or health insurance benefits. Home care and home
6 health workers who function as personal assistants and
7 individual maintenance home health workers and who also work
8 under the Home Services Program under Section 3 of the
9 Rehabilitation of Persons with Disabilities Act shall not be
10 covered by the State Employees Group Insurance Act of 1971. As
11 of January 1, 2006 (the effective date of Public Act 94-320),
12 but not before, the State of Illinois shall be considered the
13 employer of the day and child care home providers
14 participating in the child care assistance program under
15 Section 9A-11 of the Illinois Public Aid Code, subject to the
16 limitations set forth in this Act and in Section 9A-11 of the
17 Illinois Public Aid Code. The State shall not be considered to
18 be the employer of child and day care home providers for any
19 purposes not specifically provided for in Public Act 94-320,
20 including, but not limited to, purposes of vicarious liability
21 in tort and purposes of statutory retirement or health
22 insurance benefits. Child and day care home providers shall
23 not be covered by the State Employees Group Insurance Act of
24 1971.

25 "Public employer" or "employer" as used in this Act,
26 however, does not mean and shall not include the General

1 Assembly of the State of Illinois, the Executive Ethics
2 Commission, the Offices of the Executive Inspectors General,
3 the Legislative Ethics Commission, the Office of the
4 Legislative Inspector General, the Office of the Auditor
5 General's Inspector General, the Office of the Governor, the
6 Governor's Office of Management and Budget, the Illinois
7 Finance Authority, the Office of the Lieutenant Governor, the
8 State Board of Elections, and educational employers or
9 employers as defined in the Illinois Educational Labor
10 Relations Act, except with respect to a state university in
11 its employment of firefighters and peace officers and except
12 with respect to a school district in the employment of peace
13 officers in its own police department in existence on July 23,
14 2010 (the effective date of Public Act 96-1257). County boards
15 and county sheriffs shall be designated as joint or
16 co-employers of county peace officers appointed under the
17 authority of a county sheriff. Nothing in this subsection (o)
18 shall be construed to prevent the State Panel or the Local
19 Panel from determining that employers are joint or
20 co-employers.

21 (o-5) With respect to wages, fringe benefits, hours,
22 holidays, vacations, proficiency examinations, sick leave, and
23 other conditions of employment, the public employer of public
24 employees who are court reporters, as defined in the Court
25 Reporters Act, shall be determined as follows:

26 (1) For court reporters employed by the Cook County

1 Judicial Circuit, the chief judge of the Cook County
2 Circuit Court is the public employer and employer
3 representative.

4 (2) For court reporters employed by the 12th, 18th,
5 19th, and, on and after December 4, 2006, the 22nd
6 judicial circuits, a group consisting of the chief judges
7 of those circuits, acting jointly by majority vote, is the
8 public employer and employer representative.

9 (3) For court reporters employed by all other judicial
10 circuits, a group consisting of the chief judges of those
11 circuits, acting jointly by majority vote, is the public
12 employer and employer representative.

13 (p) "Security employee" means an employee who is
14 responsible for the supervision and control of inmates at
15 correctional facilities. The term also includes other
16 non-security employees in bargaining units having the majority
17 of employees being responsible for the supervision and control
18 of inmates at correctional facilities.

19 (q) "Short-term employee" means an employee who is
20 employed for less than 2 consecutive calendar quarters during
21 a calendar year and who does not have a reasonable assurance
22 that he or she will be rehired by the same employer for the
23 same service in a subsequent calendar year.

24 (q-5) "State agency" means an agency directly responsible
25 to the Governor, as defined in Section 3.1 of the Executive
26 Reorganization Implementation Act, and the Illinois Commerce

1 Commission, the Illinois Workers' Compensation Commission, the
2 Civil Service Commission, the Pollution Control Board, ~~the~~
3 ~~Illinois Racing Board,~~ and the Illinois State Police Merit
4 Board.

5 (r) "Supervisor" is:

6 (1) An employee whose principal work is substantially
7 different from that of his or her subordinates and who has
8 authority, in the interest of the employer, to hire,
9 transfer, suspend, lay off, recall, promote, discharge,
10 direct, reward, or discipline employees, to adjust their
11 grievances, or to effectively recommend any of those
12 actions, if the exercise of that authority is not of a
13 merely routine or clerical nature, but requires the
14 consistent use of independent judgment. Except with
15 respect to police employment, the term "supervisor"
16 includes only those individuals who devote a preponderance
17 of their employment time to exercising that authority,
18 State supervisors notwithstanding. Determinations of
19 supervisor status shall be based on actual employee job
20 duties and not solely on written job descriptions. Nothing
21 in this definition prohibits an individual from also
22 meeting the definition of "managerial employee" under
23 subsection (j) of this Section. In addition, in
24 determining supervisory status in police employment, rank
25 shall not be determinative. The Board shall consider, as
26 evidence of bargaining unit inclusion or exclusion, the

1 common law enforcement policies and relationships between
2 police officer ranks and certification under applicable
3 civil service law, ordinances, personnel codes, or
4 Division 2.1 of Article 10 of the Illinois Municipal Code,
5 but these factors shall not be the sole or predominant
6 factors considered by the Board in determining police
7 supervisory status.

8 Notwithstanding the provisions of the preceding
9 paragraph, in determining supervisory status in fire
10 fighter employment, no fire fighter shall be excluded as a
11 supervisor who has established representation rights under
12 Section 9 of this Act. Further, in fire fighter units,
13 employees shall consist of fire fighters of the highest
14 rank of company officer and below. A company officer may
15 be responsible for multiple companies or apparatus on a
16 shift, multiple stations, or an entire shift. There may be
17 more than one company officer per shift. If a company
18 officer otherwise qualifies as a supervisor under the
19 preceding paragraph, however, he or she shall not be
20 included in the fire fighter unit. If there is no rank
21 between that of chief and the highest company officer, the
22 employer may designate a position on each shift as a Shift
23 Commander, and the persons occupying those positions shall
24 be supervisors. All other ranks above that of the highest
25 company officer shall be supervisors.

26 (2) With respect only to State employees in positions

1 under the jurisdiction of the Attorney General, Secretary
2 of State, Comptroller, or Treasurer (i) that were
3 certified in a bargaining unit on or after December 2,
4 2008, (ii) for which a petition is filed with the Illinois
5 Public Labor Relations Board on or after April 5, 2013
6 (the effective date of Public Act 97-1172), or (iii) for
7 which a petition is pending before the Illinois Public
8 Labor Relations Board on that date, an employee who
9 qualifies as a supervisor under (A) Section 152 of the
10 National Labor Relations Act and (B) orders of the
11 National Labor Relations Board interpreting that provision
12 or decisions of courts reviewing decisions of the National
13 Labor Relations Board.

14 (s) (1) "Unit" means a class of jobs or positions that are
15 held by employees whose collective interests may suitably be
16 represented by a labor organization for collective bargaining.
17 Except with respect to non-State fire fighters and paramedics
18 employed by fire departments and fire protection districts,
19 non-State peace officers, and peace officers in the Illinois
20 State Police, a bargaining unit determined by the Board shall
21 not include both employees and supervisors, or supervisors
22 only, except as provided in paragraph (2) of this subsection
23 (s) and except for bargaining units in existence on July 1,
24 1984 (the effective date of this Act). With respect to
25 non-State fire fighters and paramedics employed by fire
26 departments and fire protection districts, non-State peace

1 officers, and peace officers in the Illinois State Police, a
2 bargaining unit determined by the Board shall not include both
3 supervisors and nonsupervisors, or supervisors only, except as
4 provided in paragraph (2) of this subsection (s) and except
5 for bargaining units in existence on January 1, 1986 (the
6 effective date of this amendatory Act of 1985). A bargaining
7 unit determined by the Board to contain peace officers shall
8 contain no employees other than peace officers unless
9 otherwise agreed to by the employer and the labor organization
10 or labor organizations involved. Notwithstanding any other
11 provision of this Act, a bargaining unit, including a
12 historical bargaining unit, containing sworn peace officers of
13 the Department of Natural Resources (formerly designated the
14 Department of Conservation) shall contain no employees other
15 than such sworn peace officers upon the effective date of this
16 amendatory Act of 1990 or upon the expiration date of any
17 collective bargaining agreement in effect upon the effective
18 date of this amendatory Act of 1990 covering both such sworn
19 peace officers and other employees.

20 (2) Notwithstanding the exclusion of supervisors from
21 bargaining units as provided in paragraph (1) of this
22 subsection (s), a public employer may agree to permit its
23 supervisory employees to form bargaining units and may bargain
24 with those units. This Act shall apply if the public employer
25 chooses to bargain under this subsection.

26 (3) Public employees who are court reporters, as defined

1 in the Court Reporters Act, shall be divided into 3 units for
2 collective bargaining purposes. One unit shall be court
3 reporters employed by the Cook County Judicial Circuit; one
4 unit shall be court reporters employed by the 12th, 18th,
5 19th, and, on and after December 4, 2006, the 22nd judicial
6 circuits; and one unit shall be court reporters employed by
7 all other judicial circuits.

8 (t) "Active petition for certification in a bargaining
9 unit" means a petition for certification filed with the Board
10 under one of the following case numbers: S-RC-11-110;
11 S-RC-11-098; S-UC-11-080; S-RC-11-086; S-RC-11-074;
12 S-RC-11-076; S-RC-11-078; S-UC-11-052; S-UC-11-054;
13 S-RC-11-062; S-RC-11-060; S-RC-11-042; S-RC-11-014;
14 S-RC-11-016; S-RC-11-020; S-RC-11-030; S-RC-11-004;
15 S-RC-10-244; S-RC-10-228; S-RC-10-222; S-RC-10-220;
16 S-RC-10-214; S-RC-10-196; S-RC-10-194; S-RC-10-178;
17 S-RC-10-176; S-RC-10-162; S-RC-10-156; S-RC-10-088;
18 S-RC-10-074; S-RC-10-076; S-RC-10-078; S-RC-10-060;
19 S-RC-10-070; S-RC-10-044; S-RC-10-038; S-RC-10-040;
20 S-RC-10-042; S-RC-10-018; S-RC-10-024; S-RC-10-004;
21 S-RC-10-006; S-RC-10-008; S-RC-10-010; S-RC-10-012;
22 S-RC-09-202; S-RC-09-182; S-RC-09-180; S-RC-09-156;
23 S-UC-09-196; S-UC-09-182; S-RC-08-130; S-RC-07-110; or
24 S-RC-07-100.

25 (Source: P.A. 102-151, eff. 7-23-21; 102-538, eff. 8-20-21;
26 102-686, eff. 6-1-22; 102-813, eff. 5-13-22; revised 6-13-22.)

1 Section 55. The State Officials and Employees Ethics Act
2 is amended by changing Sections 5-45 and 5-50 as follows:

3 (5 ILCS 430/5-45)

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

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

17 (a-5) No officer, member, or spouse or immediate family
18 member living with such person shall, during the officer or
19 member's term in office or within a period of 2 years
20 immediately leaving office, hold an ownership interest, other
21 than a passive interest in a publicly traded company, in any
22 gaming license under the Illinois Gambling Act, the Video
23 Gaming Act, the Illinois Horse Racing Act of 1975, or the
24 Sports Wagering Act. Any member of the General Assembly or

1 spouse or immediate family member living with such person who
2 has an ownership interest, other than a passive interest in a
3 publicly traded company, in any gaming license under the
4 Illinois Gambling Act, the Illinois Horse Racing Act of 1975,
5 the Video Gaming Act, or the Sports Wagering Act at the time of
6 the effective date of this amendatory Act of the 101st General
7 Assembly shall divest himself or herself of such ownership
8 within one year after the effective date of this amendatory
9 Act of the 101st General Assembly. No State employee who works
10 for the Department of Lottery and Gaming ~~Illinois Gaming Board~~
11 ~~or Illinois Racing Board~~ or spouse or immediate family member
12 living with such person shall, during State employment or
13 within a period of 2 years immediately after termination of
14 State employment, hold an ownership interest, other than a
15 passive interest in a publicly traded company, in any gaming
16 license under the Illinois Gambling Act, the Video Gaming Act,
17 the Illinois Horse Racing Act of 1975, or the Sports Wagering
18 Act.

19 (a-10) This subsection (a-10) applies on and after June
20 25, 2021. No officer, member, or spouse or immediate family
21 member living with such person, shall, during the officer or
22 member's term in office or within a period of 2 years
23 immediately after leaving office, hold an ownership interest,
24 other than a passive interest in a publicly traded company, in
25 any cannabis business establishment which is licensed under
26 the Cannabis Regulation and Tax Act. Any member of the General

1 Assembly or spouse or immediate family member living with such
2 person who has an ownership interest, other than a passive
3 interest in a publicly traded company, in any cannabis
4 business establishment which is licensed under the Cannabis
5 Regulation and Tax Act at the time of the effective date of
6 this amendatory Act of the 101st General Assembly shall divest
7 himself or herself of such ownership within one year after the
8 effective date of this amendatory Act of the 101st General
9 Assembly.

10 No State employee who works for any State agency that
11 regulates cannabis business establishment license holders who
12 participated personally and substantially in the award of
13 licenses under the Cannabis Regulation and Tax Act or a spouse
14 or immediate family member living with such person shall,
15 during State employment or within a period of 2 years
16 immediately after termination of State employment, hold an
17 ownership interest, other than a passive interest in a
18 publicly traded company, in any cannabis license under the
19 Cannabis Regulation and Tax Act.

20 (b) No former officer of the executive branch or State
21 employee of the executive branch with regulatory or licensing
22 authority, or spouse or immediate family member living with
23 such person, shall, within a period of one year immediately
24 after termination of State employment, knowingly accept
25 employment or receive compensation or fees for services from a
26 person or entity if the officer or State employee, during the

1 year immediately preceding termination of State employment,
2 participated personally and substantially in making a
3 regulatory or licensing decision that directly applied to the
4 person or entity, or its parent or subsidiary.

5 (b-5) Beginning January 1, 2022, no former officer of the
6 executive branch shall engage in activities at the State level
7 that require registration under the Lobbyist Registration Act
8 during the term of which he or she was elected or appointed
9 until 6 months after leaving office.

10 (b-7) Beginning the second Wednesday in January of 2023,
11 no former member shall engage in activities at the State level
12 that require registration under the Lobbyist Registration Act
13 in a General Assembly of which he or she was a member until 6
14 months after leaving office.

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

1 constitutional officer.

2 The policies required under subsection (c) of this Section
3 shall be filed with the appropriate ethics commission
4 established under this Act or, for the Auditor General, with
5 the Office of the Auditor General.

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

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

26 (f) Any State employee in a position subject to the

1 policies required by subsection (c) or to a determination
2 under subsection (d), but who does not fall within the
3 prohibition of subsection (h) below, who is offered non-State
4 employment during State employment or within a period of one
5 year immediately after termination of State employment shall,
6 prior to accepting such non-State employment, notify the
7 appropriate Inspector General. Within 10 calendar days after
8 receiving notification from an employee in a position subject
9 to the policies required by subsection (c), such Inspector
10 General shall make a determination as to whether the State
11 employee is restricted from accepting such employment by
12 subsection (a) or (b). In making a determination, in addition
13 to any other relevant information, an Inspector General shall
14 assess the effect of the prospective employment or
15 relationship upon decisions referred to in subsections (a) and
16 (b), based on the totality of the participation by the former
17 officer, member, or State employee in those decisions. A
18 determination by an Inspector General must be in writing,
19 signed and dated by the Inspector General, and delivered to
20 the subject of the determination within 10 calendar days or
21 the person is deemed eligible for the employment opportunity.
22 For purposes of this subsection, "appropriate Inspector
23 General" means (i) for members and employees of the
24 legislative branch, the Legislative Inspector General; (ii)
25 for the Auditor General and employees of the Office of the
26 Auditor General, the Inspector General provided for in Section

1 30-5 of this Act; and (iii) for executive branch officers and
2 employees, the Inspector General having jurisdiction over the
3 officer or employee. Notice of any determination of an
4 Inspector General and of any such appeal shall be given to the
5 ultimate jurisdictional authority, the Attorney General, and
6 the Executive Ethics Commission.

7 (g) An Inspector General's determination regarding
8 restrictions under subsection (a) or (b) may be appealed to
9 the appropriate Ethics Commission by the person subject to the
10 decision or the Attorney General no later than the 10th
11 calendar day after the date of the determination.

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

24 (h) The following officers, members, or State employees
25 shall not, within a period of one year immediately after
26 termination of office or State employment, knowingly accept

1 employment or receive compensation or fees for services from a
2 person or entity if the person or entity or its parent or
3 subsidiary, during the year immediately preceding termination
4 of State employment, was a party to a State contract or
5 contracts with a cumulative value of \$25,000 or more involving
6 the officer, member, or State employee's State agency, or was
7 the subject of a regulatory or licensing decision involving
8 the officer, member, or State employee's State agency,
9 regardless of whether he or she participated personally and
10 substantially in the award or fiscal administration of the
11 State contract or contracts or the making of the regulatory or
12 licensing decision in question:

13 (1) members or officers;

14 (2) members of a commission or board created by the
15 Illinois Constitution;

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

18 (4) the head of a department, commission, board,
19 division, bureau, authority, or other administrative unit
20 within the government of this State;

21 (5) chief procurement officers, State purchasing
22 officers, and their designees whose duties are directly
23 related to State procurement;

24 (6) chiefs of staff, deputy chiefs of staff, associate
25 chiefs of staff, assistant chiefs of staff, and deputy
26 governors, or any other position that holds an equivalent

1 level of managerial oversight;

2 (7) employees of the Division of Horse Racing of the
3 Department of Lottery and Gaming ~~Illinois Racing Board~~;
4 and

5 (8) employees of the Division of Casino Gambling of
6 the Department of Lottery and Gaming ~~Illinois Gaming~~
7 ~~Board~~.

8 (i) For the purposes of this Section, with respect to
9 officers or employees of a regional transit board, as defined
10 in this Act, the phrase "person or entity" does not include:

11 (i) the United States government, (ii) the State, (iii)
12 municipalities, as defined under Article VII, Section 1 of the
13 Illinois Constitution, (iv) units of local government, as
14 defined under Article VII, Section 1 of the Illinois
15 Constitution, or (v) school districts.

16 (Source: P.A. 101-31, eff. 6-28-19; 101-593, eff. 12-4-19;
17 102-664, eff. 1-1-22.)

18 (5 ILCS 430/5-50)

19 Sec. 5-50. Ex parte communications; special government
20 agents.

21 (a) This Section applies to ex parte communications made
22 to any agency listed in subsection (e).

23 (b) "Ex parte communication" means any written or oral
24 communication by any person that imparts or requests material
25 information or makes a material argument regarding potential

1 action concerning regulatory, quasi-adjudicatory, investment,
2 or licensing matters pending before or under consideration by
3 the agency. "Ex parte communication" does not include the
4 following: (i) statements by a person publicly made in a
5 public forum; (ii) statements regarding matters of procedure
6 and practice, such as format, the number of copies required,
7 the manner of filing, and the status of a matter; and (iii)
8 statements made by a State employee of the agency to the agency
9 head or other employees of that agency.

10 (b-5) An ex parte communication received by an agency,
11 agency head, or other agency employee from an interested party
12 or his or her official representative or attorney shall
13 promptly be memorialized and made a part of the record.

14 (c) An ex parte communication received by any agency,
15 agency head, or other agency employee, other than an ex parte
16 communication described in subsection (b-5), shall immediately
17 be reported to that agency's ethics officer by the recipient
18 of the communication and by any other employee of that agency
19 who responds to the communication. The ethics officer shall
20 require that the ex parte communication be promptly made a
21 part of the record. The ethics officer shall promptly file the
22 ex parte communication with the Executive Ethics Commission,
23 including all written communications, all written responses to
24 the communications, and a memorandum prepared by the ethics
25 officer stating the nature and substance of all oral
26 communications, the identity and job title of the person to

1 whom each communication was made, all responses made, the
2 identity and job title of the person making each response, the
3 identity of each person from whom the written or oral ex parte
4 communication was received, the individual or entity
5 represented by that person, any action the person requested or
6 recommended, and any other pertinent information. The
7 disclosure shall also contain the date of any ex parte
8 communication.

9 (d) "Interested party" means a person or entity whose
10 rights, privileges, or interests are the subject of or are
11 directly affected by a regulatory, quasi-adjudicatory,
12 investment, or licensing matter. For purposes of an ex parte
13 communication received by either the Illinois Commerce
14 Commission or the Illinois Power Agency, "interested party"
15 also includes: (1) an organization comprised of 2 or more
16 businesses, persons, nonprofit entities, or any combination
17 thereof, that are working in concert to advance public policy
18 advocated by the organization, or (2) any party selling
19 renewable energy resources procured by the Illinois Power
20 Agency pursuant to Section 16-111.5 of the Public Utilities
21 Act and Section 1-75 of the Illinois Power Agency Act.

22 (e) This Section applies to the following agencies:

23 Executive Ethics Commission
24 Illinois Commerce Commission
25 Illinois Power Agency
26 Educational Labor Relations Board

1 State Board of Elections
2 ~~Illinois Gaming Board~~
3 Health Facilities and Services Review Board
4 Illinois Workers' Compensation Commission
5 Illinois Labor Relations Board
6 Illinois Liquor Control Commission
7 Pollution Control Board
8 Property Tax Appeal Board
9 Department of Lottery and Gaming ~~Illinois Racing Board~~
10 Illinois Purchased Care Review Board
11 Illinois State Police Merit Board
12 Motor Vehicle Review Board
13 Prisoner Review Board
14 Civil Service Commission
15 Personnel Review Board for the Treasurer
16 Merit Commission for the Secretary of State
17 Merit Commission for the Office of the Comptroller
18 Court of Claims
19 Board of Review of the Department of Employment Security
20 Department of Insurance
21 Department of Professional Regulation and licensing boards
22 under the Department
23 Department of Public Health and licensing boards under the
24 Department
25 Office of Banks and Real Estate and licensing boards under
26 the Office

1 State Employees Retirement System Board of Trustees
2 Judges Retirement System Board of Trustees
3 General Assembly Retirement System Board of Trustees
4 Illinois Board of Investment
5 State Universities Retirement System Board of Trustees
6 Teachers Retirement System Officers Board of Trustees

7 (f) Any person who fails to (i) report an ex parte
8 communication to an ethics officer, (ii) make information part
9 of the record, or (iii) make a filing with the Executive Ethics
10 Commission as required by this Section or as required by
11 Section 5-165 of the Illinois Administrative Procedure Act
12 violates this Act.

13 (Source: P.A. 102-538, eff. 8-20-21; 102-662, eff. 9-15-21;
14 102-813, eff. 5-13-22.)

15 Section 60. The Executive Reorganization Implementation
16 Act is amended by changing Section 3.1 as follows:

17 (15 ILCS 15/3.1)

18 Sec. 3.1. "Agency directly responsible to the Governor" or
19 "agency" means any office, officer, division, or part thereof,
20 and any other office, nonelective officer, department,
21 division, bureau, board, or commission in the executive branch
22 of State government, except that it does not apply to any
23 agency whose primary function is service to the General
24 Assembly or the Judicial Branch of State government, or to any

1 agency administered by the Attorney General, Secretary of
2 State, State Comptroller or State Treasurer. In addition the
3 term does not apply to the following agencies created by law
4 with the primary responsibility of exercising regulatory or
5 adjudicatory functions independently of the Governor:

6 (1) the State Board of Elections;

7 (2) the State Board of Education;

8 (3) the Illinois Commerce Commission;

9 (4) the Illinois Workers' Compensation Commission;

10 (5) the Civil Service Commission;

11 (6) the Fair Employment Practices Commission;

12 (7) the Pollution Control Board;

13 (8) the Illinois State Police Merit Board;

14 (9) (blank); ~~the Illinois Racing Board;~~

15 (10) the Illinois Power Agency;

16 (11) the Illinois Law Enforcement Training Standards
17 Board; and

18 (12) the Illinois Liquor Control Commission.

19 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21.)

20 Section 65. The Departments of State Government Law of the
21 Civil Administrative Code of Illinois is amended by changing
22 Sections 5-15 and 5-20 as follows:

23 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

24 Sec. 5-15. Departments of State government. The

1 Departments of State government are created as follows:

2 The Department on Aging.

3 The Department of Agriculture.

4 The Department of Central Management Services.

5 The Department of Children and Family Services.

6 The Department of Commerce and Economic Opportunity.

7 The Department of Corrections.

8 The Department of Employment Security.

9 The Illinois Emergency Management Agency.

10 The Department of Financial and Professional Regulation.

11 The Department of Healthcare and Family Services.

12 The Department of Human Rights.

13 The Department of Human Services.

14 The Department of Innovation and Technology.

15 The Department of Insurance.

16 The Department of Juvenile Justice.

17 The Department of Labor.

18 The Department of ~~the~~ Lottery and Gaming.

19 The Department of Natural Resources.

20 The Department of Public Health.

21 The Department of Revenue.

22 The Illinois State Police.

23 The Department of Transportation.

24 The Department of Veterans' Affairs.

25 (Source: P.A. 102-538, eff. 8-20-21.)

1 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

2 Sec. 5-20. Heads of departments. Each department shall
3 have an officer as its head who shall be known as director or
4 secretary and who shall, subject to the provisions of the
5 Civil Administrative Code of Illinois, execute the powers and
6 discharge the duties vested by law in his or her respective
7 department.

8 The following officers are hereby created:

9 Director of Aging, for the Department on Aging.

10 Director of Agriculture, for the Department of
11 Agriculture.

12 Director of Central Management Services, for the
13 Department of Central Management Services.

14 Director of Children and Family Services, for the
15 Department of Children and Family Services.

16 Director of Commerce and Economic Opportunity, for the
17 Department of Commerce and Economic Opportunity.

18 Director of Corrections, for the Department of
19 Corrections.

20 Director of the Illinois Emergency Management Agency, for
21 the Illinois Emergency Management Agency.

22 Director of Employment Security, for the Department of
23 Employment Security.

24 Secretary of Financial and Professional Regulation, for
25 the Department of Financial and Professional Regulation.

26 Director of Healthcare and Family Services, for the

1 Department of Healthcare and Family Services.

2 Director of Human Rights, for the Department of Human
3 Rights.

4 Secretary of Human Services, for the Department of Human
5 Services.

6 Secretary of Innovation and Technology, for the Department
7 of Innovation and Technology.

8 Director of Insurance, for the Department of Insurance.

9 Director of Juvenile Justice, for the Department of
10 Juvenile Justice.

11 Director of Labor, for the Department of Labor.

12 ~~Director of the Lottery, for the Department of the~~
13 ~~Lottery.~~

14 Director of Natural Resources, for the Department of
15 Natural Resources.

16 Director of Public Health, for the Department of Public
17 Health.

18 Director of Revenue, for the Department of Revenue.

19 Director of the Illinois State Police, for the Illinois
20 State Police.

21 Secretary of Transportation, for the Department of
22 Transportation.

23 Director of Veterans' Affairs, for the Department of
24 Veterans' Affairs.

25 (Source: P.A. 102-538, eff. 8-20-21.)

1 (20 ILCS 5/5-372 rep.)

2 Section 70. The Departments of State Government Law of the
3 Civil Administrative Code of Illinois is amended by repealing
4 Section 5-372.

5 Section 75. The Department of Innovation and Technology
6 Act is amended by changing Section 1-5 as follows:

7 (20 ILCS 1370/1-5)

8 Sec. 1-5. Definitions. In this Act:

9 "Client agency" means each transferring agency, or its
10 successor, and any other public agency to which the Department
11 provides service to the extent specified in an interagency
12 agreement with the public agency.

13 "Dedicated unit" means the dedicated bureau, division,
14 office, or other unit within a transferring agency that is
15 responsible for the information technology functions of the
16 transferring agency.

17 "Department" means the Department of Innovation and
18 Technology.

19 "Information technology" means technology,
20 infrastructure, equipment, systems, software, networks, and
21 processes used to create, send, receive, and store electronic
22 or digital information, including, without limitation,
23 computer systems and telecommunication services and systems.

24 "Information technology" shall be construed broadly to

1 incorporate future technologies that change or supplant those
2 in effect as of the effective date of this Act.

3 "Information technology functions" means the development,
4 procurement, installation, retention, maintenance, operation,
5 possession, storage, and related functions of all information
6 technology.

7 "Secretary" means the Secretary of Innovation and
8 Technology.

9 "State agency" means each State agency, department, board,
10 and commission under the jurisdiction of the Governor.

11 "Transferring agency" means the Department on Aging; the
12 Departments of Agriculture, Central Management Services,
13 Children and Family Services, Commerce and Economic
14 Opportunity, Corrections, Employment Security, Financial and
15 Professional Regulation, Healthcare and Family Services, Human
16 Rights, Human Services, Insurance, Juvenile Justice, Labor,
17 Lottery and Gaming, Military Affairs, Natural Resources,
18 Public Health, Revenue, Transportation, and Veterans' Affairs;
19 the Illinois State Police; the Capital Development Board; the
20 Deaf and Hard of Hearing Commission; the Environmental
21 Protection Agency; the Governor's Office of Management and
22 Budget; the Guardianship and Advocacy Commission; the Abraham
23 Lincoln Presidential Library and Museum; the Illinois Arts
24 Council; the Illinois Council on Developmental Disabilities;
25 the Illinois Emergency Management Agency; ~~the Illinois Gaming~~
26 ~~Board~~; the Illinois Liquor Control Commission; the Office of

1 the State Fire Marshal; and the Prisoner Review Board.
2 (Source: P.A. 102-376, eff. 1-1-22; 102-538, eff. 8-20-21;
3 102-813, eff. 5-13-22; 102-870, eff. 1-1-23.)

4 Section 80. The Illinois Lottery Law is amended by
5 changing Sections 3, 4, 5, 5.1, 7.1, 7.2, 7.3, 7.4, 7.5, 7.8,
6 7.8a, 7.11, 7.12, 7.15, 7.16, 8, 9, 9.1, 10, 10.1, 10.1a, 10.2,
7 10.3, 10.4, 10.5, 10.6, 10.7, 10.8, 12, 13, 13.1, 14, 14.3,
8 14.4, 15, 19, 20.1, 21, 21.3, 21.5, 21.6, 21.7, 21.8, 21.9,
9 21.10, 21.11, 21.12, 21.13, 24, and 25 as follows:

10 (20 ILCS 1605/3) (from Ch. 120, par. 1153)

11 Sec. 3. For the purposes of this Act:

12 a. "Lottery" or "State Lottery" means the lottery or
13 lotteries established and operated pursuant to this Act.

14 b. (Blank) ~~"Board" means the Lottery Control Board created~~
15 ~~by this Act.~~

16 c. "Department" means the Department of Lottery and Gaming
17 ~~the Lottery.~~

18 d. (Blank).

19 e. (Blank) ~~"Chairman" means the Chairman of the Lottery~~
20 ~~Control Board.~~

21 f. "Multi-state game directors" means such persons,
22 including the Director, as may be designated by an agreement
23 between the Department and one or more additional lotteries
24 operated under the laws of another state or states.

1 g. "Division" means the Division of Lottery of the
2 Department of Lottery and Gaming ~~(Blank)~~.

3 h. "Director" means the Director of the Division of
4 Lottery of the Department of Lottery and Gaming ~~Department of~~
5 ~~the Lottery~~.

6 i. "Management agreement" means an agreement or contract
7 between the Department on behalf of the State with a private
8 manager, as an independent contractor, whereby the private
9 manager provides management services to the Lottery in
10 exchange for compensation that may consist of, among other
11 things, a fee for services and a performance-based bonus of no
12 more than 5% of Lottery profits so long as the Department
13 continues to exercise actual control over all significant
14 business decisions made by the private manager as set forth in
15 Section 9.1.

16 j. "Person" means any individual, firm, association, joint
17 venture, partnership, estate, trust, syndicate, fiduciary,
18 corporation, or other legal entity, group, or combination.

19 k. "Private manager" means a person that provides
20 management services to the Lottery on behalf of the Department
21 under a management agreement.

22 l. "Profits" means total revenues accruing from the sale
23 of lottery tickets or shares and related proceeds minus (1)
24 the payment of prizes and retailer bonuses and (2) the payment
25 of costs incurred in the operation and administration of the
26 lottery, excluding costs of services directly rendered by a

1 private manager.

2 m. "Chief Procurement Officer" means the Chief Procurement
3 Officer provided for under paragraph (4) of subsection (a) of
4 Section 10-20 of the Illinois Procurement Code.

5 (Source: P.A. 97-464, eff. 8-19-11; 98-499, eff. 8-16-13.)

6 (20 ILCS 1605/4) (from Ch. 120, par. 1154)

7 Sec. 4. The Division ~~Department~~ of ~~the~~ Lottery is
8 established to implement and regulate the State Lottery in the
9 manner provided in this Act.

10 (Source: P.A. 97-464, eff. 10-15-11.)

11 (20 ILCS 1605/5) (from Ch. 120, par. 1155)

12 Sec. 5. (a) The Department shall be under the supervision
13 and direction of a Director, who shall be appointed as
14 provided in the Department of Lottery and Gaming Act ~~a person~~
15 ~~qualified by training and experience to perform the duties~~
16 ~~required by this Act. The Director shall be appointed by the~~
17 ~~Governor, by and with the advice and consent of the Senate. The~~
18 ~~term of office of the Director shall expire on the third Monday~~
19 ~~of January in odd numbered years provided that he or she shall~~
20 ~~hold office until a successor is appointed and qualified. For~~
21 ~~terms beginning after January 18, 2019 (the effective date of~~
22 ~~Public Act 100-1179) and before January 16, 2023, the annual~~
23 ~~salary of the Director shall be as provided in Section 5-300 of~~
24 ~~the Civil Administrative Code of Illinois. Notwithstanding any~~

1 ~~ether provision of law, for terms beginning on or after~~
2 ~~January 16, 2023, the Director shall receive an annual salary~~
3 ~~of \$180,000 or as set by the Governor, whichever is higher. On~~
4 ~~July 1, 2023, and on each July 1 thereafter, the Director shall~~
5 ~~receive an increase in salary based on a cost of living~~
6 ~~adjustment as authorized by Senate Joint Resolution 192 of the~~
7 ~~86th General Assembly.~~

8 ~~Any vacancy occurring in the office of the Director shall~~
9 ~~be filled in the same manner as the original appointment. In~~
10 ~~case of a vacancy during the recess of the Senate, the Governor~~
11 ~~shall make a temporary appointment until the next meeting of~~
12 ~~the Senate, when the Governor shall nominate some person to~~
13 ~~fill the office, and any person so nominated who is confirmed~~
14 ~~by the Senate shall hold office during the remainder of the~~
15 ~~term and until his or her successor is appointed and~~
16 ~~qualified.~~

17 ~~During the absence or inability to act of the Director, or~~
18 ~~in the case of a vacancy in the office of Director until a~~
19 ~~successor is appointed and qualified, the Governor may~~
20 ~~designate some person as Acting Director of the Lottery to~~
21 ~~execute the powers and discharge the duties vested by law in~~
22 ~~that office. A person who is designated as an Acting Director~~
23 ~~shall not continue in office for more than 60 calendar days~~
24 ~~unless the Governor files a message with the Secretary of the~~
25 ~~Senate nominating that person to fill the office. After 60~~
26 ~~calendar days, the office is considered vacant and shall be~~

1 ~~filled only under this Section. No person who has been~~
2 ~~appointed by the Governor to serve as Acting Director shall,~~
3 ~~except at the Senate's request, be designated again as an~~
4 ~~Acting Director at the same session of that Senate, subject to~~
5 ~~the provisions of this Section. A person appointed as an~~
6 ~~Acting Director is not required to meet the requirements of~~
7 ~~paragraph (1) of subsection (b) of this Section. In no case may~~
8 ~~the Governor designate a person to serve as Acting Director if~~
9 ~~that person has prior to the effective date of this amendatory~~
10 ~~Act of the 97th General Assembly exercised any of the duties~~
11 ~~and functions of the office of Director without having been~~
12 ~~nominated by the Governor to serve as Director.~~

13 (b) (Blank). ~~The Director shall devote his or her entire~~
14 ~~time and attention to the duties of the office and shall not be~~
15 ~~engaged in any other profession or occupation.~~

16 ~~The Director shall:~~

17 ~~(1) be qualified by training and experience to direct~~
18 ~~a lottery, including, at a minimum, 5 years of senior~~
19 ~~executive level experience in the successful advertising,~~
20 ~~marketing, and selling of consumer products, 4 years of~~
21 ~~successful experience directing a lottery on behalf of a~~
22 ~~governmental entity, or 5 years of successful senior level~~
23 ~~management experience at a lottery on behalf of a~~
24 ~~governmental entity;~~

25 ~~(2) have significant and meaningful management and~~
26 ~~regulatory experience; and~~

1 ~~(3) have a good reputation, particularly as a person~~
2 ~~of honesty, independence, and integrity.~~

3 ~~The Director shall not during his or her term of~~
4 ~~appointment: become a candidate for any elective office; hold~~
5 ~~any other elected or appointed public office; be actively~~
6 ~~involved in the affairs of any political party or political~~
7 ~~organization; advocate for the appointment of another person~~
8 ~~to an appointed or elected office or position; or actively~~
9 ~~participate in any campaign for any elective office. The~~
10 ~~Director may be appointed to serve on a governmental advisory~~
11 ~~or board study commission or as otherwise expressly authorized~~
12 ~~by law.~~

13 (c) (Blank). ~~No person shall perform the duties and~~
14 ~~functions of the Director, or otherwise exercise the authority~~
15 ~~of the Director, unless the same shall have been appointed by~~
16 ~~the Governor pursuant to this Section.~~

17 (Source: P.A. 102-1115, eff. 1-9-23.)

18 (20 ILCS 1605/5.1)

19 Sec. 5.1. E.J. "Zeke" Giorgi Lottery Building. The
20 building occupied by the Division ~~Department~~ from time to time
21 as its main office in Springfield shall be known as the E.J.
22 "Zeke" Giorgi Lottery Building.

23 (Source: P.A. 88-676, eff. 12-14-94.)

24 (20 ILCS 1605/7.1) (from Ch. 120, par. 1157.1)

1 Sec. 7.1. The Division ~~Department~~ shall promulgate such
2 rules and regulations governing the establishment and
3 operation of a State lottery as it deems necessary to carry out
4 the purposes of this Act. Such rules and regulations shall be
5 subject to the provisions of The Illinois Administrative
6 Procedure Act. The Division ~~Department~~ shall issue written
7 game rules, play instructions, directives, operations manuals,
8 brochures, or any other publications necessary to conduct
9 specific games, as authorized by rule by the Division
10 ~~Department~~. Any written game rules, play instructions,
11 directives, operations manuals, brochures, or other game
12 publications issued by the Division ~~Department~~ that relate to
13 a specific lottery game shall be maintained as a public record
14 in the Division's ~~Department's~~ principal office, and made
15 available for public inspection and copying but shall be
16 exempt from the rulemaking procedures of the Illinois
17 Administrative Procedure Act. However, when such written
18 materials contain any policy of general applicability, the
19 Division ~~Department~~ shall formulate and adopt such policy as a
20 rule in accordance with the provisions of the Illinois
21 Administrative Procedure Act. In addition, the Division
22 ~~Department~~ shall publish each January in the Illinois Register
23 a list of all game-specific rules, play instructions,
24 directives, operations manuals, brochures, or other
25 game-specific publications issued by the Division ~~Department~~
26 during the previous year and instructions concerning how the

1 public may obtain copies of these materials from the Division
2 ~~Department~~.

3 (Source: P.A. 97-464, eff. 10-15-11.)

4 (20 ILCS 1605/7.2) (from Ch. 120, par. 1157.2)

5 Sec. 7.2. The rules and regulations of the Division
6 ~~Department~~ may include, but shall not be limited to, the
7 following:

8 (1) The types of lotteries to be conducted;

9 (2) The price, or prices, of tickets or shares in the
10 lottery;

11 (3) The numbers and sizes of the prizes on the winning
12 tickets or shares;

13 (4) The manner of selecting the winning tickets or
14 shares;

15 (5) The manner of payment of prizes to the holders of
16 winning tickets or shares;

17 (6) The frequency of the drawing or selections of
18 winning tickets or shares, without limitation;

19 (7) Without limit to number, the type or types of
20 locations at which tickets or shares may be sold;

21 (8) The method to be used in selling tickets or
22 shares;

23 (9) The manner and amount of compensation, if any, to
24 be paid licensed sales agents necessary to provide for the
25 adequate availability of tickets or shares to prospective

1 buyers and for the convenience of the public;

2 (10) The apportionment of the total revenues accruing
3 from the sale of lottery tickets or shares and from all
4 other sources among (i) the payment of prizes to the
5 holders of winning tickets or shares, (ii) the payment of
6 costs incurred in the operation and administration of the
7 lottery, including the expenses of the Division ~~Department~~
8 and the costs resulting from any contract or contracts
9 entered into for promotional, advertising or operational
10 services or for the purchase or lease of lottery equipment
11 and materials, and (iii) for monthly transfers to the
12 Common School Fund. The net revenues accruing from the
13 sale of lottery tickets shall be determined by deducting
14 from total revenues the payments required by paragraphs
15 (i) and (ii) of this subsection.

16 (11) Such other matters necessary or desirable for the
17 efficient and economical operation and administration of
18 the lottery and for the convenience of the purchasers of
19 tickets or shares and the holders of winning tickets or
20 shares.

21 (Source: P.A. 99-933, eff. 1-27-17.)

22 (20 ILCS 1605/7.3) (from Ch. 120, par. 1157.3)

23 Sec. 7.3. The Division ~~Board~~ shall designate Hearing
24 Officers who shall conduct hearings upon complaints charging
25 violations of this Act or of regulations thereunder, and such

1 other hearings as may be provided by Division ~~Department~~ rule.
2 The Director or his or her designee ~~Board~~ may hear appeals from
3 the recommended decisions of its Hearing Officers in
4 accordance with procedures established by Division ~~Department~~
5 rule. Whenever the Division ~~Department~~ issues a Notice of
6 Assessment under Section 21 of this Act, the lottery sales
7 agent may protest such Notice by filing a request for hearing
8 within 20 days of the date of such Notice.

9 (Source: P.A. 85-1224; 86-1475.)

10 (20 ILCS 1605/7.4) (from Ch. 120, par. 1157.4)

11 Sec. 7.4. The Division ~~Department~~ shall carry on a
12 continuous study and investigation of the lottery throughout
13 the State (1) for the purpose of ascertaining any defects in
14 this Act or in the rules and regulations issued under this Act
15 whereby any abuses in the administration and operation of the
16 lottery or any evasion of this Act or the rules and regulations
17 may arise or be practiced, (2) for the purpose of formulating
18 recommendations for changes in this Act and the rules and
19 regulations promulgated hereunder to prevent such abuses and
20 evasions, (3) to guard against the use of this Act and the
21 rules and regulations issued hereunder as a cloak for the
22 carrying on of organized gambling and crime, and (4) to insure
23 that the law and rules and regulations shall be in such form
24 and be so administered as to serve the true purposes of this
25 Act.

1 (Source: P.A. 84-1128.)

2 (20 ILCS 1605/7.5) (from Ch. 120, par. 1157.5)

3 Sec. 7.5. The Division ~~Board~~ shall report to the Governor,
4 the Attorney General, the Speaker of the House, the President
5 of the Senate, the minority leaders of both houses, and such
6 other State officers as from time to time it deems
7 appropriate, any matters which it deems to require an
8 immediate change in the laws of this State in order to prevent
9 abuses and evasions of this Act or rules and regulations
10 promulgated thereunder or to rectify undesirable conditions in
11 connection with the administration or operation of the
12 lottery.

13 (Source: P.A. 84-1128.)

14 (20 ILCS 1605/7.8) (from Ch. 120, par. 1157.8)

15 Sec. 7.8. The Division ~~Department~~ shall make an annual
16 report regarding the work of the Division ~~Board~~ to the
17 Governor, the Speaker of the House, the President of the
18 Senate, and the minority leaders of both houses, such report
19 to be a public report.

20 (Source: P.A. 84-1128.)

21 (20 ILCS 1605/7.8a) (from Ch. 120, par. 1157.8a)

22 Sec. 7.8a. The Division ~~Board~~ shall establish advertising
23 policy to ensure that advertising content and practices do not

1 target with the intent to exploit specific groups or economic
2 classes of people, and that its content is accurate and not
3 misleading. The Division Board shall review, at least
4 quarterly, all past advertising for major media campaigns to
5 ensure that they do not target with the intent to exploit
6 specific groups or economic classes of people, and that their
7 content is accurate and not misleading. If the Division Board
8 finds that advertising conflicts with such policy, it shall
9 have the authority to direct the Division Department to cease
10 that advertising. ~~The Director or his or her designee shall~~
11 ~~provide a briefing on proposed major media campaigns at any~~
12 ~~regularly scheduled meeting upon written request from any~~
13 ~~Board member. Such written request must be received by the~~
14 ~~Director at least 10 days prior to the regularly scheduled~~
15 ~~meeting.~~

16 (Source: P.A. 98-499, eff. 8-16-13.)

17 (20 ILCS 1605/7.11) (from Ch. 120, par. 1157.11)

18 Sec. 7.11. The Division Department may establish and
19 collect nominal charges for promotional products ("premiums")
20 and other promotional materials produced or acquired by the
21 Division Department as part of its advertising and promotion
22 activities. Such premiums or other promotional materials may
23 be sold to individuals, government agencies and not-for-profit
24 organizations, but not to for-profit enterprises for the
25 purpose of resale. Other State agencies shall be charged no

1 more than the cost to the Division ~~Department~~ of the premium or
2 promotional material. All proceeds from the sale of premiums
3 or promotional materials shall be deposited in the State
4 Lottery Fund in the State Treasury.

5 (Source: P.A. 97-464, eff. 10-15-11.)

6 (20 ILCS 1605/7.12)

7 (Section scheduled to be repealed on July 1, 2025)

8 Sec. 7.12. Internet program.

9 (a) The General Assembly finds that:

10 (1) the consumer market in Illinois has changed since
11 the creation of the Illinois State Lottery in 1974;

12 (2) the Internet has become an integral part of
13 everyday life for a significant number of Illinois
14 residents not only in regards to their professional life,
15 but also in regards to personal business and
16 communication; and

17 (3) the current practices of selling lottery tickets
18 does not appeal to the new form of market participants who
19 prefer to make purchases on the Internet at their own
20 convenience.

21 It is the intent of the General Assembly to create an
22 Internet program for the sale of lottery tickets to capture
23 this new form of market participant.

24 (b) The Division ~~Department~~ shall create a program that
25 allows an individual 18 years of age or older to purchase

1 lottery tickets or shares on the Internet without using a
2 Lottery retailer with on-line status, as those terms are
3 defined by rule. The Division ~~Department~~ shall restrict the
4 sale of lottery tickets on the Internet to transactions
5 initiated and received or otherwise made exclusively within
6 the State of Illinois. The Division ~~Department~~ shall adopt
7 rules necessary for the administration of this program. These
8 rules shall include, among other things, requirements for
9 marketing of the Lottery to infrequent players, as well as
10 limitations on the purchases that may be made through any one
11 individual's lottery account. The provisions of this Act and
12 the rules adopted under this Act shall apply to the sale of
13 lottery tickets or shares under this program.

14 The Division ~~Department~~ is obligated to implement the
15 program set forth in this Section and Sections 7.15 and 7.16.
16 The Division ~~Department~~ may offer Lotto, Lucky Day Lotto, Mega
17 Millions, Powerball, Pick 3, Pick 4, and other draw games that
18 are offered at retail locations through the Internet program.
19 The private manager shall obtain the Director's approval
20 before providing any draw games. Any draw game tickets that
21 are approved for sale by lottery licensees are automatically
22 approved for sale through the Internet program. The Division
23 ~~Department~~ shall maintain responsible gaming controls in its
24 policies.

25 The Division ~~Department~~ shall authorize the private
26 manager to implement and administer the program pursuant to

1 the management agreement entered into under Section 9.1 and in
2 a manner consistent with the provisions of this Section. If a
3 private manager has not been selected pursuant to Section 9.1
4 at the time the Division ~~Department~~ is obligated to implement
5 the program, then the Division ~~Department~~ shall not proceed
6 with the program until after the selection of the private
7 manager, at which time the Division ~~Department~~ shall authorize
8 the private manager to implement and administer the program
9 pursuant to the management agreement entered into under
10 Section 9.1 and in a manner consistent with the provisions of
11 this Section.

12 Nothing in this Section shall be construed as prohibiting
13 the Division ~~Department~~ from implementing and operating a
14 website portal whereby individuals who are 18 years of age or
15 older with an Illinois mailing address may apply to purchase
16 lottery tickets via subscription. Nothing in this Section
17 shall also be construed as prohibiting the Lottery draw game
18 tickets authorized for sale through the Internet program under
19 this Section from also continuing to be sold at retail
20 locations by a lottery licensee pursuant to the Division's
21 ~~Department's~~ rules.

22 (c) (Blank).

23 (d) This Section is repealed on July 1, 2025.

24 (Source: P.A. 101-35, eff. 6-28-19; 102-699, eff. 4-19-22.)

25 (20 ILCS 1605/7.15)

1 Sec. 7.15. Verification for Internet program; security for
2 Internet lottery accounts. The Division ~~Department~~ must
3 establish a procedure to verify that an individual is 18 years
4 of age or older and that the sale of lottery tickets on the
5 Internet is limited to transactions that are initiated and
6 received or otherwise made exclusively within the State of
7 Illinois, unless the federal Department of Justice indicates
8 that it is legal for the transactions to originate in states
9 other than Illinois. An individual must satisfy the
10 verification procedure before he or she may establish one
11 Internet lottery account and purchase lottery tickets or
12 shares through the Internet pilot program. By rule, the
13 Division ~~Department~~ shall establish funding procedures for
14 Internet lottery accounts and shall provide a mechanism to
15 prevent the unauthorized use of Internet lottery accounts. If
16 any participant in the pilot program violates any provisions
17 of this amendatory Act of the 96th General Assembly or rule
18 established by the Division ~~Department~~, the participant's
19 winnings shall be forfeited. Such forfeited winnings shall be
20 deposited in the Common School Fund.

21 (Source: P.A. 96-34, eff. 7-13-09; 96-840, eff. 12-23-09.)

22 (20 ILCS 1605/7.16)

23 Sec. 7.16. Voluntary self-exclusion program for Internet
24 lottery sales. Any resident, or non-resident if allowed to
25 participate in the pilot program, may voluntarily prohibit

1 themselves from establishing an Internet lottery account. The
2 Division ~~Department~~ shall incorporate the voluntary
3 self-exclusion program for Internet lottery accounts into any
4 existing self-exclusion program that it operates on the
5 effective date of this amendatory Act of the 96th General
6 Assembly.

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

8 (20 ILCS 1605/8) (from Ch. 120, par. 1158)

9 Sec. 8. In connection with any hearing held pursuant to
10 Section 7.3 of this Act, the Director or his or her designee
11 ~~Board~~, or any Hearing Officer appointed by the Director ~~Board~~,
12 may subpoena and compel the appearance of witnesses and
13 production of documents, papers, books, records and other
14 evidence before it in any matter over which it has
15 jurisdiction, control or supervision. The Director or his or
16 her designee ~~Board~~, or any appointed Hearing Officer, shall
17 have the power to administer oaths and affirmations to persons
18 whose testimony is required. If a person subpoenaed to attend
19 in any such proceeding or hearing fails to obey the command of
20 the subpoena without reasonable cause, or if a person in
21 attendance in any such proceeding or hearing refuses, without
22 lawful cause, to be examined or to answer a legal or pertinent
23 question or to exhibit any books, account, record or other
24 document when ordered so to do by the Director or any ~~Board or~~
25 ~~its~~ Hearing Officer, the Director ~~Board~~ or Hearing Officer may

1 apply to the circuit court, upon proof by affidavit of the
2 facts, for an order returnable in not less than 2 nor more than
3 10 days, or as the court may prescribe, directing such person
4 to show cause before the court why he or she should not comply
5 with such subpoena or such order.

6 Upon return of the order, the court shall examine such
7 person under oath, and if the court determines, after giving
8 such person an opportunity to be heard, that he or she refused
9 without legal excuse to comply with such subpoena or such
10 order of the Director ~~Board~~ or Hearing Officer, the court may
11 order such person to comply therewith immediately and any
12 failure to obey the order of the court may be punished as a
13 contempt of court.

14 All subpoenas and subpoenas duces tecum issued under the
15 provisions of this Act may be served by any person of lawful
16 age. The fees of witnesses for attendance and travel shall be
17 the same as the fees of witnesses before the circuit courts of
18 this State. When the witness is subpoenaed at the instance of
19 the Division ~~Department~~ or any officer or employee thereof,
20 such fees shall be paid in the same manner as other expenses of
21 the Division ~~Department~~. When the witness is subpoenaed at the
22 instance of any other party to any such proceeding, the
23 Division ~~Department~~ may require that the cost of service of
24 the subpoena or subpoena duces tecum and the fee of the witness
25 be borne by the party at whose instance the witness is
26 summoned. In such case, and on motion of the Division

1 ~~Department~~, the Director or any Board or its Hearing Officer
2 may require a deposit to cover the cost of such service and
3 witness fees.

4 The Division ~~Department~~, or any officer or employee
5 thereof, or any other party to a hearing before the Director or
6 any Board or its Hearing Officers, may cause the depositions
7 of witnesses within the State to be taken in the manner
8 prescribed by law for like depositions in civil actions in
9 courts of this State, and to that end compel the attendance of
10 witnesses and the production of books, papers, records or
11 memoranda.

12 (Source: P.A. 85-1224.)

13 (20 ILCS 1605/9) (from Ch. 120, par. 1159)

14 Sec. 9. The Director, as administrative head of the
15 Division ~~Department~~, shall direct and supervise all its
16 administrative and technical activities. In addition to the
17 duties imposed upon him elsewhere in this Act, it shall be the
18 Director's duty:

19 a. To supervise and administer the operation of the
20 lottery in accordance with the provisions of this Act or
21 such rules and regulations of the Department adopted
22 thereunder.

23 b. (Blank) ~~To attend meetings of the Board or to~~
24 ~~appoint a designee to attend in his stead.~~

25 c. To employ and direct such personnel in accord with

1 the Personnel Code, as may be necessary to carry out the
2 purposes of this Act. In addition, the Director may by
3 agreement secure such services as he or she may deem
4 necessary from any other department, agency, or unit of
5 the State government, and may employ and compensate such
6 consultants and technical assistants as may be required
7 and is otherwise permitted by law.

8 d. To license, in accordance with the provisions of
9 Sections 10 and 10.1 of this Act and the rules and
10 regulations of the Division ~~Department~~ adopted thereunder,
11 as agents to sell lottery tickets such persons as in his
12 opinion will best serve the public convenience and promote
13 the sale of tickets or shares. The Director may require a
14 bond from every licensed agent, in such amount as provided
15 in the rules and regulations of the Division ~~Department~~.
16 Every licensed agent shall prominently display his
17 license, or a copy thereof, as provided in the rules and
18 regulations of the Division ~~Department~~.

19 e. To suspend or revoke any license issued pursuant to
20 this Act or the rules and regulations promulgated by the
21 Division ~~Department~~ thereunder.

22 f. (Blank) ~~To confer regularly as necessary or~~
23 ~~desirable and not less than once every month with the~~
24 ~~Lottery Control Board on the operation and administration~~
25 ~~of the Lottery; to make available for inspection by the~~
26 ~~Board or any member of the Board, upon request, all books,~~

1 ~~records, files, and other information and documents of his~~
2 ~~office; to advise the Board and recommend such rules and~~
3 ~~regulations and such other matters as he deems necessary~~
4 ~~and advisable to improve the operation and administration~~
5 ~~of the lottery.~~

6 g. To enter into contracts for the operation of the
7 lottery, or any part thereof, and into contracts for the
8 promotion of the lottery on behalf of the Division
9 ~~Department~~ with any person, firm or corporation, to
10 perform any of the functions provided for in this Act or
11 the rules and regulations promulgated thereunder. The
12 Division ~~Department~~ shall not expend State funds on a
13 contractual basis for such functions unless those
14 functions and expenditures are expressly authorized by the
15 General Assembly.

16 h. To enter into an agreement or agreements with the
17 management of state lotteries operated pursuant to the
18 laws of other states for the purpose of creating and
19 operating a multi-state lottery game wherein a separate
20 and distinct prize pool would be combined to award larger
21 prizes to the public than could be offered by the several
22 state lotteries, individually. No tickets or shares
23 offered in connection with a multi-state lottery game
24 shall be sold within the State of Illinois, except those
25 offered by and through the Division ~~Department~~. No such
26 agreement shall purport to pledge the full faith and

1 credit of the State of Illinois, nor shall the Division
2 ~~Department~~ expend State funds on a contractual basis in
3 connection with any such game unless such expenditures are
4 expressly authorized by the General Assembly, provided,
5 however, that in the event of error or omission by the
6 Illinois State Lottery in the conduct of the game, as
7 determined by the multi-state game directors, the Division
8 ~~Department~~ shall be authorized to pay a prize winner or
9 winners the lesser of a disputed prize or \$1,000,000, any
10 such payment to be made solely from funds appropriated for
11 game prize purposes. The Division ~~Department~~ shall be
12 authorized to share in the ordinary operating expenses of
13 any such multi-state lottery game, from funds appropriated
14 by the General Assembly, and in the event the multi-state
15 game control offices are physically located within the
16 State of Illinois, the Division ~~Department~~ is authorized
17 to advance start-up operating costs not to exceed
18 \$150,000, subject to proportionate reimbursement of such
19 costs by the other participating state lotteries. The
20 Division ~~Department~~ shall be authorized to share
21 proportionately in the costs of establishing a liability
22 reserve fund from funds appropriated by the General
23 Assembly. The Division ~~Department~~ is authorized to
24 transfer prize award funds attributable to Illinois sales
25 of multi-state lottery game tickets to the multi-state
26 control office, or its designated depository, for deposit

1 to such game pool account or accounts as may be
2 established by the multi-state game directors, the records
3 of which account or accounts shall be available at all
4 times for inspection in an audit by the Auditor General of
5 Illinois and any other auditors pursuant to the laws of
6 the State of Illinois. No multi-state game prize awarded
7 to a nonresident of Illinois, with respect to a ticket or
8 share purchased in a state other than the State of
9 Illinois, shall be deemed to be a prize awarded under this
10 Act for the purpose of taxation under the Illinois Income
11 Tax Act. The Division ~~Department~~ shall promulgate such
12 rules as may be appropriate to implement the provisions of
13 this Section.

14 i. To make a continuous study and investigation of (1)
15 the operation and the administration of similar laws which
16 may be in effect in other states or countries, (2) any
17 literature on the subject which from time to time may be
18 published or available, (3) any Federal laws which may
19 affect the operation of the lottery, and (4) the reaction
20 of Illinois citizens to existing and potential features of
21 the lottery with a view to recommending or effecting
22 changes that will tend to serve the purposes of this Act.

23 j. To report monthly to the State Treasurer ~~and the~~
24 ~~Lottery Control Board~~ a full and complete statement of
25 lottery revenues, prize disbursements and other expenses
26 for each month and the amounts to be transferred to the

1 Common School Fund pursuant to Section 7.2, and to make an
2 annual report, which shall include a full and complete
3 statement of lottery revenues, prize disbursements and
4 other expenses, to the Governor ~~and the Board~~. All reports
5 required by this subsection shall be public and copies of
6 all such reports shall be sent to the Speaker of the House,
7 the President of the Senate, and the minority leaders of
8 both houses.

9 k. To keep the name and municipality of residence of
10 the prize winner of a prize of \$250,000 or greater
11 confidential upon the prize winner making a written
12 request that his or her name and municipality of residence
13 be kept confidential. The prize winner must submit his or
14 her written request at the time of claiming the prize. The
15 written request shall be in the form established by the
16 Division ~~Department~~. Nothing in this paragraph k
17 supersedes the Division's ~~Department's~~ duty to disclose
18 the name and municipality of residence of a prize winner
19 of a prize of \$250,000 or greater pursuant to the Freedom
20 of Information Act.

21 (Source: P.A. 99-933, eff. 1-27-17; 100-1068, eff. 8-24-18.)

22 (20 ILCS 1605/9.1)

23 Sec. 9.1. Private manager and management agreement.

24 (a) As used in this Section:

25 "Offeror" means a person or group of persons that responds

1 to a request for qualifications under this Section.

2 "Request for qualifications" means all materials and
3 documents prepared by the Division ~~Department~~ to solicit the
4 following from offerors:

5 (1) Statements of qualifications.

6 (2) Proposals to enter into a management agreement,
7 including the identity of any prospective vendor or
8 vendors that the offeror intends to initially engage to
9 assist the offeror in performing its obligations under the
10 management agreement.

11 "Final offer" means the last proposal submitted by an
12 offeror in response to the request for qualifications,
13 including the identity of any prospective vendor or vendors
14 that the offeror intends to initially engage to assist the
15 offeror in performing its obligations under the management
16 agreement.

17 "Final offeror" means the offeror ultimately selected by
18 the Governor to be the private manager for the Lottery under
19 subsection (h) of this Section.

20 (b) By September 15, 2010, the Governor shall select a
21 private manager for the total management of the Lottery with
22 integrated functions, such as lottery game design, supply of
23 goods and services, and advertising and as specified in this
24 Section.

25 (c) Pursuant to the terms of this subsection, the Division
26 ~~Department~~ shall endeavor to expeditiously terminate the

1 existing contracts in support of the Lottery in effect on July
2 13, 2009 (the effective date of Public Act 96-37) in
3 connection with the selection of the private manager. As part
4 of its obligation to terminate these contracts and select the
5 private manager, the Division ~~Department~~ shall establish a
6 mutually agreeable timetable to transfer the functions of
7 existing contractors to the private manager so that existing
8 Lottery operations are not materially diminished or impaired
9 during the transition. To that end, the Division ~~Department~~
10 shall do the following:

11 (1) where such contracts contain a provision
12 authorizing termination upon notice, the Division
13 ~~Department~~ shall provide notice of termination to occur
14 upon the mutually agreed timetable for transfer of
15 functions;

16 (2) upon the expiration of any initial term or renewal
17 term of the current Lottery contracts, the Division
18 ~~Department~~ shall not renew such contract for a term
19 extending beyond the mutually agreed timetable for
20 transfer of functions; or

21 (3) in the event any current contract provides for
22 termination of that contract upon the implementation of a
23 contract with the private manager, the Division ~~Department~~
24 shall perform all necessary actions to terminate the
25 contract on the date that coincides with the mutually
26 agreed timetable for transfer of functions.

1 If the contracts to support the current operation of the
2 Lottery in effect on July 13, 2009 (the effective date of
3 Public Act 96-34) are not subject to termination as provided
4 for in this subsection (c), then the Division ~~Department~~ may
5 include a provision in the contract with the private manager
6 specifying a mutually agreeable methodology for incorporation.

7 (c-5) The Division ~~Department~~ shall include provisions in
8 the management agreement whereby the private manager shall,
9 for a fee, and pursuant to a contract negotiated with the
10 Division ~~Department~~ (the "Employee Use Contract"), utilize the
11 services of current Division ~~Department~~ employees to assist in
12 the administration and operation of the Lottery. The Division
13 ~~Department~~ shall be the employer of all such bargaining unit
14 employees assigned to perform such work for the private
15 manager, and such employees shall be State employees, as
16 defined by the Personnel Code. Division ~~Department~~ employees
17 shall operate under the same employment policies, rules,
18 regulations, and procedures, as other employees of the
19 Division ~~Department~~. In addition, neither historical
20 representation rights under the Illinois Public Labor
21 Relations Act, nor existing collective bargaining agreements,
22 shall be disturbed by the management agreement with the
23 private manager for the management of the Lottery.

24 (d) The management agreement with the private manager
25 shall include all of the following:

26 (1) A term not to exceed 10 years, including any

1 renewals.

2 (2) A provision specifying that the Division
3 ~~Department~~:

4 (A) shall exercise actual control over all
5 significant business decisions;

6 (A-5) has the authority to direct or countermand
7 operating decisions by the private manager at any
8 time;

9 (B) has ready access at any time to information
10 regarding Lottery operations;

11 (C) has the right to demand and receive
12 information from the private manager concerning any
13 aspect of the Lottery operations at any time; and

14 (D) retains ownership of all trade names,
15 trademarks, and intellectual property associated with
16 the Lottery.

17 (3) A provision imposing an affirmative duty on the
18 private manager to provide the Division ~~Department~~ with
19 material information and with any information the private
20 manager reasonably believes the Division ~~Department~~ would
21 want to know to enable the Division ~~Department~~ to conduct
22 the Lottery.

23 (4) A provision requiring the private manager to
24 provide the Division ~~Department~~ with advance notice of any
25 operating decision that bears significantly on the public
26 interest, including, but not limited to, decisions on the

1 kinds of games to be offered to the public and decisions
2 affecting the relative risk and reward of the games being
3 offered, so the Division ~~Department~~ has a reasonable
4 opportunity to evaluate and countermand that decision.

5 (5) A provision providing for compensation of the
6 private manager that may consist of, among other things, a
7 fee for services and a performance based bonus as
8 consideration for managing the Lottery, including terms
9 that may provide the private manager with an increase in
10 compensation if Lottery revenues grow by a specified
11 percentage in a given year.

12 (6) (Blank).

13 (7) A provision requiring the deposit of all Lottery
14 proceeds to be deposited into the State Lottery Fund
15 except as otherwise provided in Section 20 of this Act.

16 (8) A provision requiring the private manager to
17 locate its principal office within the State.

18 (8-5) A provision encouraging that at least 20% of the
19 cost of contracts entered into for goods and services by
20 the private manager in connection with its management of
21 the Lottery, other than contracts with sales agents or
22 technical advisors, be awarded to businesses that are a
23 minority-owned business, a women-owned business, or a
24 business owned by a person with disability, as those terms
25 are defined in the Business Enterprise for Minorities,
26 Women, and Persons with Disabilities Act.

1 (9) A requirement that so long as the private manager
2 complies with all the conditions of the agreement under
3 the oversight of the Division ~~Department~~, the private
4 manager shall have the following duties and obligations
5 with respect to the management of the Lottery:

6 (A) The right to use equipment and other assets
7 used in the operation of the Lottery.

8 (B) The rights and obligations under contracts
9 with retailers and vendors.

10 (C) The implementation of a comprehensive security
11 program by the private manager.

12 (D) The implementation of a comprehensive system
13 of internal audits.

14 (E) The implementation of a program by the private
15 manager to curb compulsive gambling by persons playing
16 the Lottery.

17 (F) A system for determining (i) the type of
18 Lottery games, (ii) the method of selecting winning
19 tickets, (iii) the manner of payment of prizes to
20 holders of winning tickets, (iv) the frequency of
21 drawings of winning tickets, (v) the method to be used
22 in selling tickets, (vi) a system for verifying the
23 validity of tickets claimed to be winning tickets,
24 (vii) the basis upon which retailer commissions are
25 established by the manager, and (viii) minimum
26 payouts.

1 (10) A requirement that advertising and promotion must
2 be consistent with Section 7.8a of this Act.

3 (11) A requirement that the private manager market the
4 Lottery to those residents who are new, infrequent, or
5 lapsed players of the Lottery, especially those who are
6 most likely to make regular purchases on the Internet as
7 permitted by law.

8 (12) A code of ethics for the private manager's
9 officers and employees.

10 (13) A requirement that the Division ~~Department~~
11 monitor and oversee the private manager's practices and
12 take action that the Division ~~Department~~ considers
13 appropriate to ensure that the private manager is in
14 compliance with the terms of the management agreement,
15 while allowing the manager, unless specifically prohibited
16 by law or the management agreement, to negotiate and sign
17 its own contracts with vendors.

18 (14) A provision requiring the private manager to
19 periodically file, at least on an annual basis,
20 appropriate financial statements in a form and manner
21 acceptable to the Division ~~Department~~.

22 (15) Cash reserves requirements.

23 (16) Procedural requirements for obtaining the prior
24 approval of the Division ~~Department~~ when a management
25 agreement or an interest in a management agreement is
26 sold, assigned, transferred, or pledged as collateral to

1 secure financing.

2 (17) Grounds for the termination of the management
3 agreement by the Division ~~Department~~ or the private
4 manager.

5 (18) Procedures for amendment of the agreement.

6 (19) A provision requiring the private manager to
7 engage in an open and competitive bidding process for any
8 procurement having a cost in excess of \$50,000 that is not
9 a part of the private manager's final offer. The process
10 shall favor the selection of a vendor deemed to have
11 submitted a proposal that provides the Lottery with the
12 best overall value. The process shall not be subject to
13 the provisions of the Illinois Procurement Code, unless
14 specifically required by the management agreement.

15 (20) The transition of rights and obligations,
16 including any associated equipment or other assets used in
17 the operation of the Lottery, from the manager to any
18 successor manager of the lottery, including the Division
19 ~~Department~~, following the termination of or foreclosure
20 upon the management agreement.

21 (21) Right of use of copyrights, trademarks, and
22 service marks held by the Division ~~Department~~ in the name
23 of the State. The agreement must provide that any use of
24 them by the manager shall only be for the purpose of
25 fulfilling its obligations under the management agreement
26 during the term of the agreement.

1 (22) The disclosure of any information requested by
2 the Division ~~Department~~ to enable it to comply with the
3 reporting requirements and information requests provided
4 for under subsection (p) of this Section.

5 (e) Notwithstanding any other law to the contrary, the
6 Division ~~Department~~ shall select a private manager through a
7 competitive request for qualifications process consistent with
8 Section 20-35 of the Illinois Procurement Code, which shall
9 take into account:

10 (1) the offeror's ability to market the Lottery to
11 those residents who are new, infrequent, or lapsed players
12 of the Lottery, especially those who are most likely to
13 make regular purchases on the Internet;

14 (2) the offeror's ability to address the State's
15 concern with the social effects of gambling on those who
16 can least afford to do so;

17 (3) the offeror's ability to provide the most
18 successful management of the Lottery for the benefit of
19 the people of the State based on current and past business
20 practices or plans of the offeror; and

21 (4) the offeror's poor or inadequate past performance
22 in servicing, equipping, operating or managing a lottery
23 on behalf of Illinois, another State or foreign government
24 and attracting persons who are not currently regular
25 players of a lottery.

26 (f) The Division ~~Department~~ may retain the services of an

1 advisor or advisors with significant experience in financial
2 services or the management, operation, and procurement of
3 goods, services, and equipment for a government-run lottery to
4 assist in the preparation of the terms of the request for
5 qualifications and selection of the private manager. Any
6 prospective advisor seeking to provide services under this
7 subsection (f) shall disclose any material business or
8 financial relationship during the past 3 years with any
9 potential offeror, or with a contractor or subcontractor
10 presently providing goods, services, or equipment to the
11 Division ~~Department~~ to support the Lottery. The Division
12 ~~Department~~ shall evaluate the material business or financial
13 relationship of each prospective advisor. The Division
14 ~~Department~~ shall not select any prospective advisor with a
15 substantial business or financial relationship that the
16 Division ~~Department~~ deems to impair the objectivity of the
17 services to be provided by the prospective advisor. During the
18 course of the advisor's engagement by the Division ~~Department~~,
19 and for a period of one year thereafter, the advisor shall not
20 enter into any business or financial relationship with any
21 offeror or any vendor identified to assist an offeror in
22 performing its obligations under the management agreement. Any
23 advisor retained by the Division ~~Department~~ shall be
24 disqualified from being an offeror. The Division ~~Department~~
25 shall not include terms in the request for qualifications that
26 provide a material advantage whether directly or indirectly to

1 any potential offeror, or any contractor or subcontractor
2 presently providing goods, services, or equipment to the
3 Division ~~Department~~ to support the Lottery, including terms
4 contained in previous responses to requests for proposals or
5 qualifications submitted to Illinois, another State or foreign
6 government when those terms are uniquely associated with a
7 particular potential offeror, contractor, or subcontractor.
8 The request for proposals offered by the Division ~~Department~~
9 on December 22, 2008 as "LOT08GAMESYS" and reference number
10 "22016176" is declared void.

11 (g) The Division ~~Department~~ shall select at least 2
12 offerors as finalists to potentially serve as the private
13 manager no later than August 9, 2010. Upon making preliminary
14 selections, the Division ~~Department~~ shall schedule a public
15 hearing on the finalists' proposals and provide public notice
16 of the hearing at least 7 calendar days before the hearing. The
17 notice must include all of the following:

- 18 (1) The date, time, and place of the hearing.
- 19 (2) The subject matter of the hearing.
- 20 (3) A brief description of the management agreement to
21 be awarded.
- 22 (4) The identity of the offerors that have been
23 selected as finalists to serve as the private manager.
- 24 (5) The address and telephone number of the Division
25 ~~Department~~.

26 (h) At the public hearing, the Division ~~Department~~ shall

1 (i) provide sufficient time for each finalist to present and
2 explain its proposal to the Division ~~Department~~ and the
3 Governor or the Governor's designee, including an opportunity
4 to respond to questions posed by the Division ~~Department~~,
5 Governor, or designee and (ii) allow the public and
6 non-selected offerors to comment on the presentations. The
7 Governor or a designee shall attend the public hearing. After
8 the public hearing, the Division ~~Department~~ shall have 14
9 calendar days to recommend to the Governor whether a
10 management agreement should be entered into with a particular
11 finalist. After reviewing the Division's ~~Department's~~
12 recommendation, the Governor may accept or reject the
13 Division's ~~Department's~~ recommendation, and shall select a
14 final offeror as the private manager by publication of a
15 notice in the Illinois Procurement Bulletin on or before
16 September 15, 2010. The Governor shall include in the notice a
17 detailed explanation and the reasons why the final offeror is
18 superior to other offerors and will provide management
19 services in a manner that best achieves the objectives of this
20 Section. The Governor shall also sign the management agreement
21 with the private manager.

22 (i) Any action to contest the private manager selected by
23 the Governor under this Section must be brought within 7
24 calendar days after the publication of the notice of the
25 designation of the private manager as provided in subsection
26 (h) of this Section.

1 (j) The Lottery shall remain, for so long as a private
2 manager manages the Lottery in accordance with provisions of
3 this Act, a Lottery conducted by the State, and the State shall
4 not be authorized to sell or transfer the Lottery to a third
5 party.

6 (k) Any tangible personal property used exclusively in
7 connection with the lottery that is owned by the Division
8 ~~Department~~ and leased to the private manager shall be owned by
9 the Department in the name of the State and shall be considered
10 to be public property devoted to an essential public and
11 governmental function.

12 (l) The Division ~~Department~~ may exercise any of its powers
13 under this Section or any other law as necessary or desirable
14 for the execution of the Division's ~~Department's~~ powers under
15 this Section.

16 (m) Neither this Section nor any management agreement
17 entered into under this Section prohibits the General Assembly
18 from authorizing forms of gambling that are not in direct
19 competition with the Lottery. The forms of gambling authorized
20 by Public Act 101-31 constitute authorized forms of gambling
21 that are not in direct competition with the Lottery.

22 (n) The private manager shall be subject to a complete
23 investigation in the third, seventh, and tenth years of the
24 agreement (if the agreement is for a 10-year term) by the
25 Division ~~Department~~ in cooperation with the Auditor General to
26 determine whether the private manager has complied with this

1 Section and the management agreement. The private manager
2 shall bear the cost of an investigation or reinvestigation of
3 the private manager under this subsection.

4 (o) The powers conferred by this Section are in addition
5 and supplemental to the powers conferred by any other law. If
6 any other law or rule is inconsistent with this Section,
7 including, but not limited to, provisions of the Illinois
8 Procurement Code, then this Section controls as to any
9 management agreement entered into under this Section. This
10 Section and any rules adopted under this Section contain full
11 and complete authority for a management agreement between the
12 Division ~~Department~~ and a private manager. No law, procedure,
13 proceeding, publication, notice, consent, approval, order, or
14 act by the Division ~~Department~~ or any other officer,
15 Department, agency, or instrumentality of the State or any
16 political subdivision is required for the Division ~~Department~~
17 to enter into a management agreement under this Section. This
18 Section contains full and complete authority for the Division
19 ~~Department~~ to approve any contracts entered into by a private
20 manager with a vendor providing goods, services, or both goods
21 and services to the private manager under the terms of the
22 management agreement, including subcontractors of such
23 vendors.

24 Upon receipt of a written request from the Chief
25 Procurement Officer, the Division ~~Department~~ shall provide to
26 the Chief Procurement Officer a complete and un-redacted copy

1 of the management agreement or any contract that is subject to
2 the Division's ~~Department's~~ approval authority under this
3 subsection (o). The Division ~~Department~~ shall provide a copy
4 of the agreement or contract to the Chief Procurement Officer
5 in the time specified by the Chief Procurement Officer in his
6 or her written request, but no later than 5 business days after
7 the request is received by the Division ~~Department~~. The Chief
8 Procurement Officer must retain any portions of the management
9 agreement or of any contract designated by the Division
10 ~~Department~~ as confidential, proprietary, or trade secret
11 information in complete confidence pursuant to subsection (g)
12 of Section 7 of the Freedom of Information Act. The Division
13 ~~Department~~ shall also provide the Chief Procurement Officer
14 with reasonable advance written notice of any contract that is
15 pending Division ~~Department~~ approval.

16 Notwithstanding any other provision of this Section to the
17 contrary, the Chief Procurement Officer shall adopt
18 administrative rules, including emergency rules, to establish
19 a procurement process to select a successor private manager if
20 a private management agreement has been terminated. The
21 selection process shall at a minimum take into account the
22 criteria set forth in items (1) through (4) of subsection (e)
23 of this Section and may include provisions consistent with
24 subsections (f), (g), (h), and (i) of this Section. The Chief
25 Procurement Officer shall also implement and administer the
26 adopted selection process upon the termination of a private

1 management agreement. The Division ~~Department~~, after the Chief
2 Procurement Officer certifies that the procurement process has
3 been followed in accordance with the rules adopted under this
4 subsection (o), shall select a final offeror as the private
5 manager and sign the management agreement with the private
6 manager.

7 Through June 30, 2022, except as provided in Sections
8 21.5, 21.6, 21.7, 21.8, 21.9, 21.10, 21.11, 21.12, and 21.13
9 of this Act and Section 25-70 of the Sports Wagering Act, the
10 Division ~~Department~~ shall distribute all proceeds of lottery
11 tickets and shares sold in the following priority and manner:

12 (1) The payment of prizes and retailer bonuses.

13 (2) The payment of costs incurred in the operation and
14 administration of the Lottery, including the payment of
15 sums due to the private manager under the management
16 agreement with the Division ~~Department~~.

17 (3) On the last day of each month or as soon thereafter
18 as possible, the State Comptroller shall direct and the
19 State Treasurer shall transfer from the State Lottery Fund
20 to the Common School Fund an amount that is equal to the
21 proceeds transferred in the corresponding month of fiscal
22 year 2009, as adjusted for inflation, to the Common School
23 Fund.

24 (4) On or before September 30 of each fiscal year,
25 deposit any estimated remaining proceeds from the prior
26 fiscal year, subject to payments under items (1), (2), and

1 (3), into the Capital Projects Fund. Beginning in fiscal
2 year 2019, the amount deposited shall be increased or
3 decreased each year by the amount the estimated payment
4 differs from the amount determined from each year-end
5 financial audit. Only remaining net deficits from prior
6 fiscal years may reduce the requirement to deposit these
7 funds, as determined by the annual financial audit.

8 Beginning July 1, 2022, the Division ~~Department~~ shall
9 distribute all proceeds of lottery tickets and shares sold in
10 the manner and priority described in Section 9.3 of this Act,
11 except that the Division ~~Department~~ shall make the deposit
12 into the Capital Projects Fund that would have occurred under
13 item (4) of this subsection (o) on or before September 30,
14 2022, but for the changes made to this subsection by Public Act
15 102-699.

16 (p) The Division ~~Department~~ shall be subject to the
17 following reporting and information request requirements:

18 (1) the Division ~~Department~~ shall submit written
19 quarterly reports to the Governor and the General Assembly
20 on the activities and actions of the private manager
21 selected under this Section;

22 (2) upon request of the Chief Procurement Officer, the
23 Division ~~Department~~ shall promptly produce information
24 related to the procurement activities of the Division
25 ~~Department~~ and the private manager requested by the Chief
26 Procurement Officer; the Chief Procurement Officer must

1 retain confidential, proprietary, or trade secret
2 information designated by the Division ~~Department~~ in
3 complete confidence pursuant to subsection (g) of Section
4 7 of the Freedom of Information Act; and

5 (3) at least 30 days prior to the beginning of the
6 Division's ~~Department's~~ fiscal year, the Department shall
7 prepare an annual written report on the activities of the
8 private manager selected under this Section and deliver
9 that report to the Governor and General Assembly.

10 (Source: P.A. 101-31, eff. 6-28-19; 101-81, eff. 7-12-19;
11 101-561, eff. 8-23-19; 102-558, eff. 8-20-21; 102-699, eff.
12 4-19-22; 102-1115, eff. 1-9-23.)

13 (20 ILCS 1605/10) (from Ch. 120, par. 1160)

14 Sec. 10. The Division ~~Department~~, upon application
15 therefor on forms prescribed by the Division ~~Department~~, and
16 upon a determination by the Division ~~Department~~ that the
17 applicant meets all of the qualifications specified in this
18 Act, shall issue a license as an agent to sell lottery tickets
19 or shares. No license as an agent to sell lottery tickets or
20 shares shall be issued to any person to engage in business
21 exclusively as a lottery sales agent.

22 Before issuing such license the Director shall consider
23 (a) the financial responsibility and security of the person
24 and his business or activity, (b) the accessibility of his
25 place of business or activity to the public, (c) the

1 sufficiency of existing licenses to serve the public
2 convenience, (d) the volume of expected sales, and (e) such
3 other factors as he or she may deem appropriate.

4 Until September 1, 1987, the provisions of Sections 2a, 4,
5 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 6, 6a, 6b, 6c, 8, 9,
6 10, 12 and 13.5 of the Retailers' Occupation Tax Act which are
7 not inconsistent with this Act shall apply to the subject
8 matter of this Act to the same extent as if such provisions
9 were included in this Act. For purposes of this Act,
10 references in such incorporated Sections of the Retailers'
11 Occupation Tax Act to retailers, sellers or persons engaged in
12 the business of selling tangible personal property mean
13 persons engaged in selling lottery tickets or shares;
14 references in such incorporated Sections to sales of tangible
15 personal property mean the selling of lottery tickets or
16 shares; and references in such incorporated Sections to
17 certificates of registration mean licenses issued under this
18 Act. The provisions of the Retailers' Occupation Tax Act as
19 heretofore applied to the subject matter of this Act shall not
20 apply with respect to tickets sold by or delivered to lottery
21 sales agents on and after September 1, 1987, but such
22 provisions shall continue to apply with respect to
23 transactions involving the sale and delivery of tickets prior
24 to September 1, 1987.

25 All licenses issued by the Division ~~Department~~ under this
26 Act shall be valid for a period not to exceed 2 years after

1 issuance unless sooner revoked, canceled or suspended as in
2 this Act provided. No license issued under this Act shall be
3 transferable or assignable. Such license shall be
4 conspicuously displayed in the place of business conducted by
5 the licensee in Illinois where lottery tickets or shares are
6 to be sold under such license.

7 For purposes of this Section, the term "person" shall be
8 construed to mean and include an individual, association,
9 partnership, corporation, club, trust, estate, society,
10 company, joint stock company, receiver, trustee, referee, any
11 other person acting in a fiduciary or representative capacity
12 who is appointed by a court, or any combination of
13 individuals. "Person" includes any department, commission,
14 agency or instrumentality of the State, including any county,
15 city, village, or township and any agency or instrumentality
16 thereof.

17 (Source: P.A. 97-464, eff. 10-15-11; 98-499, eff. 8-16-13.)

18 (20 ILCS 1605/10.1) (from Ch. 120, par. 1160.1)

19 Sec. 10.1. The following are ineligible for any license
20 under this Act:

21 (a) any person who has been convicted of a felony;

22 (b) any person who is or has been a professional
23 gambler or gambling promoter;

24 (c) any person who has engaged in bookmaking or other
25 forms of illegal gambling;

1 (d) any person who is not of good character and
2 reputation in the community in which he resides;

3 (e) any person who has been found guilty of any fraud
4 or misrepresentation in any connection;

5 (f) any firm or corporation in which a person defined
6 in (a), (b), (c), (d) or (e) has a proprietary, equitable
7 or credit interest of 5% or more.

8 (g) any organization in which a person defined in (a),
9 (b), (c), (d) or (e) is an officer, director, or managing
10 agent, whether compensated or not;

11 (h) any organization in which a person defined in (a),
12 (b), (c), (d), or (e) is to participate in the management
13 or sales of lottery tickets or shares.

14 However, with respect to persons defined in (a), the
15 Division ~~Department~~ may grant any such person a license under
16 this Act when:

17 1) at least 10 years have elapsed since the date when
18 the sentence for the most recent such conviction was
19 satisfactorily completed;

20 2) the applicant has no history of criminal activity
21 subsequent to such conviction;

22 3) the applicant has complied with all conditions of
23 probation, conditional discharge, supervision, parole or
24 mandatory supervised release; and

25 4) the applicant presents at least 3 letters of
26 recommendation from responsible citizens in his community

1 who personally can attest that the character and attitude
2 of the applicant indicate that he is unlikely to commit
3 another crime.

4 The Division ~~Department~~ may revoke, without notice or a
5 hearing, the license of any agent who violates this Act or any
6 rule or regulation promulgated pursuant to this Act. However,
7 if the Division ~~Department~~ does revoke a license without
8 notice and an opportunity for a hearing, the Division
9 ~~Department~~ shall, by appropriate notice, afford the person
10 whose license has been revoked an opportunity for a hearing
11 within 30 days after the revocation order has been issued. As a
12 result of any such hearing, the Division ~~Department~~ may
13 confirm its action in revoking the license, or it may order the
14 restoration of such license.

15 (Source: P.A. 97-464, eff. 10-15-11.)

16 (20 ILCS 1605/10.1a) (from Ch. 120, par. 1160.1a)

17 Sec. 10.1a. In addition to other grounds specified in this
18 Act, the Division ~~Department~~ shall refuse to issue and shall
19 suspend the license of any lottery sales agency who fails to
20 file a return, or to pay the tax, penalty or interest shown in
21 a filed return, or to pay any final assessment of tax, penalty
22 or interest, as required by any tax Act administered by the
23 Department of Revenue, until such time as the requirements of
24 any such tax Act are satisfied, unless the agency is
25 contesting, in accordance with the procedures established by

1 the appropriate revenue Act, its liability for the tax or the
2 amount of tax. The Division ~~Department~~ shall affirmatively
3 verify the tax status of every sales agency before issuing or
4 renewing a license. For purposes of this Section, a sales
5 agency shall not be considered delinquent in the payment of a
6 tax if the agency (a) has entered into an agreement with the
7 Department of Revenue for the payment of all such taxes that
8 are due and (b) is in compliance with the agreement.

9 (Source: P.A. 97-464, eff. 10-15-11.)

10 (20 ILCS 1605/10.2) (from Ch. 120, par. 1160.2)

11 Sec. 10.2. Application and other fees. Each application
12 for a new lottery license must be accompanied by a one-time
13 application fee of \$50; the Division ~~Department~~, however, may
14 waive the fee for licenses of limited duration as provided by
15 Division ~~Department~~ rule. Each application for renewal of a
16 lottery license must be accompanied by a renewal fee of \$25.
17 Each lottery licensee granted on-line status pursuant to the
18 Division's ~~Department's~~ rules must pay a fee of \$10 per week as
19 partial reimbursement for telecommunications charges incurred
20 by the Division ~~Department~~ in providing access to the
21 lottery's on-line gaming system. The Division ~~Department~~, by
22 rule, may increase or decrease the amount of these fees.

23 (Source: P.A. 97-464, eff. 10-15-11.)

24 (20 ILCS 1605/10.3) (from Ch. 120, par. 1160.3)

1 Sec. 10.3. All proceeds from the sale of lottery tickets
2 or shares received by a person in the capacity of a sales agent
3 shall constitute a trust fund until paid to the Division
4 ~~Department~~ either directly, or through the Division's
5 ~~Department's~~ authorized collection representative. Proceeds
6 shall include unsold instant tickets received by a sales agent
7 and cash proceeds of sale of any lottery products, net of
8 allowable sales commissions and credit for lottery prizes paid
9 to winners by sales agents. Sales proceeds and unsold instant
10 tickets shall be delivered to the Division ~~Department~~ or its
11 authorized collection representative upon demand. Sales agents
12 shall be personally liable for all proceeds which shall be
13 kept separate and apart from all other funds and assets and
14 shall not be commingled with any other funds or assets. In the
15 case of a sales agent who is not an individual, personal
16 liability shall attach to the owners and officers of the sales
17 agent. The Division ~~Department~~ shall have a right to file a
18 lien upon all real and personal property of any person who is
19 personally liable under this Section for any unpaid proceeds,
20 which were to be segregated as a trust fund under this Section,
21 at any time after such payment was to have been made. Such lien
22 shall include any interest and penalty provided for by this
23 Act and shall be deemed equivalent to, and have the same effect
24 as, the State tax lien under the Retailers' Occupation Tax
25 Act. The term "person" as used in this Section, and in Section
26 10.4 of this Act, shall have the same meaning as provided in

1 Section 10 of this Act. This Section, and Sections 10.4 and
2 10.5 of this Act shall apply with respect to all lottery
3 tickets or shares generated by computer terminal, other
4 electronic device, and any other tickets delivered to sales
5 agents on and after September 1, 1987.

6 (Source: P.A. 86-905.)

7 (20 ILCS 1605/10.4) (from Ch. 120, par. 1160.4)

8 Sec. 10.4. Every person who shall violate the provisions
9 of Section 10.3, or who does not segregate and keep separate
10 and apart from all other funds and assets, all proceeds from
11 the sale of lottery tickets received by a person in the
12 capacity of a sales agent, shall upon conviction thereof be
13 guilty of a Class 4 felony. The provisions of this Section
14 shall be enforced by the Illinois State Police and prosecuted
15 by the Attorney General.

16 (Source: P.A. 102-538, eff. 8-20-21.)

17 (20 ILCS 1605/10.5) (from Ch. 120, par. 1160.5)

18 Sec. 10.5. Whenever any person who receives proceeds from
19 the sale of lottery tickets in the capacity of sales agent
20 becomes insolvent, or dies insolvent, the proceeds due the
21 Division ~~Department~~ from such person or his estate shall have
22 preference over all debts or demands, except as follows:

23 (a) Amounts due for necessary funeral expenses;

24 (b) Amounts due for medical care and medicine during his

1 most recent illness preceding death;

2 (c) Debts due to the United States;

3 (d) Debts due to the State of Illinois and all State and
4 local taxes; and

5 (e) Wages for labor performed within the 6 months
6 immediately preceding the death of such deceased person, not
7 exceeding \$1,000 due to another person and provided further
8 that such proceeds shall be nondischargeable in insolvency
9 proceedings instituted pursuant to Chapter 7, Chapter 11, or
10 Chapter 13 of the Federal Bankruptcy Act.

11 (Source: P.A. 85-183.)

12 (20 ILCS 1605/10.6) (from Ch. 120, par. 1160.6)

13 Sec. 10.6. The Division ~~Department~~ shall make an effort to
14 more directly inform players of the odds of winning prizes.
15 This effort shall include, at a minimum, that the Division
16 ~~Department~~ require all ticket agents to display a placard
17 stating the odds of winning for each game offered by that
18 agent.

19 (Source: P.A. 97-464, eff. 10-15-11.)

20 (20 ILCS 1605/10.7)

21 Sec. 10.7. Compulsive gambling.

22 (a) Each lottery sales agent shall post a statement
23 regarding obtaining assistance with gambling problems and
24 including a toll-free "800" telephone number providing crisis

1 counseling and referral services to families experiencing
2 difficulty as a result of problem or compulsive gambling. The
3 text of the statement shall be determined by rule by the
4 Department of Human Services, shall be no more than one
5 sentence in length, and shall be posted on the placard
6 required under Section 10.6. The signs shall be provided by
7 the Department of Human Services.

8 (b) The Division ~~Department~~ shall print a statement
9 regarding obtaining assistance with gambling problems, the
10 text of which shall be determined by rule by the Department of
11 Human Services, on all paper stock it provides to the general
12 public.

13 (c) The Division ~~Department~~ shall print a statement of no
14 more than one sentence in length regarding obtaining
15 assistance with gambling problems and including a toll-free
16 "800" number providing crisis counseling and referral services
17 to families experiencing difficulty as a result of problem or
18 compulsive gambling on the back of all lottery tickets.

19 (Source: P.A. 97-464, eff. 10-15-11.)

20 (20 ILCS 1605/10.8)

21 Sec. 10.8. Specialty retailers license.

22 (a) "Veterans service organization" means an organization
23 that:

24 (1) is formed by and for United States military
25 veterans;

1 (2) is chartered by the United States Congress and
2 incorporated in the State of Illinois;

3 (3) maintains a state headquarters office in the State
4 of Illinois; and

5 (4) is not funded by the State of Illinois or by any
6 county in this State.

7 (b) The Division ~~Department~~ shall establish a special
8 classification of retailer license to facilitate the
9 year-round sale of the instant scratch-off lottery game
10 established by the General Assembly in Section 21.6. The fees
11 set forth in Section 10.2 do not apply to a specialty retailer
12 license.

13 The holder of a specialty retailer license (i) shall be a
14 veterans service organization, (ii) may sell only specialty
15 lottery tickets established for the benefit of the Illinois
16 Veterans Assistance Fund in the State treasury, (iii) is
17 required to purchase those tickets up front at face value from
18 the Illinois Lottery, and (iv) must sell those tickets at face
19 value. Specialty retailers may obtain a refund from the
20 Division ~~Department~~ for any unsold specialty tickets that they
21 have purchased for resale, as set forth in the specialty
22 retailer agreement.

23 Specialty retailers shall receive a sales commission equal
24 to 2% of the face value of specialty game tickets purchased
25 from the Division ~~Department~~, less adjustments for unsold
26 tickets returned to the Illinois Lottery for credit. Specialty

1 retailers may not cash winning tickets, but are entitled to a
2 1% bonus in connection with the sale of a winning specialty
3 game ticket having a price value of \$1,000 or more.

4 (Source: P.A. 100-201, eff. 8-18-17.)

5 (20 ILCS 1605/12) (from Ch. 120, par. 1162)

6 Sec. 12. The public inspection and copying of the records
7 and data of the Division ~~Department and the Board~~ shall be
8 generally governed by the provisions of the Freedom of
9 Information Act except that the following shall additionally
10 be exempt from inspection and copying:

11 (i) information privileged against introduction in
12 judicial proceedings;

13 (ii) internal communications of the several agencies;

14 (iii) information concerning secret manufacturing
15 processes or confidential data submitted by any person
16 under this Act;

17 (iv) any creative proposals, scripts, storyboards or
18 other materials prepared by or for the Division
19 ~~Department~~, prior to the placement of the materials in the
20 media, if the prior release of the materials would
21 compromise the effectiveness of an advertising campaign.

22 (Source: P.A. 97-464, eff. 10-15-11.)

23 (20 ILCS 1605/13) (from Ch. 120, par. 1163)

24 Sec. 13. Except as otherwise provided in Section 13.1, no

1 prize, nor any portion of a prize, nor any right of any person
2 to a prize awarded shall be assignable. Any prize, or portion
3 thereof remaining unpaid at the death of a prize winner, may be
4 paid to the estate of such deceased prize winner, or to the
5 trustee under a revocable living trust established by the
6 deceased prize winner as settlor, provided that a copy of such
7 a trust has been filed with the Division ~~Department~~ along with
8 a notarized letter of direction from the settlor and no
9 written notice of revocation has been received by the Division
10 ~~Department~~ prior to the settlor's death. Following such a
11 settlor's death and prior to any payment to such a successor
12 trustee, the Director shall obtain from the trustee a written
13 agreement to indemnify and hold the Director and the Division
14 ~~Department~~ harmless with respect to any claims that may be
15 asserted against the Division ~~Department~~ arising from payment
16 to or through the trust. Notwithstanding any other provision
17 of this Section, any person pursuant to an appropriate
18 judicial order may be paid the prize to which a winner is
19 entitled, and all or part of any prize otherwise payable by
20 State warrant under this Section shall be withheld upon
21 certification to the State Comptroller from the Department of
22 Healthcare and Family Services as provided in Section 10-17.5
23 of The Illinois Public Aid Code. The Director and the Division
24 ~~Department~~ shall be discharged of all further liability upon
25 payment of a prize pursuant to this Section.

26 (Source: P.A. 97-464, eff. 10-15-11; 98-499, eff. 8-16-13.)

1 (20 ILCS 1605/13.1)

2 Sec. 13.1. Assignment of prizes payable in installments.

3 (a) The right of any person to receive payments under a
4 prize that is paid in installments over time by the Division
5 ~~Department~~ may be voluntarily assigned, in whole or in part,
6 if the assignment is made to a person or entity designated
7 pursuant to an order of a court of competent jurisdiction
8 located in the judicial circuit where the assigning prize
9 winner resides or where the headquarters of the Division
10 ~~Department~~ is located. A court may issue an order approving a
11 voluntary assignment and directing the Division ~~Department~~ to
12 make prize payments in whole or in part to the designated
13 assignee, if the court finds that all of the following
14 conditions have been met:

15 (1) The assignment is in writing, is executed by the
16 assignor, and is, by its terms, subject to the laws of this
17 State.

18 (2) The purchase price being paid for the payments
19 being assigned represents a present value of the payments
20 being assigned, discounted at an annual rate that does not
21 exceed 10 percentage points over the Wall Street Journal
22 prime rate published on the business day prior to the date
23 of execution of the contract.

24 (3) The contract of assignment expressly states that
25 the assignor has 3 business days after the contract was

1 signed to cancel the assignment.

2 (4) The assignor provides a sworn affidavit attesting
3 that he or she:

4 (i) is of sound mind, is in full command of his or
5 her faculties, and is not acting under duress;

6 (ii) has been advised regarding the assignment by
7 his or her own independent legal counsel, who is
8 unrelated to and is not being compensated by the
9 assignee or any of the assignee's affiliates, and has
10 received independent financial or tax advice
11 concerning the effects of the assignment from a lawyer
12 or other professional who is unrelated to and is not
13 being compensated by the assignee or any of the
14 assignee's affiliates;

15 (iii) understands that he or she will not receive
16 the prize payments or portions thereof for the years
17 assigned;

18 (iv) understands and agrees that, with regard to
19 the assigned payments, the Division ~~Department~~ and its
20 officials and employees will have no further liability
21 or responsibility to make the assigned payments to him
22 or her;

23 (v) has been provided with a one-page written
24 disclosure statement setting forth, in bold type of
25 not less than 14 points, the payments being assigned,
26 by amounts and payment dates; the purchase price being

1 paid; the rate of discount to present value, assuming
2 daily compounding and funding on the contract date;
3 and the amount, if any, of any origination or closing
4 fees that will be charged to him or her; and

5 (vi) was advised in writing, at the time he or she
6 signed the assignment contract, that he or she had the
7 right to cancel the contract, without any further
8 obligation, within 3 business days following the date
9 on which the contract was signed.

10 (5) Written notice of the proposed assignment and any
11 court hearing concerning the proposed assignment is
12 provided to the Division's ~~Department's~~ counsel at least
13 30 days prior to any court hearing. The Division
14 ~~Department~~ is not required to appear in or be named as a
15 party to any such action seeking judicial confirmation of
16 an assignment under this Section, but may intervene as of
17 right in any such proceeding.

18 (b) A certified copy of a court order approving a
19 voluntary assignment must be provided to the Division
20 ~~Department~~ no later than 30 days before the date on which the
21 payment is to be made.

22 (c) A court order obtained pursuant to this Section,
23 together with all such prior orders, shall not require the
24 Division ~~Department~~ to divide any single prize payment among
25 more than 3 different persons. Nothing in this Section shall
26 prohibit substituting assignees as long as there are no more

1 than 3 assignees at any one time for any one prize payment.

2 (d) If a husband and wife are co-owners of a prize, any
3 assignment of the prize must be made jointly.

4 (e) A voluntary assignment may not include portions of
5 payments that are subject to offset on account of a defaulted
6 or delinquent child support obligation, non-wage garnishment,
7 or criminal restitution obligation or on account of a debt
8 owed to a State agency. Each court order issued under
9 subsection (a) shall provide that any delinquent child support
10 or criminal restitution obligations of the assigning prize
11 winner and any debts owed to a State agency by the assigning
12 prize winner, as of the date of the court order, shall be set
13 off by the Division ~~Department~~ first against remaining
14 payments or portions thereof due the prize winner and then
15 against payments due the assignee.

16 (f) The Division ~~Department~~ and its respective officials
17 and employees shall be discharged of all liability upon
18 payment of an assigned prize under this Section. The assignor
19 and assignee shall hold harmless and indemnify the Division
20 ~~Department~~, the State of Illinois, and its employees and
21 agents from all claims, actions, suits, complaints, and
22 liabilities related to the assignment.

23 (g) The Division ~~Department~~ may establish a reasonable fee
24 to defray any administrative expenses associated with
25 assignments made under this Section, including the cost to the
26 Division ~~Department~~ of any processing fee that may be imposed

1 by a private annuity provider. The fee amount shall reflect
2 the direct and indirect costs associated with processing
3 assignments.

4 (h) If at any time the Internal Revenue Service or a court
5 of competent jurisdiction issues a determination letter,
6 revenue ruling, other public ruling of the Internal Revenue
7 Service, or published decision to the Division ~~Department~~ or
8 to any lottery prize winner declaring that the voluntary
9 assignment of prizes will affect the federal income tax
10 treatment of prize winners who do not assign their prizes, the
11 Division ~~Department~~ shall immediately file a copy of that
12 letter, ruling, or published decision with the Attorney
13 General, the Secretary of State, and the Administrative Office
14 of the Illinois Courts. A court may not issue an order
15 authorizing a voluntary assignment under this Section after
16 the date any such ruling, letter, or published decision is
17 filed.

18 (i) A contract of assignment in which the assignor is a
19 lottery winner shall include a sworn affidavit from the
20 assignee. The form of the affidavit shall be established by
21 the Division ~~Department~~ and shall include:

22 (1) a summary of assignee contacts with the winner;

23 (2) a summary of any lawsuits, claims, and other legal
24 actions from lottery winners regarding conduct of the
25 assignee or its agents;

26 (3) a statement that the assignee is in good standing

1 in its state of domicile and with any other licensing or
2 regulatory agency as may be required in the conduct of its
3 business;

4 (4) a brief business history of the assignee;

5 (5) a statement describing the nature of the business
6 of the assignee; and

7 (6) a statement of the assignee's privacy and
8 non-harassment policies and express affirmation that the
9 assignee has followed those policies in Illinois.

10 (j) The assignee shall notify the Division ~~Department~~ of
11 its business location and mailing address for payment purposes
12 during the entire course of the assignment.

13 (Source: P.A. 93-465, eff. 1-1-04.)

14 (20 ILCS 1605/14) (from Ch. 120, par. 1164)

15 Sec. 14. No person shall sell a ticket or share at a price
16 greater than that fixed by rule or regulation of the Division
17 ~~Department~~. No person other than a licensed lottery sales
18 agent or distributor shall sell or resell lottery tickets or
19 shares. No person shall charge a fee to redeem a winning ticket
20 or share.

21 Any person convicted of violating this Section shall be
22 guilty of a Class B misdemeanor; provided, that if any offense
23 under this Section is a subsequent offense, the offender shall
24 be guilty of a Class 4 felony.

25 (Source: P.A. 97-464, eff. 10-15-11.)

1 (20 ILCS 1605/14.3)

2 Sec. 14.3. Misuse of proprietary material prohibited.
3 Except as may be provided in Section 7.11, or by bona fide sale
4 or by prior authorization from the ~~Department or the~~ Division,
5 or otherwise by law, all premiums, promotional and other
6 proprietary material produced or acquired by the Division
7 ~~Department~~ as part of its advertising and promotional
8 activities shall remain the property of the Division
9 ~~Department~~. Nothing herein shall be construed to affect the
10 rights or obligations of the Division ~~Department~~ or any other
11 person under federal or State trademark or copyright laws.

12 (Source: P.A. 97-464, eff. 10-15-11.)

13 (20 ILCS 1605/14.4)

14 Sec. 14.4. Investigators.

15 (a) The Division ~~Department~~ has the power to appoint
16 investigators to conduct investigations, searches, seizures,
17 arrests, and other duties required to enforce the provisions
18 of this Act and prevent the perpetration of fraud upon the
19 Division ~~Department~~ or the public. These investigators have
20 and may exercise all the powers of peace officers solely for
21 the purpose of ensuring the integrity of the lottery games
22 operated by the Division ~~Department~~.

23 (b) The Director must authorize to each investigator
24 employed under this Section and to any other employee of the

1 ~~Division Department~~ exercising the powers of a peace officer a
2 distinct badge that, on its face, (i) clearly states that the
3 badge is authorized by the Department and (ii) contains a
4 unique identifying number. No other badge shall be authorized
5 by the Division Department.

6 (Source: P.A. 97-1121, eff. 8-27-12; 98-499, eff. 8-16-13.)

7 (20 ILCS 1605/15) (from Ch. 120, par. 1165)

8 Sec. 15. No minor under 18 years of age shall buy a lottery
9 ticket or share. No person shall sell, distribute samples of,
10 or furnish a lottery ticket or share to any minor under 18
11 years of age, buy a lottery ticket or share for any minor under
12 18 years of age, or aid and abet in the purchase of lottery
13 tickets or shares by a minor under 18 years of age.

14 No ticket or share shall be purchased by, and no prize
15 shall be paid to any of the following persons: ~~any member of~~
16 ~~the Board or~~ any officer or other person employed by the
17 Division Board or the Department; any spouse, child, brother,
18 sister or parent residing as a member of the same household in
19 the principal place of abode of any such persons; or any minor
20 under 18 years of age.

21 Any violation of this Section by a person other than the
22 purchasing minor shall be a Class B misdemeanor; provided,
23 that if any violation of this Section is a subsequent
24 violation, the offender shall be guilty of a Class 4 felony.
25 Notwithstanding any provision to the contrary, a violation of

1 this Section by a minor under 18 years of age shall be a petty
2 offense.

3 (Source: P.A. 90-346, eff. 8-8-97.)

4 (20 ILCS 1605/19) (from Ch. 120, par. 1169)

5 Sec. 19. The Division ~~Department~~ shall establish an
6 appropriate period for the claiming of prizes for each lottery
7 game offered. Each claim period shall be stated in game rules
8 and written play instructions issued by the Director in
9 accordance with Section 7.1 of this Act. Written play
10 instructions shall be made available to all players through
11 sales agents licensed to sell game tickets or shares. Prizes
12 for lottery games which involve the purchase of a physical
13 lottery ticket may be claimed only by presentation of a valid
14 winning lottery ticket that matches validation records on file
15 with the Lottery; no claim may be honored which is based on the
16 assertion that the ticket was lost or stolen. No lottery
17 ticket which has been altered, mutilated, or fails to pass
18 validation tests shall be deemed to be a winning ticket.

19 If no claim is made for the money within the established
20 claim period, the prize may be included in the prize pool of
21 such special drawing or drawings as the Division ~~Department~~
22 may, from time to time, designate. Unclaimed multi-state game
23 prize money may be included in the multi-state prize pool for
24 such special drawing or drawings as the multi-state game
25 directors may, from time to time, designate. Any bonuses

1 offered by the Division ~~Department~~ to sales agents who sell
2 winning tickets or shares shall be payable to such agents
3 regardless of whether or not the prize money on the ticket or
4 share is claimed, provided that the agent can be identified as
5 the vendor of the winning ticket or share, and that the winning
6 ticket or share was sold on or after January 1, 1984. All
7 unclaimed prize money not included in the prize pool of a
8 special drawing shall be transferred to the Common School
9 Fund.

10 (Source: P.A. 97-464, eff. 10-15-11; 98-499, eff. 8-16-13.)

11 (20 ILCS 1605/20.1) (from Ch. 120, par. 1170.1)

12 Sec. 20.1. Division ~~Department~~ account.

13 (a) The Division ~~Department~~ is authorized to pay validated
14 prizes up to \$25,000 from funds held by the Division
15 ~~Department~~ in an account separate and apart from all public
16 moneys of the State. Moneys in this account shall be
17 administered by the Director exclusively for the purposes of
18 issuing payments to prize winners authorized by this Section.
19 Moneys in this account shall be deposited by the Division
20 ~~Department~~ into the Public Treasurers' Investment Pool
21 established under Section 17 of the State Treasurer Act. The
22 Division ~~Department~~ shall submit vouchers from time to time as
23 needed for reimbursement of this account from moneys
24 appropriated for prizes from the State Lottery Fund.
25 Investment income earned from this account shall be deposited

1 monthly by the Division ~~Department~~ into the Common School
2 Fund. The Division ~~Department~~ shall file quarterly fiscal
3 reports specifying the activity of this account as required
4 under Section 16 of the State Comptroller Act, and shall file
5 quarterly with the General Assembly, the Auditor General, the
6 Comptroller, and the State Treasurer a report indicating the
7 costs associated with this activity.

8 (b) The Division ~~Department~~ is authorized to enter into an
9 interagency agreement with the Office of the Comptroller or
10 any other State agency to establish responsibilities, duties,
11 and procedures for complying with the Comptroller's Offset
12 System under Section 10.05 of the State Comptroller Act. All
13 federal and State tax reporting and withholding requirements
14 relating to prize winners under this Section shall be the
15 responsibility of the Division ~~Department~~. Moneys from this
16 account may not be used to pay amounts to deferred prize
17 winners. Moneys may not be transferred from the State Lottery
18 Fund to this account for payment of prizes under this Section
19 until procedures are implemented to comply with the
20 Comptroller's Offset System and sufficient internal controls
21 are in place to validate prizes.

22 (Source: P.A. 97-464, eff. 10-15-11; 98-499, eff. 8-16-13.)

23 (20 ILCS 1605/21) (from Ch. 120, par. 1171)

24 Sec. 21. All lottery sales agents or distributors shall be
25 liable to the Lottery for any and all tickets accepted or

1 generated by any employee or representative of that agent or
2 distributor, and such tickets shall be deemed to have been
3 purchased by the agent or distributor unless returned to the
4 Lottery within the time and in the manner prescribed by the
5 Director. All moneys received by such agents or distributors
6 from the sale of lottery tickets or shares, less the amount
7 retained as compensation for the sale of the tickets or shares
8 and the amount paid out as prizes, shall be paid over to a
9 lottery representative or deposited in a bank or savings and
10 loan association approved by the State Treasurer, as
11 prescribed by the Director.

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

16 Each payment or deposit shall be accompanied by a report
17 of the agent's receipts and transactions in the sale of
18 lottery tickets in such form and containing such information
19 as the Director may require. Any discrepancies in such
20 receipts and transactions may be resolved as provided by the
21 rules and regulations of the Division ~~Department~~.

22 If any money due the Lottery by a sales agent or
23 distributor is not paid when due or demanded, it shall
24 immediately become delinquent and be billed on a subsequent
25 monthly statement. If on the closing date for any monthly
26 statement a delinquent amount previously billed of more than

1 \$50 remains unpaid, interest in such amount shall be accrued
2 at the rate of 2% per month or fraction thereof from the date
3 when such delinquent amount becomes past due until such
4 delinquent amount, including interest, penalty and other costs
5 and charges that the Division ~~Department~~ may incur in
6 collecting such amounts, is paid. In case any agent or
7 distributor fails to pay any moneys due the Lottery within 30
8 days after a second bill or statement is rendered to the agent
9 or distributor, such amount shall be deemed seriously
10 delinquent and may be referred by the Division ~~Department~~ to a
11 collection agency or credit bureau for collection. Any
12 contract entered into by the Division ~~Department~~ for the
13 collection of seriously delinquent accounts with a collection
14 agency or credit bureau may be satisfied by a commercially
15 reasonable percentage of the delinquent account recouped,
16 which shall be negotiated by the Division ~~Department~~ in
17 accordance with commercially accepted standards. Any costs
18 incurred by the Division ~~Department~~ or others authorized to
19 act in its behalf in collecting such delinquencies may be
20 assessed against the agent or distributor and included as a
21 part of the delinquent account.

22 In case of failure of an agent or distributor to pay a
23 seriously delinquent amount, or any portion thereof, including
24 interest, penalty and costs, the Division ~~Department~~ may issue
25 a Notice of Assessment. In determining amounts shown on the
26 Notice of Assessment, the Division ~~Department~~ shall utilize

1 the financial information available from its records. Such
2 Notice of Assessment shall be prima facie correct and shall be
3 prima facie evidence of delinquent sums due under this Section
4 at any hearing before the Director or any Board, ~~or its~~ Hearing
5 Officers, or at any other legal proceeding. Reproduced copies
6 of any of the Division's ~~Department's~~ records relating to an
7 account, including, but not limited to, notices of assessment,
8 suspension, revocation, and personal liability and any other
9 such notice prepared in the Division's ~~Department's~~ ordinary
10 course of business and books, records, or other documents
11 offered in the name of the Division ~~Department~~, under
12 certificate of the Director or any officer or employee of the
13 Division ~~Department~~ designated in writing by the Director
14 shall, without further proof, be admitted into evidence in any
15 hearing before the Director or any Board, ~~or its~~ Hearing
16 Officers or any legal proceeding and shall be prima facie
17 proof of the information contained therein. The Attorney
18 General may bring suit on behalf of the Division ~~Department~~ to
19 collect all such delinquent amounts, or any portion thereof,
20 including interest, penalty and costs, due the Lottery.

21 Any person who accepts money that is due to the Division
22 ~~Department~~ from the sale of lottery tickets under this Act,
23 but who wilfully fails to remit such payment to the Division
24 ~~Department~~ when due or who purports to make such payment but
25 wilfully fails to do so because his check or other remittance
26 fails to clear the bank or savings and loan association

1 against which it is drawn, in addition to the amount due and in
2 addition to any other penalty provided by law, shall be
3 assessed, and shall pay, a penalty equal to 5% of the
4 deficiency plus any costs or charges incurred by the Division
5 ~~Department~~ in collecting such amount.

6 The Director may make such arrangements for any person(s),
7 banks, savings and loan associations or distributors, to
8 perform such functions, activities or services in connection
9 with the operation of the lottery as he deems advisable
10 pursuant to this Act, the State Comptroller Act, or the rules
11 and regulations of the Division ~~Department~~, and such
12 functions, activities or services shall constitute lawful
13 functions, activities and services of such person(s), banks,
14 savings and loan associations or distributors.

15 All income arising out of any activity or purpose of the
16 Division ~~Department~~ shall, pursuant to the State Finance Act,
17 be paid into the State Treasury except as otherwise provided
18 by the rules and regulations of the Division ~~Department~~ and
19 shall be covered into a special fund to be known as the State
20 Lottery Fund. Banks and savings and loan associations may be
21 compensated for services rendered based upon the activity and
22 amount of funds on deposit.

23 (Source: P.A. 97-464, eff. 10-15-11; 98-499, eff. 8-16-13.)

24 (20 ILCS 1605/21.3) (from Ch. 120, par. 1171.3)

25 Sec. 21.3. Any officer of any corporation licensed as an

1 agent for the sale of Lottery tickets and products shall be
2 personally liable for the total amount of Lottery receipts due
3 the Division ~~Department~~ which are unpaid by the corporation,
4 together with any interest and penalties thereon assessed in
5 accordance with the provision of Section 21 of the Act.

6 The personal liability of a corporate officer as provided
7 herein shall survive the dissolution of the corporation. No
8 action to enforce such personal liability shall be commenced
9 unless a notice of the delinquent account has been sent to such
10 corporate officer at the address shown on the Lottery records
11 or otherwise known to Division ~~Department~~ officials, and no
12 such action shall be commenced after the expiration of 3 years
13 from the date of the Division's ~~Department's~~ notice of
14 delinquent account or the termination of any court proceedings
15 with respect to the issue of the delinquency of a corporation.

16 Procedures for protest and review of a notice of the
17 Division's ~~Department's~~ intention to enforce personal
18 liability against a corporate officer shall be the same as
19 those prescribed for protest and review of the Notice of
20 Assessment as set forth in Section 7.3 of this Act.

21 (Source: P.A. 88-522.)

22 (20 ILCS 1605/21.5)

23 Sec. 21.5. Carolyn Adams Ticket For The Cure.

24 (a) The Division ~~Department~~ shall offer a special instant
25 scratch-off game with the title of "Carolyn Adams Ticket For

1 The Cure". The game shall commence on January 1, 2006 or as
2 soon thereafter, in the discretion of the Director, as is
3 reasonably practical, and shall be discontinued on December
4 31, 2026. The operation of the game shall be governed by this
5 Act and any rules adopted by the Division ~~Department~~. The
6 Division ~~Department~~ must consult with the Carolyn Adams Ticket
7 For The Cure Board, which is established under Section
8 2310-347 of the Department of Public Health Powers and Duties
9 Law of the Civil Administrative Code of Illinois, regarding
10 the design and promotion of the game. If any provision of this
11 Section is inconsistent with any other provision of this Act,
12 then this Section governs.

13 (b) The Carolyn Adams Ticket For The Cure Grant Fund is
14 created as a special fund in the State treasury. The net
15 revenue from the Carolyn Adams Ticket For The Cure special
16 instant scratch-off game shall be deposited into the Fund for
17 appropriation by the General Assembly solely to the Department
18 of Public Health for the purpose of making grants to public or
19 private entities in Illinois for the purpose of funding breast
20 cancer research, and supportive services for breast cancer
21 survivors and those impacted by breast cancer and breast
22 cancer education. In awarding grants, the Department of Public
23 Health shall consider criteria that includes, but is not
24 limited to, projects and initiatives that address disparities
25 in incidence and mortality rates of breast cancer, based on
26 data from the Illinois Cancer Registry, and populations facing

1 barriers to care. The Department of Public Health shall,
2 before grants are awarded, provide copies of all grant
3 applications to the Carolyn Adams Ticket For The Cure Board,
4 receive and review the Board's recommendations and comments,
5 and consult with the Board regarding the grants. For purposes
6 of this Section, the term "research" includes, without
7 limitation, expenditures to develop and advance the
8 understanding, techniques, and modalities effective in the
9 detection, prevention, screening, and treatment of breast
10 cancer and may include clinical trials. The grant funds may
11 not be used for institutional, organizational, or
12 community-based overhead costs, indirect costs, or levies.

13 Moneys received for the purposes of this Section,
14 including, without limitation, net revenue from the special
15 instant scratch-off game and gifts, grants, and awards from
16 any public or private entity, must be deposited into the Fund.
17 Any interest earned on moneys in the Fund must be deposited
18 into the Fund.

19 For purposes of this subsection, "net revenue" means the
20 total amount for which tickets have been sold less the sum of
21 the amount paid out in prizes and the actual administrative
22 expenses of the Division ~~Department~~ solely related to the
23 Ticket For The Cure game.

24 (c) During the time that tickets are sold for the Carolyn
25 Adams Ticket For The Cure game, the Division ~~Department~~ shall
26 not unreasonably diminish the efforts devoted to marketing any

1 other instant scratch-off lottery game.

2 (d) The Division ~~Department~~ may adopt any rules necessary
3 to implement and administer the provisions of this Section.

4 (Source: P.A. 98-499, eff. 8-16-13; 99-917, eff. 12-30-16.)

5 (20 ILCS 1605/21.6)

6 Sec. 21.6. Scratch-off for Illinois veterans.

7 (a) The Division ~~Department~~ shall offer a special instant
8 scratch-off game for the benefit of Illinois veterans. The
9 game shall commence on January 1, 2006 or as soon thereafter,
10 at the discretion of the Director, as is reasonably practical.
11 The operation of the game shall be governed by this Act and any
12 rules adopted by the Division ~~Department~~. If any provision of
13 this Section is inconsistent with any other provision of this
14 Act, then this Section governs.

15 (b) The Illinois Veterans Assistance Fund is created as a
16 special fund in the State treasury. The net revenue from the
17 Illinois veterans scratch-off game shall be deposited into the
18 Fund for appropriation by the General Assembly solely to the
19 Department of Veterans' Affairs for making grants, funding
20 additional services, or conducting additional research
21 projects relating to each of the following:

22 (i) veterans' behavioral health services;

23 (ii) veterans' homelessness;

24 (iii) the health insurance costs of veterans;

25 (iv) veterans' disability benefits, including but not

1 limited to, disability benefits provided by veterans
2 service organizations and veterans assistance commissions
3 or centers;

4 (v) the long-term care of veterans; provided that,
5 beginning with moneys appropriated for fiscal year 2008,
6 no more than 20% of such moneys shall be used for health
7 insurance costs;

8 (vi) veteran employment and employment training; and

9 (vii) veterans' emergency financial assistance,
10 including, but not limited to, past due utilities,
11 housing, and transportation costs.

12 In order to expend moneys from this special fund,
13 beginning with moneys appropriated for fiscal year 2008, the
14 Director of Veterans' Affairs shall appoint a 3-member funding
15 authorization committee. The Director shall designate one of
16 the members as chairperson. The committee shall meet on a
17 quarterly basis, at a minimum, and shall authorize expenditure
18 of moneys from the special fund by a two-thirds vote.
19 Decisions of the committee shall not take effect unless and
20 until approved by the Director of Veterans' Affairs. Each
21 member of the committee shall serve until a replacement is
22 named by the Director of Veterans' Affairs. One member of the
23 committee shall be a member of the Veterans' Advisory Council.

24 Moneys collected from the special instant scratch-off game
25 shall be used only as a supplemental financial resource and
26 shall not supplant existing moneys that the Department of

1 Veterans' Affairs may currently expend for the purposes set
2 forth in items (i) through (v).

3 Moneys received for the purposes of this Section,
4 including, without limitation, net revenue from the special
5 instant scratch-off game and from gifts, grants, and awards
6 from any public or private entity, must be deposited into the
7 Fund. Any interest earned on moneys in the Fund must be
8 deposited into the Fund.

9 For purposes of this subsection, "net revenue" means the
10 total amount for which tickets have been sold less the sum of
11 the amount paid out in the prizes and the actual
12 administrative expenses of the Division ~~Department~~ solely
13 related to the scratch-off game under this Section.

14 (c) During the time that tickets are sold for the Illinois
15 veterans scratch-off game, the Division ~~Department~~ shall not
16 unreasonably diminish the efforts devoted to marketing any
17 other instant scratch-off lottery game.

18 (d) The Division ~~Department~~ may adopt any rules necessary
19 to implement and administer the provisions of this Section.

20 (Source: P.A. 102-948, eff. 1-1-23.)

21 (20 ILCS 1605/21.7)

22 Sec. 21.7. Scratch-out Multiple Sclerosis scratch-off
23 game.

24 (a) The Division ~~Department~~ shall offer a special instant
25 scratch-off game for the benefit of research pertaining to

1 multiple sclerosis. The game shall commence on July 1, 2008 or
2 as soon thereafter, in the discretion of the Director, as is
3 reasonably practical. The operation of the game shall be
4 governed by this Act and any rules adopted by the Division
5 ~~Department~~. If any provision of this Section is inconsistent
6 with any other provision of this Act, then this Section
7 governs.

8 (b) The Multiple Sclerosis Research Fund is created as a
9 special fund in the State treasury. The net revenue from the
10 scratch-out multiple sclerosis scratch-off game created under
11 this Section shall be deposited into the Fund for
12 appropriation by the General Assembly to the Department of
13 Public Health for the purpose of making grants to
14 organizations in Illinois that conduct research pertaining to
15 the repair and prevention of damage caused by an acquired
16 demyelinating disease of the central nervous system.

17 Moneys received for the purposes of this Section,
18 including, without limitation, net revenue from the special
19 instant scratch-off game and from gifts, grants, and awards
20 from any public or private entity, must be deposited into the
21 Fund. Any interest earned on moneys in the Fund must be
22 deposited into the Fund.

23 For purposes of this Section, the term "research"
24 includes, without limitation, expenditures to develop and
25 advance the understanding, techniques, and modalities
26 effective for maintaining function, mobility, and strength

1 through preventive physical therapy or other treatments and to
2 develop and advance the repair, and also the prevention, of
3 myelin, neuron, and axon damage caused by an acquired
4 demyelinating disease of the central nervous system and the
5 restoration of function, including but not limited to, nervous
6 system repair or neuroregeneration.

7 The grant funds may not be used for institutional,
8 organizational, or community-based overhead costs, indirect
9 costs, or levies.

10 For purposes of this subsection, "net revenue" means the
11 total amount for which tickets have been sold less the sum of
12 the amount paid out in the prizes and the actual
13 administrative expenses of the Division ~~Department~~ solely
14 related to the scratch-off game under this Section.

15 (c) During the time that tickets are sold for the
16 scratch-out multiple sclerosis scratch-off game, the Division
17 ~~Department~~ shall not unreasonably diminish the efforts devoted
18 to marketing any other instant scratch-off lottery game.

19 (d) The Division ~~Department~~ may adopt any rules necessary
20 to implement and administer the provisions of this Section.

21 (Source: P.A. 97-464, eff. 10-15-11; 98-499, eff. 8-16-13.)

22 (20 ILCS 1605/21.8)

23 Sec. 21.8. Quality of Life scratch-off game.

24 (a) The Division ~~Department~~ shall offer a special instant
25 scratch-off game with the title of "Quality of Life". The game

1 shall commence on July 1, 2007 or as soon thereafter, in the
2 discretion of the Director, as is reasonably practical, and
3 shall be discontinued on December 31, 2025. The operation of
4 the game is governed by this Act and by any rules adopted by
5 the Division ~~Department~~. The Division ~~Department~~ must consult
6 with the Quality of Life Board, which is established under
7 Section 2310-348 of the Department of Public Health Powers and
8 Duties Law of the Civil Administrative Code of Illinois,
9 regarding the design and promotion of the game. If any
10 provision of this Section is inconsistent with any other
11 provision of this Act, then this Section governs.

12 (b) The Quality of Life Endowment Fund is created as a
13 special fund in the State treasury. The net revenue from the
14 Quality of Life special instant scratch-off game must be
15 deposited into the Fund for appropriation by the General
16 Assembly solely to the Department of Public Health for the
17 purpose of HIV/AIDS-prevention education and for making grants
18 to public or private entities in Illinois for the purpose of
19 funding organizations that serve the highest at-risk
20 categories for contracting HIV or developing AIDS. Grants
21 shall be targeted to serve at-risk populations in proportion
22 to the distribution of recent reported Illinois HIV/AIDS cases
23 among risk groups as reported by the Illinois Department of
24 Public Health. The recipient organizations must be engaged in
25 HIV/AIDS-prevention education and HIV/AIDS healthcare
26 treatment. The Division ~~Department~~ must, before grants are

1 awarded, provide copies of all grant applications to the
2 Quality of Life Board, receive and review the Board's
3 recommendations and comments, and consult with the Board
4 regarding the grants. Organizational size will determine an
5 organization's competitive slot in the "Request for Proposal"
6 process. Organizations with an annual budget of \$300,000 or
7 less will compete with like size organizations for 50% of the
8 Quality of Life annual fund. Organizations with an annual
9 budget of \$300,001 to \$700,000 will compete with like
10 organizations for 25% of the Quality of Life annual fund, and
11 organizations with an annual budget of \$700,001 and upward
12 will compete with like organizations for 25% of the Quality of
13 Life annual fund. The Division ~~lottery~~ may designate a
14 percentage of proceeds for marketing purposes. The grant funds
15 may not be used for institutional, organizational, or
16 community-based overhead costs, indirect costs, or levies.

17 Grants awarded from the Fund are intended to augment the
18 current and future State funding for the prevention and
19 treatment of HIV/AIDS and are not intended to replace that
20 funding.

21 Moneys received for the purposes of this Section,
22 including, without limitation, net revenue from the special
23 instant scratch-off game and gifts, grants, and awards from
24 any public or private entity, must be deposited into the Fund.
25 Any interest earned on moneys in the Fund must be deposited
26 into the Fund.

1 For purposes of this subsection, "net revenue" means the
2 total amount for which tickets have been sold less the sum of
3 the amount paid out in prizes and the actual administrative
4 expenses of the Division ~~Department~~ solely related to the
5 Quality of Life game.

6 (c) During the time that tickets are sold for the Quality
7 of Life game, the Division ~~Department~~ shall not unreasonably
8 diminish the efforts devoted to marketing any other instant
9 scratch-off lottery game.

10 (d) The Division ~~Department~~ may adopt any rules necessary
11 to implement and administer the provisions of this Section in
12 consultation with the Quality of Life Board.

13 (Source: P.A. 102-813, eff. 5-13-22.)

14 (20 ILCS 1605/21.9)

15 Sec. 21.9. Go For The Gold scratch-off game.

16 (a) The Division ~~Department~~ shall offer a special instant
17 scratch-off game with the title of "Go For The Gold". The game
18 must commence on July 1, 2014 or as soon thereafter, at the
19 discretion of the Director, as is reasonably practical. The
20 operation of the game is governed by this Act and by any rules
21 adopted by the Division ~~Department~~. If any provision of this
22 Section is inconsistent with any other provision of this Act,
23 then this Section governs.

24 (b) The Special Olympics Illinois and Special Children's
25 Charities Fund is created as a special fund in the State

1 treasury. The net revenue from the Go For The Gold special
2 instant scratch-off game must be deposited into the Special
3 Olympics Illinois and Special Children's Charities Fund for
4 appropriation by the General Assembly solely to the Department
5 of Human Services, which must distribute the moneys as
6 follows: (i) 75% of the moneys to Special Olympics Illinois to
7 support the statewide training, competitions, and programs for
8 future Special Olympics athletes; and (ii) 25% of the moneys
9 to Special Children's Charities to support the City of
10 Chicago-wide training, competitions, and programs for future
11 Special Olympics athletes. The moneys may not be used for
12 institutional, organizational, or community-based overhead
13 costs, indirect costs, or levies.

14 Moneys received for the purposes of this Section,
15 including, without limitation, net revenue from the special
16 instant scratch-off game and gifts, grants, and awards from
17 any public or private entity, must be deposited into the
18 Special Olympics and Special Children's Charities Fund. Any
19 interest earned on moneys in the Special Olympics and Special
20 Children's Charities Fund must be deposited into the Special
21 Olympics and Special Children's Charities Fund.

22 For purposes of this subsection, "net revenue" means the
23 total amount for which tickets have been sold less the sum of
24 the amount paid out in prizes and the actual administrative
25 expenses of the Division ~~Department~~ solely related to the Go
26 For The Gold game.

1 (c) During the time that tickets are sold for the Go For
2 The Gold game, the Division ~~Department~~ shall not unreasonably
3 diminish the efforts devoted to marketing any other instant
4 scratch-off lottery game.

5 (d) The Division ~~Department~~ may adopt any rules necessary
6 to implement and administer the provisions of this Section.

7 (Source: P.A. 98-649, eff. 6-16-14.)

8 (20 ILCS 1605/21.10)

9 Sec. 21.10. Scratch-off for State police memorials.

10 (a) The Division ~~Department~~ shall offer a special instant
11 scratch-off game for the benefit of State police memorials.
12 The game shall commence on January 1, 2019 or as soon
13 thereafter, at the discretion of the Director, as is
14 reasonably practical. The operation of the game shall be
15 governed by this Act and any rules adopted by the Division
16 ~~Department~~. If any provision of this Section is inconsistent
17 with any other provision of this Act, then this Section
18 governs.

19 (b) The net revenue from the State police memorials
20 scratch-off game shall be deposited into the Criminal Justice
21 Information Projects Fund and distributed equally, as soon as
22 practical but at least on a monthly basis, to the Chicago
23 Police Memorial Foundation Fund, the Police Memorial Committee
24 Fund, and the Illinois State Police Memorial Park Fund. Moneys
25 transferred to the funds under this Section shall be used,

1 subject to appropriation, to fund grants for building and
2 maintaining memorials and parks; holding annual memorial
3 commemorations; giving scholarships to children of officers
4 killed or catastrophically injured in the line of duty, or
5 those interested in pursuing a career in law enforcement;
6 providing financial assistance to police officers and their
7 families when a police officer is killed or injured in the line
8 of duty; and providing financial assistance to officers for
9 the purchase or replacement of bulletproof vests to be used in
10 the line of duty.

11 For purposes of this subsection, "net revenue" means the
12 total amount for which tickets have been sold less the sum of
13 the amount paid out in the prizes and the actual
14 administrative expenses of the Division ~~Department~~ solely
15 related to the scratch-off game under this Section.

16 (c) During the time that tickets are sold for the State
17 police memorials scratch-off game, the Division ~~Department~~
18 shall not unreasonably diminish the efforts devoted to
19 marketing any other instant scratch-off lottery game.

20 (d) The Division ~~Department~~ may adopt any rules necessary
21 to implement and administer the provisions of this Section.

22 (Source: P.A. 101-81, eff. 7-12-19; 102-538, eff. 8-20-21.)

23 (20 ILCS 1605/21.11)

24 Sec. 21.11. Scratch-off for homelessness prevention
25 programs.

1 (a) The Division ~~Department~~ shall offer a special instant
2 scratch-off game to fund homelessness prevention programs. The
3 game shall commence on July 1, 2019 or as soon thereafter, at
4 the discretion of the Director, as is reasonably practical.
5 The operation of the game shall be governed by this Act and any
6 rules adopted by the Division ~~Department~~. If any provision of
7 this Section is inconsistent with any other provision of this
8 Act, then this Section governs.

9 (b) The Homelessness Prevention Revenue Fund is created as
10 a special fund in the State treasury. The net revenue from the
11 scratch-off game to fund homelessness prevention programs
12 shall be deposited into the Homelessness Prevention Revenue
13 Fund. Subject to appropriation, moneys in the Fund shall be
14 used by the Department of Human Services solely for grants to
15 homelessness prevention and assistance projects under the
16 Homelessness Prevention Act.

17 As used in this subsection, "net revenue" means the total
18 amount for which tickets have been sold less the sum of the
19 amount paid out in the prizes and the actual administrative
20 expenses of the Division ~~Department~~ solely related to the
21 scratch-off game under this Section.

22 (c) During the time that tickets are sold for the
23 scratch-off game to fund homelessness prevention programs, the
24 Division ~~Department~~ shall not unreasonably diminish the
25 efforts devoted to marketing any other instant scratch-off
26 lottery game.

1 (d) The Division ~~Department~~ may adopt any rules necessary
2 to implement and administer the provisions of this Section.

3 (e) Nothing in this Section shall be construed to affect
4 any revenue that any Homelessness Prevention line item
5 receives through the General Revenue Fund or the Illinois
6 Affordable Housing Trust Fund.

7 (Source: P.A. 100-1068, eff. 8-24-18; 101-81, eff. 7-12-19.)

8 (20 ILCS 1605/21.12)

9 Sec. 21.12. Scratch-off for school STEAM programs.

10 (a) The Division ~~Department~~ shall offer a special instant
11 scratch-off game for the benefit of school STEAM programming.
12 The game shall commence on January 1, 2020 or as soon
13 thereafter, at the discretion of the Director, as is
14 reasonably practical, and shall be discontinued on January 1,
15 2021. The operation of the game shall be governed by the Act
16 and any rules adopted by the Division ~~Department~~. If any
17 provision of this Section is inconsistent with any other
18 provision of this Act, then this Section governs.

19 (b) The net revenue from the scratch-off for school STEAM
20 programs shall be deposited into the School STEAM Grant
21 Program Fund as soon as practical, but at least on a monthly
22 basis. Moneys deposited into the Fund under this Section shall
23 be used, subject to appropriation, by the State Board of
24 Education to fund school STEAM grants pursuant to Section
25 2-3.119a of the School Code.

1 For purposes of this subsection, "net revenue" means the
2 total amount for which tickets have been sold less the sum of
3 the amount paid out in the prizes and the actual
4 administrative expenses of the Division ~~Department~~ solely
5 related to the scratch-off game under this Section.

6 (c) During the time that tickets are sold for the school
7 STEAM programs scratch-off game, the Division ~~Department~~ shall
8 not unreasonably diminish the efforts devoted to marketing any
9 other instant scratch-off lottery game.

10 (d) The Division ~~Department~~ may adopt any rules necessary
11 to implement and administer the provisions of this Section.

12 (Source: P.A. 101-561, eff. 8-23-19.)

13 (20 ILCS 1605/21.13)

14 Sec. 21.13. Scratch-off for Alzheimer's care, support,
15 education, and awareness.

16 (a) The Division ~~Department~~ shall offer a special instant
17 scratch-off game for the benefit of Alzheimer's care, support,
18 education, and awareness. The game shall commence on January
19 1, 2020 or as soon thereafter, at the discretion of the
20 Director, as is reasonably practical, and shall be
21 discontinued on January 1, 2025. The operation of the game
22 shall be governed by this Act and any rules adopted by the
23 Division ~~Department~~. If any provision of this Section is
24 inconsistent with any other provision of this Act, then this
25 Section governs.

1 (b) The net revenue from the Alzheimer's care, support,
2 education, and awareness scratch-off game shall be deposited
3 into the Alzheimer's Awareness Fund.

4 Moneys received for the purposes of this Section,
5 including, without limitation, net revenue from the special
6 instant scratch-off game and from gifts, grants, and awards
7 from any public or private entity, must be deposited into the
8 Fund. Any interest earned on moneys in the Fund must be
9 deposited into the Fund.

10 For the purposes of this subsection, "net revenue" means
11 the total amount for which tickets have been sold less the sum
12 of the amount paid out in the prizes and the actual
13 administrative expenses of the Division ~~Department~~ solely
14 related to the scratch-off game under this Section.

15 (c) During the time that tickets are sold for the
16 Alzheimer's care, support, education, and awareness
17 scratch-off game, the Division ~~Department~~ shall not
18 unreasonably diminish the efforts devoted to marketing any
19 other instant scratch-off lottery game.

20 (d) The Division ~~Department~~ may adopt any rules necessary
21 to implement and administer the provisions of this Section.

22 (Source: P.A. 101-561, eff. 8-23-19; 101-645, eff. 6-26-20;
23 102-390, eff. 8-16-21.)

24 (20 ILCS 1605/24) (from Ch. 120, par. 1174)

25 Sec. 24. The State Comptroller shall conduct a preaudit of

1 all accounts and transactions of the Division ~~Department~~ in
2 connection with the operation of the State Lottery under the
3 State Comptroller Act, excluding payments issued by the
4 Division ~~Department~~ for prizes of \$25,000 or less.

5 The Auditor General or a certified public accountant firm
6 appointed by him shall conduct an annual post-audit of all
7 accounts and transactions of the Division ~~Department~~ in
8 connection with the operation of the State Lottery and other
9 special post audits as the Auditor General, the Legislative
10 Audit Commission, or the General Assembly deems necessary. The
11 annual post-audits shall include payments made by lottery
12 sales agents of prizes of less than \$600 authorized under
13 Section 20, and payments made by the Division ~~Department~~ of
14 prizes up to \$25,000 authorized under Section 20.1. The
15 Auditor General or his agent conducting an audit under this
16 Act shall have access and authority to examine any and all
17 records of the Division ~~Department~~ ~~or the Board~~, its
18 distributing agents and its licensees.

19 (Source: P.A. 94-776, eff. 5-19-06.)

20 (20 ILCS 1605/25) (from Ch. 120, par. 1175)

21 Sec. 25. Any party adversely affected by a final order or
22 determination of the Director or the Division ~~Board or the~~
23 ~~Department~~ may obtain judicial review, by filing a petition
24 for review within 35 days after the entry of the order or other
25 final action complained of, pursuant to the provisions of the

1 Administrative Review Law, as amended and the rules adopted
2 pursuant thereto.

3 (Source: P.A. 82-783.)

4 (20 ILCS 1605/6 rep.)

5 (20 ILCS 1605/7.6 rep.)

6 Section 85. The Illinois Lottery Law is amended by
7 repealing Sections 6 and 7.6.

8 Section 90. The Department of Public Health Powers and
9 Duties Law of the Civil Administrative Code of Illinois is
10 amended by changing Sections 2310-347 and 2310-348 as follows:

11 (20 ILCS 2310/2310-347)

12 Sec. 2310-347. The Carolyn Adams Ticket For The Cure
13 Board.

14 (a) The Carolyn Adams Ticket For The Cure Board is created
15 as an advisory board within the Department. Until 30 days
16 after the effective date of this amendatory Act of the 97th
17 General Assembly, the Board may consist of 10 members as
18 follows: 2 members appointed by the President of the Senate; 2
19 members appointed by the Minority Leader of the Senate; 2
20 members appointed by the Speaker of the House of
21 Representatives; 2 members appointed by the Minority Leader of
22 the House of Representatives; and 2 members appointed by the
23 Governor with the advice and consent of the Senate, one of whom

1 shall be designated as chair of the Board at the time of
2 appointment.

3 (a-5) Notwithstanding any provision of this Article to the
4 contrary, the term of office of each current Board member ends
5 30 days after the effective date of this amendatory Act of the
6 97th General Assembly or when his or her successor is
7 appointed and qualified, whichever occurs sooner. No later
8 than 30 days after the effective date of this amendatory Act of
9 the 97th General Assembly, the Board shall consist of 10 newly
10 appointed members. Four of the Board members shall be members
11 of the General Assembly and appointed as follows: one member
12 appointed by the President of the Senate; one member appointed
13 by the Minority Leader of the Senate; one member appointed by
14 the Speaker of the House of Representatives; and one member
15 appointed by the Minority Leader of the House of
16 Representatives.

17 Six of the Board members shall be appointed by the
18 Director of the Department of Public Health, who shall
19 designate one of these appointed members as chair of the Board
20 at the time of his or her appointment. These 6 members
21 appointed by the Director shall reflect the population with
22 regard to ethnic, racial, and geographical composition and
23 shall include the following individuals: one breast cancer
24 survivor; one physician specializing in breast cancer or
25 related medical issues; one breast cancer researcher; one
26 representative from a breast cancer organization; one

1 individual who operates a patient navigation program at a
2 major hospital or health system; and one breast cancer
3 professional that may include, but not be limited to, a
4 genetics counselor, a social worker, a detain, an occupational
5 therapist, or a nurse.

6 A Board member whose term has expired may continue to
7 serve until a successor is appointed. A Board member who is not
8 a member of the General Assembly may serve 2 consecutive
9 3-year terms and shall not be reappointed for 3 years after the
10 completion of those consecutive terms.

11 (b) Board members shall serve without compensation but may
12 be reimbursed for their reasonable travel expenses incurred in
13 performing their duties from funds available for that purpose.
14 The Department shall provide staff and administrative support
15 services to the Board.

16 (c) The Board may advise:

17 (i) the Division of Lottery ~~Department of Revenue~~ in
18 designing and promoting the Carolyn Adams Ticket For The
19 Cure special instant scratch-off lottery game;

20 (ii) the Department in reviewing grant applications;
21 and

22 (iii) the Director on the final award of grants from
23 amounts appropriated from the Carolyn Adams Ticket For The
24 Cure Grant Fund, to public or private entities in Illinois
25 that reflect the population with regard to ethnic, racial,
26 and geographical composition for the purpose of funding

1 breast cancer research and supportive services for breast
2 cancer survivors and those impacted by breast cancer and
3 breast cancer education. In awarding grants, the
4 Department shall consider criteria that includes, but is
5 not limited to, projects and initiatives that address
6 disparities in incidence and mortality rates of breast
7 cancer, based on data from the Illinois Cancer Registry,
8 and populations facing barriers to care in accordance with
9 Section 21.5 of the Illinois Lottery Law.

10 (c-5) The Department shall submit a report to the Governor
11 and the General Assembly by December 31 of each year. The
12 report shall provide a summary of the Carolyn Adams Ticket for
13 the Cure lottery ticket sales, grants awarded, and the
14 accomplishments of the grantees.

15 (d) The Board is discontinued on June 30, 2027.

16 (Source: P.A. 99-917, eff. 12-30-16.)

17 (20 ILCS 2310/2310-348)

18 Sec. 2310-348. The Quality of Life Board.

19 (a) The Quality of Life Board is created as an advisory
20 board within the Department. The Board shall consist of 11
21 members as follows: 2 members appointed by the President of
22 the Senate; one member appointed by the Minority Leader of the
23 Senate; 2 members appointed by the Speaker of the House of
24 Representatives; one member appointed by the Minority Leader
25 of the House of Representatives; 2 members appointed by the

1 Governor, one of whom shall be designated as chair of the Board
2 at the time of appointment; and 3 members appointed by the
3 Director who represent organizations that advocate for the
4 healthcare needs of the first and second highest HIV/AIDS risk
5 groups, one each from the northern Illinois region, the
6 central Illinois region, and the southern Illinois region.

7 The Board members shall serve one 2-year term. If a
8 vacancy occurs in the Board membership, the vacancy shall be
9 filled in the same manner as the initial appointment.

10 (b) Board members shall serve without compensation but may
11 be reimbursed for their reasonable travel expenses from funds
12 appropriated for that purpose. The Department shall provide
13 staff and administrative support services to the Board.

14 (c) The Board must:

15 (i) consult with the Division of Lottery of the
16 Department of ~~the~~ Lottery and Gaming in designing and
17 promoting the Quality of Life special instant scratch-off
18 lottery game; and

19 (ii) review grant applications, make recommendations
20 and comments, and consult with the Department of Public
21 Health in making grants, from amounts appropriated from
22 the Quality of Life Endowment Fund, to public or private
23 entities in Illinois for the purpose of
24 HIV/AIDS-prevention education and for making grants to
25 public or private entities in Illinois for the purpose of
26 funding organizations that serve the highest at-risk

1 categories for contracting HIV or developing AIDS in
2 accordance with Section 21.7 of the Illinois Lottery Law.

3 (d) The Board is discontinued on June 30, 2018.

4 (Source: P.A. 97-464, eff. 10-15-11; 97-1117, eff. 8-27-12.)

5 Section 95. The Department of Revenue Law of the Civil
6 Administrative Code of Illinois is amended by changing Section
7 2505-305 as follows:

8 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

9 Sec. 2505-305. Investigators.

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

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

24 (c) The Department may enter into agreements with the

1 Department of Lottery and Gaming ~~Illinois Gaming Board~~
2 providing that investigators appointed under this Section
3 shall exercise the peace officer powers set forth in paragraph
4 (20.6) of subsection (c) of Section 5 of the Illinois Gambling
5 Act.

6 (Source: P.A. 101-31, eff. 6-28-19.)

7 Section 97. The Illinois State Police Law of the Civil
8 Administrative Code of Illinois is amended by changing Section
9 2605-485 as follows:

10 (20 ILCS 2605/2605-485)

11 Sec. 2605-485. Endangered Missing Person Advisory.

12 (a) A coordinated program known as the Endangered Missing
13 Person Advisory is established within the Illinois State
14 Police. The purpose of the Endangered Missing Person Advisory
15 is to provide a regional system for the rapid dissemination of
16 information regarding a missing person who is believed to be a
17 high-risk missing person as defined in Section 10 of the
18 Missing Persons Identification Act.

19 (b) The AMBER Plan Task Force, established under Section
20 2605-480 of this Law, shall serve as the task force for the
21 Endangered Missing Person Advisory. The AMBER Plan Task Force
22 shall monitor and review the implementation and operation of
23 the regional system developed under subsection (a), including
24 procedures, budgetary requirements, and response protocols.

1 The AMBER Plan Task Force shall also develop additional
2 network resources for use in the system.

3 (c) The Illinois State Police, in coordination with the
4 Illinois Department on Aging, shall develop and implement a
5 community outreach program to promote awareness among the
6 State's healthcare facilities, nursing homes, assisted living
7 facilities, and other senior centers. The guidelines and
8 procedures shall ensure that specific health information about
9 the missing person is not made public through the alert or
10 otherwise.

11 (c-5) Subject to appropriation, the Illinois State Police,
12 in coordination with the Illinois Department of Human
13 Services, shall develop and implement a community outreach
14 program to promote awareness of the Endangered Missing Person
15 Advisory among applicable entities, including, but not limited
16 to, developmental disability facilities as defined in Section
17 1-107 of the Mental Health and Developmental Disabilities
18 Code. The guidelines and procedures shall ensure that specific
19 health information about the missing person is not made public
20 through the alert or otherwise.

21 (d) The Child Safety Coordinator, created under Section
22 2605-480 of this Law, shall act in the dual capacity of Child
23 Safety Coordinator and Endangered Missing Person Coordinator.
24 The Coordinator shall assist in the establishment of State
25 standards and monitor the availability of federal funding that
26 may become available to further the objectives of the

1 Endangered Missing Person Advisory. The Illinois State Police
2 shall provide technical assistance for the Coordinator from
3 its existing resources.

4 (e) (1) The Illinois State Police, in cooperation with the
5 Silver Search Task Force, shall develop as part of the
6 Endangered Missing Person Advisory a coordinated statewide
7 awareness program and toolkit to be used when a person 21 years
8 of age or older who is believed to have Alzheimer's disease,
9 other related dementia, or other dementia-like cognitive
10 impairment is reported missing, which shall be referred to as
11 Silver Search.

12 (2) The Illinois State Police shall complete development
13 and deployment of the Silver Search Awareness Program and
14 toolkit on or before July 1, 2017.

15 (3) The Illinois State Police shall establish a Silver
16 Search Task Force within 90 days after the effective date of
17 this amendatory Act of the 99th General Assembly to assist the
18 Illinois State Police in development and deployment of the
19 Silver Search Awareness Program and toolkit. The Task Force
20 shall establish the criteria and create a toolkit, which may
21 include usage of Department of Transportation signs, under
22 Section 2705-505.6 of the Department of Transportation Law of
23 the Civil Administrative Code of Illinois. The Task Force
24 shall monitor and review the implementation and operation of
25 that program, including procedures, budgetary requirements,
26 standards, and minimum requirements for the training of law

1 enforcement personnel on how to interact appropriately and
2 effectively with individuals that suffer from Alzheimer's
3 disease, other dementia, or other dementia-like cognitive
4 impairment. The Task Force shall also develop additional
5 network and financial resources for use in the system. The
6 Task Force shall include, but is not limited to, one
7 representative from each of the following:

8 (A) the Illinois State Police;

9 (B) the Department on Aging;

10 (C) the Department of Public Health;

11 (D) the Illinois Law Enforcement Training Standards
12 Board;

13 (E) the Illinois Emergency Management Agency;

14 (F) the Secretary of State;

15 (G) the Department of Transportation;

16 (H) the Department of ~~the~~ Lottery and Gaming;

17 (I) the Illinois Toll Highway Authority;

18 (J) a State association dedicated to Alzheimer's care,
19 support, and research;

20 (K) a State association dedicated to improving quality
21 of life for persons age 50 and over;

22 (L) a State group of area agencies involved in
23 planning and coordinating services and programs for older
24 persons in their respective areas;

25 (M) a State organization dedicated to enhancing
26 communication and cooperation between sheriffs;

1 (N) a State association of police chiefs and other
2 leaders of police and public safety organizations;

3 (O) a State association representing Illinois
4 publishers;

5 (P) a State association that advocates for the
6 broadcast industry;

7 (Q) a member of a large wireless telephone carrier;
8 and

9 (R) a member of a small wireless telephone carrier.

10 The members of the Task Force designated in subparagraphs
11 (A) through (I) of this paragraph (3) shall be appointed by the
12 head of the respective agency. The members of the Task Force
13 designated in subparagraphs (J) through (R) of this paragraph
14 (3) shall be appointed by the Director of the Illinois State
15 Police. The Director of the Illinois State Police or his or her
16 designee shall serve as Chair of the Task Force.

17 The Task Force shall meet at least twice a year and shall
18 provide a report on the operations of the Silver Search
19 Program to the General Assembly and the Governor each year by
20 June 30.

21 (4) Subject to appropriation, the Illinois State Police,
22 in coordination with the Department on Aging and the Silver
23 Search Task Force, shall develop and implement a community
24 outreach program to promote awareness of the Silver Search
25 Program as part of the Endangered Missing Person Advisory
26 among law enforcement agencies, the State's healthcare

1 facilities, nursing homes, assisted living facilities, other
2 senior centers, and the general population on or before
3 January 1, 2017.

4 (5) The Child Safety Coordinator, created under Section
5 2605-480 of this Law, shall act in the capacity of Child Safety
6 Coordinator, Endangered Missing Person Coordinator, and Silver
7 Search Program Coordinator. The Coordinator, in conjunction
8 with the members of the Task Force, shall assist the Illinois
9 State Police and the Silver Search Task Force in the
10 establishment of State standards and monitor the availability
11 of federal and private funding that may become available to
12 further the objectives of the Endangered Missing Person
13 Advisory and Silver Search Awareness Program. The Illinois
14 State Police shall provide technical assistance for the
15 Coordinator from its existing resources.

16 (6) The Illinois State Police shall provide administrative
17 and other support to the Task Force.

18 (Source: P.A. 102-538, eff. 8-20-21.)

19 Section 100. The State Finance Act is amended by changing
20 Section 6b-2 as follows:

21 (30 ILCS 105/6b-2) (from Ch. 127, par. 142b2)

22 Sec. 6b-2. The Department of Agriculture is authorized to
23 establish and maintain a "Working Cash Account" to receive
24 moneys obtained from the sale of pari-mutuel wagering tickets

1 and to disburse moneys from such account as provided in this
2 Section. The Department shall appoint a custodian who will be
3 responsible for the "Working Cash Account" and who shall be
4 bonded by a \$100,000 penal bond made payable to the people of
5 the State of Illinois, and shall establish accounting and
6 reconciliation procedures to assure the safeguarding of these
7 moneys.

8 Moneys in the Department of Agriculture's "Working Cash
9 Account" shall be used only for the purposes of providing
10 change for ticket windows, paying winning tickets,
11 establishing the winning ticket reserve and purse fund as
12 required by the Division of Horse Racing of the Department of
13 Lottery and Gaming ~~"Illinois Racing Board"~~, paying race
14 purses, and paying Federal and State taxes in relation
15 thereto. That portion of the income received not expended for
16 uses as authorized shall within 10 days after receipt be paid
17 into the Agricultural Premium Fund.

18 The Governor may request at the recommendation of the
19 custodian of the "Working Cash Account" an amount of money not
20 to exceed \$50,000 be transferred from the Agricultural Premium
21 Fund to the "Working Cash Account", to provide change for
22 ticket windows, such transfer to be made within 30 days prior
23 to a racing meet. The custodian shall within 2 working days
24 after the close of a racing meet transfer the money used for
25 change back to the Agricultural Premium Fund. The Department
26 of Agriculture is authorized to pay from the Agricultural

1 Premium Fund the annual license fee, the daily race fee, and
2 other expenses such as track security, stewards, investigators
3 and such other fees as required by the Division of Horse Racing
4 of the Department of Lottery and Gaming ~~Illinois Racing Board~~
5 connected with the holding of a racing meet.

6 The Auditor General shall audit or cause to be audited the
7 above items of income and expenditures.

8 (Source: P.A. 84-1308.)

9 Section 105. The Agricultural Fair Act is amended by
10 changing Section 18 as follows:

11 (30 ILCS 120/18) (from Ch. 85, par. 668)

12 Sec. 18. Money shall be paid into the Fair and Exposition
13 Fund by the Division of Horse Racing of the Department of
14 Lottery and Gaming ~~Illinois Racing Board~~, as provided in
15 Section 28 of the Illinois Horse Racing Act of 1975. The
16 General Assembly shall from time to time make appropriations
17 payable from such fund to the Department for distribution to
18 county fairs. Such appropriations shall be distributed by the
19 Department to county fairs which are eligible to participate
20 in appropriations made from the Agricultural Premium Fund but
21 which elect instead to participate in appropriations made from
22 the Fair and Exposition Fund. If a county has more than one
23 county fair, such fairs shall jointly elect to participate
24 either in appropriations made from the Agricultural Premium

1 Fund or in appropriations made from the Fair and Exposition
2 Fund. All participating county fairs of the same county shall
3 participate in the same appropriation. Except as otherwise
4 allowed by the Director, a participant, to be eligible to
5 expend moneys appropriated from the Fair and Exposition Fund
6 for the purchase of new or additional land construction or
7 maintenance of buildings, grounds, facilities, infrastructure,
8 or any improvement to the grounds must hold the land on which
9 such fair or exposition is to be conducted as a fee or under a
10 lease of at least 20 years, the terms of which require the
11 lessee to have continuous possession of the land during every
12 day of the lease period, or must be owned by the fair
13 association participating in this disbursement, by an
14 agricultural society, or by a fair and exposition authority.
15 (Source: P.A. 99-183, eff. 7-29-15.)

16 Section 110. The Illinois Income Tax Act is amended by
17 changing Section 201 as follows:

18 (35 ILCS 5/201)

19 Sec. 201. Tax imposed.

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

1 privilege taxes imposed by this State or by any municipal
2 corporation or political subdivision thereof.

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

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

10 (2) In the case of an individual, trust or estate, for
11 taxable years beginning prior to July 1, 1989 and ending
12 after June 30, 1989, an amount equal to the sum of (i) 2
13 1/2% of the taxpayer's net income for the period prior to
14 July 1, 1989, as calculated under Section 202.3, and (ii)
15 3% of the taxpayer's net income for the period after June
16 30, 1989, as calculated under Section 202.3.

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

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

1 December 31, 2010, as calculated under Section 202.5.

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

6 (5.1) In the case of an individual, trust, or estate,
7 for taxable years beginning prior to January 1, 2015, and
8 ending after December 31, 2014, an amount equal to the sum
9 of (i) 5% of the taxpayer's net income for the period prior
10 to January 1, 2015, as calculated under Section 202.5, and
11 (ii) 3.75% of the taxpayer's net income for the period
12 after December 31, 2014, as calculated under Section
13 202.5.

14 (5.2) In the case of an individual, trust, or estate,
15 for taxable years beginning on or after January 1, 2015,
16 and ending prior to July 1, 2017, an amount equal to 3.75%
17 of the taxpayer's net income for the taxable year.

18 (5.3) In the case of an individual, trust, or estate,
19 for taxable years beginning prior to July 1, 2017, and
20 ending after June 30, 2017, an amount equal to the sum of
21 (i) 3.75% of the taxpayer's net income for the period
22 prior to July 1, 2017, as calculated under Section 202.5,
23 and (ii) 4.95% of the taxpayer's net income for the period
24 after June 30, 2017, as calculated under Section 202.5.

25 (5.4) In the case of an individual, trust, or estate,
26 for taxable years beginning on or after July 1, 2017, an

1 amount equal to 4.95% of the taxpayer's net income for the
2 taxable year.

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

6 (7) In the case of a corporation, for taxable years
7 beginning prior to July 1, 1989 and ending after June 30,
8 1989, an amount equal to the sum of (i) 4% of the
9 taxpayer's net income for the period prior to July 1,
10 1989, as calculated under Section 202.3, and (ii) 4.8% of
11 the taxpayer's net income for the period after June 30,
12 1989, as calculated under Section 202.3.

13 (8) In the case of a corporation, for taxable years
14 beginning after June 30, 1989, and ending prior to January
15 1, 2011, an amount equal to 4.8% of the taxpayer's net
16 income for the taxable year.

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

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

1 net income for the taxable year.

2 (11) In the case of a corporation, for taxable years
3 beginning prior to January 1, 2015, and ending after
4 December 31, 2014, an amount equal to the sum of (i) 7% of
5 the taxpayer's net income for the period prior to January
6 1, 2015, as calculated under Section 202.5, and (ii) 5.25%
7 of the taxpayer's net income for the period after December
8 31, 2014, as calculated under Section 202.5.

9 (12) In the case of a corporation, for taxable years
10 beginning on or after January 1, 2015, and ending prior to
11 July 1, 2017, an amount equal to 5.25% of the taxpayer's
12 net income for the taxable year.

13 (13) In the case of a corporation, for taxable years
14 beginning prior to July 1, 2017, and ending after June 30,
15 2017, an amount equal to the sum of (i) 5.25% of the
16 taxpayer's net income for the period prior to July 1,
17 2017, as calculated under Section 202.5, and (ii) 7% of
18 the taxpayer's net income for the period after June 30,
19 2017, as calculated under Section 202.5.

20 (14) In the case of a corporation, for taxable years
21 beginning on or after July 1, 2017, an amount equal to 7%
22 of the taxpayer's net income for the taxable year.

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

25 (b-5) Surcharge; sale or exchange of assets, properties,
26 and intangibles of organization gaming licensees. For each of

1 taxable years 2019 through 2027, a surcharge is imposed on all
2 taxpayers on income arising from the sale or exchange of
3 capital assets, depreciable business property, real property
4 used in the trade or business, and Section 197 intangibles (i)
5 of an organization licensee under the Illinois Horse Racing
6 Act of 1975 and (ii) of an organization gaming licensee under
7 the Illinois Gambling Act. The amount of the surcharge is
8 equal to the amount of federal income tax liability for the
9 taxable year attributable to those sales and exchanges. The
10 surcharge imposed shall not apply if:

11 (1) the organization gaming license, organization
12 license, or racetrack property is transferred as a result
13 of any of the following:

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

18 (B) cancellation, revocation, or termination of
19 any such license by the Department of Lottery and
20 Gaming ~~Illinois Gaming Board or the Illinois Racing~~
21 ~~Board~~;

22 (C) a determination by the Division of Casino
23 Gambling of the Department of Lottery and Gaming
24 ~~Illinois Gaming Board~~ that transfer of the license is
25 in the best interests of Illinois gaming;

26 (D) the death of an owner of the equity interest in

1 a licensee;

2 (E) the acquisition of a controlling interest in
3 the stock or substantially all of the assets of a
4 publicly traded company;

5 (F) a transfer by a parent company to a wholly
6 owned subsidiary; or

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

10 (2) the controlling interest in the organization
11 gaming license, organization license, or racetrack
12 property is transferred in a transaction to lineal
13 descendants in which no gain or loss is recognized or as a
14 result of a transaction in accordance with Section 351 of
15 the Internal Revenue Code in which no gain or loss is
16 recognized; or

17 (3) live horse racing was not conducted in 2010 at a
18 racetrack located within 3 miles of the Mississippi River
19 under a license issued pursuant to the Illinois Horse
20 Racing Act of 1975.

21 The transfer of an organization gaming license,
22 organization license, or racetrack property by a person other
23 than the initial licensee to receive the organization gaming
24 license is not subject to a surcharge. The Department shall
25 adopt rules necessary to implement and administer this
26 subsection.

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

14 (d) Additional Personal Property Tax Replacement Income
15 Tax Rates. The personal property tax replacement income tax
16 imposed by this subsection and subsection (c) of this Section
17 in the case of a corporation, other than a Subchapter S
18 corporation and except as adjusted by subsection (d-1), shall
19 be an additional amount equal to 2.85% of such taxpayer's net
20 income for the taxable year, except that beginning on January
21 1, 1981, and thereafter, the rate of 2.85% specified in this
22 subsection shall be reduced to 2.5%, and in the case of a
23 partnership, trust or a Subchapter S corporation shall be an
24 additional amount equal to 1.5% of such taxpayer's net income
25 for the taxable year.

26 (d-1) Rate reduction for certain foreign insurers. In the

1 case of a foreign insurer, as defined by Section 35A-5 of the
2 Illinois Insurance Code, whose state or country of domicile
3 imposes on insurers domiciled in Illinois a retaliatory tax
4 (excluding any insurer whose premiums from reinsurance assumed
5 are 50% or more of its total insurance premiums as determined
6 under paragraph (2) of subsection (b) of Section 304, except
7 that for purposes of this determination premiums from
8 reinsurance do not include premiums from inter-affiliate
9 reinsurance arrangements), beginning with taxable years ending
10 on or after December 31, 1999, the sum of the rates of tax
11 imposed by subsections (b) and (d) shall be reduced (but not
12 increased) to the rate at which the total amount of tax imposed
13 under this Act, net of all credits allowed under this Act,
14 shall equal (i) the total amount of tax that would be imposed
15 on the foreign insurer's net income allocable to Illinois for
16 the taxable year by such foreign insurer's state or country of
17 domicile if that net income were subject to all income taxes
18 and taxes measured by net income imposed by such foreign
19 insurer's state or country of domicile, net of all credits
20 allowed or (ii) a rate of zero if no such tax is imposed on
21 such income by the foreign insurer's state of domicile. For
22 the purposes of this subsection (d-1), an inter-affiliate
23 includes a mutual insurer under common management.

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

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

4 (B) the privilege tax imposed by Section 409 of
5 the Illinois Insurance Code, the fire insurance
6 company tax imposed by Section 12 of the Fire
7 Investigation Act, and the fire department taxes
8 imposed under Section 11-10-1 of the Illinois
9 Municipal Code,

10 equals 1.25% for taxable years ending prior to December
11 31, 2003, or 1.75% for taxable years ending on or after
12 December 31, 2003, of the net taxable premiums written for
13 the taxable year, as described by subsection (1) of
14 Section 409 of the Illinois Insurance Code. This paragraph
15 will in no event increase the rates imposed under
16 subsections (b) and (d).

17 (2) Any reduction in the rates of tax imposed by this
18 subsection shall be applied first against the rates
19 imposed by subsection (b) and only after the tax imposed
20 by subsection (a) net of all credits allowed under this
21 Section other than the credit allowed under subsection (i)
22 has been reduced to zero, against the rates imposed by
23 subsection (d).

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

26 (e) Investment credit. A taxpayer shall be allowed a

1 credit against the Personal Property Tax Replacement Income
2 Tax for investment in qualified property.

3 (1) A taxpayer shall be allowed a credit equal to .5%
4 of the basis of qualified property placed in service
5 during the taxable year, provided such property is placed
6 in service on or after July 1, 1984. There shall be allowed
7 an additional credit equal to .5% of the basis of
8 qualified property placed in service during the taxable
9 year, provided such property is placed in service on or
10 after July 1, 1986, and the taxpayer's base employment
11 within Illinois has increased by 1% or more over the
12 preceding year as determined by the taxpayer's employment
13 records filed with the Illinois Department of Employment
14 Security. Taxpayers who are new to Illinois shall be
15 deemed to have met the 1% growth in base employment for the
16 first year in which they file employment records with the
17 Illinois Department of Employment Security. The provisions
18 added to this Section by Public Act 85-1200 (and restored
19 by Public Act 87-895) shall be construed as declaratory of
20 existing law and not as a new enactment. If, in any year,
21 the increase in base employment within Illinois over the
22 preceding year is less than 1%, the additional credit
23 shall be limited to that percentage times a fraction, the
24 numerator of which is .5% and the denominator of which is
25 1%, but shall not exceed .5%. The investment credit shall
26 not be allowed to the extent that it would reduce a

1 taxpayer's liability in any tax year below zero, nor may
2 any credit for qualified property be allowed for any year
3 other than the year in which the property was placed in
4 service in Illinois. For tax years ending on or after
5 December 31, 1987, and on or before December 31, 1988, the
6 credit shall be allowed for the tax year in which the
7 property is placed in service, or, if the amount of the
8 credit exceeds the tax liability for that year, whether it
9 exceeds the original liability or the liability as later
10 amended, such excess may be carried forward and applied to
11 the tax liability of the 5 taxable years following the
12 excess credit years if the taxpayer (i) makes investments
13 which cause the creation of a minimum of 2,000 full-time
14 equivalent jobs in Illinois, (ii) is located in an
15 enterprise zone established pursuant to the Illinois
16 Enterprise Zone Act and (iii) is certified by the
17 Department of Commerce and Community Affairs (now
18 Department of Commerce and Economic Opportunity) as
19 complying with the requirements specified in clause (i)
20 and (ii) by July 1, 1986. The Department of Commerce and
21 Community Affairs (now Department of Commerce and Economic
22 Opportunity) shall notify the Department of Revenue of all
23 such certifications immediately. For tax years ending
24 after December 31, 1988, the credit shall be allowed for
25 the tax year in which the property is placed in service,
26 or, if the amount of the credit exceeds the tax liability

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

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

11 (A) is tangible, whether new or used, including
12 buildings and structural components of buildings and
13 signs that are real property, but not including land
14 or improvements to real property that are not a
15 structural component of a building such as
16 landscaping, sewer lines, local access roads, fencing,
17 parking lots, and other appurtenances;

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

23 (C) is acquired by purchase as defined in Section
24 179(d) of the Internal Revenue Code;

25 (D) is used in Illinois by a taxpayer who is
26 primarily engaged in manufacturing, or in mining coal

1 or fluorite, or in retailing, or was placed in service
2 on or after July 1, 2006 in a River Edge Redevelopment
3 Zone established pursuant to the River Edge
4 Redevelopment Zone Act; and

5 (E) has not previously been used in Illinois in
6 such a manner and by such a person as would qualify for
7 the credit provided by this subsection (e) or
8 subsection (f).

9 (3) For purposes of this subsection (e),
10 "manufacturing" means the material staging and production
11 of tangible personal property by procedures commonly
12 regarded as manufacturing, processing, fabrication, or
13 assembling which changes some existing material into new
14 shapes, new qualities, or new combinations. For purposes
15 of this subsection (e) the term "mining" shall have the
16 same meaning as the term "mining" in Section 613(c) of the
17 Internal Revenue Code. For purposes of this subsection
18 (e), the term "retailing" means the sale of tangible
19 personal property for use or consumption and not for
20 resale, or services rendered in conjunction with the sale
21 of tangible personal property for use or consumption and
22 not for resale. For purposes of this subsection (e),
23 "tangible personal property" has the same meaning as when
24 that term is used in the Retailers' Occupation Tax Act,
25 and, for taxable years ending after December 31, 2008,
26 does not include the generation, transmission, or

1 distribution of electricity.

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

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

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

12 (7) If during any taxable year, any property ceases to
13 be qualified property in the hands of the taxpayer within
14 48 months after being placed in service, or the situs of
15 any qualified property is moved outside Illinois within 48
16 months after being placed in service, the Personal
17 Property Tax Replacement Income Tax for such taxable year
18 shall be increased. Such increase shall be determined by
19 (i) recomputing the investment credit which would have
20 been allowed for the year in which credit for such
21 property was originally allowed by eliminating such
22 property from such computation and, (ii) subtracting such
23 recomputed credit from the amount of credit previously
24 allowed. For the purposes of this paragraph (7), a
25 reduction of the basis of qualified property resulting
26 from a redetermination of the purchase price shall be

1 deemed a disposition of qualified property to the extent
2 of such reduction.

3 (8) Unless the investment credit is extended by law,
4 the basis of qualified property shall not include costs
5 incurred after December 31, 2018, except for costs
6 incurred pursuant to a binding contract entered into on or
7 before December 31, 2018.

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

24 For taxable years ending on or after December 31,
25 2000, a partner that qualifies its partnership for a
26 subtraction under subparagraph (I) of paragraph (2) of

1 subsection (d) of Section 203 or a shareholder that
2 qualifies a Subchapter S corporation for a subtraction
3 under subparagraph (S) of paragraph (2) of subsection (b)
4 of Section 203 shall be allowed a credit under this
5 subsection (e) equal to its share of the credit earned
6 under this subsection (e) during the taxable year by the
7 partnership or Subchapter S corporation, determined in
8 accordance with the determination of income and
9 distributive share of income under Sections 702 and 704
10 and Subchapter S of the Internal Revenue Code. This
11 paragraph is exempt from the provisions of Section 250.

12 (f) Investment credit; Enterprise Zone; River Edge
13 Redevelopment Zone.

14 (1) A taxpayer shall be allowed a credit against the
15 tax imposed by subsections (a) and (b) of this Section for
16 investment in qualified property which is placed in
17 service in an Enterprise Zone created pursuant to the
18 Illinois Enterprise Zone Act or, for property placed in
19 service on or after July 1, 2006, a River Edge
20 Redevelopment Zone established pursuant to the River Edge
21 Redevelopment Zone Act. For partners, shareholders of
22 Subchapter S corporations, and owners of limited liability
23 companies, if the liability company is treated as a
24 partnership for purposes of federal and State income
25 taxation, there shall be allowed a credit under this
26 subsection (f) to be determined in accordance with the

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

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

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

25 (B) is depreciable pursuant to Section 167 of the
26 Internal Revenue Code, except that "3-year property"

1 as defined in Section 168(c)(2)(A) of that Code is not
2 eligible for the credit provided by this subsection
3 (f);

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

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

8 (E) has not been previously used in Illinois in
9 such a manner and by such a person as would qualify for
10 the credit provided by this subsection (f) or
11 subsection (e).

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

15 (4) If the basis of the property for federal income
16 tax depreciation purposes is increased after it has been
17 placed in service in the Enterprise Zone or River Edge
18 Redevelopment Zone by the taxpayer, the amount of such
19 increase shall be deemed property placed in service on the
20 date of such increase in basis.

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

23 (6) If during any taxable year, any property ceases to
24 be qualified property in the hands of the taxpayer within
25 48 months after being placed in service, or the situs of
26 any qualified property is moved outside the Enterprise

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

15 (7) There shall be allowed an additional credit equal
16 to 0.5% of the basis of qualified property placed in
17 service during the taxable year in a River Edge
18 Redevelopment Zone, provided such property is placed in
19 service on or after July 1, 2006, and the taxpayer's base
20 employment within Illinois has increased by 1% or more
21 over the preceding year as determined by the taxpayer's
22 employment records filed with the Illinois Department of
23 Employment Security. Taxpayers who are new to Illinois
24 shall be deemed to have met the 1% growth in base
25 employment for the first year in which they file
26 employment records with the Illinois Department of

1 Employment Security. If, in any year, the increase in base
2 employment within Illinois over the preceding year is less
3 than 1%, the additional credit shall be limited to that
4 percentage times a fraction, the numerator of which is
5 0.5% and the denominator of which is 1%, but shall not
6 exceed 0.5%.

7 (8) For taxable years beginning on or after January 1,
8 2021, there shall be allowed an Enterprise Zone
9 construction jobs credit against the taxes imposed under
10 subsections (a) and (b) of this Section as provided in
11 Section 13 of the Illinois Enterprise Zone Act.

12 The credit or credits may not reduce the taxpayer's
13 liability to less than zero. If the amount of the credit or
14 credits exceeds the taxpayer's liability, the excess may
15 be carried forward and applied against the taxpayer's
16 liability in succeeding calendar years in the same manner
17 provided under paragraph (4) of Section 211 of this Act.
18 The credit or credits shall be applied to the earliest
19 year for which there is a tax liability. If there are
20 credits from more than one taxable year that are available
21 to offset a liability, the earlier credit shall be applied
22 first.

23 For partners, shareholders of Subchapter S
24 corporations, and owners of limited liability companies,
25 if the liability company is treated as a partnership for
26 the purposes of federal and State income taxation, there

1 shall be allowed a credit under this Section to be
2 determined in accordance with the determination of income
3 and distributive share of income under Sections 702 and
4 704 and Subchapter S of the Internal Revenue Code.

5 The total aggregate amount of credits awarded under
6 the Blue Collar Jobs Act (Article 20 of Public Act 101-9)
7 shall not exceed \$20,000,000 in any State fiscal year.

8 This paragraph (8) is exempt from the provisions of
9 Section 250.

10 (g) (Blank).

11 (h) Investment credit; High Impact Business.

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

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

26 Changes made in this subdivision (h)(1) by Public Act

1 88-670 restore changes made by Public Act 85-1182 and
2 reflect existing law.

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

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

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

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

13 (D) is not eligible for the Enterprise Zone
14 Investment Credit provided by subsection (f) of this
15 Section.

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

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

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

1 (6) If during any taxable year ending on or before
2 December 31, 1996, any property ceases to be qualified
3 property in the hands of the taxpayer within 48 months
4 after being placed in service, or the situs of any
5 qualified property is moved outside Illinois within 48
6 months after being placed in service, the tax imposed
7 under subsections (a) and (b) of this Section for such
8 taxable year shall be increased. Such increase shall be
9 determined by (i) recomputing the investment credit which
10 would have been allowed for the year in which credit for
11 such property was originally allowed by eliminating such
12 property from such computation, and (ii) subtracting such
13 recomputed credit from the amount of credit previously
14 allowed. For the purposes of this paragraph (6), a
15 reduction of the basis of qualified property resulting
16 from a redetermination of the purchase price shall be
17 deemed a disposition of qualified property to the extent
18 of such reduction.

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

1 relocated its facility by an amount equal to the amount of
2 credit received by the taxpayer under this subsection (h).

3 (h-5) High Impact Business construction jobs credit. For
4 taxable years beginning on or after January 1, 2021, there
5 shall also be allowed a High Impact Business construction jobs
6 credit against the tax imposed under subsections (a) and (b)
7 of this Section as provided in subsections (i) and (j) of
8 Section 5.5 of the Illinois Enterprise Zone Act.

9 The credit or credits may not reduce the taxpayer's
10 liability to less than zero. If the amount of the credit or
11 credits exceeds the taxpayer's liability, the excess may be
12 carried forward and applied against the taxpayer's liability
13 in succeeding calendar years in the manner provided under
14 paragraph (4) of Section 211 of this Act. The credit or credits
15 shall be applied to the earliest year for which there is a tax
16 liability. If there are credits from more than one taxable
17 year that are available to offset a liability, the earlier
18 credit shall be applied first.

19 For partners, shareholders of Subchapter S corporations,
20 and owners of limited liability companies, if the liability
21 company is treated as a partnership for the purposes of
22 federal and State income taxation, there shall be allowed a
23 credit under this Section to be determined in accordance with
24 the determination of income and distributive share of income
25 under Sections 702 and 704 and Subchapter S of the Internal
26 Revenue Code.

1 The total aggregate amount of credits awarded under the
2 Blue Collar Jobs Act (Article 20 of Public Act 101-9) shall not
3 exceed \$20,000,000 in any State fiscal year.

4 This subsection (h-5) is exempt from the provisions of
5 Section 250.

6 (i) Credit for Personal Property Tax Replacement Income
7 Tax. For tax years ending prior to December 31, 2003, a credit
8 shall be allowed against the tax imposed by subsections (a)
9 and (b) of this Section for the tax imposed by subsections (c)
10 and (d) of this Section. This credit shall be computed by
11 multiplying the tax imposed by subsections (c) and (d) of this
12 Section by a fraction, the numerator of which is base income
13 allocable to Illinois and the denominator of which is Illinois
14 base income, and further multiplying the product by the tax
15 rate imposed by subsections (a) and (b) of this Section.

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

1 subsection from more than one tax year that is available to
2 offset a liability the earliest credit arising under this
3 subsection shall be applied first.

4 If, during any taxable year ending on or after December
5 31, 1986, the tax imposed by subsections (c) and (d) of this
6 Section for which a taxpayer has claimed a credit under this
7 subsection (i) is reduced, the amount of credit for such tax
8 shall also be reduced. Such reduction shall be determined by
9 recomputing the credit to take into account the reduced tax
10 imposed by subsections (c) and (d). If any portion of the
11 reduced amount of credit has been carried to a different
12 taxable year, an amended return shall be filed for such
13 taxable year to reduce the amount of credit claimed.

14 (j) Training expense credit. Beginning with tax years
15 ending on or after December 31, 1986 and prior to December 31,
16 2003, a taxpayer shall be allowed a credit against the tax
17 imposed by subsections (a) and (b) under this Section for all
18 amounts paid or accrued, on behalf of all persons employed by
19 the taxpayer in Illinois or Illinois residents employed
20 outside of Illinois by a taxpayer, for educational or
21 vocational training in semi-technical or technical fields or
22 semi-skilled or skilled fields, which were deducted from gross
23 income in the computation of taxable income. The credit
24 against the tax imposed by subsections (a) and (b) shall be
25 1.6% of such training expenses. For partners, shareholders of
26 subchapter S corporations, and owners of limited liability

1 companies, if the liability company is treated as a
2 partnership for purposes of federal and State income taxation,
3 there shall be allowed a credit under this subsection (j) to be
4 determined in accordance with the determination of income and
5 distributive share of income under Sections 702 and 704 and
6 subchapter S of the Internal Revenue Code.

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

17 (k) Research and development credit. For tax years ending
18 after July 1, 1990 and prior to December 31, 2003, and
19 beginning again for tax years ending on or after December 31,
20 2004, and ending prior to January 1, 2027, a taxpayer shall be
21 allowed a credit against the tax imposed by subsections (a)
22 and (b) of this Section for increasing research activities in
23 this State. The credit allowed against the tax imposed by
24 subsections (a) and (b) shall be equal to 6 1/2% of the
25 qualifying expenditures for increasing research activities in
26 this State. For partners, shareholders of subchapter S

1 corporations, and owners of limited liability companies, if
2 the liability company is treated as a partnership for purposes
3 of federal and State income taxation, there shall be allowed a
4 credit under this subsection to be determined in accordance
5 with the determination of income and distributive share of
6 income under Sections 702 and 704 and subchapter S of the
7 Internal Revenue Code.

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

21 Any credit in excess of the tax liability for the taxable
22 year may be carried forward. A taxpayer may elect to have the
23 unused credit shown on its final completed return carried over
24 as a credit against the tax liability for the following 5
25 taxable years or until it has been fully used, whichever
26 occurs first; provided that no credit earned in a tax year

1 ending prior to December 31, 2003 may be carried forward to any
2 year ending on or after December 31, 2003.

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

15 No inference shall be drawn from Public Act 91-644 in
16 construing this Section for taxable years beginning before
17 January 1, 1999.

18 It is the intent of the General Assembly that the research
19 and development credit under this subsection (k) shall apply
20 continuously for all tax years ending on or after December 31,
21 2004 and ending prior to January 1, 2027, including, but not
22 limited to, the period beginning on January 1, 2016 and ending
23 on July 6, 2017 (the effective date of Public Act 100-22). All
24 actions taken in reliance on the continuation of the credit
25 under this subsection (k) by any taxpayer are hereby
26 validated.

1 (1) Environmental Remediation Tax Credit.

2 (i) For tax years ending after December 31, 1997 and
3 on or before December 31, 2001, a taxpayer shall be
4 allowed a credit against the tax imposed by subsections
5 (a) and (b) of this Section for certain amounts paid for
6 unreimbursed eligible remediation costs, as specified in
7 this subsection. For purposes of this Section,
8 "unreimbursed eligible remediation costs" means costs
9 approved by the Illinois Environmental Protection Agency
10 ("Agency") under Section 58.14 of the Environmental
11 Protection Act that were paid in performing environmental
12 remediation at a site for which a No Further Remediation
13 Letter was issued by the Agency and recorded under Section
14 58.10 of the Environmental Protection Act. The credit must
15 be claimed for the taxable year in which Agency approval
16 of the eligible remediation costs is granted. The credit
17 is not available to any taxpayer if the taxpayer or any
18 related party caused or contributed to, in any material
19 respect, a release of regulated substances on, in, or
20 under the site that was identified and addressed by the
21 remedial action pursuant to the Site Remediation Program
22 of the Environmental Protection Act. After the Pollution
23 Control Board rules are adopted pursuant to the Illinois
24 Administrative Procedure Act for the administration and
25 enforcement of Section 58.9 of the Environmental
26 Protection Act, determinations as to credit availability

1 for purposes of this Section shall be made consistent with
2 those rules. For purposes of this Section, "taxpayer"
3 includes a person whose tax attributes the taxpayer has
4 succeeded to under Section 381 of the Internal Revenue
5 Code and "related party" includes the persons disallowed a
6 deduction for losses by paragraphs (b), (c), and (f)(1) of
7 Section 267 of the Internal Revenue Code by virtue of
8 being a related taxpayer, as well as any of its partners.
9 The credit allowed against the tax imposed by subsections
10 (a) and (b) shall be equal to 25% of the unreimbursed
11 eligible remediation costs in excess of \$100,000 per site,
12 except that the \$100,000 threshold shall not apply to any
13 site contained in an enterprise zone as determined by the
14 Department of Commerce and Community Affairs (now
15 Department of Commerce and Economic Opportunity). The
16 total credit allowed shall not exceed \$40,000 per year
17 with a maximum total of \$150,000 per site. For partners
18 and shareholders of subchapter S corporations, there shall
19 be allowed a credit under this subsection to be determined
20 in accordance with the determination of income and
21 distributive share of income under Sections 702 and 704
22 and subchapter S of the Internal Revenue Code.

23 (ii) A credit allowed under this subsection that is
24 unused in the year the credit is earned may be carried
25 forward to each of the 5 taxable years following the year
26 for which the credit is first earned until it is used. The

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

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

26 (m) Education expense credit. Beginning with tax years

1 ending after December 31, 1999, a taxpayer who is the
2 custodian of one or more qualifying pupils shall be allowed a
3 credit against the tax imposed by subsections (a) and (b) of
4 this Section for qualified education expenses incurred on
5 behalf of the qualifying pupils. The credit shall be equal to
6 25% of qualified education expenses, but in no event may the
7 total credit under this subsection claimed by a family that is
8 the custodian of qualifying pupils exceed (i) \$500 for tax
9 years ending prior to December 31, 2017, and (ii) \$750 for tax
10 years ending on or after December 31, 2017. In no event shall a
11 credit under this subsection reduce the taxpayer's liability
12 under this Act to less than zero. Notwithstanding any other
13 provision of law, for taxable years beginning on or after
14 January 1, 2017, no taxpayer may claim a credit under this
15 subsection (m) if the taxpayer's adjusted gross income for the
16 taxable year exceeds (i) \$500,000, in the case of spouses
17 filing a joint federal tax return or (ii) \$250,000, in the case
18 of all other taxpayers. This subsection is exempt from the
19 provisions of Section 250 of this Act.

20 For purposes of this subsection:

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

1 defined in this subsection.

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

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

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

16 (n) River Edge Redevelopment Zone site remediation tax
17 credit.

18 (i) For tax years ending on or after December 31,
19 2006, a taxpayer shall be allowed a credit against the tax
20 imposed by subsections (a) and (b) of this Section for
21 certain amounts paid for unreimbursed eligible remediation
22 costs, as specified in this subsection. For purposes of
23 this Section, "unreimbursed eligible remediation costs"
24 means costs approved by the Illinois Environmental
25 Protection Agency ("Agency") under Section 58.14a of the
26 Environmental Protection Act that were paid in performing

1 environmental remediation at a site within a River Edge
2 Redevelopment Zone for which a No Further Remediation
3 Letter was issued by the Agency and recorded under Section
4 58.10 of the Environmental Protection Act. The credit must
5 be claimed for the taxable year in which Agency approval
6 of the eligible remediation costs is granted. The credit
7 is not available to any taxpayer if the taxpayer or any
8 related party caused or contributed to, in any material
9 respect, a release of regulated substances on, in, or
10 under the site that was identified and addressed by the
11 remedial action pursuant to the Site Remediation Program
12 of the Environmental Protection Act. Determinations as to
13 credit availability for purposes of this Section shall be
14 made consistent with rules adopted by the Pollution
15 Control Board pursuant to the Illinois Administrative
16 Procedure Act for the administration and enforcement of
17 Section 58.9 of the Environmental Protection Act. For
18 purposes of this Section, "taxpayer" includes a person
19 whose tax attributes the taxpayer has succeeded to under
20 Section 381 of the Internal Revenue Code and "related
21 party" includes the persons disallowed a deduction for
22 losses by paragraphs (b), (c), and (f)(1) of Section 267
23 of the Internal Revenue Code by virtue of being a related
24 taxpayer, as well as any of its partners. The credit
25 allowed against the tax imposed by subsections (a) and (b)
26 shall be equal to 25% of the unreimbursed eligible

1 remediation costs in excess of \$100,000 per site.

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

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

1 (o) For each of taxable years during the Compassionate Use
2 of Medical Cannabis Program, a surcharge is imposed on all
3 taxpayers on income arising from the sale or exchange of
4 capital assets, depreciable business property, real property
5 used in the trade or business, and Section 197 intangibles of
6 an organization registrant under the Compassionate Use of
7 Medical Cannabis Program Act. The amount of the surcharge is
8 equal to the amount of federal income tax liability for the
9 taxable year attributable to those sales and exchanges. The
10 surcharge imposed does not apply if:

11 (1) the medical cannabis cultivation center
12 registration, medical cannabis dispensary registration, or
13 the property of a registration is transferred as a result
14 of any of the following:

15 (A) bankruptcy, a receivership, or a debt
16 adjustment initiated by or against the initial
17 registration or the substantial owners of the initial
18 registration;

19 (B) cancellation, revocation, or termination of
20 any registration by the Illinois Department of Public
21 Health;

22 (C) a determination by the Illinois Department of
23 Public Health that transfer of the registration is in
24 the best interests of Illinois qualifying patients as
25 defined by the Compassionate Use of Medical Cannabis
26 Program Act;

1 (D) the death of an owner of the equity interest in
2 a registrant;

3 (E) the acquisition of a controlling interest in
4 the stock or substantially all of the assets of a
5 publicly traded company;

6 (F) a transfer by a parent company to a wholly
7 owned subsidiary; or

8 (G) the transfer or sale to or by one person to
9 another person where both persons were initial owners
10 of the registration when the registration was issued;
11 or

12 (2) the cannabis cultivation center registration,
13 medical cannabis dispensary registration, or the
14 controlling interest in a registrant's property is
15 transferred in a transaction to lineal descendants in
16 which no gain or loss is recognized or as a result of a
17 transaction in accordance with Section 351 of the Internal
18 Revenue Code in which no gain or loss is recognized.

19 (p) Pass-through entity tax.

20 (1) For taxable years ending on or after December 31,
21 2021 and beginning prior to January 1, 2026, a partnership
22 (other than a publicly traded partnership under Section
23 7704 of the Internal Revenue Code) or Subchapter S
24 corporation may elect to apply the provisions of this
25 subsection. A separate election shall be made for each
26 taxable year. Such election shall be made at such time,

1 and in such form and manner as prescribed by the
2 Department, and, once made, is irrevocable.

3 (2) Entity-level tax. A partnership or Subchapter S
4 corporation electing to apply the provisions of this
5 subsection shall be subject to a tax for the privilege of
6 earning or receiving income in this State in an amount
7 equal to 4.95% of the taxpayer's net income for the
8 taxable year.

9 (3) Net income defined.

10 (A) In general. For purposes of paragraph (2), the
11 term net income has the same meaning as defined in
12 Section 202 of this Act, except that the following
13 provisions shall not apply:

14 (i) the standard exemption allowed under
15 Section 204;

16 (ii) the deduction for net losses allowed
17 under Section 207;

18 (iii) in the case of an S corporation, the
19 modification under Section 203(b)(2)(S); and

20 (iv) in the case of a partnership, the
21 modifications under Section 203(d)(2)(H) and
22 Section 203(d)(2)(I).

23 (B) Special rule for tiered partnerships. If a
24 taxpayer making the election under paragraph (1) is a
25 partner of another taxpayer making the election under
26 paragraph (1), net income shall be computed as

1 provided in subparagraph (A), except that the taxpayer
2 shall subtract its distributive share of the net
3 income of the electing partnership (including its
4 distributive share of the net income of the electing
5 partnership derived as a distributive share from
6 electing partnerships in which it is a partner).

7 (4) Credit for entity level tax. Each partner or
8 shareholder of a taxpayer making the election under this
9 Section shall be allowed a credit against the tax imposed
10 under subsections (a) and (b) of Section 201 of this Act
11 for the taxable year of the partnership or Subchapter S
12 corporation for which an election is in effect ending
13 within or with the taxable year of the partner or
14 shareholder in an amount equal to 4.95% times the partner
15 or shareholder's distributive share of the net income of
16 the electing partnership or Subchapter S corporation, but
17 not to exceed the partner's or shareholder's share of the
18 tax imposed under paragraph (1) which is actually paid by
19 the partnership or Subchapter S corporation. If the
20 taxpayer is a partnership or Subchapter S corporation that
21 is itself a partner of a partnership making the election
22 under paragraph (1), the credit under this paragraph shall
23 be allowed to the taxpayer's partners or shareholders (or
24 if the partner is a partnership or Subchapter S
25 corporation then its partners or shareholders) in
26 accordance with the determination of income and

1 distributive share of income under Sections 702 and 704
2 and Subchapter S of the Internal Revenue Code. If the
3 amount of the credit allowed under this paragraph exceeds
4 the partner's or shareholder's liability for tax imposed
5 under subsections (a) and (b) of Section 201 of this Act
6 for the taxable year, such excess shall be treated as an
7 overpayment for purposes of Section 909 of this Act.

8 (5) Nonresidents. A nonresident individual who is a
9 partner or shareholder of a partnership or Subchapter S
10 corporation for a taxable year for which an election is in
11 effect under paragraph (1) shall not be required to file
12 an income tax return under this Act for such taxable year
13 if the only source of net income of the individual (or the
14 individual and the individual's spouse in the case of a
15 joint return) is from an entity making the election under
16 paragraph (1) and the credit allowed to the partner or
17 shareholder under paragraph (4) equals or exceeds the
18 individual's liability for the tax imposed under
19 subsections (a) and (b) of Section 201 of this Act for the
20 taxable year.

21 (6) Liability for tax. Except as provided in this
22 paragraph, a partnership or Subchapter S making the
23 election under paragraph (1) is liable for the
24 entity-level tax imposed under paragraph (2). If the
25 electing partnership or corporation fails to pay the full
26 amount of tax deemed assessed under paragraph (2), the

1 partners or shareholders shall be liable to pay the tax
2 assessed (including penalties and interest). Each partner
3 or shareholder shall be liable for the unpaid assessment
4 based on the ratio of the partner's or shareholder's share
5 of the net income of the partnership over the total net
6 income of the partnership. If the partnership or
7 Subchapter S corporation fails to pay the tax assessed
8 (including penalties and interest) and thereafter an
9 amount of such tax is paid by the partners or
10 shareholders, such amount shall not be collected from the
11 partnership or corporation.

12 (7) Foreign tax. For purposes of the credit allowed
13 under Section 601(b)(3) of this Act, tax paid by a
14 partnership or Subchapter S corporation to another state
15 which, as determined by the Department, is substantially
16 similar to the tax imposed under this subsection, shall be
17 considered tax paid by the partner or shareholder to the
18 extent that the partner's or shareholder's share of the
19 income of the partnership or Subchapter S corporation
20 allocated and apportioned to such other state bears to the
21 total income of the partnership or Subchapter S
22 corporation allocated or apportioned to such other state.

23 (8) Suspension of withholding. The provisions of
24 Section 709.5 of this Act shall not apply to a partnership
25 or Subchapter S corporation for the taxable year for which
26 an election under paragraph (1) is in effect.

1 (9) Requirement to pay estimated tax. For each taxable
2 year for which an election under paragraph (1) is in
3 effect, a partnership or Subchapter S corporation is
4 required to pay estimated tax for such taxable year under
5 Sections 803 and 804 of this Act if the amount payable as
6 estimated tax can reasonably be expected to exceed \$500.

7 (10) The provisions of this subsection shall apply
8 only with respect to taxable years for which the
9 limitation on individual deductions applies under Section
10 164(b) (6) of the Internal Revenue Code.

11 (Source: P.A. 101-9, eff. 6-5-19; 101-31, eff. 6-28-19;
12 101-207, eff. 8-2-19; 101-363, eff. 8-9-19; 102-558, eff.
13 8-20-21; 102-658, eff. 8-27-21.)

14 Section 115. The Illinois Pension Code is amended by
15 changing Sections 1-160, 4-108.8, 7-139.8, 9-121.10, and
16 14-110 as follows:

17 (40 ILCS 5/1-160)

18 (Text of Section from P.A. 102-719)

19 Sec. 1-160. Provisions applicable to new hires.

20 (a) The provisions of this Section apply to a person who,
21 on or after January 1, 2011, first becomes a member or a
22 participant under any reciprocal retirement system or pension
23 fund established under this Code, other than a retirement
24 system or pension fund established under Article 2, 3, 4, 5, 6,

1 7, 15, or 18 of this Code, notwithstanding any other provision
2 of this Code to the contrary, but do not apply to any
3 self-managed plan established under this Code or to any
4 participant of the retirement plan established under Section
5 22-101; except that this Section applies to a person who
6 elected to establish alternative credits by electing in
7 writing after January 1, 2011, but before August 8, 2011,
8 under Section 7-145.1 of this Code. Notwithstanding anything
9 to the contrary in this Section, for purposes of this Section,
10 a person who is a Tier 1 regular employee as defined in Section
11 7-109.4 of this Code or who participated in a retirement
12 system under Article 15 prior to January 1, 2011 shall be
13 deemed a person who first became a member or participant prior
14 to January 1, 2011 under any retirement system or pension fund
15 subject to this Section. The changes made to this Section by
16 Public Act 98-596 are a clarification of existing law and are
17 intended to be retroactive to January 1, 2011 (the effective
18 date of Public Act 96-889), notwithstanding the provisions of
19 Section 1-103.1 of this Code.

20 This Section does not apply to a person who first becomes a
21 noncovered employee under Article 14 on or after the
22 implementation date of the plan created under Section 1-161
23 for that Article, unless that person elects under subsection
24 (b) of Section 1-161 to instead receive the benefits provided
25 under this Section and the applicable provisions of that
26 Article.

1 This Section does not apply to a person who first becomes a
2 member or participant under Article 16 on or after the
3 implementation date of the plan created under Section 1-161
4 for that Article, unless that person elects under subsection
5 (b) of Section 1-161 to instead receive the benefits provided
6 under this Section and the applicable provisions of that
7 Article.

8 This Section does not apply to a person who elects under
9 subsection (c-5) of Section 1-161 to receive the benefits
10 under Section 1-161.

11 This Section does not apply to a person who first becomes a
12 member or participant of an affected pension fund on or after 6
13 months after the resolution or ordinance date, as defined in
14 Section 1-162, unless that person elects under subsection (c)
15 of Section 1-162 to receive the benefits provided under this
16 Section and the applicable provisions of the Article under
17 which he or she is a member or participant.

18 (b) "Final average salary" means, except as otherwise
19 provided in this subsection, the average monthly (or annual)
20 salary obtained by dividing the total salary or earnings
21 calculated under the Article applicable to the member or
22 participant during the 96 consecutive months (or 8 consecutive
23 years) of service within the last 120 months (or 10 years) of
24 service in which the total salary or earnings calculated under
25 the applicable Article was the highest by the number of months
26 (or years) of service in that period. For the purposes of a

1 person who first becomes a member or participant of any
2 retirement system or pension fund to which this Section
3 applies on or after January 1, 2011, in this Code, "final
4 average salary" shall be substituted for the following:

5 (1) (Blank).

6 (2) In Articles 8, 9, 10, 11, and 12, "highest average
7 annual salary for any 4 consecutive years within the last
8 10 years of service immediately preceding the date of
9 withdrawal".

10 (3) In Article 13, "average final salary".

11 (4) In Article 14, "final average compensation".

12 (5) In Article 17, "average salary".

13 (6) In Section 22-207, "wages or salary received by
14 him at the date of retirement or discharge".

15 A member of the Teachers' Retirement System of the State
16 of Illinois who retires on or after June 1, 2021 and for whom
17 the 2020-2021 school year is used in the calculation of the
18 member's final average salary shall use the higher of the
19 following for the purpose of determining the member's final
20 average salary:

21 (A) the amount otherwise calculated under the first
22 paragraph of this subsection; or

23 (B) an amount calculated by the Teachers' Retirement
24 System of the State of Illinois using the average of the
25 monthly (or annual) salary obtained by dividing the total
26 salary or earnings calculated under Article 16 applicable

1 to the member or participant during the 96 months (or 8
2 years) of service within the last 120 months (or 10 years)
3 of service in which the total salary or earnings
4 calculated under the Article was the highest by the number
5 of months (or years) of service in that period.

6 (b-5) Beginning on January 1, 2011, for all purposes under
7 this Code (including without limitation the calculation of
8 benefits and employee contributions), the annual earnings,
9 salary, or wages (based on the plan year) of a member or
10 participant to whom this Section applies shall not exceed
11 \$106,800; however, that amount shall annually thereafter be
12 increased by the lesser of (i) 3% of that amount, including all
13 previous adjustments, or (ii) one-half the annual unadjusted
14 percentage increase (but not less than zero) in the consumer
15 price index-u for the 12 months ending with the September
16 preceding each November 1, including all previous adjustments.

17 For the purposes of this Section, "consumer price index-u"
18 means the index published by the Bureau of Labor Statistics of
19 the United States Department of Labor that measures the
20 average change in prices of goods and services purchased by
21 all urban consumers, United States city average, all items,
22 1982-84 = 100. The new amount resulting from each annual
23 adjustment shall be determined by the Public Pension Division
24 of the Department of Insurance and made available to the
25 boards of the retirement systems and pension funds by November
26 1 of each year.

1 (c) A member or participant is entitled to a retirement
2 annuity upon written application if he or she has attained age
3 67 (age 65, with respect to service under Article 12 that is
4 subject to this Section, for a member or participant under
5 Article 12 who first becomes a member or participant under
6 Article 12 on or after January 1, 2022 or who makes the
7 election under item (i) of subsection (d-15) of this Section)
8 and has at least 10 years of service credit and is otherwise
9 eligible under the requirements of the applicable Article.

10 A member or participant who has attained age 62 (age 60,
11 with respect to service under Article 12 that is subject to
12 this Section, for a member or participant under Article 12 who
13 first becomes a member or participant under Article 12 on or
14 after January 1, 2022 or who makes the election under item (i)
15 of subsection (d-15) of this Section) and has at least 10 years
16 of service credit and is otherwise eligible under the
17 requirements of the applicable Article may elect to receive
18 the lower retirement annuity provided in subsection (d) of
19 this Section.

20 (c-5) A person who first becomes a member or a participant
21 subject to this Section on or after July 6, 2017 (the effective
22 date of Public Act 100-23), notwithstanding any other
23 provision of this Code to the contrary, is entitled to a
24 retirement annuity under Article 8 or Article 11 upon written
25 application if he or she has attained age 65 and has at least
26 10 years of service credit and is otherwise eligible under the

1 requirements of Article 8 or Article 11 of this Code,
2 whichever is applicable.

3 (d) The retirement annuity of a member or participant who
4 is retiring after attaining age 62 (age 60, with respect to
5 service under Article 12 that is subject to this Section, for a
6 member or participant under Article 12 who first becomes a
7 member or participant under Article 12 on or after January 1,
8 2022 or who makes the election under item (i) of subsection
9 (d-15) of this Section) with at least 10 years of service
10 credit shall be reduced by one-half of 1% for each full month
11 that the member's age is under age 67 (age 65, with respect to
12 service under Article 12 that is subject to this Section, for a
13 member or participant under Article 12 who first becomes a
14 member or participant under Article 12 on or after January 1,
15 2022 or who makes the election under item (i) of subsection
16 (d-15) of this Section).

17 (d-5) The retirement annuity payable under Article 8 or
18 Article 11 to an eligible person subject to subsection (c-5)
19 of this Section who is retiring at age 60 with at least 10
20 years of service credit shall be reduced by one-half of 1% for
21 each full month that the member's age is under age 65.

22 (d-10) Each person who first became a member or
23 participant under Article 8 or Article 11 of this Code on or
24 after January 1, 2011 and prior to July 6, 2017 (the effective
25 date of Public Act 100-23) shall make an irrevocable election
26 either:

1 (i) to be eligible for the reduced retirement age
2 provided in subsections (c-5) and (d-5) of this Section,
3 the eligibility for which is conditioned upon the member
4 or participant agreeing to the increases in employee
5 contributions for age and service annuities provided in
6 subsection (a-5) of Section 8-174 of this Code (for
7 service under Article 8) or subsection (a-5) of Section
8 11-170 of this Code (for service under Article 11); or

9 (ii) to not agree to item (i) of this subsection
10 (d-10), in which case the member or participant shall
11 continue to be subject to the retirement age provisions in
12 subsections (c) and (d) of this Section and the employee
13 contributions for age and service annuity as provided in
14 subsection (a) of Section 8-174 of this Code (for service
15 under Article 8) or subsection (a) of Section 11-170 of
16 this Code (for service under Article 11).

17 The election provided for in this subsection shall be made
18 between October 1, 2017 and November 15, 2017. A person
19 subject to this subsection who makes the required election
20 shall remain bound by that election. A person subject to this
21 subsection who fails for any reason to make the required
22 election within the time specified in this subsection shall be
23 deemed to have made the election under item (ii).

24 (d-15) Each person who first becomes a member or
25 participant under Article 12 on or after January 1, 2011 and
26 prior to January 1, 2022 shall make an irrevocable election

1 either:

2 (i) to be eligible for the reduced retirement age
3 specified in subsections (c) and (d) of this Section, the
4 eligibility for which is conditioned upon the member or
5 participant agreeing to the increase in employee
6 contributions for service annuities specified in
7 subsection (b) of Section 12-150; or

8 (ii) to not agree to item (i) of this subsection
9 (d-15), in which case the member or participant shall not
10 be eligible for the reduced retirement age specified in
11 subsections (c) and (d) of this Section and shall not be
12 subject to the increase in employee contributions for
13 service annuities specified in subsection (b) of Section
14 12-150.

15 The election provided for in this subsection shall be made
16 between January 1, 2022 and April 1, 2022. A person subject to
17 this subsection who makes the required election shall remain
18 bound by that election. A person subject to this subsection
19 who fails for any reason to make the required election within
20 the time specified in this subsection shall be deemed to have
21 made the election under item (ii).

22 (e) Any retirement annuity or supplemental annuity shall
23 be subject to annual increases on the January 1 occurring
24 either on or after the attainment of age 67 (age 65, with
25 respect to service under Article 12 that is subject to this
26 Section, for a member or participant under Article 12 who

1 first becomes a member or participant under Article 12 on or
2 after January 1, 2022 or who makes the election under item (i)
3 of subsection (d-15); and beginning on July 6, 2017 (the
4 effective date of Public Act 100-23), age 65 with respect to
5 service under Article 8 or Article 11 for eligible persons
6 who: (i) are subject to subsection (c-5) of this Section; or
7 (ii) made the election under item (i) of subsection (d-10) of
8 this Section) or the first anniversary of the annuity start
9 date, whichever is later. Each annual increase shall be
10 calculated at 3% or one-half the annual unadjusted percentage
11 increase (but not less than zero) in the consumer price
12 index-u for the 12 months ending with the September preceding
13 each November 1, whichever is less, of the originally granted
14 retirement annuity. If the annual unadjusted percentage change
15 in the consumer price index-u for the 12 months ending with the
16 September preceding each November 1 is zero or there is a
17 decrease, then the annuity shall not be increased.

18 For the purposes of Section 1-103.1 of this Code, the
19 changes made to this Section by Public Act 102-263 are
20 applicable without regard to whether the employee was in
21 active service on or after August 6, 2021 (the effective date
22 of Public Act 102-263).

23 For the purposes of Section 1-103.1 of this Code, the
24 changes made to this Section by Public Act 100-23 are
25 applicable without regard to whether the employee was in
26 active service on or after July 6, 2017 (the effective date of

1 Public Act 100-23).

2 (f) The initial survivor's or widow's annuity of an
3 otherwise eligible survivor or widow of a retired member or
4 participant who first became a member or participant on or
5 after January 1, 2011 shall be in the amount of 66 2/3% of the
6 retired member's or participant's retirement annuity at the
7 date of death. In the case of the death of a member or
8 participant who has not retired and who first became a member
9 or participant on or after January 1, 2011, eligibility for a
10 survivor's or widow's annuity shall be determined by the
11 applicable Article of this Code. The initial benefit shall be
12 66 2/3% of the earned annuity without a reduction due to age. A
13 child's annuity of an otherwise eligible child shall be in the
14 amount prescribed under each Article if applicable. Any
15 survivor's or widow's annuity shall be increased (1) on each
16 January 1 occurring on or after the commencement of the
17 annuity if the deceased member died while receiving a
18 retirement annuity or (2) in other cases, on each January 1
19 occurring after the first anniversary of the commencement of
20 the annuity. Each annual increase shall be calculated at 3% or
21 one-half the annual unadjusted percentage increase (but not
22 less than zero) in the consumer price index-u for the 12 months
23 ending with the September preceding each November 1, whichever
24 is less, of the originally granted survivor's annuity. If the
25 annual unadjusted percentage change in the consumer price
26 index-u for the 12 months ending with the September preceding

1 each November 1 is zero or there is a decrease, then the
2 annuity shall not be increased.

3 (g) The benefits in Section 14-110 apply if the person is a
4 fire fighter in the fire protection service of a department, a
5 security employee of the Department of Corrections or the
6 Department of Juvenile Justice, or a security employee of the
7 Department of Innovation and Technology, as those terms are
8 defined in subsection (b) and subsection (c) of Section
9 14-110. A person who meets the requirements of this Section is
10 entitled to an annuity calculated under the provisions of
11 Section 14-110, in lieu of the regular or minimum retirement
12 annuity, only if the person has withdrawn from service with
13 not less than 20 years of eligible creditable service and has
14 attained age 60, regardless of whether the attainment of age
15 60 occurs while the person is still in service.

16 (g-5) The benefits in Section 14-110 apply if the person
17 is a State policeman, investigator for the Secretary of State,
18 conservation police officer, investigator for the Department
19 of Revenue or the Department of Lottery and Gaming ~~Illinois~~
20 ~~Gaming Board~~, investigator for the Office of the Attorney
21 General, Commerce Commission police officer, or arson
22 investigator, as those terms are defined in subsection (b) and
23 subsection (c) of Section 14-110. A person who meets the
24 requirements of this Section is entitled to an annuity
25 calculated under the provisions of Section 14-110, in lieu of
26 the regular or minimum retirement annuity, only if the person

1 has withdrawn from service with not less than 20 years of
2 eligible creditable service and has attained age 55,
3 regardless of whether the attainment of age 55 occurs while
4 the person is still in service.

5 (h) If a person who first becomes a member or a participant
6 of a retirement system or pension fund subject to this Section
7 on or after January 1, 2011 is receiving a retirement annuity
8 or retirement pension under that system or fund and becomes a
9 member or participant under any other system or fund created
10 by this Code and is employed on a full-time basis, except for
11 those members or participants exempted from the provisions of
12 this Section under subsection (a) of this Section, then the
13 person's retirement annuity or retirement pension under that
14 system or fund shall be suspended during that employment. Upon
15 termination of that employment, the person's retirement
16 annuity or retirement pension payments shall resume and be
17 recalculated if recalculation is provided for under the
18 applicable Article of this Code.

19 If a person who first becomes a member of a retirement
20 system or pension fund subject to this Section on or after
21 January 1, 2012 and is receiving a retirement annuity or
22 retirement pension under that system or fund and accepts on a
23 contractual basis a position to provide services to a
24 governmental entity from which he or she has retired, then
25 that person's annuity or retirement pension earned as an
26 active employee of the employer shall be suspended during that

1 contractual service. A person receiving an annuity or
2 retirement pension under this Code shall notify the pension
3 fund or retirement system from which he or she is receiving an
4 annuity or retirement pension, as well as his or her
5 contractual employer, of his or her retirement status before
6 accepting contractual employment. A person who fails to submit
7 such notification shall be guilty of a Class A misdemeanor and
8 required to pay a fine of \$1,000. Upon termination of that
9 contractual employment, the person's retirement annuity or
10 retirement pension payments shall resume and, if appropriate,
11 be recalculated under the applicable provisions of this Code.

12 (i) (Blank).

13 (j) In the case of a conflict between the provisions of
14 this Section and any other provision of this Code, the
15 provisions of this Section shall control.

16 (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;
17 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-719, eff.
18 5-6-22.)

19 (Text of Section from P.A. 102-813)

20 Sec. 1-160. Provisions applicable to new hires.

21 (a) The provisions of this Section apply to a person who,
22 on or after January 1, 2011, first becomes a member or a
23 participant under any reciprocal retirement system or pension
24 fund established under this Code, other than a retirement
25 system or pension fund established under Article 2, 3, 4, 5, 6,

1 7, 15, or 18 of this Code, notwithstanding any other provision
2 of this Code to the contrary, but do not apply to any
3 self-managed plan established under this Code or to any
4 participant of the retirement plan established under Section
5 22-101; except that this Section applies to a person who
6 elected to establish alternative credits by electing in
7 writing after January 1, 2011, but before August 8, 2011,
8 under Section 7-145.1 of this Code. Notwithstanding anything
9 to the contrary in this Section, for purposes of this Section,
10 a person who is a Tier 1 regular employee as defined in Section
11 7-109.4 of this Code or who participated in a retirement
12 system under Article 15 prior to January 1, 2011 shall be
13 deemed a person who first became a member or participant prior
14 to January 1, 2011 under any retirement system or pension fund
15 subject to this Section. The changes made to this Section by
16 Public Act 98-596 are a clarification of existing law and are
17 intended to be retroactive to January 1, 2011 (the effective
18 date of Public Act 96-889), notwithstanding the provisions of
19 Section 1-103.1 of this Code.

20 This Section does not apply to a person who first becomes a
21 noncovered employee under Article 14 on or after the
22 implementation date of the plan created under Section 1-161
23 for that Article, unless that person elects under subsection
24 (b) of Section 1-161 to instead receive the benefits provided
25 under this Section and the applicable provisions of that
26 Article.

1 This Section does not apply to a person who first becomes a
2 member or participant under Article 16 on or after the
3 implementation date of the plan created under Section 1-161
4 for that Article, unless that person elects under subsection
5 (b) of Section 1-161 to instead receive the benefits provided
6 under this Section and the applicable provisions of that
7 Article.

8 This Section does not apply to a person who elects under
9 subsection (c-5) of Section 1-161 to receive the benefits
10 under Section 1-161.

11 This Section does not apply to a person who first becomes a
12 member or participant of an affected pension fund on or after 6
13 months after the resolution or ordinance date, as defined in
14 Section 1-162, unless that person elects under subsection (c)
15 of Section 1-162 to receive the benefits provided under this
16 Section and the applicable provisions of the Article under
17 which he or she is a member or participant.

18 (b) "Final average salary" means, except as otherwise
19 provided in this subsection, the average monthly (or annual)
20 salary obtained by dividing the total salary or earnings
21 calculated under the Article applicable to the member or
22 participant during the 96 consecutive months (or 8 consecutive
23 years) of service within the last 120 months (or 10 years) of
24 service in which the total salary or earnings calculated under
25 the applicable Article was the highest by the number of months
26 (or years) of service in that period. For the purposes of a

1 person who first becomes a member or participant of any
2 retirement system or pension fund to which this Section
3 applies on or after January 1, 2011, in this Code, "final
4 average salary" shall be substituted for the following:

5 (1) (Blank).

6 (2) In Articles 8, 9, 10, 11, and 12, "highest average
7 annual salary for any 4 consecutive years within the last
8 10 years of service immediately preceding the date of
9 withdrawal".

10 (3) In Article 13, "average final salary".

11 (4) In Article 14, "final average compensation".

12 (5) In Article 17, "average salary".

13 (6) In Section 22-207, "wages or salary received by
14 him at the date of retirement or discharge".

15 A member of the Teachers' Retirement System of the State
16 of Illinois who retires on or after June 1, 2021 and for whom
17 the 2020-2021 school year is used in the calculation of the
18 member's final average salary shall use the higher of the
19 following for the purpose of determining the member's final
20 average salary:

21 (A) the amount otherwise calculated under the first
22 paragraph of this subsection; or

23 (B) an amount calculated by the Teachers' Retirement
24 System of the State of Illinois using the average of the
25 monthly (or annual) salary obtained by dividing the total
26 salary or earnings calculated under Article 16 applicable

1 to the member or participant during the 96 months (or 8
2 years) of service within the last 120 months (or 10 years)
3 of service in which the total salary or earnings
4 calculated under the Article was the highest by the number
5 of months (or years) of service in that period.

6 (b-5) Beginning on January 1, 2011, for all purposes under
7 this Code (including without limitation the calculation of
8 benefits and employee contributions), the annual earnings,
9 salary, or wages (based on the plan year) of a member or
10 participant to whom this Section applies shall not exceed
11 \$106,800; however, that amount shall annually thereafter be
12 increased by the lesser of (i) 3% of that amount, including all
13 previous adjustments, or (ii) one-half the annual unadjusted
14 percentage increase (but not less than zero) in the consumer
15 price index-u for the 12 months ending with the September
16 preceding each November 1, including all previous adjustments.

17 For the purposes of this Section, "consumer price index-u"
18 means the index published by the Bureau of Labor Statistics of
19 the United States Department of Labor that measures the
20 average change in prices of goods and services purchased by
21 all urban consumers, United States city average, all items,
22 1982-84 = 100. The new amount resulting from each annual
23 adjustment shall be determined by the Public Pension Division
24 of the Department of Insurance and made available to the
25 boards of the retirement systems and pension funds by November
26 1 of each year.

1 (c) A member or participant is entitled to a retirement
2 annuity upon written application if he or she has attained age
3 67 (age 65, with respect to service under Article 12 that is
4 subject to this Section, for a member or participant under
5 Article 12 who first becomes a member or participant under
6 Article 12 on or after January 1, 2022 or who makes the
7 election under item (i) of subsection (d-15) of this Section)
8 and has at least 10 years of service credit and is otherwise
9 eligible under the requirements of the applicable Article.

10 A member or participant who has attained age 62 (age 60,
11 with respect to service under Article 12 that is subject to
12 this Section, for a member or participant under Article 12 who
13 first becomes a member or participant under Article 12 on or
14 after January 1, 2022 or who makes the election under item (i)
15 of subsection (d-15) of this Section) and has at least 10 years
16 of service credit and is otherwise eligible under the
17 requirements of the applicable Article may elect to receive
18 the lower retirement annuity provided in subsection (d) of
19 this Section.

20 (c-5) A person who first becomes a member or a participant
21 subject to this Section on or after July 6, 2017 (the effective
22 date of Public Act 100-23), notwithstanding any other
23 provision of this Code to the contrary, is entitled to a
24 retirement annuity under Article 8 or Article 11 upon written
25 application if he or she has attained age 65 and has at least
26 10 years of service credit and is otherwise eligible under the

1 requirements of Article 8 or Article 11 of this Code,
2 whichever is applicable.

3 (d) The retirement annuity of a member or participant who
4 is retiring after attaining age 62 (age 60, with respect to
5 service under Article 12 that is subject to this Section, for a
6 member or participant under Article 12 who first becomes a
7 member or participant under Article 12 on or after January 1,
8 2022 or who makes the election under item (i) of subsection
9 (d-15) of this Section) with at least 10 years of service
10 credit shall be reduced by one-half of 1% for each full month
11 that the member's age is under age 67 (age 65, with respect to
12 service under Article 12 that is subject to this Section, for a
13 member or participant under Article 12 who first becomes a
14 member or participant under Article 12 on or after January 1,
15 2022 or who makes the election under item (i) of subsection
16 (d-15) of this Section).

17 (d-5) The retirement annuity payable under Article 8 or
18 Article 11 to an eligible person subject to subsection (c-5)
19 of this Section who is retiring at age 60 with at least 10
20 years of service credit shall be reduced by one-half of 1% for
21 each full month that the member's age is under age 65.

22 (d-10) Each person who first became a member or
23 participant under Article 8 or Article 11 of this Code on or
24 after January 1, 2011 and prior to July 6, 2017 (the effective
25 date of Public Act 100-23) shall make an irrevocable election
26 either:

1 (i) to be eligible for the reduced retirement age
2 provided in subsections (c-5) and (d-5) of this Section,
3 the eligibility for which is conditioned upon the member
4 or participant agreeing to the increases in employee
5 contributions for age and service annuities provided in
6 subsection (a-5) of Section 8-174 of this Code (for
7 service under Article 8) or subsection (a-5) of Section
8 11-170 of this Code (for service under Article 11); or

9 (ii) to not agree to item (i) of this subsection
10 (d-10), in which case the member or participant shall
11 continue to be subject to the retirement age provisions in
12 subsections (c) and (d) of this Section and the employee
13 contributions for age and service annuity as provided in
14 subsection (a) of Section 8-174 of this Code (for service
15 under Article 8) or subsection (a) of Section 11-170 of
16 this Code (for service under Article 11).

17 The election provided for in this subsection shall be made
18 between October 1, 2017 and November 15, 2017. A person
19 subject to this subsection who makes the required election
20 shall remain bound by that election. A person subject to this
21 subsection who fails for any reason to make the required
22 election within the time specified in this subsection shall be
23 deemed to have made the election under item (ii).

24 (d-15) Each person who first becomes a member or
25 participant under Article 12 on or after January 1, 2011 and
26 prior to January 1, 2022 shall make an irrevocable election

1 either:

2 (i) to be eligible for the reduced retirement age
3 specified in subsections (c) and (d) of this Section, the
4 eligibility for which is conditioned upon the member or
5 participant agreeing to the increase in employee
6 contributions for service annuities specified in
7 subsection (b) of Section 12-150; or

8 (ii) to not agree to item (i) of this subsection
9 (d-15), in which case the member or participant shall not
10 be eligible for the reduced retirement age specified in
11 subsections (c) and (d) of this Section and shall not be
12 subject to the increase in employee contributions for
13 service annuities specified in subsection (b) of Section
14 12-150.

15 The election provided for in this subsection shall be made
16 between January 1, 2022 and April 1, 2022. A person subject to
17 this subsection who makes the required election shall remain
18 bound by that election. A person subject to this subsection
19 who fails for any reason to make the required election within
20 the time specified in this subsection shall be deemed to have
21 made the election under item (ii).

22 (e) Any retirement annuity or supplemental annuity shall
23 be subject to annual increases on the January 1 occurring
24 either on or after the attainment of age 67 (age 65, with
25 respect to service under Article 12 that is subject to this
26 Section, for a member or participant under Article 12 who

1 first becomes a member or participant under Article 12 on or
2 after January 1, 2022 or who makes the election under item (i)
3 of subsection (d-15); and beginning on July 6, 2017 (the
4 effective date of Public Act 100-23), age 65 with respect to
5 service under Article 8 or Article 11 for eligible persons
6 who: (i) are subject to subsection (c-5) of this Section; or
7 (ii) made the election under item (i) of subsection (d-10) of
8 this Section) or the first anniversary of the annuity start
9 date, whichever is later. Each annual increase shall be
10 calculated at 3% or one-half the annual unadjusted percentage
11 increase (but not less than zero) in the consumer price
12 index-u for the 12 months ending with the September preceding
13 each November 1, whichever is less, of the originally granted
14 retirement annuity. If the annual unadjusted percentage change
15 in the consumer price index-u for the 12 months ending with the
16 September preceding each November 1 is zero or there is a
17 decrease, then the annuity shall not be increased.

18 For the purposes of Section 1-103.1 of this Code, the
19 changes made to this Section by Public Act 102-263 are
20 applicable without regard to whether the employee was in
21 active service on or after August 6, 2021 (the effective date
22 of Public Act 102-263).

23 For the purposes of Section 1-103.1 of this Code, the
24 changes made to this Section by Public Act 100-23 are
25 applicable without regard to whether the employee was in
26 active service on or after July 6, 2017 (the effective date of

1 Public Act 100-23).

2 (f) The initial survivor's or widow's annuity of an
3 otherwise eligible survivor or widow of a retired member or
4 participant who first became a member or participant on or
5 after January 1, 2011 shall be in the amount of 66 2/3% of the
6 retired member's or participant's retirement annuity at the
7 date of death. In the case of the death of a member or
8 participant who has not retired and who first became a member
9 or participant on or after January 1, 2011, eligibility for a
10 survivor's or widow's annuity shall be determined by the
11 applicable Article of this Code. The initial benefit shall be
12 66 2/3% of the earned annuity without a reduction due to age. A
13 child's annuity of an otherwise eligible child shall be in the
14 amount prescribed under each Article if applicable. Any
15 survivor's or widow's annuity shall be increased (1) on each
16 January 1 occurring on or after the commencement of the
17 annuity if the deceased member died while receiving a
18 retirement annuity or (2) in other cases, on each January 1
19 occurring after the first anniversary of the commencement of
20 the annuity. Each annual increase shall be calculated at 3% or
21 one-half the annual unadjusted percentage increase (but not
22 less than zero) in the consumer price index-u for the 12 months
23 ending with the September preceding each November 1, whichever
24 is less, of the originally granted survivor's annuity. If the
25 annual unadjusted percentage change in the consumer price
26 index-u for the 12 months ending with the September preceding

1 each November 1 is zero or there is a decrease, then the
2 annuity shall not be increased.

3 (g) The benefits in Section 14-110 apply only if the
4 person is a State policeman, a fire fighter in the fire
5 protection service of a department, a conservation police
6 officer, an investigator for the Secretary of State, an arson
7 investigator, a Commerce Commission police officer,
8 investigator for the Department of Revenue or the Department
9 of Lottery and Gaming ~~Illinois Gaming Board~~, a security
10 employee of the Department of Corrections or the Department of
11 Juvenile Justice, or a security employee of the Department of
12 Innovation and Technology, as those terms are defined in
13 subsection (b) and subsection (c) of Section 14-110. A person
14 who meets the requirements of this Section is entitled to an
15 annuity calculated under the provisions of Section 14-110, in
16 lieu of the regular or minimum retirement annuity, only if the
17 person has withdrawn from service with not less than 20 years
18 of eligible creditable service and has attained age 60,
19 regardless of whether the attainment of age 60 occurs while
20 the person is still in service.

21 (h) If a person who first becomes a member or a participant
22 of a retirement system or pension fund subject to this Section
23 on or after January 1, 2011 is receiving a retirement annuity
24 or retirement pension under that system or fund and becomes a
25 member or participant under any other system or fund created
26 by this Code and is employed on a full-time basis, except for

1 those members or participants exempted from the provisions of
2 this Section under subsection (a) of this Section, then the
3 person's retirement annuity or retirement pension under that
4 system or fund shall be suspended during that employment. Upon
5 termination of that employment, the person's retirement
6 annuity or retirement pension payments shall resume and be
7 recalculated if recalculation is provided for under the
8 applicable Article of this Code.

9 If a person who first becomes a member of a retirement
10 system or pension fund subject to this Section on or after
11 January 1, 2012 and is receiving a retirement annuity or
12 retirement pension under that system or fund and accepts on a
13 contractual basis a position to provide services to a
14 governmental entity from which he or she has retired, then
15 that person's annuity or retirement pension earned as an
16 active employee of the employer shall be suspended during that
17 contractual service. A person receiving an annuity or
18 retirement pension under this Code shall notify the pension
19 fund or retirement system from which he or she is receiving an
20 annuity or retirement pension, as well as his or her
21 contractual employer, of his or her retirement status before
22 accepting contractual employment. A person who fails to submit
23 such notification shall be guilty of a Class A misdemeanor and
24 required to pay a fine of \$1,000. Upon termination of that
25 contractual employment, the person's retirement annuity or
26 retirement pension payments shall resume and, if appropriate,

1 be recalculated under the applicable provisions of this Code.

2 (i) (Blank).

3 (j) In the case of a conflict between the provisions of
4 this Section and any other provision of this Code, the
5 provisions of this Section shall control.

6 (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;
7 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-813, eff.
8 5-13-22.)

9 (Text of Section from P.A. 102-956)

10 Sec. 1-160. Provisions applicable to new hires.

11 (a) The provisions of this Section apply to a person who,
12 on or after January 1, 2011, first becomes a member or a
13 participant under any reciprocal retirement system or pension
14 fund established under this Code, other than a retirement
15 system or pension fund established under Article 2, 3, 4, 5, 6,
16 7, 15, or 18 of this Code, notwithstanding any other provision
17 of this Code to the contrary, but do not apply to any
18 self-managed plan established under this Code or to any
19 participant of the retirement plan established under Section
20 22-101; except that this Section applies to a person who
21 elected to establish alternative credits by electing in
22 writing after January 1, 2011, but before August 8, 2011,
23 under Section 7-145.1 of this Code. Notwithstanding anything
24 to the contrary in this Section, for purposes of this Section,
25 a person who is a Tier 1 regular employee as defined in Section

1 7-109.4 of this Code or who participated in a retirement
2 system under Article 15 prior to January 1, 2011 shall be
3 deemed a person who first became a member or participant prior
4 to January 1, 2011 under any retirement system or pension fund
5 subject to this Section. The changes made to this Section by
6 Public Act 98-596 are a clarification of existing law and are
7 intended to be retroactive to January 1, 2011 (the effective
8 date of Public Act 96-889), notwithstanding the provisions of
9 Section 1-103.1 of this Code.

10 This Section does not apply to a person who first becomes a
11 noncovered employee under Article 14 on or after the
12 implementation date of the plan created under Section 1-161
13 for that Article, unless that person elects under subsection
14 (b) of Section 1-161 to instead receive the benefits provided
15 under this Section and the applicable provisions of that
16 Article.

17 This Section does not apply to a person who first becomes a
18 member or participant under Article 16 on or after the
19 implementation date of the plan created under Section 1-161
20 for that Article, unless that person elects under subsection
21 (b) of Section 1-161 to instead receive the benefits provided
22 under this Section and the applicable provisions of that
23 Article.

24 This Section does not apply to a person who elects under
25 subsection (c-5) of Section 1-161 to receive the benefits
26 under Section 1-161.

1 This Section does not apply to a person who first becomes a
2 member or participant of an affected pension fund on or after 6
3 months after the resolution or ordinance date, as defined in
4 Section 1-162, unless that person elects under subsection (c)
5 of Section 1-162 to receive the benefits provided under this
6 Section and the applicable provisions of the Article under
7 which he or she is a member or participant.

8 (b) "Final average salary" means, except as otherwise
9 provided in this subsection, the average monthly (or annual)
10 salary obtained by dividing the total salary or earnings
11 calculated under the Article applicable to the member or
12 participant during the 96 consecutive months (or 8 consecutive
13 years) of service within the last 120 months (or 10 years) of
14 service in which the total salary or earnings calculated under
15 the applicable Article was the highest by the number of months
16 (or years) of service in that period. For the purposes of a
17 person who first becomes a member or participant of any
18 retirement system or pension fund to which this Section
19 applies on or after January 1, 2011, in this Code, "final
20 average salary" shall be substituted for the following:

21 (1) (Blank).

22 (2) In Articles 8, 9, 10, 11, and 12, "highest average
23 annual salary for any 4 consecutive years within the last
24 10 years of service immediately preceding the date of
25 withdrawal".

26 (3) In Article 13, "average final salary".

1 (4) In Article 14, "final average compensation".

2 (5) In Article 17, "average salary".

3 (6) In Section 22-207, "wages or salary received by
4 him at the date of retirement or discharge".

5 A member of the Teachers' Retirement System of the State
6 of Illinois who retires on or after June 1, 2021 and for whom
7 the 2020-2021 school year is used in the calculation of the
8 member's final average salary shall use the higher of the
9 following for the purpose of determining the member's final
10 average salary:

11 (A) the amount otherwise calculated under the first
12 paragraph of this subsection; or

13 (B) an amount calculated by the Teachers' Retirement
14 System of the State of Illinois using the average of the
15 monthly (or annual) salary obtained by dividing the total
16 salary or earnings calculated under Article 16 applicable
17 to the member or participant during the 96 months (or 8
18 years) of service within the last 120 months (or 10 years)
19 of service in which the total salary or earnings
20 calculated under the Article was the highest by the number
21 of months (or years) of service in that period.

22 (b-5) Beginning on January 1, 2011, for all purposes under
23 this Code (including without limitation the calculation of
24 benefits and employee contributions), the annual earnings,
25 salary, or wages (based on the plan year) of a member or
26 participant to whom this Section applies shall not exceed

1 \$106,800; however, that amount shall annually thereafter be
2 increased by the lesser of (i) 3% of that amount, including all
3 previous adjustments, or (ii) one-half the annual unadjusted
4 percentage increase (but not less than zero) in the consumer
5 price index-u for the 12 months ending with the September
6 preceding each November 1, including all previous adjustments.

7 For the purposes of this Section, "consumer price index-u"
8 means the index published by the Bureau of Labor Statistics of
9 the United States Department of Labor that measures the
10 average change in prices of goods and services purchased by
11 all urban consumers, United States city average, all items,
12 1982-84 = 100. The new amount resulting from each annual
13 adjustment shall be determined by the Public Pension Division
14 of the Department of Insurance and made available to the
15 boards of the retirement systems and pension funds by November
16 1 of each year.

17 (c) A member or participant is entitled to a retirement
18 annuity upon written application if he or she has attained age
19 67 (age 65, with respect to service under Article 12 that is
20 subject to this Section, for a member or participant under
21 Article 12 who first becomes a member or participant under
22 Article 12 on or after January 1, 2022 or who makes the
23 election under item (i) of subsection (d-15) of this Section)
24 and has at least 10 years of service credit and is otherwise
25 eligible under the requirements of the applicable Article.

26 A member or participant who has attained age 62 (age 60,

1 with respect to service under Article 12 that is subject to
2 this Section, for a member or participant under Article 12 who
3 first becomes a member or participant under Article 12 on or
4 after January 1, 2022 or who makes the election under item (i)
5 of subsection (d-15) of this Section) and has at least 10 years
6 of service credit and is otherwise eligible under the
7 requirements of the applicable Article may elect to receive
8 the lower retirement annuity provided in subsection (d) of
9 this Section.

10 (c-5) A person who first becomes a member or a participant
11 subject to this Section on or after July 6, 2017 (the effective
12 date of Public Act 100-23), notwithstanding any other
13 provision of this Code to the contrary, is entitled to a
14 retirement annuity under Article 8 or Article 11 upon written
15 application if he or she has attained age 65 and has at least
16 10 years of service credit and is otherwise eligible under the
17 requirements of Article 8 or Article 11 of this Code,
18 whichever is applicable.

19 (d) The retirement annuity of a member or participant who
20 is retiring after attaining age 62 (age 60, with respect to
21 service under Article 12 that is subject to this Section, for a
22 member or participant under Article 12 who first becomes a
23 member or participant under Article 12 on or after January 1,
24 2022 or who makes the election under item (i) of subsection
25 (d-15) of this Section) with at least 10 years of service
26 credit shall be reduced by one-half of 1% for each full month

1 that the member's age is under age 67 (age 65, with respect to
2 service under Article 12 that is subject to this Section, for a
3 member or participant under Article 12 who first becomes a
4 member or participant under Article 12 on or after January 1,
5 2022 or who makes the election under item (i) of subsection
6 (d-15) of this Section).

7 (d-5) The retirement annuity payable under Article 8 or
8 Article 11 to an eligible person subject to subsection (c-5)
9 of this Section who is retiring at age 60 with at least 10
10 years of service credit shall be reduced by one-half of 1% for
11 each full month that the member's age is under age 65.

12 (d-10) Each person who first became a member or
13 participant under Article 8 or Article 11 of this Code on or
14 after January 1, 2011 and prior to July 6, 2017 (the effective
15 date of Public Act 100-23) shall make an irrevocable election
16 either:

17 (i) to be eligible for the reduced retirement age
18 provided in subsections (c-5) and (d-5) of this Section,
19 the eligibility for which is conditioned upon the member
20 or participant agreeing to the increases in employee
21 contributions for age and service annuities provided in
22 subsection (a-5) of Section 8-174 of this Code (for
23 service under Article 8) or subsection (a-5) of Section
24 11-170 of this Code (for service under Article 11); or

25 (ii) to not agree to item (i) of this subsection
26 (d-10), in which case the member or participant shall

1 continue to be subject to the retirement age provisions in
2 subsections (c) and (d) of this Section and the employee
3 contributions for age and service annuity as provided in
4 subsection (a) of Section 8-174 of this Code (for service
5 under Article 8) or subsection (a) of Section 11-170 of
6 this Code (for service under Article 11).

7 The election provided for in this subsection shall be made
8 between October 1, 2017 and November 15, 2017. A person
9 subject to this subsection who makes the required election
10 shall remain bound by that election. A person subject to this
11 subsection who fails for any reason to make the required
12 election within the time specified in this subsection shall be
13 deemed to have made the election under item (ii).

14 (d-15) Each person who first becomes a member or
15 participant under Article 12 on or after January 1, 2011 and
16 prior to January 1, 2022 shall make an irrevocable election
17 either:

18 (i) to be eligible for the reduced retirement age
19 specified in subsections (c) and (d) of this Section, the
20 eligibility for which is conditioned upon the member or
21 participant agreeing to the increase in employee
22 contributions for service annuities specified in
23 subsection (b) of Section 12-150; or

24 (ii) to not agree to item (i) of this subsection
25 (d-15), in which case the member or participant shall not
26 be eligible for the reduced retirement age specified in

1 subsections (c) and (d) of this Section and shall not be
2 subject to the increase in employee contributions for
3 service annuities specified in subsection (b) of Section
4 12-150.

5 The election provided for in this subsection shall be made
6 between January 1, 2022 and April 1, 2022. A person subject to
7 this subsection who makes the required election shall remain
8 bound by that election. A person subject to this subsection
9 who fails for any reason to make the required election within
10 the time specified in this subsection shall be deemed to have
11 made the election under item (ii).

12 (e) Any retirement annuity or supplemental annuity shall
13 be subject to annual increases on the January 1 occurring
14 either on or after the attainment of age 67 (age 65, with
15 respect to service under Article 12 that is subject to this
16 Section, for a member or participant under Article 12 who
17 first becomes a member or participant under Article 12 on or
18 after January 1, 2022 or who makes the election under item (i)
19 of subsection (d-15); and beginning on July 6, 2017 (the
20 effective date of Public Act 100-23), age 65 with respect to
21 service under Article 8 or Article 11 for eligible persons
22 who: (i) are subject to subsection (c-5) of this Section; or
23 (ii) made the election under item (i) of subsection (d-10) of
24 this Section) or the first anniversary of the annuity start
25 date, whichever is later. Each annual increase shall be
26 calculated at 3% or one-half the annual unadjusted percentage

1 increase (but not less than zero) in the consumer price
2 index-u for the 12 months ending with the September preceding
3 each November 1, whichever is less, of the originally granted
4 retirement annuity. If the annual unadjusted percentage change
5 in the consumer price index-u for the 12 months ending with the
6 September preceding each November 1 is zero or there is a
7 decrease, then the annuity shall not be increased.

8 For the purposes of Section 1-103.1 of this Code, the
9 changes made to this Section by Public Act 102-263 are
10 applicable without regard to whether the employee was in
11 active service on or after August 6, 2021 (the effective date
12 of Public Act 102-263).

13 For the purposes of Section 1-103.1 of this Code, the
14 changes made to this Section by Public Act 100-23 are
15 applicable without regard to whether the employee was in
16 active service on or after July 6, 2017 (the effective date of
17 Public Act 100-23).

18 (f) The initial survivor's or widow's annuity of an
19 otherwise eligible survivor or widow of a retired member or
20 participant who first became a member or participant on or
21 after January 1, 2011 shall be in the amount of 66 2/3% of the
22 retired member's or participant's retirement annuity at the
23 date of death. In the case of the death of a member or
24 participant who has not retired and who first became a member
25 or participant on or after January 1, 2011, eligibility for a
26 survivor's or widow's annuity shall be determined by the

1 applicable Article of this Code. The initial benefit shall be
2 66 2/3% of the earned annuity without a reduction due to age. A
3 child's annuity of an otherwise eligible child shall be in the
4 amount prescribed under each Article if applicable. Any
5 survivor's or widow's annuity shall be increased (1) on each
6 January 1 occurring on or after the commencement of the
7 annuity if the deceased member died while receiving a
8 retirement annuity or (2) in other cases, on each January 1
9 occurring after the first anniversary of the commencement of
10 the annuity. Each annual increase shall be calculated at 3% or
11 one-half the annual unadjusted percentage increase (but not
12 less than zero) in the consumer price index-u for the 12 months
13 ending with the September preceding each November 1, whichever
14 is less, of the originally granted survivor's annuity. If the
15 annual unadjusted percentage change in the consumer price
16 index-u for the 12 months ending with the September preceding
17 each November 1 is zero or there is a decrease, then the
18 annuity shall not be increased.

19 (g) The benefits in Section 14-110 apply only if the
20 person is a State policeman, a fire fighter in the fire
21 protection service of a department, a conservation police
22 officer, an investigator for the Secretary of State, an
23 investigator for the Office of the Attorney General, an arson
24 investigator, a Commerce Commission police officer,
25 investigator for the Department of Revenue or Department of
26 Lottery and Gaming ~~the Illinois Gaming Board~~, a security

1 employee of the Department of Corrections or the Department of
2 Juvenile Justice, or a security employee of the Department of
3 Innovation and Technology, as those terms are defined in
4 subsection (b) and subsection (c) of Section 14-110. A person
5 who meets the requirements of this Section is entitled to an
6 annuity calculated under the provisions of Section 14-110, in
7 lieu of the regular or minimum retirement annuity, only if the
8 person has withdrawn from service with not less than 20 years
9 of eligible creditable service and has attained age 60,
10 regardless of whether the attainment of age 60 occurs while
11 the person is still in service.

12 (h) If a person who first becomes a member or a participant
13 of a retirement system or pension fund subject to this Section
14 on or after January 1, 2011 is receiving a retirement annuity
15 or retirement pension under that system or fund and becomes a
16 member or participant under any other system or fund created
17 by this Code and is employed on a full-time basis, except for
18 those members or participants exempted from the provisions of
19 this Section under subsection (a) of this Section, then the
20 person's retirement annuity or retirement pension under that
21 system or fund shall be suspended during that employment. Upon
22 termination of that employment, the person's retirement
23 annuity or retirement pension payments shall resume and be
24 recalculated if recalculation is provided for under the
25 applicable Article of this Code.

26 If a person who first becomes a member of a retirement

1 system or pension fund subject to this Section on or after
2 January 1, 2012 and is receiving a retirement annuity or
3 retirement pension under that system or fund and accepts on a
4 contractual basis a position to provide services to a
5 governmental entity from which he or she has retired, then
6 that person's annuity or retirement pension earned as an
7 active employee of the employer shall be suspended during that
8 contractual service. A person receiving an annuity or
9 retirement pension under this Code shall notify the pension
10 fund or retirement system from which he or she is receiving an
11 annuity or retirement pension, as well as his or her
12 contractual employer, of his or her retirement status before
13 accepting contractual employment. A person who fails to submit
14 such notification shall be guilty of a Class A misdemeanor and
15 required to pay a fine of \$1,000. Upon termination of that
16 contractual employment, the person's retirement annuity or
17 retirement pension payments shall resume and, if appropriate,
18 be recalculated under the applicable provisions of this Code.

19 (i) (Blank).

20 (j) In the case of a conflict between the provisions of
21 this Section and any other provision of this Code, the
22 provisions of this Section shall control.

23 (Source: P.A. 101-610, eff. 1-1-20; 102-16, eff. 6-17-21;
24 102-210, eff. 1-1-22; 102-263, eff. 8-6-21; 102-956, eff.
25 5-27-22.)

1 (40 ILCS 5/4-108.8)

2 Sec. 4-108.8. Transfer of creditable service to the State
3 Employees' Retirement System.

4 (a) Any active member of the State Employees' Retirement
5 System who is an arson investigator, investigator for the
6 Department of Revenue, investigator for the Department of
7 Lottery and Gaming ~~Illinois Gaming Board~~, or investigator for
8 the Secretary of State may apply for transfer of some or all of
9 his or her credits and creditable service accumulated in any
10 firefighters' pension fund under this Article to the State
11 Employees' Retirement System in accordance with Section
12 14-110. The creditable service shall be transferred only upon
13 payment by the firefighters' pension fund to the State
14 Employees' Retirement System of an amount equal to:

15 (1) the amounts accumulated to the credit of the
16 applicant for the service to be transferred on file with
17 the fund on the date of transfer;

18 (2) employer contributions in an amount equal to the
19 amount determined under paragraph (1); and

20 (3) any interest paid by the applicant in order to
21 reinstate service to be transferred.

22 Participation in the firefighters' pension fund with
23 respect to the service to be transferred shall terminate on
24 the date of transfer.

25 (b) Any person applying to transfer service under this
26 Section may reinstate service that was terminated by receipt

1 of a refund, by paying to the firefighters' pension fund the
2 amount of the refund with interest thereon at the actuarially
3 assumed rate of interest, compounded annually, from the date
4 of refund to the date of payment.

5 (Source: P.A. 102-210, eff. 7-30-21; 102-856, eff. 1-1-23.)

6 (40 ILCS 5/7-139.8) (from Ch. 108 1/2, par. 7-139.8)

7 Sec. 7-139.8. Transfer to Article 14 System.

8 (a) Any active member of the State Employees' Retirement
9 System who is a State policeman, an investigator for the
10 Secretary of State, a conservation police officer, an
11 investigator for the Office of the Attorney General, an
12 investigator for the Department of Revenue, an investigator
13 for the Department of Lottery and Gaming ~~Illinois Gaming~~
14 ~~Board~~, an arson investigator, a Commerce Commission police
15 officer, an investigator for the Office of the State's
16 Attorneys Appellate Prosecutor, or a controlled substance
17 inspector may apply for transfer of some or all of his or her
18 credits and creditable service accumulated in this Fund for
19 service as a sheriff's law enforcement employee, person
20 employed by a participating municipality to perform police
21 duties, or law enforcement officer employed on a full-time
22 basis by a forest preserve district to the State Employees'
23 Retirement System in accordance with Section 14-110. The
24 creditable service shall be transferred only upon payment by
25 this Fund to the State Employees' Retirement System of an

1 amount equal to:

2 (1) the amounts accumulated to the credit of the
3 applicant for the service to be transferred, including
4 interest; and

5 (2) municipality credits based on such service,
6 including interest; and

7 (3) any interest paid by the applicant to reinstate
8 such service.

9 Participation in this Fund as to any credits transferred under
10 this Section shall terminate on the date of transfer.

11 (b) Any person applying to transfer service under this
12 Section may reinstate credits and creditable service
13 terminated upon receipt of a separation benefit, by paying to
14 the Fund the amount of the separation benefit plus interest
15 thereon at the actuarially assumed rate of interest to the
16 date of payment.

17 (Source: P.A. 102-210, eff. 7-30-21; 102-856, eff. 1-1-23.)

18 (40 ILCS 5/9-121.10) (from Ch. 108 1/2, par. 9-121.10)

19 Sec. 9-121.10. Transfer to Article 14.

20 (a) Any active member of the State Employees' Retirement
21 System who is a State policeman, investigator for the Office
22 of the Attorney General, an investigator for the Department of
23 Revenue, investigator for the Department of Lottery and Gaming
24 ~~Illinois Gaming Board~~, arson investigator, investigator for
25 the Secretary of State, or conservation police officer may

1 apply for transfer of some or all of his creditable service as
2 a member of the County Police Department, a county corrections
3 officer, or a court services officer accumulated under this
4 Article to the State Employees' Retirement System in
5 accordance with Section 14-110. At the time of the transfer
6 the Fund shall pay to the State Employees' Retirement System
7 an amount equal to:

8 (1) the amounts accumulated to the credit of the
9 applicant on the books of the Fund on the date of transfer
10 for the service to be transferred; and

11 (2) the corresponding municipality credits, including
12 interest, on the books of the Fund on the date of transfer;
13 and

14 (3) any interest paid by the applicant in order to
15 reinstate such service.

16 Participation in this Fund with respect to the credits
17 transferred shall terminate on the date of transfer.

18 (b) Any person applying to transfer service under this
19 Section may reinstate credit for service as a member of the
20 County Police Department that was terminated by receipt of a
21 refund, by paying to the Fund the amount of the refund with
22 interest thereon at the actuarially assumed rate of interest,
23 compounded annually, from the date of refund to the date of
24 payment.

25 (Source: P.A. 102-856, eff. 1-1-23.)

1 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

2 (Text of Section from P.A. 102-813)

3 Sec. 14-110. Alternative retirement annuity.

4 (a) Any member who has withdrawn from service with not
5 less than 20 years of eligible creditable service and has
6 attained age 55, and any member who has withdrawn from service
7 with not less than 25 years of eligible creditable service and
8 has attained age 50, regardless of whether the attainment of
9 either of the specified ages occurs while the member is still
10 in service, shall be entitled to receive at the option of the
11 member, in lieu of the regular or minimum retirement annuity,
12 a retirement annuity computed as follows:

13 (i) for periods of service as a noncovered employee:
14 if retirement occurs on or after January 1, 2001, 3% of
15 final average compensation for each year of creditable
16 service; if retirement occurs before January 1, 2001, 2
17 1/4% of final average compensation for each of the first
18 10 years of creditable service, 2 1/2% for each year above
19 10 years to and including 20 years of creditable service,
20 and 2 3/4% for each year of creditable service above 20
21 years; and

22 (ii) for periods of eligible creditable service as a
23 covered employee: if retirement occurs on or after January
24 1, 2001, 2.5% of final average compensation for each year
25 of creditable service; if retirement occurs before January
26 1, 2001, 1.67% of final average compensation for each of

1 the first 10 years of such service, 1.90% for each of the
2 next 10 years of such service, 2.10% for each year of such
3 service in excess of 20 but not exceeding 30, and 2.30% for
4 each year in excess of 30.

5 Such annuity shall be subject to a maximum of 75% of final
6 average compensation if retirement occurs before January 1,
7 2001 or to a maximum of 80% of final average compensation if
8 retirement occurs on or after January 1, 2001.

9 These rates shall not be applicable to any service
10 performed by a member as a covered employee which is not
11 eligible creditable service. Service as a covered employee
12 which is not eligible creditable service shall be subject to
13 the rates and provisions of Section 14-108.

14 (b) For the purpose of this Section, "eligible creditable
15 service" means creditable service resulting from service in
16 one or more of the following positions:

17 (1) State policeman;

18 (2) fire fighter in the fire protection service of a
19 department;

20 (3) air pilot;

21 (4) special agent;

22 (5) investigator for the Secretary of State;

23 (6) conservation police officer;

24 (7) investigator for the Department of Revenue or the
25 Department of Lottery and Gaming ~~Illinois Gaming Board~~;

26 (8) security employee of the Department of Human

1 Services;

2 (9) Central Management Services security police
3 officer;

4 (10) security employee of the Department of
5 Corrections or the Department of Juvenile Justice;

6 (11) dangerous drugs investigator;

7 (12) investigator for the Illinois State Police;

8 (13) investigator for the Office of the Attorney
9 General;

10 (14) controlled substance inspector;

11 (15) investigator for the Office of the State's
12 Attorneys Appellate Prosecutor;

13 (16) Commerce Commission police officer;

14 (17) arson investigator;

15 (18) State highway maintenance worker;

16 (19) security employee of the Department of Innovation
17 and Technology; or

18 (20) transferred employee.

19 A person employed in one of the positions specified in
20 this subsection is entitled to eligible creditable service for
21 service credit earned under this Article while undergoing the
22 basic police training course approved by the Illinois Law
23 Enforcement Training Standards Board, if completion of that
24 training is required of persons serving in that position. For
25 the purposes of this Code, service during the required basic
26 police training course shall be deemed performance of the

1 duties of the specified position, even though the person is
2 not a sworn peace officer at the time of the training.

3 A person under paragraph (20) is entitled to eligible
4 creditable service for service credit earned under this
5 Article on and after his or her transfer by Executive Order No.
6 2003-10, Executive Order No. 2004-2, or Executive Order No.
7 2016-1.

8 (c) For the purposes of this Section:

9 (1) The term "State policeman" includes any title or
10 position in the Illinois State Police that is held by an
11 individual employed under the Illinois State Police Act.

12 (2) The term "fire fighter in the fire protection
13 service of a department" includes all officers in such
14 fire protection service including fire chiefs and
15 assistant fire chiefs.

16 (3) The term "air pilot" includes any employee whose
17 official job description on file in the Department of
18 Central Management Services, or in the department by which
19 he is employed if that department is not covered by the
20 Personnel Code, states that his principal duty is the
21 operation of aircraft, and who possesses a pilot's
22 license; however, the change in this definition made by
23 Public Act 83-842 shall not operate to exclude any
24 noncovered employee who was an "air pilot" for the
25 purposes of this Section on January 1, 1984.

26 (4) The term "special agent" means any person who by

1 reason of employment by the Division of Narcotic Control,
2 the Bureau of Investigation or, after July 1, 1977, the
3 Division of Criminal Investigation, the Division of
4 Internal Investigation, the Division of Operations, the
5 Division of Patrol Operations, or any other Division or
6 organizational entity in the Illinois State Police is
7 vested by law with duties to maintain public order,
8 investigate violations of the criminal law of this State,
9 enforce the laws of this State, make arrests and recover
10 property. The term "special agent" includes any title or
11 position in the Illinois State Police that is held by an
12 individual employed under the Illinois State Police Act.

13 (5) The term "investigator for the Secretary of State"
14 means any person employed by the Office of the Secretary
15 of State and vested with such investigative duties as
16 render him ineligible for coverage under the Social
17 Security Act by reason of Sections 218(d)(5)(A),
18 218(d)(8)(D) and 218(1)(1) of that Act.

19 A person who became employed as an investigator for
20 the Secretary of State between January 1, 1967 and
21 December 31, 1975, and who has served as such until
22 attainment of age 60, either continuously or with a single
23 break in service of not more than 3 years duration, which
24 break terminated before January 1, 1976, shall be entitled
25 to have his retirement annuity calculated in accordance
26 with subsection (a), notwithstanding that he has less than

1 20 years of credit for such service.

2 (6) The term "Conservation Police Officer" means any
3 person employed by the Division of Law Enforcement of the
4 Department of Natural Resources and vested with such law
5 enforcement duties as render him ineligible for coverage
6 under the Social Security Act by reason of Sections
7 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
8 term "Conservation Police Officer" includes the positions
9 of Chief Conservation Police Administrator and Assistant
10 Conservation Police Administrator.

11 (7) The term "investigator for the Department of
12 Revenue" means any person employed by the Department of
13 Revenue and vested with such investigative duties as
14 render him ineligible for coverage under the Social
15 Security Act by reason of Sections 218(d)(5)(A),
16 218(d)(8)(D) and 218(1)(1) of that Act.

17 The term "investigator for the Department of Lottery
18 and Gaming ~~Illinois Gaming Board~~" means any person
19 employed as such by the Department of Lottery and Gaming
20 ~~Illinois Gaming Board~~ and vested with such peace officer
21 duties as render the person ineligible for coverage under
22 the Social Security Act by reason of Sections
23 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act.

24 (8) The term "security employee of the Department of
25 Human Services" means any person employed by the
26 Department of Human Services who (i) is employed at the

1 Chester Mental Health Center and has daily contact with
2 the residents thereof, (ii) is employed within a security
3 unit at a facility operated by the Department and has
4 daily contact with the residents of the security unit,
5 (iii) is employed at a facility operated by the Department
6 that includes a security unit and is regularly scheduled
7 to work at least 50% of his or her working hours within
8 that security unit, or (iv) is a mental health police
9 officer. "Mental health police officer" means any person
10 employed by the Department of Human Services in a position
11 pertaining to the Department's mental health and
12 developmental disabilities functions who is vested with
13 such law enforcement duties as render the person
14 ineligible for coverage under the Social Security Act by
15 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
16 218(1)(1) of that Act. "Security unit" means that portion
17 of a facility that is devoted to the care, containment,
18 and treatment of persons committed to the Department of
19 Human Services as sexually violent persons, persons unfit
20 to stand trial, or persons not guilty by reason of
21 insanity. With respect to past employment, references to
22 the Department of Human Services include its predecessor,
23 the Department of Mental Health and Developmental
24 Disabilities.

25 The changes made to this subdivision (c)(8) by Public
26 Act 92-14 apply to persons who retire on or after January

1 1, 2001, notwithstanding Section 1-103.1.

2 (9) "Central Management Services security police
3 officer" means any person employed by the Department of
4 Central Management Services who is vested with such law
5 enforcement duties as render him ineligible for coverage
6 under the Social Security Act by reason of Sections
7 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

8 (10) For a member who first became an employee under
9 this Article before July 1, 2005, the term "security
10 employee of the Department of Corrections or the
11 Department of Juvenile Justice" means any employee of the
12 Department of Corrections or the Department of Juvenile
13 Justice or the former Department of Personnel, and any
14 member or employee of the Prisoner Review Board, who has
15 daily contact with inmates or youth by working within a
16 correctional facility or Juvenile facility operated by the
17 Department of Juvenile Justice or who is a parole officer
18 or an employee who has direct contact with committed
19 persons in the performance of his or her job duties. For a
20 member who first becomes an employee under this Article on
21 or after July 1, 2005, the term means an employee of the
22 Department of Corrections or the Department of Juvenile
23 Justice who is any of the following: (i) officially
24 headquartered at a correctional facility or Juvenile
25 facility operated by the Department of Juvenile Justice,
26 (ii) a parole officer, (iii) a member of the apprehension

1 unit, (iv) a member of the intelligence unit, (v) a member
2 of the sort team, or (vi) an investigator.

3 (11) The term "dangerous drugs investigator" means any
4 person who is employed as such by the Department of Human
5 Services.

6 (12) The term "investigator for the Illinois State
7 Police" means a person employed by the Illinois State
8 Police who is vested under Section 4 of the Narcotic
9 Control Division Abolition Act with such law enforcement
10 powers as render him ineligible for coverage under the
11 Social Security Act by reason of Sections 218(d)(5)(A),
12 218(d)(8)(D) and 218(1)(1) of that Act.

13 (13) "Investigator for the Office of the Attorney
14 General" means any person who is employed as such by the
15 Office of the Attorney General and is vested with such
16 investigative duties as render him ineligible for coverage
17 under the Social Security Act by reason of Sections
18 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
19 the period before January 1, 1989, the term includes all
20 persons who were employed as investigators by the Office
21 of the Attorney General, without regard to social security
22 status.

23 (14) "Controlled substance inspector" means any person
24 who is employed as such by the Department of Professional
25 Regulation and is vested with such law enforcement duties
26 as render him ineligible for coverage under the Social

1 Security Act by reason of Sections 218(d)(5)(A),
2 218(d)(8)(D) and 218(1)(1) of that Act. The term
3 "controlled substance inspector" includes the Program
4 Executive of Enforcement and the Assistant Program
5 Executive of Enforcement.

6 (15) The term "investigator for the Office of the
7 State's Attorneys Appellate Prosecutor" means a person
8 employed in that capacity on a full-time basis under the
9 authority of Section 7.06 of the State's Attorneys
10 Appellate Prosecutor's Act.

11 (16) "Commerce Commission police officer" means any
12 person employed by the Illinois Commerce Commission who is
13 vested with such law enforcement duties as render him
14 ineligible for coverage under the Social Security Act by
15 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
16 218(1)(1) of that Act.

17 (17) "Arson investigator" means any person who is
18 employed as such by the Office of the State Fire Marshal
19 and is vested with such law enforcement duties as render
20 the person ineligible for coverage under the Social
21 Security Act by reason of Sections 218(d)(5)(A),
22 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
23 employed as an arson investigator on January 1, 1995 and
24 is no longer in service but not yet receiving a retirement
25 annuity may convert his or her creditable service for
26 employment as an arson investigator into eligible

1 creditable service by paying to the System the difference
2 between the employee contributions actually paid for that
3 service and the amounts that would have been contributed
4 if the applicant were contributing at the rate applicable
5 to persons with the same social security status earning
6 eligible creditable service on the date of application.

7 (18) The term "State highway maintenance worker" means
8 a person who is either of the following:

9 (i) A person employed on a full-time basis by the
10 Illinois Department of Transportation in the position
11 of highway maintainer, highway maintenance lead
12 worker, highway maintenance lead/lead worker, heavy
13 construction equipment operator, power shovel
14 operator, or bridge mechanic; and whose principal
15 responsibility is to perform, on the roadway, the
16 actual maintenance necessary to keep the highways that
17 form a part of the State highway system in serviceable
18 condition for vehicular traffic.

19 (ii) A person employed on a full-time basis by the
20 Illinois State Toll Highway Authority in the position
21 of equipment operator/laborer H-4, equipment
22 operator/laborer H-6, welder H-4, welder H-6,
23 mechanical/electrical H-4, mechanical/electrical H-6,
24 water/sewer H-4, water/sewer H-6, sign maker/hanger
25 H-4, sign maker/hanger H-6, roadway lighting H-4,
26 roadway lighting H-6, structural H-4, structural H-6,

1 painter H-4, or painter H-6; and whose principal
2 responsibility is to perform, on the roadway, the
3 actual maintenance necessary to keep the Authority's
4 tollways in serviceable condition for vehicular
5 traffic.

6 (19) The term "security employee of the Department of
7 Innovation and Technology" means a person who was a
8 security employee of the Department of Corrections or the
9 Department of Juvenile Justice, was transferred to the
10 Department of Innovation and Technology pursuant to
11 Executive Order 2016-01, and continues to perform similar
12 job functions under that Department.

13 (20) "Transferred employee" means an employee who was
14 transferred to the Department of Central Management
15 Services by Executive Order No. 2003-10 or Executive Order
16 No. 2004-2 or transferred to the Department of Innovation
17 and Technology by Executive Order No. 2016-1, or both, and
18 was entitled to eligible creditable service for services
19 immediately preceding the transfer.

20 (d) A security employee of the Department of Corrections
21 or the Department of Juvenile Justice, a security employee of
22 the Department of Human Services who is not a mental health
23 police officer, and a security employee of the Department of
24 Innovation and Technology shall not be eligible for the
25 alternative retirement annuity provided by this Section unless
26 he or she meets the following minimum age and service

1 requirements at the time of retirement:

2 (i) 25 years of eligible creditable service and age
3 55; or

4 (ii) beginning January 1, 1987, 25 years of eligible
5 creditable service and age 54, or 24 years of eligible
6 creditable service and age 55; or

7 (iii) beginning January 1, 1988, 25 years of eligible
8 creditable service and age 53, or 23 years of eligible
9 creditable service and age 55; or

10 (iv) beginning January 1, 1989, 25 years of eligible
11 creditable service and age 52, or 22 years of eligible
12 creditable service and age 55; or

13 (v) beginning January 1, 1990, 25 years of eligible
14 creditable service and age 51, or 21 years of eligible
15 creditable service and age 55; or

16 (vi) beginning January 1, 1991, 25 years of eligible
17 creditable service and age 50, or 20 years of eligible
18 creditable service and age 55.

19 Persons who have service credit under Article 16 of this
20 Code for service as a security employee of the Department of
21 Corrections or the Department of Juvenile Justice, or the
22 Department of Human Services in a position requiring
23 certification as a teacher may count such service toward
24 establishing their eligibility under the service requirements
25 of this Section; but such service may be used only for
26 establishing such eligibility, and not for the purpose of

1 increasing or calculating any benefit.

2 (e) If a member enters military service while working in a
3 position in which eligible creditable service may be earned,
4 and returns to State service in the same or another such
5 position, and fulfills in all other respects the conditions
6 prescribed in this Article for credit for military service,
7 such military service shall be credited as eligible creditable
8 service for the purposes of the retirement annuity prescribed
9 in this Section.

10 (f) For purposes of calculating retirement annuities under
11 this Section, periods of service rendered after December 31,
12 1968 and before October 1, 1975 as a covered employee in the
13 position of special agent, conservation police officer, mental
14 health police officer, or investigator for the Secretary of
15 State, shall be deemed to have been service as a noncovered
16 employee, provided that the employee pays to the System prior
17 to retirement an amount equal to (1) the difference between
18 the employee contributions that would have been required for
19 such service as a noncovered employee, and the amount of
20 employee contributions actually paid, plus (2) if payment is
21 made after July 31, 1987, regular interest on the amount
22 specified in item (1) from the date of service to the date of
23 payment.

24 For purposes of calculating retirement annuities under
25 this Section, periods of service rendered after December 31,
26 1968 and before January 1, 1982 as a covered employee in the

1 position of investigator for the Department of Revenue shall
2 be deemed to have been service as a noncovered employee,
3 provided that the employee pays to the System prior to
4 retirement an amount equal to (1) the difference between the
5 employee contributions that would have been required for such
6 service as a noncovered employee, and the amount of employee
7 contributions actually paid, plus (2) if payment is made after
8 January 1, 1990, regular interest on the amount specified in
9 item (1) from the date of service to the date of payment.

10 (g) A State policeman may elect, not later than January 1,
11 1990, to establish eligible creditable service for up to 10
12 years of his service as a policeman under Article 3, by filing
13 a written election with the Board, accompanied by payment of
14 an amount to be determined by the Board, equal to (i) the
15 difference between the amount of employee and employer
16 contributions transferred to the System under Section 3-110.5,
17 and the amounts that would have been contributed had such
18 contributions been made at the rates applicable to State
19 policemen, plus (ii) interest thereon at the effective rate
20 for each year, compounded annually, from the date of service
21 to the date of payment.

22 Subject to the limitation in subsection (i), a State
23 policeman may elect, not later than July 1, 1993, to establish
24 eligible creditable service for up to 10 years of his service
25 as a member of the County Police Department under Article 9, by
26 filing a written election with the Board, accompanied by

1 payment of an amount to be determined by the Board, equal to
2 (i) the difference between the amount of employee and employer
3 contributions transferred to the System under Section 9-121.10
4 and the amounts that would have been contributed had those
5 contributions been made at the rates applicable to State
6 policemen, plus (ii) interest thereon at the effective rate
7 for each year, compounded annually, from the date of service
8 to the date of payment.

9 (h) Subject to the limitation in subsection (i), a State
10 policeman or investigator for the Secretary of State may elect
11 to establish eligible creditable service for up to 12 years of
12 his service as a policeman under Article 5, by filing a written
13 election with the Board on or before January 31, 1992, and
14 paying to the System by January 31, 1994 an amount to be
15 determined by the Board, equal to (i) the difference between
16 the amount of employee and employer contributions transferred
17 to the System under Section 5-236, and the amounts that would
18 have been contributed had such contributions been made at the
19 rates applicable to State policemen, plus (ii) interest
20 thereon at the effective rate for each year, compounded
21 annually, from the date of service to the date of payment.

22 Subject to the limitation in subsection (i), a State
23 policeman, conservation police officer, or investigator for
24 the Secretary of State may elect to establish eligible
25 creditable service for up to 10 years of service as a sheriff's
26 law enforcement employee under Article 7, by filing a written

1 election with the Board on or before January 31, 1993, and
2 paying to the System by January 31, 1994 an amount to be
3 determined by the Board, equal to (i) the difference between
4 the amount of employee and employer contributions transferred
5 to the System under Section 7-139.7, and the amounts that
6 would have been contributed had such contributions been made
7 at the rates applicable to State policemen, plus (ii) interest
8 thereon at the effective rate for each year, compounded
9 annually, from the date of service to the date of payment.

10 Subject to the limitation in subsection (i), a State
11 policeman, conservation police officer, or investigator for
12 the Secretary of State may elect to establish eligible
13 creditable service for up to 5 years of service as a police
14 officer under Article 3, a policeman under Article 5, a
15 sheriff's law enforcement employee under Article 7, a member
16 of the county police department under Article 9, or a police
17 officer under Article 15 by filing a written election with the
18 Board and paying to the System an amount to be determined by
19 the Board, equal to (i) the difference between the amount of
20 employee and employer contributions transferred to the System
21 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
22 and the amounts that would have been contributed had such
23 contributions been made at the rates applicable to State
24 policemen, plus (ii) interest thereon at the effective rate
25 for each year, compounded annually, from the date of service
26 to the date of payment.

1 Subject to the limitation in subsection (i), an
2 investigator for the Office of the Attorney General, or an
3 investigator for the Department of Revenue, may elect to
4 establish eligible creditable service for up to 5 years of
5 service as a police officer under Article 3, a policeman under
6 Article 5, a sheriff's law enforcement employee under Article
7 7, or a member of the county police department under Article 9
8 by filing a written election with the Board within 6 months
9 after August 25, 2009 (the effective date of Public Act
10 96-745) and paying to the System an amount to be determined by
11 the Board, equal to (i) the difference between the amount of
12 employee and employer contributions transferred to the System
13 under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the
14 amounts that would have been contributed had such
15 contributions been made at the rates applicable to State
16 policemen, plus (ii) interest thereon at the actuarially
17 assumed rate for each year, compounded annually, from the date
18 of service to the date of payment.

19 Subject to the limitation in subsection (i), a State
20 policeman, conservation police officer, investigator for the
21 Office of the Attorney General, an investigator for the
22 Department of Revenue, or investigator for the Secretary of
23 State may elect to establish eligible creditable service for
24 up to 5 years of service as a person employed by a
25 participating municipality to perform police duties, or law
26 enforcement officer employed on a full-time basis by a forest

1 preserve district under Article 7, a county corrections
2 officer, or a court services officer under Article 9, by
3 filing a written election with the Board within 6 months after
4 August 25, 2009 (the effective date of Public Act 96-745) and
5 paying to the System an amount to be determined by the Board,
6 equal to (i) the difference between the amount of employee and
7 employer contributions transferred to the System under
8 Sections 7-139.8 and 9-121.10 and the amounts that would have
9 been contributed had such contributions been made at the rates
10 applicable to State policemen, plus (ii) interest thereon at
11 the actuarially assumed rate for each year, compounded
12 annually, from the date of service to the date of payment.

13 Subject to the limitation in subsection (i), a State
14 policeman, arson investigator, or Commerce Commission police
15 officer may elect to establish eligible creditable service for
16 up to 5 years of service as a person employed by a
17 participating municipality to perform police duties under
18 Article 7, a county corrections officer, a court services
19 officer under Article 9, or a firefighter under Article 4 by
20 filing a written election with the Board within 6 months after
21 July 30, 2021 (the effective date of Public Act 102-210) and
22 paying to the System an amount to be determined by the Board
23 equal to (i) the difference between the amount of employee and
24 employer contributions transferred to the System under
25 Sections 4-108.8, 7-139.8, and 9-121.10 and the amounts that
26 would have been contributed had such contributions been made

1 at the rates applicable to State policemen, plus (ii) interest
2 thereon at the actuarially assumed rate for each year,
3 compounded annually, from the date of service to the date of
4 payment.

5 Subject to the limitation in subsection (i), a
6 conservation police officer may elect to establish eligible
7 creditable service for up to 5 years of service as a person
8 employed by a participating municipality to perform police
9 duties under Article 7, a county corrections officer, or a
10 court services officer under Article 9 by filing a written
11 election with the Board within 6 months after July 30, 2021
12 (the effective date of Public Act 102-210) and paying to the
13 System an amount to be determined by the Board equal to (i) the
14 difference between the amount of employee and employer
15 contributions transferred to the System under Sections 7-139.8
16 and 9-121.10 and the amounts that would have been contributed
17 had such contributions been made at the rates applicable to
18 State policemen, plus (ii) interest thereon at the actuarially
19 assumed rate for each year, compounded annually, from the date
20 of service to the date of payment.

21 Notwithstanding the limitation in subsection (i), a State
22 policeman or conservation police officer may elect to convert
23 service credit earned under this Article to eligible
24 creditable service, as defined by this Section, by filing a
25 written election with the board within 6 months after July 30,
26 2021 (the effective date of Public Act 102-210) and paying to

1 the System an amount to be determined by the Board equal to (i)
2 the difference between the amount of employee contributions
3 originally paid for that service and the amounts that would
4 have been contributed had such contributions been made at the
5 rates applicable to State policemen, plus (ii) the difference
6 between the employer's normal cost of the credit prior to the
7 conversion authorized by Public Act 102-210 and the employer's
8 normal cost of the credit converted in accordance with Public
9 Act 102-210, plus (iii) interest thereon at the actuarially
10 assumed rate for each year, compounded annually, from the date
11 of service to the date of payment.

12 (i) The total amount of eligible creditable service
13 established by any person under subsections (g), (h), (j),
14 (k), (l), (l-5), and (o) of this Section shall not exceed 12
15 years.

16 (j) Subject to the limitation in subsection (i), an
17 investigator for the Office of the State's Attorneys Appellate
18 Prosecutor or a controlled substance inspector may elect to
19 establish eligible creditable service for up to 10 years of
20 his service as a policeman under Article 3 or a sheriff's law
21 enforcement employee under Article 7, by filing a written
22 election with the Board, accompanied by payment of an amount
23 to be determined by the Board, equal to (1) the difference
24 between the amount of employee and employer contributions
25 transferred to the System under Section 3-110.6 or 7-139.8,
26 and the amounts that would have been contributed had such

1 contributions been made at the rates applicable to State
2 policemen, plus (2) interest thereon at the effective rate for
3 each year, compounded annually, from the date of service to
4 the date of payment.

5 (k) Subject to the limitation in subsection (i) of this
6 Section, an alternative formula employee may elect to
7 establish eligible creditable service for periods spent as a
8 full-time law enforcement officer or full-time corrections
9 officer employed by the federal government or by a state or
10 local government located outside of Illinois, for which credit
11 is not held in any other public employee pension fund or
12 retirement system. To obtain this credit, the applicant must
13 file a written application with the Board by March 31, 1998,
14 accompanied by evidence of eligibility acceptable to the Board
15 and payment of an amount to be determined by the Board, equal
16 to (1) employee contributions for the credit being
17 established, based upon the applicant's salary on the first
18 day as an alternative formula employee after the employment
19 for which credit is being established and the rates then
20 applicable to alternative formula employees, plus (2) an
21 amount determined by the Board to be the employer's normal
22 cost of the benefits accrued for the credit being established,
23 plus (3) regular interest on the amounts in items (1) and (2)
24 from the first day as an alternative formula employee after
25 the employment for which credit is being established to the
26 date of payment.

1 (1) Subject to the limitation in subsection (i), a
2 security employee of the Department of Corrections may elect,
3 not later than July 1, 1998, to establish eligible creditable
4 service for up to 10 years of his or her service as a policeman
5 under Article 3, by filing a written election with the Board,
6 accompanied by payment of an amount to be determined by the
7 Board, equal to (i) the difference between the amount of
8 employee and employer contributions transferred to the System
9 under Section 3-110.5, and the amounts that would have been
10 contributed had such contributions been made at the rates
11 applicable to security employees of the Department of
12 Corrections, plus (ii) interest thereon at the effective rate
13 for each year, compounded annually, from the date of service
14 to the date of payment.

15 (1-5) Subject to the limitation in subsection (i) of this
16 Section, a State policeman may elect to establish eligible
17 creditable service for up to 5 years of service as a full-time
18 law enforcement officer employed by the federal government or
19 by a state or local government located outside of Illinois for
20 which credit is not held in any other public employee pension
21 fund or retirement system. To obtain this credit, the
22 applicant must file a written application with the Board no
23 later than 3 years after January 1, 2020 (the effective date of
24 Public Act 101-610), accompanied by evidence of eligibility
25 acceptable to the Board and payment of an amount to be
26 determined by the Board, equal to (1) employee contributions

1 for the credit being established, based upon the applicant's
2 salary on the first day as an alternative formula employee
3 after the employment for which credit is being established and
4 the rates then applicable to alternative formula employees,
5 plus (2) an amount determined by the Board to be the employer's
6 normal cost of the benefits accrued for the credit being
7 established, plus (3) regular interest on the amounts in items
8 (1) and (2) from the first day as an alternative formula
9 employee after the employment for which credit is being
10 established to the date of payment.

11 (m) The amendatory changes to this Section made by Public
12 Act 94-696 apply only to: (1) security employees of the
13 Department of Juvenile Justice employed by the Department of
14 Corrections before June 1, 2006 (the effective date of Public
15 Act 94-696) and transferred to the Department of Juvenile
16 Justice by Public Act 94-696; and (2) persons employed by the
17 Department of Juvenile Justice on or after June 1, 2006 (the
18 effective date of Public Act 94-696) who are required by
19 subsection (b) of Section 3-2.5-15 of the Unified Code of
20 Corrections to have any bachelor's or advanced degree from an
21 accredited college or university or, in the case of persons
22 who provide vocational training, who are required to have
23 adequate knowledge in the skill for which they are providing
24 the vocational training.

25 (n) A person employed in a position under subsection (b)
26 of this Section who has purchased service credit under

1 subsection (j) of Section 14-104 or subsection (b) of Section
2 14-105 in any other capacity under this Article may convert up
3 to 5 years of that service credit into service credit covered
4 under this Section by paying to the Fund an amount equal to (1)
5 the additional employee contribution required under Section
6 14-133, plus (2) the additional employer contribution required
7 under Section 14-131, plus (3) interest on items (1) and (2) at
8 the actuarially assumed rate from the date of the service to
9 the date of payment.

10 (o) Subject to the limitation in subsection (i), a
11 conservation police officer, investigator for the Secretary of
12 State, Commerce Commission police officer, investigator for
13 the Department of Revenue or the Department of Lottery and
14 Gaming ~~Illinois Gaming Board~~, or arson investigator subject to
15 subsection (g) of Section 1-160 may elect to convert up to 8
16 years of service credit established before January 1, 2020
17 (the effective date of Public Act 101-610) as a conservation
18 police officer, investigator for the Secretary of State,
19 Commerce Commission police officer, investigator for the
20 Department of Revenue or the Department of Lottery and Gaming
21 ~~Illinois Gaming Board~~, or arson investigator under this
22 Article into eligible creditable service by filing a written
23 election with the Board no later than one year after January 1,
24 2020 (the effective date of Public Act 101-610), accompanied
25 by payment of an amount to be determined by the Board equal to
26 (i) the difference between the amount of the employee

1 contributions actually paid for that service and the amount of
2 the employee contributions that would have been paid had the
3 employee contributions been made as a noncovered employee
4 serving in a position in which eligible creditable service, as
5 defined in this Section, may be earned, plus (ii) interest
6 thereon at the effective rate for each year, compounded
7 annually, from the date of service to the date of payment.

8 (Source: P.A. 101-610, eff. 1-1-20; 102-210, eff. 7-30-21;
9 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

10 (Text of Section from P.A. 102-856)

11 Sec. 14-110. Alternative retirement annuity.

12 (a) Any member who has withdrawn from service with not
13 less than 20 years of eligible creditable service and has
14 attained age 55, and any member who has withdrawn from service
15 with not less than 25 years of eligible creditable service and
16 has attained age 50, regardless of whether the attainment of
17 either of the specified ages occurs while the member is still
18 in service, shall be entitled to receive at the option of the
19 member, in lieu of the regular or minimum retirement annuity,
20 a retirement annuity computed as follows:

21 (i) for periods of service as a noncovered employee:
22 if retirement occurs on or after January 1, 2001, 3% of
23 final average compensation for each year of creditable
24 service; if retirement occurs before January 1, 2001, 2
25 1/4% of final average compensation for each of the first

1 10 years of creditable service, 2 1/2% for each year above
2 10 years to and including 20 years of creditable service,
3 and 2 3/4% for each year of creditable service above 20
4 years; and

5 (ii) for periods of eligible creditable service as a
6 covered employee: if retirement occurs on or after January
7 1, 2001, 2.5% of final average compensation for each year
8 of creditable service; if retirement occurs before January
9 1, 2001, 1.67% of final average compensation for each of
10 the first 10 years of such service, 1.90% for each of the
11 next 10 years of such service, 2.10% for each year of such
12 service in excess of 20 but not exceeding 30, and 2.30% for
13 each year in excess of 30.

14 Such annuity shall be subject to a maximum of 75% of final
15 average compensation if retirement occurs before January 1,
16 2001 or to a maximum of 80% of final average compensation if
17 retirement occurs on or after January 1, 2001.

18 These rates shall not be applicable to any service
19 performed by a member as a covered employee which is not
20 eligible creditable service. Service as a covered employee
21 which is not eligible creditable service shall be subject to
22 the rates and provisions of Section 14-108.

23 (b) For the purpose of this Section, "eligible creditable
24 service" means creditable service resulting from service in
25 one or more of the following positions:

26 (1) State policeman;

- 1 (2) fire fighter in the fire protection service of a
- 2 department;
- 3 (3) air pilot;
- 4 (4) special agent;
- 5 (5) investigator for the Secretary of State;
- 6 (6) conservation police officer;
- 7 (7) investigator for the Department of Revenue or the
- 8 Department of Lottery and Gaming ~~Illinois Gaming Board~~;
- 9 (8) security employee of the Department of Human
- 10 Services;
- 11 (9) Central Management Services security police
- 12 officer;
- 13 (10) security employee of the Department of
- 14 Corrections or the Department of Juvenile Justice;
- 15 (11) dangerous drugs investigator;
- 16 (12) investigator for the Illinois State Police;
- 17 (13) investigator for the Office of the Attorney
- 18 General;
- 19 (14) controlled substance inspector;
- 20 (15) investigator for the Office of the State's
- 21 Attorneys Appellate Prosecutor;
- 22 (16) Commerce Commission police officer;
- 23 (17) arson investigator;
- 24 (18) State highway maintenance worker;
- 25 (19) security employee of the Department of Innovation
- 26 and Technology; or

1 (20) transferred employee.

2 A person employed in one of the positions specified in
3 this subsection is entitled to eligible creditable service for
4 service credit earned under this Article while undergoing the
5 basic police training course approved by the Illinois Law
6 Enforcement Training Standards Board, if completion of that
7 training is required of persons serving in that position. For
8 the purposes of this Code, service during the required basic
9 police training course shall be deemed performance of the
10 duties of the specified position, even though the person is
11 not a sworn peace officer at the time of the training.

12 A person under paragraph (20) is entitled to eligible
13 creditable service for service credit earned under this
14 Article on and after his or her transfer by Executive Order No.
15 2003-10, Executive Order No. 2004-2, or Executive Order No.
16 2016-1.

17 (c) For the purposes of this Section:

18 (1) The term "State policeman" includes any title or
19 position in the Illinois State Police that is held by an
20 individual employed under the Illinois State Police Act.

21 (2) The term "fire fighter in the fire protection
22 service of a department" includes all officers in such
23 fire protection service including fire chiefs and
24 assistant fire chiefs.

25 (3) The term "air pilot" includes any employee whose
26 official job description on file in the Department of

1 Central Management Services, or in the department by which
2 he is employed if that department is not covered by the
3 Personnel Code, states that his principal duty is the
4 operation of aircraft, and who possesses a pilot's
5 license; however, the change in this definition made by
6 Public Act 83-842 shall not operate to exclude any
7 noncovered employee who was an "air pilot" for the
8 purposes of this Section on January 1, 1984.

9 (4) The term "special agent" means any person who by
10 reason of employment by the Division of Narcotic Control,
11 the Bureau of Investigation or, after July 1, 1977, the
12 Division of Criminal Investigation, the Division of
13 Internal Investigation, the Division of Operations, the
14 Division of Patrol Operations, or any other Division or
15 organizational entity in the Illinois State Police is
16 vested by law with duties to maintain public order,
17 investigate violations of the criminal law of this State,
18 enforce the laws of this State, make arrests and recover
19 property. The term "special agent" includes any title or
20 position in the Illinois State Police that is held by an
21 individual employed under the Illinois State Police Act.

22 (5) The term "investigator for the Secretary of State"
23 means any person employed by the Office of the Secretary
24 of State and vested with such investigative duties as
25 render him ineligible for coverage under the Social
26 Security Act by reason of Sections 218(d)(5)(A),

1 218(d)(8)(D) and 218(1)(1) of that Act.

2 A person who became employed as an investigator for
3 the Secretary of State between January 1, 1967 and
4 December 31, 1975, and who has served as such until
5 attainment of age 60, either continuously or with a single
6 break in service of not more than 3 years duration, which
7 break terminated before January 1, 1976, shall be entitled
8 to have his retirement annuity calculated in accordance
9 with subsection (a), notwithstanding that he has less than
10 20 years of credit for such service.

11 (6) The term "Conservation Police Officer" means any
12 person employed by the Division of Law Enforcement of the
13 Department of Natural Resources and vested with such law
14 enforcement duties as render him ineligible for coverage
15 under the Social Security Act by reason of Sections
16 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
17 term "Conservation Police Officer" includes the positions
18 of Chief Conservation Police Administrator and Assistant
19 Conservation Police Administrator.

20 (7) The term "investigator for the Department of
21 Revenue" means any person employed by the Department of
22 Revenue and vested with such investigative duties as
23 render him ineligible for coverage under the Social
24 Security Act by reason of Sections 218(d)(5)(A),
25 218(d)(8)(D) and 218(1)(1) of that Act.

26 The term "investigator for the Department of Lottery

1 and Gaming Illinois Gaming Board" means any person
2 employed as such by the Department of Lottery and Gaming
3 ~~Illinois Gaming Board~~ and vested with such peace officer
4 duties as render the person ineligible for coverage under
5 the Social Security Act by reason of Sections
6 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act.

7 (8) The term "security employee of the Department of
8 Human Services" means any person employed by the
9 Department of Human Services who (i) is employed at the
10 Chester Mental Health Center and has daily contact with
11 the residents thereof, (ii) is employed within a security
12 unit at a facility operated by the Department and has
13 daily contact with the residents of the security unit,
14 (iii) is employed at a facility operated by the Department
15 that includes a security unit and is regularly scheduled
16 to work at least 50% of his or her working hours within
17 that security unit, or (iv) is a mental health police
18 officer. "Mental health police officer" means any person
19 employed by the Department of Human Services in a position
20 pertaining to the Department's mental health and
21 developmental disabilities functions who is vested with
22 such law enforcement duties as render the person
23 ineligible for coverage under the Social Security Act by
24 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
25 218(1)(1) of that Act. "Security unit" means that portion
26 of a facility that is devoted to the care, containment,

1 and treatment of persons committed to the Department of
2 Human Services as sexually violent persons, persons unfit
3 to stand trial, or persons not guilty by reason of
4 insanity. With respect to past employment, references to
5 the Department of Human Services include its predecessor,
6 the Department of Mental Health and Developmental
7 Disabilities.

8 The changes made to this subdivision (c)(8) by Public
9 Act 92-14 apply to persons who retire on or after January
10 1, 2001, notwithstanding Section 1-103.1.

11 (9) "Central Management Services security police
12 officer" means any person employed by the Department of
13 Central Management Services who is vested with such law
14 enforcement duties as render him ineligible for coverage
15 under the Social Security Act by reason of Sections
16 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

17 (10) For a member who first became an employee under
18 this Article before July 1, 2005, the term "security
19 employee of the Department of Corrections or the
20 Department of Juvenile Justice" means any employee of the
21 Department of Corrections or the Department of Juvenile
22 Justice or the former Department of Personnel, and any
23 member or employee of the Prisoner Review Board, who has
24 daily contact with inmates or youth by working within a
25 correctional facility or Juvenile facility operated by the
26 Department of Juvenile Justice or who is a parole officer

1 or an employee who has direct contact with committed
2 persons in the performance of his or her job duties. For a
3 member who first becomes an employee under this Article on
4 or after July 1, 2005, the term means an employee of the
5 Department of Corrections or the Department of Juvenile
6 Justice who is any of the following: (i) officially
7 headquartered at a correctional facility or Juvenile
8 facility operated by the Department of Juvenile Justice,
9 (ii) a parole officer, (iii) a member of the apprehension
10 unit, (iv) a member of the intelligence unit, (v) a member
11 of the sort team, or (vi) an investigator.

12 (11) The term "dangerous drugs investigator" means any
13 person who is employed as such by the Department of Human
14 Services.

15 (12) The term "investigator for the Illinois State
16 Police" means a person employed by the Illinois State
17 Police who is vested under Section 4 of the Narcotic
18 Control Division Abolition Act with such law enforcement
19 powers as render him ineligible for coverage under the
20 Social Security Act by reason of Sections 218(d)(5)(A),
21 218(d)(8)(D) and 218(1)(1) of that Act.

22 (13) "Investigator for the Office of the Attorney
23 General" means any person who is employed as such by the
24 Office of the Attorney General and is vested with such
25 investigative duties as render him ineligible for coverage
26 under the Social Security Act by reason of Sections

1 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
2 the period before January 1, 1989, the term includes all
3 persons who were employed as investigators by the Office
4 of the Attorney General, without regard to social security
5 status.

6 (14) "Controlled substance inspector" means any person
7 who is employed as such by the Department of Professional
8 Regulation and is vested with such law enforcement duties
9 as render him ineligible for coverage under the Social
10 Security Act by reason of Sections 218(d)(5)(A),
11 218(d)(8)(D) and 218(1)(1) of that Act. The term
12 "controlled substance inspector" includes the Program
13 Executive of Enforcement and the Assistant Program
14 Executive of Enforcement.

15 (15) The term "investigator for the Office of the
16 State's Attorneys Appellate Prosecutor" means a person
17 employed in that capacity on a full-time basis under the
18 authority of Section 7.06 of the State's Attorneys
19 Appellate Prosecutor's Act.

20 (16) "Commerce Commission police officer" means any
21 person employed by the Illinois Commerce Commission who is
22 vested with such law enforcement duties as render him
23 ineligible for coverage under the Social Security Act by
24 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
25 218(1)(1) of that Act.

26 (17) "Arson investigator" means any person who is

1 employed as such by the Office of the State Fire Marshal
2 and is vested with such law enforcement duties as render
3 the person ineligible for coverage under the Social
4 Security Act by reason of Sections 218(d)(5)(A),
5 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
6 employed as an arson investigator on January 1, 1995 and
7 is no longer in service but not yet receiving a retirement
8 annuity may convert his or her creditable service for
9 employment as an arson investigator into eligible
10 creditable service by paying to the System the difference
11 between the employee contributions actually paid for that
12 service and the amounts that would have been contributed
13 if the applicant were contributing at the rate applicable
14 to persons with the same social security status earning
15 eligible creditable service on the date of application.

16 (18) The term "State highway maintenance worker" means
17 a person who is either of the following:

18 (i) A person employed on a full-time basis by the
19 Illinois Department of Transportation in the position
20 of highway maintainer, highway maintenance lead
21 worker, highway maintenance lead/lead worker, heavy
22 construction equipment operator, power shovel
23 operator, or bridge mechanic; and whose principal
24 responsibility is to perform, on the roadway, the
25 actual maintenance necessary to keep the highways that
26 form a part of the State highway system in serviceable

1 condition for vehicular traffic.

2 (ii) A person employed on a full-time basis by the
3 Illinois State Toll Highway Authority in the position
4 of equipment operator/laborer H-4, equipment
5 operator/laborer H-6, welder H-4, welder H-6,
6 mechanical/electrical H-4, mechanical/electrical H-6,
7 water/sewer H-4, water/sewer H-6, sign maker/hanger
8 H-4, sign maker/hanger H-6, roadway lighting H-4,
9 roadway lighting H-6, structural H-4, structural H-6,
10 painter H-4, or painter H-6; and whose principal
11 responsibility is to perform, on the roadway, the
12 actual maintenance necessary to keep the Authority's
13 tollways in serviceable condition for vehicular
14 traffic.

15 (19) The term "security employee of the Department of
16 Innovation and Technology" means a person who was a
17 security employee of the Department of Corrections or the
18 Department of Juvenile Justice, was transferred to the
19 Department of Innovation and Technology pursuant to
20 Executive Order 2016-01, and continues to perform similar
21 job functions under that Department.

22 (20) "Transferred employee" means an employee who was
23 transferred to the Department of Central Management
24 Services by Executive Order No. 2003-10 or Executive Order
25 No. 2004-2 or transferred to the Department of Innovation
26 and Technology by Executive Order No. 2016-1, or both, and

1 was entitled to eligible creditable service for services
2 immediately preceding the transfer.

3 (d) A security employee of the Department of Corrections
4 or the Department of Juvenile Justice, a security employee of
5 the Department of Human Services who is not a mental health
6 police officer, and a security employee of the Department of
7 Innovation and Technology shall not be eligible for the
8 alternative retirement annuity provided by this Section unless
9 he or she meets the following minimum age and service
10 requirements at the time of retirement:

11 (i) 25 years of eligible creditable service and age
12 55; or

13 (ii) beginning January 1, 1987, 25 years of eligible
14 creditable service and age 54, or 24 years of eligible
15 creditable service and age 55; or

16 (iii) beginning January 1, 1988, 25 years of eligible
17 creditable service and age 53, or 23 years of eligible
18 creditable service and age 55; or

19 (iv) beginning January 1, 1989, 25 years of eligible
20 creditable service and age 52, or 22 years of eligible
21 creditable service and age 55; or

22 (v) beginning January 1, 1990, 25 years of eligible
23 creditable service and age 51, or 21 years of eligible
24 creditable service and age 55; or

25 (vi) beginning January 1, 1991, 25 years of eligible
26 creditable service and age 50, or 20 years of eligible

1 creditable service and age 55.

2 Persons who have service credit under Article 16 of this
3 Code for service as a security employee of the Department of
4 Corrections or the Department of Juvenile Justice, or the
5 Department of Human Services in a position requiring
6 certification as a teacher may count such service toward
7 establishing their eligibility under the service requirements
8 of this Section; but such service may be used only for
9 establishing such eligibility, and not for the purpose of
10 increasing or calculating any benefit.

11 (e) If a member enters military service while working in a
12 position in which eligible creditable service may be earned,
13 and returns to State service in the same or another such
14 position, and fulfills in all other respects the conditions
15 prescribed in this Article for credit for military service,
16 such military service shall be credited as eligible creditable
17 service for the purposes of the retirement annuity prescribed
18 in this Section.

19 (f) For purposes of calculating retirement annuities under
20 this Section, periods of service rendered after December 31,
21 1968 and before October 1, 1975 as a covered employee in the
22 position of special agent, conservation police officer, mental
23 health police officer, or investigator for the Secretary of
24 State, shall be deemed to have been service as a noncovered
25 employee, provided that the employee pays to the System prior
26 to retirement an amount equal to (1) the difference between

1 the employee contributions that would have been required for
2 such service as a noncovered employee, and the amount of
3 employee contributions actually paid, plus (2) if payment is
4 made after July 31, 1987, regular interest on the amount
5 specified in item (1) from the date of service to the date of
6 payment.

7 For purposes of calculating retirement annuities under
8 this Section, periods of service rendered after December 31,
9 1968 and before January 1, 1982 as a covered employee in the
10 position of investigator for the Department of Revenue shall
11 be deemed to have been service as a noncovered employee,
12 provided that the employee pays to the System prior to
13 retirement an amount equal to (1) the difference between the
14 employee contributions that would have been required for such
15 service as a noncovered employee, and the amount of employee
16 contributions actually paid, plus (2) if payment is made after
17 January 1, 1990, regular interest on the amount specified in
18 item (1) from the date of service to the date of payment.

19 (g) A State policeman may elect, not later than January 1,
20 1990, to establish eligible creditable service for up to 10
21 years of his service as a policeman under Article 3, by filing
22 a written election with the Board, accompanied by payment of
23 an amount to be determined by the Board, equal to (i) the
24 difference between the amount of employee and employer
25 contributions transferred to the System under Section 3-110.5,
26 and the amounts that would have been contributed had such

1 contributions been made at the rates applicable to State
2 policemen, plus (ii) interest thereon at the effective rate
3 for each year, compounded annually, from the date of service
4 to the date of payment.

5 Subject to the limitation in subsection (i), a State
6 policeman may elect, not later than July 1, 1993, to establish
7 eligible creditable service for up to 10 years of his service
8 as a member of the County Police Department under Article 9, by
9 filing a written election with the Board, accompanied by
10 payment of an amount to be determined by the Board, equal to
11 (i) the difference between the amount of employee and employer
12 contributions transferred to the System under Section 9-121.10
13 and the amounts that would have been contributed had those
14 contributions been made at the rates applicable to State
15 policemen, plus (ii) interest thereon at the effective rate
16 for each year, compounded annually, from the date of service
17 to the date of payment.

18 (h) Subject to the limitation in subsection (i), a State
19 policeman or investigator for the Secretary of State may elect
20 to establish eligible creditable service for up to 12 years of
21 his service as a policeman under Article 5, by filing a written
22 election with the Board on or before January 31, 1992, and
23 paying to the System by January 31, 1994 an amount to be
24 determined by the Board, equal to (i) the difference between
25 the amount of employee and employer contributions transferred
26 to the System under Section 5-236, and the amounts that would

1 have been contributed had such contributions been made at the
2 rates applicable to State policemen, plus (ii) interest
3 thereon at the effective rate for each year, compounded
4 annually, from the date of service to the date of payment.

5 Subject to the limitation in subsection (i), a State
6 policeman, conservation police officer, or investigator for
7 the Secretary of State may elect to establish eligible
8 creditable service for up to 10 years of service as a sheriff's
9 law enforcement employee under Article 7, by filing a written
10 election with the Board on or before January 31, 1993, and
11 paying to the System by January 31, 1994 an amount to be
12 determined by the Board, equal to (i) the difference between
13 the amount of employee and employer contributions transferred
14 to the System under Section 7-139.7, and the amounts that
15 would have been contributed had such contributions been made
16 at the rates applicable to State policemen, plus (ii) interest
17 thereon at the effective rate for each year, compounded
18 annually, from the date of service to the date of payment.

19 Subject to the limitation in subsection (i), a State
20 policeman, conservation police officer, or investigator for
21 the Secretary of State may elect to establish eligible
22 creditable service for up to 5 years of service as a police
23 officer under Article 3, a policeman under Article 5, a
24 sheriff's law enforcement employee under Article 7, a member
25 of the county police department under Article 9, or a police
26 officer under Article 15 by filing a written election with the

1 Board and paying to the System an amount to be determined by
2 the Board, equal to (i) the difference between the amount of
3 employee and employer contributions transferred to the System
4 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
5 and the amounts that would have been contributed had such
6 contributions been made at the rates applicable to State
7 policemen, plus (ii) interest thereon at the effective rate
8 for each year, compounded annually, from the date of service
9 to the date of payment.

10 Subject to the limitation in subsection (i), an
11 investigator for the Office of the Attorney General, or an
12 investigator for the Department of Revenue, may elect to
13 establish eligible creditable service for up to 5 years of
14 service as a police officer under Article 3, a policeman under
15 Article 5, a sheriff's law enforcement employee under Article
16 7, or a member of the county police department under Article 9
17 by filing a written election with the Board within 6 months
18 after August 25, 2009 (the effective date of Public Act
19 96-745) and paying to the System an amount to be determined by
20 the Board, equal to (i) the difference between the amount of
21 employee and employer contributions transferred to the System
22 under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the
23 amounts that would have been contributed had such
24 contributions been made at the rates applicable to State
25 policemen, plus (ii) interest thereon at the actuarially
26 assumed rate for each year, compounded annually, from the date

1 of service to the date of payment.

2 Subject to the limitation in subsection (i), a State
3 policeman, conservation police officer, investigator for the
4 Office of the Attorney General, an investigator for the
5 Department of Revenue, or investigator for the Secretary of
6 State may elect to establish eligible creditable service for
7 up to 5 years of service as a person employed by a
8 participating municipality to perform police duties, or law
9 enforcement officer employed on a full-time basis by a forest
10 preserve district under Article 7, a county corrections
11 officer, or a court services officer under Article 9, by
12 filing a written election with the Board within 6 months after
13 August 25, 2009 (the effective date of Public Act 96-745) and
14 paying to the System an amount to be determined by the Board,
15 equal to (i) the difference between the amount of employee and
16 employer contributions transferred to the System under
17 Sections 7-139.8 and 9-121.10 and the amounts that would have
18 been contributed had such contributions been made at the rates
19 applicable to State policemen, plus (ii) interest thereon at
20 the actuarially assumed rate for each year, compounded
21 annually, from the date of service to the date of payment.

22 Subject to the limitation in subsection (i), a State
23 policeman, arson investigator, or Commerce Commission police
24 officer may elect to establish eligible creditable service for
25 up to 5 years of service as a person employed by a
26 participating municipality to perform police duties under

1 Article 7, a county corrections officer, a court services
2 officer under Article 9, or a firefighter under Article 4 by
3 filing a written election with the Board within 6 months after
4 July 30, 2021 (the effective date of Public Act 102-210) and
5 paying to the System an amount to be determined by the Board
6 equal to (i) the difference between the amount of employee and
7 employer contributions transferred to the System under
8 Sections 4-108.8, 7-139.8, and 9-121.10 and the amounts that
9 would have been contributed had such contributions been made
10 at the rates applicable to State policemen, plus (ii) interest
11 thereon at the actuarially assumed rate for each year,
12 compounded annually, from the date of service to the date of
13 payment.

14 Subject to the limitation in subsection (i), a
15 conservation police officer may elect to establish eligible
16 creditable service for up to 5 years of service as a person
17 employed by a participating municipality to perform police
18 duties under Article 7, a county corrections officer, or a
19 court services officer under Article 9 by filing a written
20 election with the Board within 6 months after July 30, 2021
21 (the effective date of Public Act 102-210) and paying to the
22 System an amount to be determined by the Board equal to (i) the
23 difference between the amount of employee and employer
24 contributions transferred to the System under Sections 7-139.8
25 and 9-121.10 and the amounts that would have been contributed
26 had such contributions been made at the rates applicable to

1 State policemen, plus (ii) interest thereon at the actuarially
2 assumed rate for each year, compounded annually, from the date
3 of service to the date of payment.

4 Subject to the limitation in subsection (i), an
5 investigator for the Department of Revenue, investigator for
6 the Department of Lottery and Gaming ~~Illinois Gaming Board~~,
7 investigator for the Secretary of State, or arson investigator
8 may elect to establish eligible creditable service for up to 5
9 years of service as a person employed by a participating
10 municipality to perform police duties under Article 7, a
11 county corrections officer, a court services officer under
12 Article 9, or a firefighter under Article 4 by filing a written
13 election with the Board within 6 months after the effective
14 date of this amendatory Act of the 102nd General Assembly and
15 paying to the System an amount to be determined by the Board
16 equal to (i) the difference between the amount of employee and
17 employer contributions transferred to the System under
18 Sections 4-108.8, 7-139.8, and 9-121.10 and the amounts that
19 would have been contributed had such contributions been made
20 at the rates applicable to State policemen, plus (ii) interest
21 thereon at the actuarially assumed rate for each year,
22 compounded annually, from the date of service to the date of
23 payment.

24 Notwithstanding the limitation in subsection (i), a State
25 policeman or conservation police officer may elect to convert
26 service credit earned under this Article to eligible

1 creditable service, as defined by this Section, by filing a
2 written election with the board within 6 months after July 30,
3 2021 (the effective date of Public Act 102-210) and paying to
4 the System an amount to be determined by the Board equal to (i)
5 the difference between the amount of employee contributions
6 originally paid for that service and the amounts that would
7 have been contributed had such contributions been made at the
8 rates applicable to State policemen, plus (ii) the difference
9 between the employer's normal cost of the credit prior to the
10 conversion authorized by Public Act 102-210 and the employer's
11 normal cost of the credit converted in accordance with Public
12 Act 102-210, plus (iii) interest thereon at the actuarially
13 assumed rate for each year, compounded annually, from the date
14 of service to the date of payment.

15 Notwithstanding the limitation in subsection (i), an
16 investigator for the Department of Revenue, investigator for
17 the Department of Lottery and Gaming ~~Illinois Gaming Board~~,
18 investigator for the Secretary of State, or arson investigator
19 may elect to convert service credit earned under this Article
20 to eligible creditable service, as defined by this Section, by
21 filing a written election with the Board within 6 months after
22 the effective date of this amendatory Act of the 102nd General
23 Assembly and paying to the System an amount to be determined by
24 the Board equal to (i) the difference between the amount of
25 employee contributions originally paid for that service and
26 the amounts that would have been contributed had such

1 contributions been made at the rates applicable to
2 investigators for the Department of Revenue, investigators for
3 the Department of Lottery and Gaming ~~Illinois Gaming Board~~,
4 investigators for the Secretary of State, or arson
5 investigators, plus (ii) the difference between the employer's
6 normal cost of the credit prior to the conversion authorized
7 by this amendatory Act of the 102nd General Assembly and the
8 employer's normal cost of the credit converted in accordance
9 with this amendatory Act of the 102nd General Assembly, plus
10 (iii) interest thereon at the actuarially assumed rate for
11 each year, compounded annually, from the date of service to
12 the date of payment.

13 (i) The total amount of eligible creditable service
14 established by any person under subsections (g), (h), (j),
15 (k), (l), (l-5), and (o) of this Section shall not exceed 12
16 years.

17 (j) Subject to the limitation in subsection (i), an
18 investigator for the Office of the State's Attorneys Appellate
19 Prosecutor or a controlled substance inspector may elect to
20 establish eligible creditable service for up to 10 years of
21 his service as a policeman under Article 3 or a sheriff's law
22 enforcement employee under Article 7, by filing a written
23 election with the Board, accompanied by payment of an amount
24 to be determined by the Board, equal to (1) the difference
25 between the amount of employee and employer contributions
26 transferred to the System under Section 3-110.6 or 7-139.8,

1 and the amounts that would have been contributed had such
2 contributions been made at the rates applicable to State
3 policemen, plus (2) interest thereon at the effective rate for
4 each year, compounded annually, from the date of service to
5 the date of payment.

6 (k) Subject to the limitation in subsection (i) of this
7 Section, an alternative formula employee may elect to
8 establish eligible creditable service for periods spent as a
9 full-time law enforcement officer or full-time corrections
10 officer employed by the federal government or by a state or
11 local government located outside of Illinois, for which credit
12 is not held in any other public employee pension fund or
13 retirement system. To obtain this credit, the applicant must
14 file a written application with the Board by March 31, 1998,
15 accompanied by evidence of eligibility acceptable to the Board
16 and payment of an amount to be determined by the Board, equal
17 to (1) employee contributions for the credit being
18 established, based upon the applicant's salary on the first
19 day as an alternative formula employee after the employment
20 for which credit is being established and the rates then
21 applicable to alternative formula employees, plus (2) an
22 amount determined by the Board to be the employer's normal
23 cost of the benefits accrued for the credit being established,
24 plus (3) regular interest on the amounts in items (1) and (2)
25 from the first day as an alternative formula employee after
26 the employment for which credit is being established to the

1 date of payment.

2 (1) Subject to the limitation in subsection (i), a
3 security employee of the Department of Corrections may elect,
4 not later than July 1, 1998, to establish eligible creditable
5 service for up to 10 years of his or her service as a policeman
6 under Article 3, by filing a written election with the Board,
7 accompanied by payment of an amount to be determined by the
8 Board, equal to (i) the difference between the amount of
9 employee and employer contributions transferred to the System
10 under Section 3-110.5, and the amounts that would have been
11 contributed had such contributions been made at the rates
12 applicable to security employees of the Department of
13 Corrections, plus (ii) interest thereon at the effective rate
14 for each year, compounded annually, from the date of service
15 to the date of payment.

16 (1-5) Subject to the limitation in subsection (i) of this
17 Section, a State policeman may elect to establish eligible
18 creditable service for up to 5 years of service as a full-time
19 law enforcement officer employed by the federal government or
20 by a state or local government located outside of Illinois for
21 which credit is not held in any other public employee pension
22 fund or retirement system. To obtain this credit, the
23 applicant must file a written application with the Board no
24 later than 3 years after January 1, 2020 (the effective date of
25 Public Act 101-610), accompanied by evidence of eligibility
26 acceptable to the Board and payment of an amount to be

1 determined by the Board, equal to (1) employee contributions
2 for the credit being established, based upon the applicant's
3 salary on the first day as an alternative formula employee
4 after the employment for which credit is being established and
5 the rates then applicable to alternative formula employees,
6 plus (2) an amount determined by the Board to be the employer's
7 normal cost of the benefits accrued for the credit being
8 established, plus (3) regular interest on the amounts in items
9 (1) and (2) from the first day as an alternative formula
10 employee after the employment for which credit is being
11 established to the date of payment.

12 (m) The amendatory changes to this Section made by Public
13 Act 94-696 apply only to: (1) security employees of the
14 Department of Juvenile Justice employed by the Department of
15 Corrections before June 1, 2006 (the effective date of Public
16 Act 94-696) and transferred to the Department of Juvenile
17 Justice by Public Act 94-696; and (2) persons employed by the
18 Department of Juvenile Justice on or after June 1, 2006 (the
19 effective date of Public Act 94-696) who are required by
20 subsection (b) of Section 3-2.5-15 of the Unified Code of
21 Corrections to have any bachelor's or advanced degree from an
22 accredited college or university or, in the case of persons
23 who provide vocational training, who are required to have
24 adequate knowledge in the skill for which they are providing
25 the vocational training.

26 (n) A person employed in a position under subsection (b)

1 of this Section who has purchased service credit under
2 subsection (j) of Section 14-104 or subsection (b) of Section
3 14-105 in any other capacity under this Article may convert up
4 to 5 years of that service credit into service credit covered
5 under this Section by paying to the Fund an amount equal to (1)
6 the additional employee contribution required under Section
7 14-133, plus (2) the additional employer contribution required
8 under Section 14-131, plus (3) interest on items (1) and (2) at
9 the actuarially assumed rate from the date of the service to
10 the date of payment.

11 (o) Subject to the limitation in subsection (i), a
12 conservation police officer, investigator for the Secretary of
13 State, Commerce Commission police officer, investigator for
14 the Department of Revenue or the Department of Lottery and
15 Gaming ~~Illinois Gaming Board~~, or arson investigator subject to
16 subsection (g) of Section 1-160 may elect to convert up to 8
17 years of service credit established before January 1, 2020
18 (the effective date of Public Act 101-610) as a conservation
19 police officer, investigator for the Secretary of State,
20 Commerce Commission police officer, investigator for the
21 Department of Revenue or the Department of Lottery and Gaming
22 ~~Illinois Gaming Board~~, or arson investigator under this
23 Article into eligible creditable service by filing a written
24 election with the Board no later than one year after January 1,
25 2020 (the effective date of Public Act 101-610), accompanied
26 by payment of an amount to be determined by the Board equal to

1 (i) the difference between the amount of the employee
2 contributions actually paid for that service and the amount of
3 the employee contributions that would have been paid had the
4 employee contributions been made as a noncovered employee
5 serving in a position in which eligible creditable service, as
6 defined in this Section, may be earned, plus (ii) interest
7 thereon at the effective rate for each year, compounded
8 annually, from the date of service to the date of payment.

9 (Source: P.A. 101-610, eff. 1-1-20; 102-210, eff. 7-30-21;
10 102-538, eff. 8-20-21; 102-856, eff. 1-1-23.)

11 (Text of Section from P.A. 102-956)

12 Sec. 14-110. Alternative retirement annuity.

13 (a) Any member who has withdrawn from service with not
14 less than 20 years of eligible creditable service and has
15 attained age 55, and any member who has withdrawn from service
16 with not less than 25 years of eligible creditable service and
17 has attained age 50, regardless of whether the attainment of
18 either of the specified ages occurs while the member is still
19 in service, shall be entitled to receive at the option of the
20 member, in lieu of the regular or minimum retirement annuity,
21 a retirement annuity computed as follows:

22 (i) for periods of service as a noncovered employee:
23 if retirement occurs on or after January 1, 2001, 3% of
24 final average compensation for each year of creditable
25 service; if retirement occurs before January 1, 2001, 2

1 1/4% of final average compensation for each of the first
2 10 years of creditable service, 2 1/2% for each year above
3 10 years to and including 20 years of creditable service,
4 and 2 3/4% for each year of creditable service above 20
5 years; and

6 (ii) for periods of eligible creditable service as a
7 covered employee: if retirement occurs on or after January
8 1, 2001, 2.5% of final average compensation for each year
9 of creditable service; if retirement occurs before January
10 1, 2001, 1.67% of final average compensation for each of
11 the first 10 years of such service, 1.90% for each of the
12 next 10 years of such service, 2.10% for each year of such
13 service in excess of 20 but not exceeding 30, and 2.30% for
14 each year in excess of 30.

15 Such annuity shall be subject to a maximum of 75% of final
16 average compensation if retirement occurs before January 1,
17 2001 or to a maximum of 80% of final average compensation if
18 retirement occurs on or after January 1, 2001.

19 These rates shall not be applicable to any service
20 performed by a member as a covered employee which is not
21 eligible creditable service. Service as a covered employee
22 which is not eligible creditable service shall be subject to
23 the rates and provisions of Section 14-108.

24 (b) For the purpose of this Section, "eligible creditable
25 service" means creditable service resulting from service in
26 one or more of the following positions:

- 1 (1) State policeman;
- 2 (2) fire fighter in the fire protection service of a
3 department;
- 4 (3) air pilot;
- 5 (4) special agent;
- 6 (5) investigator for the Secretary of State;
- 7 (6) conservation police officer;
- 8 (7) investigator for the Department of Revenue or the
9 Department of Lottery and Gaming ~~Illinois Gaming Board~~;
- 10 (8) security employee of the Department of Human
11 Services;
- 12 (9) Central Management Services security police
13 officer;
- 14 (10) security employee of the Department of
15 Corrections or the Department of Juvenile Justice;
- 16 (11) dangerous drugs investigator;
- 17 (12) investigator for the Illinois State Police;
- 18 (13) investigator for the Office of the Attorney
19 General;
- 20 (14) controlled substance inspector;
- 21 (15) investigator for the Office of the State's
22 Attorneys Appellate Prosecutor;
- 23 (16) Commerce Commission police officer;
- 24 (17) arson investigator;
- 25 (18) State highway maintenance worker;
- 26 (19) security employee of the Department of Innovation

1 and Technology; or

2 (20) transferred employee.

3 A person employed in one of the positions specified in
4 this subsection is entitled to eligible creditable service for
5 service credit earned under this Article while undergoing the
6 basic police training course approved by the Illinois Law
7 Enforcement Training Standards Board, if completion of that
8 training is required of persons serving in that position. For
9 the purposes of this Code, service during the required basic
10 police training course shall be deemed performance of the
11 duties of the specified position, even though the person is
12 not a sworn peace officer at the time of the training.

13 A person under paragraph (20) is entitled to eligible
14 creditable service for service credit earned under this
15 Article on and after his or her transfer by Executive Order No.
16 2003-10, Executive Order No. 2004-2, or Executive Order No.
17 2016-1.

18 (c) For the purposes of this Section:

19 (1) The term "State policeman" includes any title or
20 position in the Illinois State Police that is held by an
21 individual employed under the Illinois State Police Act.

22 (2) The term "fire fighter in the fire protection
23 service of a department" includes all officers in such
24 fire protection service including fire chiefs and
25 assistant fire chiefs.

26 (3) The term "air pilot" includes any employee whose

1 official job description on file in the Department of
2 Central Management Services, or in the department by which
3 he is employed if that department is not covered by the
4 Personnel Code, states that his principal duty is the
5 operation of aircraft, and who possesses a pilot's
6 license; however, the change in this definition made by
7 Public Act 83-842 shall not operate to exclude any
8 noncovered employee who was an "air pilot" for the
9 purposes of this Section on January 1, 1984.

10 (4) The term "special agent" means any person who by
11 reason of employment by the Division of Narcotic Control,
12 the Bureau of Investigation or, after July 1, 1977, the
13 Division of Criminal Investigation, the Division of
14 Internal Investigation, the Division of Operations, the
15 Division of Patrol Operations, or any other Division or
16 organizational entity in the Illinois State Police is
17 vested by law with duties to maintain public order,
18 investigate violations of the criminal law of this State,
19 enforce the laws of this State, make arrests and recover
20 property. The term "special agent" includes any title or
21 position in the Illinois State Police that is held by an
22 individual employed under the Illinois State Police Act.

23 (5) The term "investigator for the Secretary of State"
24 means any person employed by the Office of the Secretary
25 of State and vested with such investigative duties as
26 render him ineligible for coverage under the Social

1 Security Act by reason of Sections 218(d)(5)(A),
2 218(d)(8)(D) and 218(1)(1) of that Act.

3 A person who became employed as an investigator for
4 the Secretary of State between January 1, 1967 and
5 December 31, 1975, and who has served as such until
6 attainment of age 60, either continuously or with a single
7 break in service of not more than 3 years duration, which
8 break terminated before January 1, 1976, shall be entitled
9 to have his retirement annuity calculated in accordance
10 with subsection (a), notwithstanding that he has less than
11 20 years of credit for such service.

12 (6) The term "Conservation Police Officer" means any
13 person employed by the Division of Law Enforcement of the
14 Department of Natural Resources and vested with such law
15 enforcement duties as render him ineligible for coverage
16 under the Social Security Act by reason of Sections
17 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act. The
18 term "Conservation Police Officer" includes the positions
19 of Chief Conservation Police Administrator and Assistant
20 Conservation Police Administrator.

21 (7) The term "investigator for the Department of
22 Revenue" means any person employed by the Department of
23 Revenue and vested with such investigative duties as
24 render him ineligible for coverage under the Social
25 Security Act by reason of Sections 218(d)(5)(A),
26 218(d)(8)(D) and 218(1)(1) of that Act.

1 The term "investigator for the Department of Lottery
2 and Gaming ~~Illinois Gaming Board~~" means any person
3 employed as such by the Department of Lottery and Gaming
4 ~~Illinois Gaming Board~~ and vested with such peace officer
5 duties as render the person ineligible for coverage under
6 the Social Security Act by reason of Sections
7 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of that Act.

8 (8) The term "security employee of the Department of
9 Human Services" means any person employed by the
10 Department of Human Services who (i) is employed at the
11 Chester Mental Health Center and has daily contact with
12 the residents thereof, (ii) is employed within a security
13 unit at a facility operated by the Department and has
14 daily contact with the residents of the security unit,
15 (iii) is employed at a facility operated by the Department
16 that includes a security unit and is regularly scheduled
17 to work at least 50% of his or her working hours within
18 that security unit, or (iv) is a mental health police
19 officer. "Mental health police officer" means any person
20 employed by the Department of Human Services in a position
21 pertaining to the Department's mental health and
22 developmental disabilities functions who is vested with
23 such law enforcement duties as render the person
24 ineligible for coverage under the Social Security Act by
25 reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
26 218(1)(1) of that Act. "Security unit" means that portion

1 of a facility that is devoted to the care, containment,
2 and treatment of persons committed to the Department of
3 Human Services as sexually violent persons, persons unfit
4 to stand trial, or persons not guilty by reason of
5 insanity. With respect to past employment, references to
6 the Department of Human Services include its predecessor,
7 the Department of Mental Health and Developmental
8 Disabilities.

9 The changes made to this subdivision (c)(8) by Public
10 Act 92-14 apply to persons who retire on or after January
11 1, 2001, notwithstanding Section 1-103.1.

12 (9) "Central Management Services security police
13 officer" means any person employed by the Department of
14 Central Management Services who is vested with such law
15 enforcement duties as render him ineligible for coverage
16 under the Social Security Act by reason of Sections
17 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

18 (10) For a member who first became an employee under
19 this Article before July 1, 2005, the term "security
20 employee of the Department of Corrections or the
21 Department of Juvenile Justice" means any employee of the
22 Department of Corrections or the Department of Juvenile
23 Justice or the former Department of Personnel, and any
24 member or employee of the Prisoner Review Board, who has
25 daily contact with inmates or youth by working within a
26 correctional facility or Juvenile facility operated by the

1 Department of Juvenile Justice or who is a parole officer
2 or an employee who has direct contact with committed
3 persons in the performance of his or her job duties. For a
4 member who first becomes an employee under this Article on
5 or after July 1, 2005, the term means an employee of the
6 Department of Corrections or the Department of Juvenile
7 Justice who is any of the following: (i) officially
8 headquartered at a correctional facility or Juvenile
9 facility operated by the Department of Juvenile Justice,
10 (ii) a parole officer, (iii) a member of the apprehension
11 unit, (iv) a member of the intelligence unit, (v) a member
12 of the sort team, or (vi) an investigator.

13 (11) The term "dangerous drugs investigator" means any
14 person who is employed as such by the Department of Human
15 Services.

16 (12) The term "investigator for the Illinois State
17 Police" means a person employed by the Illinois State
18 Police who is vested under Section 4 of the Narcotic
19 Control Division Abolition Act with such law enforcement
20 powers as render him ineligible for coverage under the
21 Social Security Act by reason of Sections 218(d)(5)(A),
22 218(d)(8)(D) and 218(1)(1) of that Act.

23 (13) "Investigator for the Office of the Attorney
24 General" means any person who is employed as such by the
25 Office of the Attorney General and is vested with such
26 investigative duties as render him ineligible for coverage

1 under the Social Security Act by reason of Sections
2 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
3 the period before January 1, 1989, the term includes all
4 persons who were employed as investigators by the Office
5 of the Attorney General, without regard to social security
6 status.

7 (14) "Controlled substance inspector" means any person
8 who is employed as such by the Department of Professional
9 Regulation and is vested with such law enforcement duties
10 as render him ineligible for coverage under the Social
11 Security Act by reason of Sections 218(d)(5)(A),
12 218(d)(8)(D) and 218(1)(1) of that Act. The term
13 "controlled substance inspector" includes the Program
14 Executive of Enforcement and the Assistant Program
15 Executive of Enforcement.

16 (15) The term "investigator for the Office of the
17 State's Attorneys Appellate Prosecutor" means a person
18 employed in that capacity on a full-time basis under the
19 authority of Section 7.06 of the State's Attorneys
20 Appellate Prosecutor's Act.

21 (16) "Commerce Commission police officer" means any
22 person employed by the Illinois Commerce Commission who is
23 vested with such law enforcement duties as render him
24 ineligible for coverage under the Social Security Act by
25 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
26 218(1)(1) of that Act.

1 (17) "Arson investigator" means any person who is
2 employed as such by the Office of the State Fire Marshal
3 and is vested with such law enforcement duties as render
4 the person ineligible for coverage under the Social
5 Security Act by reason of Sections 218(d)(5)(A),
6 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
7 employed as an arson investigator on January 1, 1995 and
8 is no longer in service but not yet receiving a retirement
9 annuity may convert his or her creditable service for
10 employment as an arson investigator into eligible
11 creditable service by paying to the System the difference
12 between the employee contributions actually paid for that
13 service and the amounts that would have been contributed
14 if the applicant were contributing at the rate applicable
15 to persons with the same social security status earning
16 eligible creditable service on the date of application.

17 (18) The term "State highway maintenance worker" means
18 a person who is either of the following:

19 (i) A person employed on a full-time basis by the
20 Illinois Department of Transportation in the position
21 of highway maintainer, highway maintenance lead
22 worker, highway maintenance lead/lead worker, heavy
23 construction equipment operator, power shovel
24 operator, or bridge mechanic; and whose principal
25 responsibility is to perform, on the roadway, the
26 actual maintenance necessary to keep the highways that

1 form a part of the State highway system in serviceable
2 condition for vehicular traffic.

3 (ii) A person employed on a full-time basis by the
4 Illinois State Toll Highway Authority in the position
5 of equipment operator/laborer H-4, equipment
6 operator/laborer H-6, welder H-4, welder H-6,
7 mechanical/electrical H-4, mechanical/electrical H-6,
8 water/sewer H-4, water/sewer H-6, sign maker/hanger
9 H-4, sign maker/hanger H-6, roadway lighting H-4,
10 roadway lighting H-6, structural H-4, structural H-6,
11 painter H-4, or painter H-6; and whose principal
12 responsibility is to perform, on the roadway, the
13 actual maintenance necessary to keep the Authority's
14 tollways in serviceable condition for vehicular
15 traffic.

16 (19) The term "security employee of the Department of
17 Innovation and Technology" means a person who was a
18 security employee of the Department of Corrections or the
19 Department of Juvenile Justice, was transferred to the
20 Department of Innovation and Technology pursuant to
21 Executive Order 2016-01, and continues to perform similar
22 job functions under that Department.

23 (20) "Transferred employee" means an employee who was
24 transferred to the Department of Central Management
25 Services by Executive Order No. 2003-10 or Executive Order
26 No. 2004-2 or transferred to the Department of Innovation

1 and Technology by Executive Order No. 2016-1, or both, and
2 was entitled to eligible creditable service for services
3 immediately preceding the transfer.

4 (d) A security employee of the Department of Corrections
5 or the Department of Juvenile Justice, a security employee of
6 the Department of Human Services who is not a mental health
7 police officer, and a security employee of the Department of
8 Innovation and Technology shall not be eligible for the
9 alternative retirement annuity provided by this Section unless
10 he or she meets the following minimum age and service
11 requirements at the time of retirement:

12 (i) 25 years of eligible creditable service and age
13 55; or

14 (ii) beginning January 1, 1987, 25 years of eligible
15 creditable service and age 54, or 24 years of eligible
16 creditable service and age 55; or

17 (iii) beginning January 1, 1988, 25 years of eligible
18 creditable service and age 53, or 23 years of eligible
19 creditable service and age 55; or

20 (iv) beginning January 1, 1989, 25 years of eligible
21 creditable service and age 52, or 22 years of eligible
22 creditable service and age 55; or

23 (v) beginning January 1, 1990, 25 years of eligible
24 creditable service and age 51, or 21 years of eligible
25 creditable service and age 55; or

26 (vi) beginning January 1, 1991, 25 years of eligible

1 creditable service and age 50, or 20 years of eligible
2 creditable service and age 55.

3 Persons who have service credit under Article 16 of this
4 Code for service as a security employee of the Department of
5 Corrections or the Department of Juvenile Justice, or the
6 Department of Human Services in a position requiring
7 certification as a teacher may count such service toward
8 establishing their eligibility under the service requirements
9 of this Section; but such service may be used only for
10 establishing such eligibility, and not for the purpose of
11 increasing or calculating any benefit.

12 (e) If a member enters military service while working in a
13 position in which eligible creditable service may be earned,
14 and returns to State service in the same or another such
15 position, and fulfills in all other respects the conditions
16 prescribed in this Article for credit for military service,
17 such military service shall be credited as eligible creditable
18 service for the purposes of the retirement annuity prescribed
19 in this Section.

20 (f) For purposes of calculating retirement annuities under
21 this Section, periods of service rendered after December 31,
22 1968 and before October 1, 1975 as a covered employee in the
23 position of special agent, conservation police officer, mental
24 health police officer, or investigator for the Secretary of
25 State, shall be deemed to have been service as a noncovered
26 employee, provided that the employee pays to the System prior

1 to retirement an amount equal to (1) the difference between
2 the employee contributions that would have been required for
3 such service as a noncovered employee, and the amount of
4 employee contributions actually paid, plus (2) if payment is
5 made after July 31, 1987, regular interest on the amount
6 specified in item (1) from the date of service to the date of
7 payment.

8 For purposes of calculating retirement annuities under
9 this Section, periods of service rendered after December 31,
10 1968 and before January 1, 1982 as a covered employee in the
11 position of investigator for the Department of Revenue shall
12 be deemed to have been service as a noncovered employee,
13 provided that the employee pays to the System prior to
14 retirement an amount equal to (1) the difference between the
15 employee contributions that would have been required for such
16 service as a noncovered employee, and the amount of employee
17 contributions actually paid, plus (2) if payment is made after
18 January 1, 1990, regular interest on the amount specified in
19 item (1) from the date of service to the date of payment.

20 (g) A State policeman may elect, not later than January 1,
21 1990, to establish eligible creditable service for up to 10
22 years of his service as a policeman under Article 3, by filing
23 a written election with the Board, accompanied by payment of
24 an amount to be determined by the Board, equal to (i) the
25 difference between the amount of employee and employer
26 contributions transferred to the System under Section 3-110.5,

1 and the amounts that would have been contributed had such
2 contributions been made at the rates applicable to State
3 policemen, plus (ii) interest thereon at the effective rate
4 for each year, compounded annually, from the date of service
5 to the date of payment.

6 Subject to the limitation in subsection (i), a State
7 policeman may elect, not later than July 1, 1993, to establish
8 eligible creditable service for up to 10 years of his service
9 as a member of the County Police Department under Article 9, by
10 filing a written election with the Board, accompanied by
11 payment of an amount to be determined by the Board, equal to
12 (i) the difference between the amount of employee and employer
13 contributions transferred to the System under Section 9-121.10
14 and the amounts that would have been contributed had those
15 contributions been made at the rates applicable to State
16 policemen, plus (ii) interest thereon at the effective rate
17 for each year, compounded annually, from the date of service
18 to the date of payment.

19 (h) Subject to the limitation in subsection (i), a State
20 policeman or investigator for the Secretary of State may elect
21 to establish eligible creditable service for up to 12 years of
22 his service as a policeman under Article 5, by filing a written
23 election with the Board on or before January 31, 1992, and
24 paying to the System by January 31, 1994 an amount to be
25 determined by the Board, equal to (i) the difference between
26 the amount of employee and employer contributions transferred

1 to the System under Section 5-236, and the amounts that would
2 have been contributed had such contributions been made at the
3 rates applicable to State policemen, plus (ii) interest
4 thereon at the effective rate for each year, compounded
5 annually, from the date of service to the date of payment.

6 Subject to the limitation in subsection (i), a State
7 policeman, conservation police officer, or investigator for
8 the Secretary of State may elect to establish eligible
9 creditable service for up to 10 years of service as a sheriff's
10 law enforcement employee under Article 7, by filing a written
11 election with the Board on or before January 31, 1993, and
12 paying to the System by January 31, 1994 an amount to be
13 determined by the Board, equal to (i) the difference between
14 the amount of employee and employer contributions transferred
15 to the System under Section 7-139.7, and the amounts that
16 would have been contributed had such contributions been made
17 at the rates applicable to State policemen, plus (ii) interest
18 thereon at the effective rate for each year, compounded
19 annually, from the date of service to the date of payment.

20 Subject to the limitation in subsection (i), a State
21 policeman, conservation police officer, or investigator for
22 the Secretary of State may elect to establish eligible
23 creditable service for up to 5 years of service as a police
24 officer under Article 3, a policeman under Article 5, a
25 sheriff's law enforcement employee under Article 7, a member
26 of the county police department under Article 9, or a police

1 officer under Article 15 by filing a written election with the
2 Board and paying to the System an amount to be determined by
3 the Board, equal to (i) the difference between the amount of
4 employee and employer contributions transferred to the System
5 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
6 and the amounts that would have been contributed had such
7 contributions been made at the rates applicable to State
8 policemen, plus (ii) interest thereon at the effective rate
9 for each year, compounded annually, from the date of service
10 to the date of payment.

11 Subject to the limitation in subsection (i), an
12 investigator for the Office of the Attorney General, or an
13 investigator for the Department of Revenue, may elect to
14 establish eligible creditable service for up to 5 years of
15 service as a police officer under Article 3, a policeman under
16 Article 5, a sheriff's law enforcement employee under Article
17 7, or a member of the county police department under Article 9
18 by filing a written election with the Board within 6 months
19 after August 25, 2009 (the effective date of Public Act
20 96-745) and paying to the System an amount to be determined by
21 the Board, equal to (i) the difference between the amount of
22 employee and employer contributions transferred to the System
23 under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the
24 amounts that would have been contributed had such
25 contributions been made at the rates applicable to State
26 policemen, plus (ii) interest thereon at the actuarially

1 assumed rate for each year, compounded annually, from the date
2 of service to the date of payment.

3 Subject to the limitation in subsection (i), a State
4 policeman, conservation police officer, investigator for the
5 Office of the Attorney General, an investigator for the
6 Department of Revenue, or investigator for the Secretary of
7 State may elect to establish eligible creditable service for
8 up to 5 years of service as a person employed by a
9 participating municipality to perform police duties, or law
10 enforcement officer employed on a full-time basis by a forest
11 preserve district under Article 7, a county corrections
12 officer, or a court services officer under Article 9, by
13 filing a written election with the Board within 6 months after
14 August 25, 2009 (the effective date of Public Act 96-745) and
15 paying to the System an amount to be determined by the Board,
16 equal to (i) the difference between the amount of employee and
17 employer contributions transferred to the System under
18 Sections 7-139.8 and 9-121.10 and the amounts that would have
19 been contributed had such contributions been made at the rates
20 applicable to State policemen, plus (ii) interest thereon at
21 the actuarially assumed rate for each year, compounded
22 annually, from the date of service to the date of payment.

23 Subject to the limitation in subsection (i), a State
24 policeman, arson investigator, or Commerce Commission police
25 officer may elect to establish eligible creditable service for
26 up to 5 years of service as a person employed by a

1 participating municipality to perform police duties under
2 Article 7, a county corrections officer, a court services
3 officer under Article 9, or a firefighter under Article 4 by
4 filing a written election with the Board within 6 months after
5 July 30, 2021 (the effective date of Public Act 102-210) and
6 paying to the System an amount to be determined by the Board
7 equal to (i) the difference between the amount of employee and
8 employer contributions transferred to the System under
9 Sections 4-108.8, 7-139.8, and 9-121.10 and the amounts that
10 would have been contributed had such contributions been made
11 at the rates applicable to State policemen, plus (ii) interest
12 thereon at the actuarially assumed rate for each year,
13 compounded annually, from the date of service to the date of
14 payment.

15 Subject to the limitation in subsection (i), a
16 conservation police officer may elect to establish eligible
17 creditable service for up to 5 years of service as a person
18 employed by a participating municipality to perform police
19 duties under Article 7, a county corrections officer, or a
20 court services officer under Article 9 by filing a written
21 election with the Board within 6 months after July 30, 2021
22 (the effective date of Public Act 102-210) and paying to the
23 System an amount to be determined by the Board equal to (i) the
24 difference between the amount of employee and employer
25 contributions transferred to the System under Sections 7-139.8
26 and 9-121.10 and the amounts that would have been contributed

1 had such contributions been made at the rates applicable to
2 State policemen, plus (ii) interest thereon at the actuarially
3 assumed rate for each year, compounded annually, from the date
4 of service to the date of payment.

5 Notwithstanding the limitation in subsection (i), a State
6 policeman or conservation police officer may elect to convert
7 service credit earned under this Article to eligible
8 creditable service, as defined by this Section, by filing a
9 written election with the board within 6 months after July 30,
10 2021 (the effective date of Public Act 102-210) and paying to
11 the System an amount to be determined by the Board equal to (i)
12 the difference between the amount of employee contributions
13 originally paid for that service and the amounts that would
14 have been contributed had such contributions been made at the
15 rates applicable to State policemen, plus (ii) the difference
16 between the employer's normal cost of the credit prior to the
17 conversion authorized by Public Act 102-210 and the employer's
18 normal cost of the credit converted in accordance with Public
19 Act 102-210, plus (iii) interest thereon at the actuarially
20 assumed rate for each year, compounded annually, from the date
21 of service to the date of payment.

22 (i) The total amount of eligible creditable service
23 established by any person under subsections (g), (h), (j),
24 (k), (l), (l-5), (o), and (p) of this Section shall not exceed
25 12 years.

26 (j) Subject to the limitation in subsection (i), an

1 investigator for the Office of the State's Attorneys Appellate
2 Prosecutor or a controlled substance inspector may elect to
3 establish eligible creditable service for up to 10 years of
4 his service as a policeman under Article 3 or a sheriff's law
5 enforcement employee under Article 7, by filing a written
6 election with the Board, accompanied by payment of an amount
7 to be determined by the Board, equal to (1) the difference
8 between the amount of employee and employer contributions
9 transferred to the System under Section 3-110.6 or 7-139.8,
10 and the amounts that would have been contributed had such
11 contributions been made at the rates applicable to State
12 policemen, plus (2) interest thereon at the effective rate for
13 each year, compounded annually, from the date of service to
14 the date of payment.

15 (k) Subject to the limitation in subsection (i) of this
16 Section, an alternative formula employee may elect to
17 establish eligible creditable service for periods spent as a
18 full-time law enforcement officer or full-time corrections
19 officer employed by the federal government or by a state or
20 local government located outside of Illinois, for which credit
21 is not held in any other public employee pension fund or
22 retirement system. To obtain this credit, the applicant must
23 file a written application with the Board by March 31, 1998,
24 accompanied by evidence of eligibility acceptable to the Board
25 and payment of an amount to be determined by the Board, equal
26 to (1) employee contributions for the credit being

1 established, based upon the applicant's salary on the first
2 day as an alternative formula employee after the employment
3 for which credit is being established and the rates then
4 applicable to alternative formula employees, plus (2) an
5 amount determined by the Board to be the employer's normal
6 cost of the benefits accrued for the credit being established,
7 plus (3) regular interest on the amounts in items (1) and (2)
8 from the first day as an alternative formula employee after
9 the employment for which credit is being established to the
10 date of payment.

11 (1) Subject to the limitation in subsection (i), a
12 security employee of the Department of Corrections may elect,
13 not later than July 1, 1998, to establish eligible creditable
14 service for up to 10 years of his or her service as a policeman
15 under Article 3, by filing a written election with the Board,
16 accompanied by payment of an amount to be determined by the
17 Board, equal to (i) the difference between the amount of
18 employee and employer contributions transferred to the System
19 under Section 3-110.5, and the amounts that would have been
20 contributed had such contributions been made at the rates
21 applicable to security employees of the Department of
22 Corrections, plus (ii) interest thereon at the effective rate
23 for each year, compounded annually, from the date of service
24 to the date of payment.

25 (1-5) Subject to the limitation in subsection (i) of this
26 Section, a State policeman may elect to establish eligible

1 creditable service for up to 5 years of service as a full-time
2 law enforcement officer employed by the federal government or
3 by a state or local government located outside of Illinois for
4 which credit is not held in any other public employee pension
5 fund or retirement system. To obtain this credit, the
6 applicant must file a written application with the Board no
7 later than 3 years after January 1, 2020 (the effective date of
8 Public Act 101-610), accompanied by evidence of eligibility
9 acceptable to the Board and payment of an amount to be
10 determined by the Board, equal to (1) employee contributions
11 for the credit being established, based upon the applicant's
12 salary on the first day as an alternative formula employee
13 after the employment for which credit is being established and
14 the rates then applicable to alternative formula employees,
15 plus (2) an amount determined by the Board to be the employer's
16 normal cost of the benefits accrued for the credit being
17 established, plus (3) regular interest on the amounts in items
18 (1) and (2) from the first day as an alternative formula
19 employee after the employment for which credit is being
20 established to the date of payment.

21 (m) The amendatory changes to this Section made by Public
22 Act 94-696 apply only to: (1) security employees of the
23 Department of Juvenile Justice employed by the Department of
24 Corrections before June 1, 2006 (the effective date of Public
25 Act 94-696) and transferred to the Department of Juvenile
26 Justice by Public Act 94-696; and (2) persons employed by the

1 Department of Juvenile Justice on or after June 1, 2006 (the
2 effective date of Public Act 94-696) who are required by
3 subsection (b) of Section 3-2.5-15 of the Unified Code of
4 Corrections to have any bachelor's or advanced degree from an
5 accredited college or university or, in the case of persons
6 who provide vocational training, who are required to have
7 adequate knowledge in the skill for which they are providing
8 the vocational training.

9 (n) A person employed in a position under subsection (b)
10 of this Section who has purchased service credit under
11 subsection (j) of Section 14-104 or subsection (b) of Section
12 14-105 in any other capacity under this Article may convert up
13 to 5 years of that service credit into service credit covered
14 under this Section by paying to the Fund an amount equal to (1)
15 the additional employee contribution required under Section
16 14-133, plus (2) the additional employer contribution required
17 under Section 14-131, plus (3) interest on items (1) and (2) at
18 the actuarially assumed rate from the date of the service to
19 the date of payment.

20 (o) Subject to the limitation in subsection (i), a
21 conservation police officer, investigator for the Secretary of
22 State, Commerce Commission police officer, investigator for
23 the Department of Revenue or the Department of Lottery and
24 Gaming ~~Illinois Gaming Board~~, or arson investigator subject to
25 subsection (g) of Section 1-160 may elect to convert up to 8
26 years of service credit established before January 1, 2020

1 (the effective date of Public Act 101-610) as a conservation
2 police officer, investigator for the Secretary of State,
3 Commerce Commission police officer, investigator for the
4 Department of Revenue or the Department of Lottery and Gaming
5 ~~Illinois Gaming Board~~, or arson investigator under this
6 Article into eligible creditable service by filing a written
7 election with the Board no later than one year after January 1,
8 2020 (the effective date of Public Act 101-610), accompanied
9 by payment of an amount to be determined by the Board equal to
10 (i) the difference between the amount of the employee
11 contributions actually paid for that service and the amount of
12 the employee contributions that would have been paid had the
13 employee contributions been made as a noncovered employee
14 serving in a position in which eligible creditable service, as
15 defined in this Section, may be earned, plus (ii) interest
16 thereon at the effective rate for each year, compounded
17 annually, from the date of service to the date of payment.

18 (p) Subject to the limitation in subsection (i), an
19 investigator for the Office of the Attorney General subject to
20 subsection (g) of Section 1-160 may elect to convert up to 8
21 years of service credit established before the effective date
22 of this amendatory Act of the 102nd General Assembly as an
23 investigator for the Office of the Attorney General under this
24 Article into eligible creditable service by filing a written
25 election with the Board no later than one year after the
26 effective date of this amendatory Act of the 102nd General

1 Assembly, accompanied by payment of an amount to be determined
2 by the Board equal to (i) the difference between the amount of
3 the employee contributions actually paid for that service and
4 the amount of the employee contributions that would have been
5 paid had the employee contributions been made as a noncovered
6 employee serving in a position in which eligible creditable
7 service, as defined in this Section, may be earned, plus (ii)
8 interest thereon at the effective rate for each year,
9 compounded annually, from the date of service to the date of
10 payment.

11 (Source: P.A. 101-610, eff. 1-1-20; 102-210, eff. 7-30-21;
12 102-538, eff. 8-20-21; 102-956, eff. 5-27-22.)

13 Section 120. The Illinois Urban Development Authority Act
14 is amended by changing Section 3 as follows:

15 (70 ILCS 531/3)

16 Sec. 3. Definitions. The following terms, whenever used or
17 referred to in this Act, shall have the following meanings,
18 except in such instances where the context may clearly
19 indicate otherwise:

20 "Authority" means the Illinois Urban Development Authority
21 created by this Act.

22 "Board" means the Illinois Urban Development Authority
23 Board of Directors.

24 "Bonds" shall include bonds, notes, or other evidence of

1 indebtedness.

2 "Commercial project" means any project, including but not
3 limited to one or more buildings and other structures,
4 improvements, machinery, and equipment whether or not on the
5 same site or sites now existing or hereafter acquired,
6 suitable for use by any retail or wholesale concern,
7 distributorship, or agency, any cultural facilities of a
8 for-profit or not-for-profit type including but not limited to
9 educational, theatrical, recreational and entertainment,
10 sports facilities, racetracks, stadiums, convention centers,
11 exhibition halls, arenas, opera houses and theaters,
12 waterfront improvements, swimming pools, boat storage,
13 moorage, docking facilities, restaurants, coliseums, sports
14 training facilities, parking facilities, terminals, hotels and
15 motels, gymnasiums, medical facilities, and port facilities.

16 "Costs incurred in connection with the development,
17 construction, acquisition, or improvement of a project" means
18 the cost of purchase and construction of all lands and
19 improvements in connection with a project and equipment and
20 other property, rights, easements, and franchises acquired
21 that are deemed necessary for such construction; financing
22 charges; interest costs with respect to bonds, notes, and
23 other evidences of indebtedness of the Authority prior to and
24 during construction and for a period of 6 months thereafter;
25 engineering and legal expenses; the costs of plans,
26 specifications, surveys, and estimates of costs and other

1 expenses necessary or incident to determining the feasibility
2 or practicability of any project, together with such other
3 expenses as may be necessary or incident to the financing,
4 insuring, acquisition, and construction of a specific project
5 and the placing of the same in operation.

6 "Develop" or "development" means to do one or more of the
7 following: plan, design, develop, lease, acquire, install,
8 construct, reconstruct, rehabilitate, extend, or expand.

9 "Financial aid" means the expenditure of Authority funds
10 or funds provided by the Authority through the issuance of its
11 revenue bonds, notes, or other evidences of indebtedness for
12 the development, construction, acquisition, or improvement of
13 a project.

14 "Governmental agency" means any federal, State or local
15 governmental body, and any agency or instrumentality thereof,
16 corporate or otherwise.

17 "Governor" means the Governor of the State of Illinois.

18 "Housing project" or "residential project" includes a
19 specific work or improvement undertaken to provide dwelling
20 accommodations, including the acquisition, construction,
21 leasing, or rehabilitation of lands, buildings, and community
22 facilities and in connection therewith to provide nonhousing
23 facilities which are an integral part of a planned large-scale
24 project or new community.

25 "Industrial project" means (1) a capital project,
26 including one or more buildings and other structures,

1 improvements, machinery, and equipment whether or not on the
2 same site or sites now existing or hereafter acquired,
3 suitable for use by any manufacturing, industrial, research,
4 transportation, or commercial enterprise including but not
5 limited to use as a factory, mill, processing plant, assembly
6 plant, packaging plant, fabricating plant, office building,
7 industrial distribution center, warehouse, repair, overhaul or
8 service facility, freight terminal, research facility, test
9 facility, railroad facility, solid waste and wastewater
10 treatment and disposal sites and other pollution control
11 facilities, resource or waste reduction, recovery, treatment
12 and disposal facilities, and including also the sites thereof
13 and other rights in land therefor whether improved or
14 unimproved, site preparation and landscaping and all
15 appurtenances and facilities incidental thereto such as
16 utilities, access roads, railroad sidings, truck docking and
17 similar facilities, parking facilities, dockage, wharfage,
18 railroad roadbed, track, trestle, depot, terminal, switching,
19 and signaling equipment or related equipment and other
20 improvements necessary or convenient thereto; or (2) any land,
21 buildings, machinery or equipment comprising an addition to or
22 renovation, rehabilitation or improvement of any existing
23 capital project.

24 "Lease agreement" means an agreement whereby a project
25 acquired by the Authority by purchase, gift, or lease is
26 leased to any person or corporation that will use or cause the

1 project to be used as a project as defined in this Act upon
2 terms providing for lease rental payments at least sufficient
3 to pay when due all principal of and interest and premium, if
4 any, on any bonds, notes or other evidences of indebtedness of
5 the Authority issued with respect to such project, providing
6 for the maintenance, insurance, and operation of the project
7 on terms satisfactory to the Authority, and providing for
8 disposition of the project upon termination of the lease term,
9 including purchase options or abandonment of the premises,
10 with such other terms as may be deemed desirable by the
11 Authority. The Authority may, directly or indirectly, lease or
12 otherwise transfer property the Authority owns to another and
13 such leased property shall remain tax exempt.

14 "Loan agreement" means any agreement pursuant to which the
15 Authority agrees to loan the proceeds of its bonds, notes, or
16 other evidences of indebtedness issued with respect to a
17 project to any person or corporation that will use or cause the
18 project to be used as a project as defined in this Act upon
19 terms providing for loan repayment installments at least
20 sufficient to pay when due all principal and interest and
21 premium, if any, on any bonds, notes, or other evidences of
22 indebtedness of the Authority issued with respect to the
23 project, providing for maintenance, insurance, and operation
24 of the project on terms satisfactory to the Authority and
25 providing for other matters as may be deemed advisable by the
26 Authority.

1 "Maintain" or "maintenance" includes ordinary maintenance,
2 repair, rehabilitation, capital maintenance, maintenance
3 replacement, and any other categories of maintenance that may
4 be designated by the local, regional, or State transportation
5 agency.

6 "Municipal poverty rate" is the percentage of total
7 population of the municipality having income levels below the
8 poverty level as determined by the Authority based upon the
9 most recent data released by the United States Census Bureau
10 before the beginning of such calendar year.

11 "Occupational license" means a license issued by the
12 Casino Gambling Division of the Department of Lottery and
13 Gaming ~~Illinois Gaming Board~~ to a person or entity to perform
14 an occupation which the Division ~~Illinois Gaming Board~~ has
15 identified as requiring a license to engage in riverboat,
16 dockside, or land-based gambling in Illinois.

17 "Operate" or "operation" means to do one or more of the
18 following: maintain, improve, equip, modify, or otherwise
19 operate.

20 "Person" means any natural person, firm, partnership,
21 corporation, both domestic and foreign, company, association,
22 or joint stock association and includes any trustee, receiver,
23 assignee, or personal representative thereof.

24 "Project" means an industrial, housing, residential,
25 commercial, transportation, or service project, or any
26 combination thereof, provided that all uses shall fall within

1 one of those categories. Any project, of any nature
2 whatsoever, shall automatically include all site improvements
3 and new construction involving sidewalks, sewers, solid waste
4 and wastewater treatment and disposal sites and other
5 pollution control facilities, resource or waste reduction,
6 recovery, treatment and disposal facilities, parks, open
7 spaces, wildlife sanctuaries, streets, highways, and runways.

8 "Revenue bond" means any bond issued by the Authority
9 under the supervision of the Illinois Finance Authority, the
10 principal and interest of which are payable solely from
11 revenues or income derived from any project or activity of the
12 Authority.

13 "Transportation facility" means any new or existing road,
14 highway, toll highway, bridge, tunnel, intermodal facility,
15 intercity or high-speed passenger rail, or other
16 transportation facility or infrastructure, excluding airports.
17 The term "transportation facility" may refer to one or more
18 transportation facilities that are proposed to be developed or
19 operated as part of a single transportation project.

20 "Transportation project" means one or more transportation
21 improvement projects including, but not limited to, new or
22 existing roads or highways, new or expanded intermodal
23 projects, and new or expanded transit projects,
24 transit-oriented development, intercity rail, and passenger
25 rail. "Transportation project" does not include airport
26 projects.

1 (Source: P.A. 98-384, eff. 8-16-13.)

2 Section 125. The Joliet Regional Port District Act is
3 amended by changing Section 5.1 as follows:

4 (70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

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

18 (Source: P.A. 101-31, eff. 6-28-19.)

19 Section 130. The Illinois Horse Racing Act of 1975 is
20 amended by changing Sections 2, 2.5, 3.01, 3.04, 3.07, 3.075,
21 3.080, 3.11, 3.12, 3.13, 3.17, 3.18, 3.19, 3.29, 3.35, 4, 9,
22 10, 12, 12.1, 12.2, 13, 14, 14a, 15, 15.1, 15.2, 15.3, 15.4,
23 15.5, 16, 18, 19, 19.5, 20, 20.1, 21, 23, 24, 25, 26, 26.9, 27,

1 27.2, 28, 28.1, 30, 30.5, 31, 31.1, 32, 32.1, 34.3, 35, 36,
2 36a, 37, 38, 39, 40, 45, 46, 49, 51, 54.75, 55, and 56 as
3 follows:

4 (230 ILCS 5/2) (from Ch. 8, par. 37-2)

5 Sec. 2. There is hereby created and established a Division
6 of Horse Racing within the Department of Lottery and Gaming ~~an~~
7 ~~Illinois Racing Board~~ which shall have the powers and duties
8 specified in this Act, and also the powers necessary and
9 proper to enable it to fully and effectively execute all the
10 provisions and purposes of this Act. The jurisdiction,
11 supervision, powers, and duties of the Division ~~Board~~ shall
12 extend under this Act to every person who holds or conducts any
13 meeting within the State of Illinois where horse racing is
14 permitted for any stake, purse or reward.

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

16 (230 ILCS 5/2.5)

17 Sec. 2.5. Separation from Department of Revenue. On the
18 effective date of this amendatory Act of the 96th General
19 Assembly, all of the powers, duties, assets, liabilities,
20 employees, contracts, property, records, pending business, and
21 unexpended appropriations of the Department of Revenue related
22 to the administration and enforcement of this Act are
23 transferred to the former Illinois Racing Board.

24 The status and rights of the transferred employees, and

1 the rights of the State of Illinois and its agencies, under the
2 Personnel Code and applicable collective bargaining agreements
3 or under any pension, retirement, or annuity plan are not
4 affected (except as provided in the Illinois Pension Code) by
5 that transfer or by any other provision of this amendatory Act
6 of the 96th General Assembly.

7 (Source: P.A. 96-796, eff. 10-29-09.)

8 (230 ILCS 5/3.01) (from Ch. 8, par. 37-3.01)

9 Sec. 3.01. "Division" means the Division of Horse Racing
10 within the Department of Lottery and Gaming ~~"Board" means the~~
11 ~~Illinois Racing Board.~~

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

13 (230 ILCS 5/3.04) (from Ch. 8, par. 37-3.04)

14 Sec. 3.04. "Director of mutuels" means the individual
15 representing the Division ~~Board~~ in the supervision and
16 verification of the pari-mutuel wagering pool totals for each
17 racing day, which verification shall be the basis for
18 computing State privilege or pari-mutuel taxes, licensee
19 commissions and purses.

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

21 (230 ILCS 5/3.07) (from Ch. 8, par. 37-3.07)

22 Sec. 3.07. "Horse race meeting" or "race meeting" or
23 "meeting" shall mean the whole period of time, whether

1 consecutive dates or those instances where nonconsecutive
2 dates are granted, for which an organization license to race
3 has been granted to any one organization licensee by the
4 Division Board.

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

6 (230 ILCS 5/3.075)

7 Sec. 3.075. (a) "Host track" means the organization
8 licensee (i) conducting live thoroughbred racing between the
9 hours of 6:30 a.m. and 6:30 p.m. from the first day to the last
10 day of its horse racing meet as awarded by the Division Board
11 (including all days within that period when no live racing
12 occurs), except as otherwise provided in subsections (c) and
13 (e) of this Section, or (ii) conducting live standardbred
14 racing between the hours of 6:30 p.m. to 6:30 a.m. of the
15 following day from the first day to the last day of its horse
16 racing meet as awarded by the Division Board (including all
17 days within that period when no live racing occurs, except as
18 otherwise provided in subsections (b), (d), and (e) of this
19 Section); provided that the organization licensee conducts
20 live racing no fewer than 5 days per week with no fewer than 9
21 races per day, unless a lesser schedule of live racing is the
22 result of (1) weather, unsafe track conditions, or other acts
23 of God; (2) an agreement between the organization licensee and
24 the associations representing the largest number of owners,
25 trainers, and standardbred drivers who race horses at that

1 organization licensee's race meeting, with the Division's
2 ~~Board's~~ consent; or (3) a decision by the Division Board after
3 a public hearing (in which the associations representing the
4 owners, trainers, jockeys, or standardbred drivers who race
5 horses at that organization licensee's race meeting shall
6 participate) either at the time racing dates are awarded or
7 after those dates are awarded due to changed financial
8 circumstances, upon a written petition from the organization
9 licensee, accompanied by supporting financial data as
10 requested by the Division Board, stating that the organization
11 licensee has and will continue to incur significant financial
12 losses. No organization licensee conducting its race meeting
13 in a county bordering the Mississippi River and having a
14 population greater than 230,000 may be a host track for its
15 race meeting.

16 (b) (Blank).

17 (c) (Blank).

18 (d) Notwithstanding the provisions of subsection (a) of
19 this Section and except as otherwise provided in subsection
20 (e) of this Section, in the event that 2 organization
21 licensees conduct their standardbred race meetings
22 concurrently on any date after January 1, 1996, between the
23 hours of 6:30 p.m. and 6:30 a.m., the organization licensee
24 awarded the most racing dates between 6:30 p.m. and 6:30 a.m.
25 during the calendar year in which that concurrent racing
26 occurs will be deemed the host track, provided that the 2

1 organization licensees collectively conduct live standardbred
2 racing between 6:30 p.m. and 6:30 a.m. during the week in which
3 concurrent race meetings occur no less than 5 days per week
4 with no less than 9 races per day. During each week of the
5 calendar year in which 2 organization licensees are conducting
6 live standardbred race meetings between 6:30 p.m. and 6:30
7 a.m., if there is any day in that week on which only one
8 organization licensee is conducting a standardbred race
9 meeting between 6:30 p.m. and 6:30 a.m., that organization
10 licensee shall be the host track provided that the 2
11 organization licensees collectively conduct live standardbred
12 racing between 6:30 p.m. and 6:30 a.m. during the week in which
13 concurrent race meetings occur no less than 5 days per week
14 with no less than 9 races per day. During each week of the
15 calendar year in which 2 organization licensees are
16 concurrently conducting live standardbred race meetings on one
17 or more days between 6:30 p.m. and 6:30 a.m., if there is any
18 day in that week on which no organization licensee is
19 conducting a standardbred race meeting between 6:30 p.m. and
20 6:30 a.m., the organization licensee conducting a standardbred
21 race meeting during that week and time period that has been
22 awarded the most racing dates during the calendar year between
23 6:30 p.m. and 6:30 a.m. shall be the host track, provided that
24 the 2 organization licensees collectively conduct live
25 standardbred racing between 6:30 p.m. and 6:30 a.m. during the
26 week in which concurrent race meetings occur no less than 5

1 days per week with no less than 9 races per day. The
2 requirement in this subsection (d) that live racing be
3 conducted no less than 5 days per week with no less than 9
4 races per day shall be subject to exceptions set forth in items
5 (1), (2), and (3) of subsection (a) of Section 3.075.

6 (e) During any calendar period in which no organization
7 licensee has been awarded a thoroughbred race meeting, the
8 host track, between the hours of 6:30 a.m. and 6:30 p.m. of
9 such period, shall be an organization licensee determined by
10 the Division Board, provided the organization licensee has
11 been awarded a thoroughbred race meeting in the current year
12 and is eligible to be a host track.

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

14 (230 ILCS 5/3.080)

15 Sec. 3.080. "Simulcast program" means the program of
16 simultaneously televised horse races, including (i) the signal
17 of any out-of-state horse race selected by the host track
18 subject to the disapproval of the Division Board, (ii) the
19 signals of live racing of all organization licensees, which
20 must be included by the host track; and (iii) the signal of
21 live racing at the DuQuoin and Springfield State fairs, if
22 mandated by the Division Board.

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

24 (230 ILCS 5/3.11) (from Ch. 8, par. 37-3.11)

1 Sec. 3.11. "Organization licensee" means any person
2 receiving an organization license from the Division Board to
3 conduct a race meeting or meetings. With respect only to
4 organization gaming, "organization licensee" includes the
5 authorization for an organization gaming license under
6 subsection (a) of Section 56 of this Act.

7 (Source: P.A. 101-31, eff. 6-28-19.)

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

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

17 (Source: P.A. 101-31, eff. 6-28-19.)

18 (230 ILCS 5/3.13) (from Ch. 8, par. 37-3.13)

19 Sec. 3.13. "Pari-mutuel pool" or "mutuel pool" or "pool"
20 means the total money wagered by patrons and held by a licensee
21 under the pari-mutuel system on any horse or horses in a
22 particular race. There is a separate mutuel pool for win,
23 place and show, and for each of the various forms of betting as
24 defined by the rules and regulations of the Division Board.

1 Subject to the prior consent of the Division Board, any such
2 pool may be supplemented by a licensee in order to guarantee a
3 minimum distribution.

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

5 (230 ILCS 5/3.17) (from Ch. 8, par. 37-3.17)

6 Sec. 3.17. "Racing days" (or dates) are days within a
7 horse race meeting on which an organization licensee is
8 authorized by the Division Board to conduct horse racing.

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

10 (230 ILCS 5/3.18) (from Ch. 8, par. 37-3.18)

11 Sec. 3.18. "Director" means the Director of the Division
12 of Horse Racing of the Department of Lottery and Gaming.
13 ~~"Executive Director" means the executive director of the~~
14 ~~Illinois Racing Board.~~

15 (Source: P.A. 84-531.)

16 (230 ILCS 5/3.19) (from Ch. 8, par. 37-3.19)

17 Sec. 3.19. "Stewards" means the steward or stewards
18 representing the Division Board, the steward or stewards
19 representing the organization licensee, and any other steward
20 or stewards whose duty it shall be to supervise any horse race
21 meeting as may be provided for by rules and regulations of the
22 Division Board; such rules and regulations shall specify the
23 number of stewards to be appointed, the method and manner of

1 their appointment, and their powers, authority and duties.
2 Stewards shall have the power to administer oaths and
3 affirmations.

4 (Source: P.A. 83-589.)

5 (230 ILCS 5/3.29)

6 Sec. 3.29. Advance deposit wagering. "Advance deposit
7 wagering" means a method of pari-mutuel wagering in which an
8 individual may establish an account, deposit money into the
9 account, and use the account balance to pay for pari-mutuel
10 wagering authorized by this Act. An advance deposit wager may
11 be placed in person at a wagering facility or from any other
12 location via a telephone-type device or any other electronic
13 means. Any person who accepts an advance deposit wager who is
14 not licensed by the Division Board as an advance deposit
15 wagering licensee shall be considered in violation of this Act
16 and the Criminal Code of 2012. Any advance deposit wager
17 placed in person at a wagering facility shall be deemed to have
18 been placed at that wagering facility.

19 (Source: P.A. 96-762, eff. 8-25-09; 97-1150, eff. 1-25-13.)

20 (230 ILCS 5/3.35)

21 Sec. 3.35. Organization gaming license. "Organization
22 gaming license" means a license issued by the Department of
23 Lottery and Gaming ~~Illinois Gaming Board~~ under Section 7.7 of
24 the Illinois Gambling Act authorizing gaming pursuant to that

1 Section at an organization gaming facility.

2 (Source: P.A. 101-31, eff. 6-28-19.)

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

4 Sec. 4. The Division Board shall consist of 11 members to
5 be appointed by the Governor with the advice and consent of the
6 Senate, not more than 6 of whom shall be of the same political
7 party, and one of whom shall be designated by the Governor to
8 be chairman. Each member shall have a reasonable knowledge of
9 harness or thoroughbred racing practices and procedure and of
10 the principles of harness or thoroughbred racing and breeding
11 and, at the time of his appointment, shall be a resident of the
12 State of Illinois and shall have resided therein for a period
13 of at least 5 years next preceding his appointment and
14 qualification and he shall be a qualified voter therein and
15 not less than 25 years of age.

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

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

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

21 (a) The Division Board is vested with jurisdiction and
22 supervision over all race meetings in this State, over all
23 licensees doing business in this State, over all occupation
24 licensees, and over all persons on the facilities of any

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

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

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

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

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

23 (d) The Division Board ~~Board~~, and any person or persons to whom
24 it delegates this power, is vested with the authority to
25 investigate alleged violations of the provisions of this Act,
26 its reasonable rules and regulations, orders and final

1 decisions; the Division Board shall take appropriate
2 disciplinary action against any licensee or occupation
3 licensee for violation thereof or institute appropriate legal
4 action for the enforcement thereof.

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

21 (f) The Division Board is vested with the power to
22 acquire, establish, maintain and operate (or provide by
23 contract to maintain and operate) testing laboratories and
24 related facilities, for the purpose of conducting saliva,
25 blood, urine and other tests on the horses run or to be run in
26 any horse race meeting, including races run at county fairs,

1 and to purchase all equipment and supplies deemed necessary or
2 desirable in connection with any such testing laboratories and
3 related facilities and all such tests.

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

25 (h) The Division Board shall name and appoint in the
26 manner provided by the rules and regulations of the Division

1 ~~Board: an Executive Director;~~ a State director of mutuels;
2 State veterinarians and representatives to take saliva, blood,
3 urine and other tests on horses; licensing personnel; revenue
4 inspectors; and State seasonal employees (excluding admission
5 ticket sellers and mutuel clerks). All of those named and
6 appointed as provided in this subsection shall serve during
7 the pleasure of the Division Board; their compensation shall
8 be determined by the Division Board and be paid in the same
9 manner as other employees of the Division Board under this
10 Act.

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

19 (j) The Division Board may discharge any Division Board
20 employee who fails or refuses for any reason to comply with the
21 rules and regulations of the Division Board, or who, in the
22 opinion of the Division Board, is guilty of fraud, dishonesty
23 or who is proven to be incompetent. The Division Board shall
24 have no right or power to determine who shall be officers,
25 directors or employees of any licensee, or their salaries
26 except the Division Board may, by rule, require that all or any

1 officials or employees in charge of or whose duties relate to
2 the actual running of races be approved by the Division Board.

3 (k) The Division Board is vested with the power to appoint
4 delegates to execute any of the powers granted to it under this
5 Section for the purpose of administering this Act and any
6 rules or regulations promulgated in accordance with this Act.

7 (l) The Division Board is vested with the power to impose
8 civil penalties of up to \$5,000 against an individual and up to
9 \$10,000 against a licensee for each violation of any provision
10 of this Act, any rules adopted by the Division Board, any order
11 of the Division Board or any other action which, in the
12 Division's Board's discretion, is a detriment or impediment to
13 horse racing or wagering. Beginning on the date when any
14 organization licensee begins conducting gaming pursuant to an
15 organization gaming license issued under the Illinois Gambling
16 Act, the power granted to the Division Board pursuant to this
17 subsection (l) shall authorize the Division Board to impose
18 penalties of up to \$10,000 against an individual and up to
19 \$25,000 against a licensee. All such civil penalties shall be
20 deposited into the Horse Racing Fund.

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

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

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

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

25 (p) To insure the convenience, comfort, and wagering
26 accessibility of race track patrons, to provide for the

1 maximization of State revenue, and to generate increases in
2 purse allotments to the horsemen, the Division Board shall
3 require any licensee to staff the pari-mutuel department with
4 adequate personnel.

5 (Source: P.A. 101-31, eff. 6-28-19; 102-538, eff. 8-20-21.)

6 (230 ILCS 5/10) (from Ch. 8, par. 37-10)

7 Sec. 10. Any Division Board ~~member or Board~~ employee who
8 is subject to any civil action arising from any act executed by
9 him while serving as a Division Board ~~member or Board~~ employee
10 shall be represented by the Attorney General. All costs of
11 defending such law suit and satisfaction of any judgment
12 rendered against a Division Board ~~member or Board~~ employee
13 shall be incurred by the Division Board. Any Division Board
14 ~~member or Board~~ employee is entitled to the benefit of this
15 Section provided the act was committed in good faith.

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

17 (230 ILCS 5/12) (from Ch. 8, par. 37-12)

18 Sec. 12. (a) ~~Board members shall employ under the~~
19 ~~"Personnel Code", as now or hereafter amended, such~~
20 ~~representatives, accountants, clerks, stenographers,~~
21 ~~inspectors, and other employees as may be necessary.~~ No person
22 shall be appointed or hold any office or position under the
23 Division Board who, or any member of whose family, is:

24 (1) an official of, or has any financial or ownership

1 interest in any licensee or occupation licensee engaged in
2 conducting racing within this State, or,

3 (2) an owner, trainer, jockey, or harness driver of a
4 horse competing at a race meeting under the jurisdiction
5 of the Board.

6 (b) Any employee violating the prohibitions set forth in
7 subsection (a) of this Section shall be subject to the
8 termination of his or her employment. If the Division Board ~~Board~~
9 determines that an employee is in violation of subsection (a)
10 of this Section and should be discharged, it must observe the
11 procedures outlined in the "Personnel Code", as now or
12 hereafter amended, as they apply to discharge proceedings.

13 ~~(c) No person employed by the Board during the 12 months~~
14 ~~preceding the effective date of this Act shall be terminated~~
15 ~~from employment due to a violation of the prohibitions set~~
16 ~~forth in subsection (a) of this Section.~~

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

18 (230 ILCS 5/12.1) (from Ch. 8, par. 37-12.1)

19 Sec. 12.1. (a) The General Assembly finds that the
20 Illinois Racing Industry does not include a fair proportion of
21 minority or female workers.

22 Therefore, the General Assembly urges that the job
23 training institutes, trade associations and employers involved
24 in the Illinois Horse Racing Industry take affirmative action
25 to encourage equal employment opportunity to all workers

1 regardless of race, color, creed or sex.

2 Before an organization license, inter-track wagering
3 license or inter-track wagering location license can be
4 granted, the applicant for any such license shall execute and
5 file with the Division Board a good faith affirmative action
6 plan to recruit, train and upgrade minorities and females in
7 all classifications with the applicant for license. One year
8 after issuance of any such license, and each year thereafter,
9 the licensee shall file a report with the Division Board
10 evidencing and certifying compliance with the originally filed
11 affirmative action plan.

12 (b) At least 10% of the total amount of all State contracts
13 for the infrastructure improvement of any race track grounds
14 in this State shall be let to minority-owned businesses or
15 women-owned businesses. "State contract", "minority-owned
16 business" and "women-owned business" shall have the meanings
17 ascribed to them under the Business Enterprise for Minorities,
18 Women, and Persons with Disabilities Act.

19 (Source: P.A. 100-391, eff. 8-25-17.)

20 (230 ILCS 5/12.2)

21 Sec. 12.2. Business enterprise program.

22 (a) For the purposes of this Section, the terms
23 "minority", "minority-owned business", "woman", "women-owned
24 business", "person with a disability", and "business owned by
25 a person with a disability" have the meanings ascribed to them

1 in the Business Enterprise for Minorities, Women, and Persons
2 with Disabilities Act.

3 (b) The Division Board shall, by rule, establish goals for
4 the award of contracts by each organization licensee or
5 inter-track wagering licensee to businesses owned by
6 minorities, women, and persons with disabilities, expressed as
7 percentages of an organization licensee's or inter-track
8 wagering licensee's total dollar amount of contracts awarded
9 during each calendar year. Each organization licensee or
10 inter-track wagering licensee must make every effort to meet
11 the goals established by the Division Board pursuant to this
12 Section. When setting the goals for the award of contracts,
13 the Division Board shall not include contracts where: (1)
14 licensees are purchasing goods or services from vendors or
15 suppliers or in markets where there are no or a limited number
16 of minority-owned businesses, women-owned businesses, or
17 businesses owned by persons with disabilities that would be
18 sufficient to satisfy the goal; (2) there are no or a limited
19 number of suppliers licensed by the Division Board; (3) the
20 licensee or its parent company owns a company that provides
21 the goods or services; or (4) the goods or services are
22 provided to the licensee by a publicly traded company.

23 (c) Each organization licensee or inter-track wagering
24 licensee shall file with the Division Board an annual report
25 of its utilization of minority-owned businesses, women-owned
26 businesses, and businesses owned by persons with disabilities

1 during the preceding calendar year. The reports shall include
2 a self-evaluation of the efforts of the organization licensee
3 or inter-track wagering licensee to meet its goals under this
4 Section.

5 (d) The organization licensee or inter-track wagering
6 licensee shall have the right to request a waiver from the
7 requirements of this Section. The Division Board shall grant
8 the waiver where the organization licensee or inter-track
9 wagering licensee demonstrates that there has been made a good
10 faith effort to comply with the goals for participation by
11 minority-owned businesses, women-owned businesses, and
12 businesses owned by persons with disabilities.

13 (e) If the Division Board determines that its goals and
14 policies are not being met by any organization licensee or
15 inter-track wagering licensee, then the Division Board may:

16 (1) adopt remedies for such violations; and

17 (2) recommend that the organization licensee or
18 inter-track wagering licensee provide additional
19 opportunities for participation by minority-owned
20 businesses, women-owned businesses, and businesses owned
21 by persons with disabilities; such recommendations may
22 include, but shall not be limited to:

23 (A) assurances of stronger and better focused
24 solicitation efforts to obtain more minority-owned
25 businesses, women-owned businesses, and businesses
26 owned by persons with disabilities as potential

1 sources of supply;

2 (B) division of job or project requirements, when
3 economically feasible, into tasks or quantities to
4 permit participation of minority-owned businesses,
5 women-owned businesses, and businesses owned by
6 persons with disabilities;

7 (C) elimination of extended experience or
8 capitalization requirements, when programmatically
9 feasible, to permit participation of minority-owned
10 businesses, women-owned businesses, and businesses
11 owned by persons with disabilities;

12 (D) identification of specific proposed contracts
13 as particularly attractive or appropriate for
14 participation by minority-owned businesses,
15 women-owned businesses, and businesses owned by
16 persons with disabilities, such identification to
17 result from and be coupled with the efforts of items
18 (A) through (C); and

19 (E) implementation of regulations established for
20 the use of the sheltered market process.

21 (f) The Division Board shall file, no later than March 1 of
22 each year, an annual report that shall detail the level of
23 achievement toward the goals specified in this Section over
24 the 3 most recent fiscal years. The annual report shall
25 include, but need not be limited to:

26 (1) a summary detailing expenditures subject to the

1 goals, the actual goals specified, and the goals attained
2 by each organization licensee or inter-track wagering
3 licensee;

4 (2) a summary of the number of contracts awarded and
5 the average contract amount by each organization licensee
6 or inter-track wagering licensee;

7 (3) an analysis of the level of overall goal
8 achievement concerning purchases from minority-owned
9 businesses, women-owned businesses, and businesses owned
10 by persons with disabilities;

11 (4) an analysis of the number of minority-owned
12 businesses, women-owned businesses, and businesses owned
13 by persons with disabilities that are certified under the
14 program as well as the number of those businesses that
15 received State procurement contracts; and

16 (5) (blank).

17 (Source: P.A. 99-78, eff. 7-20-15; 99-891, eff. 1-1-17;
18 100-391, eff. 8-25-17.)

19 (230 ILCS 5/13) (from Ch. 8, par. 37-13)

20 Sec. 13. The Director shall serve as the executive officer
21 of the Division. ~~executive director shall perform any and all~~
22 ~~duties that the Board shall assign him. The salary of the~~
23 ~~executive director shall be determined by the Board and, in~~
24 ~~addition, he shall be reimbursed for all actual and necessary~~
25 ~~expenses incurred by him in discharge of his official duties.~~

1 The Director ~~executive director~~ shall keep records of all
2 proceedings of the Board and shall preserve all records,
3 books, documents and other papers belonging to the Division
4 ~~Board~~ or entrusted to its care. The Director ~~executive~~
5 ~~director~~ shall devote his full time to the duties of the office
6 and shall not hold any other office or employment.

7 (Source: P.A. 84-531.)

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

9 Sec. 14. (a) (Blank). ~~The Board shall hold regular and~~
10 ~~special meetings at such times and places as may be necessary~~
11 ~~to perform properly and effectively all duties required under~~
12 ~~this Act. A majority of the members of the Board shall~~
13 ~~constitute a quorum for the transaction of any business, for~~
14 ~~the performance of any duty, or for the exercise of any power~~
15 ~~which this Act requires the Board members to transact, perform~~
16 ~~or exercise en banc, except that upon order of the Board one of~~
17 ~~the Board members may conduct the hearing provided in Section~~
18 ~~16. The Board member conducting such hearing shall have all~~
19 ~~powers and rights granted to the Board in this Act. The record~~
20 ~~made at the hearing shall be reviewed by the Board, or a~~
21 ~~majority thereof, and the findings and decision of the~~
22 ~~majority of the Board shall constitute the order of the Board~~
23 ~~in such case.~~

24 (b) (Blank). ~~The Board shall obtain a court reporter who~~
25 ~~will be present at each regular and special meeting and~~

1 ~~proceeding and who shall make accurate transcriptions thereof~~
2 ~~except that when in the judgment of the Board an emergency~~
3 ~~situation requires a meeting by teleconference, the executive~~
4 ~~director shall prepare minutes of the meeting indicating the~~
5 ~~date and time of the meeting and which members of the Board~~
6 ~~were present or absent, summarizing all matters proposed,~~
7 ~~deliberated, or decided at the meeting, and indicating the~~
8 ~~results of all votes taken. The public shall be allowed to~~
9 ~~listen to the proceedings of that meeting at all Board branch~~
10 ~~offices.~~

11 (c) (Blank). ~~The Board shall provide records which are~~
12 ~~separate and distinct from the records of any other State~~
13 ~~board or commission. Such records shall be available for~~
14 ~~public inspection and shall accurately reflect all Board~~
15 ~~proceedings.~~

16 (d) The Division Board shall file a written annual report
17 with the Governor on or before March 1 each year and such
18 additional reports as the Governor may request. The annual
19 report shall include a statement of receipts and disbursements
20 by the Division Board, actions taken by the Division Board, a
21 report on the industry's progress toward the policy objectives
22 established in Section 1.2 of this Act, and any additional
23 information and recommendations which the Division Board may
24 deem valuable or which the Governor may request.

25 (e) The Division Board shall maintain a branch office on
26 the ground of every organization licensee during the

1 organization licensee's race meeting, which office shall be
2 kept open throughout the time the race meeting is held. The
3 Division Board shall designate ~~one of its members, or~~ an
4 authorized agent of the Division Board who shall have the
5 authority to act for the Division Board, to be in charge of the
6 branch office during the time it is required to be kept open.

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

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

9 Sec. 14a. The Division Board may employ hearing officers
10 qualified by professional training or previous experience
11 according to rules established by the Division Board. The
12 Division Board shall also establish rules providing for the
13 disqualification of hearing officers for bias or conflict of
14 interest. Such hearing officers shall, under the direction of
15 the Division Board, take testimony of witnesses, examine
16 accounts, records, books, papers and facilities, either by
17 holding hearings or making independent investigations, in any
18 matter referred to them by the Division Board; and make report
19 thereof to the Division Board, and attend at hearings before
20 the Director Board when so directed by the Director Board, for
21 the purpose of explaining their investigations and the result
22 thereof to the Division Board and the parties interested; and
23 perform such other duties as the Division Board may direct,
24 subject to its orders. The Director Board may make final
25 administrative decisions based upon reports presented to it

1 and investigations and hearings conducted by hearing officers.

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

3 (230 ILCS 5/15) (from Ch. 8, par. 37-15)

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

21 (b) Each application for an occupation license shall be on
22 forms prescribed by the Division Board. Such license, when
23 issued, shall be for the period ending December 31 of each
24 year, except that the Division Board in its discretion may
25 grant 3-year licenses. The application shall be accompanied by

1 a fee of not more than \$25 per year or, in the case of 3-year
2 occupation license applications, a fee of not more than \$60.
3 Each applicant shall set forth in the application his full
4 name and address, and if he had been issued prior occupation
5 licenses or has been licensed in any other state under any
6 other name, such name, his age, whether or not a permit or
7 license issued to him in any other state has been suspended or
8 revoked and if so whether such suspension or revocation is in
9 effect at the time of the application, and such other
10 information as the Division Board may require. Fees for
11 registration of stable names shall not exceed \$50.00.
12 Beginning on the date when any organization licensee begins
13 conducting gaming pursuant to an organization gaming license
14 issued under the Illinois Gambling Act, the fee for
15 registration of stable names shall not exceed \$150, and the
16 application fee for an occupation license shall not exceed
17 \$75, per year or, in the case of a 3-year occupation license
18 application, the fee shall not exceed \$180.

19 (c) The Division Board may in its discretion refuse an
20 occupation license to any person:

- 21 (1) who has been convicted of a crime;
- 22 (2) who is unqualified to perform the duties required
23 of such applicant;
- 24 (3) who fails to disclose or states falsely any
25 information called for in the application;
- 26 (4) who has been found guilty of a violation of this

1 Act or of the rules and regulations of the Division Board;

2 or

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

5 (d) The Division Board may suspend or revoke any
6 occupation license:

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

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

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

14 (4) for any other just cause.

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

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

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

15 (g) Beginning on the date when any organization licensee
16 begins conducting gaming pursuant to an organization gaming
17 license issued under the Illinois Gambling Act, the Division
18 Board may charge each applicant a reasonable nonrefundable fee
19 to defray the costs associated with the background
20 investigation conducted by the Division Board. This fee shall
21 be exclusive of any other fee or fees charged in connection
22 with an application for and, if applicable, the issuance of,
23 an organization gaming license. If the costs of the
24 investigation exceed the amount of the fee charged, the
25 Division Board shall immediately notify the applicant of the
26 additional amount owed, payment of which must be submitted to

1 the Division Board within 7 days after such notification. All
2 information, records, interviews, reports, statements,
3 memoranda, or other data supplied to or used by the Division
4 ~~Board~~ in the course of its review or investigation of an
5 applicant for a license or renewal under this Act shall be
6 privileged, strictly confidential, and shall be used only for
7 the purpose of evaluating an applicant for a license or a
8 renewal. Such information, records, interviews, reports,
9 statements, memoranda, or other data shall not be admissible
10 as evidence, nor discoverable, in any action of any kind in any
11 court or before any tribunal, board, agency, or person, except
12 for any action deemed necessary by the Division Board.

13 (Source: P.A. 101-31, eff. 6-28-19; 102-538, eff. 8-20-21.)

14 (230 ILCS 5/15.1) (from Ch. 8, par. 37-15.1)

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

1 (Source: P.A. 97-1060, eff. 8-24-12.)

2 (230 ILCS 5/15.2) (from Ch. 8, par. 37-15.2)

3 Sec. 15.2. (a) No pari-mutuel clerk, parking attendant or
4 security guard employed by a licensee at a wagering facility
5 shall commit any of the following acts: theft; fraud; wagering
6 during the course of employment; touting; bookmaking; or any
7 other act which is detrimental to the best interests of racing
8 in Illinois. For purposes of this Section:

9 (1) "Theft" means the act of knowingly:

10 (A) obtaining or exerting unauthorized control
11 over State revenue or revenue of a licensee; or

12 (B) by deception obtaining control over patron
13 dollars.

14 (2) "Fraud" means the act of knowingly providing
15 false, misleading or deceptive information to a federal,
16 State or local governmental body.

17 (3) "Wagering" means the act of placing a wager at a
18 wagering facility on the outcome of a horse race under the
19 jurisdiction of the Division Board by a pari-mutuel clerk
20 during the course of employment.

21 (4) "Touting" means the act of soliciting anything of
22 value in exchange for information regarding the outcome of
23 a horse race on which wagers are made at a wagering
24 facility under the jurisdiction of the Division Board.

25 (5) "Bookmaking" means the act of accepting a wager

1 from an individual with the intent to withhold the wager
2 from being placed by the individual at a wagering
3 facility.

4 (b) A licensee, or occupation licensee upon receiving
5 information that a pari-mutuel clerk, parking attendant or
6 security guard in his employ has been accused of committing
7 any act prohibited by subsection (a) of this Section shall:

8 (1) give immediate written notice of such accusation
9 to the stewards of the race meeting and to the accused
10 pari-mutuel clerk, parking attendant or security guard,
11 and

12 (2) give written notice of such accusation within a
13 reasonable time to the Division Board.

14 The Division Board may impose a civil penalty authorized
15 by subsection (1) of Section 9 of this Act against a licensee
16 or occupation licensee who fails to give any notice required
17 by this subsection.

18 (c) Upon receiving the notice required by subsection (b)
19 of this Section the stewards shall conduct an inquiry into the
20 matter.

21 If the stewards determine that the accused has committed
22 any of the acts prohibited by subsection (a) of this Section,
23 they may exclude the accused or declare that person ineligible
24 for employment at any pari-mutuel race meeting or wagering
25 facility under the jurisdiction of the Division Board. A
26 person so excluded or declared ineligible for employment may

1 request a hearing before the Division Board as provided in
2 Section 16 of this Act.

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

4 (230 ILCS 5/15.3) (from Ch. 8, par. 37-15.3)

5 Sec. 15.3. Any person who makes application for an
6 employment position as a pari-mutuel clerk, parking attendant
7 or security guard with a licensee, where such position would
8 involve work conducted in whole or in part at a wagering
9 facility within this State shall be required to fill out an
10 employment application form prescribed by the Division
11 ~~Illinois Racing Board~~. Such application form shall require the
12 applicant to state the following:

13 (a) whether the applicant has ever been convicted of a
14 felony offense under the laws of this State, the laws of any
15 other state, or the laws of the United States;

16 (b) whether the applicant has ever been convicted of a
17 misdemeanor offense under the laws of this State, the laws of
18 any other state, or the laws of the United States, which
19 offense involved dishonesty, fraud, deception or moral
20 turpitude;

21 (c) whether the applicant has ever been excluded by the
22 Division Board or any other jurisdiction where wagering is
23 conducted;

24 (d) whether the applicant has ever committed an act of
25 touting, bookmaking, theft, or fraud, as those terms are

1 defined in Section 15.2 of this Act; and

2 (e) any other information that the Division Board may deem
3 necessary to carry out the purposes of Public Act 84-1468.

4 The applicant shall sign the application form and certify
5 that, under the penalties of perjury of this State, the
6 statements set forth in the application form are true and
7 correct.

8 The licensee shall, upon its decision to hire the
9 applicant, forward a copy of the application form to the
10 Division Board. The Division Board shall review the
11 application form immediately upon receipt.

12 The Division's Board's review of the application form
13 shall include an inquiry as to whether the applicant has been
14 accused of any of the acts prohibited under Section 15.2 of
15 this Act and, if the Division Board does find that the
16 applicant has been so accused, it shall conduct an
17 investigation to determine whether, by a standard of
18 reasonable certainty, the applicant committed the act. If the
19 Division Board determines that the applicant did commit any of
20 the acts prohibited under that Section, it may exclude the
21 applicant or declare that the applicant is ineligible for
22 employment.

23 The Division Board may declare an applicant ineligible for
24 employment if it finds that the applicant has been previously
25 excluded by the Division Board. In making such a declaration,
26 the Division Board shall consider: (a) the reasons the

1 applicant had been previously excluded; (b) the period of time
2 that has elapsed since the applicant was excluded; and (c) how
3 the previous exclusion relates to the applicant's ability to
4 perform the duties of the employment position for which he or
5 she is applying.

6 When the Division Board excludes an applicant or declares
7 an applicant ineligible for employment, it shall immediately
8 notify such applicant and the licensee of its action. A person
9 so excluded or declared ineligible for employment may request
10 a hearing before the Division Board in accordance with Section
11 16 of this Act.

12 No licensee may employ a pari-mutuel clerk, parking
13 attendant or security guard at a wagering facility after such
14 licensee has been notified that such person has been declared
15 ineligible by the Division Board.

16 Nothing herein shall be construed to limit the Division's
17 ~~Board's~~ exclusionary authority under Section 16.

18 Sections 15.2 and 15.3 of this Act shall apply to any
19 person who holds an employment position as a pari-mutuel
20 clerk, parking attendant, or security guard subsequent to July
21 1, 1987 with a licensee. All such employees employed prior to
22 July 1, 1987 shall be required to file employment applications
23 with the Division Board, and the information required under
24 subparagraphs (a) through (e) of this Section pertaining to
25 conduct or activities prior to July 1, 1987 shall only be used
26 by the Division Board in its determination to exclude an

1 applicant or its declaration that an applicant is ineligible
2 for employment based on conduct that occurs after July 1,
3 1987.

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

5 (230 ILCS 5/15.4) (from Ch. 8, par. 37-15.4)

6 Sec. 15.4. The Division ~~Board~~ shall take disciplinary
7 action authorized by subsection (d) of Section 9 of this Act or
8 impose a civil penalty authorized by subsection (1) of Section
9 of this Act against any licensee which requires, as a
10 condition precedent to employment, membership in any labor
11 organization or association. Nothing in this Section shall
12 prohibit an agreement between a labor organization or
13 association and any such licensee which requires that, once
14 employed, an employee be a member of the labor organization or
15 association.

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

17 (230 ILCS 5/15.5)

18 Sec. 15.5. Labor agreements.

19 (a) This Section applies to each entity subject to this
20 Act that has at least 10 employees on average over the 12
21 months preceding application for an organization gaming
22 license.

23 (b) Before an organization gaming license may be granted
24 or renewed, the applicant or licensee seeking an organization

1 gaming license or renewal shall:

2 (1) Enter into, and observe, the terms of a collective
3 bargaining agreement with any labor organization seeking
4 to represent a majority of the licensee's employees in a
5 bargaining unit consisting of all non-supervisory and
6 non-management employees in the classifications identified
7 by the labor organization. Any new employees hired by the
8 licensee who perform work substantially similar to current
9 employees in an existing bargaining unit already
10 represented by a labor organization at the facility shall
11 be incorporated into that existing bargaining unit.

12 (2) Upon written notice by a labor organization of its
13 desire to represent employees in a designated bargaining
14 unit, the licensee shall:

15 (A) provide the names, classifications, and home
16 addresses of each and every employee in the identified
17 bargaining unit;

18 (B) refrain from expressing any views on the
19 question whether its employees should be represented
20 by a labor organization;

21 (C) refrain from restraining or coercing its
22 employees in choosing to be represented or not
23 represented by a labor organization; and

24 (D) allow designated representatives of the labor
25 organization access to its non-work areas for the
26 purpose of meeting privately with its employees during

1 non-working times.

2 (3) Upon a showing of majority interest, to be
3 certified through card check by the Federal Mediation and
4 Conciliation Service or from a designated arbitrator from
5 a permanent panel of arbitrators appointed by the Division
6 ~~Illinois Racing Board~~, the licensee and the labor
7 organization shall immediately enter into negotiations for
8 a collective bargaining agreement.

9 (4) If the parties are unable to conclude a labor
10 agreement within 60 days following the date of
11 certification, the terms of the agreement shall be set by
12 an arbitrator jointly selected by the parties from a panel
13 of arbitrators designated by the Division ~~Illinois Racing~~
14 ~~Board~~, who shall issue a final and binding award within
15 120 days after the date of certification, if the parties
16 fail to conclude an agreement by that date. Except with
17 regard to the minimum requirements in paragraph (5), the
18 arbitrator shall be guided by the terms of labor
19 agreements covering the same or similar classifications of
20 employees within 100 miles of the facility or facilities
21 for which the agreement is negotiated. The arbitrator
22 shall also resolve all disputes regarding the scope and
23 composition of the bargaining unit covered under the labor
24 agreement. The licensee and the labor organization shall
25 share equally the expenses of the arbitrator. No labor
26 agreement shall cover employees in a bargaining unit for

1 which another labor organization has been certified as a
2 bargaining representative under this Act and that
3 continues to actively represent such employees.

4 (5) All labor agreements required under this Section
5 shall, at a minimum, include a:

6 (A) term of at least 3 years;

7 (B) prohibition on strikes or other work stoppages
8 by the labor organization and the represented
9 employees during the term of the labor agreement; and

10 (C) restriction on subcontracting any work
11 performed on or about the licensee's premises as part
12 of its normal operations except by mutual agreement
13 with the labor organization, and then only to a person
14 or firm that is signatory to a labor agreement with a
15 labor organization that has indicated its interest in
16 representing the employees of the subcontractor,
17 provided, the subcontractor's employees are not
18 lawfully represented by another labor organization.

19 (6) A copy of the fully executed labor agreement shall
20 be submitted to the Division ~~Illinois Racing Board~~ prior
21 to the issuance or renewal of any organization gaming
22 license required under this Act.

23 (c) Upon the expiration of a labor agreement required
24 under this Section, the parties shall negotiate a successor
25 agreement under the procedures set forth in paragraphs (4) and
26 (5) of subsection (b), except that the negotiation and

1 arbitration procedures shall commence upon the last effective
2 day of the expiring labor agreement.

3 (d) The provisions of this Section, except for paragraph
4 (2) of subsection (b), do not apply to any entity that is
5 covered, or subsequently becomes covered, under the National
6 Labor Relations Act, 29 U.S.C. 151 et seq. However, nothing in
7 this Act shall affect or diminish the validity and
8 enforceability of any collective bargaining agreement entered
9 into during the period that this Act applies.

10 (Source: P.A. 101-651, eff. 8-7-20.)

11 (230 ILCS 5/16) (from Ch. 8, par. 37-16)

12 Sec. 16. (a) The Division Board shall, in accordance with
13 Section 15, have the power to revoke or suspend an occupation
14 license, and the steward or judges at a race meeting shall have
15 the power to suspend an occupation license of any horse owner,
16 trainer, harness driver, jockey, agent, apprentice, groom,
17 stable foreman, exercise boy, veterinarian, valet, blacksmith
18 or concessionaire whose work, in whole or in part, is
19 conducted at facilities within the State, or to determine the
20 eligibility for employment at a wagering facility of a
21 pari-mutuel clerk, parking attendant or security guard. The
22 Illinois Administrative Procedure Act shall not apply to the
23 actions of the Division Board or of the stewards or judges at a
24 race meeting, and those actions shall instead be subject to
25 the procedures outlined in subsections (b) through (e) of this

1 Section.

2 The Division Board may refuse to issue or may suspend the
3 occupation license of any person who fails to file a return, or
4 to pay the tax, penalty or interest shown in a filed return, or
5 to pay any final assessment of tax, penalty or interest, as
6 required by any tax Act administered by the Illinois
7 Department of Revenue, until such time as the requirements of
8 any such tax Act are satisfied.

9 (b) In the event the Division Board, for violation of the
10 provisions of this Act or the rules and regulations of the
11 Division Board or other just cause, refuses, revokes or
12 suspends an occupation license, or a steward or the judges at
13 any race meeting suspend an occupation license of any horse
14 owner, trainer, harness driver, jockey, agent, apprentice,
15 groom, stable foreman, exercise person, veterinarian, valet,
16 blacksmith, concessionaire or other occupation licensee whose
17 work, in whole or in part is conducted at facilities within the
18 State and owned by a licensee, or declare a person ineligible
19 for employment, then the occupation license of the person or
20 his eligibility for employment shall be suspended pending a
21 hearing before the Director ~~of the Board~~.

22 (c) The person affected by such action at any race meeting
23 may request a hearing before the Director Board within 5 days
24 after receipt of notice of the suspension from the Division
25 ~~Board~~, the steward or the judges at any race meeting. The
26 hearing shall be held by the Director Board within 7 days after

1 such request has been received by the Director ~~Board~~. Any
2 action of a steward or the judges with respect to any
3 occupation license or eligibility for employment may be heard
4 before the Director on his or her ~~by the Board on its~~ own
5 motion by giving the aggrieved party at least 3 days' notice in
6 writing of the time and place of the hearing.

7 (d) All hearings before the Director ~~by the Board~~ under
8 this Section shall be held at such place in the State as the
9 Director ~~Board~~ may designate and any notice provided for shall
10 be served by mailing it postage prepaid by certified mail to
11 the parties affected. Any such notice so mailed is deemed to
12 have been served on the business day next following the date of
13 such mailing.

14 (e) The Director ~~Board~~ in conducting such hearings shall
15 not be bound by technical rules of evidence, but all evidence
16 offered before the Director ~~Board~~ shall be reduced to writing
17 and shall, with petition and exhibits, if any, and the
18 findings of the Director ~~Board~~, be permanently preserved and
19 constitute the record of the Director ~~Board~~ in such case. The
20 Director ~~Board~~ may require that appellants bear reasonable
21 costs of the production of hearing transcripts. Any of the
22 parties affected in such hearing may be represented by counsel
23 and introduce evidence. At the request of the Director ~~Board~~,
24 the Attorney General shall assist and participate in the
25 conduct of such hearing.

26 (f) The Director ~~Every member of the Board~~ has the power to

1 administer oaths and affirmations, certify all official acts,
2 issue subpoenas, compel the attendance and testimony of
3 witnesses and the production of papers, books, accounts, and
4 documents.

5 (g) Any person who is served with a subpoena (issued by the
6 Director Board ~~or any member thereof~~) to appear and testify,
7 or to produce books, papers, accounts or documents in the
8 course of an inquiry or hearing conducted under this Act, and
9 who refuses or neglects to appear or to testify or to produce
10 books, papers, accounts and documents relative to the hearings
11 as commanded in such subpoenas, may be punished by the Circuit
12 Court in the county where the violation is committed in the
13 same manner as the Circuit Court may punish such refusal or
14 neglect in a case filed in court.

15 (h) In case of disobedience to a subpoena, the Director
16 ~~Board~~ may petition the Circuit Court in the county where the
17 violation was committed for an order requiring the attendance
18 and testimony of witnesses or the production of documentary
19 evidence or both. A copy of such petition shall be served by
20 personal notice or by registered or certified mail upon the
21 person who has failed to obey that subpoena, and such person
22 shall be advised in writing that a hearing upon the petition
23 will be requested in a court room to be designated in that
24 notice before the judge occupying the courtroom on a specified
25 date and at a specified time.

26 (i) The court, upon the filing of such a petition, may

1 order the person refusing to obey the subpoena to appear
2 before the Director Board at a designated time, or to there
3 produce documentary evidence, if so ordered, or to give
4 evidence relating to the subject matter of the hearing. Any
5 failure to obey such order of the Circuit Court may be punished
6 by that court as a civil or criminal contempt upon itself.

7 (j) The Director Board, ~~any member thereof or any~~
8 ~~applicant~~ may, in connection with any hearing before the
9 Director Board, cause the deposition of witnesses within or
10 without the State to be taken on oral or written
11 interrogatories in the manner prescribed for depositions in
12 the courts of this State.

13 (k) At the conclusion of such hearing, the Director shall
14 make his or her ~~Board shall make its~~ findings which shall be
15 the basis of the refusal, suspension or revocation of the
16 occupation license or other action taken by the Division
17 ~~Board~~. Such findings and the action of the Director Board
18 shall be final. However, the action of the Director Board and
19 the propriety thereof are subject to review under Section 46.

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

21 (230 ILCS 5/18) (from Ch. 8, par. 37-18)

22 Sec. 18. (a) Together with its application, each applicant
23 for racing dates shall deliver to the Division Board a
24 certified check or bank draft payable to the order of the
25 Division Board for \$1,000. In the event the applicant applies

1 for racing dates in 2 or 3 successive calendar years as
2 provided in subsection (b) of Section 21, the fee shall be
3 \$2,000. Filing fees shall not be refunded in the event the
4 application is denied. Beginning on the date when any
5 organization licensee begins conducting gaming pursuant to an
6 organization gaming license issued under the Illinois Gambling
7 Act, the application fee for racing dates imposed by this
8 subsection (a) shall be \$10,000 and the application fee for
9 racing dates in 2 or 3 successive calendar years as provided in
10 subsection (b) of Section 21 shall be \$20,000. All filing fees
11 shall be deposited into the Horse Racing Fund.

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

1 program on which the organization licensee's daily pari-mutuel
2 handle is \$100,000 or more, but less than \$400,000, and the
3 license fee imposed by this subsection (b) shall be \$400 for
4 each racing program on which the organization licensee's daily
5 pari-mutuel handle is \$400,000 or more.

6 (c) Sections 11-42-1, 11-42-5, and 11-54-1 of the Illinois
7 Municipal Code shall not apply to any license under this Act.

8 (Source: P.A. 101-31, eff. 6-28-19.)

9 (230 ILCS 5/19) (from Ch. 8, par. 37-19)

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

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

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

1 (3) to any person who has been convicted of the
2 violation of any law of the United States or any State law
3 which provided as all or part of its penalty imprisonment
4 in any penal institution; to any person against whom there
5 is pending a Federal or State criminal charge; to any
6 person who is or has been connected with or engaged in the
7 operation of any illegal business; to any person who does
8 not enjoy a general reputation in his community of being
9 an honest, upright, law-abiding person; provided that none
10 of the matters set forth in this subparagraph (3) shall
11 make any person ineligible to be granted an organization
12 license if the Division ~~Board~~ determines, based on
13 circumstances of any such case, that the granting of a
14 license would not be detrimental to the interests of horse
15 racing and of the public;

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

21 (b) (Blank).

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

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

4 (Source: P.A. 101-31, eff. 6-28-19.)

5 (230 ILCS 5/19.5)

6 Sec. 19.5. Standardbred racetrack in Cook County.
7 Notwithstanding anything in this Act to the contrary, in
8 addition to organization licenses issued by the Division Board
9 on the effective date of this amendatory Act of the 101st
10 General Assembly, the Division Board shall issue an
11 organization license limited to standardbred racing to a
12 racetrack located in one of the following townships of Cook
13 County: Bloom, Bremen, Calumet, Orland, Rich, Thornton, or
14 Worth. This additional organization license shall not be
15 issued within a 35-mile radius of another organization license
16 issued by the former Illinois Racing Board on the effective
17 date of this amendatory Act of the 101st General Assembly,
18 unless the person having operating control of such racetrack
19 has given written consent to the organization licensee
20 applicant, which consent must be filed with the Division Board
21 at or prior to the time application is made. The organization
22 license application shall be submitted to the Division Board
23 and the Division Board may grant the organization license at
24 any meeting of the Division Board. The Division Board shall
25 examine the application within 21 days after receipt of the

1 application with respect to its conformity with this Act and
2 the rules adopted by the Division Board. If the application
3 does not comply with this Act or the rules adopted by the
4 Division Board, the application may be rejected and an
5 organization license refused to the applicant, or the Division
6 ~~Board~~ may, within 21 days after receipt of the application,
7 advise the applicant of the deficiencies of the application
8 under the Act or the rules of the Division Board and require
9 the submittal of an amended application within a reasonable
10 time determined by the Division Board; upon submittal of the
11 amended application by the applicant, the Division Board may
12 consider the application consistent with the process described
13 in subsection (e-5) of Section 20. If the application is found
14 to be in compliance with this Act and the rules of the Division
15 ~~Board~~, the Division Board shall then issue an organization
16 license to the applicant. Once the organization license is
17 granted, the licensee shall have all of the current and future
18 rights of existing Illinois racetracks, including, but not
19 limited to, the ability to obtain an inter-track wagering
20 license, the ability to obtain inter-track wagering location
21 licenses, the ability to obtain an organization gaming license
22 pursuant to the Illinois Gambling Act with 1,200 gaming
23 positions, and the ability to offer Internet wagering on horse
24 racing.

25 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21.)

1 (230 ILCS 5/20) (from Ch. 8, par. 37-20)

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

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

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

12 (3) the location where it proposes to conduct the
13 meeting; and

14 (4) any other information the Division Board may
15 reasonably require.

16 (b) A separate application for an organization license
17 shall be filed for each horse race meeting which such person
18 proposes to hold. Any such application, if made by an
19 individual, or by any individual as trustee, shall be signed
20 and verified under oath by such individual. If the application
21 is made by individuals, then it shall be signed and verified
22 under oath by at least 2 of the individuals; if the application
23 is made by a partnership, an association, a corporation, a
24 corporate trustee, a limited liability company, or any other
25 entity, it shall be signed by an authorized officer, a
26 partner, a member, or a manager, as the case may be, of the

1 entity.

2 (c) The application shall specify:

3 (1) the name of the persons, association, trust, or
4 corporation making such application;

5 (2) the principal address of the applicant;

6 (3) if the applicant is a trustee, the names and
7 addresses of the beneficiaries; if the applicant is a
8 corporation, the names and addresses of all officers,
9 stockholders and directors; or if such stockholders hold
10 stock as a nominee or fiduciary, the names and addresses
11 of the parties who are the beneficial owners thereof or
12 who are beneficially interested therein; if the applicant
13 is a partnership, the names and addresses of all partners,
14 general or limited; if the applicant is a limited
15 liability company, the names and addresses of the manager
16 and members; and if the applicant is any other entity, the
17 names and addresses of all officers or other authorized
18 persons of the entity.

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

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

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

16 (e-1) The Division Board shall award standardbred racing
17 dates to organization licensees with an organization gaming
18 license pursuant to the following schedule:

19 (1) For the first calendar year of operation of
20 gambling games by an organization gaming licensee under
21 this amendatory Act of the 101st General Assembly, when a
22 single entity requests standardbred racing dates, the
23 Division Board shall award no fewer than 100 days of
24 racing. The 100-day requirement may be reduced to no fewer
25 than 80 days if no dates are requested for the first 3
26 months of a calendar year. If more than one entity

1 requests standardbred racing dates, the Division Board
2 shall award no fewer than 140 days of racing between the
3 applicants.

4 (2) For the second calendar year of operation of
5 gambling games by an organization gaming licensee under
6 this amendatory Act of the 101st General Assembly, when a
7 single entity requests standardbred racing dates, the
8 Division Board shall award no fewer than 100 days of
9 racing. The 100-day requirement may be reduced to no fewer
10 than 80 days if no dates are requested for the first 3
11 months of a calendar year. If more than one entity
12 requests standardbred racing dates, the Division Board
13 shall award no fewer than 160 days of racing between the
14 applicants.

15 (3) For the third calendar year of operation of
16 gambling games by an organization gaming licensee under
17 this amendatory Act of the 101st General Assembly, and
18 each calendar year thereafter, when a single entity
19 requests standardbred racing dates, the Division Board
20 shall award no fewer than 120 days of racing. The 120-day
21 requirement may be reduced to no fewer than 100 days if no
22 dates are requested for the first 3 months of a calendar
23 year. If more than one entity requests standardbred racing
24 dates, the Division Board shall award no fewer than 200
25 days of racing between the applicants.

26 An organization licensee shall apply for racing dates

1 pursuant to this subsection (e-1). In awarding racing dates
2 under this subsection (e-1), the Division Board shall have the
3 discretion to allocate those standardbred racing dates among
4 these organization licensees.

5 (e-2) The Division Board shall award thoroughbred racing
6 days to Cook County organization licensees pursuant to the
7 following schedule:

8 (1) During the first year in which only one
9 organization licensee is awarded an organization gaming
10 license, the Division Board shall award no fewer than 110
11 days of racing.

12 During the second year in which only one organization
13 licensee is awarded an organization gaming license, the
14 Division Board shall award no fewer than 115 racing days.

15 During the third year and every year thereafter, in
16 which only one organization licensee is awarded an
17 organization gaming license, the Division Board shall
18 award no fewer than 120 racing days.

19 (2) During the first year in which 2 organization
20 licensees are awarded an organization gaming license, the
21 Division Board shall award no fewer than 139 total racing
22 days.

23 During the second year in which 2 organization
24 licensees are awarded an organization gaming license, the
25 Division Board shall award no fewer than 160 total racing
26 days.

1 During the third year and every year thereafter in
2 which 2 organization licensees are awarded an organization
3 gaming license, the Division ~~Board~~ shall award no fewer
4 than 174 total racing days.

5 A Cook County organization licensee shall apply for racing
6 dates pursuant to this subsection (e-2). In awarding racing
7 dates under this subsection (e-2), the Division ~~Board~~ shall
8 have the discretion to allocate those thoroughbred racing
9 dates among these Cook County organization licensees.

10 (e-3) In awarding racing dates for calendar year 2020 and
11 thereafter in connection with a racetrack in Madison County,
12 the Division ~~Board~~ shall award racing dates and such
13 organization licensee shall run at least 700 thoroughbred
14 races at the racetrack in Madison County each year.

15 Notwithstanding Section 7.7 of the Illinois Gambling Act
16 or any provision of this Act other than subsection (e-4.5),
17 for each calendar year for which an organization gaming
18 licensee located in Madison County requests racing dates
19 resulting in less than 700 live thoroughbred races at its
20 racetrack facility, the organization gaming licensee may not
21 conduct gaming pursuant to an organization gaming license
22 issued under the Illinois Gambling Act for the calendar year
23 of such requested live races.

24 (e-4) Notwithstanding the provisions of Section 7.7 of the
25 Illinois Gambling Act or any provision of this Act other than
26 subsections (e-3) and (e-4.5), for each calendar year for

1 which an organization gaming licensee requests thoroughbred
2 racing dates which results in a number of live races under its
3 organization license that is less than the total number of
4 live races which it conducted in 2017 at its racetrack
5 facility, the organization gaming licensee may not conduct
6 gaming pursuant to its organization gaming license for the
7 calendar year of such requested live races.

8 (e-4.1) Notwithstanding the provisions of Section 7.7 of
9 the Illinois Gambling Act or any provision of this Act other
10 than subsections (e-3) and (e-4.5), for each calendar year for
11 which an organization licensee requests racing dates for
12 standardbred racing which results in a number of live races
13 that is less than the total number of live races required in
14 subsection (e-1), the organization gaming licensee may not
15 conduct gaming pursuant to its organization gaming license for
16 the calendar year of such requested live races.

17 (e-4.5) The Division Board shall award the minimum live
18 racing guarantees contained in subsections (e-1), (e-2), and
19 (e-3) to ensure that each organization licensee shall
20 individually run a sufficient number of races per year to
21 qualify for an organization gaming license under this Act. The
22 General Assembly finds that the minimum live racing guarantees
23 contained in subsections (e-1), (e-2), and (e-3) are in the
24 best interest of the sport of horse racing, and that such
25 guarantees may only be reduced in the calendar year in which
26 they will be conducted in the limited circumstances described

1 in this subsection. The Division Board may decrease the number
2 of racing days without affecting an organization licensee's
3 ability to conduct gaming pursuant to an organization gaming
4 license issued under the Illinois Gambling Act only if the
5 Director Board determines, after notice and hearing, that:

6 (i) a decrease is necessary to maintain a sufficient
7 number of betting interests per race to ensure the
8 integrity of racing;

9 (ii) there are unsafe track conditions due to weather
10 or acts of God;

11 (iii) there is an agreement between an organization
12 licensee and the breed association that is applicable to
13 the involved live racing guarantee, such association
14 representing either the largest number of thoroughbred
15 owners and trainers or the largest number of standardbred
16 owners, trainers and drivers who race horses at the
17 involved organization licensee's racing meeting, so long
18 as the agreement does not compromise the integrity of the
19 sport of horse racing; or

20 (iv) the horse population or purse levels are
21 insufficient to provide the number of racing opportunities
22 otherwise required in this Act.

23 In decreasing the number of racing dates in accordance
24 with this subsection, the Director Board shall hold a hearing
25 and shall provide the public and all interested parties notice
26 and an opportunity to be heard. The Director Board shall

1 accept testimony from all interested parties, including any
2 association representing owners, trainers, jockeys, or drivers
3 who will be affected by the decrease in racing dates. The
4 Director Board shall provide a written explanation of the
5 reasons for the decrease and the Board's findings. The written
6 explanation shall include a listing and content of all
7 communication between any party and any Division Illinois
8 ~~Racing Board member or~~ staff that does not take place at a
9 public hearing before the Director meeting of the Board.

10 (e-5) In reviewing an application for the purpose of
11 granting an organization license consistent with the best
12 interests of the public and the sport of horse racing, the
13 Director Board shall consider:

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

17 (i) controls the applicant, directly or
18 indirectly, or

19 (ii) is controlled, directly or indirectly, by
20 that applicant or by a person who controls, directly
21 or indirectly, that applicant;

22 (2) the applicant's facilities or proposed facilities
23 for conducting horse racing;

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

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

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

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

9 (7) an agreement, if any, among organization licensees
10 as provided in subsection (b) of Section 21 of this Act;
11 and

12 (8) the extent to which the applicant exceeds or meets
13 other standards for the issuance of an organization
14 license that the Division Board shall adopt by rule.

15 In granting organization licenses and allocating dates for
16 horse race meetings, the Division Board shall have discretion
17 to determine an overall schedule, including required
18 simulcasts of Illinois races by host tracks that will, in its
19 judgment, be conducive to the best interests of the public and
20 the sport of horse racing.

21 (e-10) The Illinois Administrative Procedure Act shall
22 apply to administrative procedures of the Director and the
23 Division Board under this Act for the granting of an
24 organization license, except that (1) notwithstanding the
25 provisions of subsection (b) of Section 10-40 of the Illinois
26 Administrative Procedure Act regarding cross-examination, the

1 Division Board may prescribe rules limiting the right of an
2 applicant or participant in any proceeding to award an
3 organization license to conduct cross-examination of witnesses
4 at that proceeding where that cross-examination would unduly
5 obstruct the timely award of an organization license under
6 subsection (e) of Section 20 of this Act; (2) the provisions of
7 Section 10-45 of the Illinois Administrative Procedure Act
8 regarding proposals for decision are excluded under this Act;
9 (3) notwithstanding the provisions of subsection (a) of
10 Section 10-60 of the Illinois Administrative Procedure Act
11 regarding ex parte communications, the Division Board may
12 prescribe rules allowing ex parte communications with
13 applicants or participants in a proceeding to award an
14 organization license where conducting those communications
15 would be in the best interest of racing, provided all those
16 communications are made part of the record of that proceeding
17 pursuant to subsection (c) of Section 10-60 of the Illinois
18 Administrative Procedure Act; (4) the provisions of Section
19 14a of this Act and the rules of the Division Board promulgated
20 under that Section shall apply instead of the provisions of
21 Article 10 of the Illinois Administrative Procedure Act
22 regarding administrative law judges; and (5) the provisions of
23 subsection (d) of Section 10-65 of the Illinois Administrative
24 Procedure Act that prevent summary suspension of a license
25 pending revocation or other action shall not apply.

26 (f) The Division Board may allot racing dates to an

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

20 (f-5) If, (i) an applicant does not file an acceptance of
21 the racing dates awarded by the Division Board as required
22 under part (1) of subsection (h) of this Section 20, or (ii) an
23 organization licensee has its license suspended or revoked
24 under this Act, the Director Board, upon conducting an
25 emergency hearing as provided for in this Act, may reaward on
26 an emergency basis pursuant to rules established by the

1 ~~Division Board~~, racing dates not accepted or the racing dates
2 associated with any suspension or revocation period to one or
3 more organization licensees, new applicants, or any
4 combination thereof, upon terms and conditions that the
5 ~~Division Board~~ determines are in the best interest of racing,
6 provided, the organization licensees or new applicants
7 receiving the awarded racing dates file an acceptance of those
8 reawarded racing dates as required under paragraph (1) of
9 subsection (h) of this Section 20 and comply with the other
10 provisions of this Act. The Illinois Administrative Procedure
11 Act shall not apply to the administrative procedures of the
12 ~~Division Board~~ in conducting the emergency hearing and the
13 reallocation of racing dates on an emergency basis.

14 (g) (Blank).

15 (h) The ~~Division Board~~ shall send the applicant a copy of
16 its formally executed order by certified mail addressed to the
17 applicant at the address stated in his application, which
18 notice shall be mailed within 5 days of the date the formal
19 order is executed.

20 Each applicant notified shall, within 10 days after
21 receipt of the final executed order of the ~~Division Board~~
22 awarding racing dates:

23 (1) file with the ~~Division Board~~ an acceptance of such
24 award in the form prescribed by the ~~Division Board~~;

25 (2) pay to the ~~Division Board~~ an additional amount
26 equal to \$110 for each racing date awarded; and

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

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

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

10 (Source: P.A. 101-31, eff. 6-28-19.)

11 (230 ILCS 5/20.1)

12 Sec. 20.1. Authority of licensees.

13 (a) Notwithstanding anything in this Act to the contrary,
14 an organization licensee shall have authority to:

15 (1) determine prices charged for goods and services;

16 (2) determine prices charged for wagering products,
17 subject to Sections 26 and 26.2 of this Act;

18 (3) determine its hours of operation, subject to at
19 least 30 days prior notice to the Division Board if such
20 hours are different than provided such licensee's racing
21 dates application; and

22 (4) otherwise manage its business operations.

23 (b) The Division Board may disapprove of any business
24 practices by organization licensees identified in subsection

25 (a) of this Section if the Division Board finds that such

1 practices are detrimental to the public interest.

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

3 (230 ILCS 5/21) (from Ch. 8, par. 37-21)

4 Sec. 21. (a) Applications for organization licenses must
5 be filed with the Division Board at a time and place prescribed
6 by the rules and regulations of the Division Board. The
7 Division Board shall examine the applications within 21 days
8 after the date allowed for filing with respect to their
9 conformity with this Act and such rules and regulations as may
10 be prescribed by the Division Board. If any application does
11 not comply with this Act or the rules and regulations
12 prescribed by the Division Board, such application may be
13 rejected and an organization license refused to the applicant,
14 or the Division Board may, within 21 days of the receipt of
15 such application, advise the applicant of the deficiencies of
16 the application under the Act or the rules and regulations of
17 the Division Board, and require the submittal of an amended
18 application within a reasonable time determined by the
19 Division Board; and upon submittal of the amended application
20 by the applicant, the Division Board may consider the
21 application consistent with the process described in
22 subsection (e-5) of Section 20 of this Act. If it is found to
23 be in compliance with this Act and the rules and regulations of
24 the Division Board, the Division Board may then issue an
25 organization license to such applicant.

1 (b) The Division Board may exercise discretion in granting
2 racing dates to qualified applicants different from those
3 requested by the applicants in their applications. However, if
4 all eligible applicants for organization licenses whose tracks
5 are located within 100 miles of each other execute and submit
6 to the Division Board a written agreement among such
7 applicants as to the award of racing dates, including where
8 applicable racing programs, for up to 3 consecutive years,
9 then subject to annual review of each applicant's compliance
10 with Division Board rules and regulations, provisions of this
11 Act and conditions contained in annual dates orders issued by
12 the Division Board, the Division Board may grant such dates
13 and programs to such applicants as so agreed by them if the
14 Board determines that the grant of these racing dates is in the
15 best interests of racing. The Division Board shall treat any
16 such agreement as the agreement signatories' joint and several
17 application for racing dates during the term of the agreement.

18 (c) Where 2 or more applicants propose to conduct horse
19 race meetings within 35 miles of each other, as certified to
20 the Division Board under Section 19 (a) (1) of this Act, on
21 conflicting dates, the Division Board may determine and grant
22 the number of racing days to be awarded to the several
23 applicants in accordance with the provisions of subsection
24 (e-5) of Section 20 of this Act.

25 (d) (Blank).

26 (e) Prior to the issuance of an organization license, the

1 applicant shall file with the Division Board ~~Board~~ the bond required
2 in subsection (d) of Section 27 payable to the State of
3 Illinois, executed by the applicant and a surety company or
4 companies authorized to do business in this State, and
5 conditioned upon the payment by the organization licensee of
6 all taxes due under Section 27, other monies due and payable
7 under this Act, all purses due and payable, and that the
8 organization licensee will upon presentation of the winning
9 ticket or tickets distribute all sums due to the patrons of
10 pari-mutuel pools.

11 (f) Each organization license shall specify the person to
12 whom it is issued, the dates upon which horse racing is
13 permitted, and the location, place, track, or enclosure where
14 the horse race meeting is to be held.

15 (g) Any person who owns one or more race tracks within the
16 State may seek, in its own name, a separate organization
17 license for each race track.

18 (h) All racing conducted under such organization license
19 is subject to this Act and to the rules and regulations from
20 time to time prescribed by the Division Board ~~Board~~, and every such
21 organization license issued by the Division Board ~~Board~~ shall
22 contain a recital to that effect.

23 (i) Each such organization licensee may provide that at
24 least one race per day may be devoted to the racing of quarter
25 horses, appaloosas, arabians, or paints.

26 (j) In acting on applications for organization licenses,

1 the Division Board shall give weight to an organization
2 license which has implemented a good faith affirmative action
3 effort to recruit, train and upgrade minorities in all
4 classifications within the organization license.

5 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21.)

6 (230 ILCS 5/23) (from Ch. 8, par. 37-23)

7 Sec. 23. (a) The Division Board shall promulgate as part
8 of its rules and regulations a set of minimum standards
9 (including, but not limited to, a workers' compensation plan)
10 to be observed by race tracks.

11 (b) The failure of a person who has been awarded racing
12 dates to observe the minimum standards to be promulgated by
13 the Division Board under subsection (a) of this Section shall
14 result in the mandatory suspension of the organization license
15 of that person by the Division Board. The suspended
16 organization license of the person shall not be reinstated
17 until the minimum standards are observed. Those persons and
18 tracks which apply for dates shall not be granted organization
19 licenses if they are not in observance of the minimum
20 standards to be promulgated by the Division Board under
21 subsection (a) of this Section.

22 The Division Board may refuse to issue or may suspend the
23 organization license of any person who fails to file a return,
24 or to pay the tax, penalty or interest shown in a filed return,
25 or to pay any final assessment of tax, penalty or interest, as

1 required by any tax Act administered by the Illinois
2 Department of Revenue, until such time as the requirements of
3 any such tax Act are satisfied.

4 (c) The Division Board shall consider the operational
5 needs of the Illinois State Fair and the DuQuoin State Fair as
6 this Section applies to the Illinois Department of
7 Agriculture. In considering the operational needs of the
8 Illinois Department of Agriculture, the Division Board may
9 waive any rule or portion of a rule when the physical
10 structure, improvement cost or other use of the facilities
11 prohibits compliance within this Act or the Division's Board's
12 rules.

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

14 (230 ILCS 5/24) (from Ch. 8, par. 37-24)

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

23 (b) An organization licensee must notify the Division
24 ~~Board~~ within 10 days of any change in the holders of a direct
25 or indirect interest in the ownership of the organization

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

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

12 (d) No person which has been granted an organization
13 license to hold a race meeting shall give to any public
14 official or member of his family, directly or indirectly, for
15 or without consideration, any interest in the person. The
16 Division Board shall, after a hearing before the Director,
17 revoke the organization license granted to a person which has
18 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 or pay or give any money or other thing of value to any
26 person who is a public official, or a candidate or nominee for

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

3 (Source: P.A. 101-31, eff. 6-28-19.)

4 (230 ILCS 5/25) (from Ch. 8, par. 37-25)

5 Sec. 25. Admission charge; bond; fine.

6 (a) There shall be paid to the Division Board ~~Board~~ at such time
7 or times as it shall prescribe, the sum of fifteen cents (15¢)
8 for each person entering the grounds or enclosure of each
9 organization licensee and inter-track wagering licensee upon a
10 ticket of admission except as provided in subsection (g) of
11 Section 27 of this Act. If tickets are issued for more than one
12 day then the sum of fifteen cents (15¢) shall be paid for each
13 person using such ticket on each day that the same shall be
14 used. Provided, however, that no charge shall be made on
15 tickets of admission issued to and in the name of directors,
16 officers, agents or employees of the organization licensee, or
17 inter-track wagering licensee, or to owners, trainers,
18 jockeys, drivers and their employees or to any person or
19 persons entering the grounds or enclosure for the transaction
20 of business in connection with such race meeting. The
21 organization licensee or inter-track wagering licensee may, if
22 it desires, collect such amount from each ticket holder in
23 addition to the amount or amounts charged for such ticket of
24 admission. Beginning on the date when any organization
25 licensee begins conducting gaming pursuant to an organization

1 gaming license issued under the Illinois Gambling Act, the
2 admission charge imposed by this subsection (a) shall be 40
3 cents for each person entering the grounds or enclosure of
4 each organization licensee and inter-track wagering licensee
5 upon a ticket of admission, and if such tickets are issued for
6 more than one day, 40 cents shall be paid for each person using
7 such ticket on each day that the same shall be used.

8 (b) Accurate records and books shall at all times be kept
9 and maintained by the organization licensees and inter-track
10 wagering licensees showing the admission tickets issued and
11 used on each racing day and the attendance thereat of each
12 horse racing meeting. The Division Board or its duly
13 authorized representative or representatives shall at all
14 reasonable times have access to the admission records of any
15 organization licensee and inter-track wagering licensee for
16 the purpose of examining and checking the same and
17 ascertaining whether or not the proper amount has been or is
18 being paid the State of Illinois as herein provided. The
19 Division Board shall also require, before issuing any license,
20 that the licensee shall execute and deliver to it a bond,
21 payable to the State of Illinois, in such sum as it shall
22 determine, not, however, in excess of fifty thousand dollars
23 (\$50,000), with a surety or sureties to be approved by it,
24 conditioned for the payment of all sums due and payable or
25 collected by it under this Section upon admission fees
26 received for any particular racing meetings. The Division

1 ~~Board~~ may also from time to time require sworn statements of
2 the number or numbers of such admissions and may prescribe
3 blanks upon which such reports shall be made. Any organization
4 licensee or inter-track wagering licensee failing or refusing
5 to pay the amount found to be due as herein provided, shall be
6 deemed guilty of a business offense and upon conviction shall
7 be punished by a fine of not more than five thousand dollars
8 (\$5,000) in addition to the amount due from such organization
9 licensee or inter-track wagering licensee as herein provided.
10 All fines paid into court by an organization licensee or
11 inter-track wagering licensee found guilty of violating this
12 Section shall be transmitted and paid over by the clerk of the
13 court to the Division ~~Board~~. Beginning on the date when any
14 organization licensee begins conducting gaming pursuant to an
15 organization gaming license issued under the Illinois Gambling
16 Act, any fine imposed pursuant to this subsection (b) shall
17 not exceed \$10,000.

18 (Source: P.A. 101-31, eff. 6-28-19.)

19 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

20 Sec. 26. Wagering.

21 (a) Any licensee may conduct and supervise the pari-mutuel
22 system of wagering, as defined in Section 3.12 of this Act, on
23 horse races conducted by an Illinois organization licensee or
24 conducted at a racetrack located in another state or country
25 in accordance with subsection (g) of Section 26 of this Act.

1 Subject to the prior consent of the Division Board, licensees
2 may supplement any pari-mutuel pool in order to guarantee a
3 minimum distribution. Such pari-mutuel method of wagering
4 shall not, under any circumstances if conducted under the
5 provisions of this Act, be held or construed to be unlawful,
6 other statutes of this State to the contrary notwithstanding.
7 Subject to rules for advance wagering promulgated by the
8 Division Board, any licensee may accept wagers in advance of
9 the day the race wagered upon occurs.

10 (b) Except for those gaming activities for which a license
11 is obtained and authorized under the Illinois Lottery Law, the
12 Charitable Games Act, the Raffles and Poker Runs Act, or the
13 Illinois Gambling Act, no other method of betting, pool
14 making, wagering or gambling shall be used or permitted by the
15 licensee. Each licensee may retain, subject to the payment of
16 all applicable taxes and purses, an amount not to exceed 17% of
17 all money wagered under subsection (a) of this Section, except
18 as may otherwise be permitted under this Act.

19 (b-5) An individual may place a wager under the
20 pari-mutuel system from any licensed location authorized under
21 this Act provided that wager is electronically recorded in the
22 manner described in Section 3.12 of this Act. Any wager made
23 electronically by an individual while physically on the
24 premises of a licensee shall be deemed to have been made at the
25 premises of that licensee.

26 (c) (Blank).

1 (c-5) The sum held by any licensee for payment of
2 outstanding pari-mutuel tickets, if unclaimed prior to
3 December 31 of the next year, shall be retained by the licensee
4 for payment of such tickets until that date. Within 10 days
5 thereafter, the balance of such sum remaining unclaimed, less
6 any uncashed supplements contributed by such licensee for the
7 purpose of guaranteeing minimum distributions of any
8 pari-mutuel pool, shall be evenly distributed to the purse
9 account of the organization licensee and the organization
10 licensee, except that the balance of the sum of all
11 outstanding pari-mutuel tickets generated from simulcast
12 wagering and inter-track wagering by an organization licensee
13 located in a county with a population in excess of 230,000 and
14 borders the Mississippi River or any licensee that derives its
15 license from that organization licensee shall be evenly
16 distributed to the purse account of the organization licensee
17 and the organization licensee.

18 (d) A pari-mutuel ticket shall be honored until December
19 31 of the next calendar year, and the licensee shall pay the
20 same and may charge the amount thereof against unpaid money
21 similarly accumulated on account of pari-mutuel tickets not
22 presented for payment.

23 (e) No licensee shall knowingly permit any minor, other
24 than an employee of such licensee or an owner, trainer,
25 jockey, driver, or employee thereof, to be admitted during a
26 racing program unless accompanied by a parent or guardian, or

1 any minor to be a patron of the pari-mutuel system of wagering
2 conducted or supervised by it. The admission of any
3 unaccompanied minor, other than an employee of the licensee or
4 an owner, trainer, jockey, driver, or employee thereof at a
5 race track is a Class C misdemeanor.

6 (f) Notwithstanding the other provisions of this Act, an
7 organization licensee may contract with an entity in another
8 state or country to permit any legal wagering entity in
9 another state or country to accept wagers solely within such
10 other state or country on races conducted by the organization
11 licensee in this State. Beginning January 1, 2000, these
12 wagers shall not be subject to State taxation. Until January
13 1, 2000, when the out-of-State entity conducts a pari-mutuel
14 pool separate from the organization licensee, a privilege tax
15 equal to 7 1/2% of all monies received by the organization
16 licensee from entities in other states or countries pursuant
17 to such contracts is imposed on the organization licensee, and
18 such privilege tax shall be remitted to the Department of
19 Revenue within 48 hours of receipt of the moneys from the
20 simulcast. When the out-of-State entity conducts a combined
21 pari-mutuel pool with the organization licensee, the tax shall
22 be 10% of all monies received by the organization licensee
23 with 25% of the receipts from this 10% tax to be distributed to
24 the county in which the race was conducted.

25 An organization licensee may permit one or more of its
26 races to be utilized for pari-mutuel wagering at one or more

1 locations in other states and may transmit audio and visual
2 signals of races the organization licensee conducts to one or
3 more locations outside the State or country and may also
4 permit pari-mutuel pools in other states or countries to be
5 combined with its gross or net wagering pools or with wagering
6 pools established by other states.

7 (g) A host track may accept interstate simulcast wagers on
8 horse races conducted in other states or countries and shall
9 control the number of signals and types of breeds of racing in
10 its simulcast program, subject to the disapproval of the
11 Division Board. The Division Board may prohibit a simulcast
12 program only if it finds that the simulcast program is clearly
13 adverse to the integrity of racing. The host track simulcast
14 program shall include the signal of live racing of all
15 organization licensees. All non-host licensees and advance
16 deposit wagering licensees shall carry the signal of and
17 accept wagers on live racing of all organization licensees.
18 Advance deposit wagering licensees shall not be permitted to
19 accept out-of-state wagers on any Illinois signal provided
20 pursuant to this Section without the approval and consent of
21 the organization licensee providing the signal. For one year
22 after August 15, 2014 (the effective date of Public Act
23 98-968), non-host licensees may carry the host track simulcast
24 program and shall accept wagers on all races included as part
25 of the simulcast program of horse races conducted at race
26 tracks located within North America upon which wagering is

1 permitted. For a period of one year after August 15, 2014 (the
2 effective date of Public Act 98-968), on horse races conducted
3 at race tracks located outside of North America, non-host
4 licensees may accept wagers on all races included as part of
5 the simulcast program upon which wagering is permitted.
6 Beginning August 15, 2015 (one year after the effective date
7 of Public Act 98-968), non-host licensees may carry the host
8 track simulcast program and shall accept wagers on all races
9 included as part of the simulcast program upon which wagering
10 is permitted. All organization licensees shall provide their
11 live signal to all advance deposit wagering licensees for a
12 simulcast commission fee not to exceed 6% of the advance
13 deposit wagering licensee's Illinois handle on the
14 organization licensee's signal without prior approval by the
15 Division Board. The Division Board may adopt rules under which
16 it may permit simulcast commission fees in excess of 6%. The
17 Division Board shall adopt rules limiting the interstate
18 commission fees charged to an advance deposit wagering
19 licensee. The Division Board shall adopt rules regarding
20 advance deposit wagering on interstate simulcast races that
21 shall reflect, among other things, the General Assembly's
22 desire to maximize revenues to the State, horsemen purses, and
23 organization licensees. However, organization licensees
24 providing live signals pursuant to the requirements of this
25 subsection (g) may petition the Division Board to withhold
26 their live signals from an advance deposit wagering licensee

1 if the organization licensee discovers and the Division Board
2 finds reputable or credible information that the advance
3 deposit wagering licensee is under investigation by another
4 state or federal governmental agency, the advance deposit
5 wagering licensee's license has been suspended in another
6 state, or the advance deposit wagering licensee's license is
7 in revocation proceedings in another state. The organization
8 licensee's provision of their live signal to an advance
9 deposit wagering licensee under this subsection (g) pertains
10 to wagers placed from within Illinois. Advance deposit
11 wagering licensees may place advance deposit wagering
12 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 Division Board. The Division Board shall promulgate rules
23 under which it may permit interstate commission fees in excess
24 of 5%. The interstate commission fee and other fees charged by
25 the sending racetrack, including, but not limited to,
26 satellite decoder fees, shall be uniformly applied to the host

1 track and all non-host licensees.

2 Notwithstanding any other provision of this Act, an
3 organization licensee, with the consent of the horsemen
4 association representing the largest number of owners,
5 trainers, jockeys, or standardbred drivers who race horses at
6 that organization licensee's racing meeting, may maintain a
7 system whereby advance deposit wagering may take place or an
8 organization licensee, with the consent of the horsemen
9 association representing the largest number of owners,
10 trainers, jockeys, or standardbred drivers who race horses at
11 that organization licensee's racing meeting, may contract with
12 another person to carry out a system of advance deposit
13 wagering. Such consent may not be unreasonably withheld. Only
14 with respect to an appeal to the Division Board ~~Board~~ that consent
15 for an organization licensee that maintains its own advance
16 deposit wagering system is being unreasonably withheld, the
17 Division Board ~~Board~~ shall issue a final order within 30 days after
18 initiation of the appeal, and the organization licensee's
19 advance deposit wagering system may remain operational during
20 that 30-day period. The actions of any organization licensee
21 who conducts advance deposit wagering or any person who has a
22 contract with an organization licensee to conduct advance
23 deposit wagering who conducts advance deposit wagering on or
24 after January 1, 2013 and prior to June 7, 2013 (the effective
25 date of Public Act 98-18) taken in reliance on the changes made
26 to this subsection (g) by Public Act 98-18 are hereby

1 validated, provided payment of all applicable pari-mutuel
2 taxes are remitted to the Division Board. All advance deposit
3 wagers placed from within Illinois must be placed through a
4 Division-approved ~~Board-approved~~ advance deposit wagering
5 licensee; no other entity may accept an advance deposit wager
6 from a person within Illinois. All advance deposit wagering is
7 subject to any rules adopted by the Division Board. The
8 Division Board may adopt rules necessary to regulate advance
9 deposit wagering through the use of emergency rulemaking in
10 accordance with Section 5-45 of the Illinois Administrative
11 Procedure Act. The General Assembly finds that the adoption of
12 rules to regulate advance deposit wagering is deemed an
13 emergency and necessary for the public interest, safety, and
14 welfare. An advance deposit wagering licensee may retain all
15 moneys as agreed to by contract with an organization licensee.
16 Any moneys retained by the organization licensee from advance
17 deposit wagering, not including moneys retained by the advance
18 deposit wagering licensee, shall be paid 50% to the
19 organization licensee's purse account and 50% to the
20 organization licensee. With the exception of any organization
21 licensee that is owned by a publicly traded company that is
22 incorporated in a state other than Illinois and advance
23 deposit wagering licensees under contract with such
24 organization licensees, organization licensees that maintain
25 advance deposit wagering systems and advance deposit wagering
26 licensees that contract with organization licensees shall

1 provide sufficiently detailed monthly accountings to the
2 horsemen association representing the largest number of
3 owners, trainers, jockeys, or standardbred drivers who race
4 horses at that organization licensee's racing meeting so that
5 the horsemen association, as an interested party, can confirm
6 the accuracy of the amounts paid to the purse account at the
7 horsemen association's affiliated organization licensee from
8 advance deposit wagering. If more than one breed races at the
9 same race track facility, then the 50% of the moneys to be paid
10 to an organization licensee's purse account shall be allocated
11 among all organization licensees' purse accounts operating at
12 that race track facility proportionately based on the actual
13 number of host days that the Division Board grants to that
14 breed at that race track facility in the current calendar
15 year. To the extent any fees from advance deposit wagering
16 conducted in Illinois for wagers in Illinois or other states
17 have been placed in escrow or otherwise withheld from wagers
18 pending a determination of the legality of advance deposit
19 wagering, no action shall be brought to declare such wagers or
20 the disbursement of any fees previously escrowed illegal.

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

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

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

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

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

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

24 (5) After the payment of the interstate commission fee
25 (except for the interstate commission fee on a
26 supplemental interstate simulcast, which shall be paid by

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

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

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

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

26 (7) Effective January 1, 2017, notwithstanding any

1 provision of this Act to the contrary, after payment of
2 all applicable State and local taxes and interstate
3 commission fees, non-host licensees who derive their
4 licenses from a track located in a county with a
5 population in excess of 230,000 and that borders the
6 Mississippi River shall retain 50% of the retention from
7 interstate simulcast wagers and shall pay 50% to purses at
8 the track from which the non-host licensee derives its
9 license.

10 (7.1) Notwithstanding any other provision of this Act
11 to the contrary, if no standardbred racing is conducted at
12 a racetrack located in Madison County during any calendar
13 year beginning on or after January 1, 2002, all moneys
14 derived by that racetrack from simulcast wagering and
15 inter-track wagering that (1) are to be used for purses
16 and (2) are generated between the hours of 6:30 p.m. and
17 6:30 a.m. during that calendar year shall be paid as
18 follows:

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

24 (B) Twenty percent shall be deposited into the
25 Illinois Colt Stakes Purse Distribution Fund and shall
26 be paid to purses for standardbred races for Illinois

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

13 (7.2) Notwithstanding any other provision of this Act
14 to the contrary, if no thoroughbred racing is conducted at
15 a racetrack located in Madison County during any calendar
16 year beginning on or after January 1, 2002, all moneys
17 derived by that racetrack from simulcast wagering and
18 inter-track wagering that (1) are to be used for purses
19 and (2) are generated between the hours of 6:30 a.m. and
20 6:30 p.m. during that calendar year shall be deposited as
21 follows:

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

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

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

26 (8.1) Notwithstanding any provisions in this Act to

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

15 (9) (Blank).

16 (10) (Blank).

17 (11) (Blank).

18 (12) The Division ~~Board~~ shall have authority to compel
19 all host tracks to receive the simulcast of any or all
20 races conducted at the Springfield or DuQuoin State
21 fairgrounds and include all such races as part of their
22 simulcast programs.

23 (13) Notwithstanding any other provision of this Act,
24 in the event that the total Illinois pari-mutuel handle on
25 Illinois horse races at all wagering facilities in any
26 calendar year is less than 75% of the total Illinois

1 pari-mutuel handle on Illinois horse races at all such
2 wagering facilities for calendar year 1994, then each
3 wagering facility that has an annual total Illinois
4 pari-mutuel handle on Illinois horse races that is less
5 than 75% of the total Illinois pari-mutuel handle on
6 Illinois horse races at such wagering facility for
7 calendar year 1994, shall be permitted to receive, from
8 any amount otherwise payable to the purse account at the
9 race track with which the wagering facility is affiliated
10 in the succeeding calendar year, an amount equal to 2% of
11 the differential in total Illinois pari-mutuel handle on
12 Illinois horse races at the wagering facility between that
13 calendar year in question and 1994 provided, however, that
14 a wagering facility shall not be entitled to any such
15 payment until the Division Board certifies in writing to
16 the wagering facility the amount to which the wagering
17 facility is entitled and a schedule for payment of the
18 amount to the wagering facility, based on: (i) the racing
19 dates awarded to the race track affiliated with the
20 wagering facility during the succeeding year; (ii) the
21 sums available or anticipated to be available in the purse
22 account of the race track affiliated with the wagering
23 facility for purses during the succeeding year; and (iii)
24 the need to ensure reasonable purse levels during the
25 payment period. The Division's Board's certification shall
26 be provided no later than January 31 of the succeeding

1 year. In the event a wagering facility entitled to a
2 payment under this paragraph (13) is affiliated with a
3 race track that maintains purse accounts for both
4 standardbred and thoroughbred racing, the amount to be
5 paid to the wagering facility shall be divided between
6 each purse account pro rata, based on the amount of
7 Illinois handle on Illinois standardbred and thoroughbred
8 racing respectively at the wagering facility during the
9 previous calendar year. Annually, the General Assembly
10 shall appropriate sufficient funds from the General
11 Revenue Fund to the Department of Agriculture for payment
12 into the thoroughbred and standardbred horse racing purse
13 accounts at Illinois pari-mutuel tracks. The amount paid
14 to each purse account shall be the amount certified by the
15 Division ~~Illinois Racing Board~~ in January to be
16 transferred from each account to each eligible racing
17 facility in accordance with the provisions of this
18 Section. Beginning in the calendar year in which an
19 organization licensee that is eligible to receive payment
20 under this paragraph (13) begins to receive funds from
21 gaming pursuant to an organization gaming license issued
22 under the Illinois Gambling Act, the amount of the payment
23 due to all wagering facilities licensed under that
24 organization licensee under this paragraph (13) shall be
25 the amount certified by the Division ~~Board~~ in January of
26 that year. An organization licensee and its related

1 wagering facilities shall no longer be able to receive
2 payments under this paragraph (13) beginning in the year
3 subsequent to the first year in which the organization
4 licensee begins to receive funds from gaming pursuant to
5 an organization gaming license issued under the Illinois
6 Gambling Act.

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

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

1 result of (A) weather, unsafe track conditions, or other
2 acts of God; (B) an agreement between the organization
3 licensee and the associations representing the largest
4 number of owners, trainers, jockeys, or standardbred
5 drivers who race horses at that organization licensee's
6 racing meeting; or (C) a finding by the Division Board of
7 extraordinary circumstances and that it was in the best
8 interest of the public and the sport to conduct fewer than
9 100 days of live racing. Any such person having operating
10 control of the racing facility may receive inter-track
11 wagering location licenses. An eligible race track located
12 in a county that has a population of more than 230,000 and
13 that is bounded by the Mississippi River may establish up
14 to 9 inter-track wagering locations, an eligible race
15 track located in Stickney Township in Cook County may
16 establish up to 16 inter-track wagering locations, and an
17 eligible race track located in Palatine Township in Cook
18 County may establish up to 18 inter-track wagering
19 locations. An eligible racetrack conducting standardbred
20 racing may have up to 16 inter-track wagering locations.
21 An application for said license shall be filed with the
22 Division Board prior to such dates as may be fixed by the
23 Division Board. With an application for an inter-track
24 wagering location license there shall be delivered to the
25 Division Board a certified check or bank draft payable to
26 the order of the Division Board for an amount equal to

1 \$500. The application shall be on forms prescribed and
2 furnished by the Division Board. The application shall
3 comply with all other rules, regulations and conditions
4 imposed by the Division Board in connection therewith.

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

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

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

1 or 27.1 and any other monies due and payable under this
2 Act, and (ii) distribution by the licensee, upon
3 presentation of the winning ticket or tickets, of all sums
4 payable to the patrons of pari-mutuel pools.

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

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

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

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

22 (8.1) Inter-track wagering location licensees who
23 derive their licenses from a particular organization
24 licensee shall conduct inter-track wagering and simulcast
25 wagering only at locations that are within 160 miles of
26 that race track where the particular organization licensee

1 is licensed to conduct racing. However, inter-track
2 wagering and simulcast wagering shall not be conducted by
3 those licensees at any location within 5 miles of any race
4 track at which a horse race meeting has been licensed in
5 the current year, unless the person having operating
6 control of such race track has given its written consent
7 to such inter-track wagering location licensees, which
8 consent must be filed with the Division Board at or prior
9 to the time application is made. In the case of any
10 inter-track wagering location licensee initially licensed
11 after December 31, 2013, inter-track wagering and
12 simulcast wagering shall not be conducted by those
13 inter-track wagering location licensees that are located
14 outside the City of Chicago at any location within 8 miles
15 of any race track at which a horse race meeting has been
16 licensed in the current year, unless the person having
17 operating control of such race track has given its written
18 consent to such inter-track wagering location licensees,
19 which consent must be filed with the Division Board at or
20 prior to the time application is made.

21 (8.2) Inter-track wagering or simulcast wagering shall
22 not be conducted by an inter-track wagering location
23 licensee at any location within 100 feet of an existing
24 church, an existing elementary or secondary public school,
25 or an existing elementary or secondary private school
26 registered with or recognized by the State Board of

1 Education. The distance of 100 feet shall be measured to
2 the nearest part of any building used for worship
3 services, education programs, or conducting inter-track
4 wagering by an inter-track wagering location licensee, and
5 not to property boundaries. However, inter-track wagering
6 or simulcast wagering may be conducted at a site within
7 100 feet of a church or school if such church or school has
8 been erected or established after the Division Board ~~Board~~
9 issues the original inter-track wagering location license
10 at the site in question. Inter-track wagering location
11 licensees may conduct inter-track wagering and simulcast
12 wagering only in areas that are zoned for commercial or
13 manufacturing purposes or in areas for which a special use
14 has been approved by the local zoning authority. However,
15 no license to conduct inter-track wagering and simulcast
16 wagering shall be granted by the Division Board ~~Board~~ with
17 respect to any inter-track wagering location within the
18 jurisdiction of any local zoning authority which has, by
19 ordinance or by resolution, prohibited the establishment
20 of an inter-track wagering location within its
21 jurisdiction. However, inter-track wagering and simulcast
22 wagering may be conducted at a site if such ordinance or
23 resolution is enacted after the Division Board ~~Board~~ licenses
24 the original inter-track wagering location licensee for
25 the site in question.

26 (9) (Blank).

1 (10) An inter-track wagering licensee or an
2 inter-track wagering location licensee may retain, subject
3 to the payment of the privilege taxes and the purses, an
4 amount not to exceed 17% of all money wagered. Each
5 program of racing conducted by each inter-track wagering
6 licensee or inter-track wagering location licensee shall
7 be considered a separate racing day for the purpose of
8 determining the daily handle and computing the privilege
9 tax or pari-mutuel tax on such daily handle as provided in
10 Section 27.

11 (10.1) Except as provided in subsection (g) of Section
12 27 of this Act, inter-track wagering location licensees
13 shall pay 1% of the pari-mutuel handle at each location to
14 the municipality in which such location is situated and 1%
15 of the pari-mutuel handle at each location to the county
16 in which such location is situated. In the event that an
17 inter-track wagering location licensee is situated in an
18 unincorporated area of a county, such licensee shall pay
19 2% of the pari-mutuel handle from such location to such
20 county. Inter-track wagering location licensees must pay
21 the handle percentage required under this paragraph to the
22 municipality and county no later than the 20th of the
23 month following the month such handle was generated.

24 (10.2) Notwithstanding any other provision of this
25 Act, with respect to inter-track wagering at a race track
26 located in a county that has a population of more than

1 230,000 and that is bounded by the Mississippi River ("the
2 first race track"), or at a facility operated by an
3 inter-track wagering licensee or inter-track wagering
4 location licensee that derives its license from the
5 organization licensee that operates the first race track,
6 on races conducted at the first race track or on races
7 conducted at another Illinois race track and
8 simultaneously televised to the first race track or to a
9 facility operated by an inter-track wagering licensee or
10 inter-track wagering location licensee that derives its
11 license from the organization licensee that operates the
12 first race track, those moneys shall be allocated as
13 follows:

14 (A) That portion of all moneys wagered on
15 standardbred racing that is required under this Act to
16 be paid to purses shall be paid to purses for
17 standardbred races.

18 (B) That portion of all moneys wagered on
19 thoroughbred racing that is required under this Act to
20 be paid to purses shall be paid to purses for
21 thoroughbred races.

22 (11) (A) After payment of the privilege or pari-mutuel
23 tax, any other applicable taxes, and the costs and
24 expenses in connection with the gathering, transmission,
25 and dissemination of all data necessary to the conduct of
26 inter-track wagering, the remainder of the monies retained

1 under either Section 26 or Section 26.2 of this Act by the
2 inter-track wagering licensee on inter-track wagering
3 shall be allocated with 50% to be split between the 2
4 participating licensees and 50% to purses, except that an
5 inter-track wagering licensee that derives its license
6 from a track located in a county with a population in
7 excess of 230,000 and that borders the Mississippi River
8 shall not divide any remaining retention with the Illinois
9 organization licensee that provides the race or races, and
10 an inter-track wagering licensee that accepts wagers on
11 races conducted by an organization licensee that conducts
12 a race meet in a county with a population in excess of
13 230,000 and that borders the Mississippi River shall not
14 divide any remaining retention with that organization
15 licensee.

16 (B) From the sums permitted to be retained pursuant to
17 this Act each inter-track wagering location licensee shall
18 pay (i) the privilege or pari-mutuel tax to the State;
19 (ii) 4.75% of the pari-mutuel handle on inter-track
20 wagering at such location on races as purses, except that
21 an inter-track wagering location licensee that derives its
22 license from a track located in a county with a population
23 in excess of 230,000 and that borders the Mississippi
24 River shall retain all purse moneys for its own purse
25 account consistent with distribution set forth in this
26 subsection (h), and inter-track wagering location

1 licenses that accept wagers on races conducted by an
2 organization licensee located in a county with a
3 population in excess of 230,000 and that borders the
4 Mississippi River shall distribute all purse moneys to
5 purses at the operating host track; (iii) until January 1,
6 2000, except as provided in subsection (g) of Section 27
7 of this Act, 1% of the pari-mutuel handle wagered on
8 inter-track wagering and simulcast wagering at each
9 inter-track wagering location licensee facility to the
10 Horse Racing Tax Allocation Fund, provided that, to the
11 extent the total amount collected and distributed to the
12 Horse Racing Tax Allocation Fund under this subsection (h)
13 during any calendar year exceeds the amount collected and
14 distributed to the Horse Racing Tax Allocation Fund during
15 calendar year 1994, that excess amount shall be
16 redistributed (I) to all inter-track wagering location
17 licensees, based on each licensee's pro rata share of the
18 total handle from inter-track wagering and simulcast
19 wagering for all inter-track wagering location licensees
20 during the calendar year in which this provision is
21 applicable; then (II) the amounts redistributed to each
22 inter-track wagering location licensee as described in
23 subpart (I) shall be further redistributed as provided in
24 subparagraph (B) of paragraph (5) of subsection (g) of
25 this Section 26 provided first, that the shares of those
26 amounts, which are to be redistributed to the host track

1 or to purses at the host track under subparagraph (B) of
2 paragraph (5) of subsection (g) of this Section 26 shall
3 be redistributed based on each host track's pro rata share
4 of the total inter-track wagering and simulcast wagering
5 handle at all host tracks during the calendar year in
6 question, and second, that any amounts redistributed as
7 described in part (I) to an inter-track wagering location
8 licensee that accepts wagers on races conducted by an
9 organization licensee that conducts a race meet in a
10 county with a population in excess of 230,000 and that
11 borders the Mississippi River shall be further
12 redistributed, effective January 1, 2017, as provided in
13 paragraph (7) of subsection (g) of this Section 26, with
14 the portion of that further redistribution allocated to
15 purses at that organization licensee to be divided between
16 standardbred purses and thoroughbred purses based on the
17 amounts otherwise allocated to purses at that organization
18 licensee during the calendar year in question; and (iv) 8%
19 of the pari-mutuel handle on inter-track wagering wagered
20 at such location to satisfy all costs and expenses of
21 conducting its wagering. The remainder of the monies
22 retained by the inter-track wagering location licensee
23 shall be allocated 40% to the location licensee and 60% to
24 the organization licensee which provides the Illinois
25 races to the location, except that an inter-track wagering
26 location licensee that derives its license from a track

1 located in a county with a population in excess of 230,000
2 and that borders the Mississippi River shall not divide
3 any remaining retention with the organization licensee
4 that provides the race or races and an inter-track
5 wagering location licensee that accepts wagers on races
6 conducted by an organization licensee that conducts a race
7 meet in a county with a population in excess of 230,000 and
8 that borders the Mississippi River shall not divide any
9 remaining retention with the organization licensee.
10 Notwithstanding the provisions of clauses (ii) and (iv) of
11 this paragraph, in the case of the additional inter-track
12 wagering location licenses authorized under paragraph (1)
13 of this subsection (h) by Public Act 87-110, those
14 licensees shall pay the following amounts as purses:
15 during the first 12 months the licensee is in operation,
16 5.25% of the pari-mutuel handle wagered at the location on
17 races; during the second 12 months, 5.25%; during the
18 third 12 months, 5.75%; during the fourth 12 months,
19 6.25%; and during the fifth 12 months and thereafter,
20 6.75%. The following amounts shall be retained by the
21 licensee to satisfy all costs and expenses of conducting
22 its wagering: during the first 12 months the licensee is
23 in operation, 8.25% of the pari-mutuel handle wagered at
24 the location; during the second 12 months, 8.25%; during
25 the third 12 months, 7.75%; during the fourth 12 months,
26 7.25%; and during the fifth 12 months and thereafter,

1 6.75%. For additional inter-track wagering location
2 licensees authorized under Public Act 89-16, purses for
3 the first 12 months the licensee is in operation shall be
4 5.75% of the pari-mutuel wagered at the location, purses
5 for the second 12 months the licensee is in operation
6 shall be 6.25%, and purses thereafter shall be 6.75%. For
7 additional inter-track location licensees authorized under
8 Public Act 89-16, the licensee shall be allowed to retain
9 to satisfy all costs and expenses: 7.75% of the
10 pari-mutuel handle wagered at the location during its
11 first 12 months of operation, 7.25% during its second 12
12 months of operation, and 6.75% thereafter.

13 (C) There is hereby created the Horse Racing Tax
14 Allocation Fund which shall remain in existence until
15 December 31, 1999. Moneys remaining in the Fund after
16 December 31, 1999 shall be paid into the General Revenue
17 Fund. Until January 1, 2000, all monies paid into the
18 Horse Racing Tax Allocation Fund pursuant to this
19 paragraph (11) by inter-track wagering location licensees
20 located in park districts of 500,000 population or less,
21 or in a municipality that is not included within any park
22 district but is included within a conservation district
23 and is the county seat of a county that (i) is contiguous
24 to the state of Indiana and (ii) has a 1990 population of
25 88,257 according to the United States Bureau of the
26 Census, and operating on May 1, 1994 shall be allocated by

1 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
6 of 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
7 be reimbursed for all actual and necessary expenses
8 and 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 park districts or municipalities
14 that do not have a park district of 500,000 population
15 or less for museum purposes (if an inter-track
16 wagering location licensee is located in such a park
17 district) or to conservation districts for museum
18 purposes (if an inter-track wagering location licensee
19 is located in a municipality that is not included
20 within any park district but is included within a
21 conservation district and is the county seat of a
22 county that (i) is contiguous to the state of Indiana
23 and (ii) has a 1990 population of 88,257 according to
24 the United States Bureau of the Census, except that if
25 the conservation district does not maintain a museum,
26 the monies shall be allocated equally between the

1 county and the municipality in which the inter-track
2 wagering location licensee is located for general
3 purposes) or to a municipal recreation board for park
4 purposes (if an inter-track wagering location licensee
5 is located in a municipality that is not included
6 within any park district and park maintenance is the
7 function of the municipal recreation board and the
8 municipality has a 1990 population of 9,302 according
9 to the United States Bureau of the Census); provided
10 that the monies are distributed to each park district
11 or conservation district or municipality that does not
12 have a park district in an amount equal to
13 four-sevenths of the amount collected by each
14 inter-track wagering location licensee within the park
15 district or conservation district or municipality for
16 the Fund. Monies that were paid into the Horse Racing
17 Tax Allocation Fund before August 9, 1991 (the
18 effective date of Public Act 87-110) by an inter-track
19 wagering location licensee located in a municipality
20 that is not included within any park district but is
21 included within a conservation district as provided in
22 this paragraph shall, as soon as practicable after
23 August 9, 1991 (the effective date of Public Act
24 87-110), be allocated and paid to that conservation
25 district as provided in this paragraph. Any park
26 district or municipality not maintaining a museum may

1 deposit the monies in the corporate fund of the park
2 district or municipality where the inter-track
3 wagering location is located, to be used for general
4 purposes; and

5 One-seventh to the Agricultural Premium Fund to be
6 used for distribution to agricultural home economics
7 extension councils in accordance with "An Act in
8 relation to additional support and finances for the
9 Agricultural and Home Economic Extension Councils in
10 the several counties of this State and making an
11 appropriation therefor", approved July 24, 1967.

12 Until January 1, 2000, all other monies paid into the
13 Horse Racing Tax Allocation Fund pursuant to this
14 paragraph (11) shall be allocated by appropriation as
15 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
20 of 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
21 be reimbursed for all actual and necessary expenses
22 and 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 museums and aquariums located in
2 park districts of over 500,000 population; provided
3 that the monies are distributed in accordance with the
4 previous year's distribution of the maintenance tax
5 for such museums and aquariums as provided in Section
6 2 of the Park District Aquarium and Museum Act; and

7 One-seventh to the Agricultural Premium Fund to be
8 used for distribution to agricultural home economics
9 extension councils in accordance with "An Act in
10 relation to additional support and finances for the
11 Agricultural and Home Economic Extension Councils in
12 the several counties of this State and making an
13 appropriation therefor", approved July 24, 1967. This
14 subparagraph (C) shall be inoperative and of no force
15 and effect on and after January 1, 2000.

16 (D) Except as provided in paragraph (11) of this
17 subsection (h), with respect to purse allocation from
18 inter-track wagering, the monies so retained shall be
19 divided as follows:

20 (i) If the inter-track wagering licensee,
21 except an inter-track wagering licensee that
22 derives its license from an organization licensee
23 located in a county with a population in excess of
24 230,000 and bounded by the Mississippi River, is
25 not conducting its own race meeting during the
26 same dates, then the entire purse allocation shall

1 be to purses at the track where the races wagered
2 on are being conducted.

3 (ii) If the inter-track wagering licensee,
4 except an inter-track wagering licensee that
5 derives its license from an organization licensee
6 located in a county with a population in excess of
7 230,000 and bounded by the Mississippi River, is
8 also conducting its own race meeting during the
9 same dates, then the purse allocation shall be as
10 follows: 50% to purses at the track where the
11 races wagered on are being conducted; 50% to
12 purses at the track where the inter-track wagering
13 licensee is accepting such wagers.

14 (iii) If the inter-track wagering is being
15 conducted by an inter-track wagering location
16 licensee, except an inter-track wagering location
17 licensee that derives its license from an
18 organization licensee located in a county with a
19 population in excess of 230,000 and bounded by the
20 Mississippi River, the entire purse allocation for
21 Illinois races shall be to purses at the track
22 where the race meeting being wagered on is being
23 held.

24 (12) The Division ~~Board~~ shall have all powers
25 necessary and proper to fully supervise and control the
26 conduct of inter-track wagering and simulcast wagering by

1 inter-track wagering licensees and inter-track wagering
2 location licensees, including, but not limited to, the
3 following:

4 (A) The Division Board ~~Board~~ is vested with power to
5 promulgate reasonable rules and regulations for the
6 purpose of administering the conduct of this wagering
7 and to prescribe reasonable rules, regulations and
8 conditions under which such wagering shall be held and
9 conducted. Such rules and regulations are to provide
10 for the prevention of practices detrimental to the
11 public interest and for the best interests of said
12 wagering and to impose penalties for violations
13 thereof.

14 (B) The Division Board, ~~Board~~, and any person or persons
15 to whom it delegates this power, is vested with the
16 power to enter the facilities of any licensee to
17 determine whether there has been compliance with the
18 provisions of this Act and the rules and regulations
19 relating to the conduct of such wagering.

20 (C) The Division Board, ~~Board~~, and any person or persons
21 to whom it delegates this power, may eject or exclude
22 from any licensee's facilities, any person whose
23 conduct or reputation is such that his presence on
24 such premises may, in the opinion of the Division
25 ~~Board~~, call into the question the honesty and
26 integrity of, or interfere with the orderly conduct of

1 such wagering; provided, however, that no person shall
2 be excluded or ejected from such premises solely on
3 the grounds of race, color, creed, national origin,
4 ancestry, or sex.

5 (D) (Blank).

6 (E) The Division Board is vested with the power to
7 appoint delegates to execute any of the powers granted
8 to it under this Section for the purpose of
9 administering this wagering and any rules and
10 regulations promulgated in accordance with this Act.

11 (F) The Division Board shall name and appoint a
12 State director of this wagering who shall be a
13 representative of the Division Board and whose duty it
14 shall be to supervise the conduct of inter-track
15 wagering as may be provided for by the rules and
16 regulations of the Division Board; such rules and
17 regulation shall specify the method of appointment and
18 the Director's powers, authority and duties.

19 (G) The Division Board is vested with the power to
20 impose civil penalties of up to \$5,000 against
21 individuals and up to \$10,000 against licensees for
22 each violation of any provision of this Act relating
23 to the conduct of this wagering, any rules adopted by
24 the Division Board, any order of the Division Board or
25 any other action which in the Division's Board's
26 discretion, is a detriment or impediment to such

1 wagering.

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

1 (14) An inter-track wagering location license
2 authorized by the Board in 2016 that is owned and operated
3 by a race track in Rock Island County shall be transferred
4 to a commonly owned race track in Cook County on August 12,
5 2016 (the effective date of Public Act 99-757). The
6 licensee shall retain its status in relation to purse
7 distribution under paragraph (11) of this subsection (h)
8 following the transfer to the new entity. The pari-mutuel
9 tax credit under Section 32.1 shall not be applied toward
10 any pari-mutuel tax obligation of the inter-track wagering
11 location licensee of the license that is transferred under
12 this paragraph (14).

13 (i) Notwithstanding the other provisions of this Act, the
14 conduct of wagering at wagering facilities is authorized on
15 all days, except as limited by subsection (b) of Section 19 of
16 this Act.

17 (Source: P.A. 101-31, eff. 6-28-19; 101-52, eff. 7-12-19;
18 101-81, eff. 7-12-19; 101-109, eff. 7-19-19; 102-558, eff.
19 8-20-21; 102-813, eff. 5-13-22.)

20 (230 ILCS 5/26.9)

21 Sec. 26.9. Beginning on February 1, 2014, in addition to
22 the surcharge imposed in Sections 26.3, 26.4, 26.5, 26.7, and
23 26.8 of this Act, each licensee shall impose a surcharge of
24 0.2% on winning wagers and winnings from wagers. The surcharge
25 shall be deducted from winnings prior to payout. All amounts

1 collected from the surcharges imposed under this Section shall
2 be remitted to the Division ~~Board~~. From amounts collected
3 under this Section, the Division ~~Board~~ shall deposit an amount
4 not to exceed \$100,000 annually into the Quarter Horse Purse
5 Fund and all remaining amounts into the Horse Racing Fund.

6 (Source: P.A. 100-627, eff. 7-20-18; 101-31, eff. 6-28-19.)

7 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

8 Sec. 27. (a) In addition to the organization license fee
9 provided by this Act, until January 1, 2000, a graduated
10 privilege tax is hereby imposed for conducting the pari-mutuel
11 system of wagering permitted under this Act. Until January 1,
12 2000, except as provided in subsection (g) of Section 27 of
13 this Act, all of the breakage of each racing day held by any
14 licensee in the State shall be paid to the State. Until January
15 1, 2000, such daily graduated privilege tax shall be paid by
16 the licensee from the amount permitted to be retained under
17 this Act. Until January 1, 2000, each day's graduated
18 privilege tax, breakage, and Horse Racing Tax Allocation funds
19 shall be remitted to the Department of Revenue within 48 hours
20 after the close of the racing day upon which it is assessed or
21 within such other time as the Division ~~Board~~ prescribes. The
22 privilege tax hereby imposed, until January 1, 2000, shall be
23 a flat tax at the rate of 2% of the daily pari-mutuel handle
24 except as provided in Section 27.1.

25 In addition, every organization licensee, except as

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

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

13 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax
14 at the rate of 1.5% of the daily pari-mutuel handle is imposed
15 at all pari-mutuel wagering facilities and on advance deposit
16 wagering from a location other than a wagering facility,
17 except as otherwise provided for in this subsection (a-5). In
18 addition to the pari-mutuel tax imposed on advance deposit
19 wagering pursuant to this subsection (a-5), beginning on
20 August 24, 2012 (the effective date of Public Act 97-1060), an
21 additional pari-mutuel tax at the rate of 0.25% shall be
22 imposed on advance deposit wagering. Until August 25, 2012,
23 the additional 0.25% pari-mutuel tax imposed on advance
24 deposit wagering by Public Act 96-972 shall be deposited into
25 the Quarter Horse Purse Fund, which shall be created as a
26 non-appropriated trust fund administered by the Division Board

1 for grants to thoroughbred organization licensees for payment
2 of purses for quarter horse races conducted by the
3 organization licensee. Beginning on August 26, 2012, the
4 additional 0.25% pari-mutuel tax imposed on advance deposit
5 wagering shall be deposited into the Standardbred Purse Fund,
6 which shall be created as a non-appropriated trust fund
7 administered by the Division Board, for grants to the
8 standardbred organization licensees for payment of purses for
9 standardbred horse races conducted by the organization
10 licensee. Thoroughbred organization licensees may petition the
11 Board to conduct quarter horse racing and receive purse grants
12 from the Quarter Horse Purse Fund. The Division Board shall
13 have complete discretion in distributing the Quarter Horse
14 Purse Fund to the petitioning organization licensees.
15 Beginning on July 26, 2010 (the effective date of Public Act
16 96-1287), a pari-mutuel tax at the rate of 0.75% of the daily
17 pari-mutuel handle is imposed at a pari-mutuel facility whose
18 license is derived from a track located in a county that
19 borders the Mississippi River and conducted live racing in the
20 previous year. The pari-mutuel tax imposed by this subsection
21 (a-5) shall be remitted to the Department of Revenue within 48
22 hours after the close of the racing day upon which it is
23 assessed or within such other time as the Division Board
24 prescribes.

25 (a-10) Beginning on the date when an organization licensee
26 begins conducting gaming pursuant to an organization gaming

1 license, the following pari-mutuel tax is imposed upon an
2 organization licensee on Illinois races at the licensee's
3 racetrack:

4 1.5% of the pari-mutuel handle at or below the average
5 daily pari-mutuel handle for 2011.

6 2% of the pari-mutuel handle above the average daily
7 pari-mutuel handle for 2011 up to 125% of the average
8 daily pari-mutuel handle for 2011.

9 2.5% of the pari-mutuel handle 125% or more above the
10 average daily pari-mutuel handle for 2011 up to 150% of
11 the average daily pari-mutuel handle for 2011.

12 3% of the pari-mutuel handle 150% or more above the
13 average daily pari-mutuel handle for 2011 up to 175% of
14 the average daily pari-mutuel handle for 2011.

15 3.5% of the pari-mutuel handle 175% or more above the
16 average daily pari-mutuel handle for 2011.

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

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

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

13 (d) Before a license is issued or re-issued, the licensee
14 shall post a bond in the sum of \$500,000 to the State of
15 Illinois. The bond shall be used to guarantee that the
16 licensee faithfully makes the payments, keeps the books and
17 records, makes reports, and conducts games of chance in
18 conformity with this Act and the rules adopted by the Division
19 ~~Board~~. The bond shall not be canceled by a surety on less than
20 30 days' notice in writing to the Division ~~Board~~. If a bond is
21 canceled and the licensee fails to file a new bond with the
22 Division ~~Board~~ in the required amount on or before the
23 effective date of cancellation, the licensee's license shall
24 be revoked. The total and aggregate liability of the surety on
25 the bond is limited to the amount specified in the bond.

26 (e) No other license fee, privilege tax, excise tax, or

1 racing fee, except as provided in this Act, shall be assessed
2 or collected from any such licensee by the State.

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

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

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

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

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

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

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

18 (Source: P.A. 101-31, eff. 6-28-19; 101-52, eff. 7-12-19;
19 102-558, eff. 8-20-21.)

20 (230 ILCS 5/27.2)

21 Sec. 27.2. Withholding of delinquent child support.

22 (a) From winnings required to be reported to the Internal
23 Revenue Service and subject to withholding on Form W-2G,
24 organization licensees and advance deposit wagering licensees
25 licensed under this Act shall withhold up to the full amount of

1 winnings necessary to pay the winner's past due child support
2 amount as certified by the Department of Healthcare and Family
3 Services under Section 10-17.15 of the Illinois Public Aid
4 Code. Amounts withheld shall be paid to the Department of
5 Healthcare and Family Services by the organization licensee or
6 the advance deposit wagering licensee, as applicable.

7 (b) For withholding of winnings, the organization licensee
8 or advance deposit wagering licensee shall be entitled to an
9 administrative fee not to exceed the lesser of 4% of the total
10 amount of cash winnings paid to the gambling winner or \$150.

11 (c) In no event may the total amount withheld from the cash
12 payout, including the administrative fee, exceed the total
13 cash winnings claimed by the obligor. If the cash payout
14 claimed is greater than the amount sufficient to satisfy the
15 obligor's delinquent child support payments, the organization
16 licensee or advance deposit wagering licensee shall pay the
17 obligor the remaining balance of the payout, less the
18 administrative fee authorized by subsection (b) of this
19 Section, at the time it is claimed.

20 (d) An organization licensee or an advance deposit
21 wagering licensee that in good faith complies with the
22 requirements of this Section shall not be liable to the gaming
23 winner or any other individual or entity.

24 (e) For an organization licensee under this Act, an agent
25 of the Division Board (such as an employee of the Division
26 Board) shall be responsible for notifying the person

1 identified as being delinquent in child support payments that
2 the organization licensee is required by law to withhold all
3 or a portion of his or her winnings. This notification must be
4 provided at the time the winnings are withheld.

5 (f) The provisions of this Section shall be operative on
6 and after the date that rules are adopted by the Department of
7 Healthcare and Family Services pursuant to Section 10-17.15 of
8 the Illinois Public Aid Code.

9 (g) The delinquent child support required to be withheld
10 under this Section and the administrative fee under subsection
11 (b) of this Section have priority over any secured or
12 unsecured claim on cash winnings, except claims for federal or
13 State taxes that are required to be withheld under federal or
14 State law.

15 (Source: P.A. 98-318, eff. 8-12-13.)

16 (230 ILCS 5/28) (from Ch. 8, par. 37-28)

17 Sec. 28. Except as provided in subsection (g) of Section
18 27 of this Act, moneys collected shall be distributed
19 according to the provisions of this Section 28.

20 (a) Thirty per cent of the total of all monies received by
21 the State as privilege taxes shall be paid into the
22 Metropolitan Exposition, Auditorium and Office Building Fund
23 in the State treasury until such Fund is repealed, and
24 thereafter shall be paid into the General Revenue Fund in the
25 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 the Metropolitan Exposition, Auditorium and
4 Office Building Fund until such Fund is repealed, and
5 thereafter shall be paid into the General Revenue Fund in the
6 State treasury.

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

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

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

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

26 (g) Until January 1, 2000, that part representing 1/2 of

1 the total breakage in Thoroughbred, Harness, Appaloosa,
2 Arabian, and Quarter Horse racing in the State shall be paid
3 into the Illinois Race Track Improvement Fund as established
4 in Section 32.

5 (h) All other monies received by the Division Board under
6 this Act shall be paid into the Horse Racing Fund.

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

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

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

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

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

1 Livestock Exposition held in Illinois, which premiums, and
2 awards must be approved, and paid by the Illinois
3 Department of Agriculture;

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

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

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

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

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

24 (9) (blank);

25 (10) for the expenses of the Department of Commerce
26 and Economic Opportunity under Sections 605-620, 605-625,

1 and 605-630 of the Department of Commerce and Economic
2 Opportunity Law;

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

7 (12) for the purpose of assisting in the care and
8 general rehabilitation of veterans with disabilities of
9 any war and their surviving spouses and orphans;

10 (13) for expenses of the Illinois State Police for
11 duties performed under this Act;

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

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

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

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

26 (Source: P.A. 102-16, eff. 6-17-21; 102-538, eff. 8-20-21;

1 102-813, eff. 5-13-22.)

2 (230 ILCS 5/28.1)

3 Sec. 28.1. Payments.

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

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

20 (c) (Blank).

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

1 (g), and (h) of Section 31 shall be made from the General
2 Revenue Fund at the funding levels determined by amounts paid
3 under this Act in calendar year 1998. Beginning on the
4 effective date of this amendatory Act of the 93rd General
5 Assembly, payments to the Peoria Park District shall be made
6 from the General Revenue Fund at the funding level determined
7 by amounts paid to that park district for museum purposes
8 under this Act in calendar year 1994.

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

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

23 (f) Beginning July 1, 2007, the Children's Discovery
24 Museum in Normal, Illinois shall receive payments from the
25 General Revenue Fund at the funding level determined by the
26 amounts paid to the Miller Park Zoo in Bloomington, Illinois

1 under this Section in calendar year 2006.

2 (g) On August 31, 2021, after subtracting all lapse period
3 spending from the June 30 balance of the prior fiscal year, the
4 Comptroller shall transfer to the Horse Racing Purse Equity
5 Fund 50% of the balance within the Horse Racing Fund.

6 (Source: P.A. 102-16, eff. 6-17-21.)

7 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

8 Sec. 30. (a) The General Assembly declares that it is the
9 policy of this State to encourage the breeding of thoroughbred
10 horses in this State and the ownership of such horses by
11 residents of this State in order to provide for: sufficient
12 numbers of high quality thoroughbred horses to participate in
13 thoroughbred racing meetings in this State, and to establish
14 and preserve the agricultural and commercial benefits of such
15 breeding and racing industries to the State of Illinois. It is
16 the intent of the General Assembly to further this policy by
17 the provisions of this Act.

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

1 (c) Conditions of races under subsection (b) shall be
2 commensurate with past performance, quality, and class of
3 Illinois conceived and foaled and Illinois foaled horses
4 available. If, however, sufficient competition cannot be had
5 among horses of that class on any day, the races may, with
6 consent of the Division Board, be eliminated for that day and
7 substitute races provided.

8 (d) There is hereby created a special fund of the State
9 Treasury to be known as the Illinois Thoroughbred Breeders
10 Fund.

11 Beginning on the effective date of this amendatory Act of
12 the 101st General Assembly, the Illinois Thoroughbred Breeders
13 Fund shall become a non-appropriated trust fund held separate
14 from State moneys. Expenditures from this Fund shall no longer
15 be subject to appropriation.

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

20 Notwithstanding any provision of law to the contrary,
21 amounts deposited into the Illinois Thoroughbred Breeders Fund
22 from revenues generated by gaming pursuant to an organization
23 gaming license issued under the Illinois Gambling Act after
24 the effective date of this amendatory Act of the 101st General
25 Assembly shall be in addition to tax and fee amounts paid under
26 this Section for calendar year 2019 and thereafter.

1 (e) The Illinois Thoroughbred Breeders Fund shall be
2 administered by the Department of Agriculture with the advice
3 and assistance of the Advisory Board created in subsection (f)
4 of this Section.

5 (f) The Illinois Thoroughbred Breeders Fund Advisory Board
6 shall consist of the Director of the Department of
7 Agriculture, who shall serve as Chairman; the Director or his
8 or her designee ~~a member of the Illinois Racing Board,~~
9 ~~designated by it;~~ 2 representatives of the organization
10 licensees conducting thoroughbred racing meetings, recommended
11 by them; 2 representatives of the Illinois Thoroughbred
12 Breeders and Owners Foundation, recommended by it; one
13 representative of the Horsemen's Benevolent Protective
14 Association; and one representative from the Illinois
15 Thoroughbred Horsemen's Association. Advisory Board members
16 shall serve for 2 years commencing January 1 of each odd
17 numbered year. If representatives of the organization
18 licensees conducting thoroughbred racing meetings, the
19 Illinois Thoroughbred Breeders and Owners Foundation, the
20 Horsemen's Benevolent Protection Association, and the Illinois
21 Thoroughbred Horsemen's Association have not been recommended
22 by January 1, of each odd numbered year, the Director of the
23 Department of Agriculture shall make an appointment for the
24 organization failing to so recommend a member of the Advisory
25 Board. Advisory Board members shall receive no compensation
26 for their services as members but shall be reimbursed for all

1 actual and necessary expenses and disbursements incurred in
2 the execution of their official duties.

3 (g) Monies expended from the Illinois Thoroughbred
4 Breeders Fund shall be expended by the Department of
5 Agriculture, with the advice and assistance of the Illinois
6 Thoroughbred Breeders Fund Advisory Board, for the following
7 purposes only:

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

19 (2) To provide stakes and awards to be paid to the
20 owners of the winning horses in certain races limited to
21 Illinois conceived and foaled and Illinois foaled horses
22 designated as stakes races.

23 (2.5) To provide an award to the owner or owners of an
24 Illinois conceived and foaled or Illinois foaled horse
25 that wins a maiden special weight, an allowance, overnight
26 handicap race, or claiming race with claiming price of

1 \$10,000 or more providing the race is not restricted to
2 Illinois conceived and foaled or Illinois foaled horses.
3 Awards shall also be provided to the owner or owners of
4 Illinois conceived and foaled and Illinois foaled horses
5 that place second or third in those races. To the extent
6 that additional moneys are required to pay the minimum
7 additional awards of 40% of the purse the horse earns for
8 placing first, second or third in those races for Illinois
9 foaled horses and of 60% of the purse the horse earns for
10 placing first, second or third in those races for Illinois
11 conceived and foaled horses, those moneys shall be
12 provided from the purse account at the track where earned.

13 (3) To provide stallion awards to the owner or owners
14 of any stallion that is duly registered with the Illinois
15 Thoroughbred Breeders Fund Program whose duly registered
16 Illinois conceived and foaled offspring wins a race
17 conducted at an Illinois thoroughbred racing meeting other
18 than a claiming race, provided that the stallion stood
19 service within Illinois at the time the offspring was
20 conceived and that the stallion did not stand for service
21 outside of Illinois at any time during the year in which
22 the offspring was conceived.

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

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

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

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

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

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

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

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

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

24 (h) The Illinois Thoroughbred Breeders Fund is not subject
25 to administrative charges or chargebacks, including, but not
26 limited to, those authorized under Section 8h of the State

1 Finance Act.

2 (i) A sum equal to 13% of the first prize money of every
3 purse won by an Illinois foaled or Illinois conceived and
4 foaled horse in races not limited to Illinois foaled horses or
5 Illinois conceived and foaled horses, or both, shall be paid
6 by the organization licensee conducting the horse race
7 meeting. Such sum shall be paid 50% from the organization
8 licensee's share of the money wagered and 50% from the purse
9 account as follows: 11 1/2% to the breeder of the winning horse
10 and 1 1/2% to the organization representing thoroughbred
11 breeders and owners who representative serves on the Illinois
12 Thoroughbred Breeders Fund Advisory Board for verifying the
13 amounts of breeders' awards earned, ensuring their
14 distribution in accordance with this Act, and servicing and
15 promoting the Illinois thoroughbred horse racing industry.
16 Beginning in the calendar year in which an organization
17 licensee that is eligible to receive payments under paragraph
18 (13) of subsection (g) of Section 26 of this Act begins to
19 receive funds from gaming pursuant to an organization gaming
20 license issued under the Illinois Gambling Act, a sum equal to
21 21 1/2% of the first prize money of every purse won by an
22 Illinois foaled or an Illinois conceived and foaled horse in
23 races not limited to an Illinois conceived and foaled horse,
24 or both, shall be paid 30% from the organization licensee's
25 account and 70% from the purse account as follows: 20% to the
26 breeder of the winning horse and 1 1/2% to the organization

1 representing thoroughbred breeders and owners whose
2 representatives serve on the Illinois Thoroughbred Breeders
3 Fund Advisory Board for verifying the amounts of breeders'
4 awards earned, ensuring their distribution in accordance with
5 this Act, and servicing and promoting the Illinois
6 Thoroughbred racing industry. The organization representing
7 thoroughbred breeders and owners shall cause all expenditures
8 of monies received under this subsection (i) to be audited at
9 least annually by a registered public accountant. The
10 organization shall file copies of each annual audit with the
11 Division Racing—Board, the Clerk of the House of
12 Representatives and the Secretary of the Senate, and shall
13 make copies of each annual audit available to the public upon
14 request and upon payment of the reasonable cost of
15 photocopying the requested number of copies. Such payments
16 shall not reduce any award to the owner of the horse or reduce
17 the taxes payable under this Act. Upon completion of its
18 racing meet, each organization licensee shall deliver to the
19 organization representing thoroughbred breeders and owners
20 whose representative serves on the Illinois Thoroughbred
21 Breeders Fund Advisory Board a listing of all the Illinois
22 foaled and the Illinois conceived and foaled horses which won
23 breeders' awards and the amount of such breeders' awards under
24 this subsection to verify accuracy of payments and assure
25 proper distribution of breeders' awards in accordance with the
26 provisions of this Act. Such payments shall be delivered by

1 the organization licensee within 30 days of the end of each
2 race meeting.

3 (j) A sum equal to 13% of the first prize money won in
4 every race limited to Illinois foaled horses or Illinois
5 conceived and foaled horses, or both, shall be paid in the
6 following manner by the organization licensee conducting the
7 horse race meeting, 50% from the organization licensee's share
8 of the money wagered and 50% from the purse account as follows:
9 11 1/2% to the breeders of the horses in each such race which
10 are the official first, second, third, and fourth finishers
11 and 1 1/2% to the organization representing thoroughbred
12 breeders and owners whose representatives serve on the
13 Illinois Thoroughbred Breeders Fund Advisory Board for
14 verifying the amounts of breeders' awards earned, ensuring
15 their proper distribution in accordance with this Act, and
16 servicing and promoting the Illinois horse racing industry.
17 Beginning in the calendar year in which an organization
18 licensee that is eligible to receive payments under paragraph
19 (13) of subsection (g) of Section 26 of this Act begins to
20 receive funds from gaming pursuant to an organization gaming
21 license issued under the Illinois Gambling Act, a sum of 21
22 1/2% of every purse in a race limited to Illinois foaled horses
23 or Illinois conceived and foaled horses, or both, shall be
24 paid by the organization licensee conducting the horse race
25 meeting. Such sum shall be paid 30% from the organization
26 licensee's account and 70% from the purse account as follows:

1 20% to the breeders of the horses in each such race who are
2 official first, second, third and fourth finishers and 1 1/2%
3 to the organization representing thoroughbred breeders and
4 owners whose representatives serve on the Illinois
5 Thoroughbred Breeders Fund Advisory Board for verifying the
6 amounts of breeders' awards earned, ensuring their proper
7 distribution in accordance with this Act, and servicing and
8 promoting the Illinois thoroughbred horse racing industry. The
9 organization representing thoroughbred breeders and owners
10 shall cause all expenditures of moneys received under this
11 subsection (j) to be audited at least annually by a registered
12 public accountant. The organization shall file copies of each
13 annual audit with the Division Racing Board, the Clerk of the
14 House of Representatives and the Secretary of the Senate, and
15 shall make copies of each annual audit available to the public
16 upon request and upon payment of the reasonable cost of
17 photocopying the requested number of copies. The copies of the
18 audit to the General Assembly shall be filed with the Clerk of
19 the House of Representatives and the Secretary of the Senate
20 in electronic form only, in the manner that the Clerk and the
21 Secretary shall direct.

22 The amounts paid to the breeders in accordance with this
23 subsection shall be distributed as follows:

24 (1) 60% of such sum shall be paid to the breeder of the
25 horse which finishes in the official first position;

26 (2) 20% of such sum shall be paid to the breeder of the

1 horse which finishes in the official second position;

2 (3) 15% of such sum shall be paid to the breeder of the
3 horse which finishes in the official third position; and

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

6 Such payments shall not reduce any award to the owners of a
7 horse or reduce the taxes payable under this Act. Upon
8 completion of its racing meet, each organization licensee
9 shall deliver to the organization representing thoroughbred
10 breeders and owners whose representative serves on the
11 Illinois Thoroughbred Breeders Fund Advisory Board a listing
12 of all the Illinois foaled and the Illinois conceived and
13 foaled horses which won breeders' awards and the amount of
14 such breeders' awards in accordance with the provisions of
15 this Act. Such payments shall be delivered by the organization
16 licensee within 30 days of the end of each race meeting.

17 (k) The term "breeder", as used herein, means the owner of
18 the mare at the time the foal is dropped. An "Illinois foaled
19 horse" is a foal dropped by a mare which enters this State on
20 or before December 1, in the year in which the horse is bred,
21 provided the mare remains continuously in this State until its
22 foal is born. An "Illinois foaled horse" also means a foal born
23 of a mare in the same year as the mare enters this State on or
24 before March 1, and remains in this State at least 30 days
25 after foaling, is bred back during the season of the foaling to
26 an Illinois Registered Stallion (unless a veterinarian

1 certifies that the mare should not be bred for health
2 reasons), and is not bred to a stallion standing in any other
3 state during the season of foaling. An "Illinois foaled horse"
4 also means a foal born in Illinois of a mare purchased at
5 public auction subsequent to the mare entering this State on
6 or before March 1 of the foaling year providing the mare is
7 owned solely by one or more Illinois residents or an Illinois
8 entity that is entirely owned by one or more Illinois
9 residents.

10 (1) The Department of Agriculture shall, by rule, with the
11 advice and assistance of the Illinois Thoroughbred Breeders
12 Fund Advisory Board:

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

24 (2) Provide for the registration of Illinois conceived
25 and foaled horses and Illinois foaled horses. No such
26 horse shall compete in the races limited to Illinois

1 conceived and foaled horses or Illinois foaled horses or
2 both unless registered with the Department of Agriculture.
3 The Department of Agriculture may prescribe such forms as
4 are necessary to determine the eligibility of such horses.
5 The Department of Agriculture may assess and collect
6 application fees for the registration of Illinois-eligible
7 foals. All fees collected are to be held in trust accounts
8 for the purposes set forth in this Act and in accordance
9 with Section 205-15 of the Department of Agriculture Law.
10 No person shall knowingly prepare or cause preparation of
11 an application for registration of such foals containing
12 false information.

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

19 In determining the stakes races and the amount of awards
20 for such races, the Department of Agriculture shall consider
21 factors, including but not limited to, the amount of money
22 appropriated for the Illinois Thoroughbred Breeders Fund
23 program, organization licensees' contributions, availability
24 of stakes caliber horses as demonstrated by past performances,
25 whether the race can be coordinated into the proposed racing
26 dates within organization licensees' racing dates, opportunity

1 for colts and fillies and various age groups to race, public
2 wagering on such races, and the previous racing schedule.

3 (n) The Division Board and the organization licensee shall
4 notify the Department of the conditions and minimum purses for
5 races limited to Illinois conceived and foaled and Illinois
6 foaled horses conducted for each organization licensee
7 conducting a thoroughbred racing meeting. The Department of
8 Agriculture with the advice and assistance of the Illinois
9 Thoroughbred Breeders Fund Advisory Board may allocate monies
10 for purse supplements for such races. In determining whether
11 to allocate money and the amount, the Department of
12 Agriculture shall consider factors, including but not limited
13 to, the amount of money appropriated for the Illinois
14 Thoroughbred Breeders Fund program, the number of races that
15 may occur, and the organization licensee's purse structure.

16 (o) (Blank).

17 (Source: P.A. 101-31, eff. 6-28-19.)

18 (230 ILCS 5/30.5)

19 Sec. 30.5. Illinois Racing Quarter Horse Breeders Fund.

20 (a) The General Assembly declares that it is the policy of
21 this State to encourage the breeding of racing quarter horses
22 in this State and the ownership of such horses by residents of
23 this State in order to provide for sufficient numbers of high
24 quality racing quarter horses 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) There is hereby created a special fund in the State
5 Treasury to be known as the Illinois Racing Quarter Horse
6 Breeders Fund. Except as provided in subsection (g) of Section
7 27 of this Act, 8.5% of all the moneys received by the State as
8 pari-mutuel taxes on quarter horse racing shall be paid into
9 the Illinois Racing Quarter Horse Breeders Fund. The Illinois
10 Racing Quarter Horse Breeders Fund shall not be subject to
11 administrative charges or chargebacks, including, but not
12 limited to, those authorized under Section 8h of the State
13 Finance Act.

14 (c) The Illinois Racing Quarter Horse Breeders Fund shall
15 be administered by the Department of Agriculture with the
16 advice and assistance of the Advisory Board created in
17 subsection (d) of this Section.

18 (d) The Illinois Racing Quarter Horse Breeders Fund
19 Advisory Board shall consist of the Director of the Department
20 of Agriculture, who shall serve as Chairman; the Director or
21 the Director's designee ~~a member of the Illinois Racing Board,~~
22 ~~designated by it;~~ one representative of the organization
23 licensees conducting pari-mutuel quarter horse racing
24 meetings, recommended by them; 2 representatives of the
25 Illinois Running Quarter Horse Association, recommended by it;
26 and the Superintendent of Fairs and Promotions from the

1 Department of Agriculture. Advisory Board members shall serve
2 for 2 years commencing January 1 of each odd numbered year. If
3 representatives have not been recommended by January 1 of each
4 odd numbered year, the Director of the Department of
5 Agriculture may make an appointment for the organization
6 failing to so recommend a member of the Advisory Board.
7 Advisory Board members shall receive no compensation for their
8 services as members but may be reimbursed for all actual and
9 necessary expenses and disbursements incurred in the execution
10 of their official duties.

11 (e) Moneys in the Illinois Racing Quarter Horse Breeders
12 Fund shall be expended by the Department of Agriculture, with
13 the advice and assistance of the Illinois Racing Quarter Horse
14 Breeders Fund Advisory Board, for the following purposes only:

15 (1) To provide stakes and awards to be paid to the
16 owners of the winning horses in certain races. This
17 provision is limited to Illinois conceived and foaled
18 horses.

19 (2) To provide an award to the owner or owners of an
20 Illinois conceived and foaled horse that wins a race when
21 pari-mutuel wagering is conducted; providing the race is
22 not restricted to Illinois conceived and foaled horses.

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

25 (4) To provide for purses to be distributed for the
26 running of races during the Illinois State Fair and the

1 DuQuoin State Fair exclusively for quarter horses
2 conceived and foaled in Illinois.

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

6 (6) To provide for purses to be distributed for
7 running races exclusively for quarter horses conceived and
8 foaled in Illinois at locations in Illinois determined by
9 the Department of Agriculture with advice and consent of
10 the Illinois Racing Quarter Horse Breeders Fund Advisory
11 Board.

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

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

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

21 (10) To provide for expenses incurred in the
22 administration of the Illinois Racing Quarter Horse
23 Breeders Fund.

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

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

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

24 (g) The Department of Agriculture, with the advice and
25 assistance of the Illinois Racing Quarter Horse Breeders Fund
26 Advisory Board, shall provide that certain races limited to

1 Illinois conceived and foaled be stakes races and determine
2 the total amount of stakes and awards to be paid to the owners
3 of the winning horses in such races.

4 (Source: P.A. 101-31, eff. 6-28-19.)

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

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

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

23 (b-5) Organization licensees, not including the Illinois
24 State Fair or the DuQuoin State Fair, shall provide stake
25 races and early closer races for Illinois conceived and foaled

1 horses so that purses distributed for such races shall be no
2 less than 17% of total purses distributed for harness racing
3 in that calendar year in addition to any stakes payments and
4 starting fees contributed by horse owners.

5 (b-10) Each organization licensee conducting a harness
6 racing meeting pursuant to this Act shall provide an owner
7 award to be paid from the purse account equal to 12% of the
8 amount earned by Illinois conceived and foaled horses
9 finishing in the first 3 positions in races that are not
10 restricted to Illinois conceived and foaled horses. The owner
11 awards shall not be paid on races below the \$10,000 claiming
12 class.

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

20 (d) There is hereby created a special fund of the State
21 Treasury to be known as the Illinois Standardbred Breeders
22 Fund. Beginning on June 28, 2019 (the effective date of Public
23 Act 101-31), the Illinois Standardbred Breeders Fund shall
24 become a non-appropriated trust fund held separate and apart
25 from State moneys. Expenditures from this Fund shall no longer
26 be subject to appropriation.

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

6 (e) Notwithstanding any provision of law to the contrary,
7 amounts deposited into the Illinois Standardbred Breeders Fund
8 from revenues generated by gaming pursuant to an organization
9 gaming license issued under the Illinois Gambling Act after
10 June 28, 2019 (the effective date of Public Act 101-31) shall
11 be in addition to tax and fee amounts paid under this Section
12 for calendar year 2019 and thereafter. The Illinois
13 Standardbred Breeders Fund shall be administered by the
14 Department of Agriculture with the assistance and advice of
15 the Advisory Board created in subsection (f) of this Section.

16 (f) The Illinois Standardbred Breeders Fund Advisory Board
17 is hereby created. The Advisory Board shall consist of the
18 Director of the Department of Agriculture, who shall serve as
19 Chairman; the Superintendent of the Illinois State Fair; the
20 Director or his or her designee ~~a member of the Illinois Racing~~
21 ~~Board, designated by it;~~ a representative of the largest
22 association of Illinois standardbred owners and breeders,
23 recommended by it; a representative of a statewide association
24 representing agricultural fairs in Illinois, recommended by
25 it, such representative to be from a fair at which Illinois
26 conceived and foaled racing is conducted; a representative of

1 the organization licensees conducting harness racing meetings,
2 recommended by them; a representative of the Breeder's
3 Committee of the association representing the largest number
4 of standardbred owners, breeders, trainers, caretakers, and
5 drivers, recommended by it; and a representative of the
6 association representing the largest number of standardbred
7 owners, breeders, trainers, caretakers, and drivers,
8 recommended by it. Advisory Board members shall serve for 2
9 years commencing January 1 of each odd numbered year. If
10 representatives of the largest association of Illinois
11 standardbred owners and breeders, a statewide association of
12 agricultural fairs in Illinois, the association representing
13 the largest number of standardbred owners, breeders, trainers,
14 caretakers, and drivers, a member of the Breeder's Committee
15 of the association representing the largest number of
16 standardbred owners, breeders, trainers, caretakers, and
17 drivers, and the organization licensees conducting harness
18 racing meetings have not been recommended by January 1 of each
19 odd numbered year, the Director of the Department of
20 Agriculture shall make an appointment for the organization
21 failing to so recommend a member of the Advisory Board.
22 Advisory Board members shall receive no compensation for their
23 services as members but shall be reimbursed for all actual and
24 necessary expenses and disbursements incurred in the execution
25 of their official duties.

26 (g) Monies expended from the Illinois Standardbred

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

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

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

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

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

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

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

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

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

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

12 (h) The Illinois Standardbred Breeders Fund is not subject
13 to administrative charges or chargebacks, including, but not
14 limited to, those authorized under Section 8h of the State
15 Finance Act.

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

25 (j) The Department of Agriculture shall, by rule, with the
26 assistance and advice of the Illinois Standardbred Breeders

1 Fund Advisory Board:

2 1. Qualify stallions for Illinois Standardbred
3 Breeders Fund breeding. Such stallion shall stand for
4 service at and within the State of Illinois at the time of
5 a foal's conception, and such stallion must not stand for
6 service at any place outside the State of Illinois during
7 that calendar year in which the foal is conceived.
8 However, on and after January 1, 2018, semen from an
9 Illinois stallion may be transported outside the State of
10 Illinois.

11 2. Provide for the registration of Illinois conceived
12 and foaled horses and no such horse shall compete in the
13 races limited to Illinois conceived and foaled horses
14 unless registered with the Department of Agriculture. The
15 Department of Agriculture may prescribe such forms as may
16 be necessary to determine the eligibility of such horses.
17 No person shall knowingly prepare or cause preparation of
18 an application for registration of such foals containing
19 false information. A mare (dam) must be in the State at
20 least 30 days prior to foaling or remain in the State at
21 least 30 days at the time of foaling. However, the
22 requirement that a mare (dam) must be in the State at least
23 30 days before foaling or remain in the State at least 30
24 days at the time of foaling shall not be in effect from
25 January 1, 2018 until January 1, 2022. Beginning with the
26 1996 breeding season and for foals of 1997 and thereafter,

1 a foal conceived by transported semen may be eligible for
2 Illinois conceived and foaled registration provided all
3 breeding and foaling requirements are met. The stallion
4 must be qualified for Illinois Standardbred Breeders Fund
5 breeding at the time of conception. The foal must be
6 dropped in Illinois and properly registered with the
7 Department of Agriculture in accordance with this Act.
8 However, from January 1, 2018 until January 1, 2022, the
9 requirement for a mare to be inseminated within the State
10 of Illinois and the requirement for a foal to be dropped in
11 Illinois are inapplicable.

12 3. Provide that at least a 5-day racing program shall
13 be conducted at the State Fair each year, unless an
14 alternate racing program is requested by the Illinois
15 Standardbred Breeders Fund Advisory Board, which program
16 shall include at least the following races limited to
17 Illinois conceived and foaled horses: (a) a 2-year-old
18 Trot and Pace, and Filly Division of each; (b) a
19 3-year-old Trot and Pace, and Filly Division of each; (c)
20 an aged Trot and Pace, and Mare Division of each.

21 4. Provide for the payment of nominating, sustaining
22 and starting fees for races promoting the sport of harness
23 racing and for the races to be conducted at the State Fair
24 as provided in subsection (j) 3 of this Section provided
25 that the nominating, sustaining and starting payment
26 required from an entrant shall not exceed 2% of the purse

1 of such race. All nominating, sustaining and starting
2 payments shall be held for the benefit of entrants and
3 shall be paid out as part of the respective purses for such
4 races. Nominating, sustaining and starting fees shall be
5 held in trust accounts for the purposes as set forth in
6 this Act and in accordance with Section 205-15 of the
7 Department of Agriculture Law.

8 5. Provide for the registration with the Department of
9 Agriculture of Colt Associations or county fairs desiring
10 to sponsor races at county fairs.

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

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

1 organization licensee conducting a harness racing meeting for
2 which purse supplements have been negotiated.

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

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

25 (Source: P.A. 101-31, eff. 6-28-19; 101-157, eff. 7-26-19;
26 102-558, eff. 8-20-21; 102-689, eff. 12-17-21.)

1 (230 ILCS 5/31.1) (from Ch. 8, par. 37-31.1)

2 Sec. 31.1. (a) Unless subsection (a-5) applies,
3 organization licensees collectively shall contribute annually
4 to charity the sum of \$750,000 to non-profit organizations
5 that provide medical and family, counseling, and similar
6 services to persons who reside or work on the backstretch of
7 Illinois racetracks. Unless subsection (a-5) applies, these
8 contributions shall be collected as follows: (i) no later than
9 July 1st of each year the Division Board shall assess each
10 organization licensee, except those tracks located in Madison
11 County, which tracks shall pay \$30,000 annually apiece into
12 the Division Board charity fund, that amount which equals
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 located in Madison and Rock Island counties, 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 Division Board. Unless subsection (a-5) applies, if an
23 organization licensee commences operation of gaming at its
24 facility pursuant to an organization gaming license under the
25 Illinois Gambling Act, then the organization licensee shall

1 contribute an additional \$83,000 per year beginning in the
2 year subsequent to the first year in which the organization
3 licensee begins receiving funds from gaming pursuant to an
4 organization gaming license. If an organization licensee
5 wilfully fails to so remit the contribution, the Division
6 ~~Board~~ may revoke its license to conduct horse racing.

7 (a-5) If (1) an organization licensee that did not operate
8 live racing in 2017 is awarded racing dates in 2018 or in any
9 subsequent year and (2) all organization licensees are
10 operating gaming pursuant to an organization gaming license
11 under the Illinois Gambling Act, then subsection (a) does not
12 apply and organization licensees collectively shall contribute
13 annually to charity the sum of \$1,000,000 to non-profit
14 organizations that provide medical and family, counseling, and
15 similar services to persons who reside or work on the
16 backstretch of Illinois racetracks. These contributions shall
17 be collected as follows: (i) no later than July 1st of each
18 year the Division ~~Board~~ shall assess each organization
19 licensee an amount based on the proportionate amount of live
20 racing days in the calendar year for which the Division ~~Board~~
21 has awarded to the organization licensee out of the total
22 aggregate number of live racing days awarded; (ii) notice of
23 the assessed contribution shall be mailed to each organization
24 licensee; (iii) within 30 days after its receipt of such
25 notice, each organization licensee shall remit the assessed
26 contribution to the Division ~~Board~~. If an organization

1 licensee willfully fails to so remit the contribution, the
2 Division Board may revoke its license to conduct horse racing.

3 (b) No later than October 1st of each year, any qualified
4 charitable organization seeking an allotment of contributed
5 funds shall submit to the Division Board an application for
6 those funds, using the Division's Board's approved form. No
7 later than December 31st of each year, the Division Board
8 shall distribute all such amounts collected that year to such
9 charitable organization applicants.

10 (Source: P.A. 101-31, eff. 6-28-19.)

11 (230 ILCS 5/32) (from Ch. 8, par. 37-32)

12 Sec. 32. Illinois Race Track Improvement Fund. Within 30
13 days after the effective date of this Act, the Division Board
14 shall cause all moneys previously deposited in the Illinois
15 Race Track Improvement Fund to be remitted to the racetrack
16 from which the licensee derives its license in accordance to
17 the amounts generated by each licensee.

18 (Source: P.A. 91-40, eff. 1-1-00.)

19 (230 ILCS 5/32.1)

20 Sec. 32.1. Pari-mutuel tax credit; statewide racetrack
21 real estate equalization.

22 (a) In order to encourage new investment in Illinois
23 racetrack facilities and mitigate differing real estate tax
24 burdens among all racetracks, the licensees affiliated or

1 associated with each racetrack that has been awarded live
2 racing dates in the current year shall receive an immediate
3 pari-mutuel tax credit in an amount equal to the greater of (i)
4 50% of the amount of the real estate taxes paid in the prior
5 year attributable to that racetrack, or (ii) the amount by
6 which the real estate taxes paid in the prior year
7 attributable to that racetrack exceeds 60% of the average real
8 estate taxes paid in the prior year for all racetracks awarded
9 live horse racing meets in the current year.

10 Each year, regardless of whether the organization licensee
11 conducted live racing in the year of certification, the
12 Division Board shall certify in writing, prior to December 31,
13 the real estate taxes paid in that year for each racetrack and
14 the amount of the pari-mutuel tax credit that each
15 organization licensee, inter-track wagering licensee, and
16 inter-track wagering location licensee that derives its
17 license from such racetrack is entitled in the succeeding
18 calendar year. The real estate taxes considered under this
19 Section for any racetrack shall be those taxes on the real
20 estate parcels and related facilities used to conduct a horse
21 race meeting and inter-track wagering at such racetrack under
22 this Act. In no event shall the amount of the tax credit under
23 this Section exceed the amount of pari-mutuel taxes otherwise
24 calculated under this Act. The amount of the tax credit under
25 this Section shall be retained by each licensee and shall not
26 be subject to any reallocation or further distribution under

1 this Act. The Board may promulgate emergency rules to
2 implement this Section.

3 (b) If the organization licensee is operating gaming
4 pursuant to an organization gaming license issued under the
5 Illinois Gambling Act, except the organization licensee
6 described in Section 19.5, then, for the 5-year period
7 beginning on the January 1 of the calendar year immediately
8 following the calendar year during which an organization
9 licensee begins conducting gaming operations pursuant to an
10 organization gaming license issued under the Illinois Gambling
11 Act, the organization licensee shall make capital
12 expenditures, in an amount equal to no less than 50% of the tax
13 credit under this Section, to the improvement and maintenance
14 of the backstretch, including, but not limited to, backstretch
15 barns, dormitories, and services for backstretch workers.
16 Those capital expenditures must be in addition to, and not in
17 lieu of, the capital expenditures made for backstretch
18 improvements in calendar year 2015, as reported to the
19 ~~Division Board~~ in the organization licensee's application for
20 racing dates and as certified by the Division Board. The
21 organization licensee is required to annually submit the list
22 and amounts of these capital expenditures to the Division
23 ~~Board~~ by January 30th of the year following the expenditure.

24 (c) If the organization licensee is conducting gaming in
25 accordance with paragraph (b), then, after the 5-year period
26 beginning on January 1 of the calendar year immediately

1 following the calendar year during which an organization
2 licensee begins conducting gaming operations pursuant to an
3 organization gaming license issued under the Illinois Gambling
4 Act, the organization license is ineligible to receive a tax
5 credit under this Section.

6 (Source: P.A. 100-201, eff. 8-18-17; 101-31, eff. 6-28-19.)

7 (230 ILCS 5/34.3)

8 Sec. 34.3. Drug testing. The Division ~~Illinois Racing~~
9 ~~Board~~ and the Department of Agriculture shall jointly
10 establish a program for the purpose of conducting drug testing
11 of horses at county fairs and shall adopt any rules necessary
12 for enforcement of the program. The rules shall include
13 appropriate penalties for violations.

14 (Source: P.A. 101-31, eff. 6-28-19.)

15 (230 ILCS 5/35) (from Ch. 8, par. 37-35)

16 Sec. 35. Any person holding or conducting any meeting
17 within the State at which racing of horses shall be permitted
18 for any stake, purse or reward or any person or persons aiding,
19 assisting or abetting in the holding or conducting of such
20 meeting where racing is held or conducted contrary to or in
21 violation of any of the provisions and requirements of this
22 Act shall be guilty of a Class 4 felony. For the purpose of
23 this Section, each day of racing in violation of the
24 provisions of this Act shall be considered as a separate and

1 distinct offense. Any failure by any member of the Division
2 ~~Board~~ to make public any violation of this Act within a
3 reasonable time of learning thereof shall be punished as a
4 Class A misdemeanor and issuance of a license prior to
5 compliance with Section 20 shall be punishable as a Class A
6 misdemeanor.

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

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

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

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

3 (c) The term "narcotic" as used in this Section includes
4 opium and all its alkaloids, salts, preparations and
5 derivatives, cocaine and all its salts, preparations and
6 derivatives and substitutes.

7 (d) The provisions of this Section and the treatment
8 authorized in this Section apply to horses entered in and
9 competing in race meetings as defined in Section 3.07 of this
10 Act and to horses entered in and competing at any county fair.
11 (Source: P.A. 101-31, eff. 6-28-19.)

12 (230 ILCS 5/36a) (from Ch. 8, par. 37-36a)

13 Sec. 36a. (a) It is recognized that there are horses which
14 exhibit symptoms of epistaxis or respiratory tract hemorrhage
15 which with proper treatment are sound and able to compete in
16 races. The Division Board shall establish by rule the
17 appropriate standards for the administration of furosemide
18 (Lasix) or other Division-approved ~~Board-approved~~ bleeder
19 medications in such circumstances.

20 (b) Every horse entered to race shall be placed in a
21 security area as designated by the Division Board. The
22 Division Board, in designating a security area, shall not
23 require that a horse be placed in a barn or stall other than
24 the barn or stall assigned to that horse by the racing
25 secretary. The barn or stall shall be posted as a security

1 area. The trainer of record shall be responsible for the
2 security of the horse and barn or stall area. The security area
3 shall be under the supervision of the Division Board.

4 No unauthorized person shall approach the security area.
5 If any unauthorized person does approach the security area, a
6 report of the incident is to be made immediately to one of the
7 State veterinarians or the stewards, or a board investigator.

8 The provisions of this Section 36a and the treatment
9 authorized herein shall apply to and be available only for
10 horses entered in and competing in race meetings as defined in
11 Section 3.07 of this Act.

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

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

14 Sec. 37. (a) It shall be unlawful for any person:

15 (1) to use or conspire to use any battery, buzzer,
16 electrical, mechanical or other appliances other than the
17 ordinary whip or spur for the purpose of stimulating or
18 depressing a horse or affecting its speed in a race or workout
19 or at any time; or

20 (2) to sponge a horse's nostrils or windpipe or use any
21 method injurious or otherwise for the purpose of stimulating
22 or depressing a horse or affecting its speed in a race or a
23 workout at any time; or

24 (3) to have in his possession within the confines of a race
25 track, sheds, buildings or grounds, or within the confines of

1 a stable, shed, building or ground where horses are kept which
2 are eligible to race over a race track of any racing
3 association or licensee, any appliance other than the ordinary
4 whip or spur which may or can be used for the purpose of
5 stimulating or depressing a horse or affecting its speed at
6 any time; or

7 (4) to have in his possession with the intent to sell, give
8 away or exchange any of such instrumentalities.

9 (b) Such possession of such instrumentalities by anyone
10 within the confines of a race track, stables, sheds, buildings
11 or grounds where horses are kept which are eligible to race
12 over the race tracks of any racing association or licensee
13 shall be prima facie evidence of intention to so use such
14 instrumentalities.

15 (c) Any persons who violate this Section shall be guilty
16 of a Class 4 felony. The Division Board ~~Board~~ shall suspend or revoke
17 such violator's license.

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

19 (230 ILCS 5/38) (from Ch. 8, par. 37-38)

20 Sec. 38. (a) It is unlawful for any person knowingly to
21 enter or cause to be entered any horse - mare, stallion,
22 gelding, colt or filly - for competition or knowingly to
23 compete with any horse - mare, stallion, gelding, colt or
24 filly -- entered for competition under any name other than its
25 true name or out of its proper class for any purse, prize,

1 premium, stake or sweepstakes offered or given by any
2 agricultural or other society, association or persons in the
3 State where such prize, purse, premium, stake or sweepstakes
4 is to be decided by a contest of speed.

5 (b) Any person who violates this Section is guilty of a
6 Class 4 felony. The Division Board shall suspend or revoke the
7 violator's license.

8 (c) The true name of any horse -- mare, stallion, gelding,
9 colt or filly -- for the purpose of entry for competition or
10 performance in any contest of speed shall be the name under
11 which the horse has publicly performed and shall not be
12 changed after having once so performed or contested for a
13 prize, purse, premium, stake or sweepstakes, except as
14 provided by the code of printed rules of the society or
15 association under which the contest is advertised to be
16 conducted.

17 (d) It is further provided that the official records shall
18 be received in all courts as evidence upon the trial of any
19 person under this Section.

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

21 (230 ILCS 5/39) (from Ch. 8, par. 37-39)

22 Sec. 39. (a) It shall be unlawful for any person to engage
23 directly or indirectly or for any person to conspire with or to
24 aid, assist or abet any other person in the engagement or
25 commission of any corrupt act or practice, including, but not

1 limited to:

2 (1) the giving or offering or promising to give,
3 directly or indirectly, a bribe in any form to any public
4 official or person having official duties in relation to
5 any race or race horse or to any trainer, jockey or agent
6 or to any other person having charge of, or access to, any
7 race horse;

8 (2) the passing or attempting to pass or the cashing
9 or attempting to cash any altered or fraudulent mutuel
10 ticket;

11 (3) the unauthorized sale or the attempt to make an
12 unauthorized sale of any race track admission ticket.

13 (b) Any person who violates this Section is guilty of a
14 Class 4 felony.

15 (c) If any person who violates this Section is licensed
16 under this Act, the Division Board shall suspend or revoke the
17 organization or occupation license of that person, in addition
18 to the penalty and fine imposed in subsection (b).

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

20 (230 ILCS 5/40) (from Ch. 8, par. 37-40)

21 Sec. 40. (a) The imposition of any fine or penalty
22 provided in this Act shall not preclude the Division Board in
23 its rules and regulations from imposing a fine or penalty for
24 any other action which, in the Division's Board's discretion,
25 is a detriment or impediment to horse racing.

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

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

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

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

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

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

17 (A) if a list or report is submitted no more than
18 30 days late, \$50;

19 (B) if a list or report is submitted no more than
20 60 days late, \$150; or

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

24 (3) filing an Illinois foaled thoroughbred mare status
25 report after the statutory deadline as provided in
26 subsection (k) of Section 30 of this Act:

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

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

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

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

10 (4) late filing of application for foal eligibility
11 certificate:

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

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

16 (C) if an application is submitted no more than
17 150 days late, \$250; or

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

21 (5) failure to report the intent to remove a foal from
22 Illinois prior to inspection, identification and
23 certification by a Department of Agriculture investigator,
24 \$50; and

25 (6) if a list or report of mares bred is incomplete,
26 \$50 per mare not included on the list or report.

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

9 (Source: P.A. 100-201, eff. 8-18-17; 101-31, eff. 6-28-19.)

10 (230 ILCS 5/45) (from Ch. 8, par. 37-45)

11 Sec. 45. It shall be the duty of the Attorney General and
12 the various State's attorneys in this State in cooperation
13 with the Illinois State Police to enforce this Act. The
14 Governor may, upon request of the Illinois State Police, order
15 the law enforcing officers of the various cities and counties
16 to assign a sufficient number of deputies to aid members of the
17 Illinois State Police in preventing horse racing at any track
18 within the respective jurisdiction of such cities or counties
19 an organization license for which has been refused, suspended
20 or revoked by the Division Board ~~Board~~. The Governor may similarly
21 assign such deputies to aid the Illinois State Police when, by
22 his determination, additional forces are needed to preserve
23 the health, welfare or safety of any person or animal within
24 the grounds of any race track in the State.

25 (Source: P.A. 102-538, eff. 8-20-21.)

1 (230 ILCS 5/46) (from Ch. 8, par. 37-46)

2 Sec. 46. All final decisions of the Director or the
3 Division Board hereunder shall be subject to judicial review
4 pursuant to the provisions of the "Administrative Review Law",
5 as now or hereafter amended, and the rules adopted pursuant
6 thereto. The term "administrative decision" is as defined in
7 Section 3-101 of the Administrative Review Law, as now or
8 hereafter amended.

9 (Source: P.A. 83-1539.)

10 (230 ILCS 5/49) (from Ch. 8, par. 37-49)

11 Sec. 49. The General Assembly declares that it is the
12 policy of this State to foster the running of the Hambletonian
13 Stakes in Illinois. Should the Hambletonian stakes no longer
14 be run in Illinois then it is the policy of the State to foster
15 a race or races at the DuQuoin State Fair, the Illinois State
16 Fair, and the Illinois county fairs for the benefit of the
17 harness horse racing industry. In order to further this
18 policy, the Division Board shall keep a record of the moneys
19 deposited in the Agricultural Premium Fund which are derived
20 from the third and fourth races conducted on each Friday and
21 Saturday during each harness racing meeting licensed under
22 this Act, provided that each such Friday and Saturday program
23 has at least 11 races. Each year, from the moneys in the
24 Agricultural Premium Fund provided from such races, an

1 appropriation shall be made to the Department of Agriculture
2 to be used to supplement the purses offered for, and for other
3 expenses in connection with, the Hambletonian Stakes or other
4 harness races as authorized in this Section.

5 (Source: P.A. 86-1458.)

6 (230 ILCS 5/51) (from Ch. 8, par. 37-51)

7 Sec. 51. (a) (Blank).

8 (b) All proceedings respecting acts done before the
9 effective date of this Act shall be determined in accordance
10 with law and regulations enforced at the time the acts
11 occurred. All proceedings instituted for actions taken after
12 the effective date of this Act shall be governed by this Act.

13 (c) All rules and regulations of the Division Board ~~Board~~
14 relating to subjects embraced by this Act shall remain in full
15 force and effect unless repealed, amended or superseded by
16 rules and regulations issued under this Act.

17 (d) All orders entered, licenses granted, and pending
18 proceedings instituted by the Division Board ~~Board~~ relating to
19 subjects embraced within this Act shall remain in full force
20 and effect until superseded by actions taken under this Act.

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

22 (230 ILCS 5/54.75)

23 Sec. 54.75. Horse Racing Equity Trust Fund.

24 (a) There is created a Fund to be known as the Horse Racing

1 Equity Trust Fund, which is a non-appropriated trust fund held
2 separate and apart from State moneys. The Fund shall consist
3 of moneys paid into it by owners licensees under the Illinois
4 Gambling Act for the purposes described in this Section. The
5 Fund shall be administered by the Division ~~Board~~. Moneys in
6 the Fund shall be distributed as directed and certified by the
7 Division ~~Board~~ in accordance with the provisions of subsection
8 (b).

9 (b) The moneys deposited into the Fund, plus any accrued
10 interest on those moneys, shall be distributed within 10 days
11 after those moneys are deposited into the Fund as follows:

12 (1) Sixty percent of all moneys distributed under this
13 subsection shall be distributed to organization licensees
14 to be distributed at their race meetings as purses.
15 Fifty-seven percent of the amount distributed under this
16 paragraph (1) shall be distributed for thoroughbred race
17 meetings and 43% shall be distributed for standardbred
18 race meetings. Within each breed, moneys shall be
19 allocated to each organization licensee's purse fund in
20 accordance with the ratio between the purses generated for
21 that breed by that licensee during the prior calendar year
22 and the total purses generated throughout the State for
23 that breed during the prior calendar year by licensees in
24 the current calendar year.

25 (2) The remaining 40% of the moneys distributed under
26 this subsection (b) shall be distributed as follows:

1 (A) 11% shall be distributed to any person (or its
2 successors or assigns) who had operating control of a
3 racetrack that conducted live racing in 2002 at a
4 racetrack in a county with at least 230,000
5 inhabitants that borders the Mississippi River and is
6 a licensee in the current year; and

7 (B) the remaining 89% shall be distributed pro
8 rata according to the aggregate proportion of total
9 handle from wagering on live races conducted in
10 Illinois (irrespective of where the wagers are placed)
11 for calendar years 2004 and 2005 to any person (or its
12 successors or assigns) who (i) had majority operating
13 control of a racing facility at which live racing was
14 conducted in calendar year 2002, (ii) is a licensee in
15 the current year, and (iii) is not eligible to receive
16 moneys under subparagraph (A) of this paragraph (2).

17 The moneys received by an organization licensee
18 under this paragraph (2) shall be used by each
19 organization licensee to improve, maintain, market,
20 and otherwise operate its racing facilities to conduct
21 live racing, which shall include backstretch services
22 and capital improvements related to live racing and
23 the backstretch. Any organization licensees sharing
24 common ownership may pool the moneys received and
25 spent at all racing facilities commonly owned in order
26 to meet these requirements.

1 If any person identified in this paragraph (2) becomes
2 ineligible to receive moneys from the Fund, such amount
3 shall be redistributed among the remaining persons in
4 proportion to their percentages otherwise calculated.

5 (c) The Division ~~Board~~ shall monitor organization
6 licensees to ensure that moneys paid to organization licensees
7 under this Section are distributed by the organization
8 licensees as provided in subsection (b).

9 (Source: P.A. 101-31, eff. 6-28-19.)

10 (230 ILCS 5/56)

11 Sec. 56. Gaming pursuant to an organization gaming
12 license.

13 (a) A person, firm, corporation, partnership, or limited
14 liability company having operating control of a racetrack may
15 apply to the Department of Lottery and Gaming ~~Board~~ for an
16 organization gaming license. An organization gaming license
17 shall authorize its holder to conduct gaming on the grounds of
18 the racetrack of which the organization gaming licensee has
19 operating control. Only one organization gaming license may be
20 awarded for any racetrack. A holder of an organization gaming
21 license shall be subject to the Illinois Gambling Act and
22 rules of the Department of Lottery and Gaming ~~Illinois Gaming~~
23 ~~Board~~ concerning gaming pursuant to an organization gaming
24 license issued under the Illinois Gambling Act. If the person,
25 firm, corporation, or limited liability company having

1 operating control of a racetrack is found by the Department of
2 Lottery and Gaming ~~Illinois Gaming Board~~ to be unsuitable for
3 an organization gaming license under the Illinois Gambling Act
4 and rules of the Department of Lottery and Gaming Board, that
5 person, firm, corporation, or limited liability company shall
6 not be granted an organization gaming license. Each license
7 shall specify the number of gaming positions that its holder
8 may operate.

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

13 (b) For purposes of this subsection, "adjusted gross
14 receipts" means an organization gaming licensee's gross
15 receipts less winnings paid to wagerers and shall also include
16 any amounts that would otherwise be deducted pursuant to
17 subsection (a-9) of Section 13 of the Illinois Gambling Act.
18 The adjusted gross receipts by an organization gaming licensee
19 from gaming pursuant to an organization gaming license issued
20 under the Illinois Gambling Act remaining after the payment of
21 taxes under Section 13 of the Illinois Gambling Act shall be
22 distributed as follows:

23 (1) Amounts shall be paid to the purse account at the
24 track at which the organization licensee is conducting
25 racing equal to the following:

26 12.75% of annual adjusted gross receipts up to and

1 including \$93,000,000;
2 20% of annual adjusted gross receipts in excess of
3 \$93,000,000 but not exceeding \$100,000,000;
4 26.5% of annual adjusted gross receipts in excess
5 of \$100,000,000 but not exceeding \$125,000,000; and
6 20.5% of annual adjusted gross receipts in excess
7 of \$125,000,000.

8 If 2 different breeds race at the same racetrack in
9 the same calendar year, the purse moneys allocated under
10 this subsection (b) shall be divided pro rata based on
11 live racing days awarded by the Division Board to that
12 race track for each breed. However, the ratio may not
13 exceed 60% for either breed, except if one breed is
14 awarded fewer than 20 live racing days, in which case the
15 purse moneys allocated shall be divided pro rata based on
16 live racing days.

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

19 (c) Annually, from the purse account of an organization
20 licensee racing thoroughbred horses in this State, except for
21 in Madison County, an amount equal to 12% of the gaming
22 receipts from gaming pursuant to an organization gaming
23 license placed into the purse accounts shall be paid to the
24 Illinois Thoroughbred Breeders Fund and shall be used for
25 owner awards; a stallion program pursuant to paragraph (3) of
26 subsection (g) of Section 30 of this Act; and Illinois

1 conceived and foaled stakes races pursuant to paragraph (2) of
2 subsection (g) of Section 30 of this Act, as specifically
3 designated by the horsemen association representing the
4 largest number of owners and trainers who race at the
5 organization licensee's race meetings.

6 Annually, from the purse account of an organization
7 licensee racing thoroughbred horses in Madison County, an
8 amount equal to 10% of the gaming receipts from gaming
9 pursuant to an organization gaming license placed into the
10 purse accounts shall be paid to the Illinois Thoroughbred
11 Breeders Fund and shall be used for owner awards; a stallion
12 program pursuant to paragraph (3) of subsection (g) of Section
13 30 of this Act; and Illinois conceived and foaled stakes races
14 pursuant to paragraph (2) of subsection (g) of Section 30 of
15 this Act, as specifically designated by the horsemen
16 association representing the largest number of owners and
17 trainers who race at the organization licensee's race
18 meetings.

19 Annually, from the amounts generated for purses from all
20 sources, including, but not limited to, amounts generated from
21 wagering conducted by organization licensees, organization
22 gaming licensees, inter-track wagering licensees, inter-track
23 wagering locations licensees, and advance deposit wagering
24 licensees, or an organization licensee to the purse account of
25 an organization licensee conducting thoroughbred races at a
26 track in Madison County, an amount equal to 10% of adjusted

1 gross receipts as defined in subsection (b) of this Section
2 shall be paid to the horsemen association representing the
3 largest number of owners and trainers who race at the
4 organization licensee's race meets, to be used to for
5 operational expenses and may be also used for after care
6 programs for retired thoroughbred race horses, backstretch
7 laundry and kitchen facilities, a health insurance or
8 retirement program, the Future Farmers of America, and such
9 other programs.

10 Annually, from the purse account of organization licensees
11 conducting thoroughbred races at racetracks in Cook County,
12 \$100,000 shall be paid for division and equal distribution to
13 the animal sciences department of each Illinois public
14 university system engaged in equine research and education on
15 or before the effective date of this amendatory Act of the
16 101st General Assembly for equine research and education.

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

1 (Source: P.A. 101-31, eff. 6-28-19.)

2 (230 ILCS 5/5 rep.)

3 (230 ILCS 5/6 rep.)

4 (230 ILCS 5/7 rep.)

5 (230 ILCS 5/8 rep.)

6 Section 135. The Illinois Horse Racing Act of 1975 is
7 amended by repealing Sections 5, 6, 7, and 8.

8 Section 140. The Illinois Gambling Act is amended by
9 changing Sections 2, 4, 5, 5.1, 5.2, 5.3, 6, 7, 7.1, 7.3, 7.4,
10 7.5, 7.6, 7.7, 7.10, 7.11, 7.12, 8, 9, 10, 11, 11.2, 12, 13,
11 13.05, 14, 15, 16, 17, 17.1, 18, 18.1, and 22 as follows:

12 (230 ILCS 10/2) (from Ch. 120, par. 2402)

13 Sec. 2. Legislative intent.

14 (a) This Act is intended to benefit the people of the State
15 of Illinois by assisting economic development, promoting
16 Illinois tourism, and increasing the amount of revenues
17 available to the State to assist and support education, and to
18 defray State expenses.

19 (b) While authorization of riverboat and casino gambling
20 will enhance investment, beautification, development and
21 tourism in Illinois, it is recognized that it will do so
22 successfully only if public confidence and trust in the
23 credibility and integrity of the gambling operations and the

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

6 (c) The Division of Casino Gambling of the Department of
7 Lottery and Gaming ~~Illinois Gaming Board~~ established under
8 this Act should, as soon as possible, inform each applicant
9 for an owners license of the Division's ~~Board's~~ intent to
10 grant or deny a license.

11 (Source: P.A. 101-31, eff. 6-28-19.)

12 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

14 ~~"Board" means the Illinois Gaming Board.~~

15 "Director" means the Director of the Division of Casino
16 Gaming of the Department of Lottery and Gaming.

17 "Division" means the Division of Casino Gambling of the
18 Department of Lottery and Gaming.

19 "Occupational license" means a license issued by the
20 Division ~~Board~~ to a person or entity to perform an occupation
21 which the Division ~~Board~~ has identified as requiring a license
22 to engage in riverboat gambling, casino gambling, or gaming
23 pursuant to an organization gaming license issued under this
24 Act in Illinois.

25 "Gambling game" includes, but is not limited to, baccarat,

1 twenty-one, poker, craps, slot machine, video game of chance,
2 roulette wheel, klondike table, punchboard, faro layout, keno
3 layout, numbers ticket, push card, jar ticket, or pull tab
4 which is authorized by the Division Board as a wagering device
5 under this Act.

6 "Riverboat" means a self-propelled excursion boat, a
7 permanently moored barge, or permanently moored barges that
8 are permanently fixed together to operate as one vessel, on
9 which lawful gambling is authorized and licensed as provided
10 in this Act.

11 "Slot machine" means any mechanical, electrical, or other
12 device, contrivance, or machine that is authorized by the
13 Division Board as a wagering device under this Act which, upon
14 insertion of a coin, currency, token, or similar object
15 therein, or upon payment of any consideration whatsoever, is
16 available to play or operate, the play or operation of which
17 may deliver or entitle the person playing or operating the
18 machine to receive cash, premiums, merchandise, tokens, or
19 anything of value whatsoever, whether the payoff is made
20 automatically from the machine or in any other manner
21 whatsoever. A slot machine:

22 (1) may utilize spinning reels or video displays or
23 both;

24 (2) may or may not dispense coins, tickets, or tokens
25 to winning patrons;

26 (3) may use an electronic credit system for receiving

1 wagers and making payouts; and

2 (4) may simulate a table game.

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

5 "Managers license" means a license issued by the Division
6 ~~Board~~ to a person or entity to manage gambling operations
7 conducted by the State pursuant to Section 7.3.

8 "Dock" means the location where a riverboat moors for the
9 purpose of embarking passengers for and disembarking
10 passengers from the riverboat.

11 "Gross receipts" means the total amount of money exchanged
12 for the purchase of chips, tokens, or electronic cards by
13 riverboat patrons.

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

16 "Cheat" means to alter the selection of criteria which
17 determine the result of a gambling game or the amount or
18 frequency of payment in a gambling game.

19 "Gambling operation" means the conduct of gambling games
20 authorized under this Act upon a riverboat or in a casino or
21 authorized under this Act and the Illinois Horse Racing Act of
22 1975 at an organization gaming facility.

23 "License bid" means the lump sum amount of money that an
24 applicant bids and agrees to pay the State in return for an
25 owners license that is issued or re-issued on or after July 1,
26 2003.

1 "Table game" means a live gaming apparatus upon which
2 gaming is conducted or that determines an outcome that is the
3 object of a wager, including, but not limited to, baccarat,
4 twenty-one, blackjack, poker, craps, roulette wheel, klondike
5 table, punchboard, faro layout, keno layout, numbers ticket,
6 push card, jar ticket, pull tab, or other similar games that
7 are authorized by the Division Board ~~Board~~ as a wagering device
8 under this Act. "Table game" does not include slot machines or
9 video games of chance.

10 The terms "minority person", "woman", and "person with a
11 disability" shall have the same meaning as defined in Section
12 2 of the Business Enterprise for Minorities, Women, and
13 Persons with Disabilities Act.

14 "Casino" means a facility at which lawful gambling is
15 authorized as provided in this Act.

16 "Owners license" means a license to conduct riverboat or
17 casino gambling operations, but does not include an
18 organization gaming license.

19 "Licensed owner" means a person who holds an owners
20 license.

21 "Organization gaming facility" means that portion of an
22 organization licensee's racetrack facilities at which gaming
23 authorized under Section 7.7 is conducted.

24 "Organization gaming license" means a license issued by
25 the Division ~~Illinois Gaming Board~~ under Section 7.7 of this
26 Act authorizing gaming pursuant to that Section at an

1 organization gaming facility.

2 "Organization gaming licensee" means an entity that holds
3 an organization gaming license.

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

11 (Source: P.A. 100-391, eff. 8-25-17; 101-31, eff. 6-28-19.)

12 (230 ILCS 10/5) (from Ch. 120, par. 2405)

13 Sec. 5. Division of Casino Gambling ~~Gaming Board~~.

14 (a) (1) There is hereby established Division of Casino
15 Gaming of the Department of Lottery and Gaming ~~the Illinois~~
16 ~~Gaming Board~~, which shall have the powers and duties specified
17 in this Act, and all other powers necessary and proper to fully
18 and effectively execute this Act for the purpose of
19 administering, regulating, and enforcing the system of
20 riverboat and casino gambling established by this Act and
21 gaming pursuant to an organization gaming license issued under
22 this Act. Its jurisdiction shall extend under this Act to
23 every person, association, corporation, partnership and trust
24 involved in riverboat and casino gambling operations and
25 gaming pursuant to an organization gaming license issued under

1 this Act in the State of Illinois.

2 (2) (Blank). ~~The Board shall consist of 5 members to be~~
3 ~~appointed by the Governor with the advice and consent of the~~
4 ~~Senate, one of whom shall be designated by the Governor to be~~
5 ~~chairperson. Each member shall have a reasonable knowledge of~~
6 ~~the practice, procedure and principles of gambling operations.~~
7 ~~Each member shall either be a resident of Illinois or shall~~
8 ~~certify that he or she will become a resident of Illinois~~
9 ~~before taking office.~~

10 ~~On and after the effective date of this amendatory Act of~~
11 ~~the 101st General Assembly, new appointees to the Board must~~
12 ~~include the following:~~

13 ~~(A) One member who has received, at a minimum, a~~
14 ~~bachelor's degree from an accredited school and at least~~
15 ~~10 years of verifiable experience in the fields of~~
16 ~~investigation and law enforcement.~~

17 ~~(B) One member who is a certified public accountant~~
18 ~~with experience in auditing and with knowledge of complex~~
19 ~~corporate structures and transactions.~~

20 ~~(C) One member who has 5 years' experience as a~~
21 ~~principal, senior officer, or director of a company or~~
22 ~~business with either material responsibility for the daily~~
23 ~~operations and management of the overall company or~~
24 ~~business or material responsibility for the policy making~~
25 ~~of the company or business.~~

26 ~~(D) One member who is an attorney licensed to practice~~

1 ~~law in Illinois for at least 5 years.~~

2 ~~Notwithstanding any provision of this subsection (a), the~~
3 ~~requirements of subparagraphs (A) through (D) of this~~
4 ~~paragraph (2) shall not apply to any person reappointed~~
5 ~~pursuant to paragraph (3).~~

6 ~~No more than 3 members of the Board may be from the same~~
7 ~~political party. No Board member shall, within a period of one~~
8 ~~year immediately preceding nomination, have been employed or~~
9 ~~received compensation or fees for services from a person or~~
10 ~~entity, or its parent or affiliate, that has engaged in~~
11 ~~business with the Board, a licensee, or a licensee under the~~
12 ~~Illinois Horse Racing Act of 1975. Board members must publicly~~
13 ~~disclose all prior affiliations with gaming interests,~~
14 ~~including any compensation, fees, bonuses, salaries, and other~~
15 ~~reimbursement received from a person or entity, or its parent~~
16 ~~or affiliate, that has engaged in business with the Board, a~~
17 ~~licensee, or a licensee under the Illinois Horse Racing Act of~~
18 ~~1975. This disclosure must be made within 30 days after~~
19 ~~nomination but prior to confirmation by the Senate and must be~~
20 ~~made available to the members of the Senate.~~

21 (3) (Blank). ~~The terms of office of the Board members~~
22 ~~shall be 3 years, except that the terms of office of the~~
23 ~~initial Board members appointed pursuant to this Act will~~
24 ~~commence from the effective date of this Act and run as~~
25 ~~follows: one for a term ending July 1, 1991, 2 for a term~~
26 ~~ending July 1, 1992, and 2 for a term ending July 1, 1993. Upon~~

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

8 (4) (Blank). ~~Each member of the Board shall receive \$300~~
9 ~~for each day the Board meets and for each day the member~~
10 ~~conducts any hearing pursuant to this Act. Each member of the~~
11 ~~Board shall also be reimbursed for all actual and necessary~~
12 ~~expenses and disbursements incurred in the execution of~~
13 ~~official duties.~~

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

26 (5.5) (Blank). ~~No member of the Board shall engage in any~~

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

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

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

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

8 (7.5) For the examination of all mechanical,
9 electromechanical, or electronic table games, slot machines,
10 slot accounting systems, sports wagering systems, and other
11 electronic gaming equipment, and the field inspection of such
12 systems, games, and machines, for compliance with this Act,
13 the Division Board shall utilize the services of independent
14 outside testing laboratories that have been accredited in
15 accordance with ISO/IEC 17025 by an accreditation body that is
16 a signatory to the International Laboratory Accreditation
17 Cooperation Mutual Recognition Agreement signifying they are
18 qualified to perform such examinations. Notwithstanding any
19 law to the contrary, the Division Board shall consider the
20 licensing of independent outside testing laboratory applicants
21 in accordance with procedures established by the Division
22 ~~Board~~ by rule. The Board shall not withhold its approval of an
23 independent outside testing laboratory license applicant that
24 has been accredited as required under this paragraph (7.5) and
25 is licensed in gaming jurisdictions comparable to Illinois.
26 Upon the finalization of required rules, the Division Board

1 shall license independent testing laboratories and accept the
2 test reports of any licensed testing laboratory of the
3 system's, game's, or machine manufacturer's choice,
4 notwithstanding the existence of contracts between the
5 Division Board and any independent testing laboratory.

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

23 (9) An Administrator shall perform any and all duties that
24 the Division Board shall assign him. The salary of the
25 Administrator shall be determined by the Division Board and,
26 in addition, he shall be reimbursed for all actual and

1 necessary expenses incurred by him in discharge of his
2 official duties. The Administrator shall keep records of all
3 proceedings of hearings before the Director ~~the Board~~ and
4 shall preserve all records, books, documents and other papers
5 belonging to the Division Board or entrusted to its care. The
6 Administrator shall devote his full time to the duties of the
7 office and shall not hold any other office or employment.

8 (b) The Division Board shall have general responsibility
9 for the implementation of this Act. Its duties include,
10 without limitation, the following:

11 (1) To decide promptly and in reasonable order all
12 license applications. Any party aggrieved by an action of
13 the Board denying, suspending, revoking, restricting or
14 refusing to renew a license may request a hearing before
15 the Director Board. A request for a hearing must be made to
16 the Director Board in writing within 5 days after service
17 of notice of the action of the Division Board. Notice of
18 the action of the Division Board shall be served either by
19 personal delivery or by certified mail, postage prepaid,
20 to the aggrieved party. Notice served by certified mail
21 shall be deemed complete on the business day following the
22 date of such mailing. The Director Board shall conduct any
23 such hearings promptly and in reasonable order;

24 (2) To conduct all hearings pertaining to civil
25 violations of this Act or rules and regulations
26 promulgated hereunder;

1 (3) To promulgate such rules and regulations as in its
2 judgment may be necessary to protect or enhance the
3 credibility and integrity of gambling operations
4 authorized by this Act and the regulatory process
5 hereunder;

6 (4) To provide for the establishment and collection of
7 all license and registration fees and taxes imposed by
8 this Act and the rules and regulations issued pursuant
9 hereto. All such fees and taxes shall be deposited into
10 the State Gaming Fund;

11 (5) To provide for the levy and collection of
12 penalties and fines for the violation of provisions of
13 this Act and the rules and regulations promulgated
14 hereunder. All such fines and penalties shall be deposited
15 into the Education Assistance Fund, created by Public Act
16 86-0018, of the State of Illinois;

17 (6) To be present through its inspectors and agents
18 any time gambling operations are conducted on any
19 riverboat, in any casino, or at any organization gaming
20 facility for the purpose of certifying the revenue
21 thereof, receiving complaints from the public, and
22 conducting such other investigations into the conduct of
23 the gambling games and the maintenance of the equipment as
24 from time to time the Division ~~Board~~ may deem necessary
25 and proper;

26 (7) To review and rule upon any complaint by a

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

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

1 ~~Board. The Board member or administrative law judge~~
2 ~~conducting such hearing shall have all powers and rights~~
3 ~~granted to the Board in this Act. The record made at the~~
4 ~~time of the hearing shall be reviewed by the Board, or a~~
5 ~~majority thereof, and the findings and decision of the~~
6 ~~majority of the Board shall constitute the order of the~~
7 ~~Board in such case;~~

8 (9) To maintain records which are separate and
9 distinct from the records of any other State board or
10 commission. Such records shall be available for public
11 inspection and shall accurately reflect all ~~Board~~
12 proceedings before the Director;

13 (10) To file a written annual report with the Governor
14 on or before July 1 each year and such additional reports
15 as the Governor may request. The annual report shall
16 include a statement of receipts and disbursements by the
17 Division Board, actions taken by the Division Board, and
18 any additional information and recommendations which the
19 Board may deem valuable or which the Governor may request;

20 (11) (Blank);

21 (12) (Blank);

22 (13) (Blank); ~~To assume responsibility for~~
23 ~~administration and enforcement of the Video Gaming Act;~~

24 (13.1) To assume responsibility for the administration
25 and enforcement of operations at organization gaming
26 facilities pursuant to this Act and the Illinois Horse

1 Racing Act of 1975;

2 (13.2) (Blank); and ~~To assume responsibility for the~~
3 ~~administration and enforcement of the Sports Wagering Act;~~
4 ~~and~~

5 (14) To adopt, by rule, a code of conduct governing
6 Division Board ~~members~~ and employees that ensure, to the
7 maximum extent possible, that persons subject to this Code
8 avoid situations, relationships, or associations that may
9 represent or lead to a conflict of interest.

10 Internal controls and changes submitted by licensees must
11 be reviewed and either approved or denied with cause within 90
12 days after receipt of submission is deemed final by the
13 Division ~~Illinois Gaming Board~~. In the event an internal
14 control submission or change does not meet the standards set
15 by the Division Board, staff of the Division Board must
16 provide technical assistance to the licensee to rectify such
17 deficiencies within 90 days after the initial submission and
18 the revised submission must be reviewed and approved or denied
19 with cause within 90 days after the date the revised
20 submission is deemed final by the Division Board. For the
21 purposes of this paragraph, "with cause" means that the
22 approval of the submission would jeopardize the integrity of
23 gaming. In the event the Division Board staff has not acted
24 within the timeframe, the submission shall be deemed approved.

25 (c) The Division Board shall have jurisdiction over and
26 shall supervise all gambling operations governed by this Act.

1 The Division ~~Board~~ shall have all powers necessary and proper
2 to fully and effectively execute the provisions of this Act,
3 including, but not limited to, the following:

4 (1) To investigate applicants and determine the
5 eligibility of applicants for licenses and to select among
6 competing applicants the applicants which best serve the
7 interests of the citizens of Illinois.

8 (2) To have jurisdiction and supervision over all
9 riverboat gambling operations authorized under this Act
10 and all persons in places where gambling operations are
11 conducted.

12 (3) To promulgate rules and regulations for the
13 purpose of administering the provisions of this Act and to
14 prescribe rules, regulations and conditions under which
15 all gambling operations subject to this Act shall be
16 conducted. Such rules and regulations are to provide for
17 the prevention of practices detrimental to the public
18 interest and for the best interests of riverboat gambling,
19 including rules and regulations regarding the inspection
20 of organization gaming facilities, casinos, and
21 riverboats, and the review of any permits or licenses
22 necessary to operate a riverboat, casino, or organization
23 gaming facility under any laws or regulations applicable
24 to riverboats, casinos, or organization gaming facilities
25 and to impose penalties for violations thereof.

26 (4) To enter the office, riverboats, casinos,

1 organization gaming facilities, and other facilities, or
2 other places of business of a licensee, where evidence of
3 the compliance or noncompliance with the provisions of
4 this Act is likely to be found.

5 (5) To investigate alleged violations of this Act or
6 the rules of the Division Board and to take appropriate
7 disciplinary action against a licensee or a holder of an
8 occupational license for a violation, or institute
9 appropriate legal action for enforcement, or both.

10 (6) To adopt standards for the licensing of all
11 persons and entities under this Act, as well as for
12 electronic or mechanical gambling games, and to establish
13 fees for such licenses.

14 (7) To adopt appropriate standards for all
15 organization gaming facilities, riverboats, casinos, and
16 other facilities authorized under this Act.

17 (8) To require that the records, including financial
18 or other statements of any licensee under this Act, shall
19 be kept in such manner as prescribed by the Division Board
20 and that any such licensee involved in the ownership or
21 management of gambling operations submit to the Division
22 ~~Board~~ an annual balance sheet and profit and loss
23 statement, list of the stockholders or other persons
24 having a 1% or greater beneficial interest in the gambling
25 activities of each licensee, and any other information the
26 Division Board deems necessary in order to effectively

1 administer this Act and all rules, regulations, orders and
2 final decisions promulgated under this Act.

3 (9) To conduct hearings, issue subpoenas for the
4 attendance of witnesses and subpoenas duces tecum for the
5 production of books, records and other pertinent documents
6 in accordance with the Illinois Administrative Procedure
7 Act, and to administer oaths and affirmations to the
8 witnesses, when, in the judgment of the Division Board, it
9 is necessary to administer or enforce this Act or the
10 Division Board rules.

11 (10) To prescribe a form to be used by any licensee
12 involved in the ownership or management of gambling
13 operations as an application for employment for their
14 employees.

15 (11) To revoke or suspend licenses, as the Division
16 ~~Board~~ may see fit and in compliance with applicable laws
17 of the State regarding administrative procedures, and to
18 review applications for the renewal of licenses. The
19 Division Board may suspend an owners license or an
20 organization gaming license without notice or hearing upon
21 a determination that the safety or health of patrons or
22 employees is jeopardized by continuing a gambling
23 operation conducted under that license. The suspension may
24 remain in effect until the Division Board determines that
25 the cause for suspension has been abated. The Division
26 ~~Board~~ may revoke an owners license or organization gaming

1 license upon a determination that the licensee has not
2 made satisfactory progress toward abating the hazard.

3 (12) To eject or exclude or authorize the ejection or
4 exclusion of, any person from gambling facilities where
5 that person is in violation of this Act, rules and
6 regulations thereunder, or final orders of the Division
7 ~~Board~~, or where such person's conduct or reputation is
8 such that his or her presence within the gambling
9 facilities may, in the opinion of the Division Board, call
10 into question the honesty and integrity of the gambling
11 operations or interfere with the orderly conduct thereof;
12 provided that the propriety of such ejection or exclusion
13 is subject to subsequent hearing by the Division Board.

14 (13) To require all licensees of gambling operations
15 to utilize a cashless wagering system whereby all players'
16 money is converted to tokens, electronic cards, or chips
17 which shall be used only for wagering in the gambling
18 establishment.

19 (14) (Blank).

20 (15) To suspend, revoke or restrict licenses, to
21 require the removal of a licensee or an employee of a
22 licensee for a violation of this Act or a Division Board
23 rule or for engaging in a fraudulent practice, and to
24 impose civil penalties of up to \$5,000 against individuals
25 and up to \$10,000 or an amount equal to the daily gross
26 receipts, whichever is larger, against licensees for each

1 violation of any provision of the Act, any rules adopted
2 by the Division Board, any order of the Division Board or
3 any other action which, in the Division's Board's
4 discretion, is a detriment or impediment to gambling
5 operations.

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

9 (17) To establish minimum levels of insurance to be
10 maintained by licensees.

11 (18) To authorize a licensee to sell or serve
12 alcoholic liquors, wine or beer as defined in the Liquor
13 Control Act of 1934 on board a riverboat or in a casino and
14 to have exclusive authority to establish the hours for
15 sale and consumption of alcoholic liquor on board a
16 riverboat or in a casino, notwithstanding any provision of
17 the Liquor Control Act of 1934 or any local ordinance, and
18 regardless of whether the riverboat makes excursions. The
19 establishment of the hours for sale and consumption of
20 alcoholic liquor on board a riverboat or in a casino is an
21 exclusive power and function of the State. A home rule
22 unit may not establish the hours for sale and consumption
23 of alcoholic liquor on board a riverboat or in a casino.
24 This subdivision (18) is a denial and limitation of home
25 rule powers and functions under subsection (h) of Section
26 6 of Article VII of the Illinois Constitution.

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

7 (20) To delegate the execution of any of its powers
8 under this Act for the purpose of administering and
9 enforcing this Act and the rules adopted by the Division
10 ~~Board~~.

11 (20.5) To approve any contract entered into on its
12 behalf.

13 (20.6) To appoint investigators to conduct
14 investigations, searches, seizures, arrests, and other
15 duties imposed under this Act, as deemed necessary by the
16 Division ~~Board~~. These investigators have and may exercise
17 all of the rights and powers of peace officers, provided
18 that these powers shall be limited to offenses or
19 violations occurring or committed in a casino, in an
20 organization gaming facility, or on a riverboat or dock,
21 as defined in subsections (d) and (f) of Section 4, or as
22 otherwise provided by this Act or any other law.

23 (20.7) To contract with the Illinois State Police for
24 the use of trained and qualified State police officers and
25 with the Department of Revenue for the use of trained and
26 qualified Department of Revenue investigators to conduct

1 investigations, searches, seizures, arrests, and other
2 duties imposed under this Act and to exercise all of the
3 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 in a casino, in an
7 organization gaming facility, or on a riverboat or dock,
8 as defined in subsections (d) and (f) of Section 4, or as
9 otherwise provided by this Act or any other law. In the
10 event the Illinois State Police or the Department of
11 Revenue is unable to fill contracted police or
12 investigative positions, the Division Board may appoint
13 investigators to fill those positions pursuant to
14 subdivision (20.6).

15 (21) To adopt rules concerning the conduct of gaming
16 pursuant to an organization gaming license issued under
17 this Act.

18 (22) To have the same jurisdiction and supervision
19 over casinos and organization gaming facilities as the
20 Division Board has over riverboats, including, but not
21 limited to, the power to (i) investigate, review, and
22 approve contracts as that power is applied to riverboats,
23 (ii) adopt rules for administering the provisions of this
24 Act, (iii) adopt standards for the licensing of all
25 persons involved with a casino or organization gaming
26 facility, (iv) investigate alleged violations of this Act

1 by any person involved with a casino or organization
2 gaming facility, and (v) require that records, including
3 financial or other statements of any casino or
4 organization gaming facility, shall be kept in such manner
5 as prescribed by the Division Board.

6 (23) To take any other action as may be reasonable or
7 appropriate to enforce this Act and the rules adopted by
8 the Division Board.

9 (d) The Division Board may seek and shall receive the
10 cooperation of the Illinois State Police in conducting
11 background investigations of applicants and in fulfilling its
12 responsibilities under this Section. Costs incurred by the
13 Illinois State Police as a result of such cooperation shall be
14 paid by the Division Board in conformance with the
15 requirements of Section 2605-400 of the Illinois State Police
16 Law.

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

23 (Source: P.A. 101-31, eff. 6-28-19; 102-538, eff. 8-20-21.)

24 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

25 Sec. 5.1. Disclosure of records.

1 (a) Notwithstanding any applicable statutory provision to
2 the contrary, the Division ~~Board~~ shall, on written request
3 from any person, provide information furnished by an applicant
4 or licensee concerning the applicant or licensee, his
5 products, services or gambling enterprises and his business
6 holdings, as follows:

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

9 (2) An identification of any applicant or licensee
10 including, if an applicant or licensee is not an
11 individual, the names and addresses of all stockholders
12 and directors, if the entity is a corporation; the names
13 and addresses of all members, if the entity is a limited
14 liability company; the names and addresses of all
15 partners, both general and limited, if the entity is a
16 partnership; and the names and addresses of all
17 beneficiaries, if the entity is a trust. If an applicant
18 or licensee has a pending registration statement filed
19 with the Securities and Exchange Commission, only the
20 names of those persons or entities holding interest of 5%
21 or more must be provided.

22 (3) An identification of any business, including, if
23 applicable, the state of incorporation or registration, in
24 which an applicant or licensee or an applicant's or
25 licensee's spouse or children has an equity interest of
26 more than 1%. If an applicant or licensee is a

1 corporation, partnership or other business entity, the
2 applicant or licensee shall identify any other
3 corporation, partnership or business entity in which it
4 has an equity interest of 1% or more, including, if
5 applicable, the state of incorporation or registration.
6 This information need not be provided by a corporation,
7 partnership or other business entity that has a pending
8 registration statement filed with the Securities and
9 Exchange Commission.

10 (4) Whether an applicant or licensee has been
11 indicted, convicted, pleaded guilty or nolo contendere, or
12 pretrial release has been revoked concerning any criminal
13 offense under the laws of any jurisdiction, either felony
14 or misdemeanor (except for traffic violations), including
15 the date, the name and location of the court, arresting
16 agency and prosecuting agency, the case number, the
17 offense, the disposition and the location and length of
18 incarceration.

19 (5) Whether an applicant or licensee has had any
20 license or certificate issued by a licensing authority in
21 Illinois or any other jurisdiction denied, restricted,
22 suspended, revoked or not renewed and a statement
23 describing the facts and circumstances concerning the
24 denial, restriction, suspension, revocation or
25 non-renewal, including the licensing authority, the date
26 each such action was taken, and the reason for each such

1 action.

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

8 (7) Whether an applicant or licensee has filed, or
9 been served with a complaint or other notice filed with
10 any public body, regarding the delinquency in the payment
11 of, or a dispute over the filings concerning the payment
12 of, any tax required under federal, State or local law,
13 including the amount, type of tax, the taxing agency and
14 time periods involved.

15 (8) A statement listing the names and titles of all
16 public officials or officers of any unit of government,
17 and relatives of said public officials or officers who,
18 directly or indirectly, own any financial interest in,
19 have any beneficial interest in, are the creditors of or
20 hold any debt instrument issued by, or hold or have any
21 interest in any contractual or service relationship with,
22 an applicant or licensee.

23 (9) Whether an applicant or licensee has made,
24 directly or indirectly, any political contribution, or any
25 loans, donations or other payments, to any candidate or
26 office holder, within 5 years from the date of filing the

1 application, including the amount and the method of
2 payment.

3 (10) The name and business telephone number of the
4 counsel representing an applicant or licensee in matters
5 before the Division Board.

6 (11) A description of any proposed or approved
7 gambling operation, including the type of boat, home dock,
8 or casino or gaming location, expected economic benefit to
9 the community, anticipated or actual number of employees,
10 any statement from an applicant or licensee regarding
11 compliance with federal and State affirmative action
12 guidelines, projected or actual admissions and projected
13 or actual adjusted gross gaming receipts.

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

16 (b) Notwithstanding any applicable statutory provision to
17 the contrary, the Division Board shall, on written request
18 from any person, also provide the following information:

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

22 (2) Whenever the Division Board finds an applicant for
23 an owner's license unsuitable for licensing, a copy of the
24 written letter outlining the reasons for the denial.

25 (3) Whenever the Division Board has refused to grant
26 leave for an applicant to withdraw his application, a copy

1 of the letter outlining the reasons for the refusal.

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

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

5 (2) The statutes, rules, regulations or
6 intergovernmental agreements of any jurisdiction.

7 (d) The Division Board may assess fees for the copying of
8 information in accordance with Section 6 of the Freedom of
9 Information Act.

10 (Source: P.A. 101-31, eff. 6-28-19; 101-652, eff. 1-1-23.)

11 (230 ILCS 10/5.2)

12 Sec. 5.2. Separation from Department of Revenue. As of
13 July 1, 2009, all of the powers, duties, assets, liabilities,
14 employees, contracts, property, records, pending business, and
15 unexpended appropriations of the Department of Revenue related
16 to the administration and enforcement of this Act are
17 transferred to the former Illinois Gaming Board.

18 The status and rights of the transferred employees, and
19 the rights of the State of Illinois and its agencies, under the
20 Personnel Code and applicable collective bargaining agreements
21 or under any pension, retirement, or annuity plan are not
22 affected (except as provided in Sections 14-110 and 18-127 of
23 the Illinois Pension Code) by that transfer or by any other
24 provision of this amendatory Act of the 96th General Assembly.

25 This Section is declarative of existing law.

1 (Source: P.A. 96-1392, eff. 1-1-11.)

2 (230 ILCS 10/5.3)

3 Sec. 5.3. Ethical conduct.

4 (a) Officials and employees of the corporate authority of
5 a host community must carry out their duties and
6 responsibilities in such a manner as to promote and preserve
7 public trust and confidence in the integrity and conduct of
8 gaming.

9 (b) Officials and employees of the corporate authority of
10 a host community shall not use or attempt to use his or her
11 official position to secure or attempt to secure any
12 privilege, advantage, favor, or influence for himself or
13 herself or others.

14 (c) Officials and employees of the corporate authority of
15 a host community may not have a financial interest, directly
16 or indirectly, in his or her own name or in the name of any
17 other person, partnership, association, trust, corporation, or
18 other entity in any contract or subcontract for the
19 performance of any work for a riverboat or casino that is
20 located in the host community. This prohibition shall extend
21 to the holding or acquisition of an interest in any entity
22 identified by Division Board action that, in the Division's
23 ~~Board's~~ judgment, could represent the potential for or the
24 appearance of a financial interest. The holding or acquisition
25 of an interest in such entities through an indirect means,

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

6 (d) Officials and employees of the corporate authority of
7 a host community may not accept any gift, gratuity, service,
8 compensation, travel, lodging, or thing of value, with the
9 exception of unsolicited items of an incidental nature, from
10 any person, corporation, or entity doing business with the
11 riverboat or casino that is located in the host community.

12 (e) Officials and employees of the corporate authority of
13 a host community shall not, during the period that the person
14 is an official or employee of the corporate authority or for a
15 period of 2 years immediately after leaving such office,
16 knowingly accept employment or receive compensation or fees
17 for services from a person or entity, or its parent or
18 affiliate, that has engaged in business with the riverboat or
19 casino that is located in the host community that resulted in
20 contracts with an aggregate value of at least \$25,000 or if
21 that official or employee has made a decision that directly
22 applied to the person or entity, or its parent or affiliate.

23 (f) A spouse, child, or parent of an official or employee
24 of the corporate authority of a host community may not have a
25 financial interest, directly or indirectly, in his or her own
26 name or in the name of any other person, partnership,

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

14 (g) A spouse, child, or parent of an official or employee
15 of the corporate authority of a host community may not accept
16 any gift, gratuity, service, compensation, travel, lodging, or
17 thing of value, with the exception of unsolicited items of an
18 incidental nature, from any person, corporation, or entity
19 doing business with the riverboat or casino that is located in
20 the host community.

21 (h) A spouse, child, or parent of an official or employee
22 of the corporate authority of a host community may not, during
23 the period that the person is an official of the corporate
24 authority or for a period of 2 years immediately after leaving
25 such office or employment, knowingly accept employment or
26 receive compensation or fees for services from a person or

1 entity, or its parent or affiliate, that has engaged in
2 business with the riverboat or casino that is located in the
3 host community that resulted in contracts with an aggregate
4 value of at least \$25,000 or if that official or employee has
5 made a decision that directly applied to the person or entity,
6 or its parent or affiliate.

7 (i) Officials and employees of the corporate authority of
8 a host community shall not attempt, in any way, to influence
9 any person or entity doing business with the riverboat or
10 casino that is located in the host community or any officer,
11 agent, or employee thereof to hire or contract with any person
12 or entity for any compensated work.

13 (j) Any communication between an official of the corporate
14 authority of a host community and any applicant for an owners
15 license in the host community, or an officer, director, or
16 employee of a riverboat or casino in the host community,
17 concerning any matter relating in any way to gaming shall be
18 disclosed to the Division Board. Such disclosure shall be in
19 writing by the official within 30 days after the communication
20 and shall be filed with the Division Board. Disclosure must
21 consist of the date of the communication, the identity and job
22 title of the person with whom the communication was made, a
23 brief summary of the communication, the action requested or
24 recommended, all responses made, the identity and job title of
25 the person making the response, and any other pertinent
26 information. Public disclosure of the written summary provided

1 to the Division Board ~~and the Gaming Board~~ shall be subject to
2 the exemptions provided under the Freedom of Information Act.

3 This subsection (j) shall not apply to communications
4 regarding traffic, law enforcement, security, environmental
5 issues, city services, transportation, or other routine
6 matters concerning the ordinary operations of the riverboat or
7 casino. For purposes of this subsection (j), "ordinary
8 operations" means operations relating to the casino or
9 riverboat facility other than the conduct of gambling
10 activities, and "routine matters" includes the application
11 for, issuance of, renewal of, and other processes associated
12 with municipal permits and licenses.

13 (k) Any official or employee who violates any provision of
14 this Section is guilty of a Class 4 felony.

15 (l) For purposes of this Section, "host community" or
16 "host municipality" means a unit of local government that
17 contains a riverboat or casino within its borders.

18 (Source: P.A. 101-31, eff. 6-28-19.)

19 (230 ILCS 10/6) (from Ch. 120, par. 2406)

20 Sec. 6. Application for owners license.

21 (a) A qualified person may apply to the Division Board ~~Board~~ for
22 an owners license to conduct a gambling operation as provided
23 in this Act. The application shall be made on forms provided by
24 the Division Board ~~Board~~ and shall contain such information as the
25 Division Board ~~Board~~ prescribes, including, but not limited to, the

1 identity of the riverboat on which such gambling operation is
2 to be conducted, if applicable, and the exact location where
3 such riverboat or casino will be located, a certification that
4 the riverboat will be registered under this Act at all times
5 during which gambling operations are conducted on board,
6 detailed information regarding the ownership and management of
7 the applicant, and detailed personal information regarding the
8 applicant. Any application for an owners license to be
9 re-issued on or after June 1, 2003 shall also include the
10 applicant's license bid in a form prescribed by the Division
11 ~~Board~~. Information provided on the application shall be used
12 as a basis for a thorough background investigation which the
13 Division Board shall conduct with respect to each applicant.
14 An incomplete application shall be cause for denial of a
15 license by the Division Board.

16 (a-5) In addition to any other information required under
17 this Section, each application for an owners license must
18 include the following information:

19 (1) The history and success of the applicant and each
20 person and entity disclosed under subsection (c) of this
21 Section in developing tourism facilities ancillary to
22 gaming, if applicable.

23 (2) The likelihood that granting a license to the
24 applicant will lead to the creation of quality, living
25 wage jobs and permanent, full-time jobs for residents of
26 the State and residents of the unit of local government

1 that is designated as the home dock of the proposed
2 facility where gambling is to be conducted by the
3 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, if any, of the applicant and its
9 developer in meeting commitments to local agencies,
10 community-based organizations, and employees at other
11 locations where the applicant or its developer has
12 performed similar functions as they would perform if the
13 applicant were granted a 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,
18 public transportation, affordable housing, and social
19 services, and a plan to mitigate those adverse effects.

20 (6) The record, if any, of the applicant and its
21 developer 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, if any, in dealing with
2 its employees and their representatives at other
3 locations.

4 (8) A plan concerning the utilization of
5 minority-owned and women-owned businesses and concerning
6 the hiring of minorities and women.

7 (9) Evidence the applicant used its best efforts to
8 reach a goal of 25% ownership representation by minority
9 persons and 5% ownership representation by women.

10 (10) Evidence the applicant has entered into a fully
11 executed project labor agreement with the applicable local
12 building trades council. For any pending application
13 before the Division Board on June 10, 2021 (the effective
14 date of Public Act 102-13), the applicant shall submit
15 evidence complying with this paragraph within 30 days
16 after June 10, 2021 (the effective date of Public Act
17 102-13). The Division Board shall not award any pending
18 applications until the applicant has submitted this
19 information.

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

24 (c) Each applicant shall disclose the identity of every
25 person or entity having a greater than 1% direct or indirect
26 pecuniary interest in the gambling operation with respect to

1 which the license is sought. If the disclosed entity is a
2 trust, the application shall disclose the names and addresses
3 of all beneficiaries; if a corporation, the names and
4 addresses of all stockholders and directors; if a partnership,
5 the names and addresses of all partners, both general and
6 limited.

7 (d) An application shall be filed and considered in
8 accordance with the rules of the Division Board. Each
9 application shall be accompanied by a nonrefundable
10 application fee of \$250,000. In addition, a nonrefundable fee
11 of \$50,000 shall be paid at the time of filing to defray the
12 costs associated with the background investigation conducted
13 by the Division Board. If the costs of the investigation
14 exceed \$50,000, the applicant shall pay the additional amount
15 to the Division Board within 7 days after requested by the
16 Division Board. If the costs of the investigation are less
17 than \$50,000, the applicant shall receive a refund of the
18 remaining amount. All information, records, interviews,
19 reports, statements, memoranda, or other data supplied to or
20 used by the Division Board in the course of its review or
21 investigation of an application for a license or a renewal
22 under this Act shall be privileged and strictly confidential
23 and shall be used only for the purpose of evaluating an
24 applicant for a license or a renewal. Such information,
25 records, interviews, reports, statements, memoranda, or other
26 data shall not be admissible as evidence, nor discoverable in

1 any action of any kind in any court or before any tribunal,
2 board, agency or person, except for any action deemed
3 necessary by the Division Board. The application fee shall be
4 deposited into the State Gaming Fund.

5 (e) The Division Board shall charge each applicant a fee
6 set by the Illinois State Police to defray the costs
7 associated with the search and classification of fingerprints
8 obtained by the Division Board with respect to the applicant's
9 application. These fees shall be paid into the State Police
10 Services Fund. In order to expedite the application process,
11 the Division Board may establish rules allowing applicants to
12 acquire criminal background checks and financial integrity
13 reviews as part of the initial application process from a list
14 of vendors approved by the Division Board.

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

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

26 (Source: P.A. 101-31, eff. 6-28-19; 102-13, eff. 6-10-21;

1 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

2 (230 ILCS 10/7) (from Ch. 120, par. 2407)

3 Sec. 7. Owners licenses.

4 (a) The Division Board shall issue owners licenses to
5 persons or entities that apply for such licenses upon payment
6 to the Division Board of the non-refundable license fee as
7 provided in subsection (e) or (e-5) and upon a determination
8 by the Division Board that the applicant is eligible for an
9 owners license pursuant to this Act and the rules of the
10 Division Board. From December 15, 2008 (the effective date of
11 Public Act 95-1008) until (i) 3 years after December 15, 2008
12 (the effective date of Public Act 95-1008), (ii) the date any
13 organization licensee begins to operate a slot machine or
14 video game of chance under the Illinois Horse Racing Act of
15 1975 or this Act, (iii) the date that payments begin under
16 subsection (c-5) of Section 13 of this Act, (iv) the wagering
17 tax imposed under Section 13 of this Act is increased by law to
18 reflect a tax rate that is at least as stringent or more
19 stringent than the tax rate contained in subsection (a-3) of
20 Section 13, or (v) when an owners licensee holding a license
21 issued pursuant to Section 7.1 of this Act begins conducting
22 gaming, whichever occurs first, as a condition of licensure
23 and as an alternative source of payment for those funds
24 payable under subsection (c-5) of Section 13 of this Act, any
25 owners licensee that holds or receives its owners license on

1 or after May 26, 2006 (the effective date of Public Act
2 94-804), other than an owners licensee operating a riverboat
3 with adjusted gross receipts in calendar year 2004 of less
4 than \$200,000,000, must pay into the Horse Racing Equity Trust
5 Fund, in addition to any other payments required under this
6 Act, an amount equal to 3% of the adjusted gross receipts
7 received by the owners licensee. The payments required under
8 this Section shall be made by the owners licensee to the State
9 Treasurer no later than 3:00 o'clock p.m. of the day after the
10 day when the adjusted gross receipts were received by the
11 owners licensee. A person or entity is ineligible to receive
12 an owners license if:

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

16 (2) the person has been convicted of any violation of
17 Article 28 of the Criminal Code of 1961 or the Criminal
18 Code of 2012, or substantially similar laws of any other
19 jurisdiction;

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

22 (4) (blank) ~~the person is a member of the Board;~~

23 (5) a person defined in (1), (2), (3), or (4) is an
24 officer, director, or managerial employee of the entity;

25 (6) the entity employs a person defined in (1), (2),
26 (3), or (4) who participates in the management or

1 operation of gambling operations authorized under this
2 Act;

3 (7) (blank); or

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

7 The Division Board ~~Board~~ is expressly prohibited from making
8 changes to the requirement that licensees make payment into
9 the Horse Racing Equity Trust Fund without the express
10 authority of the Illinois General Assembly and making any
11 other rule to implement or interpret Public Act 95-1008. For
12 the purposes of this paragraph, "rules" is given the meaning
13 given to that term in Section 1-70 of the Illinois
14 Administrative Procedure Act.

15 (b) In determining whether to grant an owners license to
16 an applicant, the Division Board ~~Board~~ shall consider:

17 (1) the character, reputation, experience, and
18 financial integrity of the applicants and of any other or
19 separate person that either:

20 (A) controls, directly or indirectly, such
21 applicant; or

22 (B) is controlled, directly or indirectly, by such
23 applicant or by a person which controls, directly or
24 indirectly, such applicant;

25 (2) the facilities or proposed facilities for the
26 conduct of gambling;

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

3 (4) the extent to which the ownership of the applicant
4 reflects the diversity of the State by including minority
5 persons, women, and persons with a disability and the good
6 faith affirmative action plan of each applicant to
7 recruit, train and upgrade minority persons, women, and
8 persons with a disability in all employment
9 classifications; the Division Board shall further consider
10 granting an owners license and giving preference to an
11 applicant under this Section to applicants in which
12 minority persons and women hold ownership interest of at
13 least 16% and 4%, respectively;

14 (4.5) the extent to which the ownership of the
15 applicant includes veterans of service in the armed forces
16 of the United States, and the good faith affirmative
17 action plan of each applicant to recruit, train, and
18 upgrade veterans of service in the armed forces of the
19 United States in all employment classifications;

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

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

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

1 which the Division Board may adopt by rule;

2 (8) the amount of the applicant's license bid;

3 (9) the extent to which the applicant or the proposed
4 host municipality plans to enter into revenue sharing
5 agreements with communities other than the host
6 municipality;

7 (10) the extent to which the ownership of an applicant
8 includes the most qualified number of minority persons,
9 women, and persons with a disability; and

10 (11) whether the applicant has entered into a fully
11 executed construction project labor agreement with the
12 applicable local building trades council.

13 (c) Each owners license shall specify the place where the
14 casino shall operate or the riverboat shall operate and dock.

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

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

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

25 In granting all licenses, the Board may give favorable
26 consideration to economically depressed areas of the State, to

1 applicants presenting plans which provide for significant
2 economic development over a large geographic area, and to
3 applicants who currently operate non-gambling riverboats in
4 Illinois. The Board shall review all applications for owners
5 licenses, and shall inform each applicant of the Board's
6 decision. The Board may grant an owners license to an
7 applicant that has not submitted the highest license bid, but
8 if it does not select the highest bidder, the Board shall issue
9 a written decision explaining why another applicant was
10 selected and identifying the factors set forth in this Section
11 that favored the winning bidder. The fee for issuance or
12 renewal of a license pursuant to this subsection (e) shall be
13 \$250,000.

14 (e-5) In addition to licenses authorized under subsection
15 (e) of this Section:

16 (1) the Board may issue one owners license authorizing
17 the conduct of casino gambling in the City of Chicago;

18 (2) the Board may issue one owners license authorizing
19 the conduct of riverboat gambling in the City of Danville;

20 (3) the Board may issue one owners license authorizing
21 the conduct of riverboat gambling in the City of Waukegan;

22 (4) the Board may issue one owners license authorizing
23 the conduct of riverboat gambling in the City of Rockford;

24 (5) the Board may issue one owners license authorizing
25 the conduct of riverboat gambling in a municipality that
26 is wholly or partially located in one of the following

1 townships of Cook County: Bloom, Bremen, Calumet, Rich,
2 Thornton, or Worth Township; and

3 (6) the Board may issue one owners license authorizing
4 the conduct of riverboat gambling in the unincorporated
5 area of Williamson County adjacent to the Big Muddy River.

6 Except for the license authorized under paragraph (1),
7 each application for a license pursuant to this subsection
8 (e-5) shall be submitted to the Board no later than 120 days
9 after June 28, 2019 (the effective date of Public Act 101-31).
10 All applications for a license under this subsection (e-5)
11 shall include the nonrefundable application fee and the
12 nonrefundable background investigation fee as provided in
13 subsection (d) of Section 6 of this Act. In the event that an
14 applicant submits an application for a license pursuant to
15 this subsection (e-5) prior to June 28, 2019 (the effective
16 date of Public Act 101-31), such applicant shall submit the
17 nonrefundable application fee and background investigation fee
18 as provided in subsection (d) of Section 6 of this Act no later
19 than 6 months after June 28, 2019 (the effective date of Public
20 Act 101-31).

21 The Board shall consider issuing a license pursuant to
22 paragraphs (1) through (6) of this subsection only after the
23 corporate authority of the municipality or the county board of
24 the county in which the riverboat or casino shall be located
25 has certified to the Board the following:

26 (i) that the applicant has negotiated with the

1 corporate authority or county board in good faith;

2 (ii) that the applicant and the corporate authority or
3 county board have mutually agreed on the permanent
4 location of the riverboat or casino;

5 (iii) that the applicant and the corporate authority
6 or county board have mutually agreed on the temporary
7 location of the riverboat or casino;

8 (iv) that the applicant and the corporate authority or
9 the county board have mutually agreed on the percentage of
10 revenues that will be shared with the municipality or
11 county, if any;

12 (v) that the applicant and the corporate authority or
13 county board have mutually agreed on any zoning,
14 licensing, public health, or other issues that are within
15 the jurisdiction of the municipality or county;

16 (vi) that the corporate authority or county board has
17 passed a resolution or ordinance in support of the
18 riverboat or casino in the municipality or county;

19 (vii) the applicant for a license under paragraph (1)
20 has made a public presentation concerning its casino
21 proposal; and

22 (viii) the applicant for a license under paragraph (1)
23 has prepared a summary of its casino proposal and such
24 summary has been posted on a public website of the
25 municipality or the county.

26 At least 7 days before the corporate authority of a

1 municipality or county board of the county submits a
2 certification to the Board concerning items (i) through (viii)
3 of this subsection, it shall hold a public hearing to discuss
4 items (i) through (viii), as well as any other details
5 concerning the proposed riverboat or casino in the
6 municipality or county. The corporate authority or county
7 board must subsequently memorialize the details concerning the
8 proposed riverboat or casino in a resolution that must be
9 adopted by a majority of the corporate authority or county
10 board before any certification is sent to the Board. The Board
11 shall not alter, amend, change, or otherwise interfere with
12 any agreement between the applicant and the corporate
13 authority of the municipality or county board of the county
14 regarding the location of any temporary or permanent facility.

15 In addition, within 10 days after June 28, 2019 (the
16 effective date of Public Act 101-31), the Board, with consent
17 and at the expense of the City of Chicago, shall select and
18 retain the services of a nationally recognized casino gaming
19 feasibility consultant. Within 45 days after June 28, 2019
20 (the effective date of Public Act 101-31), the consultant
21 shall prepare and deliver to the Board a study concerning the
22 feasibility of, and the ability to finance, a casino in the
23 City of Chicago. The feasibility study shall be delivered to
24 the Mayor of the City of Chicago, the Governor, the President
25 of the Senate, and the Speaker of the House of
26 Representatives. Ninety days after receipt of the feasibility

1 study, the Board shall make a determination, based on the
2 results of the feasibility study, whether to recommend to the
3 General Assembly that the terms of the license under paragraph
4 (1) of this subsection (e-5) should be modified. The Board may
5 begin accepting applications for the owners license under
6 paragraph (1) of this subsection (e-5) upon the determination
7 to issue such an owners license.

8 In addition, prior to the Board issuing the owners license
9 authorized under paragraph (4) of subsection (e-5), an impact
10 study shall be completed to determine what location in the
11 city will provide the greater impact to the region, including
12 the creation of jobs and the generation of tax revenue.

13 (e-10) The licenses authorized under subsection (e-5) of
14 this Section shall be issued within 12 months after the date
15 the license application is submitted. If the Board does not
16 issue the licenses within that time period, then the Board
17 shall give a written explanation to the applicant as to why it
18 has not reached a determination and when it reasonably expects
19 to make a determination. The fee for the issuance or renewal of
20 a license issued pursuant to this subsection (e-10) shall be
21 \$250,000. Additionally, a licensee located outside of Cook
22 County shall pay a minimum initial fee of \$17,500 per gaming
23 position, and a licensee located in Cook County shall pay a
24 minimum initial fee of \$30,000 per gaming position. The
25 initial fees payable under this subsection (e-10) shall be
26 deposited into the Rebuild Illinois Projects Fund. If at any

1 point after June 1, 2020 there are no pending applications for
2 a license under subsection (e-5) and not all licenses
3 authorized under subsection (e-5) have been issued, then the
4 Board shall reopen the license application process for those
5 licenses authorized under subsection (e-5) that have not been
6 issued. The Board shall follow the licensing process provided
7 in subsection (e-5) with all time frames tied to the last date
8 of a final order issued by the Board under subsection (e-5)
9 rather than the effective date of the amendatory Act.

10 (e-15) Each licensee of a license authorized under
11 subsection (e-5) of this Section shall make a reconciliation
12 payment 3 years after the date the licensee begins operating
13 in an amount equal to 75% of the adjusted gross receipts for
14 the most lucrative 12-month period of operations, minus an
15 amount equal to the initial payment per gaming position paid
16 by the specific licensee. Each licensee shall pay a
17 \$15,000,000 reconciliation fee upon issuance of an owners
18 license. If this calculation results in a negative amount,
19 then the licensee is not entitled to any reimbursement of fees
20 previously paid. This reconciliation payment may be made in
21 installments over a period of no more than 6 years.

22 All payments by licensees under this subsection (e-15)
23 shall be deposited into the Rebuild Illinois Projects Fund.

24 (e-20) In addition to any other revocation powers granted
25 to the Division Board ~~Board~~ under this Act, the Division Board ~~Board~~ may
26 revoke the owners license of a licensee which fails to begin

1 conducting gambling within 15 months of receipt of the
2 Division's Board's approval of the application if the Division
3 ~~Board~~ determines that license revocation is in the best
4 interests of the State.

5 (f) The first 10 owners licenses issued under this Act
6 shall permit the holder to own up to 2 riverboats and equipment
7 thereon for a period of 3 years after the effective date of the
8 license. Holders of the first 10 owners licenses must pay the
9 annual license fee for each of the 3 years during which they
10 are authorized to own riverboats.

11 (g) Upon the termination, expiration, or revocation of
12 each of the first 10 licenses, which shall be issued for a
13 3-year period, all licenses are renewable annually upon
14 payment of the fee and a determination by the Division Board
15 that the licensee continues to meet all of the requirements of
16 this Act and the Division's Board's rules. However, for
17 licenses renewed on or after the effective date of this
18 amendatory Act of the 102nd General Assembly, renewal shall be
19 for a period of 4 years.

20 (h) An owners license, except for an owners license issued
21 under subsection (e-5) of this Section, shall entitle the
22 licensee to own up to 2 riverboats.

23 An owners licensee of a casino or riverboat that is
24 located in the City of Chicago pursuant to paragraph (1) of
25 subsection (e-5) of this Section shall limit the number of
26 gaming positions to 4,000 for such owner. An owners licensee

1 authorized under subsection (e) or paragraph (2), (3), (4), or
2 (5) of subsection (e-5) of this Section shall limit the number
3 of gaming positions to 2,000 for any such owners license. An
4 owners licensee authorized under paragraph (6) of subsection
5 (e-5) of this Section shall limit the number of gaming
6 positions to 1,200 for such owner. The initial fee for each
7 gaming position obtained on or after June 28, 2019 (the
8 effective date of Public Act 101-31) shall be a minimum of
9 \$17,500 for licensees not located in Cook County and a minimum
10 of \$30,000 for licensees located in Cook County, in addition
11 to the reconciliation payment, as set forth in subsection
12 (e-15) of this Section. The fees under this subsection (h)
13 shall be deposited into the Rebuild Illinois Projects Fund.
14 The fees under this subsection (h) that are paid by an owners
15 licensee authorized under subsection (e) shall be paid by July
16 1, 2021.

17 Each owners licensee under subsection (e) of this Section
18 shall reserve its gaming positions within 30 days after June
19 28, 2019 (the effective date of Public Act 101-31). The Board
20 may grant an extension to this 30-day period, provided that
21 the owners licensee submits a written request and explanation
22 as to why it is unable to reserve its positions within the
23 30-day period.

24 Each owners licensee under subsection (e-5) of this
25 Section shall reserve its gaming positions within 30 days
26 after issuance of its owners license. The Board may grant an

1 extension to this 30-day period, provided that the owners
2 licensee submits a written request and explanation as to why
3 it is unable to reserve its positions within the 30-day
4 period.

5 A licensee may operate both of its riverboats
6 concurrently, provided that the total number of gaming
7 positions on both riverboats does not exceed the limit
8 established pursuant to this subsection. Riverboats licensed
9 to operate on the Mississippi River and the Illinois River
10 south of Marshall County shall have an authorized capacity of
11 at least 500 persons. Any other riverboat licensed under this
12 Act shall have an authorized capacity of at least 400 persons.

13 (h-5) An owners licensee who conducted gambling operations
14 prior to January 1, 2012 and obtains positions pursuant to
15 Public Act 101-31 shall make a reconciliation payment 3 years
16 after any additional gaming positions begin operating in an
17 amount equal to 75% of the owners licensee's average gross
18 receipts for the most lucrative 12-month period of operations
19 minus an amount equal to the initial fee that the owners
20 licensee paid per additional gaming position. For purposes of
21 this subsection (h-5), "average gross receipts" means (i) the
22 increase in adjusted gross receipts for the most lucrative
23 12-month period of operations over the adjusted gross receipts
24 for 2019, multiplied by (ii) the percentage derived by
25 dividing the number of additional gaming positions that an
26 owners licensee had obtained by the total number of gaming

1 positions operated by the owners licensee. If this calculation
2 results in a negative amount, then the owners licensee is not
3 entitled to any reimbursement of fees previously paid. This
4 reconciliation payment may be made in installments over a
5 period of no more than 6 years. These reconciliation payments
6 shall be deposited into the Rebuild Illinois Projects Fund.

7 (i) A licensed owner is authorized to apply to the
8 Division Board for and, if approved therefor, to receive all
9 licenses from the Division Board necessary for the operation
10 of a riverboat or casino, including a liquor license, a
11 license to prepare and serve food for human consumption, and
12 other necessary licenses. All use, occupation, and excise
13 taxes which apply to the sale of food and beverages in this
14 State and all taxes imposed on the sale or use of tangible
15 personal property apply to such sales aboard the riverboat or
16 in the casino.

17 (j) The Division Board may issue or re-issue a license
18 authorizing a riverboat to dock in a municipality or approve a
19 relocation under Section 11.2 only if, prior to the issuance
20 or re-issuance of the license or approval, the governing body
21 of the municipality in which the riverboat will dock has by a
22 majority vote approved the docking of riverboats in the
23 municipality. The Division Board may issue or re-issue a
24 license authorizing a riverboat to dock in areas of a county
25 outside any municipality or approve a relocation under Section
26 11.2 only if, prior to the issuance or re-issuance of the

1 license or approval, the governing body of the county has by a
2 majority vote approved of the docking of riverboats within
3 such areas.

4 (k) An owners licensee may conduct land-based gambling
5 operations upon approval by the Division Board and payment of
6 a fee of \$250,000, which shall be deposited into the State
7 Gaming Fund.

8 (l) An owners licensee may conduct gaming at a temporary
9 facility pending the construction of a permanent facility or
10 the remodeling or relocation of an existing facility to
11 accommodate gaming participants for up to 24 months after the
12 temporary facility begins to conduct gaming. Upon request by
13 an owners licensee and upon a showing of good cause by the
14 owners licensee, the Division Board shall extend the period
15 during which the licensee may conduct gaming at a temporary
16 facility by up to 12 months. The Division Board shall make
17 rules concerning the conduct of gaming from temporary
18 facilities.

19 (Source: P.A. 101-31, eff. 6-28-19; 101-648, eff. 6-30-20;
20 102-13, eff. 6-10-21; 102-558, eff. 8-20-21.)

21 (230 ILCS 10/7.1)

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

24 (a) If an owners license terminates or expires without
25 renewal or the Division Board revokes or determines not to

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

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

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

22 (d) In determining whether to grant a re-issued owners
23 license to an applicant, the Division Board shall consider all
24 of the factors set forth in Sections 7(b) and (e) as well as
25 the amount of the applicant's license bid. The Division Board
26 may grant the re-issued owners license to an applicant that

1 has not submitted the highest license bid, but if it does not
2 select the highest bidder, the Division Board shall issue a
3 written decision explaining why another applicant was selected
4 and identifying the factors set forth in Sections 7(b) and (e)
5 that favored the winning bidder.

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

10 (Source: P.A. 100-391, eff. 8-25-17.)

11 (230 ILCS 10/7.3)

12 Sec. 7.3. State conduct of gambling operations.

13 (a) If, after reviewing each application for a re-issued
14 license, the Division Board determines that the highest
15 prospective total revenue to the State would be derived from
16 State conduct of the gambling operation in lieu of re-issuing
17 the license, the Division Board shall inform each applicant of
18 its decision. The Division Board shall thereafter have the
19 authority, without obtaining an owners license, to conduct
20 casino or riverboat gambling operations as previously
21 authorized by the terminated, expired, revoked, or nonrenewed
22 license through a licensed manager selected pursuant to an
23 open and competitive bidding process as set forth in Section
24 7.5 and as provided in Section 7.4.

25 (b) The Division Board may locate any casino or riverboat

1 on which a gambling operation is conducted by the State in any
2 home dock or other location authorized by Section 3(c) upon
3 receipt of approval from a majority vote of the governing body
4 of the municipality or county, as the case may be, in which the
5 riverboat will dock.

6 (c) The Division ~~Board~~ shall have jurisdiction over and
7 shall supervise all gambling operations conducted by the State
8 provided for in this Act and shall have all powers necessary
9 and proper to fully and effectively execute the provisions of
10 this Act relating to gambling operations conducted by the
11 State.

12 (d) The maximum number of owners licenses authorized under
13 Section 7 shall be reduced by one for each instance in which
14 the Division ~~Board~~ authorizes the State to conduct a casino or
15 riverboat gambling operation under subsection (a) in lieu of
16 re-issuing a license to an applicant under Section 7.1.

17 (Source: P.A. 101-31, eff. 6-28-19.)

18 (230 ILCS 10/7.4)

19 Sec. 7.4. Managers licenses.

20 (a) A qualified person may apply to the Division ~~Board~~ for
21 a managers license to operate and manage any gambling
22 operation conducted by the State. The application shall be
23 made on forms provided by the Division ~~Board~~ and shall contain
24 such information as the Division ~~Board~~ prescribes, including
25 but not limited to information required in Sections 6(a), (b),

1 and (c) and information relating to the applicant's proposed
2 price to manage State gambling operations and to provide the
3 riverboat, gambling equipment, and supplies necessary to
4 conduct State gambling operations.

5 (b) Each applicant must submit evidence to the Division
6 ~~Board~~ that minority persons and women hold ownership interests
7 in the applicant of at least 16% and 4%, respectively.

8 (c) A person, firm, or corporation is ineligible to
9 receive a managers license if:

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

13 (2) the person has been convicted of any violation of
14 Article 28 of the Criminal Code of 1961 or the Criminal
15 Code of 2012, or substantially similar laws of any other
16 jurisdiction;

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

19 (4) (blank) ~~the person is a member of the Board;~~

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

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

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

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

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

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

13 (g) The managers license shall be for a term not to exceed
14 10 years, shall be renewable at the Division's Board's option,
15 and shall contain such terms and provisions as the Division
16 ~~Board~~ deems necessary to protect or enhance the credibility
17 and integrity of State gambling operations, achieve the
18 highest prospective total revenue to the State, and otherwise
19 serve the interests of the citizens of Illinois.

20 (h) Issuance of a managers license shall be subject to an
21 open and competitive bidding process. The Division Board may
22 select an applicant other than the lowest bidder by price. If
23 it does not select the lowest bidder, the Division Board shall
24 issue a notice of who the lowest bidder was and a written
25 decision as to why another bidder was selected.

26 (Source: P.A. 100-391, eff. 8-25-17.)

1 (230 ILCS 10/7.5)

2 Sec. 7.5. Competitive bidding. When the Division Board
3 determines that (i) it will re-issue an owners license
4 pursuant to an open and competitive bidding process, as set
5 forth in Section 7.1, (ii) it will issue a managers license
6 pursuant to an open and competitive bidding process, as set
7 forth in Section 7.4, or (iii) it will issue an owners license
8 pursuant to an open and competitive bidding process, as set
9 forth in Section 7.12, the open and competitive bidding
10 process shall adhere to the following procedures:

11 (1) The Division Board shall make applications for
12 owners and managers licenses available to the public and
13 allow a reasonable time for applicants to submit
14 applications to the Division Board.

15 (2) During the filing period for owners or managers
16 license applications, the Division Board may retain the
17 services of an investment banking firm to assist the
18 Division Board in conducting the open and competitive
19 bidding process.

20 (3) After receiving all of the bid proposals, the
21 Division Board shall open all of the proposals in a public
22 forum and disclose the prospective owners or managers
23 names, venture partners, if any, and, in the case of
24 applicants for owners licenses, the locations of the
25 proposed development sites.

1 (4) The Division Board shall summarize the terms of
2 the proposals and may make this summary available to the
3 public.

4 (5) The Division Board shall evaluate the proposals
5 within a reasonable time and select no more than 3 final
6 applicants to make presentations of their proposals to the
7 Division Board.

8 (6) The final applicants shall make their
9 presentations to the Division Board on the same day during
10 an open session of the Division Board.

11 (7) As soon as practicable after the public
12 presentations by the final applicants, the Division Board,
13 in its discretion, may conduct further negotiations among
14 the 3 final applicants. During such negotiations, each
15 final applicant may increase its license bid or otherwise
16 enhance its bid proposal. At the conclusion of such
17 negotiations, the Division Board shall select the winning
18 proposal. In the case of negotiations for an owners
19 license, the Division Board may, at the conclusion of such
20 negotiations, make the determination allowed under Section
21 7.3(a).

22 (8) Upon selection of a winning bid, the Division
23 ~~Board~~ shall evaluate the winning bid within a reasonable
24 period of time for licensee suitability in accordance with
25 all applicable statutory and regulatory criteria.

26 (9) If the winning bidder is unable or otherwise fails

1 to consummate the transaction, (including if the Division
2 ~~Board~~ determines that the winning bidder does not satisfy
3 the suitability requirements), the Division ~~Board~~ may, on
4 the same criteria, select from the remaining bidders or
5 make the determination allowed under Section 7.3(a).

6 (Source: P.A. 101-31, eff. 6-28-19.)

7 (230 ILCS 10/7.6)

8 Sec. 7.6. Business enterprise program.

9 (a) For the purposes of this Section, the terms
10 "minority", "minority-owned business", "woman", "women-owned
11 business", "person with a disability", and "business owned by
12 a person with a disability" have the meanings ascribed to them
13 in the Business Enterprise for Minorities, Women, and Persons
14 with Disabilities Act.

15 (b) The Division ~~Board~~ shall, by rule, establish goals for
16 the award of contracts by each owners licensee to businesses
17 owned by minorities, women, and persons with disabilities,
18 expressed as percentages of an owners licensee's total dollar
19 amount of contracts awarded during each calendar year. Each
20 owners licensee must make every effort to meet the goals
21 established by the Division ~~Board~~ pursuant to this Section.
22 When setting the goals for the award of contracts, the
23 Division ~~Board~~ shall not include contracts where: (1) any
24 purchasing mandates would be dependent upon the availability
25 of minority-owned businesses, women-owned businesses, and

1 businesses owned by persons with disabilities ready, willing,
2 and able with capacity to provide quality goods and services
3 to a gaming operation at reasonable prices; (2) there are no or
4 a limited number of licensed suppliers as defined by this Act
5 for the goods or services provided to the licensee; (3) the
6 licensee or its parent company owns a company that provides
7 the goods or services; or (4) the goods or services are
8 provided to the licensee by a publicly traded company.

9 (c) Each owners licensee shall file with the Division
10 ~~Board~~ an annual report of its utilization of minority-owned
11 businesses, women-owned businesses, and businesses owned by
12 persons with disabilities during the preceding calendar year.
13 The reports shall include a self-evaluation of the efforts of
14 the owners licensee to meet its goals under this Section.

15 (c-5) The Division ~~Board~~ shall, by rule, establish goals
16 for the award of contracts by each owners licensee to
17 businesses owned by veterans of service in the armed forces of
18 the United States, expressed as percentages of an owners
19 licensee's total dollar amount of contracts awarded during
20 each calendar year. When setting the goals for the award of
21 contracts, the Division ~~Board~~ shall not include contracts
22 where: (1) any purchasing mandates would be dependent upon the
23 availability of veteran-owned businesses ready, willing, and
24 able with capacity to provide quality goods and services to a
25 gaming operation at reasonable prices; (2) there are no or a
26 limited number of licensed suppliers as defined in this Act

1 for the goods or services provided to the licensee; (3) the
2 licensee or its parent company owns a company that provides
3 the goods or services; or (4) the goods or services are
4 provided to the licensee by a publicly traded company.

5 Each owners licensee shall file with the Division Board an
6 annual report of its utilization of veteran-owned businesses
7 during the preceding calendar year. The reports shall include
8 a self-evaluation of the efforts of the owners licensee to
9 meet its goals under this Section.

10 (d) The owners licensee shall have the right to request a
11 waiver from the requirements of this Section. The Division
12 ~~Board~~ shall grant the waiver where the owners licensee
13 demonstrates that there has been made a good faith effort to
14 comply with the goals for participation by minority-owned
15 businesses, women-owned businesses, businesses owned by
16 persons with disabilities, and veteran-owned businesses.

17 (e) If the Division Board determines that its goals and
18 policies are not being met by any owners licensee, then the
19 Division Board may:

20 (1) adopt remedies for such violations; and

21 (2) recommend that the owners licensee provide
22 additional opportunities for participation by
23 minority-owned businesses, women-owned businesses,
24 businesses owned by persons with disabilities, and
25 veteran-owned businesses; such recommendations may
26 include, but shall not be limited to:

1 (A) assurances of stronger and better focused
2 solicitation efforts to obtain more minority-owned
3 businesses, women-owned businesses, businesses owned
4 by persons with disabilities, and veteran-owned
5 businesses as potential sources of supply;

6 (B) division of job or project requirements, when
7 economically feasible, into tasks or quantities to
8 permit participation of minority-owned businesses,
9 women-owned businesses, businesses owned by persons
10 with disabilities, and veteran-owned businesses;

11 (C) elimination of extended experience or
12 capitalization requirements, when programmatically
13 feasible, to permit participation of minority-owned
14 businesses, women-owned businesses, businesses owned
15 by persons with disabilities, and veteran-owned
16 businesses;

17 (D) identification of specific proposed contracts
18 as particularly attractive or appropriate for
19 participation by minority-owned businesses,
20 women-owned businesses, businesses owned by persons
21 with disabilities, and veteran-owned businesses, such
22 identification to result from and be coupled with the
23 efforts of items (A) through (C); and

24 (E) implementation of regulations established for
25 the use of the sheltered market process.

26 (f) The Division Board shall file, no later than March 1 of

1 each year, an annual report that shall detail the level of
2 achievement toward the goals specified in this Section over
3 the 3 most recent fiscal years. The annual report shall
4 include, but need not be limited to:

5 (1) a summary detailing expenditures subject to the
6 goals, the actual goals specified, and the goals attained
7 by each owners licensee; and

8 (2) an analysis of the level of overall goal
9 achievement concerning purchases from minority-owned
10 businesses, women-owned businesses, businesses owned by
11 persons with disabilities, and veteran-owned businesses.

12 (Source: P.A. 99-78, eff. 7-20-15; 100-391, eff. 8-25-17;
13 100-1152, eff. 12-14-18.)

14 (230 ILCS 10/7.7)

15 Sec. 7.7. Organization gaming licenses.

16 (a) The Division ~~Illinois Gaming Board~~ shall award one
17 organization gaming license to each person or entity having
18 operating control of a racetrack that applies under Section 56
19 of the Illinois Horse Racing Act of 1975, subject to the
20 application and eligibility requirements of this Section.
21 Within 60 days after the effective date of this amendatory Act
22 of the 101st General Assembly, a person or entity having
23 operating control of a racetrack may submit an application for
24 an organization gaming license. The application shall be made
25 on such forms as provided by the Division ~~Board~~ and shall

1 contain such information as the Division Board prescribes,
2 including, but not limited to, the identity of any racetrack
3 at which gaming will be conducted pursuant to an organization
4 gaming license, detailed information regarding the ownership
5 and management of the applicant, and detailed personal
6 information regarding the applicant. The application shall
7 specify the number of gaming positions the applicant intends
8 to use and the place where the organization gaming facility
9 will operate. A person who knowingly makes a false statement
10 on an application is guilty of a Class A misdemeanor.

11 Each applicant shall disclose the identity of every person
12 or entity having a direct or indirect pecuniary interest
13 greater than 1% in any racetrack with respect to which the
14 license is sought. If the disclosed entity is a corporation,
15 the applicant shall disclose the names and addresses of all
16 officers, stockholders, and directors. If the disclosed entity
17 is a limited liability company, the applicant shall disclose
18 the names and addresses of all members and managers. If the
19 disclosed entity is a partnership, the applicant shall
20 disclose the names and addresses of all partners, both general
21 and limited. If the disclosed entity is a trust, the applicant
22 shall disclose the names and addresses of all beneficiaries.

23 An application shall be filed and considered in accordance
24 with the rules of the Division Board. Each application for an
25 organization gaming license shall include a nonrefundable
26 application fee of \$250,000. In addition, a nonrefundable fee

1 of \$50,000 shall be paid at the time of filing to defray the
2 costs associated with background investigations conducted by
3 the Division Board. If the costs of the background
4 investigation exceed \$50,000, the applicant shall pay the
5 additional amount to the Division Board within 7 days after a
6 request by the Division Board. If the costs of the
7 investigation are less than \$50,000, the applicant shall
8 receive a refund of the remaining amount. All information,
9 records, interviews, reports, statements, memoranda, or other
10 data supplied to or used by the Division Board in the course of
11 this review or investigation of an applicant for an
12 organization gaming license under this Act shall be privileged
13 and strictly confidential and shall be used only for the
14 purpose of evaluating an applicant for an organization gaming
15 license or a renewal. Such information, records, interviews,
16 reports, statements, memoranda, or other data shall not be
17 admissible as evidence nor discoverable in any action of any
18 kind in any court or before any tribunal, board, agency or
19 person, except for any action deemed necessary by the Division
20 ~~Board~~. The application fee shall be deposited into the State
21 Gaming Fund.

22 Any applicant or key person, including the applicant's
23 owners, officers, directors (if a corporation), managers and
24 members (if a limited liability company), and partners (if a
25 partnership), for an organization gaming license shall have
26 his or her fingerprints submitted to the Illinois State Police

1 in an electronic format that complies with the form and manner
2 for requesting and furnishing criminal history record
3 information as prescribed by the Illinois State Police. These
4 fingerprints shall be checked against the Illinois State
5 Police and Federal Bureau of Investigation criminal history
6 record databases now and hereafter filed, including, but not
7 limited to, civil, criminal, and latent fingerprint databases.
8 The Illinois State Police shall charge applicants a fee for
9 conducting the criminal history records check, which shall be
10 deposited into the State Police Services Fund and shall not
11 exceed the actual cost of the records check. The Illinois
12 State Police shall furnish, pursuant to positive
13 identification, records of Illinois criminal history to the
14 Illinois State Police.

15 (b) The Division Board shall determine within 120 days
16 after receiving an application for an organization gaming
17 license whether to grant an organization gaming license to the
18 applicant. If the Division Board does not make a determination
19 within that time period, then the Division Board shall give a
20 written explanation to the applicant as to why it has not
21 reached a determination and when it reasonably expects to make
22 a determination.

23 The organization gaming licensee shall purchase up to the
24 amount of gaming positions authorized under this Act within
25 120 days after receiving its organization gaming license. If
26 an organization gaming licensee is prepared to purchase the

1 gaming positions, but is temporarily prohibited from doing so
2 by order of a court of competent jurisdiction or the Division
3 ~~Board~~, then the 120-day period is tolled until a resolution is
4 reached.

5 An organization gaming license shall authorize its holder
6 to conduct gaming under this Act at its racetracks on the same
7 days of the year and hours of the day that owners licenses are
8 allowed to operate under approval of the Division Board.

9 An organization gaming license and any renewal of an
10 organization gaming license shall authorize gaming pursuant to
11 this Section for a period of 4 years. The fee for the issuance
12 or renewal of an organization gaming license shall be
13 \$250,000.

14 All payments by licensees under this subsection (b) shall
15 be deposited into the Rebuild Illinois Projects Fund.

16 (c) To be eligible to conduct gaming under this Section, a
17 person or entity having operating control of a racetrack must
18 (i) obtain an organization gaming license, (ii) hold an
19 organization license under the Illinois Horse Racing Act of
20 1975, (iii) hold an inter-track wagering license, (iv) pay an
21 initial fee of \$30,000 per gaming position from organization
22 gaming licensees where gaming is conducted in Cook County and,
23 except as provided in subsection (c-5), \$17,500 for
24 organization gaming licensees where gaming is conducted
25 outside of Cook County before beginning to conduct gaming plus
26 make the reconciliation payment required under subsection (k),

1 (v) conduct live racing in accordance with subsections (e-1),
2 (e-2), and (e-3) of Section 20 of the Illinois Horse Racing Act
3 of 1975, (vi) meet the requirements of subsection (a) of
4 Section 56 of the Illinois Horse Racing Act of 1975, (vii) for
5 organization licensees conducting standardbred race meetings,
6 keep backstretch barns and dormitories open and operational
7 year-round unless a lesser schedule is mutually agreed to by
8 the organization licensee and the horsemen association racing
9 at that organization licensee's race meeting, (viii) for
10 organization licensees conducting thoroughbred race meetings,
11 the organization licensee must maintain accident medical
12 expense liability insurance coverage of \$1,000,000 for
13 jockeys, and (ix) meet all other requirements of this Act that
14 apply to owners licensees.

15 An organization gaming licensee may enter into a joint
16 venture with a licensed owner to own, manage, conduct, or
17 otherwise operate the organization gaming licensee's
18 organization gaming facilities, unless the organization gaming
19 licensee has a parent company or other affiliated company that
20 is, directly or indirectly, wholly owned by a parent company
21 that is also licensed to conduct organization gaming, casino
22 gaming, or their equivalent in another state.

23 All payments by licensees under this subsection (c) shall
24 be deposited into the Rebuild Illinois Projects Fund.

25 (c-5) A person or entity having operating control of a
26 racetrack located in Madison County shall only pay the initial

1 fees specified in subsection (c) for 540 of the gaming
2 positions authorized under the license.

3 (d) A person or entity is ineligible to receive an
4 organization gaming license if:

5 (1) the person or entity has been convicted of a
6 felony under the laws of this State, any other state, or
7 the United States, including a conviction under the
8 Racketeer Influenced and Corrupt Organizations Act;

9 (2) the person or entity has been convicted of any
10 violation of Article 28 of the Criminal Code of 2012, or
11 substantially similar laws of any other jurisdiction;

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

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

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

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

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

26 (e) The Division ~~Board~~ may approve gaming positions

1 pursuant to an organization gaming license statewide as
2 provided in this Section. The authority to operate gaming
3 positions under this Section shall be allocated as follows: up
4 to 1,200 gaming positions for any organization gaming licensee
5 in Cook County and up to 900 gaming positions for any
6 organization gaming licensee outside of Cook County.

7 (f) Each applicant for an organization gaming license
8 shall specify in its application for licensure the number of
9 gaming positions it will operate, up to the applicable
10 limitation set forth in subsection (e) of this Section. Any
11 unreserved gaming positions that are not specified shall be
12 forfeited and retained by the Division Board. For the purposes
13 of this subsection (f), an organization gaming licensee that
14 did not conduct live racing in 2010 and is located within 3
15 miles of the Mississippi River may reserve up to 900 positions
16 and shall not be penalized under this Section for not
17 operating those positions until it meets the requirements of
18 subsection (e) of this Section, but such licensee shall not
19 request unreserved gaming positions under this subsection (f)
20 until its 900 positions are all operational.

21 Thereafter, the Division Board shall publish the number of
22 unreserved gaming positions and shall accept requests for
23 additional positions from any organization gaming licensee
24 that initially reserved all of the positions that were
25 offered. The Division Board shall allocate expeditiously the
26 unreserved gaming positions to requesting organization gaming

1 licensees in a manner that maximizes revenue to the State. The
2 Division Board may allocate any such unused gaming positions
3 pursuant to an open and competitive bidding process, as
4 provided under Section 7.5 of this Act. This process shall
5 continue until all unreserved gaming positions have been
6 purchased. All positions obtained pursuant to this process and
7 all positions the organization gaming licensee specified it
8 would operate in its application must be in operation within
9 18 months after they were obtained or the organization gaming
10 licensee forfeits the right to operate those positions, but is
11 not entitled to a refund of any fees paid. The Division Board
12 may, after holding a public hearing, grant extensions so long
13 as the organization gaming licensee is working in good faith
14 to make the positions operational. The extension may be for a
15 period of 6 months. If, after the period of the extension, the
16 organization gaming licensee has not made the positions
17 operational, then another public hearing must be held by the
18 Division Board before it may grant another extension.

19 Unreserved gaming positions retained from and allocated to
20 organization gaming licensees by the Division Board pursuant
21 to this subsection (f) shall not be allocated to owners
22 licensees under this Act.

23 For the purpose of this subsection (f), the unreserved
24 gaming positions for each organization gaming licensee shall
25 be the applicable limitation set forth in subsection (e) of
26 this Section, less the number of reserved gaming positions by

1 such organization gaming licensee, and the total unreserved
2 gaming positions shall be the aggregate of the unreserved
3 gaming positions for all organization gaming licensees.

4 (g) An organization gaming licensee is authorized to
5 conduct the following at a racetrack:

6 (1) slot machine gambling;

7 (2) video game of chance gambling;

8 (3) gambling with electronic gambling games as defined
9 in this Act or defined by the Division Illinois Gaming
10 Board; and

11 (4) table games.

12 (h) Subject to the approval of the Division Illinois
13 Gaming Board, an organization gaming licensee may make
14 modification or additions to any existing buildings and
15 structures to comply with the requirements of this Act. The
16 Division Illinois Gaming Board shall make its decision after
17 consulting with the Division of Horse Racing Illinois Racing
18 Board. In no case, however, shall the Division Illinois Gaming
19 Board approve any modification or addition that alters the
20 grounds of the organization licensee such that the act of live
21 racing is an ancillary activity to gaming authorized under
22 this Section. Gaming authorized under this Section may take
23 place in existing structures where inter-track wagering is
24 conducted at the racetrack or a facility within 300 yards of
25 the racetrack in accordance with the provisions of this Act
26 and the Illinois Horse Racing Act of 1975.

1 (i) An organization gaming licensee may conduct gaming at
2 a temporary facility pending the construction of a permanent
3 facility or the remodeling or relocation of an existing
4 facility to accommodate gaming participants for up to 24
5 months after the temporary facility begins to conduct gaming
6 authorized under this Section. Upon request by an organization
7 gaming licensee and upon a showing of good cause by the
8 organization gaming licensee, the Division Board shall extend
9 the period during which the licensee may conduct gaming
10 authorized under this Section at a temporary facility by up to
11 12 months. The Division Board shall make rules concerning the
12 conduct of gaming authorized under this Section from temporary
13 facilities.

14 The gaming authorized under this Section may take place in
15 existing structures where inter-track wagering is conducted at
16 the racetrack or a facility within 300 yards of the racetrack
17 in accordance with the provisions of this Act and the Illinois
18 Horse Racing Act of 1975.

19 (i-5) Under no circumstances shall an organization gaming
20 licensee conduct gaming at any State or county fair.

21 (j) The Division ~~Illinois Gaming Board~~ must adopt
22 emergency rules in accordance with Section 5-45 of the
23 Illinois Administrative Procedure Act as necessary to ensure
24 compliance with the provisions of this amendatory Act of the
25 101st General Assembly concerning the conduct of gaming by an
26 organization gaming licensee. The adoption of emergency rules

1 authorized by this subsection (j) shall be deemed to be
2 necessary for the public interest, safety, and welfare.

3 (k) Each organization gaming licensee who obtains gaming
4 positions must make a reconciliation payment 3 years after the
5 date the organization gaming licensee begins operating the
6 positions in an amount equal to 75% of the difference between
7 its adjusted gross receipts from gaming authorized under this
8 Section and amounts paid to its purse accounts pursuant to
9 item (1) of subsection (b) of Section 56 of the Illinois Horse
10 Racing Act of 1975 for the 12-month period for which such
11 difference was the largest, minus an amount equal to the
12 initial per position fee paid by the organization gaming
13 licensee. If this calculation results in a negative amount,
14 then the organization gaming licensee is not entitled to any
15 reimbursement of fees previously paid. This reconciliation
16 payment may be made in installments over a period of no more
17 than 6 years.

18 All payments by licensees under this subsection (k) shall
19 be deposited into the Rebuild Illinois Projects Fund.

20 (l) As soon as practical after a request is made by the
21 Division ~~Illinois Gaming Board~~, to minimize duplicate
22 submissions by the applicant, the Division of Horse Racing
23 ~~Illinois Racing Board~~ must provide information on an applicant
24 for an organization gaming license to the Division ~~Illinois~~
25 ~~Gaming Board~~.

26 (Source: P.A. 101-31, eff. 6-28-19; 101-597, eff. 12-6-19;

1 101-648, eff. 6-30-20; 102-538, eff. 8-20-21.)

2 (230 ILCS 10/7.10)

3 Sec. 7.10. Diversity program.

4 (a) Each owners licensee, organization gaming licensee,
5 and suppliers licensee shall establish and maintain a
6 diversity program to ensure non-discrimination in the award
7 and administration of contracts. The programs shall establish
8 goals of awarding not less than 25% of the annual dollar value
9 of all contracts, purchase orders, or other agreements to
10 minority-owned businesses and 5% of the annual dollar value of
11 all contracts to women-owned businesses.

12 (b) Each owners licensee, organization gaming licensee,
13 and suppliers licensee shall establish and maintain a
14 diversity program designed to promote equal opportunity for
15 employment. The program shall establish hiring goals as the
16 Division Board and each licensee determines appropriate. The
17 Division Board shall monitor the progress of the gaming
18 licensee's progress with respect to the program's goals.

19 (c) No later than May 31 of each year, each licensee shall
20 report to the Division Board (1) the number of respective
21 employees and the number of its respective employees who have
22 designated themselves as members of a minority group and
23 gender and (2) the total goals achieved under subsection (a)
24 of this Section as a percentage of the total contracts awarded
25 by the license. In addition, all licensees shall submit a

1 report with respect to the minority-owned and women-owned
2 businesses program created in this Section to the Division
3 Board.

4 (d) When considering whether to re-issue or renew a
5 license to an owners licensee, organization gaming licensee,
6 or suppliers licensee, the Division Board shall take into
7 account the licensee's success in complying with the
8 provisions of this Section. If an owners licensee,
9 organization gaming licensee, or suppliers licensee has not
10 satisfied the goals contained in this Section, the Division
11 Board shall require a written explanation as to why the
12 licensee is not in compliance and shall require the licensee
13 to file multi-year metrics designed to achieve compliance with
14 the provisions by the next renewal period, consistent with
15 State and federal law.

16 (Source: P.A. 101-31, eff. 6-28-19.)

17 (230 ILCS 10/7.11)

18 Sec. 7.11. Annual report on diversity.

19 (a) Each licensee that receives a license under Sections
20 7, 7.1, and 7.7 shall execute and file a report with the
21 Division Board no later than December 31 of each year that
22 shall contain, but not be limited to, the following
23 information:

24 (i) a good faith affirmative action plan to recruit,
25 train, and upgrade minority persons, women, and persons

1 with a disability in all employment classifications;

2 (ii) the total dollar amount of contracts that were
3 awarded to businesses owned by minority persons, women,
4 and persons with a disability;

5 (iii) the total number of businesses owned by minority
6 persons, women, and persons with a disability that were
7 utilized by the licensee;

8 (iv) the utilization of businesses owned by minority
9 persons, women, and persons with disabilities during the
10 preceding year; and

11 (v) the outreach efforts used by the licensee to
12 attract investors and businesses consisting of minority
13 persons, women, and persons with a disability.

14 (b) The Division ~~Board~~ shall forward a copy of each
15 licensee's annual reports to the General Assembly no later
16 than February 1 of each year. The reports to the General
17 Assembly shall be filed with the Clerk of the House of
18 Representatives and the Secretary of the Senate in electronic
19 form only, in the manner that the Clerk and the Secretary shall
20 direct.

21 (Source: P.A. 101-31, eff. 6-28-19.)

22 (230 ILCS 10/7.12)

23 Sec. 7.12. Issuance of new owners licenses.

24 (a) Owners licenses newly authorized pursuant to this
25 amendatory Act of the 101st General Assembly may be issued by

1 the Division Board to a qualified applicant pursuant to an
2 open and competitive bidding process, as set forth in Section
3 7.5, and subject to the maximum number of authorized licenses
4 set forth in subsection (e-5) of Section 7 of this Act.

5 (b) To be a qualified applicant, a person or entity may not
6 be ineligible to receive an owners license under subsection
7 (a) of Section 7 of this Act and must submit an application for
8 an owners license that complies with Section 6 of this Act.

9 (c) In determining whether to grant an owners license to
10 an applicant, the Division Board shall consider all of the
11 factors set forth in subsections (b) and (e-10) of Section 7 of
12 this Act, as well as the amount of the applicant's license bid.
13 The Division Board may grant the owners license to an
14 applicant that has not submitted the highest license bid, but
15 if it does not select the highest bidder, the Division Board
16 shall issue a written decision explaining why another
17 applicant was selected and identifying the factors set forth
18 in subsections (b) and (e-10) of Section 7 of this Act that
19 favored the winning bidder.

20 (Source: P.A. 101-31, eff. 6-28-19.)

21 (230 ILCS 10/8) (from Ch. 120, par. 2408)

22 Sec. 8. Suppliers licenses.

23 (a) The Division Board may issue a suppliers license to
24 such persons, firms or corporations which apply therefor upon
25 the payment of a non-refundable application fee set by the

1 ~~Division Board~~, upon a determination by the ~~Division Board~~
2 that the applicant is eligible for a suppliers license and
3 upon payment of a \$5,000 annual license fee. At the time of
4 application for a supplier license under this Act, a person
5 that holds a license as a manufacturer, distributor, or
6 supplier under the Video Gaming Act or a supplier license
7 under the Sports Wagering Act shall be entitled to licensure
8 under this Act as a supplier without additional ~~Division Board~~
9 investigation or approval, except by vote of the Division
10 ~~Board~~; however, the applicant shall pay all fees required for
11 a suppliers license under this Act.

12 (a-5) Except as provided by Section 8.1, the initial
13 suppliers license shall be issued for 4 years. Thereafter, the
14 license may be renewed for additional 4-year periods unless
15 sooner canceled or terminated.

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

20 (c) Gambling supplies and equipment may not be distributed
21 unless supplies and equipment conform to standards adopted by
22 rules of the Division ~~Board~~.

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

25 (1) the person has been convicted of a felony under
26 the laws of this State, any other state, or the United

1 States;

2 (2) the person has been convicted of any violation of
3 Article 28 of the Criminal Code of 1961 or the Criminal
4 Code of 2012, or substantially similar laws of any other
5 jurisdiction;

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

8 (4) (blank); ~~the person is a member of the Board;~~

9 (5) the entity is one in which a person defined in (1),
10 (2), (3) or (4), is an officer, director or managerial
11 employee;

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

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

19 (e) Any person that supplies any equipment, devices, or
20 supplies to a licensed gambling operation must first obtain a
21 suppliers license. A supplier shall furnish to the Division
22 ~~Board~~ a list of all equipment, devices and supplies offered
23 for sale or lease in connection with gambling games authorized
24 under this Act. A supplier shall keep books and records for the
25 furnishing of equipment, devices and supplies to gambling
26 operations separate and distinct from any other business that

1 the supplier might operate. A supplier shall file a quarterly
2 return with the Division Board listing all sales and leases. A
3 supplier shall permanently affix its name or a distinctive
4 logo or other mark or design element identifying the
5 manufacturer or supplier to all its equipment, devices, and
6 supplies, except gaming chips without a value impressed,
7 engraved, or imprinted on it, for gambling operations. The
8 Division Board may waive this requirement for any specific
9 product or products if it determines that the requirement is
10 not necessary to protect the integrity of the game. Items
11 purchased from a licensed supplier may continue to be used
12 even though the supplier subsequently changes its name,
13 distinctive logo, or other mark or design element; undergoes a
14 change in ownership; or ceases to be licensed as a supplier for
15 any reason. Any supplier's equipment, devices or supplies
16 which are used by any person in an unauthorized gambling
17 operation shall be forfeited to the State. A holder of an
18 owners license or an organization gaming license may own its
19 own equipment, devices and supplies. Each holder of an owners
20 license or an organization gaming license under the Act shall
21 file an annual report listing its inventories of gambling
22 equipment, devices and 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, in the casino, or at the organization gaming
2 facility or removed from the riverboat, casino, or
3 organization gaming facility to a facility owned by the holder
4 of an owners license, organization gaming license, or
5 suppliers license for repair.

6 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21.)

7 (230 ILCS 10/9) (from Ch. 120, par. 2409)

8 Sec. 9. Occupational licenses.

9 (a) The Division Board ~~Board~~ may issue an occupational license
10 to an applicant upon the payment of a non-refundable fee set by
11 the Division Board, upon a determination by the Division Board
12 that the applicant is eligible for an occupational license and
13 upon payment of an annual license fee in an amount to be
14 established. To be eligible for an occupational license, an
15 applicant must:

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

20 (2) not have been convicted of a felony offense, a
21 violation of Article 28 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, or a similar statute of any other
23 jurisdiction;

24 (2.5) not have been convicted of a crime, other than a
25 crime described in item (2) of this subsection (a),

1 involving dishonesty or moral turpitude, except that the
2 Division Board may, in its discretion, issue an
3 occupational license to a person who has been convicted of
4 a crime described in this item (2.5) more than 10 years
5 prior to his or her application and has not subsequently
6 been convicted of any other crime;

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

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

21 (b) Each application for an occupational license shall be
22 on forms prescribed by the Division Board and shall contain
23 all information required by the Division Board. The applicant
24 shall set forth in the application: whether he has been issued
25 prior gambling related licenses; whether he has been licensed
26 in any other state under any other name, and, if so, such name

1 and his age; and whether or not a permit or license issued to
2 him in any other state has been suspended, restricted or
3 revoked, and, if so, for what period of time.

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

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

21 (e) The Division Board may suspend, revoke or restrict any
22 occupational licensee: (1) for violation of any provision of
23 this Act; (2) for violation of any of the rules and regulations
24 of the Division Board; (3) for any cause which, if known to the
25 Division Board, would have disqualified the applicant from
26 receiving such license; or (4) for default in the payment of

1 any obligation or debt due to the State of Illinois; or (5) for
2 any other just cause.

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

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

7 (h) Nothing in this Act shall be interpreted to prohibit a
8 licensed owner or organization gaming licensee from entering
9 into an agreement with a public community college or a school
10 approved under the Private Business and Vocational Schools Act
11 of 2012 for the training of any occupational licensee. Any
12 training offered by such a school shall be in accordance with a
13 written agreement between the licensed owner or organization
14 gaming licensee and the school.

15 (i) Any training provided for occupational licensees may
16 be conducted either at the site of the gambling facility or at
17 a school with which a licensed owner or organization gaming
18 licensee has entered into an agreement pursuant to subsection
19 (h).

20 (Source: P.A. 101-31, eff. 6-28-19; 102-538, eff. 8-20-21.)

21 (230 ILCS 10/10) (from Ch. 120, par. 2410)

22 Sec. 10. Bond of licensee. Before an owners license is
23 issued or re-issued or a managers license is issued, the
24 licensee shall post a bond in the sum of \$200,000 to the State
25 of Illinois. The bond shall be used to guarantee that the

1 licensee faithfully makes the payments, keeps his books and
2 records and makes reports, and conducts his games of chance in
3 conformity with this Act and the rules adopted by the Division
4 ~~Board~~. The bond shall not be canceled by a surety on less than
5 30 days notice in writing to the Division ~~Board~~. If a bond is
6 canceled and the licensee fails to file a new bond with the
7 Division ~~Board~~ in the required amount on or before the
8 effective date of cancellation, the licensee's license shall
9 be revoked. The total and aggregate liability of the surety on
10 the bond is limited to the amount specified in the bond.

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

12 (230 ILCS 10/11) (from Ch. 120, par. 2411)

13 Sec. 11. Conduct of gambling. Gambling may be conducted by
14 licensed owners or licensed managers on behalf of the State
15 aboard riverboats. Gambling may be conducted by organization
16 gaming licensees at organization gaming facilities. Gambling
17 authorized under this Section is subject to the following
18 standards:

19 (1) A licensee may conduct riverboat gambling
20 authorized under this Act regardless of whether it
21 conducts excursion cruises. A licensee may permit the
22 continuous ingress and egress of patrons on a riverboat
23 not used for excursion cruises for the purpose of
24 gambling. Excursion cruises shall not exceed 4 hours for a
25 round trip. However, the Division ~~Board~~ may grant express

1 approval for an extended cruise on a case-by-case basis.

2 (1.5) An owners licensee may conduct gambling
3 operations authorized under this Act 24 hours a day.

4 (2) (Blank).

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

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

15 (5) Employees of the Division Board shall have the
16 right to be present on the riverboat or in the casino or on
17 adjacent facilities under the control of the licensee and
18 at the organization gaming facility under the control of
19 the organization gaming licensee.

20 (6) Gambling equipment and supplies customarily used
21 in conducting gambling must be purchased or leased only
22 from suppliers licensed for such purpose under this Act.
23 The Division Board may approve the transfer, sale, or
24 lease of gambling equipment and supplies by a licensed
25 owner from or to an affiliate of the licensed owner as long
26 as the gambling equipment and supplies were initially

1 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, in a casino, or at an
7 organization gaming facility. No person present on a
8 licensed riverboat, in a casino, or at an organization
9 gaming facility shall place or attempt to place a wager on
10 behalf of another person who is not present on the
11 riverboat, in a casino, or at the organization gaming
12 facility.

13 (9) Wagering, including gaming authorized under
14 Section 7.7, shall not be conducted with money or other
15 negotiable currency.

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

1 winnings for the privilege tax purposes, confiscated, and
2 forfeited to the State and deposited into the Education
3 Assistance Fund.

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

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

26 (13) Notwithstanding any other Section of this Act, in

1 addition to the other licenses authorized under this Act,
2 the Division Board may issue special event licenses
3 allowing persons who are not otherwise licensed to conduct
4 riverboat gambling to conduct such gambling on a specified
5 date or series of dates. Riverboat gambling under such a
6 license may take place on a riverboat not normally used
7 for riverboat gambling. The Division Board shall establish
8 standards, fees and fines for, and limitations upon, such
9 licenses, which may differ from the standards, fees, fines
10 and limitations otherwise applicable under this Act. All
11 such fees shall be deposited into the State Gaming Fund.
12 All such fines shall be deposited into the Education
13 Assistance Fund, created by Public Act 86-0018, of the
14 State of Illinois.

15 (14) In addition to the above, gambling must be
16 conducted in accordance with all rules adopted by the
17 Division Board.

18 (Source: P.A. 101-31, eff. 6-28-19; 102-538, eff. 8-20-21.)

19 (230 ILCS 10/11.2)

20 Sec. 11.2. Relocation of riverboat home dock.

21 (a) A licensee that was not conducting riverboat gambling
22 on January 1, 1998 may apply to the Division Board for renewal
23 and approval of relocation to a new home dock location
24 authorized under Section 3(c) and the Division Board shall
25 grant the application and approval upon receipt by the

1 licensee of approval from the new municipality or county, as
2 the case may be, in which the licensee wishes to relocate
3 pursuant to Section 7(j).

4 (b) Any licensee that relocates its home dock pursuant to
5 this Section shall attain a level of at least 20% minority
6 person and woman ownership, at least 16% and 4% respectively,
7 within a time period prescribed by the Division Board, but not
8 to exceed 12 months from the date the licensee begins
9 conducting gambling at the new home dock location. The
10 12-month period shall be extended by the amount of time
11 necessary to conduct a background investigation pursuant to
12 Section 6. For the purposes of this Section, the terms "woman"
13 and "minority person" have the meanings provided in Section 2
14 of the Business Enterprise for Minorities, Women, and Persons
15 with Disabilities Act.

16 (Source: P.A. 100-391, eff. 8-25-17.)

17 (230 ILCS 10/12) (from Ch. 120, par. 2412)

18 Sec. 12. Admission tax; fees.

19 (a) A tax is hereby imposed upon admissions to riverboat
20 and casino gambling facilities operated by licensed owners
21 authorized pursuant to this Act. Until July 1, 2002, the rate
22 is \$2 per person admitted. From July 1, 2002 until July 1,
23 2003, the rate is \$3 per person admitted. From July 1, 2003
24 until August 23, 2005 (the effective date of Public Act
25 94-673), for a licensee that admitted 1,000,000 persons or

1 fewer in the previous calendar year, the rate is \$3 per person
2 admitted; for a licensee that admitted more than 1,000,000 but
3 no more than 2,300,000 persons in the previous calendar year,
4 the rate is \$4 per person admitted; and for a licensee that
5 admitted more than 2,300,000 persons in the previous calendar
6 year, the rate is \$5 per person admitted. Beginning on August
7 23, 2005 (the effective date of Public Act 94-673), for a
8 licensee that admitted 1,000,000 persons or fewer in calendar
9 year 2004, the rate is \$2 per person admitted, and for all
10 other licensees, including licensees that were not conducting
11 gambling operations in 2004, the rate is \$3 per person
12 admitted. This admission tax is imposed upon the licensed
13 owner conducting gambling.

14 (1) The admission tax shall be paid for each
15 admission, except that a person who exits a riverboat
16 gambling facility and reenters that riverboat gambling
17 facility within the same gaming day shall be subject only
18 to the initial admission tax.

19 (2) (Blank).

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

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

1 be filed with the Division Board.

2 (a-5) A fee is hereby imposed upon admissions operated by
3 licensed managers on behalf of the State pursuant to Section
4 7.3 at the rates provided in this subsection (a-5). For a
5 licensee that admitted 1,000,000 persons or fewer in the
6 previous calendar year, the rate is \$3 per person admitted;
7 for a licensee that admitted more than 1,000,000 but no more
8 than 2,300,000 persons in the previous calendar year, the rate
9 is \$4 per person admitted; and for a licensee that admitted
10 more than 2,300,000 persons in the previous calendar year, the
11 rate is \$5 per person admitted.

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

14 (2) (Blank).

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

19 (4) The number and issuance of fee-free passes is
20 subject to the rules of the Division Board, and a list of
21 all persons to whom the fee-free passes are issued shall
22 be filed with the Division Board.

23 (b) Except as provided in subsection (b-5), from the tax
24 imposed under subsection (a) and the fee imposed under
25 subsection (a-5), a municipality shall receive from the State
26 \$1 for each person embarking on a riverboat docked within the

1 municipality or entering a casino located within the
2 municipality, and a county shall receive \$1 for each person
3 entering a casino or embarking on a riverboat docked within
4 the county but outside the boundaries of any municipality. The
5 municipality's or county's share shall be collected by the
6 Division Board on behalf of the State and remitted quarterly
7 by the State, subject to appropriation, to the treasurer of
8 the unit of local government for deposit in the general fund.

9 (b-5) From the tax imposed under subsection (a) and the
10 fee imposed under subsection (a-5), \$1 for each person
11 embarking on a riverboat designated in paragraph (4) of
12 subsection (e-5) of Section 7 shall be divided as follows:
13 \$0.70 to the City of Rockford, \$0.05 to the City of Loves Park,
14 \$0.05 to the Village of Machesney Park, and \$0.20 to Winnebago
15 County.

16 The municipality's or county's share shall be collected by
17 the Division Board on behalf of the State and remitted monthly
18 by the State, subject to appropriation, to the treasurer of
19 the unit of local government for deposit in the general fund.

20 (b-10) From the tax imposed under subsection (a) and the
21 fee imposed under subsection (a-5), \$1 for each person
22 embarking on a riverboat or entering a casino designated in
23 paragraph (1) of subsection (e-5) of Section 7 shall be
24 divided as follows: \$0.70 to the City of Chicago, \$0.15 to the
25 Village of Maywood, and \$0.15 to the Village of Summit.

26 The municipality's or county's share shall be collected by

1 the Division Board ~~Board~~ on behalf of the State and remitted monthly
2 by the State, subject to appropriation, to the treasurer of
3 the unit of local government for deposit in the general fund.

4 (b-15) From the tax imposed under subsection (a) and the
5 fee imposed under subsection (a-5), \$1 for each person
6 embarking on a riverboat or entering a casino designated in
7 paragraph (2) of subsection (e-5) of Section 7 shall be
8 divided as follows: \$0.70 to the City of Danville and \$0.30 to
9 Vermilion County.

10 The municipality's or county's share shall be collected by
11 the Division Board ~~Board~~ on behalf of the State and remitted monthly
12 by the State, subject to appropriation, to the treasurer of
13 the unit of local government for deposit in the general fund.

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

23 (c-5) A tax is imposed on admissions to organization
24 gaming facilities at the rate of \$3 per person admitted by an
25 organization gaming licensee. The tax is imposed upon the
26 organization gaming licensee.

1 (1) The admission tax shall be paid for each
2 admission, except that a person who exits an organization
3 gaming facility and reenters that organization gaming
4 facility within the same gaming day, as the term "gaming
5 day" is defined by the Division Board by rule, shall be
6 subject only to the initial admission tax. The Division
7 ~~Board~~ shall establish, by rule, a procedure to determine
8 whether a person admitted to an organization gaming
9 facility has paid the admission tax.

10 (2) An organization gaming licensee may issue tax-free
11 passes to actual and necessary officials and employees of
12 the licensee and other persons associated with its gaming
13 operations.

14 (3) The number and issuance of tax-free passes is
15 subject to the rules of the Division Board, and a list of
16 all persons to whom the tax-free passes are issued shall
17 be filed with the Division Board.

18 (4) The organization gaming licensee shall pay the
19 entire admission tax to the Division Board.

20 Such payments shall be made daily. Accompanying each
21 payment shall be a return on forms provided by the Division
22 ~~Board~~, which shall include other information regarding
23 admission as the Division Board may require. Failure to submit
24 either the payment or the return within the specified time may
25 result in suspension or revocation of the organization gaming
26 license.

1 From the tax imposed under this subsection (c-5), a
2 municipality other than the Village of Stickney or the City of
3 Collinsville in which an organization gaming facility is
4 located, or if the organization gaming facility is not located
5 within a municipality, then the county in which the
6 organization gaming facility is located, except as otherwise
7 provided in this Section, shall receive, subject to
8 appropriation, \$1 for each person who enters the organization
9 gaming facility. For each admission to the organization gaming
10 facility in excess of 1,500,000 in a year, from the tax imposed
11 under this subsection (c-5), the county in which the
12 organization gaming facility is located shall receive, subject
13 to appropriation, \$0.30, which shall be in addition to any
14 other moneys paid to the county under this Section.

15 From the tax imposed under this subsection (c-5) on an
16 organization gaming facility located in the Village of
17 Stickney, \$1 for each person who enters the organization
18 gaming facility shall be distributed as follows, subject to
19 appropriation: \$0.24 to the Village of Stickney, \$0.49 to the
20 Town of Cicero, \$0.05 to the City of Berwyn, and \$0.17 to the
21 Stickney Public Health District, and \$0.05 to the City of
22 Bridgeview.

23 From the tax imposed under this subsection (c-5) on an
24 organization gaming facility located in the City of
25 Collinsville, the following shall each receive 10 cents for
26 each person who enters the organization gaming facility,

1 subject to appropriation: the Village of Alorton; the Village
2 of Washington Park; State Park Place; the Village of Fairmont
3 City; the City of Centreville; the Village of Brooklyn; the
4 City of Venice; the City of Madison; the Village of
5 Caseyville; and the Village of Pontoon Beach.

6 On the 25th day of each month, all amounts remaining after
7 payments required under this subsection (c-5) have been made
8 shall be transferred into the Capital Projects Fund.

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

15 (Source: P.A. 101-31, eff. 6-28-19.)

16 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

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

1 rates:

2 15% of annual adjusted gross receipts up to and
3 including \$25,000,000;

4 20% of annual adjusted gross receipts in excess of
5 \$25,000,000 but not exceeding \$50,000,000;

6 25% of annual adjusted gross receipts in excess of
7 \$50,000,000 but not exceeding \$75,000,000;

8 30% of annual adjusted gross receipts in excess of
9 \$75,000,000 but not exceeding \$100,000,000;

10 35% of annual adjusted gross receipts in excess of
11 \$100,000,000.

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

19 15% of annual adjusted gross receipts up to and
20 including \$25,000,000;

21 22.5% of annual adjusted gross receipts in excess of
22 \$25,000,000 but not exceeding \$50,000,000;

23 27.5% of annual adjusted gross receipts in excess of
24 \$50,000,000 but not exceeding \$75,000,000;

25 32.5% of annual adjusted gross receipts in excess of
26 \$75,000,000 but not exceeding \$100,000,000;

1 37.5% of annual adjusted gross receipts in excess of
2 \$100,000,000 but not exceeding \$150,000,000;

3 45% of annual adjusted gross receipts in excess of
4 \$150,000,000 but not exceeding \$200,000,000;

5 50% of annual adjusted gross receipts in excess of
6 \$200,000,000.

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

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

16 27.5% of annual adjusted gross receipts in excess of
17 \$25,000,000 but not exceeding \$37,500,000;

18 32.5% of annual adjusted gross receipts in excess of
19 \$37,500,000 but not exceeding \$50,000,000;

20 37.5% of annual adjusted gross receipts in excess of
21 \$50,000,000 but not exceeding \$75,000,000;

22 45% of annual adjusted gross receipts in excess of
23 \$75,000,000 but not exceeding \$100,000,000;

24 50% of annual adjusted gross receipts in excess of
25 \$100,000,000 but not exceeding \$250,000,000;

26 70% of annual adjusted gross receipts in excess of

1 \$250,000,000.

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

7 The privilege tax imposed under this subsection (a-3)
8 shall no longer be imposed beginning on the earlier of (i) July
9 1, 2005; (ii) the first date after June 20, 2003 that riverboat
10 gambling operations are conducted pursuant to a dormant
11 license; or (iii) the first day that riverboat gambling
12 operations are conducted under the authority of an owners
13 license that is in addition to the 10 owners licenses
14 initially authorized under this Act. For the purposes of this
15 subsection (a-3), the term "dormant license" means an owners
16 license that is authorized by this Act under which no
17 riverboat gambling operations are being conducted on June 20,
18 2003.

19 (a-4) Beginning on the first day on which the tax imposed
20 under subsection (a-3) is no longer imposed and ending upon
21 the imposition of the privilege tax under subsection (a-5) of
22 this Section, a privilege tax is imposed on persons engaged in
23 the business of conducting gambling operations, other than
24 licensed managers conducting riverboat gambling operations on
25 behalf of the State, based on the adjusted gross receipts
26 received by a licensed owner from gambling games authorized

1 under this Act at the following rates:

2 15% of annual adjusted gross receipts up to and
3 including \$25,000,000;

4 22.5% of annual adjusted gross receipts in excess of
5 \$25,000,000 but not exceeding \$50,000,000;

6 27.5% of annual adjusted gross receipts in excess of
7 \$50,000,000 but not exceeding \$75,000,000;

8 32.5% of annual adjusted gross receipts in excess of
9 \$75,000,000 but not exceeding \$100,000,000;

10 37.5% of annual adjusted gross receipts in excess of
11 \$100,000,000 but not exceeding \$150,000,000;

12 45% of annual adjusted gross receipts in excess of
13 \$150,000,000 but not exceeding \$200,000,000;

14 50% of annual adjusted gross receipts in excess of
15 \$200,000,000.

16 For the imposition of the privilege tax in this subsection
17 (a-4), amounts paid pursuant to item (1) of subsection (b) of
18 Section 56 of the Illinois Horse Racing Act of 1975 shall not
19 be included in the determination of adjusted gross receipts.

20 (a-5)(1) Beginning on July 1, 2020, a privilege tax is
21 imposed on persons engaged in the business of conducting
22 gambling operations, other than the owners licensee under
23 paragraph (1) of subsection (e-5) of Section 7 and licensed
24 managers conducting riverboat gambling operations on behalf of
25 the State, based on the adjusted gross receipts received by
26 such licensee from the gambling games authorized under this

1 Act. The privilege tax for all gambling games other than table
2 games, including, but not limited to, slot machines, video
3 game of chance gambling, and electronic gambling games shall
4 be at 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 The privilege tax for table games shall be at the
20 following rates:

21 15% of annual adjusted gross receipts up to and
22 including \$25,000,000;

23 20% of annual adjusted gross receipts in excess of
24 \$25,000,000.

25 For the imposition of the privilege tax in this subsection
26 (a-5), amounts paid pursuant to item (1) of subsection (b) of

1 Section 56 of the Illinois Horse Racing Act of 1975 shall not
2 be included in the determination of adjusted gross receipts.

3 (2) Beginning on the first day that an owners licensee
4 under paragraph (1) of subsection (e-5) of Section 7 conducts
5 gambling operations, either in a temporary facility or a
6 permanent facility, a privilege tax is imposed on persons
7 engaged in the business of conducting gambling operations
8 under paragraph (1) of subsection (e-5) of Section 7, other
9 than licensed managers conducting riverboat gambling
10 operations on behalf of the State, based on the adjusted gross
11 receipts received by such licensee from the gambling games
12 authorized under this Act. The privilege tax for all gambling
13 games other than table games, including, but not limited to,
14 slot machines, video game of chance gambling, and electronic
15 gambling games shall be at the following rates:

16 12% of annual adjusted gross receipts up to and
17 including \$25,000,000 to the State and 10.5% of annual
18 adjusted gross receipts up to and including \$25,000,000 to
19 the City of Chicago;

20 16% of annual adjusted gross receipts in excess of
21 \$25,000,000 but not exceeding \$50,000,000 to the State and
22 14% of annual adjusted gross receipts in excess of
23 \$25,000,000 but not exceeding \$50,000,000 to the City of
24 Chicago;

25 20.1% of annual adjusted gross receipts in excess of
26 \$50,000,000 but not exceeding \$75,000,000 to the State and

1 17.4% of annual adjusted gross receipts in excess of
2 \$50,000,000 but not exceeding \$75,000,000 to the City of
3 Chicago;

4 21.4% of annual adjusted gross receipts in excess of
5 \$75,000,000 but not exceeding \$100,000,000 to the State
6 and 18.6% of annual adjusted gross receipts in excess of
7 \$75,000,000 but not exceeding \$100,000,000 to the City of
8 Chicago;

9 22.7% of annual adjusted gross receipts in excess of
10 \$100,000,000 but not exceeding \$150,000,000 to the State
11 and 19.8% of annual adjusted gross receipts in excess of
12 \$100,000,000 but not exceeding \$150,000,000 to the City of
13 Chicago;

14 24.1% of annual adjusted gross receipts in excess of
15 \$150,000,000 but not exceeding \$225,000,000 to the State
16 and 20.9% of annual adjusted gross receipts in excess of
17 \$150,000,000 but not exceeding \$225,000,000 to the City of
18 Chicago;

19 26.8% of annual adjusted gross receipts in excess of
20 \$225,000,000 but not exceeding \$1,000,000,000 to the State
21 and 23.2% of annual adjusted gross receipts in excess of
22 \$225,000,000 but not exceeding \$1,000,000,000 to the City
23 of Chicago;

24 40% of annual adjusted gross receipts in excess of
25 \$1,000,000,000 to the State and 34.7% of annual gross
26 receipts in excess of \$1,000,000,000 to the City of

1 Chicago.

2 The privilege tax for table games shall be at the
3 following rates:

4 8.1% of annual adjusted gross receipts up to and
5 including \$25,000,000 to the State and 6.9% of annual
6 adjusted gross receipts up to and including \$25,000,000 to
7 the City of Chicago;

8 10.7% of annual adjusted gross receipts in excess of
9 \$25,000,000 but not exceeding \$75,000,000 to the State and
10 9.3% of annual adjusted gross receipts in excess of
11 \$25,000,000 but not exceeding \$75,000,000 to the City of
12 Chicago;

13 11.2% of annual adjusted gross receipts in excess of
14 \$75,000,000 but not exceeding \$175,000,000 to the State
15 and 9.8% of annual adjusted gross receipts in excess of
16 \$75,000,000 but not exceeding \$175,000,000 to the City of
17 Chicago;

18 13.5% of annual adjusted gross receipts in excess of
19 \$175,000,000 but not exceeding \$225,000,000 to the State
20 and 11.5% of annual adjusted gross receipts in excess of
21 \$175,000,000 but not exceeding \$225,000,000 to the City of
22 Chicago;

23 15.1% of annual adjusted gross receipts in excess of
24 \$225,000,000 but not exceeding \$275,000,000 to the State
25 and 12.9% of annual adjusted gross receipts in excess of
26 \$225,000,000 but not exceeding \$275,000,000 to the City of

1 Chicago;

2 16.2% of annual adjusted gross receipts in excess of
3 \$275,000,000 but not exceeding \$375,000,000 to the State
4 and 13.8% of annual adjusted gross receipts in excess of
5 \$275,000,000 but not exceeding \$375,000,000 to the City of
6 Chicago;

7 18.9% of annual adjusted gross receipts in excess of
8 \$375,000,000 to the State and 16.1% of annual gross
9 receipts in excess of \$375,000,000 to the City of Chicago.

10 For the imposition of the privilege tax in this subsection
11 (a-5), amounts paid pursuant to item (1) of subsection (b) of
12 Section 56 of the Illinois Horse Racing Act of 1975 shall not
13 be included in the determination of adjusted gross receipts.

14 Notwithstanding the provisions of this subsection (a-5),
15 for the first 10 years that the privilege tax is imposed under
16 this subsection (a-5), the privilege tax shall be imposed on
17 the modified annual adjusted gross receipts of a riverboat or
18 casino conducting gambling operations in the City of East St.
19 Louis, unless:

20 (1) the riverboat or casino fails to employ at least
21 450 people, except no minimum employment shall be required
22 during 2020 and 2021 or during periods that the riverboat
23 or casino is closed on orders of State officials for
24 public health emergencies or other emergencies not caused
25 by the riverboat or casino;

26 (2) the riverboat or casino fails to maintain

1 operations in a manner consistent with this Act or is not a
2 viable riverboat or casino subject to the approval of the
3 Division Board; or

4 (3) the owners licensee is not an entity in which
5 employees participate in an employee stock ownership plan
6 or in which the owners licensee sponsors a 401(k)
7 retirement plan and makes a matching employer contribution
8 equal to at least one-quarter of the first 12% or one-half
9 of the first 6% of each participating employee's
10 contribution, not to exceed any limitations under federal
11 laws and regulations.

12 As used in this subsection (a-5), "modified annual
13 adjusted gross receipts" means:

14 (A) for calendar year 2020, the annual adjusted gross
15 receipts for the current year minus the difference between
16 an amount equal to the average annual adjusted gross
17 receipts from a riverboat or casino conducting gambling
18 operations in the City of East St. Louis for 2014, 2015,
19 2016, 2017, and 2018 and the annual adjusted gross
20 receipts for 2018;

21 (B) for calendar year 2021, the annual adjusted gross
22 receipts for the current year minus the difference between
23 an amount equal to the average annual adjusted gross
24 receipts from a riverboat or casino conducting gambling
25 operations in the City of East St. Louis for 2014, 2015,
26 2016, 2017, and 2018 and the annual adjusted gross

1 receipts for 2019; and

2 (C) for calendar years 2022 through 2029, the annual
3 adjusted gross receipts for the current year minus the
4 difference between an amount equal to the average annual
5 adjusted gross receipts from a riverboat or casino
6 conducting gambling operations in the City of East St.
7 Louis for 3 years preceding the current year and the
8 annual adjusted gross receipts for the immediately
9 preceding year.

10 (a-6) From June 28, 2019 (the effective date of Public Act
11 101-31) until June 30, 2023, an owners licensee that conducted
12 gambling operations prior to January 1, 2011 shall receive a
13 dollar-for-dollar credit against the tax imposed under this
14 Section for any renovation or construction costs paid by the
15 owners licensee, but in no event shall the credit exceed
16 \$2,000,000.

17 Additionally, from June 28, 2019 (the effective date of
18 Public Act 101-31) until December 31, 2024, an owners licensee
19 that (i) is located within 15 miles of the Missouri border, and
20 (ii) has at least 3 riverboats, casinos, or their equivalent
21 within a 45-mile radius, may be authorized to relocate to a new
22 location with the approval of both the unit of local
23 government designated as the home dock and the Division Board,
24 so long as the new location is within the same unit of local
25 government and no more than 3 miles away from its original
26 location. Such owners licensee shall receive a credit against

1 the tax imposed under this Section equal to 8% of the total
2 project costs, as approved by the Division Board, for any
3 renovation or construction costs paid by the owners licensee
4 for the construction of the new facility, provided that the
5 new facility is operational by July 1, 2024. In determining
6 whether or not to approve a relocation, the Division Board
7 must consider the extent to which the relocation will diminish
8 the gaming revenues received by other Illinois gaming
9 facilities.

10 (a-7) Beginning in the initial adjustment year and through
11 the final adjustment year, if the total obligation imposed
12 pursuant to either subsection (a-5) or (a-6) will result in an
13 owners licensee receiving less after-tax adjusted gross
14 receipts than it received in calendar year 2018, then the
15 total amount of privilege taxes that the owners licensee is
16 required to pay for that calendar year shall be reduced to the
17 extent necessary so that the after-tax adjusted gross receipts
18 in that calendar year equals the after-tax adjusted gross
19 receipts in calendar year 2018, but the privilege tax
20 reduction shall not exceed the annual adjustment cap. If
21 pursuant to this subsection (a-7), the total obligation
22 imposed pursuant to either subsection (a-5) or (a-6) shall be
23 reduced, then the owners licensee shall not receive a refund
24 from the State at the end of the subject calendar year but
25 instead shall be able to apply that amount as a credit against
26 any payments it owes to the State in the following calendar

1 year to satisfy its total obligation under either subsection
2 (a-5) or (a-6). The credit for the final adjustment year shall
3 occur in the calendar year following the final adjustment
4 year.

5 If an owners licensee that conducted gambling operations
6 prior to January 1, 2019 expands its riverboat or casino,
7 including, but not limited to, with respect to its gaming
8 floor, additional non-gaming amenities such as restaurants,
9 bars, and hotels and other additional facilities, and incurs
10 construction and other costs related to such expansion from
11 June 28, 2019 (the effective date of Public Act 101-31) until
12 June 28, 2024 (the 5th anniversary of the effective date of
13 Public Act 101-31), then for each \$15,000,000 spent for any
14 such construction or other costs related to expansion paid by
15 the owners licensee, the final adjustment year shall be
16 extended by one year and the annual adjustment cap shall
17 increase by 0.2% of adjusted gross receipts during each
18 calendar year until and including the final adjustment year.
19 No further modifications to the final adjustment year or
20 annual adjustment cap shall be made after \$75,000,000 is
21 incurred in construction or other costs related to expansion
22 so that the final adjustment year shall not extend beyond the
23 9th calendar year after the initial adjustment year, not
24 including the initial adjustment year, and the annual
25 adjustment cap shall not exceed 4% of adjusted gross receipts
26 in a particular calendar year. Construction and other costs

1 related to expansion shall include all project related costs,
2 including, but not limited to, all hard and soft costs,
3 financing costs, on or off-site ground, road or utility work,
4 cost of gaming equipment and all other personal property,
5 initial fees assessed for each incremental gaming position,
6 and the cost of incremental land acquired for such expansion.
7 Soft costs shall include, but not be limited to, legal fees,
8 architect, engineering and design costs, other consultant
9 costs, insurance cost, permitting costs, and pre-opening costs
10 related to the expansion, including, but not limited to, any
11 of the following: marketing, real estate taxes, personnel,
12 training, travel and out-of-pocket expenses, supply,
13 inventory, and other costs, and any other project related soft
14 costs.

15 To be eligible for the tax credits in subsection (a-6),
16 all construction contracts shall include a requirement that
17 the contractor enter into a project labor agreement with the
18 building and construction trades council with geographic
19 jurisdiction of the location of the proposed gaming facility.

20 Notwithstanding any other provision of this subsection
21 (a-7), this subsection (a-7) does not apply to an owners
22 licensee unless such owners licensee spends at least
23 \$15,000,000 on construction and other costs related to its
24 expansion, excluding the initial fees assessed for each
25 incremental gaming position.

26 This subsection (a-7) does not apply to owners licensees

1 authorized pursuant to subsection (e-5) of Section 7 of this
2 Act.

3 For purposes of this subsection (a-7):

4 "Building and construction trades council" means any
5 organization representing multiple construction entities that
6 are monitoring or attentive to compliance with public or
7 workers' safety laws, wage and hour requirements, or other
8 statutory requirements or that are making or maintaining
9 collective bargaining agreements.

10 "Initial adjustment year" means the year commencing on
11 January 1 of the calendar year immediately following the
12 earlier of the following:

13 (1) the commencement of gambling operations, either in
14 a temporary or permanent facility, with respect to the
15 owners license authorized under paragraph (1) of
16 subsection (e-5) of Section 7 of this Act; or

17 (2) June 28, 2021 (24 months after the effective date
18 of Public Act 101-31);

19 provided the initial adjustment year shall not commence
20 earlier than June 28, 2020 (12 months after the effective date
21 of Public Act 101-31).

22 "Final adjustment year" means the 2nd calendar year after
23 the initial adjustment year, not including the initial
24 adjustment year, and as may be extended further as described
25 in this subsection (a-7).

26 "Annual adjustment cap" means 3% of adjusted gross

1 receipts in a particular calendar year, and as may be
2 increased further as otherwise described in this subsection
3 (a-7).

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

7 (a-9) Beginning on January 1, 2020, the calculation of
8 gross receipts or adjusted gross receipts, for the purposes of
9 this Section, for a riverboat, a casino, or an organization
10 gaming facility shall not include the dollar amount of
11 non-cashable vouchers, coupons, and electronic promotions
12 redeemed by wagerers upon the riverboat, in the casino, or in
13 the organization gaming facility up to and including an amount
14 not to exceed 20% of a riverboat's, a casino's, or an
15 organization gaming facility's adjusted gross receipts.

16 The Division ~~Illinois Gaming Board~~ shall submit to the
17 General Assembly a comprehensive report no later than March
18 31, 2023 detailing, at a minimum, the effect of removing
19 non-cashable vouchers, coupons, and electronic promotions from
20 this calculation on net gaming revenues to the State in
21 calendar years 2020 through 2022, the increase or reduction in
22 wagerers as a result of removing non-cashable vouchers,
23 coupons, and electronic promotions from this calculation, the
24 effect of the tax rates in subsection (a-5) on net gaming
25 revenues to this State, and proposed modifications to the
26 calculation.

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

5 (a-15) If the privilege tax imposed under subsection (a-3)
6 is no longer imposed pursuant to item (i) of the last paragraph
7 of subsection (a-3), then by June 15 of each year, each owners
8 licensee, other than an owners licensee that admitted
9 1,000,000 persons or fewer in calendar year 2004, must, in
10 addition to the payment of all amounts otherwise due under
11 this Section, pay to the Division Board ~~Board~~ a reconciliation
12 payment in the amount, if any, by which the licensed owner's
13 base amount exceeds the amount of net privilege tax paid by the
14 licensed owner to the Division Board ~~Board~~ in the then current State
15 fiscal year. A licensed owner's net privilege tax obligation
16 due for the balance of the State fiscal year shall be reduced
17 up to the total of the amount paid by the licensed owner in its
18 June 15 reconciliation payment. The obligation imposed by this
19 subsection (a-15) is binding on any person, firm, corporation,
20 or other entity that acquires an ownership interest in any
21 such owners license. The obligation imposed under this
22 subsection (a-15) terminates on the earliest of: (i) July 1,
23 2007, (ii) the first day after August 23, 2005 (the effective
24 date of Public Act 94-673) that riverboat gambling operations
25 are conducted pursuant to a dormant license, (iii) the first
26 day that riverboat gambling operations are conducted under the

1 authority of an owners license that is in addition to the 10
2 owners licenses initially authorized under this Act, or (iv)
3 the first day that a licensee under the Illinois Horse Racing
4 Act of 1975 conducts gaming operations with slot machines or
5 other electronic gaming devices. The Division Board must
6 reduce the obligation imposed under this subsection (a-15) by
7 an amount the Division Board deems reasonable for any of the
8 following reasons: (A) an act or acts of God, (B) an act of
9 bioterrorism or terrorism or a bioterrorism or terrorism
10 threat that was investigated by a law enforcement agency, or
11 (C) a condition beyond the control of the owners licensee that
12 does not result from any act or omission by the owners licensee
13 or any of its agents and that poses a hazardous threat to the
14 health and safety of patrons. If an owners licensee pays an
15 amount in excess of its liability under this Section, the
16 Division Board shall apply the overpayment to future payments
17 required under this Section.

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

19 "Act of God" means an incident caused by the operation of
20 an extraordinary force that cannot be foreseen, that cannot be
21 avoided by the exercise of due care, and for which no person
22 can be held liable.

23 "Base amount" means the following:

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

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

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

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

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

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

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

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

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

8 "Net privilege tax" means all privilege taxes paid by a
9 licensed owner to the Division Board under this Section, less
10 all payments made from the State Gaming Fund pursuant to
11 subsection (b) of this Section.

12 The changes made to this subsection (a-15) by Public Act
13 94-839 are intended to restate and clarify the intent of
14 Public Act 94-673 with respect to the amount of the payments
15 required to be made under this subsection by an owners
16 licensee to the Division Board.

17 (b) From the tax revenue from riverboat or casino gambling
18 deposited in the State Gaming Fund under this Section, an
19 amount equal to 5% of adjusted gross receipts generated by a
20 riverboat or a casino, other than a riverboat or casino
21 designated in paragraph (1), (3), or (4) of subsection (e-5)
22 of Section 7, shall be paid monthly, subject to appropriation
23 by the General Assembly, to the unit of local government in
24 which the casino is located or that is designated as the home
25 dock of the riverboat. Notwithstanding anything to the
26 contrary, beginning on the first day that an owners licensee

1 under paragraph (1), (2), (3), (4), (5), or (6) of subsection
2 (e-5) of Section 7 conducts gambling operations, either in a
3 temporary facility or a permanent facility, and for 2 years
4 thereafter, a unit of local government designated as the home
5 dock of a riverboat whose license was issued before January 1,
6 2019, other than a riverboat conducting gambling operations in
7 the City of East St. Louis, shall not receive less under this
8 subsection (b) than the amount the unit of local government
9 received under this subsection (b) in calendar year 2018.
10 Notwithstanding anything to the contrary and because the City
11 of East St. Louis is a financially distressed city, beginning
12 on the first day that an owners licensee under paragraph (1),
13 (2), (3), (4), (5), or (6) of subsection (e-5) of Section 7
14 conducts gambling operations, either in a temporary facility
15 or a permanent facility, and for 10 years thereafter, a unit of
16 local government designated as the home dock of a riverboat
17 conducting gambling operations in the City of East St. Louis
18 shall not receive less under this subsection (b) than the
19 amount the unit of local government received under this
20 subsection (b) in calendar year 2018.

21 From the tax revenue deposited in the State Gaming Fund
22 pursuant to riverboat or casino gambling operations conducted
23 by a licensed manager on behalf of the State, an amount equal
24 to 5% of adjusted gross receipts generated pursuant to those
25 riverboat or casino gambling operations shall be paid monthly,
26 subject to appropriation by the General Assembly, to the unit

1 of local government that is designated as the home dock of the
2 riverboat upon which those riverboat gambling operations are
3 conducted or in which the casino is located.

4 From the tax revenue from riverboat or casino gambling
5 deposited in the State Gaming Fund under this Section, an
6 amount equal to 5% of the adjusted gross receipts generated by
7 a riverboat designated in paragraph (3) of subsection (e-5) of
8 Section 7 shall be divided and remitted monthly, subject to
9 appropriation, as follows: 70% to Waukegan, 10% to Park City,
10 15% to North Chicago, and 5% to Lake County.

11 From the tax revenue from riverboat or casino gambling
12 deposited in the State Gaming Fund under this Section, an
13 amount equal to 5% of the adjusted gross receipts generated by
14 a riverboat designated in paragraph (4) of subsection (e-5) of
15 Section 7 shall be remitted monthly, subject to appropriation,
16 as follows: 70% to the City of Rockford, 5% to the City of
17 Loves Park, 5% to the Village of Machesney, and 20% to
18 Winnebago County.

19 From the tax revenue from riverboat or casino gambling
20 deposited in the State Gaming Fund under this Section, an
21 amount equal to 5% of the adjusted gross receipts generated by
22 a riverboat designated in paragraph (5) of subsection (e-5) of
23 Section 7 shall be remitted monthly, subject to appropriation,
24 as follows: 2% to the unit of local government in which the
25 riverboat or casino is located, and 3% shall be distributed:
26 (A) in accordance with a regional capital development plan

1 entered into by the following communities: Village of Beecher,
2 City of Blue Island, Village of Burnham, City of Calumet City,
3 Village of Calumet Park, City of Chicago Heights, City of
4 Country Club Hills, Village of Crestwood, Village of Crete,
5 Village of Dixmoor, Village of Dolton, Village of East Hazel
6 Crest, Village of Flossmoor, Village of Ford Heights, Village
7 of Glenwood, City of Harvey, Village of Hazel Crest, Village
8 of Homewood, Village of Lansing, Village of Lynwood, City of
9 Markham, Village of Matteson, Village of Midlothian, Village
10 of Monee, City of Oak Forest, Village of Olympia Fields,
11 Village of Orland Hills, Village of Orland Park, City of Palos
12 Heights, Village of Park Forest, Village of Phoenix, Village
13 of Posen, Village of Richton Park, Village of Riverdale,
14 Village of Robbins, Village of Sauk Village, Village of South
15 Chicago Heights, Village of South Holland, Village of Steger,
16 Village of Thornton, Village of Tinley Park, Village of
17 University Park, and Village of Worth; or (B) if no regional
18 capital development plan exists, equally among the communities
19 listed in item (A) to be used for capital expenditures or
20 public pension payments, or both.

21 Units of local government may refund any portion of the
22 payment that they receive pursuant to this subsection (b) to
23 the riverboat or casino.

24 (b-4) Beginning on the first day the licensee under
25 paragraph (5) of subsection (e-5) of Section 7 conducts
26 gambling operations, either in a temporary facility or a

1 permanent facility, and ending on July 31, 2042, from the tax
2 revenue deposited in the State Gaming Fund under this Section,
3 \$5,000,000 shall be paid annually, subject to appropriation,
4 to the host municipality of that owners licensee of a license
5 issued or re-issued pursuant to Section 7.1 of this Act before
6 January 1, 2012. Payments received by the host municipality
7 pursuant to this subsection (b-4) may not be shared with any
8 other unit of local government.

9 (b-5) Beginning on June 28, 2019 (the effective date of
10 Public Act 101-31), from the tax revenue deposited in the
11 State Gaming Fund under this Section, an amount equal to 3% of
12 adjusted gross receipts generated by each organization gaming
13 facility located outside Madison County shall be paid monthly,
14 subject to appropriation by the General Assembly, to a
15 municipality other than the Village of Stickney in which each
16 organization gaming facility is located or, if the
17 organization gaming facility is not located within a
18 municipality, to the county in which the organization gaming
19 facility is located, except as otherwise provided in this
20 Section. From the tax revenue deposited in the State Gaming
21 Fund under this Section, an amount equal to 3% of adjusted
22 gross receipts generated by an organization gaming facility
23 located in the Village of Stickney shall be paid monthly,
24 subject to appropriation by the General Assembly, as follows:
25 25% to the Village of Stickney, 5% to the City of Berwyn, 50%
26 to the Town of Cicero, and 20% to the Stickney Public Health

1 District.

2 From the tax revenue deposited in the State Gaming Fund
3 under this Section, an amount equal to 5% of adjusted gross
4 receipts generated by an organization gaming facility located
5 in the City of Collinsville shall be paid monthly, subject to
6 appropriation by the General Assembly, as follows: 30% to the
7 City of Alton, 30% to the City of East St. Louis, and 40% to
8 the City of Collinsville.

9 Municipalities and counties may refund any portion of the
10 payment that they receive pursuant to this subsection (b-5) to
11 the organization gaming facility.

12 (b-6) Beginning on June 28, 2019 (the effective date of
13 Public Act 101-31), from the tax revenue deposited in the
14 State Gaming Fund under this Section, an amount equal to 2% of
15 adjusted gross receipts generated by an organization gaming
16 facility located outside Madison County shall be paid monthly,
17 subject to appropriation by the General Assembly, to the
18 county in which the organization gaming facility is located
19 for the purposes of its criminal justice system or health care
20 system.

21 Counties may refund any portion of the payment that they
22 receive pursuant to this subsection (b-6) to the organization
23 gaming facility.

24 (b-7) From the tax revenue from the organization gaming
25 licensee located in one of the following townships of Cook
26 County: Bloom, Bremen, Calumet, Orland, Rich, Thornton, or

1 Worth, an amount equal to 5% of the adjusted gross receipts
2 generated by that organization gaming licensee shall be
3 remitted monthly, subject to appropriation, as follows: 2% to
4 the unit of local government in which the organization gaming
5 licensee is located, and 3% shall be distributed: (A) in
6 accordance with a regional capital development plan entered
7 into by the following communities: Village of Beecher, City of
8 Blue Island, Village of Burnham, City of Calumet City, Village
9 of Calumet Park, City of Chicago Heights, City of Country Club
10 Hills, Village of Crestwood, Village of Crete, Village of
11 Dixmoor, Village of Dolton, Village of East Hazel Crest,
12 Village of Flossmoor, Village of Ford Heights, Village of
13 Glenwood, City of Harvey, Village of Hazel Crest, Village of
14 Homewood, Village of Lansing, Village of Lynwood, City of
15 Markham, Village of Matteson, Village of Midlothian, Village
16 of Monee, City of Oak Forest, Village of Olympia Fields,
17 Village of Orland Hills, Village of Orland Park, City of Palos
18 Heights, Village of Park Forest, Village of Phoenix, Village
19 of Posen, Village of Richton Park, Village of Riverdale,
20 Village of Robbins, Village of Sauk Village, Village of South
21 Chicago Heights, Village of South Holland, Village of Steger,
22 Village of Thornton, Village of Tinley Park, Village of
23 University Park, and Village of Worth; or (B) if no regional
24 capital development plan exists, equally among the communities
25 listed in item (A) to be used for capital expenditures or
26 public pension payments, or both.

1 (b-8) In lieu of the payments under subsection (b) of this
2 Section, from the tax revenue deposited in the State Gaming
3 Fund pursuant to riverboat or casino gambling operations
4 conducted by an owners licensee under paragraph (1) of
5 subsection (e-5) of Section 7, an amount equal to the tax
6 revenue generated from the privilege tax imposed by paragraph
7 (2) of subsection (a-5) that is to be paid to the City of
8 Chicago shall be paid monthly, subject to appropriation by the
9 General Assembly, as follows: (1) an amount equal to 0.5% of
10 the annual adjusted gross receipts generated by the owners
11 licensee under paragraph (1) of subsection (e-5) of Section 7
12 to the home rule county in which the owners licensee is located
13 for the purpose of enhancing the county's criminal justice
14 system; and (2) the balance to the City of Chicago and shall be
15 expended or obligated by the City of Chicago for pension
16 payments in accordance with Public Act 99-506.

17 (c) Appropriations, as approved by the General Assembly,
18 may be made from the State Gaming Fund to the Division Board
19 (i) for the administration and enforcement of this Act and the
20 Video Gaming Act, (ii) for distribution to the Illinois State
21 Police and to the Department of Revenue for the enforcement of
22 this Act and the Video Gaming Act, and (iii) to the Department
23 of Human Services for the administration of programs to treat
24 problem gambling, including problem gambling from sports
25 wagering. The Division's Board's annual appropriations request
26 must separately state its funding needs for the regulation of

1 gaming authorized under Section 7.7, riverboat gaming, casino
2 gaming, video gaming, and sports wagering.

3 (c-2) An amount equal to 2% of the adjusted gross receipts
4 generated by an organization gaming facility located within a
5 home rule county with a population of over 3,000,000
6 inhabitants shall be paid, subject to appropriation from the
7 General Assembly, from the State Gaming Fund to the home rule
8 county in which the organization gaming licensee is located
9 for the purpose of enhancing the county's criminal justice
10 system.

11 (c-3) Appropriations, as approved by the General Assembly,
12 may be made from the tax revenue deposited into the State
13 Gaming Fund from organization gaming licensees pursuant to
14 this Section for the administration and enforcement of this
15 Act.

16 (c-4) After payments required under subsections (b),
17 (b-5), (b-6), (b-7), (c), (c-2), and (c-3) have been made from
18 the tax revenue from organization gaming licensees deposited
19 into the State Gaming Fund under this Section, all remaining
20 amounts from organization gaming licensees shall be
21 transferred into the Capital Projects Fund.

22 (c-5) (Blank).

23 (c-10) 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 into the Horse Racing Equity
26 Fund pursuant to subsection (c-5) in the prior calendar year.

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

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

19 (c-21) After the payments required under subsections (b),
20 (b-4), (b-5), (b-6), (b-7), (b-8), (c), (c-3), and (c-4) have
21 been made, an amount equal to 0.5% of the adjusted gross
22 receipts generated by the owners licensee under paragraph (1)
23 of subsection (e-5) of Section 7 shall be paid monthly,
24 subject to appropriation from the General Assembly, from the
25 State Gaming Fund to the home rule county in which the owners
26 licensee is located for the purpose of enhancing the county's

1 criminal justice system.

2 (c-22) After the payments required under subsections (b),
3 (b-4), (b-5), (b-6), (b-7), (b-8), (c), (c-3), (c-4), and
4 (c-21) have been made, an amount equal to 2% of the adjusted
5 gross receipts generated by the owners licensee under
6 paragraph (5) of subsection (e-5) of Section 7 shall be paid,
7 subject to appropriation from the General Assembly, from the
8 State Gaming Fund to the home rule county in which the owners
9 licensee is located for the purpose of enhancing the county's
10 criminal justice system.

11 (c-25) From July 1, 2013 and each July 1 thereafter
12 through July 1, 2019, \$1,600,000 shall be transferred from the
13 State Gaming Fund to the Chicago State University Education
14 Improvement Fund.

15 On July 1, 2020 and each July 1 thereafter, \$3,000,000
16 shall be transferred from the State Gaming Fund to the Chicago
17 State University Education Improvement Fund.

18 (c-30) On July 1, 2013 or as soon as possible thereafter,
19 \$92,000,000 shall be transferred from the State Gaming Fund to
20 the School Infrastructure Fund and \$23,000,000 shall be
21 transferred from the State Gaming Fund to the Horse Racing
22 Equity Fund.

23 (c-35) Beginning on July 1, 2013, in addition to any
24 amount transferred under subsection (c-30) of this Section,
25 \$5,530,000 shall be transferred monthly from the State Gaming
26 Fund to the School Infrastructure Fund.

1 (d) From time to time, through June 30, 2021, the Board
2 shall transfer the remainder of the funds generated by this
3 Act into the Education Assistance Fund.

4 (d-5) Beginning on July 1, 2021, on the last day of each
5 month, or as soon thereafter as possible, after all the
6 required expenditures, distributions, and transfers have been
7 made from the State Gaming Fund for the month pursuant to
8 subsections (b) through (c-35), at the direction of the
9 Division Board, the Comptroller shall direct and the Treasurer
10 shall transfer \$22,500,000, along with any deficiencies in
11 such amounts from prior months in the same fiscal year, from
12 the State Gaming Fund to the Education Assistance Fund; then,
13 at the direction of the Division Board, the Comptroller shall
14 direct and the Treasurer shall transfer the remainder of the
15 funds generated by this Act, if any, from the State Gaming Fund
16 to the Capital Projects Fund.

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 Division Board shall
23 administer and collect the wagering taxes imposed by this
24 Section in a manner consistent with the provisions of Sections
25 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9,
26 and 10 of the Retailers' Occupation Tax Act and Section 3-7 of

1 the Uniform Penalty and Interest Act.

2 (Source: P.A. 101-31, Article 25, Section 25-910, eff.
3 6-28-19; 101-31, Article 35, Section 35-55, eff. 6-28-19;
4 101-648, eff. 6-30-20; 102-16, eff. 6-17-21; 102-538, eff.
5 8-20-21; 102-689, eff. 12-17-21; 102-699, eff. 4-19-22.)

6 (230 ILCS 10/13.05)

7 Sec. 13.05. Withholding of delinquent child support.

8 (a) From winnings required to be reported to the Internal
9 Revenue Service on Form W-2G, an owners licensee or a licensee
10 that operates one or more facilities or gaming locations at
11 which lawful gambling is authorized as provided in this Act
12 shall withhold up to the full amount of winnings necessary to
13 pay the winner's past due child support amount as certified by
14 the Department of Healthcare and Family Services under Section
15 10-17.15 of the Illinois Public Aid Code. Amounts withheld
16 shall be paid to the Department of Healthcare and Family
17 Services by the owners licensee or casino operator licensee,
18 as applicable.

19 (b) For withholding of winnings, the licensee shall be
20 entitled to an administrative fee not to exceed the lesser of
21 4% of the total amount of cash winnings paid to the gambling
22 winner or \$150.

23 (c) In no event may the total amount withheld from the cash
24 payout, including the administrative fee, exceed the total
25 cash winnings claimed by the obligor. If the cash payout

1 claimed is greater than the amount sufficient to satisfy the
2 obligor's delinquent child support payments, the licensee
3 shall pay the obligor the remaining balance of the payout,
4 less the administrative fee authorized by subsection (b) of
5 this Section, at the time it is claimed.

6 (d) A licensee who in good faith complies with the
7 requirements of this Section shall not be liable to the gaming
8 winner or any other individual or entity.

9 (e) Upon request of a licensed owner under this Act, an
10 agent of the Division Board (such as a gaming special agent
11 employed by the Division Board, a State police officer, or a
12 revenue agent) shall be responsible for notifying the person
13 identified as being delinquent in child support payments that
14 the licensed owner is required by law to withhold all or a
15 portion of his or her winnings. If given, this notification
16 must be provided at the time the winnings are withheld.

17 (f) The provisions of this Section shall be operative on
18 and after the date that rules are adopted by the Department of
19 Healthcare and Family Services pursuant to Section 10-17.15 of
20 the Illinois Public Aid Code.

21 (g) The delinquent child support required to be withheld
22 under this Section and the administrative fee under subsection
23 (b) of this Section have priority over any secured or
24 unsecured claim on cash winnings, except claims for federal or
25 State taxes that are required to be withheld under federal or
26 State law.

1 (Source: P.A. 98-318, eff. 8-12-13.)

2 (230 ILCS 10/14) (from Ch. 120, par. 2414)

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

4 (a) Licensed owners and organization gaming licensees
5 shall keep books and records so as to clearly show the
6 following:

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

8 (2) The total amount of gross receipts.

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

10 (b) Licensed owners and organization gaming licensees
11 shall furnish to the Division Board reports and information as
12 the Division Board may require with respect to its activities
13 on forms designed and supplied for such purpose by the
14 Division Board.

15 (c) The books and records kept by a licensed owner as
16 provided by this Section are public records and the
17 examination, publication, and dissemination of the books and
18 records are governed by the provisions of The Freedom of
19 Information Act.

20 (Source: P.A. 101-31, eff. 6-28-19.)

21 (230 ILCS 10/15) (from Ch. 120, par. 2415)

22 Sec. 15. Audit of licensee operations. Annually, the
23 licensed owner, manager, or organization gaming licensee shall
24 transmit to the Division Board an audit of the financial

1 transactions and condition of the licensee's or manager's
2 total operations. Additionally, within 90 days after the end
3 of each quarter of each fiscal year, the licensed owner,
4 manager, or organization gaming licensee shall transmit to the
5 Division Board a compliance report on engagement procedures
6 determined by the Division Board. All audits and compliance
7 engagements shall be conducted by certified public accountants
8 selected by the Division Board. Each certified public
9 accountant must be registered in the State of Illinois under
10 the Illinois Public Accounting Act. The compensation for each
11 certified public accountant shall be paid directly by the
12 licensed owner, manager, or organization gaming licensee to
13 the certified public accountant.

14 (Source: P.A. 101-31, eff. 6-28-19.)

15 (230 ILCS 10/16) (from Ch. 120, par. 2416)

16 Sec. 16. Annual Report of Division Board. The Division
17 ~~Board~~ shall make an annual report to the Governor, for the
18 period ending December 31 of each year. Included in the report
19 shall be an account of the Division Board actions, its
20 financial position and results of operation under this Act,
21 the practical results attained under this Act and any
22 recommendations for legislation which the Division Board deems
23 advisable.

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

1 (230 ILCS 10/17) (from Ch. 120, par. 2417)

2 Sec. 17. Administrative procedures. The Illinois
3 Administrative Procedure Act shall apply to all administrative
4 rules and procedures of the Division Board under this Act and
5 the Video Gaming Act, except that: (1) subsection (b) of
6 Section 5-10 of the Illinois Administrative Procedure Act does
7 not apply to final orders, decisions and opinions of the
8 Division Board; (2) subsection (a) of Section 5-10 of the
9 Illinois Administrative Procedure Act does not apply to forms
10 established by the Division Board for use under this Act and or
11 the Video Gaming Act; (3) the provisions of Section 10-45 of
12 the Illinois Administrative Procedure Act regarding proposals
13 for decision are excluded under this Act and the Video Gaming
14 Act; and (4) the provisions of subsection (d) of Section 10-65
15 of the Illinois Administrative Procedure Act do not apply so
16 as to prevent summary suspension of any license pending
17 revocation or other action, which suspension shall remain in
18 effect unless modified by the Division Board or unless the
19 Division's Board's decision is reversed on the merits upon
20 judicial review.

21 (Source: P.A. 101-31, eff. 6-28-19.)

22 (230 ILCS 10/17.1) (from Ch. 120, par. 2417.1)

23 Sec. 17.1. Judicial review.

24 (a) Jurisdiction and venue for the judicial review of a
25 final order of the Division Board relating to licensed owners,

1 suppliers, organization gaming licensees, and special event
2 licenses is vested in the Appellate Court of the judicial
3 district in which Sangamon County is located. A petition for
4 judicial review of a final order of the Division Board must be
5 filed in the Appellate Court, within 35 days from the date that
6 a copy of the decision sought to be reviewed was served upon
7 the party affected by the decision.

8 (b) Judicial review of all other final orders of the
9 Division Board shall be conducted in accordance with the
10 Administrative Review Law.

11 (Source: P.A. 101-31, eff. 6-28-19.)

12 (230 ILCS 10/18) (from Ch. 120, par. 2418)

13 Sec. 18. Prohibited activities; penalty.

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

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

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

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

22 (1) permitting a person under 21 years to make a
23 wager; or

24 (2) violating paragraph (12) of subsection (a) of
25 Section 11 of this Act.

1 (c) A person wagering or accepting a wager at any location
2 outside the riverboat, casino, or organization gaming facility
3 in violation of paragraph (1) or (2) of subsection (a) of
4 Section 28-1 of the Criminal Code of 2012 is subject to the
5 penalties provided in that Section.

6 (d) A person commits a Class 4 felony and, in addition,
7 shall be barred for life from gambling operations under the
8 jurisdiction of the Division Board, if the person does any of
9 the following:

10 (1) Offers, promises, or gives anything of value or
11 benefit to a person who is connected with a riverboat or
12 casino owner or organization gaming licensee, including,
13 but not limited to, an officer or employee of a licensed
14 owner, organization gaming licensee, or holder of an
15 occupational license pursuant to an agreement or
16 arrangement or with the intent that the promise or thing
17 of value or benefit will influence the actions of the
18 person to whom the offer, promise, or gift was made in
19 order to affect or attempt to affect the outcome of a
20 gambling game, or to influence official action of an
21 employee of the Division ~~a member of the Board~~.

22 (2) Solicits or knowingly accepts or receives a
23 promise of anything of value or benefit while the person
24 is connected with a riverboat, casino, or organization
25 gaming facility, including, but not limited to, an officer
26 or employee of a licensed owner or organization gaming

1 licensee, or the holder of an occupational license,
2 pursuant to an understanding 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 affect or attempt
5 to affect the outcome of a gambling game, or to influence
6 official action of an employee of the Division ~~a member of~~
7 ~~the Board~~.

8 (3) Uses or possesses with the intent to use a device
9 to assist:

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

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

12 (iii) In analyzing the probability of the
13 occurrence of an event relating to the gambling game.

14 (iv) In analyzing the strategy for playing or
15 betting to be used in the game except as permitted by
16 the Division ~~Board~~.

17 (4) Cheats at a gambling game.

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

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

24 (7) Places a bet after acquiring knowledge, not
25 available to all players, of the outcome of the gambling
26 game which is the subject of the bet or to aid a person in

1 acquiring the knowledge for the purpose of placing a bet
2 contingent on that outcome.

3 (8) Claims, collects, or takes, or attempts to claim,
4 collect, or take, money or anything of value in or from the
5 gambling games, with intent to defraud, without having
6 made a wager contingent on winning a gambling game, or
7 claims, collects, or takes an amount of money or thing of
8 value of greater value than the amount won.

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

11 (10) Possesses any key or device designed for the
12 purpose of opening, entering, or affecting the operation
13 of a gambling game, drop box, or an electronic or
14 mechanical device connected with the gambling game or for
15 removing coins, tokens, chips or other contents of a
16 gambling game. This paragraph (10) does not apply to a
17 gambling licensee or employee of a gambling licensee
18 acting in furtherance of the employee's employment.

19 (e) The possession of more than one of the devices
20 described in paragraphs (3), (5), and (10) of subsection (d)
21 permits a rebuttable presumption that the possessor intended
22 to use the devices for cheating.

23 (f) A person under the age of 21 who, except as authorized
24 under paragraph (10) of Section 11, enters upon a riverboat or
25 in a casino or organization gaming facility commits a petty
26 offense and is subject to a fine of not less than \$100 or more

1 than \$250 for a first offense and of not less than \$200 or more
2 than \$500 for a second or subsequent offense.

3 An action to prosecute any crime occurring on a riverboat
4 shall be tried in the county of the dock at which the riverboat
5 is based. An action to prosecute any crime occurring in a
6 casino or organization gaming facility shall be tried in the
7 county in which the casino or organization gaming facility is
8 located.

9 (Source: P.A. 101-31, eff. 6-28-19; 102-813, eff. 5-13-22.)

10 (230 ILCS 10/18.1)

11 Sec. 18.1. Distribution of certain fines. If a fine is
12 imposed on an owners licensee or an organization gaming
13 licensee for knowingly sending marketing or promotional
14 materials to any person placed on the self-exclusion list,
15 then the Division Board shall distribute an amount equal to
16 15% of the fine imposed to the unit of local government in
17 which the casino, riverboat, or organization gaming facility
18 is located for the purpose of awarding grants to non-profit
19 entities that assist gambling addicts.

20 (Source: P.A. 101-31, eff. 6-28-19.)

21 (230 ILCS 10/22) (from Ch. 120, par. 2422)

22 Sec. 22. Criminal history record information. Whenever the
23 Division Board is authorized or required by law to consider
24 some aspect of criminal history record information for the

1 purpose of carrying out its statutory powers and
2 responsibilities, the Division Board shall, in the form and
3 manner required by the Illinois State Police and the Federal
4 Bureau of Investigation, cause to be conducted a criminal
5 history record investigation to obtain any information
6 currently or thereafter contained in the files of the Illinois
7 State Police or the Federal Bureau of Investigation,
8 including, but not limited to, civil, criminal, and latent
9 fingerprint databases. Each applicant for occupational
10 licensing under Section 9 or key person as defined by the
11 Division Board in administrative rules shall submit his or her
12 fingerprints to the Illinois State Police in the form and
13 manner prescribed by the Illinois State Police. These
14 fingerprints shall be checked against the fingerprint records
15 now and hereafter filed in the Illinois State Police and
16 Federal Bureau of Investigation criminal history records
17 databases, including, but not limited to, civil, criminal, and
18 latent fingerprint databases. The Illinois State Police shall
19 charge a fee for conducting the criminal history records
20 check, which shall be deposited in the State Police Services
21 Fund and shall not exceed the actual cost of the records check.
22 The Illinois State Police shall provide, on the Division's
23 ~~Board's~~ request, information concerning any criminal charges,
24 and their disposition, currently or thereafter filed against
25 any applicant, key person, or holder of any license or for
26 determinations of suitability. Information obtained as a

1 result of an investigation under this Section shall be used in
2 determining eligibility for any license. Upon request and
3 payment of fees in conformance with the requirements of
4 Section 2605-400 of the Illinois State Police Law, the
5 Illinois State Police is authorized to furnish, pursuant to
6 positive identification, such information contained in State
7 files as is necessary to fulfill the request.

8 (Source: P.A. 101-597, eff. 12-6-19; 102-538, eff. 8-20-21.)

9 Section 145. The Raffles and Poker Runs Act is amended by
10 changing Section 1 as follows:

11 (230 ILCS 15/1) (from Ch. 85, par. 2301)

12 Sec. 1. Definitions. For the purposes of this Act the
13 terms defined in this Section have the meanings given them.

14 "Fire protection agency" means: (1) an agency of this
15 State, unit of local government, or intergovernmental mutual
16 aid entity that is vested by law or intergovernmental
17 agreement with the duty and authority to provide public fire
18 suppression, rescue, or emergency medical services; or (2) an
19 organization that provides support or assistance to an agency
20 of this State, unit of local government, or intergovernmental
21 mutual aid entity that is vested by law or intergovernmental
22 agreement with the duty and authority to provide public fire
23 suppression, rescue, or emergency medical services.

24 "Key location" means:

1 (1) For a poker run, the location where the poker run
2 concludes and the prizes are awarded.

3 (2) For a raffle, the location where the winning
4 chances in the raffle are determined.

5 "Law enforcement agency" means an agency of this State or
6 a unit of local government in this State that is vested by law
7 or ordinance with the duty to maintain public order and to
8 enforce criminal laws or ordinances.

9 "Net proceeds" means the gross receipts from the conduct
10 of raffles, less reasonable sums expended for prizes, local
11 license fees and other operating expenses incurred as a result
12 of operating a raffle or poker run.

13 "Poker run" means a prize-awarding event organized by an
14 organization licensed under this Act in which participants
15 travel to multiple predetermined locations, including a key
16 location, to play a randomized game based on an element of
17 chance. "Poker run" includes dice runs, marble runs, or other
18 events where the objective is to build the best hand or highest
19 score by obtaining an item or playing a randomized game at each
20 location.

21 "Raffle" means a form of lottery, as defined in subsection
22 (b) of Section 28-2 of the Criminal Code of 2012, conducted by
23 an organization licensed under this Act, in which:

24 (1) the player pays or agrees to pay something of
25 value for a chance, represented and differentiated by a
26 number or by a combination of numbers or by some other

1 medium, one or more of which chances is to be designated
2 the winning chance; and

3 (2) the winning chance is to be determined through a
4 drawing or by some other method based on an element of
5 chance by an act or set of acts on the part of persons
6 conducting or connected with the lottery, except that the
7 winning chance shall not be determined by the outcome of a
8 publicly exhibited sporting contest.

9 "Raffle" does not include any game designed to simulate:

10 (1) gambling games as defined in the Illinois Gambling Act,
11 (2) any casino game approved for play by the Department of
12 Lottery and Gaming ~~Illinois Gaming Board~~, (3) any games
13 provided by a video gaming terminal, as defined in the Video
14 Gaming Act, or (4) a savings promotion raffle authorized under
15 Section 5g of the Illinois Banking Act, Section 7008 of the
16 Savings Bank Act, Section 42.7 of the Illinois Credit Union
17 Act, Section 5136B of the National Bank Act, or Section 4 of
18 the Home Owners' Loan Act.

19 (Source: P.A. 101-109, eff. 7-19-19; 102-558, eff. 8-20-21;
20 102-689, eff. 12-17-21.)

21 Section 150. The Video Gaming Act is amended by changing
22 Sections 5, 15, 20, 25, 26, 35, 43, 45, 50, 57, 58, 60, 78, 79,
23 79.5, 80, and 85 as follows:

24 (230 ILCS 40/5)

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

2 ~~"Board" means the Illinois Gaming Board.~~

3 "Credit" means one, 5, 10, or 25 cents either won or
4 purchased by a player.

5 "Distributor" means an individual, partnership,
6 corporation, or limited liability company licensed under this
7 Act to buy, sell, lease, or distribute video gaming terminals
8 or major components or parts of video gaming terminals to or
9 from terminal operators.

10 "Director" means the Director of Video Gaming of the
11 Department of Lottery and Gaming.

12 "Division" means the Division of Video Gaming of the
13 Department of Lottery and Gaming.

14 "Electronic card" means a card purchased from a licensed
15 establishment, licensed fraternal establishment, licensed
16 veterans establishment, licensed truck stop establishment, or
17 licensed large truck stop establishment for use in that
18 establishment as a substitute for cash in the conduct of
19 gaming on a video gaming terminal.

20 "Electronic voucher" means a voucher printed by an
21 electronic video game machine that is redeemable in the
22 licensed establishment for which it was issued.

23 "In-location bonus jackpot" means one or more video gaming
24 terminals at a single licensed establishment that allows for
25 wagers placed on such video gaming terminals to contribute to
26 a cumulative maximum jackpot of up to \$10,000.

1 "Terminal operator" means an individual, partnership,
2 corporation, or limited liability company that is licensed
3 under this Act and that owns, services, and maintains video
4 gaming terminals for placement in licensed establishments,
5 licensed truck stop establishments, licensed large truck stop
6 establishments, licensed fraternal establishments, or licensed
7 veterans establishments.

8 "Licensed technician" means an individual who is licensed
9 under this Act to repair, service, and maintain video gaming
10 terminals.

11 "Licensed terminal handler" means a person, including but
12 not limited to an employee or independent contractor working
13 for a manufacturer, distributor, supplier, technician, or
14 terminal operator, who is licensed under this Act to possess
15 or control a video gaming terminal or to have access to the
16 inner workings of a video gaming terminal. A licensed terminal
17 handler does not include an individual, partnership,
18 corporation, or limited liability company defined as a
19 manufacturer, distributor, supplier, technician, or terminal
20 operator under this Act.

21 "Manufacturer" means an individual, partnership,
22 corporation, or limited liability company that is licensed
23 under this Act and that manufactures or assembles video gaming
24 terminals.

25 "Supplier" means an individual, partnership, corporation,
26 or limited liability company that is licensed under this Act

1 to supply major components or parts to video gaming terminals
2 to licensed terminal operators.

3 "Net terminal income" means money put into a video gaming
4 terminal minus credits paid out to players.

5 "Video gaming terminal" means any electronic video game
6 machine that, upon insertion of cash, electronic cards or
7 vouchers, or any combination thereof, is available to play or
8 simulate the play of a video game, including but not limited to
9 video poker, line up, and blackjack, as authorized by the
10 Division Board utilizing a video display and microprocessors
11 in which the player may receive free games or credits that can
12 be redeemed for cash. The term does not include a machine that
13 directly dispenses coins, cash, or tokens or is for amusement
14 purposes only.

15 "Licensed establishment" means any licensed retail
16 establishment where alcoholic liquor is drawn, poured, mixed,
17 or otherwise served for consumption on the premises, whether
18 the establishment operates on a nonprofit or for-profit basis.

19 "Licensed establishment" includes any such establishment that
20 has a contractual relationship with an inter-track wagering
21 location licensee licensed under the Illinois Horse Racing Act
22 of 1975, provided any contractual relationship shall not
23 include any transfer or offer of revenue from the operation of
24 video gaming under this Act to any licensee licensed under the
25 Illinois Horse Racing Act of 1975. Provided, however, that the
26 licensed establishment that has such a contractual

1 relationship with an inter-track wagering location licensee
2 may not, itself, be (i) an inter-track wagering location
3 licensee, (ii) the corporate parent or subsidiary of any
4 licensee licensed under the Illinois Horse Racing Act of 1975,
5 or (iii) the corporate subsidiary of a corporation that is
6 also the corporate parent or subsidiary of any licensee
7 licensed under the Illinois Horse Racing Act of 1975.
8 "Licensed establishment" does not include a facility operated
9 by an organization licensee, an inter-track wagering licensee,
10 or an inter-track wagering location licensee licensed under
11 the Illinois Horse Racing Act of 1975 or a riverboat licensed
12 under the Illinois Gambling Act, except as provided in this
13 paragraph. The changes made to this definition by Public Act
14 98-587 are declarative of existing law.

15 "Licensed fraternal establishment" means the location
16 where a qualified fraternal organization that derives its
17 charter from a national fraternal organization regularly
18 meets.

19 "Licensed veterans establishment" means the location where
20 a qualified veterans organization that derives its charter
21 from a national veterans organization regularly meets.

22 "Licensed truck stop establishment" means a facility (i)
23 that is at least a 3-acre facility with a convenience store,
24 (ii) with separate diesel islands for fueling commercial motor
25 vehicles, (iii) that sells at retail more than 10,000 gallons
26 of diesel or biodiesel fuel per month, and (iv) with parking

1 spaces for commercial motor vehicles. "Commercial motor
2 vehicles" has the same meaning as defined in Section 18b-101
3 of the Illinois Vehicle Code. The requirement of item (iii) of
4 this paragraph may be met by showing that estimated future
5 sales or past sales average at least 10,000 gallons per month.

6 "Licensed large truck stop establishment" means a facility
7 located within 3 road miles from a freeway interchange, as
8 measured in accordance with the Department of Transportation's
9 rules regarding the criteria for the installation of business
10 signs: (i) that is at least a 3-acre facility with a
11 convenience store, (ii) with separate diesel islands for
12 fueling commercial motor vehicles, (iii) that sells at retail
13 more than 50,000 gallons of diesel or biodiesel fuel per
14 month, and (iv) with parking spaces for commercial motor
15 vehicles. "Commercial motor vehicles" has the same meaning as
16 defined in Section 18b-101 of the Illinois Vehicle Code. The
17 requirement of item (iii) of this paragraph may be met by
18 showing that estimated future sales or past sales average at
19 least 50,000 gallons per month.

20 "Sales agent and broker" means an individual, partnership,
21 corporation, limited liability company, or other business
22 entity engaged in the solicitation or receipt of business from
23 current or potential licensed establishments, licensed
24 fraternal establishments, licensed veterans establishments,
25 licensed truck stop establishments, or licensed large truck
26 stop establishments either on an employment or contractual

1 basis.

2 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21.)

3 (230 ILCS 40/15)

4 Sec. 15. Minimum requirements for licensing and
5 registration. Every video gaming terminal offered for play
6 shall first be tested and approved pursuant to the rules of the
7 Division Board, and each video gaming terminal offered in this
8 State for play shall conform to an approved model. For the
9 examination of video gaming machines and associated equipment
10 as required by this Section, the Division Board shall utilize
11 the services of independent outside testing laboratories that
12 have been accredited in accordance with ISO/IEC 17025 by an
13 accreditation body that is a signatory to the International
14 Laboratory Accreditation Cooperation Mutual Recognition
15 Agreement signifying they are qualified to perform such
16 examinations. Notwithstanding any law to the contrary, the
17 Division Board shall consider the licensing of independent
18 outside testing laboratory applicants in accordance with
19 procedures established by the Division Board by rule. The
20 Board shall not withhold its approval of an independent
21 outside testing laboratory license applicant that has been
22 accredited as required by this Section and is licensed in
23 gaming jurisdictions comparable to Illinois. Upon the
24 finalization of required rules, the Division Board shall
25 license independent testing laboratories and accept the test

1 reports of any licensed testing laboratory of the video gaming
2 machine's or associated equipment manufacturer's choice,
3 notwithstanding the existence of contracts between the
4 Division Board and any independent testing laboratory. Every
5 video gaming terminal offered in this State for play must meet
6 minimum standards approved by the Division Board. Each
7 approved model shall, at a minimum, meet the following
8 criteria:

9 (1) It must conform to all requirements of federal law
10 and regulations, including FCC Class A Emissions
11 Standards.

12 (2) It must theoretically pay out a mathematically
13 demonstrable percentage during the expected lifetime of
14 the machine of all amounts played, which must not be less
15 than 80%. The Division Board shall establish a maximum
16 payout percentage for approved models by rule. Video
17 gaming terminals that may be affected by skill must meet
18 this standard when using a method of play that will
19 provide the greatest return to the player over a period of
20 continuous play.

21 (3) It must use a random selection process to
22 determine the outcome of each play of a game. The random
23 selection process must meet 99% confidence limits using a
24 standard chi-squared test for (randomness) goodness of
25 fit.

26 (4) It must display an accurate representation of the

1 game outcome.

2 (5) It must not automatically alter pay tables or any
3 function of the video gaming terminal based on internal
4 computation of hold percentage or have any means of
5 manipulation that affects the random selection process or
6 probabilities of winning a game.

7 (6) It must not be adversely affected by static
8 discharge or other electromagnetic interference.

9 (7) It must be capable of detecting and displaying the
10 following conditions during idle states or on demand:
11 power reset; door open; and door just closed.

12 (8) It must have the capacity to display complete play
13 history (outcome, intermediate play steps, credits
14 available, bets placed, credits paid, and credits cashed
15 out) for the most recent game played and 10 games prior
16 thereto.

17 (9) The theoretical payback percentage of a video
18 gaming terminal must not be capable of being changed
19 without making a hardware or software change in the video
20 gaming terminal, either on site or via the central
21 communications system.

22 (10) Video gaming terminals must be designed so that
23 replacement of parts or modules required for normal
24 maintenance does not necessitate replacement of the
25 electromechanical meters.

26 (11) It must have nonresettable meters housed in a

1 locked area of the terminal that keep a permanent record
2 of all cash inserted into the machine, all winnings made
3 by the terminal printer, credits played in for video
4 gaming terminals, and credits won by video gaming players.
5 The video gaming terminal must provide the means for
6 on-demand display of stored information as determined by
7 the Division Board.

8 (12) Electronically stored meter information required
9 by this Section must be preserved for a minimum of 180 days
10 after a power loss to the service.

11 (13) It must have one or more mechanisms that accept
12 cash in the form of bills. The mechanisms shall be
13 designed to prevent obtaining credits without paying by
14 stringing, slamming, drilling, or other means. If such
15 attempts at physical tampering are made, the video gaming
16 terminal shall suspend itself from operating until reset.

17 (14) It shall have accounting software that keeps an
18 electronic record which includes, but is not limited to,
19 the following: total cash inserted into the video gaming
20 terminal; the value of winning tickets claimed by players;
21 the total credits played; the total credits awarded by a
22 video gaming terminal; and pay back percentage credited to
23 players of each video game.

24 (15) It shall be linked by a central communications
25 system to provide auditing program information as approved
26 by the Division Board. The central communications system

1 shall use a standard industry protocol, as defined by the
2 Gaming Standards Association, and shall have the
3 functionality to enable the Division Board or its designee
4 to activate or deactivate individual gaming devices from
5 the central communications system. In no event may the
6 communications system approved by the Division Board limit
7 participation to only one manufacturer of video gaming
8 terminals by either the cost in implementing the necessary
9 program modifications to communicate or the inability to
10 communicate with the central communications system.

11 (16) The Division Board, in its discretion, may
12 require video gaming terminals to display Amber Alert
13 messages if the Division Board makes a finding that it
14 would be economically and technically feasible and pose no
15 risk to the integrity and security of the central
16 communications system and video gaming terminals.

17 Licensed terminal handlers shall have access to video
18 gaming terminals, including, but not limited to, logic door
19 access, without the physical presence or supervision of the
20 Division Board or its agent to perform, in coordination with
21 and with project approval from the central communication
22 system provider:

23 (i) the clearing of the random access memory and
24 reprogramming of the video gaming terminal;

25 (ii) the installation of new video gaming terminal
26 software and software upgrades that have been approved by

1 the Division Board;

2 (iii) the placement, connection to the central
3 communication system, and go-live operation of video
4 gaming terminals at a licensed establishment, licensed
5 truck stop establishment, licensed large truck stop
6 establishment, licensed fraternal establishment, or
7 licensed veterans establishment;

8 (iv) the repair and maintenance of a video gaming
9 terminal located at a licensed establishment, licensed
10 truck stop establishment, licensed large truck stop
11 establishment, licensed fraternal establishment, or
12 licensed veterans establishment, including, but not
13 limited to, the replacement of the video gaming terminal
14 with a new video gaming terminal;

15 (v) the temporary movement, disconnection,
16 replacement, and reconnection of video gaming terminals to
17 allow for physical improvements and repairs at a licensed
18 establishment, licensed truck stop establishment, licensed
19 large truck stop establishment, licensed fraternal
20 establishment, or licensed veterans establishment, such as
21 replacement of flooring, interior repairs, and other
22 similar activities; and

23 (vi) such other functions as the Division Board may
24 otherwise authorize.

25 The Division Board shall, at a licensed terminal
26 operator's expense, cause all keys and other required devices

1 to be provided to a terminal operator necessary to allow the
2 licensed terminal handler access to the logic door to the
3 terminal operator's video gaming terminals.

4 The Division Board may adopt rules to establish additional
5 criteria to preserve the integrity and security of video
6 gaming in this State. The central communications system vendor
7 may be licensed as a video gaming terminal manufacturer or a
8 video gaming terminal distributor, or both, but in no event
9 shall the central communications system vendor be licensed as
10 a video gaming terminal operator.

11 The Division Board shall not permit the development of
12 information or the use by any licensee of gaming device or
13 individual game performance data. Nothing in this Act shall
14 inhibit or prohibit the Division Board from the use of gaming
15 device or individual game performance data in its regulatory
16 duties. The Division Board shall adopt rules to ensure that
17 all licensees are treated and all licensees act in a
18 non-discriminatory manner and develop processes and penalties
19 to enforce those rules.

20 (Source: P.A. 101-31, eff. 6-28-19.)

21 (230 ILCS 40/20)

22 Sec. 20. Video gaming terminal payouts.

23 (a) A video gaming terminal may not directly dispense
24 coins, cash, tokens, or any other article of exchange or value
25 except for receipt tickets. Tickets shall be dispensed by

1 pressing the ticket dispensing button on the video gaming
2 terminal at the end of one's turn or play. The ticket shall
3 indicate the total amount of credits and the cash award, the
4 time of day in a 24-hour format showing hours and minutes, the
5 date, the terminal serial number, the sequential number of the
6 ticket, and an encrypted validation number from which the
7 validity of the prize may be determined. The player shall turn
8 in this ticket to the appropriate person at the licensed
9 establishment, licensed truck stop establishment, licensed
10 large truck stop establishment, licensed fraternal
11 establishment, or licensed veterans establishment to receive
12 the cash award.

13 (b) The cost of the credit shall be one cent, 5 cents, 10
14 cents, 25 cents, or \$1, and the maximum wager played per hand
15 shall not exceed \$4. No cash award for the maximum wager on any
16 individual hand shall exceed \$1,199. No cash award for the
17 maximum wager on a jackpot, progressive or otherwise, shall
18 exceed \$10,000.

19 (c) In-location bonus jackpot games are hereby authorized.
20 ~~The Board shall adopt emergency rules pursuant to Section 5-45~~
21 ~~of the Illinois Administrative Procedure Act to implement this~~
22 ~~subsection (c) within 90 days after the effective date of this~~
23 ~~amendatory Act of the 101st General Assembly.~~ Jackpot winnings
24 from in-location progressive games shall be paid by the
25 terminal operator to the player not later than 3 days after
26 winning such a jackpot.

1 (Source: P.A. 101-31, eff. 6-28-19.)

2 (230 ILCS 40/25)

3 Sec. 25. Restriction of licensees.

4 (a) Manufacturer. A person may not be licensed as a
5 manufacturer of a video gaming terminal in Illinois unless the
6 person has a valid manufacturer's license issued under this
7 Act. A manufacturer may only sell video gaming terminals for
8 use in Illinois to persons having a valid distributor's
9 license.

10 (b) Distributor. A person may not sell, distribute, or
11 lease or market a video gaming terminal in Illinois unless the
12 person has a valid distributor's license issued under this
13 Act. A distributor may only sell video gaming terminals for
14 use in Illinois to persons having a valid distributor's or
15 terminal operator's license.

16 (c) Terminal operator. A person may not own, maintain, or
17 place a video gaming terminal unless he has a valid terminal
18 operator's license issued under this Act. A terminal operator
19 may only place video gaming terminals for use in Illinois in
20 licensed establishments, licensed truck stop establishments,
21 licensed large truck stop establishments, licensed fraternal
22 establishments, and licensed veterans establishments. No
23 terminal operator may give anything of value, including but
24 not limited to a loan or financing arrangement, to a licensed
25 establishment, licensed truck stop establishment, licensed

1 large truck stop establishment, licensed fraternal
2 establishment, or licensed veterans establishment as any
3 incentive or inducement to locate video terminals in that
4 establishment. Of the after-tax profits from a video gaming
5 terminal, 50% shall be paid to the terminal operator and 50%
6 shall be paid to the licensed establishment, licensed truck
7 stop establishment, licensed large truck stop establishment,
8 licensed fraternal establishment, or licensed veterans
9 establishment, notwithstanding any agreement to the contrary.
10 A video terminal operator that violates one or more
11 requirements of this subsection is guilty of a Class 4 felony
12 and is subject to termination of his or her license by the
13 Division Board.

14 (d) Licensed technician. A person may not service,
15 maintain, or repair a video gaming terminal in this State
16 unless he or she (1) has a valid technician's license issued
17 under this Act, (2) is a terminal operator, or (3) is employed
18 by a terminal operator, distributor, or manufacturer.

19 (d-5) Licensed terminal handler. No person, including, but
20 not limited to, an employee or independent contractor working
21 for a manufacturer, distributor, supplier, technician, or
22 terminal operator licensed pursuant to this Act, shall have
23 possession or control of a video gaming terminal, or access to
24 the inner workings of a video gaming terminal, unless that
25 person possesses a valid terminal handler's license issued
26 under this Act.

1 (d-10) Solicitation of use agreements. A person may not
2 solicit the signing of a use agreement on behalf of a terminal
3 operator or enter into a use agreement as agent of a terminal
4 operator unless that person either has a valid sales agent and
5 broker license issued under this Act or owns, manages, or
6 significantly influences or controls the terminal operator.

7 (e) Licensed establishment. No video gaming terminal may
8 be placed in any licensed establishment, licensed veterans
9 establishment, licensed truck stop establishment, licensed
10 large truck stop establishment, or licensed fraternal
11 establishment unless the owner or agent of the owner of the
12 licensed establishment, licensed veterans establishment,
13 licensed truck stop establishment, licensed large truck stop
14 establishment, or licensed fraternal establishment has entered
15 into a written use agreement with the terminal operator for
16 placement of the terminals. A copy of the use agreement shall
17 be on file in the terminal operator's place of business and
18 available for inspection by individuals authorized by the
19 Division Board. A licensed establishment, licensed truck stop
20 establishment, licensed veterans establishment, or licensed
21 fraternal establishment may operate up to 6 video gaming
22 terminals on its premises at any time. A licensed large truck
23 stop establishment may operate up to 10 video gaming terminals
24 on its premises at any time.

25 (f) (Blank).

26 (g) Financial interest restrictions. As used in this Act,

1 "substantial interest" in a partnership, a corporation, an
2 organization, an association, a business, or a limited
3 liability company means:

4 (A) When, with respect to a sole proprietorship, an
5 individual or his or her spouse owns, operates, manages,
6 or conducts, directly or indirectly, the organization,
7 association, or business, or any part thereof; or

8 (B) When, with respect to a partnership, the
9 individual or his or her spouse shares in any of the
10 profits, or potential profits, of the partnership
11 activities; or

12 (C) When, with respect to a corporation, an individual
13 or his or her spouse is an officer or director, or the
14 individual or his or her spouse is a holder, directly or
15 beneficially, of 5% or more of any class of stock of the
16 corporation; or

17 (D) When, with respect to an organization not covered
18 in (A), (B) or (C) above, an individual or his or her
19 spouse is an officer or manages the business affairs, or
20 the individual or his or her spouse is the owner of or
21 otherwise controls 10% or more of the assets of the
22 organization; or

23 (E) When an individual or his or her spouse furnishes
24 5% or more of the capital, whether in cash, goods, or
25 services, for the operation of any business, association,
26 or organization during any calendar year; or

1 (F) When, with respect to a limited liability company,
2 an individual or his or her spouse is a member, or the
3 individual or his or her spouse is a holder, directly or
4 beneficially, of 5% or more of the membership interest of
5 the limited liability company.

6 For purposes of this subsection (g), "individual" includes
7 all individuals or their spouses whose combined interest would
8 qualify as a substantial interest under this subsection (g)
9 and whose activities with respect to an organization,
10 association, or business are so closely aligned or coordinated
11 as to constitute the activities of a single entity.

12 (h) Location restriction. A licensed establishment,
13 licensed truck stop establishment, licensed large truck stop
14 establishment, licensed fraternal establishment, or licensed
15 veterans establishment that is (i) located within 1,000 feet
16 of a facility operated by an organization licensee licensed
17 under the Illinois Horse Racing Act of 1975 or the home dock of
18 a riverboat licensed under the Illinois Gambling Act or (ii)
19 located within 100 feet of a school or a place of worship under
20 the Religious Corporation Act, is ineligible to operate a
21 video gaming terminal. The location restrictions in this
22 subsection (h) do not apply if (A) a facility operated by an
23 organization licensee, a school, or a place of worship moves
24 to or is established within the restricted area after a
25 licensed establishment, licensed truck stop establishment,
26 licensed large truck stop establishment, licensed fraternal

1 establishment, or licensed veterans establishment becomes
2 licensed under this Act or (B) a school or place of worship
3 moves to or is established within the restricted area after a
4 licensed establishment, licensed truck stop establishment,
5 licensed large truck stop establishment, licensed fraternal
6 establishment, or licensed veterans establishment obtains its
7 original liquor license. For the purpose of this subsection,
8 "school" means an elementary or secondary public school, or an
9 elementary or secondary private school registered with or
10 recognized by the State Board of Education.

11 Notwithstanding the provisions of this subsection (h), the
12 Division Board may waive the requirement that a licensed
13 establishment, licensed truck stop establishment, licensed
14 large truck stop establishment, licensed fraternal
15 establishment, or licensed veterans establishment not be
16 located within 1,000 feet from a facility operated by an
17 organization licensee licensed under the Illinois Horse Racing
18 Act of 1975 or the home dock of a riverboat licensed under the
19 Illinois Gambling Act. The Division Board shall not grant such
20 waiver if there is any common ownership or control, shared
21 business activity, or contractual arrangement of any type
22 between the establishment and the organization licensee or
23 owners licensee of a riverboat. The Division Board shall adopt
24 rules to implement the provisions of this paragraph.

25 (h-5) Restrictions on licenses in malls. The Division
26 Board shall not grant an application to become a licensed

1 video gaming location if the Division ~~Board~~ determines that
2 granting the application would more likely than not cause a
3 terminal operator, individually or in combination with other
4 terminal operators, licensed video gaming location, or other
5 person or entity, to operate the video gaming terminals in 2 or
6 more licensed video gaming locations as a single video gaming
7 operation.

8 (1) In making determinations under this subsection
9 (h-5), factors to be considered by the Division ~~Board~~
10 shall include, but not be limited to, the following:

11 (A) the physical aspects of the location;

12 (B) the ownership, control, or management of the
13 location;

14 (C) any arrangements, understandings, or
15 agreements, written or otherwise, among or involving
16 any persons or entities that involve the conducting of
17 any video gaming business or the sharing of costs or
18 revenues; and

19 (D) the manner in which any terminal operator or
20 other related entity markets, advertises, or otherwise
21 describes any location or locations to any other
22 person or entity or to the public.

23 (2) The Division ~~Board~~ shall presume, subject to
24 rebuttal, that the granting of an application to become a
25 licensed video gaming location within a mall will cause a
26 terminal operator, individually or in combination with

1 other persons or entities, to operate the video gaming
2 terminals in 2 or more licensed video gaming locations as
3 a single video gaming operation if the Division Board
4 determines that granting the license would create a local
5 concentration of licensed video gaming locations.

6 For the purposes of this subsection (h-5):

7 "Mall" means a building, or adjoining or connected
8 buildings, containing 4 or more separate locations.

9 "Video gaming operation" means the conducting of video
10 gaming and all related activities.

11 "Location" means a space within a mall containing a
12 separate business, a place for a separate business, or a place
13 subject to a separate leasing arrangement by the mall owner.

14 "Licensed video gaming location" means a licensed
15 establishment, licensed fraternal establishment, licensed
16 veterans establishment, licensed truck stop establishment, or
17 licensed large truck stop.

18 "Local concentration of licensed video gaming locations"
19 means that the combined number of licensed video gaming
20 locations within a mall exceed half of the separate locations
21 within the mall.

22 (i) Undue economic concentration. In addition to
23 considering all other requirements under this Act, in deciding
24 whether to approve the operation of video gaming terminals by
25 a terminal operator in a location, the Division Board shall
26 consider the impact of any economic concentration of such

1 operation of video gaming terminals. The Division Board shall
2 not allow a terminal operator to operate video gaming
3 terminals if the Division Board determines such operation will
4 result in undue economic concentration. For purposes of this
5 Section, "undue economic concentration" means that a terminal
6 operator would have such actual or potential influence over
7 video gaming terminals in Illinois as to:

8 (1) substantially impede or suppress competition among
9 terminal operators;

10 (2) adversely impact the economic stability of the
11 video gaming industry in Illinois; or

12 (3) negatively impact the purposes of the Video Gaming
13 Act.

14 The Division Board shall adopt rules concerning undue
15 economic concentration with respect to the operation of video
16 gaming terminals in Illinois. The rules shall include, but not
17 be limited to, (i) limitations on the number of video gaming
18 terminals operated by any terminal operator within a defined
19 geographic radius and (ii) guidelines on the discontinuation
20 of operation of any such video gaming terminals the Division
21 ~~Board~~ determines will cause undue economic concentration.

22 (j) The provisions of the Illinois Antitrust Act are fully
23 and equally applicable to the activities of any licensee under
24 this Act.

25 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21.)

1 (230 ILCS 40/26)

2 Sec. 26. Residency requirement. Each licensed distributor,
3 terminal operator, and person with a substantial interest in a
4 licensed distributor or terminal operator must be an Illinois
5 resident. However, if an out-of-state distributor or terminal
6 operator has performed its respective business within Illinois
7 for at least 48 months prior to the effective date of this Act,
8 the out-of-state person may be eligible for licensing under
9 this Act, upon application to and approval of the Division
10 ~~Board~~. The Division ~~Board~~ shall adopt rules to implement this
11 Section.

12 (Source: P.A. 96-38, eff. 7-13-09.)

13 (230 ILCS 40/35)

14 Sec. 35. Display of license; confiscation; violation as
15 felony.

16 (a) Each video gaming terminal shall be licensed by the
17 Division ~~Board~~ before placement or operation on the premises
18 of a licensed establishment, licensed truck stop
19 establishment, licensed large truck stop establishment,
20 licensed fraternal establishment, or licensed veterans
21 establishment. The license of each video gaming terminal shall
22 be maintained at the location where the video gaming terminal
23 is operated. Failure to do so is a petty offense with a fine
24 not to exceed \$100. Any licensed establishment, licensed truck
25 stop establishment, licensed large truck stop establishment,

1 licensed fraternal establishment, or licensed veterans
2 establishment used for the conduct of gambling games in
3 violation of this Act shall be considered a gambling place in
4 violation of Section 28-3 of the Criminal Code of 2012. Every
5 gambling device found in a licensed establishment, licensed
6 truck stop establishment, licensed large truck stop
7 establishment, licensed fraternal establishment, or licensed
8 veterans establishment operating gambling games in violation
9 of this Act shall be subject to seizure, confiscation, and
10 destruction as provided in Section 28-5 of the Criminal Code
11 of 2012. Any license issued under the Liquor Control Act of
12 1934 to any owner or operator of a licensed establishment,
13 licensed truck stop establishment, licensed large truck stop
14 establishment, licensed fraternal establishment, or licensed
15 veterans establishment that operates or permits the operation
16 of a video gaming terminal within its establishment in
17 violation of this Act shall be immediately revoked. No person
18 may own, operate, have in his or her possession or custody or
19 under his or her control, or permit to be kept in any place
20 under his or her possession or control, any device that awards
21 credits and contains a circuit, meter, or switch capable of
22 removing and recording the removal of credits when the award
23 of credits is dependent upon chance.

24 Nothing in this Section shall be deemed to prohibit the
25 use of a game device only if the game device is used in an
26 activity that is not gambling under subsection (b) of Section

1 28-1 of the Criminal Code of 2012.

2 A violation of this Section is a Class 4 felony. All
3 devices that are owned, operated, or possessed in violation of
4 this Section are hereby declared to be public nuisances and
5 shall be subject to seizure, confiscation, and destruction as
6 provided in Section 28-5 of the Criminal Code of 2012.

7 The provisions of this Section do not apply to devices or
8 electronic video game terminals licensed pursuant to this Act.
9 A video gaming terminal operated for amusement only and
10 bearing a valid amusement tax sticker shall not be subject to
11 this Section until 30 days after the Division Board
12 establishes that the central communications system is
13 functional.

14 (b) (1) The odds of winning each video game shall be posted
15 on or near each video gaming terminal. The manner in which the
16 odds are calculated and how they are posted shall be
17 determined by the Division Board by rule.

18 (2) No video gaming terminal licensed under this Act may
19 be played except during the legal hours of operation allowed
20 for the consumption of alcoholic beverages at the licensed
21 establishment, licensed fraternal establishment, or licensed
22 veterans establishment. A licensed establishment, licensed
23 fraternal establishment, or licensed veterans establishment
24 that violates this subsection is subject to termination of its
25 license by the Division Board.

26 (Source: P.A. 101-31, eff. 6-28-19.)

1 (230 ILCS 40/43)

2 Sec. 43. Notice of alleged violation of Section 40. In all
3 instances of an alleged violation of Section 40, the Division
4 ~~Board~~ or its agents or designees shall provide written notice
5 of the alleged violation to the affected licensed
6 establishment, licensed fraternal establishment, licensed
7 veterans establishment, or licensed truck stop establishment
8 within 15 days after the alleged occurrence of the violation.

9 (Source: P.A. 101-318, eff. 8-9-19.)

10 (230 ILCS 40/45)

11 Sec. 45. Issuance of license.

12 (a) The burden is upon each applicant to demonstrate his
13 suitability for licensure. Each video gaming terminal
14 manufacturer, distributor, supplier, operator, handler,
15 licensed establishment, licensed truck stop establishment,
16 licensed large truck stop establishment, licensed fraternal
17 establishment, and licensed veterans establishment shall be
18 licensed by the Division Board. The Division Board may issue
19 or deny a license under this Act to any person pursuant to the
20 same criteria set forth in Section 9 of the Illinois Gambling
21 Act.

22 (a-5) The Division Board shall not grant a license to a
23 person who has facilitated, enabled, or participated in the
24 use of coin-operated devices for gambling purposes or who is

1 under the significant influence or control of such a person.
2 For the purposes of this Act, "facilitated, enabled, or
3 participated in the use of coin-operated amusement devices for
4 gambling purposes" means that the person has been convicted of
5 any violation of Article 28 of the Criminal Code of 1961 or the
6 Criminal Code of 2012. If there is pending legal action
7 against a person for any such violation, then the Division
8 ~~Board~~ shall delay the licensure of that person until the legal
9 action is resolved.

10 (b) Each person seeking and possessing a license as a
11 video gaming terminal manufacturer, distributor, supplier,
12 operator, handler, licensed establishment, licensed truck stop
13 establishment, licensed large truck stop establishment,
14 licensed fraternal establishment, or licensed veterans
15 establishment shall submit to a background investigation
16 conducted by the Division ~~Board~~ with the assistance of the
17 Illinois State Police or other law enforcement. To the extent
18 that the corporate structure of the applicant allows, the
19 background investigation shall include any or all of the
20 following as the Division ~~Board~~ deems appropriate or as
21 provided by rule for each category of licensure: (i) each
22 beneficiary of a trust, (ii) each partner of a partnership,
23 (iii) each member of a limited liability company, (iv) each
24 director and officer of a publicly or non-publicly held
25 corporation, (v) each stockholder of a non-publicly held
26 corporation, (vi) each stockholder of 5% or more of a publicly

1 held corporation, or (vii) each stockholder of 5% or more in a
2 parent or subsidiary corporation.

3 (c) Each person seeking and possessing a license as a
4 video gaming terminal manufacturer, distributor, supplier,
5 operator, handler, licensed establishment, licensed truck stop
6 establishment, licensed large truck stop establishment,
7 licensed fraternal establishment, or licensed veterans
8 establishment shall disclose the identity of every person,
9 association, trust, corporation, or limited liability company
10 having a greater than 1% direct or indirect pecuniary interest
11 in the video gaming terminal operation for which the license
12 is sought. If the disclosed entity is a trust, the application
13 shall disclose the names and addresses of the beneficiaries;
14 if a corporation, the names and addresses of all stockholders
15 and directors; if a limited liability company, the names and
16 addresses of all members; or if a partnership, the names and
17 addresses of all partners, both general and limited.

18 (d) No person may be licensed as a video gaming terminal
19 manufacturer, distributor, supplier, operator, handler,
20 licensed establishment, licensed truck stop establishment,
21 licensed large truck stop establishment, licensed fraternal
22 establishment, or licensed veterans establishment if that
23 person has been found by the Division Board ~~Board~~ to:

24 (1) have a background, including a criminal record,
25 reputation, habits, social or business associations, or
26 prior activities that pose a threat to the public

1 interests of the State or to the security and integrity of
2 video gaming;

3 (2) create or enhance the dangers of unsuitable,
4 unfair, or illegal practices, methods, and activities in
5 the conduct of video gaming; or

6 (3) present questionable business practices and
7 financial arrangements incidental to the conduct of video
8 gaming activities.

9 (e) Any applicant for any license under this Act has the
10 burden of proving his or her qualifications to the
11 satisfaction of the Division Board. The Division Board may
12 adopt rules to establish additional qualifications and
13 requirements to preserve the integrity and security of video
14 gaming in this State.

15 (f) A non-refundable application fee shall be paid at the
16 time an application for a license is filed with the Division
17 ~~Board~~ in the following amounts:

- 18 (1) Manufacturer \$5,000
- 19 (2) Distributor..... \$5,000
- 20 (3) Terminal operator \$5,000
- 21 (4) Supplier \$2,500
- 22 (5) Technician \$100
- 23 (6) Terminal Handler \$100
- 24 (7) Licensed establishment, licensed truck stop
- 25 establishment, licensed large truck stop establishment,
- 26 licensed fraternal establishment, or licensed

1 veterans establishment \$100

2 (8) Sales agent and broker \$100

3 (g) The Division Board shall establish an annual fee for
4 each license not to exceed the following:

5 (1) Manufacturer \$10,000

6 (2) Distributor..... \$10,000

7 (3) Terminal operator \$5,000

8 (4) Supplier \$2,000

9 (5) Technician \$100

10 (6) Licensed establishment, licensed truck stop

11 establishment, licensed large truck stop establishment,

12 licensed fraternal establishment, or licensed

13 veterans establishment \$100

14 (7) Video gaming terminal \$100

15 (8) Terminal Handler \$100

16 (9) Sales agent and broker \$100

17 (h) A terminal operator and a licensed establishment,

18 licensed truck stop establishment, licensed large truck stop

19 establishment, licensed fraternal establishment, or licensed

20 veterans establishment shall equally split the fees specified

21 in item (7) of subsection (g).

22 (Source: P.A. 101-31, eff. 6-28-19; 102-538, eff. 8-20-21;

23 102-689, eff. 12-17-21.)

24 (230 ILCS 40/50)

25 Sec. 50. Distribution of license fees.

1 (a) All fees collected under Section 45 shall be deposited
2 into the State Gaming Fund.

3 (b) Fees collected under Section 45 shall be used as
4 follows:

5 (1) Twenty-five percent shall be paid, subject to
6 appropriation by the General Assembly, to the Department
7 of Human Services for administration of programs for the
8 treatment of compulsive gambling.

9 (2) Seventy-five percent shall be used for the
10 administration of this Act.

11 (c) All initial terminal handler, technician, sales agent
12 and broker, licensed establishment, licensed truck stop
13 establishment, licensed large truck establishment, licensed
14 fraternal establishment, and licensed fraternal establishment
15 licenses issued by the Division Board ~~Board~~ under this Act shall be
16 issued for 2 years and are renewable for additional 2-year
17 periods unless sooner cancelled or terminated. Except as
18 provided by Section 8.1 of the Illinois Gambling Act, all
19 initial manufacturer, distributor, supplier, and terminal
20 operator licenses issued by the Division Board ~~Board~~ under this Act
21 shall be issued for 4 years and are renewable for additional
22 4-year periods unless sooner cancelled or terminated. No
23 license issued under this Act is transferable or assignable.
24 (Source: P.A. 102-689, eff. 12-17-21.)

25 (230 ILCS 40/57)

1 Sec. 57. Insurance. Each terminal operator shall maintain
2 liability insurance on any gaming device that it places in a
3 licensed video gaming location in an amount set by the
4 Division Board.

5 (Source: P.A. 96-34, eff. 7-13-09; 96-1410, eff. 7-30-10.)

6 (230 ILCS 40/58)

7 Sec. 58. Location of terminals. Video gaming terminals in
8 a licensed establishment, licensed fraternal establishment, or
9 licensed veterans establishment must be located in an area
10 that is restricted to persons over 21 years of age and the
11 entrance to the area must be within the view of at least one
12 employee of the establishment who is over 21 years of age.

13 The placement of video gaming terminals in licensed
14 establishments, licensed truck stop establishments, licensed
15 large truck stop establishments, licensed fraternal
16 establishments, and licensed veterans establishments shall be
17 subject to the rules promulgated by the Division Board
18 pursuant to the Illinois Administrative Procedure Act.

19 (Source: P.A. 101-31, eff. 6-28-19; 101-318, eff. 8-9-19;
20 102-558, eff. 8-20-21.)

21 (230 ILCS 40/60)

22 Sec. 60. Imposition and distribution of tax.

23 (a) A tax of 30% is imposed on net terminal income and
24 shall be collected by the Division Board.

1 Of the tax collected under this subsection (a),
2 five-sixths shall be deposited into the Capital Projects Fund
3 and one-sixth shall be deposited into the Local Government
4 Video Gaming Distributive Fund.

5 (b) Beginning on July 1, 2019, an additional tax of 3% is
6 imposed on net terminal income and shall be collected by the
7 Division Board.

8 Beginning on July 1, 2020, an additional tax of 1% is
9 imposed on net terminal income and shall be collected by the
10 Division Board.

11 The tax collected under this subsection (b) shall be
12 deposited into the Capital Projects Fund.

13 (c) Revenues generated from the play of video gaming
14 terminals shall be deposited by the terminal operator, who is
15 responsible for tax payments, in a specially created, separate
16 bank account maintained by the video gaming terminal operator
17 to allow for electronic fund transfers of moneys for tax
18 payment.

19 (d) Each licensed establishment, licensed truck stop
20 establishment, licensed large truck stop establishment,
21 licensed fraternal establishment, and licensed veterans
22 establishment shall maintain an adequate video gaming fund,
23 with the amount to be determined by the Division Board.

24 (e) The State's percentage of net terminal income shall be
25 reported and remitted to the Division Board within 15 days
26 after the 15th day of each month and within 15 days after the

1 end of each month by the video terminal operator. A video
2 terminal operator who falsely reports or fails to report the
3 amount due required by this Section is guilty of a Class 4
4 felony and is subject to termination of his or her license by
5 the Division Board. Each video terminal operator shall keep a
6 record of net terminal income in such form as the Division
7 ~~Board~~ may require. All payments not remitted when due shall be
8 paid together with a penalty assessment on the unpaid balance
9 at a rate of 1.5% per month.

10 (Source: P.A. 101-31, eff. 6-28-19.)

11 (230 ILCS 40/78)

12 Sec. 78. Authority of the Department of Lottery and Gaming
13 ~~Illinois Gaming Board~~.

14 (a) The Division of Video Gaming of the Department of
15 Lottery and Gaming Board shall have jurisdiction over and
16 shall supervise all gaming operations governed by this Act.
17 The Division Board shall have all powers necessary and proper
18 to fully and effectively execute the provisions of this Act,
19 including, but not limited to, the following:

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

24 (2) To have jurisdiction and supervision over all
25 video gaming operations in this State and all persons in

1 establishments where video gaming operations are
2 conducted.

3 (3) To adopt rules for the purpose of administering
4 the provisions of this Act and to prescribe rules,
5 regulations, and conditions under which all video gaming
6 in the State shall be conducted. Such rules and
7 regulations are to provide for the prevention of practices
8 detrimental to the public interest and for the best
9 interests of video gaming, including rules and regulations

10 (i) regarding the inspection of such establishments and
11 the review of any permits or licenses necessary to operate
12 an establishment under any laws or regulations applicable
13 to establishments, (ii) to impose penalties for violations
14 of this Act and its rules, and (iii) establishing
15 standards for advertising video gaming.

16 (b) (Blank) ~~The Board shall adopt emergency rules to~~
17 ~~administer this Act in accordance with Section 5-45 of the~~
18 ~~Illinois Administrative Procedure Act. For the purposes of the~~
19 ~~Illinois Administrative Procedure Act, the General Assembly~~
20 ~~finds that the adoption of rules to implement this Act is~~
21 ~~deemed an emergency and necessary to the public interest,~~
22 ~~safety, and welfare.~~

23 (Source: P.A. 98-31, eff. 6-24-13.)

24 (230 ILCS 40/79)

25 Sec. 79. Investigators. Investigators appointed by the

1 Division Board pursuant to the powers conferred upon the
2 Division Board by paragraph (20.6) of subsection (c) of
3 Section 5 of the Illinois Gambling Act and Section 80 of this
4 Act shall have authority to conduct investigations, searches,
5 seizures, arrests, and other duties imposed under this Act and
6 the Illinois Gambling Act, as deemed necessary by the Division
7 ~~Board~~. These investigators have and may exercise all of the
8 rights and powers of peace officers, provided that these
9 powers shall be (1) limited to offenses or violations
10 occurring or committed in connection with conduct subject to
11 this Act, including, but not limited to, the manufacture,
12 distribution, supply, operation, placement, service,
13 maintenance, or play of video gaming terminals and the
14 distribution of profits and collection of revenues resulting
15 from such play, and (2) exercised, to the fullest extent
16 practicable, in cooperation with the local police department
17 of the applicable municipality or, if these powers are
18 exercised outside the boundaries of an incorporated
19 municipality or within a municipality that does not have its
20 own police department, in cooperation with the police
21 department whose jurisdiction encompasses the applicable
22 locality.

23 (Source: P.A. 101-31, eff. 6-28-19.)

24 (230 ILCS 40/79.5)

25 Sec. 79.5. Enforcement actions. The Division Board shall

1 establish a policy and standards for compliance operations to
2 investigate whether a licensed establishment, licensed
3 fraternal establishment, licensed veterans establishment, or a
4 licensed truck stop establishment is: (1) permitting any
5 person under the age of 21 years to use or play a video gaming
6 terminal in violation of this Act; or (2) furnishing alcoholic
7 liquor to persons under 21 years of age in violation of the
8 Liquor Control Act of 1934.

9 The policy and standards for compliance operations under
10 this Section shall be similar to the model policy and
11 guidelines for the operation of alcohol and tobacco compliance
12 checks by local law enforcement officers adopted by the
13 Illinois Law Enforcement Training Standards Board pursuant to
14 subsection (c) of Section 6-16.1 of the Liquor Control Act of
15 1934. ~~The Board shall adopt the policy and standards in the
16 form of emergency rulemaking that shall be adopted no later
17 than 90 days after the effective date of this amendatory Act of
18 the 101st General Assembly and shall be immediately followed
19 by permanent rulemaking on the same subject.~~

20 A licensed establishment, licensed fraternal
21 establishment, licensed veterans establishment, or licensed
22 truck stop establishment that is the subject of an enforcement
23 action under this Section and is found, pursuant to the
24 enforcement action, to be in compliance with this Act shall be
25 notified by the Division Board ~~Board~~ that no violation was found
26 within 30 days after the finding.

1 (Source: P.A. 101-318, eff. 8-9-19.)

2 (230 ILCS 40/80)

3 Sec. 80. Applicability of Illinois Gambling Act. The
4 provisions of the Illinois Gambling Act, and all rules
5 promulgated thereunder, shall apply to the Video Gaming Act,
6 except where there is a conflict between the 2 Acts. In the
7 event of a conflict between the 2 Acts, the provisions of the
8 Illinois Gambling Act shall prevail. All current supplier
9 licensees under the Illinois Gambling Act shall be entitled to
10 licensure under the Video Gaming Act as manufacturers,
11 distributors, or suppliers without additional Division Board
12 investigation or approval, except by vote of the Division
13 ~~Board~~; however, they are required to pay application and
14 annual fees under this Act. All provisions of the Uniform
15 Penalty and Interest Act shall apply, as far as practicable,
16 to the subject matter of this Act to the same extent as if such
17 provisions were included herein.

18 (Source: P.A. 100-1152, eff. 12-14-18; 101-31, eff. 6-28-19.)

19 Section 155. The Sports Wagering Act is amended by
20 changing Sections 25-10, 25-15, 25-20, 25-25, 25-30, 25-35,
21 25-40, 25-45, 25-50, 25-55, 25-60, 25-75, 25-85, 25-90,
22 25-100, and 25-105 as follows:

23 (230 ILCS 45/25-10)

1 Sec. 25-10. Definitions. As used in this Act:

2 "Adjusted gross sports wagering receipts" means a master
3 sports wagering licensee's gross sports wagering receipts,
4 less winnings paid to wagerers in such games.

5 "Athlete" means any current or former professional athlete
6 or collegiate athlete.

7 ~~"Board" means the Illinois Gaming Board.~~

8 "Covered persons" includes athletes; umpires, referees,
9 and officials; personnel associated with clubs, teams,
10 leagues, and athletic associations; medical professionals
11 (including athletic trainers) who provide services to athletes
12 and players; and the family members and associates of these
13 persons where required to serve the purposes of this Act.

14 "Department" means the Department of ~~the~~ Lottery and
15 Gaming.

16 "Director" means the Director of Video Gaming of the
17 Department of Lottery and Gaming.

18 "Division" means the Division of Video Gaming of the
19 Department of Lottery and Gaming.

20 "Gaming facility" means a facility at which gambling
21 operations are conducted under the Illinois Gambling Act,
22 pari-mutuel wagering is conducted under the Illinois Horse
23 Racing Act of 1975, or sports wagering is conducted under this
24 Act.

25 "Official league data" means statistics, results,
26 outcomes, and other data related to a sports event obtained

1 pursuant to an agreement with the relevant sports governing
2 body, or an entity expressly authorized by the sports
3 governing body to provide such information to licensees, that
4 authorizes the use of such data for determining the outcome of
5 tier 2 sports wagers on such sports events.

6 "Organization licensee" has the meaning given to that term
7 in the Illinois Horse Racing Act of 1975.

8 "Owners licensee" means the holder of an owners license
9 under the Illinois Gambling Act.

10 "Person" means an individual, partnership, committee,
11 association, corporation, or any other organization or group
12 of persons.

13 "Personal biometric data" means an athlete's information
14 derived from DNA, heart rate, blood pressure, perspiration
15 rate, internal or external body temperature, hormone levels,
16 glucose levels, hydration levels, vitamin levels, bone
17 density, muscle density, and sleep patterns.

18 "Prohibited conduct" includes any statement, action, and
19 other communication intended to influence, manipulate, or
20 control a betting outcome of a sporting contest or of any
21 individual occurrence or performance in a sporting contest in
22 exchange for financial gain or to avoid financial or physical
23 harm. "Prohibited conduct" includes statements, actions, and
24 communications made to a covered person by a third party, such
25 as a family member or through social media. "Prohibited
26 conduct" does not include statements, actions, or

1 communications made or sanctioned by a team or sports
2 governing body.

3 "Qualified applicant" means an applicant for a license
4 under this Act whose application meets the mandatory minimum
5 qualification criteria as required by the Division Board.

6 "Sporting contest" means a sports event or game on which
7 the State allows sports wagering to occur under this Act.

8 "Sports event" means a professional sport or athletic
9 event, a collegiate sport or athletic event, a motor race
10 event, or any other event or competition of relative skill
11 authorized by the Division Board under this Act.

12 "Sports facility" means a facility that hosts sports
13 events and holds a seating capacity greater than 17,000
14 persons, except in a municipality with a population of more
15 than 1,000,000, a seating capacity greater than 10,000
16 persons.

17 "Sports governing body" means the organization that
18 prescribes final rules and enforces codes of conduct with
19 respect to a sports event and participants therein.

20 "Sports wagering" means accepting wagers on sports events
21 or portions of sports events, or on the individual performance
22 statistics of athletes in a sports event or combination of
23 sports events, by any system or method of wagering, including,
24 but not limited to, in person or over the Internet through
25 websites and on mobile devices. "Sports wagering" includes,
26 but is not limited to, single-game bets, teaser bets, parlays,

1 over-under, moneyline, pools, exchange wagering, in-game
2 wagering, in-play bets, proposition bets, and straight bets.

3 "Sports wagering account" means a financial record
4 established by a master sports wagering licensee for an
5 individual patron in which the patron may deposit and withdraw
6 funds for sports wagering and other authorized purchases and
7 to which the master sports wagering licensee may credit
8 winnings or other amounts due to that patron or authorized by
9 that patron.

10 "Tier 1 sports wager" means a sports wager that is
11 determined solely by the final score or final outcome of the
12 sports event and is placed before the sports event has begun.

13 "Tier 2 sports wager" means a sports wager that is not a
14 tier 1 sports wager.

15 "Wager" means a sum of money or thing of value risked on an
16 uncertain occurrence.

17 "Winning bidder" means a qualified applicant for a master
18 sports wagering license chosen through the competitive
19 selection process under Section 25-45.

20 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21.)

21 (230 ILCS 45/25-15)

22 Sec. 25-15. Division Board ~~Board~~ duties and powers.

23 (a) Except for sports wagering conducted under Section
24 25-70, the Division Board ~~Board~~ shall have the authority to regulate
25 the conduct of sports wagering under this Act.

1 (b) The Division Board may adopt any rules the Division
2 ~~Board~~ considers necessary for the successful implementation,
3 administration, and enforcement of this Act, except for
4 Section 25-70. Rules proposed by the Division Board may be
5 adopted as emergency rules pursuant to Section 5-45 of the
6 Illinois Administrative Procedure Act.

7 (c) The Division Board shall levy and collect all fees,
8 surcharges, civil penalties, and monthly taxes on adjusted
9 gross sports wagering receipts imposed by this Act and deposit
10 all moneys into the Sports Wagering Fund, except as otherwise
11 provided under this Act.

12 (d) The Division Board may exercise any other powers
13 necessary to enforce the provisions of this Act that it
14 regulates and the rules of the Division Board.

15 (e) The Division Board shall adopt rules for a license to
16 be employed by a master sports wagering licensee when the
17 employee works in a designated gaming area that has sports
18 wagering or performs duties in furtherance of or associated
19 with the operation of sports wagering by the master sports
20 wagering licensee (occupational license), which shall require
21 an annual license fee of \$250. However, occupational licenses
22 issued under the Illinois Gambling Act for employees of an
23 owners license or organization gaming licensee, once granted,
24 are considered equivalent licenses to work in sports wagering
25 positions located at the same gaming facility. License fees
26 shall be deposited into the State Gaming Fund and used for the

1 administration of this Act.

2 (f) The Division Board may require that licensees share,
3 in real time and at the sports wagering account level,
4 information regarding a wagerer, amount and type of wager, the
5 time the wager was placed, the location of the wager,
6 including the Internet protocol address, if applicable, the
7 outcome of the wager, and records of abnormal wagering
8 activity. Information shared under this subsection (f) must be
9 submitted in the form and manner as required by rule. If a
10 sports governing body has notified the Division Board that
11 real-time information sharing for wagers placed on its sports
12 events is necessary and desirable, licensees may share the
13 same information in the form and manner required by the
14 Division Board by rule with the sports governing body or its
15 designee with respect to wagers on its sports events subject
16 to applicable federal, State, or local laws or regulations,
17 including, without limitation, privacy laws and regulations.
18 Such information may be provided in anonymized form and may be
19 used by a sports governing body solely for integrity purposes.
20 For purposes of this subsection (f), "real-time" means a
21 commercially reasonable periodic interval.

22 (g) A master sports wagering licensee, professional sports
23 team, league, or association, sports governing body, or
24 institution of higher education may submit to the Division
25 ~~Board~~ in writing a request to prohibit a type or form of
26 wagering if the master sports wagering licensee, professional

1 sports team, league, or association, sports governing body, or
2 institution of higher education believes that such wagering by
3 type or form is contrary to public policy, unfair to
4 consumers, or affects the integrity of a particular sport or
5 the sports betting industry. The Division Board shall grant
6 the request upon a demonstration of good cause from the
7 requester and consultation with licensees. The Division Board
8 shall respond to a request pursuant to this subsection (g)
9 concerning a particular event before the start of the event
10 or, if it is not feasible to respond before the start of the
11 event, as soon as practicable.

12 (h) The Division Board and master sports wagering
13 licensees may cooperate with investigations conducted by
14 sports governing bodies or law enforcement agencies,
15 including, but not limited to, providing and facilitating the
16 provision of account-level betting information and audio or
17 video files relating to persons placing wagers.

18 (i) A master sports wagering licensee shall make
19 commercially reasonable efforts to promptly notify the
20 Division Board any information relating to:

21 (1) criminal or disciplinary proceedings commenced
22 against the master sports wagering licensee in connection
23 with its operations;

24 (2) abnormal wagering activity or patterns that may
25 indicate a concern with the integrity of a sports event or
26 sports events;

1 (3) any potential breach of the relevant sports
2 governing body's internal rules and codes of conduct
3 pertaining to sports wagering that a licensee has
4 knowledge of;

5 (4) any other conduct that corrupts a wagering outcome
6 of a sports event or sports events for purposes of
7 financial gain, including match fixing; and

8 (5) suspicious or illegal wagering activities,
9 including use of funds derived from illegal activity,
10 wagers to conceal or launder funds derived from illegal
11 activity, using agents to place wagers, and using false
12 identification.

13 A master sports wagering licensee shall also make
14 commercially reasonable efforts to promptly report information
15 relating to conduct described in paragraphs (2), (3), and (4)
16 of this subsection (i) to the relevant sports governing body.
17 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21.)

18 (230 ILCS 45/25-20)

19 Sec. 25-20. Licenses required.

20 (a) No person may engage in any activity in connection
21 with sports wagering in this State unless all necessary
22 licenses have been obtained in accordance with this Act and
23 the rules of the Division Board ~~Board~~ and the Department. The
24 following licenses shall be issued under this Act:

25 (1) master sports wagering license;

- 1 (2) occupational license;
- 2 (3) supplier license;
- 3 (4) management services provider license;
- 4 (5) tier 2 official league data provider license; and
- 5 (6) central system provider license.

6 No person or entity may engage in a sports wagering
7 operation or activity without first obtaining the appropriate
8 license.

9 (b) An applicant for a license issued under this Act shall
10 submit an application to the Division Board in the form the
11 Division Board requires. The applicant shall submit
12 fingerprints for a national criminal records check by the
13 Illinois State Police and the Federal Bureau of Investigation.
14 The fingerprints shall be furnished by the applicant's owners,
15 officers, and directors (if a corporation), managers and
16 members (if a limited liability company), and partners (if a
17 partnership). The fingerprints shall be accompanied by a
18 signed authorization for the release of information by the
19 Federal Bureau of Investigation. The Division Board may
20 require additional background checks on licensees when they
21 apply for license renewal, and an applicant convicted of a
22 disqualifying offense shall not be licensed.

23 (c) Each master sports wagering licensee shall display the
24 license conspicuously in the licensee's place of business or
25 have the license available for inspection by an agent of the
26 Division Board or a law enforcement agency.

1 (d) Each holder of an occupational license shall carry the
2 license and have some indicia of licensure prominently
3 displayed on his or her person when present in a gaming
4 facility licensed under this Act at all times, in accordance
5 with the rules of the Division Board.

6 (e) Each person licensed under this Act shall give the
7 Division Board written notice within 30 days after a material
8 change to information provided in the licensee's application
9 for a license or renewal.

10 (Source: P.A. 101-31, eff. 6-28-19; 101-597, eff. 12-6-19;
11 102-538, eff. 8-20-21.)

12 (230 ILCS 45/25-25)

13 Sec. 25-25. Sports wagering authorized.

14 (a) Notwithstanding any provision of law to the contrary,
15 the operation of sports wagering is only lawful when conducted
16 in accordance with the provisions of this Act and the rules of
17 the Department of Lottery and Gaming ~~Illinois Gaming Board and~~
18 ~~the Department of the Lottery~~.

19 (b) A person placing a wager under this Act shall be at
20 least 21 years of age.

21 (c) A licensee under this Act may not accept a wager on a
22 minor league sports event.

23 (d) Except as otherwise provided in this Section, a
24 licensee under this Act may not accept a wager for a sports
25 event involving an Illinois collegiate team.

1 (d-5) Beginning on the effective date of this amendatory
2 Act of the 102nd General Assembly until July 1, 2023, a
3 licensee under this Act may accept a wager for a sports event
4 involving an Illinois collegiate team if:

5 (1) the wager is a tier 1 wager;

6 (2) the wager is not related to an individual
7 athlete's performance; and

8 (3) the wager is made in person instead of over the
9 Internet or through a mobile application.

10 (e) A licensee under this Act may only accept a wager from
11 a person physically located in the State.

12 (f) Master sports wagering licensees may use any data
13 source for determining the results of all tier 1 sports
14 wagers.

15 (g) A sports governing body headquartered in the United
16 States may notify the Division Board that it desires to supply
17 official league data to master sports wagering licensees for
18 determining the results of tier 2 sports wagers. Such
19 notification shall be made in the form and manner as the
20 Division Board may require. If a sports governing body does
21 not notify the Division Board of its desire to supply official
22 league data, a master sports wagering licensee may use any
23 data source for determining the results of any and all tier 2
24 sports wagers on sports contests for that sports governing
25 body.

26 Within 30 days of a sports governing body notifying the

1 Division Board, master sports wagering licensees shall use
2 only official league data to determine the results of tier 2
3 sports wagers on sports events sanctioned by that sports
4 governing body, unless: (1) the sports governing body or
5 designee cannot provide a feed of official league data to
6 determine the results of a particular type of tier 2 sports
7 wager, in which case master sports wagering licensees may use
8 any data source for determining the results of the applicable
9 tier 2 sports wager until such time as such data feed becomes
10 available on commercially reasonable terms; or (2) a master
11 sports wagering licensee can demonstrate to the Division Board
12 that the sports governing body or its designee cannot provide
13 a feed of official league data to the master sports wagering
14 licensee on commercially reasonable terms. During the pendency
15 of the Division's Board's determination, such master sports
16 wagering licensee may use any data source for determining the
17 results of any and all tier 2 sports wagers.

18 (h) A licensee under this Act may not accept wagers on a
19 kindergarten through 12th grade sports event.

20 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21.)

21 (230 ILCS 45/25-30)

22 Sec. 25-30. Master sports wagering license issued to an
23 organization licensee.

24 (a) An organization licensee may apply to the Division
25 Board for a master sports wagering license. To the extent

1 permitted by federal and State law, the Division Board shall
2 actively seek to achieve racial, ethnic, and geographic
3 diversity when issuing master sports wagering licenses to
4 organization licensees and encourage minority-owned
5 businesses, women-owned businesses, veteran-owned businesses,
6 and businesses owned by persons with disabilities to apply for
7 licensure. Additionally, the report published under subsection
8 (m) of Section 25-45 shall impact the issuance of the master
9 sports wagering license to the extent permitted by federal and
10 State law.

11 For the purposes of this subsection (a), "minority-owned
12 business", "women-owned business", and "business owned by
13 persons with disabilities" have the meanings given to those
14 terms in Section 2 of the Business Enterprise for Minorities,
15 Women, and Persons with Disabilities Act.

16 (b) Except as otherwise provided in this subsection (b),
17 the initial license fee for a master sports wagering license
18 for an organization licensee is 5% of its handle from the
19 preceding calendar year or the lowest amount that is required
20 to be paid as an initial license fee by an owners licensee
21 under subsection (b) of Section 25-35, whichever is greater.
22 No initial license fee shall exceed \$10,000,000. An
23 organization licensee licensed on the effective date of this
24 Act shall pay the initial master sports wagering license fee
25 by July 1, 2021. For an organization licensee licensed after
26 the effective date of this Act, the master sports wagering

1 license fee shall be \$5,000,000, but the amount shall be
2 adjusted 12 months after the organization licensee begins
3 racing operations based on 5% of its handle from the first 12
4 months of racing operations. The master sports wagering
5 license is valid for 4 years.

6 (c) The organization licensee may renew the master sports
7 wagering license for a period of 4 years by paying a \$1,000,000
8 renewal fee to the Division Board.

9 (d) An organization licensee issued a master sports
10 wagering license may conduct sports wagering:

11 (1) at its facility at which inter-track wagering is
12 conducted pursuant to an inter-track wagering license
13 under the Illinois Horse Racing Act of 1975;

14 (2) at 3 inter-track wagering locations if the
15 inter-track wagering location licensee from which it
16 derives its license is an organization licensee that is
17 issued a master sports wagering license; and

18 (3) over the Internet or through a mobile application.

19 (e) The sports wagering offered over the Internet or
20 through a mobile application shall only be offered under
21 either the same brand as the organization licensee is
22 operating under or a brand owned by a direct or indirect
23 holding company that owns at least an 80% interest in that
24 organization licensee on the effective date of this Act.

25 (f) Until issuance of the first license under Section
26 25-45 or March 5, 2022, whichever occurs first, an individual

1 must create a sports wagering account in person at a facility
2 under paragraph (1) or (2) of subsection (d) to participate in
3 sports wagering offered over the Internet or through a mobile
4 application.

5 (Source: P.A. 101-31, eff. 6-28-19; 101-648, eff. 6-30-20;
6 102-689, eff. 12-17-21.)

7 (230 ILCS 45/25-35)

8 Sec. 25-35. Master sports wagering license issued to an
9 owners licensee.

10 (a) An owners licensee may apply to the Division Board ~~Board~~ for
11 a master sports wagering license. To the extent permitted by
12 federal and State law, the Division Board ~~Board~~ shall actively seek
13 to achieve racial, ethnic, and geographic diversity when
14 issuing master sports wagering licenses to owners licensees
15 and encourage minority-owned businesses, women-owned
16 businesses, veteran-owned businesses, and businesses owned by
17 persons with disabilities to apply for licensure.
18 Additionally, the report published under subsection (m) of
19 Section 25-45 shall impact the issuance of the master sports
20 wagering license to the extent permitted by federal and State
21 law.

22 For the purposes of this subsection (a), "minority-owned
23 business", "women-owned business", and "business owned by
24 persons with disabilities" have the meanings given to those
25 terms in Section 2 of the Business Enterprise for Minorities,

1 Women, and Persons with Disabilities Act.

2 (b) Except as otherwise provided in subsection (b-5), the
3 initial license fee for a master sports wagering license for
4 an owners licensee is 5% of its adjusted gross receipts from
5 the preceding calendar year. No initial license fee shall
6 exceed \$10,000,000. An owners licensee licensed on the
7 effective date of this Act shall pay the initial master sports
8 wagering license fee by July 1, 2021. The master sports
9 wagering license is valid for 4 years.

10 (b-5) For an owners licensee licensed after the effective
11 date of this Act, the master sports wagering license fee shall
12 be \$5,000,000, but the amount shall be adjusted 12 months
13 after the owners licensee begins gambling operations under the
14 Illinois Gambling Act based on 5% of its adjusted gross
15 receipts from the first 12 months of gambling operations. The
16 master sports wagering license is valid for 4 years.

17 (c) The owners licensee may renew the master sports
18 wagering license for a period of 4 years by paying a \$1,000,000
19 renewal fee to the Division Board.

20 (d) An owners licensee issued a master sports wagering
21 license may conduct sports wagering:

22 (1) at its facility in this State that is authorized
23 to conduct gambling operations under the Illinois Gambling
24 Act; and

25 (2) over the Internet or through a mobile application.

26 (e) The sports wagering offered over the Internet or

1 through a mobile application shall only be offered under
2 either the same brand as the owners licensee is operating
3 under or a brand owned by a direct or indirect holding company
4 that owns at least an 80% interest in that owners licensee on
5 the effective date of this Act.

6 (f) Until issuance of the first license under Section
7 25-45 or March 5, 2022, whichever occurs first, an individual
8 must create a sports wagering account in person at a facility
9 under paragraph (1) of subsection (d) to participate in sports
10 wagering offered over the Internet or through a mobile
11 application.

12 (Source: P.A. 101-31, eff. 6-28-19; 101-648, eff. 6-30-20;
13 102-689, eff. 12-17-21.)

14 (230 ILCS 45/25-40)

15 Sec. 25-40. Master sports wagering license issued to a
16 sports facility.

17 (a) As used in this Section, "designee" means a master
18 sports wagering licensee under Section 25-30, 25-35, or 25-45
19 or a management services provider licensee.

20 (b) A sports facility or a designee contracted to operate
21 sports wagering at or within a 5-block radius of the sports
22 facility may apply to the Division Board ~~Board~~ for a master sports
23 wagering license. To the extent permitted by federal and State
24 law, the Division Board ~~Board~~ shall actively seek to achieve racial,
25 ethnic, and geographic diversity when issuing master sports

1 wagering licenses to sports facilities or their designees and
2 encourage minority-owned businesses, women-owned businesses,
3 veteran-owned businesses, and businesses owned by persons with
4 disabilities to apply for licensure. Additionally, the report
5 published under subsection (m) of Section 25-45 shall impact
6 the issuance of the master sports wagering license to the
7 extent permitted by federal and State law.

8 For the purposes of this subsection (b), "minority-owned
9 business", "women-owned business", and "business owned by
10 persons with disabilities" have the meanings given to those
11 terms in Section 2 of the Business Enterprise for Minorities,
12 Women, and Persons with Disabilities Act.

13 (c) The Division Board ~~Board~~ may issue up to 7 master sports
14 wagering licenses to sports facilities or their designees that
15 meet the requirements for licensure as determined by rule by
16 the Division Board. If more than 7 qualified applicants apply
17 for a master sports wagering license under this Section, the
18 licenses shall be granted in the order in which the
19 applications were received. If a license is denied, revoked,
20 or not renewed, the Division Board ~~Board~~ may begin a new application
21 process and issue a license under this Section in the order in
22 which the application was received.

23 (d) The initial license fee for a master sports wagering
24 license for a sports facility is \$10,000,000. The master
25 sports wagering license is valid for 4 years.

26 (e) The sports facility or its designee may renew the

1 master sports wagering license for a period of 4 years by
2 paying a \$1,000,000 renewal fee to the Division Board.

3 (f) A sports facility or its designee issued a master
4 sports wagering license may conduct sports wagering at or
5 within a 5-block radius of the sports facility.

6 (g) A sports facility or its designee issued a master
7 sports wagering license may conduct sports wagering over the
8 Internet within the sports facility or within a 5-block radius
9 of the sports facility.

10 (h) The sports wagering offered by a sports facility or
11 its designee over the Internet or through a mobile application
12 shall be offered under the same brand as the sports facility is
13 operating under, the brand the designee is operating under, or
14 a combination thereof.

15 (i) Until issuance of the first license under Section
16 25-45 or March 5, 2022, whichever occurs first, an individual
17 must register in person at a sports facility or the designee's
18 facility to participate in sports wagering offered over the
19 Internet or through a mobile application.

20 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21.)

21 (230 ILCS 45/25-45)

22 Sec. 25-45. Master sports wagering license issued to an
23 online sports wagering operator.

24 (a) The Division Board shall issue 3 master sports
25 wagering licenses to online sports wagering operators for a

1 nonrefundable license fee of \$20,000,000 pursuant to an open
2 and competitive selection process. The master sports wagering
3 license issued under this Section may be renewed every 4 years
4 upon payment of a \$1,000,000 renewal fee. To the extent
5 permitted by federal and State law, the Division Board shall
6 actively seek to achieve racial, ethnic, and geographic
7 diversity when issuing master sports wagering licenses under
8 this Section and encourage minority-owned businesses,
9 women-owned businesses, veteran-owned businesses, and
10 businesses owned by persons with disabilities to apply for
11 licensure.

12 For the purposes of this subsection (a), "minority-owned
13 business", "women-owned business", and "business owned by
14 persons with disabilities" have the meanings given to those
15 terms in Section 2 of the Business Enterprise for Minorities,
16 Women, and Persons with Disabilities Act.

17 (b) Applications for the initial competitive selection
18 occurring after the effective date of this Act shall be
19 received by the Division Board within 540 days after the first
20 license is issued under this Act to qualify. The Division
21 ~~Board~~ shall announce the winning bidders for the initial
22 competitive selection within 630 days after the first license
23 is issued under this Act, and this time frame may be extended
24 at the discretion of the Division Board.

25 (c) The Division Board shall provide public notice of its
26 intent to solicit applications for master sports wagering

1 licenses under this Section by posting the notice, application
2 instructions, and materials on its website for at least 30
3 calendar days before the applications are due. Failure by an
4 applicant to submit all required information may result in the
5 application being disqualified. The Division Board may notify
6 an applicant that its application is incomplete and provide an
7 opportunity to cure by rule. Application instructions shall
8 include a brief overview of the selection process and how
9 applications are scored.

10 (d) To be eligible for a master sports wagering license
11 under this Section, an applicant must: (1) be at least 21 years
12 of age; (2) not have been convicted of a felony offense or a
13 violation of Article 28 of the Criminal Code of 1961 or the
14 Criminal Code of 2012 or a similar statute of any other
15 jurisdiction; (3) not have been convicted of a crime involving
16 dishonesty or moral turpitude; (4) have demonstrated a level
17 of skill or knowledge that the Division Board determines to be
18 necessary in order to operate sports wagering; and (5) have
19 met standards for the holding of a license as adopted by rules
20 of the Division Board.

21 The Division Board may adopt rules to establish additional
22 qualifications and requirements to preserve the integrity and
23 security of sports wagering in this State and to promote and
24 maintain a competitive sports wagering market. After the close
25 of the application period, the Division Board shall determine
26 whether the applications meet the mandatory minimum

1 qualification criteria and conduct a comprehensive, fair, and
2 impartial evaluation of all qualified applications.

3 (e) The Division Board shall open all qualified
4 applications in a public forum and disclose the applicants'
5 names. The Division Board shall summarize the terms of the
6 proposals and make the summaries available to the public on
7 its website.

8 (f) Not more than 90 days after the publication of the
9 qualified applications, the Division Board shall identify the
10 winning bidders. In granting the licenses, the Division Board
11 may give favorable consideration to qualified applicants
12 presenting plans that provide for economic development and
13 community engagement. To the extent permitted by federal and
14 State law, the Division Board may give favorable consideration
15 to qualified applicants demonstrating commitment to diversity
16 in the workplace.

17 (g) Upon selection of the winning bidders, the Division
18 ~~Board~~ shall have a reasonable period of time to ensure
19 compliance with all applicable statutory and regulatory
20 criteria before issuing the licenses. If the Division Board
21 determines a winning bidder does not satisfy all applicable
22 statutory and regulatory criteria, the Division Board shall
23 select another bidder from the remaining qualified applicants.

24 (h) Nothing in this Section is intended to confer a
25 property or other right, duty, privilege, or interest
26 entitling an applicant to an administrative hearing upon

1 denial of an application.

2 (i) Upon issuance of a master sports wagering license to a
3 winning bidder, the information and plans provided in the
4 application become a condition of the license. A master sports
5 wagering licensee under this Section has a duty to disclose
6 any material changes to the application. Failure to comply
7 with the conditions or requirements in the application may
8 subject the master sports wagering licensee under this Section
9 to discipline, including, but not limited to, fines,
10 suspension, and revocation of its license, pursuant to rules
11 adopted by the Division Board.

12 (j) The Division Board shall disseminate information about
13 the licensing process through media demonstrated to reach
14 large numbers of business owners and entrepreneurs who are
15 minorities, women, veterans, and persons with disabilities.

16 (k) The Department of Commerce and Economic Opportunity,
17 in conjunction with the Division Board, shall conduct ongoing,
18 thorough, and comprehensive outreach to businesses owned by
19 minorities, women, veterans, and persons with disabilities
20 about contracting and entrepreneurial opportunities in sports
21 wagering. This outreach shall include, but not be limited to:

22 (1) cooperating and collaborating with other State
23 boards, commissions, and agencies; public and private
24 universities and community colleges; and local governments
25 to target outreach efforts; and

26 (2) working with organizations serving minorities,

1 women, and persons with disabilities to establish and
2 conduct training for employment in sports wagering.

3 (1) The Division Board shall partner with the Department
4 of Labor, the Department of Financial and Professional
5 Regulation, and the Department of Commerce and Economic
6 Opportunity to identify employment opportunities within the
7 sports wagering industry for job seekers and dislocated
8 workers.

9 (m) By March 1, 2020, the Board shall prepare a request for
10 proposals to conduct a study of the online sports wagering
11 industry and market to determine whether there is a compelling
12 interest in implementing remedial measures, including the
13 application of the Business Enterprise Program under the
14 Business Enterprise for Minorities, Women, and Persons with
15 Disabilities Act or a similar program to assist minorities,
16 women, and persons with disabilities in the sports wagering
17 industry.

18 As a part of the study, the Board shall evaluate race and
19 gender-neutral programs or other methods that may be used to
20 address the needs of minority and women applicants and
21 minority-owned and women-owned businesses seeking to
22 participate in the sports wagering industry. The Board shall
23 submit to the General Assembly and publish on its website the
24 results of this study by August 1, 2020.

25 If, as a result of the study conducted under this
26 subsection (m), the Board, or its successor agency, finds that

1 there is a compelling interest in implementing remedial
2 measures, the Board, or its successor agency, may adopt rules,
3 including emergency rules, to implement remedial measures, if
4 necessary and to the extent permitted by State and federal
5 law, based on the findings of the study conducted under this
6 subsection (m).

7 (Source: P.A. 101-31, eff. 6-28-19.)

8 (230 ILCS 45/25-50)

9 Sec. 25-50. Supplier license.

10 (a) The Division Board ~~Board~~ may issue a supplier license to a
11 person to sell or lease sports wagering equipment, systems, or
12 other gaming items to conduct sports wagering and offer
13 services related to the equipment or other gaming items and
14 data to a master sports wagering licensee while the license is
15 active.

16 (b) The Division Board ~~Board~~ may adopt rules establishing
17 additional requirements for a supplier and any system or other
18 equipment utilized for sports wagering. The Division Board ~~Board~~ may
19 accept licensing by another jurisdiction that it specifically
20 determines to have similar licensing requirements as evidence
21 the applicant meets supplier licensing requirements.

22 (c) An applicant for a supplier license shall demonstrate
23 that the equipment, system, or services that the applicant
24 plans to offer to the master sports wagering licensee conforms
25 to standards established by the Division Board ~~Board~~ and applicable

1 State law. The Division Board may accept approval by another
2 jurisdiction that it specifically determines have similar
3 equipment standards as evidence the applicant meets the
4 standards established by the Division Board and applicable
5 State law.

6 (d) Applicants shall pay to the Division Board a
7 nonrefundable license and application fee in the amount of
8 \$150,000. Except as provided by Section 8.1 of the Illinois
9 Gambling Act, the initial supplier license shall be issued for
10 4 years unless sooner canceled or terminated. After the
11 initial period, the Division Board shall renew supplier
12 licenses for additional 4-year periods unless sooner canceled
13 or terminated. Renewal of a supplier license shall be granted
14 to a renewal applicant who has continued to comply with all
15 applicable statutory and regulatory requirements. Beginning 4
16 years after issuance of the initial supplier license, a holder
17 of a supplier license shall pay a \$150,000 annual license fee.

18 (e) A supplier shall submit to the Division Board a list of
19 all sports wagering equipment and services sold, delivered, or
20 offered to a master sports wagering licensee in this State, as
21 required by the Division Board, all of which must be tested and
22 approved by an independent testing laboratory approved by the
23 Division Board. A master sports wagering licensee may continue
24 to use supplies acquired from a licensed supplier, even if a
25 supplier's license expires or is otherwise canceled, unless
26 the Division Board finds a defect in the supplies.

1 (Source: P.A. 101-31, eff. 6-28-19; 102-689, eff. 12-17-21.)

2 (230 ILCS 45/25-55)

3 Sec. 25-55. Management services provider license.

4 (a) A master sports wagering licensee may contract with an
5 entity to conduct that operation in accordance with the rules
6 of the Division Board and the provisions of this Act. That
7 entity shall obtain a license as a management services
8 provider before the execution of any such contract, and the
9 management services provider license shall be issued pursuant
10 to the provisions of this Act and any rules adopted by the
11 Division Board.

12 (b) Each applicant for a management services provider
13 license shall meet all requirements for licensure and pay a
14 nonrefundable license and application fee of \$1,000,000. The
15 Division Board may adopt rules establishing additional
16 requirements for an authorized management services provider.
17 The Division Board may accept licensing by another
18 jurisdiction that it specifically determines to have similar
19 licensing requirements as evidence the applicant meets
20 authorized management services provider licensing
21 requirements.

22 (c) Management services provider licenses shall be renewed
23 every 4 years to licensees who continue to be in compliance
24 with all requirements and who pay the renewal fee of \$500,000.

25 (d) A person who shares in revenue shall be licensed under

1 this Section.

2 (Source: P.A. 101-31, eff. 6-28-19.)

3 (230 ILCS 45/25-60)

4 Sec. 25-60. Tier 2 official league data provider license.

5 (a) A sports governing body or a sports league,
6 organization, or association or a vendor authorized by such
7 sports governing body or sports league, organization, or
8 association to distribute tier 2 official league data may
9 apply to the Division Board for a tier 2 official league data
10 provider license.

11 (b) A tier 2 official league data provider licensee may
12 provide a master sports wagering licensee with official league
13 data for tier 2 sports wagers. No sports governing body or
14 sports league, organization, or association or a vendor
15 authorized by such sports governing body or sports league,
16 organization, or association may provide tier 2 official
17 league data to a master sports wagering licensee without a
18 tier 2 official league data provider license.

19 Notwithstanding the provisions of this Section, the
20 licensing and fee requirements of this Section shall not apply
21 if, under subsection (g) of Section 25-25, master sports
22 wagering licensees are not required to use official league
23 data to determine the results of tier 2 sports wagers.

24 (c) The initial license fee for a tier 2 official league
25 data provider license is payable to the Division Board at the

1 end of the first year of licensure based on the amount of data
2 sold to master sports wagering licensees as official league
3 data as follows:

4 (1) for data sales up to and including \$500,000, the
5 fee is \$30,000;

6 (2) for data sales in excess of \$500,000 and up to and
7 including \$750,000, the fee is \$60,000;

8 (3) for data sales in excess of \$750,000 and up to and
9 including \$1,000,000, the fee is \$125,000;

10 (4) for data sales in excess of \$1,000,000 and up to
11 and including \$1,500,000, the fee is \$250,000;

12 (5) for data sales in excess of \$1,500,000 and up to
13 and including \$2,000,000, the fee is \$375,000; and

14 (6) for data sales in excess of \$2,000,000, the fee is
15 \$500,000.

16 The license is valid for 3 years.

17 (d) The tier 2 official league data provider licensee may
18 renew the license for 3 years by paying a renewal fee to the
19 Division Board based on the amount of data sold to master
20 sports wagering licensees as official league data in the
21 immediately preceding year as provided in paragraphs (1)
22 through (6) of subsection (c).

23 (Source: P.A. 101-31, eff. 6-28-19.)

24 (230 ILCS 45/25-75)

25 Sec. 25-75. Reporting prohibited conduct; investigations

1 of prohibited conduct.

2 (a) The Division Board shall establish a hotline or other
3 method of communication that allows any person to
4 confidentially report information about prohibited conduct to
5 the Division Board.

6 (b) The Division Board shall investigate all reasonable
7 allegations of prohibited conduct and refer any allegations it
8 deems credible to the appropriate law enforcement entity.

9 (c) The identity of any reporting person shall remain
10 confidential unless that person authorizes disclosure of his
11 or her identity or until such time as the allegation of
12 prohibited conduct is referred to law enforcement.

13 (d) If the Division Board receives a complaint of
14 prohibited conduct by an athlete, the Division Board shall
15 notify the appropriate sports governing body of the athlete to
16 review the complaint as provided by rule.

17 (e) The Division Board shall adopt emergency rules to
18 administer this Section in accordance with Section 5-45 of the
19 Illinois Administrative Procedure Act.

20 (f) The Division Board shall adopt rules governing
21 investigations of prohibited conduct and referrals to law
22 enforcement entities.

23 (Source: P.A. 101-31, eff. 6-28-19.)

24 (230 ILCS 45/25-85)

25 Sec. 25-85. Supplier diversity goals for sports wagering.

1 (a) As used in this Section only, "licensee" means a
2 licensee under this Act other than an occupational licensee.

3 (b) The public policy of this State is to collaboratively
4 work with companies that serve Illinois residents to improve
5 their supplier diversity in a non-antagonistic manner.

6 (c) The ~~Board and the~~ Department shall require all
7 licensees under this Act to submit an annual report by April
8 15, 2020 and every April 15 thereafter, in a searchable Adobe
9 PDF format, on all procurement goals and actual spending for
10 businesses owned by women, minorities, veterans, and persons
11 with disabilities and small business enterprises in the
12 previous calendar year. These goals shall be expressed as a
13 percentage of the total work performed by the entity
14 submitting the report, and the actual spending for all
15 businesses owned by women, minorities, veterans, and persons
16 with disabilities and small business enterprises shall also be
17 expressed as a percentage of the total work performed by the
18 entity submitting the report.

19 (d) Each licensee in its annual report shall include the
20 following information:

21 (1) an explanation of the plan for the next year to
22 increase participation;

23 (2) an explanation of the plan to increase the goals;

24 (3) the areas of procurement each licensee shall be
25 actively seeking more participation in the next year;

26 (4) an outline of the plan to alert and encourage

1 potential vendors in that area to seek business from the
2 licensee;

3 (5) an explanation of the challenges faced in finding
4 quality vendors and offer any suggestions for what the
5 Division Board ~~Board~~ could do to be helpful to identify those
6 vendors;

7 (6) a list of the certifications the licensee
8 recognizes;

9 (7) the point of contact for any potential vendor who
10 wishes to do business with the licensee and explain the
11 process for a vendor to enroll with the licensee as a
12 businesses owned by women, minorities, veterans, or
13 persons with disabilities; and

14 (8) any particular success stories to encourage other
15 licensee to emulate best practices.

16 (e) Each annual report shall include as much
17 State-specific data as possible. If the submitting entity does
18 not submit State-specific data, then the licensee shall
19 include any national data it does have and explain why it could
20 not submit State-specific data and how it intends to do so in
21 future reports, if possible.

22 (f) Each annual report shall include the rules,
23 regulations, and definitions used for the procurement goals in
24 the licensee's annual report.

25 (g) The Division Board ~~Board, Department,~~ and all licensees
26 shall hold an annual workshop and job fair open to the public

1 in 2020 and every year thereafter on the state of supplier
2 diversity to collaboratively seek solutions to structural
3 impediments to achieving stated goals, including testimony
4 from each licensee as well as subject matter experts and
5 advocates. The ~~Board and~~ Department shall publish a database
6 on its website ~~their websites~~ of the point of contact for
7 licensees they regulate under this Act for supplier diversity,
8 along with a list of certifications each licensee recognizes
9 from the information submitted in each annual report. The
10 ~~Board and~~ Department shall publish each annual report on its
11 website ~~their websites~~ and shall maintain each annual report
12 for at least 5 years.

13 (Source: P.A. 101-31, eff. 6-28-19.)

14 (230 ILCS 45/25-90)

15 Sec. 25-90. Tax; Sports Wagering Fund.

16 (a) For the privilege of holding a license to operate
17 sports wagering under this Act, this State shall impose and
18 collect 15% of a master sports wagering licensee's adjusted
19 gross sports wagering receipts from sports wagering. The
20 accrual method of accounting shall be used for purposes of
21 calculating the amount of the tax owed by the licensee.

22 The taxes levied and collected pursuant to this subsection
23 (a) are due and payable to the Division ~~Board~~ no later than the
24 last day of the month following the calendar month in which the
25 adjusted gross sports wagering receipts were received and the

1 tax obligation was accrued.

2 (a-5) In addition to the tax imposed under subsection (a)
3 of this Section, for the privilege of holding a license to
4 operate sports wagering under this Act, the State shall impose
5 and collect 2% of the adjusted gross receipts from sports
6 wagers that are placed within a home rule county with a
7 population of over 3,000,000 inhabitants, which shall be paid,
8 subject to appropriation from the General Assembly, from the
9 Sports Wagering Fund to that home rule county for the purpose
10 of enhancing the county's criminal justice system.

11 (b) The Sports Wagering Fund is hereby created as a
12 special fund in the State treasury. Except as otherwise
13 provided in this Act, all moneys collected under this Act by
14 the Division Board shall be deposited into the Sports Wagering
15 Fund. On the 25th of each month, any moneys remaining in the
16 Sports Wagering Fund in excess of the anticipated monthly
17 expenditures from the Fund through the next month, as
18 certified by the Division Board to the State Comptroller,
19 shall be transferred by the State Comptroller and the State
20 Treasurer to the Capital Projects Fund.

21 (c) Beginning with July 2021, and on a monthly basis
22 thereafter, the Division Board shall certify to the State
23 Comptroller the amount of license fees collected in the month
24 for initial licenses issued under this Act, except for
25 occupational licenses. As soon after certification as
26 practicable, the State Comptroller shall direct and the State

1 Treasurer shall transfer the certified amount from the Sports
2 Wagering Fund to the Rebuild Illinois Projects Fund.

3 (Source: P.A. 101-31, eff. 6-28-19; 102-16, eff. 6-17-21;
4 102-687, eff. 12-17-21.)

5 (230 ILCS 45/25-100)

6 Sec. 25-100. Voluntary self-exclusion program for sports
7 wagering. Any resident, or non-resident if allowed to
8 participate in sports wagering, may voluntarily prohibit
9 himself or herself from establishing a sports wagering account
10 with a licensee under this Act. The ~~Board and~~ Department shall
11 incorporate the voluntary self-exclusion program for sports
12 wagering into any existing self-exclusion program that it
13 operates on the effective date of this Act.

14 (Source: P.A. 101-31, eff. 6-28-19.)

15 (230 ILCS 45/25-105)

16 Sec. 25-105. Report to General Assembly. On or before
17 January 15, 2021 and every January 15 thereafter, the Division
18 ~~Board~~ shall provide a report to the General Assembly on sports
19 wagering conducted under this Act.

20 (Source: P.A. 101-31, eff. 6-28-19.)

21 Section 160. The State Fair Gaming Act is amended by
22 changing Sections 30-5, 30-10, 30-20, and 30-25 as follows:

1 (230 ILCS 50/30-5)

2 Sec. 30-5. Definitions. As used in this Act:

3 ~~"Board" means the Illinois Gaming Board.~~

4 "Department" means the Department of Agriculture.

5 "Division" means the Division of Video Gaming of the
6 Department of Lottery and Gaming.

7 "State Fair" has the meaning given to that term in the
8 State Fair Act.

9 (Source: P.A. 101-31, eff. 6-28-19; 101-648, eff. 6-30-20.)

10 (230 ILCS 50/30-10)

11 Sec. 30-10. Gaming at the State Fair.

12 (a) The Division ~~Board~~ shall issue a licensed
13 establishment license to the Department to operate video
14 gaming at the Illinois State Fairgrounds and at the DuQuoin
15 State Fairgrounds. The Department shall select, under the
16 Illinois Procurement Code, Division-licensed ~~Board-licensed~~
17 terminal operators for an operational period not to exceed 3
18 years. At the conclusion of each 3-year cycle, the Illinois
19 Procurement Code shall be used to determine the new terminal
20 operators.

21 (b) Moneys bid by the terminal operators shall be
22 deposited into the State Fairgrounds Capital Improvements and
23 Harness Racing Fund.

24 (Source: P.A. 101-31, eff. 6-28-19; 101-648, eff. 6-30-20.)

1 (230 ILCS 50/30-20)

2 Sec. 30-20. Revenue.

3 (a) Notwithstanding any other law to the contrary, a tax
4 is imposed at the rate of 35% of net terminal income received
5 from video gaming under this Act, which shall be remitted to
6 the Division Board ~~Board~~ and deposited into the State Fairgrounds
7 Capital Improvements and Harness Racing Fund.

8 (b) There is created within the State treasury the State
9 Fairgrounds Capital Improvements and Harness Racing Fund. The
10 Department of Agriculture shall use moneys in the State
11 Fairgrounds Capital Improvements and Harness Racing Fund as
12 follows and in the order of priority:

13 (1) to provide support for a harness race meeting
14 produced by an organization licensee under the Illinois
15 Horse Racing Act of 1975 and which shall consist of up to
16 30 days of live racing per year at the Illinois State
17 Fairgrounds in Springfield;

18 (2) to repair and rehabilitate fairgrounds'
19 backstretch facilities to such a level as determined by
20 the Department of Agriculture to be required to carry out
21 a program of live harness racing; and

22 (3) for the overall repair and rehabilitation of the
23 capital infrastructure of: (i) the Illinois State
24 Fairgrounds in Springfield, and (ii) the DuQuoin State
25 Fairgrounds in DuQuoin, and for no other purpose.

26 Notwithstanding any other law to the contrary, the entire

1 State share of tax revenues from the race meetings under
2 paragraph (1) of this subsection (c) shall be reinvested into
3 the State Fairgrounds Capital Improvements and Harness Racing
4 Fund.

5 (Source: P.A. 101-31, eff. 6-28-19.)

6 (230 ILCS 50/30-25)

7 Sec. 30-25. Rules. The Division Board and the Department
8 of Agriculture may adopt rules for the implementation of this
9 Act.

10 (Source: P.A. 101-31, eff. 6-28-19.)

11 Section 165. The Liquor Control Act of 1934 is amended by
12 changing Section 6-30 as follows:

13 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

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

20 (Source: P.A. 101-31, eff. 6-28-19.)

21 Section 170. The Smoke Free Illinois Act is amended by
22 changing Section 10 as follows:

1 (410 ILCS 82/10)

2 Sec. 10. Definitions. In this Act:

3 "Bar" means an establishment that is devoted to the
4 serving of alcoholic beverages for consumption by guests on
5 the premises and that derives no more than 10% of its gross
6 revenue from the sale of food consumed on the premises. "Bar"
7 includes, but is not limited to, taverns, nightclubs, cocktail
8 lounges, adult entertainment facilities, and cabarets.

9 "Department" means the Department of Public Health.

10 "Employee" means a person who is employed by an employer
11 in consideration for direct or indirect monetary wages or
12 profits or a person who volunteers his or her services for a
13 non-profit entity.

14 "Employer" means a person, business, partnership,
15 association, or corporation, including a municipal
16 corporation, trust, or non-profit entity, that employs the
17 services of one or more individual persons.

18 "Enclosed area" means all space between a floor and a
19 ceiling that is enclosed or partially enclosed with (i) solid
20 walls or windows, exclusive of doorways, or (ii) solid walls
21 with partitions and no windows, exclusive of doorways, that
22 extend from the floor to the ceiling, including, without
23 limitation, lobbies and corridors.

24 "Enclosed or partially enclosed sports arena" means any
25 sports pavilion, stadium, gymnasium, health spa, boxing arena,

1 swimming pool, roller rink, ice rink, bowling alley, or other
2 similar place where members of the general public assemble to
3 engage in physical exercise or participate in athletic
4 competitions or recreational activities or to witness sports,
5 cultural, recreational, or other events.

6 "Gaming equipment or supplies" means gaming
7 equipment/supplies as defined in the Department of Lottery and
8 Gaming Illinois ~~Gaming Board~~ Rules of the Illinois
9 Administrative Code.

10 "Gaming facility" means an establishment utilized
11 primarily for the purposes of gaming and where gaming
12 equipment or supplies are operated for the purposes of
13 accruing business revenue.

14 "Healthcare facility" means an office or institution
15 providing care or treatment of diseases, whether physical,
16 mental, or emotional, or other medical, physiological, or
17 psychological conditions, including, but not limited to,
18 hospitals, rehabilitation hospitals, weight control clinics,
19 nursing homes, homes for the aging or chronically ill,
20 laboratories, and offices of surgeons, chiropractors, physical
21 therapists, physicians, dentists, and all specialists within
22 these professions. "Healthcare facility" includes all waiting
23 rooms, hallways, private rooms, semiprivate rooms, and wards
24 within healthcare facilities.

25 "Place of employment" means any area under the control of
26 a public or private employer that employees are required to

1 enter, leave, or pass through during the course of employment,
2 including, but not limited to entrances and exits to places of
3 employment, including a minimum distance, as set forth in
4 Section 70 of this Act, of 15 feet from entrances, exits,
5 windows that open, and ventilation intakes that serve an
6 enclosed area where smoking is prohibited; offices and work
7 areas; restrooms; conference and classrooms; break rooms and
8 cafeterias; and other common areas. A private residence or
9 home-based business, unless used to provide licensed child
10 care, foster care, adult care, or other similar social service
11 care on the premises, is not a "place of employment", nor are
12 enclosed laboratories, not open to the public, in an
13 accredited university or government facility where the
14 activity of smoking is exclusively conducted for the purpose
15 of medical or scientific health-related research. Rulemaking
16 authority to implement this amendatory Act of the 95th General
17 Assembly, if any, is conditioned on the rules being adopted in
18 accordance with all provisions of the Illinois Administrative
19 Procedure Act and all rules and procedures of the Joint
20 Committee on Administrative Rules; any purported rule not so
21 adopted, for whatever reason, is unauthorized.

22 "Private club" means a not-for-profit association that (1)
23 has been in active and continuous existence for at least 3
24 years prior to the effective date of this amendatory Act of the
25 95th General Assembly, whether incorporated or not, (2) is the
26 owner, lessee, or occupant of a building or portion thereof

1 used exclusively for club purposes at all times, (3) is
2 operated solely for a recreational, fraternal, social,
3 patriotic, political, benevolent, or athletic purpose, but not
4 for pecuniary gain, and (4) only sells alcoholic beverages
5 incidental to its operation. For purposes of this definition,
6 "private club" means an organization that is managed by a
7 board of directors, executive committee, or similar body
8 chosen by the members at an annual meeting, has established
9 bylaws, a constitution, or both to govern its activities, and
10 has been granted an exemption from the payment of federal
11 income tax as a club under 26 U.S.C. 501.

12 "Private residence" means the part of a structure used as
13 a dwelling, including, without limitation: a private home,
14 townhouse, condominium, apartment, mobile home, vacation home,
15 cabin, or cottage. For the purposes of this definition, a
16 hotel, motel, inn, resort, lodge, bed and breakfast or other
17 similar public accommodation, hospital, nursing home, or
18 assisted living facility shall not be considered a private
19 residence.

20 "Public place" means that portion of any building or
21 vehicle used by and open to the public, regardless of whether
22 the building or vehicle is owned in whole or in part by private
23 persons or entities, the State of Illinois, or any other
24 public entity and regardless of whether a fee is charged for
25 admission, including a minimum distance, as set forth in
26 Section 70 of this Act, of 15 feet from entrances, exits,

1 windows that open, and ventilation intakes that serve an
2 enclosed area where smoking is prohibited. A "public place"
3 does not include a private residence unless the private
4 residence is used to provide licensed child care, foster care,
5 or other similar social service care on the premises. A
6 "public place" includes, but is not limited to, hospitals,
7 restaurants, retail stores, offices, commercial
8 establishments, elevators, indoor theaters, libraries,
9 museums, concert halls, public conveyances, educational
10 facilities, nursing homes, auditoriums, enclosed or partially
11 enclosed sports arenas, meeting rooms, schools, exhibition
12 halls, convention facilities, polling places, private clubs,
13 gaming facilities, all government owned vehicles and
14 facilities, including buildings and vehicles owned, leased, or
15 operated by the State or State subcontract, healthcare
16 facilities or clinics, enclosed shopping centers, retail
17 service establishments, financial institutions, educational
18 facilities, ticket areas, public hearing facilities, public
19 restrooms, waiting areas, lobbies, bars, taverns, bowling
20 alleys, skating rinks, reception areas, and no less than 75%
21 of the sleeping quarters within a hotel, motel, resort, inn,
22 lodge, bed and breakfast, or other similar public
23 accommodation that are rented to guests, but excludes private
24 residences.

25 "Restaurant" means (i) an eating establishment, including,
26 but not limited to, coffee shops, cafeterias, sandwich stands,

1 and private and public school cafeterias, that gives or offers
2 for sale food to the public, guests, or employees, and (ii) a
3 kitchen or catering facility in which food is prepared on the
4 premises for serving elsewhere. "Restaurant" includes a bar
5 area within the restaurant.

6 "Retail tobacco store" means a retail establishment that
7 derives more than 80% of its gross revenue from the sale of
8 loose tobacco, plants, or herbs and cigars, cigarettes, pipes,
9 and other smoking devices for burning tobacco and related
10 smoking accessories and in which the sale of other products is
11 merely incidental. "Retail tobacco store" includes an enclosed
12 workplace that manufactures, imports, or distributes tobacco
13 or tobacco products, when, as a necessary and integral part of
14 the process of making, manufacturing, importing, or
15 distributing a tobacco product for the eventual retail sale of
16 that tobacco or tobacco product, tobacco is heated, burned, or
17 smoked, or a lighted tobacco product is tested, provided that
18 the involved business entity: (1) maintains a specially
19 designated area or areas within the workplace for the purpose
20 of the heating, burning, smoking, or lighting activities, and
21 does not create a facility that permits smoking throughout;
22 (2) satisfies the 80% requirement related to gross sales; and
23 (3) delivers tobacco products to consumers, retail
24 establishments, or other wholesale establishments as part of
25 its business. "Retail tobacco store" does not include a
26 tobacco department or section of a larger commercial

1 establishment or any establishment with any type of liquor,
2 food, or restaurant license. Rulemaking authority to implement
3 this amendatory Act of the 95th General Assembly, if any, is
4 conditioned on the rules being adopted in accordance with all
5 provisions of the Illinois Administrative Procedure Act and
6 all rules and procedures of the Joint Committee on
7 Administrative Rules; any purported rule not so adopted, for
8 whatever reason, is unauthorized.

9 "Smoke" or "smoking" means the carrying, smoking, burning,
10 inhaling, or exhaling of any kind of lighted pipe, cigar,
11 cigarette, hookah, weed, herbs, or any other lighted smoking
12 equipment. "Smoke" or "smoking" does not include smoking that
13 is associated with a native recognized religious ceremony,
14 ritual, or activity by American Indians that is in accordance
15 with the federal American Indian Religious Freedom Act, 42
16 U.S.C. 1996 and 1996a.

17 "State agency" has the meaning formerly ascribed to it in
18 subsection (a) of Section 3 of the Illinois Purchasing Act
19 (now repealed).

20 "Unit of local government" has the meaning ascribed to it
21 in Section 1 of Article VII of the Illinois Constitution of
22 1970.

23 (Source: P.A. 95-17, eff. 1-1-08; 95-1029, eff. 2-4-09;
24 96-797, eff. 1-1-10.)

25 Section 175. The Illinois Equine Infectious Anemia Control

1 Act is amended by changing Section 5 as follows:

2 (510 ILCS 65/5) (from Ch. 8, par. 955)

3 Sec. 5. Quarantine and branding of reactors. In the event
4 an Illinois owner voluntarily elects to have his equidae
5 tested and a reactor is found, the reactor shall be (a)
6 quarantined until death or until released by a written notice
7 from the Department and (b) permanently identified with a
8 freezemarking brand which shall be applied by an employee of
9 the Department, a veterinarian in the employ of the Division
10 of Horse Racing of the Department of Lottery and Gaming
11 ~~Illinois Racing Board~~, or an employee of the Animal and Plant
12 Health Inspection Service of the United States Department of
13 Agriculture or any successor agency. The freezemarking brand
14 shall be not less than 2 inches in height, shall be applied to
15 the left side of the neck of the reactor, and the identifying
16 mark shall be "33" followed by the letter "A" and a number
17 designated by the Department to indicate individual
18 identification.

19 Any animal under 12 months of age which reacts positively
20 to an official test for EIA shall be quarantined and retested
21 at 12 months of age. If positive at that time, it shall be
22 subject to permanent identification as a reactor and continue
23 under quarantine. Foals being nursed by reactor dams shall be
24 quarantined until they are weaned from their dams and have a
25 negative official test for EIA not less than 60 days following

1 their weaning.

2 (Source: P.A. 86-223.)

3 Section 180. The Pay-Per-Call Services Consumer Protection
4 Act is amended by changing Section 10 as follows:

5 (815 ILCS 520/10) (from Ch. 134, par. 160)

6 Sec. 10. Rules applicable to the pay-per-call industry.

7 (a) Each sponsor engaged in furnishing any live, recorded,
8 or recorded-interactive audio text information services
9 including, but not limited to, "900" numbers and "976" numbers
10 shall utilize advertising that accurately describes the
11 message content, terms, conditions, and price of the offered
12 service in a clear and understandable manner in all print,
13 broadcast, or telephone advertising and announcements
14 promoting their offers including:

15 (1) The charges for the offer per call or per minute.

16 (2) Any geographic, time of day, or other limitations
17 on the availability of the offer.

18 (3) A requirement that callers under 12 years of age
19 must request parental or adult guardian permission before
20 calling to hear the offer.

21 (4) Display the charges in broadcast advertising with
22 the telephone numbers and a voice announcement of the
23 charges during the course of the commercials.

24 (5) Repeated voice announcements of these charges at

1 regular intervals for commercials in excess of 2 minutes.

2 (6) Charges for all subsequent calls if the program
3 refers to and requires another pay-per-call.

4 (b) The sponsor shall provide a minimum of 12 seconds of
5 delayed timing for information charges and price disclosure
6 message. If the delayed timing period is exceeded, a consumer
7 shall be billed from the time of the initial connection, and
8 transport charges shall be billed to the information provider
9 from the time of the initial connection. If the consumer
10 disconnects the call within the delayed timing period, no
11 information charge shall be billed to the caller. During the
12 delayed timing period, the sponsor shall inform the consumer
13 of all of the following:

14 (1) An accurate description of the service that will
15 be provided to the caller.

16 (2) An accurate summation of the cost of the service
17 including, but not limited to, all of the following:

18 (A) The initial flat rate charge, if any.

19 (B) The per minute charge, if any.

20 (C) The maximum per call charge.

21 (3) That, if the caller disconnects the call within
22 the delayed timing period, the consumer will not be
23 charged for the call.

24 (4) Before the end of the delayed timing period, that
25 the billing will commence after a stated period of not
26 less than 3 seconds.

1 (c) This information shall be provided at the beginning of
2 every call and at least 3 seconds shall be allowed at the end
3 of the message within the delayed timing period for the
4 consumer to hang up without being charged. An introductory
5 message, however, is not required if the cost of the call is \$1
6 or less per minute or the total potential cost of the call is
7 \$5 or less, or if the call is related to polling services,
8 asynchronous technology or political fundraising.

9 (d) Games of chance must, at a minimum, meet the following
10 criteria:

11 (1) The game must be operated as a means of promoting
12 goods or services other than the game itself.

13 (2) A no-purchase alternative method of participating
14 must be available that provides all entrants, including
15 non-purchasers and pay-per-call users, with an equal
16 chance of winning.

17 (3) The prize may not be financed from the proceeds of
18 the program sponsor's billed charges.

19 (4) The prize amount or value is not dependent on the
20 number of entries received.

21 (e) Game programs billed as pay-per-call shall include in
22 the official rules and, in all broadcasts and print
23 advertising of the game, a complete statement that includes
24 all of the following:

25 (1) Declares no purchase is necessary to play for free
26 or that an alternate means of entry is provided.

1 (2) Lists the sponsor's name, starting and closing
2 dates, any age restrictions for the participants, and
3 availability of complete official rules.

4 (3) Provides callers with sufficient information to
5 participate fully in the game.

6 (f) The provisions of subsections (d) and (e) of this
7 Section do not apply to any game of chance sponsored directly
8 or indirectly by the Department of Lottery and Gaming ~~the~~
9 ~~Lottery~~.

10 (Source: P.A. 87-452.)

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19	230 ILCS 5/8 rep.	
20	230 ILCS 10/2	from Ch. 120, par. 2402
21	230 ILCS 10/4	from Ch. 120, par. 2404
22	230 ILCS 10/5	from Ch. 120, par. 2405
23	230 ILCS 10/5.1	from Ch. 120, par. 2405.1
24	230 ILCS 10/5.2	
25	230 ILCS 10/5.3	
26	230 ILCS 10/6	from Ch. 120, par. 2406

1	230 ILCS 10/7	from Ch. 120, par. 2407
2	230 ILCS 10/7.1	
3	230 ILCS 10/7.3	
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11	230 ILCS 10/8	from Ch. 120, par. 2408
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20	230 ILCS 10/15	from Ch. 120, par. 2415
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24	230 ILCS 10/18	from Ch. 120, par. 2418
25	230 ILCS 10/18.1	
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- 1 230 ILCS 15/1 from Ch. 85, par. 2301
- 2 230 ILCS 40/5
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- 12 235 ILCS 5/6-30 from Ch. 43, par. 144f
- 13 410 ILCS 82/10
- 14 510 ILCS 65/5 from Ch. 8, par. 955
- 15 815 ILCS 520/10 from Ch. 134, par. 160