



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB3640

Introduced 2/24/2005, by Rep. Lou Lang

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Intercity Development Act. Provides that economically distressed communities may, by appointing a Board of Economic Advisors, receive assistance under the Act. Provides that the Board shall create a revitalization plan for the community. Provides that the Department of Commerce and Economic Opportunity shall, subject to appropriation, make grants to those communities for the operational expenses of the Board. Provides that Boards shall seek funding sources to enhance economic development. Amends the Department of Revenue Law of the Civil Administrative Code of Illinois. Expands the peace officer powers of certain Department of Revenue investigators. Amends the Illinois Pull Tabs and Jar Games Act. Increases certain prize limits. Amends the Illinois Horse Racing Act of 1975 and the Riverboat Gambling Act to authorize the conduct of gambling using slot machines and video games of chance at race tracks. Further amends the Illinois Horse Racing Act of 1975 to delete the recapture provisions and to repeal provisions concerning the pari-mutuel tax credit and the Horse Racing Equity Fund. Imposes an admission tax of \$1 for each person who enters the grounds of an organization licensee. Makes changes concerning the distribution of breakage. Provides that, subject to the availability of horses, certain races that are limited to Illinois conceived and foaled or Illinois foaled horses or both shall be limited to Illinois conceived and foaled or Illinois foaled maidens. Authorizes 2 or more existing organization licensees to integrate into a single integrated organization. Makes other changes. Amends the Riverboat Gambling Act. Reduces the admission tax. Reduces the wagering tax. Authorizes an owners licensee to operate up to 2,000 gaming positions (rather than limit the number of gambling participants to 1,200). Provides that a licensee that successfully bids for unused positions may operate those positions in addition to the positions authorized by its license. Authorizes an owners license to relocate a portion of its slot machines to its home dock facility. Requires owners licensees to pay an aggregate amount of \$130,000,000 to the Gaming Board by July 1, 2006 for deposit into the State Gaming Fund. Makes other changes. Amends the Criminal Code of 1961 to provide that certain provisions that apply to riverboat gambling also apply to slot machine gambling at race tracks. Amends Public Act 91-40 to replace that Act's inseverability clause with a severability clause. Preempts home rule concerning the regulation of electronic gaming. Provides that certain tax moneys from riverboat gambling shall be paid into the Local Riverboat Gaming Distributive Fund and paid to counties that do not have a riverboat dock within its borders. Makes other changes. Amends the State Finance Act to create the Intercity Development Fund, the Local Riverboat Gaming Distributive Fund, and the South Suburban Assistance Fund. Effective immediately.

LRB094 09367 AMC 39612 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

1 AN ACT concerning gaming.

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

4 Section 1. Short title. This Act may be cited as the  
5 Intercity Development Act.

6 Section 5. Findings and purpose.

7 (a) The General Assembly finds that:

8 (1) There is a great need for economic revitalization  
9 in many communities throughout this State.

10 (2) Each community has valuable resources at its  
11 fingertips that can be tapped in the revitalization  
12 process.

13 (3) With adequate support and assistance from the State  
14 and other resources, each community can participate in and  
15 shepherd its own economic renewal.

16 (4) Successful redevelopment plans are based on policy  
17 that is responsive to the existing composition and  
18 character of the economically distressed community and  
19 that allows and compels the community to participate in the  
20 redevelopment planning process.

21 (5) A successful redevelopment initiative creates and  
22 maintains a capable and adaptable workforce, has access to  
23 capital, has a sound fiscal base, has adequate  
24 infrastructure, has well-managed natural resources, and  
25 has an attractive quality of life.

26 (b) It is the purpose of this legislation to provide a  
27 mechanism for an economically distressed community to use in  
28 its efforts to revitalize the community.

29 Section 10. Definitions. As used in this Section:

30 "Community" means a municipality, a county with respect to  
31 the unincorporated areas of a county, and any combination of

1 municipalities and counties acting jointly.

2 "Department" means the Department of Commerce and Economic  
3 Opportunity.

4 "Economically distressed community" means any community  
5 that is certified by the Department as being in the highest 3%  
6 of all communities in the State in its rate of unemployment,  
7 its poverty rate, and the rate of bankruptcy petitions filed.

8 Section 15. Certification; Board of Economic Advisors.

9 (a) In order to receive the assistance as provided in this  
10 Act, a community shall first, by ordinance passed by its  
11 corporate authorities, request that the Department certify  
12 that it is an economically distressed community. The community  
13 must submit a certified copy of the ordinance to the  
14 Department. After review of the ordinance, if the Department  
15 determines that the community meets the requirements for  
16 certification, the Department shall certify the community as an  
17 economically distressed community.

18 (b) A community that is certified by the Department as an  
19 economically distressed community may appoint a Board of  
20 Economic Advisors to create and implement a revitalization plan  
21 for the community. The Board shall consist of 12 members of the  
22 community, appointed by the mayor or the presiding officer of  
23 the county or jointly by the presiding officers of each  
24 municipality and county that have joined to form a community  
25 for the purposes of this Act. The Board members shall be  
26 appointed from the 12 sectors vital to community redevelopment  
27 as follows:

28 (1) A member representing households and families.

29 (2) A member representing religious organizations.

30 (3) A member representing educational institutions.

31 (4) A member representing daycare centers, care  
32 centers for the handicapped, and care centers for the  
33 disadvantaged.

34 (5) A member representing community-based  
35 organizations such as neighborhood improvement

1 associations.

2 (6) A member representing federal and State employment  
3 service systems, skill training centers, and placement  
4 referrals.

5 (7) A member representing Masonic organizations,  
6 fraternities, sororities, and social clubs.

7 (8) A member representing hospitals, nursing homes,  
8 senior citizens, public health agencies, and funeral  
9 homes.

10 (9) A member representing organized sports, parks,  
11 parties, and games of chance.

12 (10) A member representing political parties, clubs,  
13 and affiliations, and election related matters concerning  
14 voter education and participation.

15 (11) A member representing the cultural aspects of the  
16 community, including cultural events, lifestyles,  
17 languages, music, visual and performing arts, and  
18 literature.

19 (12) A member representing police and fire protection  
20 agencies, prisons, weapons systems, and the military  
21 industrial complex.

22 The Board shall meet initially within 30 days after its  
23 appointment, shall select one member as chairperson at its  
24 initial meeting, and shall thereafter meet at the call of the  
25 chairperson. Members of the Board shall serve without  
26 compensation, but shall be reimbursed for their reasonable and  
27 necessary expenses from funds available for that purpose.

28 (b) The Board shall create a 3-year to 5-year  
29 revitalization plan for the community. The plan shall contain  
30 distinct, measurable objectives for revitalization. The  
31 objectives shall be used to guide ongoing implementation of the  
32 plan and to measure progress during the 3-year to 5-year  
33 period. The Board shall work in a dynamic manner defining goals  
34 for the community based on the strengths and weaknesses of the  
35 individual sectors of the community as presented by each member  
36 of the Board. The Board shall meet periodically and revise the

1 plan in light of the input from each member of the Board  
2 concerning his or her respective sector of expertise. The  
3 process shall be a community driven revitalization process,  
4 with community-specific data determining the direction and  
5 scope of the revitalization.

6 Section 20. Action by the Board.

7 (a) Organize. The Board shall first assess the needs and  
8 the resources of the community operating from the basic premise  
9 that the family unit is the primary unit of community and that  
10 the demand for goods and services from this residential sector  
11 is the main source of recovery and growth for the redevelopment  
12 of a community. The Board shall inventory community assets,  
13 including the condition of the family with respect to the role  
14 of the family as workers, consumers, and investors. The Board  
15 shall inventory the type and viability of businesses and  
16 industries currently in the community. In compiling the  
17 inventory, the Board shall rely on the input of each Board  
18 member with respect to his or her expertise in a given sector  
19 of the revitalization plan.

20 (b) Revitalize. In implementing the revitalization plan,  
21 the Board shall focus on and build from existing resources in  
22 the community, growing existing businesses rather than luring  
23 business into the community from the outside. The Board shall  
24 also focus on the residents themselves rather than jobs. The  
25 Board shall promote investment in training residents in areas  
26 that will lead to employment and in turn will bring revenue  
27 into the community.

28 (c) Mobilize. The Board shall engage in the dynamic process  
29 of community self-revitalization through a continuous  
30 reassessment of the needs of the community in the  
31 revitalization process. As each goal of the 3-year to 5-year  
32 plan is achieved, the Board shall draw from the resources of  
33 its members to establish new goals and implement new strategies  
34 employing the lessons learned in the earlier stages of  
35 revitalization.

1 (d) Advise. The Board shall act as the liaison between the  
2 community and the local, county, and State government. The  
3 Board shall make use of the resources of these governmental  
4 entities and shall provide counsel to each of these bodies with  
5 respect to economic development.

6 The Board shall also act as a liaison between private  
7 business entities located in the community and the community  
8 itself. The Board shall offer advice and assistance to these  
9 entities when requested and provide incentives and support,  
10 both economic and otherwise, to facilitate expansion and  
11 further investment in the community by the businesses.

12 The Board shall annually submit a report to the General  
13 Assembly and the Governor summarizing the accomplishments of  
14 the community concerning revitalization and the goals of the  
15 community for future revitalization.

16 Section 25. Funding sources.

17 (a) The moneys appropriated into the Intercity Development  
18 Fund, which is hereby created as a special fund in the State  
19 Treasury, shall be allocated as follows:

20 (1) 50% shall be paid to the Department to be used to make  
21 grants as follows:

22 (A) 25% shall be allocated for use within the City of  
23 Chicago;

24 (B) 25% shall be allocated for use within Cook County,  
25 but outside of the City of Chicago; and

26 (C) 50% shall be allocated to communities that are  
27 located outside of Cook County and are certified as  
28 economically distressed communities and that have created  
29 Boards of Economic Advisors under this Act for the  
30 operational expenses of the Boards.

31 The procedures for grant applications shall be established  
32 by the Department by rule.

33 (2) The remaining 50% of the moneys shall be allocated as  
34 follows:

35 (A) 25% shall be paid, subject to appropriation, to the

1 general fund of the City of Chicago;

2 (B) 25% shall be paid, subject to appropriation, to the  
3 general fund of Cook County; and

4 (C) 50% shall be paid, subject to appropriation, to the  
5 general funds of communities that are located outside of  
6 Cook County and are certified as economically distressed  
7 communities and that have created Boards of Economic  
8 Advisors under this Act for the operational expenses of the  
9 Boards.

10 (b) The Board, as a vital part of its function, shall seek  
11 funding sources to enhance economic development. The Board  
12 shall seek funding from the local, State, and federal  
13 government as well as from private funding sources, whether in  
14 the form of grants, loans, or otherwise. The Department shall  
15 advise the Board of Economic Advisors created under this Act of  
16 all available sources of funding for economic development that  
17 it is aware of and shall assist the Boards in securing this  
18 funding.

19 (c) To the extent that there is a gap in funding for  
20 economic development, the Board shall recommend possible  
21 solutions to be undertaken by the State in addressing this  
22 issue to fill the funding gap.

23 Section 70. The Department of Revenue Law of the Civil  
24 Administrative Code of Illinois is amended by changing Section  
25 2505-305 as follows:

26 (20 ILCS 2505/2505-305) (was 20 ILCS 2505/39b15.1)

27 Sec. 2505-305. Investigators.

28 (a) The Department has the power to appoint investigators  
29 to conduct all investigations, searches, seizures, arrests,  
30 and other duties imposed under the provisions of any law  
31 administered by the Department or the Illinois Gaming Board.  
32 Except as provided in subsection (c), these investigators have  
33 and may exercise all the powers of peace officers solely for  
34 the purpose of enforcing taxing measures administered by the

1 Department or the Illinois Gaming Board.

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

9 (c) Investigators appointed under this Section who are  
10 assigned to the Illinois Gaming Board have and may exercise all  
11 the rights and powers of peace officers, ~~provided that these~~  
12 ~~powers shall be limited to offenses or violations occurring or~~  
13 ~~committed on a riverboat or dock, as defined in subsections (d)~~  
14 ~~and (f) of Section 4 of the Riverboat Gambling Act.~~

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

17 Section 75. The Illinois Horse Racing Act of 1975 is  
18 amended by changing Sections 1.2, 9, 20, 24, 25, 26, 27, 28.1,  
19 30, 31, 31.1, 32.1, 36, and 42 and by adding Sections 3.24,  
20 3.25, 3.26, 3.27, 34.2, 56, and 57 as follows:

21 (230 ILCS 5/1.2)

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

28 (a) support and enhance Illinois' horse racing industry,  
29 which is a significant component within the agribusiness  
30 industry;

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

33 (c) stimulate growth within Illinois' horse racing  
34 industry, thereby encouraging new investment and development



1 to produce additional tax revenues and to create additional  
2 jobs;

3 (d) promote the further growth of tourism;

4 (e) encourage the breeding of thoroughbred and  
5 standardbred horses in this State; and

6 (f) ensure that public confidence and trust in the  
7 credibility and integrity of racing operations and the  
8 regulatory process is maintained.

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

10 (230 ILCS 5/3.24 new)

11 Sec. 3.24. "Adjusted gross receipts" has the same meaning  
12 as in Section 4 of the Riverboat Gambling Act.

13 (230 ILCS 5/3.25 new)

14 Sec. 3.25. "Electronic gaming" has the same meaning as in  
15 Section 4 of the Riverboat Gambling Act.

16 (230 ILCS 5/3.26 new)

17 Sec. 3.26. "Electronic gaming license" has the same meaning  
18 as in Section 4 of the Riverboat Gambling Act.

19 (230 ILCS 5/3.27 new)

20 Sec. 3.27. "Electronic gaming facility" means that portion  
21 of an organization licensee's race track facility at which  
22 electronic gaming is conducted.

23 (230 ILCS 5/9) (from Ch. 8, par. 37-9)

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

27 (a) The Board is vested with jurisdiction and supervision  
28 over all race meetings in this State, over all licensees doing  
29 business in this State, over all occupation licensees, and over  
30 all persons on the facilities of any licensee. Such  
31 jurisdiction shall include the power to issue licenses to the

1 Illinois Department of Agriculture authorizing the pari-mutuel  
2 system of wagering on harness and Quarter Horse races held (1)  
3 at the Illinois State Fair in Sangamon County, and (2) at the  
4 DuQuoin State Fair in Perry County. The jurisdiction of the  
5 Board shall also include the power to issue licenses to county  
6 fairs which are eligible to receive funds pursuant to the  
7 Agricultural Fair Act, as now or hereafter amended, or their  
8 agents, authorizing the pari-mutuel system of wagering on horse  
9 races conducted at the county fairs receiving such licenses.  
10 Such licenses shall be governed by subsection (n) of this  
11 Section.

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

25 Notwithstanding any provision of law to the contrary, it  
26 shall be lawful for any licensee to operate pari-mutuel  
27 wagering or contract with the Department of Agriculture to  
28 operate pari-mutuel wagering at the DuQuoin State Fairgrounds  
29 or for the Department to enter into contracts with a licensee,  
30 employ its owners, employees or agents and employ such other  
31 occupation licensees as the Department deems necessary in  
32 connection with race meetings and wagerings.

33 (b) The Board is vested with the full power to promulgate  
34 reasonable rules and regulations for the purpose of  
35 administering the provisions of this Act and to prescribe  
36 reasonable rules, regulations and conditions under which all

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

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

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

19 (e) The Board, and any person or persons to whom it  
20 delegates this power, may eject or exclude from any race  
21 meeting or the facilities of any licensee, or any part thereof,  
22 any occupation licensee or any other individual whose conduct  
23 or reputation is such that his presence on those facilities  
24 may, in the opinion of the Board, call into question the  
25 honesty and integrity of horse racing or wagering or interfere  
26 with the orderly conduct of horse racing or wagering; provided,  
27 however, that no person shall be excluded or ejected from the  
28 facilities of any licensee solely on the grounds of race,  
29 color, creed, national origin, ancestry, or sex. The power to  
30 eject or exclude an occupation licensee or other individual may  
31 be exercised for just cause by the licensee or the Board,  
32 subject to subsequent hearing by the Board as to the propriety  
33 of said exclusion.

34 (f) The Board is vested with the power to acquire,  
35 establish, maintain and operate (or provide by contract to  
36 maintain and operate) testing laboratories and related

1 facilities, for the purpose of conducting saliva, blood, urine  
2 and other tests on the horses run or to be run in any horse race  
3 meeting, including races run at county fairs, and to purchase  
4 all equipment and supplies deemed necessary or desirable in  
5 connection with any such testing laboratories and related  
6 facilities and all such tests.

7 (g) The Board may require that the records, including  
8 financial or other statements of any licensee or any person  
9 affiliated with the licensee who is involved directly or  
10 indirectly in the activities of any licensee as regulated under  
11 this Act to the extent that those financial or other statements  
12 relate to such activities be kept in such manner as prescribed  
13 by the Board, and that Board employees shall have access to  
14 those records during reasonable business hours. Within 120 days  
15 of the end of its fiscal year, each licensee shall transmit to  
16 the Board an audit of the financial transactions and condition  
17 of the licensee's total operations. All audits shall be  
18 conducted by certified public accountants. Each certified  
19 public accountant must be registered in the State of Illinois  
20 under the Illinois Public Accounting Act. The compensation for  
21 each certified public accountant shall be paid directly by the  
22 licensee to the certified public accountant. A licensee shall  
23 also submit any other financial or related information the  
24 Board deems necessary to effectively administer this Act and  
25 all rules, regulations, and final decisions promulgated under  
26 this Act.

27 (h) The Board shall name and appoint in the manner provided  
28 by the rules and regulations of the Board: an Executive  
29 Director; a State director of mutuels; State veterinarians and  
30 representatives to take saliva, blood, urine and other tests on  
31 horses; licensing personnel; revenue inspectors; and State  
32 seasonal employees (excluding admission ticket sellers and  
33 mutuel clerks). All of those named and appointed as provided in  
34 this subsection shall serve during the pleasure of the Board;  
35 their compensation shall be determined by the Board and be paid  
36 in the same manner as other employees of the Board under this

1 Act.

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

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

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

22 (l) The Board is vested with the power to impose civil  
23 penalties of up to \$5,000 against an individual and up to  
24 \$10,000 against a licensee for each violation of any provision  
25 of this Act, any rules adopted by the Board, any order of the  
26 Board or any other action which, in the Board's discretion, is  
27 a detriment or impediment to horse racing or wagering.

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

31 (n) The Board shall have the power to issue a license to  
32 any county fair, or its agent, authorizing the conduct of the  
33 pari-mutuel system of wagering. The Board is vested with the  
34 full power to promulgate reasonable rules, regulations and  
35 conditions under which all horse race meetings licensed  
36 pursuant to this subsection shall be held and conducted,

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

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

21 (p) To insure the convenience, comfort, and wagering  
22 accessibility of race track patrons, to provide for the  
23 maximization of State revenue, and to generate increases in  
24 purse allotments to the horsemen, the Board shall require any  
25 licensee to staff the pari-mutuel department with adequate  
26 personnel.

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

28 (230 ILCS 5/20) (from Ch. 8, par. 37-20)

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

33 (1) the dates on which it intends to conduct the horse  
34 race meeting, which dates shall be provided under Section  
35 21;

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

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

5           (4) any other information the Board may reasonably  
6           require.

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

20          (c) The application shall specify the name of the persons,  
21          association, trust, or corporation making such application and  
22          the post office address of the applicant; if the applicant is a  
23          trustee, the names and addresses of the beneficiaries; if a  
24          corporation, the names and post office addresses of all  
25          officers, stockholders and directors; or if such stockholders  
26          hold stock as a nominee or fiduciary, the names and post office  
27          addresses of these persons, partnerships, corporations, or  
28          trusts who are the beneficial owners thereof or who are  
29          beneficially interested therein; and if a partnership, the  
30          names and post office addresses of all partners, general or  
31          limited; if the applicant is a corporation, the name of the  
32          state of its incorporation shall be specified.

33          (d) The applicant shall execute and file with the Board a  
34          good faith affirmative action plan to recruit, train, and  
35          upgrade minorities in all classifications within the  
36          association.

1 (e) With such application there shall be delivered to the  
2 Board a certified check or bank draft payable to the order of  
3 the Board for an amount equal to \$1,000. All applications for  
4 the issuance of an organization license shall be filed with the  
5 Board before August 1 of the year prior to the year for which  
6 application is made and shall be acted upon by the Board at a  
7 meeting to be held on such date as shall be fixed by the Board  
8 during the last 15 days of September of such prior year. At  
9 such meeting, the Board shall announce the award of the racing  
10 meets, live racing schedule, and designation of host track to  
11 the applicants and its approval or disapproval of each  
12 application. No announcement shall be considered binding until  
13 a formal order is executed by the Board, which shall be  
14 executed no later than October 15 of that prior year. Absent  
15 the agreement of the affected organization licensees, the Board  
16 shall not grant overlapping race meetings to 2 or more tracks  
17 that are within 100 miles of each other to conduct the  
18 thoroughbred racing.

19 (e-2) In awarding racing dates for calendar year 2006 and  
20 thereafter, the Board shall award the same total number of  
21 racing days as it awarded in calendar year 2005 plus an amount  
22 as provided in subsection (e-3). In awarding racing dates under  
23 this subsection (e-2), the Board shall have the discretion to  
24 allocate those racing dates among organization licensees.

25 (e-3) Upon request, the Board shall award at least 50  
26 standardbred racing dates to the organization licensee that  
27 conducts pari-mutuel wagering at a race track located in a  
28 county with a population in excess of 230,000 inhabitants that  
29 borders on the Mississippi River. Any racing dates awarded  
30 under this subsection (e-3) that are in excess of the number  
31 awarded to that organization licensee in calendar year 2005  
32 shall be in addition to those racing dates awarded under  
33 subsection (e-2).

34 (e-5) In reviewing an application for the purpose of  
35 granting an organization license consistent with the best  
36 interests of the public and the sport of horse racing, the



1 Board shall consider:

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

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

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

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

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

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

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

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

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

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

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

35 (e-10) The Illinois Administrative Procedure Act shall  
36 apply to administrative procedures of the Board under this Act

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

29 (f) The Board may allot racing dates to an organization  
30 licensee for more than one calendar year but for no more than 3  
31 successive calendar years in advance, provided that the Board  
32 shall review such allotment for more than one calendar year  
33 prior to each year for which such allotment has been made. The  
34 granting of an organization license to a person constitutes a  
35 privilege to conduct a horse race meeting under the provisions  
36 of this Act, and no person granted an organization license

1 shall be deemed to have a vested interest, property right, or  
2 future expectation to receive an organization license in any  
3 subsequent year as a result of the granting of an organization  
4 license. Organization licenses shall be subject to revocation  
5 if the organization licensee has violated any provision of this  
6 Act or the rules and regulations promulgated under this Act or  
7 has been convicted of a crime or has failed to disclose or has  
8 stated falsely any information called for in the application  
9 for an organization license. Any organization license  
10 revocation proceeding shall be in accordance with Section 16  
11 regarding suspension and revocation of occupation licenses.

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

32 (g) (Blank).

33 (h) The Board shall send the applicant a copy of its  
34 formally executed order by certified mail addressed to the  
35 applicant at the address stated in his application, which  
36 notice shall be mailed within 5 days of the date the formal

1 order is executed.

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

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

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

8 (3) file with the Board the bonds required in Sections  
9 21 and 25 at least 20 days prior to the first day of each  
10 race meeting.

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

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

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

18 (230 ILCS 5/24) (from Ch. 8, par. 37-24)

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

27 (b) An organization licensee must notify the Board within  
28 10 days of any change in the holders of a direct or indirect  
29 interest in the ownership of the organization licensee. The  
30 Board may, after hearing, revoke the organization license of  
31 any person who registers on its books or knowingly permits a  
32 direct or indirect interest in the ownership of that person  
33 without notifying the Board of the name of the holder in  
34 interest within this period.

35 (c) In addition to the provisions of subsection (a) of this

1 Section, no person shall be granted an organization license if  
2 any public official of the State or member of his or her family  
3 holds any ownership or financial interest, directly or  
4 indirectly, in the person.

5 (d) No person which has been granted an organization  
6 license to hold a race meeting shall give to any public  
7 official or member of his family, directly or indirectly, for  
8 or without consideration, any interest in the person. The Board  
9 shall, after hearing, revoke the organization license granted  
10 to a person which has violated this subsection.

11 (e) (Blank).

12 (f) No organization licensee or concessionaire or officer,  
13 director or holder or controller of 5% or more legal or  
14 beneficial interest in any organization licensee or concession  
15 shall make any sort of gift or contribution that is prohibited  
16 under Article 10 of the State Officials and Employees Ethics  
17 Act ~~of any kind~~ or pay or give any money or other thing of value  
18 to any person who is a public official, or a candidate or  
19 nominee for public office if that payment or gift is prohibited  
20 under Article 10 of the State Officials and Employees Ethics  
21 Act.

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

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  
34 issued to and in the name of directors, officers, agents or  
35 employees of the organization licensee, or inter-track

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

8 (b) Accurate records and books shall at all times be kept  
9 and maintained by the organization licensees and inter-track  
10 wagering licensees showing the admission tickets issued and  
11 used on each racing day and the attendance thereat of each  
12 horse racing meeting. The Board or its duly authorized  
13 representative or representatives shall at all reasonable  
14 times have access to the admission records of any organization  
15 licensee and inter-track wagering licensee for the purpose of  
16 examining and checking the same and ascertaining whether or not  
17 the proper amount has been or is being paid the State of  
18 Illinois as herein provided. The Board shall also require,  
19 before issuing any license, that the licensee shall execute and  
20 deliver to it a bond, payable to the State of Illinois, in such  
21 sum as it shall determine, not, however, in excess of fifty  
22 thousand dollars (\$50,000), with a surety or sureties to be  
23 approved by it, conditioned for the payment of all sums due and  
24 payable or collected by it under this Section upon admission  
25 fees received for any particular racing meetings. The Board may  
26 also from time to time require sworn statements of the number  
27 or numbers of such admissions and may prescribe blanks upon  
28 which such reports shall be made. Any organization licensee or  
29 inter-track wagering licensee failing or refusing to pay the  
30 amount found to be due as herein provided, shall be deemed  
31 guilty of a business offense and upon conviction shall be  
32 punished by a fine of not more than five thousand dollars  
33 (\$5,000) in addition to the amount due from such organization  
34 licensee or inter-track wagering licensee as herein provided.  
35 All fines paid into court by an organization licensee or  
36 inter-track wagering licensee found guilty of violating this

1 Section shall be transmitted and paid over by the clerk of the  
2 court to the Board.

3 (c) In addition to the admission tax imposed under  
4 subsection (a), a tax of \$1 is hereby imposed for each person  
5 who enters the grounds or enclosure of each organization  
6 licensee. The tax is imposed upon the organization licensee.

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

9 (2) An organization licensee may issue tax-free  
10 passes to actual and necessary officials and employees of  
11 the licensee and other persons associated with race meeting  
12 operations.

13 (3) The number and issuance of tax-free passes is  
14 subject to the rules of the Board, and a list of all  
15 persons to whom the tax-free passes are issued shall be  
16 filed with the Board.

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

25 (5) The Board shall administer and collect the  
26 admission tax imposed by this subsection, to the extent  
27 practicable, in a manner consistent with the provisions of  
28 Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 6, 6a, 6b, 6c, 8,  
29 9, and 10 of the Retailers' Occupation Tax Act and Section  
30 3-7 of the Uniform Penalty and Interest Act. All moneys  
31 collected by the Board shall be deposited into the State  
32 Gaming Fund.

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

34 (230 ILCS 5/26) (from Ch. 8, par. 37-26)  
35 Sec. 26. Wagering.

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

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

22 (b-5) An individual may place a wager under the pari-mutuel  
23 system from any licensed location authorized under this Act  
24 provided that wager is electronically recorded in the manner  
25 described in Section 3.12 of this Act. Any wager made  
26 electronically by an individual while physically on the  
27 premises of a licensee shall be deemed to have been made at the  
28 premises of that licensee.

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



1 Rehabilitation Fund of the State treasury, except as provided  
2 in subsection (g) of Section 27 of this Act.

3 (c-5) Beginning January 1, 2000, the sum held by any  
4 licensee for payment of outstanding pari-mutuel tickets, if  
5 unclaimed prior to December 31 of the next year, shall be  
6 retained by the licensee for payment of such tickets until that  
7 date. Within 10 days thereafter, the balance of such sum  
8 remaining unclaimed, less any uncashed supplements contributed  
9 by such licensee for the purpose of guaranteeing minimum  
10 distributions of any pari-mutuel pool, shall be evenly  
11 distributed to the purse account of the organization licensee  
12 and the organization licensee.

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

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

27 (f) Notwithstanding the other provisions of this Act, an  
28 organization licensee may contract with an entity in another  
29 state or country to permit any legal wagering entity in another  
30 state or country to accept wagers solely within such other  
31 state or country on races conducted by the organization  
32 licensee in this State. Beginning January 1, 2000, these wagers  
33 shall not be subject to State taxation. Until January 1, 2000,  
34 when the out-of-State entity conducts a pari-mutuel pool  
35 separate from the organization licensee, a privilege tax equal  
36 to 7 1/2% of all monies received by the organization licensee

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

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

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

1 interstate commission fee and other fees charged by the sending  
2 racetrack, including, but not limited to, satellite decoder  
3 fees, shall be uniformly applied to the host track and all  
4 non-host licensees.

5 (1) Between the hours of 6:30 a.m. and 6:30 p.m. an  
6 intertrack wagering licensee other than the host track may  
7 supplement the host track simulcast program with  
8 additional simulcast races or race programs, provided that  
9 between January 1 and the third Friday in February of any  
10 year, inclusive, if no live thoroughbred racing is  
11 occurring in Illinois during this period, only  
12 thoroughbred races may be used for supplemental interstate  
13 simulcast purposes. The Board shall withhold approval for a  
14 supplemental interstate simulcast only if it finds that the  
15 simulcast is clearly adverse to the integrity of racing. A  
16 supplemental interstate simulcast may be transmitted from  
17 an intertrack wagering licensee to its affiliated non-host  
18 licensees. The interstate commission fee for a  
19 supplemental interstate simulcast shall be paid by the  
20 non-host licensee and its affiliated non-host licensees  
21 receiving the simulcast.

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

32 (3) Each licensee conducting interstate simulcast  
33 wagering may retain, subject to the payment of all  
34 applicable taxes and the purses, an amount not to exceed  
35 17% of all money wagered. If any licensee conducts the  
36 pari-mutuel system wagering on races conducted at

1 racetracks in another state or country, each such race or  
2 race program shall be considered a separate racing day for  
3 the purpose of determining the daily handle and computing  
4 the privilege tax of that daily handle as provided in  
5 subsection (a) of Section 27. Until January 1, 2000, from  
6 the sums permitted to be retained pursuant to this  
7 subsection, each intertrack wagering location licensee  
8 shall pay 1% of the pari-mutuel handle wagered on simulcast  
9 wagering to the Horse Racing Tax Allocation Fund, subject  
10 to the provisions of subparagraph (B) of paragraph (11) of  
11 subsection (h) of Section 26 of this Act.

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

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

32 (A) For interstate simulcast wagers made at a host  
33 track, 50% to the host track and 50% to purses at the  
34 host track.

35 (B) For wagers placed on interstate simulcast  
36 races, supplemental simulcasts as defined in

1           subparagraphs (1) and (2), and separately pooled races  
2           conducted outside of the State of Illinois made at a  
3           non-host licensee, 25% to the host track, 25% to the  
4           non-host licensee, and 50% to the purses at the host  
5           track.

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

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

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

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

35                (C) Between January 1 and the third Friday in  
36                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  
35 be in addition to and not in lieu of any other moneys  
36 paid to standardbred purses under this Act, and shall

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

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

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

21 (B) Twenty percent shall be deposited into the  
22 Illinois Colt Stakes Purse Distribution Fund. Moneys  
23 deposited into the Illinois Colt Stakes Purse  
24 Distribution Fund pursuant to this subparagraph (B)  
25 shall be paid to Illinois conceived and foaled  
26 thoroughbred breeders' programs and to thoroughbred  
27 purses for races conducted at any county fairgrounds  
28 for Illinois conceived and foaled horses at the  
29 discretion of the Department of Agriculture, with the  
30 advice and assistance of the Illinois Thoroughbred  
31 Breeders Fund Advisory Board. The moneys deposited  
32 into the Illinois Colt Stakes Purse Distribution Fund  
33 pursuant to this subparagraph (B) shall be deposited  
34 within 2 weeks after the day they were generated, shall  
35 be in addition to and not in lieu of any other moneys  
36 paid to thoroughbred purses under this Act, and shall

1 not be commingled with other moneys deposited into that  
2 Fund.

3 (7.3) If no live standardbred racing is conducted at a  
4 racetrack located in Madison County in calendar year 2000  
5 or 2001, an organization licensee who is licensed to  
6 conduct horse racing at that racetrack shall, before  
7 January 1, 2002, pay all moneys derived from simulcast  
8 wagering and inter-track wagering in calendar years 2000  
9 and 2001 and paid into the licensee's standardbred purse  
10 account as follows:

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

13 (B) Twenty percent to the Illinois Colt Stakes  
14 Purse Distribution Fund.

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

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

32 (7.4) If live standardbred racing is conducted at a  
33 racetrack located in Madison County at any time in calendar  
34 year 2001 before the payment required under paragraph (7.3)  
35 has been made, the organization licensee who is licensed to  
36 conduct racing at that racetrack shall pay all moneys



1 derived by that racetrack from simulcast wagering and  
2 inter-track wagering during calendar years 2000 and 2001  
3 that (1) are to be used for purses and (2) are generated  
4 between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or  
5 2001 to the standardbred purse account at that racetrack to  
6 be used for standardbred purses.

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

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

29 (9) (Blank).

30 (10) (Blank).

31 (11) (Blank).

32 (12) The Board shall have authority to compel all host  
33 tracks to receive the simulcast of any or all races  
34 conducted at the Springfield or DuQuoin State fairgrounds  
35 and include all such races as part of their simulcast  
36 programs.

1           (13) Notwithstanding any other provision of this Act,  
2           in the event that the total Illinois pari-mutuel handle on  
3           Illinois horse races at all wagering facilities in any  
4           calendar year is less than 75% of the total Illinois  
5           pari-mutuel handle on Illinois horse races at all such  
6           wagering facilities for calendar year 1994, then each  
7           wagering facility that has an annual total Illinois  
8           pari-mutuel handle on Illinois horse races that is less  
9           than 75% of the total Illinois pari-mutuel handle on  
10          Illinois horse races at such wagering facility for calendar  
11          year 1994, shall be permitted to receive, from any amount  
12          otherwise payable to the purse account at the race track  
13          with which the wagering facility is affiliated in the  
14          succeeding calendar year, an amount equal to 2% of the  
15          differential in total Illinois pari-mutuel handle on  
16          Illinois horse races at the wagering facility between that  
17          calendar year in question and 1994 provided, however, that  
18          a wagering facility shall not be entitled to any such  
19          payment until the Board certifies in writing to the  
20          wagering facility the amount to which the wagering facility  
21          is entitled and a schedule for payment of the amount to the  
22          wagering facility, based on: (i) the racing dates awarded  
23          to the race track affiliated with the wagering facility  
24          during the succeeding year; (ii) the sums available or  
25          anticipated to be available in the purse account of the  
26          race track affiliated with the wagering facility for purses  
27          during the succeeding year; and (iii) the need to ensure  
28          reasonable purse levels during the payment period. The  
29          Board's certification shall be provided no later than  
30          January 31 of the succeeding year. In the event a wagering  
31          facility entitled to a payment under this paragraph (13) is  
32          affiliated with a race track that maintains purse accounts  
33          for both standardbred and thoroughbred racing, the amount  
34          to be paid to the wagering facility shall be divided  
35          between each purse account pro rata, based on the amount of  
36          Illinois handle on Illinois standardbred and thoroughbred

1 racing respectively at the wagering facility during the  
2 previous calendar year. Annually, the General Assembly  
3 shall appropriate sufficient funds from the General  
4 Revenue Fund to the Department of Agriculture for payment  
5 into the thoroughbred and standardbred horse racing purse  
6 accounts at Illinois pari-mutuel tracks. The amount paid to  
7 each purse account shall be the amount certified by the  
8 Illinois Racing Board in January to be transferred from  
9 each account to each eligible racing facility in accordance  
10 with the provisions of this Section. For the calendar year  
11 in which an organization licensee that is eligible to  
12 receive a payment under this paragraph (13) begins  
13 conducting electronic gaming pursuant to an electronic  
14 gaming license, the amount of that payment shall be reduced  
15 by a percentage equal to the percentage of the year  
16 remaining after the organization licensee begins  
17 conducting electronic gaming pursuant to its electronic  
18 gaming license. An organization licensee shall no longer be  
19 able to receive payments under this paragraph (13)  
20 beginning on the January 1 first occurring after the  
21 licensee begins conducting electronic gaming pursuant to  
22 an electronic gaming license issued under Section 7.6 of  
23 the Riverboat Gambling Act. Beginning on January 1, 2007,  
24 the provisions of this paragraph (13) shall be of no force  
25 and effect.

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

30 (1) Any person licensed to conduct a race meeting (i)  
31 at a track where 60 or more days of racing were conducted  
32 during the immediately preceding calendar year or where  
33 over the 5 immediately preceding calendar years an average  
34 of 30 or more days of racing were conducted annually may be  
35 issued an inter-track wagering license; (ii) at a track  
36 located in a county that is bounded by the Mississippi

1 River, which has a population of less than 150,000  
2 according to the 1990 decennial census, and an average of  
3 at least 60 days of racing per year between 1985 and 1993  
4 may be issued an inter-track wagering license; or (iii) at  
5 a track located in Madison County that conducted at least  
6 100 days of live racing during the immediately preceding  
7 calendar year may be issued an inter-track wagering  
8 license, unless a lesser schedule of live racing is the  
9 result of (A) weather, unsafe track conditions, or other  
10 acts of God; (B) an agreement between the organization  
11 licensee and the associations representing the largest  
12 number of owners, trainers, jockeys, or standardbred  
13 drivers who race horses at that organization licensee's  
14 racing meeting; or (C) a finding by the Board of  
15 extraordinary circumstances and that it was in the best  
16 interest of the public and the sport to conduct fewer than  
17 100 days of live racing. Any such person having operating  
18 control of the racing facility may also receive up to 6  
19 inter-track wagering location licenses. In no event shall  
20 more than 6 inter-track wagering locations be established  
21 for each eligible race track, except that an eligible race  
22 track located in a county that has a population of more  
23 than 230,000 and that is bounded by the Mississippi River  
24 may establish up to 7 inter-track wagering locations. An  
25 application for said license shall be filed with the Board  
26 prior to such dates as may be fixed by the Board. With an  
27 application for an inter-track wagering location license  
28 there shall be delivered to the Board a certified check or  
29 bank draft payable to the order of the Board for an amount  
30 equal to \$500. The application shall be on forms prescribed  
31 and furnished by the Board. The application shall comply  
32 with all other rules, regulations and conditions imposed by  
33 the Board in connection therewith.

34 (2) The Board shall examine the applications with  
35 respect to their conformity with this Act and the rules and  
36 regulations imposed by the Board. If found to be in

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

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

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

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

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

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

35 (8) Inter-track wagering or simulcast wagering shall  
36 not be conducted at any track less than 5 miles from a

1 track at which a racing meeting is in progress.

2 (8.1) Inter-track wagering location licensees who  
3 derive their licenses from a particular organization  
4 licensee shall conduct inter-track wagering and simulcast  
5 wagering only at locations which are either within 90 miles  
6 of that race track where the particular organization  
7 licensee is licensed to conduct racing, or within 135 miles  
8 of that race track where the particular organization  
9 licensee is licensed to conduct racing in the case of race  
10 tracks in counties of less than 400,000 that were operating  
11 on or before June 1, 1986. However, inter-track wagering  
12 and simulcast wagering shall not be conducted by those  
13 licensees at any location within 5 miles of any race track  
14 at which a horse race meeting has been licensed in the  
15 current year, unless the person having operating control of  
16 such race track has given its written consent to such  
17 inter-track wagering location licensees, which consent  
18 must be filed with the Board at or prior to the time  
19 application is made.

20 (8.2) Inter-track wagering or simulcast wagering shall  
21 not be conducted by an inter-track wagering location  
22 licensee at any location within 500 feet of an existing  
23 church or existing school, nor within 500 feet of the  
24 residences of more than 50 registered voters without  
25 receiving written permission from a majority of the  
26 registered voters at such residences. Such written  
27 permission statements shall be filed with the Board. The  
28 distance of 500 feet shall be measured to the nearest part  
29 of any building used for worship services, education  
30 programs, residential purposes, or conducting inter-track  
31 wagering by an inter-track wagering location licensee, and  
32 not to property boundaries. However, inter-track wagering  
33 or simulcast wagering may be conducted at a site within 500  
34 feet of a church, school or residences of 50 or more  
35 registered voters if such church, school or residences have  
36 been erected or established, or such voters have been

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

18 (9) (Blank).

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

29 (10.1) Except as provided in subsection (g) of Section  
30 27 of this Act, inter-track wagering location licensees  
31 shall pay 1% of the pari-mutuel handle at each location to  
32 the municipality in which such location is situated and 1%  
33 of the pari-mutuel handle at each location to the county in  
34 which such location is situated. In the event that an  
35 inter-track wagering location licensee is situated in an  
36 unincorporated area of a county, such licensee shall pay 2%

1 of the pari-mutuel handle from such location to such  
2 county.

3 (10.2) Notwithstanding any other provision of this  
4 Act, with respect to intertrack wagering at a race track  
5 located in a county that has a population of more than  
6 230,000 and that is bounded by the Mississippi River ("the  
7 first race track"), or at a facility operated by an  
8 inter-track wagering licensee or inter-track wagering  
9 location licensee that derives its license from the  
10 organization licensee that operates the first race track,  
11 on races conducted at the first race track or on races  
12 conducted at another Illinois race track and  
13 simultaneously televised to the first race track or to a  
14 facility operated by an inter-track wagering licensee or  
15 inter-track wagering location licensee that derives its  
16 license from the organization licensee that operates the  
17 first race track, those moneys shall be allocated as  
18 follows:

19 (A) That portion of all moneys wagered on  
20 standardbred racing that is required under this Act to  
21 be paid to purses shall be paid to purses for  
22 standardbred races.

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

27 (11) (A) After payment of the privilege or pari-mutuel  
28 tax, any other applicable taxes, and the costs and expenses  
29 in connection with the gathering, transmission, and  
30 dissemination of all data necessary to the conduct of  
31 inter-track wagering, the remainder of the monies retained  
32 under either Section 26 or Section 26.2 of this Act by the  
33 inter-track wagering licensee on inter-track wagering  
34 shall be allocated with 50% to be split between the 2  
35 participating licensees and 50% to purses, except that an  
36 intertrack wagering licensee that derives its license from



1 a track located in a county with a population in excess of  
2 230,000 and that borders the Mississippi River shall not  
3 divide any remaining retention with the Illinois  
4 organization licensee that provides the race or races, and  
5 an intertrack wagering licensee that accepts wagers on  
6 races conducted by an organization licensee that conducts a  
7 race meet in a county with a population in excess of  
8 230,000 and that borders the Mississippi River shall not  
9 divide any remaining retention with that organization  
10 licensee.

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

1 licensees, based on each licensee's pro-rata share of the  
2 total handle from inter-track wagering and simulcast  
3 wagering for all inter-track wagering location licensees  
4 during the calendar year in which this provision is  
5 applicable; then (II) the amounts redistributed to each  
6 inter-track wagering location licensee as described in  
7 subpart (I) shall be further redistributed as provided in  
8 subparagraph (B) of paragraph (5) of subsection (g) of this  
9 Section 26 provided first, that the shares of those  
10 amounts, which are to be redistributed to the host track or  
11 to purses at the host track under subparagraph (B) of  
12 paragraph (5) of subsection (g) of this Section 26 shall be  
13 redistributed based on each host track's pro rata share of  
14 the total inter-track wagering and simulcast wagering  
15 handle at all host tracks during the calendar year in  
16 question, and second, that any amounts redistributed as  
17 described in part (I) to an inter-track wagering location  
18 licensee that accepts wagers on races conducted by an  
19 organization licensee that conducts a race meet in a county  
20 with a population in excess of 230,000 and that borders the  
21 Mississippi River shall be further redistributed as  
22 provided in subparagraphs (D) and (E) of paragraph (7) of  
23 subsection (g) of this Section 26, with the portion of that  
24 further redistribution allocated to purses at that  
25 organization licensee to be divided between standardbred  
26 purses and thoroughbred purses based on the amounts  
27 otherwise allocated to purses at that organization  
28 licensee during the calendar year in question; and (iv) 8%  
29 of the pari-mutuel handle on inter-track wagering wagered  
30 at such location to satisfy all costs and expenses of  
31 conducting its wagering. The remainder of the monies  
32 retained by the inter-track wagering location licensee  
33 shall be allocated 40% to the location licensee and 60% to  
34 the organization licensee which provides the Illinois  
35 races to the location, except that an intertrack wagering  
36 location licensee that derives its license from a track

1 located in a county with a population in excess of 230,000  
2 and that borders the Mississippi River shall not divide any  
3 remaining retention with the organization licensee that  
4 provides the race or races and an intertrack wagering  
5 location licensee that accepts wagers on races conducted by  
6 an organization licensee that conducts a race meet in a  
7 county with a population in excess of 230,000 and that  
8 borders the Mississippi River shall not divide any  
9 remaining retention with the organization licensee.  
10 Notwithstanding the provisions of clauses (ii) and (iv) of  
11 this paragraph, in the case of the additional inter-track  
12 wagering location licenses authorized under paragraph (1)  
13 of this subsection (h) by this amendatory Act of 1991,  
14 those licensees shall pay the following amounts as purses:  
15 during the first 12 months the licensee is in operation,  
16 5.25% of the pari-mutuel handle wagered at the location on  
17 races; during the second 12 months, 5.25%; during the third  
18 12 months, 5.75%; during the fourth 12 months, 6.25%; and  
19 during the fifth 12 months and thereafter, 6.75%. The  
20 following amounts shall be retained by the licensee to  
21 satisfy all costs and expenses of conducting its wagering:  
22 during the first 12 months the licensee is in operation,  
23 8.25% of the pari-mutuel handle wagered at the location;  
24 during the second 12 months, 8.25%; during the third 12  
25 months, 7.75%; during the fourth 12 months, 7.25%; and  
26 during the fifth 12 months and thereafter, 6.75%. For  
27 additional intertrack wagering location licensees  
28 authorized under this amendatory Act of 1995, purses for  
29 the first 12 months the licensee is in operation shall be  
30 5.75% of the pari-mutuel wagered at the location, purses  
31 for the second 12 months the licensee is in operation shall  
32 be 6.25%, and purses thereafter shall be 6.75%. For  
33 additional intertrack location licensees authorized under  
34 this amendatory Act of 1995, the licensee shall be allowed  
35 to retain to satisfy all costs and expenses: 7.75% of the  
36 pari-mutuel handle wagered at the location during its first

1 12 months of operation, 7.25% during its second 12 months  
2 of operation, and 6.75% thereafter.

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

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

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

19 Four-sevenths to park districts or municipalities  
20 that do not have a park district of 500,000 population  
21 or less for museum purposes (if an inter-track wagering  
22 location licensee is located in such a park district)  
23 or to conservation districts for museum purposes (if an  
24 inter-track wagering location licensee is located in a  
25 municipality that is not included within any park  
26 district but is included within a conservation  
27 district and is the county seat of a county that (i) is  
28 contiguous to the state of Indiana and (ii) has a 1990  
29 population of 88,257 according to the United States  
30 Bureau of the Census, except that if the conservation  
31 district does not maintain a museum, the monies shall  
32 be allocated equally between the county and the  
33 municipality in which the inter-track wagering  
34 location licensee is located for general purposes) or  
35 to a municipal recreation board for park purposes (if  
36 an inter-track wagering location licensee is located

1 in a municipality that is not included within any park  
2 district and park maintenance is the function of the  
3 municipal recreation board and the municipality has a  
4 1990 population of 9,302 according to the United States  
5 Bureau of the Census); provided that the monies are  
6 distributed to each park district or conservation  
7 district or municipality that does not have a park  
8 district in an amount equal to four-sevenths of the  
9 amount collected by each inter-track wagering location  
10 licensee within the park district or conservation  
11 district or municipality for the Fund. Monies that were  
12 paid into the Horse Racing Tax Allocation Fund before  
13 the effective date of this amendatory Act of 1991 by an  
14 inter-track wagering location licensee located in a  
15 municipality that is not included within any park  
16 district but is included within a conservation  
17 district as provided in this paragraph shall, as soon  
18 as practicable after the effective date of this  
19 amendatory Act of 1991, be allocated and paid to that  
20 conservation district as provided in this paragraph.  
21 Any park district or municipality not maintaining a  
22 museum may deposit the monies in the corporate fund of  
23 the park district or municipality where the  
24 inter-track wagering location is located, to be used  
25 for general purposes; and

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

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

36 Two-sevenths to the Department of Agriculture.

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

1 Four-sevenths to museums and aquariums located in  
2 park districts of over 500,000 population; provided  
3 that the monies are distributed in accordance with the  
4 previous year's distribution of the maintenance tax  
5 for such museums and aquariums as provided in Section 2  
6 of the Park District Aquarium and Museum Act; and

7 One-seventh to the Agricultural Premium Fund to be  
8 used for distribution to agricultural home economics  
9 extension councils in accordance with "An Act in  
10 relation to additional support and finances for the  
11 Agricultural and Home Economic Extension Councils in  
12 the several counties of this State and making an  
13 appropriation therefor", approved July 24, 1967. This  
14 subparagraph (C) shall be inoperative and of no force  
15 and effect on and after January 1, 2000.

16 (D) Except as provided in paragraph (11) of this  
17 subsection (h), with respect to purse allocation from  
18 intertrack wagering, the monies so retained shall be  
19 divided as follows:

20 (i) If the inter-track wagering licensee,  
21 except an intertrack wagering licensee that  
22 derives its license from an organization licensee  
23 located in a county with a population in excess of  
24 230,000 and bounded by the Mississippi River, is  
25 not conducting its own race meeting during the same  
26 dates, then the entire purse allocation shall be to  
27 purses at the track where the races wagered on are  
28 being conducted.

29 (ii) If the inter-track wagering licensee,  
30 except an intertrack wagering licensee that  
31 derives its license from an organization licensee  
32 located in a county with a population in excess of  
33 230,000 and bounded by the Mississippi River, is  
34 also conducting its own race meeting during the  
35 same dates, then the purse allocation shall be as  
36 follows: 50% to purses at the track where the races



1           wagered on are being conducted; 50% to purses at  
2           the track where the inter-track wagering licensee  
3           is accepting such wagers.

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

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

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

28           (B) The Board, and any person or persons to whom it  
29           delegates this power, is vested with the power to enter  
30           the facilities of any licensee to determine whether  
31           there has been compliance with the provisions of this  
32           Act and the rules and regulations relating to the  
33           conduct of such wagering.

34           (C) The Board, and any person or persons to whom it  
35           delegates this power, may eject or exclude from any  
36           licensee's facilities, any person whose conduct or

1 reputation is such that his presence on such premises  
2 may, in the opinion of the Board, call into the  
3 question the honesty and integrity of, or interfere  
4 with the orderly conduct of such wagering; provided,  
5 however, that no person shall be excluded or ejected  
6 from such premises solely on the grounds of race,  
7 color, creed, national origin, ancestry, or sex.

8 (D) (Blank).

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

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

22 (G) The Board is vested with the power to impose  
23 civil penalties of up to \$5,000 against individuals and  
24 up to \$10,000 against licensees for each violation of  
25 any provision of this Act relating to the conduct of  
26 this wagering, any rules adopted by the Board, any  
27 order of the Board or any other action which in the  
28 Board's discretion, is a detriment or impediment to  
29 such wagering.

30 (13) The Department of Agriculture may enter into  
31 agreements with licensees authorizing such licensees to  
32 conduct inter-track wagering on races to be held at the  
33 licensed race meetings conducted by the Department of  
34 Agriculture. Such agreement shall specify the races of the  
35 Department of Agriculture's licensed race meeting upon  
36 which the licensees will conduct wagering. In the event

1 that a licensee conducts inter-track pari-mutuel wagering  
2 on races from the Illinois State Fair or DuQuoin State Fair  
3 which are in addition to the licensee's previously approved  
4 racing program, those races shall be considered a separate  
5 racing day for the purpose of determining the daily handle  
6 and computing the privilege or pari-mutuel tax on that  
7 daily handle as provided in Sections 27 and 27.1. Such  
8 agreements shall be approved by the Board before such  
9 wagering may be conducted. In determining whether to grant  
10 approval, the Board shall give due consideration to the  
11 best interests of the public and of horse racing. The  
12 provisions of paragraphs (1), (8), (8.1), and (8.2) of  
13 subsection (h) of this Section which are not specified in  
14 this paragraph (13) shall not apply to licensed race  
15 meetings conducted by the Department of Agriculture at the  
16 Illinois State Fair in Sangamon County or the DuQuoin State  
17 Fair in Perry County, or to any wagering conducted on those  
18 race meetings.

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

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

24 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

25 Sec. 27. (a) In addition to the organization license fee  
26 provided by this Act, until January 1, 2000, a graduated  
27 privilege tax is hereby imposed for conducting the pari-mutuel  
28 system of wagering permitted under this Act. Until January 1,  
29 2000, except as provided in subsection (g) of Section 27 of  
30 this Act, all of the breakage of each racing day held by any  
31 licensee in the State shall be paid to the State. Until January  
32 1, 2000, such daily graduated privilege tax shall be paid by  
33 the licensee from the amount permitted to be retained under  
34 this Act. Until January 1, 2000, each day's graduated privilege  
35 tax, breakage, and Horse Racing Tax Allocation funds shall be

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

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

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

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

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

32 (c) Licensees shall at all times keep accurate books and  
33 records of all monies wagered on each day of a race meeting and  
34 of the taxes paid to the Department of Revenue under the  
35 provisions of this Section. The Board or its duly authorized  
36 representative or representatives shall at all reasonable

1 times have access to such records for the purpose of examining  
2 and checking the same and ascertaining whether the proper  
3 amount of taxes is being paid as provided. The Board shall  
4 require verified reports and a statement of the total of all  
5 monies wagered daily at each wagering facility upon which the  
6 taxes are assessed and may prescribe forms upon which such  
7 reports and statement shall be made.

8 (d) Any licensee failing or refusing to pay the amount of  
9 any tax due under this Section shall be guilty of a business  
10 offense and upon conviction shall be fined not more than \$5,000  
11 in addition to the amount found due as tax under this Section.  
12 Each day's violation shall constitute a separate offense. All  
13 fines paid into Court by a licensee hereunder shall be  
14 transmitted and paid over by the Clerk of the Court to the  
15 Board.

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

19 (f) No other license fee, privilege tax, excise tax or  
20 racing fee shall be assessed or collected from any such  
21 licensee by units of local government except as provided in  
22 paragraph 10.1 of subsection (h) and subsection (f) of Section  
23 26 of this Act. However, any municipality that has a Board  
24 licensed horse race meeting at a race track wholly within its  
25 corporate boundaries or a township that has a Board licensed  
26 horse race meeting at a race track wholly within the  
27 unincorporated area of the township may charge a local  
28 amusement tax not to exceed 10¢ per admission to such horse  
29 race meeting by the enactment of an ordinance. However, any  
30 municipality or county that has a Board licensed inter-track  
31 wagering location facility wholly within its corporate  
32 boundaries may each impose an admission fee not to exceed \$1.00  
33 per admission to such inter-track wagering location facility,  
34 so that a total of not more than \$2.00 per admission may be  
35 imposed. Except as provided in subparagraph (g) of Section 27  
36 of this Act, the inter-track wagering location licensee shall

1 collect any and all such fees and within 48 hours remit the  
2 fees to the Board, which shall, pursuant to rule, cause the  
3 fees to be distributed to the county or municipality.

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

20 (i) the excess amount shall be initially divided  
21 between thoroughbred and standardbred purses based on the  
22 thoroughbred's and standardbred's respective percentages  
23 of total Illinois live wagering in calendar year 1994;

24 (ii) each thoroughbred and standardbred organization  
25 licensee issued an organization licensee in that  
26 succeeding allocation year shall be allocated an amount  
27 equal to the product of its percentage of total Illinois  
28 live thoroughbred or standardbred wagering in calendar  
29 year 1994 (the total to be determined based on the sum of  
30 1994 on-track wagering for all organization licensees  
31 issued organization licenses in both the allocation year  
32 and the preceding year) multiplied by the total amount  
33 allocated for standardbred or thoroughbred purses,  
34 provided that the first \$1,500,000 of the amount allocated  
35 to standardbred purses under item (i) shall be allocated to  
36 the Department of Agriculture to be expended with the

1 assistance and advice of the Illinois Standardbred  
2 Breeders Funds Advisory Board for the purposes listed in  
3 subsection (g) of Section 31 of this Act, before the amount  
4 allocated to standardbred purses under item (i) is  
5 allocated to standardbred organization licensees in the  
6 succeeding allocation year.

7 To the extent the excess amount of taxes and fees to be  
8 collected and distributed to State and local governmental  
9 authorities exceeds \$11 million, that excess amount shall be  
10 collected and distributed to State and local authorities as  
11 provided for under this Act.

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

13 (230 ILCS 5/28.1)

14 Sec. 28.1. Payments.

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

20 (b) Appropriations, as approved by the General Assembly,  
21 may be made from the Horse Racing Fund to the Board to pay the  
22 salaries of the Board members, secretary, stewards, directors  
23 of mutuels, veterinarians, representatives, accountants,  
24 clerks, stenographers, inspectors and other employees of the  
25 Board, and all expenses of the Board incident to the  
26 administration of this Act, including, but not limited to, all  
27 expenses and salaries incident to the taking of saliva and  
28 urine samples in accordance with the rules and regulations of  
29 the Board.

30 (c) Appropriations, as approved by the General Assembly,  
31 shall be made from the Horse Racing Fund to the Department of  
32 Agriculture for the purposes identified in paragraphs (2),  
33 (2.5), (4), (4.1), (6), (7), (8), and (9) of subsection (g) of  
34 Section 30, subsection (e) of Section 30.5, paragraphs (1),  
35 (2), (3), (5), and (8) of subsection (g) of Section 31, and for

1 standardbred bonus programs for owners of horses that win  
2 multiple stakes races that are limited to Illinois conceived  
3 and foaled horses. From ~~Beginning on~~ January 1, 2000 until the  
4 effective date of this amendatory Act of the 94th General  
5 Assembly, the Board shall transfer the remainder of the funds  
6 generated pursuant to Sections 26 and 27 from the Horse Racing  
7 Fund into the General Revenue Fund.

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

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

26 (Source: P.A. 93-869, eff. 8-6-04.)

27 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

28 Sec. 30. (a) The General Assembly declares that it is the  
29 policy of this State to encourage the breeding of thoroughbred  
30 horses in this State and the ownership of such horses by  
31 residents of this State in order to provide for: sufficient  
32 numbers of high quality thoroughbred horses to participate in  
33 thoroughbred racing meetings in this State, and to establish  
34 and preserve the agricultural and commercial benefits of such  
35 breeding and racing industries to the State of Illinois. It is



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

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

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

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

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

29 (e) The Illinois Thoroughbred Breeders Fund shall be  
30 administered by the Department of Agriculture with the advice  
31 and assistance of the Advisory Board created in subsection (f)  
32 of this Section.

33 (f) The Illinois Thoroughbred Breeders Fund Advisory Board  
34 shall consist of the Director of the Department of Agriculture,  
35 who shall serve as Chairman; a member of the Illinois Racing  
36 Board, designated by it; 2 representatives of the organization

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

23 (g) Moneys ~~No monies~~ shall be expended from the Illinois  
24 Thoroughbred Breeders Fund ~~except~~ as appropriated by the  
25 General Assembly pursuant to this Act, the Riverboat Gambling  
26 Act, or both. Monies appropriated from the Illinois  
27 Thoroughbred Breeders Fund shall be expended by the Department  
28 of Agriculture, with the advice and assistance of the Illinois  
29 Thoroughbred Breeders Fund Advisory Board, for the following  
30 purposes only:

31 (1) To provide purse supplements to owners of horses  
32 participating in races limited to Illinois conceived and  
33 foaled and Illinois foaled horses. Any such purse  
34 supplements shall not be included in and shall be paid in  
35 addition to any purses, stakes, or breeders' awards offered  
36 by each organization licensee as determined by agreement

1 between such organization licensee and an organization  
2 representing the horsemen. No monies from the Illinois  
3 Thoroughbred Breeders Fund shall be used to provide purse  
4 supplements for claiming races in which the minimum  
5 claiming price is less than \$7,500.

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

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

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

36 (4) To provide \$75,000 annually for purses to be

1 distributed to county fairs that provide for the running of  
2 races during each county fair exclusively for the  
3 thoroughbreds conceived and foaled in Illinois. The  
4 conditions of the races shall be developed by the county  
5 fair association and reviewed by the Department with the  
6 advice and assistance of the Illinois Thoroughbred  
7 Breeders Fund Advisory Board. There shall be no wagering of  
8 any kind on the running of Illinois conceived and foaled  
9 races at county fairs.

10 (4.1) (Blank). ~~To provide purse money for an Illinois~~  
11 ~~stallion stakes program.~~

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

16 (6) To provide for educational programs regarding the  
17 thoroughbred breeding industry.

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

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

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

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

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

35 (i) A sum equal to 12 1/2% of the first prize money of  
36 every purse won by an Illinois foaled or an Illinois conceived

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

34 (j) A sum equal to 12 1/2% of the first prize money won in  
35 each race limited to Illinois foaled horses or Illinois  
36 conceived and foaled horses, or both, shall be paid in the

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

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

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

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

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

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

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

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

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

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

27 (1) Qualify stallions for Illinois breeding; such  
28 stallions to stand for service within the State of Illinois  
29 at the time of a foal's conception. Such stallion must not  
30 stand for service at any place outside the State of  
31 Illinois during the calendar year in which the foal is  
32 conceived. The Department of Agriculture may assess and  
33 collect an application fee of \$500 ~~fees~~ for the  
34 registration of each Illinois-eligible stallion ~~stallions~~.  
35 All fees collected are to be paid into the Illinois  
36 Thoroughbred Breeders Fund and used by the Illinois

1 Thoroughbred Breeders Fund Advisory Board for stallion  
2 awards.

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

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

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

32 (n) The Board and the organizational licensee shall notify  
33 the Department of the conditions and minimum purses for races  
34 limited to Illinois conceived and foaled and Illinois foaled  
35 horses conducted for each organizational licensee conducting a  
36 thoroughbred racing meeting. The Department of Agriculture



1 with the advice and assistance of the Illinois Thoroughbred  
2 Breeders Fund Advisory Board may allocate monies for purse  
3 supplements for such races. In determining whether to allocate  
4 money and the amount, the Department of Agriculture shall  
5 consider factors, including but not limited to, the amount of  
6 money appropriated for the Illinois Thoroughbred Breeders Fund  
7 program, the number of races that may occur, and the  
8 organizational licensee's purse structure.

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

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

24 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

25 Sec. 31. (a) The General Assembly declares that it is the  
26 policy of this State to encourage the breeding of standardbred  
27 horses in this State and the ownership of such horses by  
28 residents of this State in order to provide for: sufficient  
29 numbers of high quality standardbred horses to participate in  
30 harness racing meetings in this State, and to establish and  
31 preserve the agricultural and commercial benefits of such  
32 breeding and racing industries to the State of Illinois. It is  
33 the intent of the General Assembly to further this policy by  
34 the provisions of this Section of this Act.

35 (b) Each organization licensee conducting a harness racing

1 meeting pursuant to this Act shall provide for at least two  
2 races each race program limited to Illinois conceived and  
3 foaled horses. A minimum of 6 races shall be conducted each  
4 week limited to Illinois conceived and foaled horses. No horses  
5 shall be permitted to start in such races unless duly  
6 registered under the rules of the Department of Agriculture.

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

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

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

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

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

32 (e) The Illinois Standardbred Breeders Fund shall be  
33 administered by the Department of Agriculture with the  
34 assistance and advice of the Advisory Board created in  
35 subsection (f) of this Section.

36 (f) The Illinois Standardbred Breeders Fund Advisory Board

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

26 (g) No monies shall be expended from the Illinois  
27 Standardbred Breeders Fund except as appropriated by the  
28 General Assembly. Monies appropriated from the Illinois  
29 Standardbred Breeders Fund shall be expended by the Department  
30 of Agriculture, with the assistance and advice of the Illinois  
31 Standardbred Breeders Fund Advisory Board for the following  
32 purposes only:

33 1. To provide purses for races limited to Illinois  
34 conceived and foaled horses at the State Fair and the  
35 DuQuoin State Fair.

36 2. To provide purses for races limited to Illinois

1 conceived and foaled horses at county fairs.

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

5 4. No less than 75% of all monies in the Illinois  
6 Standardbred Breeders Fund shall be expended for purses in  
7 1, 2 and 3 as shown above.

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

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

21 7. To pay the expenses incurred in the administration  
22 of the Illinois Standardbred Breeders Fund.

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

28 (h) Whenever the Governor finds that the amount in the  
29 Illinois Standardbred Breeders Fund is more than the total of  
30 the outstanding appropriations from such fund, the Governor  
31 shall notify the State Comptroller and the State Treasurer of  
32 such fact. The Comptroller and the State Treasurer, upon  
33 receipt of such notification, shall transfer such excess amount  
34 from the Illinois Standardbred Breeders Fund to the General  
35 Revenue Fund.

36 (i) A sum equal to 12 1/2% of the first prize money of

1 every purse won by an Illinois conceived and foaled horse shall  
2 be paid by the organization licensee conducting the horse race  
3 meeting to the breeder of such winning horse from the  
4 organization licensee's account ~~share of the money wagered~~.  
5 Such payment shall not reduce any award to the owner of the  
6 horse or reduce the taxes payable under this Act. Such payment  
7 shall be delivered by the organization licensee at the end of  
8 each month ~~race meeting~~.

9 (j) The Department of Agriculture shall, by rule, with the  
10 assistance and advice of the Illinois Standardbred Breeders  
11 Fund Advisory Board:

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

33 2. Provide for the registration of Illinois conceived and  
34 foaled horses and no such horse shall compete in the races  
35 limited to Illinois conceived and foaled horses unless  
36 registered with the Department of Agriculture. The Department

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

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

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

36 5. Provide for the registration with the Department of

1 Agriculture of Colt Associations or county fairs desiring to  
2 sponsor races at county fairs.

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

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

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

1 have met those standards and requirements.

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

3 (230 ILCS 5/31.1) (from Ch. 8, par. 37-31.1)

4 Sec. 31.1. (a) Except as provided in subsection (c),

5 organization licensees collectively shall contribute annually

6 to charity the sum of \$750,000 to non-profit organizations that

7 provide medical and family, counseling, and similar services to

8 persons who reside or work on the backstretch of Illinois

9 racetracks. These contributions shall be collected as follows:

10 (i) no later than July 1st of each year the Board shall assess

11 each organization licensee, except those tracks which are not

12 within 100 miles of each other which tracks shall pay \$30,000

13 annually apiece into the Board charity fund, that amount which

14 equals \$690,000 multiplied by the amount of pari-mutuel

15 wagering handled by the organization licensee in the year

16 preceding assessment and divided by the total pari-mutuel

17 wagering handled by all Illinois organization licensees,

18 except those tracks which are not within 100 miles of each

19 other, in the year preceding assessment; (ii) notice of the

20 assessed contribution shall be mailed to each organization

21 licensee; (iii) within thirty days of its receipt of such

22 notice, each organization licensee shall remit the assessed

23 contribution to the Board. If an organization licensee wilfully

24 fails to so remit the contribution, the Board may revoke its

25 license to conduct horse racing.

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

27 charitable organization seeking an allotment of contributed

28 funds shall submit to the Board an application for those funds,

29 using the Board's approved form. No later than December 31st of

30 each year, the Board shall distribute all such amounts

31 collected that year to such charitable organization

32 applicants.

33 (c) Upon the commencement of electronic gaming by an

34 electronic gaming licensee, the Board shall not assess any

35 organization licensee at a race track at which electronic



1 gaming has commenced any sum as provided in subsection (a), but  
2 the Board shall assess an organization licensee that conducted  
3 live racing in the previous year at a race track at which  
4 electronic gaming is not conducted at its previous year's  
5 assessment.

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

7 (230 ILCS 5/32.1)

8 Sec. 32.1. Pari-mutuel tax credit; statewide racetrack  
9 real estate equalization. In order to encourage new investment  
10 in Illinois racetrack facilities and mitigate differing real  
11 estate tax burdens among all racetracks, the licensees  
12 affiliated or associated with each racetrack that has been  
13 awarded live racing dates in the current year shall receive an  
14 immediate pari-mutuel tax credit in an amount equal to the  
15 greater of (i) 50% of the amount of the real estate taxes paid  
16 in the prior year attributable to that racetrack, or (ii) the  
17 amount by which the real estate taxes paid in the prior year  
18 attributable to that racetrack exceeds 60% of the average real  
19 estate taxes paid in the prior year for all racetracks awarded  
20 live horse racing meets in the current year.

21 Each year, regardless of whether the organization licensee  
22 conducted live racing in the year of certification, the Board  
23 shall certify in writing, prior to December 31, the real estate  
24 taxes paid in that year for each racetrack and the amount of  
25 the pari-mutuel tax credit that each organization licensee,  
26 intertrack wagering licensee, and intertrack wagering location  
27 licensee that derives its license from such racetrack is  
28 entitled in the succeeding calendar year. The real estate taxes  
29 considered under this Section for any racetrack shall be those  
30 taxes on the real estate parcels and related facilities used to  
31 conduct a horse race meeting and inter-track wagering at such  
32 racetrack under this Act. In no event shall the amount of the  
33 tax credit under this Section exceed the amount of pari-mutuel  
34 taxes otherwise calculated under this Act. The amount of the  
35 tax credit under this Section shall be retained by each

1 licensee and shall not be subject to any reallocation or  
2 further distribution under this Act. The Board may promulgate  
3 emergency rules to implement this Section.

4 An organization licensee shall no longer be eligible to  
5 receive a pari-mutuel tax credit under this Section beginning  
6 on the January 1 first occurring after the organization  
7 licensee begins conducting electronic gaming pursuant to an  
8 electronic gaming license issued under Section 7.6 of the  
9 Riverboat Gambling Act or on January 1, 2007, whichever comes  
10 first. For the calendar year in which an organization licensee  
11 that is eligible to receive a pari-mutuel tax credit under this  
12 Section begins conducting electronic gaming pursuant to an  
13 electronic gaming license, the amount of the pari-mutuel tax  
14 credit shall be reduced by a percentage equal to the percentage  
15 of the year remaining after the organization licensee begins  
16 conducting electronic gaming pursuant to its electronic gaming  
17 license. Beginning on January 1, 2007, the provisions of this  
18 Section shall be of no force and effect.

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

20 (230 ILCS 5/34.2 new)

21 Sec. 34.2. Racetrack integration.

22 (a) Notwithstanding any provision of this Act to the  
23 contrary, if, after January 1, 2000, 2 or more existing  
24 organization licensees that held inter-track wagering location  
25 licenses on January 1, 2000 integrate into a single  
26 organization licensee or otherwise form a joint venture,  
27 corporation, limited liability company, or similar integrated  
28 enterprise (integrated organization licensee) whereby the  
29 integrated organization licensee makes application or joint  
30 application, as the case may be, as a single organization  
31 licensee, or the existing licensees, after integration, make  
32 separate applications in the names of the pre-existing  
33 licensees, the newly integrated organization license or each  
34 separate pre-existing licensee shall thereafter have the right  
35 to retain all of the inter-track wagering licenses and

1 inter-track wagering location licenses of the individual  
2 pre-integration organization licensees that existed before the  
3 integration and the authority to obtain the number of  
4 inter-track wagering location licenses that then or thereafter  
5 would have been available to the pre-integration race tracks if  
6 they had not integrated, notwithstanding the sale or non-use of  
7 one of the racetracks to which the inter-track wagering  
8 licenses and inter-track wagering location licenses were  
9 originally issued.

10 (b) If a pre-integration licensee generated Illinois  
11 pari-mutuel handle on Illinois horse races as an organization  
12 licensee or intertrack licensee in 1994, then the amount of  
13 that 1994 pari-mutuel handle shall be combined with the 1994  
14 pari-mutuel handle on Illinois horse races of the wagering  
15 facility at which the integrated organization licensee  
16 conducts its race meetings and its intertrack wagering for the  
17 purpose of calculating and certifying recapture pursuant to  
18 Section 26(g) (13) of this Act.

19 (230 ILCS 5/36) (from Ch. 8, par. 37-36)

20 Sec. 36. (a) Whoever administers or conspires to administer  
21 to any horse a hypnotic, narcotic, stimulant, depressant or any  
22 chemical substance which may affect the speed of a horse at any  
23 time in any race where the purse or any part of the purse is  
24 made of money authorized by any Section of this Act, except  
25 those chemical substances permitted by ruling of the Board,  
26 internally, externally or by hypodermic method in a race or  
27 prior thereto, or whoever knowingly enters a horse in any race  
28 within a period of 24 hours after any hypnotic, narcotic,  
29 stimulant, depressant or any other chemical substance which may  
30 affect the speed of a horse at any time, except those chemical  
31 substances permitted by ruling of the Board, has been  
32 administered to such horse either internally or externally or  
33 by hypodermic method for the purpose of increasing or retarding  
34 the speed of such horse shall be guilty of a Class 4 felony.  
35 The Board shall suspend or revoke such violator's license.

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

3 (c) The term "narcotic" as used in this Section includes  
4 opium and all its alkaloids, salts, preparations and  
5 derivatives, cocaine and all its salts, preparations and  
6 derivatives and substitutes.

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

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

12 (230 ILCS 5/42) (from Ch. 8, par. 37-42)

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

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

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

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

29 (230 ILCS 5/56 new)

30 Sec. 56. Electronic gaming.

31 (a) An organization licensee may apply to the Illinois  
32 Gaming Board for an electronic gaming license. An electronic  
33 gaming license shall authorize its holder to conduct electronic  
34 gaming on the grounds of the licensee's race track. Only one

1 organization licensee per race track may be awarded an  
2 electronic gaming license. Each license shall specify the  
3 number of gaming positions that its holder may operate. An  
4 electronic gaming licensee may not permit persons under 21  
5 years of age to be present in its electronic gaming facility,  
6 but the licensee may accept pari-mutuel wagers at its  
7 electronic gaming facility that are placed by persons who are  
8 at least 21 years of age.

9 If employees of an organization licensee accept  
10 pari-mutuel wagers at a portion of the organization licensee's  
11 race track that is not separate and distinct from its  
12 electronic gaming facility, those employees must be licensed in  
13 the same manner as employees of an electronic gaming facility  
14 and must undergo the same background investigation under the  
15 Riverboat Gambling Act as employees of an electronic gaming  
16 facility.

17 (b) Prior to the payment of any taxes under Section 13 of  
18 the Riverboat Gambling Act, of the adjusted gross receipts  
19 received by an electronic gaming licensee from electronic  
20 gaming, 14% of those adjusted gross receipts received during  
21 the first 5 years that the licensee conducts electronic gaming  
22 and 15% of those adjusted gross receipts received during the  
23 sixth and all subsequent years that the licensee conducts  
24 electronic gaming shall be paid to purse equity accounts as  
25 provided by current law or as provided by Racing Board rule. Of  
26 the moneys paid into purse equity accounts under this  
27 subsection (b), 58% shall be paid to thoroughbred purse equity  
28 accounts and 42% shall be paid to standardbred purse equity  
29 accounts.

30 (c) Prior to the payment of any taxes under Section 13 of  
31 the Riverboat Gambling Act, the following amounts shall be paid  
32 each month by all electronic gaming licensees from the adjusted  
33 gross receipts received by those electronic gaming licensees:

34 (1) 1/12 of \$5,000,000 shall be paid to the Board and  
35 distributed by the Board as determined by rule into the  
36 Illinois Thoroughbred Breeders Fund and the Illinois

1 Standardbred Breeders Fund;

2 (2) 1/12 of \$1,250,000 shall be paid to the Racing  
3 Industry Charitable Foundation;

4 (3) 1/12 of \$500,000 shall be paid to the Board and  
5 distributed to the University of Illinois for equine  
6 research;

7 (4) 1/12 of \$250,000 shall be paid to the Board and  
8 distributed to Southern Illinois University for equine  
9 research; and

10 (5) 1/12 of \$500,000 shall be paid into the Illinois  
11 Quarterhorse Breeders Fund.

12 The payments required under this subsection (c) shall be  
13 paid by electronic gaming licensees, pro rata, based on the  
14 total amount wagered at each of those electronic gaming  
15 licensees' electronic gaming facilities in the previous month  
16 upon the commencement of electronic gaming at each race track.  
17 Prior to the commencement of electronic gaming at each race  
18 track, the payments required under this subsection (c) shall be  
19 paid by electronic gaming licensees, pro rata, based upon the  
20 total amount of per position fees authorized to be imposed on  
21 all electronic gaming licensees pursuant to subsection (c) of  
22 Section 7.6 of the Riverboat Gambling Act compared to the total  
23 amount of per position fees authorized to be imposed on each  
24 electronic gaming licensee individually.

25 (d) The amounts remaining after all payments required under  
26 this Section and under Section 13 of the Riverboat Gambling Act  
27 shall be retained by the electronic gaming licensee.

28 (230 ILCS 5/57 new)

29 Sec. 57. Marketing and Promotion.

30 (a) Beginning January 30, 2007 and every January 30  
31 thereafter, each organization licensee shall certify the  
32 amounts it spent on marketing and promoting horse racing and  
33 electronic gaming in the immediately previous calendar year.

34 (b) Beginning with calendar year 2007, and every year  
35 thereafter, each organization licensee that was awarded an

1 electronic gaming license by the Illinois Gaming Board shall  
2 spend on the marketing of horse racing in each calendar year no  
3 less than the organization licensee spent on the marketing of  
4 horse racing in calendar year 2003.

5 (c) Beginning with calendar year 2007, an organization  
6 licensee that was awarded an electronic gaming license by the  
7 Illinois Gaming Board shall be required to spend on the  
8 marketing of electronic gaming in each calendar year no less  
9 than the amount that the organization licensee spent on the  
10 marketing of horse racing in calendar year 2004. At least 50%  
11 of any advertising spent to promote electronic gaming shall  
12 also promote horse racing. Advertising includes direct  
13 spending for print and electronic media.

14 (d) If the average total daily handle on live race meets of  
15 an organization licensee that was awarded an electronic gaming  
16 license by the Illinois Gaming Board decreases by 15% or more  
17 compared to the average daily handle for live race meets of  
18 that licensee in the immediately previous calendar year, that  
19 organization licensee shall increase advertising expenditures  
20 promoting horse racing by 50% in the immediately following  
21 calendar year, unless the organization licensee and its  
22 representative horsemen's association agree otherwise in  
23 writing. An organization licensee that experiences such a  
24 decrease in average daily handle for live race meets shall  
25 notify the Illinois Racing Board of the amount that it intends  
26 to spend on advertising horse racing in the immediately  
27 following calendar year.

28 (e) Before November 30 of each year, an organization  
29 licensee that has been awarded race dates for the subsequent  
30 year shall convene a meeting with representatives of horsemen's  
31 associations to discuss, review, and solicit input regarding  
32 the horse racing marketing plans for horse racing promotional  
33 programs conducted in the current year and planned for the  
34 subsequent year.

35 Section 80. The Riverboat Gambling Act is amended by

1 changing Sections 3, 4, 5, 7, 8, 9, 11, 11.1, 12, 13, 14, 18,  
2 19, and 20 and adding Sections 7.6, 7.7, 13.2, and 13.3 as  
3 follows:

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

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

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

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

21 (c) Riverboat gambling conducted pursuant to this Act may  
22 be authorized upon any water within the State of Illinois or  
23 any water other than Lake Michigan which constitutes a boundary  
24 of the State of Illinois. A licensee may conduct riverboat  
25 gambling authorized under this Act regardless of whether it  
26 conducts excursion cruises. A licensee may permit the  
27 continuous ingress and egress of passengers for the purpose of  
28 gambling.

29 (d) Electronic gaming may be conducted at electronic  
30 gaming facilities as authorized under this Act.

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

32 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

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



1       ~~(b)~~ "Occupational license" means a license issued by the  
2 Board to a person or entity to perform an occupation which the  
3 Board has identified as requiring a license to engage in  
4 riverboat gambling in Illinois.

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

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

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

19       ~~(f)~~ "Dock" means the location where a riverboat moors for  
20 the purpose of embarking passengers for and disembarking  
21 passengers from the riverboat.

22       ~~(g)~~ "Gross receipts" means the total amount of money  
23 exchanged for the purchase of chips, tokens or electronic cards  
24 by riverboat patrons or electronic gaming operation patrons.

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

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

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

31       ~~(k)~~ "Gambling operation" means the conduct of ~~authorized~~  
32 gambling games authorized under this Act on ~~upon~~ a riverboat or  
33 authorized under this Act and the Illinois Horse Racing Act of  
34 1975 at an electronic gaming facility.

35       ~~(l)~~ "License bid" means the lump sum amount of money that  
36 an applicant bids and agrees to pay the State in return for an

1 owners license that is re-issued on or after July 1, 2003.

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

5 "Owners license" means a license to conduct riverboat  
6 gambling operations, but does not include an electronic gaming  
7 license.

8 "Licensed owner" means a person who holds an owners  
9 license.

10 "Electronic gaming license" means a license issued by the  
11 Board under Section 7.6 of this Act authorizing electronic  
12 gaming at an electronic gaming facility.

13 "Electronic gaming" means the conduct of gambling using  
14 slot machines, video games of chance, or both, at a race track  
15 licensed under the Illinois Horse Racing Act of 1975 pursuant  
16 to the Illinois Horse Racing Act of 1975 and this Act.

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

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

24 "Gambling participant" and "gaming position" both have the  
25 same meaning as the term "gaming position" as defined by the  
26 Board by rule.

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

29 (230 ILCS 10/5) (from Ch. 120, par. 2405)

30 Sec. 5. Gaming Board.

31 (a) (1) There is hereby established within the Department  
32 of Revenue an Illinois Gaming Board which shall have the powers  
33 and duties specified in this Act, and all other powers  
34 necessary and proper to fully and effectively execute this Act  
35 for the purpose of administering, regulating, and enforcing the

1 system of riverboat gambling established by this Act. Its  
2 jurisdiction shall extend under this Act to every person,  
3 association, corporation, partnership and trust involved in  
4 riverboat gambling operations in the State of Illinois.

5 (2) The Board shall consist of 5 members to be appointed by  
6 the Governor with the advice and consent of the Senate, one of  
7 whom shall be designated by the Governor to be chairman. Each  
8 member shall have a reasonable knowledge of the practice,  
9 procedure and principles of gambling operations. Each member  
10 shall either be a resident of Illinois or shall certify that he  
11 will become a resident of Illinois before taking office. At  
12 least one member shall be experienced in law enforcement and  
13 criminal investigation, at least one member shall be a  
14 certified public accountant experienced in accounting and  
15 auditing, and at least one member shall be a lawyer licensed to  
16 practice law in Illinois.

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

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

35 (5) No person shall be appointed a member of the Board or  
36 continue to be a member of the Board who is, or whose spouse,

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

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

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

34 (8) Upon the request of the Board, the Department shall  
35 employ such personnel as may be necessary to carry out the  
36 functions of the Board. No person shall be employed to serve

1 the Board who is, or whose spouse, parent or child is, an  
2 official of, or has a financial interest in or financial  
3 relation with, any operator engaged in gambling operations  
4 within this State or any organization engaged in conducting  
5 horse racing within this State. Any employee violating these  
6 prohibitions shall be subject to termination of employment.

7 (9) An Administrator shall perform any and all duties that  
8 the Board shall assign him. The salary of the Administrator  
9 shall be determined by the Board and approved by the Director  
10 of the Department and, in addition, he shall be reimbursed for  
11 all actual and necessary expenses incurred by him in discharge  
12 of his official duties. The Administrator shall keep records of  
13 all proceedings of the Board and shall preserve all records,  
14 books, documents and other papers belonging to the Board or  
15 entrusted to its care. The Administrator shall devote his full  
16 time to the duties of the office and shall not hold any other  
17 office or employment.

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

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

34 (2) To conduct all hearings pertaining to civil  
35 violations of this Act or rules and regulations promulgated  
36 hereunder;

1           (3) To promulgate such rules and regulations as in its  
2 judgment may be necessary to protect or enhance the  
3 credibility and integrity of gambling operations  
4 authorized by this Act and the regulatory process  
5 hereunder;

6           (4) To provide for the establishment and collection of  
7 all license and registration fees and taxes imposed by this  
8 Act and the rules and regulations issued pursuant hereto.  
9 All such fees and taxes shall be deposited into the State  
10 Gaming Fund;

11           (5) To provide for the levy and collection of penalties  
12 and fines for the violation of provisions of this Act and  
13 the rules and regulations promulgated hereunder. All such  
14 fines and penalties shall be deposited into the Education  
15 Assistance Fund, created by Public Act 86-0018, of the  
16 State of Illinois;

17           (6) To be present through its inspectors and agents any  
18 time gambling operations are conducted on any riverboat or  
19 at any electronic gaming facility for the purpose of  
20 certifying the revenue thereof, receiving complaints from  
21 the public, and conducting such other investigations into  
22 the conduct of the gambling games and the maintenance of  
23 the equipment as from time to time the Board may deem  
24 necessary and proper;

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

34           (8) To hold at least one meeting each quarter of the  
35 fiscal year. In addition, special meetings may be called by  
36 the Chairman or any 2 Board members upon 72 hours written

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

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

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

32 (11) (Blank); ~~and~~

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

1 of Revenue; ~~and~~.

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

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

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

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

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

32 (4) To enter the office, riverboats, electronic gaming  
33 facilities, and other facilities, ~~or~~ other places of  
34 business of a licensee, where evidence of the compliance or  
35 noncompliance with the provisions of this Act is likely to  
36 be found.



1           (5) To investigate alleged violations of this Act or  
2 the rules of the Board and to take appropriate disciplinary  
3 action against a licensee or a holder of an occupational  
4 license for a violation, or institute appropriate legal  
5 action for enforcement, or both.

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

9           (7) To adopt appropriate standards for all electronic  
10 gaming facilities, riverboats, and other facilities  
11 authorized under this Act.

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

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

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

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

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

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

25 (13) To require all licensees of gambling operations to  
26 utilize a cashless wagering system whereby all players'  
27 money is converted to tokens, electronic cards, or chips  
28 which shall be used only for wagering in the gambling  
29 establishment.

30 (14) (Blank).

31 (15) To suspend, revoke or restrict licenses, to  
32 require the removal of a licensee or an employee of a  
33 licensee for a violation of this Act or a Board rule or for  
34 engaging in a fraudulent practice, and to impose civil  
35 penalties of up to \$5,000 against individuals and up to  
36 \$10,000 or an amount equal to the daily gross receipts,

1           whichever is larger, against licensees for each violation  
2           of any provision of the Act, any rules adopted by the  
3           Board, any order of the Board or any other action which, in  
4           the Board's discretion, is a detriment or impediment to  
5           ~~riverboat~~ gambling operations.

6           (16) To hire employees to gather information, conduct  
7           investigations and carry out any other tasks contemplated  
8           under this Act.

9           (17) To establish minimum levels of insurance to be  
10          maintained by licensees.

11          (18) To authorize a licensee to sell or serve alcoholic  
12          liquors, wine or beer as defined in the Liquor Control Act  
13          of 1934 on board a riverboat and to have exclusive  
14          authority to establish the hours for sale and consumption  
15          of alcoholic liquor on board a riverboat, notwithstanding  
16          any provision of the Liquor Control Act of 1934 or any  
17          local ordinance, and regardless of whether the riverboat  
18          makes excursions. The establishment of the hours for sale  
19          and consumption of alcoholic liquor on board a riverboat is  
20          an exclusive power and function of the State. A home rule  
21          unit may not establish the hours for sale and consumption  
22          of alcoholic liquor on board a riverboat. This subdivision  
23          (18) ~~amendatory Act of 1991~~ is a denial and limitation of  
24          home rule powers and functions under subsection (h) of  
25          Section 6 of Article VII of the Illinois Constitution.

26          (19) After consultation with the U.S. Army Corps of  
27          Engineers, to establish binding emergency orders upon the  
28          concurrence of a majority of the members of the Board  
29          regarding the navigability of water, relative to  
30          excursions, in the event of extreme weather conditions,  
31          acts of God or other extreme circumstances.

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

35          (21) To make rules concerning the conduct of  
36          electronic gaming.

1           (22) ~~(21)~~ To take any other action as may be reasonable  
2           or appropriate to enforce this Act and rules and  
3           regulations hereunder.

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

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

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

20           (230 ILCS 10/7) (from Ch. 120, par. 2407)

21           Sec. 7. Owners Licenses.

22           (a) The Board shall issue owners licenses to persons, firms  
23           or corporations which apply for such licenses upon payment to  
24           the Board of the non-refundable license fee set by the Board,  
25           upon payment of a \$25,000 license fee for the first year of  
26           operation and a \$5,000 license fee for each succeeding year and  
27           upon a determination by the Board that the applicant is  
28           eligible for an owners license pursuant to this Act and the  
29           rules of the Board. A person, firm or corporation is ineligible  
30           to receive an owners license if:

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

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

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

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

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

7 (6) the firm or corporation employs a person defined in  
8 (1), (2), (3) or (4) who participates in the management or  
9 operation of gambling operations authorized under this  
10 Act;

11 (7) (blank); or

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

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

17 (1) the character, reputation, experience and  
18 financial integrity of the applicants and of any other or  
19 separate person that either:

20 (A) controls, directly or indirectly, such  
21 applicant, or

22 (B) is controlled, directly or indirectly, by such  
23 applicant or by a person which controls, directly or  
24 indirectly, such applicant;

25 (2) the facilities or proposed facilities for the  
26 conduct of riverboat gambling;

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

29 (4) the extent to which the ownership of the applicant  
30 reflects the diversity of the State by including minority  
31 persons and females and the good faith affirmative action  
32 plan of each applicant to recruit, train and upgrade  
33 minority persons and females in all employment  
34 classifications;

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

1 (6) whether the applicant has adequate capitalization  
2 to provide and maintain, for the duration of a license, a  
3 riverboat;

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

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

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

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

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

1 riverboats will operate, the Board shall consider the economic  
2 benefit which riverboat gambling confers on the State, and  
3 shall seek to assure that all regions of the State share in the  
4 economic benefits of riverboat gambling.

5 In granting all licenses, the Board may give favorable  
6 consideration to economically depressed areas of the State, to  
7 applicants presenting plans which provide for significant  
8 economic development over a large geographic area, and to  
9 applicants who currently operate non-gambling riverboats in  
10 Illinois. The Board shall review all applications for owners  
11 licenses, and shall inform each applicant of the Board's  
12 decision. Except for a license issued under subsection (e-5),  
13 the ~~The~~ Board may grant an owners license to an applicant that  
14 has not submitted the highest license bid, but if it does not  
15 select the highest bidder, the Board shall issue a written  
16 decision explaining why another applicant was selected and  
17 identifying the factors set forth in this Section that favored  
18 the winning bidder.

19 (e-5) In addition to licenses authorized under subsections  
20 (e) and (e-10), the Board may issue one owners license  
21 authorizing the conduct of riverboat gambling operations from a  
22 home dock in a municipality with a population of more than  
23 500,000 inhabitants. An owners license issued under this  
24 subsection (e-5) shall be issued only to the governing board of  
25 the municipality in which its home dock is located. No such  
26 license may be awarded to any other person or entity. If a  
27 license is issued to the governing board of a municipality  
28 pursuant to this subsection (e-5), that governing board shall  
29 conduct an auction and grant the opportunity to manage the  
30 riverboat gambling operations authorized by that license to the  
31 highest qualified bidder.

32 (e-10) In addition to licenses authorized under  
33 subsections (e) and (e-5), the Board may issue one owners  
34 license authorizing the conduct of riverboat gambling  
35 operations from a home dock located outside of the City of  
36 Chicago, but in Cook County and in one of the following

1 townships: Bloom, Thornton, Rich, Orland, Calumet, Worth,  
2 Palos, Bremen, or Lemont Township.

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

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

15 (g) Upon the termination, expiration, or revocation of each  
16 owners license ~~of the first 10 licenses~~, which shall be issued  
17 for a 3 year period, all licenses are renewable annually upon  
18 payment of the fee and a determination by the Board that the  
19 licensee continues to meet all of the requirements of this Act  
20 and the Board's rules. However, for licenses renewed on or  
21 after May 1, 1998, renewal shall be for a period of 4 years,  
22 unless the Board sets a shorter period.

23 (h) An owners license shall entitle the licensee to own up  
24 to 2 riverboats and, other than a owners license received under  
25 subsection (e-5), operate up to 2,000 gaming positions. In  
26 addition to the 2,000 gaming positions authorized by a  
27 licensee's owners license, a licensee may operate gaming  
28 positions that it acquires pursuant to the competitive bidding  
29 process established under this subsection (h). A licensee may  
30 operate both of its riverboats concurrently, provided that the  
31 total number of gaming positions on both riverboats does not  
32 exceed 2,000 plus the number of gaming positions it receives  
33 under the competitive bidding process. For each 4-year license  
34 period, a licensee shall certify to the Board the total number  
35 of gaming positions it will use during the license period. If a  
36 licensee certifies that it will use a given number of gaming



1 positions during its license period and, in the Board's  
2 determination, fails to use some or all of those gaming  
3 positions, then the unused gaming positions shall become the  
4 property of the Board. If a licensee certifies that it will use  
5 fewer than 2,000 gaming positions, then the authorized but  
6 unused gaming positions shall become the property of the Board.  
7 The Board shall establish, by rule, a method for licensees to  
8 competitively bid for the right to use gaming positions that  
9 become the property of the Board under this subsection (h). A  
10 licensee may not bid for additional gaming positions under this  
11 subsection (h) unless (1) it certifies that it is currently  
12 using all 2,000 gaming positions authorized by its license or  
13 (2) it certifies that it is remodeling or has remodeled its  
14 riverboat gambling facilities and, upon completion of the  
15 remodeling, will be able to operate at least 2,000 gaming  
16 positions.

17 An owners licensee that is authorized to admit in excess of  
18 1,200 participants under this subsection (h) may conduct  
19 riverboat gambling operations from a temporary facility  
20 pending the construction of a permanent facility or the  
21 remodeling of an existing facility to accommodate those  
22 additional participants for up to 12 months after receiving the  
23 authority to admit additional participants. Upon request by an  
24 owners licensee and upon a showing of good cause by the owners  
25 licensee, the Board shall extend the period during which the  
26 licensee may conduct riverboat gambling operations from a  
27 temporary facility by up to 12 months. The number of  
28 participants who may be present at such a temporary facility at  
29 one time may not exceed the number of participants the licensee  
30 is authorized to admit in excess of 1,200. The Board shall make  
31 rules concerning the conduct of gambling from temporary  
32 facilities.

33 Notwithstanding any provision in this subsection (h) to the  
34 contrary, a licensee that receives its owners license under  
35 subsection (e-5) shall limit the number of gaming positions to  
36 the number set by the Board, which may not exceed 4,000

1 positions at one time. In setting the number of positions that  
2 a licensee that receives its license under subsection (e-5) may  
3 admit, the Board shall consider the best interests of the  
4 riverboat gambling industry. A licensee shall limit the number  
5 of gambling participants to 1,200 for any such owners license.  
6 A licensee may operate both of its riverboats concurrently,  
7 provided that the total number of gambling participants on both  
8 riverboats does not exceed 1,200. Riverboats licensed to  
9 operate on the Mississippi River and the Illinois River south  
10 of Marshall County shall have an authorized capacity of at  
11 least 500 persons. Any other riverboat licensed under this Act  
12 shall have an authorized capacity of at least 400 persons.

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

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

34 (Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03;  
35 93-453, eff. 8-7-03; revised 1-27-04.)

1 (230 ILCS 10/7.6 new)

2 Sec. 7.6. Electronic gaming.

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

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

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

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

1 similar opportunity to participate in live standardbred racing  
2 as spectators in the Chicago area. The General Assembly  
3 declares that in order to remove the disparity between southern  
4 Illinois and the Chicago area, it is necessary for the State to  
5 regulate Fairmount Park differently from horse race tracks  
6 found in the Chicago area and tie Fairmount Park's  
7 authorization to conduct electronic gaming to a commitment to  
8 conduct at least 100 days of standardbred racing as set forth  
9 in subsection (d) of this Section.

10 (b) The Illinois Gaming Board shall award one electronic  
11 gaming license to become effective on or after July 1, 2005 to  
12 each organization licensee under the Illinois Horse Racing Act  
13 of 1975, subject to application and eligibility requirements of  
14 this Section. An electronic gaming license shall authorize its  
15 holder to conduct electronic gaming at its race track beginning  
16 at 9:00 AM on any day in which it conducts live racing at its  
17 race track or simulcast wagering on races run in the United  
18 States until 3:00 AM on the following day. A license to conduct  
19 electronic gaming and any renewal of an electronic gaming  
20 license shall authorize limited gaming for a period of 4 years.

21 (c) To be eligible to conduct electronic gaming, an  
22 organization licensee must (i) obtain an electronic gaming  
23 license, (ii) hold an organization license under the Illinois  
24 Horse Racing Act of 1975, (iii) hold an inter-track wagering  
25 license, (iv) pay a fee of \$25,000 (\$12,500 in the case of an  
26 organization licensee that conducts pari-mutuel wagering at a  
27 race track located in a county with a population in excess of  
28 230,000 inhabitants that borders on the Mississippi River and  
29 an organization licensee which is not located in a county with  
30 a population in excess of 230,000 inhabitants that borders on  
31 the Mississippi River and which is not located in Cook County)  
32 for each gaming position it is authorized to use upon the  
33 commencement of electronic gaming by that licensee and an  
34 additional fee of \$25,000 (\$12,500 in the case of an  
35 organization licensee that conducts pari-mutuel wagering at a  
36 race track located in a county with a population in excess of

1 230,000 inhabitants that borders on the Mississippi River and  
2 an organization licensee which is not located in a county with  
3 a population in excess of 230,000 inhabitants that borders on  
4 the Mississippi River and which is not located in Cook County)  
5 for each gaming position it is authorized to use no later than  
6 12 months after the date it first conducts electronic gaming,  
7 (v) apply for at least the same number of days of thoroughbred  
8 racing or standardbred racing or both, as the case may be, as  
9 it was awarded in calendar year 2005, (vi) meet the marketing  
10 and promotion requirements as provided in Section 57 of the  
11 Illinois Horse Racing Act of 1975, and (vii) meet all other  
12 requirements of this Act that apply to owners licensees.

13 With respect to the live racing requirement described in  
14 this subsection, an organization licensee must conduct the same  
15 number of days of thoroughbred or standardbred racing or both,  
16 as the case may be, as it was awarded by the Racing Board in  
17 calendar year 2005, unless a lesser schedule of live racing is  
18 the result of (A) weather or unsafe track conditions due to  
19 acts of God, (B) a strike between the organization licensee and  
20 the associations representing the largest number of owners,  
21 trainers, jockeys, or standardbred drivers who race horse at  
22 that organization licensee's racing meeting, or (C) an  
23 agreement between the organization licensee and the  
24 associations representing the largest number of owners,  
25 trainers, jockeys, or standardbred drivers who race horses at  
26 that organization licensee's race meeting to conduct a lesser  
27 number of race meets.

28 (d) In addition to the other eligibility requirements of  
29 subsection (c), an organization licensee that holds an  
30 electronic gaming license authorizing it to conduct electronic  
31 gaming at Fairmount Park must apply for and conduct at least 50  
32 days of standardbred racing in calendar year 2006 and  
33 thereafter, unless a lesser schedule of live racing is the  
34 result of (A) weather or unsafe track conditions due to acts of  
35 God or (B) a strike between the organization licensee and the  
36 associations representing the largest number of owners,

1 trainers, jockeys, or standardbred drivers who race horses at  
2 that organization licensee's racing meeting.

3 (e) The Board may approve electronic gaming licenses  
4 authorizing the conduct of electronic gaming by eligible  
5 organization licensees.

6 (f) In calendar year 2005, the Board may approve up to  
7 3,800 aggregate gambling participants statewide as provided in  
8 this Section. The authority to admit participants under this  
9 Section in calendar year 2005 shall be allocated as follows:

10 (1) An organization licensee that had an average daily  
11 amount of wagers placed into mutual pools for races  
12 conducted at that licensee's racetrack in calendar year  
13 2002 of more than \$3,000,000 may admit up to 1,150 gaming  
14 participants at a time.

15 (2) An organization licensee that had an average daily  
16 amount of wagers placed into mutual pools for races  
17 conducted at that licensee's racetrack in calendar year  
18 2002 of more than \$2,000,000 but no more than \$3,000,000  
19 may admit up to 1,000 gaming participants at a time.

20 (3) An organization licensee that had an average daily  
21 amount of wagers placed into mutual pools for races  
22 conducted at that licensee's racetrack in calendar year  
23 2002 of \$2,000,000 or less may admit up to 850 gaming  
24 participants at a time.

25 (4) An organization licensee conducting pari-mutuel  
26 wagering at a racetrack located in a county with a  
27 population in excess of 230,000 inhabitants that borders on  
28 the Mississippi River may admit up to 500 gaming  
29 participants at a time.

30 (5) An organization licensee located at a race track  
31 outside of Cook County, other than an organization licensee  
32 described in paragraph (4), may admit up to 300 gaming  
33 participants at a time.

34 (g) For each calendar year after 2005 in which an  
35 electronic gaming licensee requests a number of racing days  
36 under its organization license that is less than 90% of the

1 number of days of live racing it was awarded in 2005, the  
2 electronic gaming licensee may not conduct electronic gaming.

3 (h) On the second anniversary of the issuance of an  
4 electronic gaming license, the Gaming Board shall review the  
5 average daily live on-track handle at the race track where the  
6 electronic gaming licensee's electronic gaming facility is  
7 located. If the average daily live on-track handle at that race  
8 track is lower than the average daily live on-track handle at  
9 that race track in calendar year 2005 by at least 10%, then the  
10 Board shall withdraw 10% of the gaming positions at that  
11 electronic gaming facility. If the average daily live on-track  
12 handle at that race track is higher than the average daily live  
13 on-track handle at the race track in calendar year 2005 by at  
14 least 10%, then the board shall allow that race track to  
15 operate up to 10% more additional electronic gaming positions,  
16 subject to the initial fees described in subsection (c) for  
17 each additional position allowed.

18 (i) An electronic gaming licensee may conduct electronic  
19 gaming at a temporary facility pending the construction of a  
20 permanent facility or the remodeling of an existing facility to  
21 accommodate electronic gaming participants for up to 12 months  
22 after receiving an electronic gaming license. Upon request by  
23 an electronic gaming licensee and upon a showing of good cause  
24 by the electronic gaming licensee, the Board shall extend the  
25 period during which the licensee may conduct electronic gaming  
26 at a temporary facility by up to 12 months. The Board shall  
27 make rules concerning the conduct of electronic gaming from  
28 temporary facilities.

29 (230 ILCS 10/7.7 new)

30 Sec. 7.7. Home Rule. The regulation and licensing of  
31 electronic gaming and electronic gaming licensees are  
32 exclusive powers and functions of the State. A home rule unit  
33 may not regulate or license electronic gaming or electronic  
34 gaming licensees. This Section is a denial and limitation of  
35 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 owners licensee involved in the ownership  
13 or management of riverboat gambling operations and to any  
14 electronic gaming licensee involved in the ownership or  
15 management of an electronic gaming facility.

16 (c) Riverboat gambling and electronic gaming supplies and  
17 equipment may not be distributed unless supplies and equipment  
18 conform to standards adopted by rules of the Board.

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

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

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

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

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

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

32 (6) the firm or corporation employs a person who  
33 participates in the management or operation of riverboat  
34 gambling or in the management or operation of electronic  
35 gaming authorized under this Act;



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

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

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

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

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

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

2 Sec. 9. Occupational licenses.

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

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

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

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

21 (4) have met standards for the holding of an  
22 occupational license as adopted by rules of the Board. Such  
23 rules shall provide that any person or entity seeking an  
24 occupational license to manage gambling operations  
25 hereunder shall be subject to background inquiries and  
26 further requirements similar to those required of  
27 applicants for an owners license. Furthermore, such rules  
28 shall provide that each such entity shall be permitted to  
29 manage gambling operations for only one licensed owner or  
30 an electronic gaming licensee.

31 (b) Each application for an occupational license shall be  
32 on forms prescribed by the Board and shall contain all  
33 information required by the Board. The applicant shall set  
34 forth in the application: whether he has been issued prior  
35 gambling related licenses; whether he has been licensed in any  
36 other state under any other name, and, if so, such name and his

1 age; and whether or not a permit or license issued to him in  
2 any other state has been suspended, restricted or revoked, and,  
3 if so, for what period of time.

4 (c) Each applicant shall submit with his application, on  
5 forms provided by the Board, 2 sets of his fingerprints. The  
6 Board shall charge each applicant a fee set by the Department  
7 of State Police to defray the costs associated with the search  
8 and classification of fingerprints obtained by the Board with  
9 respect to the applicant's application. These fees shall be  
10 paid into the State Police Services Fund.

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

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

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

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

31 (h) Nothing in this Act shall be interpreted to prohibit a  
32 licensed owner or electronic gaming licensee from entering into  
33 an agreement with a school approved under the Private Business  
34 and Vocational Schools Act for the training of any occupational  
35 licensee. Any training offered by such a school shall be in  
36 accordance with a written agreement between the licensed owner

1 or electronic gaming licensee and the school.

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

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

8 (230 ILCS 10/11) (from Ch. 120, par. 2411)

9 Sec. 11. Conduct of gambling. Gambling may be conducted by  
10 licensed owners or licensed managers on behalf of the State  
11 aboard riverboats. Notwithstanding any provision in subsection  
12 (c) of Section 3 to the contrary, if authorized by the Board by  
13 rule, an owners licensee may move a number of its slot machines  
14 that is no greater than 15% of the number of its total gaming  
15 positions from its riverboats to its home dock facility and use  
16 those slot machines to conduct gambling, provided that the slot  
17 machines are located in an area that is accessible only to  
18 persons who are at least 21 years of age and provided that the  
19 admission tax imposed under Section 12 has been paid for all  
20 persons who use those slot machines. Gambling may be conducted  
21 by electronic gaming licensees at limited gaming facilities.  
22 Gambling authorized under this Section shall be, subject to the  
23 following standards:

24 (1) A licensee may conduct riverboat gambling  
25 authorized under this Act regardless of whether it conducts  
26 excursion cruises. A licensee may permit the continuous  
27 ingress and egress of passengers for the purpose of  
28 gambling.

29 (2) (Blank).

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

32 (4) Agents of the Board and the Department of State  
33 Police may board and inspect any riverboat or enter and  
34 inspect any portion of an electronic gaming facility where  
35 electronic gaming is conducted at any time for the purpose

1 of determining whether this Act is being complied with.  
2 Every riverboat, if under way and being hailed by a law  
3 enforcement officer or agent of the Board, must stop  
4 immediately and lay to.

5 (5) Employees of the Board shall have the right to be  
6 present on the riverboat or on adjacent facilities under  
7 the control of the licensee and at the electronic gaming  
8 facility under the control of the electronic gaming  
9 licensee.

10 (6) Gambling equipment and supplies customarily used  
11 in conducting riverboat gambling or electronic gaming must  
12 be purchased or leased only from suppliers licensed for  
13 such purpose under this Act.

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

17 (8) Wagers may be received only from a person present  
18 on a licensed riverboat or at an electronic gaming  
19 facility. No person present on a licensed riverboat or at  
20 an electronic gaming facility shall place or attempt to  
21 place a wager on behalf of another person who is not  
22 present on the riverboat or at the electronic gaming  
23 facility.

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

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

35 (11) Gambling excursion cruises are permitted only  
36 when the waterway for which the riverboat is licensed is

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

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

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

34 (14) In addition to the above, gambling must be  
35 conducted in accordance with all rules adopted by the  
36 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 electronic gaming licensee  
6 or manager who extends credit to a ~~riverboat~~ gambling patron  
7 pursuant to Section 11 (a) (12) of this Act is expressly  
8 authorized to institute a cause of action to collect any  
9 amounts due and owing under the extension of credit, as well as  
10 the owner's or manager's costs, expenses and reasonable  
11 attorney's fees incurred in collection.

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

13 (230 ILCS 10/12) (from Ch. 120, par. 2412)

14 Sec. 12. Admission tax; fees.

15 (a) A tax is hereby imposed upon admissions to riverboats  
16 operated by licensed owners authorized pursuant to this Act.  
17 Until July 1, 2002, the rate is \$2 per person admitted. From  
18 July 1, 2002 ~~and~~ until July 1, 2003, the rate is \$3 per person  
19 admitted. From Beginning July 1, 2003 until the effective date  
20 of this amendatory Act of the 94th General Assembly, for a  
21 licensee that admitted 1,000,000 persons or fewer in the  
22 previous calendar year, the rate is \$3 per person admitted; for  
23 a licensee that admitted more than 1,000,000 but no more than  
24 2,300,000 persons in the previous calendar year, the rate is \$4  
25 per person admitted; and for a licensee that admitted more than  
26 2,300,000 persons in the previous calendar year, the rate is \$5  
27 per person admitted. Beginning on the effective date of this  
28 amendatory Act of the 94th General Assembly, the rate is \$2 per  
29 person for the first 1,500,000 persons admitted by a licensee  
30 per year and \$3 per person for all persons admitted by that  
31 licensee in excess of 1,500,00 per year. ~~Beginning July 1,~~  
32 ~~2003, for a licensee that admitted 2,300,000 persons or fewer~~  
33 ~~in the previous calendar year, the rate is \$4 per person~~  
34 ~~admitted and for a licensee that admitted more than 2,300,000~~

1 ~~persons in the previous calendar year, the rate is \$5 per~~  
2 ~~person admitted.~~ This admission tax is imposed upon the  
3 licensed owner conducting gambling.

4 (1) The admission tax shall be paid for each admission,  
5 except that a person who exits a riverboat gambling  
6 facility and reenters that riverboat gambling facility  
7 within a reasonable time, as determined by the Board by  
8 rule, shall be subject only to the initial admission tax..

9 (2) (Blank).

10 (3) The riverboat licensee may issue tax-free passes to  
11 actual and necessary officials and employees of the  
12 licensee or other persons actually working on the  
13 riverboat.

14 (4) The number and issuance of tax-free passes is  
15 subject to the rules of the Board, and a list of all  
16 persons to whom the tax-free passes are issued shall be  
17 filed with the Board.

18 (a-5) A fee is hereby imposed upon admissions operated by  
19 licensed managers on behalf of the State pursuant to Section  
20 7.3 at the rates provided in this subsection (a-5). For a  
21 licensee that admitted 1,000,000 persons or fewer in the  
22 previous calendar year, the rate is \$3 per person admitted; for  
23 a licensee that admitted more than 1,000,000 but no more than  
24 2,300,000 persons in the previous calendar year, the rate is \$4  
25 per person admitted; and for a licensee that admitted more than  
26 2,300,000 persons in the previous calendar year, the rate is \$5  
27 per person admitted.

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

29 (2) (Blank).

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

33 (4) The number and issuance of fee-free passes is  
34 subject to the rules of the Board, and a list of all  
35 persons to whom the fee-free passes are issued shall be  
36 filed with the Board.



1 (b) From the tax imposed under subsection (a) and the fee  
2 imposed under subsection (a-5), a municipality shall receive  
3 from the State \$1 for each person embarking on a riverboat  
4 docked within the municipality, and a county shall receive \$1  
5 for each person embarking on a riverboat docked within the  
6 county but outside the boundaries of any municipality. The  
7 municipality's or county's share shall be collected by the  
8 Board on behalf of the State and remitted quarterly by the  
9 State, subject to appropriation, to the treasurer of the unit  
10 of local government for deposit in the general fund.

11 (c) The licensed owner shall pay the entire admission tax  
12 to the Board and the licensed manager shall pay the entire  
13 admission fee to the Board. Such payments shall be made daily.  
14 Accompanying each payment shall be a return on forms provided  
15 by the Board which shall include other information regarding  
16 admissions as the Board may require. Failure to submit either  
17 the payment or the return within the specified time may result  
18 in suspension or revocation of the owners or managers license.

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

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

27 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

32 (a-1) From January 1, 1998 until July 1, 2002, a privilege  
33 tax is imposed on persons engaged in the business of conducting  
34 riverboat gambling operations, based on the adjusted gross  
35 receipts received by a licensed owner from gambling games

1 authorized under this Act at the following rates:

2 15% of annual adjusted gross receipts up to and  
3 including \$25,000,000;

4 20% of annual adjusted gross receipts in excess of  
5 \$25,000,000 but not exceeding \$50,000,000;

6 25% of annual adjusted gross receipts in excess of  
7 \$50,000,000 but not exceeding \$75,000,000;

8 30% of annual adjusted gross receipts in excess of  
9 \$75,000,000 but not exceeding \$100,000,000;

10 35% of annual adjusted gross receipts in excess of  
11 \$100,000,000.

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

19 15% of annual adjusted gross receipts up to and  
20 including \$25,000,000;

21 22.5% of annual adjusted gross receipts in excess of  
22 \$25,000,000 but not exceeding \$50,000,000;

23 27.5% of annual adjusted gross receipts in excess of  
24 \$50,000,000 but not exceeding \$75,000,000;

25 32.5% of annual adjusted gross receipts in excess of  
26 \$75,000,000 but not exceeding \$100,000,000;

27 37.5% of annual adjusted gross receipts in excess of  
28 \$100,000,000 but not exceeding \$150,000,000;

29 45% of annual adjusted gross receipts in excess of  
30 \$150,000,000 but not exceeding \$200,000,000;

31 50% of annual adjusted gross receipts in excess of  
32 \$200,000,000.

33 (a-3) Beginning July 1, 2003, a privilege tax is imposed on  
34 persons engaged in the business of conducting riverboat  
35 gambling operations, other than licensed managers conducting  
36 riverboat gambling operations on behalf of the State, based on

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

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

6 27.5% of annual adjusted gross receipts in excess of  
7 \$25,000,000 but not exceeding \$37,500,000;

8 32.5% of annual adjusted gross receipts in excess of  
9 \$37,500,000 but not exceeding \$50,000,000;

10 37.5% of annual adjusted gross receipts in excess of  
11 \$50,000,000 but not exceeding \$75,000,000;

12 45% of annual adjusted gross receipts in excess of  
13 \$75,000,000 but not exceeding \$100,000,000;

14 50% of annual adjusted gross receipts in excess of  
15 \$100,000,000 but not exceeding \$250,000,000;

16 70% of annual adjusted gross receipts in excess of  
17 \$250,000,000.

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

23 The privilege tax imposed under this subsection (a-3) shall  
24 no longer be imposed beginning on the earliest ~~earlier~~ of (i)  
25 July 1, 2005; (ii) the first date after June 20, 2003 ~~the~~  
26 ~~effective date of this amendatory Act of the 93rd General~~  
27 ~~Assembly~~ that riverboat gambling operations are conducted  
28 pursuant to a dormant license; ~~or~~ (iii) the first day that  
29 riverboat gambling operations are conducted under the  
30 authority of an owners license that is in addition to the 10  
31 owners licenses initially authorized under this Act or (iv) the  
32 effective date of this amendatory Act of the 94th General  
33 Assembly. For the purposes of this subsection (a-3), the term  
34 "dormant license" means an owners license that is authorized by  
35 this Act under which no riverboat gambling operations are being  
36 conducted on June 20, 2003 ~~the effective date of this~~

1 ~~amendatory Act of the 93rd General Assembly.~~

2 (a-4) Beginning on the first day on which the tax imposed  
3 under subsection (a-3) is no longer imposed, a privilege tax is  
4 imposed on persons engaged in the business of conducting  
5 riverboat gambling operations, other than licensed managers  
6 conducting riverboat gambling operations on behalf of the  
7 State, based on the adjusted gross receipts received by a  
8 licensed owner from gambling games authorized under this Act,  
9 and on persons conducting electronic gaming, based on the  
10 adjusted gross receipts received by an electronic gaming  
11 licensee from electronic gaming minus an amount equal to the  
12 amount of the payments required by subsections (b) and (c) of  
13 Section 56 of the Illinois Horse Racing Act of 1975 from the  
14 total annual adjusted gross receipts received by the electronic  
15 gaming licensee, at the following rates:

16 15% of annual adjusted gross receipts up to and  
17 including \$25,000,000;

18 20% of annual adjusted gross receipts in excess of  
19 \$25,000,000 but not exceeding \$50,000,000;

20 25% of annual adjusted gross receipts in excess of  
21 \$50,000,000 but not exceeding \$75,000,000;

22 30% of annual adjusted gross receipts in excess of  
23 \$75,000,000 but not exceeding \$100,000,000;

24 35% of annual adjusted gross receipts in excess of  
25 \$100,000,000 but not exceeding \$400,000,000;

26 40% of annual adjusted gross receipts in excess of  
27 \$400,000,000 but not exceeding \$450,000,000;

28 45% of annual adjusted gross receipts in excess of  
29 \$450,000,000 but not exceeding \$500,000,000;

30 50% of annual adjusted gross receipts in excess of  
31 \$500,000,000.

32 For the purpose of calculating the privilege tax under this  
33 subsection (a-4), the annual adjusted gross receipts of an  
34 owners licensee for any year shall be reduced by an amount  
35 equal to the amount of any payment made by the owners licensee  
36 in that year to (i) an Illinois not-for-profit organization,

1 pursuant to an agreement, funded solely by a licensed owner for  
2 the primary benefit of educational, economic development, or  
3 environmental programs within this State or (ii) a county  
4 government, pursuant to an agreement between a licensed owner  
5 and a county government. In no event shall a reduction in the  
6 wagering tax imposed under this Section reduce the taxes owed  
7 by a licensee under this Section to less than zero.

8 ~~15% of annual adjusted gross receipts up to and~~  
9 ~~including \$25,000,000;~~

10 ~~22.5% of annual adjusted gross receipts in excess of~~  
11 ~~\$25,000,000 but not exceeding \$50,000,000;~~

12 ~~27.5% of annual adjusted gross receipts in excess of~~  
13 ~~\$50,000,000 but not exceeding \$75,000,000;~~

14 ~~32.5% of annual adjusted gross receipts in excess of~~  
15 ~~\$75,000,000 but not exceeding \$100,000,000;~~

16 ~~37.5% of annual adjusted gross receipts in excess of~~  
17 ~~\$100,000,000 but not exceeding \$150,000,000;~~

18 ~~45% of annual adjusted gross receipts in excess of~~  
19 ~~\$150,000,000 but not exceeding \$200,000,000;~~

20 ~~50% of annual adjusted gross receipts in excess of~~  
21 ~~\$200,000,000.~~

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

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

29 (b) Until January 1, 1998, 25% of the tax revenue deposited  
30 in the State Gaming Fund under this Section shall be paid,  
31 subject to appropriation by the General Assembly, to the unit  
32 of local government which is designated as the home dock of the  
33 riverboat. Except as otherwise provided in this subsection (b),  
34 beginning ~~Beginning~~ January 1, 1998, from the tax revenue from  
35 riverboat gambling deposited in the State Gaming Fund under  
36 this Section, an amount equal to 5% of adjusted gross receipts

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

14 For calendar year 2006 and each year thereafter, if the  
15 adjusted gross receipts of a riverboat from riverboat gambling  
16 are greater than they were in calendar year 2003, the amount  
17 paid to the unit of local government under this subsection (b)  
18 shall not exceed that amount paid in calendar year 2003. For  
19 calendar year 2006 and each year thereafter, if the adjusted  
20 gross receipts of a riverboat from riverboat gambling are  
21 greater than they were in calendar year 2003, then the  
22 difference between 5% of those adjusted gross receipts and the  
23 amount paid under this subsection (b) to the unit of local  
24 government that is designated as the home dock of the riverboat  
25 in calendar year 2003 shall be paid as follows:

26 25% shall be paid, subject to appropriation by the  
27 General Assembly, to the county in which the licensee's  
28 home dock is located; and

29 75% shall be paid, subject to appropriation by the  
30 General Assembly, into the Local Government Riverboat  
31 Gaming Distributive Fund pursuant to Section 13.3.

32 (b-5) Beginning on the effective date of this amendatory  
33 Act of the 94th General Assembly, after the payments required  
34 under subsection (b) have been made, from the tax revenue from  
35 electronic gaming deposited into the State Gaming Fund under  
36 this Section, an amount equal to 1% of the adjusted gross

1 receipts generated by each electronic gaming licensee shall be  
2 paid monthly, subject to appropriation, to the municipality in  
3 which the electronic gaming facility is located. If an  
4 electronic gaming facility is not located within a  
5 municipality, then an amount equal to 1% of the adjusted gross  
6 receipts generated by the electronic gaming licensee shall be  
7 paid monthly, subject to appropriation, to the county in which  
8 the electronic gaming facility is located.

9 (b-10) Beginning on the effective date of this amendatory  
10 Act of the 94th General Assembly, after the payments required  
11 under subsections (b) and (b-5) have been made, from the tax  
12 revenue deposited into the State Gaming Fund under this  
13 Section, \$25,000,000 shall be paid each year, in equal monthly  
14 installments, subject to appropriation, into the Intercity  
15 Development Fund.

16 (b-15) Beginning on the effective date of this amendatory  
17 Act of the 94th General Assembly, after the payments required  
18 under subsections (b), (b-5), and (b-10) have been made, the  
19 first \$5,000,000 of tax revenue derived from electronic gaming  
20 shall be paid to the Board and distributed by the Board to the  
21 Department of Human Services to be used for compulsive gambling  
22 programs.

23 (b-20) Beginning on the effective date of this amendatory  
24 Act of the 94th General Assembly, from the tax revenue  
25 deposited into the State Gaming Fund under this Section,  
26 payments shall be made, subject to appropriation by the General  
27 Assembly, as provided in this subsection (b-20).

28 An amount equal to 3% of the adjusted gross receipts  
29 generated by a riverboat authorized under subsection (e-10) of  
30 Section 7 shall be paid to the municipality in which the  
31 riverboat docks and to any other municipalities or townships  
32 that enter into an intergovernmental agreement with the  
33 municipality in which the riverboat docks to share that revenue  
34 and shall be divided according to the terms of that  
35 intergovernmental agreement.

36 An amount equal to 0.5% of the adjusted gross receipts

1 generated by a riverboat authorized under subsection (e-10) of  
2 Section 7 shall be divided equally and paid to the townships  
3 enumerated in subsection (e-10) of Section 7.

4 An amount equal to 1% of the adjusted gross receipts  
5 generated by a riverboat authorized under subsection (e-10) of  
6 Section 7 shall be divided among the school districts in the  
7 townships enumerated in subsection (e-10) of Section 7 in  
8 inverse proportion to the per-student expenditures of each of  
9 those school districts.

10 An amount equal to 0.5% of the adjusted gross receipts  
11 generated by a riverboat authorized under subsection (e-10) of  
12 Section 7 shall be paid into the South Suburban Assistance  
13 Fund, which is hereby created in the State Treasury. The South  
14 Suburban Assistance Fund shall be administered by the  
15 Department of Commerce and Economic Opportunity, and moneys in  
16 the Fund shall be used to aid economically distressed  
17 communities in the townships enumerated in subsection (e-10) of  
18 Section 7.

19 (c) Appropriations, as approved by the General Assembly,  
20 may be made from the State Gaming Fund to the Department of  
21 Revenue and the Department of State Police for the  
22 administration and enforcement of this Act, or to the  
23 Department of Human Services for the administration of programs  
24 to treat problem gambling.

25 (c-5) (Blank). ~~After the payments required under~~  
26 ~~subsections (b) and (c) have been made, an amount equal to 15%~~  
27 ~~of the adjusted gross receipts of (1) an owners licensee that~~  
28 ~~relocates pursuant to Section 11.2, (2) an owners license~~  
29 ~~conducting riverboat gambling operations pursuant to an owners~~  
30 ~~license that is initially issued after June 25, 1999, or (3)~~  
31 ~~the first riverboat gambling operations conducted by a licensed~~  
32 ~~manager on behalf of the State under Section 7.2, whichever~~  
33 ~~comes first, shall be paid from the State Gaming Fund into the~~  
34 ~~Horse Racing Equity Fund.~~

35 (c-10) (Blank). ~~Each year the General Assembly shall~~  
36 ~~appropriate from the General Revenue Fund to the Education~~



1 ~~Assistance Fund an amount equal to the amount paid into the~~  
2 ~~Horse Racing Equity Fund pursuant to subsection (e-5) in the~~  
3 ~~prior calendar year.~~

4 (c-15) After the payments required under subsections (b),  
5 (b-5), (b-10), (b-15), and (c), ~~and (e-5)~~ have been made, an  
6 amount equal to 2% of the adjusted gross receipts of (1) an  
7 owners licensee that relocates pursuant to Section 11.2, other  
8 than a licensee that receives an owners license under  
9 subsection (e-5) or (e-10) of Section 7, (2) an owners licensee  
10 conducting riverboat gambling operations pursuant to an owners  
11 license that is initially issued after June 25, 1999, other  
12 than a licensee that receives an owners license under  
13 subsection (e-5) or (e-10) of Section 7, or (3) the first  
14 riverboat gambling operations conducted by a licensed manager  
15 on behalf of the State under Section 7.3 7.2, other than a  
16 licensee that receives an owners license under subsection (e-5)  
17 or (e-10) of Section 7, whichever comes first, shall be paid,  
18 subject to appropriation from the General Assembly, from the  
19 State Gaming Fund to each home rule county with a population of  
20 over 3,000,000 inhabitants for the purpose of enhancing the  
21 county's criminal justice system.

22 (c-20) 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 to each home rule county  
25 with a population of over 3,000,000 inhabitants pursuant to  
26 subsection (c-15) in the prior calendar year.

27 (c-25) After the payments required under subsections (b),  
28 (b-5), (b-10), (b-15), (c), ~~(e-5)~~ and (c-15) have been made, an  
29 amount equal to 2% of the adjusted gross receipts of (1) an  
30 owners licensee ~~license~~ that relocates pursuant to Section  
31 11.2, other than a licensee that receives an owners license  
32 under subsection (e-5) or (e-10) of Section 7, (2) an owners  
33 licensee ~~license~~ conducting riverboat gambling operations  
34 pursuant to an owners license that is initially issued after  
35 June 25, 1999, other than a licensee that receives an owners  
36 license under subsection (e-5) or (e-10) of Section 7, or (3)

1 the first riverboat gambling operations conducted by a licensed  
2 manager on behalf of the State under Section 7.3 ~~7.2~~, other  
3 than a licensee that receives an owners license under  
4 subsection (e-5) or (e-10) of Section 7, whichever comes first,  
5 shall be paid from the State Gaming Fund to Chicago State  
6 University.

7 (d) From time to time, the Board shall transfer the  
8 remainder of the funds generated by this Act into the Education  
9 Assistance Fund, created by Public Act 86-0018, of the State of  
10 Illinois.

11 (e) Nothing in this Act shall prohibit the unit of local  
12 government designated as the home dock of the riverboat from  
13 entering into agreements with other units of local government  
14 in this State or in other states to share its portion of the  
15 tax revenue.

16 (f) To the extent practicable, the Board shall administer  
17 and collect the wagering taxes imposed by this Section in a  
18 manner consistent with the provisions of Sections 4, 5, 5a, 5b,  
19 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the  
20 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
21 Penalty and Interest Act.

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

24 (230 ILCS 10/13.2 new)

25 Sec. 13.2. Licensee assessment. All owners licensees  
26 licensed to conduct riverboat gambling operations on the  
27 effective date of this amendatory Act of the 94th General  
28 Assembly shall be required to pay an aggregate amount of  
29 \$130,000,000 to the Gaming Board by July 1, 2006. The Board  
30 shall deposit all moneys received under this Section into the  
31 State Gaming Fund. Each owners licensee shall pay a pro rata  
32 share based on its adjusted gross receipts from calendar year  
33 2002 as determined by the Board.

34 (230 ILCS 10/13.3 new)

1       Sec. 13.3. Revenue sharing; Local Government Riverboat  
2       Gaming Distributive Fund.

3       (a) Beginning July 1, 2006, as soon as may be after the  
4       first day of each month, the Board shall certify to the  
5       Treasurer the amount deposited during the preceding month into  
6       the Local Government Riverboat Gaming Distributive Fund, which  
7       is hereby created as a special fund in the State Treasury. The  
8       Department of Revenue shall administer the Fund and allocate  
9       moneys from the Fund to the counties of this State as provided  
10       in this Section.

11       (b) As soon as may be after the first day of each month,  
12       the Department of Revenue shall allocate among the counties of  
13       this State the moneys contained in the Local Government  
14       Riverboat Gaming Distributive Fund. The Department shall  
15       certify the allocations to the State Comptroller, who shall pay  
16       over to each county the respective amounts allocated to them.  
17       The amount of such funds allocable to each county shall be in  
18       proportion to the number of individual residents of the county  
19       to the total population of all counties as determined by the  
20       latest federal census of the county.

21       (c) The amounts allocated and paid to a county pursuant to  
22       the provisions of this Section may be used for any general  
23       corporate purpose authorized for that county.

24       (230 ILCS 10/14) (from Ch. 120, par. 2414)

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

26       (a) ~~A~~ Licensed owners and electronic gaming licensees ~~owner~~  
27       shall keep their ~~his~~ books and records so as to clearly show  
28       the following:

29           (1) The amount received daily from admission fees.

30           (2) The total amount of gross receipts.

31           (3) The total amount of the adjusted gross receipts.

32       (b) ~~The~~ Licensed owners and electronic gaming licensees  
33       ~~owner~~ shall furnish to the Board reports and information as the  
34       Board may require with respect to its activities on forms  
35       designed and supplied for such purpose by the Board.

1 (c) The books and records kept by a licensed owner or  
2 electronic gaming licensee as provided by this Section are  
3 public records and the examination, publication, and  
4 dissemination of the books and records are governed by the  
5 provisions of The Freedom of Information Act.

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

7 (230 ILCS 10/18) (from Ch. 120, par. 2418)

8 Sec. 18. Prohibited Activities - Penalty.

9 (a) A person is guilty of a Class A misdemeanor for doing  
10 any of the following:

11 (1) Conducting gambling where wagering is used or to be  
12 used without a license issued by the Board.

13 (2) Conducting gambling where wagering is permitted  
14 other than in the manner specified by Section 11.

15 (b) A person is guilty of a Class B misdemeanor for doing  
16 any of the following:

17 (1) permitting a person under 21 years to make a wager;

18 or

19 (2) violating paragraph (12) of subsection (a) of  
20 Section 11 of this Act.

21 (c) A person wagering or accepting a wager at any location  
22 outside the riverboat or electronic gaming facility in  
23 violation of paragraph ~~is subject to the penalties in~~  
24 ~~paragraphs~~ (1) or (2) of subsection (a) of Section 28-1 of the  
25 Criminal Code of 1961 is subject to the penalties provided in  
26 that Section.

27 (d) A person commits a Class 4 felony and, in addition,  
28 shall be barred for life from gambling operations ~~riverboats~~  
29 under the jurisdiction of the Board, if the person does any of  
30 the following:

31 (1) Offers, promises, or gives anything of value or  
32 benefit to a person who is connected with a riverboat owner  
33 or electronic gaming licensee including, but not limited  
34 to, an officer or employee of a licensed owner or  
35 electronic gaming licensee or holder of an occupational

1 license pursuant to an agreement or arrangement or with the  
2 intent that the promise or thing of value or benefit will  
3 influence the actions of the person to whom the offer,  
4 promise, or gift was made in order to affect or attempt to  
5 affect the outcome of a gambling game, or to influence  
6 official action of a member of the Board.

7 (2) Solicits or knowingly accepts or receives a promise  
8 of anything of value or benefit while the person is  
9 connected with a riverboat or electronic gaming facility,  
10 including, but not limited to, an officer or employee of a  
11 licensed owner or electronic gaming licensee, or the holder  
12 of an occupational license, pursuant to an understanding or  
13 arrangement or with the intent that the promise or thing of  
14 value or benefit will influence the actions of the person  
15 to affect or attempt to affect the outcome of a gambling  
16 game, or to influence official action of a member of the  
17 Board.

18 (3) Uses or possesses with the intent to use a device  
19 to assist:

20 (i) In projecting the outcome of the game.

21 (ii) In keeping track of the cards played.

22 (iii) In analyzing the probability of the  
23 occurrence of an event relating to the gambling game.

24 (iv) In analyzing the strategy for playing or  
25 betting to be used in the game except as permitted by  
26 the Board.

27 (4) Cheats at a gambling game.

28 (5) Manufactures, sells, or distributes any cards,  
29 chips, dice, game or device which is intended to be used to  
30 violate any provision of this Act.

31 (6) Alters or misrepresents the outcome of a gambling  
32 game on which wagers have been made after the outcome is  
33 made sure but before it is revealed to the players.

34 (7) Places a bet after acquiring knowledge, not  
35 available to all players, of the outcome of the gambling  
36 game which is subject of the bet or to aid a person in

1 acquiring the knowledge for the purpose of placing a bet  
2 contingent on that outcome.

3 (8) Claims, collects, or takes, or attempts to claim,  
4 collect, or take, money or anything of value in or from the  
5 gambling games, with intent to defraud, without having made  
6 a wager contingent on winning a gambling game, or claims,  
7 collects, or takes an amount of money or thing of value of  
8 greater value than the amount won.

9 (9) Uses counterfeit chips or tokens in a gambling  
10 game.

11 (10) Possesses any key or device designed for the  
12 purpose of opening, entering, or affecting the operation of  
13 a gambling game, drop box, or an electronic or mechanical  
14 device connected with the gambling game or for removing  
15 coins, tokens, chips or other contents of a gambling game.  
16 This paragraph (10) does not apply to a gambling licensee  
17 or employee of a gambling licensee acting in furtherance of  
18 the employee's employment.

19 (e) The possession of more than one of the devices  
20 described in subsection (d), paragraphs (3), (5) or (10)  
21 permits a rebuttable presumption that the possessor intended to  
22 use the devices for cheating.

23 An action to prosecute any crime occurring on a riverboat  
24 shall be tried in the county of the dock at which the riverboat  
25 is based.

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

27 (230 ILCS 10/19) (from Ch. 120, par. 2419)

28 Sec. 19. Forfeiture of property. (a) Except as provided in  
29 subsection (b), any riverboat or electronic gaming facility  
30 used for the conduct of gambling games in violation of this Act  
31 shall be considered a gambling place in violation of Section  
32 28-3 of the Criminal Code of 1961, as now or hereafter amended.  
33 Every gambling device found on a riverboat or at an electronic  
34 gaming facility operating gambling games in violation of this  
35 Act and every slot machine found at an electronic gaming

1 facility operating gambling games in violation of this Act  
2 shall be subject to seizure, confiscation and destruction as  
3 provided in Section 28-5 of the Criminal Code of 1961, as now  
4 or hereafter amended.

5 (b) It is not a violation of this Act for a riverboat or  
6 other watercraft which is licensed for gaming by a contiguous  
7 state to dock on the shores of this State if the municipality  
8 having jurisdiction of the shores, or the county in the case of  
9 unincorporated areas, has granted permission for docking and no  
10 gaming is conducted on the riverboat or other watercraft while  
11 it is docked on the shores of this State. No gambling device  
12 shall be subject to seizure, confiscation or destruction if the  
13 gambling device is located on a riverboat or other watercraft  
14 which is licensed for gaming by a contiguous state and which is  
15 docked on the shores of this State if the municipality having  
16 jurisdiction of the shores, or the county in the case of  
17 unincorporated areas, has granted permission for docking and no  
18 gaming is conducted on the riverboat or other watercraft while  
19 it is docked on the shores of this State.

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

21 (230 ILCS 10/20) (from Ch. 120, par. 2420)

22 Sec. 20. Prohibited activities - civil penalties. Any  
23 person who conducts a gambling operation without first  
24 obtaining a license to do so, or who continues to conduct such  
25 games after revocation of his license, or any licensee who  
26 conducts or allows to be conducted any unauthorized gambling  
27 games on a riverboat or at an electronic gaming facility where  
28 it is authorized to conduct its ~~riverboat~~ gambling operation,  
29 in addition to other penalties provided, shall be subject to a  
30 civil penalty equal to the amount of gross receipts derived  
31 from wagering on the gambling games, whether unauthorized or  
32 authorized, conducted on that day as well as confiscation and  
33 forfeiture of all gambling game equipment used in the conduct  
34 of unauthorized gambling games.

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

1 Section 85. The Illinois Pull Tabs and Jar Games Act is  
2 amended by changing Sections 1.1, 4, and 5 as follows:

3 (230 ILCS 20/1.1) (from Ch. 120, par. 1051.1)

4 Sec. 1.1. Definitions. As used in this Act:

5 "Pull tabs" and "jar games" means a game using  
6 single-folded or banded tickets or a card, the face of which is  
7 initially covered or otherwise hidden from view in order to  
8 conceal a number, symbol or set of symbols, some of which are  
9 winners. Players with winning tickets receive a prize stated on  
10 a promotional display or "flare". Pull tabs also means a game  
11 in which prizes are won by pulling a tab from a board thereby  
12 revealing a number which corresponds to the number for a given  
13 prize.

14 Except in the case of bingo event games, each winning pull  
15 tab or slip shall be predetermined. The right to participate in  
16 such games shall not cost more than \$2. Except for prizes  
17 awarded as part of a progressive game, no single prize shall  
18 exceed \$500. There shall be no more than 6,000 tickets in a  
19 game.

20 "Pull tabs and jar games", as used in this Act, does not  
21 include the following: numbers, policy, bolita or similar  
22 games, dice, slot machines, bookmaking and wagering pools with  
23 respect to a sporting event, or that game commonly known as  
24 punch boards, or any other game or activity not expressly  
25 defined in this Section.

26 "Organization" means a corporation, agency, partnership,  
27 association, firm or other entity consisting of 2 or more  
28 persons joined by a common interest or purpose.

29 "Non-profit organization" means an organization or  
30 institution organized and conducted on a not-for-profit basis  
31 with no personal profit inuring to anyone as a result of the  
32 operation.

33 "Charitable organization" means an organization or  
34 institution organized and operated to benefit an indefinite



1 number of the public.

2 "Educational organization" means an organization or  
3 institution organized and operated to provide systematic  
4 instruction in useful branches of learning by methods common to  
5 schools and institutions of learning which compare favorably in  
6 their scope and intensity with the course of study presented in  
7 tax-supported schools.

8 "Religious organization" means any church, congregation,  
9 society, or organization founded for the purpose of religious  
10 worship.

11 "Fraternal organization" means an organization of persons,  
12 including but not limited to ethnic organizations, having a  
13 common interest, organized and operated exclusively to promote  
14 the welfare of its members and to benefit the general public on  
15 a continuing and consistent basis.

16 "Veterans' organization" means an organization comprised  
17 of members of which substantially all are individuals who are  
18 veterans or spouses, widows, or widowers of veterans, the  
19 primary purpose of which is to promote the welfare of its  
20 members and to provide assistance to the general public in such  
21 a way as to confer a public benefit.

22 "Labor organization" means an organization composed of  
23 labor unions or workers organized with the objective of  
24 betterment of the conditions of those engaged in such pursuit  
25 and the development of a higher degree of efficiency in their  
26 respective occupations.

27 "Youth athletic organization" means an organization having  
28 as its exclusive purpose the promotion and provision of  
29 athletic activities for youth aged 18 and under.

30 "Senior citizens organization" means an organization or  
31 association comprised of members of which substantially all are  
32 individuals who are senior citizens, as defined in the Illinois  
33 Act on the Aging, the primary purpose of which is to promote  
34 the welfare of its members.

35 "Progressive game" means a pull tab game that has a portion  
36 of its predetermined prize payout designated to a progressive

1 jackpot that, if not won, is carried forward and added to the  
2 jackpot of subsequent games until won.

3 "Bingo event game" means a pull tab game played with pull  
4 tab tickets where the winner has not been designated in advance  
5 by the manufacturer, but is determined by chance.

6 (Source: P.A. 90-536, eff. 1-1-98.)

7 (230 ILCS 20/4) (from Ch. 120, par. 1054)

8 Sec. 4. The conducting of pull tabs and jar games is  
9 subject to the following restrictions:

10 (1) The entire net proceeds of any pull tabs or jar games,  
11 except as otherwise approved in this Act, must be exclusively  
12 devoted to the lawful purposes of the organization permitted to  
13 conduct such drawings.

14 (2) No person except a bona fide member or employee of the  
15 sponsoring organization may participate in the management or  
16 operation of such pull tabs or jar games; however, nothing  
17 herein shall conflict with pull tabs and jar games conducted  
18 under the provisions of the Charitable Games Act.

19 (3) No person may receive any remuneration or profit for  
20 participating in the management or operation of such pull tabs  
21 or jar games; however, nothing herein shall conflict with pull  
22 tabs and jar games conducted under the provisions of the  
23 Charitable Games Act.

24 (4) The price paid for a single chance or right to  
25 participate in a game licensed under this Act shall not exceed  
26 \$2. ~~The aggregate value of all prizes or merchandise awarded in~~  
27 ~~any single day of pull tabs and jar games shall not exceed~~  
28 ~~\$5,000, except that in adjoining counties having 200,000 to~~  
29 ~~275,000 inhabitants each, and in counties which are adjacent to~~  
30 ~~either of such adjoining counties and are adjacent to total of~~  
31 ~~not more than 2 counties in this State, the value of all prizes~~  
32 ~~or merchandise awarded may not exceed \$5,000 in a single day.~~

33 (5) No person under the age of 18 years shall play or  
34 participate in games under this Act. A person under the age of  
35 18 years may be within the area where pull tabs and jar games

1 are being conducted only when accompanied by his parent or  
2 guardian.

3 (6) Pull tabs and jar games shall be conducted only on  
4 premises owned or occupied by licensed organizations and used  
5 by its members for general activities, or on premises owned or  
6 rented for conducting the game of bingo, or as permitted in  
7 subsection (4) of Section 3.

8 (Source: P.A. 90-536, eff. 1-1-98; 90-808, eff. 12-1-98.)

9 (230 ILCS 20/5) (from Ch. 120, par. 1055)

10 Sec. 5. There shall be paid to the Department of Revenue 5%  
11 of the gross proceeds of any pull tabs and jar games conducted  
12 under this Act. Such payments shall be made 4 times per year,  
13 between the first and the 20th day of April, July, October and  
14 January. Payment must be made by money order or certified  
15 check. Accompanying each payment shall be a report, on forms  
16 provided by the Department of Revenue, listing the number of  
17 drawings conducted, the gross income derived therefrom and such  
18 other information as the Department of Revenue may require.  
19 Failure to submit either the payment or the report within the  
20 specified time shall result in automatic revocation of the  
21 license. All payments made to the Department of Revenue under  
22 this Act shall be deposited as follows:

23 (a) 50% shall be deposited in the Common School Fund; and

24 (b) 50% shall be deposited in the Illinois Gaming Law  
25 Enforcement Fund. Of the monies deposited in the Illinois  
26 Gaming Law Enforcement Fund under this Section, the General  
27 Assembly shall appropriate two-thirds to the Department of  
28 Revenue, Department of State Police and the Office of the  
29 Attorney General for State law enforcement purposes, and  
30 one-third shall be appropriated to the Department of Revenue  
31 for the purpose of distribution in the form of grants to  
32 counties or municipalities for law enforcement purposes. The  
33 amounts of grants to counties or municipalities shall bear the  
34 same ratio as the number of licenses issued in counties or  
35 municipalities bears to the total number of licenses issued in

1 the State. In computing the number of licenses issued in a  
2 county, licenses issued for locations within a municipality's  
3 boundaries shall be excluded.

4 The Department of Revenue shall license suppliers and  
5 manufacturers of pull tabs and jar games at an annual fee of  
6 \$5,000. Suppliers and manufacturers shall meet the  
7 requirements and qualifications established by rule by the  
8 Department. Licensed manufacturers shall sell pull tabs and jar  
9 games only to licensed suppliers. Licensed suppliers shall buy  
10 pull tabs and jar games only from licensed manufacturers and  
11 shall sell pull tabs and jar games only to licensed  
12 organizations. Licensed organizations shall buy pull tabs and  
13 jar games only from licensed suppliers.

14 The Department of Revenue shall adopt by rule minimum  
15 quality production standards for pull tabs and jar games. In  
16 determining such standards, the Department shall consider the  
17 standards adopted by the National Association of Gambling  
18 Regulatory Agencies and the National Association of  
19 Fundraising Ticket Manufacturers. ~~Such standards shall include~~  
20 ~~the name of the supplier which shall appear in plain view to~~  
21 ~~the casual observer on the face side of each pull tab ticket~~  
22 ~~and on each jar game ticket.~~ The pull tab ticket shall contain  
23 the name of the game, the selling price of the ticket, the  
24 amount of the prize and the serial number of the ticket. The  
25 back side of a pull tab ticket shall contain a series of  
26 perforated tabs ~~marked "open here"~~. The logo of the  
27 manufacturer shall be clearly visible on each jar game ticket.

28 The Department of Revenue shall adopt rules necessary to  
29 provide for the proper accounting and control of activities  
30 under this Act, to ensure that the proper taxes are paid, that  
31 the proceeds from the activities under this Act are used  
32 lawfully, and to prevent illegal activity associated with the  
33 use of pull tabs and jar games.

34 The provisions of Section 2a of the Retailers' Occupation  
35 Tax Act pertaining to the furnishing of a bond or other  
36 security are incorporated by reference into this Act and are

1 applicable to licensees under this Act as a precondition of  
2 obtaining a license under this Act. The provisions of Sections  
3 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j, 6, 6a, 6b, 6c, 8,  
4 9, 10, 11 and 12 of the Retailers' Occupation Tax Act, and  
5 Section 3-7 of the Uniform Penalty and Interest Act, which are  
6 not inconsistent with this Act shall apply, as far as  
7 practicable, to the subject matter of this Act to the same  
8 extent as if such provisions were included in this Act. For the  
9 purposes of this Act, references in such incorporated Sections  
10 of the Retailers' Occupation Tax Act to retailers, sellers or  
11 persons engaged in the business of selling tangible personal  
12 property means persons engaged in conducting pull tabs and jar  
13 games and references in such incorporated Sections of the  
14 Retailers' Occupation Tax Act to sales of tangible personal  
15 property mean the conducting of pull tabs and jar games and the  
16 making of charges for participating in such drawings.

17 (Source: P.A. 87-205; 87-895.)

18 Section 90. The Criminal Code of 1961 is amended by  
19 changing Sections 28-1, 28-5, and 28-7 as follows:

20 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

21 Sec. 28-1. Gambling.

22 (a) A person commits gambling when he:

23 (1) Plays a game of chance or skill for money or other  
24 thing of value, unless excepted in subsection (b) of this  
25 Section; or

26 (2) Makes a wager upon the result of any game, contest,  
27 or any political nomination, appointment or election; or

28 (3) Operates, keeps, owns, uses, purchases, exhibits,  
29 rents, sells, bargains for the sale or lease of,  
30 manufactures or distributes any gambling device; or

31 (4) Contracts to have or give himself or another the  
32 option to buy or sell, or contracts to buy or sell, at a  
33 future time, any grain or other commodity whatsoever, or  
34 any stock or security of any company, where it is at the

1 time of making such contract intended by both parties  
2 thereto that the contract to buy or sell, or the option,  
3 whenever exercised, or the contract resulting therefrom,  
4 shall be settled, not by the receipt or delivery of such  
5 property, but by the payment only of differences in prices  
6 thereof; however, the issuance, purchase, sale, exercise,  
7 endorsement or guarantee, by or through a person registered  
8 with the Secretary of State pursuant to Section 8 of the  
9 Illinois Securities Law of 1953, or by or through a person  
10 exempt from such registration under said Section 8, of a  
11 put, call, or other option to buy or sell securities which  
12 have been registered with the Secretary of State or which  
13 are exempt from such registration under Section 3 of the  
14 Illinois Securities Law of 1953 is not gambling within the  
15 meaning of this paragraph (4); or

16 (5) Knowingly owns or possesses any book, instrument or  
17 apparatus by means of which bets or wagers have been, or  
18 are, recorded or registered, or knowingly possesses any  
19 money which he has received in the course of a bet or  
20 wager; or

21 (6) Sells pools upon the result of any game or contest  
22 of skill or chance, political nomination, appointment or  
23 election; or

24 (7) Sets up or promotes any lottery or sells, offers to  
25 sell or transfers any ticket or share for any lottery; or

26 (8) Sets up or promotes any policy game or sells,  
27 offers to sell or knowingly possesses or transfers any  
28 policy ticket, slip, record, document or other similar  
29 device; or

30 (9) Knowingly drafts, prints or publishes any lottery  
31 ticket or share, or any policy ticket, slip, record,  
32 document or similar device, except for such activity  
33 related to lotteries, bingo games and raffles authorized by  
34 and conducted in accordance with the laws of Illinois or  
35 any other state or foreign government; or

36 (10) Knowingly advertises any lottery or policy game,

1           except for such activity related to lotteries, bingo games  
2           and raffles authorized by and conducted in accordance with  
3           the laws of Illinois or any other state; or

4           (11) Knowingly transmits information as to wagers,  
5           betting odds, or changes in betting odds by telephone,  
6           telegraph, radio, semaphore or similar means; or knowingly  
7           installs or maintains equipment for the transmission or  
8           receipt of such information; except that nothing in this  
9           subdivision (11) prohibits transmission or receipt of such  
10          information for use in news reporting of sporting events or  
11          contests; or

12          (12) Knowingly establishes, maintains, or operates an  
13          Internet site that permits a person to play a game of  
14          chance or skill for money or other thing of value by means  
15          of the Internet or to make a wager upon the result of any  
16          game, contest, political nomination, appointment, or  
17          election by means of the Internet.

18          (b) Participants in any of the following activities shall  
19          not be convicted of gambling therefor:

20          (1) Agreements to compensate for loss caused by the  
21          happening of chance including without limitation contracts  
22          of indemnity or guaranty and life or health or accident  
23          insurance;

24          (2) Offers of prizes, award or compensation to the  
25          actual contestants in any bona fide contest for the  
26          determination of skill, speed, strength or endurance or to  
27          the owners of animals or vehicles entered in such contest;

28          (3) Pari-mutuel betting as authorized by the law of  
29          this State;

30          (4) Manufacture of gambling devices, including the  
31          acquisition of essential parts therefor and the assembly  
32          thereof, for transportation in interstate or foreign  
33          commerce to any place outside this State when such  
34          transportation is not prohibited by any applicable Federal  
35          law;

36          (5) The game commonly known as "bingo", when conducted

1 in accordance with the Bingo License and Tax Act;

2 (6) Lotteries when conducted by the State of Illinois  
3 in accordance with the Illinois Lottery Law;

4 (7) Possession of an antique slot machine that is  
5 neither used nor intended to be used in the operation or  
6 promotion of any unlawful gambling activity or enterprise.  
7 For the purpose of this subparagraph (b)(7), an antique  
8 slot machine is one manufactured 25 years ago or earlier;

9 (8) Raffles when conducted in accordance with the  
10 Raffles Act;

11 (9) Charitable games when conducted in accordance with  
12 the Charitable Games Act;

13 (10) Pull tabs and jar games when conducted under the  
14 Illinois Pull Tabs and Jar Games Act; or

15 (11) Gambling games ~~conducted on riverboats~~ when  
16 authorized by the Riverboat Gambling Act.

17 (c) Sentence.

18 Gambling under subsection (a)(1) or (a)(2) of this Section  
19 is a Class A misdemeanor. Gambling under any of subsections  
20 (a)(3) through (a)(11) of this Section is a Class A  
21 misdemeanor. A second or subsequent conviction under any of  
22 subsections (a)(3) through (a)(11), is a Class 4 felony.  
23 Gambling under subsection (a)(12) of this Section is a Class A  
24 misdemeanor. A second or subsequent conviction under  
25 subsection (a)(12) is a Class 4 felony.

26 (d) Circumstantial evidence.

27 In prosecutions under subsection (a)(1) through (a)(12) of  
28 this Section circumstantial evidence shall have the same  
29 validity and weight as in any criminal prosecution.

30 (Source: P.A. 91-257, eff. 1-1-00.)

31 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

32 Sec. 28-5. Seizure of gambling devices and gambling funds.

33 (a) Every device designed for gambling which is incapable  
34 of lawful use or every device used unlawfully for gambling  
35 shall be considered a "gambling device", and shall be subject



1 to seizure, confiscation and destruction by the Department of  
2 State Police or by any municipal, or other local authority,  
3 within whose jurisdiction the same may be found. As used in  
4 this Section, a "gambling device" includes any slot machine,  
5 and includes any machine or device constructed for the  
6 reception of money or other thing of value and so constructed  
7 as to return, or to cause someone to return, on chance to the  
8 player thereof money, property or a right to receive money or  
9 property. With the exception of any device designed for  
10 gambling which is incapable of lawful use, no gambling device  
11 shall be forfeited or destroyed unless an individual with a  
12 property interest in said device knows of the unlawful use of  
13 the device.

14 (b) Every gambling device shall be seized and forfeited to  
15 the county wherein such seizure occurs. Any money or other  
16 thing of value integrally related to acts of gambling shall be  
17 seized and forfeited to the county wherein such seizure occurs.

18 (c) If, within 60 days after any seizure pursuant to  
19 subparagraph (b) of this Section, a person having any property  
20 interest in the seized property is charged with an offense, the  
21 court which renders judgment upon such charge shall, within 30  
22 days after such judgment, conduct a forfeiture hearing to  
23 determine whether such property was a gambling device at the  
24 time of seizure. Such hearing shall be commenced by a written  
25 petition by the State, including material allegations of fact,  
26 the name and address of every person determined by the State to  
27 have any property interest in the seized property, a  
28 representation that written notice of the date, time and place  
29 of such hearing has been mailed to every such person by  
30 certified mail at least 10 days before such date, and a request  
31 for forfeiture. Every such person may appear as a party and  
32 present evidence at such hearing. The quantum of proof required  
33 shall be a preponderance of the evidence, and the burden of  
34 proof shall be on the State. If the court determines that the  
35 seized property was a gambling device at the time of seizure,  
36 an order of forfeiture and disposition of the seized property

1 shall be entered: a gambling device shall be received by the  
2 State's Attorney, who shall effect its destruction, except that  
3 valuable parts thereof may be liquidated and the resultant  
4 money shall be deposited in the general fund of the county  
5 wherein such seizure occurred; money and other things of value  
6 shall be received by the State's Attorney and, upon  
7 liquidation, shall be deposited in the general fund of the  
8 county wherein such seizure occurred. However, in the event  
9 that a defendant raises the defense that the seized slot  
10 machine is an antique slot machine described in subparagraph  
11 (b) (7) of Section 28-1 of this Code and therefore he is exempt  
12 from the charge of a gambling activity participant, the seized  
13 antique slot machine shall not be destroyed or otherwise  
14 altered until a final determination is made by the Court as to  
15 whether it is such an antique slot machine. Upon a final  
16 determination by the Court of this question in favor of the  
17 defendant, such slot machine shall be immediately returned to  
18 the defendant. Such order of forfeiture and disposition shall,  
19 for the purposes of appeal, be a final order and judgment in a  
20 civil proceeding.

21 (d) If a seizure pursuant to subparagraph (b) of this  
22 Section is not followed by a charge pursuant to subparagraph  
23 (c) of this Section, or if the prosecution of such charge is  
24 permanently terminated or indefinitely discontinued without  
25 any judgment of conviction or acquittal (1) the State's  
26 Attorney shall commence an in rem proceeding for the forfeiture  
27 and destruction of a gambling device, or for the forfeiture and  
28 deposit in the general fund of the county of any seized money  
29 or other things of value, or both, in the circuit court and (2)  
30 any person having any property interest in such seized gambling  
31 device, money or other thing of value may commence separate  
32 civil proceedings in the manner provided by law.

33 (e) Any gambling device displayed for sale to a riverboat  
34 gambling operation or used to train occupational licensees of a  
35 riverboat gambling operation as authorized under the Riverboat  
36 Gambling Act is exempt from seizure under this Section.

1 (f) Any gambling equipment, devices and supplies provided  
2 by a licensed supplier in accordance with the Riverboat  
3 Gambling Act which are removed from a ~~the~~ riverboat or  
4 electronic gaming facility for repair are exempt from seizure  
5 under this Section.

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

7 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

8 Sec. 28-7. Gambling contracts void.

9 (a) All promises, notes, bills, bonds, covenants,  
10 contracts, agreements, judgments, mortgages, or other  
11 securities or conveyances made, given, granted, drawn, or  
12 entered into, or executed by any person whatsoever, where the  
13 whole or any part of the consideration thereof is for any money  
14 or thing of value, won or obtained in violation of any Section  
15 of this Article are null and void.

16 (b) Any obligation void under this Section may be set aside  
17 and vacated by any court of competent jurisdiction, upon a  
18 complaint filed for that purpose, by the person so granting,  
19 giving, entering into, or executing the same, or by his  
20 executors or administrators, or by any creditor, heir, legatee,  
21 purchaser or other person interested therein; or if a judgment,  
22 the same may be set aside on motion of any person stated above,  
23 on due notice thereof given.

24 (c) No assignment of any obligation void under this Section  
25 may in any manner affect the defense of the person giving,  
26 granting, drawing, entering into or executing such obligation,  
27 or the remedies of any person interested therein.

28 (d) This Section shall not prevent a licensed owner of a  
29 riverboat gambling operation or an electronic gaming licensee  
30 under the Riverboat Gambling Act and the Illinois Horse Racing  
31 Act of 1975 from instituting a cause of action to collect any  
32 amount due and owing under an extension of credit to a  
33 ~~riverboat~~ gambling patron as authorized under Section 11.1 of  
34 the Riverboat Gambling Act.

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

1 (230 ILCS 5/54 rep.)

2 Section 93. The Illinois Horse Racing Act of 1975 is  
3 amended by repealing Section 54.

4 Section 100. "An Act in relation to gambling, amending  
5 named Acts", approved June 25, 1999, Public Act 91-40, is  
6 amended by changing Section 30 as follows:

7 (P.A. 91-40, Sec. 30)

8 Sec. 30. Severability. If any provision of this Act (Public  
9 Act 91-40) or the application thereof to any person or  
10 circumstance is held invalid, that invalidity does not affect  
11 the other provisions or applications of the Act which can be  
12 given effect without the invalid application or provision, and  
13 to this end the provisions of this Act are severable. This  
14 severability applies without regard to whether the action  
15 challenging the validity was brought before the effective date  
16 of this amendatory Act of the 94th General Assembly.  
17 ~~Inseverability. The provisions of this Act are mutually~~  
18 ~~dependent and inseverable. If any provision is held invalid~~  
19 ~~other than as applied to a particular person or circumstance,~~  
20 ~~then this entire Act is invalid.~~

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

22 Section 105. The State Finance Act is amended by adding  
23 Sections 5.640, 5.641, and 5.642 as follows:

24 (30 ILCS 105/5.640 new)

25 Sec. 5.640. The Intercity Development Fund.

26 (30 ILCS 105/5.641 new)

27 Sec. 5.641. The Local Government Riverboat Gaming Fund.

28 (30 ILCS 105/5.642 new)

29 Sec. 5.642. The South Suburban Assistance Fund.

1           Section 999. Effective date. This Act takes effect upon  
2    becoming law.

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