



Sen. Denny Jacobs

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1 AMENDMENT TO HOUSE BILL 1067

2 AMENDMENT NO. _____. Amend House Bill 1067 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Chicago Casino Development Authority Act.

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

7 "Authority" means the Chicago Casino Development Authority
8 created by this Act.

9 "Board" means the board appointed pursuant to this Act to
10 govern and control the Authority.

11 "Casino" means one or more temporary land-based or
12 river-based facilities and a permanent land-based facility, at
13 each of which lawful gambling is authorized and licensed as
14 provided in the Riverboat and Casino Gambling Act.

15 "City" means the City of Chicago.

16 "Casino operator" means any person developing or managing a
17 casino pursuant to a casino development and management
18 contract.

19 "Casino development and management contract" means a
20 legally binding agreement between the Board and one or more
21 casino operators, as specified in Section 45 of this Act.

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

24 "Gaming Board" means the Illinois Gaming Board created by

1 the Riverboat and Casino Gambling Act.

2 "Mayor" means the Mayor of the City.

3 Section 15. Board.

4 (a) The governing and administrative powers of the
5 Authority shall be vested in a body known as the Chicago Casino
6 Development Board. The Board shall consist of 5 members, each
7 of whom shall be appointed by the Mayor, subject to advice and
8 consent by the corporate authorities of the City, after the
9 completion of a background investigation and approval by the
10 Illinois Gaming Board. One of these members shall be designated
11 by the Mayor to serve as chairperson. If the corporate
12 authorities fail to approve or reject a proposed appointment
13 within 45 days after the Mayor has submitted the proposed
14 appointment to the corporate authorities, the corporate
15 authorities shall be deemed to have given consent to the
16 appointment. All of the members shall be residents of the City.

17 (b) A Board member shall not hold any other public office
18 under the laws or Constitution of this State or any political
19 subdivision thereof.

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

26 Section 20. Terms of appointments; resignation and
27 removal.

28 (a) The Mayor shall appoint 2 members of the Board for
29 initial terms expiring July 1, 2005, 2 members for initial
30 terms expiring July 1, 2007, and one member, who shall serve as
31 chairperson, for an initial term expiring July 1, 2009. At the
32 expiration of the term of any member, his or her successor

1 shall be appointed by the Mayor in like manner as appointments
2 for the initial terms.

3 (b) All successors shall hold office for a term of 5 years
4 from the first day of July of the year in which they are
5 appointed, except in the case of an appointment to fill a
6 vacancy. All subsequent chairpersons shall hold office for a
7 term of 5 years. Each member, including the chairperson, shall
8 hold office until the expiration of his or her term and until
9 his or her successor is appointed. Nothing shall preclude a
10 member or a chairperson from serving consecutive terms. Any
11 member may resign from his or her office, to take effect when
12 his or her successor has been appointed and has qualified.

13 (c) The Mayor may remove any member of the Board upon a
14 finding of incompetence, neglect of duty, misfeasance or
15 malfeasance in office, or for a violation of Ethics Section 32,
16 on the part of the board member to be removed. In addition the
17 Gaming Board may remove any member of the Board for violation
18 of any provision of the Riverboat and Casino Gambling Act or
19 the rules and regulations of the Gaming Board. In case of a
20 member's failure to qualify within the time required or
21 abandonment of his or her office, or in the case of a member's
22 death, indictment, or conviction for, or pleading guilty to, a
23 felony or removal from office, his or her office shall become
24 vacant. Each vacancy shall be filled for the unexpired term by
25 appointment in like manner, as in the case of expiration of the
26 term of a member of the Board.

27 Section 25. As soon as practicable after the effective date
28 of this Act, the Board shall organize for the transaction of
29 business. The Board shall prescribe the time and place for
30 meetings, the manner in which special meetings may be called,
31 and the notice that must be given to members. All actions and
32 meetings of the Board and its committees shall be subject to
33 the provisions of the Open Meetings Act. Three members of the

1 Board shall constitute a quorum for the transaction of
2 business. All substantive action of the Board shall be by
3 resolution. The affirmative vote of at least 3 members shall be
4 necessary for the adoption of any resolution.

5 Section 30. Executive director. Officers.

6 (a) The Board shall appoint an executive director, who
7 shall be the chief executive officer of the Authority. The
8 Board shall fix the compensation of the executive director.
9 Subject to the general control of the Board, the executive
10 director shall be responsible for the management of the
11 business, properties, and employees of the Authority. The
12 executive director shall direct the enforcement of all
13 resolutions, rules, and regulations of the Board, and shall
14 perform such other duties as may be prescribed from time to
15 time by the Board. All employees and independent contractors,
16 consultants, engineers, architects, accountants, attorneys,
17 financial experts, construction experts and personnel,
18 superintendents, managers, and other personnel appointed or
19 employed pursuant to this Act shall report to the executive
20 director. In addition to any other duties set forth in this
21 Act, the executive director shall do all of the following:

22 (1) Direct and supervise the administrative affairs
23 and activities of the Authority in accordance with its
24 rules, regulations, and policies.

25 (2) Attend meetings of the Board.

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

27 (4) Approve all accounts for salaries, per diem
28 payments, and allowable expenses of the Board and its
29 employees and consultants.

30 (5) Report and make recommendations to the Board
31 concerning the terms and conditions of any casino
32 development and management contract.

33 (6) Perform any other duty that the Board requires for

1 carrying out the provisions of this Act.

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

4 (b) The Board shall select a secretary and a treasurer, who
5 need not be members of the Board, to hold office at the
6 pleasure of the Board. The Board shall fix the duties and
7 compensation of each such officer.

8 Section 32. Code of Ethics.

9 (a) No person who is an officer or employee of the
10 Authority or the City may have a financial interest, either
11 directly or indirectly, in his own name or in the name of any
12 other person, partnership, association, trust, corporation, or
13 other entity, in any contract or the performance of any work of
14 the Authority. No such person may represent, either
15 professionally or as agent or otherwise, any person,
16 partnership, association, trust, corporation, or other
17 business entity, with respect to any application or bid for any
18 Authority contract or work, nor may any such person take or
19 receive, or offer to take or receive, either directly or
20 indirectly, any money or other thing of value as a gift or
21 bribe or means of influencing his or her vote or action in his
22 or her official character. Any contract made and procured in
23 violation of this Section is void. The provisions of this
24 Section shall continue to apply equally and in all respects for
25 a period of 2 years from and after the date on which he or she
26 ceases to be an officer or employee.

27 (b) Any person under subsection (a) may provide materials,
28 merchandise, property, services, or labor, if:

29 (1) the contract is with a person, firm, partnership,
30 association, corporation, or other business entity in
31 which the interested person has less than a 7 1/2% share in
32 the ownership;

33 (2) the interested person publicly discloses the

1 nature and extent of his or her interest prior to or during
2 deliberations concerning the proposed award of the
3 contract;

4 (3) the interested person, if a Board member, abstains
5 from voting on the award of the contract, though he or she
6 shall be considered present for the purposes of
7 establishing a quorum;

8 (4) the contract is approved by a majority vote of
9 those members presently holding office;

10 (5) for a contract the amount of which exceeds \$1,500,
11 the contract is awarded after sealed bids to the lowest
12 responsible bidder; and

13 (6) the award of the contract would not cause the
14 aggregate amount of all such contracts so awarded to the
15 same person, firm, association, partnership, corporation,
16 or other business entity in the same fiscal year to exceed
17 \$25,000.

18 A contract for the procurement of public utility services
19 with a public utility company is not barred by this Section by
20 any such person being an officer or employee of the public
21 utility company or holding an ownership interest of no more
22 than 7 1/2% in the public utility company. Any such person
23 having such an interest shall be deemed not to have a
24 prohibited interest under this Section.

25 (c) Before any contract relating to the ownership or use of
26 real property is entered into by and between the Authority, the
27 identity of every owner and beneficiary having an interest,
28 real or personal, in such property, and every shareholder
29 entitled to receive more than 7 1/2% of the total distributable
30 income of any corporation having any interest, real or
31 personal, in such property must be disclosed. The disclosure
32 shall be in writing and shall be subscribed by an owner,
33 authorized trustee, corporate official, or managing agent
34 under oath. However, if stock in a corporation is publicly

1 traded and there is no readily known individual having greater
2 than a 7 1/2% interest, then a statement to that effect,
3 subscribed to under oath by an officer of the corporation or
4 its managing agent, shall fulfill the disclosure statement
5 requirement of this Section. This Section shall be liberally
6 construed to accomplish the purpose of requiring the
7 identification of the actual parties benefiting from any
8 transaction with the Authority involving the procurement of the
9 ownership or use of real property thereby.

10 (d) Any member of the Board, officer or employee of the
11 Authority, or other person, who violates any provision of this
12 Section, is guilty of a Class 4 felony and in addition thereto,
13 any office or official position held by any person so convicted
14 shall become vacant, and shall be so declared as part of the
15 judgment of court.

16 (e) As used in this Section: "financial interest" means (i)
17 any interest as a result of which the owner currently receives
18 or is entitled to receive in the future more than \$2,500 per
19 year; (ii) any interest with a cost or present value of \$5,000
20 or more; or (iii) any interest representing more than 10% of a
21 corporation, partnership, sole proprietorship, firm,
22 enterprise, franchise, organization, holding company, joint
23 stock company, receivership, trust, or any legal entity
24 organized for profit; provided, however, financial interest
25 shall not include (i) any interest of the spouse of an official
26 or employee which interest is related to the spouse's
27 independent occupation, profession, or employment; (ii) any
28 ownership through purchase at fair market value or inheritance
29 of less than 1% of the shares of a corporation, or any
30 corporate subsidiary, parent, or affiliate thereof, regardless
31 of the value of or dividends on such shares, if such shares are
32 registered on a securities exchange pursuant to the Securities
33 Exchange Act of 1934, as amended; (iii) the authorized
34 compensation paid to an official or employee for his office or

1 employment; (iv) a time or demand deposit in a financial
2 institution; and (v) an endowment or insurance policy or
3 annuity contract purchased from an insurance company.

4 Section 35. General powers of the Board. In addition to the
5 specific powers and duties set forth elsewhere in this Act, the
6 Board may do any of the following:

7 (1) Adopt and alter an official seal.

8 (2) Sue and be sued, plead and be impleaded, all in its own
9 name, and agree to binding arbitration of any dispute to which
10 it is a party.

11 (3) Adopt, amend, and repeal by-laws, rules, and
12 regulations consistent with furtherance of the powers and
13 duties provided in this Act.

14 (4) Maintain its principal office within the City and such
15 other offices as the Board may designate.

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

23 (6) Acquire, hold, lease, use, encumber, transfer, or
24 dispose of real and personal property, including the alteration
25 of or demolition of improvements to real estate.

26 (7) Enter into, revoke, and modify contracts of any kind,
27 including the casino development and management contracts
28 specified in Section 45.

29 (9) Subject to the provisions of Section 70, develop, or
30 cause to be developed, a master plan for design, planning, and
31 development of the casino.

32 (10) Negotiate and enter into intergovernmental agreements
33 with the State and its agencies, the City, and other units of

1 local government, in furtherance of the powers and duties of
2 the Board.

3 (12) Receive and disburse funds for its own corporate
4 purposes or as otherwise specified in this Act.

5 (13) Borrow money from any source, public or private, for
6 any corporate purpose, including, without limitation, working
7 capital for its operations, reserve funds, or payment of
8 interest, and to mortgage, pledge, or otherwise encumber the
9 property or funds of the Authority and to contract with or
10 engage the services of any person in connection with any
11 financing, including financial institutions, issuers of
12 letters of credit, or insurers and enter into reimbursement
13 agreements with this person which may be secured as if money
14 were borrowed from the person.

15 (14) Issue bonds as provided under this Act.

16 (15) Receive and accept from any source, private or public,
17 contributions, gifts, or grants of money or property.

18 (16) Make loans from proceeds or funds otherwise available
19 to the extent necessary or appropriate to accomplish the
20 purposes of the Authority.

21 (17) Provide for the insurance of any property, operations,
22 officers, members, agents, or employees of the Authority
23 against any risk or hazard, to self-insure or participate in
24 joint self-insurance pools or entities to insure against such
25 risk or hazard, and to provide for the indemnification of its
26 officers, members, employees, contractors, or agents against
27 any and all risks.

28 (18) Require the removal or relocation of any building,
29 railroad, main, pipe, conduit, wire, pole, structure,
30 facility, or equipment as may be needed to carry out the powers
31 of the Authority, with the Authority to compensate the person
32 required to remove or relocate the building, railroad, main,
33 pipe, conduit, wire, pole, structure, facility, or equipment as
34 provided by law, without the necessity to secure any approval

1 from the Illinois Commerce Commission for such removal or for
2 such relocation.

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

7 (20) Establish and change its fiscal year.

8 (21) Do all things necessary or convenient to carry out the
9 powers granted by this Act.

10 Section 45. Casino development and management contracts.

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

24 (b) The Board shall ensure that casino development and
25 management contracts provide for the development,
26 construction, and operation of a high quality casino, and
27 provide for the maximum amounts of revenue that reasonably may
28 be available to the Authority and the City.

29 (c) The Board shall evaluate the responses to its requests
30 for proposal and the ability of all persons or entities
31 responding to its request for proposal to meet the requirements
32 of this Act and to undertake and perform the obligations set
33 forth in its requests for proposal.

1 (d) After the review and evaluation of the proposals
2 submitted, the Board shall, in its discretion, enter into one
3 or more casino development and management contracts
4 authorizing the development, construction, and operation of
5 the casino, subject to the provisions of the Riverboat and
6 Casino Gambling Act. The Board may award a casino development
7 and management contract to a person or persons submitting
8 proposals that are not the highest bidders. In doing so it may
9 take into account other factors, such as experience, financial
10 condition, assistance in financing, reputation, and any other
11 factors the Board, in its discretion, believes may increase
12 revenues at the casino.

13 (e) The Board shall transmit to the Gaming Board a copy of
14 each casino development and management contract after it is
15 executed.

16 (f) The Board may enter into a casino and development
17 contract prior to or after adopting a resolution approving a
18 location for the casino and submitting an application for an
19 owners license to the Gaming Board under the Riverboat and
20 Casino Gambling Act.

21 Section 50. Transfer of funds. The revenues received by the
22 Authority (other than amounts required to pay the operating
23 expenses of the Authority, to pay amounts due the casino
24 operator pursuant to a casino management and development
25 contract, to repay any borrowing of the Authority made pursuant
26 to Section 35, to pay debt service on any bonds issued under
27 Section 75, and to pay any expenses in connection with the
28 issuance of such bonds pursuant to Section 75 or derivative
29 products pursuant to Section 85) shall be transferred to the
30 City by the Authority and may be applied to any public purpose
31 benefiting the residents of the City.

32 Section 60. Authority annual expenses. Until sufficient

1 revenues become available for such purpose, the Authority and
2 the City may enter into an intergovernmental agreement whereby
3 the Authority shall receive or borrow funds from the City for
4 its annual operating expenses.

5 Section 65. Acquisition of property; eminent domain
6 proceedings.

7 (a) The Authority may acquire in its own name, by gift or
8 purchase, any real or personal property or interests in real or
9 personal property necessary or convenient to carry out the
10 purposes of the Act.

11 (b) For the lawful purposes of this Act, the City may
12 acquire by eminent domain or by condemnation proceedings in the
13 manner provided by Article VII of the Code of Civil Procedure,
14 real or personal property or interests in real or personal
15 property located in the City, and may convey to the Authority
16 property so acquired. The acquisition of property under this
17 Section is declared to be for a public use.

18 Section 70. Local regulation. The casino facilities and
19 operations therein shall be subject to all ordinances and
20 regulations of the City. The construction, development, and
21 operation of the casino shall comply with all ordinances,
22 regulations, rules, and controls of the City, including but not
23 limited to those relating to zoning and planned development,
24 building, fire prevention, and land use. However, the
25 regulation of gaming operations is subject to the exclusive
26 jurisdiction of the Gaming Board, except as limited by the
27 Riverboat and Casino Gambling Act.

28 Section 75. Borrowing.

29 (a) The Authority may at any time and from time to time
30 borrow money and issue bonds as provided in this Section. Bonds
31 of the Authority may be issued to provide funds for land

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

16 (b) The bonds of the Authority shall be payable solely from
17 one or more of the following sources: (i) the property or
18 revenues of the Authority; (ii) revenues derived from the
19 casino; (iii) revenues derived from any casino operator; (iv)
20 fees, bid proceeds, charges, lease payments, payments required
21 pursuant to any casino development and management contract or
22 other revenues payable to the Authority, or any receipts of the
23 Authority; (v) payments by financial institutions, insurance
24 companies, or others pursuant to letters or lines of credit,
25 policies of insurance, or purchase agreements; (vi) investment
26 earnings from funds or accounts maintained pursuant to a bond
27 resolution or trust indenture; and (vii) proceeds of refunding
28 bonds.

29 (c) Bonds shall be authorized by a resolution of the
30 Authority and may be secured by a trust indenture by and
31 between the Authority and a corporate trustee or trustees,
32 which may be any trust company or bank having the powers of a
33 trust company within or without the State. Bonds may:

34 (i) Mature at a time or times, whether as serial

1 bonds, term bonds, or both, not exceeding 40 years from
2 their respective dates of issue.

3 (ii) Without regard to any limitation established
4 by statute, bear interest in the manner or determined
5 by the method provided in the resolution or trust
6 indenture.

7 (iii) Be payable at a time or times, in the
8 denominations and form, including book entry form,
9 either coupon, registered, or both, and carry the
10 registration and privileges as to exchange, transfer
11 or conversion, and replacement of mutilated, lost, or
12 destroyed bonds as the resolution or trust indenture
13 may provide.

14 (iv) Be payable in lawful money of the United
15 States at a designated place.

16 (v) Be subject to the terms of purchase, payment,
17 redemption, refunding, or refinancing that the
18 resolution or trust indenture provides.

19 (vi) Be executed by the manual or facsimile
20 signatures of the officers of the Authority designated
21 by the Board, which signatures shall be valid at
22 delivery even for one who has ceased to hold office.

23 (vii) Be sold at public or private sale in the
24 manner and upon the terms determined by the Authority.

25 (viii) Be issued in accordance with the provisions
26 of the Local Government Debt Reform Act.

27 (d) Any resolution or trust indenture may contain, subject
28 to the Riverboat and Casino Gambling Act and rules of the
29 Gaming Board regarding pledging of interests in holders of
30 owners licenses, provisions that shall be a part of the
31 contract with the holders of the bonds as to the following:

32 (1) Pledging, assigning, or directing the use,
33 investment, or disposition of revenues of the Authority or
34 proceeds or benefits of any contract, including without

1 limitation, any rights in any casino development and
2 management contract.

3 (2) The setting aside of loan funding deposits, debt
4 service reserves, capitalized interest accounts,
5 replacement or operating reserves, cost of issuance
6 accounts and sinking funds, and the regulation,
7 investment, and disposition thereof.

8 (3) Limitations on the purposes to which or the
9 investments in which the proceeds of sale of any issue of
10 bonds or the Authority's revenues and receipts may be
11 applied or made.

12 (4) Limitations on the issue of additional bonds, the
13 terms upon which additional bonds may be issued and
14 secured, the terms upon which additional bonds may rank on
15 a parity with, or be subordinate or superior to, other
16 bonds.

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

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

23 (7) Defining the acts or omissions which shall
24 constitute a default in the duties of the Authority to
25 holders of bonds and providing the rights or remedies of
26 such holders in the event of a default, which may include
27 provisions restricting individual rights of action by
28 bondholders.

29 (8) Providing for guarantees, pledges of property,
30 letters of credit, or other security, or insurance for the
31 benefit of bondholders.

32 (9) Any other matter relating to the bonds that the
33 Authority determines appropriate.

34 (e) No member of the Board, nor any person executing the

1 bonds, shall be liable personally on the bonds or subject to
2 any personal liability by reason of the issuance of the bonds.

3 (f) The Authority may issue and secure bonds in accordance
4 with the provisions of the Local Government Credit Enhancement
5 Act.

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

22 (h) By its authorizing resolution for particular bonds, the
23 Authority may provide for specific terms of those bonds,
24 including, without limitation, the purchase price and terms,
25 interest rate or rates, redemption terms and principal amounts
26 maturing in each year, to be established by one or more members
27 of the Board or officers of the Authority, all within a
28 specific range of discretion established by the authorizing
29 resolution.

30 (i) Bonds that are being paid or retired by issuance, sale,
31 or delivery of bonds, and bonds for which sufficient funds have
32 been deposited with the paying agent or trustee to provide for
33 payment of principal and interest thereon, and any redemption
34 premium, as provided in the authorizing resolution, shall not

1 be considered outstanding for the purposes of this subsection.

2 (j) The bonds of the Authority shall not be indebtedness of
3 the City, of the State, or of any political subdivision of the
4 State other than the Authority. The bonds of the Authority are
5 not general obligations of the State or the City and are not
6 secured by a pledge of the full faith and credit of the State
7 or the City and the holders of bonds of the Authority may not
8 require, except as provided in this Act, the application of
9 revenues or funds to the payment of bonds of the Authority.

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

21 Section 85. Derivative products. With respect to all or
22 part of any issue of its bonds, the Authority may enter into
23 agreements or contracts with any necessary or appropriate
24 person, which will have the benefit of providing to the
25 Authority an interest rate basis, cash flow basis, or other
26 basis different from that provided in the bonds for the payment
27 of interest. Such agreements or contracts may include, without
28 limitation, agreements or contracts commonly known as
29 "interest rate swap agreements", "forward payment conversion
30 agreements", "futures", "options", "puts", or "calls" and
31 agreements or contracts providing for payments based on levels
32 of or changes in interest rates, agreements or contracts to
33 exchange cash flows or a series of payments, or to hedge

1 payment, rate spread, or similar exposure

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

16 Section 95. Tax exemption. The Authority and all of its
17 operations and property used for public purposes shall be
18 exempt from all taxation of any kind imposed by the State of
19 Illinois or any political subdivision, school district,
20 municipal corporation, or unit of local government of the State
21 of Illinois. However, nothing in this Act prohibits the
22 imposition of any other taxes where such imposition is not
23 prohibited by Section 21 of the Riverboat and Casino Gambling
24 Act

25 Section 100. Application of laws. The Governmental Account
26 Audit Act, the Public Funds Statement Publication Act, and the
27 Illinois Municipal Budget Law shall not apply to the Authority.

28 Section 105. Budgets and reporting.

29 (a) Promptly following the execution of each casino
30 development and management contract provided for in this Act,

1 the Authority shall submit a written report with respect
2 thereto to the Governor, the Mayor, the Secretary of the
3 Senate, the Clerk of the House of Representatives, and the
4 Illinois Economic and Fiscal Commission.

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

15 (c) The Board shall annually cause the finances of the
16 Authority to be audited by a firm of certified public
17 accountants.

18 (d) The Authority shall, for each fiscal year, prepare an
19 annual report setting forth information concerning its
20 activities in the fiscal year and the status of the development
21 of the casino. The annual report shall include the audited
22 financial statements of the Authority for the fiscal year, the
23 budget for the succeeding fiscal year, and the current capital
24 plan as of the date of the report. Copies of the annual report
25 shall be made available to persons who request them and shall
26 be submitted not later than 120 days after the end of the
27 Authority's fiscal year to the Governor, the Mayor, the
28 Secretary of the Senate, the Clerk of the House of
29 Representatives, and the Illinois Economic and Fiscal
30 Commission.

31 Section 110. Deposit and withdrawal of funds.

32 (a) All funds deposited by the Authority in any bank or
33 savings and loan association shall be placed in the name of the

1 Authority and shall be withdrawn or paid out only by check or
2 draft upon the bank or savings and loan association, signed by
3 2 officers or employees designated by the Board.
4 Notwithstanding any other provision of this Section, the Board
5 may designate any of its members or any officer or employee of
6 the Authority to authorize the wire transfer of funds deposited
7 by the secretary-treasurer of funds in a bank or savings and
8 loan association for the payment of payroll and employee
9 benefits-related expenses.

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

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

21 Section 115. Purchasing.

22 (a) All construction contracts and contracts for supplies,
23 materials, equipment, and services, when the cost thereof to
24 the Authority exceeds \$25,000, shall be let to the lowest
25 responsible bidder, after advertising for bids, except for the
26 following:

27 (1) When repair parts, accessories, equipment, or
28 services are required for equipment or services previously
29 furnished or contracted for;

30 (2) Professional services;

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

1 (4) When contracts for the use, purchase, delivery,
2 movement, or installation of data processing equipment,
3 software, or services and telecommunications equipment,
4 software, and services are required;

5 (5) Casino development and management contracts, which
6 shall be awarded as set forth in Section 45 of this Act.

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

10 (c) Each bidder shall disclose in his or her bid the name
11 of each individual having a beneficial interest, directly or
12 indirectly, of more than 1% in such bidding entity and, if such
13 bidding entity is a corporation, the names of each of its
14 officers and directors. The bidder shall notify the Authority
15 of any changes in its ownership or its officers or directors at
16 the time such changes occur if the change occurs during the
17 pendency of a proposal or a contract.

18 (d) In determining the responsibility of any bidder, the
19 Authority may take into account the bidder's (or an individual
20 having a beneficial interest, directly or indirectly, of more
21 than 1% in such bidding entity) past record of dealings with
22 the Authority, the bidder's experience, adequacy of equipment,
23 and ability to complete performance within the time set, and
24 other factors besides financial responsibility, but in no case
25 shall any such contract be awarded to any other than the lowest
26 bidder (in case of purchase or expenditure) unless authorized
27 or approved by a vote of at least 4 members of the Board, and
28 unless such action is accompanied by a statement in writing
29 setting forth the reasons for not awarding the contract to the
30 highest or lowest bidder, as the case may be. The statement
31 shall be kept on file in the principal office of the Authority
32 and open to public inspection.

33 (e) Contracts shall not be split into parts involving
34 expenditures of less than \$25,000 for the purposes of avoiding

1 the provisions of this Section, and all such split contracts
2 shall be void. If any collusion occurs among bidders or
3 prospective bidders in restraint of freedom of competition, by
4 agreement to bid a fixed amount, to refrain from bidding, or
5 otherwise, the bids of such bidders shall be void. Each bidder
6 shall accompany his or her bid with a sworn statement that he
7 or she has not been a party to any such agreement.

8 (f) The Authority shall have the right to reject all bids
9 and to re-advertise for bids. If after any such
10 re-advertisement, no responsible and satisfactory bid, within
11 the terms of the re-advertisement, is received, the Authority
12 may award such contract without competitive bidding, provided
13 that it shall not be less advantageous to the Authority than
14 any valid bid received pursuant to advertisement.

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

27 (h) All bids in response to advertisements shall be sealed
28 and shall be publicly opened by the Authority. All bidders
29 shall be entitled to be present in person or by
30 representatives. Cash or a certified or satisfactory cashier's
31 check, as a deposit of good faith, in a reasonable amount to be
32 fixed by the Authority before advertising for bids, shall be
33 required with the proposal of each bidder. A bond for faithful
34 performance of the contract with surety or sureties

1 satisfactory to the Authority and adequate insurance may be
2 required in reasonable amounts to be fixed by the Authority
3 before advertising for bids.

4 (i) The contract shall be awarded as promptly as possible
5 after the opening of bids. The bid of the successful bidder, as
6 well as the bids of the unsuccessful bidders, shall be placed
7 on file and be open to public inspection. All bids shall be
8 void if any disclosure of the terms of any bid in response to
9 an advertisement is made or permitted to be made by the
10 Authority before the time fixed for opening bids.

11 Section 130. Affirmative action and equal opportunity
12 obligations of Authority.

13 (a) The Authority shall establish and maintain an
14 affirmative action program designed to promote equal
15 employment and management opportunity and eliminate the
16 effects of past discrimination in the City and the State. The
17 program shall include a plan, including timetables where
18 appropriate, which shall specify goals and methods for
19 increasing participation by women and minorities in employment
20 and management by the Authority and by parties that contract
21 with the Authority. The program shall also establish procedures
22 and sanctions (including debarment), which the Authority shall
23 enforce to ensure compliance with the plan established pursuant
24 to this Section and with State and federal laws and regulations
25 relating to the employment of women and minorities. A
26 determination by the Authority as to whether a party to a
27 contract with the Authority has achieved the goals or employed
28 the methods for increasing participation by women and
29 minorities shall be made in accordance with the terms of such
30 contracts or the applicable provisions of rules and regulations
31 existing at the time the contract was executed, including any
32 provisions for consideration of good faith efforts at
33 compliance that the Authority may reasonably adopt.

1 (b) The Authority shall adopt and maintain minority and
2 female owned business enterprise procurement programs under
3 the affirmative action program described in subsection (a) for
4 any and all work undertaken by the Authority and for the
5 development and management of any casino owned by the City.
6 That work shall include, but is not limited to, the purchase of
7 professional services, construction services, supplies,
8 materials, and equipment. The programs shall establish goals of
9 awarding not less than 25% of the annual dollar value of all
10 contracts, including but not limited to management and
11 development contracts, purchase orders, and other agreements
12 (collectively referred to as "contracts"), to minority owned
13 businesses and 5% of the annual dollar value of all contracts
14 to female owned businesses. Without limiting the generality of
15 the foregoing, the programs shall require, in connection with
16 the prequalification or consideration of vendors for
17 professional service contracts, construction contracts,
18 contracts for supplies, materials, equipment, and services,
19 and development and management contracts that each proposer or
20 bidder submit as part of his or her proposal or bid a
21 commitment detailing how he or she will expend 25% or more of
22 the dollar value of his or her contracts with one or more
23 minority owned businesses and 5% or more of the dollar value
24 with one or more female owned businesses. Bids or proposals
25 that do not include such detailed commitments are not
26 responsive and shall be rejected unless the Authority deems it
27 appropriate to grant a waiver of these requirements. The
28 commitment to minority and female owned business participation
29 may be met by the contractor's, professional service
30 provider's, developer's, or manager's status as a minority or
31 female owned business, by joint venture, by subcontracting a
32 portion of the work with or purchasing materials for the work
33 from one or more such businesses, or by any combination
34 thereof. Each contract shall require the contractor, provider,

1 developer, or manager to submit a certified monthly report
2 detailing the status of its compliance with the Authority's
3 minority and female owned business enterprise procurement
4 program. If, in connection with a particular contract, the
5 Authority determines that it is impracticable or excessively
6 costly to obtain minority or female owned businesses to perform
7 sufficient work to fulfill the commitment required by this
8 subsection (b), the Authority shall reduce or waive the
9 commitment in the contract, as may be appropriate. The
10 Authority shall establish rules setting forth the standards to
11 be used in determining whether or not a reduction or waiver is
12 appropriate. The terms "minority owned business" and "female
13 owned business" have the meanings given to those terms in the
14 Business Enterprise for Minorities, Females, and Persons with
15 Disabilities Act.

16 (c) The Authority is authorized to enter into agreements
17 with contractors' associations, labor unions, and the
18 contractors working on the development of the casino to
19 establish an apprenticeship preparedness training program to
20 provide for an increase in the number of minority and female
21 journeymen and apprentices in the building trades and to enter
22 into agreements with community college districts or other
23 public or private institutions to provide readiness training.
24 The Authority is further authorized to enter into contracts
25 with public and private educational institutions and persons in
26 the gaming, entertainment, hospitality, and tourism industries
27 to provide training for employment in those industries.

28 Section 145. Severability. The provisions of this Act are
29 severable under Section 1.31 of the Statute on Statutes.

30 Section 900. The Alcoholism and Other Drug Abuse and
31 Dependency Act is amended by changing Section 5-20 as follows:

1 (20 ILCS 301/5-20)

2 Sec. 5-20. Compulsive gambling program.

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

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

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

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

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

22 (b) Subject to appropriation, the Department shall either
23 establish and maintain the program or contract with a private
24 or public entity for the establishment and maintenance of the
25 program. Subject to appropriation, either the Department or the
26 private or public entity shall implement the toll-free
27 telephone number, promote public awareness, and conduct
28 in-service training concerning problem and compulsive
29 gambling.

30 (c) Subject to appropriation, the Department shall produce
31 and supply the signs specified in Section 10.7 of the Illinois
32 Lottery Law, Section 34.1 of the Illinois Horse Racing Act of
33 1975, Section 4.3 of the Bingo License and Tax Act, Section 8.1
34 of the Charitable Games Act, and Section 13.1 of the Riverboat

1 and Casino Gambling Act.

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

3 Section 905. The Department of Revenue Law of the Civil
4 Administrative Code of Illinois is amended by changing Section
5 2505-305 as follows:

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

7 Sec. 2505-305. Investigators.

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

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

23 (c) Investigators appointed under this Section who are
24 assigned to the Illinois Gaming Board have and may exercise all
25 the rights and powers of peace officers, provided that these
26 powers shall be limited to offenses or violations occurring or
27 committed on a riverboat or dock or in a casino, as defined in
28 ~~subsections (d) and (f) of~~ Section 4 of the Riverboat and
29 Casino Gambling Act.

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

1 Section 910. The Tobacco Products Tax Act of 1995 is
2 amended by changing Section 99-99 as follows:

3 (35 ILCS 143/99-99)

4 Sec. 99-99. Effective date. This Section, Sections 10-1
5 through 10-90 of this Act, the changes to the Illinois
6 Administrative Procedure Act, the changes to the State
7 Employees Group Insurance Act of 1971, the changes to Sec. 5 of
8 the Children and Family Services Act, the changes to Sec. 8.27
9 of the State Finance Act, the changes to Secs. 16-136.2,
10 16-153.2, and 17-156.3 of the Illinois Pension Code, Sec. 8.19
11 of the State Mandates Act, the changes to Sec. 8.2 of the
12 Abused and Neglected Child Reporting Act, and the changes to
13 the Unemployment Insurance Act take effect upon becoming law.

14 The following provisions take effect July 1, 1995: the
15 changes to the Illinois Act on the Aging and the Civil
16 Administrative Code of Illinois; the changes to Secs. 7 and
17 8a-13 of the Children and Family Services Act; the changes to
18 the Disabled Persons Rehabilitation Act; Secs. 5.408, 5.409,
19 6z-39, and 6z-40 and the changes to Sec. 8.16 of the State
20 Finance Act; the changes to the State Prompt Payment Act, the
21 Illinois Income Tax Act, and Sec. 16-133.3 of the Illinois
22 Pension Code; Sec. 2-3.117 and the changes to Secs. 14-7.02 and
23 14-15.01 of the School Code; Sec. 2-201.5 of the Nursing Home
24 Care Act; the changes to the Child Care Act of 1969 and the
25 Riverboat and Casino Gambling Act; the changes to Secs. 3-1,
26 3-1a, 3-3, 3-4, 3-13, 5-2.1, 5-5, 5-5.02, 5-5.4, 5-13, 5-16.3,
27 5-16.5, 5A-2, 5A-3, 5C-2, 5C-7, 5D-1, 5E-10, 6-8, 6-11, 9-11,
28 12-4.4, 12-10.2, and 14-8 and the repeal of Sec. 9-11 of the
29 Illinois Public Aid Code; the changes to Sec. 3 of the Abused
30 and Neglected Child Reporting Act; and the changes to the
31 Juvenile Court Act of 1987, the Adoption Act, and the Probate
32 Act of 1975.

33 The remaining provisions of this Act take effect on the

1 uniform effective date as provided in the Effective Date of
2 Laws Act.

3 (Source: P.A. 89-21, eff. 6-6-95.)

4 Section 915. The Joliet Regional Port District Act is
5 amended by changing Section 5.1 as follows:

6 (70 ILCS 1825/5.1) (from Ch. 19, par. 255.1)

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

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

21 Section 920. The Consumer Installment Loan Act is amended
22 by changing Section 12.5 as follows:

23 (205 ILCS 670/12.5)

24 Sec. 12.5. Limited purpose branch.

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

1 (b) The licensee must submit an application for a limited
2 purpose branch to the Director on forms prescribed by the
3 Director with an application fee of \$300. The approval for the
4 limited purpose branch must be renewed concurrently with the
5 renewal of the licensee's license along with a renewal fee of
6 \$300 for the limited purpose branch.

7 (c) The books, accounts, records, and files of the limited
8 purpose branch's transactions shall be maintained at the
9 licensee's licensed location. The licensee shall notify the
10 Director of the licensed location at which the books, accounts,
11 records, and files shall be maintained.

12 (d) The licensee shall prominently display at the limited
13 purpose branch the address and telephone number of the
14 licensee's licensed location.

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

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

19 (g) A limited purpose branch may not be located within
20 1,000 feet of a facility operated by an inter-track wagering
21 licensee or an organization licensee subject to the Illinois
22 Horse Racing Act of 1975, on a riverboat or in a casino subject
23 to the Riverboat and Casino Gambling Act, or within 1,000 feet
24 of the location at which the riverboat docks or within 1,000
25 feet of a casino.

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

27 Section 925. The Illinois Horse Racing Act of 1975 is
28 amended by changing Sections 1.2, 9, 20, 25, 26, 26.1, 27,
29 28.1, 30, 31, 36, and 42 and adding Sections 3.24, 3.25, 3.26,
30 3.27, and 56 as follows:

31 (230 ILCS 5/1.2)

32 Sec. 1.2. Legislative intent. This Act is intended to

1 benefit the people of the State of Illinois by encouraging the
2 breeding and production of race horses, assisting economic
3 development, and promoting Illinois tourism. The General
4 Assembly finds and declares it to be the public policy of the
5 State of Illinois to:

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

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

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

15 (d) promote the further growth of tourism;

16 (e) encourage the breeding of thoroughbred and
17 standardbred horses in this State; and

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

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

22 (230 ILCS 5/3.24 new)

23 Sec. 3.24. "Gross gaming receipts" means the gross receipts
24 from electronic gaming less winnings paid to wagerers.

25 (230 ILCS 5/3.25 new)

26 Sec. 3.25. "Electronic gaming" means slot machine gambling
27 conducted at a race track pursuant to an electronic gaming
28 license.

29 (230 ILCS 5/3.26 new)

30 Sec. 3.26. "Electronic gaming license" means a license to
31 conduct electronic gaming issued under Section 56.

1 (230 ILCS 5/3.27 new)

2 Sec. 3.27. "Electronic gaming facility" means that portion
3 of an organization licensee's race track facility at which
4 electronic gaming is conducted.

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

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

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

25 Upon application, the Board shall issue a license to the
26 Illinois Department of Agriculture to conduct harness and
27 Quarter Horse races at the Illinois State Fair and at the
28 DuQuoin State Fairgrounds during the scheduled dates of each
29 fair. The Board shall not require and the Department of
30 Agriculture shall be exempt from the requirements of Sections
31 15.3, 18 and 19, paragraphs (a) (2), (b), (c), (d), (e), (e-5),
32 (e-10), (f), (g), and (h) of Section 20, and Sections 21, 24

1 and 25. The Board and the Department of Agriculture may extend
2 any or all of these exemptions to any contractor or agent
3 engaged by the Department of Agriculture to conduct its race
4 meetings when the Board determines that this would best serve
5 the public interest and the interest of horse racing.

6 Notwithstanding any provision of law to the contrary, it
7 shall be lawful for any licensee to operate pari-mutuel
8 wagering or contract with the Department of Agriculture to
9 operate pari-mutuel wagering at the DuQuoin State Fairgrounds
10 or for the Department to enter into contracts with a licensee,
11 employ its owners, employees or agents and employ such other
12 occupation licensees as the Department deems necessary in
13 connection with race meetings and wagerings.

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

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

28 (d) The Board, and any person or persons to whom it
29 delegates this power, is vested with the authority to
30 investigate alleged violations of the provisions of this Act,
31 its reasonable rules and regulations, orders and final
32 decisions; the Board shall take appropriate disciplinary
33 action against any licensee or occupation licensee for
34 violation thereof or institute appropriate legal action for the

1 enforcement thereof.

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

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

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

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

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

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

30 (j) The Board may discharge any Board employee who fails or
31 refuses for any reason to comply with the rules and regulations
32 of the Board, or who, in the opinion of the Board, is guilty of
33 fraud, dishonesty or who is proven to be incompetent. The Board
34 shall have no right or power to determine who shall be

1 officers, directors or employees of any licensee, or their
2 salaries except the Board may, by rule, require that all or any
3 officials or employees in charge of or whose duties relate to
4 the actual running of races be approved by the Board.

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

9 (l) The Board is vested with the power to impose civil
10 penalties of up to \$5,000 against an individual and up to
11 \$10,000 against a licensee for each violation of any provision
12 of this Act, any rules adopted by the Board, any order of the
13 Board or any other action which, in the Board's discretion, is
14 a detriment or impediment to horse racing or wagering.

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

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

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

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

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

17 (230 ILCS 5/20) (from Ch. 8, par. 37-20)

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

22 (1) the dates on which it intends to conduct the horse
23 race meeting, which dates shall be provided under Section
24 21;

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

27 (3) the location where it proposes to conduct the
28 meeting; and

29 (4) any other information the Board may reasonably
30 require.

31 (b) A separate application for an organization license
32 shall be filed for each horse race meeting which such person
33 proposes to hold. Any such application, if made by an

1 individual, or by any individual as trustee, shall be signed
2 and verified under oath by such individual. If made by
3 individuals or a partnership, it shall be signed and verified
4 under oath by at least 2 of such individuals or members of such
5 partnership as the case may be. If made by an association,
6 corporation, corporate trustee or any other entity, it shall be
7 signed by the president and attested by the secretary or
8 assistant secretary under the seal of such association, trust
9 or corporation if it has a seal, and shall also be verified
10 under oath by one of the signing officers.

11 (c) The application shall specify the name of the persons,
12 association, trust, or corporation making such application and
13 the post office address of the applicant; if the applicant is a
14 trustee, the names and addresses of the beneficiaries; if a
15 corporation, the names and post office addresses of all
16 officers, stockholders and directors; or if such stockholders
17 hold stock as a nominee or fiduciary, the names and post office
18 addresses of these persons, partnerships, corporations, or
19 trusts who are the beneficial owners thereof or who are
20 beneficially interested therein; and if a partnership, the
21 names and post office addresses of all partners, general or
22 limited; if the applicant is a corporation, the name of the
23 state of its incorporation shall be specified.

24 (d) The applicant shall execute and file with the Board a
25 good faith affirmative action plan to recruit, train, and
26 upgrade minorities in all classifications within the
27 association.

28 (e) With such application there shall be delivered to the
29 Board a certified check or bank draft payable to the order of
30 the Board for an amount equal to \$1,000. All applications for
31 the issuance of an organization license shall be filed with the
32 Board before August 1 of the year prior to the year for which
33 application is made and shall be acted upon by the Board at a
34 meeting to be held on such date as shall be fixed by the Board

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

12 (e-2) In awarding racing dates for calendar year 2005 and
13 thereafter, the Board shall award the same total number of
14 racing days as it awarded in calendar year 2004 plus an amount
15 as provided in subsection (e-3). In awarding racing dates under
16 this subsection (e-2), the Board shall have the discretion to
17 allocate those racing dates among organization licensees.

18 (e-3) Upon request, the Board shall award at least 25
19 standardbred racing dates to the organization licensee that
20 conducts racing at Fairmount Race Track, unless a lesser
21 schedule of live racing is the result of (A) weather or unsafe
22 track conditions due to acts of God or (B) a strike between the
23 organization licensee and the associations representing the
24 largest number of owners, trainers, jockeys, or standardbred
25 drivers who race horses at that organization licensee's racing
26 meeting. Any racing dates awarded under this subsection (e-3)
27 to an organization licensee that conducts racing at Fairmount
28 Race Track that are in excess of the number awarded to that
29 organization licensee in 2004 shall be in addition to those
30 racing dates awarded under subsection (e-2).

31 (e-5) In reviewing an application for the purpose of
32 granting an organization license consistent with the best
33 interests of the public and the sport of horse racing, the
34 Board shall consider:

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

4 (i) controls the applicant, directly or
5 indirectly, or

6 (ii) is controlled, directly or indirectly, by
7 that applicant or by a person who controls, directly or
8 indirectly, that applicant;

9 (2) the applicant's facilities or proposed facilities
10 for conducting horse racing;

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

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

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

19 (6) the applicant's proposed and prior year's
20 promotional and marketing activities and expenditures of
21 the applicant associated with those activities;

22 (7) an agreement, if any, among organization licensees
23 as provided in subsection (b) of Section 21 of this Act;
24 and

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

28 In granting organization licenses and allocating dates for
29 horse race meetings, the Board shall have discretion to
30 determine an overall schedule, including required simulcasts
31 of Illinois races by host tracks that will, in its judgment, be
32 conducive to the best interests of the public and the sport of
33 horse racing.

34 (e-10) The Illinois Administrative Procedure Act shall

1 apply to administrative procedures of the Board under this Act
2 for the granting of an organization license, except that (1)
3 notwithstanding the provisions of subsection (b) of Section
4 10-40 of the Illinois Administrative Procedure Act regarding
5 cross-examination, the Board may prescribe rules limiting the
6 right of an applicant or participant in any proceeding to award
7 an organization license to conduct cross-examination of
8 witnesses at that proceeding where that cross-examination
9 would unduly obstruct the timely award of an organization
10 license under subsection (e) of Section 20 of this Act; (2) the
11 provisions of Section 10-45 of the Illinois Administrative
12 Procedure Act regarding proposals for decision are excluded
13 under this Act; (3) notwithstanding the provisions of
14 subsection (a) of Section 10-60 of the Illinois Administrative
15 Procedure Act regarding ex parte communications, the Board may
16 prescribe rules allowing ex parte communications with
17 applicants or participants in a proceeding to award an
18 organization license where conducting those communications
19 would be in the best interest of racing, provided all those
20 communications are made part of the record of that proceeding
21 pursuant to subsection (c) of Section 10-60 of the Illinois
22 Administrative Procedure Act; (4) the provisions of Section 14a
23 of this Act and the rules of the Board promulgated under that
24 Section shall apply instead of the provisions of Article 10 of
25 the Illinois Administrative Procedure Act regarding
26 administrative law judges; and (5) the provisions of subsection
27 (d) of Section 10-65 of the Illinois Administrative Procedure
28 Act that prevent summary suspension of a license pending
29 revocation or other action shall not apply.

30 (f) The Board may allot racing dates to an organization
31 licensee for more than one calendar year but for no more than 3
32 successive calendar years in advance, provided that the Board
33 shall review such allotment for more than one calendar year
34 prior to each year for which such allotment has been made. The

1 granting of an organization license to a person constitutes a
2 privilege to conduct a horse race meeting under the provisions
3 of this Act, and no person granted an organization license
4 shall be deemed to have a vested interest, property right, or
5 future expectation to receive an organization license in any
6 subsequent year as a result of the granting of an organization
7 license. Organization licenses shall be subject to revocation
8 if the organization licensee has violated any provision of this
9 Act or the rules and regulations promulgated under this Act or
10 has been convicted of a crime or has failed to disclose or has
11 stated falsely any information called for in the application
12 for an organization license. Any organization license
13 revocation proceeding shall be in accordance with Section 16
14 regarding suspension and revocation of occupation licenses.

15 (f-5) If, (i) an applicant does not file an acceptance of
16 the racing dates awarded by the Board as required under part
17 (1) of subsection (h) of this Section 20, or (ii) an
18 organization licensee has its license suspended or revoked
19 under this Act, the Board, upon conducting an emergency hearing
20 as provided for in this Act, may reaward on an emergency basis
21 pursuant to rules established by the Board, racing dates not
22 accepted or the racing dates associated with any suspension or
23 revocation period to one or more organization licensees, new
24 applicants, or any combination thereof, upon terms and
25 conditions that the Board determines are in the best interest
26 of racing, provided, the organization licensees or new
27 applicants receiving the awarded racing dates file an
28 acceptance of those reawarded racing dates as required under
29 paragraph (1) of subsection (h) of this Section 20 and comply
30 with the other provisions of this Act. The Illinois
31 Administrative Procedures Act shall not apply to the
32 administrative procedures of the Board in conducting the
33 emergency hearing and the reallocation of racing dates on an
34 emergency basis.

1 (g) (Blank).

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

7 Each applicant notified shall, within 10 days after receipt
8 of the final executed order of the Board awarding racing dates:

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

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

13 (3) file with the Board the bonds required in Sections
14 21 and 25 at least 20 days prior to the first day of each
15 race meeting.

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

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

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

23 (230 ILCS 5/25) (from Ch. 8, par. 37-25)

24 Sec. 25. Admissions tax; records and books; bond; penalty.

25 (a) There shall be paid to the Board at such time or times
26 as it shall prescribe, the sum of fifteen cents (15¢) for each
27 person entering the grounds or enclosure of each organization
28 licensee and inter-track wagering licensee upon a ticket of
29 admission except as provided in subsection (g) of Section 27 of
30 this Act. If tickets are issued for more than one day then the
31 sum of fifteen cents (15¢) shall be paid for each person using
32 such ticket on each day that the same shall be used. Provided,
33 however, that no charge shall be made on tickets of admission

1 issued to and in the name of directors, officers, agents or
2 employees of the organization licensee, or inter-track
3 wagering licensee, or to owners, trainers, jockeys, drivers and
4 their employees or to any person or persons entering the
5 grounds or enclosure for the transaction of business in
6 connection with such race meeting. The organization licensee or
7 inter-track wagering licensee may, if it desires, collect such
8 amount from each ticket holder in addition to the amount or
9 amounts charged for such ticket of admission.

10 (b) Accurate records and books shall at all times be kept
11 and maintained by the organization licensees and inter-track
12 wagering licensees showing the admission tickets issued and
13 used on each racing day and the attendance thereat of each
14 horse racing meeting. The Board or its duly authorized
15 representative or representatives shall at all reasonable
16 times have access to the admission records of any organization
17 licensee and inter-track wagering licensee for the purpose of
18 examining and checking the same and ascertaining whether or not
19 the proper amount has been or is being paid the State of
20 Illinois as herein provided. The Board shall also require,
21 before issuing any license, that the licensee shall execute and
22 deliver to it a bond, payable to the State of Illinois, in such
23 sum as it shall determine, not, however, in excess of fifty
24 thousand dollars (\$50,000), with a surety or sureties to be
25 approved by it, conditioned for the payment of all sums due and
26 payable or collected by it under this Section upon admission
27 fees received for any particular racing meetings. The Board may
28 also from time to time require sworn statements of the number
29 or numbers of such admissions and may prescribe blanks upon
30 which such reports shall be made. Any organization licensee or
31 inter-track wagering licensee failing or refusing to pay the
32 amount found to be due as herein provided, shall be deemed
33 guilty of a business offense and upon conviction shall be
34 punished by a fine of not more than five thousand dollars

1 (\$5,000) in addition to the amount due from such organization
2 licensee or inter-track wagering licensee as herein provided.
3 All fines paid into court by an organization licensee or
4 inter-track wagering licensee found guilty of violating this
5 Section shall be transmitted and paid over by the clerk of the
6 court to the Board.

7 (c) In addition to the admission tax imposed under
8 subsection (a), a tax is imposed on admissions at the rate of
9 \$2 per person for the first 1,500,000 persons admitted by an
10 organization licensee per year and \$3 per person for all
11 persons admitted by that licensee in excess of 1,500,000 per
12 year. The tax is imposed upon the organization licensee.

13 (1) The admission tax shall be paid for each admission.

14 (2) An organization licensee may issue tax-free passes
15 to actual and necessary officials and employees of the
16 licensee and other persons associated with race meeting
17 operations.

18 (3) The number and issuance of tax-free passes is
19 subject to the rules of the Board, and a list of all
20 persons to whom the tax-free passes are issued shall be
21 filed with the Board.

22 (4) The organization licensee shall pay the entire
23 admission tax to the Board. Such payments shall be made
24 daily. Accompanying each payment shall be a return on forms
25 provided by the Board, which shall include other
26 information regarding admission as the Board may require.
27 Failure to submit either the payment or the return within
28 the specified time may result in suspension or revocation
29 of the organization licensee's license.

30 (5) The Board shall administer and collect the
31 admission tax imposed by this subsection, to the extent
32 practicable, in a manner consistent with the provisions of
33 Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 6, 6a, 6b, 6c, 8,
34 9, and 10 of the Retailers' Occupation Tax Act and Section

1 3-7 of the Uniform Penalty and Interest Act. All moneys
2 collected by the Board shall be deposited into the State
3 Gaming Fund and shall be distributed as provided in
4 subsection (d).

5 (d) From the tax imposed under subsection (c), the
6 municipality in which an organization licensee's race track is
7 located or, if the race track is not located within a
8 municipality, the county in which the race track is located
9 shall receive, subject to appropriation, \$1 for each person who
10 enters the race track. For each admission in excess of
11 1,500,000 in a year, from the tax imposed under subsection (c),
12 the county in which the race track is located shall receive,
13 subject to appropriation, \$0.15, which shall be in addition to
14 any other moneys paid to the county under this Section, \$0.20
15 shall be paid into the Agricultural Premium Fund, and \$0.15
16 shall be paid from the State Gaming Fund, subject to
17 appropriation, into the Illinois Community Services Block
18 Grant Fund.

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

20 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

21 Sec. 26. Wagering.

22 (a) Any licensee may conduct and supervise the pari-mutuel
23 system of wagering, as defined in Section 3.12 of this Act, on
24 horse races conducted by an Illinois organization licensee or
25 conducted at a racetrack located in another state or country
26 and televised in Illinois in accordance with subsection (g) of
27 Section 26 of this Act. Subject to the prior consent of the
28 Board, licensees may supplement any pari-mutuel pool in order
29 to guarantee a minimum distribution. Such pari-mutuel method of
30 wagering shall not, under any circumstances if conducted under
31 the provisions of this Act, be held or construed to be
32 unlawful, other statutes of this State to the contrary
33 notwithstanding. Subject to rules for advance wagering

1 promulgated by the Board, any licensee may accept wagers in
2 advance of the day of the race wagered upon occurs.

3 (b) Except as otherwise provided in Section 56, no other
4 method of betting, pool making, wagering or gambling shall be
5 used or permitted by the licensee. Each licensee may retain,
6 subject to the payment of all applicable taxes and purses, an
7 amount not to exceed 17% of all money wagered under subsection
8 (a) of this Section, except as may otherwise be permitted under
9 this Act.

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

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

27 (c-5) Beginning January 1, 2000, the sum held by any
28 licensee for payment of outstanding pari-mutuel tickets, if
29 unclaimed prior to December 31 of the next year, shall be
30 retained by the licensee for payment of such tickets until that
31 date. Within 10 days thereafter, the balance of such sum
32 remaining unclaimed, less any uncashed supplements contributed
33 by such licensee for the purpose of guaranteeing minimum
34 distributions of any pari-mutuel pool, shall be evenly

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

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

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

17 (f) Notwithstanding the other provisions of this Act, an
18 organization licensee may contract with an entity in another
19 state or country to permit any legal wagering entity in another
20 state or country to accept wagers solely within such other
21 state or country on races conducted by the organization
22 licensee in this State. Beginning January 1, 2000, these wagers
23 shall not be subject to State taxation. Until January 1, 2000,
24 when the out-of-State entity conducts a pari-mutuel pool
25 separate from the organization licensee, a privilege tax equal
26 to 7 1/2% of all monies received by the organization licensee
27 from entities in other states or countries pursuant to such
28 contracts is imposed on the organization licensee, and such
29 privilege tax shall be remitted to the Department of Revenue
30 within 48 hours of receipt of the moneys from the simulcast.
31 When the out-of-State entity conducts a combined pari-mutuel
32 pool with the organization licensee, the tax shall be 10% of
33 all monies received by the organization licensee with 25% of
34 the receipts from this 10% tax to be distributed to the county

1 in which the race was conducted.

2 An organization licensee may permit one or more of its
3 races to be utilized for pari-mutuel wagering at one or more
4 locations in other states and may transmit audio and visual
5 signals of races the organization licensee conducts to one or
6 more locations outside the State or country and may also permit
7 pari-mutuel pools in other states or countries to be combined
8 with its gross or net wagering pools or with wagering pools
9 established by other states.

10 (g) A host track may accept interstate simulcast wagers on
11 horse races conducted in other states or countries and shall
12 control the number of signals and types of breeds of racing in
13 its simulcast program, subject to the disapproval of the Board.
14 The Board may prohibit a simulcast program only if it finds
15 that the simulcast program is clearly adverse to the integrity
16 of racing. The host track simulcast program shall include the
17 signal of live racing of all organization licensees. All
18 non-host licensees shall carry the host track simulcast program
19 and accept wagers on all races included as part of the
20 simulcast program upon which wagering is permitted. The costs
21 and expenses of the host track and non-host licensees
22 associated with interstate simulcast wagering, other than the
23 interstate commission fee, shall be borne by the host track and
24 all non-host licensees incurring these costs. The interstate
25 commission fee shall not exceed 5% of Illinois handle on the
26 interstate simulcast race or races without prior approval of
27 the Board. The Board shall promulgate rules under which it may
28 permit interstate commission fees in excess of 5%. The
29 interstate commission fee and other fees charged by the sending
30 racetrack, including, but not limited to, satellite decoder
31 fees, shall be uniformly applied to the host track and all
32 non-host licensees.

33 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an
34 intertrack wagering licensee other than the host track may

1 supplement the host track simulcast program with
2 additional simulcast races or race programs, provided that
3 between January 1 and the third Friday in February of any
4 year, inclusive, if no live thoroughbred racing is
5 occurring in Illinois during this period, only
6 thoroughbred races may be used for supplemental interstate
7 simulcast purposes. The Board shall withhold approval for a
8 supplemental interstate simulcast only if it finds that the
9 simulcast is clearly adverse to the integrity of racing. A
10 supplemental interstate simulcast may be transmitted from
11 an intertrack wagering licensee to its affiliated non-host
12 licensees. The interstate commission fee for a
13 supplemental interstate simulcast shall be paid by the
14 non-host licensee and its affiliated non-host licensees
15 receiving the simulcast.

16 (2) Between the hours of 6:30 p.m. and 6:30 a.m. an
17 intertrack wagering licensee other than the host track may
18 receive supplemental interstate simulcasts only with the
19 consent of the host track, except when the Board finds that
20 the simulcast is clearly adverse to the integrity of
21 racing. Consent granted under this paragraph (2) to any
22 intertrack wagering licensee shall be deemed consent to all
23 non-host licensees. The interstate commission fee for the
24 supplemental interstate simulcast shall be paid by all
25 participating non-host licensees.

26 (3) Each licensee conducting interstate simulcast
27 wagering may retain, subject to the payment of all
28 applicable taxes and the purses, an amount not to exceed
29 17% of all money wagered. If any licensee conducts the
30 pari-mutuel system wagering on races conducted at
31 racetracks in another state or country, each such race or
32 race program shall be considered a separate racing day for
33 the purpose of determining the daily handle and computing
34 the privilege tax of that daily handle as provided in

1 subsection (a) of Section 27. Until January 1, 2000, from
2 the sums permitted to be retained pursuant to this
3 subsection, each intertrack wagering location licensee
4 shall pay 1% of the pari-mutuel handle wagered on simulcast
5 wagering to the Horse Racing Tax Allocation Fund, subject
6 to the provisions of subparagraph (B) of paragraph (11) of
7 subsection (h) of Section 26 of this Act.

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

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

28 (A) For interstate simulcast wagers made at a host
29 track, 50% to the host track and 50% to purses at the
30 host track.

31 (B) For wagers placed on interstate simulcast
32 races, supplemental simulcasts as defined in
33 subparagraphs (1) and (2), and separately pooled races
34 conducted outside of the State of Illinois made at a

1 non-host licensee, 25% to the host track, 25% to the
2 non-host licensee, and 50% to the purses at the host
3 track.

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

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

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

26 (B) Between January 1 and the third Friday in
27 February, inclusive, if no live thoroughbred racing is
28 occurring in Illinois during this period, and the
29 interstate simulcast is a thoroughbred race, the purse
30 share to its interstate simulcast purse pool to be
31 distributed under paragraph (10) of this subsection
32 (g);

33 (C) Between January 1 and the third Friday in
34 February, inclusive, if live thoroughbred racing is

1 occurring in Illinois, between 6:30 a.m. and 6:30 p.m.
2 the purse share from wagers made during this time
3 period to its thoroughbred purse account and between
4 6:30 p.m. and 6:30 a.m. the purse share from wagers
5 made during this time period to its standardbred purse
6 accounts;

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

11 (E) Between the third Saturday in February and
12 December 31, when the interstate simulcast occurs
13 between the hours of 6:30 p.m. and 6:30 a.m., the purse
14 share to its standardbred purse account.

15 (7.1) Notwithstanding any other provision of this Act
16 to the contrary, if no standardbred racing is conducted at
17 a racetrack located in Madison County during any calendar
18 year beginning on or after January 1, 2002, all moneys
19 derived by that racetrack from simulcast wagering and
20 inter-track wagering that (1) are to be used for purses and
21 (2) are generated between the hours of 6:30 p.m. and 6:30
22 a.m. during that calendar year shall be paid as follows:

23 (A) If the licensee that conducts horse racing at
24 that racetrack requests from the Board at least as many
25 racing dates as were conducted in calendar year 2000,
26 80% shall be paid to its thoroughbred purse account;
27 and

28 (B) Twenty percent shall be deposited into the
29 Illinois Colt Stakes Purse Distribution Fund and shall
30 be paid to purses for standardbred races for Illinois
31 conceived and foaled horses conducted at any county
32 fairgrounds. The moneys deposited into the Fund
33 pursuant to this subparagraph (B) shall be deposited
34 within 2 weeks after the day they were generated, shall

1 be in addition to and not in lieu of any other moneys
2 paid to standardbred purses under this Act, and shall
3 not be commingled with other moneys paid into that
4 Fund. The moneys deposited pursuant to this
5 subparagraph (B) shall be allocated as provided by the
6 Department of Agriculture, with the advice and
7 assistance of the Illinois Standardbred Breeders Fund
8 Advisory Board.

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

18 (A) If the licensee that conducts horse racing at
19 that racetrack requests from the Board at least as many
20 racing dates as were conducted in calendar year 2000,
21 80% shall be deposited into its standardbred purse
22 account; and

23 (B) Twenty percent shall be deposited into the
24 Illinois Colt Stakes Purse Distribution Fund. Moneys
25 deposited into the Illinois Colt Stakes Purse
26 Distribution Fund pursuant to this subparagraph (B)
27 shall be paid to Illinois conceived and foaled
28 thoroughbred breeders' programs and to thoroughbred
29 purses for races conducted at any county fairgrounds
30 for Illinois conceived and foaled horses at the
31 discretion of the Department of Agriculture, with the
32 advice and assistance of the Illinois Thoroughbred
33 Breeders Fund Advisory Board. The moneys deposited
34 into the Illinois Colt Stakes Purse Distribution Fund

1 pursuant to this subparagraph (B) shall be deposited
2 within 2 weeks after the day they were generated, shall
3 be in addition to and not in lieu of any other moneys
4 paid to thoroughbred purses under this Act, and shall
5 not be commingled with other moneys deposited into that
6 Fund.

7 (7.3) If no live standardbred racing is conducted at a
8 racetrack located in Madison County in calendar year 2000
9 or 2001, an organization licensee who is licensed to
10 conduct horse racing at that racetrack shall, before
11 January 1, 2002, pay all moneys derived from simulcast
12 wagering and inter-track wagering in calendar years 2000
13 and 2001 and paid into the licensee's standardbred purse
14 account as follows:

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

17 (B) Twenty percent to the Illinois Colt Stakes
18 Purse Distribution Fund.

19 Failure to make the payment to the Illinois Colt Stakes
20 Purse Distribution Fund before January 1, 2002 shall result
21 in the immediate revocation of the licensee's organization
22 license, inter-track wagering license, and inter-track
23 wagering location license.

24 Moneys paid into the Illinois Colt Stakes Purse
25 Distribution Fund pursuant to this paragraph (7.3) shall be
26 paid to purses for standardbred races for Illinois
27 conceived and foaled horses conducted at any county
28 fairgrounds. Moneys paid into the Illinois Colt Stakes
29 Purse Distribution Fund pursuant to this paragraph (7.3)
30 shall be used as determined by the Department of
31 Agriculture, with the advice and assistance of the Illinois
32 Standardbred Breeders Fund Advisory Board, shall be in
33 addition to and not in lieu of any other moneys paid to
34 standardbred purses under this Act, and shall not be

1 commingled with any other moneys paid into that Fund.

2 (7.4) If live standardbred racing is conducted at a
3 racetrack located in Madison County at any time in calendar
4 year 2001 before the payment required under paragraph (7.3)
5 has been made, the organization licensee who is licensed to
6 conduct racing at that racetrack shall pay all moneys
7 derived by that racetrack from simulcast wagering and
8 inter-track wagering during calendar years 2000 and 2001
9 that (1) are to be used for purses and (2) are generated
10 between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or
11 2001 to the standardbred purse account at that racetrack to
12 be used for standardbred purses.

13 (8) Notwithstanding any provision in this Act to the
14 contrary, an organization licensee from a track located in
15 a county with a population in excess of 230,000 and that
16 borders the Mississippi River and its affiliated non-host
17 licensees shall not be entitled to share in any retention
18 generated on racing, inter-track wagering, or simulcast
19 wagering at any other Illinois wagering facility.

20 (8.1) Notwithstanding any provisions in this Act to the
21 contrary, if 2 organization licensees are conducting
22 standardbred race meetings concurrently between the hours
23 of 6:30 p.m. and 6:30 a.m., after payment of all applicable
24 State and local taxes and interstate commission fees, the
25 remainder of the amount retained from simulcast wagering
26 otherwise attributable to the host track and to host track
27 purses shall be split daily between the 2 organization
28 licensees and the purses at the tracks of the 2
29 organization licensees, respectively, based on each
30 organization licensee's share of the total live handle for
31 that day, provided that this provision shall not apply to
32 any non-host licensee that derives its license from a track
33 located in a county with a population in excess of 230,000
34 and that borders the Mississippi River.

1 (9) (Blank).

2 (10) (Blank).

3 (11) (Blank).

4 (12) The Board shall have authority to compel all host
5 tracks to receive the simulcast of any or all races
6 conducted at the Springfield or DuQuoin State fairgrounds
7 and include all such races as part of their simulcast
8 programs.

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

~~during the succeeding year; and (iii) the need to ensure reasonable purse levels during the payment period. The Board's certification shall be provided no later than January 31 of the succeeding year. In the event a wagering facility entitled to a payment under this paragraph (13) is affiliated with a race track that maintains purse accounts for both standardbred and thoroughbred racing, the amount to be paid to the wagering facility shall be divided between each purse account pro rata, based on the amount of Illinois handle on Illinois standardbred and thoroughbred racing respectively at the wagering facility during the previous calendar year. Annually, the General Assembly shall appropriate sufficient funds from the General Revenue Fund to the Department of Agriculture for payment into the thoroughbred and standardbred horse racing purse accounts at Illinois pari mutuel tracks. The amount paid to each purse account shall be the amount certified by the Illinois Racing Board in January to be transferred from each account to each eligible racing facility in accordance with the provisions of this Section.~~

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

(1) Any person licensed to conduct a race meeting (i) at a track where 60 or more days of racing were conducted during the immediately preceding calendar year or where over the 5 immediately preceding calendar years an average of 30 or more days of racing were conducted annually may be issued an inter-track wagering license; (ii) at a track located in a county that is bounded by the Mississippi River, which has a population of less than 150,000 according to the 1990 decennial census, and an average of at least 60 days of racing per year between 1985 and 1993

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

31 (2) The Board shall examine the applications with
32 respect to their conformity with this Act and the rules and
33 regulations imposed by the Board. If found to be in
34 compliance with the Act and rules and regulations of the

1 Board, the Board may then issue a license to conduct
2 inter-track wagering and simulcast wagering to such
3 applicant. All such applications shall be acted upon by the
4 Board at a meeting to be held on such date as may be fixed
5 by the Board.

6 (3) In granting licenses to conduct inter-track
7 wagering and simulcast wagering, the Board shall give due
8 consideration to the best interests of the public, of horse
9 racing, and of maximizing revenue to the State.

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

21 (5) Each license to conduct inter-track wagering and
22 simulcast wagering shall specify the person to whom it is
23 issued, the dates on which such wagering is permitted, and
24 the track or location where the wagering is to be
25 conducted.

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

30 (7) An inter-track wagering licensee or inter-track
31 wagering location licensee may accept wagers at the track
32 or location where it is licensed, or as otherwise provided
33 under this Act.

34 (8) Inter-track wagering or simulcast wagering shall

1 not be conducted at any track less than 5 miles from a
2 track at which a racing meeting is in progress.

3 (8.1) Inter-track wagering location licensees who
4 derive their licenses from a particular organization
5 licensee shall conduct inter-track wagering and simulcast
6 wagering only at locations which are either within 90 miles
7 of that race track where the particular organization
8 licensee is licensed to conduct racing, or within 135 miles
9 of that race track where the particular organization
10 licensee is licensed to conduct racing in the case of race
11 tracks in counties of less than 400,000 that were operating
12 on or before June 1, 1986. However, inter-track wagering
13 and simulcast wagering shall not be conducted by those
14 licensees at any location within 5 miles of any race track
15 at which a horse race meeting has been licensed in the
16 current year, unless the person having operating control of
17 such race track has given its written consent to such
18 inter-track wagering location licensees, which consent
19 must be filed with the Board at or prior to the time
20 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 500 feet of an existing
24 church or existing school, nor within 500 feet of the
25 residences of more than 50 registered voters without
26 receiving written permission from a majority of the
27 registered voters at such residences. Such written
28 permission statements shall be filed with the Board. The
29 distance of 500 feet shall be measured to the nearest part
30 of any building used for worship services, education
31 programs, residential purposes, or conducting inter-track
32 wagering by an inter-track wagering location licensee, and
33 not to property boundaries. However, inter-track wagering
34 or simulcast wagering may be conducted at a site within 500

1 feet of a church, school or residences of 50 or more
2 registered voters if such church, school or residences have
3 been erected or established, or such voters have been
4 registered, after the Board issues the original
5 inter-track wagering location license at the site in
6 question. Inter-track wagering location licensees may
7 conduct inter-track wagering and simulcast wagering only
8 in areas that are zoned for commercial or manufacturing
9 purposes or in areas for which a special use has been
10 approved by the local zoning authority. However, no license
11 to conduct inter-track wagering and simulcast wagering
12 shall be granted by the Board with respect to any
13 inter-track wagering location within the jurisdiction of
14 any local zoning authority which has, by ordinance or by
15 resolution, prohibited the establishment of an inter-track
16 wagering location within its jurisdiction. However,
17 inter-track wagering and simulcast wagering may be
18 conducted at a site if such ordinance or resolution is
19 enacted after the Board licenses the original inter-track
20 wagering location licensee for the site in question.

21 (9) (Blank).

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

32 (10.1) Except as provided in subsection (g) of Section
33 27 of this Act, inter-track wagering location licensees
34 shall pay 1% of the pari-mutuel handle at each location to

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

8 (10.2) Notwithstanding any other provision of this
9 Act, with respect to intertrack wagering at a race track
10 located in a county that has a population of more than
11 230,000 and that is bounded by the Mississippi River ("the
12 first race track"), or at a facility operated by an
13 inter-track wagering licensee or inter-track wagering
14 location licensee that derives its license from the
15 organization licensee that operates the first race track,
16 on races conducted at the first race track or on races
17 conducted at another Illinois race track and
18 simultaneously televised to the first race track or to a
19 facility operated by an inter-track wagering licensee or
20 inter-track wagering location licensee that derives its
21 license from the organization licensee that operates the
22 first race track, those moneys shall be allocated as
23 follows:

24 (A) That portion of all moneys wagered on
25 standardbred racing that is required under this Act to
26 be paid to purses shall be paid to purses for
27 standardbred races.

28 (B) That portion of all moneys wagered on
29 thoroughbred racing that is required under this Act to
30 be paid to purses shall be paid to purses for
31 thoroughbred races.

32 (11) (A) After payment of the privilege or pari-mutuel
33 tax, any other applicable taxes, and the costs and expenses
34 in connection with the gathering, transmission, and

1 dissemination of all data necessary to the conduct of
2 inter-track wagering, the remainder of the monies retained
3 under either Section 26 or Section 26.2 of this Act by the
4 inter-track wagering licensee on inter-track wagering
5 shall be allocated with 50% to be split between the 2
6 participating licensees and 50% to purses, except that an
7 intertrack wagering licensee that derives its license from
8 a track located in a county with a population in excess of
9 230,000 and that borders the Mississippi River shall not
10 divide any remaining retention with the Illinois
11 organization licensee that provides the race or races, and
12 an intertrack wagering licensee that accepts wagers on
13 races conducted by an organization licensee that conducts a
14 race meet in a county with a population in excess of
15 230,000 and that borders the Mississippi River shall not
16 divide any remaining retention with that organization
17 licensee.

18 (B) From the sums permitted to be retained pursuant to
19 this Act each inter-track wagering location licensee shall
20 pay (i) the privilege or pari-mutuel tax to the State; (ii)
21 4.75% of the pari-mutuel handle on intertrack wagering at
22 such location on races as purses, except that an intertrack
23 wagering location licensee that derives its license from a
24 track located in a county with a population in excess of
25 230,000 and that borders the Mississippi River shall retain
26 all purse moneys for its own purse account consistent with
27 distribution set forth in this subsection (h), and
28 intertrack wagering location licensees that accept wagers
29 on races conducted by an organization licensee located in a
30 county with a population in excess of 230,000 and that
31 borders the Mississippi River shall distribute all purse
32 moneys to purses at the operating host track; (iii) until
33 January 1, 2000, except as provided in subsection (g) of
34 Section 27 of this Act, 1% of the pari-mutuel handle

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

1 purses and thoroughbred purses based on the amounts
2 otherwise allocated to purses at that organization
3 licensee during the calendar year in question; and (iv) 8%
4 of the pari-mutuel handle on inter-track wagering wagered
5 at such location to satisfy all costs and expenses of
6 conducting its wagering. The remainder of the monies
7 retained by the inter-track wagering location licensee
8 shall be allocated 40% to the location licensee and 60% to
9 the organization licensee which provides the Illinois
10 races to the location, except that an intertrack wagering
11 location licensee that derives its license from a track
12 located in a county with a population in excess of 230,000
13 and that borders the Mississippi River shall not divide any
14 remaining retention with the organization licensee that
15 provides the race or races and an intertrack wagering
16 location licensee that accepts wagers on races conducted by
17 an organization licensee that conducts a race meet in a
18 county with a population in excess of 230,000 and that
19 borders the Mississippi River shall not divide any
20 remaining retention with the organization licensee.
21 Notwithstanding the provisions of clauses (ii) and (iv) of
22 this paragraph, in the case of the additional inter-track
23 wagering location licenses authorized under paragraph (1)
24 of this subsection (h) by this amendatory Act of 1991,
25 those licensees shall pay the following amounts as purses:
26 during the first 12 months the licensee is in operation,
27 5.25% of the pari-mutuel handle wagered at the location on
28 races; during the second 12 months, 5.25%; during the third
29 12 months, 5.75%; during the fourth 12 months, 6.25%; and
30 during the fifth 12 months and thereafter, 6.75%. The
31 following amounts shall be retained by the licensee to
32 satisfy all costs and expenses of conducting its wagering:
33 during the first 12 months the licensee is in operation,
34 8.25% of the pari-mutuel handle wagered at the location;

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

16 (C) There is hereby created the Horse Racing Tax
17 Allocation Fund which shall remain in existence until
18 December 31, 1999. Moneys remaining in the Fund after
19 December 31, 1999 shall be paid into the General Revenue
20 Fund. Until January 1, 2000, all monies paid into the Horse
21 Racing Tax Allocation Fund pursuant to this paragraph (11)
22 by inter-track wagering location licensees located in park
23 districts of 500,000 population or less, or in a
24 municipality that is not included within any park district
25 but is included within a conservation district and is the
26 county seat of a county that (i) is contiguous to the state
27 of Indiana and (ii) has a 1990 population of 88,257
28 according to the United States Bureau of the Census, and
29 operating on May 1, 1994 shall be allocated by
30 appropriation as follows:

31 Two-sevenths to the Department of Agriculture.
32 Fifty percent of this two-sevenths shall be used to
33 promote the Illinois horse racing and breeding
34 industry, and shall be distributed by the Department of

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

34 Four-sevenths to park districts or municipalities

1 that do not have a park district of 500,000 population
2 or less for museum purposes (if an inter-track wagering
3 location licensee is located in such a park district)
4 or to conservation districts for museum purposes (if an
5 inter-track wagering location licensee is located in a
6 municipality that is not included within any park
7 district but is included within a conservation
8 district and is the county seat of a county that (i) is
9 contiguous to the state of Indiana and (ii) has a 1990
10 population of 88,257 according to the United States
11 Bureau of the Census, except that if the conservation
12 district does not maintain a museum, the monies shall
13 be allocated equally between the county and the
14 municipality in which the inter-track wagering
15 location licensee is located for general purposes) or
16 to a municipal recreation board for park purposes (if
17 an inter-track wagering location licensee is located
18 in a municipality that is not included within any park
19 district and park maintenance is the function of the
20 municipal recreation board and the municipality has a
21 1990 population of 9,302 according to the United States
22 Bureau of the Census); provided that the monies are
23 distributed to each park district or conservation
24 district or municipality that does not have a park
25 district in an amount equal to four-sevenths of the
26 amount collected by each inter-track wagering location
27 licensee within the park district or conservation
28 district or municipality for the Fund. Monies that were
29 paid into the Horse Racing Tax Allocation Fund before
30 the effective date of this amendatory Act of 1991 by an
31 inter-track wagering location licensee located in a
32 municipality that is not included within any park
33 district but is included within a conservation
34 district as provided in this paragraph shall, as soon

1 as practicable after the effective date of this
2 amendatory Act of 1991, be allocated and paid to that
3 conservation district as provided in this paragraph.
4 Any park district or municipality not maintaining a
5 museum may deposit the monies in the corporate fund of
6 the park district or municipality where the
7 inter-track wagering location is located, to be used
8 for general purposes; and

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

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

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

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

22 Four-sevenths to museums and aquariums located in
23 park districts of over 500,000 population; provided
24 that the monies are distributed in accordance with the
25 previous year's distribution of the maintenance tax
26 for such museums and aquariums as provided in Section 2
27 of the Park District Aquarium and Museum Act; and

28 One-seventh to the Agricultural Premium Fund to be
29 used for distribution to agricultural home economics
30 extension councils in accordance with "An Act in
31 relation to additional support and finances for the
32 Agricultural and Home Economic Extension Councils in
33 the several counties of this State and making an
34 appropriation therefor", approved July 24, 1967. This

1 subparagraph (C) shall be inoperative and of no force
2 and effect on and after January 1, 2000.

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

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

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

27 (iii) If the inter-track wagering is being
28 conducted by an inter-track wagering location
29 licensee, except an intertrack wagering location
30 licensee that derives its license from an
31 organization licensee located in a county with a
32 population in excess of 230,000 and bounded by the
33 Mississippi River, the entire purse allocation for
34 Illinois races shall be to purses at the track

1 where the race meeting being wagered on is being
2 held.

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

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

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

23 (C) The Board, and any person or persons to whom it
24 delegates this power, may eject or exclude from any
25 licensee's facilities, any person whose conduct or
26 reputation is such that his presence on such premises
27 may, in the opinion of the Board, call into the
28 question the honesty and integrity of, or interfere
29 with the orderly conduct of such wagering; provided,
30 however, that no person shall be excluded or ejected
31 from such premises solely on the grounds of race,
32 color, creed, national origin, ancestry, or sex.

33 (D) (Blank).

34 (E) The Board is vested with the power to appoint

1 delegates to execute any of the powers granted to it
2 under this Section for the purpose of administering
3 this wagering and any rules and regulations
4 promulgated in accordance with this Act.

5 (F) The Board shall name and appoint a State
6 director of this wagering who shall be a representative
7 of the Board and whose duty it shall be to supervise
8 the conduct of inter-track wagering as may be provided
9 for by the rules and regulations of the Board; such
10 rules and regulation shall specify the method of
11 appointment and the Director's powers, authority and
12 duties.

13 (G) The Board is vested with the power to impose
14 civil penalties of up to \$5,000 against individuals and
15 up to \$10,000 against licensees for each violation of
16 any provision of this Act relating to the conduct of
17 this wagering, any rules adopted by the Board, any
18 order of the Board or any other action which in the
19 Board's discretion, is a detriment or impediment to
20 such wagering.

21 (13) The Department of Agriculture may enter into
22 agreements with licensees authorizing such licensees to
23 conduct inter-track wagering on races to be held at the
24 licensed race meetings conducted by the Department of
25 Agriculture. Such agreement shall specify the races of the
26 Department of Agriculture's licensed race meeting upon
27 which the licensees will conduct wagering. In the event
28 that a licensee conducts inter-track pari-mutuel wagering
29 on races from the Illinois State Fair or DuQuoin State Fair
30 which are in addition to the licensee's previously approved
31 racing program, those races shall be considered a separate
32 racing day for the purpose of determining the daily handle
33 and computing the privilege or pari-mutuel tax on that
34 daily handle as provided in Sections 27 and 27.1. Such

1 agreements shall be approved by the Board before such
2 wagering may be conducted. In determining whether to grant
3 approval, the Board shall give due consideration to the
4 best interests of the public and of horse racing. The
5 provisions of paragraphs (1), (8), (8.1), and (8.2) of
6 subsection (h) of this Section which are not specified in
7 this paragraph (13) shall not apply to licensed race
8 meetings conducted by the Department of Agriculture at the
9 Illinois State Fair in Sangamon County or the DuQuoin State
10 Fair in Perry County, or to any wagering conducted on those
11 race meetings.

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

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

17 (230 ILCS 5/26.1) (from Ch. 8, par. 37-26.1)

18 Sec. 26.1. For all pari-mutuel wagering conducted pursuant
19 to this Act, breakage shall be at all times computed on the
20 basis of not to exceed 10¢ on the dollar. If there is a minus
21 pool, the breakage shall be computed on the basis of not to
22 exceed 5¢ on the dollar. Breakage shall be calculated only
23 after the amounts retained by licensees pursuant to Sections 26
24 and 26.2 of this Act, and all applicable surcharges, are taken
25 out of winning wagers and winnings from wagers. ~~From Beginning~~
26 January 1, 2000 until July 1, 2005, all breakage shall be
27 retained by licensees, with 50% of breakage to be used by
28 licensees for racetrack improvements at the racetrack from
29 which the wagering facility derives its license. The remaining
30 50% is to be allocated 50% to the purse account for the
31 licensee from which the wagering facility derives its license
32 and 50% to the licensee. Beginning July 1, 2005, all breakage
33 shall be retained by licensees, with 50% of breakage to be used

1 by licensees for racetrack improvements at the racetrack from
2 which the wagering facility derives its license. The remaining
3 50% is to be allocated to the purse account for the licensee
4 from which the wagering facility derives its license.

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

6 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

7 Sec. 27. (a) In addition to the organization license fee
8 provided by this Act, until January 1, 2000, a graduated
9 privilege tax is hereby imposed for conducting the pari-mutuel
10 system of wagering permitted under this Act. Until January 1,
11 2000, except as provided in subsection (g) of Section 27 of
12 this Act, all of the breakage of each racing day held by any
13 licensee in the State shall be paid to the State. Until January
14 1, 2000, such daily graduated privilege tax shall be paid by
15 the licensee from the amount permitted to be retained under
16 this Act. Until January 1, 2000, each day's graduated privilege
17 tax, breakage, and Horse Racing Tax Allocation funds shall be
18 remitted to the Department of Revenue within 48 hours after the
19 close of the racing day upon which it is assessed or within
20 such other time as the Board prescribes. The privilege tax
21 hereby imposed, until January 1, 2000, shall be a flat tax at
22 the rate of 2% of the daily pari-mutuel handle except as
23 provided in Section 27.1.

24 In addition, every organization licensee, except as
25 provided in Section 27.1 of this Act, which conducts multiple
26 wagering shall pay, until January 1, 2000, as a privilege tax
27 on multiple wagers an amount equal to 1.25% of all moneys
28 wagered each day on such multiple wagers, plus an additional
29 amount equal to 3.5% of the amount wagered each day on any
30 other multiple wager which involves a single betting interest
31 on 3 or more horses. The licensee shall remit the amount of
32 such taxes to the Department of Revenue within 48 hours after
33 the close of the racing day on which it is assessed or within

1 such other time as the Board prescribes.

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

4 (a-5) Beginning on January 1, 2000, a flat pari-mutuel tax
5 at the rate of 1.5% of the daily pari-mutuel handle is imposed
6 at all pari-mutuel wagering facilities, which shall be remitted
7 to the Department of Revenue within 48 hours after the close of
8 the racing day upon which it is assessed or within such other
9 time as the Board prescribes.

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

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

28 (d) Any licensee failing or refusing to pay the amount of
29 any tax due under this Section shall be guilty of a business
30 offense and upon conviction shall be fined not more than \$5,000
31 in addition to the amount found due as tax under this Section.
32 Each day's violation shall constitute a separate offense. All
33 fines paid into Court by a licensee hereunder shall be
34 transmitted and paid over by the Clerk of the Court to the

1 Board.

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

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

26 (g) Notwithstanding any provision in this Act to the
27 contrary, if in any calendar year the total taxes and fees from
28 wagering on live racing and from inter-track wagering required
29 to be collected from licensees and distributed under this Act
30 to all State and local governmental authorities exceeds the
31 amount of such taxes and fees distributed to each State and
32 local governmental authority to which each State and local
33 governmental authority was entitled under this Act for calendar
34 year 1994, then the first \$11 million of that excess amount

1 shall be allocated at the earliest possible date for
2 distribution as purse money for the succeeding calendar year.
3 Upon reaching the 1994 level, and until the excess amount of
4 taxes and fees exceeds \$11 million, the Board shall direct all
5 licensees to cease paying the subject taxes and fees and the
6 Board shall direct all licensees to allocate any such excess
7 amount for purses as follows:

8 (i) the excess amount shall be initially divided
9 between thoroughbred and standardbred purses based on the
10 thoroughbred's and standardbred's respective percentages
11 of total Illinois live wagering in calendar year 1994;

12 (ii) each thoroughbred and standardbred organization
13 licensee issued an organization licensee in that
14 succeeding allocation year shall be allocated an amount
15 equal to the product of its percentage of total Illinois
16 live thoroughbred or standardbred wagering in calendar
17 year 1994 (the total to be determined based on the sum of
18 1994 on-track wagering for all organization licensees
19 issued organization licenses in both the allocation year
20 and the preceding year) multiplied by the total amount
21 allocated for standardbred or thoroughbred purses,
22 provided that the first \$1,500,000 of the amount allocated
23 to standardbred purses under item (i) shall be allocated to
24 the Department of Agriculture to be expended with the
25 assistance and advice of the Illinois Standardbred
26 Breeders Funds Advisory Board for the purposes listed in
27 subsection (g) of Section 31 of this Act, before the amount
28 allocated to standardbred purses under item (i) is
29 allocated to standardbred organization licensees in the
30 succeeding allocation year.

31 To the extent the excess amount of taxes and fees to be
32 collected and distributed to State and local governmental
33 authorities exceeds \$11 million, that excess amount shall be
34 collected and distributed to State and local authorities as

1 provided for under this Act.

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

3 (230 ILCS 5/28.1)

4 Sec. 28.1. Payments.

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

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

20 (c) Appropriations, as approved by the General Assembly,
21 shall be made from the Horse Racing Fund to the Department of
22 Agriculture for the purposes identified in paragraphs (2),
23 (2.5), (4), (6), (7), (8), and (9) of subsection (g) of Section
24 30, subsection (e) of Section 30.5, and paragraphs (1), (2),
25 (3), (5), and (8) of subsection (g) of Section 31 and for
26 standardbred bonus programs for owners of horses that win
27 multiple stakes races that are limited to Illinois conceived
28 and foaled horses. From ~~Beginning on~~ January 1, 2000 ~~until the~~
29 effective date of this amendatory Act of the 93rd General
30 Assembly, the Board shall transfer the remainder of the funds
31 generated pursuant to Sections 26 and 27 from the Horse Racing
32 Fund into the General Revenue Fund.

33 (d) Beginning January 1, 2000, payments to all programs in

1 existence on the effective date of this amendatory Act of 1999
2 that are identified in Sections 26(c), 26(f), 26(h)(11)(C), and
3 28, subsections (a), (b), (c), (d), (e), (f), (g), and (h) of
4 Section 30, and subsections (a), (b), (c), (d), (e), (f), (g),
5 and (h) of Section 31 shall be made from the General Revenue
6 Fund at the funding levels determined by amounts paid under
7 this Act in calendar year 1998.

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

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

14 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

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

25 (b) Each organization licensee conducting a thoroughbred
26 racing meeting pursuant to this Act shall provide at least two
27 races each day limited to Illinois conceived and foaled horses
28 or Illinois foaled horses or both. A minimum of 6 races shall
29 be conducted each week limited to Illinois conceived and foaled
30 or Illinois foaled horses or both. Subject to the daily
31 availability of horses, one of the 6 races scheduled per week
32 that are limited to Illinois conceived and foaled or Illinois
33 foaled horses or both shall be limited to Illinois conceived

1 and foaled or Illinois foaled maidens. No horses shall be
2 permitted to start in such races unless duly registered under
3 the rules of the Department of Agriculture.

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

11 (d) There is hereby created a special fund of the State
12 Treasury to be known as the Illinois Thoroughbred Breeders
13 Fund.

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

18 (e) The Illinois Thoroughbred Breeders Fund shall be
19 administered by the Department of Agriculture with the advice
20 and assistance of the Advisory Board created in subsection (f)
21 of this Section.

22 (f) The Illinois Thoroughbred Breeders Fund Advisory Board
23 shall consist of the Director of the Department of Agriculture,
24 who shall serve as Chairman; a member of the Illinois Racing
25 Board, designated by it; 2 representatives of the organization
26 licensees conducting thoroughbred racing meetings, recommended
27 by them; 2 representatives of the Illinois Thoroughbred
28 Breeders and Owners Foundation, recommended by it; and 2
29 representatives of the Horsemen's Benevolent Protective
30 Association or any successor organization established in
31 Illinois comprised of the largest number of owners and
32 trainers, recommended by it, with one representative of the
33 Horsemen's Benevolent and Protective Association to come from
34 its Illinois Division, and one from its Chicago Division.

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

14 (g) Moneys ~~No monies~~ shall be expended from the Illinois
15 Thoroughbred Breeders Fund ~~except~~ as appropriated by the
16 General Assembly pursuant to this Act, the Riverboat Gambling
17 Act, or both. Monies appropriated from the Illinois
18 Thoroughbred Breeders Fund shall be expended by the Department
19 of Agriculture, with the advice and assistance of the Illinois
20 Thoroughbred Breeders Fund Advisory Board, for the following
21 purposes only:

22 (1) To provide purse supplements to owners of horses
23 participating in races limited to Illinois conceived and
24 foaled and Illinois foaled horses. Any such purse
25 supplements shall not be included in and shall be paid in
26 addition to any purses, stakes, or breeders' awards offered
27 by each organization licensee as determined by agreement
28 between such organization licensee and an organization
29 representing the horsemen. No monies from the Illinois
30 Thoroughbred Breeders Fund shall be used to provide purse
31 supplements for claiming races in which the minimum
32 claiming price is less than \$7,500.

33 (2) To provide stakes and awards to be paid to the
34 owners of the winning horses in certain races limited to

1 Illinois conceived and foaled and Illinois foaled horses
2 designated as stakes races.

3 (2.5) To provide an award to the owner or owners of an
4 Illinois conceived and foaled or Illinois foaled horse that
5 wins a maiden special weight, an allowance, overnight
6 handicap race, or claiming race with claiming price of
7 \$10,000 or more providing the race is not restricted to
8 Illinois conceived and foaled or Illinois foaled horses.
9 Awards shall also be provided to the owner or owners of
10 Illinois conceived and foaled and Illinois foaled horses
11 that place second or third in those races. To the extent
12 that additional moneys are required to pay the minimum
13 additional awards of 40% of the purse the horse earns for
14 placing first, second or third in those races for Illinois
15 foaled horses and of 60% of the purse the horse earns for
16 placing first, second or third in those races for Illinois
17 conceived and foaled horses, those moneys shall be provided
18 from the purse account at the track where earned.

19 (3) To provide stallion awards to the owner or owners
20 of any stallion that is duly registered with the Illinois
21 Thoroughbred Breeders Fund Program ~~prior to the effective~~
22 ~~date of this amendatory Act of 1995~~ whose duly registered
23 Illinois conceived and foaled offspring wins a race
24 conducted at an Illinois thoroughbred racing meeting other
25 than a claiming race. Such award shall not be paid to the
26 owner or owners of an Illinois stallion that served outside
27 this State at any time during the calendar year in which
28 such race was conducted.

29 (4) To provide \$75,000 annually for purses to be
30 distributed to county fairs that provide for the running of
31 races during each county fair exclusively for the
32 thoroughbreds conceived and foaled in Illinois. The
33 conditions of the races shall be developed by the county
34 fair association and reviewed by the Department with the

1 advice and assistance of the Illinois Thoroughbred
2 Breeders Fund Advisory Board. There shall be no wagering of
3 any kind on the running of Illinois conceived and foaled
4 races at county fairs.

5 (4.1) (Blank). ~~To provide purse money for an Illinois~~
6 ~~stallion stakes program.~~

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

11 (6) To provide for educational programs regarding the
12 thoroughbred breeding industry.

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

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

17 (9) To provide for dissemination of public information
18 designed to promote the breeding of thoroughbred horses in
19 Illinois.

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

22 (h) (Blank). ~~Whenever the Governor finds that the amount in~~
23 ~~the Illinois Thoroughbred Breeders Fund is more than the total~~
24 ~~of the outstanding appropriations from such fund, the Governor~~
25 ~~shall notify the State Comptroller and the State Treasurer of~~
26 ~~such fact. The Comptroller and the State Treasurer, upon~~
27 ~~receipt of such notification, shall transfer such excess amount~~
28 ~~from the Illinois Thoroughbred Breeders Fund to the General~~
29 ~~Revenue Fund.~~

30 (i) A sum equal to 12 1/2% of the first prize money of
31 every purse won by an Illinois foaled or an Illinois conceived
32 and foaled horse in races not limited to Illinois foaled horses
33 or Illinois conceived and foaled horses, or both, shall be paid
34 by the organization licensee conducting the horse race meeting.

1 Such sum shall be paid from the organization licensee's share
2 of the money wagered as follows: 11 1/2% to the breeder of the
3 winning horse and 1% to the organization representing
4 thoroughbred breeders and owners whose representative serves
5 on the Illinois Thoroughbred Breeders Fund Advisory Board for
6 verifying the amounts of breeders' awards earned, assuring
7 their distribution in accordance with this Act, and servicing
8 and promoting the Illinois thoroughbred horse racing industry.
9 The organization representing thoroughbred breeders and owners
10 shall cause all expenditures of monies received under this
11 subsection (i) to be audited at least annually by a registered
12 public accountant. The organization shall file copies of each
13 annual audit with the Racing Board, the Clerk of the House of
14 Representatives and the Secretary of the Senate, and shall make
15 copies of each annual audit available to the public upon
16 request and upon payment of the reasonable cost of photocopying
17 the requested number of copies. Such payments shall not reduce
18 any award to the owner of the horse or reduce the taxes payable
19 under this Act. Upon completion of its racing meet, each
20 organization licensee shall deliver to the organization
21 representing thoroughbred breeders and owners whose
22 representative serves on the Illinois Thoroughbred Breeders
23 Fund Advisory Board a listing of all the Illinois foaled and
24 the Illinois conceived and foaled horses which won breeders'
25 awards and the amount of such breeders' awards under this
26 subsection to verify accuracy of payments and assure proper
27 distribution of breeders' awards in accordance with the
28 provisions of this Act. Such payments shall be delivered by the
29 organization licensee within 30 days of the end of each race
30 meeting.

31 (j) A sum equal to 12 1/2% of the first prize money won in
32 each race limited to Illinois foaled horses or Illinois
33 conceived and foaled horses, or both, shall be paid in the
34 following manner by the organization licensee conducting the

1 horse race meeting, from the organization licensee's share of
2 the money wagered: 11 1/2% to the breeders of the horses in
3 each such race which are the official first, second, third and
4 fourth finishers and 1% to the organization representing
5 thoroughbred breeders and owners whose representative serves
6 on the Illinois Thoroughbred Breeders Fund Advisory Board for
7 verifying the amounts of breeders' awards earned, assuring
8 their proper distribution in accordance with this Act, and
9 servicing and promoting the Illinois thoroughbred horse racing
10 industry. The organization representing thoroughbred breeders
11 and owners shall cause all expenditures of monies received
12 under this subsection (j) to be audited at least annually by a
13 registered public accountant. The organization shall file
14 copies of each annual audit with the Racing Board, the Clerk of
15 the House of Representatives and the Secretary of the Senate,
16 and shall make copies of each annual audit available to the
17 public upon request and upon payment of the reasonable cost of
18 photocopying the requested number of copies.

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

21 (1) 60% of such sum shall be paid to the breeder of the
22 horse which finishes in the official first position;

23 (2) 20% of such sum shall be paid to the breeder of the
24 horse which finishes in the official second position;

25 (3) 15% of such sum shall be paid to the breeder of the
26 horse which finishes in the official third position; and

27 (4) 5% of such sum shall be paid to the breeder of the
28 horse which finishes in the official fourth position.

29 Such payments shall not reduce any award to the owners of a
30 horse or reduce the taxes payable under this Act. Upon
31 completion of its racing meet, each organization licensee shall
32 deliver to the organization representing thoroughbred breeders
33 and owners whose representative serves on the Illinois
34 Thoroughbred Breeders Fund Advisory Board a listing of all the

1 Illinois foaled and the Illinois conceived and foaled horses
2 which won breeders' awards and the amount of such breeders'
3 awards in accordance with the provisions of this Act. Such
4 payments shall be delivered by the organization licensee within
5 30 days of the end of each race meeting.

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

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

28 (1) Qualify stallions for Illinois breeding; such
29 stallions to stand for service within the State of Illinois
30 at the time of a foal's conception. Such stallion must not
31 stand for service at any place outside the State of
32 Illinois during the calendar year in which the foal is
33 conceived. The Department of Agriculture may assess and
34 collect an application fee of \$500 ~~fees~~ for the

1 registration of each Illinois-eligible stallion ~~stallions~~.
2 All fees collected are to be paid into the Illinois
3 Thoroughbred Breeders Fund and used by the Illinois
4 Thoroughbred Breeders Fund Advisory Board for stallion
5 awards.

6 (2) Provide for the registration of Illinois conceived
7 and foaled horses and Illinois foaled horses. No such horse
8 shall compete in the races limited to Illinois conceived
9 and foaled horses or Illinois foaled horses or both unless
10 registered with the Department of Agriculture. The
11 Department of Agriculture may prescribe such forms as are
12 necessary to determine the eligibility of such horses. The
13 Department of Agriculture may assess and collect
14 application fees for the registration of Illinois-eligible
15 foals. All fees collected are to be paid into the Illinois
16 Thoroughbred Breeders Fund. No person shall knowingly
17 prepare or cause preparation of an application for
18 registration of such foals containing false information.

19 (m) The Department of Agriculture, with the advice and
20 assistance of the Illinois Thoroughbred Breeders Fund Advisory
21 Board, shall provide that certain races limited to Illinois
22 conceived and foaled and Illinois foaled horses be stakes races
23 and determine the total amount of stakes and awards to be paid
24 to the owners of the winning horses in such races.

25 In determining the stakes races and the amount of awards
26 for such races, the Department of Agriculture shall consider
27 factors, including but not limited to, the amount of money
28 appropriated for the Illinois Thoroughbred Breeders Fund
29 program, organization licensees' contributions, availability
30 of stakes caliber horses as demonstrated by past performances,
31 whether the race can be coordinated into the proposed racing
32 dates within organization licensees' racing dates, opportunity
33 for colts and fillies and various age groups to race, public
34 wagering on such races, and the previous racing schedule.

1 (n) The Board and the organizational licensee shall notify
2 the Department of the conditions and minimum purses for races
3 limited to Illinois conceived and foaled and Illinois foaled
4 horses conducted for each organizational licensee conducting a
5 thoroughbred racing meeting. The Department of Agriculture
6 with the advice and assistance of the Illinois Thoroughbred
7 Breeders Fund Advisory Board may allocate monies for purse
8 supplements for such races. In determining whether to allocate
9 money and the amount, the Department of Agriculture shall
10 consider factors, including but not limited to, the amount of
11 money appropriated for the Illinois Thoroughbred Breeders Fund
12 program, the number of races that may occur, and the
13 organizational licensee's purse structure.

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

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

29 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

30 Sec. 31. (a) The General Assembly declares that it is the
31 policy of this State to encourage the breeding of standardbred
32 horses in this State and the ownership of such horses by
33 residents of this State in order to provide for: sufficient

1 numbers of high quality standardbred horses to participate in
2 harness racing meetings in this State, and to establish and
3 preserve the agricultural and commercial benefits of such
4 breeding and racing industries to the State of Illinois. It is
5 the intent of the General Assembly to further this policy by
6 the provisions of this Section of this Act.

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

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

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

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

31 (d) There is hereby created a special fund of the State
32 Treasury to be known as the Illinois Standardbred Breeders
33 Fund.

34 During the calendar year 1981, and each year thereafter,

1 except as provided in subsection (g) of Section 27 of this Act,
2 eight and one-half per cent of all the monies received by the
3 State as privilege taxes on harness racing meetings shall be
4 paid into the Illinois Standardbred Breeders Fund.

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

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

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

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

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

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

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

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

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

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

34 8. To promote the sport of harness racing, including

1 grants up to a maximum of \$7,500 per fair per year for the
2 cost of a totalizer system to be used for conducting
3 pari-mutuel wagering during the advertised dates of a
4 county fair.

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

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

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

25 1. Qualify stallions for Illinois Standardbred Breeders
26 Fund breeding; such stallion shall be owned by a resident of
27 the State of Illinois or by an Illinois corporation all of
28 whose shareholders, directors, officers and incorporators are
29 residents of the State of Illinois. Such stallion shall stand
30 for service at and within the State of Illinois at the time of
31 a foal's conception, and such stallion must not stand for
32 service at any place, ~~nor may semen from such stallion be~~
33 ~~transported,~~ outside the State of Illinois during that calendar
34 year in which the foal is conceived and that the owner of the

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

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

32 3. Provide that at least a 5 day racing program shall be
33 conducted at the State Fair each year, which program shall
34 include at least the following races limited to Illinois

1 conceived and foaled horses: (a) a two year old Trot and Pace,
2 and Filly Division of each; (b) a three year old Trot and Pace,
3 and Filly Division of each; (c) an aged Trot and Pace, and Mare
4 Division of each.

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

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

20 (k) The Department of Agriculture, with the advice and
21 assistance of the Illinois Standardbred Breeders Fund Advisory
22 Board, may allocate monies for purse supplements for such
23 races. In determining whether to allocate money and the amount,
24 the Department of Agriculture shall consider factors,
25 including but not limited to, the amount of money appropriated
26 for the Illinois Standardbred Breeders Fund program, the number
27 of races that may occur, and an organizational licensee's purse
28 structure. The organizational licensee shall notify the
29 Department of Agriculture of the conditions and minimum purses
30 for races limited to Illinois conceived and foaled horses to be
31 conducted by each organizational licensee conducting a harness
32 racing meeting for which purse supplements have been
33 negotiated.

34 (l) All races held at county fairs and the State Fair which

1 receive funds from the Illinois Standardbred Breeders Fund
2 shall be conducted in accordance with the rules of the United
3 States Trotting Association unless otherwise modified by the
4 Department of Agriculture.

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

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

22 (230 ILCS 5/36) (from Ch. 8, par. 37-36)

23 Sec. 36. (a) Whoever administers or conspires to administer
24 to any horse a hypnotic, narcotic, stimulant, depressant or any
25 chemical substance which may affect the speed of a horse at any
26 time in any race where the purse or any part of the purse is
27 made of money authorized by any Section of this Act, except
28 those chemical substances permitted by ruling of the Board,
29 internally, externally or by hypodermic method in a race or
30 prior thereto, or whoever knowingly enters a horse in any race
31 within a period of 24 hours after any hypnotic, narcotic,
32 stimulant, depressant or any other chemical substance which may
33 affect the speed of a horse at any time, except those chemical

1 substances permitted by ruling of the Board, has been
2 administered to such horse either internally or externally or
3 by hypodermic method for the purpose of increasing or retarding
4 the speed of such horse shall be guilty of a Class 4 felony.
5 The Board shall suspend or revoke such violator's license.

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

8 (c) The term "narcotic" as used in this Section includes
9 opium and all its alkaloids, salts, preparations and
10 derivatives, cocaine and all its salts, preparations and
11 derivatives and substitutes.

12 (d) The provisions of this Section 36 and the treatment
13 authorized herein apply to horses entered in and competing in
14 race meetings as defined in Section 3.47 of this Act and to
15 horses entered in and competing at any county fair.

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

17 (230 ILCS 5/42) (from Ch. 8, par. 37-42)

18 Sec. 42. (a) Except as to the distribution of monies
19 provided for by Sections 28, 29, 30, and 31 and the treating of
20 horses as provided in Section 36, nothing whatsoever in this
21 Act shall be held or taken to apply to county fairs and State
22 Fairs or to agricultural and livestock exhibitions where the
23 pari-mutuel system of wagering upon the result of horses is not
24 permitted or conducted.

25 (b) Nothing herein shall be construed to permit the
26 pari-mutuel method of wagering upon any race track unless such
27 race track is licensed under this Act. It is hereby declared to
28 be unlawful for any person to permit, conduct or supervise upon
29 any race track ground the pari-mutuel method of wagering except
30 in accordance with the provisions of this Act.

31 (c) Whoever violates subsection (b) of this Section is
32 guilty of a Class 4 felony.

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

1 (230 ILCS 5/56 new)

2 Sec. 56. Electronic gaming.

3 (a) An organization licensee may apply to the Gaming Board
4 for an electronic gaming license. An electronic gaming license
5 shall authorize its holder to conduct gambling at slot machines
6 on the grounds of the licensee's race track. Only one
7 organization licensee per race track may be awarded an
8 electronic gaming license. Each license shall specify the
9 number of slot machines that its holder may operate.

10 If an organization licensee receives an electronic gaming
11 license, the organization must create an entity that shall hold
12 the electronic gaming license and conduct electronic gaming
13 under the license. The majority interest in the entity shall be
14 retained by the organization licensee, but, within a time
15 period set by the Board, which shall not exceed 12 months from
16 the date the electronic gaming licensee begins to conduct
17 electronic gaming, the entity shall attain a level of at least
18 20% minority person and female ownership, at least 16% and 4%
19 respectively. The provisions of this subsection concerning
20 minority person and female ownership of an entity the holds an
21 electronic gaming license apply only to electronic gaming and
22 not to any other activities conducted by an organization
23 licensee under this Act. For the purposes of this Act, with
24 respect to electronic gaming, the term "organization licensee"
25 means the entity created under this subsection. The provisions
26 of this subsection concerning the creation of an entity to hold
27 an electronic gaming license do not apply to an organization
28 licensee that has attained a level of at least 20% minority
29 person and female ownership, at least 16% and 4% respectively.
30 For the purposes of this Section, the terms "female" and
31 "minority person" have the meanings provided in Section 2 of
32 the Business Enterprise for Minorities, Females, and Persons
33 with Disabilities Act.

1 An electronic gaming licensee may not permit persons under
2 21 years of age to be present in its electronic gaming
3 facility, but the licensee may accept wagers on live racing and
4 inter-track wagers at its electronic gaming facility.

5 (b) The gross gaming receipts received by an electronic
6 gaming licensee from electronic gaming remaining after the
7 payment of taxes under Section 13 of the Riverboat and Casino
8 Gambling Act shall be distributed as follows:

9 77.5% shall be retained by the licensee;

10 20% shall be paid to purse equity accounts;

11 1.75% shall be paid to the Illinois Thoroughbred
12 Breeders Fund and the Illinois Standardbred Breeders Fund,
13 divided pro rata based on the proportion of live
14 thoroughbred racing and live standardbred racing conducted
15 at that licensee's race track;

16 0.25% shall be paid to the Illinois Quarter Horse
17 Breeders Fund;

18 0.125% shall be paid to the University of Illinois for
19 equine research;

20 0.125% shall be paid to the Racing Industry Charitable
21 Foundation;

22 0.25% shall be paid to the licensee's live racing and
23 horse ownership promotional account.

24 Of the moneys paid to purse equity accounts by an
25 electronic gaming licensee, 58% shall be paid to the licensee's
26 thoroughbred purse equity account and 42% shall be paid to the
27 licensee's standardbred purse equity account.

28 Section 930. The Riverboat Gambling Act is amended by
29 changing Sections 1, 2, 3, 4, 5, 6, 7, 7.1, 7.3, 7.4, 8, 9, 10,
30 11, 11.1, 12, 13, 14, 18, 19, 20, and 23 and adding Sections
31 7.6 and 7.7 as follows:

32 (230 ILCS 10/1) (from Ch. 120, par. 2401)

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

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

4 (230 ILCS 10/2) (from Ch. 120, par. 2402)

5 Sec. 2. Legislative Intent.

6 (a) This Act is intended to benefit the people of the State
7 of Illinois by assisting economic development and promoting
8 Illinois tourism and by increasing the amount of revenues
9 available to the State to assist and support education.

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

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

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

25 (230 ILCS 10/3) (from Ch. 120, par. 2403)

26 Sec. 3. ~~Riverboat~~ Gambling Authorized.

27 (a) Riverboat and casino gambling operations and
28 electronic gaming operations ~~and the system of wagering~~
29 ~~incorporated therein~~, as defined in this Act, are hereby
30 authorized to the extent that they are carried out in
31 accordance with the provisions of this Act.

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

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

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

26 (d) Gambling that is conducted in accordance with this Act
27 using slot machines shall be authorized at electronic gaming
28 facilities as provided in this Act.

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

30 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

32 "Authority" means the Chicago Casino Development Authority
33 created under the Chicago Casino Development Authority Act.

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

2 "Casino" means a land-based facility located within a
3 municipality with a population of more than 500,000 inhabitants
4 at which lawful gambling is authorized and licensed as provided
5 in this Act. "Casino" includes any temporary land-based or
6 river-based facility at which lawful gambling is authorized and
7 licensed as provided in this Act. "Casino" does not include any
8 ancillary facilities such as hotels, restaurants, retail
9 facilities, conference rooms, parking areas, entertainment
10 venues, or other facilities at which gambling operations are
11 not conducted.

12 "Casino operator" means any person or entity that manages
13 casino gambling operations conducted by the Authority under
14 subsection (e-6) of Section 7.

15 "Casino operators license" means a license issued by the
16 Board to a person or entity to manage casino gambling
17 operations conducted by the Authority pursuant to subsection
18 (e-6) of Section 7.

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

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

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

34 ~~(e)~~ "Managers license" means a license issued by the Board

1 to a person or entity to manage gambling operations conducted
2 by the State pursuant to Section 7.3 ~~7.2~~.

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

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

10 ~~(h)~~ "Gross gaming ~~Adjusted-gross~~ receipts" means the whole
11 gaming ~~gross~~ receipts less winnings paid to wagerers.

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

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

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

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

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

27 "Owners license" means a license to conduct riverboat
28 gambling operations or casino gambling operations, but does not
29 include an electronic gaming license.

30 "Licensed owner" means a person who holds an owners
31 license.

32 "Electronic gaming" means the conduct of gambling using
33 slot machines at a race track licensed under the Illinois Horse
34 Racing Act of 1975 pursuant to the Illinois Horse Racing Act of

1 1975 and this Act.

2 "Electronic gaming facility" means the area where the Board
3 has authorized electronic gaming at a race track of an
4 organization licensee under the Illinois Horse Racing Act of
5 1975 that holds an electronic gaming license.

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

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

12 (Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03;
13 revisory 1-28-04.)

14 (230 ILCS 10/5) (from Ch. 120, par. 2405)

15 Sec. 5. Gaming Board.

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

26 (2) The Board shall consist of 5 members to be appointed by
27 the Governor with the advice and consent of the Senate, one of
28 whom shall be designated by the Governor to be chairperson
29 ~~chairman~~. Each member shall have a reasonable knowledge of the
30 practice, procedure and principles of gambling operations.
31 Each member shall either be a resident of Illinois or shall
32 certify that he or she will become a resident of Illinois
33 before taking office. At least one member shall be experienced

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

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

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

23 (5) No person shall be appointed a member of the Board or
24 continue to be a member of the Board who is, or whose spouse,
25 child or parent is, a member of the board of directors of, or a
26 person financially interested in, any gambling operation
27 subject to the jurisdiction of this Board, or any race track,
28 race meeting, racing association or the operations thereof
29 subject to the jurisdiction of the Illinois Racing Board. No
30 Board member shall hold any other public office for which he
31 shall receive compensation other than necessary travel or other
32 incidental expenses. No person shall be a member of the Board
33 who is not of good moral character or who has been convicted
34 of, or is under indictment for, a felony under the laws of

1 Illinois or any other state, or the United States.

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

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

24 (8) Upon the request of the Board, the Department shall
25 employ such personnel as may be necessary to carry out the
26 functions of the Board. No person shall be employed to serve
27 the Board who is, or whose spouse, parent or child is, an
28 official of, or has a financial interest in or financial
29 relation with, any operator engaged in gambling operations
30 within this State or any organization engaged in conducting
31 horse racing within this State. Any employee violating these
32 prohibitions shall be subject to termination of employment.

33 (9) An Administrator shall perform any and all duties that
34 the Board shall assign him. The salary of the Administrator

1 shall be determined by the Board and approved by the Director
2 of the Department and, in addition, he shall be reimbursed for
3 all actual and necessary expenses incurred by him in discharge
4 of his official duties. The Administrator shall keep records of
5 all proceedings of the Board and shall preserve all records,
6 books, documents and other papers belonging to the Board or
7 entrusted to its care. The Administrator shall devote his full
8 time to the duties of the office and shall not hold any other
9 office or employment.

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

13 (1) To decide promptly and in reasonable order all
14 license applications. Any party aggrieved by an action of
15 the Board denying, suspending, revoking, restricting or
16 refusing to renew a license may request a hearing before
17 the Board. A request for a hearing must be made to the
18 Board in writing within 5 days after service of notice of
19 the action of the Board. Notice of the action of the Board
20 shall be served either by personal delivery or by certified
21 mail, postage prepaid, to the aggrieved party. Notice
22 served by certified mail shall be deemed complete on the
23 business day following the date of such mailing. The Board
24 shall conduct all requested hearings promptly and in
25 reasonable order;

26 (2) To conduct all hearings pertaining to civil
27 violations of this Act or rules and regulations promulgated
28 hereunder;

29 (3) To promulgate such rules and regulations as in its
30 judgment may be necessary to protect or enhance the
31 credibility and integrity of gambling operations
32 authorized by this Act and the regulatory process
33 hereunder;

34 (4) To provide for the establishment and collection of

1 all license and registration fees and taxes imposed by this
2 Act and the rules and regulations issued pursuant hereto.
3 All such fees and taxes shall be deposited into the State
4 Gaming Fund;

5 (5) To provide for the levy and collection of penalties
6 and fines for the violation of provisions of this Act and
7 the rules and regulations promulgated hereunder. All such
8 fines and penalties shall be deposited into the Education
9 Assistance Fund, created by Public Act 86-0018, of the
10 State of Illinois;

11 (6) To be present through its inspectors and agents any
12 time gambling operations are conducted on any riverboat, in
13 any casino, or at any electronic gaming facility for the
14 purpose of certifying the revenue thereof, receiving
15 complaints from the public, and conducting such other
16 investigations into the conduct of the gambling games and
17 the maintenance of the equipment as from time to time the
18 Board may deem necessary and proper;

19 (7) To review and rule upon any complaint by a licensee
20 regarding any investigative procedures of the State which
21 are unnecessarily disruptive of gambling operations. The
22 need to inspect and investigate shall be presumed at all
23 times. The disruption of a licensee's operations shall be
24 proved by clear and convincing evidence, and establish
25 that: (A) the procedures had no reasonable law enforcement
26 purposes, and (B) the procedures were so disruptive as to
27 unreasonably inhibit gambling operations;

28 (8) To hold at least one meeting each quarter of the
29 fiscal year. In addition, special meetings may be called by
30 the chairperson ~~Chairman~~ or any 2 Board members upon 72
31 hours written notice to each member. All Board meetings
32 shall be subject to the Open Meetings Act. Three members of
33 the Board shall constitute a quorum, and 3 votes shall be
34 required for any final determination by the Board. The

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

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

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

29 (11) (Blank); ~~and~~

30 (12) To assume responsibility for the administration
31 and enforcement of the Bingo License and Tax Act, the
32 Charitable Games Act, and the Pull Tabs and Jar Games Act
33 if such responsibility is delegated to it by the Director
34 of Revenue; and-

1 (13) To assume responsibility for the administration
2 and enforcement of operations at electronic gaming
3 facilities pursuant to this Act and the Illinois Horse
4 Racing Act of 1975.

5 (c) The Board shall have jurisdiction over and shall
6 supervise all gambling operations governed by this Act. The
7 Board shall have all powers necessary and proper to fully and
8 effectively execute the provisions of this Act, including, but
9 not limited to, the following:

10 (1) To investigate applicants and determine the
11 eligibility of applicants for licenses and to select among
12 competing applicants the applicants which best serve the
13 interests of the citizens of Illinois.

14 (2) To have jurisdiction and supervision over all
15 ~~riverboat~~ gambling operations authorized under this Act in
16 ~~this State~~ and all persons in places on riverboats where
17 gambling operations are conducted.

18 (3) To promulgate rules and regulations for the purpose
19 of administering the provisions of this Act and to
20 prescribe rules, regulations and conditions under which
21 all ~~riverboat~~ gambling operations subject to this Act in
22 ~~the State~~ shall be conducted. Such rules and regulations
23 are to provide for the prevention of practices detrimental
24 to the public interest and for the best interests of
25 ~~riverboat~~ gambling, including rules and regulations
26 regarding the inspection of electronic gaming facilities,
27 ~~such~~ riverboats, and casinos and the review of any permits
28 or licenses necessary to operate a riverboat, casino, or
29 electronic gaming facility under any laws or regulations
30 applicable to riverboats, casinos, and electronic gaming
31 facilities, and to impose penalties for violations
32 thereof.

33 (4) To enter the office, riverboats, electronic gaming
34 facilities, and other facilities, or other places of

1 business of a licensee, where evidence of the compliance or
2 noncompliance with the provisions of this Act is likely to
3 be found.

4 (5) To investigate alleged violations of this Act or
5 the rules of the Board and to take appropriate disciplinary
6 action against a licensee, other than the Authority, or a
7 holder of an occupational license for a violation, or
8 institute appropriate legal action for enforcement, or
9 both.

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

13 (7) To adopt appropriate standards for all electronic
14 gaming facilities, riverboats, casinos, and other
15 facilities authorized under this Act.

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

28 (9) To conduct hearings, issue subpoenas for the
29 attendance of witnesses and subpoenas duces tecum for the
30 production of books, records and other pertinent documents
31 in accordance with the Illinois Administrative Procedure
32 Act, and to administer oaths and affirmations to the
33 witnesses, when, in the judgment of the Board, it is
34 necessary to administer or enforce this Act or the Board

1 rules.

2 (10) To prescribe a form to be used by any licensee
3 involved in the ownership or management of gambling
4 operations as an application for employment for their
5 employees.

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

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

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

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

5 (14) (Blank).

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

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

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

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

1 alcoholic liquor on board a riverboat or in a casino. This
2 subdivision (18) amendatory Act of 1991 is a denial and
3 limitation of home rule powers and functions under
4 subsection (h) of Section 6 of Article VII of the Illinois
5 Constitution.

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

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

15 (21) To make rules concerning the conduct of electronic
16 gaming.

17 (22) ~~(21)~~ To take any other action as may be reasonable
18 or appropriate to enforce this Act and rules and
19 regulations hereunder.

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

28 (e) The Board must authorize to each investigator and to
29 any other employee of the Board exercising the powers of a
30 peace officer a distinct badge that, on its face, (i) clearly
31 states that the badge is authorized by the Board and (ii)
32 contains a unique identifying number. No other badge shall be
33 authorized by the Board.

34 (Source: P.A. 91-40, eff. 1-1-00; 91-239, eff. 1-1-00; 91-883,

1 eff. 1-1-01.)

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

3 Sec. 6. Application for Owners License.

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

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

28 (c) Each applicant shall disclose the identity of every
29 person, association, trust or corporation having a greater than
30 1% direct or indirect pecuniary interest in the riverboat
31 gambling operation with respect to which the license is sought.
32 If the disclosed entity is a trust, the application shall
33 disclose the names and addresses of the beneficiaries; if a

1 corporation, the names and addresses of all stockholders and
2 directors; if a partnership, the names and addresses of all
3 partners, both general and limited.

4 (d) An application shall be filed with the Board by January
5 1 of the year preceding any calendar year for which an
6 applicant seeks an owners license; however, applications for an
7 owners license permitting operations on January 1, 1991 shall
8 be filed by July 1, 1990. An application fee of \$50,000 shall
9 be paid at the time of filing to defray the costs associated
10 with the background investigation conducted by the Board. If
11 the costs of the investigation exceed \$50,000, the applicant
12 shall pay the additional amount to the Board. If the costs of
13 the investigation are less than \$50,000, the applicant shall
14 receive a refund of the remaining amount. All information,
15 records, interviews, reports, statements, memoranda or other
16 data supplied to or used by the Board in the course of its
17 review or investigation of an application for a license under
18 this Act shall be privileged, strictly confidential and shall
19 be used only for the purpose of evaluating an applicant. Such
20 information, records, interviews, reports, statements,
21 memoranda or other data shall not be admissible as evidence,
22 nor discoverable in any action of any kind in any court or
23 before any tribunal, board, agency or person, except for any
24 action deemed necessary by the Board.

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

30 (f) The licensed owner shall be the person primarily
31 responsible for the boat itself. Only one riverboat gambling
32 operation may be authorized by the Board on any riverboat. The
33 applicant must identify each riverboat it intends to use and
34 certify that the riverboat: (1) has the authorized capacity

1 required in this Act; (2) is accessible to disabled persons;
2 and (3) is fully registered and licensed in accordance with any
3 applicable laws.

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

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

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

8 Sec. 7. Owners Licenses.

9 (a) The Board shall issue owners licenses to persons, firms
10 or corporations which apply for such licenses upon payment to
11 the Board of the non-refundable license fee set by the Board,
12 upon payment of a \$25,000 license fee for the first year of
13 operation and a \$5,000 license fee for each succeeding year and
14 upon a determination by the Board that the applicant is
15 eligible for an owners license pursuant to this Act and the
16 rules of the Board. No application under this Section shall be
17 required from the Authority. The Authority is not required to
18 pay the fees imposed under this Section. A person, firm or
19 corporation is ineligible to receive an owners license if:

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

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

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

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

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

31 (6) the firm or corporation employs a person defined in
32 (1), (2), (3) or (4) who participates in the management or
33 operation of gambling operations authorized under this

1 Act;

2 (7) (blank); or

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

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

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

11 (A) controls, directly or indirectly, such
12 applicant, or

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

16 (2) the facilities or proposed facilities for the
17 conduct of riverboat gambling;

18 (3) the highest prospective total revenue to be derived
19 by the State from the conduct of riverboat gambling;

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

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

28 (6) whether the applicant has adequate capitalization
29 to provide and maintain, for the duration of a license, a
30 riverboat;

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

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

1 (c) Each owners license shall specify the place where
2 riverboats shall operate and dock.

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

5 (e) In addition to the licenses authorized under
6 subsections (e-5) and (e-6), the ~~The~~ Board may issue up to 10
7 licenses authorizing the holders of such licenses to own
8 riverboats. In the application for an owners license, the
9 applicant shall state the dock at which the riverboat is based
10 and the water on which the riverboat will be located. The Board
11 shall issue 5 licenses to become effective not earlier than
12 January 1, 1991. Three of such licenses shall authorize
13 riverboat gambling on the Mississippi River, or, with approval
14 by the municipality in which the riverboat is docked on August
15 7, 2003, ~~the effective date of this amendatory Act of the 93rd~~
16 ~~Assembly,~~ in a municipality that (1) borders on the Mississippi
17 River or is within 5 miles of the city limits of a municipality
18 that borders on the Mississippi River and (2), on August 7,
19 2003, ~~the effective date of this amendatory Act of the 93rd~~
20 ~~General Assembly,~~ has a riverboat conducting riverboat
21 gambling operations pursuant to a license issued under this
22 Act; ~~7~~ one of which shall authorize riverboat gambling from a
23 home dock in the city of East St. Louis. One other license
24 shall authorize riverboat gambling on the Illinois River south
25 of Marshall County. The Board shall issue one additional
26 license to become effective not earlier than March 1, 1992,
27 which shall authorize riverboat gambling on the Des Plaines
28 River in Will County. The Board may issue 4 additional licenses
29 to become effective not earlier than March 1, 1992. In
30 determining the water upon which riverboats will operate, the
31 Board shall consider the economic benefit which riverboat
32 gambling confers on the State, and shall seek to assure that
33 all regions of the State share in the economic benefits of
34 riverboat gambling.

1 (e-5) In addition to the licenses authorized under
2 subsections (e) and (e-6), the Board may issue 3 additional
3 licenses authorizing riverboat gambling.

4 (1) Except as otherwise provided in this paragraph (1),
5 one of the licenses issued under this subsection (e-5)
6 shall authorize its holder to conduct riverboat gambling
7 from a home dock located in a municipality that (A) has a
8 population of at least 75,000 inhabitants, (B) is bordered
9 on the East by Lake Michigan, and (C) is located in a
10 county, the entirety of which is located to the North of
11 Cook County, and shall authorize its holder to conduct
12 riverboat gambling on Lake Michigan.

13 (2) One license issued under this subsection (e-5)
14 shall authorize its holder to conduct riverboat gambling in
15 Cook County from a home dock located in the area bordered
16 on the North by the southern corporate limit of the City of
17 Chicago, on the South by Route 30, on the East by the
18 Indiana border, and on the West by Interstate 57.

19 (3) One license issued under this subsection (e-5)
20 shall authorize its holder to conduct riverboat gambling in
21 a municipality with at least 75,000 inhabitants that is
22 located in a county that (i) is entirely to the North of
23 Cook County and (ii) does not border Lake Michigan.

24 Licenses authorized under this subsection (e-5) shall be
25 awarded pursuant to a process of competitive bidding to the
26 highest bidder that is eligible to hold an owners license under
27 this Act. The minimum bid for an owners license under this
28 subsection (e-5) shall be \$350,000,000.

29 Any licensee that receives its license under this
30 subsection (e-5) shall attain a level of at least 20% minority
31 person and female ownership, at least 16% and 4% respectively,
32 within a time period prescribed by the Board, but not to exceed
33 12 months from the date the licensee begins conducting
34 riverboat gambling. The 12-month period shall be extended by

1 the amount of time necessary to conduct a background
2 investigation pursuant to Section 6. For the purposes of this
3 Section, the terms "female" and "minority person" have the
4 meanings provided in Section 2 of the Business Enterprise for
5 Minorities, Females, and Persons with Disabilities Act.

6 (e-6) In addition to the licenses authorized under
7 subsections (e) and (e-5), the Board, upon written request of
8 the Authority and upon payment by the Authority to the Board on
9 or before June 30, 2005 of a fee of \$350,000,000, shall issue
10 an owners license to the Authority, authorizing the conduct of
11 gambling operations in a casino located in a municipality with
12 a population of more than 500,000 inhabitants. Until completion
13 of a permanent casino, the Authority's license shall authorize
14 it to conduct gambling operations in one or more land-based or
15 riverboat temporary casinos within the municipality, provided
16 that the total number of gaming positions is limited to 3,000.
17 The license issued to the Authority shall be perpetual and may
18 not be revoked, suspended, or limited by the Board. The Board
19 shall have the authority to investigate, reject, and remove any
20 appointments to the Authority's board and the Authority's
21 appointment of its executive director. Casino gambling
22 operations shall be conducted by a casino operator on behalf of
23 the Authority. The Authority shall conduct a competitive
24 bidding process for the selection of casino operators to
25 develop and operate the casino and one or more temporary
26 casinos and riverboats; provided that the Authority may not
27 select as a casino operator any bidder who directly or
28 indirectly has an ownership or management interest in 2 or more
29 riverboat gambling operations in Illinois and Indiana. Any such
30 casino operators shall be subject to licensing by, and full
31 jurisdiction of, the Board.

32 (e-10) In granting all licenses, the Board may give
33 favorable consideration to economically depressed areas of the
34 State, to applicants presenting plans which provide for

1 significant economic development over a large geographic area,
2 and to applicants who currently operate non-gambling
3 riverboats in Illinois. The Board shall review all applications
4 for owners licenses, and shall inform each applicant of the
5 Board's decision. The Board may grant an owners license to an
6 applicant that has not submitted the highest license bid, but
7 if it does not select the highest bidder, the Board shall issue
8 a written decision explaining why another applicant was
9 selected and identifying the factors set forth in this Section
10 that favored the winning bidder.

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

17 If, subsequent to the conduct of riverboat gambling
18 operations under a license issued under this Act, riverboat
19 gambling operations are not conducted under that license for a
20 period of at least 12 months due to a cause other than a
21 natural disaster, act of God, or other similar emergency, the
22 license shall be declared dormant and shall be revoked by the
23 Board.

24 (f) Owners ~~The first 10 owners~~ licenses issued under this
25 Act shall permit the holder to own up to 2 riverboats and
26 equipment thereon for a period of 3 years after the effective
27 date of the license. Holders of ~~the first 10~~ owners licenses
28 must pay the annual license fee for each of the 3 years during
29 which they are authorized to own riverboats.

30 (g) Upon the termination, expiration, or revocation of each
31 owners license ~~of the first 10 licenses~~, which shall be issued
32 for a 3 year period, all licenses are renewable annually upon
33 payment of the fee and a determination by the Board that the
34 licensee continues to meet all of the requirements of this Act

1 and the Board's rules. However, for licenses renewed on or
2 after May 1, 1998, renewal shall be for a period of 4 years,
3 unless the Board sets a shorter period. The Authority's license
4 shall be perpetual and shall not be subject to renewal.

5 (h) An owners license, other than the Authority's license,
6 shall entitle the licensee to own up to 2 riverboats and
7 operate up to 1,200 gaming positions, plus an additional number
8 of positions as provided in subsections (h-5), (h-7), and
9 (h-10). The Authority's license shall limit the number of
10 gaming positions to 3,000, and shall not allow the Authority to
11 obtain additional gaming positions under subsection (h-5).

12 (h-5) In addition to the 1,200 gaming positions authorized
13 under subsection (h), a licensee, other than the Authority, may
14 purchase and operate additional gaming positions as provided in
15 this subsection (h-5). A licensee, other than the Authority,
16 may purchase up to 800 additional gaming positions under this
17 subsection (h-5) in groups of 100 by paying to the Board,
18 within 60 days after the adoption of rules under subsection
19 (h-8) concerning the forfeiture of unused gaming positions, a
20 fee of \$2,500,000 for each group of 100 additional gaming
21 positions.

22 (h-7) Gaming positions authorized under subsection (h-5)
23 that go unpurchased for 60 days after the adoption of rules
24 under subsection (h-8) concerning the forfeiture of unused
25 gaming positions, if any, shall be made available to owners
26 licensees, other than the Authority, as provided in this
27 subsection (h-7). Within 30 days after the end of that 60-day
28 period, the Gaming Board shall make those unpurchased positions
29 available to owners licensees, other than the Authority, under
30 a process of competitive bidding, in groups of 50 gaming
31 positions. The minimum bid for each group of 50 gaming
32 positions shall be \$1,250,000.

33 (h-8) At the time of license renewal, if the Gaming Board
34 determines that an owners licensee is not using any portion of

1 the gaming positions that it obtained under subsection (h-5) or
2 (h-7), the owners licensee shall forfeit those unused gaming
3 positions. The owners licensee shall not receive compensation
4 for those forfeited gaming positions. Within 30 days after the
5 forfeiture of an owners licensee's unused gaming positions, the
6 unused positions shall be made available by the Gaming Board to
7 owners licensees, other than the Authority, under a process of
8 competitive bidding, in groups of 50 gaming positions. The
9 minimum bid for each group of 50 gaming positions shall be
10 \$1,250,000. Within 30 days after the effective date of this
11 amendatory Act of the 93rd General Assembly, the Board shall
12 adopt rules concerning the forfeiture of unused gaming
13 positions obtained under subsection (h-5) or (h-7).

14 (h-10) The total number of gaming positions used by an
15 owners licensee shall not exceed 3,500 at one time (3,000 in
16 the case of the Authority). Within this limit, a licensee may
17 operate both of its riverboats concurrently.

18 An owners licensee that obtains in excess of 1,200
19 positions, other than the Authority, may conduct riverboat
20 gambling operations from a land-based facility within or
21 attached to its home dock facility or from a temporary
22 facility, as the term "temporary facility" is defined by Board
23 rule, that is attached to the licensee's home dock, with Board
24 approval. Gaming positions located in a land-based facility
25 must be located in an area that is accessible only to persons
26 who are at least 21 years of age. A licensee may not conduct
27 gambling at a land-based facility unless the admission tax
28 imposed under Section 12 has been paid for all persons who
29 enter the land-based facility. The Board shall adopt rules
30 concerning the conduct of gambling from land-based facilities,
31 including rules concerning the number of gaming positions that
32 may be located at a temporary facility. ~~A licensee shall limit~~
33 ~~the number of gambling participants to 1,200 for any such~~
34 ~~owners license. A licensee may operate both of its riverboats~~

1 ~~concurrently, provided that the total number of gambling~~
2 ~~participants on both riverboats does not exceed 1,200.~~
3 ~~Riverboats licensed to operate on the Mississippi River and the~~
4 ~~Illinois River south of Marshall County shall have an~~
5 ~~authorized capacity of at least 500 persons. Any other~~
6 ~~riverboat licensed under this Act shall have an authorized~~
7 ~~capacity of at least 400 persons.~~

8 (i) A licensed owner is authorized to apply to the Board
9 for and, if approved therefor, to receive all licenses from the
10 Board necessary for the operation of a riverboat or a casino,
11 including a liquor license, a license to prepare and serve food
12 for human consumption, and other necessary licenses. All use,
13 occupation and excise taxes which apply to the sale of food and
14 beverages in this State and all taxes imposed on the sale or
15 use of tangible personal property apply to such sales aboard
16 the riverboat or in the casino.

17 (j) The Board may issue or re-issue a license authorizing a
18 riverboat to dock in a municipality or approve a relocation
19 under Section 11.2 only if, prior to the issuance or
20 re-issuance of the license or approval, the governing body of
21 the municipality in which the riverboat will dock has by a
22 majority vote approved the docking of riverboats in the
23 municipality. The Board may issue or re-issue a license
24 authorizing a riverboat to dock in areas of a county outside
25 any municipality or approve a relocation under Section 11.2
26 only if, prior to the issuance or re-issuance of the license or
27 approval, the governing body of the county has by a majority
28 vote approved of the docking of riverboats within such areas.

29 (Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03;
30 93-453, eff. 8-7-03; revised 1-27-04.)

31 (230 ILCS 10/7.1)

32 Sec. 7.1. Re-issuance of revoked or non-renewed owners
33 licenses.

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

11 (b) To be a qualified applicant, a person, firm, or
12 corporation cannot be ineligible to receive an owners license
13 under Section 7(a) and must submit an application for an owners
14 license that complies with Section 6. Each such applicant must
15 also submit evidence to the Board that minority persons and
16 females hold ownership interests in the applicant of at least
17 16% and 4% respectively.

18 (c) Notwithstanding anything to the contrary in
19 subsections (e), (e-5), or (e-6) of Section 7, ~~Section 7(e)~~, an
20 applicant may apply to the Board for approval of relocation of
21 a re-issued license to a new home dock location authorized
22 under Section 3(c) upon receipt of the approval from the
23 municipality or county, as the case may be, pursuant to Section
24 7(j).

25 (d) In determining whether to grant a re-issued owners
26 license to an applicant, the Board shall consider all of the
27 factors set forth in Section ~~Sections~~ 7(b) and in Section 7(e)
28 or (e-5), whichever is applicable, ~~(e)~~ as well as the amount of
29 the applicant's license bid. The Board may grant the re-issued
30 owners license to an applicant that has not submitted the
31 highest license bid, but if it does not select the highest
32 bidder, the Board shall issue a written decision explaining why
33 another applicant was selected and identifying the factors set
34 forth in Section ~~Sections~~ 7(b) and in Section 7(e) or (e-5),

1 whichever is applicable, ~~(e)~~ that favored the winning bidder.

2 (e) Re-issued owners licenses shall be subject to annual
3 license fees as provided for in Section 7(a) and shall be
4 governed by the provisions of Sections 7(f), (g), (h), and (i).
5 (Source: P.A. 93-28, eff. 6-20-03.)

6 (230 ILCS 10/7.3)

7 Sec. 7.3. State conduct of gambling operations.

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

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

24 (c) The Board shall have jurisdiction over and shall
25 supervise all gambling operations conducted by the State
26 provided for in this Act and shall have all powers necessary
27 and proper to fully and effectively execute the provisions of
28 this Act relating to gambling operations conducted by the
29 State.

30 (d) The maximum number of owners licenses authorized under
31 Section 7 ~~7(e)~~ shall be reduced by one for each instance in
32 which the Board authorizes the State to conduct a riverboat
33 gambling operation under subsection (a) in lieu of re-issuing a

1 license to an applicant under Section 7.1.

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

3 (230 ILCS 10/7.4)

4 Sec. 7.4. Managers and casino operators licenses.

5 (a) A qualified person may apply to the Board for a
6 managers license to operate and manage any gambling operation
7 conducted by the State or the Authority. The application shall
8 be made on forms provided by the Board and shall contain such
9 information as the Board prescribes, including but not limited
10 to information required in Sections 6(a), (b), and (c) and
11 information relating to the applicant's proposed price to
12 manage State or Authority gambling operations and to provide
13 the riverboat or casino, gambling equipment, and supplies
14 necessary to conduct State or Authority gambling operations.

15 (b) Each applicant, other than an applicant to manage the
16 Authority's gambling operations, must submit evidence to the
17 Board that minority persons and females hold ownership
18 interests in the applicant of at least 16% and 4%,
19 respectively.

20 (c) A person, firm, or corporation is ineligible to receive
21 a managers license or a casino operators license if:

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

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

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

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

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

33 (6) the firm or corporation employs a person defined in

1 (1), (2), (3), or (4) who participates in the management or
2 operation of gambling operations authorized under this
3 Act; or

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

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

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

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

16 (g) The ~~managers~~ license to manage any gambling operation
17 conducted by the State shall be for a term not to exceed 10
18 years, shall be renewable at the Board's option, and shall
19 contain such terms and provisions as the Board deems necessary
20 to protect or enhance the credibility and integrity of State
21 gambling operations, achieve the highest prospective total
22 revenue to the State, and otherwise serve the interests of the
23 citizens of Illinois. The initial term of a casino operators
24 license to manage the Authority's gambling operations shall be
25 4 years. Upon expiration of the initial term and of each
26 renewal term, the casino operators license shall be renewed for
27 a period of 4 years, provided that the casino operator
28 continues to meet all of the requirements of this Act and the
29 Board's rules.

30 (h) Issuance of a managers license shall be subject to an
31 open and competitive bidding process. The Board may select an
32 applicant other than the lowest bidder by price. If it does not
33 select the lowest bidder, the Board shall issue a notice of who
34 the lowest bidder was and a written decision as to why another

1 bidder was selected.

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

3 (230 ILCS 10/7.6 new)

4 Sec. 7.6. Electronic gaming.

5 (a) The General Assembly finds that the horse racing and
6 riverboat gambling industries share many similarities and
7 collectively comprise the bulk of the State's gaming industry.
8 One feature common to both industries is that each is highly
9 regulated by the State of Illinois.

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

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

24 The General Assembly finds, however, that even though the
25 authority to conduct electronic gaming is a uniform means to
26 improve live horse racing in this State, electronic gaming must
27 be regulated and implemented differently in southern Illinois
28 versus the Chicago area. The General Assembly finds that
29 Fairmount Park is the only race track operating on a year round
30 basis in southern Illinois that offers live racing and for that
31 matter only conducts live thoroughbred racing. The General
32 Assembly finds that the current state of affairs deprives
33 spectators and standardbred horsemen residing in southern

1 Illinois of the opportunity to participate in live standardbred
2 racing in a manner similar to spectators, thoroughbred
3 horsemen, and standardbred horsemen residing in the Chicago
4 area. The General Assembly declares that southern Illinois
5 spectators and standardbred horsemen should have a similar
6 opportunity to participate in live standardbred racing as
7 spectators and standardbred horsemen in the Chicago area. The
8 General Assembly declares that in order to remove this
9 disparity between southern Illinois and the Chicago area, it is
10 necessary for the State to regulate Fairmount Park differently
11 from horse race tracks found in the Chicago area and tie
12 Fairmount Park's authorization to conduct electronic gaming to
13 a commitment to conduct at least 25 days of standardbred racing
14 as set forth in subsection (d) of this Section. The General
15 Assembly finds that standardbred racing provides an important
16 economic benefit to the State.

17 (b) The Illinois Gaming Board shall award one electronic
18 gaming license to become effective on or after July 1, 2004 to
19 each organization licensee under the Illinois Horse Racing Act
20 of 1975, subject to application and eligibility requirements of
21 this Section. An electronic gaming license shall authorize its
22 holder to conduct electronic gaming at its race track at the
23 following times:

24 (1) on days when it conducts live racing at the track
25 where its electronic gaming facility is located from the
26 time the first race of the day at that track begins until
27 3:00 a.m. on the following day; and

28 (2) on days when it conducts simulcast wagering on
29 races run in the United States from the time it first
30 receives the simulcast signal until 3:00 a.m. on the
31 following day.

32 A license to conduct electronic gaming and any renewal of
33 an electronic gaming license shall authorize electronic gaming
34 for a period of 4 years. The fee for the issuance or renewal of

1 an electronic gaming license shall be \$40,000.

2 (c) To be eligible to conduct electronic gaming, an
3 organization licensee must (i) obtain an electronic gaming
4 license, (ii) hold an organization license under the Illinois
5 Horse Racing Act of 1975, (iii) hold an inter-track wagering
6 license, (iv) pay a fee of \$50,000 for each position authorized
7 under this amendatory Act of the 93rd General Assembly before
8 beginning to conduct electronic gaming, (v) apply for at least
9 the same number of days of thoroughbred racing or standardbred
10 racing or both, as the case may be, as it was awarded in
11 calendar year 2004, (vi) meet the requirements of Section 56(a)
12 of the Illinois Horse Racing Act of 1975, and (vii) meet all
13 other requirements of this Act that apply to owners licensees.

14 With respect to the live racing requirement described in
15 this subsection, an organization licensee must conduct the same
16 number of days of thoroughbred or standardbred racing or both,
17 as the case may be, as it was awarded by the Board, unless a
18 lesser schedule of live racing is the result of (A) weather or
19 unsafe track conditions due to acts of God, (B) a strike
20 between the organization licensee and the associations
21 representing the largest number of owners, trainers, jockeys,
22 or standardbred drivers who race horses at that organization
23 licensee's racing meeting, or (C) an agreement that has been
24 approved by the Racing Board between the organization licensee
25 and the associations representing the largest number of owners,
26 trainers, jockeys, or standardbred drivers who race horses at
27 that organization licensee's race meeting to conduct a lesser
28 number of race meets.

29 (d) In addition to the other eligibility requirements of
30 subsection (c), an organization licensee that holds an
31 electronic gaming license authorizing it to conduct electronic
32 gaming at Fairmount Park must apply for and conduct at least 25
33 days of standardbred racing in calendar year 2005 and
34 thereafter, unless a lesser schedule of live racing is the

1 result of (A) weather or unsafe track conditions due to acts of
2 God, (B) a strike between the organization licensee and the
3 associations representing the largest number of owners,
4 trainers, jockeys, or standardbred drivers who race horses at
5 that organization licensee's racing meeting, or (C) an
6 agreement that has been approved by the Racing Board between
7 the organization licensee and the associations representing
8 the largest number of owners, trainers, jockeys, or
9 standardbred drivers who race horses at that organization
10 licensee's race meeting to conduct a lesser number of race
11 meets.

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

15 (f) In calendar year 2004, the Board may approve up to
16 3,800 aggregate electronic gaming positions statewide as
17 provided in this Section. The authority to operate electronic
18 gaming positions under this Section in calendar year 2004 shall
19 be allocated as follows:

20 (1) The organization licensee operating at Arlington
21 Park Race Course may operate up to 1,150 electronic gaming
22 positions at a time;

23 (2) The organization licensees operating at Hawthorne
24 Race Course, including the organization licensee formerly
25 operating at Sportsman's Park, may collectively operate up
26 to 1,000 electronic gaming positions at a time;

27 (3) The organization licensee operating at Balmoral
28 Park may operate up to 300 electronic gaming positions at a
29 time;

30 (4) The organization licensee operating at Maywood
31 Park may operate up to 850 electronic gaming positions at a
32 time; and

33 (5) The organization licensee operating at Fairmount
34 Park may operate up to 500 electronic gaming positions at a

1 time.

2 (g) For each calendar year after 2004 in which an
3 electronic gaming licensee requests a number of racing days
4 under its organization license that is less than 90% of the
5 number of days of live racing it was awarded in 2004, the
6 electronic gaming licensee may not conduct electronic gaming.

7 (h) Upon the initial renewal of an electronic gaming
8 license, if an electronic gaming licensee had a higher average
9 daily live racing handle in the term of its previous electronic
10 gaming license than in 2004, then the number of electronic
11 gaming positions that the electronic gaming licensee may
12 operate after its license is renewed shall be increased by a
13 percentage equal to the percentage increase in average daily
14 live racing handle during that previous license term over
15 calendar year 2004, but in no event by more than 25%. If an
16 electronic gaming license is authorized to operate additional
17 electronic gaming positions under this subsection (h), it must
18 pay the fee imposed under item (iv) of subsection (c) for each
19 additional electronic gaming position.

20 (i) An electronic gaming licensee may conduct electronic
21 gaming at a temporary facility pending the construction of a
22 permanent facility or the remodeling of an existing facility to
23 accommodate electronic gaming participants for up to 24 months
24 after receiving an electronic gaming license. The Board shall
25 make rules concerning the conduct of electronic gaming from
26 temporary facilities.

27 (230 ILCS 10/7.7 new)

28 Sec. 7.7. Home rule. The regulation and licensing of
29 electronic gaming and electronic gaming licensees are
30 exclusive powers and functions of the State. A home rule unit
31 may not regulate or license electronic gaming or electronic
32 gaming licensees. This Section is a denial and limitation of
33 home rule powers and functions under subsection (h) of Section

1 6 of Article VII of the Illinois Constitution.

2 (230 ILCS 10/8) (from Ch. 120, par. 2408)

3 Sec. 8. Suppliers licenses.

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

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

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

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

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

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

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

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

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

30 (6) the firm or corporation employs a person who
31 participates in the management or operation of riverboat
32 gambling authorized under this Act;

33 (7) the license of the person, firm or corporation

1 issued under this Act, or a license to own or operate
2 gambling facilities in any other jurisdiction, has been
3 revoked.

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

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

27 (g) Any gambling equipment, devices and supplies provided
28 by any licensed supplier may either be repaired on the
29 riverboat, at the casino, or at the electronic gaming facility
30 or removed from the riverboat, casino, or electronic gaming
31 facility to a an on-shore facility owned by the holder of an
32 owners license or electronic gaming license for repair.

33 (h) On and after the effective date of this amendatory Act
34 of the 93rd General Assembly, at least 30% of all slot machines

1 and video games of chance purchased by an owners licensee or
2 electronic gaming licensee shall be purchased from
3 manufacturers whose manufacturing facilities are located in
4 Illinois. The Board shall review the availability of such slot
5 machines and video games of chance and shall have the
6 discretion to raise or lower the minimum percentage of those
7 slot machines and video games of chance that must be purchased
8 from suppliers whose manufacturing facilities are located in
9 Illinois by rule as it sees fit.

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

11 (230 ILCS 10/9) (from Ch. 120, par. 2409)

12 Sec. 9. Occupational licenses.

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

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

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

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

31 (4) have met standards for the holding of an
32 occupational license as adopted by rules of the Board. Such
33 rules shall provide that any person or entity seeking an

1 occupational license to manage gambling operations
2 hereunder shall be subject to background inquiries and
3 further requirements similar to those required of
4 applicants for an owners license. Furthermore, such rules
5 shall provide that each such entity shall be permitted to
6 manage gambling operations for only one licensed owner.

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

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

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

31 (e) The Board may suspend, revoke or restrict any
32 occupational licensee: (1) for violation of any provision of
33 this Act; (2) for violation of any of the rules and regulations
34 of the Board; (3) for any cause which, if known to the Board,

1 would have disqualified the applicant from receiving such
2 license; or (4) for default in the payment of any obligation or
3 debt due to the State of Illinois; or (5) for any other just
4 cause.

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

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

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

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

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

22 (230 ILCS 10/10) (from Ch. 120, par. 2410)

23 Sec. 10. Bond of licensee. Before an owners license, other
24 than the Authority's license, is issued or re-issued or a
25 managers license or casino operators license is issued, the
26 licensee shall post a bond in the sum of \$200,000 to the State
27 of Illinois. The bond shall be used to guarantee that the
28 licensee faithfully makes the payments, keeps his books and
29 records and makes reports, and conducts his games of chance in
30 conformity with this Act and the rules adopted by the Board.
31 The bond shall not be canceled by a surety on less than 30 days
32 notice in writing to the Board. If a bond is canceled and the
33 licensee fails to file a new bond with the Board in the

1 required amount on or before the effective date of
2 cancellation, the licensee's license shall be revoked. The
3 total and aggregate liability of the surety on the bond is
4 limited to the amount specified in the bond.

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

6 (230 ILCS 10/11) (from Ch. 120, par. 2411)

7 Sec. 11. Conduct of gambling. Gambling may be conducted by
8 licensed owners or licensed managers on behalf of the State or
9 by casino operators on behalf of the Authority aboard
10 riverboats or in a casino. If authorized by the Board by rule,
11 an owners licensee may move gaming positions a "temporary
12 facility" as that term is defined in Section 7(h-10) and use
13 those gaming positions to conduct gambling as provided in
14 Section 7(h-10). Gambling may be conducted by electronic gaming
15 licensees at electronic gaming facilities. Gambling authorized
16 under this Section shall be subject to the following
17 standards:

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

23 (2) (Blank).

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

26 (4) Agents of the Board and the Department of State
27 Police may board and inspect any riverboat or enter and
28 inspect any portion of a casino or an electronic gaming
29 facility at any time for the purpose of determining whether
30 this Act is being complied with. Every riverboat, if under
31 way and being hailed by a law enforcement officer or agent
32 of the Board, must stop immediately and lay to.

33 (5) Employees of the Board shall have the right to be

1 present on the riverboat or in the casino or on adjacent
2 facilities under the control of the licensee and at the
3 electronic gaming facility under the control of the
4 electronic gaming licensee.

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

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

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

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

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

30 (11) Gambling excursion cruises are permitted only
31 when the waterway for which the riverboat is licensed is
32 navigable, as determined by the Board in consultation with
33 the U.S. Army Corps of Engineers. This paragraph (11) does
34 not limit the ability of a licensee to conduct gambling

1 authorized under this Act when gambling excursion cruises
2 are not permitted.

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

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

32 (14) In addition to the above, gambling must be
33 conducted in accordance with all rules adopted by the
34 Board.

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

2 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

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

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

14 (230 ILCS 10/12) (from Ch. 120, par. 2412)

15 Sec. 12. Admission tax; fees.

16 (a) A tax is hereby imposed upon admissions to riverboats
17 operated by licensed owners and upon admissions to casinos and
18 riverboats operated by casino operators on behalf of the
19 Authority authorized pursuant to this Act. Until July 1, 2002,
20 the rate is \$2 per person admitted. From July 1, 2002 ~~and~~ until
21 July 1, 2003, the rate is \$3 per person admitted. From
22 Beginning July 1, 2003 until the effective date of this
23 amendatory Act of the 93rd General Assembly, for a licensee
24 that admitted 1,000,000 persons or fewer in the previous
25 calendar year, the rate is \$3 per person admitted; for a
26 licensee that admitted more than 1,000,000 but no more than
27 2,300,000 persons in the previous calendar year, the rate is \$4
28 per person admitted; and for a licensee that admitted more than
29 2,300,000 persons in the previous calendar year, the rate is \$5
30 per person admitted. Beginning on the effective date of this
31 amendatory Act of the 93rd General Assembly, for a licensee
32 that conducted riverboat gambling operations in calendar year

1 2003 and admitted 1,000,000 persons or fewer in the calendar
2 year 2003, the rate is \$1 per person admitted and for all other
3 licensees, including the Authority, the rate is \$3 per person
4 admitted. ~~Beginning July 1, 2003, for a licensee that admitted~~
5 ~~2,300,000 persons or fewer in the previous calendar year, the~~
6 ~~rate is \$4 per person admitted and for a licensee that admitted~~
7 ~~more than 2,300,000 persons in the previous calendar year, the~~
8 ~~rate is \$5 per person admitted.~~ This admission tax is imposed
9 upon the licensed owner conducting gambling.

10 (1) The admission tax shall be paid for each admission,
11 except that a person who exits a riverboat gambling
12 facility or a casino and reenters that riverboat gambling
13 facility or casino within the same gaming day, as the term
14 "gaming day" is defined by the Board by rule, shall be
15 subject only to the initial admission tax. The Board shall
16 establish, by rule, a procedure to determine whether a
17 person admitted to a riverboat gambling facility or casino
18 has paid the admission tax.

19 (2) (Blank).

20 (3) The riverboat licensee and the Authority may issue
21 tax-free passes to actual and necessary officials and
22 employees of the licensee or other persons actually working
23 on the riverboat or in the casino.

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

28 (a-5) A fee is hereby imposed upon admissions operated by
29 licensed managers on behalf of the State pursuant to Section
30 7.3 at the rates provided in this subsection (a-5). For a
31 licensee that admitted 1,000,000 persons or fewer in the
32 previous calendar year, the rate is \$3 per person admitted; for
33 a licensee that admitted more than 1,000,000 but no more than
34 2,300,000 persons in the previous calendar year, the rate is \$4

1 per person admitted; and for a licensee that admitted more than
2 2,300,000 persons in the previous calendar year, the rate is \$5
3 per person admitted.

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

5 (2) (Blank).

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

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

13 (b) From the tax imposed under subsection (a) and the fee
14 imposed under subsection (a-5), a municipality shall receive
15 from the State \$1 for each person embarking on a riverboat
16 docked within the municipality or entering a casino located
17 within the municipality, and a county shall receive \$1 for each
18 person entering a casino or embarking on a riverboat docked
19 within the county but outside the boundaries of any
20 municipality. The municipality's or county's share shall be
21 collected by the Board on behalf of the State and remitted
22 quarterly by the State, subject to appropriation, to the
23 treasurer of the unit of local government for deposit in the
24 general fund. For each admission in excess of 1,500,000 in a
25 year, from the tax imposed under this Section, the county in
26 which the licensee's home dock or casino is located shall
27 receive, subject to appropriation, \$0.15, which shall be in
28 addition to any other moneys paid to the county under this
29 Section, \$0.20 shall be paid into the Agricultural Premium
30 Fund, and \$0.15 shall be paid from the State Gaming Fund,
31 subject to appropriation, into the Illinois Community Services
32 Block Grant Fund.

33 (c) The licensed owner and the licensed casino operator
34 conducting gambling operations on behalf of the Authority shall

1 pay the entire admission tax to the Board and the licensed
2 manager shall pay the entire admission fee to the Board. Such
3 payments shall be made daily. Accompanying each payment shall
4 be a return on forms provided by the Board which shall include
5 other information regarding admissions as the Board may
6 require. Failure to submit either the payment or the return
7 within the specified time may result in suspension or
8 revocation of the owners or managers license.

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

15 (Source: P.A. 92-595, eff. 6-28-02; 93-27, eff. 6-20-03; 93-28,
16 eff. 6-20-03; revised 8-1-03.)

17 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

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

27 15% of annual ~~adjusted~~ gross gaming receipts up to and
28 including \$25,000,000;

29 20% of annual ~~adjusted~~ gross gaming receipts in excess
30 of \$25,000,000 but not exceeding \$50,000,000;

31 25% of annual ~~adjusted~~ gross gaming receipts in excess
32 of \$50,000,000 but not exceeding \$75,000,000;

33 30% of annual ~~adjusted~~ gross gaming receipts in excess

1 of \$75,000,000 but not exceeding \$100,000,000;

2 35% of annual ~~adjusted~~ gross gaming receipts in excess
3 of \$100,000,000.

4 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
5 is imposed on persons engaged in the business of conducting
6 riverboat gambling operations, other than licensed managers
7 conducting riverboat gambling operations on behalf of the
8 State, based on the ~~adjusted~~ gross gaming receipts received by
9 a licensed owner from gambling games authorized under this Act
10 at the following rates:

11 15% of annual ~~adjusted~~ gross gaming receipts up to and
12 including \$25,000,000;

13 22.5% of annual ~~adjusted~~ gross gaming receipts in
14 excess of \$25,000,000 but not exceeding \$50,000,000;

15 27.5% of annual ~~adjusted~~ gross gaming receipts in
16 excess of \$50,000,000 but not exceeding \$75,000,000;

17 32.5% of annual ~~adjusted~~ gross gaming receipts in
18 excess of \$75,000,000 but not exceeding \$100,000,000;

19 37.5% of annual ~~adjusted~~ gross gaming receipts in
20 excess of \$100,000,000 but not exceeding \$150,000,000;

21 45% of annual ~~adjusted~~ gross gaming receipts in excess
22 of \$150,000,000 but not exceeding \$200,000,000;

23 50% of annual ~~adjusted~~ gross gaming receipts in excess
24 of \$200,000,000.

25 (a-3) Beginning July 1, 2003, a privilege tax is imposed on
26 persons engaged in the business of conducting riverboat
27 gambling operations (other than licensed managers conducting
28 riverboat gambling operations on behalf of the State) and on
29 the Authority, based on the ~~adjusted~~ gross gaming receipts
30 received by a licensed owner or by the Authority from gambling
31 games authorized under this Act at the following rates:

32 15% of annual ~~adjusted~~ gross gaming receipts up to and
33 including \$25,000,000;

34 27.5% of annual ~~adjusted~~ gross gaming receipts in

1 excess of \$25,000,000 but not exceeding \$37,500,000;

2 32.5% of annual ~~adjusted~~ gross gaming receipts in
3 excess of \$37,500,000 but not exceeding \$50,000,000;

4 37.5% of annual ~~adjusted~~ gross gaming receipts in
5 excess of \$50,000,000 but not exceeding \$75,000,000;

6 45% of annual ~~adjusted~~ gross gaming receipts in excess
7 of \$75,000,000 but not exceeding \$100,000,000;

8 50% of annual ~~adjusted~~ gross gaming receipts in excess
9 of \$100,000,000 but not exceeding \$250,000,000;

10 70% of annual ~~adjusted~~ gross gaming receipts in excess
11 of \$250,000,000.

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

17 The privilege tax imposed under this subsection (a-3) shall
18 no longer be imposed beginning on the earliest ~~earlier~~ of (i)
19 July 1, 2005; (ii) the first date after June 20, 2003 ~~the~~
20 ~~effective date of this amendatory Act of the 93rd General~~
21 ~~Assembly~~ that riverboat gambling operations are conducted
22 pursuant to a dormant license; ~~or~~ (iii) the first day that
23 riverboat gambling operations are conducted under the
24 authority of an owners license that is in addition to the 10
25 owners licenses initially authorized under this Act; or (iv)
26 the effective date of this amendatory Act of the 93rd General
27 Assembly. For the purposes of this subsection (a-3), the term
28 "dormant license" means an owners license that is authorized by
29 this Act under which no riverboat gambling operations are being
30 conducted on June 20, 2003 ~~the effective date of this~~
31 ~~amendatory Act of the 93rd General Assembly~~.

32 (a-4) Beginning on the first day on which the tax imposed
33 under subsection (a-3) is no longer imposed, a privilege tax is
34 imposed on persons engaged in the business of conducting

1 riverboat gambling operations (other than licensed managers
2 conducting riverboat gambling operations on behalf of the
3 State) and on the Authority, based on the ~~adjusted~~ gross gaming
4 receipts received by a licensed owner or by the Authority from
5 gambling games authorized under this Act at the following
6 rates:

7 15% of annual ~~adjusted~~ gross gaming receipts up to and
8 including \$25,000,000;

9 22.5% of annual ~~adjusted~~ gross gaming receipts in
10 excess of \$25,000,000 but not exceeding \$50,000,000;

11 27.5% of annual ~~adjusted~~ gross gaming receipts in
12 excess of \$50,000,000 but not exceeding \$75,000,000;

13 32.5% of annual ~~adjusted~~ gross gaming receipts in
14 excess of \$75,000,000 but not exceeding \$100,000,000;

15 37.5% of annual ~~adjusted~~ gross gaming receipts in
16 excess of \$100,000,000 but not exceeding \$150,000,000;

17 45% of annual ~~adjusted~~ gross gaming receipts in excess
18 of \$150,000,000 but not exceeding \$200,000,000;

19 50% of annual ~~adjusted~~ gross gaming receipts in excess
20 of \$200,000,000.

21 (a-5) Beginning on the effective date of this amendatory
22 Act of the 93rd General Assembly, a privilege tax is imposed on
23 persons conducting electronic gaming, based on the gross gaming
24 receipts received by an electronic gaming licensee from
25 electronic gaming authorized under this Act at the following
26 rates:

27 15% of annual gross gaming receipts up to and including
28 \$25,000,000;

29 22.5% of annual gross gaming receipts in excess of
30 \$25,000,000 but not exceeding \$50,000,000;

31 27.5% of annual gross gaming receipts in excess of
32 \$50,000,000 but not exceeding \$75,000,000;

33 32.5% of annual gross gaming receipts in excess of
34 \$75,000,000 but not exceeding \$100,000,000;

1 37.5% of annual gross gaming receipts in excess of
2 \$100,000,000 but not exceeding \$150,000,000;

3 45% of annual gross gaming receipts in excess of
4 \$150,000,000 but not exceeding \$200,000,000;

5 50% of annual gross gaming receipts in excess of
6 \$200,000,000.

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

10 (a-10) The taxes imposed by this Section shall be paid by
11 the licensed owner, or by the casino operator on behalf of the
12 Authority in the case of a license issued to the Authority, or
13 the electronic gaming licensee to the Board not later than 5:00
14 o'clock p.m. ~~3:00 o'clock p.m.~~ of the day after the day when
15 the wagers were made.

16 (b) Until January 1, 1998, 25% of the tax revenue deposited
17 in the State Gaming Fund under this Section shall be paid,
18 subject to appropriation by the General Assembly, to the unit
19 of local government which is designated as the home dock of the
20 riverboat. Except as otherwise provided in this subsection (b),
21 beginning ~~Beginning~~ January 1, 1998, from the tax revenue from
22 riverboat and casino gambling deposited in the State Gaming
23 Fund under this Section, an amount equal to 5% of ~~adjusted~~
24 gross gaming receipts generated by a riverboat and an amount
25 equal to 5% of gross gaming receipts generated by a casino
26 shall be paid monthly, subject to appropriation by the General
27 Assembly, to the unit of local government that is designated as
28 the home dock of the riverboat or to the municipality in which
29 the casino is located. From the tax revenue deposited in the
30 State Gaming Fund pursuant to riverboat gambling operations
31 conducted by a licensed manager on behalf of the State, an
32 amount equal to 5% of ~~adjusted~~ gross gaming receipts generated
33 pursuant to those riverboat gambling operations shall be paid
34 monthly, subject to appropriation by the General Assembly, to

1 the unit of local government that is designated as the home
2 dock of the riverboat upon which those riverboat gambling
3 operations are conducted.

4 (b-5) Beginning on the effective date of this amendatory
5 Act of the 93rd General Assembly, from the tax revenue from
6 electronic gaming deposited into the State Gaming Fund under
7 this Section, an amount equal to 5% of the gross gaming
8 receipts generated by an electronic gaming licensee shall be
9 paid monthly, subject to appropriation, to the municipality in
10 which the electronic gaming facility is located. If an
11 electronic gaming facility is not located within a
12 municipality, then an amount equal to 5% of the gross gaming
13 receipts generated by the electronic gaming licensee shall be
14 paid monthly, subject to appropriation, to the county in which
15 the electronic gaming facility is located.

16 (b-10) Beginning on the effective date of this amendatory
17 Act of the 93rd General Assembly, from the tax revenue from
18 electronic gaming deposited into the State Gaming Fund under
19 this Section, an amount equal to 1% of the gross gaming
20 receipts generated by electronic gaming licensees, but in no
21 event more than \$25,000,000 in any year, shall be paid monthly,
22 subject to appropriation, from the State Gaming Fund into the
23 Illinois Community Services Block Grant Fund.

24 (b-15) Beginning on the effective date of this amendatory
25 Act of the 93rd General Assembly, after the payments required
26 under subsections (b), (b-5), and (b-10) have been made, the
27 next \$5,000,000 of tax revenue derived each year from
28 electronic gaming shall be paid from the State Gaming Fund into
29 the Compulsive Gambling Prevention Fund, which is hereby
30 created as a special fund in the State treasury. Moneys in the
31 Compulsive Gambling Prevention Fund shall be used, subject to
32 appropriation, by the Department of Human Services as provided
33 in this subsection (b-15). Of the money allocated to the
34 Department of Human Services under this subsection (b-15), 50%

1 shall be used for compulsive gambling programs under Section
2 5-20 of the Alcoholism and Other Drug Abuse and Dependency Act
3 and 50% shall be used by the Department of Human Service for
4 other social service programs and grants.

5 (c) Appropriations, as approved by the General Assembly,
6 may be made from the State Gaming Fund to the Department of
7 Revenue and the Department of State Police for the
8 administration and enforcement of this Act, or to the
9 Department of Human Services for the administration of programs
10 to treat problem gambling.

11 (c-5) (Blank). ~~After the payments required under~~
12 ~~subsections (b) and (c) have been made, an amount equal to 15%~~
13 ~~of the adjusted gross receipts of (1) an owners licensee that~~
14 ~~relocates pursuant to Section 11.2, (2) an owners licensee~~
15 ~~license conducting riverboat gambling operations pursuant to~~
16 ~~an owners license that is initially issued after June 25, 1999,~~
17 ~~or (3) the first riverboat gambling operations conducted by a~~
18 ~~licensed manager on behalf of the State under Section 7.3 7.2,~~
19 ~~whichever comes first, shall be paid from the State Gaming Fund~~
20 ~~into the Horse Racing Equity Fund.~~

21 (c-10) (Blank). ~~Each year the General Assembly shall~~
22 ~~appropriate from the General Revenue Fund to the Education~~
23 ~~Assistance Fund an amount equal to the amount paid into the~~
24 ~~Horse Racing Equity Fund pursuant to subsection (c-5) in the~~
25 ~~prior calendar year.~~

26 (c-15) After the payments required under subsections (b),
27 (b-5), (b-10), (b-15), and (c), ~~and (c-5)~~ have been made, an
28 amount equal to 2% of the adjusted gross gaming receipts of ~~(1)~~
29 ~~an owners licensee that relocates pursuant to Section 11.2, (2)~~
30 an owners licensee, other than the Authority, license
31 conducting riverboat gambling operations from a home dock that
32 is located within a home rule county with a population of over
33 3,000,000 inhabitants ~~pursuant to an owners license that is~~
34 ~~initially issued after June 25, 1999, or 2 (3) the first~~

1 ~~riverboat gambling operations conducted by a licensed manager~~
2 ~~on behalf of the State under Section 7.3 7.2, whichever comes~~
3 ~~first,~~ shall be paid, subject to appropriation from the General
4 Assembly, from the State Gaming Fund to that county ~~each home~~
5 ~~rule county with a population of over 3,000,000 inhabitants~~ for
6 the purpose of enhancing the county's criminal justice system.

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

12 (c-25) After the payments required under subsections (b),
13 (b-5), (b-10), (b-15), (c), ~~(e-5)~~ and (c-15) have been made, an
14 amount equal to 2% of the ~~adjusted~~ gross gaming receipts of the
15 riverboat ~~(1) an owners licensee license that relocates~~
16 ~~pursuant to Section 11.2, (2) an owners licensee, other than~~
17 the Authority, license conducting riverboat gambling
18 operations pursuant to the first ~~an~~ owners license that is
19 initially issued after June 25, 1999, ~~or (3) the first~~
20 ~~riverboat gambling operations conducted by a licensed manager~~
21 ~~on behalf of the State under Section 7.3 7.2, whichever comes~~
22 ~~first,~~ shall be paid from the State Gaming Fund to Chicago
23 State University. If the State begins conducting a riverboat
24 gambling operation under Section 7.3 before the first owners
25 license is initially issued after June 25, 1999, then the
26 amount paid under this subsection (c-25) shall instead be equal
27 to 2% of the gross gaming receipts arising from that riverboat
28 gambling operation conducted by the State.

29 (c-30) After the payments required under subsections (b),
30 (b-5), (b-10), (b-15), (c), (c-15), and (c-25) have been made,
31 an aggregate amount equal to 3% of the gross gaming receipts of
32 owners licensees, but in no event more than \$75,000,000 in any
33 year, shall be paid monthly, subject to appropriation by the
34 General Assembly, from the State Gaming Fund into the School

1 Infrastructure Fund for the purpose of funding school
2 construction program grants.

3 (c-35) After the payments required under subsections (b),
4 (b-5), (b-10), (b-15), (c), (c-15), (c-25), and (c-30) have
5 been made, an amount equal to 1% of the gross gaming receipts
6 of an owners licensee that docks on the Mississippi River, the
7 Illinois River, or the Ohio River shall be paid, subject to
8 appropriation by the General Assembly, from the State Gaming
9 Fund to qualifying municipalities within 50 miles of the home
10 dock of the riverboat. The amount paid under this subsection
11 (c-35) to each qualifying municipality shall be based on the
12 proportion that the number of persons living at or below the
13 poverty level in the qualifying municipality bears to the total
14 number of persons living at or below the poverty level in
15 qualifying municipalities that are within 50 miles of the
16 owners licensee's home dock. If 2 or more owners licensees that
17 dock on the Mississippi River, the Illinois River, or the Ohio
18 River are within 50 miles of each other, payments required
19 under this subsection (c-35) from the gross gaming receipts of
20 those owners licensees shall be commingled and paid to
21 qualifying municipalities that are within 50 miles of at least
22 one of those owners licensee's home docks. For the purposes of
23 this subsection (c-35), the term "qualifying municipality"
24 means a municipality, other than a municipality in which a
25 riverboat docks, in which the poverty rate as determined by
26 using the most recent data released by the United States Census
27 Bureau is at least 3% greater than the State poverty rate as
28 determined by using the most recent data released by the United
29 States Census Bureau.

30 (c-40) After the payments required under subsections (b),
31 (b-5), (b-10), (b-15), (c), (c-15), (c-25), (c-30), and (c-35)
32 have been made, an amount equal to 1% of the gross gaming
33 receipts of an owners licensee that (i) docks on the Fox River
34 or the Des Plaines River or (ii) is authorized under subsection

1 (e-5) of Section 7, shall be paid, subject to appropriation by
2 the General Assembly, from the State Gaming Fund to qualifying
3 municipalities within 20 miles of the home dock of the
4 riverboat. The amount paid under this subsection (c-40) to each
5 qualifying municipality shall based on the proportion that the
6 number of persons living at or below the poverty level in the
7 qualifying municipality bears to the total number of persons
8 living at or below the poverty level in qualifying
9 municipalities that are within 20 miles of the owners
10 licensee's home dock. If the home docks of 2 or more owners
11 licensees that (i) dock on the Fox River or the Des Plaines
12 River or (ii) are authorized under subsection (e-5) of Section
13 7 are within 20 miles of each other, payments required under
14 this subsection (c-40) from the gross gaming receipts of those
15 owners licensees shall be commingled and paid to qualifying
16 municipalities that are within 20 miles of at least one of
17 those owners licensee's home docks. For the purposes of this
18 subsection (c-40), the term "qualifying municipality" means a
19 municipality, other than the City of Chicago or a municipality
20 in which a riverboat docks, in which the poverty rate as
21 determined by using the most recent data released by the United
22 States Census Bureau is at least 3% greater than the State
23 poverty rate as determined by using the most recent data
24 released by the United States Census Bureau.

25 (d) From time to time, the Board shall transfer the
26 remainder of the funds generated by this Act into the Education
27 Assistance Fund, created by Public Act 86-0018, of the State of
28 Illinois.

29 (e) Nothing in this Act shall prohibit the unit of local
30 government designated as the home dock of the riverboat, or the
31 municipality in which the casino is located, from entering into
32 agreements with other units of local government in this State
33 or in other states to share its portion of the tax revenue.

34 (f) To the extent practicable, the Board shall administer

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

6 (Source: P.A. 92-595, eff. 6-28-02; 93-27, eff. 6-20-03; 93-28,
7 eff. 6-20-03; revised 1-28-04.)

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

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

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

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

14 (2) The total amount of whole gaming ~~gross~~ receipts.

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

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

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

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

27 (230 ILCS 10/18) (from Ch. 120, par. 2418)

28 Sec. 18. Prohibited Activities - Penalty.

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

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

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

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

5 (1) permitting a person under 21 years to make a wager;
6 or

7 (2) violating paragraph (12) of subsection (a) of
8 Section 11 of this Act.

9 (c) A person wagering or accepting a wager at any location
10 outside the riverboat, casino, or electronic gaming facility in
11 violation of paragraph ~~is subject to the penalties in~~
12 ~~paragraphs~~ (1) or (2) of subsection (a) of Section 28-1 of the
13 Criminal Code of 1961 is subject to the penalties provided in
14 that Section.

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

19 (1) Offers, promises, or gives anything of value or
20 benefit to a person who is connected with a riverboat or
21 casino owner or electronic gaming licensee including, but
22 not limited to, an officer or employee of a licensed owner
23 or electronic gaming licensee or holder of an occupational
24 license pursuant to an agreement or arrangement or with the
25 intent that the promise or thing of value or benefit will
26 influence the actions of the person to whom the offer,
27 promise, or gift was made in order to affect or attempt to
28 affect the outcome of a gambling game, or to influence
29 official action of a member of the Board.

30 (2) Solicits or knowingly accepts or receives a promise
31 of anything of value or benefit while the person is
32 connected with a riverboat, casino, or electronic gaming
33 facility, including, but not limited to, an officer or
34 employee of a licensed owner or electronic gaming licensee,

1 or the holder of an occupational license, pursuant to an
2 understanding or arrangement or with the intent that the
3 promise or thing of value or benefit will influence the
4 actions of the person to affect or attempt to affect the
5 outcome of a gambling game, or to influence official action
6 of a member of the Board.

7 (3) Uses or possesses with the intent to use a device
8 to assist:

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

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

11 (iii) In analyzing the probability of the
12 occurrence of an event relating to the gambling game.

13 (iv) In analyzing the strategy for playing or
14 betting to be used in the game except as permitted by
15 the Board.

16 (4) Cheats at a gambling game.

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

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

23 (7) Places a bet after acquiring knowledge, not
24 available to all players, of the outcome of the gambling
25 game which is subject of the bet or to aid a person in
26 acquiring the knowledge for the purpose of placing a bet
27 contingent on that outcome.

28 (8) Claims, collects, or takes, or attempts to claim,
29 collect, or take, money or anything of value in or from the
30 gambling games, with intent to defraud, without having made
31 a wager contingent on winning a gambling game, or claims,
32 collects, or takes an amount of money or thing of value of
33 greater value than the amount won.

34 (9) Uses counterfeit chips or tokens in a gambling

1 game.

2 (10) Possesses any key or device designed for the
3 purpose of opening, entering, or affecting the operation of
4 a gambling game, drop box, or an electronic or mechanical
5 device connected with the gambling game or for removing
6 coins, tokens, chips or other contents of a gambling game.
7 This paragraph (10) does not apply to a gambling licensee
8 or employee of a gambling licensee acting in furtherance of
9 the employee's employment.

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

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

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

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

20 Sec. 19. Forfeiture of property.

21 (a) Except as provided in subsection (b), any riverboat or
22 electronic gaming facility used for the conduct of gambling
23 games in violation of this Act shall be considered a gambling
24 place in violation of Section 28-3 of the Criminal Code of
25 1961, as now or hereafter amended. Every gambling device found
26 on a riverboat or at an electronic gaming facility operating
27 gambling games in violation of this Act and every slot machine
28 found at an electronic gaming facility operating gambling games
29 in violation of this Act shall be subject to seizure,
30 confiscation and destruction as provided in Section 28-5 of the
31 Criminal Code of 1961, as now or hereafter amended.

32 (b) It is not a violation of this Act for a riverboat or
33 other watercraft which is licensed for gaming by a contiguous

1 state to dock on the shores of this State if the municipality
2 having jurisdiction of the shores, or the county in the case of
3 unincorporated areas, has granted permission for docking and no
4 gaming is conducted on the riverboat or other watercraft while
5 it is docked on the shores of this State. No gambling device
6 shall be subject to seizure, confiscation or destruction if the
7 gambling device is located on a riverboat or other watercraft
8 which is licensed for gaming by a contiguous state and which is
9 docked on the shores of this State if the municipality having
10 jurisdiction of the shores, or the county in the case of
11 unincorporated areas, has granted permission for docking and no
12 gaming is conducted on the riverboat or other watercraft while
13 it is docked on the shores of this State.

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

15 (230 ILCS 10/20) (from Ch. 120, par. 2420)

16 Sec. 20. Prohibited activities - civil penalties. Any
17 person who conducts a gambling operation without first
18 obtaining a license to do so, or who continues to conduct such
19 games after revocation of his license, or any licensee who
20 conducts or allows to be conducted any unauthorized gambling
21 games on a riverboat, in a casino, or at an electronic gaming
22 facility where it is authorized to conduct its ~~riverboat~~
23 gambling operation, in addition to other penalties provided,
24 shall be subject to a civil penalty equal to the amount of
25 whole gaming ~~gross~~ receipts derived from wagering on the
26 gambling games, whether unauthorized or authorized, conducted
27 on that day as well as confiscation and forfeiture of all
28 gambling game equipment used in the conduct of unauthorized
29 gambling games.

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

31 (230 ILCS 10/23) (from Ch. 120, par. 2423)

32 Sec. 23. The State Gaming Fund. On or after the effective

1 date of this Act, all of the fees and taxes collected pursuant
2 to subsections of this Act shall be deposited into the State
3 Gaming Fund, a special fund in the State Treasury, which is
4 hereby created. The ~~adjusted~~ gross gaming receipts of any
5 riverboat gambling operations conducted by a licensed manager
6 on behalf of the State remaining after the payment of the fees
7 and expenses of the licensed manager shall be deposited into
8 the State Gaming Fund. Fines and penalties collected pursuant
9 to this Act shall be deposited into the Education Assistance
10 Fund, created by Public Act 86-0018, of the State of Illinois.

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

12 Section 935. The Liquor Control Act of 1934 is amended by
13 changing Sections 5-1 and 6-30 as follows:

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

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

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

22 (b) Distributor's license,

23 (c) Importing Distributor's license,

24 (d) Retailer's license,

25 (e) Special Event Retailer's license (not-for-profit),

26 (f) Railroad license,

27 (g) Boat license,

28 (h) Non-Beverage User's license,

29 (i) Wine-maker's premises license,

30 (j) Airplane license,

31 (k) Foreign importer's license,

32 (l) Broker's license,

1 (m) Non-resident dealer's license,

2 (n) Brew Pub license,

3 (o) Auction liquor license,

4 (p) Caterer retailer license,

5 (q) Special use permit license.

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

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

14 Class 1. A Distiller may make sales and deliveries of
15 alcoholic liquor to distillers, rectifiers, importing
16 distributors, distributors and non-beverage users and to no
17 other licensees.

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

22 Class 3. A Brewer may make sales and deliveries of beer to
23 importing distributors, distributors, and to non-licensees,
24 and to retailers provided the brewer obtains an importing
25 distributor's license or distributor's license in accordance
26 with the provisions of this Act.

27 Class 4. A first class wine-manufacturer may make sales and
28 deliveries of up to 50,000 gallons of wine to manufacturers,
29 importing distributors and distributors, and to no other
30 licensees.

31 Class 5. A second class Wine manufacturer may make sales
32 and deliveries of more than 50,000 gallons of wine to
33 manufacturers, importing distributors and distributors and to
34 no other licensees.

1 Class 6. A first-class wine-maker's license shall allow the
2 manufacture of up to 50,000 gallons of wine per year, and the
3 storage and sale of such wine to distributors in the State and
4 to persons without the State, as may be permitted by law. A
5 first-class wine-maker's license shall allow the sale of no
6 more than 5,000 gallons of the licensee's wine to retailers.
7 The State Commission shall issue only one first-class
8 wine-maker's license to any person, firm, partnership,
9 corporation, or other legal business entity that is engaged in
10 the making of less than 50,000 gallons of wine annually that
11 applies for a first-class wine-maker's license. No subsidiary
12 or affiliate thereof, nor any officer, associate, member,
13 partner, representative, employee, agent, or shareholder may
14 be issued an additional wine-maker's license by the State
15 Commission.

16 Class 7. A second-class wine-maker's license shall allow
17 the manufacture of between 50,000 and 100,000 gallons of wine
18 per year, and the storage and sale of such wine to distributors
19 in this State and to persons without the State, as may be
20 permitted by law. A second-class wine-maker's license shall
21 allow the sale of no more than 10,000 gallons of the licensee's
22 wine directly to retailers. The State Commission shall issue
23 only one second-class wine-maker's license to any person, firm,
24 partnership, corporation, or other legal business entity that
25 is engaged in the making of less than 100,000 gallons of wine
26 annually that applies for a second-class wine-maker's license.
27 No subsidiary or affiliate thereof, or any officer, associate,
28 member, partner, representative, employee, agent, or
29 shareholder may be issued an additional wine-maker's license by
30 the State Commission.

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

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

7 Registration of agents, representatives, or persons acting
8 on behalf of a manufacturer is fulfilled by submitting a form
9 to the Commission. The form shall be developed by the
10 Commission and shall include the name and address of the
11 applicant, the name and address of the manufacturer he or she
12 represents, the territory or areas assigned to sell to or
13 discuss pricing terms of alcoholic liquor, and any other
14 questions deemed appropriate and necessary. All statements in
15 the forms required to be made by law or by rule shall be deemed
16 material, and any person who knowingly misstates any material
17 fact under oath in an application is guilty of a Class B
18 misdemeanor. Fraud, misrepresentation, false statements,
19 misleading statements, evasions, or suppression of material
20 facts in the securing of a registration are grounds for
21 suspension or revocation of the registration.

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

26 (c) An importing distributor's license may be issued to and
27 held by those only who are duly licensed distributors, upon the
28 filing of an application by a duly licensed distributor, with
29 the Commission and the Commission shall, without the payment of
30 any fee, immediately issue such importing distributor's
31 license to the applicant, which shall allow the importation of
32 alcoholic liquor by the licensee into this State from any point
33 in the United States outside this State, and the purchase of
34 alcoholic liquor in barrels, casks or other bulk containers and

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

9 (d) A retailer's license shall allow the licensee to sell
10 and offer for sale at retail, only in the premises specified in
11 such license, alcoholic liquor for use or consumption, but not
12 for resale in any form: Provided that any retail license issued
13 to a manufacturer shall only permit such manufacturer to sell
14 beer at retail on the premises actually occupied by such
15 manufacturer.

16 After January 1, 1995 there shall be 2 classes of licenses
17 issued under a retailers license.

18 (1) A "retailers on premise consumption license" shall
19 allow the licensee to sell and offer for sale at retail,
20 only on the premises specified in the license, alcoholic
21 liquor for use or consumption on the premises or on and off
22 the premises, but not for resale in any form.

23 (2) An "off premise sale license" shall allow the
24 licensee to sell, or offer for sale at retail, alcoholic
25 liquor intended only for off premise consumption and not
26 for resale in any form.

27 Notwithstanding any other provision of this subsection
28 (d), a retail licensee may sell alcoholic liquors to a special
29 event retailer licensee for resale to the extent permitted
30 under subsection (e).

31 (e) A special event retailer's license (not-for-profit)
32 shall permit the licensee to purchase alcoholic liquors from an
33 Illinois licensed distributor (unless the licensee purchases
34 less than \$500 of alcoholic liquors for the special event, in

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

26 (f) A railroad license shall permit the licensee to import
27 alcoholic liquors into this State from any point in the United
28 States outside this State and to store such alcoholic liquors
29 in this State; to make wholesale purchases of alcoholic liquors
30 directly from manufacturers, foreign importers, distributors
31 and importing distributors from within or outside this State;
32 and to store such alcoholic liquors in this State; provided
33 that the above powers may be exercised only in connection with
34 the importation, purchase or storage of alcoholic liquors to be

1 sold or dispensed on a club, buffet, lounge or dining car
 2 operated on an electric, gas or steam railway in this State;
 3 and provided further, that railroad licensees exercising the
 4 above powers shall be subject to all provisions of Article VIII
 5 of this Act as applied to importing distributors. A railroad
 6 license shall also permit the licensee to sell or dispense
 7 alcoholic liquors on any club, buffet, lounge or dining car
 8 operated on an electric, gas or steam railway regularly
 9 operated by a common carrier in this State, but shall not
 10 permit the sale for resale of any alcoholic liquors to any
 11 licensee within this State. A license shall be obtained for
 12 each car in which such sales are made.

13 (g) A boat license shall allow the sale of alcoholic liquor
 14 in individual drinks, on any passenger boat regularly operated
 15 as a common carrier on navigable waters in this State or on any
 16 riverboat operated under the Riverboat and Casino Gambling Act,
 17 which boat or riverboat maintains a public dining room or
 18 restaurant thereon.

19 (h) A non-beverage user's license shall allow the licensee
 20 to purchase alcoholic liquor from a licensed manufacturer or
 21 importing distributor, without the imposition of any tax upon
 22 the business of such licensed manufacturer or importing
 23 distributor as to such alcoholic liquor to be used by such
 24 licensee solely for the non-beverage purposes set forth in
 25 subsection (a) of Section 8-1 of this Act, and such licenses
 26 shall be divided and classified and shall permit the purchase,
 27 possession and use of limited and stated quantities of
 28 alcoholic liquor as follows:

- 29 Class 1, not to exceed 500 gallons
- 30 Class 2, not to exceed 1,000 gallons
- 31 Class 3, not to exceed 5,000 gallons
- 32 Class 4, not to exceed10,000 gallons
- 33 Class 5, not to exceed50,000 gallons

34 (i) A wine-maker's premises license shall allow a licensee

1 that concurrently holds a first-class wine-maker's license to
2 sell and offer for sale at retail in the premises specified in
3 such license not more than 50,000 gallons of the first-class
4 wine-maker's wine that is made at the first-class wine-maker's
5 licensed premises per year for use or consumption, but not for
6 resale in any form. A wine-maker's premises license shall allow
7 a licensee who concurrently holds a second-class wine-maker's
8 license to sell and offer for sale at retail in the premises
9 specified in such license up to 100,000 gallons of the
10 second-class wine-maker's wine that is made at the second-class
11 wine-maker's licensed premises per year for use or consumption
12 but not for resale in any form. Upon approval from the State
13 Commission, a wine-maker's premises license shall allow the
14 licensee to sell and offer for sale at (i) the wine-maker's
15 licensed premises and (ii) at up to 2 additional locations for
16 use and consumption and not for resale. Each location shall
17 require additional licensing per location as specified in
18 Section 5-3 of this Act.

19 (j) An airplane license shall permit the licensee to import
20 alcoholic liquors into this State from any point in the United
21 States outside this State and to store such alcoholic liquors
22 in this State; to make wholesale purchases of alcoholic liquors
23 directly from manufacturers, foreign importers, distributors
24 and importing distributors from within or outside this State;
25 and to store such alcoholic liquors in this State; provided
26 that the above powers may be exercised only in connection with
27 the importation, purchase or storage of alcoholic liquors to be
28 sold or dispensed on an airplane; and provided further, that
29 airplane licensees exercising the above powers shall be subject
30 to all provisions of Article VIII of this Act as applied to
31 importing distributors. An airplane licensee shall also permit
32 the sale or dispensing of alcoholic liquors on any passenger
33 airplane regularly operated by a common carrier in this State,
34 but shall not permit the sale for resale of any alcoholic

1 liquors to any licensee within this State. A single airplane
2 license shall be required of an airline company if liquor
3 service is provided on board aircraft in this State. The annual
4 fee for such license shall be as determined in Section 5-3.

5 (k) A foreign importer's license shall permit such licensee
6 to purchase alcoholic liquor from Illinois licensed
7 non-resident dealers only, and to import alcoholic liquor other
8 than in bulk from any point outside the United States and to
9 sell such alcoholic liquor to Illinois licensed importing
10 distributors and to no one else in Illinois; provided that the
11 foreign importer registers with the State Commission every
12 brand of alcoholic liquor that it proposes to sell to Illinois
13 licensees during the license period and provided further that
14 the foreign importer complies with all of the provisions of
15 Section 6-9 of this Act with respect to registration of such
16 Illinois licensees as may be granted the right to sell such
17 brands at wholesale.

18 (l) (i) A broker's license shall be required of all persons
19 who solicit orders for, offer to sell or offer to supply
20 alcoholic liquor to retailers in the State of Illinois, or who
21 offer to retailers to ship or cause to be shipped or to make
22 contact with distillers, rectifiers, brewers or manufacturers
23 or any other party within or without the State of Illinois in
24 order that alcoholic liquors be shipped to a distributor,
25 importing distributor or foreign importer, whether such
26 solicitation or offer is consummated within or without the
27 State of Illinois.

28 No holder of a retailer's license issued by the Illinois
29 Liquor Control Commission shall purchase or receive any
30 alcoholic liquor, the order for which was solicited or offered
31 for sale to such retailer by a broker unless the broker is the
32 holder of a valid broker's license.

33 The broker shall, upon the acceptance by a retailer of the
34 broker's solicitation of an order or offer to sell or supply or

1 deliver or have delivered alcoholic liquors, promptly forward
2 to the Illinois Liquor Control Commission a notification of
3 said transaction in such form as the Commission may by
4 regulations prescribe.

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

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

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

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

27 (m) A non-resident dealer's license shall permit such
28 licensee to ship into and warehouse alcoholic liquor into this
29 State from any point outside of this State, and to sell such
30 alcoholic liquor to Illinois licensed foreign importers and
31 importing distributors and to no one else in this State;
32 provided that said non-resident dealer shall register with the
33 Illinois Liquor Control Commission each and every brand of
34 alcoholic liquor which it proposes to sell to Illinois

1 licensees during the license period; and further provided that
2 it shall comply with all of the provisions of Section 6-9
3 hereof with respect to registration of such Illinois licensees
4 as may be granted the right to sell such brands at wholesale.

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

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

18 (p) An auction liquor license shall allow the licensee to
19 sell and offer for sale at auction wine and spirits for use or
20 consumption, or for resale by an Illinois liquor licensee in
21 accordance with provisions of this Act. An auction liquor
22 license will be issued to a person and it will permit the
23 auction liquor licensee to hold the auction anywhere in the
24 State. An auction liquor license must be obtained for each
25 auction at least 14 days in advance of the auction date.

26 (q) A special use permit license shall allow an Illinois
27 licensed retailer to transfer a portion of its alcoholic liquor
28 inventory from its retail licensed premises to the premises
29 specified in the license hereby created, and to sell or offer
30 for sale at retail, only in the premises specified in the
31 license hereby created, the transferred alcoholic liquor for
32 use or consumption, but not for resale in any form. A special
33 use permit license may be granted for the following time
34 periods: one day or less; 2 or more days to a maximum of 15 days

1 per location in any 12 month period. An applicant for the
2 special use permit license must also submit with the
3 application proof satisfactory to the State Commission that the
4 applicant will provide dram shop liability insurance to the
5 maximum limits and have local authority approval.

6 (Source: P.A. 91-357, eff. 7-29-99; 92-105, eff. 1-1-02;
7 92-378, eff. 8-16-01; 92-651, eff. 7-11-02; 92-672, eff.
8 7-16-02.)

9 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

10 Sec. 6-30. Notwithstanding any other provision of this Act,
11 the Illinois Gaming Board shall have exclusive authority to
12 establish the hours for sale and consumption of alcoholic
13 liquor on board a riverboat during riverboat gambling
14 excursions and in a casino conducted in accordance with the
15 Riverboat and Casino Gambling Act.

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

17 Section 940. The Criminal Code of 1961 is amended by
18 changing Sections 28-1, 28-1.1, 28-3, 28-5 and 28-7 as follows:

19 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

20 Sec. 28-1. Gambling.

21 (a) A person commits gambling when he:

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

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

27 (3) Operates, keeps, owns, uses, purchases, exhibits,
28 rents, sells, bargains for the sale or lease of,
29 manufactures or distributes any gambling device; or

30 (4) Contracts to have or give himself or another the
31 option to buy or sell, or contracts to buy or sell, at a

1 future time, any grain or other commodity whatsoever, or
2 any stock or security of any company, where it is at the
3 time of making such contract intended by both parties
4 thereto that the contract to buy or sell, or the option,
5 whenever exercised, or the contract resulting therefrom,
6 shall be settled, not by the receipt or delivery of such
7 property, but by the payment only of differences in prices
8 thereof; however, the issuance, purchase, sale, exercise,
9 endorsement or guarantee, by or through a person registered
10 with the Secretary of State pursuant to Section 8 of the
11 Illinois Securities Law of 1953, or by or through a person
12 exempt from such registration under said Section 8, of a
13 put, call, or other option to buy or sell securities which
14 have been registered with the Secretary of State or which
15 are exempt from such registration under Section 3 of the
16 Illinois Securities Law of 1953 is not gambling within the
17 meaning of this paragraph (4); or

18 (5) Knowingly owns or possesses any book, instrument or
19 apparatus by means of which bets or wagers have been, or
20 are, recorded or registered, or knowingly possesses any
21 money which he has received in the course of a bet or
22 wager; or

23 (6) Sells pools upon the result of any game or contest
24 of skill or chance, political nomination, appointment or
25 election; or

26 (7) Sets up or promotes any lottery or sells, offers to
27 sell or transfers any ticket or share for any lottery; or

28 (8) Sets up or promotes any policy game or sells,
29 offers to sell or knowingly possesses or transfers any
30 policy ticket, slip, record, document or other similar
31 device; or

32 (9) Knowingly drafts, prints or publishes any lottery
33 ticket or share, or any policy ticket, slip, record,
34 document or similar device, except for such activity

1 related to lotteries, bingo games and raffles authorized by
2 and conducted in accordance with the laws of Illinois or
3 any other state or foreign government; or

4 (10) Knowingly advertises any lottery or policy game,
5 except for such activity related to lotteries, bingo games
6 and raffles authorized by and conducted in accordance with
7 the laws of Illinois or any other state; or

8 (11) Knowingly transmits information as to wagers,
9 betting odds, or changes in betting odds by telephone,
10 telegraph, radio, semaphore or similar means; or knowingly
11 installs or maintains equipment for the transmission or
12 receipt of such information; except that nothing in this
13 subdivision (11) prohibits transmission or receipt of such
14 information for use in news reporting of sporting events or
15 contests; or

16 (12) Knowingly establishes, maintains, or operates an
17 Internet site that permits a person to play a game of
18 chance or skill for money or other thing of value by means
19 of the Internet or to make a wager upon the result of any
20 game, contest, political nomination, appointment, or
21 election by means of the Internet.

22 (b) Participants in any of the following activities shall
23 not be convicted of gambling therefor:

24 (1) Agreements to compensate for loss caused by the
25 happening of chance including without limitation contracts
26 of indemnity or guaranty and life or health or accident
27 insurance;

28 (2) Offers of prizes, award or compensation to the
29 actual contestants in any bona fide contest for the
30 determination of skill, speed, strength or endurance or to
31 the owners of animals or vehicles entered in such contest;

32 (3) Pari-mutuel betting as authorized by the law of
33 this State;

34 (4) Manufacture of gambling devices, including the

1 acquisition of essential parts therefor and the assembly
2 thereof, for transportation in interstate or foreign
3 commerce to any place outside this State when such
4 transportation is not prohibited by any applicable Federal
5 law;

6 (5) The game commonly known as "bingo", when conducted
7 in accordance with the Bingo License and Tax Act;

8 (6) Lotteries when conducted by the State of Illinois
9 in accordance with the Illinois Lottery Law;

10 (7) Possession of an antique slot machine that is
11 neither used nor intended to be used in the operation or
12 promotion of any unlawful gambling activity or enterprise.
13 For the purpose of this subparagraph (b)(7), an antique
14 slot machine is one manufactured 25 years ago or earlier;

15 (8) Raffles when conducted in accordance with the
16 Raffles Act;

17 (9) Charitable games when conducted in accordance with
18 the Charitable Games Act;

19 (10) Pull tabs and jar games when conducted under the
20 Illinois Pull Tabs and Jar Games Act; or

21 (11) Gambling games ~~conducted on riverboats~~ when
22 authorized by the Riverboat and Casino Gambling Act.

23 (c) Sentence.

24 Gambling under subsection (a)(1) or (a)(2) of this Section
25 is a Class A misdemeanor. Gambling under any of subsections
26 (a)(3) through (a)(11) of this Section is a Class A
27 misdemeanor. A second or subsequent conviction under any of
28 subsections (a)(3) through (a)(11), is a Class 4 felony.
29 Gambling under subsection (a)(12) of this Section is a Class A
30 misdemeanor. A second or subsequent conviction under
31 subsection (a)(12) is a Class 4 felony.

32 (d) Circumstantial evidence.

33 In prosecutions under subsection (a)(1) through (a)(12) of
34 this Section circumstantial evidence shall have the same

1 validity and weight as in any criminal prosecution.

2 (Source: P.A. 91-257, eff. 1-1-00.)

3 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

4 Sec. 28-1.1. Syndicated gambling.

5 (a) Declaration of Purpose. Recognizing the close
6 relationship between professional gambling and other organized
7 crime, it is declared to be the policy of the legislature to
8 restrain persons from engaging in the business of gambling for
9 profit in this State. This Section shall be liberally construed
10 and administered with a view to carrying out this policy.

11 (b) A person commits syndicated gambling when he operates a
12 "policy game" or engages in the business of bookmaking.

13 (c) A person "operates a policy game" when he knowingly
14 uses any premises or property for the purpose of receiving or
15 knowingly does receive from what is commonly called "policy":

16 (1) money from a person other than the better or player
17 whose bets or plays are represented by such money; or

18 (2) written "policy game" records, made or used over
19 any period of time, from a person other than the better or
20 player whose bets or plays are represented by such written
21 record.

22 (d) A person engages in bookmaking when he receives or
23 accepts more than five bets or wagers upon the result of any
24 trials or contests of skill, speed or power of endurance or
25 upon any lot, chance, casualty, unknown or contingent event
26 whatsoever, which bets or wagers shall be of such size that the
27 total of the amounts of money paid or promised to be paid to
28 such bookmaker on account thereof shall exceed \$2,000.
29 Bookmaking is the receiving or accepting of such bets or wagers
30 regardless of the form or manner in which the bookmaker records
31 them.

32 (e) Participants in any of the following activities shall
33 not be convicted of syndicated gambling:

1 (1) Agreements to compensate for loss caused by the
2 happening of chance including without limitation contracts
3 of indemnity or guaranty and life or health or accident
4 insurance; and

5 (2) Offers of prizes, award or compensation to the
6 actual contestants in any bona fide contest for the
7 determination of skill, speed, strength or endurance or to
8 the owners of animals or vehicles entered in such contest;
9 and

10 (3) Pari-mutuel betting as authorized by law of this
11 State; and

12 (4) Manufacture of gambling devices, including the
13 acquisition of essential parts therefor and the assembly
14 thereof, for transportation in interstate or foreign
15 commerce to any place outside this State when such
16 transportation is not prohibited by any applicable Federal
17 law; and

18 (5) Raffles when conducted in accordance with the
19 Raffles Act; and

20 (6) Gambling games conducted on riverboats or in
21 casinos when authorized by the Riverboat and Casino
22 Gambling Act.

23 (f) Sentence. Syndicated gambling is a Class 3 felony.

24 (Source: P.A. 86-1029; 87-435.)

25 (720 ILCS 5/28-3) (from Ch. 38, par. 28-3)

26 Sec. 28-3. Keeping a Gambling Place. A "gambling place" is
27 any real estate, vehicle, boat or any other property whatsoever
28 used for the purposes of gambling other than gambling conducted
29 in the manner authorized by the Riverboat and Casino Gambling
30 Act. Any person who knowingly permits any premises or property
31 owned or occupied by him or under his control to be used as a
32 gambling place commits a Class A misdemeanor. Each subsequent
33 offense is a Class 4 felony. When any premises is determined by

1 the circuit court to be a gambling place:

2 (a) Such premises is a public nuisance and may be proceeded
3 against as such, and

4 (b) All licenses, permits or certificates issued by the
5 State of Illinois or any subdivision or public agency thereof
6 authorizing the serving of food or liquor on such premises
7 shall be void; and no license, permit or certificate so
8 cancelled shall be reissued for such premises for a period of
9 60 days thereafter; nor shall any person convicted of keeping a
10 gambling place be reissued such license for one year from his
11 conviction and, after a second conviction of keeping a gambling
12 place, any such person shall not be reissued such license, and

13 (c) Such premises of any person who knowingly permits
14 thereon a violation of any Section of this Article shall be
15 held liable for, and may be sold to pay any unsatisfied
16 judgment that may be recovered and any unsatisfied fine that
17 may be levied under any Section of this Article.

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

19 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

20 Sec. 28-5. Seizure of gambling devices and gambling funds.

21 (a) Every device designed for gambling which is incapable
22 of lawful use or every device used unlawfully for gambling
23 shall be considered a "gambling device", and shall be subject
24 to seizure, confiscation and destruction by the Department of
25 State Police or by any municipal, or other local authority,
26 within whose jurisdiction the same may be found. As used in
27 this Section, a "gambling device" includes any slot machine,
28 and includes any machine or device constructed for the
29 reception of money or other thing of value and so constructed
30 as to return, or to cause someone to return, on chance to the
31 player thereof money, property or a right to receive money or
32 property. With the exception of any device designed for
33 gambling which is incapable of lawful use, no gambling device

1 shall be forfeited or destroyed unless an individual with a
2 property interest in said device knows of the unlawful use of
3 the device.

4 (b) Every gambling device shall be seized and forfeited to
5 the county wherein such seizure occurs. Any money or other
6 thing of value integrally related to acts of gambling shall be
7 seized and forfeited to the county wherein such seizure occurs.

8 (c) If, within 60 days after any seizure pursuant to
9 subparagraph (b) of this Section, a person having any property
10 interest in the seized property is charged with an offense, the
11 court which renders judgment upon such charge shall, within 30
12 days after such judgment, conduct a forfeiture hearing to
13 determine whether such property was a gambling device at the
14 time of seizure. Such hearing shall be commenced by a written
15 petition by the State, including material allegations of fact,
16 the name and address of every person determined by the State to
17 have any property interest in the seized property, a
18 representation that written notice of the date, time and place
19 of such hearing has been mailed to every such person by
20 certified mail at least 10 days before such date, and a request
21 for forfeiture. Every such person may appear as a party and
22 present evidence at such hearing. The quantum of proof required
23 shall be a preponderance of the evidence, and the burden of
24 proof shall be on the State. If the court determines that the
25 seized property was a gambling device at the time of seizure,
26 an order of forfeiture and disposition of the seized property
27 shall be entered: a gambling device shall be received by the
28 State's Attorney, who shall effect its destruction, except that
29 valuable parts thereof may be liquidated and the resultant
30 money shall be deposited in the general fund of the county
31 wherein such seizure occurred; money and other things of value
32 shall be received by the State's Attorney and, upon
33 liquidation, shall be deposited in the general fund of the
34 county wherein such seizure occurred. However, in the event

1 that a defendant raises the defense that the seized slot
2 machine is an antique slot machine described in subparagraph
3 (b) (7) of Section 28-1 of this Code and therefore he is exempt
4 from the charge of a gambling activity participant, the seized
5 antique slot machine shall not be destroyed or otherwise
6 altered until a final determination is made by the Court as to
7 whether it is such an antique slot machine. Upon a final
8 determination by the Court of this question in favor of the
9 defendant, such slot machine shall be immediately returned to
10 the defendant. Such order of forfeiture and disposition shall,
11 for the purposes of appeal, be a final order and judgment in a
12 civil proceeding.

13 (d) If a seizure pursuant to subparagraph (b) of this
14 Section is not followed by a charge pursuant to subparagraph
15 (c) of this Section, or if the prosecution of such charge is
16 permanently terminated or indefinitely discontinued without
17 any judgment of conviction or acquittal (1) the State's
18 Attorney shall commence an in rem proceeding for the forfeiture
19 and destruction of a gambling device, or for the forfeiture and
20 deposit in the general fund of the county of any seized money
21 or other things of value, or both, in the circuit court and (2)
22 any person having any property interest in such seized gambling
23 device, money or other thing of value may commence separate
24 civil proceedings in the manner provided by law.

25 (e) Any gambling device displayed for sale to a riverboat
26 gambling operation or a casino gambling operation or used to
27 train occupational licensees of a riverboat gambling operation
28 or a casino gambling operation as authorized under the
29 Riverboat and Casino Gambling Act, is exempt from seizure under
30 this Section.

31 (f) Any gambling equipment, devices and supplies provided
32 by a licensed supplier in accordance with the Riverboat and
33 Casino Gambling Act which are removed from a the riverboat,
34 casino, or electronic gaming facility for repair are exempt

1 from seizure under this Section.

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

3 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

4 Sec. 28-7. Gambling contracts void.

5 (a) All promises, notes, bills, bonds, covenants,
6 contracts, agreements, judgments, mortgages, or other
7 securities or conveyances made, given, granted, drawn, or
8 entered into, or executed by any person whatsoever, where the
9 whole or any part of the consideration thereof is for any money
10 or thing of value, won or obtained in violation of any Section
11 of this Article are null and void.

12 (b) Any obligation void under this Section may be set aside
13 and vacated by any court of competent jurisdiction, upon a
14 complaint filed for that purpose, by the person so granting,
15 giving, entering into, or executing the same, or by his
16 executors or administrators, or by any creditor, heir, legatee,
17 purchaser or other person interested therein; or if a judgment,
18 the same may be set aside on motion of any person stated above,
19 on due notice thereof given.

20 (c) No assignment of any obligation void under this Section
21 may in any manner affect the defense of the person giving,
22 granting, drawing, entering into or executing such obligation,
23 or the remedies of any person interested therein.

24 (d) This Section shall not prevent a licensed owner of a
25 riverboat gambling operation or a casino gambling operation or
26 an electronic gaming licensee under the Riverboat Gambling Act
27 and the Illinois Horse Racing Act of 1975 from instituting a
28 cause of action to collect any amount due and owing under an
29 extension of credit to a ~~riverboat~~ gambling patron as
30 authorized under Section 11.1 of the Riverboat and Casino
31 Gambling Act.

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

1 Section 945. The Travel Promotion Consumer Protection Act
2 is amended by changing Section 2 as follows:

3 (815 ILCS 420/2) (from Ch. 121 1/2, par. 1852)

4 Sec. 2. Definitions.

5 (a) "Travel promoter" means a person, including a tour
6 operator, who sells, provides, furnishes, contracts for,
7 arranges or advertises that he or she will arrange wholesale or
8 retail transportation by air, land, sea or navigable stream,
9 either separately or in conjunction with other services.

10 "Travel promoter" does not include (1) an air carrier; (2) a
11 sea carrier; (3) an officially appointed agent of an air
12 carrier who is a member in good standing of the Airline
13 Reporting Corporation; (4) a travel promoter who has in force
14 \$1,000,000 or more of liability insurance coverage for
15 professional errors and omissions and a surety bond or
16 equivalent surety in the amount of \$100,000 or more for the
17 benefit of consumers in the event of a bankruptcy on the part
18 of the travel promoter; or (5) a riverboat subject to
19 regulation under the Riverboat and Casino Gambling Act.

20 (b) "Advertise" means to make any representation in the
21 solicitation of passengers and includes communication with
22 other members of the same partnership, corporation, joint
23 venture, association, organization, group or other entity.

24 (c) "Passenger" means a person on whose behalf money or
25 other consideration has been given or is to be given to
26 another, including another member of the same partnership,
27 corporation, joint venture, association, organization, group
28 or other entity, for travel.

29 (d) "Ticket or voucher" means a writing or combination of
30 writings which is itself good and sufficient to obtain
31 transportation and other services for which the passenger has
32 contracted.

33 (Source: P.A. 91-357, eff. 7-29-99.)

1 Section 950. The State Finance Act is amended by adding
2 Sections 5.625, and 5.626, and 6z-62 as follows:

3 (30 ILCS 105/5.625 new)

4 Sec. 5.625. The Compulsive Gambling Prevention Fund.

5 (30 ILCS 105/5.626 new)

6 Sec. 5.626. The Illinois Community Services Block Grant
7 Fund.

8 (30 ILCS 105/6z-62 new)

9 Sec. 6z-62. Illinois Community Services Block Grant Fund.

10 There is hereby created in the State Treasury a special fund to
11 be known as the Illinois Community Services Block Grant Fund.
12 Moneys deposited into the Fund shall, subject to appropriation,
13 be used by the Department of Commerce and Economic Opportunity
14 for programs in the same manner as programs financed with
15 federal Community Services Block Grant funds as set forth under
16 item (F) of subsection (1) of Section 605-400 of the Department
17 of Commerce and Economic Opportunity Law of the Civil
18 Administrative Code of Illinois.

19 (230 ILCS 5/32.1 rep.)

20 (230 ILCS 5/54 rep.)

21 Section 955. The Illinois Horse Racing Act is amended by
22 repealing Sections 32.1 and 54.

23 (230 ILCS 10/11.2 rep.)

24 Section 960. The Riverboat Gambling Act is amended by
25 repealing Section 11.2.

26 Section 999. Effective date. This Act takes effect upon
27 becoming law."