

1 AN ACT concerning gaming.

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

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

7 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

8 Sec. 2505-305. Investigators.

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

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

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

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

1 Section 10. The Riverboat Gambling Act is amended by
2 changing Sections 4, 5, 5.1, and 13 and by adding Sections 5.2
3 and 22.5 as follows:

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

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

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

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

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

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

22 (e) "Managers license" means a license issued by the Board
23 to a person or entity to manage gambling operations conducted
24 by the State pursuant to Section 7.3 ~~7.2~~.

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

28 (g) "Gross receipts" means the total amount of money
29 exchanged for the purchase of chips, tokens or electronic cards
30 by riverboat patrons.

31 (h) "Adjusted gross receipts" means the gross receipts less
32 winnings paid to wagerers.

33 (i) "Cheat" means to alter the selection of criteria which
34 determine the result of a gambling game or the amount or

1 frequency of payment in a gambling game.

2 (j) (Blank). ~~"Department" means the Department of Revenue.~~

3 (k) "Gambling operation" means the conduct of authorized
4 gambling games upon a riverboat.

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

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

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

13 (230 ILCS 10/5) (from Ch. 120, par. 2405)

14 Sec. 5. Gaming Board.

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

25 (2) The Board shall consist of 5 members to be appointed by
26 the Governor with the advice and consent of the Senate, one of
27 whom shall be designated by the Governor to be chairman. Each
28 member shall have a reasonable knowledge of the practice,
29 procedure and principles of gambling operations. Each member
30 shall either be a resident of Illinois or shall certify that he
31 will become a resident of Illinois before taking office. At
32 least one member shall be experienced in law enforcement and
33 criminal investigation, at least one member shall be a
34 certified public accountant experienced in accounting and
35 auditing, and at least one member shall be a lawyer licensed to

1 practice law in Illinois.

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

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

20 (5) No person shall be appointed a member of the Board or
21 continue to be a member of the Board who is, or whose spouse,
22 child or parent is, a member of the board of directors of, or a
23 person financially interested in, any gambling operation
24 subject to the jurisdiction of this Board, or any race track,
25 race meeting, racing association or the operations thereof
26 subject to the jurisdiction of the Illinois Racing Board. No
27 Board member shall hold any other public office for which he or
28 she shall receive compensation in excess of \$10,000, other than
29 necessary travel or other incidental expenses. No person shall
30 be a member of the Board who is not of good moral character or
31 who has been convicted of, or is under indictment for, a felony
32 under the laws of Illinois or any other state, or the United
33 States.

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

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

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

29 (9) An Administrator shall perform any and all duties that
30 the Board shall assign him. The salary of the Administrator
31 shall be determined by the Board ~~and approved by the Director~~
32 ~~of the Department~~ and, in addition, he shall be reimbursed for
33 all actual and necessary expenses incurred by him in discharge
34 of his official duties. The Administrator shall keep records of
35 all proceedings of the Board and shall preserve all records,
36 books, documents and other papers belonging to the Board or

1 entrusted to its care. The Administrator shall devote his full
2 time to the duties of the office and shall not hold any other
3 office or employment.

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

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

20 (2) To conduct all hearings pertaining to civil
21 violations of this Act or rules and regulations promulgated
22 hereunder;

23 (3) To promulgate such rules and regulations as in its
24 judgment may be necessary to protect or enhance the
25 credibility and integrity of gambling operations
26 authorized by this Act and the regulatory process
27 hereunder;

28 (4) To provide for the establishment and collection of
29 all license and registration fees and taxes imposed by this
30 Act and the rules and regulations issued pursuant hereto.
31 All such fees and taxes shall be deposited into the State
32 Gaming Fund;

33 (5) To provide for the levy and collection of penalties
34 and fines for the violation of provisions of this Act and
35 the rules and regulations promulgated hereunder. All such
36 fines and penalties shall be deposited into the Education

1 Assistance Fund, created by Public Act 86-0018, of the
2 State of Illinois;

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

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

19 (8) To hold at least one meeting each quarter of the
20 fiscal year. In addition, special meetings may be called by
21 the Chairman or any 2 Board members upon 72 hours written
22 notice to each member. All Board meetings shall be subject
23 to the Open Meetings Act. Three members of the Board shall
24 constitute a quorum, and 3 votes shall be required for any
25 final determination by the Board. The Board shall keep a
26 complete and accurate record of all its meetings. A
27 majority of the members of the Board shall constitute a
28 quorum for the transaction of any business, for the
29 performance of any duty, or for the exercise of any power
30 which this Act requires the Board members to transact,
31 perform or exercise en banc, except that, upon order of the
32 Board, one of the Board members or an administrative law
33 judge designated by the Board may conduct any hearing
34 provided for under this Act or by Board rule and may
35 recommend findings and decisions to the Board. The Board
36 member or administrative law judge conducting such hearing

1 shall have all powers and rights granted to the Board in
2 this Act. The record made at the time of the hearing shall
3 be reviewed by the Board, or a majority thereof, and the
4 findings and decision of the majority of the Board shall
5 constitute the order of the Board in such case;

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

10 (10) To file a written annual report with the Governor
11 on or before March 1 each year and such additional reports
12 as the Governor may request. The annual report shall
13 include a statement of receipts and disbursements by the
14 Board, actions taken by the Board, and any additional
15 information and recommendations which the Board may deem
16 valuable or which the Governor may request;

17 (11) (Blank); and

18 (12) To assume responsibility for the administration
19 and enforcement of the Bingo License and Tax Act, the
20 Charitable Games Act, and the Pull Tabs and Jar Games Act
21 if such responsibility is delegated to it by the Director
22 of Revenue.

23 (c) The Board shall have jurisdiction over and shall
24 supervise all gambling operations governed by this Act. The
25 Board shall have all powers necessary and proper to fully and
26 effectively execute the provisions of this Act, including, but
27 not limited to, the following:

28 (1) To investigate applicants and determine the
29 eligibility of applicants for licenses and to select among
30 competing applicants the applicants which best serve the
31 interests of the citizens of Illinois.

32 (2) To have jurisdiction and supervision over all
33 riverboat gambling operations in this State and all persons
34 on riverboats where gambling operations are conducted.

35 (3) To promulgate rules and regulations for the purpose
36 of administering the provisions of this Act and to

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

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

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

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

23 (7) To adopt appropriate standards for all riverboats
24 and facilities.

25 (8) To require that the records, including financial or
26 other statements of any licensee under this Act, shall be
27 kept in such manner as prescribed by the Board and that any
28 such licensee involved in the ownership or management of
29 gambling operations submit to the Board an annual balance
30 sheet and profit and loss statement, list of the
31 stockholders or other persons having any ~~a 1% or greater~~
32 beneficial interest in the gambling activities of each
33 licensee, and any other information the Board deems
34 necessary in order to effectively administer this Act and
35 all rules, regulations, orders and final decisions
36 promulgated under this Act.

1 (9) To conduct hearings, issue subpoenas for the
2 attendance of witnesses and subpoenas duces tecum for the
3 production of books, records and other pertinent documents
4 in accordance with the Illinois Administrative Procedure
5 Act, and to administer oaths and affirmations to the
6 witnesses, when, in the judgment of the Board, it is
7 necessary to administer or enforce this Act or the Board
8 rules.

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

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

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

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

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

5 (14) (Blank).

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

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

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

22 (18) To authorize a licensee to sell or serve alcoholic
23 liquors, wine or beer as defined in the Liquor Control Act
24 of 1934 on board a riverboat and to have exclusive
25 authority to establish the hours for sale and consumption
26 of alcoholic liquor on board a riverboat, notwithstanding
27 any provision of the Liquor Control Act of 1934 or any
28 local ordinance, and regardless of whether the riverboat
29 makes excursions. The establishment of the hours for sale
30 and consumption of alcoholic liquor on board a riverboat is
31 an exclusive power and function of the State. A home rule
32 unit may not establish the hours for sale and consumption
33 of alcoholic liquor on board a riverboat. This amendatory
34 Act of 1991 is a denial and limitation of home rule powers
35 and functions under subsection (h) of Section 6 of Article
36 VII of the Illinois Constitution.

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

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

10 (20.5) To approve any contract entered into on its
11 behalf.

12 (20.6) To appoint investigators to conduct all
13 investigations, searches, seizures, arrests, and other
14 duties imposed under this Act. These investigators have and
15 may exercise all the rights and powers of peace officers,
16 provided that these powers shall be limited to offenses or
17 violations occurring or committed on a riverboat or dock,
18 as defined in subsections (d) and (f) of Section 4. The
19 Board must issue to each investigator a distinct badge
20 that, on its face, (i) clearly states that the badge is
21 authorized by the Board and (ii) contains a unique
22 identifying number. No other badge shall be authorized by
23 the Board.

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

27 (d) The Board may seek and shall receive the cooperation of
28 the Department of State Police in conducting background
29 investigations of applicants and in fulfilling its
30 responsibilities under this Section. Costs incurred by the
31 Department of State Police as a result of such cooperation
32 shall be paid by the Board in conformance with the requirements
33 of Section 2605-400 of the Department of State Police Law (20
34 ILCS 2605/2605-400).

35 (e) The Board must authorize to each investigator and to
36 any other employee of the Board exercising the powers of a

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

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

7 (230 ILCS 10/5.1) (from Ch. 120, par. 2405.1)

8 Sec. 5.1. Disclosure of records.

9 (a) Notwithstanding any applicable statutory provision to
10 the contrary, the Board shall, on written request from any
11 person, provide information furnished by an applicant or
12 licensee concerning the applicant or licensee, his products,
13 services or gambling enterprises and his business holdings, as
14 follows:

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

17 (2) An identification of any applicant or licensee
18 including, if an applicant or licensee is not an
19 individual, the state of incorporation or registration,
20 the corporate officers, and the identity of all
21 shareholders or participants. If an applicant or licensee
22 has a pending registration statement filed with the
23 Securities and Exchange Commission, ~~only~~ the names of those
24 persons or entities holding any interest ~~of 5% or more~~ must
25 be provided. The information referenced in this paragraph
26 (2) shall be posted on the Board's Internet website and
27 updated annually.

28 (3) An identification of any business, including, if
29 applicable, the state of incorporation or registration, in
30 which an applicant or licensee or an applicant's or
31 licensee's spouse or children has any ~~an~~ equity interest ~~of~~
32 ~~more than 5%~~. If an applicant or licensee is a corporation,
33 partnership or other business entity, the applicant or
34 licensee shall identify any other corporation, partnership
35 or business entity in which it has any ~~an~~ equity interest

1 ~~of 5% or more~~, including, if applicable, the state of
2 incorporation or registration. This information need not
3 be provided by a corporation, partnership or other business
4 entity that has a pending registration statement filed with
5 the Securities and Exchange Commission. The information
6 referenced in this paragraph (3) shall be posted on the
7 Board's Internet website and updated annually.

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

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

25 (6) Whether an applicant or licensee has ever filed or
26 had filed against it a proceeding in bankruptcy or has ever
27 been involved in any formal process to adjust, defer,
28 suspend or otherwise work out the payment of any debt
29 including the date of filing, the name and location of the
30 court, the case and number of the disposition.

31 (7) Whether an applicant or licensee has filed, or been
32 served with a complaint or other notice filed with any
33 public body, regarding the delinquency in the payment of,
34 or a dispute over the filings concerning the payment of,
35 any tax required under federal, State or local law,
36 including the amount, type of tax, the taxing agency and

1 time periods involved.

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

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

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

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

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

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

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

35 (2) Whenever the Board finds an applicant for an
36 owner's license unsuitable for licensing, a copy of the

1 written letter outlining the reasons for the denial.

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

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

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

8 (2) The statutes, rules, regulations or
9 intergovernmental agreements of any jurisdiction.

10 (d) The Board may assess fees for the copying of
11 information in accordance with Section 6 of the Freedom of
12 Information Act.

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

14 (230 ILCS 10/5.2 new)

15 Sec. 5.2. Separation from Department of Revenue. On the
16 effective date of this amendatory Act of the 94th General
17 Assembly, all of the powers, duties, assets, liabilities,
18 employees, contracts, property, records, pending business, and
19 unexpended appropriations of the Department of Revenue related
20 to the administration and enforcement of this Act are
21 transferred to the Illinois Gaming Board.

22 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

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

32 15% of annual adjusted gross receipts up to and
33 including \$25,000,000;

34 20% of annual adjusted gross receipts in excess of

1 \$25,000,000 but not exceeding \$50,000,000;
2 25% of annual adjusted gross receipts in excess of
3 \$50,000,000 but not exceeding \$75,000,000;
4 30% of annual adjusted gross receipts in excess of
5 \$75,000,000 but not exceeding \$100,000,000;
6 35% of annual adjusted gross receipts in excess of
7 \$100,000,000.

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

15 15% of annual adjusted gross receipts up to and
16 including \$25,000,000;
17 22.5% of annual adjusted gross receipts in excess of
18 \$25,000,000 but not exceeding \$50,000,000;
19 27.5% of annual adjusted gross receipts in excess of
20 \$50,000,000 but not exceeding \$75,000,000;
21 32.5% of annual adjusted gross receipts in excess of
22 \$75,000,000 but not exceeding \$100,000,000;
23 37.5% of annual adjusted gross receipts in excess of
24 \$100,000,000 but not exceeding \$150,000,000;
25 45% of annual adjusted gross receipts in excess of
26 \$150,000,000 but not exceeding \$200,000,000;
27 50% of annual adjusted gross receipts in excess of
28 \$200,000,000.

29 (a-3) Beginning July 1, 2003, a privilege tax is imposed on
30 persons engaged in the business of conducting riverboat
31 gambling operations, other than licensed managers conducting
32 riverboat gambling operations on behalf of the State, based on
33 the adjusted gross receipts received by a licensed owner from
34 gambling games authorized under this Act at the following
35 rates:

36 15% of annual adjusted gross receipts up to and

1 including \$25,000,000;

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

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

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

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

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

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

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

19 The privilege tax imposed under this subsection (a-3) shall
20 no longer be imposed beginning on the earlier of (i) July 1,
21 2005; (ii) the first date after June 20, 2003 ~~the effective~~
22 ~~date of this amendatory Act of the 93rd General Assembly~~ that
23 riverboat gambling operations are conducted pursuant to a
24 dormant license; or (iii) the first day that riverboat gambling
25 operations are conducted under the authority of an owners
26 license that is in addition to the 10 owners licenses initially
27 authorized under this Act. For the purposes of this subsection
28 (a-3), the term "dormant license" means an owners license that
29 is authorized by this Act under which no riverboat gambling
30 operations are being conducted on June 20, 2003 ~~the effective~~
31 ~~date of this 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
35 riverboat gambling operations, other than licensed managers
36 conducting riverboat gambling operations on behalf of the

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

4 15% of annual adjusted gross receipts up to and
5 including \$25,000,000;

6 22.5% of annual adjusted gross receipts in excess of
7 \$25,000,000 but not exceeding \$50,000,000;

8 27.5% of annual adjusted gross receipts in excess of
9 \$50,000,000 but not exceeding \$75,000,000;

10 32.5% of annual adjusted gross receipts in excess of
11 \$75,000,000 but not exceeding \$100,000,000;

12 37.5% of annual adjusted gross receipts in excess of
13 \$100,000,000 but not exceeding \$150,000,000;

14 45% of annual adjusted gross receipts in excess of
15 \$150,000,000 but not exceeding \$200,000,000;

16 50% of annual adjusted gross receipts in excess of
17 \$200,000,000.

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

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

24 (b) Until January 1, 1998, 25% of the tax revenue deposited
25 in the State Gaming Fund under this Section shall be paid,
26 subject to appropriation by the General Assembly, to the unit
27 of local government which is designated as the home dock of the
28 riverboat. Beginning January 1, 1998, from the tax revenue
29 deposited in the State Gaming Fund under this Section, an
30 amount equal to 5% of adjusted gross receipts generated by a
31 riverboat shall be paid monthly, subject to appropriation by
32 the General Assembly, to the unit of local government that is
33 designated as the home dock of the riverboat. From the tax
34 revenue deposited in the State Gaming Fund pursuant to
35 riverboat gambling operations conducted by a licensed manager
36 on behalf of the State, an amount equal to 5% of adjusted gross

1 receipts generated pursuant to those riverboat gambling
2 operations shall be paid monthly, subject to appropriation by
3 the General Assembly, to the unit of local government that is
4 designated as the home dock of the riverboat upon which those
5 riverboat gambling operations are conducted.

6 (c) Appropriations, as approved by the General Assembly,
7 may be made from the State Gaming Fund to the Board ~~Department~~
8 ~~of Revenue~~ and the Department of State Police for the
9 administration and enforcement of this Act, or to the
10 Department of Human Services for the administration of programs
11 to treat problem gambling.

12 (c-5) After the payments required under subsections (b) and
13 (c) have been made, an amount equal to 15% of the adjusted
14 gross receipts of (1) an owners licensee that relocates
15 pursuant to Section 11.2, (2) an owners licensee ~~license~~
16 conducting riverboat gambling operations pursuant to an owners
17 license that is initially issued after June 25, 1999, or (3)
18 the first riverboat gambling operations conducted by a licensed
19 manager on behalf of the State under Section 7.3 ~~7.2~~, whichever
20 comes first, shall be paid from the State Gaming Fund into the
21 Horse Racing Equity Fund.

22 (c-10) Each year the General Assembly shall appropriate
23 from the General Revenue Fund to the Education Assistance Fund
24 an amount equal to the amount paid into the Horse Racing Equity
25 Fund pursuant to subsection (c-5) in the prior calendar year.

26 (c-15) After the payments required under subsections (b),
27 (c), and (c-5) have been made, an amount equal to 2% of the
28 adjusted gross receipts of (1) an owners licensee that
29 relocates pursuant to Section 11.2, (2) an owners licensee
30 conducting riverboat gambling operations pursuant to an owners
31 license that is initially issued after June 25, 1999, or (3)
32 the first riverboat gambling operations conducted by a licensed
33 manager on behalf of the State under Section 7.3 ~~7.2~~, whichever
34 comes first, shall be paid, subject to appropriation from the
35 General Assembly, from the State Gaming Fund to each home rule
36 county with a population of over 3,000,000 inhabitants for the

1 purpose of enhancing the county's criminal justice system.

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

7 (c-25) After the payments required under subsections (b),
8 (c), (c-5) and (c-15) have been made, an amount equal to 2% of
9 the adjusted gross receipts of (1) an owners licensee ~~license~~
10 that relocates pursuant to Section 11.2, (2) an owners licensee
11 ~~license~~ conducting riverboat gambling operations pursuant to
12 an owners license that is initially issued after June 25, 1999,
13 or (3) the first riverboat gambling operations conducted by a
14 licensed manager on behalf of the State under Section 7.3 ~~7.2~~,
15 whichever comes first, shall be paid from the State Gaming Fund
16 to Chicago State University.

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

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

26 (f) To the extent practicable, the Board shall administer
27 and collect the wagering taxes imposed by this Section in a
28 manner consistent with the provisions of Sections 4, 5, 5a, 5b,
29 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the
30 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
31 Penalty and Interest Act.

32 (Source: P.A. 92-595, eff. 6-28-02; 93-27, eff. 6-20-03; 93-28,
33 eff. 6-20-03; revised 1-28-04.)

34 (230 ILCS 10/22.5 new)

35 Sec. 22.5. Gaming Code of Ethics.

1 (a) Board members and Board employees are prohibited from
2 gambling at any gambling operation subject to the jurisdiction
3 of the Board or any race track, race meeting, racing
4 association, or the operations thereof subject to the
5 jurisdiction of the Illinois Racing Board. Any person who
6 violates this subsection (a) shall be guilty of a Class A
7 misdemeanor, shall be subject to immediate removal by the
8 Governor, and shall pay any and all winnings associated with
9 the violation into the State Gaming Fund.

10 (b) No Board member or Board employee or spouse, parent, or
11 child of such person shall be an official of or have a
12 financial interest in any entity subject to the jurisdiction of
13 the Board or any race track, race meeting, racing association,
14 or the operations thereof subject to the jurisdiction of the
15 Illinois Racing Board. Anyone violating these prohibitions
16 shall be subject to removal or termination of employment.

17 (c) No former Board member or Board employee or spouse,
18 parent, or child of such person shall, within a period of 5
19 years immediately after termination of service, have a
20 financial interest in or accept employment or receive
21 compensation or fees for services from a person or entity
22 subject to the jurisdiction of the Board or any race track,
23 race meeting, racing association, or the operations thereof
24 subject to the jurisdiction of the Illinois Racing Board.
25 Violation of this subsection (c) is a Class A misdemeanor. This
26 subsection applies only to persons who terminate an affected
27 position on or after the effective date of this amendatory Act
28 of the 94th General Assembly.

29 (d) In addition to the requirements under the State
30 Officials and Employees Ethics Act, ex parte communications
31 made to a Board member or Board employee must be publicly
32 disclosed and made part of the Board's official record on the
33 next business day following the day on which the communications
34 occurred. Failure to timely disclose an ex parte communication
35 shall constitute cause for removal or termination. For the
36 purposes of this subsection (d), "ex parte communication" has

1 the same meaning as that set forth in subsection (b) of Section
2 5-50 of the State Officials and Employees Ethics Act.

3 Section 99. Effective date. This Act takes effect January
4 1, 2006.