



Sen. Emil Jones Jr.

**Filed: 10/26/2005**

09400SB1990sam001

LRB094 14876 AMC 49957 a

1 AMENDMENT TO SENATE BILL 1990

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1990 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Horse Racing Act of 1975 is  
5 amended by changing Sections 1.2, 3.11, 3.12, 15, 20, 26, 27,  
6 28.1, 30, 31, and 32.1 and adding Sections 3.24, 3.25, 3.26,  
7 3.27, 31.2, and 56 as follows:

8 (230 ILCS 5/1.2)

9 Sec. 1.2. Legislative intent. This Act is intended to  
10 benefit the people of the State of Illinois by encouraging the  
11 breeding and production of race horses, assisting economic  
12 development, and promoting Illinois tourism. The General  
13 Assembly finds and declares it to be the public policy of the  
14 State of Illinois to:

15 (a) support and enhance Illinois' horse racing industry,  
16 which is a significant component within the agribusiness  
17 industry;

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

20 (c) stimulate growth within Illinois' horse racing  
21 industry, thereby encouraging new investment and development  
22 to produce additional tax revenues and to create additional  
23 jobs;

24 (d) promote the further growth of tourism;

1 (e) encourage the breeding of thoroughbred and  
2 standardbred horses in this State; and

3 (f) ensure that public confidence and trust in the  
4 credibility and integrity of racing operations and the  
5 regulatory process is maintained.

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

7 (230 ILCS 5/3.11) (from Ch. 8, par. 37-3.11)

8 Sec. 3.11. "Organization Licensee" means any person  
9 receiving an organization license from the Board to conduct a  
10 race meeting or meetings. With respect only to electronic  
11 gaming, "organization licensee" includes the entity created  
12 under subsection (a) of Section 56 of this Act.

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

14 (230 ILCS 5/3.12) (from Ch. 8, par. 37-3.12)

15 Sec. 3.12. "Pari-mutuel system of wagering" means a form of  
16 wagering on the outcome of live or historical previously run  
17 horse races in which wagers are made in various denominations  
18 on a horse or horses and all wagers for each race are pooled  
19 and held by a licensee for distribution in a manner approved by  
20 the Board.

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

22 (230 ILCS 5/3.24 new)

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

25 (230 ILCS 5/3.25 new)

26 Sec. 3.25. "Electronic gaming" means slot machine  
27 gambling, video game of chance gambling, or both that is  
28 conducted at a race track pursuant to an electronic gaming  
29 license.

1 (230 ILCS 5/3.26 new)

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

4 (230 ILCS 5/3.27 new)

5 Sec. 3.27. "Electronic gaming facility" means that portion  
6 of an organization licensee's race track facility at which  
7 electronic gaming is conducted.

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

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

26 (b) Each application for an occupation license shall be on  
27 forms prescribed by the Board. Such license, when issued, shall  
28 be for the period ending December 31 of each year, except that  
29 the Board in its discretion may grant 3-year licenses. The  
30 application shall be accompanied by a fee of not more than \$25  
31 per year or, in the case of 3-year occupation license  
32 applications, a fee of not more than \$60. Each applicant shall

1 set forth in the application his full name and address, and if  
2 he had been issued prior occupation licenses or has been  
3 licensed in any other state under any other name, such name,  
4 his age, whether or not a permit or license issued to him in  
5 any other state has been suspended or revoked and if so whether  
6 such suspension or revocation is in effect at the time of the  
7 application, and such other information as the Board may  
8 require. Fees for registration of stable names shall not exceed  
9 \$50.00.

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

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

13 (2) who is unqualified to perform the duties required  
14 of such applicant;

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

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

19 (5) whose license or permit has been suspended, revoked  
20 or denied for just cause in any other state.

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

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

23 or

24 (2) for violation of any of the rules or regulations of  
25 the Board; or

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

29 (4) for any other just cause.

30 (e) Each applicant shall submit his or her fingerprints  
31 to the Department of State Police in the form and manner  
32 prescribed by the Department of State Police. These  
33 fingerprints shall be checked against the fingerprint records  
34 now and hereafter filed in the Department of State Police and

1 Federal Bureau of Investigation criminal history records  
2 databases. The Department of State Police shall charge a fee  
3 for conducting the criminal history records check, which shall  
4 be deposited in the State Police Services Fund and shall not  
5 exceed the actual cost of the records check. The Department of  
6 State Police shall furnish, pursuant to positive  
7 identification, records of conviction to the Board. Each  
8 applicant for licensure shall submit with his occupation  
9 license application, on forms provided by the Board, 2 sets of  
10 his fingerprints. All such applicants shall appear in person at  
11 the location designated by the Board for the purpose of  
12 submitting such sets of fingerprints; however, with the prior  
13 approval of a State steward, an applicant may have such sets of  
14 fingerprints taken by an official law enforcement agency and  
15 submitted to the Board.

16 (f) The Board may, in its discretion, issue an occupation  
17 license without submission of fingerprints ~~if an applicant has~~  
18 ~~been duly licensed in another recognized racing jurisdiction~~  
19 ~~after submitting fingerprints that were subjected to a Federal~~  
20 ~~Bureau of Investigation criminal history background check in~~  
21 ~~that jurisdiction.~~

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

23 (230 ILCS 5/20) (from Ch. 8, par. 37-20)

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

28 (1) the dates on which it intends to conduct the horse  
29 race meeting, which dates shall be provided under Section  
30 21;

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

33 (3) the location where it proposes to conduct the

1 meeting; and

2 (4) any other information the Board may reasonably  
3 require.

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

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

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

34 (e) With such application there shall be delivered to the

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

18 (e-3) Upon request, the Board shall award at least 25  
19 standardbred racing dates to the organization licensee that  
20 conducts racing at Fairmount Race Track, unless a lesser  
21 schedule of live racing is the result of (A) weather or unsafe  
22 track conditions due to acts of God or (B) a strike between the  
23 organization licensee and the associations representing the  
24 largest number of owners, trainers, jockeys, or standardbred  
25 drivers who race horses at that organization licensee's racing  
26 meeting.

27 (e-5) In reviewing an application for the purpose of  
28 granting an organization license consistent with the best  
29 interests of the public and the sport of horse racing, the  
30 Board shall consider:

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

34 (i) controls the applicant, directly or

1 indirectly, or

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

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

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

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

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

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

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

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

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

30 (e-10) The Illinois Administrative Procedure Act shall  
31 apply to administrative procedures of the Board under this Act  
32 for the granting of an organization license, except that (1)  
33 notwithstanding the provisions of subsection (b) of Section  
34 10-40 of the Illinois Administrative Procedure Act regarding



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

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

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

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

31 (g) (Blank).

32 (h) The Board shall send the applicant a copy of its  
33 formally executed order by certified mail addressed to the  
34 applicant at the address stated in his application, which

1 notice shall be mailed within 5 days of the date the formal  
2 order is executed.

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

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

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

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

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

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

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

19 (230 ILCS 5/26) (from Ch. 8, par. 37-26)

20 Sec. 26. Wagering.

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

1 advance of the day of the race wagered upon occurs.

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

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

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

26 (c-5) Beginning January 1, 2000, the sum held by any  
27 licensee for payment of outstanding pari-mutuel tickets, if  
28 unclaimed prior to December 31 of the next year, shall be  
29 retained by the licensee for payment of such tickets until that  
30 date; except that, beginning on the effective date of this  
31 amendatory Act of the 94th General Assembly, the sum held by an  
32 organization licensee located in a county with a population in  
33 excess of 230,000 and that borders the Mississippi River and  
34 every inter-track wagering location licensee who derives its

1 license from that organization licensee shall be retained by  
2 the organization licensee for payment of such tickets until  
3 that date. Within 10 days thereafter, the balance of such sum  
4 remaining unclaimed, less any uncashed supplements contributed  
5 by such licensee for the purpose of guaranteeing minimum  
6 distributions of any pari-mutuel pool, shall be evenly  
7 distributed to the purse account of the organization licensee  
8 and the organization licensee.

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

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

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

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

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

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

1 17% of all money wagered. If any licensee conducts the  
2 pari-mutuel system wagering on races conducted at  
3 racetracks in another state or country, each such race or  
4 race program shall be considered a separate racing day for  
5 the purpose of determining the daily handle and computing  
6 the privilege tax of that daily handle as provided in  
7 subsection (a) of Section 27. Until January 1, 2000, from  
8 the sums permitted to be retained pursuant to this  
9 subsection, each intertrack wagering location licensee  
10 shall pay 1% of the pari-mutuel handle wagered on simulcast  
11 wagering to the Horse Racing Tax Allocation Fund, subject  
12 to the provisions of subparagraph (B) of paragraph (11) of  
13 subsection (h) of Section 26 of this Act.

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

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

34 (A) For interstate simulcast wagers made at a host



1 track, 50% to the host track and 50% to purses at the  
2 host track.

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

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

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

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

32 (B) Between January 1 and the third Friday in  
33 February, inclusive, if no live thoroughbred racing is  
34 occurring in Illinois during this period, and the

1 interstate simulcast is a thoroughbred race, the purse  
2 share to its interstate simulcast purse pool to be  
3 distributed under paragraph (10) of this subsection  
4 (g);

5 (C) Between January 1 and the third Friday in  
6 February, inclusive, if live thoroughbred racing is  
7 occurring in Illinois, between 6:30 a.m. and 6:30 p.m.  
8 the purse share from wagers made during this time  
9 period to its thoroughbred purse account and between  
10 6:30 p.m. and 6:30 a.m. the purse share from wagers  
11 made during this time period to its standardbred purse  
12 accounts;

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

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

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

29 (A) If the licensee that conducts horse racing at  
30 that racetrack requests from the Board at least as many  
31 racing dates as were conducted in calendar year 2000,  
32 80% shall be paid to its thoroughbred purse account;  
33 and

34 (B) Twenty percent shall be deposited into the

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

15 (7.2) Notwithstanding any other provision of this Act  
16 to the contrary, if no thoroughbred 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 a.m. and 6:30  
22 p.m. during that calendar year shall be deposited as  
23 follows:

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

29 (B) Twenty percent shall be deposited into the  
30 Illinois Colt Stakes Purse Distribution Fund. Moneys  
31 deposited into the Illinois Colt Stakes Purse  
32 Distribution Fund pursuant to this subparagraph (B)  
33 shall be paid to Illinois conceived and foaled  
34 thoroughbred breeders' programs and to thoroughbred

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

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

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

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

25 Failure to make the payment to the Illinois Colt Stakes  
26 Purse Distribution Fund before January 1, 2002 shall result  
27 in the immediate revocation of the licensee's organization  
28 license, inter-track wagering license, and inter-track  
29 wagering location license.

30 Moneys paid into the Illinois Colt Stakes Purse  
31 Distribution Fund pursuant to this paragraph (7.3) shall be  
32 paid to purses for standardbred races for Illinois  
33 conceived and foaled horses conducted at any county  
34 fairgrounds. Moneys paid into the Illinois Colt Stakes

1 Purse Distribution Fund pursuant to this paragraph (7.3)  
2 shall be used as determined by the Department of  
3 Agriculture, with the advice and assistance of the Illinois  
4 Standardbred Breeders Fund Advisory Board, shall be in  
5 addition to and not in lieu of any other moneys paid to  
6 standardbred purses under this Act, and shall not be  
7 commingled with any other moneys paid into that Fund.

8 (7.4) If live standardbred racing is conducted at a  
9 racetrack located in Madison County at any time in calendar  
10 year 2001 before the payment required under paragraph (7.3)  
11 has been made, the organization licensee who is licensed to  
12 conduct racing at that racetrack shall pay all moneys  
13 derived by that racetrack from simulcast wagering and  
14 inter-track wagering during calendar years 2000 and 2001  
15 that (1) are to be used for purses and (2) are generated  
16 between the hours of 6:30 p.m. and 6:30 a.m. during 2000 or  
17 2001 to the standardbred purse account at that racetrack to  
18 be used for standardbred purses.

19 (7.5) Notwithstanding any provision of this Act to the  
20 contrary, if live standardbred racing and live  
21 thoroughbred racing are both conducted at a racetrack  
22 located in Madison County at any time in a calendar year,  
23 all moneys derived by that racetrack from simulcast  
24 wagering and inter-track wagering between the hours of 6:30  
25 p.m. and 6:30 a.m. that are to be used for purses shall be  
26 deposited as follows: 70% shall be paid to its thoroughbred  
27 purse account and 30% shall be paid to its standardbred  
28 purse account.

29 (8) Notwithstanding any provision in this Act to the  
30 contrary, an organization licensee from a track located in  
31 a county with a population in excess of 230,000 and that  
32 borders the Mississippi River and its affiliated non-host  
33 licensees shall not be entitled to share in any retention  
34 generated on racing, inter-track wagering, or simulcast

1           wagering at any other Illinois wagering facility.

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

17          (9) (Blank).

18          (10) (Blank).

19          (11) (Blank).

20          (12) The Board shall have authority to compel all host  
21          tracks to receive the simulcast of any or all races  
22          conducted at the Springfield or DuQuoin State fairgrounds  
23          and include all such races as part of their simulcast  
24          programs.

25          (13) Notwithstanding any other provision of this Act,  
26          in the event that the total Illinois pari-mutuel handle on  
27          Illinois horse races at all wagering facilities in any  
28          calendar year is less than 75% of the total Illinois  
29          pari-mutuel handle on Illinois horse races at all such  
30          wagering facilities for calendar year 1994, then each  
31          wagering facility that has an annual total Illinois  
32          pari-mutuel handle on Illinois horse races that is less  
33          than 75% of the total Illinois pari-mutuel handle on  
34          Illinois horse races at such wagering facility for calendar

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

1 each account to each eligible racing facility in accordance  
2 with the provisions of this Section. For the calendar year  
3 in which an organization licensee that is eligible to  
4 receive a payment under this paragraph (13) begins  
5 conducting electronic gaming pursuant to an electronic  
6 gaming license, the amount of that payment shall be reduced  
7 by a percentage equal to the percentage of the year  
8 remaining after the organization licensee begins  
9 conducting electronic gaming pursuant to its electronic  
10 gaming license. An organization licensee shall no longer be  
11 able to receive payments under this paragraph (13)  
12 beginning on the January 1 first occurring after the  
13 licensee begins conducting electronic gaming pursuant to  
14 an electronic gaming license issued under Section 7.6 of  
15 the Riverboat Gambling Act.

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

20 (1) Any person licensed to conduct a race meeting (i)  
21 at a track where 60 or more days of racing were conducted  
22 during the immediately preceding calendar year or where  
23 over the 5 immediately preceding calendar years an average  
24 of 30 or more days of racing were conducted annually may be  
25 issued an inter-track wagering license; (ii) at a track  
26 located in a county that is bounded by the Mississippi  
27 River, which has a population of less than 150,000  
28 according to the 1990 decennial census, and an average of  
29 at least 60 days of racing per year between 1985 and 1993  
30 may be issued an inter-track wagering license; or (iii) at  
31 a track located in Madison County that conducted at least  
32 100 days of live racing during the immediately preceding  
33 calendar year may be issued an inter-track wagering  
34 license, unless a lesser schedule of live racing is the



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

26 (2) The Board shall examine the applications with  
27 respect to their conformity with this Act and the rules and  
28 regulations imposed by the Board. If found to be in  
29 compliance with the Act and rules and regulations of the  
30 Board, the Board may then issue a license to conduct  
31 inter-track wagering and simulcast wagering to such  
32 applicant. All such applications shall be acted upon by the  
33 Board at a meeting to be held on such date as may be fixed  
34 by the Board.

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

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

16          (5) Each license to conduct inter-track wagering and  
17          simulcast wagering shall specify the person to whom it is  
18          issued, the dates on which such wagering is permitted, and  
19          the track or location where the wagering is to be  
20          conducted.

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

25          (7) An inter-track wagering licensee or inter-track  
26          wagering location licensee may accept wagers at the track  
27          or location where it is licensed, or as otherwise provided  
28          under this Act.

29          (8) Inter-track wagering or simulcast wagering shall  
30          not be conducted at any track less than 5 miles from a  
31          track at which a racing meeting is in progress.

32          (8.1) Inter-track wagering location licensees who  
33          derive their licenses from a particular organization  
34          licensee shall conduct inter-track wagering and simulcast

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

16           (8.2) Inter-track wagering or simulcast wagering shall  
17      not be conducted by an inter-track wagering location  
18      licensee at any location within 500 feet of an existing  
19      church or existing school, nor within 500 feet of the  
20      residences of more than 50 registered voters without  
21      receiving written permission from a majority of the  
22      registered voters at such residences. Such written  
23      permission statements shall be filed with the Board. The  
24      distance of 500 feet shall be measured to the nearest part  
25      of any building used for worship services, education  
26      programs, residential purposes, or conducting inter-track  
27      wagering by an inter-track wagering location licensee, and  
28      not to property boundaries. However, inter-track wagering  
29      or simulcast wagering may be conducted at a site within 500  
30      feet of a church, school or residences of 50 or more  
31      registered voters if such church, school or residences have  
32      been erected or established, or such voters have been  
33      registered, after the Board issues the original  
34      inter-track wagering location license at the site in

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

16 (9) (Blank).

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

27 (10.1) Except as provided in subsection (g) of Section  
28 27 of this Act, inter-track wagering location licensees  
29 shall pay 1% of the pari-mutuel handle at each location to  
30 the municipality in which such location is situated and 1%  
31 of the pari-mutuel handle at each location to the county in  
32 which such location is situated. In the event that an  
33 inter-track wagering location licensee is situated in an  
34 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

1 participating licensees and 50% to purses, except that an  
2 intertrack wagering licensee that derives its license from  
3 a track located in a county with a population in excess of  
4 230,000 and that borders the Mississippi River shall not  
5 divide any remaining retention with the Illinois  
6 organization licensee that provides the race or races, and  
7 an intertrack wagering licensee that accepts wagers on  
8 races conducted by an organization licensee that conducts a  
9 race meet in a county with a population in excess of  
10 230,000 and that borders the Mississippi River shall not  
11 divide any remaining retention with that organization  
12 licensee.

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

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

1 conducting its wagering. The remainder of the monies  
2 retained by the inter-track wagering location licensee  
3 shall be allocated 40% to the location licensee and 60% to  
4 the organization licensee which provides the Illinois  
5 races to the location, except that an intertrack wagering  
6 location licensee that derives its license from a track  
7 located in a county with a population in excess of 230,000  
8 and that borders the Mississippi River shall not divide any  
9 remaining retention with the organization licensee that  
10 provides the race or races and an intertrack wagering  
11 location licensee that accepts wagers on races conducted by  
12 an organization licensee that conducts a race meet in a  
13 county with a population in excess of 230,000 and that  
14 borders the Mississippi River shall not divide any  
15 remaining retention with the organization licensee.  
16 Notwithstanding the provisions of clauses (ii) and (iv) of  
17 this paragraph, in the case of the additional inter-track  
18 wagering location licenses authorized under paragraph (1)  
19 of this subsection (h) by this amendatory Act of 1991,  
20 those licensees shall pay the following amounts as purses:  
21 during the first 12 months the licensee is in operation,  
22 5.25% of the pari-mutuel handle wagered at the location on  
23 races; during the second 12 months, 5.25%; during the third  
24 12 months, 5.75%; during the fourth 12 months, 6.25%; and  
25 during the fifth 12 months and thereafter, 6.75%. The  
26 following amounts shall be retained by the licensee to  
27 satisfy all costs and expenses of conducting its wagering:  
28 during the first 12 months the licensee is in operation,  
29 8.25% of the pari-mutuel handle wagered at the location;  
30 during the second 12 months, 8.25%; during the third 12  
31 months, 7.75%; during the fourth 12 months, 7.25%; and  
32 during the fifth 12 months and thereafter, 6.75%. For  
33 additional intertrack wagering location licensees  
34 authorized under this amendatory Act of 1995, purses for



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

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

26 Two-sevenths to the Department of Agriculture.  
27 Fifty percent of this two-sevenths shall be used to  
28 promote the Illinois horse racing and breeding  
29 industry, and shall be distributed by the Department of  
30 Agriculture upon the advice of a 9-member committee  
31 appointed by the Governor consisting of the following  
32 members: the Director of Agriculture, who shall serve  
33 as chairman; 2 representatives of organization  
34 licensees conducting thoroughbred race meetings in

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

29                 Four-sevenths to park districts or municipalities  
30                 that do not have a park district of 500,000 population  
31                 or less for museum purposes (if an inter-track wagering  
32                 location licensee is located in such a park district)  
33                 or to conservation districts for museum purposes (if an  
34                 inter-track wagering location licensee is located in a

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

1 the park district or municipality where the  
2 inter-track wagering location is located, to be used  
3 for general purposes; and

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

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

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

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

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

23           One-seventh to the Agricultural Premium Fund to be  
24          used for distribution to agricultural home economics  
25          extension councils in accordance with "An Act in  
26          relation to additional support and finances for the  
27          Agricultural and Home Economic Extension Councils in  
28          the several counties of this State and making an  
29          appropriation therefor", approved July 24, 1967. This  
30          subparagraph (C) shall be inoperative and of no force  
31          and effect on and after January 1, 2000.

32           (D) Except as provided in paragraph (11) of this  
33          subsection (h), with respect to purse allocation from  
34          intertrack wagering, the monies so retained shall be

1           divided as follows:

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

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

22                  (iii) If the inter-track wagering is being  
23                  conducted by an inter-track wagering location  
24                  licensee, except an intertrack wagering location  
25                  licensee that derives its license from an  
26                  organization licensee located in a county with a  
27                  population in excess of 230,000 and bounded by the  
28                  Mississippi River, the entire purse allocation for  
29                  Illinois races shall be to purses at the track  
30                  where the race meeting being wagered on is being  
31                  held.

32                  (12) The Board shall have all powers necessary and  
33                  proper to fully supervise and control the conduct of  
34                  inter-track wagering and simulcast wagering by inter-track

1           wagering licensees and inter-track wagering location  
2           licensees, including, but not limited to the following:

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

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

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

28          (D) (Blank).

29          (E) The Board is vested with the power to appoint  
30          delegates to execute any of the powers granted to it  
31          under this Section for the purpose of administering  
32          this wagering and any rules and regulations  
33          promulgated in accordance with this Act.

34          (F) The Board shall name and appoint a State

1 director of this wagering who shall be a representative  
2 of the Board and whose duty it shall be to supervise  
3 the conduct of inter-track wagering as may be provided  
4 for by the rules and regulations of the Board; such  
5 rules and regulation shall specify the method of  
6 appointment and the Director's powers, authority and  
7 duties.

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

16 (13) The Department of Agriculture may enter into  
17 agreements with licensees authorizing such licensees to  
18 conduct inter-track wagering on races to be held at the  
19 licensed race meetings conducted by the Department of  
20 Agriculture. Such agreement shall specify the races of the  
21 Department of Agriculture's licensed race meeting upon  
22 which the licensees will conduct wagering. In the event  
23 that a licensee conducts inter-track pari-mutuel wagering  
24 on races from the Illinois State Fair or DuQuoin State Fair  
25 which are in addition to the licensee's previously approved  
26 racing program, those races shall be considered a separate  
27 racing day for the purpose of determining the daily handle  
28 and computing the privilege or pari-mutuel tax on that  
29 daily handle as provided in Sections 27 and 27.1. Such  
30 agreements shall be approved by the Board before such  
31 wagering may be conducted. In determining whether to grant  
32 approval, the Board shall give due consideration to the  
33 best interests of the public and of horse racing. The  
34 provisions of paragraphs (1), (8), (8.1), and (8.2) of



1 subsection (h) of this Section which are not specified in  
2 this paragraph (13) shall not apply to licensed race  
3 meetings conducted by the Department of Agriculture at the  
4 Illinois State Fair in Sangamon County or the DuQuoin State  
5 Fair in Perry County, or to any wagering conducted on those  
6 race meetings.

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

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

12 (230 ILCS 5/27) (from Ch. 8, par. 37-27)

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

30 In addition, every organization licensee, except as  
31 provided in Section 27.1 of this Act, which conducts multiple  
32 wagering shall pay, until January 1, 2000, as a privilege tax  
33 on multiple wagers an amount equal to 1.25% of all moneys

1     wagered each day on such multiple wagers, plus an additional  
2     amount equal to 3.5% of the amount wagered each day on any  
3     other multiple wager which involves a single betting interest  
4     on 3 or more horses. The licensee shall remit the amount of  
5     such taxes to the Department of Revenue within 48 hours after  
6     the close of the racing day on which it is assessed or within  
7     such other time as the Board prescribes.

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

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

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

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

34            (d) Any licensee failing or refusing to pay the amount of

1 any tax due under this Section shall be guilty of a business  
2 offense and upon conviction shall be fined not more than \$5,000  
3 in addition to the amount found due as tax under this Section.  
4 Each day's violation shall constitute a separate offense. All  
5 fines paid into Court by a licensee hereunder shall be  
6 transmitted and paid over by the Clerk of the Court to the  
7 Board.

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

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

32 (g) Notwithstanding any provision in this Act to the  
33 contrary, if in any calendar year the total taxes and fees from  
34 wagering on live racing and from inter-track wagering required

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

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

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

1 allocated to standardbred organization licensees in the  
2 succeeding allocation year.

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

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

9 (230 ILCS 5/28.1)

10 Sec. 28.1. Payments.

11 (a) Beginning on January 1, 2000, moneys collected by the  
12 Department of Revenue and the Racing Board pursuant to Section  
13 26 or Section 27 of this Act shall be deposited into the Horse  
14 Racing Fund, which is hereby created as a special fund in the  
15 State Treasury.

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

26 (c) Appropriations, as approved by the General Assembly,  
27 shall be made from the Horse Racing Fund to the Department of  
28 Agriculture for the purposes identified in paragraphs (2),  
29 (2.5), (4), (6), (7), (8), and (9) of subsection (g) of Section  
30 30, subsection (e) of Section 30.5, and paragraphs (1), (2),  
31 (3), (5), and (8) of subsection (g) of Section 31 and for  
32 standardbred bonus programs for owners of horses that win  
33 multiple stakes races that are limited to Illinois conceived

1 and foaled horses. From ~~Beginning on~~ January 1, 2000 until the  
2 effective date of this amendatory Act of the 94th General  
3 Assembly, the Board shall transfer the remainder of the funds  
4 generated pursuant to Sections 26 and 27 from the Horse Racing  
5 Fund into the General Revenue Fund.

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

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

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

25 (230 ILCS 5/30) (from Ch. 8, par. 37-30)

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

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

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

33 (1) To provide purse supplements to owners of horses  
34 participating in races limited to Illinois conceived and



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

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

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

30 (3) To provide stallion awards to the owner or owners  
31 of any stallion that is duly registered with the Illinois  
32 Thoroughbred Breeders Fund Program ~~prior to the effective~~  
33 ~~date of this amendatory Act of 1995~~ whose duly registered  
34 Illinois conceived and foaled offspring wins a race

1 conducted at an Illinois thoroughbred racing meeting other  
2 than a claiming race, provided (i) that the stallion stood  
3 for service within Illinois at the time the offspring was  
4 conceived and (ii) that the stallion did not stand for  
5 service outside of Illinois at any time during the year in  
6 which the offspring was conceived. ~~Such award shall not be~~  
7 ~~paid to the owner or owners of an Illinois stallion that~~  
8 ~~served outside this State at any time during the calendar~~  
9 ~~year in which such race was conducted.~~

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

20 (4.1) (Blank). ~~To provide purse money for an Illinois~~  
21 ~~stallion stakes program.~~

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

26 (6) To provide for educational programs regarding the  
27 thoroughbred breeding industry.

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

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

32 (9) To provide for dissemination of public information  
33 designed to promote the breeding of thoroughbred horses in  
34 Illinois.

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

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

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

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

12 (j) A sum equal to 12 1/2% of the first prize money won in  
13 each race limited to Illinois foaled horses or Illinois  
14 conceived and foaled horses, or both, shall be paid in the  
15 following manner by the organization licensee conducting the  
16 horse race meeting, from the organization licensee's share of  
17 the money wagered: 11 1/2% to the breeders of the horses in  
18 each such race which are the official first, second, third and  
19 fourth finishers and 1% to the organization representing  
20 thoroughbred breeders and owners whose representative serves  
21 on the Illinois Thoroughbred Breeders Fund Advisory Board for  
22 verifying the amounts of breeders' awards earned, assuring  
23 their proper distribution in accordance with this Act, and  
24 servicing and promoting the Illinois thoroughbred horse racing  
25 industry. The organization representing thoroughbred breeders  
26 and owners shall cause all expenditures of monies received  
27 under this subsection (j) to be audited at least annually by a  
28 registered public accountant. The organization shall file  
29 copies of each annual audit with the Racing Board, the Clerk of  
30 the House of Representatives and the Secretary of the Senate,  
31 and shall make copies of each annual audit available to the  
32 public upon request and upon payment of the reasonable cost of  
33 photocopying the requested number of copies.

34 The 11 1/2% paid to the breeders in accordance with this

1 subsection shall be distributed as follows:

2 (1) 60% of such sum shall be paid to the breeder of the  
3 horse which finishes in the official first position;

4 (2) 20% of such sum shall be paid to the breeder of the  
5 horse which finishes in the official second position;

6 (3) 15% of such sum shall be paid to the breeder of the  
7 horse which finishes in the official third position; and

8 (4) 5% of such sum shall be paid to the breeder of the  
9 horse which finishes in the official fourth position.

10 Such payments shall not reduce any award to the owners of a  
11 horse or reduce the taxes payable under this Act. Upon  
12 completion of its racing meet, each organization licensee shall  
13 deliver to the organization representing thoroughbred breeders  
14 and owners whose representative serves on the Illinois  
15 Thoroughbred Breeders Fund Advisory Board a listing of all the  
16 Illinois foaled and the Illinois conceived and foaled horses  
17 which won breeders' awards and the amount of such breeders'  
18 awards in accordance with the provisions of this Act. Such  
19 payments shall be delivered by the organization licensee within  
20 30 days of the end of each race meeting.

21 (k) The term "breeder", as used herein, means the owner of  
22 the mare at the time the foal is dropped. An "Illinois foaled  
23 horse" is a foal dropped by a mare which enters this State on  
24 or before December 1, in the year in which the horse is bred,  
25 provided the mare remains continuously in this State until its  
26 foal is born. An "Illinois foaled horse" also means a foal born  
27 of a mare in the same year as the mare enters this State on or  
28 before March 1, and remains in this State at least 30 days  
29 after foaling, is bred back during the season of the foaling to  
30 an Illinois Registered Stallion (unless a veterinarian  
31 certifies that the mare should not be bred for health reasons),  
32 and is not bred to a stallion standing in any other state  
33 during the season of foaling. An "Illinois foaled horse" also  
34 means a foal born in Illinois of a mare purchased at public

1 auction subsequent to the mare entering this State prior to  
2 March 1 ~~February 1~~ of the foaling year providing the mare is  
3 owned solely by one or more Illinois residents or an Illinois  
4 entity that is entirely owned by one or more Illinois  
5 residents.

6 (1) The Department of Agriculture shall, by rule, with the  
7 advice and assistance of the Illinois Thoroughbred Breeders  
8 Fund Advisory Board:

9 (1) Qualify stallions for Illinois breeding; such  
10 stallions to stand for service within the State of Illinois  
11 at the time of a foal's conception. Such stallion must not  
12 stand for service at any place outside the State of  
13 Illinois during the calendar year in which the foal is  
14 conceived. The Department of Agriculture may assess and  
15 collect an application fee of \$500 ~~fees~~ for the  
16 registration of each Illinois-eligible stallion ~~stallions~~.  
17 All fees collected are to be paid into the Illinois  
18 Thoroughbred Breeders Fund and used by the Illinois  
19 Thoroughbred Breeders Fund Advisory Board for stallion  
20 awards.

21 (2) Provide for the registration of Illinois conceived  
22 and foaled horses and Illinois foaled horses. No such horse  
23 shall compete in the races limited to Illinois conceived  
24 and foaled horses or Illinois foaled horses or both unless  
25 registered with the Department of Agriculture. The  
26 Department of Agriculture may prescribe such forms as are  
27 necessary to determine the eligibility of such horses. The  
28 Department of Agriculture may assess and collect  
29 application fees for the registration of Illinois-eligible  
30 foals. All fees collected are to be paid into the Illinois  
31 Thoroughbred Breeders Fund. No person shall knowingly  
32 prepare or cause preparation of an application for  
33 registration of such foals containing false information.

34 (m) The Department of Agriculture, with the advice and

1 assistance of the Illinois Thoroughbred Breeders Fund Advisory  
2 Board, shall provide that certain races limited to Illinois  
3 conceived and foaled and Illinois foaled horses be stakes races  
4 and determine the total amount of stakes and awards to be paid  
5 to the owners of the winning horses in such races.

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

16 (n) The Board and the organizational licensee shall notify  
17 the Department of the conditions and minimum purses for races  
18 limited to Illinois conceived and foaled and Illinois foaled  
19 horses conducted for each organizational licensee conducting a  
20 thoroughbred racing meeting. The Department of Agriculture  
21 with the advice and assistance of the Illinois Thoroughbred  
22 Breeders Fund Advisory Board may allocate monies for purse  
23 supplements for such races. In determining whether to allocate  
24 money and the amount, the Department of Agriculture shall  
25 consider factors, including but not limited to, the amount of  
26 money appropriated for the Illinois Thoroughbred Breeders Fund  
27 program, the number of races that may occur, and the  
28 organizational licensee's purse structure.

29 (o) (Blank). ~~In order to improve the breeding quality of~~  
30 ~~thoroughbred horses in the State, the General Assembly~~  
31 ~~recognizes that existing provisions of this Section to~~  
32 ~~encourage such quality breeding need to be revised and~~  
33 ~~strengthened. As such, a Thoroughbred Breeder's Program Task~~  
34 ~~Force is to be appointed by the Governor by September 1, 1999~~

1 ~~to make recommendations to the General Assembly by no later~~  
2 ~~than March 1, 2000. This task force is to be composed of 2~~  
3 ~~representatives from the Illinois Thoroughbred Breeders and~~  
4 ~~Owners Foundation, 2 from the Illinois Thoroughbred Horsemen's~~  
5 ~~Association, 3 from Illinois race tracks operating~~  
6 ~~thoroughbred race meets for an average of at least 30 days in~~  
7 ~~the past 3 years, the Director of Agriculture, the Executive~~  
8 ~~Director of the Racing Board, who shall serve as Chairman.~~

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

10 (230 ILCS 5/31) (from Ch. 8, par. 37-31)

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

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

28 (b-5) Each organization licensee conducting a harness  
29 racing meeting pursuant to this Act after the licensee begins  
30 conducting electronic gaming pursuant to an electronic gaming  
31 license issued under Section 7.6 of the Riverboat Gambling Act  
32 shall provide stakes races and early closer races for Illinois  
33 conceived and foaled horses so the total purses distributed for



1 such races shall be no less than 17% of the total purses  
2 distributed at the meeting.

3 (b-10) Each organization licensee conducting a harness  
4 racing meeting pursuant to this Act after the licensee begins  
5 conducting electronic gaming pursuant to an electronic gaming  
6 license issued under Section 7.6 of the Riverboat Gambling Act  
7 shall provide an owner award to be paid from the purse account  
8 equal to 25% of the amount earned by Illinois conceived and  
9 foaled horses in races that are not restricted to Illinois  
10 conceived and foaled horses.

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

17 (d) There is hereby created a special fund of the State  
18 Treasury to be known as the Illinois Standardbred Breeders  
19 Fund.

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

25 (e) The Illinois Standardbred Breeders Fund shall be  
26 administered by the Department of Agriculture with the  
27 assistance and advice of the Advisory Board created in  
28 subsection (f) of this Section.

29 (f) The Illinois Standardbred Breeders Fund Advisory Board  
30 is hereby created. The Advisory Board shall consist of the  
31 Director of the Department of Agriculture, who shall serve as  
32 Chairman; the Superintendent of the Illinois State Fair; a  
33 member of the Illinois Racing Board, designated by it; a  
34 representative of the Illinois Standardbred Owners and

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

21 (g) No monies shall be expended from the Illinois  
22 Standardbred Breeders Fund except as appropriated by the  
23 General Assembly. Monies appropriated from the Illinois  
24 Standardbred Breeders Fund shall be expended by the Department  
25 of Agriculture, with the assistance and advice of the Illinois  
26 Standardbred Breeders Fund Advisory Board for the following  
27 purposes only:

28 1. To provide purses for races limited to Illinois  
29 conceived and foaled horses at the State Fair and the  
30 DuQuoin State Fair.

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

33 3. To provide purse supplements for races limited to  
34 Illinois conceived and foaled horses conducted by

1 associations conducting harness racing meetings.

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

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

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

18 7. To pay the expenses incurred in the administration  
19 of the Illinois Standardbred Breeders Fund.

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

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

33 (i) A sum equal to 12 1/2% of the first prize money of  
34 every purse won by an Illinois conceived and foaled horse shall

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

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

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

32 2. Provide for the registration of Illinois conceived and  
33 foaled horses and no such horse shall compete in the races  
34 limited to Illinois conceived and foaled horses unless

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

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

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

1 as set forth in this Act and in accordance with Section 205-15  
2 of the Department of Agriculture Law (20 ILCS 205/205-15).

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

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

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

25 (m) At all standardbred race meetings held or conducted  
26 under authority of a license granted by the Board, and at all  
27 standardbred races held at county fairs which are approved by  
28 the Department of Agriculture or at the Illinois or DuQuoin  
29 State Fairs, no one shall jog, train, warm up or drive a  
30 standardbred horse unless he or she is wearing a protective  
31 safety helmet, with the chin strap fastened and in place, which  
32 meets the standards and requirements as set forth in the 1984  
33 Standard for Protective Headgear for Use in Harness Racing and  
34 Other Equestrian Sports published by the Snell Memorial

1 Foundation, or any standards and requirements for headgear the  
2 Illinois Racing Board may approve. Any other standards and  
3 requirements so approved by the Board shall equal or exceed  
4 those published by the Snell Memorial Foundation. Any  
5 equestrian helmet bearing the Snell label shall be deemed to  
6 have met those standards and requirements.

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

8 (230 ILCS 5/31.2 new)

9 Sec. 31.2. Racing Industry Workers' Fund; advisory board.

10 (a) The General Assembly finds that backstretch workers  
11 play a critical role in the success and prosperity of the  
12 racing industry. The General Assembly finds that electronic  
13 gaming will improve the quality and viability of live racing in  
14 Illinois by providing new resources to increase purse sizes and  
15 to improve race track facilities. The General Assembly finds  
16 that there is a concomitant responsibility and duty to address  
17 the human service and housing needs of backstretch workers.

18 (b) There is hereby created in the State treasury a special  
19 fund to be known as the Racing Industry Workers' Fund. The Fund  
20 shall consist of moneys paid into it under subsection (b) of  
21 Section 56 of the Illinois Horse Racing Act of 1975.

22 (c) The Illinois Racing Board is authorized to use funds in  
23 the Racing Industry Workers' Fund to fund programs and  
24 initiatives that improve the quality of life of backstretch  
25 workers. Initiatives funded by the Illinois Racing Board shall  
26 address needs such as illiteracy, substance dependence,  
27 primary health care, child care, housing, and any other social  
28 service need determined by the Illinois Racing Board.

29 (d) On December 31st of each year the Board shall report to  
30 the General Assembly and the Governor on the programs funded by  
31 the Board during the preceding fiscal year, the number of  
32 persons served, and the working and living conditions of  
33 backstretch workers.

1       (e) The Board shall appoint a Backstretch Programs Advisory  
2 Board, who shall report to and advise the Board on matters  
3 concerning backstretch conditions and needs. The Backstretch  
4 Programs Advisory Board shall consist of the following 7  
5 members:

6           (1) 2 persons who represent the interests of an  
7 organization licensee;

8           (2) one person who represents the interests of  
9 standardbred horsemen;

10          (3) one person who represents the interests of  
11 thoroughbred horsemen;

12          (4) one person who is or was a backstretch worker;

13          (5) one person who advocates on behalf of backstretch  
14 workers; and

15          (6) one person who has significant experience in  
16 administering social services.

17       (f) The Board shall hire, in its sole discretion, a  
18 backstretch workers' Program Coordinator who shall serve under  
19 the direction of the Board to supervise and coordinate the  
20 programs funded by the Racing Industry Workers' Fund. The  
21 Program Coordinator shall be paid from the Racing Industry  
22 Workers' Fund.

23           (230 ILCS 5/32.1)

24       Sec. 32.1. Pari-mutuel tax credit; statewide racetrack  
25 real estate equalization. In order to encourage new investment  
26 in Illinois racetrack facilities and mitigate differing real  
27 estate tax burdens among all racetracks, the licensees  
28 affiliated or associated with each racetrack that has been  
29 awarded live racing dates in the current year shall receive an  
30 immediate pari-mutuel tax credit in an amount equal to the  
31 greater of (i) 50% of the amount of the real estate taxes paid  
32 in the prior year attributable to that racetrack, or (ii) the  
33 amount by which the real estate taxes paid in the prior year



1 attributable to that racetrack exceeds 60% of the average real  
2 estate taxes paid in the prior year for all racetracks awarded  
3 live horse racing meets in the current year.

4 Each year, regardless of whether the organization licensee  
5 conducted live racing in the year of certification, the Board  
6 shall certify in writing, prior to December 31, the real estate  
7 taxes paid in that year for each racetrack and the amount of  
8 the pari-mutuel tax credit that each organization licensee,  
9 intertrack wagering licensee, and intertrack wagering location  
10 licensee that derives its license from such racetrack is  
11 entitled in the succeeding calendar year. The real estate taxes  
12 considered under this Section for any racetrack shall be those  
13 taxes on the real estate parcels and related facilities used to  
14 conduct a horse race meeting and inter-track wagering at such  
15 racetrack under this Act. In no event shall the amount of the  
16 tax credit under this Section exceed the amount of pari-mutuel  
17 taxes otherwise calculated under this Act. The amount of the  
18 tax credit under this Section shall be retained by each  
19 licensee and shall not be subject to any reallocation or  
20 further distribution under this Act. The Board may promulgate  
21 emergency rules to implement this Section.

22 An organization licensee shall no longer be eligible to  
23 receive a pari-mutuel tax credit under this Section beginning  
24 on the January 1 first occurring after the organization  
25 licensee begins conducting electronic gaming pursuant to an  
26 electronic gaming license issued under Section 7.6 of the  
27 Riverboat Gambling Act. For the calendar year in which an  
28 organization licensee that is eligible to receive a pari-mutuel  
29 tax credit under this Section begins conducting electronic  
30 gaming pursuant to an electronic gaming license, the amount of  
31 the pari-mutuel tax credit shall be reduced by a percentage  
32 equal to the percentage of the year remaining after the  
33 organization licensee begins conducting electronic gaming  
34 pursuant to its electronic gaming license.

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

2 (230 ILCS 5/56 new)

3 Sec. 56. Electronic gaming.

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

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

33 An electronic gaming licensee may not permit persons under

1 21 years of age to be present in its electronic gaming  
2 facility, but the licensee may accept wagers on live racing and  
3 inter-track wagers at its electronic gaming facility.

4 (b) The gross gaming receipts received by an electronic  
5 gaming licensee from electronic gaming remaining after the  
6 payment of taxes under Section 13 of the Riverboat Gambling Act  
7 shall be distributed as provided in this subsection (b).

8 During the first 5 years that an electronic gaming licensee  
9 conducts electronic gaming, on the first \$25,000,000 of annual  
10 gross gaming receipts:

11 80.62% shall be retained by the licensee;

12 15.88% shall be paid to purse equity accounts;

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

18 0.25% shall be paid to the Illinois Quarter Horse  
19 Breeders Fund;

20 0.0625% shall be paid to the University of Illinois for  
21 equine research;

22 0.0625% shall be paid to the Southern Illinois  
23 University for equine research;

24 1.125% shall be paid to the Racing Industry Workers'  
25 Fund;

26 0.25% shall be paid to the licensee's live racing and  
27 horse ownership promotional account.

28 On annual gross gaming receipts in excess of \$25,000,000 but  
29 not exceeding \$50,000,000:

30 79.08% shall be retained by the licensee;

31 17.42% shall be paid to purse equity accounts;

32 1.75% shall be paid to the Illinois Thoroughbred  
33 Breeders Fund and the Illinois Standardbred Breeders Fund,  
34 divided pro rata based on the proportion of live

1 thoroughbred racing and live standardbred racing conducted  
2 at that licensee's race track;

3 0.25% shall be paid to the Illinois Quarter Horse  
4 Breeders Fund;

5 0.0625% shall be paid to the University of Illinois for  
6 equine research;

7 0.0625% shall be paid to the Southern Illinois  
8 University for equine research;

9 1.125% shall be paid to the Racing Industry Workers'  
10 Fund;

11 0.25% shall be paid to the licensee's live racing and  
12 horse ownership promotional account.

13 On annual gross gaming receipts in excess of \$50,000,000 but  
14 not exceeding \$75,000,000:

15 77.88% shall be retained by the licensee;

16 18.62% shall be paid to purse equity accounts;

17 1.75% shall be paid to the Illinois Thoroughbred  
18 Breeders Fund and the Illinois Standardbred Breeders Fund,  
19 divided pro rata based on the proportion of live  
20 thoroughbred racing and live standardbred racing conducted  
21 at that licensee's race track;

22 0.25% shall be paid to the Illinois Quarter Horse  
23 Breeders Fund;

24 0.0625% shall be paid to the University of Illinois for  
25 equine research;

26 0.0625% shall be paid to the Southern Illinois  
27 University for equine research;

28 1.125% shall be paid to the Racing Industry Workers'  
29 Fund;

30 0.25% shall be paid to the licensee's live racing and  
31 horse ownership promotional account.

32 On annual gross gaming receipts in excess of \$75,000,000 but  
33 not exceeding \$100,000,000:

34 76.5% shall be retained by the licensee;

1           20% shall be paid to purse equity accounts;  
2           1.75% shall be paid to the Illinois Thoroughbred  
3 Breeders Fund and the Illinois Standardbred Breeders Fund,  
4 divided pro rata based on the proportion of live  
5 thoroughbred racing and live standardbred racing conducted  
6 at that licensee's race track;  
7           0.25% shall be paid to the Illinois Quarter Horse  
8 Breeders Fund;  
9           0.0625% shall be paid to the University of Illinois for  
10 equine research;  
11           0.0625% shall be paid to the Southern Illinois  
12 University for equine research;  
13           1.125% shall be paid to the Racing Industry Workers'  
14 Fund;  
15           0.25% shall be paid to the licensee's live racing and  
16 horse ownership promotional account.  
17 On annual gross gaming receipts in excess of \$100,000,000 but  
18 not exceeding \$125,000,000:  
19           74.9% shall be retained by the licensee;  
20           21.60% shall be paid to purse equity accounts;  
21           1.75% shall be paid to the Illinois Thoroughbred  
22 Breeders Fund and the Illinois Standardbred Breeders Fund,  
23 divided pro rata based on the proportion of live  
24 thoroughbred racing and live standardbred racing conducted  
25 at that licensee's race track;  
26           0.25% shall be paid to the Illinois Quarter Horse  
27 Breeders Fund;  
28           0.0625% shall be paid to the University of Illinois for  
29 equine research;  
30           0.0625% shall be paid to the Southern Illinois  
31 University for equine research;  
32           1.125% shall be paid to the Racing Industry Workers'  
33 Fund;  
34           0.25% shall be paid to the licensee's live racing and

1 horse ownership promotional account.

2 On annual gross gaming receipts in excess of \$125,000,000 but  
3 not exceeding \$150,000,000:

4 72.81% shall be retained by the licensee;

5 23.69% shall be paid to purse equity accounts;

6 1.75% shall be paid to the Illinois Thoroughbred  
7 Breeders Fund and the Illinois Standardbred Breeders Fund,  
8 divided pro rata based on the proportion of live  
9 thoroughbred racing and live standardbred racing conducted  
10 at that licensee's race track;

11 0.25% shall be paid to the Illinois Quarter Horse  
12 Breeders Fund;

13 0.0625% shall be paid to the University of Illinois for  
14 equine research;

15 0.0625% shall be paid to the Southern Illinois  
16 University for equine research;

17 1.125% shall be paid to the Racing Industry Workers'  
18 Fund;

19 0.25% shall be paid to the licensee's live racing and  
20 horse ownership promotional account.

21 On annual gross gaming receipts in excess of \$150,000,000:

22 69.50% shall be retained by the licensee;

23 27% shall be paid to purse equity accounts;

24 1.75% shall be paid to the Illinois Thoroughbred  
25 Breeders Fund and the Illinois Standardbred Breeders Fund,  
26 divided pro rata based on the proportion of live  
27 thoroughbred racing and live standardbred racing conducted  
28 at that licensee's race track;

29 0.25% shall be paid to the Illinois Quarter Horse  
30 Breeders Fund;

31 0.0625% shall be paid to the University of Illinois for  
32 equine research;

33 0.0625% shall be paid to the Southern Illinois  
34 University for equine research;

1           1.125% shall be paid to the Racing Industry Workers'  
2           Fund;

3           0.25% shall be paid to the licensee's live racing and  
4           horse ownership promotional account.

5           During all years after the first 5 years that an electronic  
6           gaming licensee conducts electronic gaming, on the first  
7           \$25,000,000 of annual gross gaming receipts:

8           79.44% shall be retained by the licensee;

9           17.06% shall be paid to purse equity accounts;

10          1.75% shall be paid to the Illinois Thoroughbred  
11          Breeders Fund and the Illinois Standardbred Breeders Fund,  
12          divided pro rata based on the proportion of live  
13          thoroughbred racing and live standardbred racing conducted  
14          at that licensee's race track;

15          0.25% shall be paid to the Illinois Quarter Horse  
16          Breeders Fund;

17          0.0625% shall be paid to the University of Illinois for  
18          equine research;

19          0.0625% shall be paid to the Southern Illinois  
20          University for equine research;

21          1.125% shall be paid to the Racing Industry Workers'  
22          Fund;

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

25          On annual gross gaming receipts in excess of \$25,000,000 but  
26          not exceeding \$50,000,000:

27          77.79% shall be retained by the licensee;

28          18.71% shall be paid to purse equity accounts;

29          1.75% shall be paid to the Illinois Thoroughbred  
30          Breeders Fund and the Illinois Standardbred Breeders Fund,  
31          divided pro rata based on the proportion of live  
32          thoroughbred racing and live standardbred racing conducted  
33          at that licensee's race track;

34          0.25% shall be paid to the Illinois Quarter Horse

1 Breeders Fund;

2 0.0625% shall be paid to the University of Illinois for  
3 equine research;

4 0.0625% shall be paid to the Southern Illinois  
5 University for equine research;

6 1.125% shall be paid to the Racing Industry Workers'  
7 Fund;

8 0.25% shall be paid to the licensee's live racing and  
9 horse ownership promotional account.

10 On annual gross gaming receipts in excess of \$50,000,000 but  
11 not exceeding \$75,000,000:

12 76.5% shall be retained by the licensee;

13 20% shall be paid to purse equity accounts;

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

19 0.25% shall be paid to the Illinois Quarter Horse  
20 Breeders Fund;

21 0.0625% shall be paid to the University of Illinois for  
22 equine research;

23 0.0625% shall be paid to the Southern Illinois  
24 University for equine research;

25 1.125% shall be paid to the Racing Industry Workers'  
26 Fund;

27 0.25% shall be paid to the licensee's live racing and  
28 horse ownership promotional account.

29 On annual gross gaming receipts in excess of \$75,000,000 but  
30 not exceeding \$100,000,000:

31 75.02% shall be retained by the licensee;

32 21.48% shall be paid to purse equity accounts;

33 1.75% shall be paid to the Illinois Thoroughbred  
34 Breeders Fund and the Illinois Standardbred Breeders Fund,



1 divided pro rata based on the proportion of live  
2 thoroughbred racing and live standardbred racing conducted  
3 at that licensee's race track;

4 0.25% shall be paid to the Illinois Quarter Horse  
5 Breeders Fund;

6 0.0625% shall be paid to the University of Illinois for  
7 equine research;

8 0.0625% shall be paid to the Southern Illinois  
9 University for equine research;

10 1.125% shall be paid to the Racing Industry Workers'  
11 Fund;

12 0.25% shall be paid to the licensee's live racing and  
13 horse ownership promotional account.

14 On annual gross gaming receipts in excess of \$100,000,000 but  
15 not exceeding \$125,000,000:

16 73.3% shall be retained by the licensee;

17 23.2% shall be paid to purse equity accounts;

18 1.75% shall be paid to the Illinois Thoroughbred  
19 Breeders Fund and the Illinois Standardbred Breeders Fund,  
20 divided pro rata based on the proportion of live  
21 thoroughbred racing and live standardbred racing conducted  
22 at that licensee's race track;

23 0.25% shall be paid to the Illinois Quarter Horse  
24 Breeders Fund;

25 0.0625% shall be paid to the University of Illinois for  
26 equine research;

27 0.0625% shall be paid to the Southern Illinois  
28 University for equine research;

29 1.125% shall be paid to the Racing Industry Workers'  
30 Fund;

31 0.25% shall be paid to the licensee's live racing and  
32 horse ownership promotional account.

33 On annual gross gaming receipts in excess of \$125,000,000 but  
34 not exceeding \$150,000,000:

1           71.07% shall be retained by the licensee;

2           25.43% shall be paid to purse equity accounts;

3           1.75% shall be paid to the Illinois Thoroughbred  
4 Breeders Fund and the Illinois Standardbred Breeders Fund,  
5 divided pro rata based on the proportion of live  
6 thoroughbred racing and live standardbred racing conducted  
7 at that licensee's race track;

8           0.25% shall be paid to the Illinois Quarter Horse  
9 Breeders Fund;

10          0.0625% shall be paid to the University of Illinois for  
11 equine research;

12          0.0625% shall be paid to the Southern Illinois  
13 University for equine research;

14          1.125% shall be paid to the Racing Industry Workers'  
15 Fund;

16          0.25% shall be paid to the licensee's live racing and  
17 horse ownership promotional account.

18 On annual gross gaming receipts in excess of \$150,000,000:

19           67.50% shall be retained by the licensee;

20           29% shall be paid to purse equity accounts;

21           1.75% shall be paid to the Illinois Thoroughbred  
22 Breeders Fund and the Illinois Standardbred Breeders Fund,  
23 divided pro rata based on the proportion of live  
24 thoroughbred racing and live standardbred racing conducted  
25 at that licensee's race track;

26           0.25% shall be paid to the Illinois Quarter Horse  
27 Breeders Fund;

28           0.0625% shall be paid to the University of Illinois for  
29 equine research;

30           0.0625% shall be paid to the Southern Illinois  
31 University for equine research;

32           1.125% shall be paid to the Racing Industry Workers'  
33 Fund;

34           0.25% shall be paid to the licensee's live racing and

1 horse ownership promotional account.

2 (c) Moneys paid into purse equity accounts by licensees at  
3 tracks located in counties other than Madison County shall be  
4 maintained separately from moneys paid into purse equity  
5 accounts by a licensee at a track located in Madison County.

6 (d) Of the moneys paid to purse equity accounts by an  
7 electronic gaming licensee located in a county other than  
8 Madison County, 58% shall be paid into a single thoroughbred  
9 purse pool and 42% shall be paid into a single standardbred  
10 purse pool.

11 For a track located in a county other than Madison County,  
12 each calendar year, moneys in the thoroughbred purse pool shall  
13 be distributed equally for each awarded racing date to the  
14 thoroughbred purse accounts of each organization licensee that  
15 paid money into the thoroughbred purse pool.

16 For a track located in a county other than Madison County,  
17 each calendar year, moneys in the standardbred purse pool shall  
18 be distributed equally for each awarded racing date to the  
19 standardbred purse accounts of each organization licensee that  
20 paid money into the standardbred purse pool.

21 Of the moneys paid to purse equity accounts by an  
22 electronic gaming licensee located in Madison County, 58% shall  
23 be paid into thoroughbred purses and 42% shall be paid into  
24 standardbred purses.

25 Moneys distributed under this subsection (d) shall be  
26 distributed as directed by the Board.

27 Section 10. The Riverboat Gambling Act is amended by  
28 changing Sections 3, 4, 5, 8, 9, 11, 11.1, 12, 13, 14, 18, 19,  
29 20, and 23 and adding Sections 5.2, 7.6, and 7.7 as follows:

30 (230 ILCS 10/3) (from Ch. 120, par. 2403)

31 Sec. 3. ~~Riverboat~~ Gambling Authorized.

32 (a) Riverboat gambling operations and electronic gaming

1 ~~operations and the system of wagering incorporated therein~~, as  
2 defined in this Act, are hereby authorized to the extent that  
3 they are carried out in accordance with the provisions of this  
4 Act.

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

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

23 (d) Gambling that is conducted in accordance with this Act  
24 using slot machines and video games of chance shall be  
25 authorized at electronic gaming facilities as provided in this  
26 Act.

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

28 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

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

31 ~~(b)~~ "Occupational license" means a license issued by the  
32 Board to a person or entity to perform an occupation which the  
33 Board has identified as requiring a license to engage in

1 riverboat gambling in Illinois.

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

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

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

16 ~~(f)~~ "Dock" means the location where a riverboat moors for  
17 the purpose of embarking passengers for and disembarking  
18 passengers from the riverboat.

19 ~~(g)~~ "Whole gaming ~~Gross~~ receipts" means the total amount of  
20 money exchanged for the purchase of chips, tokens or electronic  
21 cards by riverboat patrons or electronic gaming patrons.

22 ~~(h)~~ "Gross gaming ~~Adjusted gross~~ receipts" means the whole  
23 gaming ~~gross~~ receipts less winnings paid to wagerers.

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

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

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

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

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

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

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

9       "Electronic gaming" means the conduct of gambling using  
10 slot machines and video games of chance at a race track  
11 licensed under the Illinois Horse Racing Act of 1975 pursuant  
12 to the Illinois Horse Racing Act of 1975 and this Act.

13       "Electronic gaming facility" means the area where the Board  
14 has authorized electronic gaming at a race track of an  
15 organization licensee under the Illinois Horse Racing Act of  
16 1975 that holds an electronic gaming license.

17       "Electronic gaming license" means a license issued by the  
18 Board under Section 7.6 of this Act authorizing electronic  
19 gaming at an electronic gaming facility.

20       "Electronic gaming licensee" means an entity that holds an  
21 electronic gaming license.

22       "Organization licensee" means an entity authorized by the  
23 Illinois Racing Board to conduct pari-mutuel wagering in  
24 accordance with the Illinois Horse Racing Act of 1975. With  
25 respect only to electronic gaming, "organization licensee"  
26 includes the entity created under subsection (a) of Section 56  
27 of the Illinois Horse Racing Act of 1975.

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

30       (230 ILCS 10/5)     (from Ch. 120, par. 2405)

31       Sec. 5. Gaming Board.

32       (a) (1) There is hereby established within the Department  
33 of Revenue an Illinois Gaming Board which shall have the powers

1 and duties specified in this Act, and all other powers  
2 necessary and proper to fully and effectively execute this Act  
3 for the purpose of administering, regulating, and enforcing the  
4 system of riverboat gambling established by this Act. Its  
5 jurisdiction shall extend under this Act to every person,  
6 association, corporation, partnership and trust involved in  
7 riverboat gambling operations in the State of Illinois.

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

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

33 (4) Each member of the Board shall receive \$300 for each  
34 day the Board meets and for each day the member conducts any

1 hearing pursuant to this Act. Each member of the Board shall  
2 also be reimbursed for all actual and necessary expenses and  
3 disbursements incurred in the execution of official duties.

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

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

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



1 neglect of duty and may be removed by the Governor. The cost of  
2 any bond given by any member of the Board under this Section  
3 shall be taken to be a part of the necessary expenses of the  
4 Board.

5 (8) Upon the request of the Board, the Department shall  
6 employ such personnel as may be necessary to carry out the  
7 functions of the Board. No person shall be employed to serve  
8 the Board who is, or whose spouse, parent or child is, an  
9 official of, or has a financial interest in or financial  
10 relation with, any operator engaged in gambling operations  
11 within this State or any organization engaged in conducting  
12 horse racing within this State. Any employee violating these  
13 prohibitions shall be subject to termination of employment.

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

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

28 (1) To decide promptly and in reasonable order all  
29 license applications. Any party aggrieved by an action of  
30 the Board denying, suspending, revoking, restricting or  
31 refusing to renew a license may request a hearing before  
32 the Board. A request for a hearing must be made to the  
33 Board in writing within 5 days after service of notice of  
34 the action of the Board. Notice of the action of the Board

1 shall be served either by personal delivery or by certified  
2 mail, postage prepaid, to the aggrieved party. Notice  
3 served by certified mail shall be deemed complete on the  
4 business day following the date of such mailing. The Board  
5 shall conduct all requested hearings promptly and in  
6 reasonable order;

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

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

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

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

26 (6) To be present through its inspectors and agents any  
27 time gambling operations are conducted on any riverboat or  
28 at any electronic gaming facility for the purpose of  
29 certifying the revenue thereof, receiving complaints from  
30 the public, and conducting such other investigations into  
31 the conduct of the gambling games and the maintenance of  
32 the equipment as from time to time the Board may deem  
33 necessary and proper;

34 (7) To review and rule upon any complaint by a licensee

1 regarding any investigative procedures of the State which  
2 are unnecessarily disruptive of gambling operations. The  
3 need to inspect and investigate shall be presumed at all  
4 times. The disruption of a licensee's operations shall be  
5 proved by clear and convincing evidence, and establish  
6 that: (A) the procedures had no reasonable law enforcement  
7 purposes, and (B) the procedures were so disruptive as to  
8 unreasonably inhibit gambling operations;

9 (8) To hold at least one meeting each quarter of the  
10 fiscal year. In addition, special meetings may be called by  
11 the chairperson ~~Chairman~~ or any 2 Board members upon 72  
12 hours written notice to each member. All Board meetings  
13 shall be subject to the Open Meetings Act. Three members of  
14 the Board shall constitute a quorum, and 3 votes shall be  
15 required for any final determination by the Board. The  
16 Board shall keep a complete and accurate record of all its  
17 meetings. A majority of the members of the Board shall  
18 constitute a quorum for the transaction of any business,  
19 for the performance of any duty, or for the exercise of any  
20 power which this Act requires the Board members to  
21 transact, perform or exercise en banc, except that, upon  
22 order of the Board, one of the Board members or an  
23 administrative law judge designated by the Board may  
24 conduct any hearing provided for under this Act or by Board  
25 rule and may recommend findings and decisions to the Board.  
26 The Board member or administrative law judge conducting  
27 such hearing shall have all powers and rights granted to  
28 the Board in this Act. The record made at the time of the  
29 hearing shall be reviewed by the Board, or a majority  
30 thereof, and the findings and decision of the majority of  
31 the Board shall constitute the order of the Board in such  
32 case;

33 (9) To maintain records which are separate and distinct  
34 from the records of any other State board or commission.

1 Such records shall be available for public inspection and  
2 shall accurately reflect all Board proceedings;

3 (10) To file a written annual report with the Governor  
4 on or before March 1 each year and such additional reports  
5 as the Governor may request. The annual report shall  
6 include a statement of receipts and disbursements by the  
7 Board, actions taken by the Board, and any additional  
8 information and recommendations which the Board may deem  
9 valuable or which the Governor may request;

10 (11) (Blank); ~~and~~

11 (12) To assume responsibility for the administration  
12 and enforcement of the Bingo License and Tax Act, the  
13 Charitable Games Act, and the Pull Tabs and Jar Games Act  
14 if such responsibility is delegated to it by the Director  
15 of Revenue; and-

16 (13) To assume responsibility for the administration  
17 and enforcement of operations at electronic gaming  
18 facilities pursuant to this Act and the Illinois Horse  
19 Racing Act of 1975.

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

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

29 (2) To have jurisdiction and supervision over all  
30 ~~riverboat~~ gambling operations authorized under this Act in  
31 ~~this State~~ and all persons in places ~~on riverboats~~ where  
32 gambling operations are conducted.

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

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

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

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

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

26           (7) To adopt appropriate standards for all electronic  
27      gaming facilities, riverboats, and other facilities  
28      authorized under this Act.

29           (8) To require that the records, including financial or  
30      other statements of any licensee under this Act, shall be  
31      kept in such manner as prescribed by the Board and that any  
32      such licensee involved in the ownership or management of  
33      gambling operations submit to the Board an annual balance  
34      sheet and profit and loss statement, list of the

1 stockholders or other persons having a 1% or greater  
2 beneficial interest in the gambling activities of each  
3 licensee, and any other information the Board deems  
4 necessary in order to effectively administer this Act and  
5 all rules, regulations, orders and final decisions  
6 promulgated under this Act.

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

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

19 (11) To revoke or suspend licenses, as the Board may  
20 see fit and in compliance with applicable laws of the State  
21 regarding administrative procedures, and to review  
22 applications for the renewal of licenses. The Board may  
23 suspend an owners license or an electronic gaming license,  
24 without notice or hearing, upon a determination that the  
25 safety or health of patrons or employees is jeopardized by  
26 continuing a gambling operation conducted under that  
27 license ~~a riverboat's operation~~. The suspension may remain  
28 in effect until the Board determines that the cause for  
29 suspension has been abated. The Board may revoke the owners  
30 license or the electronic gaming license upon a  
31 determination that the licensee ~~owner~~ has not made  
32 satisfactory progress toward abating the hazard.

33 (12) To eject or exclude or authorize the ejection or  
34 exclusion of, any person from ~~riverboat~~ gambling

1 facilities where that ~~such~~ person is in violation of this  
2 Act, rules and regulations thereunder, or final orders of  
3 the Board, or where such person's conduct or reputation is  
4 such that his or her presence within the ~~riverboat~~ gambling  
5 facilities may, in the opinion of the Board, call into  
6 question the honesty and integrity of the gambling  
7 operations or interfere with the orderly conduct thereof;  
8 provided that the propriety of such ejection or exclusion  
9 is subject to subsequent hearing by the Board.

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

15 (14) (Blank).

16 (15) To suspend, revoke or restrict licenses or  
17 electronic gaming licenses, to require the removal of a  
18 licensee or an employee of a licensee for a violation of  
19 this Act or a Board rule or for engaging in a fraudulent  
20 practice, and to impose civil penalties of up to \$5,000  
21 against individuals and up to \$10,000 or an amount equal to  
22 the daily whole gaming ~~gross~~ receipts, whichever is larger,  
23 against licensees for each violation of any provision of  
24 the Act, any rules adopted by the Board, any order of the  
25 Board or any other action which, in the Board's discretion,  
26 is a detriment or impediment to ~~riverboat~~ gambling  
27 operations.

28 (16) To hire employees to gather information, conduct  
29 investigations and carry out any other tasks contemplated  
30 under this Act.

31 (17) To establish minimum levels of insurance to be  
32 maintained by licensees.

33 (18) To authorize a licensee to sell or serve alcoholic  
34 liquors, wine or beer as defined in the Liquor Control Act

1 of 1934 on board a riverboat and to have exclusive  
2 authority to establish the hours for sale and consumption  
3 of alcoholic liquor on board a riverboat, notwithstanding  
4 any provision of the Liquor Control Act of 1934 or any  
5 local ordinance, and regardless of whether the riverboat  
6 makes excursions. The establishment of the hours for sale  
7 and consumption of alcoholic liquor on board a riverboat is  
8 an exclusive power and function of the State. A home rule  
9 unit may not establish the hours for sale and consumption  
10 of alcoholic liquor on board a riverboat. This amendatory  
11 Act of 1991 is a denial and limitation of home rule powers  
12 and functions under subsection (h) of Section 6 of Article  
13 VII of the Illinois Constitution.

14 (19) After consultation with the U.S. Army Corps of  
15 Engineers, to establish binding emergency orders upon the  
16 concurrence of a majority of the members of the Board  
17 regarding the navigability of water, relative to  
18 excursions, in the event of extreme weather conditions,  
19 acts of God or other extreme circumstances.

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

23 (21) To make rules concerning the conduct of electronic  
24 gaming.

25 (22) ~~(21)~~ To take any other action as may be reasonable  
26 or appropriate to enforce this Act and rules and  
27 regulations hereunder.

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



1 ILCS 2605/2605-400).

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

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

10 (230 ILCS 10/5.2 new)

11 Sec. 5.2. Enforcement and investigations. Notwithstanding  
12 any provision in this Act to the contrary, all duties related  
13 to investigations under this Act and the enforcement of this  
14 Act shall be divided equally between employees of the  
15 Department of State Police and investigators employed by the  
16 Department of Revenue.

17 (230 ILCS 10/7.6 new)

18 Sec. 7.6. Electronic gaming.

19 (a) The General Assembly finds that the horse racing and  
20 riverboat gambling industries share many similarities and  
21 collectively comprise the bulk of the State's gaming industry.  
22 One feature common to both industries is that each is highly  
23 regulated by the State of Illinois.

24 The General Assembly further finds, however, that despite  
25 their shared features each industry is distinct from the other  
26 in that horse racing is and continues to be intimately tied to  
27 Illinois' agricultural economy and is, at its core, a spectator  
28 sport. This distinction requires the General Assembly to  
29 utilize different methods to regulate and promote the horse  
30 racing industry throughout the State.

31 The General Assembly finds that in order to promote live  
32 horse racing as a spectator sport in Illinois and the

1 agricultural economy of this State, it is necessary to allow  
2 electronic gaming at Illinois race tracks as an ancillary use  
3 given the success of other states in increasing live racing  
4 purse accounts and improving the quality of horses  
5 participating in horse race meetings.

6 The General Assembly finds, however, that even though the  
7 authority to conduct electronic gaming is a uniform means to  
8 improve live horse racing in this State, electronic gaming must  
9 be regulated and implemented differently in southern Illinois  
10 versus the Chicago area. The General Assembly finds that  
11 Fairmount Park is the only race track operating on a year round  
12 basis in southern Illinois that offers live racing and for that  
13 matter only conducts live thoroughbred racing. The General  
14 Assembly finds that the current state of affairs deprives  
15 spectators and standardbred horsemen residing in southern  
16 Illinois of the opportunity to participate in live standardbred  
17 racing in a manner similar to spectators, thoroughbred  
18 horsemen, and standardbred horsemen residing in the Chicago  
19 area. The General Assembly declares that southern Illinois  
20 spectators and standardbred horsemen should have a similar  
21 opportunity to participate in live standardbred racing as  
22 spectators and standardbred horsemen in the Chicago area. The  
23 General Assembly declares that in order to remove this  
24 disparity between southern Illinois and the Chicago area, it is  
25 necessary for the State to regulate Fairmount Park differently  
26 from horse race tracks found in the Chicago area and tie  
27 Fairmount Park's authorization to conduct electronic gaming to  
28 a commitment to conduct at least 25 days of standardbred racing  
29 as set forth in subsection (d) of this Section. The General  
30 Assembly finds that standardbred racing provides an important  
31 economic benefit to the State.

32 (b) The Illinois Gaming Board shall award one electronic  
33 gaming license to become effective on or after July 1, 2005 to  
34 each organization licensee under the Illinois Horse Racing Act

1 of 1975, subject to application and eligibility requirements of  
2 this Section.

3 Within 60 days after the effective date of this amendatory  
4 Act of the 94th General Assembly, an organization licensee may  
5 submit an application for an electronic gaming license if that  
6 organization licensee has conducted the highest number of live  
7 races in calendar year 2004 at the track for which the  
8 organization license is seeking its electronic gaming license.

9 The Board shall determine within 180 days after receiving  
10 an application for an electronic gaming license, whether to  
11 grant an electronic gaming license to the organization  
12 licensee. If the Board does not make a determination within 180  
13 days, the Board shall give a written explanation to the  
14 organization licensee as to why it has not reached a  
15 determination and when it reasonably expects to make a  
16 determination.

17 The electronic gaming licensee shall purchase the  
18 electronic gaming positions authorized under this Act within  
19 120 days after receiving its electronic gaming license. If an  
20 electronic gaming licensee is prepared to purchase the  
21 electronic gaming positions, but is temporarily prohibited  
22 from doing so by order of a court of competent jurisdiction or  
23 the Board, then the 120-day period is tolled until a resolution  
24 is reached. If an electronic gaming licensee does purchase  
25 electronic gaming positions within the 120-day period, then the  
26 electronic gaming licensee shall not be estopped from  
27 proceeding to operate or operating electronic gaming  
28 positions, unless otherwise stated by a court of competent  
29 jurisdiction or the Board.

30 An electronic gaming license shall authorize its holder to  
31 conduct electronic gaming at its race track at the following  
32 times:

33 (1) on days when it conducts live racing at the track  
34 where its electronic gaming facility is located, from 8:00

1 a.m. until 3:00 a.m. on the following day; and

2 (2) on days when it is scheduled to conduct simulcast  
3 wagering on races run in the United States, from 8:00 a.m.  
4 until 3:00 a.m. on the following day.

5 A license to conduct electronic gaming and any renewal of  
6 an electronic gaming license shall authorize electronic gaming  
7 for a period of 4 years. The fee for the issuance or renewal of  
8 an electronic gaming license shall be \$40,000.

9 (b-5) Each time an electronic gaming licensee seeks renewal  
10 of its electronic gaming license, the Illinois Racing Board  
11 shall report to the Illinois Gaming Board regarding the  
12 compliance of the electronic gaming licensee with the Illinois  
13 Horse Racing Act of 1975 and the electronic gaming licensee's  
14 support of live racing. The Illinois Racing Board shall  
15 consider the following factors to determine each licensee's  
16 support of live racing:

17 (1) the increase, if any, in the on-track handle at the  
18 race track where the electronic gaming facility is located  
19 during the electronic gaming license period;

20 (2) the increase, if any, in purses at the racing  
21 facility where the electronic gaming facility is located  
22 during the electronic gaming license period;

23 (3) investments in capital improvements made by the  
24 applicant to the racing facility, excluding electronic  
25 gaming areas.

26 If the Illinois Racing Board determines that an electronic  
27 gaming licensee has not complied with the Illinois Horse Racing  
28 Act of 1975 or has substantially failed to support live racing,  
29 then the Illinois Racing Board may recommend that the Illinois  
30 Gaming Board suspend, revoke, or deny the renewal of an  
31 electronic gaming license.

32 The Illinois Gaming Board shall consider the Illinois  
33 Racing Board's report and recommendations in its oversight of  
34 the electronic gaming licensee.

1       (c) To be eligible to conduct electronic gaming, an  
2 organization licensee must (i) obtain an electronic gaming  
3 license, (ii) hold an organization license under the Illinois  
4 Horse Racing Act of 1975, (iii) hold an inter-track wagering  
5 license, (iv) pay a fee of \$25,000 for each position authorized  
6 under this amendatory Act of the 94th General Assembly before  
7 beginning to conduct electronic gaming, (v) apply for at least  
8 the same number of days of thoroughbred racing or standardbred  
9 racing or both, as the case may be, as it was awarded in  
10 calendar year 2005, (vi) meet the requirements of Section 56(a)  
11 of the Illinois Horse Racing Act of 1975, and (vii) meet all  
12 other 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 conducting races at a  
15 track where an electronic gaming facility is located must  
16 conduct the same number of days of thoroughbred or standardbred  
17 racing or both, as the case may be, as it was awarded by the  
18 Board, unless a lesser schedule of live racing is the result of  
19 (A) weather or unsafe track conditions due to acts of God, (B)  
20 a strike between the organization licensee and the associations  
21 representing the largest number of owners, trainers, jockeys,  
22 or standardbred drivers who race horses at that organization  
23 licensee's racing meeting, or (C) an agreement that has been  
24 approved by the Racing Board between the organization licensee  
25 and the associations representing the largest number of owners,  
26 trainers, jockeys, or standardbred drivers who race horses at  
27 that organization licensee's race meeting to conduct a lesser  
28 number of race meets.

29       (d) In addition to the other eligibility requirements of  
30 subsection (c), an organization licensee that holds an  
31 electronic gaming license authorizing it to conduct electronic  
32 gaming at Fairmount Park must apply for and conduct at least 25  
33 days of standardbred racing in calendar year 2006 and each  
34 calendar year thereafter, unless a lesser schedule of live

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

12 (e) In calendar year 2005, the Board may approve electronic  
13 gaming positions statewide as provided in this Section. The  
14 authority to operate electronic gaming positions under this  
15 Section in calendar year 2005 and each calendar year thereafter  
16 shall be allocated as follows:

17 (1) An organization licensee that had an average daily  
18 amount of wagers placed into mutual pools for races  
19 conducted at that licensee's racetrack in calendar year  
20 2002 of more than \$3,000,000 may operate up to 1,150 gaming  
21 positions at a time.

22 (2) An organization licensee that had an average daily  
23 amount of wagers placed into mutual pools for races  
24 conducted at that licensee's racetrack in calendar year  
25 2002 of more than \$2,000,000 but no more than \$3,000,000  
26 may operate up to 1,000 gaming positions at a time.

27 (3) An organization licensee in Cook County that had an  
28 average daily amount of wagers placed into mutual pools for  
29 races conducted at that licensee's racetrack in calendar  
30 year 2002 of \$2,000,000 or less may operate up to 850  
31 gaming positions at a time.

32 (4) An organization licensee conducting pari-mutuel  
33 wagering in calendar year 2002 at a racetrack located in a  
34 county with a population in excess of 230,000 inhabitants

1 that borders on the Mississippi River may operate up to 500  
2 gaming positions at a time.

3 (5) An organization licensee conducting pari-mutuel  
4 wagering in calendar year 2002 at a racetrack outside of  
5 Cook County, other than an organization licensee described  
6 in paragraph (4), may operate up to 300 gaming positions at  
7 a time.

8 (f) For each calendar year after 2005 in which an  
9 electronic gaming licensee requests a number of racing days  
10 under its organization license that is less than 90% of the  
11 number of days of live racing it was awarded in 2005, the  
12 electronic gaming licensee may not conduct electronic gaming.

13 (g) Upon the initial renewal of an electronic gaming  
14 license at tracks located in counties other than Madison  
15 County, if an electronic gaming licensee had a higher average  
16 daily live on-track racing handle in the term of its previous  
17 electronic gaming license than in 2005, then the number of  
18 electronic gaming positions that the electronic gaming  
19 licensee may operate after its license is renewed shall be  
20 increased by a percentage equal to the percentage increase in  
21 average daily live on-track racing handle during that previous  
22 license term over calendar year 2005, but in no event by more  
23 than 10%.

24 Upon the initial renewal of an electronic gaming license at  
25 a track located in Madison County, if an electronic gaming  
26 licensee had a higher average daily live on-track racing handle  
27 in the term of its previous electronic gaming license than in  
28 1999, then the number of electronic gaming positions that the  
29 electronic gaming licensee may operate after its license is  
30 renewed shall be increased by a percentage equal to the  
31 percentage increase in average daily live on-track racing  
32 handle during that previous license term over calendar year  
33 1999, but in no event by more than 10%.

34 (h) Subject to the approval of the Illinois Gaming Board,

1 an electronic gaming licensee may make modification or  
2 additions to any existing buildings and structures to comply  
3 with the requirements of this Act. The Illinois Gaming Board  
4 shall make its decision after consulting with the Illinois  
5 Racing Board. In no case, however, shall the Illinois Gaming  
6 Board approve any modification or addition that:

7 (1) is not connected or immediately adjacent to an  
8 existing structure; or

9 (2) alters the grounds of the organizational licensee  
10 such that the act of live racing is an ancillary activity  
11 to electronic gaming.

12 Electronic gaming may take place in existing structures in  
13 accordance with the provisions of this Act and the Illinois  
14 Horse Racing Act of 1975.

15 (i) The Illinois Gaming Board must adopt emergency rules in  
16 accordance with Section 5-45 of the Illinois Administrative  
17 Procedure Act as necessary to ensure compliance with the  
18 provisions of this amendatory Act of the 94th General Assembly  
19 concerning electronic gaming. The adoption of emergency rules  
20 authorized by this subsection (i) shall be deemed to be  
21 necessary for the public interest, safety, and welfare.

22 (j) As soon as practical after a request is made by the  
23 Illinois Gaming Board, to minimize duplicate submissions by the  
24 applicant, the Illinois Racing Board must provide information  
25 on an applicant for an electronic gaming license to the  
26 Illinois Gaming Board.

27 (230 ILCS 10/7.7 new)

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



1 6 of Article VII of the Illinois Constitution.

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

3 Sec. 8. Suppliers licenses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (h) On and after the effective date of this amendatory Act  
34 of the 94th General Assembly, at least 30% of all slot machines

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

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

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

12 Sec. 9. Occupational licenses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (230 ILCS 10/11) (from Ch. 120, par. 2411)

23 Sec. 11. Conduct of gambling. Gambling may be conducted by  
24 licensed owners or licensed managers on behalf of the State  
25 aboard riverboats. Gambling may be conducted by electronic  
26 gaming licensees at electronic gaming facilities. Gambling  
27 authorized under this Section shall be subject to the  
28 following standards:

29 (1) A licensee may conduct riverboat gambling  
30 authorized under this Act regardless of whether it conducts  
31 excursion cruises. A licensee may permit the continuous  
32 ingress and egress of patrons ~~passengers~~ for the purpose of  
33 gambling.

1 (2) (Blank).

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

4 (4) Agents of the Board and the Department of State  
5 Police may board and inspect any riverboat or enter and  
6 inspect any portion of an electronic gaming facility at any  
7 time for the purpose of determining whether this Act is  
8 being complied with. Every riverboat, if under way and  
9 being hailed by a law enforcement officer or agent of the  
10 Board, must stop immediately and lay to.

11 (5) Employees of the Board shall have the right to be  
12 present on the riverboat or on adjacent facilities under  
13 the control of the licensee and at the electronic gaming  
14 facility under the control of the electronic gaming  
15 licensee.

16 (6) Gambling equipment and supplies customarily used  
17 in conducting riverboat gambling or electronic gaming must  
18 be purchased or leased only from suppliers licensed for  
19 such purpose under this Act.

20 (7) Persons licensed under this Act shall permit no  
21 form of wagering on gambling games except as permitted by  
22 this Act.

23 (8) Wagers may be received only from a person present  
24 on a licensed riverboat or at an electronic gaming  
25 facility. No person present on a licensed riverboat or at  
26 an electronic gaming facility shall place or attempt to  
27 place a wager on behalf of another person who is not  
28 present on the riverboat or at the electronic gaming  
29 facility.

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

32 (10) A person under age 21 shall not be permitted on an  
33 area of a riverboat where gambling is being conducted or at  
34 an electronic gaming facility where gambling is being

1       conducted, except for a person at least 18 years of age who  
2       is an employee of the riverboat gambling operation or  
3       electronic gaming operation. No employee under age 21 shall  
4       perform any function involved in gambling by the patrons.  
5       No person under age 21 shall be permitted to make a wager  
6       under this Act.

7           (11) Gambling excursion cruises are permitted only  
8       when the waterway for which the riverboat is licensed is  
9       navigable, as determined by the Board in consultation with  
10      the U.S. Army Corps of Engineers. This paragraph (11) does  
11      not limit the ability of a licensee to conduct gambling  
12      authorized under this Act when gambling excursion cruises  
13      are not permitted.

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

26          (13) Notwithstanding any other Section of this Act, in  
27      addition to the other licenses authorized under this Act,  
28      the Board may issue special event licenses allowing persons  
29      who are not otherwise licensed to conduct riverboat  
30      gambling to conduct such gambling on a specified date or  
31      series of dates. Riverboat gambling under such a license  
32      may take place on a riverboat not normally used for  
33      riverboat gambling. The Board shall establish standards,  
34      fees and fines for, and limitations upon, such licenses,

1 which may differ from the standards, fees, fines and  
2 limitations otherwise applicable under this Act. All such  
3 fees shall be deposited into the State Gaming Fund. All  
4 such fines shall be deposited into the Education Assistance  
5 Fund, created by Public Act 86-0018, of the State of  
6 Illinois.

7 (14) In addition to the above, gambling must be  
8 conducted in accordance with all rules adopted by the  
9 Board.

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

11 (230 ILCS 10/11.1) (from Ch. 120, par. 2411.1)

12 Sec. 11.1. Collection of amounts owing under credit  
13 agreements. Notwithstanding any applicable statutory provision  
14 to the contrary, a licensed owner, ~~or~~ manager, or electronic  
15 gaming licensee who extends credit to a riverboat gambling  
16 patron or an electronic gaming patron pursuant to Section 11  
17 (a) (12) of this Act is expressly authorized to institute a  
18 cause of action to collect any amounts due and owing under the  
19 extension of credit, as well as the owner's or manager's costs,  
20 expenses and reasonable attorney's fees incurred in  
21 collection.

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

23 (230 ILCS 10/12) (from Ch. 120, par. 2412)

24 Sec. 12. Admission tax; fees.

25 (a) A tax is hereby imposed upon admissions to riverboats  
26 operated by licensed owners authorized pursuant to this Act.  
27 Until July 1, 2002, the rate is \$2 per person admitted. From  
28 July 1, 2002 until July 1, 2003, the rate is \$3 per person  
29 admitted. From July 1, 2003 until the effective date of this  
30 amendatory Act of the 94th General Assembly, for a licensee  
31 that admitted 1,000,000 persons or fewer in the previous  
32 calendar year, the rate is \$3 per person admitted; for a



1 licensee that admitted more than 1,000,000 but no more than  
2 2,300,000 persons in the previous calendar year, the rate is \$4  
3 per person admitted; and for a licensee that admitted more than  
4 2,300,000 persons in the previous calendar year, the rate is \$5  
5 per person admitted. Beginning on the effective date of this  
6 amendatory Act of the 94th General Assembly, for a licensee  
7 that admitted 1,000,000 persons or fewer in calendar year 2004,  
8 the rate is \$2 per person admitted, and for all other licensees  
9 the rate is \$3 per person admitted. This admission tax is  
10 imposed upon the licensed owner conducting gambling.

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

12 (2) (Blank).

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

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

21 (a-5) A fee is hereby imposed upon admissions operated by  
22 licensed managers on behalf of the State pursuant to Section  
23 7.3 at the rates provided in this subsection (a-5). For a  
24 licensee that admitted 1,000,000 persons or fewer in the  
25 previous calendar year, the rate is \$3 per person admitted; for  
26 a licensee that admitted more than 1,000,000 but no more than  
27 2,300,000 persons in the previous calendar year, the rate is \$4  
28 per person admitted; and for a licensee that admitted more than  
29 2,300,000 persons in the previous calendar year, the rate is \$5  
30 per person admitted.

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

32 (2) (Blank).

33 (3) The licensed manager may issue fee-free passes to  
34 actual and necessary officials and employees of the manager

1 or other persons actually working on the riverboat.

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

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

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

24 (c-5) In addition to the admission tax imposed under  
25 subsection (a) and the admission fee imposed under subsection  
26 (a-5), a tax is imposed on admissions to electronic gaming  
27 facilities at the rate of \$2 per person for the first 1,500,000  
28 persons admitted by an electronic gaming licensee per year and  
29 \$3 per person for all persons admitted by that licensee in  
30 excess of 1,500,000 per year. The tax is imposed upon the  
31 electronic gaming licensee.

32 (1) The admission tax shall be paid for each admission,  
33 except that a person who exits an electronic gaming  
34 facility and reenters that electronic gaming facility

1 within the same gaming day, as the term "gaming day" is  
2 defined by the Board by rule, shall be subject only to the  
3 initial admission tax. The Board shall establish, by rule,  
4 a procedure to determine whether a person admitted to an  
5 electronic gaming facility has paid the admission tax.

6 (2) An electronic gaming licensee may issue tax-free  
7 passes to actual and necessary officials and employees of  
8 the licensee and other persons associated with electronic  
9 gaming operations.

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

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

22 From the tax imposed under this subsection (c-5), the  
23 municipality in which an electronic gaming facility is located  
24 or, if the electronic gaming facility is not located within a  
25 municipality, the county in which the electronic gaming  
26 facility is located shall receive, subject to appropriation, \$1  
27 for each person who enters the electronic gaming facility. For  
28 each admission to the electronic gaming facility in excess of  
29 1,500,000 in a year, from the tax imposed under this subsection  
30 (c-5), the county in which the electronic gaming facility is  
31 located shall receive, subject to appropriation, \$0.30, which  
32 shall be in addition to any other moneys paid to the county  
33 under this Section and \$0.20 shall be paid into the  
34 Agricultural Premium Fund.

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

7 (Source: P.A. 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; 94-673,  
8 eff. 8-23-05.)

9 (230 ILCS 10/13) (from Ch. 120, par. 2413)

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

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

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

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

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

23 25% of annual ~~adjusted~~ gross gaming receipts in excess  
24 of \$50,000,000 but not exceeding \$75,000,000;

25 30% of annual ~~adjusted~~ gross gaming receipts in excess  
26 of \$75,000,000 but not exceeding \$100,000,000;

27 35% of annual ~~adjusted~~ gross gaming receipts in excess  
28 of \$100,000,000.

29 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax  
30 is imposed on persons engaged in the business of conducting  
31 riverboat gambling operations, other than licensed managers  
32 conducting riverboat gambling operations on behalf of the  
33 State, based on the ~~adjusted~~ gross gaming receipts received by

1 a licensed owner from gambling games authorized under this Act  
2 at the following rates:

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

5 22.5% of annual ~~adjusted~~ gross gaming receipts in  
6 excess of \$25,000,000 but not exceeding \$50,000,000;

7 27.5% of annual ~~adjusted~~ gross gaming receipts in  
8 excess of \$50,000,000 but not exceeding \$75,000,000;

9 32.5% of annual ~~adjusted~~ gross gaming receipts in  
10 excess of \$75,000,000 but not exceeding \$100,000,000;

11 37.5% of annual ~~adjusted~~ gross gaming receipts in  
12 excess of \$100,000,000 but not exceeding \$150,000,000;

13 45% of annual ~~adjusted~~ gross gaming receipts in excess  
14 of \$150,000,000 but not exceeding \$200,000,000;

15 50% of annual ~~adjusted~~ gross gaming receipts in excess  
16 of \$200,000,000.

17 (a-3) Beginning July 1, 2003, a privilege tax is imposed on  
18 persons engaged in the business of conducting riverboat  
19 gambling operations, other than licensed managers conducting  
20 riverboat gambling operations on behalf of the State, based on  
21 the ~~adjusted~~ gross gaming receipts received by a licensed owner  
22 from gambling games authorized under this Act at the following  
23 rates:

24 15% of annual ~~adjusted~~ gross gaming receipts up to and  
25 including \$25,000,000;

26 27.5% of annual ~~adjusted~~ gross gaming receipts in  
27 excess of \$25,000,000 but not exceeding \$37,500,000;

28 32.5% of annual ~~adjusted~~ gross gaming receipts in  
29 excess of \$37,500,000 but not exceeding \$50,000,000;

30 37.5% of annual ~~adjusted~~ gross gaming receipts in  
31 excess of \$50,000,000 but not exceeding \$75,000,000;

32 45% of annual ~~adjusted~~ gross gaming receipts in excess  
33 of \$75,000,000 but not exceeding \$100,000,000;

34 50% of annual ~~adjusted~~ gross gaming receipts in excess

1 of \$100,000,000 but not exceeding \$250,000,000;

2 70% of annual ~~adjusted~~ gross gaming receipts in excess  
3 of \$250,000,000.

4 An amount equal to the amount of wagering taxes collected  
5 under this subsection (a-3) that are in addition to the amount  
6 of wagering taxes that would have been collected if the  
7 wagering tax rates under subsection (a-2) were in effect shall  
8 be paid into the Common School Fund.

9 The privilege tax imposed under this subsection (a-3) shall  
10 no longer be imposed beginning on the earlier of (i) July 1,  
11 2005; (ii) the first date after June 20, 2003 that riverboat  
12 gambling operations are conducted pursuant to a dormant  
13 license; or (iii) the first day that riverboat gambling  
14 operations are conducted under the authority of an owners  
15 license that is in addition to the 10 owners licenses initially  
16 authorized under this Act. For the purposes of this subsection  
17 (a-3), the term "dormant license" means an owners license that  
18 is authorized by this Act under which no riverboat gambling  
19 operations are being conducted on June 20, 2003.

20 (a-4) Beginning on the first day on which the tax imposed  
21 under subsection (a-3) is no longer imposed, a privilege tax is  
22 imposed on persons engaged in the business of conducting  
23 riverboat gambling operations, other than licensed managers  
24 conducting riverboat gambling operations on behalf of the  
25 State, based on the ~~adjusted~~ gross gaming receipts received by  
26 a licensed owner from gambling games authorized under this Act  
27 at the following rates:

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

30 22.5% of annual ~~adjusted~~ gross gaming receipts in  
31 excess of \$25,000,000 but not exceeding \$50,000,000;

32 27.5% of annual ~~adjusted~~ gross gaming receipts in  
33 excess of \$50,000,000 but not exceeding \$75,000,000;

34 32.5% of annual ~~adjusted~~ gross gaming receipts in

1 excess of \$75,000,000 but not exceeding \$100,000,000;

2 37.5% of annual ~~adjusted~~ gross gaming receipts in  
3 excess of \$100,000,000 but not exceeding \$150,000,000;

4 45% of annual ~~adjusted~~ gross gaming receipts in excess  
5 of \$150,000,000 but not exceeding \$200,000,000;

6 50% of annual ~~adjusted~~ gross gaming receipts in excess  
7 of \$200,000,000.

8 (a-5) Beginning on the effective date of this amendatory  
9 Act of the 94th General Assembly, a privilege tax is imposed on  
10 persons conducting electronic gaming, based on the gross gaming  
11 receipts received by an electronic gaming licensee from  
12 electronic gaming authorized under this Act at the following  
13 rates:

14 15% of annual gross gaming receipts up to and including  
15 \$25,000,000;

16 22.5% of annual gross gaming receipts in excess of  
17 \$25,000,000 but not exceeding \$50,000,000;

18 27.5% of annual gross gaming receipts in excess of  
19 \$50,000,000 but not exceeding \$75,000,000;

20 32.5% of annual gross gaming receipts in excess of  
21 \$75,000,000 but not exceeding \$100,000,000;

22 37.5% of annual gross gaming receipts in excess of  
23 \$100,000,000 but not exceeding \$125,000,000;

24 43% of annual gross gaming receipts in excess of  
25 \$125,000,000 but not exceeding \$150,000,000;

26 50% of annual gross gaming receipts in excess of  
27 \$150,000,000 but not exceeding \$900,000,000;

28 70% of annual gross gaming receipts in excess of  
29 \$900,000,000.

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

33 (a-10) The taxes imposed by this Section shall be paid by  
34 the licensed owner or the electronic gaming licensee to the

1 Board not later than 5:00 o'clock p.m. ~~3:00 o'clock p.m.~~ of the  
2 day after the day when the wagers were made.

3 (a-15) If the privilege tax imposed under subsection (a-3)  
4 is no longer imposed pursuant to item (i) of the last paragraph  
5 of subsection (a-3), then by June 15 of each year, each owners  
6 licensee, other than an owners licensee that admitted 1,000,000  
7 persons or fewer in calendar year 2004, must, in addition to  
8 the payment of all amounts otherwise due under this Section,  
9 pay to the Board the amount, if any, by which the base amount  
10 for the licensed owner exceeds the amount of tax paid under  
11 this Section by the licensed owner in the then current State  
12 fiscal year. The obligation imposed by this subsection (a-15)  
13 is binding on any person, firm, corporation, or other entity  
14 that acquires an ownership interest in any such owners license.  
15 The obligation imposed under this subsection (a-15) terminates  
16 on the earliest of: (i) July 1, 2007, (ii) the first day after  
17 the effective date of this amendatory Act of the 94th General  
18 Assembly that riverboat gambling operations are conducted  
19 pursuant to a dormant license, (iii) the first day that  
20 riverboat gambling operations are conducted under the  
21 authority of an owners license that is in addition to the 10  
22 owners licenses initially authorized under this Act, or (iv)  
23 the first day that a licensee under the Illinois Horse Racing  
24 Act of 1975 conducts gaming operations with slot machines or  
25 other electronic gaming devices. The Board must reduce the  
26 obligation imposed under this subsection (a-15) by an amount  
27 the Board deems reasonable for any of the following reasons:  
28 (A) an act or acts of God, (B) an act of bioterrorism or  
29 terrorism or a bioterrorism or terrorism threat that was  
30 investigated by a law enforcement agency, or (C) a condition  
31 beyond the control of the owners licensee that does not result  
32 from any act or omission by the owners licensee or any of its  
33 agents and that poses a hazardous threat to the health and  
34 safety of patrons. If an owners licensee pays an amount in



1 excess of its liability under this Section, the Board shall  
2 apply the overpayment to future payments required under this  
3 Section.

4 For purposes of this subsection (a-15):

5 "Act of God" means an incident caused by the operation of  
6 an extraordinary force that cannot be foreseen, that cannot be  
7 avoided by the exercise of due care, and for which no person  
8 can be held liable.

9 "Base amount" means the following:

10 For a riverboat in Alton, \$31,000,000.

11 For a riverboat in East Peoria, \$43,000,000.

12 For the Empress riverboat in Joliet, \$86,000,000.

13 For a riverboat in Metropolis, \$45,000,000.

14 For the Harrah's riverboat in Joliet, \$114,000,000.

15 For a riverboat in Aurora, \$86,000,000.

16 For a riverboat in East St. Louis, \$48,500,000.

17 For a riverboat in Elgin, \$198,000,000.

18 "Dormant license" has the meaning ascribed to it in  
19 subsection (a-3).

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

1 the General Assembly, to the unit of local government that is  
2 designated as the home dock of the riverboat upon which those  
3 riverboat gambling operations are conducted.

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

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

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

25 (c-15) After the payments required under subsections (b)  
26 and, (c), ~~and (c-5)~~ have been made, an amount equal to 2% of  
27 the ~~adjusted~~ gross gaming receipts of (1) an owners licensee  
28 that relocates pursuant to Section 11.2, (2) an owners licensee  
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 7.3, whichever  
33 comes first, shall be paid, subject to appropriation from the  
34 General Assembly, from the State Gaming Fund to each home rule

1 county with a population of over 3,000,000 inhabitants for the  
2 purpose of enhancing the county's criminal justice system.

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

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

18 (c-30) After the payments required under subsections (b),  
19 (c), (c-15), and (c-25) have been made, an amount equal to  
20 0.93% of the gross gaming receipts from electronic gaming, but  
21 in no case more than \$7,500,000 per year, shall be reserved for  
22 the Board and may be used by the Board, subject to  
23 appropriation, for the administration and enforcement of this  
24 Act. Moneys reserved for the Board under this subsection (c-30)  
25 shall not be deposited into the Education Assistance Fund.

26 (d) From time to time, the Board shall transfer the  
27 remainder of the funds generated by this Act into the Education  
28 Assistance Fund, created by Public Act 86-0018, of the State of  
29 Illinois.

30 (e) Nothing in this Act shall prohibit the unit of local  
31 government designated as the home dock of the riverboat from  
32 entering into agreements with other units of local government  
33 in this State or in other states to share its portion of the  
34 tax revenue.

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

7 (Source: P.A. 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; 94-673,  
8 eff. 8-23-05.)

9 (230 ILCS 10/14) (from Ch. 120, par. 2414)

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

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

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

15 (2) The total amount of whole gaming ~~gross~~ receipts.

16 (3) The total amount of the ~~adjusted~~ gross gaming receipts.

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

21 (c) The books and records kept by a licensed owner or  
22 electronic gaming licensee as provided by this Section are  
23 public records and the examination, publication, and  
24 dissemination of the books and records are governed by the  
25 provisions of The Freedom of Information Act.

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

27 (230 ILCS 10/18) (from Ch. 120, par. 2418)

28 Sec. 18. Prohibited Activities - Penalty.

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

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

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

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

5                 (1) permitting a person under 21 years to make a wager;  
6                 or

7                 (2) violating paragraph (12) of subsection (a) of  
8                 Section 11 of this Act.

9           (c) A person wagering or accepting a wager at any location  
10           outside the riverboat or electronic gaming facility in  
11           violation of paragraph ~~is subject to the penalties in~~  
12           ~~paragraphs~~ (1) or (2) of subsection (a) of Section 28-1 of the  
13           Criminal Code of 1961 is subject to the penalties provided in  
14           that Section.

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

19                 (1) Offers, promises, or gives anything of value or  
20                 benefit to a person who is connected with a riverboat owner  
21                 or electronic gaming licensee including, but not limited  
22                 to, an officer or employee of a licensed owner or  
23                 electronic gaming licensee or holder of an occupational  
24                 license pursuant to an agreement or arrangement or with the  
25                 intent that the promise or thing of value or benefit will  
26                 influence the actions of the person to whom the offer,  
27                 promise, or gift was made in order to affect or attempt to  
28                 affect the outcome of a gambling game, or to influence  
29                 official action of a member of the Board.

30                 (2) Solicits or knowingly accepts or receives a promise  
31                 of anything of value or benefit while the person is  
32                 connected with a riverboat or electronic gaming facility,  
33                 including, but not limited to, an officer or employee of a  
34                 licensed owner or electronic gaming licensee, or the holder

1 of an occupational license, pursuant to an understanding or  
2 arrangement or with the intent that the promise or thing of  
3 value or benefit will influence the actions of the person  
4 to affect or attempt to affect the outcome of a gambling  
5 game, or to influence official action of a member of the  
6 Board.

7 (3) Uses or possesses with the intent to use a device  
8 to assist:

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

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

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

13 (iv) In analyzing the strategy for playing or  
14 betting to be used in the game except as permitted by  
15 the Board.

16 (4) Cheats at a gambling game.

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

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

23 (7) Places a bet after acquiring knowledge, not  
24 available to all players, of the outcome of the gambling  
25 game which is subject of the bet or to aid a person in  
26 acquiring the knowledge for the purpose of placing a bet  
27 contingent on that outcome.

28 (8) Claims, collects, or takes, or attempts to claim,  
29 collect, or take, money or anything of value in or from the  
30 gambling games, with intent to defraud, without having made  
31 a wager contingent on winning a gambling game, or claims,  
32 collects, or takes an amount of money or thing of value of  
33 greater value than the amount won.

34 (9) Uses counterfeit chips or tokens in a gambling

1 game.

2 (10) Possesses any key or device designed for the  
3 purpose of opening, entering, or affecting the operation of  
4 a gambling game, drop box, or an electronic or mechanical  
5 device connected with the gambling game or for removing  
6 coins, tokens, chips or other contents of a gambling game.  
7 This paragraph (10) does not apply to a gambling licensee  
8 or employee of a gambling licensee acting in furtherance of  
9 the employee's employment.

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

14 An action to prosecute any crime occurring on a riverboat  
15 shall be tried in the county of the dock at which the riverboat  
16 is based.

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

18 (230 ILCS 10/19) (from Ch. 120, par. 2419)

19 Sec. 19. Forfeiture of property.

20 (a) Except as provided in subsection (b), any riverboat or  
21 electronic gaming facility used for the conduct of gambling  
22 games in violation of this Act shall be considered a gambling  
23 place in violation of Section 28-3 of the Criminal Code of  
24 1961, as now or hereafter amended. Every gambling device found  
25 on a riverboat or at an electronic gaming facility operating  
26 gambling games in violation of this Act and every slot machine  
27 and video game of chance found at an electronic gaming facility  
28 operating gambling games in violation of this Act shall be  
29 subject to seizure, confiscation and destruction as provided in  
30 Section 28-5 of the Criminal Code of 1961, as now or hereafter  
31 amended.

32 (b) It is not a violation of this Act for a riverboat or  
33 other watercraft which is licensed for gaming by a contiguous

1 state to dock on the shores of this State if the municipality  
2 having jurisdiction of the shores, or the county in the case of  
3 unincorporated areas, has granted permission for docking and no  
4 gaming is conducted on the riverboat or other watercraft while  
5 it is docked on the shores of this State. No gambling device  
6 shall be subject to seizure, confiscation or destruction if the  
7 gambling device is located on a riverboat or other watercraft  
8 which is licensed for gaming by a contiguous state and which is  
9 docked on the shores of this State if the municipality having  
10 jurisdiction of the shores, or the county in the case of  
11 unincorporated areas, has granted permission for docking and no  
12 gaming is conducted on the riverboat or other watercraft while  
13 it is docked on the shores of this State.

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

15 (230 ILCS 10/20) (from Ch. 120, par. 2420)

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

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

30 (230 ILCS 10/23) (from Ch. 120, par. 2423)

31 Sec. 23. The State Gaming Fund. On or after the effective  
32 date of this Act, all of the fees and taxes collected pursuant



1 to subsections of this Act shall be deposited into the State  
2 Gaming Fund, a special fund in the State Treasury, which is  
3 hereby created. The ~~adjusted~~ gross gaming receipts of any  
4 riverboat gambling operations conducted by a licensed manager  
5 on behalf of the State remaining after the payment of the fees  
6 and expenses of the licensed manager shall be deposited into  
7 the State Gaming Fund. Fines and penalties collected pursuant  
8 to this Act shall be deposited into the Education Assistance  
9 Fund, created by Public Act 86-0018, of the State of Illinois.  
10 (Source: P.A. 93-28, eff. 6-20-03.)

11 Section 15. The Liquor Control Act of 1934 is amended by  
12 changing Section 6-30 as follows:

13 (235 ILCS 5/6-30) (from Ch. 43, par. 144f)

14 Sec. 6-30. Notwithstanding any other provision of this Act,  
15 the Illinois Gaming Board shall have exclusive authority to  
16 establish the hours for sale and consumption of alcoholic  
17 liquor on board a riverboat during riverboat gambling  
18 excursions and in a land-based facility conducted in accordance  
19 with the Riverboat Gambling Act.

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

21 Section 20. The Criminal Code of 1961 is amended by  
22 changing Sections 28-5 and 28-7 as follows:

23 (720 ILCS 5/28-5) (from Ch. 38, par. 28-5)

24 Sec. 28-5. Seizure of gambling devices and gambling funds.

25 (a) Every device designed for gambling which is incapable  
26 of lawful use or every device used unlawfully for gambling  
27 shall be considered a "gambling device", and shall be subject  
28 to seizure, confiscation and destruction by the Department of  
29 State Police or by any municipal, or other local authority,  
30 within whose jurisdiction the same may be found. As used in

1 this Section, a "gambling device" includes any slot machine,  
2 and includes any machine or device constructed for the  
3 reception of money or other thing of value and so constructed  
4 as to return, or to cause someone to return, on chance to the  
5 player thereof money, property or a right to receive money or  
6 property. With the exception of any device designed for  
7 gambling which is incapable of lawful use, no gambling device  
8 shall be forfeited or destroyed unless an individual with a  
9 property interest in said device knows of the unlawful use of  
10 the device.

11 (b) Every gambling device shall be seized and forfeited to  
12 the county wherein such seizure occurs. Any money or other  
13 thing of value integrally related to acts of gambling shall be  
14 seized and forfeited to the county wherein such seizure occurs.

15 (c) If, within 60 days after any seizure pursuant to  
16 subparagraph (b) of this Section, a person having any property  
17 interest in the seized property is charged with an offense, the  
18 court which renders judgment upon such charge shall, within 30  
19 days after such judgment, conduct a forfeiture hearing to  
20 determine whether such property was a gambling device at the  
21 time of seizure. Such hearing shall be commenced by a written  
22 petition by the State, including material allegations of fact,  
23 the name and address of every person determined by the State to  
24 have any property interest in the seized property, a  
25 representation that written notice of the date, time and place  
26 of such hearing has been mailed to every such person by  
27 certified mail at least 10 days before such date, and a request  
28 for forfeiture. Every such person may appear as a party and  
29 present evidence at such hearing. The quantum of proof required  
30 shall be a preponderance of the evidence, and the burden of  
31 proof shall be on the State. If the court determines that the  
32 seized property was a gambling device at the time of seizure,  
33 an order of forfeiture and disposition of the seized property  
34 shall be entered: a gambling device shall be received by the

1 State's Attorney, who shall effect its destruction, except that  
2 valuable parts thereof may be liquidated and the resultant  
3 money shall be deposited in the general fund of the county  
4 wherein such seizure occurred; money and other things of value  
5 shall be received by the State's Attorney and, upon  
6 liquidation, shall be deposited in the general fund of the  
7 county wherein such seizure occurred. However, in the event  
8 that a defendant raises the defense that the seized slot  
9 machine is an antique slot machine described in subparagraph  
10 (b) (7) of Section 28-1 of this Code and therefore he is exempt  
11 from the charge of a gambling activity participant, the seized  
12 antique slot machine shall not be destroyed or otherwise  
13 altered until a final determination is made by the Court as to  
14 whether it is such an antique slot machine. Upon a final  
15 determination by the Court of this question in favor of the  
16 defendant, such slot machine shall be immediately returned to  
17 the defendant. Such order of forfeiture and disposition shall,  
18 for the purposes of appeal, be a final order and judgment in a  
19 civil proceeding.

20 (d) If a seizure pursuant to subparagraph (b) of this  
21 Section is not followed by a charge pursuant to subparagraph  
22 (c) of this Section, or if the prosecution of such charge is  
23 permanently terminated or indefinitely discontinued without  
24 any judgment of conviction or acquittal (1) the State's  
25 Attorney shall commence an in rem proceeding for the forfeiture  
26 and destruction of a gambling device, or for the forfeiture and  
27 deposit in the general fund of the county of any seized money  
28 or other things of value, or both, in the circuit court and (2)  
29 any person having any property interest in such seized gambling  
30 device, money or other thing of value may commence separate  
31 civil proceedings in the manner provided by law.

32 (e) Any gambling device displayed for sale to a riverboat  
33 gambling operation or used to train occupational licensees of a  
34 riverboat gambling operation as authorized under the Riverboat

1 Gambling Act is exempt from seizure under this Section.

2 (f) Any gambling equipment, devices and supplies provided  
3 by a licensed supplier in accordance with the Riverboat  
4 Gambling Act which are removed from a ~~the~~ riverboat ~~or~~  
5 electronic gaming facility for repair are exempt from seizure  
6 under this Section.

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

8 (720 ILCS 5/28-7) (from Ch. 38, par. 28-7)

9 Sec. 28-7. Gambling contracts void.

10 (a) All promises, notes, bills, bonds, covenants,  
11 contracts, agreements, judgments, mortgages, or other  
12 securities or conveyances made, given, granted, drawn, or  
13 entered into, or executed by any person whatsoever, where the  
14 whole or any part of the consideration thereof is for any money  
15 or thing of value, won or obtained in violation of any Section  
16 of this Article are null and void.

17 (b) Any obligation void under this Section may be set aside  
18 and vacated by any court of competent jurisdiction, upon a  
19 complaint filed for that purpose, by the person so granting,  
20 giving, entering into, or executing the same, or by his  
21 executors or administrators, or by any creditor, heir, legatee,  
22 purchaser or other person interested therein; or if a judgment,  
23 the same may be set aside on motion of any person stated above,  
24 on due notice thereof given.

25 (c) No assignment of any obligation void under this Section  
26 may in any manner affect the defense of the person giving,  
27 granting, drawing, entering into or executing such obligation,  
28 or the remedies of any person interested therein.

29 (d) This Section shall not prevent a licensed owner of a  
30 riverboat gambling operation or an electronic gaming licensee  
31 under the Riverboat Gambling Act and the Illinois Horse Racing  
32 Act of 1975 from instituting a cause of action to collect any  
33 amount due and owing under an extension of credit to a

1 ~~riverboat~~ gambling patron as authorized under Section 11.1 of  
2 the Riverboat Gambling Act.

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

4 Section 22. The State Finance Act is amended by adding  
5 Section 5.663 as follows:

6 (30 ILCS 105/5.663 new)

7 Sec. 5.663. The Racing Industry Workers' Fund.

8 (30 ILCS 105/5.490 rep.)

9 Section 25. The State Finance Act is amended by repealing  
10 Section 5.490.

11 (230 ILCS 5/31.1 rep.)

12 (230 ILCS 5/54 rep.)

13 Section 30. The Illinois Horse Racing Act of 1975 is  
14 amended by repealing Sections 31.1 and 54.

15 Section 97. Severability. The provisions of this Act are  
16 severable under Section 1.31 of the Statute on Statutes.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law."